

Committee: Strategic	Date: 4 October 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place Case Officer: Jennifer Chivers	Title: Application for Planning Permission Ref No: PA/16/03771 - Full Planning Permission Ward: St Peter's
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1. APPLICATION DETAILS

Location: 1-3 Corbridge Crescent and 1-4 The Oval, E2 9DS

Existing Use: Residential (C3) and Coach Parking (Sui Generis)

Proposal: Demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 10 storeys to provide 57 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1).

Drawing and documents: See Appendix one

Applicant: The Oval Crescent limited

Ownership: Aitch Group

Historic Building: None

Conservation Area: Regents Canal Conservation Area
Hackney Road Conservation Area (400m to the north)

2. EXECUTIVE SUMMARY

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.
- 2.2. The site has had an extensive planning history and has been subject to a planning appeal by Inquiry in 2016. The Inspector dismissed the appeal on two grounds which relate to the height of Block A (at both 16 and 18 storeys) and the retention of the historic Regency and Georgian Cottages. While the appeal was dismissed, the Inspector identified several key features of the scheme as having positive elements and that the proposal bears the hallmark of a well-designed mixed use development. This appeal and its outcomes are important material planning considerations in relation to the application currently before members.
- 2.3. The proposed redevelopment of this site for a residential led mix use development is considered appropriate in this location as it falls within the Marian Place Gas Works and The Oval site allocation and the City Fringe/Tech City Opportunity Area.
- 2.4. The proposed 10 storey (Block A) building is considered to cause some harm to the Regents Canal Conservation Area, however the retention and upgrade of the historic cottages, the bringing forward of a site allocation with a well-designed high quality scheme, creating through links and upgrading the surrounding public realm is considered to balance this harm in terms of the public benefit derived from the proposal.
- 2.5. In relation to the 57 residential units 13% (thirteen percent) of these would be affordable housing by habitable room. In dwelling numbers this will comprise 51 private units and 6 affordable rented units (London affordable rent and Tower Hamlets living rent). The development is considered to provide a suitable mix of housing and tenure types. Officers acknowledge the provision of affordable housing is low however, taking into account the viability constraints of the site and the appeal decision of the Planning Inspector, the two independent reviews (including cost consultants) commissioned by the Council, and the GLA's viability review, which all conclude that the maximum provision of affordable housing has been achieved. The proposed development is therefore considered to comply with the Council's adopted local plan policy SP02 which requires 35%-50% affordable homes subject to viability.
- 2.6. Given the potential for changes in sale values and construction costs, the scheme should be subject to viability reviews in line with the Mayor of London's guidance. A viability review mechanism will be secured within an s106 agreement which is recommended to include a requirement to take account and where possible the use of grant funding to increase affordable housing delivery on site. It is proposed that the viability review mechanism would provide two opportunities for a review to be triggered, firstly if the development has not been implemented within 18 months from the grant of permission, and secondly at an advanced stage (i.e. when the scheme is 75% occupied).
- 2.7. It is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development subject to conditions, and therefore transport matters, including parking, access and servicing would be acceptable.

- 2.8. A strategy for minimising carbon dioxide emissions from the development has been proposed and an in lieu contribution has been agreed. Landscaping and biodiversity features are also proposed which seek to ensure the development is environmentally sustainable.
- 2.9. The associated legal agreement would secure an appropriate package of Section 106 obligations, in accordance with the Council's Planning Obligations SPD (2012), and includes financial contributions. The proposal has been subject to independent viability testing which has confirmed that the scheme has maximised its viable potential in terms of its provision of affordable housing and Section 106 contributions.
- 2.10. The scheme would be liable to both the Mayor's and the borough's community infrastructure levy. In addition, it would provide a necessary and reasonable planning obligation to local employment and training.

3. RECOMMENDATION

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

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

B. The prior completion of a **Section 106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £27,924 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £2690 towards employment skills and training to access employment in the commercial uses within the final development (end use phase);
- c) A contribution of £119,280 towards carbon off-set initiatives
- d) A contribution towards monitoring (at £500 per head of term) towards monitoring compliance with the legal agreement.
- e) A contribution of £30,000 for on street accessible parking spaces.

Total Contribution financial contributions **£179,894**

Non-financial contributions

- a) Delivery of 13% affordable housing by habitable room
- b) Viability review mechanism
- c) A commitment to pursue grant funding for additional affordable housing
- d) A commitment to secure at least 20% local employment during the construction and operational phases
- e) A commitment to secure at least 20% of procurement from local business during the construction phase
- f) Apprenticeships during construction and end user phases (4 NVQ Level 2)
- g) The provision of a public access route – Hare row to the Oval (in kind provision)
- h) The provision of improvements to grove passage (in-kind provision)
- i) Car and permit free agreement
- j) Travel plan
- k) A commitment to comply with the Council's code of construction practice.

- 3.2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.3. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

Compliance' Conditions

1. Permission valid for 5 years;
2. Development in accordance with approved plans;
3. Hours of construction
4. Retention of cycle parking
5. Hours of operation of commercial/community units

Prior to Commencement' Conditions

6. Details of contractor
7. Construction Environmental Management plan;
8. Ground contamination remediation and mitigation
9. Method Statement for works to historic cottages
10. Archaeological Investigation

Prior to completion of superstructure works conditions

11. Secure by Design Accreditation
12. Detailed Design and Samples for the proposed building
13. Detailed Design and Samples for retained cottages
14. All units to be wheelchair accessible residential units (1:50) including at least 10% M4(3)
15. Noise insulation details residential units
16. Details of sound insulation between commercial and residential
17. Biodiversity mitigation and enhancements
18. Landscaping plan
19. Details of site connections for CHP

Prior to Occupation' Conditions

20. Hazardous Substances Consent revocation
21. Contamination remediation
22. Details of all external plant and machinery including air quality neutral measures;
23. Details of Cycle Parking
24. Waste Management Strategy
25. Delivery and Servicing Management Plan
26. Travel Plan
27. Demonstration of energy savings

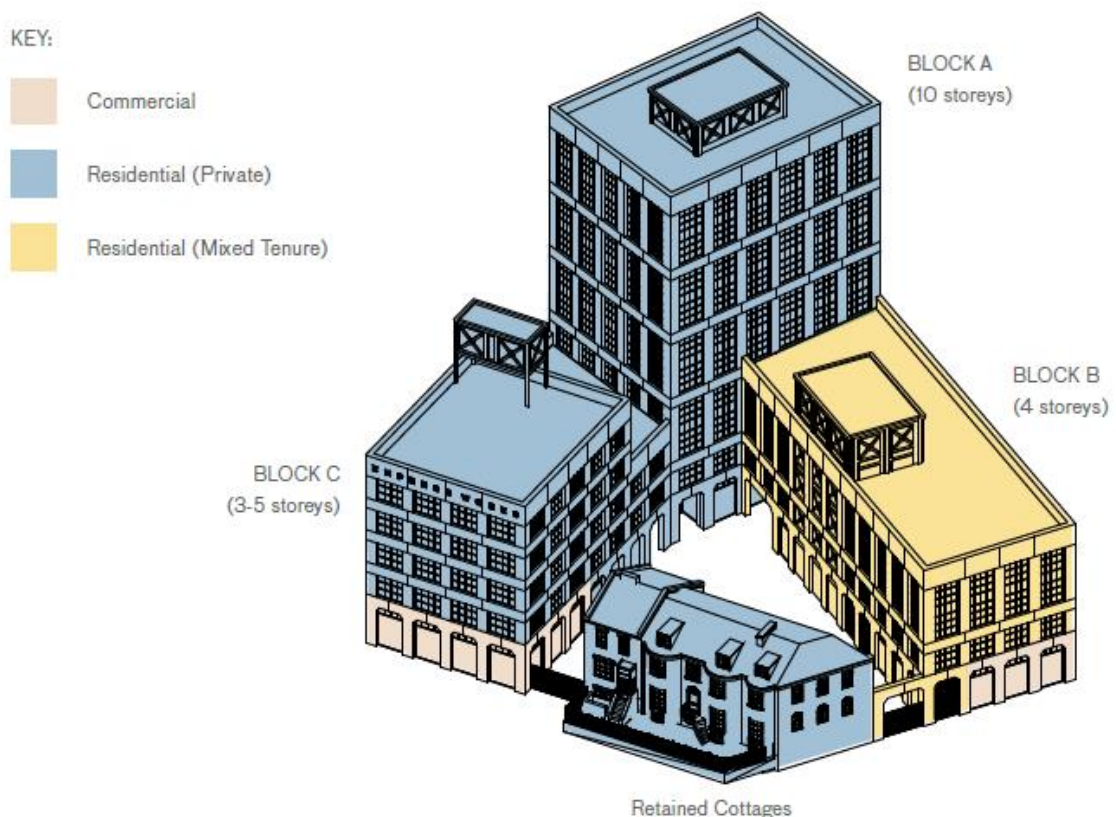
Informatives

1. Subject to s278 agreement
2. Subject to s106 agreement
3. CIL liable
4. Thames Water informative

4. SITE DESCRIPTION AND PROPOSAL

- 4.1. The applicant is seeking planning permission for the demolition of existing buildings on site and retention of the Victorian and Regency cottages, with the erection of three linked blocks of 4 to 10 storeys to provide 57 new residential units.
- 4.2. The scheme consists of:
- Block A is a 10 storey block with 32 private residential units;
 - Block B is a 4 storey residential apartment block with a total of 12 units comprising affordable rented (London affordable rent and Tower Hamlets living rent) and private accommodation;
 - Block C is a 4 storey tower block with 10 residential units;
 - The regency cottages which will be retained and converted into three private cottages;
 - 461m² of B1/D1 commercial space at ground level;
- 4.3. In relation to the 57 residential units, 13% of these would be affordable housing by habitable room. In dwelling numbers this will comprise 51 private units and 6 affordable rented units.
- 4.4. At ground floor level, the proposal would also contain, cycle parking, refuse provisions and plant.

Figure 1 (below): Proposed height, massing and land uses



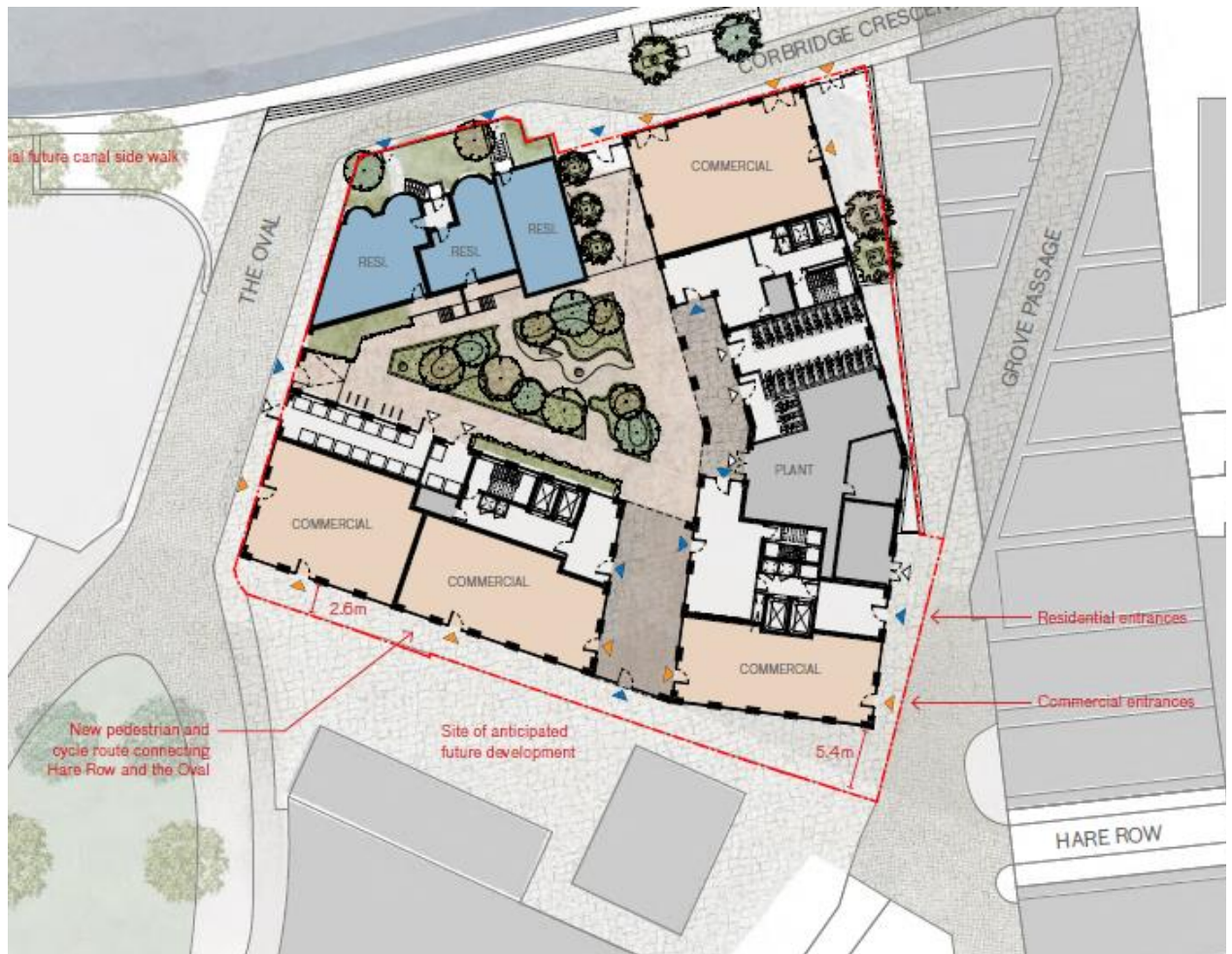


Figure 2(above): Proposed Ground Floor Plan

- 4.5. At ground floor level, the proposal contains four separate commercial units (B1/D1), cycle parking, refuse provisions, and plant.
- 4.6. There are three distinct blocks with communal amenity space provided within an internal courtyard and at roof level.
- 4.7. The buildings are consistent in terms of style and design and have uniform grids of glazing, with double order warehouse style windows with multiplane openings. The outer framework will be precast concrete panels which draw on elements of the warehouse vernacular.



