

DEVELOPMENT COMMITTEE

Wednesday, 11 January 2017 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
Chris Chapman and Councillor Shah Alam

Substitutes:

Councillor Denise Jones, Councillor Candida Ronald, Councillor Helal Uddin, Councillor
Harun Miah, Councillor Mahbub Alam, Councillor Andrew Wood, Councillor Julia
Dockerill, Councillor Gulam Kibria Choudhury, Councillor Shafi Ahmed and Councillor
Rabina Khan

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 9 January 2017**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Tuesday, 10 January
2017**

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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agenda:



Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

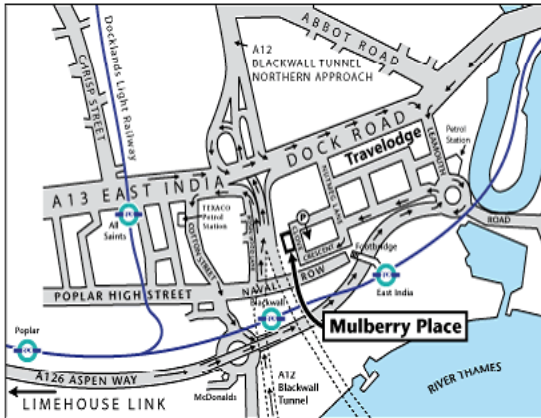
Audio/Visual recording of meetings.

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Mobile telephones

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Access information for the Town Hall, Mulberry Place.



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Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

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Meeting access/special requirements.

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Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas reports and minutes.

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QR code for smart phone users

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 - 10)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 15th December 2016.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 11 - 12)

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
4. DEFERRED ITEMS		
None.		
5. PLANNING APPLICATIONS FOR DECISION	13 - 14	
5 .1 19 Senrab Street, London, E1 0QE (PA/16/03188)	15 - 26	Stepney Green
Proposal:		
Retrospective planning permission for a rear dormer window (with alterations) to facilitate a loft conversion.		
Recommendation:		
That the Committee resolve to REFUSE planning permission for the reason set out in the Committee report.		
5 .2 (Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London (PA/16/02295)	27 - 62	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 informative as set out in the Committee report.		
5 .3 William Brinson Centre, 3-5 Arnold Road, London, E3 4NT (PA/16/02789)	63 - 104	Bromley North
Proposal:		
Demolition of existing building, construction of an 8 storey building and a 6 storey building to provide 62 dwellings (affordable housing tenure) and 398 sq.m B1 floorspace with amenity space, access, cycle parking, landscaping and associated works		
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, 8 February 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 THURSDAY, 15 DECEMBER 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
Councillor Shah Alam
Councillor Chris Chapman
Councillor Mahbub Alam (Substitute for Councillor Suluk Ahmed)

Other Councillors Present:

None

Apologies:

Councillor Suluk Ahmed

Officers Present:

Jerry Bell	(East Area Manager, Planning Services, Development and Renewal)
Abiodun Kolawole	(Legal Services, Directorate Law, Probity and Governance)
Adam Hussain	(Planning Officer, Development and Renewal)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillors Marc Francis, John Pierce and Chris Chapman declared a personal interest in agenda item 5.1 Site at South East Junction of Whitechapel Road and New Road, Whitechapel Road (Royal London Hospital) (PA/15/02774) as they had received representations from interested parties.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 23 November 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

None

4.1 PLANNING APPLICATIONS FOR DECISION

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

Update report tabled.

Jerry Bell (East Area Manager, Planning Services) introduced the 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.

The Chair then invited registered speakers to address the Committee

Tom Bruce and Daniel Robson (local residents) addressed the Committee in objection. The objectors expressed concern about the impact that the car park had on the area given the lack of compliance with the agreed conditions. As a

result, the car park attracted anti - social behaviour (ASB), unauthorised parking, the dumping of rubbish and increased the chances of burglaries. To address the concerns, they requested that the barriers across the car park and Mount Terrace be maintained by the Trust to control access to the car park and that Mount Terrace be resurfaced to compensate for the wear and tear from the car park as agreed at a recent Committee meeting. They also requested that the shrub barrier and existing trees be retained. In response to questions from the Committee, they discussed their concerns about the car park's late opening hours encouraging ASB and the lack of effective security measures to prevent this. They also discussed with Members their concerns about the impact that the activity from the car park had on the road surface at Mount Terrace, the need for measures to compensate for this and the applicant's consultation exercise.

The applicant was unavailable to address the Committee.

Adam Hussain (Planning Officer) presented the application explaining the site location, the history of the application and the subsequent time extensions. The Committee noted images of the site, the existing car park, the location of both the barriers to the car park and to Mount Terrace and the landscaping plans. Concerns had been raised about the extension of the permission. To address these concerns, the applicant had provided written assurances that this would be the final application for the car park's retention and had submitted a reinstatement strategy detailing how the land would be made good after use, in accordance with condition 4. In conclusion, Officers considered that the application should be granted permission for the reasons set out in the report

In response to questions by the Committee, Officers stressed the need to consider the merits of the application rather than any potential enforcement action. They also outlined the nature of the objections, the findings of their site visits, the landscaping and the greening plans. They also drew attention to the applicant's statement of intent and their reasons for submitting the application.

In response to further questions, Officers advised that it would be unreasonable on planning grounds for the Council to impose a condition requiring the applicant to carry out works to resurface Mount Terrace. It would be very difficult to demonstrate that the car park had damaged the road's surface. Officers also advised of the difficulties on planning grounds of imposing a condition requiring that the barrier across Mount Terrace be retained and maintained indefinitely following removal of the car park. Having considered this advice, some Members felt that it would be appropriate to impose such a condition given the impact that the proposal could have on Mount Terrace. Accordingly, Councillor Marc Francis proposed and Councillor John Pierce seconded an amendment to vary condition 2 requiring that the traffic barrier across Mount Terrace be retained and maintained following the removal of the car park. This was agreed

On a vote of 4 in favour, 2 against and 1 abstention the Committee **RESOLVED:**

That planning permission be **GRANTED** 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 subject to the conditions in the report and a variation to condition 2 requiring that the traffic barrier across Mount Terrace be retained and maintained following the removal of the car park.

4.3 42-44 Aberfeldy Street, E14 0NU (PA/16/01213 and PA/16/01214)

Jerry Bell (East Area Manager, Planning Services) introduced the application for the retention of an existing ATM (in an alternate location).

The Chair invited registered speakers to address the Committee

Abdul Salam Sheikh spoke against the proposal referring to the objectors petition. He expressed concerns about the impact of the cash machine on residential amenity especially late at night. He also considered that the cash machine brought ASB to the area. He gave examples of how the coming and goings from the cash machine (that had been installed without planning permission) adversely effected the residents quality of life. He also questioned the need for the cash machine given it's proximity to other free cash machines. In response to questions, he expressed concerns about noise nuisance from customers using the cash machine at antisocial hours at a time when the other nearby commercial premises were closed. He also expressed concern about the safety of the users when using the machine late at night.

The applicant was unavailable to address the Committee.

Jerry Bell presented the application that had been submitted to the Committee due to the receipt of a petition with over 20 signatures. He explained the key features of the application. It was proposed that the existing ATM machine be relocated to an alternative location outside the premises. The plans included a range of security measures to safeguard against criminal behaviour and would involve some minor alterations to the shop façade.

Turning to the assessment, officers considered that the installation of the cash machine into a shop front was acceptable and would deliver public benefits. It was also considered that the impact on residential amenity would be minimal. The Metropolitan Police had raised no objections to the application. Given this, Officers were recommending that the planning application was granted permission.

In response to the presentation, the Committee enquired about the planning history of the application and the location of the nearest free cash machine. They also sought and received assurances from Officers about the security measures and the lack of evidence suggesting that the cash machine attracted groups of people.

On a vote of 3 in favour, 3 against and 1 abstention, with the Chair using a casting vote in favour of the application, the Committee **RESOLVED**:

That planning permission and advertisement consent be **GRANTED** for

- PA/16/01213 (Full planning application)
The retention of an existing ATM (in an alternate location), including replacing 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 replacing 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.

Subject to the conditions set out in the Committee report.

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

Application withdrawn for consideration at the next Development Committee meeting on 11 January 2017

5. OTHER PLANNING MATTERS

None.

The meeting ended at 8.30 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>	 Scan this code to view the Committee webpages.
<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). 	 Council’s Constitution

Agenda Item 5

Committee: Development	Date: 11 January 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: 11th January 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Kate Biddlecombe	Ref No: PA/16/03188
	Ward: Stepney Green

1. APPLICATION DETAILS

Location:	19 Senrab Street, London, E1 0QE
Existing Use:	C3 (Dwelling)
Proposal:	Retrospective planning permission for a rear dormer window (with alterations) to facilitate a loft conversion.
Drawing and documents:	Site Plan/Block Plan (Scale 1:500) Location Plan (Scale 1:1250) Proposed Floor Plans (5167_00_100) Proposed Elevations (5167_00_200) Existing Plans (5167_01_100) Existing Elevations (5167_01_200) Previous Elevations - Before Existing Works (5167_01_210) Street Study (October 2016) Design & Access Statement prepared by Freeths (October 2016)
Applicant:	Ms Sarah Skinner
Ownership:	Mr Mark Bassett
Historic Building:	N/A
Conservation Area:	Albert Gardens Conservation Area.

2. EXECUTIVE SUMMARY

- 2.1 This report considers an application for planning permission to retain an existing rear dormer window (with alterations to reduce its width). This application seeks to overcome a previous refusal of planning permission for a full width and full height roof extension which was refused in June 2016 and subsequently dismissed by the Planning Inspectorate.
- 2.2 This application has been considered against the Council's adopted planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan

(Consolidated with Alterations since 2011) 2016 and the National Planning Policy Framework and all other material considerations

- 2.4 The application has attracted a total of 2 petitions of support containing 37 signatures. In addition to this, one individual letter of support and one letter of objection have been received. The main basis for support of the extension is that dormer window is not visible from the public realm, conversely the main issue by the letter of objection was that works will not be in accordance with the Albert Gardens Conservation Area. Careful consideration has been given to these concerns, as well as other material planning considerations.
- 2.5 Having had regard to the representations received, the adopted planning policies and the recent, relevant appeal decision, the retrospective dormer (with alterations) is considered to have a detrimental impact upon the Albert Gardens Conservation Area by introducing an incongruous addition to the established built form. This harm to the conservation area is not sufficiently outweighed by public benefits and as such is contrary to the Development Plan and the National Planning Policy Framework.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to REFUSE planning permission for the reason below:
- 3.2 The retention of the rear dormer window (with alterations) would result in an alteration to the existing roof form that is unduly dominant and overbearing to the host building. The works are considered to have a detrimental impact upon the Albert Gardens Conservation Area and are incongruous to the established built form. These proposals fail to respect the uniform character of the terrace, interrupting the regular pattern of the back elevations and the common roof profile. They appear dominant and out of character with the traditional character of the terrace and are considered contrary to the principles of the National Planning Policy Framework (2012), policies 7.4 and 7.6 of the London Plan (2015), policies SP10 and SP12 of the Core Strategy (2010), and policies DM24 and DM27 of the Managing Development Document (2013).

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site relates to a two storey mid terrace property positioned on the western side of Senrab Street. The property has a two storey outrigger with the ground floor projecting deeper than the first floor. The roof form of the terrace is a standard pitched one with a central ridgeline, separated by parapet walls along each of the party walls.
- 4.2 The application site is situated in a predominantly residential area located within the Albert Gardens Conservation area, which was designated in 1969 and extended in 2008. This area is characterised by nineteenth-century terraces. The site is located within a group of terraces which by virtue of their consistent height, streetscape pattern, detailing and materials create a cohesive and well preserved group of buildings worthy of their designation within a conservation area.

The Proposal

- 4.3 Retrospective planning permission is sought for a dormer extension integrated with the existing roof form to accommodate an additional bedroom for the property. The amended scheme reduces the width of the dormer window from 4.5m to 2.8m and moves it further away from the southern party wall. The height and depth of projection remains the same as the previously refused scheme.

Background

- 4.4 In November 2015 an application was made to retain a dormer window on the rear of the property which was the full height and width of the roofslope (see image below):



- 4.5 This was refused for the following reason:

The retrospective works of a dormer extension integrated with the existing roof form is unduly dominant and overbearing to the host building. The works are considered to have a detrimental impact upon the Albert Gardens Conservation Area and incongruous to the established built form. These proposals fail to respect the uniform character of the terrace, interrupting the regular pattern of the back elevations and the common roof profile. They appear dominant and out of character with the traditional character of the terrace and are considered contrary to the principles of the National Planning Policy Framework (2012), policies 7.4 and 7.6 of the London Plan (2015), policies SP10 and SP12 of the Core Strategy (2010), and policies DM24 and DM27 of the Managing Development Document (2013).

- 4.6 The decision was appealed (APP/E5900/D/16/3158584) and the Inspector agreed with the Council's position, providing the following commentary within the appeal decision:

"Whilst much of the rear roofscape is not open to public views, it is visible from private views from the rear gardens of the terrace and from the rear of properties fronting onto Dunelm Street. Overall, the uniformity of the terrace, including both its front and rear elevations, and its largely unaltered form make a positive contribution to the character and appearance of the CA...Due to its mid-terrace position, the dormer extension unacceptably disrupts the rhythm of the roofscape. Consequently,

it appears as an incongruous addition to the roofscape that detracts from the character and appearance of the terrace and the overall CA.”

