

DEVELOPMENT COMMITTEE

Wednesday, 8 November 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 John Pierce
Councillor Helal Uddin, Councillor Suluk Ahmed, Councillor Chris Chapman, Councillor Andrew Cregan and Councillor Sabina Akhtar

Substitutes:

Councillor Danny Hassell, Councillor Ayas Miah, Councillor Clare Harrisson, Councillor Harun Miah, Councillor Mahbub Alam, Councillor Gulam Kibria Choudhury, Councillor Peter Golds and Councillor Julia Dockerill

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 6 November 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, 7 November 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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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8)

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 9 - 20)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 11th October 2017.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 21 - 22)

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 Place 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 Place 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	23 - 24	
4.1 (Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London (PA/17/01618)	25 - 84	Mile End

Proposal:

Residential development comprising 17,one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from five to eight storeys.

Recommendation:

That the Committee resolve to GRANT planning permission subject to conditions and informatives

- 5. PLANNING APPLICATIONS FOR DECISION** **85 - 86**
- 5 .1 327-329 Morville Street, London (PA/17/01253)** **87 - 126** **Bow East**
- Proposal:
- Demolition of the existing building and chimney and redevelopment of the site with the erection of a new six storey building to provide 62 residential units (Use Class C3), together with associated landscaping, rooftop amenity area, child play space and cycle and refuse storage facilities.
- Recommendation:
- That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the planning obligations in the Committee report, conditions and informatives.

- 5 .2 Regents Wharf, Wharf Place, E2 9DB (PA/17/01725)** **127 - 142** **St Peter's**
- Proposal:
- Change of use of the existing vacant space at lower ground floor into a one bedroom residential unit and planted courtyard.
- Recommendation:
- The Committee resolve to GRANT planning permission subject to the Director of Place given delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the Committee report

6. OTHER PLANNING MATTERS

None

Next Meeting of the Development Committee

Wednesday, 6 December 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

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:-

Asmat Hussain Corporate Director of Law Probity and Governance and Monitoring Officer,
Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 11 OCTOBER 2017

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

Members Present:

Councillor Marc Francis (Chair) (items 4.1, 5.2-3)
Councillor John Pierce (items 5.1-3)
Councillor Suluk Ahmed
Councillor Chris Chapman
Councillor Andrew Cregan
Councillor Danny Hassell (Substitute for Councillor Helal Uddin)

Other Councillors Present:

None

Apologies:

Councillor Helal Uddin
Councillor Sabina Akhtar

Officers Present:

Paul Buckenham	(Development Manager, Planning Services, Place)
Fleur Francis	(Team Leader - Planning, Legal Services Governance)
Gareth Gwynne	(Team Leader, Planning Services, Place)
Jen Pepper	(Affordable Housing Programme Manager, Place)
Nasser Farooq	(Team Leader, Planning Services, Place)
Brett McAllister	(Planning Officer, Place)
Victoria Olonisaye-Collins	(Planning Officer, Place)
Kirsty Gilmer	(Planning Officer, Place)
Zoe Folley	(Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillor Marc Francis declared a personal interest in (Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London (PA/17/01618). The Councillor left the meeting for the consideration of this item

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 6 September 2017 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, Place 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, Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

4. DEFERRED ITEMS

4.1 114 -150 Hackney Road, London, E2 7QL (PA/17/00250)

Update report tabled.

Paul Buckenham (Planning Manager) introduced the application for the mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height to house a maximum of 9 residential units, employment floorspace, flexible office and retail floorspace at ground floor level and provision of Public House along with associated works

Gareth Gwynne (Planning Services) presented application. The Committee were advised that the application for planning permission for the proposed development was considered by the Development Committee on 9th August 2017. Following consideration of the application, the Committee resolved to defer the application to undertake a site visit and to receive further information about:

- The future viability of the A4 use that could be used as a LGBT+ venue.

- The fit out of the unit and the applicant's contribution to this
- The daylight impacts to neighbouring properties.

In terms of the daylight impacts, Officers acknowledged that the proposal would have a significant major and moderate adverse impacts upon 1-14 Vaughan Estate. In view of this, the applicant had provided additional information showing that the main living rooms of the properties would remain largely unaffected due to their dual aspect nature and that only non habitable rooms would be affected. These rooms would still receive a reasonable level of light. The information also showed that the existing design of the properties acted as a significant constraint on rooms achieving good natural light. The Council had appointed consultants to review these findings and they agreed with these results. Officers, on balance, considered these impacts were acceptable.

Regarding the future viability of the A4 unit and the fit out costs, it was noted that steps had been taken to resolve these issues, including a round table meeting held on the 4th September, organised by officers involving the applicant, representatives of Friends of the Joiners Arms, the New Joiners Arms, and the Culture at Risk Officer from Greater London Authority (GLA). Following that meeting, the applicant had submitted a series of amendments to the scheme to increase the size of the A4 unit, assist with the fit out costs and amend the heads of terms to extend the minimum lease length for a future LGBT+ operator for to 25 years. It was also proposed that the opening hours of the A4 unit be extended to allow it to operate as a late night premises for a 12 month trial period. Details of which were set out in the update report.

Regarding noise breakout and disturbance, Officers were recommending a number of measures as set out in the Committee report and the update report.

Officers remained of the view that the planning application should be granted permission.

The Committee asked questions about the measures to preserve the amenity of the occupants of Vaughan Estate. Officers explained that due to the design of the buildings and nature of the site, the proposal would have a limited impact on these properties.

Members also asked questions about the proposed changes to the opening hours of the A4 unit to allow it to operate as a late night venue on a 12 month trial basis. The Committee asked about the grounds for granting these hours on a permanent basis and the level of complaints that would need to be received for these extended hours to be revoked. Officers explained the merits of the proposal to allow the impact of customers entering and leaving the premises to be monitored. Officers would be in a strong position to recommend that these hours be made permanent should no substantiated complaints be received about the operation of the premises. This matter would be decided under delegated powers subject to the standard procedures for determining planning matters. In response to further questions, it was noted that a number of premises in the surrounding area operated as late

night venues which set a precedent for this. Officers were also mindful of the fact that the Joiners Arms formally operated as a late night venue and that the applicant had carried out a lot of work to enable the A4 unit to operate as such. In view of these issues, it was considered that, in this case, the proposals were appropriate.

Members also asked questions about the request to give LBTH Councillors a role in adjudicating the selection criteria for the lease of the A4 unit. Officers advised of the need for the discussions to focus on the planning issues rather than potential end users which was outside the planning remit. The GLA would have a good understanding of the need to preserve LGBT+ late night venues so should be well placed to oversee this process. In view of this advice, the Committee requested that representations be made to the GLA to request that they consult the Council and the local community in overseeing the process.

Overall, Members welcomed the changes to the proposals. The Chair also felt that there would need to be serious evidence of significant levels of anti – social behaviour for the extended opening hours to be revoked and commented that the Licensing regime could also address any issues in terms of customers entering and leaving the premises.

On a vote of 4 in favour and 0 against, the Committee **RESOLVED**:

1. That the planning permission at 114 -150 Hackney Road, London, E2 7QL be **GRANTED** for mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four storeys to six storeys above a shared basement, to house a maximum of 9 residential units (Class C3), 12,600 sqm (GEA) of employment floorspace (Class B1), 1,340 sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within Use Classes B1/A1-A5) and provision of 316 sqm (GEA) of Public House (Class A4), along with associated landscaping and public realm improvements, cycle parking provision, plant and storage, (PA/17/00250) SUBJECT to
2. Prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the planning obligations set out in the 11th October 2017 Committee report subject to the amendments in the Committee update report.
3. That the Corporate Director of Place is delegated authority to negotiate and approve the legal agreement indicated above.
4. That the Corporate Director of Place is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the 11th October 2017 Committee report subject to the amendments in the Committee update report.

5. PLANNING APPLICATIONS FOR DECISION

5.1 (Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London (PA/17/01618)

Update report

Councillor John Pierce (Chair) for this item

Paul Buckenham introduced the application for the residential development comprising 17, one, two, three and four bedroom flats available for affordable rent. The height of the building ranged from five to eight storeys.

The Chair invited the registered speakers to address the Committee.

Alicia Joseph and Randone Francesco (local residents) spoke in objection to the application. They considered that the site should remain green space and provide a community garden for such things as food growing. Residents had held a number of meetings with local organisations including local schools and the Canal and Rivers Trust who were supportive of this approach in view of the community benefits. It was also felt that the proposal would have an oppressive effect on the surrounding area. Concern was also expressed about the significant biodiversity of the site and the clearing of the site and it was felt that the site should be brought back into use in its original state prior to the tree clearing. Reference was also made to the representations opposing the proposals. Overall, it was considered that the concerns with the previous application had not been addressed.

In response to questions, the speakers explained their concerns about the lack of engagement with residents about the plans (up until this new application had been submitted in the summer). They also emphasised the biodiversity value of the site, its current use as green space (noting it was locked because of security concerns but that local resident with a key could open it) and informal nature reserve, and outlined their alternative plans for the site. They also clarified their concerns about the clearing of trees without planning permission and the adverse effects of this in terms of the biodiversity value of the site. At this point, Officers clarified that none of the trees affected were protected and that they were not in the Conservation Area, therefore, this would not have been a breach of planning control.

Tim Bell (Architect) and John Coker (LBTH Housing) spoke in support of the application. They drew attention to the changes to the scheme to address the previous concerns in terms of the height, measures to further protect amenity, the setting of the canal and also the biodiversity enhancements. They also advised of the character of the existing space marked as A and B in the Committee report. Site A would accommodate the new housing and had been fenced off. The site had become overgrown and was cleared in 2016. Residents were informed of these works and only one response was received to the consultation. Site B had a gate and had been used by a few residents

and the entire site carried no special protection. This area would provide green space and be opened up for the community. Overall, there would be a net increase in biodiversity benefits. The proposals would also provide much needed affordable housing including units at TH Living rents and London Affordable rents and a range of other benefits.

In response to questions, the speakers explained the changes to preserve amenity in terms of sun lighting and privacy. With the permission of the Chair, Jen Pepper (Housing Services) clarified the rent levels for the affordable rents units. Regarding the consultation, the speakers explained that the Council had issued a bulletin in the summer informing residents of the changes to the plans. In response to questions about the impact on the open space, it was considered that the proposal would enhance the biodiversity value of site B - based on the condition of the site prior to its clearance. Whilst the plans would result in the loss of site A, the re - provided site B would provide a much wider and diverse mix of biodiversity improvements in addition to the other enhancements.

Nasser Farooq (Planning Services) presented the detailed report explaining the site and surrounds including the condition of the site pre and post its clearance. It was reported that a similar application was considered by the Committee in January 2017 and that Members were minded to refuse the application due to concerns over the following issues:

- The impact on the setting of the Canal Towpath and the Regents Canal Conservation Area.
- Impact on the properties at Parnham Street due to the separation distance.
- Loss of publically accessible open space.
- Overconcentration of one housing type

The application was then withdrawn.

The Committee noted the key features of the application compared to this previous scheme including the reduced height of the proposal, the revised design to preserve the setting of the canal, the child play space improvements and the enhanced biodiversity measures and wider improvements. They also noted details of the housing mix, the layout and that the Canal and Rivers Trust maintained their objections to the application.

Officers considered that the proposal would be acceptable in terms of height, scale, design and appearance; preserving the adjacent Regent's Canal conservation area. The scheme would result in the loss of open space as defined in the Committee report. However it was considered that the proposed benefits including the biodiversity enhancement measures and wider estate amenity and play space improvements would off - set this. Details of the improvements were noted.

The development would result in the provision of 100% affordable rented housing. This was strongly supported given the extremely high priority for affordable housing. Concern had been raised at the previous meeting about

the overprovision of one type of tenure, however given that the surrounding area comprised a wide mix of housing tenures, this could be considered acceptable. The amenity impact of the development would be acceptable. Officers considered that the changes to the application (to reposition the balconies amongst other measures) overcame the previous concerns. The scheme would meet the full obligation of financial contributions. However, given the Council was unable to enter into a s106 agreement with itself, the financial and non-financial contributions were to be secured by the imposition of conditions.

The Committee asked questions about the comments from the Canal and Rivers Trust. Officers confirmed that whilst they welcomed the setbacks in the design, they remain of the opinion that the proposal would cause harm to the setting of the blue ribbon network and the setting of the canal and tow path. Officers explained the nature of their concerns and their suggested conditions as set out in the Committee report.

The Committee also asked questions about the loss of site A as open space and also the impact of its recent clearance in terms of its policy status. It was questioned whether the clearing of the site might have compromised its condition and therefore prevented its designation as protected open land. Some also questioned whether the proposed enhancements would offset this loss of open space within the development site and whether it was desirable to replace green space with a tall building given the need for green space in this area as set out in the Council's Local Plan. Some support was also expressed for the site's retention and restoration to its pre clearance state given its value to the local community.

Officers reported that following the January Committee meeting, Officers had looked into the site history but could only find anecdotal evidence on the site history. Given the lack of any records detailing the site history, the Committee were advised to place limited weight on the comments about its historic status. Officers also emphasised the nature of the green space improvements. It was also confirmed that due to the absence of a legal agreement and formal arrangement for its use, officers considered that the proposal did not result in the loss of publically accessible open space. The site did however have some visual amenity, so it was considered that it could fall within the wider definition of open space. Despite this, it was considered that the benefits of the proposal would offset this loss.

In response to further questions about the affordable housing, it was confirmed that the accommodation would provide housing for residents on the waiting list, potentially families due to their size. Officers also clarified the location of the entrance to the housing and the outcome of the affordable rent review exploring different scenarios for the affordable rent mix.

In summary Members commented on the loss of the open space, the nature of this space and the benefits of the proposals.

On a vote of 2 in favour of the Officer recommendation to grant planning permission, 3 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Andrew Cregan proposed and Councillor Chris Chapman seconded a motion that the officer recommendation to grant planning permission be not accepted (for the reasons set out below) and on a vote of 3 in favour, 2 against and 0 abstentions, the Committee **RESOLVED:**

That the Officer recommendation to grant planning permission at (Locksley Estate Site D) at land at Salmon Lane and adjacent to 1-12 Parnham Street, London be **NOT ACCEPTED** for residential development comprising 17, one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from five to eight storeys (PA/17/01618).

The Committee were minded to refuse the application due to concerns over:

- The impact on the setting of the Canal Towpath and the Regents Canal Conservation Area.
- Loss of a publically accessible open space.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

5.2 Land bounded by Watts Grove and Gale Street, London, E3 3RE (PA/17/00732)

Update report tabled.

Paul Buckenham introduced the application for the redevelopment of the site to provide three residential blocks ranging from 3-7 storeys to provide 65 dwellings, plus associated working including the creation of a new links from Compton Close and between Watts Grove and Gale Street.

Victoria Olonisaye-Collins (Planning Services) presented the report explaining the site location, the existing use of the site and the recent planning history. The Committee were advised of the key features of the application and the outcome of the consultation and the changes to address the concerns raised about the proposed north/south access route.

Turning to the assessment, Officers considered that the land use was acceptable and was considered appropriate in this location. Whilst the density of the application would exceed the recommended range in policy, the proposals did not display any significantly adverse impacts typically associated with overdevelopment. There would be no unduly detrimental impacts upon the amenity of neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The development would provide an acceptable mix of housing types and tenure

including the provision of 100% affordable housing (with 31% rent and 69% intermediate), this was strongly supported.

The proposals would be acceptable in terms of height, scale, design and appearance. Transport matters, including parking, access and servicing were acceptable.

The Committee asked questions about the previously withdrawn applications and the reasons why they were withdrawn. Questions were also asked about the nature of the objections to this application, the impact on David Hewitt House and Ladyfern house, the density of the proposal given the public transport rating for the site. Questions were also asked about the measures to increase the level of affordable rent units, the viability assessment for grant supported scheme and the factors that would have been taken into account in undertaking the assessment.

Officers explained that concerns had been raised about the opening up of the north/south access route on the grounds that it could increase anti - social behaviour. The petition mostly concerned this issue. To address the concerns, the application had been amended to install gates amongst other changes. Officers also outlined the nature of their concerns with the previous applications. It was felt that these issues had now been addressed. It was also considered that the impact on David Hewitt House would broadly be acceptable in terms of the amenity impacts as detailed in the sunlight and daylight assessment.

Officers also provided further assurances regarding the density of the application given it met the relevant tests in policy and the height of the proposals. Officers considered that the variation in building heights would respond well to the area and that the seven storey building would sit comfortable with the surrounding building heights.

It was also explained that a lot of work had gone into bringing the site forward and that the developer had experienced a number of issues in trying to bring the previous 2012 application forward on viability grounds. Officers had worked hard to secure additional grant funding to increase the number of affordable rented units to 31% of the development since the application's submission. Officers had also sought to receive further information about the viability of the application (even though there was no requirement to provide a viability assessment for a 100% affordable scheme). Some of the key features of this assessment were explained.

On a vote of 5 in favour and 1 against, the Committee **RESOLVED**:

1. That the planning permission at Land bounded by Watts Grove and Gale Street, London, E3 3RE be **GRANTED** for the redevelopment to provide three residential blocks ranging from 3-7 storeys to provide 65 dwellings, plus bicycle parking, together with landscaping including public, communal and private amenity space. Creation of a new north-south link from Compton Close, a new east-west pedestrian between

Watts Grove and Gale Street, and two disabled parking spaces on Gale Street. (PA/17/00732) SUBJECT to

2. The prior completion of a Section 106 legal agreement to secure the planning obligations set out in the Committee report and the amendments in the Committee update report.
3. That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
4. That the Corporate Director of Place is delegated authority to recommend the conditions and informatives in relation to the matters in the Committee report and the amendments in the Committee update report.
5. Any other conditions and informatives considered necessary by the Corporate Director of Place

5.3 The Royal London Hospital, Whitechapel Road, London, E1 1BB (PA/17/02088)

Paul Buckenham introduced the application for soft-strip works involving removal of fixtures, fittings and partitions associated with the former hospital; and limited works of structural investigation and materials testing

Kirsty Gilmer (Planning Services) presented the report explaining the key features of the site and the surrounding area and the nature of the internal works. The Committee were advised that the proposal would facilitate the future redevelopment of the site. However, member's decision would not prejudice the determination of any future application at the site. It was noted that the proposed works had been sensitively considered to ensure the special architectural and historic interest of the Grade II listed building was preserved and there were a number of conditions to ensure this. Consultation had been carried out and no objections had been received.

On unanimous vote, the Committee **RESOLVED:**

That the listed building consent at The Royal London Hospital, Whitechapel Road, London, E1 1BB be **GRANTED** for soft-strip works involving removal of fixtures, fittings and partitions associated with the former hospital; and limited works of structural investigation and materials testing(PA/17/02088) SUBJECT to the conditions and informatives as set out in the Committee report.

6. OTHER PLANNING MATTERS

None.

The meeting ended at 9.45 p.m.

Chair, Councillor Marc Francis
Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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

Agenda Item 4

Committee: Development	Date: 8 th November 2017	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Place		Title: Deferred Items	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

2. DEFERRED ITEMS

- 2.1 The following item is in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
11 th October 2017	(PA/17/01618)	(Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London	Residential development comprising 17, one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from five to eight storeys	Committee indicated that it was minded to refuse the application due to concerns over: The impact on the setting of the Canal Towpath and the Regents Canal Conservation Area. Loss of a publically accessible open space.

3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred application is for consideration by the Committee. The original reports along with any update reports are attached.

- (Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London (PA/17/01618)

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

4. PUBLIC SPEAKING

4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

Agenda Item 4.1

Committee: Development	Date: 8 th November 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Applications for Planning Permission
Case Officer: Brett McAlister	Ref No: PA/17/01618
	Ward: Mile End

1. APPLICATION DETAILS

Location: (Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London

Existing Uses: Green open estate land.

Proposal: Residential development comprising 17,one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from five to eight storeys.

2. **Background**

2.1 This application for planning permission was considered by the Development Committee on 11th October 2017. A copy of the original report is appended.

2.2 At the committee members were minded NOT TO ACCEPT officer recommendation and were minded to REFUSE planning permission for the following reasons:

1. Loss of a publically accessible open space.
2. The impact on the setting of the Canal Towpath and the Regents Canal Conservation Area.

2.3 This report has been prepared to discuss the implications of the reasons for refusal and to discuss any further information provided by the applicant following the committee.

3. **Post committee changes**

3.1. As reported to committee, the application proposed a 50/50 split between London Affordable Rent (Previously known as Social Target Rents) and Tower Hamlets Living Rent (similar to the POD rents).

3.2. Following the Committee's decision not to accept the officer recommendation, the applicant has submitted a revised proposal to amend the rental structure so that all the 17 units are proposed at London Affordable Rent. This is equivalent to the rental levels previously known as "Social Target Rent". The lower rents would be an additional public benefit arising from the development if permission were to be granted. .

3.3. The following table shows the various rent options including the proposed London Affordable Rents:

2017/18	Including service charge	1 Bed	2 Bed	3 Bed	4 Bed
Average borough-wide market rents^	Yes	£340.12	£434.56	£545.18	£591.34
Local Housing Allowance (LHA)	No	£257.35	£302.33	£354.46	£417.02
Average Borough Framework Affordable Rents	Yes	£221.08	£239.01	£272.59	£295.67
LBTH Living Rents	Yes	£202.85	£223.14	£243.42	£263.71
London Affordable Rents ('social rents')	No*	£144.26	£152.73	£161.22	£169.70

^based on research by POD, external consultants

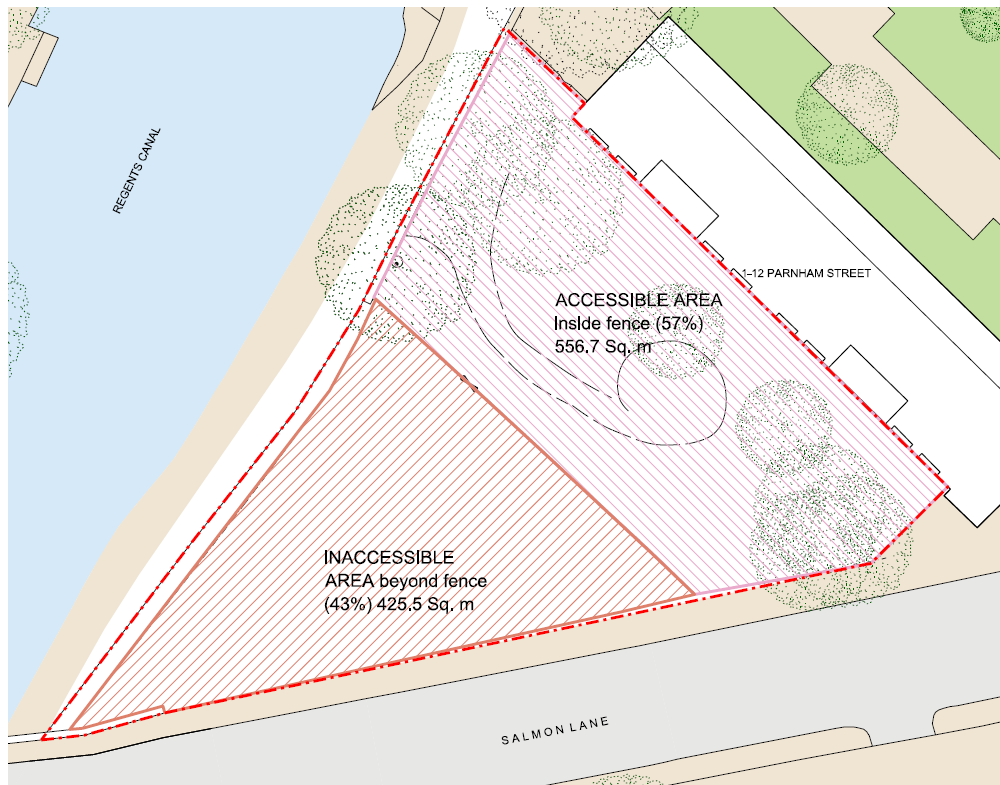
*service charges are estimated to be in the region of £20pw.

