

<b>Committee:</b> Development Committee	<b>Date:</b> 23 <sup>rd</sup> August 2018	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Place	<b>Title:</b> Application for Planning Permission
<b>Case Officer:</b> Kevin Crilly	<b>Ref No:</b> PA/17/03015 - Full Planning Permission
	<b>Ward:</b> Bromley North

## 1. APPLICATION DETAILS

<b>Location:</b>	Jolles House, Bromley High Street, Blue Anchor Public House, 67 Bromley High Street and 67A Bromley High Street, London, E3.
<b>Existing Use:</b>	Residential (Use Class C3) and Public House (Use Class C4)
<b>Proposal:</b>	Demolition of existing Jolles House and vacant Blue Anchor public house and Affordable housing led redevelopment comprising two linked 6 storey residential buildings comprising x64 affordable units and x6 private units; with associated landscaping and play provision enhancements.
<b>Drawing and documents:</b>	<p>Drawings:</p> <p>242_PL_001_Site Location Plan  242_PL_002_Existing Site Plan  242_PL_003_Existing Site Sections  242_PL_004_Existing Site Elevations E-E and F-F  242_PL_005_Existing Site Elevations G-G and H-H</p> <p>242_PL_100A_Proposed Site Plan  242_PL_101A_Ground Floor Plan – Proposed  242_PL_102A_Typical Floor Plan - 1<sup>st</sup>- 4th – Proposed  242_PL_103A_Upper Floor Plan – Proposed  242_PL_104A_Roof Plan – Proposed  242_PL_300A_Proposed Site Elevations E-E and F-F  242_PL_301A_Proposed Site Elevations G-G and H-H  242_PL_302A_Proposed Elevations E-E-and F-F  242_PL_303A_Proposed Elevations G-G and H-H  242_PL_304A_Proposed Elevations J-J and K-K  242_PL_305A_Proposed Elevations L-L and M-M  242_PL_400A_Flat Type 001 - 2B4P  242_PL_401A_Flat Type 002 - 2B3P  242_PL_403A_Flat Type 003 - 2B3P  242_PL_404A_Flat Type 004 - 1B2P  242_PL_405A_Flat Type 005 - 1B1P  242_PL_406A_Flat Type 006 - 2B3P  242_PL_408A_Flat Type 007 - 3B5P  242_PL_409A_Flat Type 008 - 2B4P  242_PL_410A_Flat Type 009 - 3B5P  242_PL_412A_Flat Type 010 - 4B6P  242_PL_413A_Flat Type 011 - 2B4P  242_PL_415a_Flat Type 012 - 1B2P</p>

FHA-683-L-101 P5  
FHA-683-L-201 P4  
FHA-683-L-301 P4

**Applicant:** Poplar Harca

**Ownership:** Poplar Harca

**Historic Building:** None

**Conservation Area:** None

## **2. EXECUTIVE SUMMARY**

- 2.1. The current application has been assessed against the development plan for the area that comprises the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010, the Managing Development Document 2013 & Adopted Policies Map), the National Planning Policy Framework (NPPF, 2018), the National Planning Practice Guidance (NPPG), and relevant supplementary planning documents including the Mayor's '*Housing*' SPG 2016, and the Building Research Establishment's handbook – '*Site layout planning for daylight and sunlight: a guide to good practice.*'
- 2.2. The application site includes a three storey residential building and a derelict Public House. Both buildings are currently vacant and unallocated in the Local Plan.
- 2.3. The existing Jolles House residential building is of limited architectural merit and its demolition and replacement with a quality residential development is supported. The Blue Anchor Public House has been renovated and altered over time and has limited historic fabric remaining. The demolition of the pub is considered acceptable given the benefits of the proposed scheme and the quality of the replacement buildings.
- 2.4. The proposed redevelopment of this site for 70 residential units optimises the development potential of the site. As such, the development complies with policy 3.4 of the London Plan (2016), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development which seeks to ensure the use of land is appropriately optimised.
- 2.5. The development would provide an acceptable mix of housing types and tenure including the provision of 96% affordable housing with 28% rented, 66% intermediate and 6% private sale. The proportion of affordable housing is supported and would complement the range of accommodation provided within the area.
- 2.6. The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver quality homes in a sustainable location. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.7. The density of the scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no unduly detrimental impacts upon the amenity of neighbouring occupants in terms of loss

of light, overshadowing, loss of privacy or increased sense of enclosure. The quality accommodation provided, along with high quality external amenity spaces would create an acceptable living environment for the future occupiers of the site.