- 4.7 The current application has been amended to reduce the width of the dormer window:



Relevant Planning History

- 4.8 Table 1 below is the most relevant planning history to date for roof alterations along Senrab Street:

19 Senrab Street	APP/E5900/D/16/3158584	Appeal against refused planning permission PA/15/03171.	Dismissed 15/11/16
19 Senrab Street	PA/15/03171	Retrospective planning permission for a roof conversion and dormer at the rear at the application site.	Refused 10/05/2016
29 Senrab Street	PA/15/01768	Application for certificate of lawful development for a proposed rear loft extension.	Withdrawn
3 Senrab Street	PA/14/02797	Erection of a single storey kitchen side return extension and loft extension.	Withdrawn
49 Senrab Street	PA/10/01968	Removal of existing rear extension and replacement with new ground floor extension. Insertion of rooflights into roof of first floor rear projection. Introduction of bifold doors at first floor level to provide access to terrace.	Permit 01/11/10

		Increased height of rear dormer window and replacement of all rear windows to match sash windows on the front elevation.	
25 Senrab Street	PA/07/02261	Application for Certificate of Lawfulness in respect of proposed side extension and dormer roof.	Permit 16/11/07

4.9 It should be noted that the dormer window that was granted under a certificate of lawfulness in 2007, was prior to the conservation area being designated. The works to 49 Senrab Street were to a different style of property and involved the minor increase in the size of an existing original dormer window which was set within a mansard roof.

5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy Guidance/Statements

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

5.3 London Plan (2016)

- 7.4: Local Character
- 7.5: Public Realm
- 7.6: Architecture
- 7.8: Heritage Assets and Archaeology

5.4 Tower Hamlets Core Strategy (adopted September 2010) (CS)

- SP02: Urban Living for Everyone
- SP09: Streets and the Public Realm
- SP10: Creating Distinct and Durable Places
- SP12: Delivering Placemaking

5.5 Managing Development Document (adopted April 2013) (MDD)

- DM04: Housing Standards and Amenity Space
- DM24: Place Sensitive Design
- DM25: Amenity
- DM27: Heritage and the Historic Environment

5.6 Other Relevant Documents

Albert Gardens Conservation Area Appraisal (2009)

6.0 CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

Internal Consultees

Design and Conservation

6.3 Objected to the proposal – The retrospective works of a dormer extension integrated with the existing roof form is unduly dominant and overbearing to the host building. The works are considered to have a detrimental impact upon the Albert Gardens Conservation Area and is incongruous to the established built form.

Neighbours Representations

6.4 A total of 17 planning notification letters were sent to nearby properties. The application was also advertised in the press and on site by way of a site notice. A total of 2 petitions of support containing 37 signatures, one letter of support and one letter of objection were received in relation to the application. The main issues raised are summarised below:

Reasons for Support:

6.5 The proposed dormer window will be reduced in size and it is barely visible from any public view points.

[Officers response: This has been considered in the assessment of this application and will be discussed in greater detail 'Conservation & Design' section of the report.]

6.6 The applicant has been waiting for a long time for their planning work to be considered.

[Officers response: This is not material to the acceptability or otherwise of the roof extension.]

6.7 The previous planning permission being refused was unfair and proper consultation processes did not occur.

[Officers response: The previous application was determined in accordance with adopted planning policies and this reason was upheld by the Planning Inspectorate. Consultation for this application was conducted within statutory requirements.]

Reasons for Objection:

6.8 The dormer window would have a detrimental impact on the Albert Gardens Conservation Area.

[Officers response: This is a reason for refusal and will be discussed in greater detail in the 'Conservation & Design' section of the report.]

6.9 Impact on amenity.

[Officers response: The dormer window by reason of its elevated positioning and location behind the two storey outrigger would not result in any significant loss of outlook, sunlight or daylight to any neighbouring habitable room windows.]

6.10 A number of other concerns were raised, including:

What has already been built does not match the plans; the works commenced without planning permission; the architect is not registered; Councils Buildings Control failure to inform applicant they required planning permission.

[Officers response: These are not material to the consideration of this planning application]

7.0 MATERIAL PLANNING CONSIDERATIONS

7.1 Introduction

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

- Land Use
- Design
- Amenity
- Human Rights Considerations
- Equalities
- Other Issues

7.2 Land Use

7.2.1 The application is for an extension to an existing dwelling, as such there are no land use implications as a result of the proposed works.

7.3 Conservation & Design

7.3.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving or enhancing the appearance and character of Conservation Areas. The Albert Gardens conservation area is a designated heritage asset.

7.3.2 The National Planning Policy Framework emphasises the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in an holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its preservation, extent of loss or damage as result of development and the public benefit likely to arise from proposed

development. Any harm or loss to a heritage asset requires clear and convincing justification.

- 7.3.3 The relevant London Plan policies are 7.4, 7.6 and 7.8. These policies broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. The Council's Core Strategy policy SP10 aims to protect and enhance borough's Conservation Areas and to preserve or enhance the wider built heritage and historic environment of the borough to enable the creation of locally distinctive neighbourhoods with individual distinctive character and context. Policy SP10 also sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Policy SP10 is realised through the detailed development management policies DM24 and DM27 of the Managing Development Document.
- 7.3.4 With regards to alterations to heritage assets, policy DM27 specifies that alterations should not result in an adverse impact on the character, fabric, identity or setting, be appropriate in terms of design, scale form, detailing and materials, and enhance or better reveal the significance of the asset.
- 7.3.5 The Albert Gardens Conservation Area Character Appraisal and Management Guidelines document states that this Conservation Area incorporates '*a number of delightful terraces, whose uniformity is part of their success*'.
- 7.3.6 As the dormer extension is at the rear of the property there will be very limited views from a public vantage point. Therefore, there will be a negligible impact on street scape. However, private views also contribute towards the character and appearance of the area. The dormer extension will be visible from private views from the rear gardens of the terrace and from the rear properties fronting onto Dunelm Street. The uniformity of the terrace, including both its front and rear elevations, is largely unaltered, it is this consistency of roof form that enables these buildings to make a positive contribution to the character and appearance of the Albert Gardens Conservation Area.
- 7.3.7 This proposal would adversely disrupt the rhythm of the unbroken roofline, which would result in an unbalanced appearance of the roof. As such, it will be an incongruous addition to the roofline and will detract from the character and appearance of the terrace and the overall Conservation Area.
- 7.3.8 While it is appreciated that the new proposal will be reduced in volume and the amended scheme reduces the width of the dormer window from 4.5m to 2.8m, the dormer window would not be reduced in height and as the setback from the eaves of the building would be insubstantial, the dormer would effectively sit on top of the rear elevation and extend to the height of the ridge line. Officer's remain of the view that this proposal is still in a form that disrupts the unbroken roofline and indeed the reduction in width exacerbates the unbalanced appearance of the roof.
- 7.3.9 It is also important to consider previous planning applications for dormer extensions which have been constructed in the immediate environment to ensure a consistent approach. It is appreciated that No. 1 Senrab Street has a similar dormer extension. Upon a search of Council records, no records of planning permission were found which means that only limited weight should be given to this as a material consideration. In addition to this, it is noted that this site is at the end of the terrace and will consequently not disrupt the rhythm to the same extent as the subject

dormer, it is also a different type of property to the others on Senrab Street as it does not have the same two storey outrigger that contributes to the overall character of this part of the conservation area.

- 7.3.10 No. 24 and No. 26 Senrab Street also have dormer extensions, however, these were constructed without formal planning permissions submitted and the Council have no records of these proposals being granted, as above, limited weight can be given to these as they may have been constructed under permitted development prior to the designation of the conservation area in 2008. Also, being located on the eastern side of Senrab Street, these form part of a different roofscape.
- 7.3.11 There are also no dormer extensions to the rear of properties on the western side of Senrab Street. Therefore, this application is recommended for refusal to maintain the consistent roofline which is an important feature of the conservation area.
- 7.3.12 Paragraph 132 of the National Planning Policy Framework (the 'Framework') states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. In this case the roof extension, because of its disruption to a consistent and well preserved roofline would result in 'less than substantial harm' to the designated heritage asset that is the conservation area. There are no identifiable public benefits associated with this proposal that would outweigh the harm to heritage.
- 7.3.13 The works are unacceptable in regards to design grounds as well as contrary to both national and local policy of the National Planning Policy Framework (2012), policies 7.4 and 7.6 of the London Plan (consolidated with alterations since 2011), policies SP10 and SP12 of the Core Strategy (2010), and policies DM24 and DM27 of the Managing Development Document (2013) which seek to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context.

7.4 Amenity

- 7.4.1 The Council's relevant policies are SP10 of the Core Strategy and DM25 of the Managing Development Document. These policies aim to safeguard the amenity of adjoining occupiers.
- 7.4.2 The dormer window is not considered to introduce any additional overlooking that does not already occur from windows at first floor level and as the extension is a roof level, set behind the existing two storey outrigger there is not considered to be any significant loss of light or sense of enclosure to the neighbouring residents.
- 7.4.3 It is therefore considered that the proposal would not unacceptably impact upon the amenities of neighbouring properties in terms of loss of privacy contrary to policies DM25 of the Managing Development Document (2013), SP10 (4) of the Core Strategy (2010) and 7.6 of the London Plan (2011) and the intentions of the NPPF.

7.5 Human Rights Considerations

- 7.5.1 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:-
- 7.5.2 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”
- 7.5.3 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.
- 7.5.4 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.
- 7.5.5 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.
- 7.5.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.5.7 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.
- 7.5.8 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.

7.6 Equalities

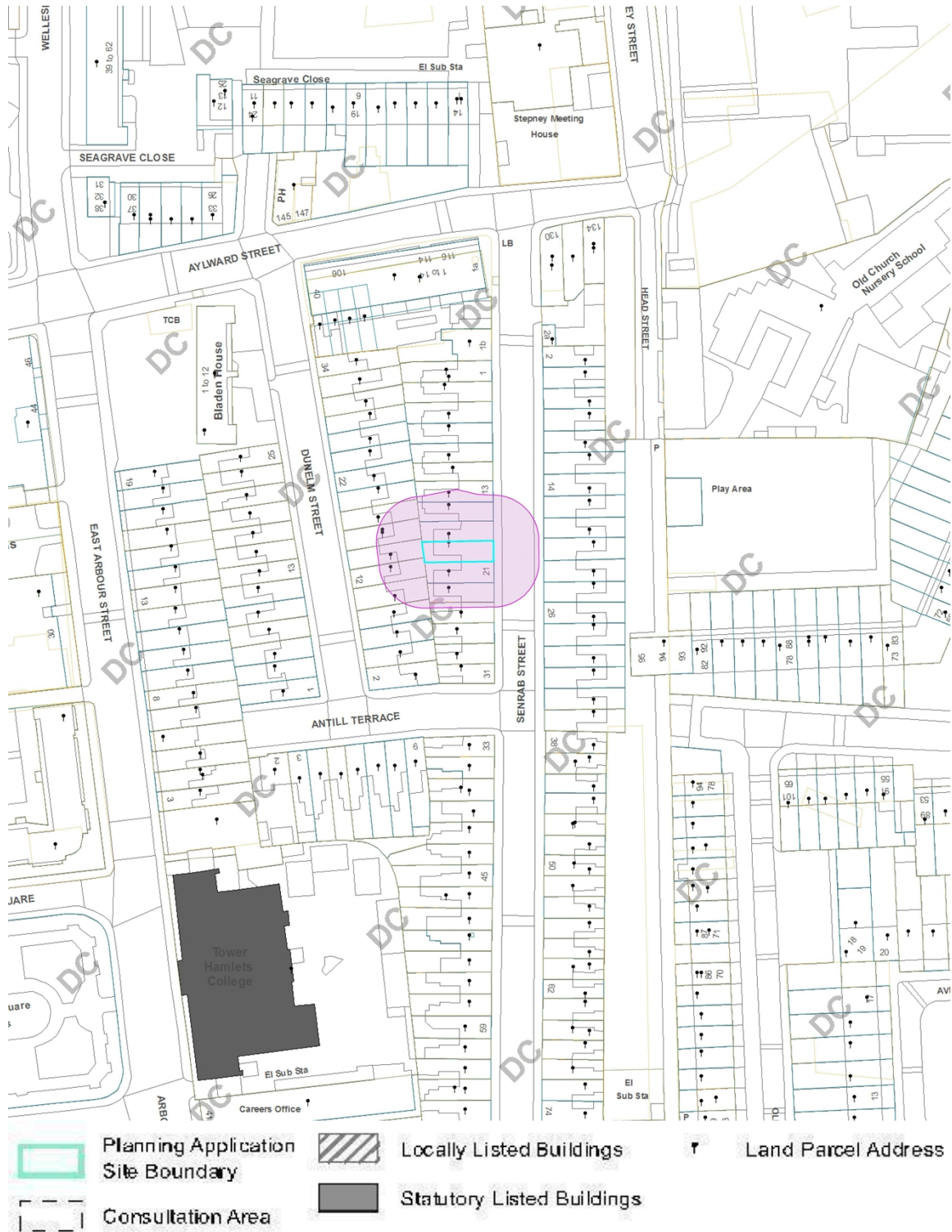
- 7.6.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- a) eliminate discrimination, harassment, victimisation 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.
- 7.6.2 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.
- 7.6.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

7.7 Other Issues

- 7.1 These works have been carried out retrospectively, the LBTH Enforcement Team have been informed about this and will take further action as necessary.