4.0 CONSIDERATION OF THE COMMITTEE'S REASONS FOR REFUSAL

- 4.1. The following section of the report looks at each of the concerns raised by committee members in more detail.

Loss of a publically accessible open space

- 4.2. The application site can be identified as having two distinct areas. A portion of the site, immediately to the rear of 1-12 Parnham Street is accessible and has been used in the past as 'communal amenity space' with residential access via a locked gate from Parnham Street. This area measures, approximately 556.7sqm and 57% of the application site (labelled B in the diagram below). This space could be considered to be communal amenity space serving the flats located at Parnham Street.
- 4.3. The second part of the site is secured by railings with no access arrangements. (Labelled A in the diagram below). This measures approximately 425.5sqm or 43% of the site. Council records are unable to confirm its previous usage, however it has been suggested that it was all one large communal amenity area serving 1-12 Parnham Street.



4.4. The Councils Local Plan contains two definitions of open space – publically accessible open space and general open space (wider definition). The definition of publically accessible open space is found within the Glossary of the Core Strategy p131. The Core Strategy defines Open Space (Publically accessible) as being:

“Open space will be considered to be publicly accessible, where access for the public is secured by virtue of legal agreements and formal arrangement; whether it is in public or private ownership. Publicly accessible open space will not include areas of water such as rivers, canals, lakes, docks or incidental spaces”

4.5. The wider definition of open space says:

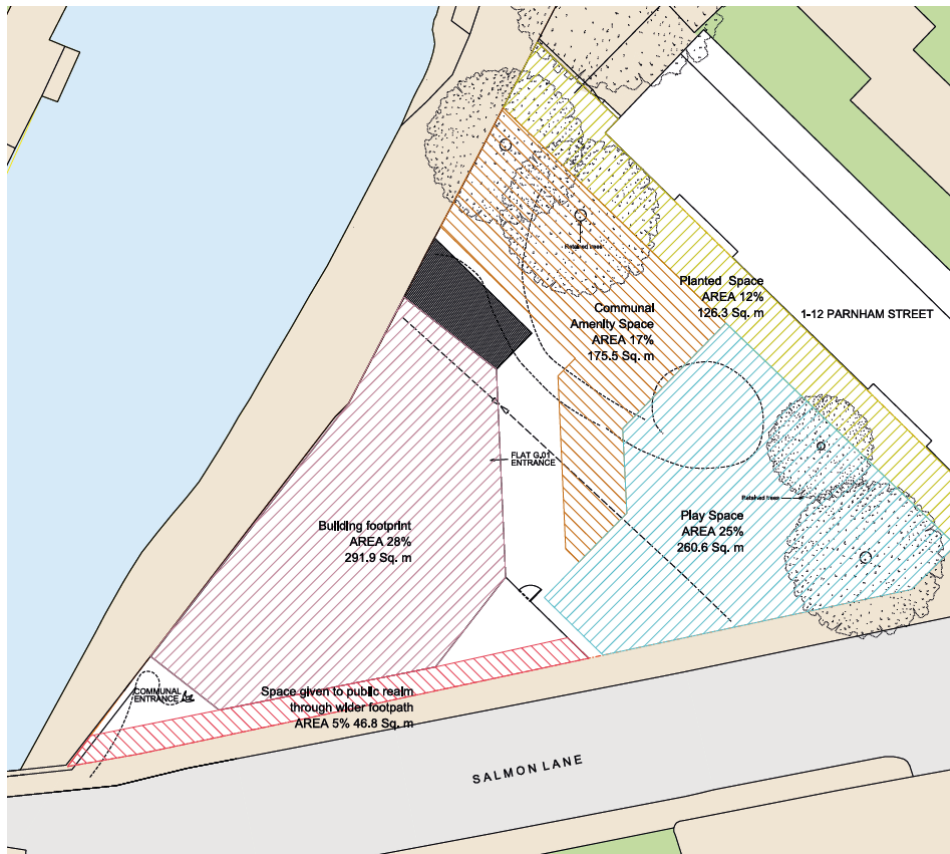
All open space that offers opportunity for play, recreation and sport or is of amenity value [emphasis added] including land, as well as areas of water such as rivers, canals, lakes and docks. This wider definition covers all open space, whether in public or private ownership, where public access is unrestricted, partially-restricted or restricted.

4.6. There is no legal agreement and formal arrangement for the use of the entire space, as such, officers maintain the view that the proposal does not result in a loss of “publically accessible open space”.

4.7. However, the space does have some visual amenity value; it is considered that it could fall within the wider definition of open space.

4.8. Policy SP04 of the Core Strategy is therefore applicable. This policy states the Council will “Deliver a network of open space by: Protecting and safeguarding all existing open space such that there is no net loss”.

- 4.9. The proposal would result in a loss of 304.6sqm of Open space of visual amenity value. This is approximately 31% of the site (areas A and B combined). The remaining is shown in the plan below. The remaining area is to be allocated as communal amenity, play space, a wider footpath and a planted area. As shown in the plan below:



- 4.10. In conclusion, the proposal would result in the loss of **open space** that offers visual amenity value, but has not been generally accessible to the public or (on the balance of probabilities) offered opportunities for sport, recreation or play.
- 4.11. Consequently, it falls to the Committee as decision makers to determine whether the loss of this area of partly un-used and inaccessible open space would be outweighed in planning policy terms by the benefits of delivering new affordable housing. The officer position is that that the balance falls in favour of the proposed development.

The impact on the setting of the Canal Towpath and the Regents Canal Conservation Area

- 4.12. The concern relating to the setting of the canal towpath and conservation area follow an objection from the Canal and River Trust (CaRT). A copy of their objection is appended to this report for information.
- 4.13. The following section of this report explains why officers do not agree with CaRT's position on this application.
- 4.14. Firstly, the following photographs help explain the relationship of the site to the Canal.



- 4.15. The above photograph shows the level difference between the western towpath on the right of the image with the application site which is above the wall on the eastern bank (not visible from this view).
- 4.16. The following photograph shows the towpath in question, the proposed building is to be located on the left hand side of the photo above the towpath wall. Two tall residential towers are visible in this view the one to the right more noticeable in the photo with the second tower partially visible to the left of the sun.



- 4.17. In relation to height, it is noted the immediate context is made up of buildings ranging from three to ten and 17 stories in height. The arrangement of a 8 storey block stepping down to 5 storeys successfully mediates between this range of building heights. The nine story element is located at the intersection of the canal and Salmon Lane forming a cluster of taller buildings with Anglia House (17 storeys) and Lowell Street (10) storeys.
- 4.18. The following photographs show some of these buildings, all within the immediate section of the facing or adjacent to the application site.



Photograph of the development opposite the site.



Photographs of the development opposite, further long and adjacent to the site.

4.19. CaRT suggest planning permission should not be granted because of the impact on the character and appearance of the Blue Ribbon Network, and its users.

4.20. The relevant part of their response which talks about the impact states

“We [CaRT] welcome the changes that have been made by the applicant to move the development back from the canal, reduce its height and address our concerns regarding materials at the top and base of the building. However, we remain of the opinion that the adverse impact on the quality of the environment of the Blue Ribbon Network around the bridge hole as a result of building so tall and so close to the back of an approx. 4m wall at the back of the towpath is excessive. We consider that the development will make the towpath in this location feel oppressive and give rise to increased fears of crime or anti-social behaviour (or instances of such). A 1m set back does not

overcome this, nor does a reduction from 9 to 8 stories on the tallest section immediately adjacent to the bridge hole.”

- 4.21. The response from CaRT suggests the main concerns are as a result of the building appearing *excessive* and *potential* to give rise to increased fears of crime or anti-social behaviour.
- 4.22. Your officers take a contrary position to CaRT and consider a building in this location will increase natural surveillance within an area that is already well overlooked by the opposite tow path, the green space from Stonebridge Wharf and from neighbouring residential buildings. The relationship in this particular location is similar to other locations along the canal and to have a building overlooking the towpath is considered a strong urban design principle applied to the site.
- 4.23. The view from Stonebridge Wharf is shown in the following photograph.



- 4.24. The following photograph is taken further south of the application site and shows a similar relationship to that proposed.



- 4.25. No objection is raised from the Crime Prevention Officer nor the Councils Urban Design officer.

4.26. In relation to the impact on the Regents Canal Conservation Area, CaRT state:

“The Trust previously raised concerns about the impact of the proposed development on the adjacent Regent’s Canal Conservation Area. We remain unconvinced that the development will preserve or enhance the character and appearance of the Conservation Area, as a result of its height and proximity to the towpath and particularly the Salmon Lane bridge hole. However, our primary concern and our objection in relation to this application is the impact on the Blue Ribbon Network and its users.”

4.27. As such, it is clear that CaRT remain *unconvinced* about the schemes impact on the Conservation area, with the primary concern being the impact on the Blue Ribbon Network.

4.28. Officers have considered the proposal in relation to the Conservation Area (as required by Section 72 of the Planning (listed Buildings and Conservation Areas) Act 1990. The proposed design would preserve and enhance the character and appearance of the conservation area. Notably the use of brick, accords with the material palette found within the locality and the proposed heights to be within the ranges of height seen within the surrounding context.

4.29. Overall, officers reasons set above and discussed within the committee report consider the proposed development, it’s siting and overall design to be an appropriate site specific approach that preserves the setting of the Regents Canal Conservation Area.

Conclusions

4.30. The proposal will result in the loss of 292sqm of Open Space, which is not publically accessible and has value in visual amenity terms only. The Committee should weigh this loss against the benefits of the proposed development, including the amended rental structure proposed .

4.31. The proposed high quality residential development scheme would provide much-needed affordable housing within the borough, of which there is a substantial demand, with very limited environmental effects. The development would have a positive relationship to the adjacent canal and towpath and would preserve and enhance the character and appearance of the Conservation Area. The officer recommendation remains to GRANT planning permission subjected to an amended obligation to secure 100% of the residential units at London Living Rents.

5.0 PROPOSED REASON’S FOR REFUSAL

5.1. The Committee is invited to take account of the above information before coming to a final decision.

5.2. If the Committee remains minded to refuse planning permission, the following reasons are provided based on the discussion at the previous committee meeting.

- 1. The proposed development results in a loss of open space, which would not be adequately off-set by the public benefits of the development. The development would conflict with policy SP04 of the adopted Core Strategy which seeks to protect open spaces.*

2. *The proposed development by virtue of its height, design and siting with a lack of setback from the Regents Canal would fail to preserve or enhance the character and appearance of the Regents Canal Conservation Area, and the Blue Ribbon Network. As such, the proposal fails to accord with policy (134) of the NPPF, policy 7.24 of the London Plan, policy SP10 of the adopted Core Strategy and policies DM12 and DM27 of the Managing Development Document.*

6.0 IMPLICATIONS OF THE DECISION

- 6.1. Following the refusal of the applications the following options are open to the Applicant. These would include (though not be limited to):
- 6.2. The applicant could submit an appeal to the Secretary of State. Appeals are determined by independent Planning Inspectors appointed by the Secretary of State. Appellants may also submit an application for an award of costs against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”
- 6.3. There are two financial implications arising from appeals against the Council’s decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour” as set out above.
- 6.4. Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122). Whilst officers consider that the obligations sought do meet those tests, the decision will ultimately fall to the Inspector and so there is the possibility at least that he/she may form a different view.
- 6.5. Whatever the outcome, your officers would seek to defend any subsequent appeal.

7.0 RECOMMENDATION

- 7.1 Officers recommendation remains to **GRANT PLANNING PERMISSION**, subject to conditions as listed within the original committee report, amended to take account of the revised rental structure
- 7.2 In the event that the Committee resolve not to accept the recommendation and are minded to refuse planning permission, suggested reasons are set out in paragraph 5.2.

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24 July 2017

Mr Brett McAllister
Tower Hamlets Borough Council
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London
E14 2BG

Our Ref CRTR-PLAN-2017-22746
Your Ref PA/17/01618

Dear Mr McAllister,

Proposal: Residential development comprising 17 one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from five to eight storeys.

Location: (Locksley Estate Site D) Land Adjacent to 1-12, Parnham Street, London

Waterway: Regent's Canal

Thank you for your consultation.

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process.

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Trust welcomes the fact that changes to the design have been made to reduce the height of the building and to set all but the reception area back from the retaining wall at the site's boundary with the canal towpath. However, we continue to advise that, on the basis of the information available, **planning permission should not be granted** for the following reason:

- a) Impact on the character and appearance of the Blue Ribbon Network, and its users.

Should the Council be minded to grant planning permission, we would advise that suitably worded **conditions are necessary** to address additional matters that are relevant to us as a statutory consultee:

- a) Impact on the structural integrity of the towpath, due to the proximity of the proposed development;
- b) Impact on the water quality of the canal.

**Canal & River Trust Fradley Junction, Alrewas, Burton-Upon-Trent,
Staffordshire, DE13 7DN**

T 0303 040 4040 E planning@canalrivertrust.org.uk W www.canalrivertrust.org.uk
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Impact on the character and appearance of the waterway corridor, and its users, due to the design of the development.

As we previously advised, the proposed development should be assessed against policy SP04 of the Council's Core Strategy and policy DM12 of the Managing Development Document. These require that development responds positively or sensitively to the setting of the waterspace, demonstrates that there is no adverse impact on the Blue Ribbon Network, provides suitable setbacks (where appropriate) and identifies how it will improve the quality of the waterspace.

We welcome the changes that have been made by the applicant to move the development back from the canal, reduce its height and address our concerns regarding materials at the top and base of the building. However, we remain of the opinion that the adverse impact on the quality of the environment of the Blue Ribbon Network around the bridge hole as a result of building so tall and so close to the back of an approx. 4m wall at the back of the towpath is excessive. We consider that the development will make the towpath in this location feel oppressive and give rise to increased fears of crime or anti-social behaviour (or instances of such). A 1m set back does not overcome this, nor does a reduction from 9 to 8 stories on the tallest section immediately adjacent to the bridge hole.

We consider that there are positive aspects of the design, such as the projecting box at ground floor level to promote passive surveillance, the simplification of the building form and the improved ground floor appearance. However, we remain of the opinion that the building is still too tall and imposing at the Salmon Lane end, immediately adjacent to the bridge hole. We suggest that it does not meet the requirements of policy SP04 of the Council's Core Strategy and policy DM12 of the Managing Development Document.

The Trust previously raised concerns about the impact of the proposed development on the adjacent Regent's Canal Conservation Area. We remain unconvinced that the development will preserve or enhance the character and appearance of the Conservation Area, as a result of its height and proximity to the towpath and particularly the Salmon Lane bridge hole. However, our primary concern and our objection in relation to this application is the impact on the Blue Ribbon Network and its users.

Impact on the structural integrity of the towpath, due to the proximity of the proposed development

We note that the towpath wall is intended to be retained as part of the development, which we would support. We are concerned at the potential impact of the construction of the development on the towpath and towpath wall, and would therefore request that further details

**Canal & River Trust Fradley Junction, Alrewas, Burton-Upon-Trent,
Staffordshire, DE13 7DN**

T 0303 040 4040 **E** planning@canalrivertrust.org.uk **W** www.canalrivertrust.org.uk

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of works that may affect the towpath wall, including the digging of foundations and piling, are agreed by the council by way of a suitably worded planning condition. We would want to be consulted on any details submitted to discharge this condition.

The applicant should consult the Code of Practice for Works Affecting the Canal & River Trust and contact our Works Engineer, Toby Pearce (toby.pearce@canalrivertrust.org.uk) to ensure that the necessary consents are obtained. I have suggested an informative in relation to this below.

Impact on the water quality of the canal due to the drainage proposals

The Application Form incorrectly states that land contamination is not suspected, which contradicts the information in the Phase 1 Desk Study.

The submitted Phase 1 Desk Study concludes that the site may be contaminated and the report recommends that an intrusive site investigation be undertaken to characterise soil and groundwater contamination. However, from the details submitted it would appear that an intrusive investigation has not been undertaken. In the absence of such an investigation and to ensure that the development does not have an adverse impact on water quality (in accordance with policy DM12), we would request a precautionary approach and that a Construction Environmental Management Plan be submitted, to include the following requirements:

- No surface water (either via drains or surface water run-off) or extracted/perched groundwater is to be discharged into the Regent's Canal during the demolition/construction works;
- Stockpiles of soil from the site must be located at a suitable distance away from the canalside elevation and suitable methods should be used to minimise dust emissions from the site during demolition/construction.
- If it is found that there are any surface water drains connecting the site with the canal, these must be capped off at both ends prior to the demolition and construction work beginning – i.e. at the point of surface water ingress and at the canal outfall.

We would request that the Trust be consulted on the CEMP when it is submitted to discharge this condition.

The Application Form indicates that it is not the intention to discharge any of the surface water to the canal. If the developer intends to discharge site surface drainage into the canal, this must be approved by the Trust. We suggest that if the Council is minded to grant planning

**Canal & River Trust Fradley Junction, Alrewas, Burton-Upon-Trent,
Staffordshire, DE13 7DN**

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permission, it should require further details on the surface water drainage strategy by way of a suitably worded planning condition.

Biodiversity

We consider that at present this site will be making a positive contribution to the biodiversity of the canal corridor. The removal of vegetation on the canal-side of the site would disrupt the blue/ green interface which provides important refugia and foraging habitat for numerous avian and mammal species. In accordance with policies DM11 and DM12, we suggest that more should be done to enhance the canal side wildlife now that most of the building will be set back from the towpath wall. We suggest that this matter should be addressed through a planning condition that requires further details of the landscaping proposals. A greater set back, which may help to resolve the objection that we have raised in relation to the impact on the Blue Ribbon Network and its users, may provide an even greater opportunity.

Should the Council be minded to grant planning permission, we request that the following conditions are imposed:

Conditions

“Prior to the commencement of the development hereby permitted, a Risk Assessment and Method Statement that assesses the impact of demolition and construction works on the Regent’s Canal (including its towpath) and the towpath retaining wall, along with measures to manage any risks identified to prevent damage to the structural integrity of the canal and the towpath retaining wall and harm to canal users, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the structural integrity of the Regent’s Canal and the safety of its users. The condition must be discharged prior to commencement to prevent adverse impacts during the demolition and construction phases”.

“Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to include the following requirements:

- No surface water (either via drains or surface water run-off) or extracted/perched groundwater is to be discharged into the Regent’s Canal during the demolition/construction works;*
- Stockpiles of soil from the site must be located at a suitable distance away from the canalside elevation and suitable methods should be used to minimise dust emissions from the site during demolition/construction.*

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Staffordshire, DE13 7DN**

T 0303 040 4040 **E** planning@canalrivertrust.org.uk **W** www.canalrivertrust.org.uk

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB



- *If it is found that there are any surface water drains connecting the site with the canal, these must be capped off at both ends prior to the demolition and construction work beginning – i.e. at the point of surface water ingress and at the canal outfall.*

Reason: In the interest of water quality of the Regent's Canal. The condition must be discharged prior to commencement to prevent adverse impacts on the water quality of the Regent's Canal during the demolition and construction phases.

Informatives

"The applicant/developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>)."

"The applicant/developer is advised that any encroachment into, or access over the waterway requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust's Estates Surveyor, Jonathan Young (jonathan.young@canalrivertrust.org.uk) regarding the required access agreement."

"The applicant/developer is advised that any drainage to the canal requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust's Utilities team for more information (Liz.Murdoch@canalrivertrust.org.uk)."

If you have any queries please contact me, my details are below.

Yours sincerely

Steve Craddock MRTPI
Planning Manager London, South & South Wales
Steve.Craddock@canalrivertrust.org.uk
07768 560282

**Canal & River Trust Fradley Junction, Alrewas, Burton-Upon-Trent,
Staffordshire, DE13 7DN**

T 0303 040 4040 **E** planning@canalrivertrust.org.uk **W** www.canalrivertrust.org.uk

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Committee: Development Committee	Date: 11 th October 2017	Classification: Unrestricted
Report of: Director of Place	Title: Applications for Planning Permission	
Case Officer: Brett McAllister	Ref No: PA/17/01618	
	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 17, one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from five to eight storeys.