- 2.8. To the north of the site across Bow Road is the Fairfield Road Conservation Area. Which includes the grade II\* listed St Marys Church. To the west of the site on Stroudley Walk is the grade II listed former Rose and Crown public house building. The proposed development will preserve the setting of these heritage assets.
- 2.9. Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.10. The scheme would meet the required financial and non-financial contributions.

### **3. RECOMMENDATION**

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

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

#### Financial Obligations:

- a) A contribution of £19,042.80 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £2000 (£500 per each substantial Head of Terms) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions **£21,042.80**

#### Non-financial contributions

- a) Delivery of 96% Affordable Housing comprising of 66% intermediate units 28% rented units, and 6% private
  - b) Car and permit free agreement
  - c) Wheelchair accessible bays and maintaining as wheelchair accessible bays as and when required
  - d) 3 construction phase apprenticeships
  - e) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
  - f) Implementation and monitoring of the carbon emission reductions (Energy Strategy);
- 3.2. That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
  - 3.3. That the Corporate Director of Place is delegated authority to recommend the following conditions and informatives in relation to the following matters:
  - 3.4. Any other conditions considered necessary by the Corporate Director of Place

#### Compliance' Conditions –

- a) Compliance with plans

- b) 3 year time limit for implementation
- c) Withdrawal of permitted development rights for painting of brickwork and erection of fences & gates
- d) Compliance with energy and sustainability strategies
- e) Noise insulation standards for residential units and noise limits for plant
- f) Provision and retention of wheelchair accessible parking spaces, electric vehicle charging points
- g) Inclusive access standards for residential units, provision of lifts

#### Pre-commencement –

- h) Construction Management Plan including working hours restrictions and other measures to protect amenity and minimise noise & air pollution
- i) Land contamination remediation
- j) Details of surface water drainage & SUDs
- k) Details of biodiversity measures
- l) Archaeological Investigation works

#### Pre-superstructure -

- m) Samples of all facing materials
- n) Details of landscaping including soft & hard landscaping, street furniture & play equipment, gates & fences, lighting, wayfinding, visitor cycle parking, security measures and inclusive access provisions
- o) Details of cycle parking
- p) Details of waste storage facilities
- q) Details of Secured by Design measures
- r) Details of wheelchair accessible units

#### Prior to occupation –

- s) Delivery & Servicing Plan, Waste Management Plan (in consultation with TfL)
- t) Details of highway works (S278 agreement)

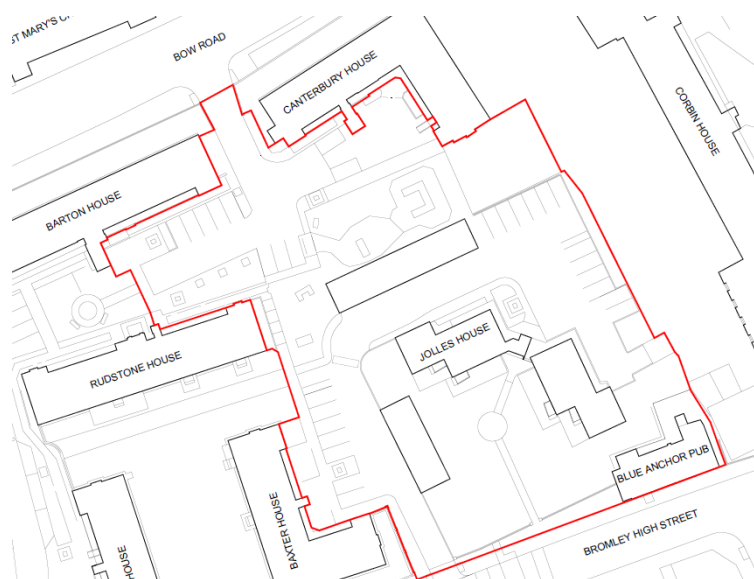
#### **Informatives**

1. Subject to s106 agreement
  2. CIL liable
  3. Thames Water informatives
- 3.5. Any other conditions or informatives as considered necessary by the Corporate Director of Place.
- 3.6. Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework and the provisions of the Development Plan. There are no other material considerations which would indicate that the proposal should be refused. The officer recommendation to the Committee is that permission should be granted.

#### 4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

##### Proposal

- 4.1. The applicant is seeking planning permission for the redevelopment of the site including the demolition of the existing vacant Jolles House residential building and Blue Anchor public house to be replaced by two residential blocks (block A and B) up to 6 storeys in height to provide 70 new residential units. The following is a site location plan. The area within the red line also covers the extent of landscaping works associated within this application.