Figure 3 (above): CGI of the proposed development viewed from Regent's Canal

5.0 Site and Surroundings

- 5.1 The site is located at the northern edge of the Borough, adjacent to the boundary with the London Borough of Hackney. The site measures 0.2 hectares in area and presently comprises the following elements:
- (1) A Regency cottage and a Victorian cottage at the north-west corner of the site. These are two storeys in height with a raised basement fronting onto Corbridge Crescent;
 - (2) A single storey brick built warehouse bounding the west side of the site;
 - (3) An open fronted coach storage building bounding the south side of the site;
 - (4) An open yard at the north-east corner of the site.
- 5.2 The site is currently in use by Empress Coaches as their depot and offices and includes occupied residential units within the Regency cottage, whilst the Victorian cottage is used as offices.
- 5.3 The site is located immediately to the south of the Regent's Canal and to the west of a Network Rail / London Overground railway viaduct. The site also lies a short distance to the east of the Marian Place Gas Works.



Figure 4 (above): View of the existing site from Regents Canal

- 5.4 The height and scale of surrounding buildings, which typically range between two and five storeys in height. The buildings within the immediate vicinity of the site are predominantly in commercial uses, whilst nearby buildings fronting onto Cambridge Heath Road and Hackney Road typically includes retail units at ground level with residential on the upper floors.
- 5.5 The site lies immediately adjacent to Grove Passage, which is an old pedestrian footway that bounds the eastern side of the site and provides a link between Hare Row and Corbridge Crescent and the canal. The footway is narrow and poorly lit and benefits from little natural or passive surveillance, running underneath the railway viaduct.
- 5.6 The surrounding public highway is constrained in terms of the limited width of the carriageway and footway on The Oval and Corbridge Crescent and the layout of the streets. In addition, Corbridge Crescent is closed to vehicular traffic at its north-eastern end, resulting in a 'dead end' street, with vehicles entering Corbridge Crescent having to turn around and exit southwards via The Oval. As such, there is no direct vehicular access from Corbridge Crescent to Cambridge Heath Road.
- 5.7 The Oval is a protected London Square which is a narrow ellipse in plan form. The Council are currently completing the reinstatement of The Oval.
- 5.8 The site lies to the north of the Cambridge Heath Neighbourhood Centre, the boundary of which includes a number of small scale retail units on both Hackney Road and Cambridge Heath Road and is centred around the intersection of these roads, together with the adjacent Cambridge Heath London Overground / National Rail Station
- 5.9 The site is within the Marian Place Gas Works and The Oval site allocation which designates the former gas works, the Oval and their surroundings for a comprehensive missed use development to provide a strategic housing development, a local park a heating facility (where possible) with other compatible uses including employment floor space.



Figure 5 (above): View of the existing historic cottages on site to be refurbished

6.0 Relevant Planning History

Application Site

6.1 PA/05/00663

On 15th January 2007 an application for planning permission was withdrawn by the applicant, which proposed: *'Construction buildings up to 11 storeys to provide 511sqm of commercial space on ground floor, 129 residential units and associated car parking.'*

6.2 PA/07/00107

On 9th December 2008 the Council finally disposed (under Article 25 of the then DMPO) of an application for planning permission, which proposed: *'Construction of new mixed use development comprising 568sq.m commercial floorspace on ground floor and 116 residential flats consisting (31 x 1, 61 x 2 beds, 12 x 3 beds and 8 x 4 beds).'*

6.3 PA/11/03561

On 15th December 2011 the LPA issued a Screening Opinion confirming that Environmental Impact Assessment was not required in respect of an application for a mixed use residential-led development comprising a frontage/perimeter block up to 6 storeys high and a point block set behind up to a maximum of 15 storeys, to provide approximately 100 dwellings, commercial floorspace for B1 and D2 uses, and private communal open space

6.4 PA/14/03219/A1

Demolition of existing buildings and erection of three linked blocks of 3 to 18 storeys comprising 90 dwellings, communal and private amenity space and 337m² of commercial floorspace (B1/D1). Appeal for non-determination – would have refused. Public Enquiry Appeal dismissed 20/06/2016. **APP/E5900/W/15/3130083**

PA/014/03220/A1

Demolition of existing single storey commercial buildings; retention, repair and or reinstatement and alterations of external facades of existing Regency and Victorian cottages and conversion to residential use involving internal alterations; erection of three linked blocks of 4, 5 and 16 storeys comprising 77 dwellings, provision of communal and private amenity space and 558m² of commercial floorspace (B1/D1). Appeal for non-determination – would have refused. Public Enquiry Appeal dismissed 20/06/2016. **APP/E5900/W/15/3130084**

6.5 PA/16/03773

Demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 8 storeys to provide 51 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1). Appeal received for Non Determination

Other relevant sites

6.6 *Peterley Business Centre, 472 Hackney Road*

PA/13/02722

Demolition of existing building and phased redevelopment of the site to provide a residential led mixed use development, comprising the facade retention and extension to the former Duke of Cambridge public house, erection of part 7 to 10 storey building on Clare Street and erection of part 4 to 12 storey building on Hackney Road/ Clare Street, all to provide 217 dwellings and 1521 sqm of commercial space falling within use classes A1, A2, A3, A4, B1, D1 and/or D2, plus disabled car parking spaces, cycles parking, refuse/recycling facilities and access together with landscaping including public realm, communal and private amenity space. Approved at Strategic Development Committee 31/03/2015

7 **POLICY FRAMEWORK**

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

7.1.1 The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

7.2 **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2012) (NPPF)

National Planning Guidance Framework (March 2014) (NPPG)

7.3 Spatial Development Strategy for Greater London - London Plan 2016 (MALP)

Policies

- 2.1 London
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 4.1 Developing London's economy
- 4.2 Offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 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
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm

- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.10 World heritage sites
- 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
- 7.26 Blue Ribbon network and freight
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

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

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking – Bethnal Green
- SP13 Planning Obligations

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

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water Spaces
- 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

Site Allocation No.2: Marian Place Gas Works and the Oval

7.6 **Supplementary Planning Documents include**

Regent's Canal Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

Hackney Road Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

Victoria Park Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

Planning Obligations SPD (September 2016)

CIL Charging Schedule (April 2015)

Sustainable Design and Construction SPG (April 2014)

Shaping Neighbourhoods: Character and Context (June 2014)

Housing Supplementary Planning Guidance (March 2016)

Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (March 2016)

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

London View Management Framework SPG (March 2012)

London World Heritage Sites - Guidance on Settings SPG (March 2012)

SPG: Planning for Equality and Diversity in London (October 2007)

SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

Affordable Housing and Viability Supplementary Planning Guidance (Draft 2016)

City Fringe / Tech City Opportunity Area Framework adopted by the Mayor of London on 31 December 2015

7.7 **Other Material Considerations**

EH Guidance on Tall Buildings

Seeing History in the View

Conservation Principles and Practice

8 **CONSULTATION RESPONSE**

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

8.2 The following were consulted regarding the application:

Internal Responses

LBTH Environmental Health - Contaminated Land

8.3 Environmental Health Contaminated Land has reviewed the submitted information and considers there is a possibility for contaminated land to exist. A condition is recommended to ensure any contaminated land is appropriately dealt with. The suggested condition would be secured should planning permission be granted.

LBTH Environmental Health - Air Quality

8.4 The Air quality officer is satisfied with the information provided.

- 8.5 The Air Quality Assessment shows that the development will not have a significant impact on air quality and that it meets the Air Quality Neutral requirements. The Air Quality Assessment is accepted.
- 8.6 The energy plant has yet to be decided upon. It must comply with the NOx emissions standards as set out in the GLA's Sustainable Design and Construction SPG.
- 8.7 All construction Non Road Mobile Machinery must also comply with the missions standards as set out in the GLA's Sustainable Design and Construction SPG

LBTH Sustainability

- 8.8 The amended energy strategies are acceptable given the size of the scheme, subject to conditions requiring as built energy strategy to ensure the energy efficiency measures and renewable energy technologies are delivered as proposed. A carbon offset payment should be secured via section 106.

LBTH Environmental Health – Noise and Vibration

- 8.9 No response

LBTH Refuse

- 8.10 Insufficient details have been provided, a full waste strategy should be provided.

LBTH Highways

- 8.11 There are some further details to be provided but in principle there are no objections to the application.
- 8.12 Provision of no – onsite car parking is acceptable and subject to section 106 agreement. However alterations to existing on street parking to provide 3 new Blue badge bays are proposed and require a bond for this element of the work.
- 8.13 Cycle parking numbers are acceptable; however the application does not specify the type of stands proposed. Further details can be conditioned.
- 8.14 A turning head will be provided on Corbridge Crescent to allow goods and refuse vehicles servicing the site to reverse back into the oval.

Occupational Therapist (OT)

- 8.15 Recommended condition to secure detailed layouts of wheelchair accessible units (Plans at 1:50)

LBTH Arboricultural Officer

- 8.16 The Arboricultural officer agrees with the assessment and categorisation of the trees as per the Tree survey contained within the Arboricultural Report. It is considered that the removal of the two low value trees will have minimal amenity and landscape impact. A condition is recommended requiring a detailed planting scheme.

LBTH Biodiversity Officer

- 8.17 The existing site has limited ecological value and the recommended enhancements would contribute to targets in the current Local Biodiversity Action Plan. The potential for loss of nesting habitat would be a very minor adverse impact on biodiversity, which can be mitigated within the new development. The clearance and demolition should be undertaken outside the nesting season and a condition is recommended. The submitted bat emergence survey identifies there are no bats roosting within the building, however are found foraging along the canal and lighting needs to be carefully considered.

Sustainable Urban Drainage (SUDS) officer

- 8.18 No response

External responses

Canal and Rivers Trust (CaRT)

- 8.19 The trust welcomes regeneration of this site, which will bring further activity to the area and improve its appearance and the setting of the canalside.
- 8.20 The development acknowledges that it will create shadowing effects to the Canal, and may result in the inability of boats that are moored to generate electricity. In addition, this may affect biodiversity within the canal and as such contributions are required in order to mitigate these effects.

Historic England

- 8.21 Historic England previously commented on a similar pair of applications for work on this site in our letter of 24 December 2014.
- 8.22 The current application includes the retention and repair of the historic cottages which will sustain and enhance the significance of buildings which make a positive contribution to the area. The loss of the other buildings on site represents a modest degree of harm to the character and appearance of the area, as these are recognisable pieces of the character of the place.
- 8.23 The introduction of a block of 10 storeys or more is also harmful in significantly increasing the scale of development which is established in the appeal comments as 4-6 storeys.
- 8.24 Historic England has some concerns regarding the justification of the 10 storey block and would suggest that through negotiation opportunities for a further reduction in height should be considered. If further amendments are made to the design please consult us further. Should the application proceed unaltered we urge your council to consider the matters raised above, and to determine the application in accordance with national legislation and policy, and on the basis of your own specialist conservation advice.

Secure By Design

- 8.25 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.

- 8.26 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.

Thames Water Utilities Ltd.

- 8.27 Surface Water should be addressed in accordance with the London Plan and we expect a significant reduction from current peak discharge rates. As the site is closer to a natural water course we expect all surface water to be discharged into the river.
- 8.28 Thames Water has recommended an informative advising of the minimum pressure for water that they would be able to supply for future residents.