8.0 CONCLUSION

- 8.0 All other relevant policies and considerations have been taken into account. Planning permission should be **refused** for the reasons set out in RECOMMENDATION section of this report.



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. © Crown copyright and database rights 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288

Agenda Item 5.2

Committee: Development Committee	Date: 11 January 2017	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. 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.
- 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:
- a) 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

3.2 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

3.3 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:

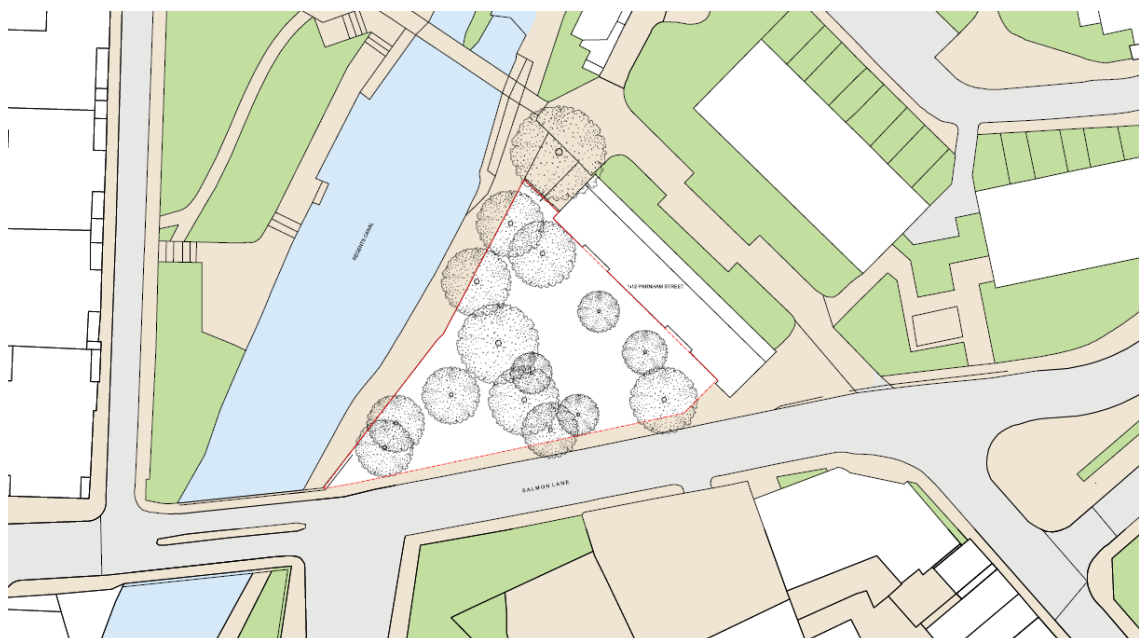
1. Thames Water – Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site.
2. Building Control
3. S.278
4. Fire & Emergency
5. Footway and Carriageway
6. CIL
7. Designing out Crime

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

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

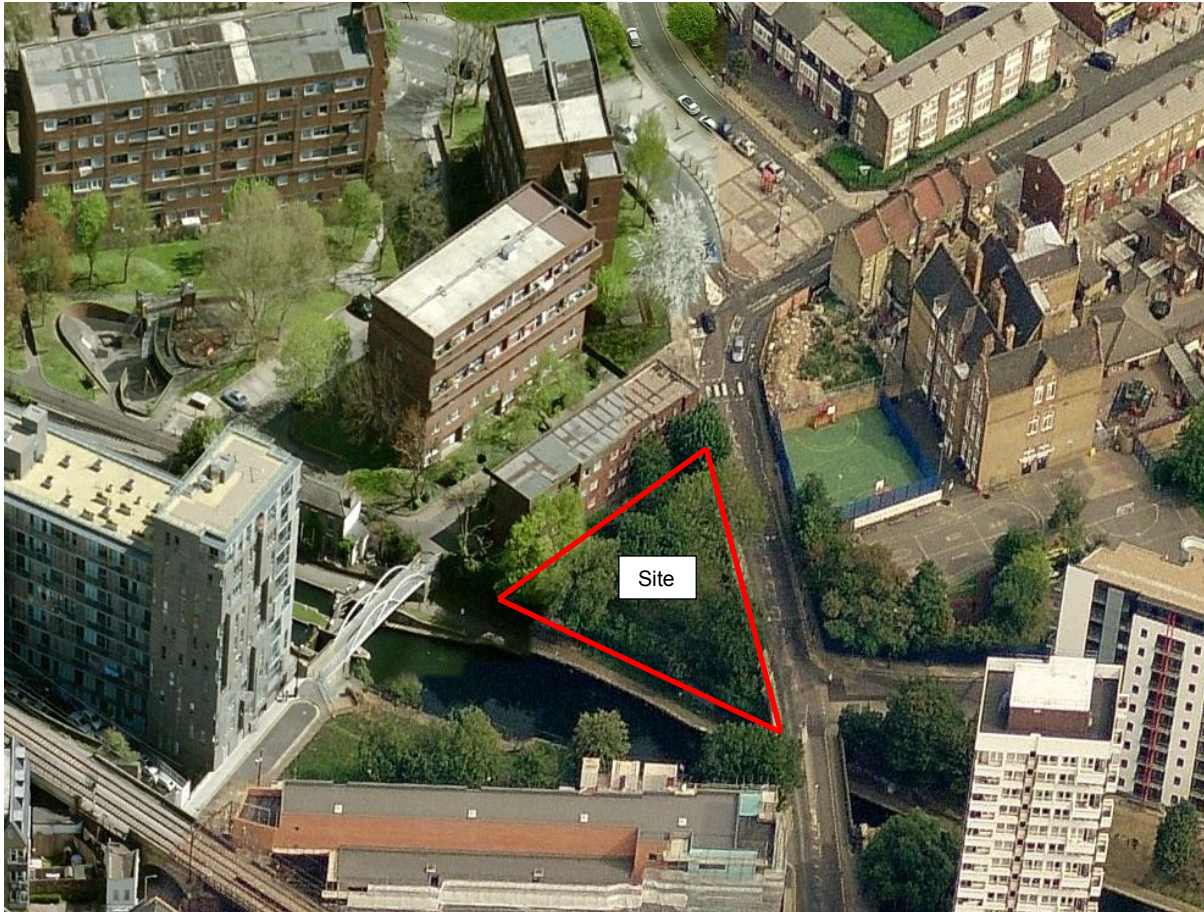
4.1. The application site is bounded by an existing residential block to the north and east, Salmon Lane to the south and Regent's Canal to the west. There is a level difference of around four metres between the site and the adjacent canal towpath. As shown in the following plan.



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.

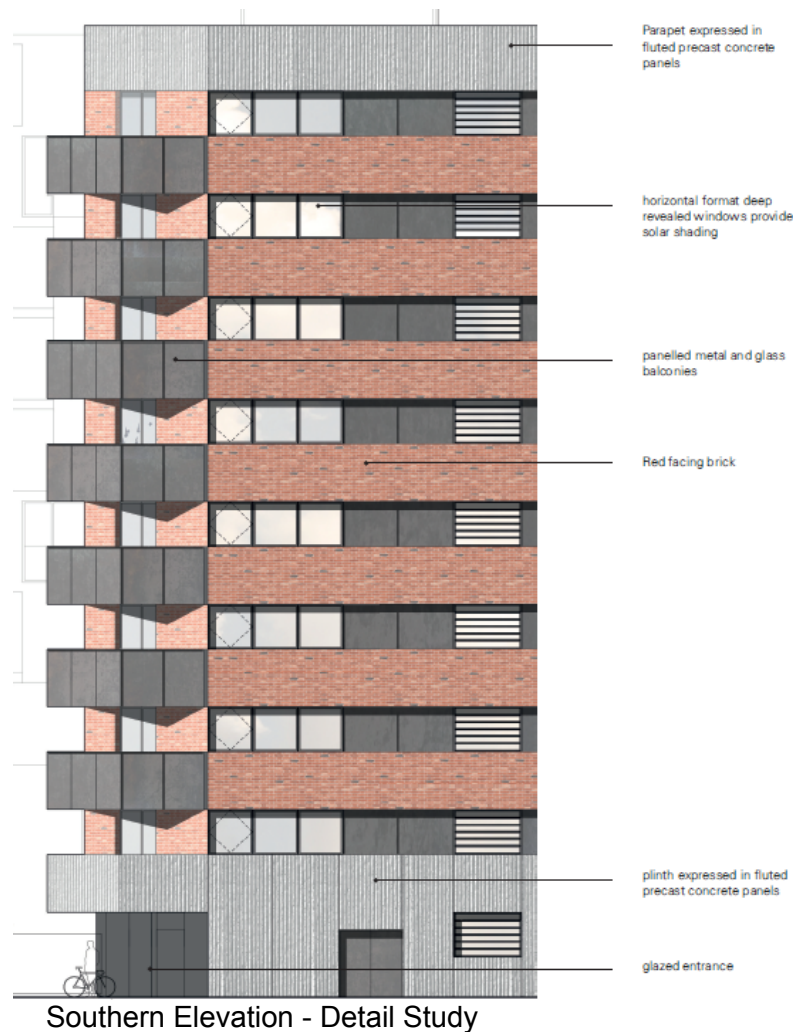


Elevational treatment/materials

- 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 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.

Creating a Green and Blue Grid

- 8.39 Strategic Objective 12 of the Core Strategy seeks to create a high-quality, well-connected and sustainable environment of green and blue spaces that are rich in biodiversity and promote active and healthy lifestyles. Policy SP04 of the Core Strategy Inter alia seeks to achieve the strategic objective by creating new green corridors and enhancing existing ones to connect publically accessible open spaces to main destinations points, such as town centres, schools, health facilities etc.
- 8.40 Concerns have been raised from residents that the site should remain a green space/community garden and that it forms part of the green corridor from TH Cemetery Park to Limehouse Basin.
- 8.41 Within the proposals map of the adopted Core Strategy the site is located to the south of a green grid route which connects Stepney Green Park, St Dunstan Church and Stonebrige Wharf to the west of the site and Regents Canal with Mile End Park and Bartlett Park further east of the site.
- 8.42 The green grid connection across Regents Canal is via a pedestrian bridge along Parnham Street and does not run through the application site. Furthermore, the site is separated from the green grid by the residential block 1-12 Parnham Street. As such, officers are satisfied the site does not form part of the existing green grid, and it has been appropriately discounted as a connection to an existing green grid.
- 8.43 Discussions on Biodiversity are found under 'environmental consideration' further within this report.

Housing

- 8.44 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.
- 8.45 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally.

Residential density

- 8.46 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.
- 8.47 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.
- 8.48 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).
- 8.49 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

- 8.50 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.
- 8.51 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).

- 8.52 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.
- 8.53 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.
- 8.54 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.
- 8.55 The Councils Housing section have advised that 50% of the rented homes will be Tower Hamlets social target rent and the remaining will be Tower Hamlets Living Rents.

Dwelling mix

- 8.56 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.
- 8.57 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.
- 8.58 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).
- 8.59 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

8.60 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

8.61 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.”

8.62 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

8.63 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.

8.64 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.

- 8.65 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).
- 8.66 The proposed development therefore is considered to achieve appropriate levels of daylight and sunlight.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.67 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.
- 8.68 Two wheelchair accessible homes are proposed which amounts to 10% of the total units.
- 8.69 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

- 8.70 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.
- 8.71 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.
- 8.72 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.
- 8.73 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.
- 8.74 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.



Landscaping - Communal and Child Play Space

Child play space

- 8.75 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.
- 8.76 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

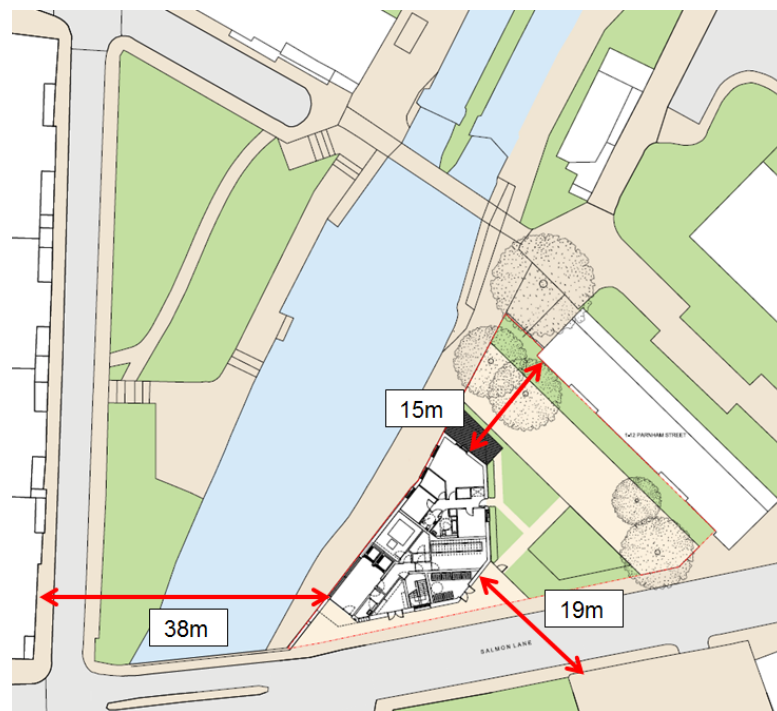
- 8.77 The proposed development would provide 260sqm of dedicated child amenity space at ground floor level on the east of the site in accordance with policy. As such it is considered that the proposal would provide an acceptable play environment for children.