Drawings: P1000, P1002, P1101, P1102, P1105, P1106, P1107, P1109, P1201, P1202, P1204, P1207, P1208, P2101, P2102, P2103, P2200, P2201, P2202, P2203, P4001, P4002, P4003, P5000, P5001, P3003

Documents:

- Design & Access Statement by Bell Phillips (June 2017)
- Daylight & Sunlight Report by Waldrams ref 1947 (03.04.2017)
- Planning Statement by RPS CgMs ref. RM/21885 (May 2017)
- Air Quality Assessment by Air Quality Consultants ref. J2495/D (10.07.2017)
- Arboricultural Impact Assessment by BF Clarke Bionomique Ltd ref. DFCP 3648 rev. C (03.05.2017),
- Ecological Assessment by Genesis Centre ref. 5451.008 (April 2017)
- Energy Statement by XC02 Energy (31.03.2017),
- Noise Impact Assessment by KP Acoustics ref. 13071.NIA.06 (28.03.2017)
- Phase 1 Desk Study Report by Ground Engineering ref. C13460 (February 2015)
- 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 17 one, two, three and four bedroom flats. The height of the building would range from five storeys to eight storeys. This follows an unsuccessful application for a part 6 and part 9 storey building, comprising 20 residential units (PA/16/02295). The 20 unit residential scheme was withdrawn by the Council following a committee recommendation not to accept officer's recommendation to grant planning permission.
- 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 17 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. Six 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 over 10% (2 units) would be provided as wheelchair accessible.
- 2.6 The provision of housing in particular affordable housing, coupled with the additional biodiversity enhancement measures and wider estate amenity and play space improvements, is considered to out-weigh the loss of open space.
- 2.7 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.
- 2.8 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.9 The scheme would meet the full obligation of financial contributions. However, given the Council is unable to enter into an 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 of Place 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 **£7,064** towards employment, skills, training for construction job opportunities
 - b) A contribution of **£30,200** towards Carbon Off-Setting.
 - c) **£2,000** towards monitoring fee (£500 per s106 HoT's)
- Total £39,264**

Condition 18/ Condition 24

3.3 Non-financial contributions:

- a) Affordable housing 100% by habitable room (17 units)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
- c) Any other contributions considered necessary by the Corporate Director of Place

3.5 That the Corporate Director of Place 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 of Place

3.8 Informatives:

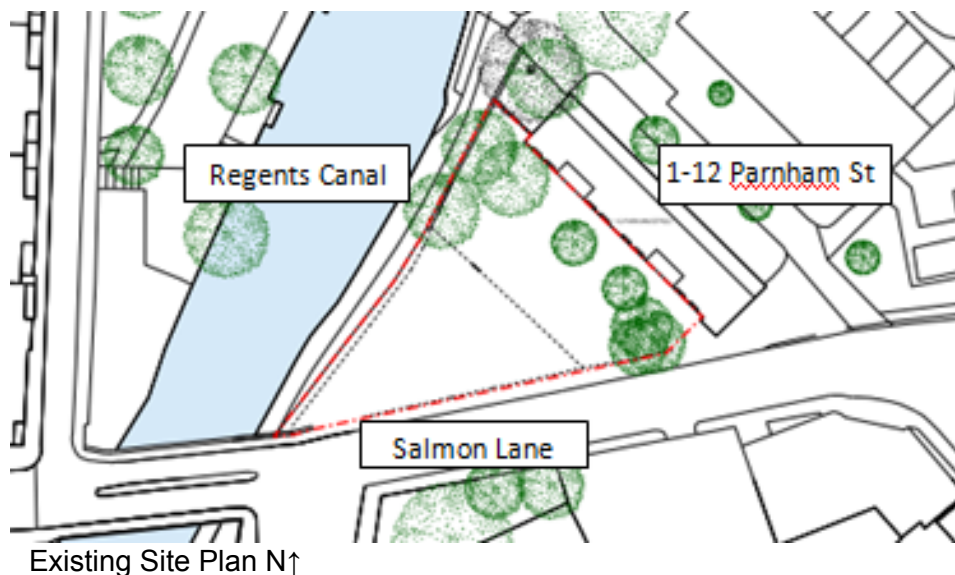
- 1. Thames Water – Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site.
- 2. Building Control
- 3. S.278
- 4. Fire & Emergency
- 5. Footway and Carriageway
- 6. CIL
- 7. Designing out Crime

3.9 Any other informatives considered necessary by the Corporate Director of Place

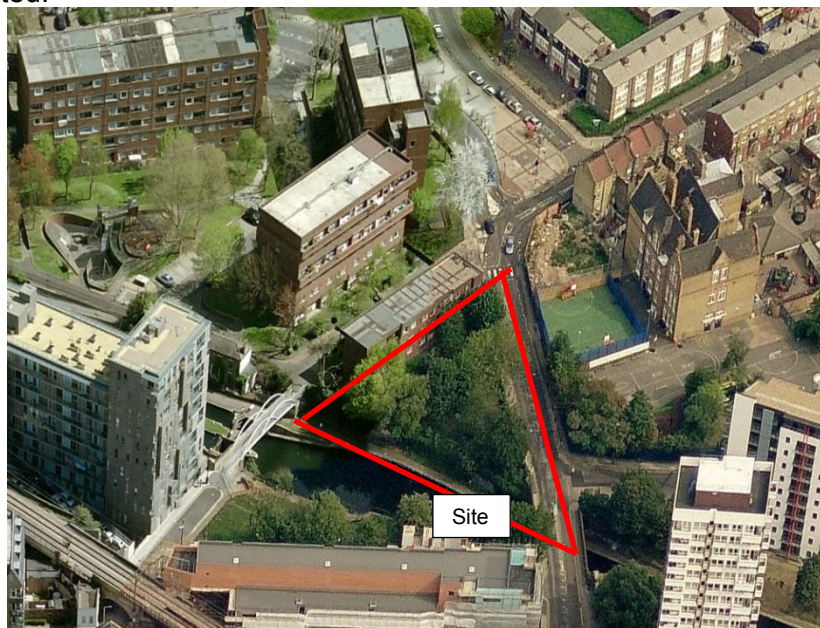
4.0 PROPOSAL AND LOCATION DETAILS

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.



- 4.2. As existing, the site is currently divided into two, with the area closest to 1-12 Parnham Street accessed via a secure gate to the north of that block, whilst the rest of the site, has been cleared of vegetation.
- 4.3. The surrounding area is characterised by a range of buildings developed over several decades, with the predominant land use 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.
- 4.4. 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)

- 4.5. 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).
- 4.6. The site lies within Flood Zone 1 therefore is categorised as low risk of flooding.
- 4.7. 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

- 4.8. PA/16/02295 - 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. This application was presented to Development Committee on 11th January 2017, with a recommendation to grant planning permission.

- 4.9. Members were minded not to accept officer recommendation and instead recommended the scheme be refused due to concerns over:
- The impact on the setting of the Canal Towpath and the Regents Canal Conservation Area.
 - Impact on the properties at Parnham Street due to the separation distance.
 - Loss of publically accessible open space.
 - Overconcentration of one housing type.
- 4.10. The applicant subsequently withdrew the application in order to revise the development. The main changes are:
- Reduction in height from 9 to 8 storeys and 6 to 5 storeys,
 - Amendments to façade to overcome privacy issues
 - Pulling the building away from the towpath
 - Additional child playspace improvements
 - Alterations to the materials to the base and top of the building

Proposal

- 4.11. Full planning permission is sought for the erection of a residential building of between 5 and 8 storeys in height to provide 17 residential units (5 x 1 bed, 6 x 2 bed, 4 x 3 bed and 2 x 4 bed) including landscaped communal amenity and child play space, cycle parking, gas meter room and associated works.
- 4.12. All of the proposed dwellings would be within the affordable rented tenure.
- 4.13. The ground floor layout would be a triangular shape with each of the corners removed. The south west corner opening onto Salmon Lane and bounding the Regent's canal would contain a single entrance lobby glazed entrance lobby. In addition to this the south of the ground floor would contain the plant rooms, 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.
- 4.14. The external area between the north and east of the building and 1-12 Parnham Street would be 520sqm's of communal space (250sqm of communal amenity and dedicated child play space (270sqm). The communal and child play space would be shared with 1-12 Parnham Road.
- 4.15. The upper floors (1-7) would consist of a further 16 high quality flats. The northern half of the building would be 5 storeys closest to 1-12 Parnham Street and 8 storeys at its southern half by Salmon Lane. The scheme will be based on a simple 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.
- 4.16. 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 previous and current development viewed from Stonebridge Wharf across Regent's Canal.



Previous Scheme



Current proposal

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 (2017)

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 Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

6.2 The following were consulted regarding the application:

Internal Consultees

Air Quality

6.3 No comments received on this application, however the advice from the previous scheme is still relevant and recommends a Construction Environmental Management Plan and all Non Road Mobile Machinery (NRMM) used in the construction to comply with the GLA's NRMM emission limits.

Canal & River Trust (CaRT)

6.4 CaRT welcome the changes that have been made by the applicant to move the development back from the canal, reduce its height and address concerns regarding materials at the top and base of the building. However, remain of the opinion that the adverse impact on the quality of the environment of the Blue Ribbon Network around the bridge hole as a result of building so tall and so close to the back of an approx. 4m wall at the back of the towpath is excessive. CaRT remain unconvinced that the development will preserve or enhance the character and appearance of the Conservation Area.

6.5 CaRT consider that the development will make the towpath in this location feel oppressive and give rise to increased fears of crime or anti-social behaviour.

6.6 CaRT note that the towpath wall is intended to be retained as part of the development, which we would support. We are concerned at the potential impact of the construction of the development on the towpath and towpath wall, and would therefore request that further details.

6.7 The removal of vegetation on the canal-side of the site would disrupt the blue/ green interface which provides important refugia and foraging habitat for numerous avian and mammal species. In accordance with policies DM11 and DM12, we suggest that more should be done to enhance the canal side wildlife now that most of the building will be set back from the towpath wall. We suggest that this matter should be addressed through a planning condition that requires further details of the landscaping proposals.

6.8 Should the application be approved CaRT would require further details on the surface water drainage strategy by way of a suitably worded planning condition.

Contaminated Land

6.9 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

6.10 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.

- 6.11 The Blue Badge parking bays, while welcome, would appear to exceed the recommended maximum distance between front door and parking space of 50m.
- 6.12 Highway recommend a condition is placed on any permission requiring agreement of a Construction Management Plan prior to commencing construction.

Occupational Therapist

- 6.13 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

- 6.14 A detailed surface water management plan which should complement the pro forma already provided to the applicant is required.
- 6.15 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

- 6.16 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.
- 6.17 A general condition and informative are recommended relating to the Secure by Design award scheme.

London Fire & Emergency Planning Authority

- 6.18 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.

- 6.19 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 6.20 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.
- 6.21 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

- 6.22 No comments received.

7.0 LOCAL REPRESENTATION

Applicants Consultation

- 7.1 The applicant's statement of community consultation has advised that the initial consultation programme started in August 2015 and it concluded in May 2016. Over that period, four consultation events (including a final exhibition) were held, and a total of 70 attended including local residents and Councillors). This helped inform the earlier planning application.
- 7.2 With regards to the current proposals, the applicant has advised an information bulletin giving details of the revised scheme was produced by the applicant and sent to local residents in May 2017 prior to submission of the planning application.
- 7.3 In addition to this, the applicant has advised that an update newsletter was hand delivered 9th June 2017 to residents.

Statutory Consultees

- 7.4 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.
- 7.5 The number of representations received in response to notification and publicity of the application is as follows:
- 7.6 No of individual responses: Objecting: 40 Supporting: 0
No of petitions received: 0
- 7.7 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:
- 7.8 Land Use/Density
- Area already too dense
 - Overdevelopment of land
- 7.9 Housing
- Overconcentration of affordable housing
 - Affordable housing is too expensive for local residents
- 7.10 Amenity Related
- Increase anti-social behaviour
 - Loss of light
 - Loss of view
 - Overshadowing
 - Noise
 - Trees reduce the pollution and noise on this busy stretch of road
 - Loss of privacy
 - Health issues
 - Disruption during construction
- 7.11 Infrastructure Related
- Local resources overstretched

7.12 Design

- Too tall and dominant
- Already too many high rise buildings in the area
- Not in keeping
- Impact York Square conservation area

7.13 Biodiversity

- Site should remain a green space/community garden
- Land should be designated as an Asset of Community Value
- Mature trees on site were cut down prior to submission of application
- Native hedge was removed prior to submission of application
- 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

7.14 Highways

- No parking available on the estate
- Increased traffic
- Concerns around servicing

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.

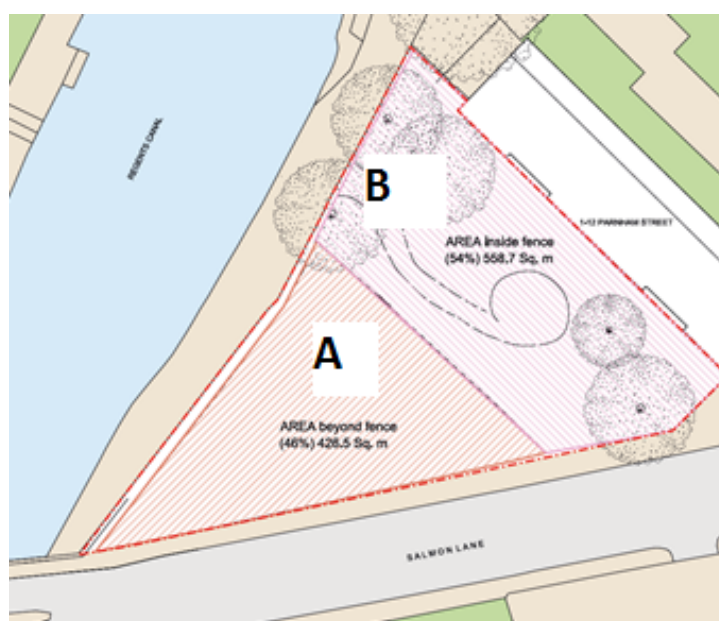
8.3 These economic, social and environmental goals should be sought jointly and simultaneously.

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.
- 8.7 The application site can be identified as having two distinct areas. A portion of the site, immediately to the rear of 1-12 Parnham Street is accessible and has been used in the past as 'communal amenity space' with residential access via a locked gate from Parnham Street. This area measures, approximately 558.7sqm (labelled B in the diagram below). This space could be considered to be communal amenity space serving the flats located at Parnham Street.
- 8.8 The second part of the site is secured by railings with no access arrangements. (Labelled A in the diagram below). This measures approximately 426.5sqm. Council records are unable to confirm its previous usage, however it has been suggested that it was all one large communal amenity area serving 1-12 Parnham Street. This part of 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.



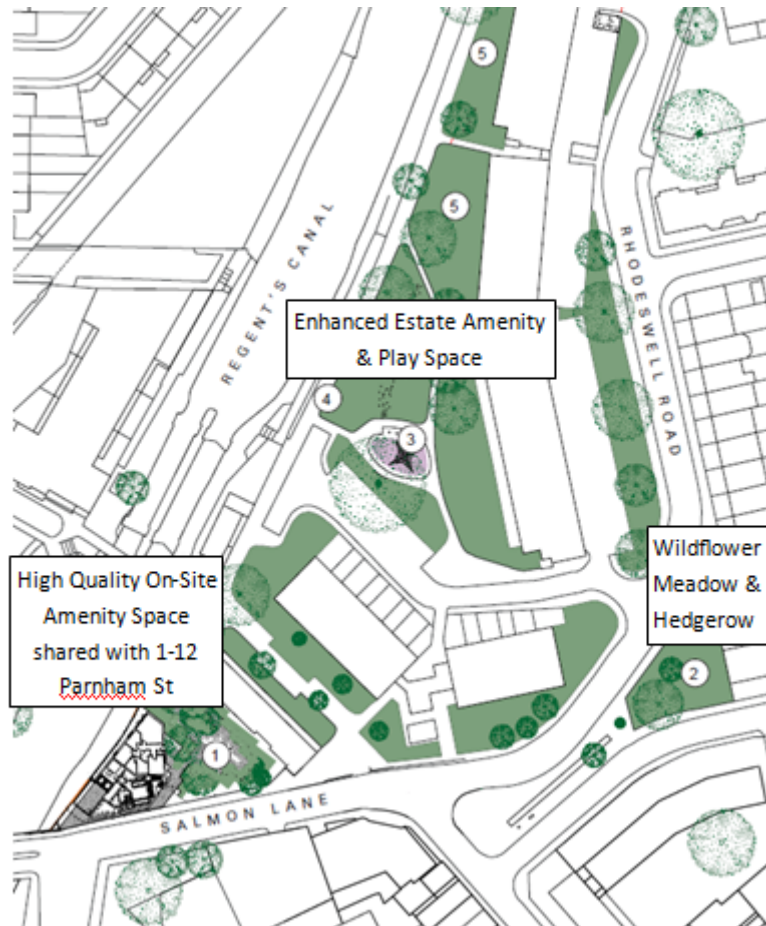
- 8.9 The Councils Local Plan contains two definitions of open space – publically accessible open space and general open space (wider definition). The definition of publically accessible open space is found within the Glossary of the Core Strategy p131. The Core Strategy defines Open Space (Publically accessible) as being:

“Open space will be considered to be publicly accessible, where access for the public is secured by virtue of legal agreements and formal arrangement; whether it is in public or private ownership. Publicly accessible open space will not include areas of water such as rivers, canals, lakes, docks or incidental spaces”

- 8.10 The wider definition of open space says:

All open space that offers opportunity for play, recreation and sport or is of amenity value [emphasis added] including land, as well as areas of water such as rivers, canals, lakes and docks. This wider definition covers all open space, whether in public or private ownership, where public access is unrestricted, partially-restricted or restricted.

- 8.11 There is no legal agreement and formal arrangement for the use of the entire space, as such, officers consider that the proposal does not result in a loss of “publically accessible open space”.
- 8.12 However, the space does have some visual amenity value; it is considered that it could fall within the wider definition of open space.
- 8.13 Policy SP04 of the Core Strategy is therefore applicable. This policy states the Council will “Deliver a network of open space by: Protecting and safeguarding all existing open space such that there is no net loss”. Policy DM10 of the Managing Development Document allows development on areas of open space in exceptional circumstances where a) it provides essential facilities to ensure the function, use and enjoyment of the open space; or b) as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved.
- 8.14 With no additional areas of open space being provided within the proposals, it is clear there will be a net loss of open space. However, the applicant has committed to a range of improvements within the estate which should lead to an enhanced enjoyment of open space within the estate. These are outlined below:
1. Herb and vegetable garden
 2. Wildflower meadow and hedgerow
 3. Rope climbing frame
 4. Habitat information board
 5. Mixed bulb planting
- 8.15 The above measures are to be secured as a planning condition and would not just apply to the amenity area of the immediate site but across the Locksley estate. An area of land to the west of Ashpark House, following consultation with the Borough Biodiversity officer would see 25 metres of new native hedgerow and 125sqm of new wildflower meadow. The existing playgrounds, which are in disrepair and underused would be re-designed to improve visibility through the open space and passive surveillance, the space would be resurfaced and a new rope climbing frame and planting would be provided that would ensure it is an attractive and usable space for local children.
- 8.16 On the immediate site, in the shared garden between the new development and 1-12 Parnham Street, there would be a number of planter boxes for community gardening in addition to the landscaped amenity and child play space. The following plan shows the location of these open space improvements.



Plan showing wider estate improvements

- 8.17 In conclusion, the proposal would not result in the loss of publically open space but would result in the net loss of open space under the wider definition outlined above. This is contrary to Policy DM10 of the Managing Development Document, which states that in exceptional circumstances the redevelopment loss of open space may be acceptable provided that a higher quality open space outcome is achieved and that there is no net loss.
- 8.18 Consequently, it falls to the Committee as decision makers to determine whether the loss of this area of un-used and inaccessible open space would be outweighed in planning policy terms by the benefits of delivering an enhanced open space offer for the estate and new affordable housing. The officer position is that that the balance falls in favour of the proposed development.
- 8.19 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

- 8.20 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.

- 8.21 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.
- 8.22 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

- 8.23 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.24 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.
- 8.25 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.
- 8.26 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.
- 8.27 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;
- 8.28 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

- 8.29 Responding to members' and CaRT concerns, the height of the building has been reduced from 6 to 5 storeys on the northern element of the building and 9 to 8 on the southern element. In addition, a set back from the canal retaining wall has been provided. This in turn has led to a very marginally altered footprint and massing including the re-orientation of the northern balcony to stop overlooking of 1-12 Parnham Street and a larger balcony for the 1st floor southern unit that wraps around the western elevation of the building
- 8.30 Officers welcome the attempts made by the applicant to address the concerns raised 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.
- 8.31 The following shows the change in elevation from the earlier scheme to the current proposal



Western Elevation as previously proposed



Western Elevation as currently proposed

Elevational treatment/materials

- 8.32 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 including boundary treatment and landscaping would be reserved by condition.
- 8.33 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.

- 8.34 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.
- 8.35 In response to CaRT comments the use of fluted concrete at the parapet of the building and at the base of the building has been reduced. The parapet would now simply be finished in soldier coursing in the same brick as would be used in the rest of the building. The extent of fluted concrete would be reduced on the western elevation however it would still be used at the ground floor around the entrance on the western elevation, highlighting the entrance, and across the southern elevation including being used as the balcony material for the 1st floor southern and western units.
- 8.36 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 window reveals of 200mm with facing brickwork only and bands of soldier coursing between each floor. The soldier coursing would provide a subtle horizontal emphasis to the northern 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.
- 8.37 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 2 double steel louvred service doors and square windows with a relatively high solid-to-void ratio at ground floor here. This is considered acceptable given the necessity for servicing to be conducted from the southern elevation which addresses Salmon Lane.
- 8.38 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 tying together the variations in elevation design.



Southern Elevation - Detail Study

Setting of the Regents Canal Conservation Area

- 8.39 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.
- 8.40 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).
- 8.41 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).
- 8.42 The following photographs help explain the relationship of the site to the Canal.



8.43 The above photograph shows the level difference between the western towpath on the right of the image with the application site which is above the wall on the eastern bank (not visible from this view).

8.44 The following photograph shows the towpath in question, the proposed building is to be located on the left hand side of the photo above the towpath wall. Two tall residential towers are visible in this view the one to the right more noticeable in the photo with the second tower partially visible to the left of the sun.



8.45 This part of Regents Canal is characterised by buildings of six storeys (east and west sides) and seven storeys (west side). The proposal at five and eight storeys would, therefore, sit comfortably in this context.

3.1. In relation to height, it is noted the immediate context is made up of buildings ranging from three to ten and 17 stories in height. The arrangement of a 8 storey block stepping down to 5 storeys successfully mediates between this range of building heights. The nine story element is located at the intersection of the canal and Salmon Lane forming a cluster of taller buildings with Anglia House (17 storeys) and Lowell Street (10) storeys.

- 3.2. The following photographs show some of these buildings, all within the immediate section of the facing or adjacent to the application site.



Photograph of the development opposite the site.



Photographs of the development opposite, further long and adjacent to the site.

- 8.46 It is considered that the proposal responds sensitively to the waterspace. The building would engage with the towpath through the glazed entrance lobby that would extend out to the retaining wall and the 1st floor balcony/terrace above this. The materials are considered to relate well with the varied townscape including historic industrial canal-side structures. The set back of 1 metre from the canal is considered to alleviate concerns regarding the potential for the building to be overbearing to the canal environment. In addition to this the park on the opposite side of the canal, Stonebridge Wharf, would be considered to provide 'breathing room' for the building.
- 8.47 It is also considered that the building with windows and Juliet balconies would increase passive surveillance of the Salmon Lane bridge hole and towpath, improving safety and the perception of crime in these locations. For the above reasons the proposal is considered to preserve the setting of the adjacent Regents Canal Conservation Area.

- 8.48 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.
- 8.49 As mentioned above 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 17 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, appearance and safety of the conservation area and would be sensitive to local context.

Landscaping

- 8.50 The proposal would provide 520sqm of landscaped space to the north and east of the building. This space would be split between communal amenity space (250sqm) and dedicated child play space (270sqm) and would be shared with 1-12 Parnham Street.
- 8.51 The playspace, would be soft surfaced and would include climbing boulders.
- 8.52 The communal amenity space would be surfaced with concrete pavers and would include planters, shrub planting, lawn space. It provide a pleasant open space next to the canal.
- 8.53 Off-site there would be landscaping enhancements to land adjacent to Ashpark House with the addition of a hedgerow and wildflower meadow. There would also be planting across the wider estate around the playground.
- 8.54 The proposed landscaping is considered to be well thought out and would be of a high quality.

Creating a Green and Blue Grid

- 8.55 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.
- 8.56 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.
- 8.57 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.
- 8.58 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.

- 8.59 Discussions on Biodiversity are found under 'environmental consideration' below within this report.

Housing

- 8.60 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.
- 8.61 As mentioned in the Land Use section of this report, delivering new housing, especially affordable housing is a key priority both locally and nationally.

Residential density

- 8.62 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.
- 8.63 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 is considered to fall 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.
- 8.64 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).
- 8.65 The proposed density would be 541hrph and 170u/h which would be comfortably within the density range in this table which indicates that the proposal is coming forward with an appropriate density for the site, conforming to the abovementioned policy.