Conditions recommended securing the following:

- Details of any impact piling
- A site draining strategy

Informatives to be added:

- Groundwater Risk Management Permit is required

London Fire and Emergency Planning Authority

- 8.29 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.

Greater London Authority/ Transport for London

- 8.30 The Mayor considered the application at Stage 1 on 20th March 2017.
- **Principle of development:** a mixed use residential-led development with commercial/employment and housing uses in the City Fringe Opportunity Area is in accordance with strategic and local objectives and is supported. Further information is required on the employment offer.
 - **Housing:** 11.1% affordable housing for the 10 storey proposal is proposed. This is unacceptable. GLA officers will robustly interrogate the viability with the Council and the applicant to ensure that the maximum reasonable amount of affordable housing is delivered.
 - **Urban design and heritage:** the retention of the heritage asset in line with London Plan Policy 7.8 is welcome. The propose schemes are well design and respond sensitively to the context.
 - **Inclusive design:** Provisions should be made to secure inclusive design matters through the legal agreement and/or planning conditions.
 - **Noise/air quality:** Provisions to address any identified issues will need to be secured by planning condition

- **Sustainable development:** the strategy is generally supported however further information to verify the savings claimed including nearby district heating opportunities is required.
- **Transport:** subject to planning conditions and obligations securing CPZ exemptions, cycle parking design and taxi rank contributions, in addition to travel, construction logistics and delivery and servicing plans, the development is considered to be in general accordance with the transport policies of the London Plan.

8.31 Other comments from the GLA

- **Housing Mix** Given that family housing has been prioritised within the affordable element, in accordance with strategic policy, the mix is acceptable.
- **Density** The application includes the provision of public realm and high quality residential units; however, there are strategic concerns relating to layout and public realm quality that need to be resolved before the density of the development can be considered acceptable.
- **Housing Quality and Design** The residential flats comply with the London Plan and national standards.
- **Child Play Space** The quantum will comply with the benchmarks in the Mayor's SPG and is supported but the applicant should demonstrate that the roof terraces are fully useable. The applicant should enter into a management plan (secured through the s106) to ensure the internal spaces are safeguarded for residents of the scheme.

Further comments received by the GLA in relation to the viability, requests that given the potential for significant changes in values and costs, the scheme should be subject to pre-implementation and advanced stage viability reviews in line with the Mayor's guidance.

8.32 No comments received from the following consultees:

- London Borough of Hackney
- National Grid
- Georgian Group
- The Victorian Society

9 LOCAL REPRESENTATION

9.1.1 A total of 190 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice and advertised in the local press.

9.2 One letter of representation were received on the submission in relation

- Privacy/overlooking and daylight and sunlight effects to those properties within the Cobolt building located on Hare Row (507-513 Cambridge Heath Road) on opposite side of railway line.

10 MATERIAL PLANNING CONSIDERATIONS

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

- Previous planning appeal decision
- Land Use
- Density / Quantum of Development
- Design
- Housing
- Amenity Space and Public Open Space
- Neighbouring Amenity
- Highways and Transportation
- Waste
- Energy and Sustainability
- Environmental Considerations (biodiversity, noise and vibration, air quality, microclimate, contaminated land, flood risk,
- Impact on Local Infrastructure and facilities, Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

10.2 Appeal decision (APP/E5900/W/15/3130083 and APP/E5900/W/15/3130084)

10.2.1 As set out above, the previous two applications for the redevelopment of the site (reference PA/14/03219 and PA/14/03220) were subject to appeals for non-determination that were dealt with by way of Public Inquiry, with the appeals being dismissed by the Planning Inspector 20th June 2016.

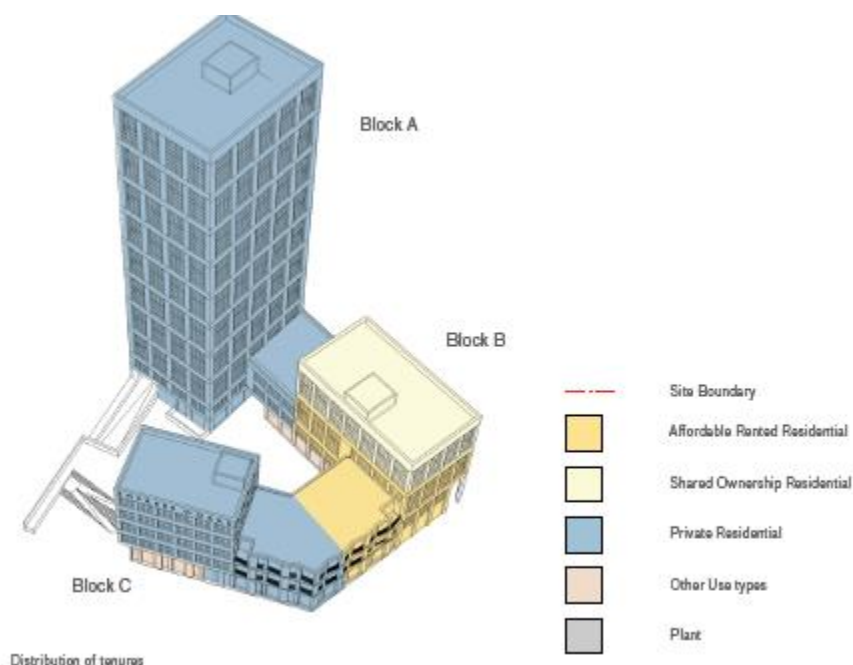


Figure 1 (above) showing massing and residential component of the scheme and removal of the cottages which was dismissed at Appeal

10.2.2 The case submitted on behalf of the Council considered that both applications (PA/14/03219 and PA/140320) would have been refused had the local planning authority been able to determine the applications. The Council stated the following reasons for refusal

1. Excessive scale and height of Block A within its local context would neither be proportionate to the location outside of the town centre hierarchy nor sensitive to the context, significantly intrudes into the skyline. Would cause less than substantial harm which would not be outweighed by the public benefits
2. Due to excessive scale height and massing it is contrary to objectives and design principles of the Marian place gas works and The Oval Site allocation and would prejudice proper planning of the area.
3. Proposal fails to maximise affordable housing provision
4. The demolition of the regency cottages would cause less than substantial harm to the Conservation Area which would not be outweighed by the public benefits of the scheme.

10.2.3 Prior to the Inquiry the Council and appellant agreed a viability position and this was withdrawn as a reason for refusal. The agreed position was

- i. Scheme 1 (18 storeys, (90) units, removal of cottages) – 26.8% of habitable rooms (equating to 21 units)
- ii. Scheme 2 (16 storeys, 77 units retention of cottages) 24.3% of habitable rooms (equating to 16 units).

10.2.4 In addition, the viability consultants were requested as part of the appeal to sensitivity test several different height options for Block A. The review found that with the agreed inputs, the proposed heights could provide the following.

- i. 8 storeys – 5%
- ii. 10 Storeys – 12%
- iii. 12 Storeys – 18%

10.2.5 The Inspector identified two main issues with the proposals, which were not overcome by the benefits of either scheme. The first issue was the height of the tallest building (referred to as Block A) and the impact that this would have on the character and appearance of the Regents Canal and Hackney Road Conservation Areas, surrounding townscape. The second issue was the demolition of the Regency and Victoria Cottages and the harm that this would cause to the Regent's Canal Conservation Area.

10.2.6 In the Appeal decision, which is provided as Appendix B, the inspector noted a number of positive aspects of both previous schemes, stating that the proposal "*bears the hallmark of a well-designed mixed use development*" with positive aspects including;

- The provision of active frontages at ground level;
- The provision of canal fronting open space;
- The creation of opportunities to improve connections locally
- The massing, heights and configurations of the buildings fronting the canal and the Oval relating well to the scale and urban grain of the Conservation Area;
- The height variation and differing orientation of the blocks creating the impression of a cluster, thus avoiding a monolithic appearance to the group;

- The robust warehouse aesthetics, simple massing and limited palette of materials and colours complimenting the area's industrial vernacular;
- The retention of the cottages providing a good historicist solution to developing the site;
- The composition, scale and architecture of Blocks B and C complementing the domestic scaling and style of the cottages;

10.2.7 The Inspector acknowledged that in both instances the harm that would be caused to the Regent's Canal Conservation area would be categorised as 'less than substantial' and that Paragraph 134 of the NPPF was applicable, with this harm needing to be weighed against the public benefits of the proposals. In undertaking this balancing exercise, the inspector found that this harm was not outweighed by the public benefits that would be brought by the proposals.

10.2.8 It is important to note that the Inspector was satisfied that the proposals would not fetter redevelopment of adjacent plots (paragraph 48) or physically impede or prejudice the redevelopment of the remaining parts of Site Allocation 2 (paragraph 49).

10.3 Land use

General Principles

10.3.1 At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

10.3.2 The scheme proposes a residential-led scheme with commercial units (D1 or B1) at the ground floor levels.

10.3.3 The site is located within LAP 1 & 2 for Bethnal Green which outlines the vision for the area includes development regeneration which will respect and reinforce the historical layout of Bethnal Green's spaces and buildings. The Bethnal Green vision in the adopted local plan (Figure 45) details the area around the oval to be specifically utilised as a regeneration of underused sites. With opportunities for growth to be delivered by a number of industrial areas being redeveloped for residential.

10.3.4 The application site forms part of the Managing Development Document (2013) site allocation 2 'Marian Place Gas Works and The Oval'. The site allocation envisages a comprehensive mixed-use development with a local park, district heating facility (where possible) and a number of new pedestrian/cycle connections.

10.3.5 The site forms part of the City Fringe / Tech City Opportunity Area Framework adopted by the Mayor of London on 31 December 2015. The OAPF identifies the site as part of the Outer Core Growth Area where a significant amount of employment floorspace is expected as part of mixed use schemes.

- 10.3.6 The Inspector discussed the provision of one site within the larger site allocation and considered there to be 'no planning or physical reason to prevent the appeal site being redeveloped in the absence of a bespoke masterplan. The schemes are capable of implementation without compromising delivery of the key elements of the allocation'.
- 10.3.7 Given the pending decommissioning of the Gas Works, a number of meanwhile uses have been given temporary permission. This includes the B1 containers at 5-10 Corbridge Crescent and 499-505 Hackney Road. As these uses are temporary they would not prejudice the delivery of the site allocation.

Loss of employment and proposed B1/D1

- 10.3.8 Managing Development Document Policy (DM15) (Local job creation and investment) paragraph 1 states 'the upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. 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'.
- 10.3.9 The existing site operates as a coach works. This coach yard is ancillary to the main coach yards Empress have outside of London, where most of their employees work from. The site is therefore more of a satellite yard area for occasional parking of smaller coaches (access is difficult). The site therefore only employs a maximum of 5 people FTE. The proposed ground floor commercial floorspace comprises 461 sqm. Using the industry standard of 1 FTE job per 15 sqm of commercial floorspace, the proposed commercial units would deliver approximately 30 FTE jobs through redevelopment of the site. This represents an increase of 25 FTE jobs. More importantly, it will deliver the type of employment floorspace that is in demand in the area, suitable to the location and appropriate to the emerging character of the strategic site allocation.
- 10.3.10 As noted previously, the site forms part of the Marian Place Gas works and the Oval site allocation. The applicant has not provided suitable replacement accommodation for the existing business to be displaced. The supporting text to policy DM15(1) contained in paragraph 15.4 states that a specific approach is required to help deliver site allocations and their component strategic infrastructure uses. The supporting text states that DM15(1) does not apply to sites located within site allocations. Given the site's designation within the Marian Place Gas works site allocation, policy DM15(1) does not apply in this instance. It is also noted that the site is not identified as a strategic or local employment site which would need to be retained.
- 10.3.11 The loss of the existing employment uses is therefore considered to be generally acceptable in this instance due to the site's location within the site allocation, the introduction of commercial uses (and associated active frontages) at ground floor and the location within the City Fringe / Tech City Opportunity Area. In addition, there will be a small level of employment generated from the proposed commercial units.
- 10.3.12 The proposal would provide for 461sqm of either B1 (office) or D1 (Non-residential institutions) with unit sizes ranging between 95sqm and 132sqm in size

which could provide flexible spaces for small and medium enterprises. The provision of flexible employment floorspace suitable for SMEs accords with the objectives for the Outer Core area of the City Fringe Opportunity Area.

- 10.3.13 The D1 use class covers a range of uses including health centres, crèches, schools, art galleries, halls and places of worship. It is therefore considered necessary to incorporate a condition to restrict the hours of operation of these units. In addition, a condition will be attached requiring the acoustic details between the residential and commercial uses to ensure there is no conflict between the uses and to protect residential amenity.
- 10.3.14 While there is a loss of the coach parking the change of use is considered acceptable in land use terms given the highly accessible underutilised site, which would not result in the loss of an active and viable employment use. The proposed use would also be complementary to the intention of the site allocation.