Amenity

- 8.78 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

- 8.79 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.

- 8.80 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.
- 8.81 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.

- 8.82 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.
- 8.83 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.
- 8.84 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

- 8.85 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

- 8.86 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.
- 8.87 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.
- 8.88 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.
- 8.89 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.

- 8.90 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

- 8.91 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.
- 8.92 The proposed development will experience noise from local road traffic along Salmon Lane.
- 8.93 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.
- 8.94 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.
- 8.95 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

- 8.96 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.
- 8.97 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.
- 8.98 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.

- 8.99 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.
- 8.100 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

- 8.101 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

- 8.102 Policy DM22 sets out the Council's parking standards in new developments.
- 8.103 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.
- 8.104 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

- 8.105 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage has been calculated is in accordance with current waste policy.
- 8.106 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.
- 8.107 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

- 8.108 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.
- 8.109 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.
- 8.110 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.
- 8.111 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.
- 8.112 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.
- 8.113 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.
- 8.114 Based on the current proposals there is a shortfall to policy DM29 requirements by approximately 22% to achieve a 45% reduction in CO₂ emissions.
- 8.115 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
- 8.116 The Planning Obligations SPD includes the mechanism for any shortfall in CO₂ to be met through a cash in lieu contribution for sustainability projects.
- 8.117 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:

- 8.118 Shortfall to meet DM29 requirements = 5.6 tonnes/CO2 x £1,800 = £10,080 offset payment to meet current policy requirements.
- 8.119 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.

Biodiversity

- 8.120 Policy DM11 of the Managing Development Document seeks to inter-alia ensure existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value.
- 8.121 Concerns have been raised by local residents that the site had high biodiversity value and that the felling which has taken place before the grant of planning permission has circumvented this policy by reducing it's value.
- 8.122 The Councils Biodiversity officer has advised that before being more or less completely cleared of vegetation (including some trees which were due for retention) in February 2016, the application site contained a diverse range of wildlife habitats, including dense scrub, trees, shady wildflower meadow and mixed native hedge, the latter a priority habitat in the Local Biodiversity Action Plan (LBAP).
- 8.123 It was also noted the hedge along Salmon Lane, though perhaps in need of some management, was a healthy, fairly species-rich mixed native hedge, certainly not "species poor and defunct" as suggested on the Phase 1 Habitat Survey Map in the report. The area indicated as Amenity Grassland in the report was actually rich in spring wild flowers, particularly primrose, having been seeded as part of the landscaping of a nature garden several years ago. The area shown as "Bare ground" had just been sown with annual wildflowers to create an annual meadow.
- 8.124 Overall, it was advised that the site was of significant biodiversity value in a local context, and would have been included as a potential new site in this year's review of Sites of Importance for Nature Conservation, had it not been cleared before the review commenced. The loss of about 50 metres of mixed native hedge is a negative contribution to the LBAP target to create 500 metres of new mixed native hedge. Had the site not already been cleared, the biodiversity value of the site could have been a reason for refusal of planning permission, though the benefits of the new social housing would almost certainly have outweighed the biodiversity loss.
- 8.125 In terms of dealing with the biodiversity loss, given the site is not designated as a Site of Importance to Nature Conservation (SINC), nor does it lie within a conservation area. Therefore there is no planning restriction on the site being cleared in advance

of any development, in the manner that has taken place. As such, officers have to consider the site in its current condition and it would be difficult to attribute weight to a previous condition of the site especially one where the land use did not benefit from any previously protection.

- 8.126 Taking the above into account the Councils Biodiversity officer has advised that given the site is to be used for housing, Policy DM11 which seeks net gains for biodiversity from new developments, cannot be achieved. In this instance, it has been advised that the aim should therefore be to maximise the opportunities biodiversity within the development, to mitigate as far as possible the loss of habitat.
- 8.127 In terms of dealing with Biodiversity a condition has been recommended securing the following
- biodiverse roofs following the best practice guidance published by Buglife– details provided should include the location and total area of biodiverse roofs, substrate depth and type, planting including any vegetated mat or blanket (though sedum mats should be avoided if possible) and any additional habitats to be provided such as piles of stones or logs;
 - landscaping to include a good diversity of nectar-rich plants to provide food for bumblebees and other pollinators for as much of the year as possible - details should include species list and planting plans;
 - bat boxes and nest boxes for appropriate bird species – details should include number, locations and type of boxes. The agreed measures shall be implemented in full prior to the occupation of the development hereby approved.
- 8.128 A condition is recommended to this effect. Subject to the above mentioned conditioned it is considered overall, the proposal would not only have the benefit of providing housing, but will also contribute to the enhancement of biodiversity of the surrounding area.

Land Contamination

- 8.129 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

- 8.130 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.
- 8.131 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.

8.132 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

8.133 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).

8.134 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.

8.135 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.

8.136 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.

8.137 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.

8.138 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

8.139 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

8.140 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

8.141 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

8.142 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.

8.143 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.

8.144 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.

8.145 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.

8.146 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.

8.147 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

8.148 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:

8.149 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".

8.150 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.

8.151 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.

8.152 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.

8.153 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

8.154 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:

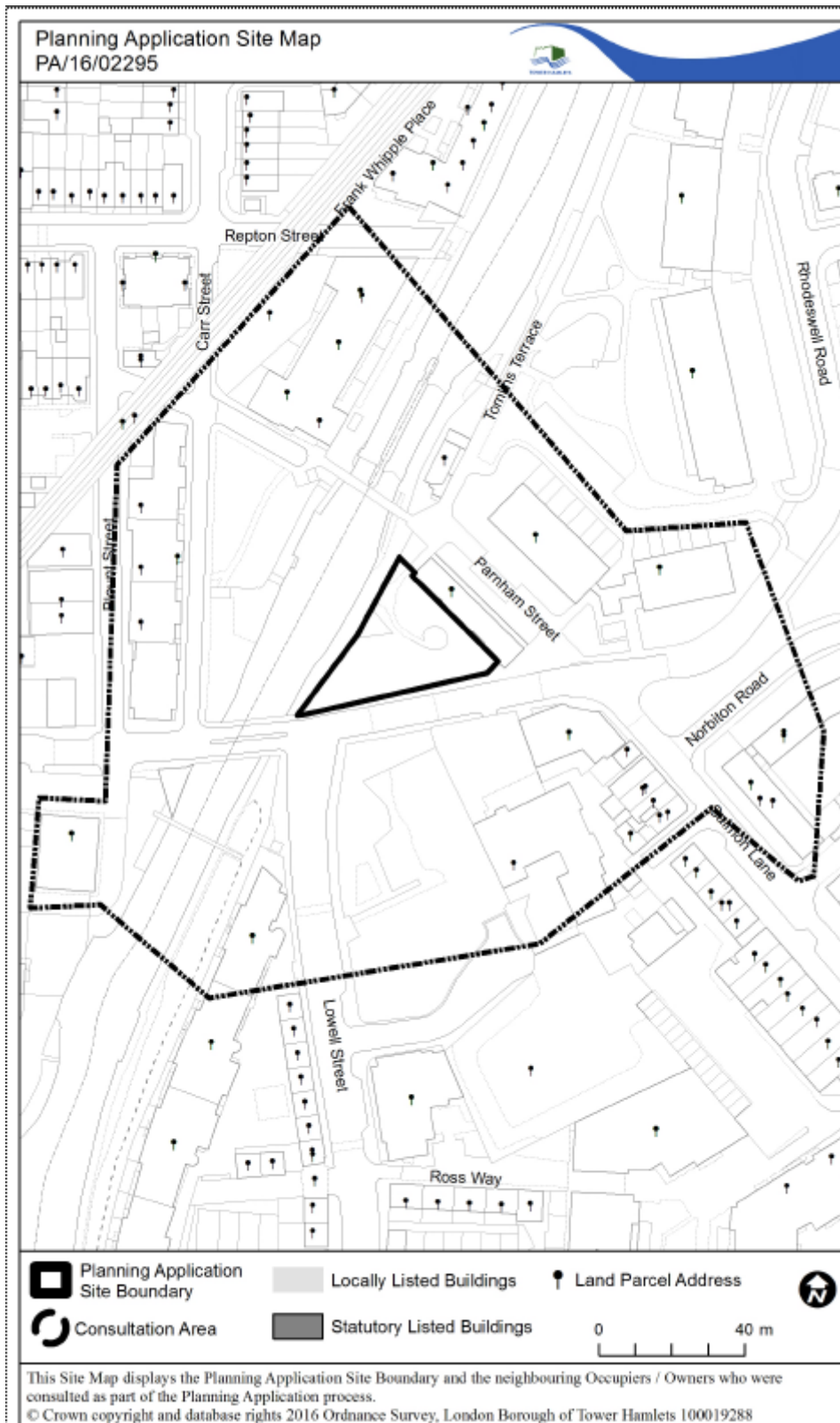
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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

8.155 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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Agenda Item 5.3

Development Committee	Date: 12 th January 2017	Classification: Unrestricted
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Report Of: Director of Development and Renewal	Title: Application for Full Planning Permission
Case Officer: Victoria Olonisaye-Collins	Ref No: PA/16/02789
	Ward: Bromley North

Location: William Brinson Centre, 3-5 Arnold Road, London, E3 4NT
Existing Use: Site has a two storey building which is used to provide adult day learning facilities.

Proposal: Demolition of existing building, construction of an 8 storey building and a 6 storey building to provide 62 dwellings (affordable housing tenure) and 398 sq.m B1 floorspace with amenity space, access, cycle parking, landscaping and associated works

Drawings: 9_1602_P_100_A, 9_1602_P_101_A, 9_1602_P_102_A,
9_1602_P_103B, 9_1602_P_105_B, 9_1602_P_106_A
9_1602_P_107_A, 9_1602_P_108_A, 9_1602_P_109_A,
9_1602_P_110_A, 9_1602_P_111_A, 9_1602_P_112_A,
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9_1602_P_163_A, 9_1602_P_164_A, 9_1602_P_165_A,
9_1602_P_166_A, 9_1602_P_167_A,
VLA-DR-L-2139-0200 Rev 02, VLA-DR-L-2139-4000 Rev 02
VLA-DR-L-2139-5001 Rev 01, VLA-DR-L-2139-5002 Rev 01
VLA-DR-L-2139-5003 Rev 01,

Documents: Planning Statement by Treanor Consulting
Daylight/Sunlight Assessment by Waldrams Ltd
Design and Access Statement + Addendum by Henley Halebrown Rorrison
Transport Assessment and Travel Plan by ttp consulting
Construction Traffic Management by Potter Raper Partnership
Phase 1 Preliminary Risk Assessment by RPS
Air Quality Assessment by HHbR Limited
Noise and Vibration Assessment by Max Fordham
Ecological Scoping survey by Greenlink Ecology Ltd

Below Ground Drainage and SuDS by Price & Myers
Energy and Sustainability Report by Max Fordham
Waste Management Plan by Potter Raper Partnership
Landscaping Statement by VOGT Landscape architects
(within DAS + Addendum)
Phase 1 Contamination Report by
Site Waste Management Strategy
Statement of Community Involvement (Within DAS)

Ownership: London Borough of Tower Hamlets
Historic Building: No listed buildings on site.
Conservation Area: Adjacent to Tomlins Grove and Tower Hamlets Cemetery
Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for a residential development comprising 62 one, two, three and four bedroom flats, within two buildings 6 and 8 storeys in height.
- 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 character and appearance of the nearby Tomlins Grove and Tower Hamlets Cemetery Conservation Areas. The scheme would deliver good quality homes in a sustainable location. The proposed flats would all be served by private balconies and communal space 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. 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. 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.
- 2.5 The residential quality of the scheme would be high, 32 of the units would be of a size suitable for families (51%). 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% (6 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:

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

3.2 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. Wheelchair adaptable and wheelchair accessible dwellings
5. Provision of approved cycle storage
6. Compliance with Energy Statement
7. Hours of construction
8. Communal amenity/child play space to be completed prior to occupation
9. Delivery and Service Management Plan
10. Scheme of Highway Improvement Works
11. Details of all Secure by Design measures
12. Details of hard and soft landscaping, including boundary treatment and lighting
13. Details of play equipment
14. Details of noise and vibration mitigation measures

Pre-Commencement Conditions

15. Scheme for the provision of financial contributions (see financial contributions section below)
16. Strategy for using local employment and local procurement (see non-financial contributions section below)
17. Details of biodiversity mitigation measures
18. Details of green roof
19. Construction Management Plan
20. Details of piling, all below ground works and mitigation of ground borne noise
21. Scheme for the Provision of Affordable Housing
22. Samples and details of all facing materials
23. Details of boundary treatments
24. Surface Water Drainage Scheme
25. Car Permit Free (bar Blue Badge Holders and Permit Transfer Scheme)

Condition 15

3.3 Securing contributions as follows:

Financial contributions:

- a) A contribution of **£43,527.90** towards employment, skills, training for construction Job opportunities
- b) **£1,000** towards monitoring fee (£500 per s106 HoT's)

Condition 16/ Condition 21

3.4 Non-financial contributions:

- a) Affordable housing 100% by habitable room (62 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:

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

3.7 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

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

3.9 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework and the provisions of the Development Plan. There are no other material considerations which would indicate that the proposal should be refused. The officer recommendation to the Committee is that permission should be granted.