- 4.2. Of the 70 residential units 64 would be affordable and 6 private sale. The provision is set out in the table below as well as the mix by tenure.

	Number of units	%	Habitable Rooms	%
London Affordable Rent	13	18.5%	57	28%
Intermediate	51	73%	137	66%
Private Sale	6	8.5%	13	6%
<b>TOTAL</b>	<b>70</b>	<b>100%</b>	<b>207</b>	<b>100%</b>

**Number and Percentage of units and habitable rooms by tenure**

	Studio	1 bed	2 bed	3 bed	4 bed
London Affordable Rent	0	1	3	8	1
Intermediate	0	18	32	1	0
Private Sale	4	1	1	0	0
<b>TOTAL</b>	<b>4</b>	<b>20</b>	<b>36</b>	<b>9</b>	<b>1</b>
<b>Total as %</b>	<b>5.7%</b>	<b>28.5%</b>	<b>51.4%</b>	<b>12.8%</b>	<b>1.4%</b>

**Dwelling numbers and mix by tenure**

- 4.3. The two blocks would be located in a T shape with the building A fronting Bromley High Street and building B located within the site to the north perpendicular to

building A and enclosing the redesigned central courtyard. The following is the application site with the proposed buildings.

- 4.4. Communal amenity space, play space for all age groups and publicly accessible open space would be provided on site. The details of the amenity space proposed are included in the amenity section of this report.
- 4.5. The proposal would provide 5 wheelchair accessible homes and two wheelchair adaptable homes. Four of the wheelchair accessible units would be affordable rent with one wheelchair accessible unit being shared ownership. The two wheelchair adaptable units would be shared ownership units.