Residential development

- 10.3.15 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “.... housing applications should be considered in the context of the presumption in favour of sustainable development” and “Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.”
- 10.3.16 London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) states the Mayor is seeking the maximum provision of additional housing in London.
- 10.3.17 Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025.
- 10.3.18 The proposed development would provide 57 residential units as part of a mixed use scheme. The introduction of a residential development on site is considered acceptable in principle, subject to the assessment of the relevant planning considerations discussed later in this report.

Density / Quantum of Development

- 10.3.19 Policies 3.4 of the London Plan (MALP 2016) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels (PTAL) and the wider accessibility of the immediate location. The London Plan (policy 3.4 and table 3.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on ‘setting’ and public transport accessibility as measured by TfL’s PTAL rating.
- 10.3.20 London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment. The London Plan Housing SPG (2008) also states that sufficient flexibility for such higher density schemes to be

supported and as such, the density matrix whilst detailed in the London Plan, is to be applied flexibly.

- 10.3.21 For the application site, the London Plan would suggest that a density of 70-260 units per ha, or 200-700 habitable rooms per hectare, is appropriate. The net site area for the purpose of density calculations is 0.2046ha. The proposed scheme proposes 57 residential units, resulting in a density of 885 habitable rooms per hectare (hr/ha), after taking into account the proportion of vertically mixed-non-residential floor space. It is noted that the applicant has provided a different density calculation of 780 (hr/ha) and has not netted of the proposed commercial space. However, for the purposes of this assessment the Council will consider officer's calculations.
- 10.3.22 While the proposal does not accord with the density range of the London Plan numerically in terms of units per hectare, but an interrogation of this scheme against the standards in the London Plan Housing SPG set out in the following sections of this report indicates that the proposed development would:
- Preserves the setting of the Regents Canal Conservation Area when viewed from within and surrounding the conservation area;
 - The development would not result in excessive loss of sunlight or daylight for neighbouring homes and the new flats would have good access to daylight and sunlight;
 - the development provides a good mix of unit sizes within the scheme while maximising the amount of dual aspect units and outlook;
 - the development is 'car-free' owing to the site's excellent accessibility to public transport with 2 accessible on-street car parking spaces provided. The development would not cause unacceptable traffic generation;
 - The proposed development is liable for the Mayoral and Tower Hamlets Community Infrastructure Levy, which will ensure the development contributes appropriately to the improvements to local social and physical infrastructure
 - The materiality and design is considered to be of high quality, would develop an underutilised site in a conservation area and retains the cottages which positively contribute to the character of the area.
- 10.3.23 An interrogation of this proposal against these standards in the London Plan Housing SPG is set out in the following sections of this report.

Health and Safety Executive Consultation Zones

- 10.3.24 The Sevesco II Directive requires Member States (of the European Union) to introduce controls on establishments where dangerous substances are present above certain quantities. The aim of the directive is to prevent major accidents which involve dangerous substances and to limit their consequences for man and the environment.
- 10.3.25 Within England and Wales, the enforcement regulations of the Sevesco II directive is the Control of Major Accident Hazards Regulations (1999)
- 10.3.26 Within Planning this is covered by the Planning (Hazardous Substances) Act 1990. This act provides the mechanism for creating and revoking Hazardous Substance Consent (HSC) which are issued to site which contain dangerous substances.

10.3.27 The application site is located within the inner zone of the Health and Safety Executive Consultation Zone on account of the sites proximity to the Bethnal Green Gas Holder Station. At its closest point the site lies 65m away from the Gas Holder Station which lies to the west of the site.

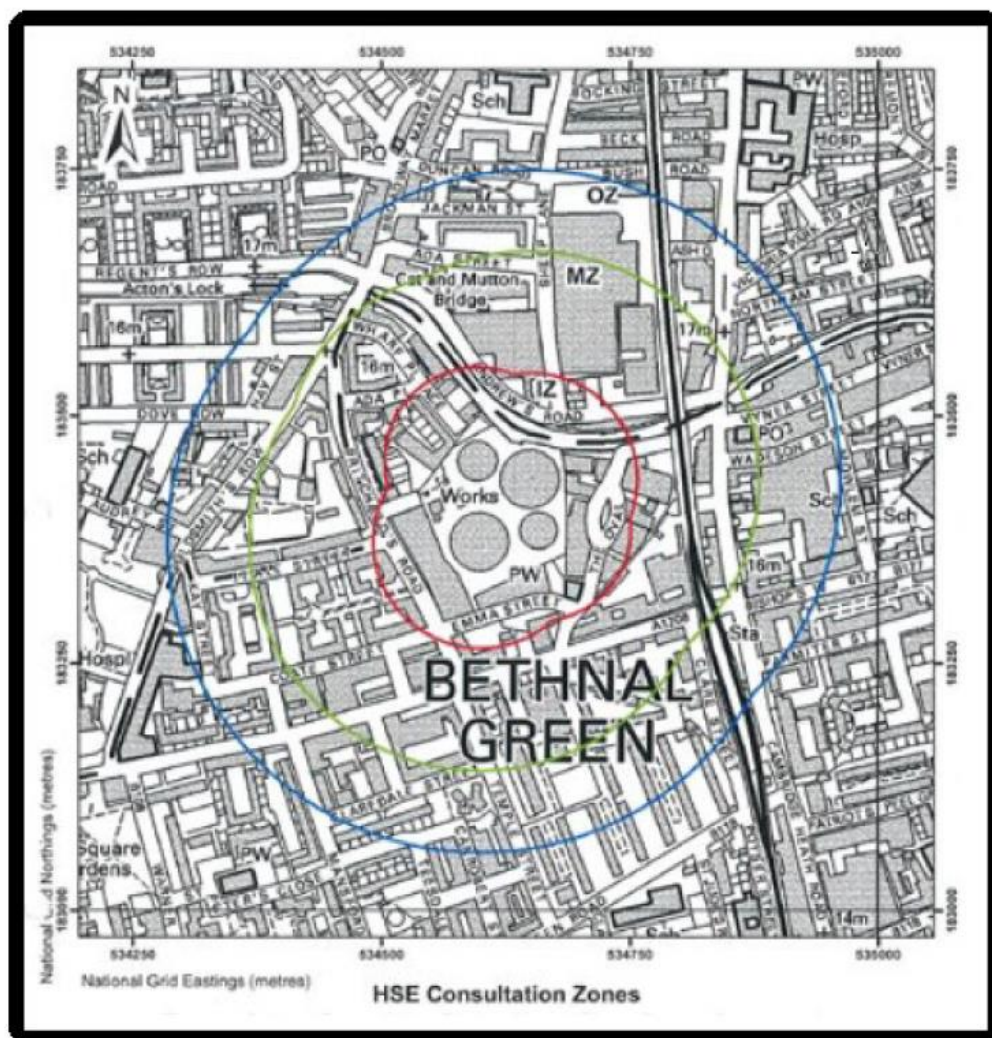


Figure 7 (above): HSE Health and Safety Executive Consultation Zones

10.3.28 Planning Circular 04/2000 was cancelled in March 2014 and replaced by the Hazardous Substances section (HS) of the Planning Practice Guidance (PPG) web-based resource. Generally the planning guidance on development in the vicinity of major accident hazards is similar that contained in Planning Circular 04/2000 (e.g. HS PPG paragraphs 01 - 03 and 065 - 078). However, the guidance now includes the local authority's responsibility (as Hazardous Substances Authority) to monitor the status of sites with hazardous substances consent to identify any consents that may have become redundant (e.g. paragraphs 066, 067, 073 and 074). Specifically (paragraph 074) guides that 'Hazardous Substances Authorities should be proactive about revoking consents that no are no longer required.'

10.3.29 The PPG (paragraph 71) advises that the 'HSE's role is an advisory one. It has no power to direct refusal of planning permission or of hazardous substances consent. Where HSE advises that there are health and safety grounds for refusing, or

imposing conditions on, an application, it will, on request, explain to the local planning or hazardous substances authority the reasons for their advice. Where that advice is material to any subsequent appeal, it is prepared to provide expert evidence at any local inquiry.'

- 10.3.30 More importantly, the PPG (paragraph 71) advises that *'In view of their acknowledged expertise in assessing the off-site risks presented by the use of hazardous substances, any advice from HSE that planning permission should be refused for development for, at or near to a hazardous installation or pipeline, or that hazardous substances consent should be refused, should not be overridden without the most careful consideration.'*
- 10.3.31 In relation to the Councils development plan, policy 5.22 of the London Plan and policy DM30 of the Management Development Document are relevant
- 10.3.32 Policy 5.22 of the London Plan requires site specific circumstances and proposed mitigation measures be taken into account when applying the Health and Safety Executive's Planning Advice Developments near Hazardous Installations (PADHI) methodology. Furthermore, the policy states the risks should be balanced with the benefits of development and should take account of existing patterns of development.
- 10.3.33 Policy DM30(2) of the Managing Development Document (2014) states that development will not be supported which involves the storage or use of hazardous substances or new developments in close proximity to hazardous installations where it would cause a significant hazard to health and the environment.
- 10.3.34 The accompanying text at paragraph 30.4 states, *'In combination with advice provided by the Health and Safety Executive, consideration will also be given to site specific circumstances and any proposed mitigation measures. If the HSE advise against development, planning permission will only be granted in circumstances where it can be demonstrated that the benefits that would be brought by the proposed development would significantly outweigh the potential risks to health and the local environment'*.
- 10.3.35 Whilst the Bethnal Green Gas Holders are currently in a decommissioned state, the site still holds its Hazardous Substances Consent. Essentially, this means that they could potentially be used to store gas again in the future.
- 10.3.36 Applications close to gasholder sites are run through a computer programme called PADHI+ (Planning Advice for Developments near Hazardous Installations) developed by the Health and Safety Executive. PADHI+ is able to give local planning authorities advice on proposed developments near hazardous installations.
- 10.3.37 PADHI+ uses two inputs to a decision matrix to generate the response, the zone in which the development is located out of three zones and the 'sensitivity level' of the proposed development. The matrix will generate either an 'Advise Against' or 'Do not Advise Against' response.
- 10.3.38 The application site (orange boundary to the south east). The site is located predominantly within the outer zone with part of the site within the middle zone
- 10.3.39 Owing to the sites location within both the middle and outer zones, the PADHI+ matrix has generated a response 'Advise Against', which confirms there are

sufficient health and safety grounds for the HSE to advise against the granting of planning permission.

- 10.3.40 However after further consideration, the HSE has advised that it would be prepared to withdraw its Advise Against the granting of planning permission if a condition is attached to the permission preventing occupation of the development until the Hazardous Substances Consent has been removed
- 10.3.41 In order to prevent the developer from commencing the elements of the scheme falling within the Middle Zone, a Grampian condition would be attached to the planning permission. Officers consider that rather than preventing occupation of, the condition should go further and prevent commencement of works in order to avoid the possibility of a large building lying vacant on site for a protracted length of time.
- 10.3.42 In considering these matters, officers have had regard to the likelihood of the Gas Holders being reactivated in the future.
- 10.3.43 The number of gas holders has fallen significantly since the advent of North Sea Gas and gas holders throughout the UK are being phased out. A National Grid consultation on their proposed Business Plan for 2013-2021 indicates that they will seek to decommission all their gasholders by 2021.
- 10.3.44 The Bethnal Green Gas Holders site is a site allocation within the Managing Development Document (2013), which recognises the decommissioned state of the gas holders, the high probability of the Hazardous Substances Consent being revoked and the consequent low probability of the Gas Holders being reactivated. Officers therefore consider that the presence of the hazard and increased risk arising from additional population can be considered to be "time limited".
- 10.3.45 To conclude, taking into account the likely time limited presence of the Hazardous Substances Consent and the lower degree of risk within the Outer Zone it is considered that subject to a condition preventing commencement the proposed development is considered to mitigate the hazard to the health and environment, in accordance with Policy DM30(2) of the MDD (2013), which states development will not be supported which cause a significant hazard to health and the environment.

10.4 Design

Policies

- 10.4.1 Statutory tests for the assessment of planning applications affecting listed buildings or conservation areas are found in Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which states that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
- 10.4.2 The implementation of this legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on listed buildings and conservation areas. These are considered in more detail below however, the emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation of the heritage assets should be given "*special regard / attention*" and therefore considerable weight and importance.