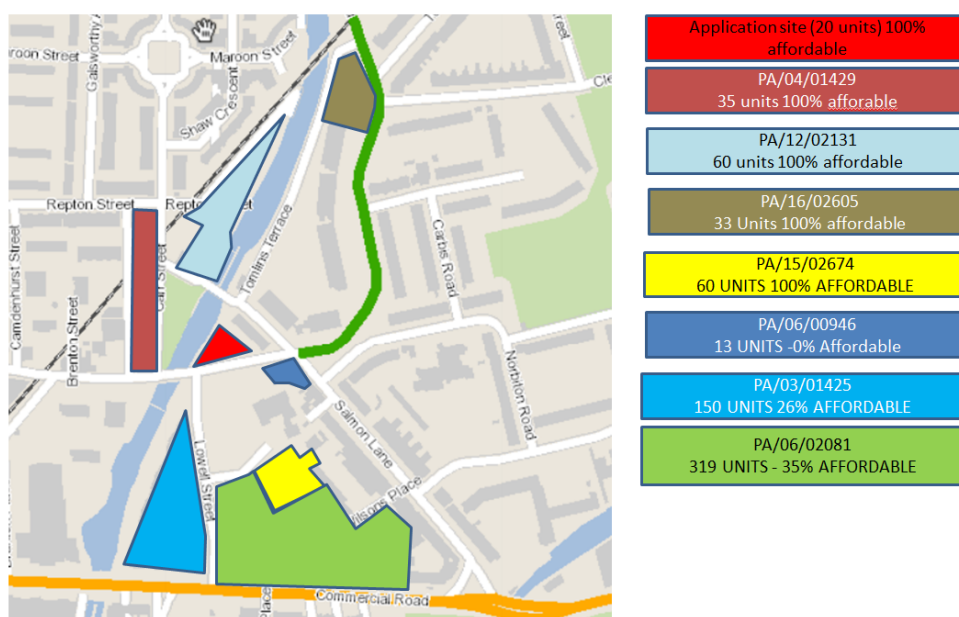
Affordable housing

- 8.66 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.
- 8.67 In terms of planning policy, the relevant policy is SP02(3) of the Council's Core Strategy. This policy sets an overall strategic target for affordable housing of 50% until 2025. This will be achieved by:

- a) Requiring 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability)
 - b) Securing additional affordable homes from a range of public sector initiatives directly with housing associations as identified in the housing strategy
 - c) Bringing long-term vacant properties back into use.
- 8.68 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.
- 8.69 Policy DM3 of the Managing Development Document states that there should not be an over-concentration of one type/tenure 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 in this area due to a number of large new developments around the site containing high numbers of private and intermediate tenure dwellings. The number of affordable rented units proposed is relatively minor in comparison ensuring a mixed and balanced community is maintained in the area.
- 8.70 All of the 17 proposed units would be affordable rented units. This is 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.
- 3.3. In respect of wider over-concentration, further information has been provided outlining the following:
- 1. Tenure split within Locksley Estate
 - 2. Ward Data for Mile End and adjacent St Dunstons Ward
 - 3. Information from recent major developments
- 3.4. Information received from Tower Hamlets Homes, advises the wider Locksley Estate has 658 properties. Of these properties 251 are Right-to-Buy Leaseholder's and there is a single freeholder. As such, around 38.3% of the estate could be classed as "Private Housing".
- 3.5. The ward data for Mile End suggests, 51.4% of housing within Mile End is social rented, 22% is owner occupier and 25.8% is private rented. The average for LBTH is 39.6% social rented, 26.6% owner/occupier and 32.6% private rented.
- 3.6. In addition to the above, analysis of recent major developments (10 residential units or more has identified 6 sites within the surrounding area that have been developed or have been consented for development in the last 15years.

PA number	Address	Consented date	Private units	Affordable units
PA/04/01429	Former Site At Railway Arch West Of Carr Street North Of Salmon Lane And East Of Blount Street, London, E1	22/03/2015	0	35
PA/12/02131	Land Adjacent to Repton Street, London, E14	21/03/2013	0	60
PA/16/02605	(Locksley Estate Site A) Immediately To The North of 86-144, Rhodeswell Road, London	16/12/2016	0	33
PA/15/02674	25-28 Dagleish Street, London, E14	24/03/2016	0	60
PA/06/00946	From 96 to 100, Salmon Lane, London	20/10/2006	13	0
PA/03/01425	Former Site At 675-681 Commercial Road And Land In Lowell Street And Part Of Disused Railway Viaduct Between Salmon L E14	10/02/2005	123	27
PA/06/02081	721-737 Commercial Road And 2-22 Lowell Street, Commercial Road, London	22/08/2008	215	104
		Total	351	319

3.7. The following plan shows the location of the sites referred to in the above table.



3.8. The above plan shows there have been a number of developments since 2003 within the area and that 5 have been 100% affordable. However, these have largely been between 20-60 units. The larger sites 150 units and 315 units have provided 26% and 35% affordable. As such, in terms of over-concentration when taking into account the number of units, officers are satisfied a suitable mix remains within the area. From the above schemes, the private housing total of 351 is still more than the combined affordable housing of 319 units.

8.71 The scheme would use the latest rent levels being split 50/50 between London Affordable Rent and Tower Hamlets Living Rent.

Dwelling mix

- 8.72 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.
- 8.73 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.
- 8.74 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).
- 8.75 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	5	5	29	30%	0	0	25%	0	0	50.00%
2 bed	6	6	35	25%	0	0	50%	0	0	30.00%
3 bed	4	4	24	30%	0	0	25%	0	0	20%
4 bed	2	2	12	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	17	17	100%	100%	0	100%	100%	0	100%	100%

Table 1 – Unit Mix

- 8.76 The scheme provides 29% of one bed units against our policy target of 30%, 35% of two bed units against our policy of 25%, 24% of three bed units against our policy of 30%, 12% of four bed units against our policy of 15%. This scheme falls slightly short of the Council’s 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

- 8.77 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.”
- 8.78 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

- 8.79 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 of new build accommodation 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.
- 8.80 In terms of daylight to the proposed development the ADF was tested for 63 rooms that were eligible for testing. Of these 62 (98%) would satisfy the BRE guidelines completely. The one room that would not meet the guidelines, R1 on the first floor, would receive 1.26% ADF compared to the 1.5% target value therefore the room would still receive a reasonable amount of daylight. This one fairly minor transgression is considered acceptable.
- 8.81 In terms of sunlight for the proposed development the assessment shows that all eligible windows assessed would meet the targets for Annual Probable Sunlight Hours (APSH).
- 8.82 The proposed development therefore is considered to achieve appropriate levels of daylight and sunlight.

Wheelchair Accessible Housing and Lifetime Homes Standards

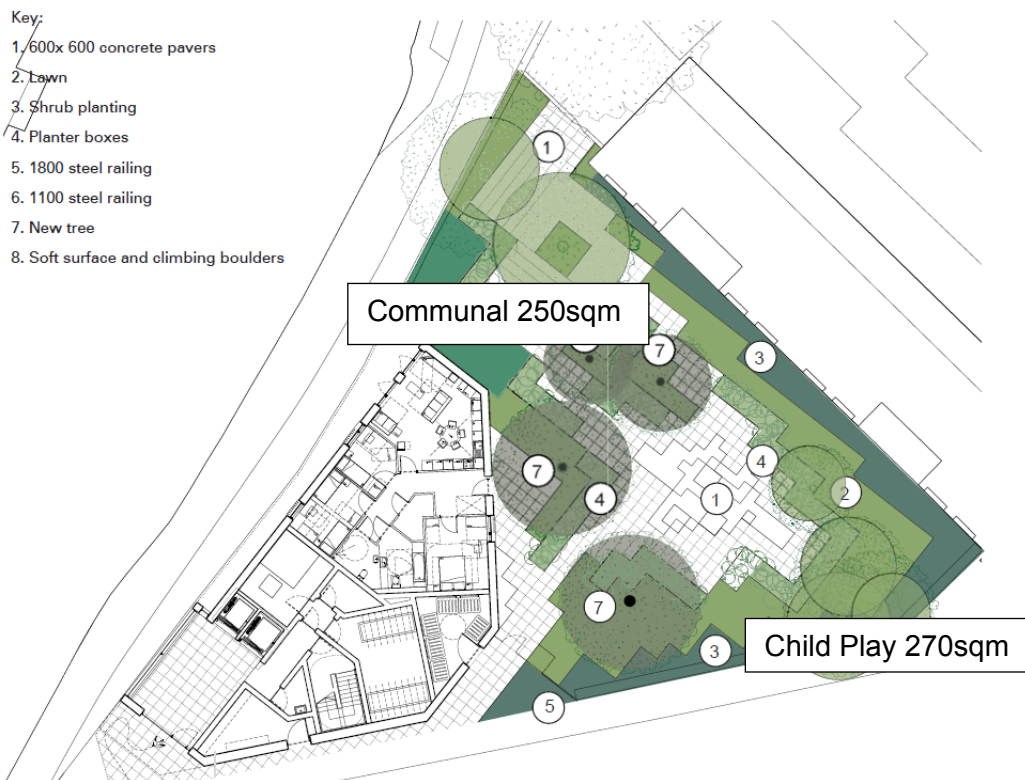
- 8.83 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.84 Two wheelchair accessible homes are proposed which amounts to more than 10% of the total units, meeting the policy target.
- 8.85 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. These would be positioned further than the 50 metre target. Owing to the constrained nature of this infill site this is the closest the parking spaces can be and are in accordance with Part M of building regulations.

Private and communal amenity space

- 8.86 The on-site communal space (and child play space covered in the following section) provided by the scheme would be shared with neighboring 1-12 Parnham Street. The calculations of the area required by policy for these will be 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.
- 8.87 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.
- 8.88 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 69sqm of communal amenity space is required for the

development when you include 1-12 Parnham Street, who will be able to use the amenity space. If considered separately as two different developments (not as a single phased development) the developments would require 112sqm of communal in total (57sqm for this development and 52sq for 1-12 Parnham. The scheme provides 250sqm of communal amenity space, comfortably exceeding the policy requirement.

- 8.89 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.
- 8.90 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

- 8.91 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.
- 8.92 The proposed scheme, in combination with 1-12 Parnham Road is anticipated to accommodate 25 children using the GLA child yield calculator. Accordingly, the scheme should provide a minimum of 250sqm of play space. This requirement is broken down as shown in Table 2.

	GLA Child Yield	Required within the scheme.	Proposed within scheme
0-4	8	11sqm	80sqm
5-10 year olds	8	80sqm	80sqm
11-15 year olds	6	60sqm	60sqm
Total	22	250sqm	270sqm
Excess in play space			20sqm

Table – Showing child play space

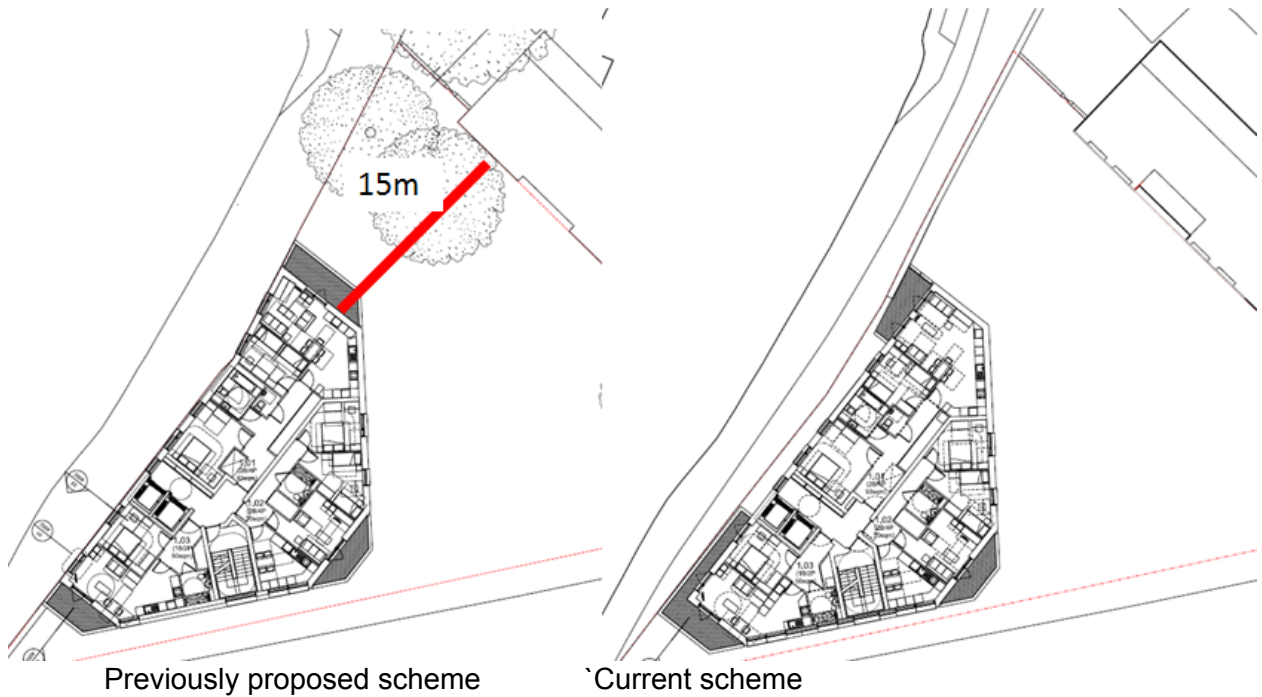
- 8.93 The proposed development would provide 270sqm of dedicated child amenity space at ground floor level on the east of the site in accordance with policy. As such it is considered that the proposal would provide an acceptable play environment for children within the development and 1-12 Parnham Street

Amenity

- 8.94 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

- 8.95 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.
- 8.96 In response to concerns from members the balconies/terraces serving the northern units has been re-positioned on the western elevation angled away from 1-12 Parnham Street. This removes overlooking as an issue from these balconies. Bedroom windows in the upper floors on the eastern elevation would be 18 metres from 1-12 Parnham Street. As shown in the following comparison.



8.97 Wider separation distances are shown in the following plan.



Ground floor plan showing separation distances.

8.98 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.

8.99 The playgrounds of Sir William Burrough's Primary School to the south east of the site would be 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.

- 8.100 As such, officers are satisfied the proposal would not give rise to any unduly detrimental impacts on privacy to neighbouring properties.

Outlook and sense of enclosure

- 8.101 The distance between the development proposal and habitable rooms of adjoining properties would largely follow the separation distances mentioned in the above section. The now windowless northernmost part of the building would be 14 metres from the closest part of 1-12 Parnham Street. The proposed massing, which steps down to 5 storeys at the northern part of the development, is not considered to result in an overbearing appearance or sense of enclosure.

Daylight, Sunlight and Overshadowing

- 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 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 following properties are fully compliant with the BRE guidelines: 1-35 Rayners Terrace, Lascar Wharf, 332-378 Rhodeswell Road and Lock Cottage. The proposal however would have some impacts on the on 1-12 Parnham Street.
- 8.104 In terms of VSC there would be some infringements to 1-12 Parnham Street (8 of 48 windows tested). Although the loss of daylight to these windows would be noticeable the losses would be relatively minor. Of these 6 would retain 67-79% of their former value and the remaining 2 windows would experience major losses set back behind a balcony on the ground floor. Daylight distribution was also tested which measures the daylight extent within rooms rather than a point on exterior surface as in the VSC. 10 of 36 windows failed this test however these infringements again were only very minor with the rooms that would fall below the 80% target still retaining 75-79% of their former value.
- 8.105 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.
- 8.106 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 with only minor and localised impacts.

Noise and Vibration

- 8.107 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.

- 8.108 The proposed development will experience noise from local road traffic along Salmon Lane.
- 8.109 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.
- 8.110 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.
- 8.111 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

- 8.112 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.
- 8.113 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.
- 8.114 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.
- 8.115 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.
- 8.116 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

8.117 The proposal meets the cycle parking standards as set out in the London Plan (2016). These standards require 29 cycle parking spaces to be provided. The development provides 29 covered secure cycle parking spaces with a cycle parking store accessed from internally from the entrance lobby. This arrangement is considered acceptable.

Car Parking

8.118 Policy DM22 sets out the Council's parking standards in new developments.

8.119 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.

8.120 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

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

8.122 The development would provide a bin and recycling store of 6 bins at the ground floor. The collection point on Salmon Lane would be 6 metres from the bin store, inside the maximum 10 metre policy requirement.

8.123 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

8.124 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.

8.125 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.

8.126 In line with London Plan sets out the Mayor's energy hierarchy which is to:

- Use Less Energy (Be Lean);

- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

- 8.127 From October 2016 Policy DM29 of the Managing Development Document requires major residential developments to achieve zero carbon (with at least 45% reduction achieved through on-site measures). The remaining regulated carbon emissions (to 100%) are to be offset through a cash in lieu contribution in accordance with our carbon offset solutions study. The study identifies the scope of the fund and types of projects to be delivered.
- 8.128 The submitted Energy Statement (XCO2 Energy -March 2017) has followed the principles of the Mayor's energy hierarchy, and focuses on the Be Lean stage to reduce energy demand and Be Green to integrate renewable energy technologies (Photovoltaic array (6.3kWp)).
- 8.129 The current proposals seek to minimise CO2 emissions through Be Lean and Be Green measures as follows:
- Be Lean – 12.2% reduction
 - Be Clean – 0% reduction
 - Be Green – 12.1% reduction
- 8.130 The cumulative CO2 savings from these measures are proposed to be significantly short of policy DM29 requirements and deliver approximately a 24.3% reduction. A carbon offsetting contribution has been proposed in the submitted Energy Statement of £30,200 to be paid through the adopted carbon offsetting procedures. The CO2 emissions are:
- Baseline CO2 emissions: 22.1 Tonnes/CO2/yr
 - Proposed design CO2 emissions: 16.78 Tonnes/CO2/yr
 - Carbon offsetting payment to zero carbon: 16.78 (Tonnes/CO2/yr) x £1,800 = £30,200
- 8.131 In order to support the proposed scheme carbon reduction proposals, appropriately worded Conditions and a S106 agreement for **£30,200** to be payable prior to commencement of development, should be incorporated to deliver carbon savings off-site. The applicant would need to submit the as built building regulations calculations (SAP) to demonstrate that the carbon savings have been delivered. An additional carbon offsetting payment could be payable should the required CO2 emission reductions not be realised.

Biodiversity

- 8.132 Policy DM11 of the Managing Development Document seeks to inter-alia ensure existing elements of biodiversity value are protected or replaced within the development and additional habitat provision made to increase biodiversity value.
- 8.133 Concerns have been raised by local residents that the site had high biodiversity value and that the site clearance took place before the grant of planning permission.
- 8.134 The Council's Biodiversity officer has advised that before being largely cleared of vegetation 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). It is stated that the site still contains biodiversity value from 20 metres of hedge along Salmon Lane and wildflowers.

- 8.135 In terms of dealing with the biodiversity loss last year, 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 took 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 protections.
- 8.136 Policy DM11 seeks net gains for biodiversity from new developments. There are a number of features proposed, both on and within the wider estate, which will mitigate the impacts and enhance biodiversity..On site, the most significant feature for biodiversity is the proposed biodiverse green roofs over more or less the whole do the new block. In addition to this there will be a good range of nectar-rich flowers amongst the herb and vegetable garden, bat boxes and nest boxes, Offsite, biodiversity enhancements would include 25 metres of native hedgerow and a new wildflower meadow west of Ashpark House and extensive bulb planting and plant boxes in the estate emenity land around the central playground.
- 8.137 As a result of the above mitigation and enhancement features, the Biodiversity officer is satisfied that there would now be a significant enhancement compared with the current situation and, once the landscaping has matured, “would represent a net enhancement of biodiversity compared with what was on Site D before it was cleared last year”. The proposal is therefore considered to meet policy in this regard.
- 8.138 All of the proposed mitigation and enhancement measures would be secured by condition.

Land Contamination

- 8.139 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

- 8.140 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough 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.
- 8.141 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.
- 8.142 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

8.143 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).

8.144 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.

8.145 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.

8.146 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.

8.147 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.

8.148 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

8.149 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 **£30,200** towards Carbon Off-Setting
- b) A contribution of **£7,064** towards training skills for construction job opportunities
- c) **£2,000** towards monitoring fee (£500 per S.106 Head of Term)

Total £39,264

8.150 The following non-financial planning obligations are also secured:

- a) Affordable Rented Housing 100% (17 units)

- b) Access to employment
20% Local Procurement
20% Local Labour in Construction
- c) Scheme of Highway Improvement Works

8.151 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

8.152 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.

8.153 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.

8.154 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.

8.155 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.

8.156 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 £31,171 in the first year and a total payment £187,025 over 6 years.

8.157 In terms of Tower Hamlets CIL and London CIL liability 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

- 8.158 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:
- 8.159 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".
- 8.160 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.
- 8.161 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.
- 8.162 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.
- 8.163 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

- 8.164 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:

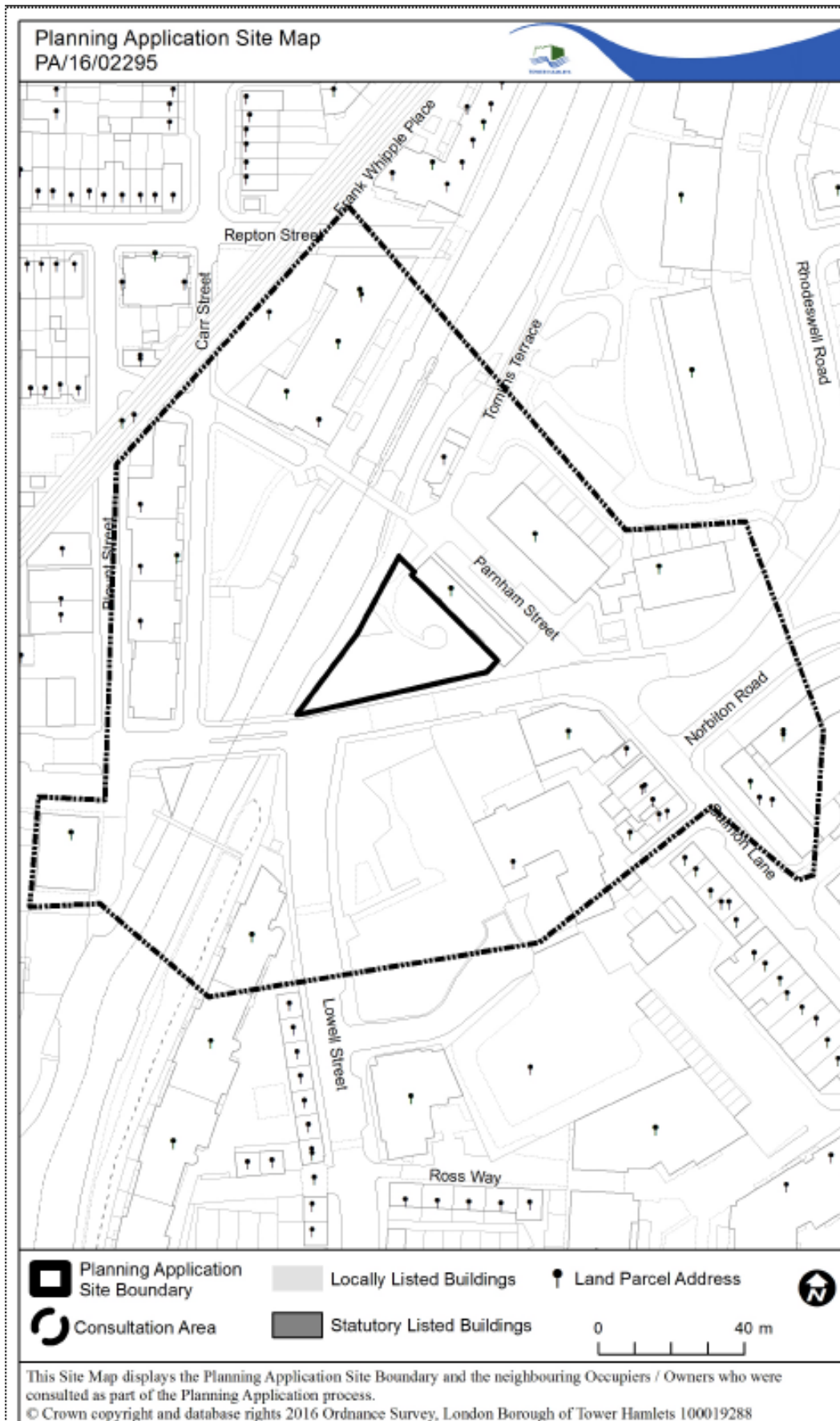
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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

8.165 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 no	Reference no	Location	Proposal / Title
5.1	PA/17/01618	(Locksley Est Site D) Land adjacent to 1-12, Parnham Street, London	Residential development comprising 17, one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from five to eight storeys.