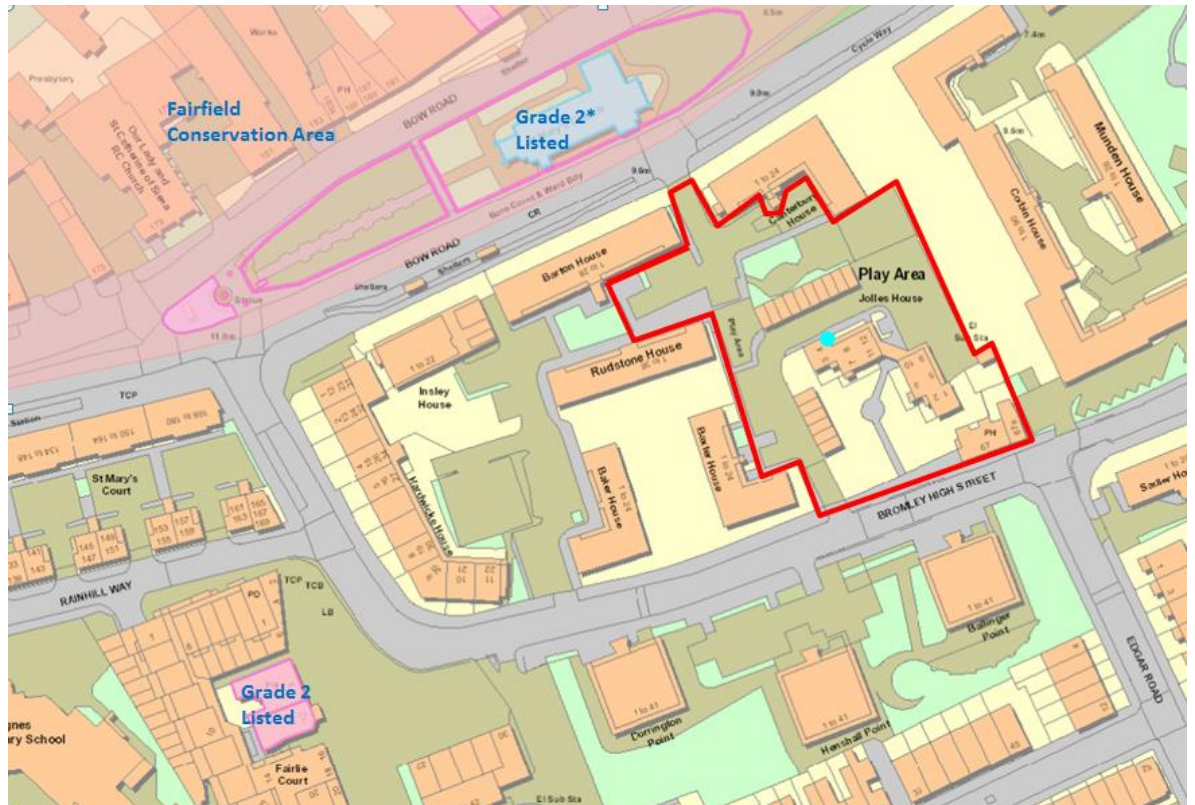
### **Site and Surroundings**

- 4.6. The site itself extends to approximately 0.45 hectares and fronts Bromley High Street to the south and is surrounded on each of the other sides by residential buildings of between 4 and 5 storeys. To the east of the site is Corbin House, to the north is Canterbury House and to the west is Baxter House and Rudstone House. The aerial view below shows the existing buildings and the surrounding built context.



- 4.7. The site is currently occupied by Jolles House which contains 12 flats all of which are currently vacant and the unoccupied Blue Anchor public house. Of the existing flats 5 are private owned flats and 7 are affordable rented units. The external space within the site is currently dominated by garages and car parking with a basketball court located adjacent to Canterbury House.
- 4.8. The site is not located within a conservation area but is located adjacent to the Fairfield Road Conservation Area to the north. The site is also located in an area of archaeological importance. To the north of the site is the grade II star listed St

Marys Church. To the west of the site on Stroudley Walk is the grade II listed Rose and Crown public house building.



- 4.9. The surrounding buildings are predominantly four and five storey residential brick blocks with three taller 11 storey towers located to the south side of Bromley High Street.

### Relevant Planning History

- 4.10. The following planning decisions are relevant to the application

#### Blue Anchor Public House

PA/85/00571 - Change of use of site 67a to games area for public house and installation of new shopfront to public house. Granted 03/02/1986

## 5. POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of this application must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:
- 5.3. **Government Planning Policy Guidance/Statements**  
 National Planning Policy Framework (2018) (NPPF)  
 National Planning Policy Guidance (NPPG)

#### 5.4. **Spatial Development Strategy for Greater London - London Plan 2016 (MALP)**

##### Policies

- 2.1 London
- 2.9 Inner London
- 3.1 Ensuring equal life chances for all
- 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
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 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
- 6.9 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
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

#### 5.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods

- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

**5.6. Managing Development Document (adopted April 2013) (MDD)**

- DM0 Delivering Sustainable Development
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM13 Sustainable drainage
- DM14 Managing Waste
- 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
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

**5.7. Supplementary Planning Documents include**

- 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)
- Shaping Neighbourhoods: Play and Informal Recreation (September 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 (2017)

**5.8. Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

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

**CONSULTATION RESPONSE**

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

5.10. The following were consulted regarding the application:

LBTH Environmental Health – Contaminated Land

5.11. No objection subject to conditions

#### LBTH Refuse

- 5.12. Full details of bin capacity are required. Concerns are raised with regards to the carrying distances from residents which appear to be more than the recommended 30m in some instances.
- 5.13. *Officer comments – These comments are addressed in the waste section of this report*

#### LBTH Transportation and Highways

- 5.14. The application site sits within an area of excellent public transport accessibility, with a rating of 6a. We would expect a development in such a location to be car free. The applicant however is proposing to re-provision 22 car park spaces and include an additional 7 spaces (29 in total) for accessible bays.
- 5.15. On the proposed layout there is concern that one of the disabled bays (No 16) has its safety zone contained within one of the car park aisles where vehicles are expected to turn. This is not very safe and needs to be reconsidered.
- 5.16. It is proposed to provide the minimum numbers of cycle storage required by the current London Plan. The draft London Plan currently in consultation would require more. However, due to the nature of the development and the number of family units proposed we would expect the applicant to exceed the minimum numbers and encourage cycling as a sustainable alternative to cars rather than propose unnecessary car parking.
- 5.17. A 'Permit Free' agreement as outlined above in regards to on street parking permits; All accessible parking bays are to be retained and maintained for their approved use only by registered blue badge holder only for the life of the development; All cycle storage facilities to be retained and maintained for their approved use only for the life of the development;
- 5.18. The applicant is required to enter into a s278 agreement with the local highway authorities and agree to fund a scheme of highway, including changes to vehicular access) works to be agreed with the highway authorities.
- 5.19. The applicant is required to submit for approval a Service Management Plan detailing how servicing of the development will be safely and efficiently carried out. This must be approved prior to occupation.
- 5.20. The applicant is required to submit for approval a demolition and construction Management Plan detailing how the works will be carried out safely and efficiently whilst minimising the effect on public highway users. We will expect all vehicle movement to be restricted to within the site boundary and not rely on the public highway.
- 5.21. *Officer comments: The re-provision of parking spaces is in relation to residents from the wider estate who already hold a parking permit. The number of spaces have been reduced since submission. The cycle parking has also been revised.*