4.0 APPLICATION SITE AND SURROUNDINGS

Application site

4.1. The site is triangular, elongated site with an 98m frontage onto Arnold Road, forming the eastern boundary. The site is owned by the Council. The building is two storeys in height and has limited architectural merit.

4.2. The current building on the site is occupied by an adult day centre run by the charity Vibrance with car parking located to the rear. Only the ground floor is currently occupied and in use as a community centre (Class D1 use), the rest of the site is currently empty and appears to have been for some time. Site is dominated by two major railway lines, one of which is the District Line with above ground tracks leading from Bow Road Station.

4.3. The following is an aerial view of the site (edged in red).



Aerial photo of site North ↑

- 4.4. The following photographs show the front and rear facades of the existing building that occupies the site.



Front view of site



Rear view of site

- 4.5. The area is characterised by a varied mix of commercial, residential community use buildings, railway viaducts and trainlines. The site is within an established residential neighbourhood separated off by the submerged trainline to the west and the raised viaduct to the east. The arches in the viaduct on Arnold Road are used as commercial/light industrial premises. To the north is the Thames Magistrates Court on Bow Road. These are shown in the following photographs.



View of Arnold Road from site.



Thames Magistrates Court on Bow Road.

- 4.6. Although the site itself does not contain any listed buildings or trees with preservation orders, the site is surrounded by Conservation Areas beyond the trainlines; the Tomlins Grove Conservation Area to the east and the Tower Hamlets Cemetery Conservation Area to the west. These Conservation Areas contain numerous listed buildings with the terraced dwellings of Tomlin's Grove and the large demi-detached houses on Mornington Grove close to the site. There are local community facilities in close proximity of site, such as Wellington Primary school, play facilities and religious institutions and commercial activity associated with the railways land. Larger scale employment and retail buildings are located along Bow Road.
- 4.7. The following image shows the application site, with the shaded areas being the respective conservation areas. The Blue areas represented the Grade II listed terraces.



4.8. Further north of the site is Bow Road (A11), close to its junction with the A12. The site has good transport links. Bow Road Underground and Bow Church DLR Stations are within 5 - 10 minutes walk and numerous buses serve Bow Road. The site's PTAL rating at 6a is excellent accessibility to public transport.

Planning history

4.9. None.

Proposed development

4.10. Proposed development includes the demolition of the an existing two storey building and the provision of 62 new homes along with 400sq.m of commercial office space (B1 use class) and associated landscaping and public realm works. 16 x 1b2p, 14 x 2b4p, 20 x 3b5p and 12 x 4b6p including 6 wheelchair units (2 x 1b2p, 2 x 2b4p and 2 x 3b5p).

5.0 POLICY FRAMEWORK

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

- To have regard to the provisions of the development plan, so far as material to the application, 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);
- 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).

- Pay special attention to the desirability of preserving or enhancing the character or appearance of the adjacent Tomlins Grove and Tower Hamlets Conservation Areas (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 Application for Determination” agenda items. The following policies are relevant to the application:

Government Planning Policy

National Planning Policy Framework 2012

Planning Practice Guidance

5.3 London Plan 2016 (consolidated with alterations since 2011)

- 2.9 Inner London
- 2.14 Areas for Regeneration
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People’s Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.7 Streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.11 Tackling Congestion

- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise
- 8.1 Implementation
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

5.4 **Tower Hamlets Core Strategy 2010**

- SP02 Urban Living for Everyone
- SP03 Creating Healthy and Liveable Neighbourhoods
- SP04 Creating a Blue and Green Gris
- SP05 Dealing with waste
- SP06 Employment uses
- SP07 Learning and training facilities
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering place making
- SP13 Planning Obligations

5.5 **Managing Development Document 2013**

- DM0 Delivering sustainable development
- DM3 Delivering Homes
- DM4 Housing standards and amenity space
- DM11 Living Buildings and biodiversity
- DM12 Water Space
- 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 Environment
- DM29 Achieving a zero-carbon borough and addressing climate change

5.6 Supplementary Planning Guidance / Documents and Other Documents:

Tomlins Grove Conservation Area Character appraisal (March 2007)

Tower Hamlets Cemetery Conservation Area Character appraisal (March 2007)

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)
- Housing (2016)
- Affordable Housing and Viability Supplementary Planning Guidance (Draft 2016)

Other

- Planning Obligations SPD (2016)
- Designing Out Crime Supplementary Planning Guidance, LBTH (2002)
- Tower Hamlets Air Quality Action Plan, LBTH (2003)
- Clear Zone Plan – 2010-2025, LBTH (2010)
- Tower Hamlets Partnership Community Plan 2015 (2015)
- Housing Supplementary Planning Guidance, GLA (2016):
- Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance, GLA (2012):
- Sustainable Design and Construction Supplementary Planning Guidance, GLA (2014):
- Shaping neighbourhoods: character and context SPG (GLA 2014)
- Control of Dust and Emissions during Construction and Demolition SPG (GLA 2014)
- Tall Building Advice Note (Historic England 2015)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)

5.9 Tower Hamlets Community Plan objectives

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

6.0 CONSULTATION RESPONSES

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 No objections subject to construction and demolition activities condition, as the assessment submitted with proposals indicates that the development will not lead to any significant impacts on air quality and that the pollution levels at the site are below the relevant air quality objectives and it is therefore suitable for residential use.

- Employment and Enterprise
- 6.4 No objections subject to financial contribution to support and/or provide training and skills need of local residents in accessing the job opportunities created through the construction phase of the development.
- Occupational Therapist
- 6.5 No objections. A range of detailed and specific recommendations were put forward to improve the functionality of the wheelchair accessible units.
- Sustainable Urban Drainage System (SuDS)
- 6.6 No objection to the use of below ground storage, however, the use of sustainable techniques has not been applied, SuDS should typify management and provision of water quantity, water quality, Amenity and Biodiversity. The use of SuDS features that provides source control and other benefits, such as permeable paving, rainwater harvesting systems or grey water recycling to improve the sustainability of the site as cited in the report and revised strategy. It is not clear how the entire drainage system is to be maintained, therefore details of agreed adoption, monitoring and maintenance of the drainage and SuDS features to be achieved via condition should planning permission be granted.
- 6.7 To ensure flood risk is not increased elsewhere a detailed surface water drainage scheme as outlined in the report would be secured via planning condition.

External Consultees

- Environment Agency
- 6.8 The site is within Flood Zone 1 and has no significant risk of surface water flooding. The proposals would be considered acceptable to comply with the London Plan Policy 5.13 and Local plan policy DM13. The SuDS assessment produced by Price & Myers sets out proposals to limit surface water outflow to 5l/s. The applicant proposes to achieve this by including 103m of storage
- Thames Water
- 6.9 Thames Water advises that there is no objection with regard to sewerage infrastructure capacity.
- 6.10 Thames Water advises that a piling method statement condition detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works be imposed to safeguard local underground sewerage utility infrastructure and an informative in respect of discharging ground water into a public sewer.
- Crime Prevention Officer (Metropolitan Police)
- 6.11 Given the high levels of locally reported crimes and the legislation and planning guidance regarding the above, a Secured by Design condition to any design and layout aspect would be considered appropriate in order to enable the development to achieve Secured by Design accreditation, or as a minimum to encompass the principles and practices of Secured by Design, thereby creating safer more sustainable communities.
- Transport for London
- 6.12 The proposed 'car free' development is acceptable, subject to a permit free agreement for any existing and future controlled parking zone.

- 6.13 Non-designation of the proposed 2 disabled car parking is a concern because of the high level of vehicular services around the site. Applicant states that the two parking spaces are for the residents and an on-street Blue Badge parking bay can be provided for the B1 occupants should demand arise.
- 6.14 The proposed cycle provision is acceptable but TfL recommend that at least 5% of all spaces can accommodate a larger cycle, plan 9-1602-P-105B has been amended to cater for larger cycles.
- 6.15 Require full details of construction works including any structural changes & impacts on underground infrastructure, this can be achieved via condition.

7.0 LOCAL REPRESENTATIONS

Statutory Consultees

- 7.1. Public consultation took place in accordance with statutory requirements. This included a total of 477 letters sent to occupiers of neighbouring properties, a press advert and site notices.
- 7.2. 14 individual letters in objection have been received, two petitions against, one signed by 29 residents and the other signed by 9 residents. No letter received in support of the proposals

Representations in objection including petitions

- 7.3. Reasons given in objection to the scheme include:
 - Location of the 'holding area' for construction vehicle – Noise and disturbance from construction works
 - Bulk and massing
 - Lower daylight & sunlight
 - Creating shadows and privacy intrusion
 - Loss of outlook
 - Proposals not compatible with garage businesses in the railway arches
 - Out of scale and character with surrounding area and in particular the conservation area it abuts.
 - Excessive density and overdevelopment
 - Pressure on services
 - Increased traffic congestion, highway safety and parking
 - Impact on biodiversity
 - Design consideration
 - Loss of existing community facilities on site
 - Ground floor commercial not required
 - Alternative site within the borough
 - 100% affordable rent tenancy not in tune with the goal of socially diverse borough
 - Proposal should be directed towards Key workers
 - Adverse impact on existing businesses on Arnold Road, creating temporary loss of jobs
 - Inadequate refuse facilities for both commercial and residential and waste management
 - Limited outdoor spaces
 - Potential for fire

- 7.4. These issues are addressed in the material planning considerations section of this report.
- 7.5. The loss of private views has also been raised in objection to the proposal. Impact of development on private views is not a material planning consideration. The proposal's impact on outlook is addressed in the amenity section.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised are as follows:

- Sustainable Development
- Land Use
- Place-making and Density
- Design
- Housing
- Employment
- Learning and training facilities
- Neighbouring Amenity
- Transportation and Access
- Waste management
- Energy and Sustainability
- Environmental Considerations
- Flood Risk and Water Resources
- Biodiversity
- Health Considerations
- Impact on Local Infrastructure / Facilities
- Local Finance Considerations
- Human Rights Considerations
- Equalities Act Considerations

Sustainable development

- 8.2 Local planning authorities must have regard to the National Planning Policy Framework (NPPF) that sets out the Government's national objectives for planning and development management and the related guidance in the National Planning Practice Guidance.
- 8.3 The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean "ensuring that better lives for ourselves don't mean worse lives for future generations." The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:
- *"Sustainable development is about change for the better.*
 - *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
 - *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
 - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations."*

- 8.4 Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and it is the Government's view that policies in paragraphs 18 to 219, taken as a whole, of the Framework constitutes sustainable development
- 8.5 Paragraph 7 states that achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
 - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 8.6 NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 8.7 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life (NPPF Paragraph 9).
- 8.8 The NPPF's core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:
- be genuinely plan led;
 - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
 - encourage the effective use of land by reusing land that has been previously developed;
 - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 8.9 This is reflected in the Council's Managing Development Policy DM0 and Core Strategy 2010 at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

- 8.10 Paragraph 14 sets out a ‘presumption in favour of sustainable development’ and states that for decision-taking this means, inter alia, approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 8.11 When assessed against NPPF criteria the proposed scheme amounts to sustainable development and accords with the Local Planning Authority’s up-to-date Development Plan. There are no relevant policies that are out-of-date, silent or absent and no other material considerations, including policies within the Framework, which suggest that approval should not be given.

Land Use

Principles

- 8.12 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. These economic, social and environmental goals should be sought jointly and simultaneously.
- 8.13 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 enjoy leisure and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land which has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.
- 8.14 During the course of the pre-application of similar proposals for the site, it has been established that the proposed relocation of the existing community facility on site would be acceptable and the proposal for residential development at the upper levels would be consistent with LBTH policy, which identifies housing as the priority land use for the Borough and highlights the need to maximise the supply of housing.
- 8.15 The NPPF attaches great importance to significantly boosting the supply of new housing. LBTHs Core Strategy Policy SP02 seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. This will be achieved by focusing the majority of new housing in the eastern part of the borough.
- 8.16 The London Plan sets a revised minimum 10 year housing target of 39,314 between 2015 – 2025 (3,931 per year) for Tower Hamlets. The development proposes re-use of an existing underutilised, brownfield site, making the best use of land. This approach accords with the core principles of the NPPF, which encourages the re-use of previously developed land.