1.0 ADDITIONAL REPRESENTATION

1.1 The Council has received three additional representations objecting to the scheme, including an objection from Cllr Andrew Wood. A petition objecting to the scheme containing 151 signatories has also been received. These are summarised as follows:

1.2 In Objection

Representation from Cllr Andrew Wood

- Lack of site maintenance.
- Site is part of the green grid.
- Tower Hamlets has a shortage of green space which is set to rise
- The draft Local Plan (regulation 19 consultation) says *"As the borough becomes more densely populated, levels of open space deficiency are expected to increase. Improving existing open spaces and maximising opportunities to enhance the green grid and deliver small green interventions, such as pocket parks, as well as strategic open space will become increasingly important, especially within deficient areas."*
- The site is included in the draft Local Plan as being an area of open space deficiency.
- Draft Local Plan policy says "maximising the opportunities to create/increase publicly accessible open space (including playing pitches and ancillary sporting facilities) with a range of sizes and for a range of users, particularly in the following locations (which are expected to experience the highest level of open space deficiency) Limehouse".

1.3 Representations from local residents and the petition raise the following issues:

- Loss of open space/biodiversity
- Affordable rents are too expensive for local residents
- Lack of maintenance of space has given impression that it is unwanted
- Many residents of 1-12 Parnham Street are elderly/vulnerable and will be adversely impacted by construction/ Health/stress impacts
- Local community oppose the development
- There are other more suitable brownfield sites
- Loss of trees on the site, which have numerous benefits
- Site would be best used as an orchard
- Overshadowing
- Noise
- Loss of Outlook

1.4 The majority of issues raised above, are already addressed within the committee report.

1.5 Since the publication of the committee report, the Council has continued the progression of the new local plan, the next stage being publication of the 'Regulation 19' draft Local plan for consultation. This means that the document is as we would wish to submit to the Secretary of State for examination. As the Regulation 19 version is still subject to public comment on its legal compliance and soundness and has not been considered by an Inspector, its weight remains limited.

- 1.6 Within the draft local plan, figure 14 on page 122, provides an indication of access to Open Space and annotates areas of 'open space deficiency'. This covers a portion of the application site. It has been suggested within the representation that this further supports the position the site should not be developed.
- 1.7 In response, it is important to note, the intention of the figure is to highlight areas not define policy and as such, the map does not preclude development within these areas. The Committee should note that a number of the Council's proposed site allocations are located in many of these areas. The aim is to manage development, rather than to restrict it. In this case, a number of enhancements have been secured to existing open space spaces within Locksley Estate, which will be secured through a "Grampian" condition. The development itself will provide access to enhanced open space and child play space within it's boundary for both the new occupiers of the scheme and residents at 1-12 Parnham Street.
- 1.8 The Committee is invited to take additional representations into account in their determination of the application

2 RECOMMENDATION

- 2.1 Officer recommendation remains that planning permission should be **GRANTED** for the reasons set out in the report.

Agenda Item 5

Committee: Development	Date: 8 th November 2017	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Place		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 2016
 - 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 the Planning Practice Guidance.
- 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
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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 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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: 8 th November 2017	Classification: Unrestricted
Report of: Director of Place	Title: Applications for Planning Permission	
Case Officer: Brett McAllister	Ref No: PA/17/01253	
		Ward: Bow East

1.0 APPLICATION DETAILS

Location:	327-329 Morville Street, London
Existing Use:	Vacant Boiler House (Use Class B8)
Proposal:	Demolition of the existing building and chimney and redevelopment of the site with the erection of a new six storey building to provide 62 residential units (Use Class C3), together with associated landscaping, rooftop amenity area, child play space and cycle and refuse storage facilities.
Drawings:	3392_PL(20)001, 3392_PL(20)116 Rev. A, 3392_PL(20)002, 3392_PL(20)117 Rev. C, 3392_PL(20)003, 3392_PL(20)118 Rev. A, 3392_PL(20)004, 3392_PL(20)119 Rev. B, 3392_PL(20)005, 3392_PL(20)120 Rev. B, 3392_PL(20)006, 3392_PL(20)121 Rev. A, 3392_PL(20)101, 3392_PL(20)122, 3392_PL(20)102 Rev. A, 3392_PL(20)123, 3392_PL(20)103 Rev. A, 3392_PL(20)124 Rev B, 3392_PL(20)104 Rev. A, 3392_PL(20)125, 3392_PL(20)105, 3392_PL(20)126, 3392_PL(20)106, 3392_PL(20)130, 3392_PL(20)107, 3392_PL(20)131, 3392_PL(20)108, 3392_PL(20)132, 3392_PL(20)109 Rev. A, 3392_PL(20)133, 3392_PL(20)110, 3392_PL(20)134, 3392_PL(20)111, 3392_PL(20)135, 3392_PL(20)112, 3392_PL(20)136, 3392_PL(20)113, 3392_PL(20)137, 3392_PL(20)114, 3392_PL(20)143 3392_PL(20)115 Rev. B,
Documents:	Design & Access Statement Daylight, Sunlight & Overshadowing Transport Statement Planning Statement Air Quality Assessment Contamination: Desktop Study Energy Statement Morville Street Landscape Document Rev. E

Noise & Vibration Report
Statement of Community Involvement
SuDs Assessment
Sustainability Statement
Schedule of accommodation - PL(201)123 Rev J

Ownership/applicant: IPE Morville Limited

Historic Building: No listed buildings on site.

Conservation Area: Not in a conservation area.
Fairfield Road Conservation Area approx. 90m to the east

2.0 EXECUTIVE SUMMARY

- 2.1 The application site is vacant and unallocated in the Local Plan. The current application has been assessed against the development plan for the area that comprises the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010, the Managing Development Document 2013 & Adopted Policies Map), the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and relevant supplementary planning documents including the Mayor's 'Housing' SPG 2016, and the Building Research Establishment's handbook – 'Site layout planning for daylight and sunlight: a guide to good practice.'
- 2.2 The proposed redevelopment of this site for 62 residential units is considered to optimise the development potential of the site. As such, the development complies with policy 3.4 of the London Plan (2016), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development which seeks to ensure the use of land is appropriately optimised.
- 2.3 The development would provide an acceptable mix of housing types and tenure including the provision of 35% affordable housing that would be split 71% affordable rented (in line with Tower Hamlets preferred rent levels) and 29% intermediate. The proportion of 35% affordable housing is strongly supported and would complement the range of accommodation provided within the area.
- 2.4 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and 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.
- 2.5 The density of the scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no unduly detrimental impacts upon the amenity of neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality accommodation provided, along with appropriate external amenity spaces would create an acceptable living environment for the future occupiers of the site.
- 2.6 Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.7 The scheme would meet the full financial and non-financial contributions.

2.8 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the following planning obligations:

Financial Obligations:

- a) A contribution of **£18,505** towards employment, skills, training for the construction phase
- b) A contribution of **£30,200** towards Carbon Off-Setting.
- c) **£3,000** monitoring fee (£500 per individual S.106 Heads of Terms)

Total £51,705

3.5 Non-financial Obligations:

- a) Affordable housing 35% by habitable room (12 units, 55 hab rooms)
 - 71% Affordable Rent at Borough affordable rental levels (12 units)
 - 29% Intermediate Shared Ownership (6 units)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
 - 20% Local Labour in End User Phase
 - 2 Apprenticeships
- c) Car-permit free agreement;
- d) Viability Review Mechanism
- e) Any other planning obligation(s) considered necessary by the Corporate Director of Place

3.4 That the Corporate Director, Place is delegated authority to negotiate and approve the legal agreement indicated above.

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

3.6 Conditions:

Compliance' Conditions

1. Permission valid for 3yrs;
2. Development in accordance with approved plans;
3. Withdrawal of permitted development rights for painting of brickwork and erection of fences & gates
4. Hours of construction
5. Refuse stores to be provided prior to occupation
6. Internal Noise Standards
7. All lifts operational prior to occupation of the relevant part of the development;

8. The accessible parking bay shall only be made available to a resident in possession of a blue badge and should be retained and maintained for the life of the development.
9. Compliance with Energy & Sustainability Strategy;

Prior to Commencement' Conditions:

10. Construction Environmental Management plan;
11. Site wide drainage scheme and surface water measures in consultation with Thames Water;
12. Ground contamination remediation and mitigation
13. Biodiversity mitigation and enhancements including biodiverse roof details;
14. Details of piling, all below ground works and mitigation of ground borne noise;

Prior to completion of superstructure works conditions:

15. Details of all plant and machinery including air quality neutral measures;
16. Details of all external facing materials including balcony details and screening details (both samples and design specification).
17. Details of public realm enhancements, landscaping (including soft & hard landscaping), street furniture and boundary treatment;
18. Child play space strategy including access arrangements, management and equipment.
19. Layouts of Part M wheelchair units
20. Details of all external lighting
21. Details of waste storage facilities
22. Details of Secured by Design measures
23. Detailed specification, tilt angle and location of photovoltaic panels;
24. Details of noise and vibration mitigation measures;
25. Scheme of highway improvement works;

Prior to Occupation' Conditions:

26. Details of cycle parking, access to cycle stores, design and associated facilities;
27. Post completion, prior to occupation, testing in relation to noise and vibration
28. Final energy calculations to show how the scheme has delivered the stated carbon emission reductions;

Informatives

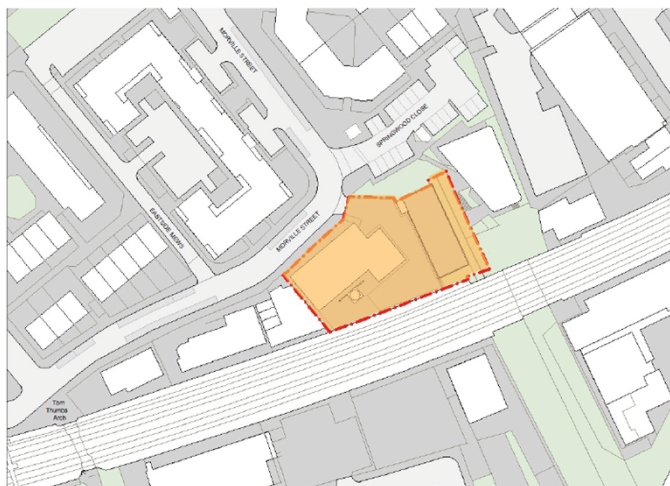
1. Subject to s106 agreement
2. CIL liable
3. Thames Water informatives
4. Fire & Emergency Recommendation for sprinklers
5. Footway and Carriageway
6. Building Control

- 3.8 Any other conditions or informatives considered necessary by the Committee or the Director of Place.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1. The application site is located on the south side of Morville Street on the corner just before the L shaped street bends northwest towards Tredegar Road. The site itself comprises of a redundant boiler house around 2 storeys in height, a 40m tall chimney and a small outbuilding previously used as a valve house that is excluded from the site. The east edge of the site used to contain oil storage cylinders and lies 1m below the rest of the site.



Existing Site Plan

- 4.2. To the south of the site there is an elevated railway line. The east of the site is bound by the curtilage of Springwood Gardens, a recently completed 6 storey residential block. To the west of the site there is a narrow 6 storey block that is nearing completion.
- 4.3. The surrounding area is residential in character with more recently completed residential blocks ranging from 4 to 6 storeys in height to the north of the railway line. To the south beyond the railway line there are predominantly 4 storey residential post-war blocks.
- 4.4. Bow Road (A11) is located 500m to the south and Roman Road 470m to the north of the site. Victoria Park and Queen Elizabeth Olympic Park are both within a 1200m distance from the site.
- 4.5. No part of the site is listed and it is not within a conservation area, although Fairfield Road conservation area is around 90m to the east of the site. The site is adjacent to an Archaeological Priority Area.
- 4.6. The site has good transport links reflected in a Public Transport Accessibility Level (PTAL) of 4. Bow Church DLR and Bow Road underground station are both located around 550m walk to the south of the site. These stations provide access to the DLR, District and Hammersmith & City lines with services to Canary Wharf, the City and West End. Bus stops are located on Tredegar Road and Bow Road 245m and 475m away. Transport for London have recently completed a large scale upgrade of the cycle infrastructure along Bow Road and Mile End Road providing separated lanes

leading in and out of central London and there is a Cycle Hire docking station on Mostyn Grove a few minutes' walk away.

Planning History

Application site

PA/04/01786

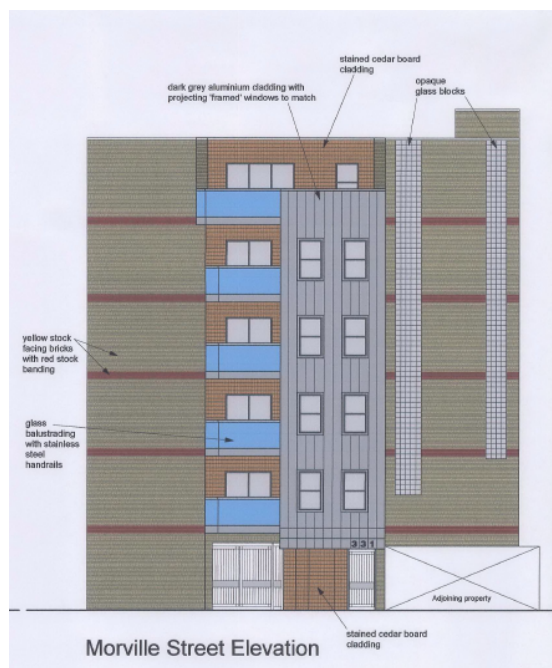
- 4.7. Change of use from a communal heating system boiler house to a depot for a general building contractor, carrying out responsive repair to LBTH housing properties. Includes ancillary office accommodation.
Permitted: 14.02.2005

Neighbouring sites

331 Morville Street

PA/09/00462 - 331 Morville Street, London

- 4.8. Erection of a six storey building to provide nine self-contained flats comprising one x four bedroom flat, four x two bedroom flats and four x one bedroom flats. Provision of 2 car-parking spaces, bicycle and refuse stores.
Approved 12/05/2009
- 4.9. The following is an approved elevation of the above consent.



ENF/16/00603

- 4.10. For information only, there is an open enforcement investigation for alleged amendments to the above consented scheme without planning permission.

Springwood Close

- 4.11. PA/12/02855- Land to the South of Springwood Close, Morville Street, London, E3 2DZ

- 4.12. The scheme provides eleven residential units within a single sculptural four - five storey building; with new landscaping, public and private open space and with associated plant, PV roof panels, cycle storage and car parking.



Plan showing approved elevation of Springwood Close

Proposal

- 4.13. Full planning permission is sought for the demolition of the existing buildings and chimney tower and the erection of a new six storey building to provide 62 residential units, with associated landscaping, cycle parking and refuse storage facilities,

5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy

National Planning Policy Framework 2012

5.3 London Plan FALP 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
- 7.8 - 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
- 8.2 - Planning obligations

5.4 **Core Strategy 2010**

- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP06 - Delivering successful employment hubs
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking
- SP13 - Planning Obligations

5.5 **Managing Development Document 2013**

- DM0 - Delivering Sustainable Development
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM8 - Community infrastructure
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM13 - Sustainable drainage
- DM14 - Managing Waste
- DM15 - Local job creation and investment
- 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

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

Mayor of London

- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Sustainable Design and Construction (2013)
- All London Green Grid (2012)
- Housing (2016)
- Affordable Housing & Viability (2017)

Other

- Planning Obligations (2016)
- Fairfield Road Conservation Area Appraisal (2007)
- Development Viability SPD

5.7 **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 Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

6.2 The following were consulted regarding the application:

External Consultees

Thames Water (TW)

- 6.3 No objections. Conditions and/or informatives are requested relating to the provision of a piling method statement, public sewers crossing or close to the development, surface water drainage and water/flow pressure.

Historic England Archaeology

- 6.4 No objections, having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, Historic England conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Therefore, no further assessment or conditions are necessary.

London Fire

- 6.5 Pump appliance access and water supplies for the fire service appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B.

- 6.6 This Authority strongly recommended that sprinklers are considered for the new development, this will be included as an informative.

Crime Prevention

- 6.7 No objection to the scheme proceeding as outlined. SBD would recommend that the scheme should by means of a condition achieve Secured by Design accreditation which would be formally acknowledged upon a final inspection once all works are complete.

- 6.8 The reason for this is to reinforce the committed approach and interest in the long term sustainability of both security and crime prevention measures throughout the development for the benefits of all future residents.

Network Rail

- 6.9 No comments received.

Internal Consultees

Highways

Car Parking

- 6.10 Highways require a section 106 'car and permit' free agreement for this development as it is located in good PTAL area (PTAL 4).

Cycle Parking

- 6.11 According to the FALP, the applicant is required to provide at least 96 cycle spaces for this development (two of which are for visitors). The applicant has provided 114, which is in excess of the minimum required and is welcomed. However, the applicant has not provided any information about the design of these stands. LBTH's preferred option is the Sheffield stand (1 Sheffield Stand = 2 cycle space) or a similar hoop design which allows bicycles to be rolled into a horizontal ground level position effortlessly while at the same time providing increased security. Transport and Highways does not support cycle storage in the basement level. All cycle storage must be located on ground floor level where user can have step free access.

Travel Plan

- 6.12 The applicant is required submit, this can be secured through Section 106 Agreement.

Highway Works

- 6.13 Transport and Highways require the applicant to confirm if there are 2m footpath width remaining after the introduction of disabled bay and loading bay. During the pre-app stage, Transport and Highways advised the client that we would only support the loading and disabled bay at this location if 2m footpath can be achieved. The applicant confirmed they would be willing to dedicate some of their land to achieve 2m footpath width if necessary.
- 6.14 Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development.
- 6.15 Due to the location of the proposed development, Transport and Highways require the applicant to submit a Construction Management Plan (CMP) to the local planning authority and receive written approval for the CMP prior to commencement. This must be secure through a planning condition.

Biodiversity

- 6.16 There will be no significant adverse impact on biodiversity. However as the site was cleared of vegetation loss of some wildlife habitat should perhaps be taken into account in assessing the baseline against which the net biodiversity gains required by policy DM11 should be assessed.
- 6.17 The Landscape Design Strategy includes proposals for a number of biodiversity enhancements which will contribute to objectives in the local Biodiversity Action Plan (LBAP). Overall, these enhancements should be sufficient to ensure net gains for biodiversity, assuming the habitats which have been removed by site clearance were of low quality. The enhancements will be secured by a condition.

Waste policy and Development

Bin Store

- 6.18 The bin store's construction, security, ventilation, lighting and cleansing requirements should be designed in accordance with British Standard BS5906:2005 Waste management in buildings – Code of practice and Building Regulations 2000, Part H6. Ensuring there is 150mm distance between each container and that the width of the door is large enough with catches or stays. The bin store must also be step free. The two individual properties that have bins at the front should have a sheltered bin store for the bins.

Bins

- 6.19 The applicant needs to provide information on the volume of waste by litres, size and type of containers to be used. The two individual properties appear to be space for 2 bins, there needs to be additional storage space created to cater for food waste bin as future proof for the service. All bins must meet the British Standard EN 840 Waste Collection Service The applicant needs to ensure there will be a dropped kerb from bin store to collection point.

Residents

- 6.20 The carrying distance for all residents to the bin store must be a maximum of 30 meters. The applicant will need to provide all units with internal storage bins for refuse, recycling each with a minimum capacity of 40 litres and 10 litres for food waste.

- Bulky Waste Storage
- 6.21 The applicant needs to provide storage area for bulky waste that is separate from the bin store.

7.0 LOCAL REPRESENTATION

Applicants own consultation

- 7.1 According to the applicants statement of community involvement, around 1000 letters were sent to local residents and the applicant consulted the following groups:

- CitizensUK
- Eastside Youth and Community Centre
- Roman Road Neighbourhood Planning Forum
- Roman Road Trust
- Fairfield Conservation Area Residents' Association
- Tredegar Community Centre
- Bow Quarter Tenants' and Residents' Association
- Local ward councillors

- 7.2 The public exhibition took place at Tredegar Community Centre on 8 March between 2pm and 8pm. The applicant has advised around 35 people attended with 28 providing feedback, and 11 of those positive, 1 not sure and it is not clear what the response of the remaining resident was.

Statutory Consultees

- 7.3 Letters were sent to occupiers of neighbouring properties, a total of 399 in all, 2 site notices were displayed outside the application site, and a press advert was published in a local newspaper.

No of individual responses:	Objecting: 3 Supporting: 2
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No of petitions received:	0
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- 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:

Objections

Amenity

Noise during construction
Privacy impacts
Loss of light

Design

Disproportionate height
Positioned too far forward
Windows too large
Communal amenity space should be positioned to front
Land to the north will be neglected

More substantial intensive green roof should be provided
Parapet not level between blocks
Strict materials sample condition should be imposed
Entrances should be tenure neutral

Highways

More details are required for the cycle parking
No car parking

Other

Consultation was undertaken late in the process and ended too early for some at work to attend.