- 10.4.3 The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. The parts of this document relevant to 'Heritage, Design and Appearance' are Chapter 7 '*Requiring good design*' and Chapter 12 '*Conserving and Enhancing the Historic Environment*.'
- 10.4.4 Paragraph 126 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment made by the historic environment to the character of a place.
- 10.4.5 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.
- 10.4.6 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy.
- 10.4.7 The appeal decision notes that within this area the 'industrial legacy of the conservation area is well represented and most legible in these extended sections. The presence of the two older gas holders dating from 1865/66 and 1888/89), the surviving structures of the appeal site (currently used as a coach servicing depot) and the hard-wearing materials present in the streetscape evoke a distinct sense of the canal's industrial past. Warehouses alongside the canal (some neglected, others in use for residential or commercial purposes) continue the industrial theme. By contrast, the cottages on the appeal site, as well as the shape of The Oval, provide a glimpse into the brief period of domesticity adjacent to the canal before intensive industrialisation.'
- 10.4.8 The overall design concept was viewed as well considered by the Inspector, who stated that '*The scheme bears the hallmark of a well-designed mixed use development. Active frontages at ground level, a canal-fronting generous area of public open space and the opportunities the scheme would bring to improve connections locally represent sound urban design principles. The open space in particular would be a welcome feature on the southern side of the canal where at present there is nothing to engage passers-by en-route to The Oval*' (paragraph 23). The scheme before Members differs only in that the height of the main tower has been reduced and is considered in detail below.

Bulk scale and Massing

- 10.4.9 While the Inspector commended the design and the ‘architectural vernacular drawn from the canal’s industrial character may be suited to the form and height of Blocks B and C. The style however was considered inappropriate for a building extending to 16 or 18 storeys. The architecture would only serve to emphasise the bulk and verticality of Block A as well as compound its disproportionate height (Paragraph 32).
- 10.4.10 The current proposal largely replicates the appeal scheme with a discernible reduction of 8 storeys from 18 to 10. The ten storey scheme is still taller than the ambient height of the area, and Officers considered it to cause less than substantial harm to the Regents Canal Conservation Area particularly when viewed from the towpath and where it is directly compared with the gasholders, albeit the magnitude of harm is significantly reduced compared to the previous 18 storey proposal. On balance, the harm is considered acceptable when the other benefits of the proposed development are taken into account. This is considered in more detail below.
- 10.4.11 The application is accompanied by a verified views and Townscape appraisal. This analysis demonstrates that the reduction in height of Block A to 10 storeys results in a development that sits more comfortably within the context of the surrounding built form and public realm in local views. The intrusion into the skyline in key local views within and into the Regents Canal Conservation Area due to the form, proportion, composition and scale of the reduced building is minor but clearly perceptible.
- 10.4.12 It is officer’s opinion that the application would involve the development of a tall building on this site. The Tall Buildings – Historic England Advice Note 4 (2015) states that “*What might be considered a tall building will vary according to the nature of the local area*”. A Planning Policy Explanatory Note was agreed by the Mayor in Cabinet on 19th September 2017 which seeks to reiterate the borough’s approach to tall buildings through its existing Local Plan. The Note also seeks to define a tall building in Tower Hamlets, and confirms that “*The definition of a “Tall Building” in the Borough will therefore depend on its location and the predominant height of buildings in the local context*”. This definition allows for the fact that areas of different character within the borough have different sensitivities and that a five storey building in a two-storey context is equally as prominent as a much taller building in a more built up context. Mid-Rise buildings are those that are considered to be tall in the context of relatively low-rise development but that in absolute terms are in the region of 6-9 storeys.
- 10.4.13 Of more importance and relevance therefore, is policy DM26 which addresses “building heights”. Whilst policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights, it is important to note that normally the criteria for tall buildings are meant to be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres (figure 9 of DM26).
- 10.4.14 However, this application site is not in a town centre. It enjoys a relatively prominent location when viewed from the canal and within a conservation area. The Council’s approach would therefore be to assess this case based on Part 2 of policy DM26 (quoted at paragraph 9.34). Policy DM26.2 includes criteria a-l, which provides a more detailed checklist of requirements that new development for Tall Buildings need to satisfied. Criterion a) is particularly noteworthy and states that new

developments should be *“Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings”*. On the whole, the purpose of this policy is to ensure all planning applications for “Tall Buildings” are sustainable in terms of location, design and function and that they help contribute to the overall vision for Tower Hamlets that is set out in the Local Plan.

10.4.15 Policy DM26 is further supported by policy 7.7 of the London Plan which states that applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy which meets the following criteria:

- *Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;*
- *Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;*
- *Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;*
- *Individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;*
- *Incorporate the highest standards of architecture and material, including sustainable design and construction practices;*
- *Have ground floor activities that provide a positive relationship to the surrounding streets;*
- *Contribute to improving the permeability of the site and wider area, where possible;*
- *Incorporate publicly accessible areas on the upper floors, where appropriate;*
- *Make a significant contribution to local regeneration.*

10.4.16 The appeal schemes at 16 and 18 storeys were considered to meet the definition of a ‘tall building’. Officers consider at 10 storeys the proposal is taller than the predominant height of buildings within the local context and therefore is defined as a tall building. At the height of ten stories the building would be more appropriate in terms of form, proportion, composition, scale and character of the surrounding urban grain and would not be considered such a stark transition in character as the appeal scheme. The transition between the scales would be further mitigated by the buildings positioning on site, away from the canal and the oval and adjacent to the railway line at rear of the site. In addition, the elevational treatment is well considered and incorporates a high level of architectural design. Therefore while the building is a tall building in its context, it is not considered to overwhelm the surrounding area or the Regents Canal Conservation Area.

10.4.17 While it is identified that there is some harm, it is considered to be less than substantial, in accordance with paragraph 134 of the NPPF and must be balanced against the public benefits of the scheme. Firstly, there are heritage benefits arising from the redevelopment of this site in terms the reuse and refurbishment of the regency cottages which make a positive contribution to the conservation area, and also the redevelopment of the site more widely to improve its standing and appearance within a part of the conservation area in need of regeneration. Other public benefits include the provision of additional employment space and

associated jobs, as well as new homes including an element of affordable housing, and permeability/ public realm improvements.

Retention of the Cottages

- 10.4.18 The appeal decision notes that the cottages are an important reminder of a fleeting period in the canal's history, while being in an advanced state of decline the buildings are capable of being refurbished to provide good quality residential accommodation. Even in an advanced state of neglect, the original scale, forms and layout are largely intact; the two storey bow windows are of particular interest for their reference to elegant domesticity. The physical state of the buildings gives a poor impression in the canal side scenery. But, as one of the few surviving elements of a wider and much fragmented development at The Oval, the Regency cottage is an important part of the area's history.
- 10.4.19 The proposal retains and upgrades both the Victorian and Regency cottages. As above the inspector notes that the loss would cause harm to the Regents Canal Conservation Area and as such the retention and upgrade of the cottages, bringing them back into use is a benefit of the scheme.
- 10.4.20 There is limited detailing on the extent to the proposed internal and external works and materials to the cottages and as the inspector notes the evidence points to the need for extensive rebuild or replacement of historic fabric to bring the buildings to a good standard of repair. As such a condition will be attached requiring a schedule of works, detailing the extent of any demolition, removal and the proposed new materials, manufacturer's details and sections and details.

Layout and public realm

- 10.4.21 The proposal will also create a new public pedestrian route along the southern boundary of the site (from oval to hare row), this is a positive planning gain of the scheme and will be secured via legal agreement.

Summary

- 10.4.22 The appeal inspector stated that they did not consider retention of the cottages and achieving a development of a height respectful to context are not mutually exclusive objectives. Both are desirable outcomes in heritage terms and one should not be traded off against the other. It is considered in this proposal the marked reduction in height to 10 Storeys and the retention of the cottages which make a positive contribution to the conservation area are appropriately balanced against each other in this context.

Secure by Design

- 10.4.23 Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.
- 10.4.24 The proposed development has been assessed by the Crime Prevention Officer who has provided a number of suggestions to the previous scheme in order to remove areas of concern for secure by design elements. A Condition would therefore be attached to any approval, to ensure that the development will seek to achieve the Secure by Design Accreditation.

Inclusive Design

- 10.4.25 Policy 7.2 of the London Plan (MALP 2016), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 10.4.26 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'.
- 10.4.27 The applicant has proposed further inclusive design measures including the two accessible parking bays on street, and level access to the commercial units and within the internal amenity spaces. The majority of the residential units will be wheelchair accessible (90%) to meet building Code requirement M4(2) with the other 10% of units designed to meet M4(3) Wheelchair user dwellings. The proposed accessible unit within the affordable provision located on the first floor with access to two lifts and the parking space.

10.5 Housing

- 10.5.1 The application proposes 57 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan 2016 (MALP) is 3,931.
- 10.5.2 Policy 3.3 of the London Plan seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 10.5.3 The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

Affordable Housing

- 10.5.4 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 10.5.6 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:
- Current and future requirements for affordable housing at local and regional levels;
 - Affordable housing targets;
 - The need to encourage rather than restrain development;
 - The need to promote mixed and balanced communities;

- The size and type of affordable housing needed in particular locations; and,
- The specific circumstances of the site.

- 10.5.7 The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out SP02 (3a) of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 10.5.8 Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 10.5.9 The affordable housing offer is 13% by habitable room on-site provision. It is acknowledged that the provision is significantly under the minimum of 35% required by policy (subject to viability)
- 10.5.10 The affordable housing is being delivered as 100% affordable-rented product, with 50% provided at London affordable rent and 50% provided as Tower Hamlets living Rents. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. The proposed tenure split would not be in accordance with this policy requirements however is considered to be broadly acceptable. As part of the viability discussions, affordable housing officers demonstrated concerns in relation to the affordability of the intermediate product. Given the low provision of units, it was considered that a better outcome in terms of securing homes for those of greatest need was to provide the affordable housing in the rented product. The proposal will contain 3 x three bed affordable rented units to meet an identified need in the borough.
- 10.5.11 In light of this significant shortfall in the proportion of affordable housing proposed, and the requirement of the Council's development plan to take into account the viability of development proposals when determining an acceptable level of affordable housing, the scheme has been reviewed independently by two separate viability consultants being Bilfinger GVA and BBP regeneration. The viability consultants did not have view of the other reviewers report and, an expert cost consultant reviewed the inputs as part of GVA's assessment and agreed. In addition, a cost consultant has also reviewed the inputs as part of GVA's assessment. In addition, the GLA's viability team reviewed the assessment and agreed that affordable housing has been maximised. The GLA added the proviso that early and advanced stage reviews should be secured and the GLA consulted.
- 10.5.12 Given the potential for changes in sales values and construction costs, the scheme should be subject to a viability review mechanism to allow additional affordable housing to be secured should the viability of the scheme improve in line with the Mayor of London's guidance. A viability review mechanism will be secured within a s106 agreement which is recommended to include a requirement to take account and where possible the use of grant funding to increase affordable housing delivery on site. Two viability reviews triggers are proposed, firstly if the development has not been implemented within 18 months from the grant of permission (with the

definition of 'implementation' to be agreed as part of s.106 negotiations) would also be secured should permission be granted, and secondly at an advanced stage (i.e. when the scheme is 75% occupied).

- 10.5.13 This is particularly necessary given the low affordable housing level that the scheme can viably deliver at this time and because a 5 year time limit to implement the scheme is recommended due to the need for the Gas Works to be decommissioned and Hazardous Substances Consent removed prior to occupation of the development.
- 10.5.14 The wording of the Viability Review mechanism will need to be considered carefully. A viability review is recommended at first implementation stage, which is when CIL contributions are paid, but only if the scheme is implemented after 2 years of the date of the consent, and at an early and advanced stage viability review (prior to first occupation of the development) which would be secured within a section 106 agreement. An additional clause is also recommended within the s106 legal agreement to secure a commitment to pursue grant funding (e.g. GLA affordable Housing Programme Grants and the LBTH Grants) to increase the level of affordable housing.
- 10.5.15 This is in line with the Mayor of Tower Hamlets and the Mayor of London's push to deliver more affordable housing, which encourages the account and use of grant funding. In this regard, the Council's DVDSPD states "All planning applications and related FVAs are required to account for amounts of grant funding that are likely to be available". The Mayor of London's AHVSPG states: "All schemes are expected to determine whether grant and other forms of subsidy are available and to make the most efficient use of this to increase the level of affordable housing delivered"
- 10.5.16 Given the appeal history and timing of this application (i.e. the application was submitted before the adoption of the both the Mayor of London's AHVSPG and Council's DVDSPD) the availability of grant to increase the baseline level of affordable housing would benefit from further exploration. As such it is proposed to take account of this new policy direction through a suitably worded review mechanism within the s106 to the amount of affordable housing is maximised and a level significantly above 6% could be achieved should the viability position improve once the availability of grant is factored in.
- 10.5.17 In terms of grant regimes that could potentially be utilised to try to maximise the provision of affordable housing, there are two principles streams of funding available:
- GLA Affordable Housing Programme Grant: In summary £28,000 per unit above what is deemed to be technically viable may be available. The proportion of units this will apply to will depend on the overall offer. In Separate grant regimes cannot be used in conjunction with one another, so this form of grant should generally apply to intermediate tenure affordable housing.
 - LBTH Grant (from Right to Buy receipts): 30% of cost of delivering the affordable units, approximately £150,000 for every affordable 'rented' unit (i.e. London Affordable Rent and Tower Hamlets Living Rent) may be available.