Loss of employment and existing community facility

- 8.17 The key policy tests in relation to retention of employment uses are set out in the MDD Policy DM15 (Local Job Creation and Investment), paragraph 15.2. The development which is likely to impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere. Site is not designated as employment location and no loss of existing employment is envisaged on site given the relocation of the existing use with the staff. In addition, the proposed commercial use at the ground floor level would provide employment opportunity on site above the existing provision.
- 8.18 Policy DM8 requires the protection of community facilities where they meet an identified local need and the building considered suitable for their use, and where proposals would adversely impact on existing community facilities, the re-provision of the existing facility would be required as part of the development unless it can be demonstrated that a new offsite location would better meet the needs of existing users.
- 8.19 Another test in relation to loss of existing community facility is that there is no longer a need for the facility within the local community and the building is no longer suitable or the facility is adequately re-provided elsewhere. The provision of the new facility should be located in or at the edge of town centre; any facility located outside town centre will only be supported where they are local in nature and scale and where local need can be demonstrated.
- 8.20 The Design and Access Statement (DAS) and additional details provided by the agent (via email dated 14/11/2016 & 19/12/2016) confirm that the existing facility would be relocated to the Redcoat Community Centre And Mosque, Stepney E1 remaining within Tower Hamlets. Given the existing location and the building is no longer suitable for its existing use due to the age of the building, its layout, adaptability and quality of space which has a number of shortcomings in terms of circulation and usability. In addition, the proposed new site would adequately cater for the need of existing users, this would be considered acceptable, given that there will not be a total loss of the facility within the borough to comply with Policy DM requirements.
- 8.21 The site area 0.25 hectares and in relation to existing use as an adult day learning centre which is partially vacant means that the site is highly under-utilised. The proposed development with the provision of commercial floorspace would provide small B1 suites, 2 units totalling 124sqm GIA in the north block and 3 units totalling 277sqm GIA in the south block at the ground floor level with residential above, would respond positively to site with no loss of employment envisaged.
- 8.22 In light of the above, and having regard to policy SP06 and SP7 which seeks to support a range and mix of employment uses and spaces within the borough and the employment and skills training of local residents, the proposed loss of employment-generating land and the existing community facility would be considered to accord with policies SP06, SP07 and DM15. This is particularly so when giving consideration to the priority given to the delivery of new dwellings (particularly on underused brownfield sites) that is advocated by the Development Plan and the NPPF.

Density

- 8.23 The Core Strategy's place-making annex identifies Bromley-by-Bow as area that will become more economically prosperous through comprehensive regeneration and new development. The ambition is for the area to increase the diversity of housing choice, and to promote family housing in the area along with new green spaces. It goes on to set out principles for new buildings, including for them to focus higher-density development above the relocated supermarket and around the public transport interchange. In addition, that new development should improve the permeability and legibility by aligning with the existing street network and also respond to the local constraints, opportunities and characteristics.
- 8.24 Policies 3.4 of the London Plan (2016) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.25 The London Plan (policy 3.4 and table 3.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 8.26 The site has a PTAL rating of 6a and is defined as being within an urban area. The London Plan sets out density ranges in Table 3.2 and Policy 3.4, which states that:
- "Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2."*
- 8.27 For the application site, the London Plan would suggest that a density of 70-260 units per ha, or 200-700 habitable rooms per hectare, is appropriate. The net site area for the purpose of density calculations is 0.25ha. The proposed scheme proposes 62 residential units, resulting in a density of 248 units per hectare or 792 habitable rooms per hectare which would slightly exceed the London Plan Policy 3.4 density matrix, however proposed density would be considered acceptable given the context, design principle and public transport accessibility.
- 8.28 It is not only that the proposals accords with density range of the London Plan numerically in terms of units per hectare, but an interrogation of this scheme against the standards in the London Plan Housing SPG as set out in the following sections of this report indicates that the proposed development would:
- Preserves the setting of both Tower Hamlets Cemetery and Tomlins Grove Conservation Areas when viewed from within the conservation areas;
 - Preserves the setting of neighbouring listed terraces
 - the development would not result in excessive loss of sunlight or daylight for neighbouring homes and the new flats would have good access to daylight and sunlight;
 - the development provides a good mix of unit sizes within the scheme
 - the development is 'car-free' owing to the site's excellent accessibility to public transport with 2 disabled on-street car parking spaces provided. The development would not cause unacceptable traffic generation;
 - The proposed development is liable for the Mayoral and Tower Hamlets Community Infrastructure Levy, which will ensure the development

contributes appropriately to the improvements to local social and physical infrastructure (only the commercial will be liable for CIL as the affordable will be able to claim social housing relief)

- The materiality and design is considered to be of high quality, would develop an underutilised site close to conservation areas and replaces a former building that detracted from the quality of the built environment.

8.29 The principle of mixed use development at this site is acceptable in line with SP02 (1a) which focuses new housing in the eastern part of the borough and with SP06 (1 b and 3c) which encourages the provision of suitable units for small and medium enterprises.

8.30 Given the above and the residential character of surrounding area around the site, the principle of intensification of housing/commercial use is strongly supported in policy terms.

Design

8.31 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character. Detailed Government policy on 'Requiring Good Design' is set out in chapter 7 of the NPPF.

8.32 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.

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

8.34 The following elevations show the various elevations of the buildings, the materials and fenestration are discussed later within this section.



Eastern Elevation



Southern Elevation



Northern Elevation

Layout

- 8.35 The proposal is laid out in two linear blocks of 6 storeys to the north and 8 storeys to the south with the provision of a well-proportioned communal central space between the blocks for communal use, accessed from Arnold Road. The central circulation cores are top lit, increasing the sense of openness with flats arranged around core, achieving an efficient layout and enabling most units to be dual aspect units providing a standard residential living accommodation and for ease of buildability.
- 8.36 The proposed buildings have been designed to prevent direct overlooking between rooms (especially habitable rooms). The proposed design would provide active frontage to Arnold Road with the provision of commercial uses at ground floor level, this is in reaction to the site constraint, given the nature of existing car business uses of the arches. It is considered that the provision of ground floor commercial uses at this location would be compatible with the surrounding area, increasing footfall down Arnold Road and enables passive surveillance at varying times throughout the day, given the nature of the proposed operation hours to the commercial units, which would be different from the usual office hours. The layout is an appropriate approach to the opportunities and constraints of the site and optimises development on the site.
- 8.37 The proposed design is considered to respond appropriately to different environments around the site and associated constraints, in particular the two railway lines, the uses within the railway viaduct arches and the raised footbridge, by locating the commercial uses at the ground floor level fronting Arnold Road in line with the commercial uses opposite site and the layout which sets adequate separation distances from the railines and still able to provide mainly dual aspects units. In

addition, the proposed full height windows and doors to the ground floor would create a dialogue between the commercial units and the street and therefore improve overlooking. The proposed commercial units would generate footfall throughout the day and early evening.

- 8.38 Units are designed internally facing to provide zones of public and private spaces, with inset balconies. All units would have adequate levels of natural light given the adequate floor to ceiling height and the introduction of corner glazing. All wheel chair units are located on the first floor of both blocks in order to minimise the need to travel by prospective users. Proposals would provide two lifts in each core to ensure adequate access provision.
- 8.39 The main entrances to the residential are located within the internal elevations facing the two blocks. The entrances are also located towards the middle of the courtyard to facilitate movement within the central space. The gentle winding design of the stairs around an open void is to provide multiple landings to encourage the use of the stairs to encourage healthy life style and thus improve the security of the block. The southern block due to the height requires the staircase to be lobbied from the lift core. The arrival point into the building is on the shorter edge of the elevation with direct access to the courtyard.
- 8.40 Five commercial units totalling 398 sq.m are proposed for B1 use with each unit would having its own entrance directly from Arnold Road, providing active street frontage with its own dedicated bin storage, cycle and shower facilities. The proposals would provide opportunities for local businesses and employment and would be provided as shell and core, allowing flexibility for tenant fit out.
- 8.41 Proposed commercial units are proposed to be standard units with floor to ceiling height of 3.14m minimum to allow for maximising daylight penetration and reduce the need for artificial light, to comply with British Council for Offices Specification 2014.

Appearance

- 8.42 The scheme's appearance is inspired by what is often termed the New London Vernacular with elevations predominantly faced in brickwork, facades topped with a parapet, vertically emphasised windows emulating the regular grid pattern of Georgian fenestration, deeply recessed windows, and accented entrances where possible directly from the street. This approach complements other development in the area and is a tried and trusted approach which results in a legible and robust development.
- 8.43 The appearance of the development varies around the site appropriately addressing the site's setting. The predominant material used in the area is brickwork as well as the introduction stucco and stone detailing around windows and doors. The proposed full height glazing of windows and doors to the ground floor are to create relationship between the B1 commercial units. The brick piers and deep set reveals generate a rhythm to the façade which would be similar to the arches opposite. The vertical rhythm of the façade is punctuated by horizontal concrete elements of a contrasting colour as balcony and window lintels, this would further reduce the massing of the proposed development.
- 8.44 The northern block at 6 storeys is smaller in scale and height to suit the smaller neighbouring developments while the southern block at 8 storeys is bolder reflecting its position along the rail track. Generally, the proposed scale and height at this location would be considered acceptable at this location where there are larger

perimeter buildings, would be compatible with other developments in immediate vicinity of site.

8.45 The entrance to each block is from the communal amenity space, drawing residents in to the site and encouraging natural surveillance. Brick piers and gates on to the street denote defensible space and will have a fob control allowing access only for residents. Each lobby is well positioned and glazed to provide natural light and a legible welcoming entrance. The south block has an extended lobby being a longer building, and has a view through to a colonnade running along the rear communal areas.

8.46 There are three types of balconies proposed for the development, these are: inset balconies (with a variation between different types) corner balconies and Juliette balconies, balconies are intended to become external rooms to each units where it is located, corner balconies and Juliette balconies, the proposed different types of balconies to the development would further add interest to the façade without appearing confused or busy.

8.47 The proposed development's appearance would be a significant improvement in comparison to the buildings which have previously occupied the site, with residential units overlooking Arnold Road at the upper floors providing a more active frontage and increase passive surveillance.



View to the central courtyard and main entrance

Height

8.48 Policy DM26 and London Plan Policy 7.7 sets out policy in relation to tall buildings. The criteria set out by both policies can be summarised as follows:

- Be of a height and scale proportionate to its location within the town centre hierarchy and generally directed to areas such as the Central Activities Zone, Activity Areas, town centres, opportunity areas, intensification areas and within access to good public transport;
- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas;

- Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters;
 - Should not adversely impact upon heritage assets or strategic and local views;
 - Present a human scale at street level and enhance permeability of the site where possible;
 - Provide high quality private and communal amenity spaces for residents;
 - Provide public access to the upper floors where possible;
 - Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
 - Comply with Civil Aviation requirements, not interfere with telecommunication and television and radio transmission networks and consider public safety requirements; and,
 - Not adversely affect biodiversity or microclimates.
- 8.49 The northern block would be six storeys high, reflecting modest scale development within the immediate vicinity of site which would not significantly impact on the amenity of nearby neighbours and surrounding area in terms of loss of light, privacy, outlook and visual amenity. The lower scale also assists in providing good daylight and sunlight to other parts of the development, including the communal amenity space & play space located within the central courtyard, rear and side of site.
- 8.50 The southern block would be 8 storeys high, this would be considered acceptable as proposal would still provide a good level of sunlight on the south façade of the north building due to the slight splay of both buildings, and would not significantly impact on amenity of nearby neighbours. This height reflect its position close to larger perimeter blocks in surrounding area, therefore would not be considered to be out of scale and character with surrounding area.
- 8.51 The proposed development would broadly align with other recent approvals in surrounding area; proposals would therefore not appear as out of context with its surroundings.
- 8.52 Given the high standards of design and architectural quality, the proposals would be considered not to have significant impact on the setting of nearby conservation areas.
- 8.53 The following image provides a visual of how the corners of the building with balconies are designed.



8.54 In conclusion, the development would be of high quality design and is an appropriate response to redevelopment opportunities presented by this site. The proposal generally accords with the relevant development plan policies.

Landscaping

8.55 The proposed approach to landscaping as amended would be considered acceptable, given a feel of useable and legible amenity space within the site. The amenity area is mainly located to the central courtyard, rear of both blocks and the 'Rose garden' located on the southern side of the southern block. The updated landscape strategy shows that the landscaping could effectively soften the appearance of the building from the street as well as providing a good range of child play space features and native planting, which is good for biodiversity, within the courtyard. A more detailed landscape strategy would be required and this can be achieved via appropriate condition.

8.56 The central yard is the main communal space. The focal point of the yard is a large, multiterm feature tree with a circular bench around its stem. Long benches are proposed against a backdrop of climbing plants on either side of the courtyard providing seating. As the yard provides entry to the buildings blocks and to the two adjacent courtyard, high quality clay pavers create a unified floor plane, details to be achieved via condition. Given that the central yard of the development is a space that unifies the residents of both blocks, the landscape proposals seeks to create a simple and strong gesture by using a single large tree, providing most vegetation on the ground and on the walls, and thereby creating as much open space as much as possible to be occupied

8.57 The western space along the southern and northern blocks designed as a single space would have strong relation with the building and its interior.

Secure by Design

- 8.58 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.
- 8.59 In general, the proposed layout and mix of uses provides some activity at street level and natural surveillance. A particular improvement is the level of natural surveillance to Arnold Road. In addition, the proposals responds to the meet the Secure by design requirements in providing a gated development at this location which evolved from the location of the site in an environment which would not otherwise be fit for residential purpose. The type of businesses opposite site and railway lines are not residential friendly, given the nature of the existing uses, therefore for proposals to be considered safe for residential purpose, it would need to be a gated development in accordance with Secured by Design advice.
- 8.60 The Crime Prevention Officer at the Metropolitan Police advises that the scheme raises no particular concerns in the manner it is designed and advises that the scheme should seek a Part 2 Secure by Design Accreditation. An appropriate condition has been recommended.
- 8.61 The proposal accords with the aforementioned policies.