Support

Improved security
Provision of housing

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
 - Design
 - Housing
 - Amenity
 - Transport, Access and Servicing
 - Sustainability and Environmental Considerations
 - Planning Obligations

Land Use

- 8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles:
- an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure;
 - a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and
 - an environmental role – protecting and enhancing the natural, built and historic environment.
- 8.3 These economic, social and environmental goals should be sought jointly and simultaneously.
- 8.4 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 B8 (Storage)

- 8.6 The site is not within a Strategic Industrial Location (SIL) or Local Industrial Location (LIL). Policy DM15 of the MDD provides guidance for the development of land outside of these designations. Part 1 of this policy states that development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition.
- 8.7 The area surrounding the site is all residential. The site is the last remaining industrial site in the area and is currently vacant. The currently permitted storage use is not considered to optimise this brownfield site within this residential area. This and other industrial uses could be considered inappropriate in proximity to the surrounding housing owing to potential pollution, noise and traffic impacts. The existing building is rundown; it would take a lot of investment to re-establish an industrial use on the site and it is considered there are far more suitable industrial sites elsewhere in the borough for such investment. Therefore the loss of the existing use is acceptable.

Principle of residential use

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

Residential density

- 8.11 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.

- 8.12 Guidance on the implementation of London Plan Policy 3.4 is provided by the Mayor's 'Housing' SPG 2016. 'Optimisation' is defined as 'developing land to the fullest amount consistent with all relevant planning objectives.' (Para. 1.3.1).
- 8.13 The SPG states further that '*It is essential, when coming to a view on the appropriate density for a development, that proper weight is given to the range of relevant qualitative concerns*' (Paragraph 1.3.9) and that '*Conversely, greater weight should not be given to local context over location or public transport accessibility unless this can be clearly and robustly justified. It usually results in densities which do not reflect scope for more sustainable forms of development which take best advantage of good public transport accessibility in a particular location.*' (Paragraph 1.3.10).
- 8.14 The density ranges should be considered a starting point not an absolute rule when determining the optimum housing potential. London's housing requirements necessitate residential densities to be optimised in appropriate locations with good public transport access. Consequently, the London Plan recognises the particular scope for higher density residential and mixed use development in town centres, opportunity areas and intensification areas, surplus industrial land and other large sites. The SPG provides general and geographically specific guidance on the exceptional circumstances where the density ranges may be exceeded.
- 8.15 SPG Design Standard 6 requires development proposals to demonstrate how the density of residential accommodation satisfies London Plan policy relating to public transport access levels and the accessibility of local amenities and services, and is appropriate to the location.
- 8.16 Schemes which exceed the ranges in the matrix must be of a high design quality and tested against the following eight considerations:
- *local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;*
 - *the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;*
 - *the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with housing quality standards;*
 - *a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';*
 - *depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;*
 - *the residential mix and dwelling types proposed, taking into account factors such as children's play space provision, school capacity and location;*
 - *the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and*
 - *whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development including opportunity areas.*
- 8.17 As stated earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 of 6. The London Plan defines "Urban" areas as those with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or,

along main arterial routes. The site and surrounding area has a character that fits this definition of an “Urban” area given in the London Plan.

- 8.18 Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics and transport accessibility of 200 to 700 habitable rooms per hectare (hrph) and with an average of under 3 habitable rooms per unit: 70 to 260 units/hectare (uph).
- 8.19 The proposed density would be 1,039hrph and 408uph. This is above the density ranges set out in this table, for both habitable rooms per hectare and unit’s per hectare and as such, particular care has been taken to ensure that this density can be appropriately accommodated on site.
- 8.20 The Housing SPG (2016) states that “in appropriate circumstances, it may be acceptable for a particular scheme to exceed the ranges in the density matrix, providing important qualitative concerns are suitably addressed.” Schemes that exceed the density matrix must be of a high quality design and should be tested against the following considerations:
- the factors outlined in Policy 3.4, including local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;
 - the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;
 - the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with the housing quality standards set out in Part 2 of this S PG;
 - a scheme’s overall contribution to local ‘place making’, including where appropriate the need for ‘place shielding’;
 - depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;
 - the residential mix and dwelling types proposed in a scheme, taking into account factors such as children’s play space provision, school capacity and location;
 - the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and
 - Whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (e.g. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).
- 8.21 The following report will go on to demonstrate that the scheme, on balance, meets the above criteria. Officers have sought to weigh up the proposal’s impacts against the benefits of the scheme and in particular the significant provision of housing in a highly sustainable location.

Design

- 8.22 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.23 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.
- 8.24 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 8.25 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 sensitive to the context of its surroundings. 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.
- 8.26 The place making 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.

Local Context

- 8.27 The surrounding area is predominantly residential in character, with the application site being the last of the former industrial sites to come forward for redevelopment in the area. The surrounding area to the north of the railway viaduct includes a limited number two to three storey terraced houses and flats dating from the mid to late twentieth century, although the majority of buildings are more contemporary residential developments that typically range between four and five storeys in height.
- 8.28 The buildings in the immediate vicinity of the site: 331 Morville Street (west), Eastside Mews Apartments (north), Briar Court (north east) and Springwood Close (east) are all between 4 and 6 storeys including the 6 storey scale of 331 Morville Street that abuts the site.
- 8.29 The proposals seek the demolition of existing buildings and the erection of a 6 storey building (plus a lower ground floor) providing 62 residential units.

Height, Scale & Massing

- 8.30 The proposed development comprises two elements formed together in an 'L' shaped arrangement, with building entrances on the more prominent western block that fronts Morville Street.
- 8.31 The proposed height of 6 storeys is considered to appropriately respond to the sites local context. Due to a change in gradient the southern element has a lower ground floor.

The massing of the scheme is broken up by the substantial stepping back of the eastern block (by 7.8 metres) and the use of a lighter brick and lower parapet for this block. The western and eastern blocks are shown in the following elevations.



Plan showing northern elevation



Plan showing southern elevation.

- 8.32 The communal amenity space on the roof of the southern block would be set in from the edge by 2 metres where it faces Morville Street and 1.6 metres along the other elevations. The lift overrun and staircase that would serve the roof space would be positioned centrally on the building. It would be 9 metres from the edge of the north elevation facing Morville Street. These setbacks would ensure the amenity space and lift overrun/staircase are not readily visible from the streetscene.

- 8.33 Overall, officers are satisfied the height, scale and massing of the proposal is an acceptable design led solution.

Layout

- 8.34 The following plan shows the proposed ground floor.



Proposed Ground Floor Layout

- 8.35 The development contains three points of entry, serving three residential cores. These are all accessed from the primary frontage of Morville Street. Each core, also contains its own cycle spaces and refuse facilities.
- 8.36 As originally submitted there were some issues with the layout of the lower ground floor of the development. Bedroom 2 of the lower ground floor south eastern corner unit fell well below the minimum width required by the London Plan. The lower ground communal amenity space extended in a thin wedge shape behind the private gardens of the lower ground units creating a conflict in privacy. The shape of the space and its isolated position was not considered particularly usable in any case. These family units were also completely single aspect.
- 8.37 Officers managed to secure a reorganisation of the layout of the lower ground floor. Externally, the communal amenity space was reduced and the private gardens for both lower ground floor units were extended to create very generously sized outdoor spaces for these affordable rented units. A small area of the communal amenity space was retained to the north where there would be a tiered wildlife garden that is considered to soften the visual impact of the blank retaining walls.
- 8.38 Internally, both units were reorganised so that all bedrooms were of an appropriate width. Windows were added to the north and south elevations creating dual aspects and the living rooms were re-located to these corner positions to exploit the increased light and outlook that this would offer.
- 8.39 Following these amendments the layout of the proposed development is now considered acceptable.

Architectural Detailing

- 8.40 The building would be predominantly of high quality brick construction with a red brick used for the north block and a lighter buff brick used for the southern block. The brickwork would be accentuated by contrasting mortar. Similar shades of brick are seen in the immediate surrounding area and this approach is considered appropriate. The top storey will be marginally set back with a lighter brick softening it's appearance within the streetscene.
- 8.41 The windows and doors would be powder coated aluminium. Articulation and interest would be provided with horizontal polished concrete spandrel panels (buff or grey), deep reveals to windows, brickwork feature panels, brickwork returns to recessed balconies and steel balustrading to balcony railings.
- 8.42 In addition to the different coloured brick, variation between the two blocks would be achieved with subtle variation in the architectural detailing. The north block would have a more articulation in terms of the depth of columns and recessed sections, the use of soldier courses and a higher parapet. The south block would be designed more simply with a flatter elevation design. There would also be variation in the balcony design with the north block having vertical railings and the south block zig-zag railings. Both blocks are considered to complement each other. The simpler approach for the southern block would help to focus the attention on the northern block that fronts Morville Street and break up the appearance of the massing of the scheme.
- 8.43 The following is a computer generated image of the proposed design from Springwood close.



- 8.44 The following is a view looking south, with the building sitting comfortably within this context.



- 8.45 The proposed materials and elevation design are considered appropriate. A full schedule of materials and product specification would be secured by condition.

Safety and security

- 8.46 The site has been design to high security standards. The proposed scheme uses shared amenity space and children's play facilities to generate activity, foster a sense of neighbourhood and encourage territorial responsibility amongst residents. Passive surveillance is provided throughout the scheme through the overlooking to public spaces and the surrounding roads provided from upper floor windows and activity and animation generated in communal amenity spaces embedded within the site.
- 8.47 An integrated lighting strategy is proposed for the scheme. This strategy will employ the Secured by Design principles in order to create a landscape that is well lit, avoids dark loitering spaces and allows safe passage through the site after dark. Overspill lighting from upper level residential uses, alongside passive surveillance, will enhance the security of the streetscape and illuminate the shared amenity podiums.
- 8.48 A condition would be attached to the permission for secure by design standards to be secured.

Housing

Affordable housing

- 8.49 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.

- 8.50 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).
- 8.51 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.
- 8.52 The scheme would provide 62 units (35% affordable) in the following mix:

	Units	% Units	Hab Rooms	% Hab Rooms
Affordable Rent	12	19.5%	39	25%
Intermediate	6	9.5%	16	10%
Total Affordable	18	29%	55	35%
Market Sale	44	71%	103	65%
TOTAL	62	100%	158	100%

Table 1 - Affordable Housing Mix

- 8.53 The proposed delivery of 35% affordable housing meets the Council's minimum policy target. The tenure split within the affordable housing would be 71:29 which is only marginally variant to the Council's preferred tenure split of 70:30 affordable rented to intermediate.
- 8.54 Viability information was submitted with the application and scrutinised by viability consultants appointed by the Council and discussions were ongoing. The Affordable Housing and Viability SPG was published in August 2017 which sets out a 'Fast Track Route' for schemes that meet or exceed 35% affordable housing provision without public subsidy, provide affordable housing on-site, meet the specified tenure mix, and meet other planning requirements and obligations to the satisfaction of the LPA.
- 8.55 Following publication of this the applicant agreed to bring the proposed rent levels from the POD rents to the Council's most up-to-date affordable rent policy at the required 50/50 split between London Affordable Rent and Tower Hamlets Living Rent. This brought the scheme in line with the above mentioned criteria for the Fast Track route and the Council considers this an appropriate approach. This process would require an early viability review in the event that the completion of demolition works to grade level, all ground preparatory works and the commencement of basement excavation works, along with a contract for the formation of the basement structure and above ground superstructure being in place is not achieved within 2 years of the date of consent. Such a requirement would be inserted as a clause within the S.106 agreement in the event that planning permission was to be granted.
- 8.56 The affordable rent levels are:

2017-18 Borough wide figs.	1 bed	2 bed	3 bed	4 bed
London Affordable Rent (excl. service charge)	144.26	152.73	161.22	169.70
TH Living Rent (inc. service charge)	202.85	223.14	243.42	263.71

- 8.57 The intermediate properties are to be provided as shared ownership and would accord with affordability levels of the London Plan.

8.58 Overall, the provision of affordable housing has been maximised, the proposal meets policy targets and the overall tenure mix on site would assist in creation of a mixed and balanced community.

Dwelling mix

8.59 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.

8.60 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.

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

8.62 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	8	0	0	0%	0	0	0%	8	18	0%
1 bed	22	3	25	30%	3	50	25%	16	36	50.00%
2 bed	23	4	33	25%	2	33	50%	17	39	30.00%
3 bed	9	5	42	30%	1	17	25%	3	7	20%
4 bed+	0	0	0	15%	0	0		0	0	
Total	62	12	100%	100%	6	100%	100%	44	100%	100%

Dwelling Mix

8.63 It can be seen that there is a slight under provision of rented family sized units (3 beds and larger), which at 42% it falls below slightly below the Council's 45% target. It is appreciated that as the total rented only equates to 12 units, the percentage within the tenure mix is easily skewed and the mix is closely in line with policy.

8.64 Again within the intermediate, there is overall a small amount of units which means the percentages are skewed easily but an acceptable range of unit sizes within this tenure is proposed.

8.65 It can be seen that within the affordable rented and intermediate tenures of the proposed development the dwelling mix generally accords with the policy targets.

8.66 Within the private element of the scheme it can be seen that there is an under provision of 1 bed units and a slight overprovision 2 bed flats. A large percentage of studio units and an under provision of 3 bedroom units skews the percentages away from the policy targets for these sizes of units. This mix has been designed to maximise the viability of the scheme in order to provide more affordable housing. It is

considered that although there is this divergence from the policy targets, having generally accorded with policy in the other tenures including providing 42% of affordable units as family-sized, it is considered that the housing mix is acceptable.

Standard of residential accommodation

8.67 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.”

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

8.69 The large majority of the proposed units would be double aspect and none of the units that would be single aspect would be north facing.

Daylight/Sunlight Impacts on Proposed Development

8.70 The application is supported by a Daylight and Sunlight Assessment (DSA) and subsequent addendums to this. The robustness of the methodology and conclusions has been appraised by the Council’s independent daylight and sunlight consultants.

8.71 The Daylight Factor is used to assess if the amount of daylight entering a room through a window is sufficient. The BRE Guidance states that if a day-lit appearance is required the following daylight factors should be met as a minimum:

- Kitchens – 2%;
- Living rooms – 1.5%; and
- Bedrooms – 1%.

8.72 Originally the Kitchen/Living/Dining Room of the two lower ground floor units were the only units that failed this test, however the arrangement of these units has subsequently been amended locating the respective Kitchen/Living/Dining rooms on each corner where an additional window has been added in order to make them dual aspect. Following the amendments these would both meet the target Daylight Factor.

8.73 All the remaining units, meet the ADF values which demonstrate the development has adequate daylight.

8.74 In terms of sunlight to the proposed development, the scheme is located within 90° due north of the railway line. The nearest surrounding buildings to the south, bar a single storey warehouse, would be located approximately 60m away on Malmesbury Road. It is therefore considered that there will be sufficient sunlighting at the proposed development.

8.75 It is considered that the proposal would meet and exceed the relevant design standards and would represent an acceptable standard of living accommodation and amenity to the future occupiers of the scheme.

Inclusive Access

- 8.76 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.
- 8.77 Six wheelchair accessible homes are proposed which amounts to 10% of the total units. These would be spread across all tenures with 2 units to be located within the affordable rented tenure, 1 within the intermediate tenure and 3 within the private tenure.
- 8.78 The 2 rented units will be “wheelchair accessible” as opposed to “adaptable”. These 3 bed wheelchair units for rent will be generously sized and also benefit from a large private amenity space by way of 19 and 14.5sqm terraces respectively.
- 8.79 The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. An on-street disabled accessible parking space on Morville street would be allocated next to the loading bay should there be demand within the scheme.

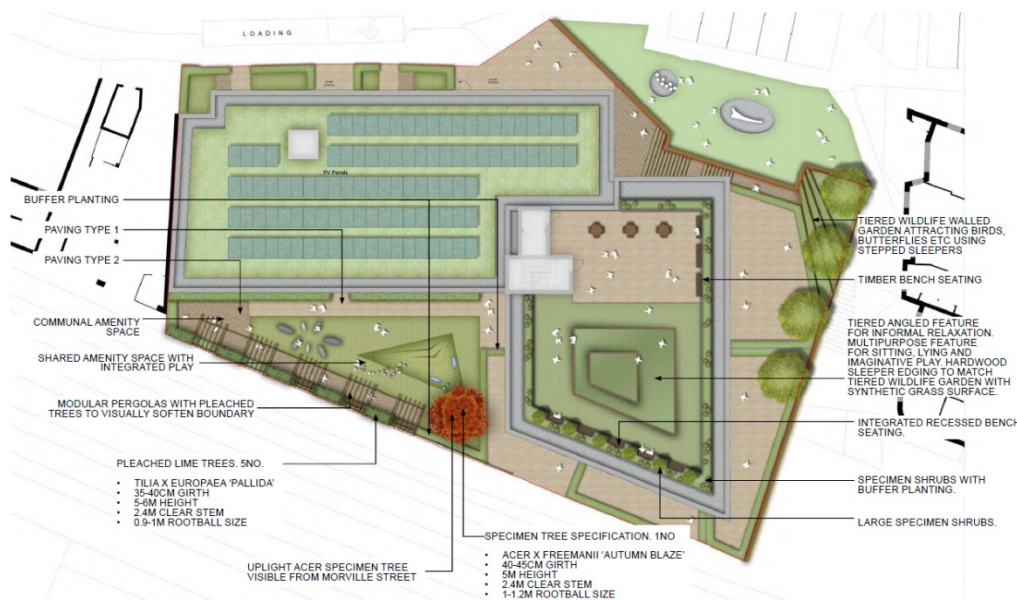
Private, Communal and Child Play Space

- 8.80 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.
- 8.81 All of the proposed units would have a private balcony or terrace that is at least 1500mm wide and would meet the minimum space standards set out in the MDD. These would all have level access from the main living space.
- 8.82 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a total of 102sqm of communal amenity space is required across the development.
- 8.83 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated child play space within new residential developments. The Mayor of London’s SPG ‘Shaping Neighbourhoods: Play and Informal Recreation’ sets a benchmark of 10sqm of useable child play space per child. The GLA child yield calculator is used to project the number of children for the new development. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within short walking distances. The proposed scheme is anticipated to accommodate 18 children using the GLA yield calculator, translating to a policy requirement of 180sqm.
- 8.84 The combined total space across the scheme to meet the policy requirement for communal and child play space would therefore be 282sqm. Outdoor space would be provided on the ground floor to the rear of the development (218sqm), on the roof of the southern block (275sqm) in addition to a tiered wildlife garden on the east of the site (34.5sqm) that would combine to provide 527.5sqm. As such the scheme overall would almost be double the policy requirement, exceeding the policy requirement by 245.5sqm.

	GLA Child Yield	Policy Space Requirement	Proposed within scheme
Under 5	8	80sqm	80sqm
5-11 year olds	6	60sqm	60sqm
12+	4	40sqm	40sqm
Total	3	180sqm	180sqm
Shortfall in play space			0sqm

Child Play Space Provision

8.85 Dedicated child play space would be provided within the ground floor amenity space. The table above shows the breakdown of the GLA child yield by age group and the corresponding space requirement. 180sqm of child play space would be provided meeting the requirement for all age groups in an integrated and well-designed space.



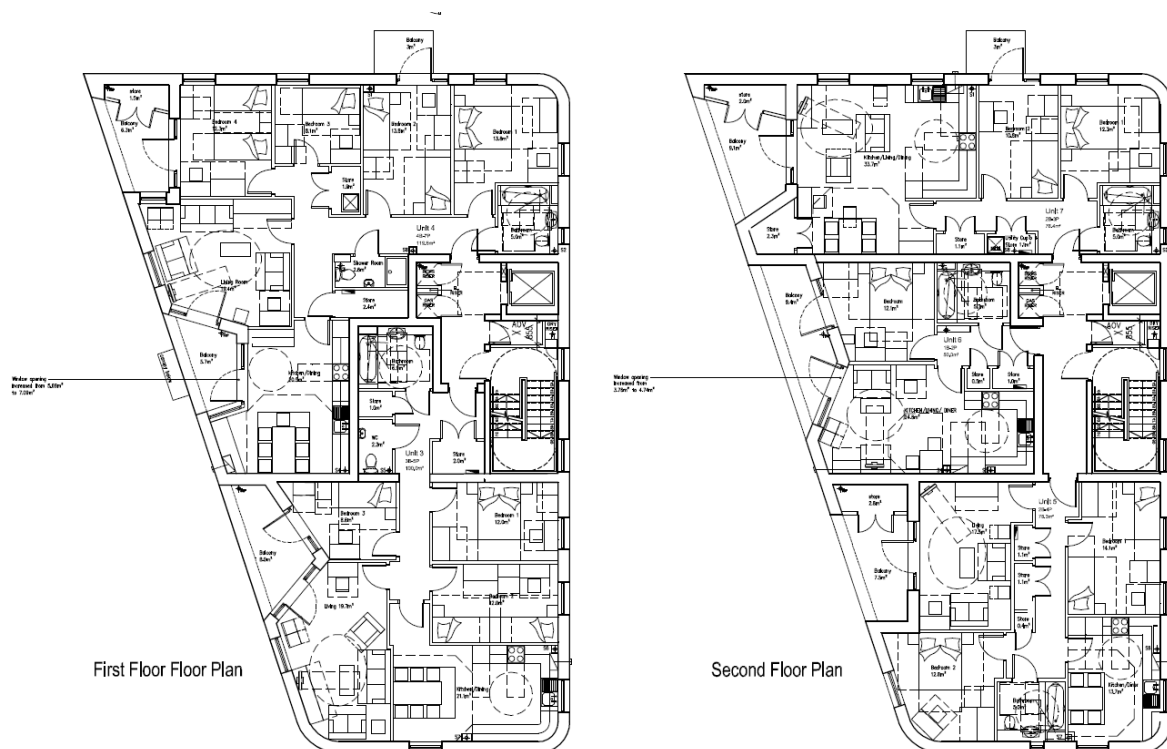
8.86 The proposed landscaping is considered to be well thought out and would be of a high quality. Overall, the proposed provision of private, communal and play space would make a significant contribution to the creation of a sustainable, family friendly and liveable environment.

Amenity

8.87 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.

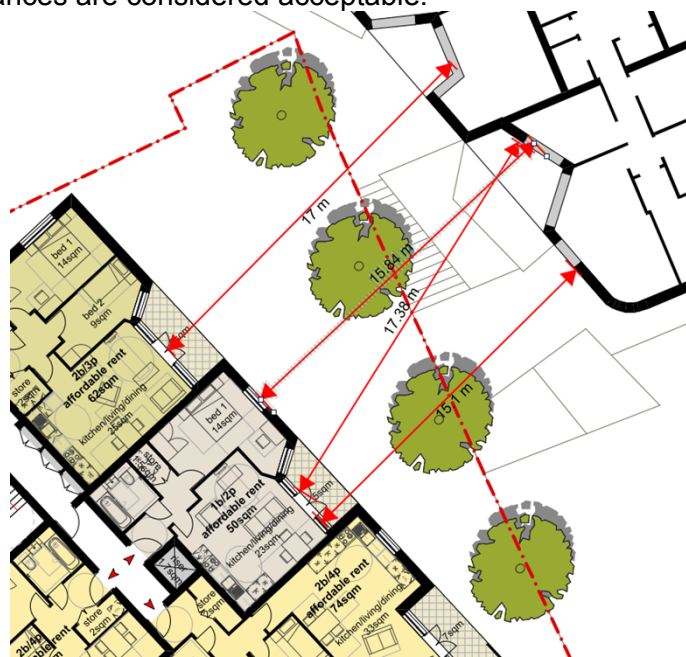
Overlooking and privacy

- 8.88 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 the lower distances could be acceptable reflecting the existing urban grain and constrained nature of urban sites such as this.
- 8.89 The aspects north across Morville Street to Eastside Mews and east to Springwood Close are relevant in this regard. The separation distance to Eastside Mews would be at least 17 metres at its closest point. This represents a typical street relationship and is considered acceptable.
- 8.90 The separation distances to Springwood Close would be tighter ranging between 13.5 metres and 17 metres. The closest relationships are experienced by the middle and southern units of this elevation. The following are the approved first and second floor plans of Springwood Close.