10.5.18 Summary

Taking all of the above into account, all of the site constraints, the appeal decision and the agreed viability inputs it is considered that the development is maximising the affordable housing potential of the scheme. It is recommended as part of the legal agreement that a review mechanism is included to ensure that if any site and market levels change then the affordable housing offer can be reviewed.

Housing Mix

10.5.19 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, 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 rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).

10.5.20 The following table details the housing proposed within this application by unit number

Unit Size	1 bed	2 bed	3 bed	4 bed
Market Sector Tenure				
LBTH Target	50%	30%	20%	
Proposed Mix	15 units (29%)	20 units (39%)	14 units (28%)	2 units (4%)
Social/Affordable Rented Tenure				
LBTH Target	30%	25%	30%	15%
Proposed Mix	1 unit (25%)	2 units (25%)	3 units (50%)	0

Figure 8 (above): Table showing proposed housing tenure and mix

10.5.21 The overall mix of units is generally compliant with the above policy. There is a slight overprovision in terms of 3 and 4 bed units, however given the preference for larger family homes and the reprovision within the historic cottages, this is considered acceptable.

10.5.22 The overall mix of unit sizes and tenures would make a positive contribution to a mixed and balanced community in this location as well as recognising the needs of the Borough as identified in the Council's Strategic Housing Market Assessment. It reflects the overarching principles of national, regional and local policies and guidance.

Quality of residential accommodation

- 10.5.23 Local Plan policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.
- 10.5.24 Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 10.5.25 All of the proposed flats meet and exceed the London Plan minimum internal space standards and the Minimum National Floorspace standards. The minimum floor-to-ceiling height also exceeds 2.5m which is in accordance with relevant policy and guidance. No floor would have more than 8 units per core, in accordance with the SPG.
- 10.5.26 The rented family sized units are designed with the ability to separate the living room / kitchen arrangements, this is welcomed. The applicant states that all of the residential units will be compliant with Building Regulation M4 (2) with 90% of the units being accessible and adaptable and 10% of the units designed to be wheelchair user dwellings M4(3) across the tenures in accordance with Policy.
- 10.5.27 The proposal also includes 2 wheelchair accessible parking bays in an on street location. The provision of these will be secured via legal agreement.

Outlook

- 10.5.28 In terms of the relationship internal to the site, officers note that there could be some mutual overlooking of the flats facing into the middle of the site and over the communal amenity space.
- 10.5.29 The closest windows are located where block A and block B meet with a distance of 2 metres, being a bedroom and a kitchen from first to third floor levels. At each level the kitchen within Block B is proposed to be opaquely glazed and both units are dual aspect with the amenity space on the other aspect of the units.
- 10.5.30 The design of both Block C and Block B have been considered in order to minimise the overlooking potential, with only one unit having its private amenity space facing internally (and away from the railway line). The private amenity space faces internally however, directs views to the section of Block B where the core is located and there are no direct windows (with a distance of 13 metres). The amenity space is located at such an oblique angle that the closest window visible would be approximately 13 metres distance.
- 10.5.31 The units in block A and B are separated from the railway line by 7 metres at its worst point being the southernmost window within C.01.3 at first floor. and would have good visibility. There are only three units (5%) that are single aspect and these are the three one bed units within Block B, with the small nature of these units making dual aspect difficult.

- 10.5.32 It is therefore considered that the proposed flats by reason of their orientation and separation distance would therefore not be unduly overlooked by neighbouring properties.

Noise

- 10.5.33 Given the proximity of the new residential properties to the railway line, which is utilised for rail and freight and the nearby canal and commercial operations, the inspector stated that stringent acoustic standards would be required to safeguard new residents from that noise source (para 62). The acoustic measures would similarly protect occupants from noise arising from use of the railway arches.
- 10.5.34 The submitted noise assessment sets out recommended noise mitigation measures that would ensure that the internal noise levels within the proposed residential units accords with guidelines. These measures include the use of specialist laminated double glazed windows, triple glazed window or secondary glazing together with acoustically treated ventilators.
- 10.5.35 Subject to appropriate conditions securing appropriate glazing specifications and ventilation would not be subject to undue noise or vibration from the train line and surrounding uses.

Internal Daylight and Sunlight

- 10.5.36 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 10.5.37 The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 10.5.38 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.

Daylight/sunlight to proposed units

- 10.5.39 The applicant has submitted a daylight sunlight assessment for the proposed development which has detailed the following analysis.
- 10.5.40 Annual Daylight Factor analysis of the 180 habitable rooms within the development shows that 162 (90%) will comply fully with the recommendations. Where rooms do not meet the required ADF values, these are limited to the larger living kitchen dining spaces at the lower levels. The daylight penetration results show that the majority of these rooms will receive daylight to a significant proportion of the room

with daylight amenity being concentrated to the main living and winter garden spaces provided.

- 10.5.41 Daylight Distribution analysis of the daylight penetration within the 180 rooms shows that 170 (94%) will comply fully with the BRE report recommendations, seeing daylight penetration to over 80% of the rooms area.
- 10.5.42 Windows that predominately face north would be unlikely to comply with the sunlight guidance, APSH analysis shows that of those 112 north facing windows (62% will fully comply with the recommendations). Assessment of the south facing rooms shows that of the 107 windows 82 (77% would comply fully). This level of compliance is above expectations within urban areas.
- 10.5.43 The analysis shows that the daylight and sunlight amenity of the proposed development would be appropriate for this urban setting.

Overshadowing to the courtyard amenity space

- 10.5.44 The overshadowing analysis of the courtyard within the centre of the proposed scheme shows that sunlight provision on 21st March will be severely limited and not BRE compliant (which requires a minimum of 2 hours). The analysis undertaken for the 21st June shows that sunlight amenity will increase significantly during summer months.
- 10.5.45 While officers acknowledge the limit on daylight to this area is not ideal, it is considered that in this case given the proposal has provided substantially increased areas of amenity space over the minimum required. These spaces are split into three areas and are of a good quality. Therefore in this case this is considered acceptable.

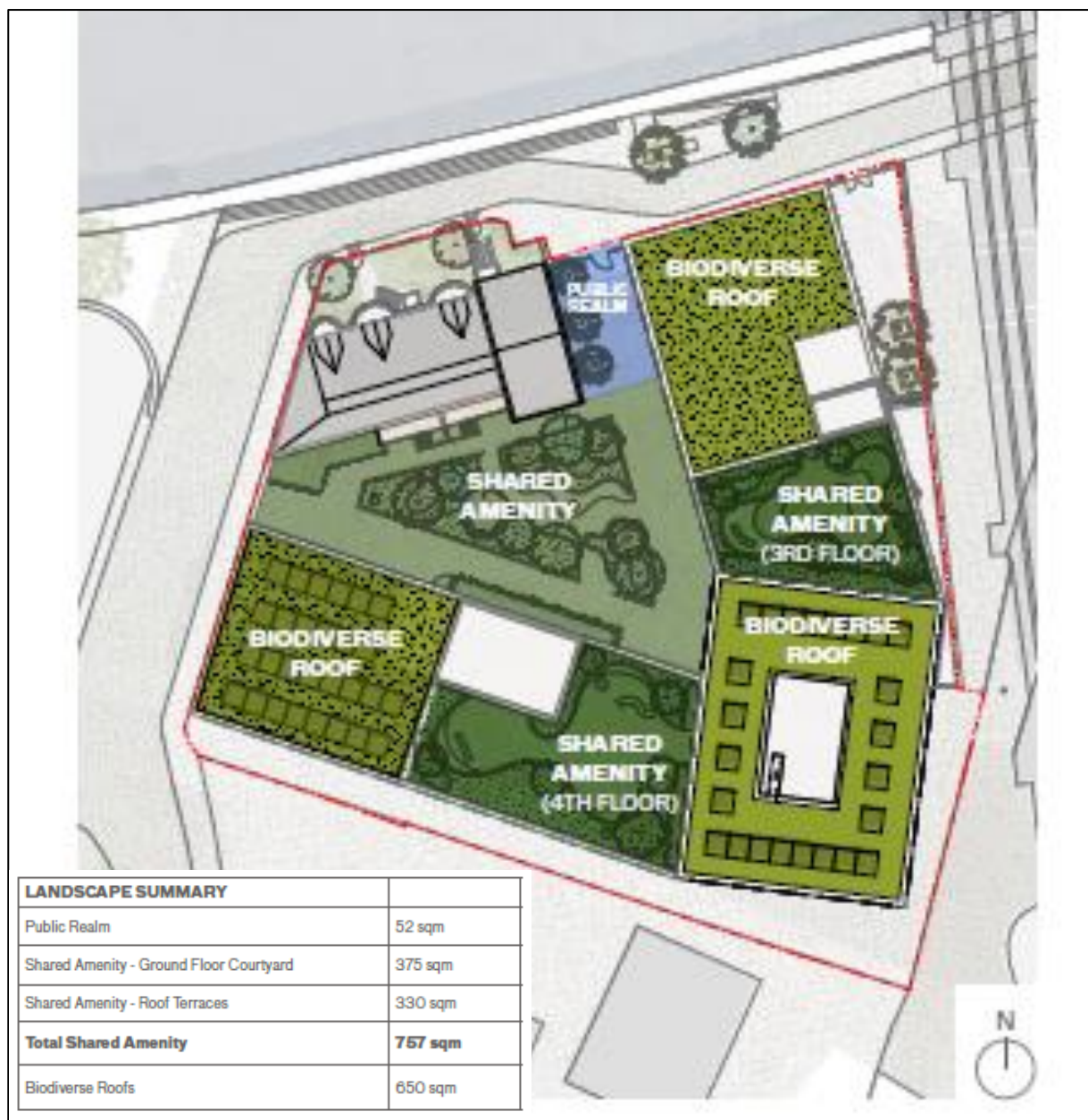
Conclusions

- 10.5.46 Overall, given the constraints of the site, the inspector's previous conclusions and the optimisation of the land officers consider the proposed development has maximised the daylight and sunlight provisions within the development.

Communal Amenity space and child play space

- 10.5.47 For all major developments, there are three forms of amenity space required: private amenity space, communal amenity space, and child play space.
- 10.5.48 The amenity space is provided within three areas and accessible to all residents. The main amenity space is located centrally within the courtyard of the four buildings, with two additional amenity spaces at roof level being at third level between block C and A and fourth floor level on Block B.

Figure 9 (above): Proposed layout of amenity spaces



Private Amenity Space

- 10.5.49 Private amenity space requirements are a set of figures which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 10.5.50 The application proposes designated private amenity space to all of the flats which are generally in compliance with the above policy standard. The private amenity spaces within each unit are inset and incorporated within the overall design. The space can be fully enclosed or can be opened up completely above providing a 1.5 metres safety railing.

Communal Amenity Space

- 10.5.51 Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 97sqm.
- 10.5.52 Paragraph 4.7 of the Managing Development Document states '*communal amenity space should be overlooked, and support a range of activities including space for relaxation, gardening, urban agriculture and opportunities to promote biodiversity and ecology*'
- 10.5.53 The proposal as shown below would provide a combined total of 757sqm of amenity space. While it is noted that the internal courtyard may not meet the minimum of 2 hours of sunlight on the 21st March, there are three separate areas which is in excess of the requirements.
- 10.5.54 For the reasons above, the quantum and quality of the communal amenity space is therefore considered to acceptable.

Child play space

- 10.5.55 The quantum of child play space is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents.
- 10.5.56 The scheme is predicted to contain 15 children (0-15 years of age) using the GLA child yield calculations as per the LBTH Planning Obligations SPG. The following is a breakdown of the expected number of children per age group:
- Under 5 years 7
 - 5-11 years 5
 - Over 12 years 3
- 10.5.57 In accordance with London Plan Guidance a total of 146.5sqm of play space is required for all three age groups. The applicant is proposing a total of 213sqm of play space, with 56sqm for under 5 and a further 157sqm for 6-11 years, which meets the requirements.
- 10.5.58 The applicant has split the child play space between the three proposed amenity space areas and spread it between the communal amenity spaces. This approach is supported and will make the spaces well used and overlooked.
- 10.5.59 The largest space is located on the roof of block B which is on top of the affordable units. The space can be accessed by both the Core in B and through the central core in Block A. This is a good design arrangement. The details around the access and management arrangements will be secured by condition.



Figure 10 (above): Proposed child playspace provision

10.5.60 The site is in relatively close proximity of Victoria Park, London Fields and Haggerston Park and it is considered that children will benefit from good access to a wide range of play facilities on and off site. The proposed child play space provision is therefore considered acceptable in accordance with the development plan policies.