Inclusive Design

- 8.62 Policy 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 8.63 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The development has been designed with the principles of inclusive design in mind, although gated development, this is as required by secure by design given the location of site and the proposed use mainly residential with no other residential development within the immediate vicinity of site.
- 8.64 The entrances and circulation spaces are 'level' and slip resistant, recessed openings provided at all external entrances. At least 2 wheelchair on-street parking spaces are provided, with the option to provide more, depending on demand.
- 8.65 10% of units would be wheelchair accessible or adaptable, in accordance with the policy requirements, all affordable rented units with a choice of size and aspect.
- 8.66 The proposal accords with the aforementioned policies.

Heritage

- 8.67 Policies in Chapter 7 of the London Plan (2016 as amended) and policies SP10 and SP12 of the CS and Policies DM24, DM26 and DM27 of the MDD seek to protect and enhance the character, appearance and setting of heritage assets and the historic environment.

- 8.68 Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF.
- 8.69 NPPF Paragraph 128 requires applicants to describe the significance of any heritage assets affected by a proposal. The applicant has not provided a heritage statement that includes a statement of significance for the built heritage assets affected by the application proposals, which area the Tomlins Grove and Tower Hamlets Cemetery Conservation Areas. Nevertheless, the Local Planning Authority considers it has sufficient information to reach an informed decision.
- 8.70 NPPF Paragraph 131 goes on to state that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.71 NPPF Paragraph 132 notes that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 8.72 The NPPF at Paragraphs 133 and 134 respectively refer to proposals which cause substantial harm, or less than substantial harm, to designated heritage assets and establish relevant tests.
- 8.73 In considering the significance of the asset, NPPF paragraph 138 notes that not all elements of a Conservation Area will necessarily contribute to its significance and paragraph 137 advises local planning authorities to look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. In addition, paragraph 137 states that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 8.74 This section of the report considers the implications for the application in respect of the setting of both conservation areas along with any other assets that may be impacted.

Setting of the Tomlins Grove and Tower Hamlets Cemetery Conservation Areas

- 8.75 The application site is surrounded by both conservations areas, although outside the conservation areas would be visible from both. The buildings which previously occupied the site related poorly to the conservation areas, and harmful to its setting and did not engage or provide an active frontage to the Arnold Road.
- 8.76 The proposed buildings, constructed from brick and designed to respond to the context, would be of considerably higher quality and provide an active frontage and passive surveillance to Arnold Road. It is considered that the proposals would not have significant impact on the setting of these conservation areas, given the

separation distance between the site and other designated heritage assets. Proposals would sustain and enhance both the character and appearance of the surrounding conservations areas, make a positive contribution to the setting of Tomlins Grove and Tower Hamlets Conservation Areas. The proposals accord with relevant Development Plan and NPPF policies in this respect.

Housing

Principles

- 8.77 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” and “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.”
- 8.78 The application proposes 62 residential units. The consolidated London Plan identifies a housing need of at least 3,931 units per annum in Tower Hamlets.
- 8.79 The quantum of housing proposed will assist in increasing London’s supply of housing and meeting the Council’s housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

Affordable Housing

- 8.80 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London’s population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 8.81 The proposed 62 units with 51% family units all affordable rents would be slightly above the 45% the policy requirement, however, given the scheme had been designed with particular reference to the council’s high need rented accommodation especially for families, would comply with the aforementioned Policies and to be provided at Borough Framework Rents. Following consultations, the Council’s affordable officer raised no objection subject to affordable rent condition.

Housing Mix

- 8.82 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing and Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council’s most up to date Strategic Housing Market Assessment (2009).
- 8.83 The table below compares the proposed target mix against policy requirements:

Ownership	Type	Number of units	Policy requirement (%)	Proposed mix (%)
Affordable Rent	1 bed	16	30	26
	2 bed	14	25	23
	3 bed	20	30	32
	4 bed	12	15	19

- 8.84 DM3 (3.3) states that the Council will give favourable consideration to proposals which exceed its strategic target of 50% affordable housing., current proposal is 100% affordable as earlier stated which exceeds the Council's affordable provision target.
- 8.85 The Councils Housing section have advised that 50% of the rented homes will be Tower Hamlets social target rent and the remaining will be Tower Hamlets Living Rents.
- 8.86 In relation to the affordable rent mix, given that the proposals is 100% affordable rent, the proposal would broadly meet the policy targets and in particular the affordable rented accommodation proposed would have a good mix of 1, 2, 3 and 4 bedroom homes for prospective occupiers. Overall the scheme would provide 51% of family units which is slightly above the policy requirements of 45%. There are a total of 20 units within the northern block comprising of 18 x 3 bed units and 2 x 2 bed wheelchair units. The southern block comprises of 42 units in total, 16 x 1 bed of which 2 are wheelchair units, 12 x 2 bed units, 2 x 3 bed wheelchair units and 12 x 4 bed units.
- 8.87 On balance, whilst there is some conflict with policy targets, the scheme overall provides a balance of different unit sizes which contributes favourably to the mix of units across tenures within the borough as a whole especially with the generous provision of family units, would therefore be considered to be policy compliant with DM3 of the Local Plan.

Wheelchair Accessible Housing and Lifetime Homes Standard

- 8.88 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.
- 8.89 Six wheelchair accessible homes are proposed which amounts to approximately 10% of the total units.
- 8.90 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 on- street car parking space would be provided at the front of site on Arnold Road.

Quality of residential accommodation

- 8.91 GLA's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific

advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.

- 8.92 All of the flats meet the relevant London Plan space standards; have a floor-to-ceiling height of 2.6m in accordance with the GLA's Housing SPG. No floor would have more than 8 units per core, again in accordance with the SPG.
- 8.93 Approximately 75% of the flats would be dual aspect and all of the flats would have balcony at a size which would be policy compliant. The only single aspect units are the 1 bedroom flats which are east facing.
- 8.94 The applicant has submitted an independent daylight and sunlight analysis. This demonstrates that 91% of the habitable rooms would meet the guidance set out in the BRE guide for minimum levels of average daylight factor (ADF).
- 8.95 The analysis has also assessed the sunlight levels of the site in context of the surrounding buildings and the results shows that the majority of surrounding residential properties will meet the BRE Guidelines in terms of daylight and all remaining rooms are within units where the majority of rooms meet the BRE Guidelines for daylight, indicating all units will be well daylight. In sunlight terms all but five of the main living spaces analysed contain at least one window which meets the BRE Guidelines in terms of APSH. Each of the five remaining living rooms includes access to a balcony which provides an excellent alternative source of additional sunlight amenity.
- 8.96 There are a number of rooms and windows within the Tomlins Grove properties which would experience reductions beyond the BRE guidelines in VSC terms, in both cases these windows and rooms are significantly obstructed from receiving daylight and sunlight by their own massing, namely side returns and balconies at its highest in the sky. In any case, of those windows which do not meet annual sunlight standards, they all meet or exceed the standard for winter probable sunlight hours. Overall, the results demonstrate that the development would receive very good daylight and sunlight having regard to the urban location of the development.

Amenity space and child play space

- 8.97 Private amenity space requirements are determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm. The proposal provides private amenity space, in the form of balconies to all of the flats in compliance with the above quantitative standards.
- 8.98 Policy DM4 requires communal amenity space and child play space for all developments with ten or more units. The communal amenity space requirement for this development is 100sqm. The child play space requirement is 10sqm per child. The development is predicted to contain 61 children and therefore 610sqm of child play space is required, split across the different age groups set out in the GLA's Play and Informal Recreation SPG (2012).
- 8.99 The development would provide approximately 979sqm of amenity space. This would significantly exceed the combined requirement of 710sqm for communal amenity space and child play space for all ages. The Design and Access Statement has set out indicative arrangements for these spaces. The 'sun hours on the ground' assessment shows that most part of the amenity spaces would exceed the minimum

standards set out in the BRE guidelines and would appear well sunlit. Only small part of the 5 – 11 age group will receive two hours of sunlight on March 21st to 43% of its area, this would be considered sufficiently close to the BRE Guideline to be considered acceptable.

- 8.100 The spaces are accessible, secure and appropriately separated from vehicular traffic and well overlooked by the proposed development and would be accessible to all residents. The detail, including planting and play equipment can be appropriately secured by condition. The condition shall also seek to ensure a minimum of 610sqm of child play space is provided.



Amended Landscaping – Communal and Child Play Space

Neighbouring amenity

- 8.101 Policy DM25 of MDD requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.

Daylight and sunlight

- 8.102 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.
- 8.103 The applicant has submitted a daylight assessment by Waldrams daylight & sunlight. The report has analysed 40 properties surrounding the development to assess the impact this development will have on their daylight and sunlight due to their proximity to the development site. The properties tested are: 8 – 11 Mornington Grove, 28 & 29 Mornington and 7 – 25 Tomlins Grove.

- 8.104 Properties 8 – 11 Mornington Grove, 4 – 7, 9 & 20 – 25 Tomlins Grove are fully compliant with the BRE Guidelines on daylight and sunlight in terms of VSC daylight distribution and APSH. Nos. 28 & 29 Mornington Grove, there are four windows (W8 and W10) on the first and second floors which would experience reductions in VSC beyond 20% recommended in the BRE Guidelines, although W8 and W10 on the first floor and W10 on the second floor are likely to sufficiently close to the BRE Guidelines to be considered acceptable, experiencing 25%, 26% and 23% reduction respectively. W8 would experience a 38% reduction in VSC but importantly the room it serves, R2, experience no change in its daylight distribution, indicating this room will remain as well daylit in the proposed situation as it currently is in existing situation, meets the BRE Guideline in terms of VSC.
- 8.105 In terms of sunlight, all windows which look over the proposed development site and face within 90 degree of due south meet the BRE Guidelines for APSH with the proposed development.
- 8.106 In relation to properties on Tomlins Grove, nos. 4 – 7, 9, 20 – 23 would meet the BRE Guidelines in terms of VSC with the proposed development in place. For each property from and including 8 – 18 Tomlins Grove, the significant majority of the windows meet or come sufficiently close to the BRE guidelines in terms of VSC to be considered acceptable but there is one window likely to serve a habitable room on the ground floor which experience a reduction in VSC beyond 20% recommended in the BRE Guidelines. However, in all but five cases, the rooms served by these windows meet or come close sufficiently to the BRE Guidelines for daylight distribution to be considered acceptable, indicating these rooms will remain appropriately well-lit with the proposed development.
- 8.107 In terms of the four remaining windows and rooms, W1 on the ground floor of 8,15,16,17 and 18 Tomlins Grove, these windows are blinkered by their own massing (side returns and balconies) and not as a result of the proposed development.
- 8.108 In relation to sunlight, all habitable rooms analysed contain at least one window which meets the BRE Guidelines in terms of APSH
- 8.109 Overall, the proposal makes appropriate efforts to protect neighbouring properties' sunlight in accordance with policy DM25.

Conclusion

- 8.110 Overall, as would be expected, the proposals would result in some impact on the daylighting conditions of the surrounding development. The results show that there would be noticeable reductions in the level of daylight from some windows. However, the rooms affected would remain well-lit and have adequate amenity reducing the overall impact, therefore would be considered acceptable in accordance with Local Plan policy DM25.
- 8.111 While perceptible reductions to daylighting would still occur, in all cases the properties would continue to receive good levels of daylighting, especially for an urban location, it is therefore considered that the proposal would appropriately protect surrounding residents' level of daylight in accordance with Local Plan policy DM25.

Privacy, outlook and enclosure

- 8.112 Given the location (adjoining the rear boundary with the Thames Magistrates Court) to the north and nature of site (an infill development) with the separation distance, in excess of average of 36m between this development and the rear elevation of

neighbouring properties on Tomlins Grove to the east, and approximately 30m away from Mornington Grove to the south, approximately 60m away from the nearest property on Mornington Grove to west with no significant loss of privacy and outlook.

- 8.113 Having regard to the heights of the proposed buildings and their proximity to their neighbours, it is not considered that the development would not cause undue sense of enclosure to any of its neighbouring residents.

Overshadowing

- 8.114 Due to the separation distances, location and nature of development indicated above, proposal would not result in significant overshadowing of nearby residential properties.

Noise, vibration and air quality

- 8.115 The effects on the noise, vibration and air quality during the construction and operational phases of the development are assessed elsewhere in this report. However, in summary, they are considered acceptable subject, where applicable, to conditions.

Conclusion

- 8.116 The proposal has been developed so it appropriately takes account of neighbouring properties' amenity and accords with the aforementioned policy.

Highways and Transportation

- 8.117 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and 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. The NPPF and Policy 6.1 of the London Plan 2016 (as amended) seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.

- 8.118 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, including emphasis that the Council will promote car free developments in areas of good access to public transport.

- 8.119 Core Strategy policies SP08 and SP09, together with policy DM20 of the Local Plan seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity. They highlight the need to minimise car travel and prioritise movement by walking, cycling and public transport. They require the assessment of traffic generation impacts and also seek to prioritise and encourage improvements to the pedestrian environment.

Traffic Generation

- 8.120 The site has a PTAL level of 6a, demonstrating that it has an 'excellent' level of accessibility to public transport. Transport Assessment. The submitted with the application shows that the proposal would not significantly increase trip generation around site.

Car Parking

- 8.121 The proposals would be a 'car-free' development with the provision of 2 on-street disabled parking. The two existing crossovers into the site will be closed and reinstated as footway providing additional kerb space to accommodate the proposed disabled bays, therefore there will be no loss of on-street parking as a result of the proposed development. Applicant will be responsible for the road improvement costs, this can be achieved via condition.