- 8.91 It is clear the above site has been designed to avoid primary habitable rooms on the boundary wall to ensure the application site is capable of coming forward.
- 8.92 In many cases the angles and placement of the windows would be such that the windows do not directly face each other, helping to mitigate privacy impacts.
- 8.93 The following is the proposed first floor plan of the proposal and the separation distances to Springwood close. It is clear the design has fully taken into account the

neighbouring properties and for the urban context, it is considered the resulting separation distances are considered acceptable.



Outlook and sense of enclosure

- 8.94 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 undue sense of enclosure.

Daylight, Sunlight and Overshadowing

- 8.95 Guidance on assessment of daylight and sunlight is set out 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 0.8 times its former value. The BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probably sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%.
- 8.96 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur more than 20% of the existing they will be noticeable to occupiers.

8.97 The applicant submitted a Daylight and Sunlight Assessment prepared by SLR Consulting Ltd in line with the BRE methodology, which looks at the impact of the development on the neighbouring properties and the proposed development. This was been reviewed by independent consultants appointed by the Council and their assessment is discussed below.

Daylight/Sunlight Impact on Neighbouring Properties

8.98 Based on the analysis presented, 331 Morville Street and Briar Court would be within the BRE guidelines for loss of daylight. Springwood Close and Eastside Mews would be impacted in terms of daylight and sunlight.

8.99 In terms of Springwood Close, the western elevation would be impacted by the proposal. Of the 20 receptors tested 19 of these would experience VSC losses greater than 20% of their former value and VSC figures that would fall below 27%. The varying level of VSC reduction is shown below.

Springwood Close - % VSC Reductions		
% Loss		No. of Receptors
0-20% - Negligible		1
20-30% - Minor Adverse		4
30-40% – Moderate Adverse		4
40%+ Major Adverse	40-60%	11
	60-80%	0
	80-100%	0

8.100 Of the failures, it can be seen that 11 windows would experience a major adverse impact, 4 windows would experience a moderate impact and 4 would experience a minor impact. The impact would increase as you move towards the ground floor and the south of this elevation. Overall, 4 windows on the ground floor and 3 on the first floor would have VSC below 17%.

8.101 It is considered that the design of Springwood Close with inset balconies and the fact that the buildings opposite are presently low rise contribute to the relative reductions in VSC set out above. Within this residential area, it should be a reasonable assumption that a scheme of a similar scale to Springwood Close would come forward. The comparison between a scheme of a similar scale that optimises the site and the predominantly low rise nature of the existing site would naturally lead to significant losses in VSC to the western elevation of Springwood Close.

8.102 In any case, the impacts would be mitigated by the fact that of the 11 units within Springwood Close, 8 are triple aspect and 1 is double aspect, meaning these flats would receive good levels of daylight/sunlight from other elevations. Sunlight received by the kitchens positioned on the southern elevation for example would be unaffected by the development. Of the 2 single aspect units, 1 is positioned on the east elevation so will be unaffected and the unit on the west elevation would experience moderate VSC reductions.

8.103 In terms of Eastside Mews, the southern elevation would be impacted by the proposal. Of the 32 receptors tested, 18 of these would experience VSC losses greater than 20% of their former value and 20 would fall below 27 as a result of the development.

Eastside Mews - % VSC Reductions		
% Loss		No. of Receptors
0-20% - Negligible		14
20-30% - Minor Adverse		10
30-40% – Moderate Adverse		7
40%+ Major Adverse	40-60%	1
	60-80%	0
	80-100%	0

- 8.104 It can be seen from the table above that of the failures to Eastside Mews the vast majority would experience losses of negligible or minor adverse. There would be 7 windows moderately affected and only 1 impact of 41%.
- 8.105 In order to provide a robust assessment the Daylight Factor has been calculated at locations where the VSC method has failed. The Daylight Factor is used to assess if the amount of daylight entering a room through a window is sufficient. The BRE Guidance states that if a day-lit appearance is required the following daylight factors should be met as a minimum:
- Kitchens – 2%;
 - Living rooms – 1.5%; and
 - Bedrooms – 1%.
- 8.106 When this test was applied, all of the windows met the above requirement.
- 8.107 In terms of sunlight, obstruction to sunlight can occur if part of the proposed re-development is situated within 90degrees due south of a main window wall of an existing building.
- 8.108 Table 3 of the originally submitted Daylight, Sunlight and Overshadowing Assessment submitted in support of the planning application indicated that individual windows at 331 Morville Street and Briar Court would all achieve the 25 degree rule (typically used to assess Daylight impact) and thus achieve acceptable levels of sunlight.. However, individual windows of receptors Springwood Close and Eastside Mews do fail the 25 degree rule. Therefore, in these locations sunliting has been considered further.
- 8.109 BRE Guidance states that if a reference point in the centre of a window receives at least a quarter of the annual probable sunlight hours (APSH), including at least 5% of the annual probable sunlight hours during the winter months of between 21st September and 21st March, then the room should receive sufficient sunlight.
- 8.110 Of all 42 windows tested on across Eastside Mews and Springwood Close only 2 failed to achieve the above target APSH: 1 window on the ground floor of Springwood Close falls below the 5% target (achieving 2%) for winter sunlight while meeting the target for annual sunlight (achieved 25%) and 1 window falls under on both counts receiving 0% of winter sunlight and 18% of annual sunlight. This latter window appears to be badly affected by being inset within a balcony and it is noted it also serves a kitchen, which is less important for sunlight. All other windows tested would meet the targets for sufficient sunlight. The failures are considered very localised and the overall sunlight impacts are not significant.

- 8.111 Taking the above into consideration it is acknowledged that there would be certain daylight/sunlight impacts, in particular on the Springwood Close development but it is considered that the internal daylighting and sunlighting to this development would still be acceptable within the context of the dense urban nature of the area.
- 8.112 The BRE guidelines should be interpreted flexibly and account should be taken of the constraints of the site and the nature and character of the surrounding built form. Officers consider that there are impacts; however benefits of the scheme outweigh those impacts given the nature of the area.

Sunlight/overshadowing to Gardens and Open Spaces

- 8.113 A sun-path analysis was undertaken to determine the proportion of any amenity areas which the development would cast a shadow over at 12:00 on the 21st March (i.e. the equinox). It should be noted that existing / proposed foliage was not included within the analysis. Periods when shadows are present may also be caused by trees rather than the proposals. The results presented provide a representation of the potential impacts associated within the development only as a worst-case.
- 8.114 Overshadowing was shown to occur as a result of the proposals, at some of the outdoor areas associated with the Springwood Close residential development, specifically the area to the north and east of the proposal. However, it is noted that there is further open space associated with the Springwood Close development located to the north and south— albeit locations which the Springwood Close development itself impacts on within its own development boundary.
- 8.115 Additionally, the outside areas associated with Eastside Mews are impacted upon to a minor extent. However, it is noted that the majority of this impact is as a result of the Eastside Mews development itself. The outdoor area associated with the proposals to the south, is not affected by the development and only receives some overshadowing as a result of the raised railway line to the south. For the above reasons, overshadowing impacts are considered acceptable.

Noise and Vibration

- 8.116 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.
- 8.117 The proposal could experience high levels of noise and vibration from the railway line to the south. This consists of 4 tracks and serves Greater Anglia National Rail line and TfL Rail between Stratford and Liverpool Street. Trains stop just after 01.00 and restart just after 05.00 and are frequent throughout the day. A Noise and Vibration Assessment by AIRO accompanied the application. The contents of the report takes into account the glazing specification required to achieve good noise insulation from the high levels of railway noise. Noise and vibration surveys have been undertaken at the site and daytime and night-time noise levels have been determined. In order to mitigate the high levels of noise, measures relating to glazing, ventilation, building fabric and vibration have been recommended for the proposed building.
- 8.118 All of these specialist mitigation measures will ensure that internal and external noise/ levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233: 2014 and meet vibration standards set out in BS 6472: 2008. To ensure that the railway noise and vibration is acceptable a condition will be imposed for an

updated noise and vibration survey to be undertaken and for the measures to be strictly implemented.

- 8.119 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.

Air Quality

- 8.120 An Air Quality Assessment by Bluecroft accompanied the application. The report notes that the London Air Annual Pollution maps indicate NO₂ concentrations at the application site and within the immediate locale are within the relevant AQO's and therefore unlikely to expose new receptors to high pollutant concentrations. As such, no further mitigation is required with regards to site suitability.
- 8.121 The proposed development has the potential to give rise to construction impacts of dust and emissions therefore the Council's Air Quality team recommend that included within the CEMP condition should be the requirement for dust mitigation & monitoring and that all Non-Road Mobile Machinery must meet the emissions standards as set out in the GLA's 'Control of Dust & Emissions from Demolition and Construction' SPG.
- 8.122 The Information on the proposed boilers was not available at the time of the assessment therefore the Air Quality Neutral Assessment for the building emissions has not been carried out. A condition is recommended that an Air Quality Neutral Assessment must be carried out once the relevant information is available to ensure that the development does not have a negative impact on the local air quality.
- 8.123 Provided the above recommended conditions are complied with, the air quality is considered acceptable.

Transport, Access and Servicing

- 8.124 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.
- 8.125 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 private vehicle 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.
- 8.126 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.

- 8.127 The site benefits from good access to public transport. Bow Church DLR and Bow Road underground station are both located around 550m walk to the south of the site. These stations provide access to the DLR, District and Hammersmith & City lines with services to Canary Wharf, the City and West End. The area is also well served by buses which stop at Tredegar Road and Bow Road. The proposed development site has a Public Transport Accessibility Level (PTAL) of 4.
- 8.128 Transport for London (TfL) have also recently completed a large scale upgrade of the cycle infrastructure along Mile End Road providing separated lanes leading in and out of central London.
- 8.129 Overall, the proposal's likely highways and transport impact are considered to be acceptable by the Council's Transportation & Highways section. The relevant issues are discussed below.

Cycle Parking

- 8.130 The London Plan (FALP 2016) cycle parking standards require 94 cycle parking spaces to be provided for use by residents. The development provides 94 covered secure cycle parking spaces in 5 stores across the development, one of which would be in the basement. 8 would be provided as Sheffield stands, with the remaining 86 two-tier cycle racks.

Car Parking

- 8.131 The development would be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits.
- 8.132 One accessible space is proposed on Morville Street next to the loading bay. One accessible space would be under the policy target of 6, representing 1 for each accessible unit within the development, however owing to the site constraints the offer of one on-street space is considered acceptable.

Servicing and Refuse Storage

- 8.133 The servicing would be conducted from a proposed loading bay on Morville Street. A condition requiring a delivery and servicing management plan to be submitted and approved will be attached to the permission.
- 8.134 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage has been calculated in accordance with current waste policy.

Public Realm

- 8.135 Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development. This would secure a dropped kerb from the bin store to the collection point in addition to a 2 metre pavement width on Morville Street. The Council's Transport and Highways team advised the applicant that they would only support the loading and disabled bay at the location proposed if 2m footpath could be achieved. The applicant has dedicated some of their land to achieve this. .

Construction

- 8.136 Condition securing a Construction Management Plan and the standard hours of construction would also be secured by condition. Hours of construction was raised in a neighbour representation. Construction will be limited to the hours of 08:00 and 18:00, Monday to Friday, and between the hours of 09:00 and 13:00 on Saturday. No works would be carried out at any time on Sundays or on Public Holidays. Any breach of this would be liable for enforcement action.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

- 8.137 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in chapter 5 of the London Plan, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) 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.
- 8.138 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.139 From October 2016 LBTH Policy DM29 requires major residential developments to achieve zero carbon (with at least 45% reduction achieved through on-site measures). The remaining regulated carbon emissions (to 100%) are to be offset through a cash in lieu contribution in accordance with our carbon offset solutions study. The study identifies the scope of the fund and types of projects to be delivered.
- 8.140 The submitted Energy Statement (XCO2 Energy -March 2017) has followed the principles of the Mayor's energy hierarchy, and focuses on the Be Lean stage to reduce energy demand and Be Green to integrate renewable energy technologies (Photovoltaic array (6.3kWp)).
- 8.141 The current proposals seek to minimise CO2 emissions through Be Lean and Be Green measures as follows:
- Be Lean – 12.2% reduction
 - Be Clean – 0% reduction
 - Be Green – 12.1% reduction
- 8.142 The cumulative CO2 savings from these measures are proposed to be significantly short of policy DM29 requirements and deliver approximately a 24.3% reduction. A carbon offsetting contribution has been proposed in the submitted Energy Statement of £30,200 to be paid through the adopted carbon offsetting procedures.
- 8.143 The CO2 emissions are:
- Baseline CO2 emissions: 22.1 Tonnes/CO2/yr
 - Proposed design CO2 emissions: 16.78 Tonnes/CO2/yr
 - Carbon offsetting payment to zero carbon: 16.78 (Tonnes/CO2/yr) x £1,800 = £30,200

- 8.144 In order to support the proposed scheme carbon reduction proposals, a S106 agreement for **£30,200** to be payable prior to commencement of development, should be incorporated to deliver carbon savings off-site. The applicant would need to submit the as built building regulations calculations (SAP) to demonstrate that the carbon savings have been delivered. This would be secured by condition. An additional carbon offsetting payment could be payable should the required CO2 emission reductions not be realised.
- 8.145 The proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 24.3% reduction in CO2 emission reductions. Subject to Conditions securing the energy and sustainability proposals and the CO2 emission reduction shortfall being met through a carbon offsetting contribution, the proposals would be considered acceptable in accordance with adopted policies for sustainability and CO2 emission reductions.

Biodiversity

- 8.146 Policy DM11 of the MDD requires developments to provide net benefits for biodiversity in accordance with the Local Biodiversity Action Plan (LBAP).
- 8.147 The Landscape Design Strategy includes proposals for a number of biodiversity enhancements which will contribute to objectives in the local Biodiversity Action Plan (LBAP).
- 8.148 The most significant enhancement is the inclusion of 688 square meters of biodiverse roofs. The proposed design for these is good, and this will contribute to a LBAP target for new open mosaic habitat. Bat boxes and nest boxes for swifts and black redstarts will be incorporated into the buildings. The locations for these look acceptable, though the proposed inclusion of only two swift boxes is not ideal. Swifts are colonial nesters, and it is usual to include at least three boxes in a scheme. Swift boxes with multiple chambers are available, and if two of these are used instead of the proposed single boxes, that would be preferable. These will contribute to LBAP targets.
- 8.149 The proposed tiered wildlife garden is located to the north of the new building, where it will be shaded by the building for most of the day. That will restrict its value to butterflies, bees and other pollinating insects. Nevertheless, the log pole and insect wall will be of value to some species, and will contribute to LBAP targets.
- 8.150 If some nectar-rich planting could be included in the landscaped area to the south of the new buildings, that would contribute to a LBAP target to increase forage for bees and other pollinators. Overall, these enhancements should be sufficient to ensure net gains for biodiversity, assuming the habitats which have been removed by site clearance were of low quality.
- 8.151 The enhancements discussed above would be secured by a condition.

Land Contamination

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

Health Considerations

- 8.153 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.
- 8.154 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.
- 8.155 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

- 8.156 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.
- 8.157 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.
- 8.158 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.
- 8.159 The proposed heads of terms are:
- Financial Obligations:
- a) A contribution of **£18,505** towards employment, skills, training for the construction phase
 - b) A contribution of **£30,200** towards Carbon Off-Setting.
 - c) **£3,000** towards monitoring fee (£500 per s106 HoT's)
- Total £51,705**
- 8.160 The following non-financial planning obligations would also be secured:
- a) Affordable housing 35% by habitable room (18 units)
65% Affordable Rent (12 units)
35% Intermediate Shared Ownership (6 units)
 - b) Access to employment
20% Local Procurement
20% Local Labour in Construction

20% Local Labour in End User Phase
2 Apprenticeships

- c) Car free agreement
- d) Viability Review Mechanism
- e) Any other planning obligation(s) considered necessary by the Corporate Director of Place.

Local Finance Considerations

8.161 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.

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

8.163 Using the DCLG’s New Homes Bonus Calculator, this development is estimated to generate approximately £98,282 in the first year and a total payment £589,692 over 6 years.

8.164 Tower Hamlets CIL liability would be £107,222 and the London CIL liability would be £107,222.

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

Human Rights Considerations

8.166 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:

8.167 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".

8.168 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.

8.169 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.

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

8.171 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

8.172 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, 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:

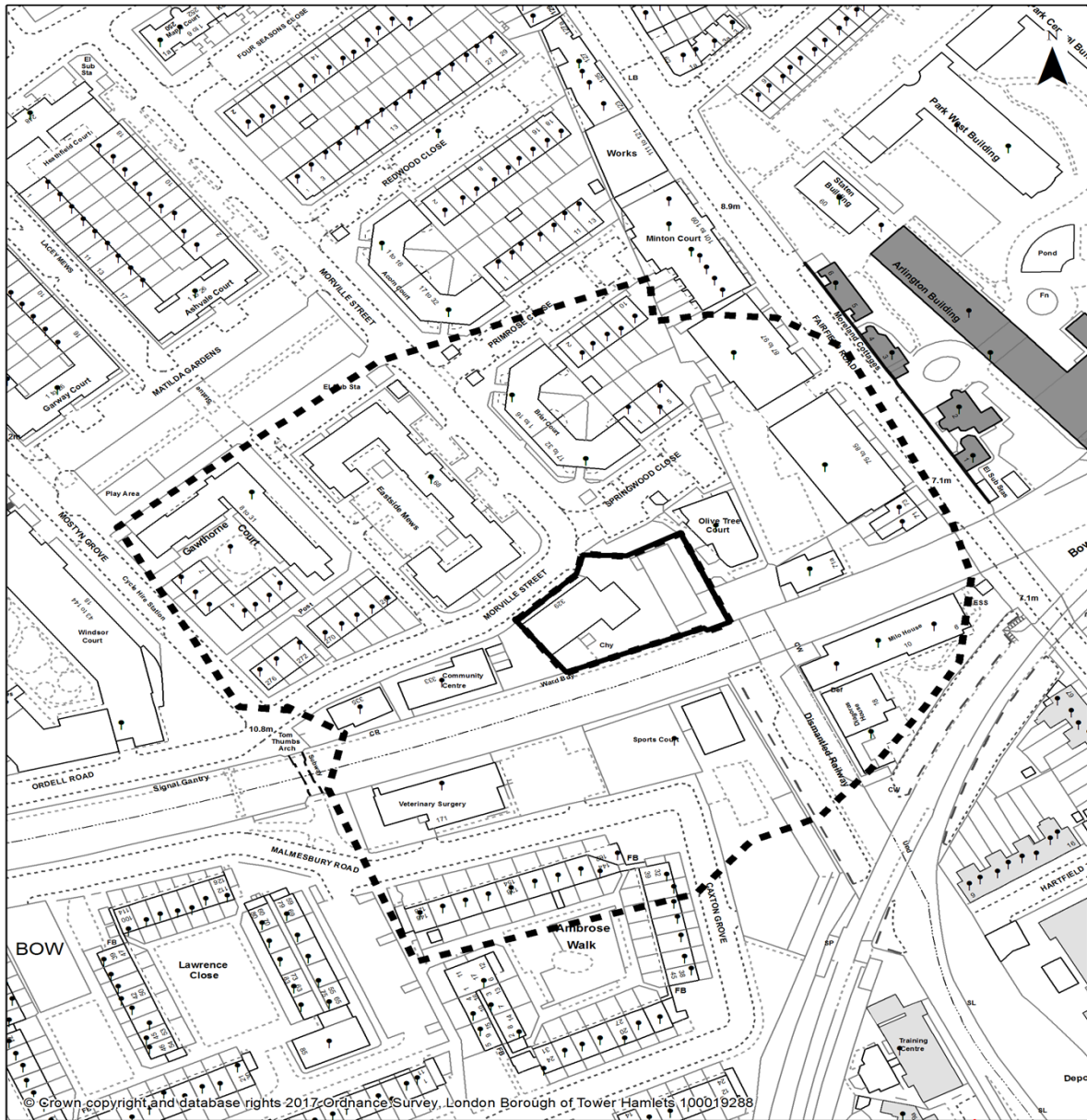
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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

8.173 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

Appendix 1 SITE MAP



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- Consultation Area
- Planning Application Site Boundary
- Statutory Listed Buildings
- Locally Listed Buildings

Scale @ 1:1,500
 20 10 0 20 40 60 Meters

Planning Application Site Map PA/17/01253

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



GIS for
Place Directorate
LONDON BOROUGH OF TOWER HAMLETS
Date: 20/10/2017



Agenda Item 5.2

Committee: Development	Date: 8 th November 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Richard Humphreys	Ref No: PA/17/01725
	Ward: St Peters

1.0 APPLICATION DETAILS

Location:	Regents Wharf, Wharf Place, E2 9DB
Existing Use:	Disused Jacuzzi and sauna ancillary to residential accommodation
Proposal:	Change of use of the existing vacant space at lower ground floor into a one bedroom residential unit and planted courtyard.
Drawings and documents:	400-PL-400-00 Location plan 400-PL-01 Block Plan 400-PL-02 Rev 4 - Existing Site Plan 400-PL-03-Existing lower ground floor 400-PL 04 Existing elevations 400-PL-05 Existing sections 400-PL-06 Rev 6 Proposed Site Plan 400-PL-07 Proposed lower ground floor 400-PL-08 Proposed elevations 440-PL-09 Proposed sections 1 400-PL-10 Proposed sections 2 400-PL-11 Rev 1 Existing Elevation E-E Section FF 400-PL-12 Rev 1 Proposed Elevation E-E Section FF 400-PL-13 Rev 1 Existing – Proposed Elevation 400-PL-14 – Privacy Daylight, Sunlight and Overshadowing - GIA 22 nd June 2017
Applicant:	Mr Barry Angell
Ownership:	Applicant and 21 leaseholders of Regent Wharf
Listed Building:	None.
Conservation Area:	Regents Canal Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Development Committee due to 20 letters of objection from neighbouring residents.
- 2.2 The proposal involves the change of use of part of a disused communal Jacuzzi and sauna at lower ground level of Regents Wharf to a single bedroom dwelling, the demolition of a single storey structure (part of the vacant communal facility) to form a screened amenity courtyard and alterations to the elevations.
- 2.3 The proposal involves revision to a scheme refused planning permission in November 2016 under delegated power and seeks to overcome previous objections. Officers have considered the application against the policies in the London Plan 2016, Tower Hamlets Core Strategy 2010, the Managing Development Document 2013, the National Planning Policy Framework and other material considerations including the Building Research Establishment's Guidance on daylight and sunlight.
- 2.4 The proposed dwelling would accord with development plan policy to increase housing supply and meet housing standards including natural light. The design of the proposed alterations is considered satisfactory and would preserve the character and appearance of the Regents Canal Conservation Area.
- 2.5 The proposal would not unduly impact the amenity of neighbouring residents and would also afford future occupiers a suitable level of amenity in accordance with Core Strategy policy SP10 (4) and policy DM25 of the Managing Development Document.
- 2.6 The proposed dwelling would be provided with a cycle parking space and would be serviced in an appropriate manner including arrangements for refuse storage. Subject to a condition to secure 'car free' arrangements, the proposal would not have adverse transport implications including impact on the local highway network.
- 2.7 A large number of residents have expressed concerns about the impacts the development. Officers consider these can be mitigated by conditions and concerns do not outweigh the benefits of providing a new dwelling in redundant ancillary residential accommodation.