Conclusion

10.5.61 The proposed development would provide all forms of amenity space required on site and is in excess of requirements. The proposed amenity strategy ensures that an appropriate quantum and quality of amenity space would be delivered on the site overall. The development as a consequence would result in a development which would provide high quality living conditions and spaces for enjoyment for future residents.

10.6 Neighbouring Amenity

10.6.1 Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting

conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

Daylight, Sunlight and Overshadowing

- 10.6.2 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 10.6.3 The majority of the buildings surrounding the site are industrial, including some meanwhile uses. It is anticipated given the site allocation that the surrounding building will be redeveloped.

Daylight

- 10.6.4 For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.
- 10.6.5 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 10.6.6 The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site.

51-53 Andrews Road

- 10.6.7 The site is directly to the north of the development and across the canal within the London borough of Hackney. The VSC levels show that all of the windows overlooking the Development (south facing) will satisfy the BRE guidelines, with the DD analysis showing that the rooms to the centre of the building will see little or no change to their existing DD values and will remain fully BRE compliant.
- 10.6.8 The Annual Probably Sunlight Hours (APSH) test show that all windows requiring testing will retain fully compliant levels of sunlight access both annually and in the winter months.

519 – 525 Cambridge Heath Road

- 10.6.9 This property lies to the north- east of the host site and over the railway line. The building is part three and part four storey building currently used as residential at upper levels. VSC analysis shows that all windows tested will see little modification to their current VSC values and comply with BRE guidelines and will also be compliant with daylight levels.
- 10.6.10 It is noted that the site has a recent approval for the demolition of the existing building and the construction of a 5 storey building to contain 9 new residential units which has not been assessed as part of the daylight/sunlight assessment (PA/14/03474). However, given the assessment indicates that the existing building

at a lower level will comply it is considered that the new building should receive sufficient levels also (particularly as the building is to the east). In addition, the inspector found the much larger scale building would respect the surrounding neighbours in terms of amenity it is considered that the reduction in height would also preserve neighbouring amenity.

515-517 Cambridge Heath Road

- 10.6.11 This property lies to the east of the host site and closest to Block A (the largest of the buildings). This building is a three storey Victorian terraces set back into the site. The report indicates that the living spaces within this building face Cambridge Heath Road with bedrooms facing towards the railway.
- 10.6.12 The daylight analysis of each property shows that all of the windows of 517 will comply (more northern building), with two of the four windows on 515 achieving compliant VSC values. The windows which do not comply will retain 0.79 times its current VSC value which is negligibly below the requirement. Additionally the sunlight analysis shows that 1 out of 4 rear windows for 515 Cambridge Heath Road will be BRE compliant and 2 out of 4 rear windows of 517 will be BRE compliant. Those windows which are not compliant will have a minor adverse effect with retentions between 0.6 and 0.71 of the former values.
- 10.6.13 Given the current height of the railway line and the highly compact and urban environment these values are considered acceptable.

507-513 Cambridge Heath Road

- 10.6.14 All windows facing the development within this building are VSC and DD compliant. The APSH levels will comply for 7 out of the 9 windows, with two transgressions limited to bedrooms and are minimal given the surrounding environment.

Overshadowing

- 10.6.15 The development will result in overshadowing of the Canal towpath and the amenity space to the north of 5-10 Corbridge Crescent (Containerville). The overshadowing diagrams demonstrate that the development will lead to additional overshadowing, but the effect is transient and will clear the waterway between 1 and 2pm within the winter months, which will be greatly improved during the summer months.

Privacy

- 10.6.16 Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances will exist between the proposed new buildings and existing facing buildings on neighbouring sites.
- 10.6.17 The proposed residential units have been well designed, and gives respect to the surrounding sites specifically given it is the first site to come forward within the site allocation and given the constrained nature of the site. The inspector notes that 'the appeal schemes have been designed to ensure that neighbouring sites would continue to operate effectively or can be developed to their optimum potential'.
- 10.6.18 Concerned residents have noted the potential for overlooking into the rear of the Cobalt building (507-513 Cambridge Heath Road). Officers consider that these

buildings are separated by a minimum of 22 metres, with a large railway line in between. It is not considered that the development would give rise to unacceptable overlooking in this instance.

Visual amenity / sense of enclosure

- 10.6.19 Given the location and separation distance of surrounding facing residential properties, the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of loss of outlook and sense of enclosure.

Summary

- 10.6.20 In addition to the above, officers are limited in their scope for considerations given the Inspector was satisfied that the previous applications for the redevelopment of the site (reference PA/14/03219 and PA/14/03220) would not give rise to any unacceptable impacts on surrounding residential amenity, and would provide appropriate levels of amenity for future residential occupants within the development in terms of light, noise and outlook, subject to conditions.

10.7 Highways and Transportation

Policy Context

- 10.7.1 The NPPF and Policy 6.1 of the London Plan (MALP 2016) seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 10.7.2 Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 10.7.3 Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

Site context and proposal

- 10.7.4 The site has a good public transport accessibility level (PTAL) of 6a. The site currently contains vehicular access on Corbridge Crescent and on-site parking for up to 15 coaches varying in size from 14 seater minibuses to 57 seaters, and a further five are regularly stored in the open front yard in the front of the shed. All vehicles arrive and depart via Corbridge Crescent.
- 10.7.5 The proposal will remove all vehicular access to the site, removing the vehicular trips currently associated with the site and this part of The Oval.

Car Parking and access

- 10.7.6 Policies 6.13 of the London Plan and policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

- 10.7.7 The development is proposing to provide three on street dedicated accessible parking spaces. However the rest of the development will be car free and secured by section 106 agreement.
- 10.7.8 The three 3 bedroom rented units would be eligible for the Tower Hamlets Permit Transfer Scheme to retain their on street residents parking permit and the applicant has demonstrated sufficient local capacity in the area to accommodate car parking associated with these three homes. Indeed the transport assessment provided an assessment relating to the availability of on street parking spaces within 200 metres of the site. The survey observed in 2012 that there were ranging from 17-137 available on street parking spaces depending on time of day. A new survey was undertaken in 2016 which demonstrated greater availability. Therefore, it is considered there is sufficient availability within the wider area to accommodate these three additional permit holders only.
- 10.7.9 In addition, to the changes in built form, the proposal also includes an east to west route to the south of the proposed buildings to facilitate pedestrian connections between Hare Row, Grove Passage, Cambridge Heath Road and The Oval. This is a positive benefit of the scheme and will enhance the existing provision for pedestrians and cyclists and access into and around the site. The provision of this route will be secured via a section 106 legal agreement.
- 10.7.10 The proposal also includes the introduction of improved footways and hard and soft landscaping along The Oval, Hare Row and Grove Passage to make these routes more accessible to residents and pedestrians.
- 10.7.11 The proposal includes the provision of a turning head to allow for waste vehicles and delivery and service vehicles to be able to turn into The Oval from Corbridge Crescent. This turning head is provided in a section of highways land adjacent to the 5-10 Corbridge Crescent (Containerville). This turning head is required in order to make the delivery and waste service strategies acceptable and will be secured via section 106 agreement.

Cycle Parking

- 10.7.12 The application proposes 97 cycle parking spaces for the residential and commercial elements of the scheme on the ground floor. The access to these spaces are all step free.
- 10.7.13 The residential element requires 98 cycle spaces for long stay users and 1 visitor space. This is provided beneath Block A and C and between the two lobby entrances. This is split between the two different tenure types.
- 10.7.14 The B1 use would require 5 long stay spaces and 1 short stay space. However if this space was utilised for a D1 use then the requirement is 1 space per 8 staff.
- 10.7.15 Therefore, while some areas have been shown to provide the cycle spaces it has not been clarified how many spaces and what type of stands are provided in each area. Therefore, it is considered that a condition be required for further details of the number and layout of the cycle spaces provided and further information provided prior to occupation of the commercial units to demonstrate where these spaces will be provided.

Waste

- 10.7.16 The refuse collection is proposed to take place from The Oval and Corbridge Crescent, this is acceptable and any vehicles will be able to manoeuvre into the proposed turning head.
- 10.7.17 The transport statement also suggests that the small commercial units and residential units could be serviced by a smaller van from Hare Row. Officers do not consider this to be a satisfactory solution and as such would require a Waste Strategy as a condition, in order to clarify details for collection specifically from The Oval. As part of this condition, details should be provided of the waiting location for the bins (less than 10 metres trolleying distances), the size and spacing and type of containers and volume of waste by litres for both residential and commercial.

Delivery and Servicing

- 10.7.18 It is considered that the servicing of the units could take place from Corbridge Crescent utilising the same turning bay as the refuse trucks. Full details of the servicing should be provided via condition. The transport statement also suggests that the small commercial units and residential units could be serviced by a smaller van from Hare Row. Officers do not consider this to be a satisfactory solution as vehicles are unable to turn around within Hare Row.

Demolition and Construction Traffic

- 10.7.19 Should the application be approved, the impact on the road network from demolition and construction traffic would be controlled by way of conditions requiring the submission and approval of Demolition and Construction Logistic Plans. The Demolition and Construction Logistic Plans will need to consider other developments on The Oval and Corbridge Crescent and also the feasibility of using the canal for the transportation of freight.

10.8 Energy & Sustainability

- 10.8.1 London Plan Policy 5.1 deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025 .
- 10.8.2 Policy 5.2 sets out the Mayor's energy hierarchy to:
- Be lean: Use Less Energy
 - Be clean: Supply Energy Efficiently
 - Be Green: Use Renewable Energy
- 10.8.3 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 10.8.4 Policy 5.2 requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings

should be zero carbon while non-domestic should accord with Part L of the 2013 Building Regulations and be zero carbon from 2019.

- 10.8.5 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require the residential units to comply with optional requirement G(36)(2)9b) of the 2010 Building Regulations in relation to water consumption and non-residential to achieve BREEAM Excellent.
- 10.8.6 The submitted energy strategy and addendum are acceptable for the development given the size of the scheme. The design has sought to follow the energy hierarchy and delivery savings through demand reduction and then through the use of renewables. The use of a low carbon source for the 'Be Clean' stage has been investigated but due to the relatively small scale of the developments a CHP would not be considered suitable (GLA guidance is for schemes of 500 units or more for CHP). The proposals have followed the decentralised energy hierarchy in London Plan policy 5.6.
- 10.8.7 The proposals have noted to have a 'temporary' boiler solution as the design would be for the scheme to link to a wider heating network in the future should one be available. A condition will be attached requiring details of the plant room layout and possible connection routes to future proof the development.
- 10.8.8 Whilst the CO2 savings are significantly below policy requirements the proposals include the provision of a carbon offsetting payment which is considered acceptable in this instance. A condition requiring the submission of the 'as built' energy calculations will be included to ensure that the energy efficiency measures and renewable energy technologies are delivered as proposed.

Biodiversity

- 10.8.9 Core Strategy SP04 is concerned with 'Creating a green and blue grid.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs and green terraces whilst ensuring that development protects and enhances areas of biodiversity value. Policy DM11 requires developments to provide elements of a 'living buildings' which can be provided as living roofs, walls, terraces or other building greening techniques. The policy requires existing elements of biodiversity value be retained or replaced by developments.
- 10.8.10 The council's biodiversity officer has confirmed that the existing site has limited ecological value and the recommended enhancements would contribute to targets in the current Local Biodiversity Action Plan. The existing trees, shrubs, climbers and perhaps buildings are likely to support common nesting birds. The loss of this nesting habitat would be a very minor adverse impact on biodiversity, which can be mitigated within the new development. The clearance and demolition should be undertaken outside the nesting season, and if not possible, a survey for nesting birds should be undertaken. This will be secured via condition.
- 10.8.11 The submitted Bat emergence survey identifies there are no bats roosting within the buildings, there were bats found foraging along the adjacent canal. As such, any lighting within this area would need to be carefully considered and avoided. External lighting both during construction and operation should be designed to avoid light spillage and further details will be required via condition.

- 10.8.12 The proposal includes 650sqm of biodiverse roofs and formal amenity areas with planting at ground and roof terrace levels. With appropriate planting, in particular a good diversity of nectar rich shrubs and perennials, the formal planting could also be valuable for biodiversity. Other enhancements recommended within the report include installing bat boxes and nest boxes for swifts and house sparrows. Details of the biodiverse roofs and other biodiversity enhancements will be secured via condition.
- 10.8.13 The Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS and DM11 of the Managing Development Document.