Cycle Parking

- 8.122 The number of residential cycle spaces to be provided would be 108 and the number of visitor cycle spaces is 3. The residential and visitor cycle space numbers are in compliance with relevant policy. Details would be reserved by condition. The long stay cycle parking for the residential and B1 uses would be considered acceptable. However, details of the location would be required; this can be achieved via condition.

Access / Servicing and Deliveries

- 8.123 The deliveries and servicing strategy is for on-street servicing which is considered appropriate, given that the residential units would generate a low level of servicing requirements. Residential deliveries generally consist of post, occasional furniture deliveries, online shopping and grocery deliveries. It is expected that the majority of deliveries would be undertaken in a 7.5ft box van. Commercial units typically generate 0.25 deliveries per day, therefore the proposed 398sq.m of commercial floor space would be expected to generate 1 delivery per unit per day. The proposed scheme has been designed to ensure that refuse can be collected from Arnold Road

Accessibility

- 8.124 The site benefits from an excellent level of accessibility to public transport reflected by its PTAL rating of 6a. It is well connected to Bow Road station and bus stops on Bow Road within 250m to the north.

Construction traffic

- 8.125 The applicant has provided preliminary information on construction management. While this is welcome a condition is attached requiring approval of a Construction Management Plan prior to commencement of the development. Details would need to be submitted closer to commencement when a contractor has been appointed.

Conditions

- 8.126 Highways and TfL recommend the following conditions to mitigate the impact of the proposal:
- Require the scheme as 'permit-free';
 - Require approval of a car parking management plan;
 - Require approval of a Travel Plan;
 - Require approval of a Servicing Management Plan;
 - Require approval of a Demolition and Construction Management Plan;
 - Require approval of a Scheme of Highways Improvements Plan;

8.127 The above conditions have been recommended as part of this report

Summary

8.128 Subject to conditions, transport matters, including vehicular and cycle parking, vehicular and pedestrian access are acceptable and the proposal should not have a detrimental impact on the public highway in accordance with National Planning Policy Framework (NPPF); 6.1 of the London Plan, SP08 and SP09 of the Core Strategy (2010) and DM20 of the Managing Development Document (2013).

Waste

8.129 DM14 of the Local Plan requires applicant's to demonstrate how waste storage facilities and arrangements are appropriate to implement the Council's waste management hierarchy (reduce, re-use and recycle).

8.130 In terms of construction waste, a site waste management plan (as part of a Construction Environmental Management Plan) is recommended to be secured by condition to ensure, inter alia, that excess materials would not be brought to the site and that building materials are re-used wherever possible.

8.131 In terms of operational the amended plans would be considered acceptable, given the location and type of facilities proposed. The proposed access arrangement for refuse collection would be considered acceptable. Whilst some concerns were raised initially with the workability of the proposed accesses and the usability of the central yard, the amended plans would overcome the concerns with appropriate conditions in respect of further details.

Energy & Sustainability

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

8.133 The climate change policies as set out in Chapter 5 of the London Plan 2015, 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.

8.134 The London Plan sets out the Mayor's energy hierarchy which is to:

- Use Less Energy (Be Lean)
- Supply Energy Efficiently (Be Clean)
- Use Renewable Energy (Be Green)

8.135 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 (circa 45% reduction against Building Regulations 2013) through the cumulative steps of the Energy Hierarchy.

- 8.136 Policy DM 29 requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential to achieve BREEAM Excellent. The applicant has submitted a BREEAM score sheet which shows the scheme is designed to achieve a BREEAM Excellent rating with a score of 75%. It is recommended that the submission of the final certificate to demonstrate achievement of BREEAM Excellent rating should be secured via Condition. It is recommended that the submission of the final certificate to demonstrate achievement of BREEAM Excellent rating should be secured via Condition, unless otherwise agreed in writing.
- 8.137 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy systems in accordance with the following hierarchy: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.
- 8.138 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures, use of a centralised CHP system and a PV array. Notwithstanding the need to be compliant with London Plan policy 5.6, the CO2 emission reductions proposed are supported and would result in a circa 45% reduction against the Building Regulations 2013.
- 8.139 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 45% reduction in CO2 emissions. Whilst the proposals are demonstrating the development is policy DM29 complaint for CO2 emission reductions, it should be noted that use of electrical base systems has the potential to result in higher fuel bills for the residents.
- 8.140 Should the scheme be recommended for approval it is recommended that the proposals are secured through appropriate Conditions to deliver:
- Submission of 'As built' calculations to demonstrate the 45% reduction has been achieved.
 - Submission of PV array specification showing peak output (kWp) the 609m2 array
 - Submission of communal heating details including plant room layout plan and pipe routing schematic showing all uses within the development are served by the system
 - Delivery of BREEAM Excellent Development unless otherwise agreed in writing with LBTH

Environmental Considerations

Air quality

- 8.141 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.

- 8.142 In this case, the applicant has submitted an Air Quality Assessment with an updated calculation received 14 November 2016, which has been reviewed by the Council's Air Quality Officer. However, the GLA has recently introduced a requirement for an Air Quality Neutral Assessment which has been reviewed by the Council's Air Quality Officer and found to be acceptable.
- 8.143 The development provides policy compliant off-street parking and all of the occupiers of the residential will be restricted from applying for on-street parking permits (other than disabled occupiers). Conditions have been imposed to control the demolition and construction process. To be discussed further depending on comments from highways.
- 8.144 Future residents and users of the proposed development would be appropriately protected from existing poor air quality in the Borough and the new development satisfactorily minimises further contributions to existing concentrations of particulates and NO₂ in accordance with the aforementioned policies.

Noise and vibration

- 8.145 London Plan policy 7.15 and Local Plan policy DM25 sets out policy requirements for amenity and requires sensitive receptors (including residents) to be safeguarded from undue noise and disturbance.
- 8.146 Given the location of site in close proximity to a train line to the south west of site, a noise and vibration assessment is therefore required to justify the suitability of a new development for residential use on site. An Acoustic Report has been submitted in support of the application and this has been reviewed by the Council's officer and considered the report and its recommendations acceptable. The development itself would not create significant noise or vibration. The report advises that the main source of noise on site is trains passing on the nearby railway. Subject to glazing meeting certain specifications and ventilation measures such as acoustic air bricks, enhanced acoustic double glazing and acoustically attenuating louvers, the future occupiers would not be exposed to undue noise having regard to British Standard BS8233:2014. A glazing and ventilation condition is recommended to secure this mitigation.
- 8.147 In relation to external amenity spaces, some external spaces are expected to exceed the recommended levels, even when all reasonable mitigation methods are applied. However, alternative, relatively quiet, amenity space would be available to residents at the northern half of the west facing garden areas and the central yard provide quieter amenity spaces away from the railway. BS 8233:2014 advises that noise levels below 55dB would be desirable.
- 8.148 The results show that the play space at the north of the site would achieve a noise level that will meet the British Standard due to the increased distance from the railway and the shielding from both the perimeter wall and the railway cutting. However, the noise levels increase in the amenity spaces towards the south of the south, and exceed the standard in the 'rose garden' space at the south of site. Whilst this is undesirable, there are no effective mitigation measures for this amenity space. It should be noted that other amenity would provide alternative (and quieter) amenity space.
- 8.149 Subject to relevant conditions (controlling construction traffic and the method of demolition and construction), and acknowledging non-planning controls over demolition and construction such as the Environmental Protection Act and Control of

Pollution Act, the proposal adequately mitigates the effects of noise and vibration of demolition and construction.

- 8.150 Having regard to the above, it is considered that subject to relevant conditions, the development both during construction and operation would adequately mitigate the effect of noise and vibration on future occupiers and surrounding residents as well as members of the public. The proposal accords with relevant Development Plan policies other than those relating to balconies discussed earlier.

Flood Risk and Water Resources

- 8.151 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off. Condition suggested in terms of permeable materials to comply with London Plan Policy 5.13.
- 8.152 Thames Water advises that there are no concerns with additional water demand from this development. They have advised that a drainage strategy condition be imposed to allow more information to determine the waste water needs of the development. They also advise that their assets may be located underneath the site, therefore they have advised imposing a number of conditions relating to construction and piling details. Thames Water also advises imposing a condition in respect of the site drainage strategy to satisfy their concerns in regards to the impact on the public sewer system. Appropriate conditions are recommended.
- 8.153 In summary, and subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF and its associated Technical Guidance, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Biodiversity

- 8.154 The application site contains buildings and hard standing with small areas of vegetation including an area of young trees, shrubs and climbers on the western edge of the site. These have the potential to support nesting birds, as does a nest box on the western edge of the site. The proposed loss of these trees and other vegetation would not have a significant adverse impact on biodiversity. Following consultation with the Council's biodiversity officer, no objections have been raised subject to timing of vegetation clearance condition. Overall, the proposals would be considered acceptable to comply with the objectives of Policy DM11 which requires developments to deliver net gains for biodiversity. The officer raised the issue of the proposed small landscaping which would not comply with the Local Biodiversity Action Plan (LBAP) objectives. The subsequent amendments with additional landscaped area to the central courtyard would overcome the concern, proposal would be considered to comply with the objectives of the Local Biodiversity Action Plan.
- 8.155 None of the proposed trees is native, though some of them are good nectar plants. The proposed rose garden will be a very good source of nectar while the roses are flowering. This will contribute to a LBAP target to provide more forage for bees and other pollinators. However, the planting could be significantly improved for bees if a greater diversity of nectar-rich flowers was included, this can be achieved via condition.
- 8.156 The proposed climbers on the wall of one of the buildings would provide nesting opportunities for birds, including house sparrows. However, using native ivy instead

of the proposed Boston-ivy would provide much more wildlife value, as it is a good nectar plant, a caterpillar food plant for the holly blue butterfly, and provides berries in late winter when other sources of berries have been eaten. Proposal to include green roofs, bat boxes for birds such as house sparrow and swift in the development to comply with best practice guidance published by Buglife and would contribute to a LBAP target for new open mosaic habitat.

8.157 Accordingly, and subject to the recommended conditions, the proposal accords with the London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD which seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.

Health Considerations

8.158 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.

8.159 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.

8.160 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.

8.161 The proposal provides on-site child play and communal amenity space at policy compliant levels. The accessibility to parks, green space and play areas/recreation (Archibald Open space and Tower Hamlets Cemetery Park) in close proximity to the development is also recognised. It is noted that the development would be liable for Community Infrastructure Levy contributions and health facilities are included on the Council's Regulation 123 list (i.e. the development may result in a contribution towards improved health infrastructure). The health benefits to residential occupiers of living in homes with good levels of daylight are recognised and the proposed residential units are considered to have good levels of daylight and sunlight. The effect of noise on the living conditions of occupiers can be adequately addressed through planning conditions. However, it is noted that the noise exposure to some balconies would be above the recommended level set out in British Standard 8233:2014.

8.162 It is also noted that the site has excellent public transport accessibility which would therefore discourage vehicle trips and encourage cycling and walking. Cycle parking is provided, in accordance with London Plan standards

8.163 It is considered when weighing up the various health considerations pertinent to this scheme, the proposal would be consistent with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Impact upon local infrastructure / facilities

8.164 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's draft 'Planning Obligations' SPD (2015) sets out in more detail how these impacts can be assessed and appropriate mitigation.

8.165 The NPPF (at paragraph 204) states that planning obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and,
- Fairly and reasonably related in scale and kind to the development.

8.166 Regulation 122 of the 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. The Council adopted a Borough-level Community Infrastructure Levy on April 1st 2015. Consequently, planning obligations are much more limited than they were prior to this date.

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

8.168 The Council's draft Supplementary Planning Document on Planning Obligations (2015) provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also sets out the main types of contributions that can be sought through planning obligations, these include:

- Affordable Housing;
- Skills training;
- Job brokerage, apprentices and work placements;
- Supply chain commitments towards local enterprise;
- Site specific transport requirements;
- Certain transport measures;
- Site specific public realm improvements / provision;
- Carbon Reduction measures;
- Biodiversity measures;
- Site specific flood mitigation / adaption measures; and,
- Community Facilities.

8.169 The developer is required to use reasonable endeavours to meet at least 20% local procurement of goods and services by value and 20% local labour during construction and a permit-free agreement condition.

8.170 The financial and non-financial contributions are considered to be in compliance with aforementioned policies and Regulation 122 'tests'.

Local Finance Considerations

8.171 As noted above section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with a planning application a local planning authority shall have regard to:

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

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

- 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
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.173 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor's Community Infrastructure Levy and would attract a New Homes Bonus. These financial considerations are material considerations and weigh in favour of the application.

8.174 It is estimated that the development would be liable for Tower Hamlets CIL and Mayor of London CIL. However, given the existing building is occupied and given the proposed housing is social housing, it is likely no actual payment would be applicable due to the relief that would be available. In addition a total of £661,722.00 of New Homes Bonus payments over a period of 6 years.

Human Rights Considerations

8.175 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:-

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

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

balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 8.177 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.
- 8.178 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.179 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.180 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.181 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.
- 8.182 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions.

Equalities Act Considerations

- 8.183 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
- 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.
- 8.184 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.185 The contributions to the provision of affordable housing support community wellbeing and social cohesion.

8.186 The proposed development allows, for the most part, an inclusive and accessible development for all residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking and wheelchair adaptable/accessible homes.

9. CONCLUSION

9.1 All relevant policies and material considerations have been taken into account. The development is recommended for approval. Planning permission should be **granted**, subject to planning conditions

Appendix 1

Site Location Plan