3.0 RECOMMENDATION

- 3.1 The Committee resolve to **GRANT** planning permission subject to the Director of Place given delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:
 1. 3 year time limit,
 2. Approved plans,
 3. External finishes to match existing,
 4. Facility for the parking of a bicycle to be provided and maintained,
 5. Details of the retractable canopy to the amenity courtyard to be submitted and approved in writing. The approve canopy to be retained for the life of the development.
 6. 'Car free' legal agreement to be executed.
 7. 'Secured by Design' accreditation.

4.0 SITE AND SURROUNDINGS

- 4.1 Regents Wharf is one of a number of residential blocks located on Wharf Place on the south western side of the Regent's Canal within the Regents Canal Conservation Area. The boundary with the London Borough of Hackney runs down the centre of the canal.
- 4.2 The building is not listed and there are no listed buildings in the vicinity. The surrounding area is predominately residential comprising converted wharfs or purpose built blocks. Some industrial and commercial units are also located in the vicinity.
- 4.3 The application premises lies at lower ground level of Regents Wharf. It is currently vacant but previously comprised a communal Jacuzzi, sauna, WC and shower room that was permitted as part of planning permission PA/07/00411 for the construction of a 3-storey addition to Regents Wharf to provide 3 x 1-bed flats.



Figure 1 – Redundant Jacuzzi / Sauna



Figure 2 – Redundant Jacuzzi / Sauna

- 4.4 At the rear, a narrow down ramp provides access to a car park beneath London Wharf an adjoining residential block to the south east that also has ground level car parking fronting Wharf Place. Adjoining the car parking area fronting Wharf Place, part of the application premises comprises a single storey brick built structure running in front of London Wharf.



Figure 3 - Access to a car park beneath London Wharf



Figure 4 - single storey brick built structure in front of London Wharf to be demolished

7.0. MATERIAL PLANNING HISTORY (most relevant in bold)

- 5.1 BG/90/00234 - Erection of 3-storey building (Regents Wharf) comprising 20 flats with basement underground car park. Permitted 7th November 1991.
- 5.2 PA/04/00160 - Partial demolition of 2-storey residential unit to courtyard level and construction of a 3-storey building on north-east corner of the courtyard. The proposal involved the conversion of existing basement space into a maisonette and added three new flats. An appeal against non-determination was dismissed on 27th January 2005 due to harm to the appearance and character of the area and adversely impact on amenities of existing residents.
- 5.3 **PA/05/2129 - Construction of a 3-storey building of three flats over existing entrance and bin store. Appeal against non-determination dismissed by the**

Planning Inspectorate 26th September 2006 due to of sense of enclosure. This proposal concerned the site of the current application.

- 5.4 **PA/06/01087 - Construction of 3-storey building to form 3 flats over existing entrance and bin store (revised scheme). Appeal against non-determination allowed 18th April 2007. The approved plans showed the communal sauna and Jacuzzi at lower ground level the site of the current application PA/17/01725.**
- 5.5 **PA/07/00411 - Planning permission granted 18th June 2007 for the construction of a 3 storey building to provide 3 x 1-bed flats, provision of bin store enclosure and upgrading of entrance. The approved plans showed the communal sauna and Jacuzzi at lower ground level the site of the current application PA/17/01725.**
Conditions:
- 3 year time period.
 - Approval of facing materials
 - Refuse storage facilities to be provided and thereafter maintained
 - Bicycle storage to be provided and maintained
- 5.6 PA/07/03/321. 4th January 2008, facing materials approved pursuant to PA/07/0411.
- 5.7 PA/09/02273 – Planning permission for the erection of two dwellings in a disused car-park area. Refused 26th April 2010. This application concerned the main car parking area at Regents Wharf not the current application site. Appeal dismissed by the Planning Inspector on the 30th March 2010. Reason:
- *“Loss of part of the existing communal amenity space for the occupiers of Regents Wharf,*
 - *Proposed flat 2 would not provide satisfactory living conditions.”*
- 5.8 PA/11/00834 – Planning permission granted 7th February 2012 to erect a new dwelling within part of the basement parking area. This application again concerned the main car parking area at Regents Wharf not the current application site.
- 5.9 PA/12/00514. Erection of a one bed dwelling within the area of the lower car park level. Planning permission refused 14th August 2012.
- 5.10 PA/13/01945 – Planning permission refused 17th October 2013 to erect a one-bedroom dwelling within the area of the lower car park level. This application again concerned the main car parking area at Regents Wharf not the current application site. Refusal Reason:
- “Loss of part of the existing communal amenity space for Regents Wharf development which has important amenity value, the replacement amenity space is in a poor location and would not adequately re provide the amenity space to the same quality.”*
- 5.11 PA/15/02997 – Construction of a new residential flat within rear car parking space (amended proposal). This application again concerned the main car parking area at Regents Wharf not the current application site. Permitted 26th January 2016.
- 5.12 **PA/16/02761 – Erection of no 1 porters lodge in a disused space. This application concerned the space subject to the current application. Permission refused 29th November 2016. Reason:**

“The proposed unit by reason of its poor internal daylight levels, lack of privacy and outlook, lack of separation between the residential unit and the car parking area would result in a poor quality living environment for the future occupiers of the development contrary to policy DM4 and DM25 of the Managing Development Document 2013 and SP10 of the Core Strategy 2010.”

- 5.13 PA/17/00362 - Erection of no 1 porters lodge in a disused space. Withdrawn 24th April 2017.

Material enforcement history

- 5.14 ENF/08/00139. On 25th November 2008 the following notices were served pursuant to planning permission PA/07/00411:

Breach of Condition Notice - Required steps:

- To enlarge the refuse storage facility and modify its rear entrance to accord with approved drawings No.2319.P402, P406 and P407,
- Install and maintain bicycle storage facilities for 8 cycles, in accordance with approved drawing No. P2319. P.402.

Enforcement Notice - Required steps:

- *Modify the metal infill panel to be in accordance with the approved planning drawing No. 2319.P.406.*

6.0 PROPOSAL

- 6.1 Application is now made to change the use of part the vacant communal space at lower ground floor into a one bedroom residential unit. The proposal differs from scheme PA/16/02761 refused on 29th November 2016 in the following respects:

- Demolition of the structure in front of London Wharf to create a planted amenity courtyard with translucent glass screens on the eastern and southern perimeters,
- Two pairs of full height glazed aluminium powder coated sliding doors looking into the new courtyard to light a proposed combined kitchen / living /diner and bedroom,
- New window in the front elevation to serve the proposed kitchen / living /diner
- Area of the flat reduced to 50.6 m2 from 68 m2,
- 3.2 m2 internal storage provided beneath the refuse store forming part of the approved development PA/07/00411.

7.0 POLICY FRAMEWORK

- 7.1 In determining the application the council 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 pay special attention to whether the development would preserve or enhance the character or appearance of the Regents Canal Conservation Area

(Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990).

The development plan

- 7.2 The development plan for Tower Hamlets comprises the London Plan 2016 and the Tower Hamlets Local Plan jointly the Adopted Policies Map, the Core Strategy 2010 and the Managing Development Document 2013.
- 7.3 For details of the status of relevant policies see the front sheet for “*Planning Applications for Determination*” agenda items. The following national, regional and local planning policies and supplementary planning documents are most relevant to the application:

National policy

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Technical housing standards – nationally described space standard 2015

Regional policy

The London Plan 2016

3.3 - Increasing housing supply
3.5 - Quality and design of housing developments
6.13 - Parking
7.4 - Local Character
7.6 - Architecture
7.8 - Heritage assets and archaeology

Local policy

Tower Hamlets Core Strategy 2010

SP02 – Urban living for everybody
SP10 – Creating distinct and durable places
SP12 – Delivering place making

Tower Hamlets Managing Development Document 2013

DM3 - Delivering Homes
DM4 - Housing standards and amenity space
DM14 – Managing waste
DM22 - Parking
DM24 - Place sensitive design
DM25 - Amenity
DM27 – Heritage and the historic environment

Supplementary planning guidance

The Mayor’s ‘*Housing*’ SPG 2016
Regents Canal Conservation Character Appraisal and Management Guidelines (LB Tower Hamlets)
Site layout planning for daylight and sunlight: a guide to good practice Building Research Establishment 2011

Adopted Policies Map - Allocations

Regents Canal Conservation Area
Blue Ribbon Network (The Regents Canal)
Wharf Place forms part of the Tower Hamlets Green Grid

8.0 CONSULTATION RESPONSE

8.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

8.2 The following were consulted on the application:

External

Canal and Rivers Trust

8.3 No comments given the separation from the Regent's Canal.

London Borough of Hackney

8.4 No objections.

Transport for London

8.5 No comments received.

Internal

Highways and Transport

8.6 As impacts on car parking have been raised, a 'Permit Free' approach should be taken if permission is granted.

Waste Management

8.7 No objections. The existing bin store appears to have sufficient space for additional waste capacity.

9.0 LOCAL REPRESENTATION

9.1 71 notification letters were sent to nearby properties as detailed on the attached site plan. A site notice has been displayed and the application advertised in East End Life.

9.2 The number of representations received in response to statutory publicity of the application is as follows:

Representations received			20
Objecting:	20	Supporting	0
No of petitions received:			0

9.3 Material objections may be summarised as:

- The flat is proposed below ground level with ground level windows level resulting in no outlook because of proposed translucent screens. The apartment is at the bottom of the 90-degree angle of two much taller buildings. The flat would experience very limited natural light in conflict with policy DM04 of the Managing Development Document 2013, policy SP02 of the Core Strategy 2010 and policy 3.5 of the London Plan 2016. The application of white reflectance to walls within the flat not a permanent solution to the lack of daylight.
- No access to fresh air.
- No provision for foul sewage.

- Conflict with Local Plan SO14/SP05/DM14 – Dealing with waste and Policy DM13 – Sustainable Drainage. The application makes no provision for dealing with waste or sustainable drainage.
- Limited privacy. The property can be viewed from the street and the sunken courtyard opens up the flat to overlooking from London Wharf adjoining.
- The planned living space is extremely small, 24 m2 as shown on drawing 440-PL-07, in conflict with policies SO7/SO8/SO9/SP02/DM4 – Housing standards and amenity space requiring 50 m2 minimum (2 people, 1 bedroom).
- The area drawn as a light well is a vehicle access ramp into a car park, and subject to passing vehicles and people.
- The conversion of part of the existing Regents Wharf bin store into storage space for the apartment will be loss of community refuse space.
- Out of place within the street scene. The translucent panels would look very strange against the existing buildings. Regents Wharf's frontage is already inconsistent following recent developments. The proposal would introduce a third inconsistency with the small sunken courtyard out of place in the middle of a parking area. Conflict with London Plan policy 7.6 Architecture and Core Strategy SO22/SO23/SP10 – Creating distinct and durable places
- Lack of defensible space between the courtyard and the existing car parking. Cars could park against the glass of the proposed apartment disturbing occupants especially at night. The translucent screens could aggravate the intrusion of car headlights.
- Conflict with London Plan policy 7.3 requiring crime to be designed out. The property will be vulnerable to theft and vandalism due to the windows being at ground level and next to a footpath.
- Loss of communal amenity space for residents of Regent's Wharf.
- Serious parking problems on Regents Wharf. There are only eight designated car parking spaces.

9.4 Non-material objections:

- The existing space already suffers from damp which will extend to the flat since water will collect in the courtyard and there is no provision for drainage.
- Access to electricity meters
- The proposed basement courtyard will attract littering and potentially vermin.
- The property is not wholly owned by the applicant.

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The application has been assessed against relevant policies under the following town planning matters:

1. Land Use
2. Urban design and heritage assets
3. Housing quality
4. Refuse
5. Transport

Land Use

10.2 The application site is a disused communal amenity ancillary to a residential block. There is no policy in the development plan to protect such spaces. There is support for

additional housing at all levels of planning policy. No land use objection was raised to the proposed change of use when the previous application was refused on 29th November 2016.

Urban design and heritage assets

- 10.3 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 relates to applications affecting a conservation area. It requires that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”. There is a presumption that development should preserve or enhance the character or appearance of conservation areas.
- 10.4 The existing single storey structure in front of London Wharf is unsightly, poorly built and of no architectural merit. No objection is seen to its demolition. The other alterations comprising the formation of a courtyard with translucent glass screens, the insertion of two pairs of full height glazed aluminium powder coated sliding doors, a new window in the front elevation and a rear door to the electricity meter cupboard are not considered to raise architectural concerns. It is considered the development would preserve the character of the conservation area.

Housing quality

Residential space standards

- 10.5 The dwelling would comprise 50.6 m² meeting the 50 m² required by the national standard, London Plan Table 3.3 and Tower Hamlets Policy DM4 ‘*Housing standards and amenity space*’ for a 1 bedroom 2 person dwelling. The 15 m² double bedroom is also compliant both in area and dimensions. There would be 3.2 m² of internal storage again compliant. 2.8 m floor to ceiling height would exceed requirements.
- 10.6 The courtyard would provide 26 m² of private outdoor amenity space exceeding the 5 m² required by Standards 26 and 27 of the Mayor’s ‘*Housing*’ SPG and MDD Policy DM4.

Privacy

- 10.7 The Mayor’s ‘*Housing*’ SPG Standard 28 requires proposals to demonstrate how habitable rooms are provided with adequate privacy in relation to neighbouring property, the street and other public spaces. The translucent screens to the courtyard would ensure privacy to the proposed kitchen / living / diner and the bedroom from the street. The rear windows would also be translucent providing privacy from the ramp to the car park beneath London Wharf. There would be no overlooking of habitable rooms from adjoining property although the courtyard would be overlooked from residential accommodation in London Wharf. It is proposed to install a retractable canopy to assist privacy. The applicant’s agent says it is important to note that looking down onto the terrace would be no different from the situation on the other side of the building (and many other residential development buildings) where it is possible to look down onto terraces/balconies without posing a privacy problem.

Sunlight and daylight

- 10.8 MDD Policy DM25 ‘*Amenity*’ seeks to ensure adequate daylight and sunlight levels. The Mayor’s ‘*Housing*’ SPG Standard 32 advises that all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.
- 10.9 The application is supported by a Sunlight and Daylight Assessment by GIA who conclude:

“The two habitable rooms within the flat have been technically assessed for Average Daylight Factor (ADF), No Sky Line (NSL) and Room Depth Criterion (RDC). Both rooms will far exceed the minimum recommended ADF values, providing very good levels of daylight quantum. As measured by the NSL, the whole room area of both rooms will have a view of the sky, ensuring a good distribution of the available daylight quantum. The presence of small scale planting in the courtyard has not been considered in the assessment as these are not fixed obstructions and as such it is not common practice to include them in the simulations. Should such elements be introduced, they would not materially affect the quality of daylight indoors, especially considering that the daylight levels are well above the minimum recommendations. BRE states that sunlight is most appreciated in living areas and the greatest expectation of sunlight is in south-facing rooms. An assessment of Annual Probable Sunlight Hours (APSH) has therefore been undertaken on the south-facing window serving the Living/Kitchen/Dining room. The results show that the room will receive sunlight levels in line with those recommended by BRE both throughout the year and for the winter months.

- 10.10 The Average Daylight Factor (ADF) for the living / kitchen / diner would be 3.1% and the bedroom would achieve 4.3% both exceeding the Building Research Establishment's. Both rooms are within 90 degrees of due south and would receive adequate sunlight in line with BRE Guidance. Officers consider the proposed flat would receive satisfactory daylight and sunlight.

Refuse storage and recycling

- 10.11 The Mayor's 'Housing' SPG Standard 23 requires storage facilities for waste and recycling containers to meet local authority requirements and at least British Standard BS5906: 2005 – 'Code of Practice for Waste Management in Buildings.' With weekly collections the Code recommends 100 litres of refuse storage for a single bedroom dwelling, with a further 70 litres for each additional bedroom and 60 litres internal space for the storage of recyclable waste.
- 10.12 The proposed development would utilise the existing refuse store at Regents Wharf. Plans have been submitted that demonstrate adequate capacity both for the existing and proposed development.

Transport

- 10.13 There is no policy requirement to provide car parking in new residential development London Plan Policy 6.9 requires development to provide secure, integrated and accessible cycle parking facilities in line with the minimum standards in Table 6.3 – in inner London for Class C3 (dwellings) 1 cycle space for single bed units. MDD Policy DM22 'Parking' requires developments to meet car and cycle parking standards and be permit free in areas with parking stress and good public transport accessibility.
- 10.14 An additional cycle parking stand would be provided. It is recommended that any permission should be subject to a 'car free' agreement preventing residents from purchasing an on-street parking permit from the local authority.

Other matters

- 10.15 The property is provided with water supply and drainage. These are matters for Thames Water Plc. The proposed dwelling would be adequately ventilated by rear windows, the two pairs of sliding doors looking into the courtyard and the new ground

floor window on the Wharf Place elevation. It is considered that the proposed development would not adversely affect the amenity of neighbouring residents.

- 10.16 With regard to *'Secured by Design,'* the applicant's agent says that advice from the Metropolitan Police has not taken any at this stage but is intended once planning is approved. If planning permission is granted a condition to achieve *'Secured by Design'* accreditation is recommended.

11 Human Rights

- 11.1 In determining this application the council is required to have regard to the provisions of the Human Rights Act 1998. The following are highlighted to Members:

- 11.2 Section 6 of the Act prohibits authorities (including the council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. 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".

- 11.3 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.

- 11.4 Both public and private interests are to be taken into account in the exercise of the council's planning powers and duties. Any interference with a Convention right must be necessary and proportionate.

- 11.5 Member must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

12 EQUALITIES ACT

- 12.1 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.

12.2 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 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.

12.3 The proposed development would provide additional housing within an existing building. With regard to gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

13.0 FINANCIAL CONSIDERATIONS

Localism Act (amendment to section 70(2) of the Town and Country Planning Act 1990)

13.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the 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.

13.2 Section 70(4) defines “local finance consideration” as:

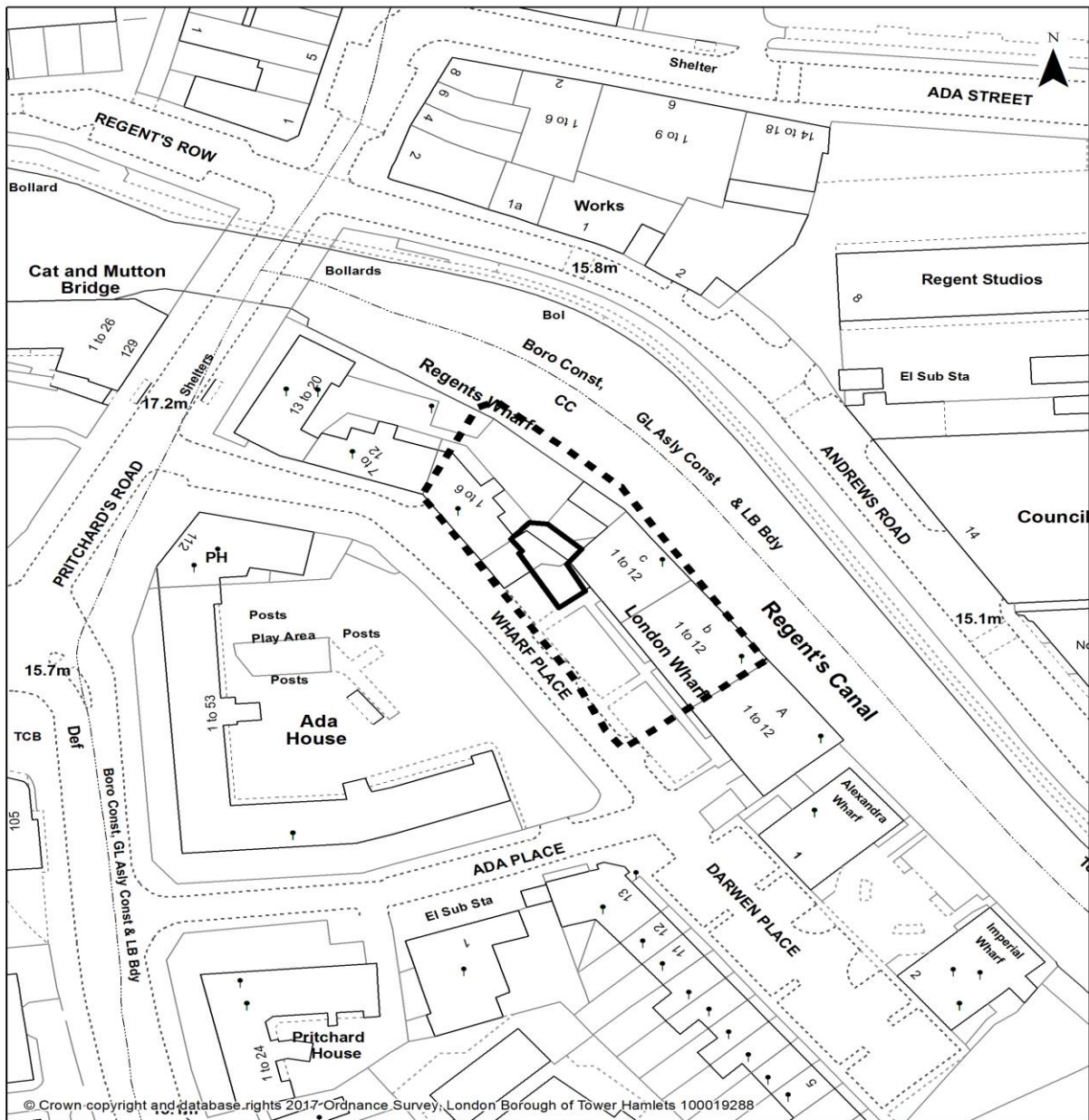
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy

In this context “grants” might include New Homes Bonus.

13.3 As regards Community Infrastructure Levy, the London Mayoral CIL became operational from 1 April 2012. The Borough’s Community Infrastructure Levy came into force on 1st April 2015. The proposal would not be liable for CIL as no new floorspace would be created.

14.0 CONCLUSION

14.1 All relevant policies and considerations have been taken into account. Planning permission should be APPROVED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.



Planning Application Site Map PA/17/01725

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

- Consultation Area
- Planning Application Site Boundary
- Statutory Listed Buildings
- Locally Listed Buildings

Scale @ 1:800
10 5 0 10 20 30 Meters



GIS for
Place Directorate
LONDON BOROUGH OF TOWER HAMLETS
Date: 18/09/2017



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