Air Quality

- 10.8.14 Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.
- 10.8.15 The borough is designated an Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods. NPPF paragraph 124 requires planning decisions to ensure that new development in Air Quality Management Areas is consistent with the local air quality plan.
- 10.8.16 The air quality assessment shows that the development will not have a significant impact on air quality and that the development meets the air quality neutral requirements. While the energy plant has yet to be decided upon it must comply with the NOx emissions standards.
- 10.8.17 The assessment also shows that in the opening year some units will be subject to existing elevated pollution levels exceeding the NO2 air quality objective, mitigation will be required for the units shown to be exceeding or nearing the annual NO2 objective.
- 10.8.19 The Construction Management plan is subject to condition and the construction machinery and transportation will need to comply with the missions standards set out in the GLA's sustainable Design and Construction SPG.
- 10.8.20 As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution

Health Considerations

- 10.8.21 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.

10.8.22 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.

10.8.23 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

- a) Working with NHS Tower Hamlets to improve healthy and active lifestyles.
- b) Providing high-quality walking and cycling routes.
- c) Providing excellent access to leisure and recreation facilities.
- d) Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- e) Promoting and supporting local food-growing and urban agriculture.

10.8.24 As detailed in the previous section, the proposed development would promote sustainable modes of transport, improve permeability through the site, provide communal amenity space and provide sufficient play space for children. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

10.9 Impact upon local infrastructure / facilities

10.9.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation.

10.9.2 The NPPF requires that planning obligations must be:

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

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

10.9.4 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

10.9.5 The Council's Planning Obligations Supplementary Planning Document (2016) carries weight in the assessment of planning applications. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. This identifies the council's priorities as Affordable housing, Sustainable transport, publicly accessible open space, education, health, training, employment and enterprise etc.

10.9.6 The SPG seeks planning obligations for the following priority areas which are not covered by CIL:

- Affordable Housing (and wheelchair accessible accommodation)
- Employment, Skills, Training and Enterprise

- Transport and highways
 - Public access and children's play space
 - Environmental sustainability
- 10.9.7 The proposal would also be subject to an LBTH Community Infrastructure Levy. The types of infrastructure project that may be partly or wholly funded by CIL can include:
- Public education
 - Community and leisure facilities
 - Public open space
 - Road and other transport facilities
 - Health facilities
- 10.9.8 The development is predicted to have a population yield of 77 children which will generate additional demand for school places. The development is also predicted to generate some jobs once the development is complete. Therefore, the development will place some additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.
- 10.9.9 As outlined in the following section financial contribution section of the report LBTH CIL is now applicable to the development would help mitigate the above impacts.
- 10.9.10 The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:
- Enterprise and Employment Skills and Training;
 - End User;
 - Carbon Off-Set
 - Monitoring contribution
- 10.9.11 The applicant has also offered 13% affordable housing by habitable room with 6 affordable rented units split between tower hamlets and London living rent levels. This offer has been independently viability tested by two assessors and the information submitted is considered sufficient to confirm that it maximises the affordable housing levels in accordance with relevant policy.
- 10.9.2 A Development viability review clause to identify and secure any uplift of Affordable Housing if the development has not been implemented within 18 months from the grant of permission (with the definition of 'implementation' to be agreed as part of s.106 negotiations) would also be secured should permission be granted, and secondly at an advanced stage (i.e. when the scheme is 75%_occupied). An additional clause is also recommended within the s106 legal agreement to secure a commitment to pursue grant funding (e.g. GLA affordable Housing Programme Grants and the LBTH Grants) to increase the level of affordable housing.
- 10.9.3 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme) and residential and workplace travel plans.

- 10.9.4 The financial contributions offered by the applicant are summarised in the following table:

Heads	Planning obligation financial contribution
Employment, Skills, Construction Phase Skills and Training	£27,923
Access employment and end user	£2,690
Carbon off set initiatives	£119,280
Accessible Parking	£30,000
Monitoring	£2,000
Total	£179,894

Figure 11 (above): Proposed financial planning contributions (s106)

- 10.9.5 These obligations are considered to meet the tests set out in guidance and the CIL regulations.

OTHER

Financial Considerations

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

- 10.9.6 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.

- 10.9.7 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.

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

- 10.9.9 These are material planning considerations when determining planning applications or planning appeals.

- 10.9.10 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate Mayoral CIL contribution is estimated to be around £196,280 (subject of indexation and social housing exception). The site falls within zone 2 of the borough’s CIL charging schedule resulting in a contribution of approximately £424,450 (subject to indexation).

10.10 Human Rights Considerations

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

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

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

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

10.10.4 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.

10.10.5 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.

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

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

10.10.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

10.11 Equalities Act Considerations

10.11.1 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 and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

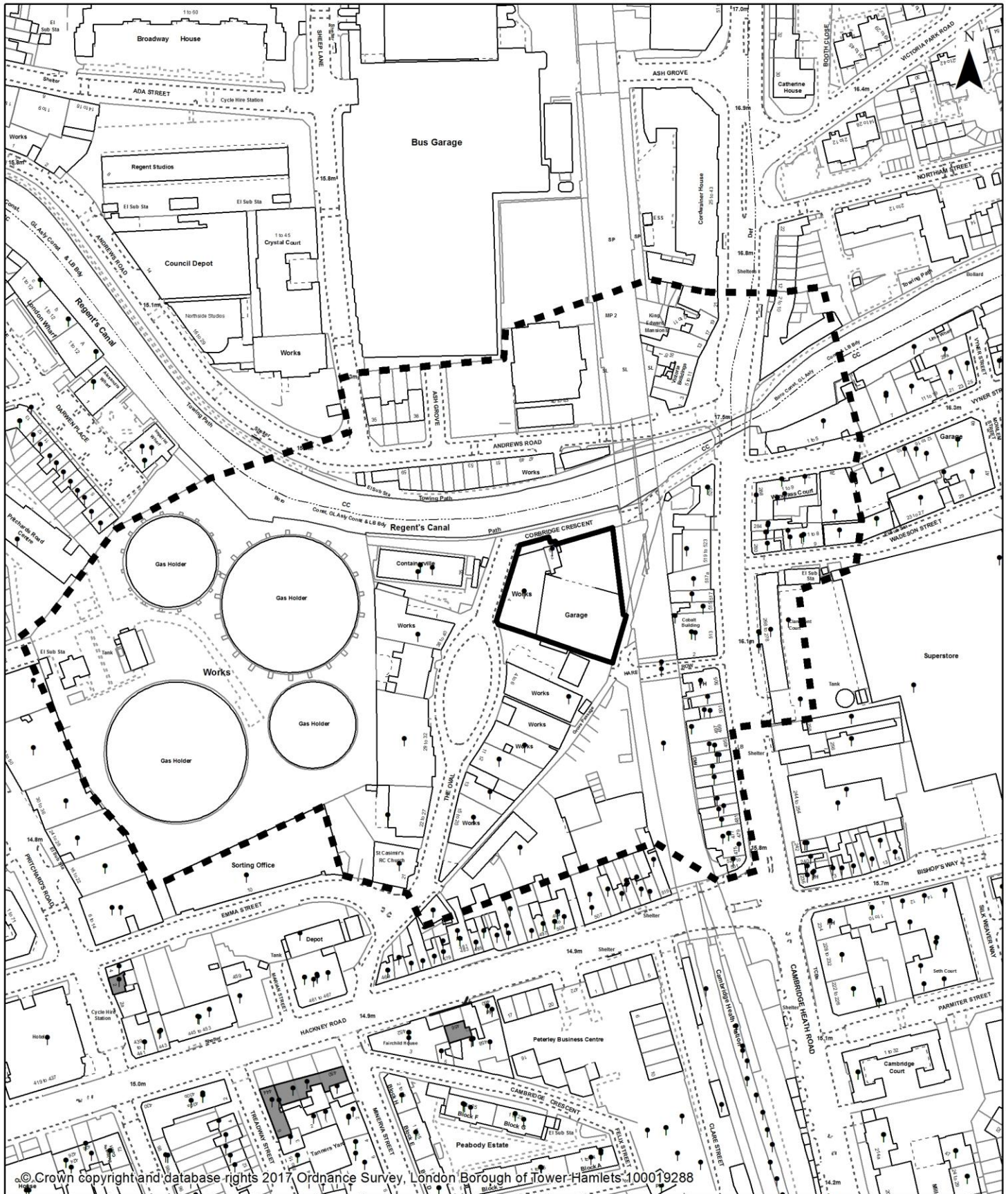
10.11.2 The provision of residential units and commercial floor space, within the development meets the standards set in the relevant regulations on accessibility. Of the residential units proposed within the development, 10% would be wheelchair accessible/adaptable. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.

10.11.3 The introduction of publically accessible east to west route with associated public realm would also increase permeability and promote social cohesion across the site and within the borough generally.

10.11.4 The proposed development and uses as a consequence are considered to have no adverse impacts upon equality and social cohesion.

11.0 CONCLUSION

11.1 All other relevant policies and considerations have been taken into account. Planning Permission should be **GRANTED** for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.



Planning Application Site Map PA/16/03771

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 @ 1:2,100

30 15 0 30 60 90 Meters



LONDON BOROUGH OF TOWER HAMLETS
Date: 18/09/2017

GIS for
Place Directorate



APPENDIX 1

List of documents and plans for approval

EXISTING DRAWINGS

210_01 P10.000	Existing Location Plan
210_01 P10.001	Existing Site Plan
210_01 P10.002	Existing Basement Plan
210_01 P10.003	Existing Ground Floor Plan
210_01 P10.004	Existing First Floor Plan
210_01 P10.005	Existing Roof Plan
210_01 P10.006	Existing Site Elevations
210_01 P10.007	Existing North Elevation
210_01 P10.008	Existing West Elevation
210_01 P10.009	Existing South Elevation
210_01 P10.010	Existing East Elevation

PROPOSED SCHEME DRAWING NUMBERS FORMING SUBMISSION

210_01_P20.000	Proposed Site Plan
210_01_P20.001 rev E	Proposed Ground Floor Plan
210_01_P20.002 rev F	Proposed First Floor Plan
210_01_P20.003 rev E	Proposed Second Floor Plan
210_01_P20.004 rev D	Proposed Third Floor Plan
210_01_P20.005 rev D	Proposed Fourth Floor Plan
210_01_P20.006 rev B	Proposed Fifth - Ninth Floor Plan
210_01_P20.007 rev B	Proposed Roof Plan
210_01_P20.010 rev E	Proposed Ground Floor Plan
210_01_P20.011 rev F	Proposed First Floor Plan
210_01_P20.012 rev E	Proposed Second Floor Plan
210_01_P20.013 rev D	Proposed Third Floor Plan
210_01_P20.014 rev D	Proposed Fourth Floor Plan
210_01_P20.015 rev B	Proposed Fifth - Ninth Floor Plan
210_01_P20.016 rev B	Proposed Roof Plan
210_01_P20.507 rev A	Apt Type B1A Layout Plan
210_01_P20.512	Apt Type C1A Layout Plan
210_01_P20.514	Apt Type C2A Layout Plan
210_01_P30.000 rev A	Proposed North and West Site Elevations
210_01_P30.001 rev A	Proposed North Elevation
210_01_P30.002 rev A	Proposed West Elevation
210_01_P30.003 rev A	Proposed South Elevation
210_01_P30.004 rev A	Proposed East Elevation
210_01_P40.001	Proposed Section A-A
210_01_P40.002	Proposed Section B-B

Documents

- Daylight and Sunlight Amenity Report in Respect of residential habitable rooms, scheme 1 dated 23 December 2016 prepared by GL Hearn;
- Daylight and Sunlight Report Scheme 1 dated 15 November 2016 prepared by GL Hearn;
- Flood risk assessment and Suds assessment, dated 9th December 2016 prepared by water environment limited;
- Transport Statement prepared by Entran Ltd dated December 2016;
- Planning Statement – Scheme 1 prepared by CMA planning dated December 2016;
- Heritage Assessment (10 Storey Scheme) prepared by Montague Evans dated 12 December 2016;
- Air Quality Assessment dated December 2016 prepared by XCO2 group;
- Arboricultural Survey prepared by PJC Consultancy Ltd. dated 20 5 2014;
- Phase 1 Bat Survey dated November 2016 prepared by ASW Ecology;
- Geo-environmental Desk Study Preliminary risk assessment prepared by Jomas associates Ltd dated 16 November 2016;
- Ecological appraisal version C dated November 2016 prepared by Ecology and Land Management for Standerwick Land Design;
- Energy Statement produced by XCO2 dated December 2016 and Energy Strategy Addendum Ten Storey Scheme dated 17 July 2017;
- Empress works Gasholder Risk Assessment prepared by Renaissance Risk dated October 2016;
- Environmental Noise and Vibration Measurements with mitigation assessment for proposed ten storey development prepared by Airo dated December 2016;
- Wind and Microclimate Analysis updated prepared by XCO2 dated December 2016;
- Sustainability statement prepared by XCO2 dated December 2016;
- Townscape appraisal prepared by Peter Stewart Consultancy dated December 2016;