#### LBTH Air Quality

- 5.22. No comment

#### LBTH Energy Efficiency

- 5.23. The submitted energy report is acceptable and there is no requirement for a financial contribution towards carbon reduction

Secure By Design

- 5.24. No comment

London Fire Authority

- 5.25. The pump appliance and water supplies appear adequate. The use of sprinklers is recommended for new developments

Greater London Archaeological Advisory Service (GLASS)

- 5.26. A condition for archaeological fieldwork and any subsequent mitigation to be added to any forthcoming consent to satisfy GLAAS' requirements.

Thames Water

- 5.27. No objection subject to conditions

**6. LOCAL REPRESENTATION**

Applicants own consultation

- 6.1. The application is supported by a Statement of Community Involvement that explains a consultation programme was undertaken with local residents who were given a chance to ask questions and provide feedback.
- 6.2. A public exhibition was held on 6<sup>th</sup> July 2017 at Corbin House adjacent to the site and the applicant met with the Bow Bridge Estate Board on 13<sup>th</sup> June 2017 and 6<sup>th</sup> September 2017. Residents were notified of the meeting by way of a leaflet drop to neighbouring properties.

Statutory Consultation

- 6.3. A total of 456 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. A further re-consultation took place on 11/06/2018 to consider the amendments to the scheme.
- 6.4. Six letters of representation were received in objection.
- 6.5. The following issues were raised in representations.
- Loss of light to neighbouring properties
  - Loss of open space
  - Too many trees proposed become overbearing when they grow bigger
  - Loss of the Blue Anchor Pub opposed
  - No definition of what affordable housing means.
- 6.6. The material planning considerations have been addressed in the report below.

**7. MATERIAL PLANNING CONSIDERATIONS**

- 7.1. The main planning issues raised by the application that the committee must consider are:
- Land Use

- 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, contaminated land, flood and health)
- Impact on Local Infrastructure and facilities, Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

## **Land use**

- 7.2. This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.
- 7.3. At a national level, the National Planning Policy Framework (NPPF 2018) 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.
- 7.4. London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) state that the Mayor is seeking the maximum provision of additional housing in London.
- 7.5. 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. The draft New London Plan proposes that Tower Hamlets should provide 35,110 homes between 2019 and 2029.
- 7.6. The site is unallocated and the proposed development would provide 70 residential units of a range of much needed new homes on this underutilised site, contributing towards the regeneration and revitalisation of this part of the borough.
- 7.7. The increase in residential density on site is therefore considered acceptable in principle, subject to the assessment of the relevant planning considerations discussed later in this report.

## **Density / Quantum of Development**

- 7.8. 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 and the wider accessibility of the immediate location.

- 7.9. 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.
- 7.10. The site is situated in a location which has public transport accessibility PTAL rating of 6a, which indicates very good accessibility to public transport. There is access to several public transport nodes within a short walking distance to the site and good interchange options.
- 7.11. The proposed density would be 460 habitable per hectare based on 207 habitable rooms; this is within the London Plan's recommended guidelines which suggest between 200 and 700 hrph.
- 7.12. Officers consider that the proposal would optimise the development potential of the site given the character and height of the surrounding built context.

#### Demolition and loss of the Blue Anchor Public House

- 7.13. The Greater London Archaeological Advisory Service (GLASS) in their initial consultation response requested a building assessment for the Blue Anchor Public House which it considered was an undesignated heritage asset.
- 7.14. The applicant submitted a building study which acknowledged the building as a 19<sup>th</sup> Century public house but noted the extensive works that have been undertaken which have eroded the majority of the original features. The assessment concludes with the view that it is considered that *'the building is not exceptional on either historic or architectural grounds to the extent that it would be difficult to justify its designation as a Listed Building or even Locally Listed Building'*



- 7.15. GLASS were re-consulted and were in agreement with the conclusions of the building assessment.
- 7.16. It is officers view therefore that the public house is of limited architectural and historic merit and its loss is acceptable given the benefits of the proposed scheme in the form of the high level of affordable housing and the high quality building and

amenity spaces proposed would outweigh any harm resulting from the loss of the Blue Anchor public house.

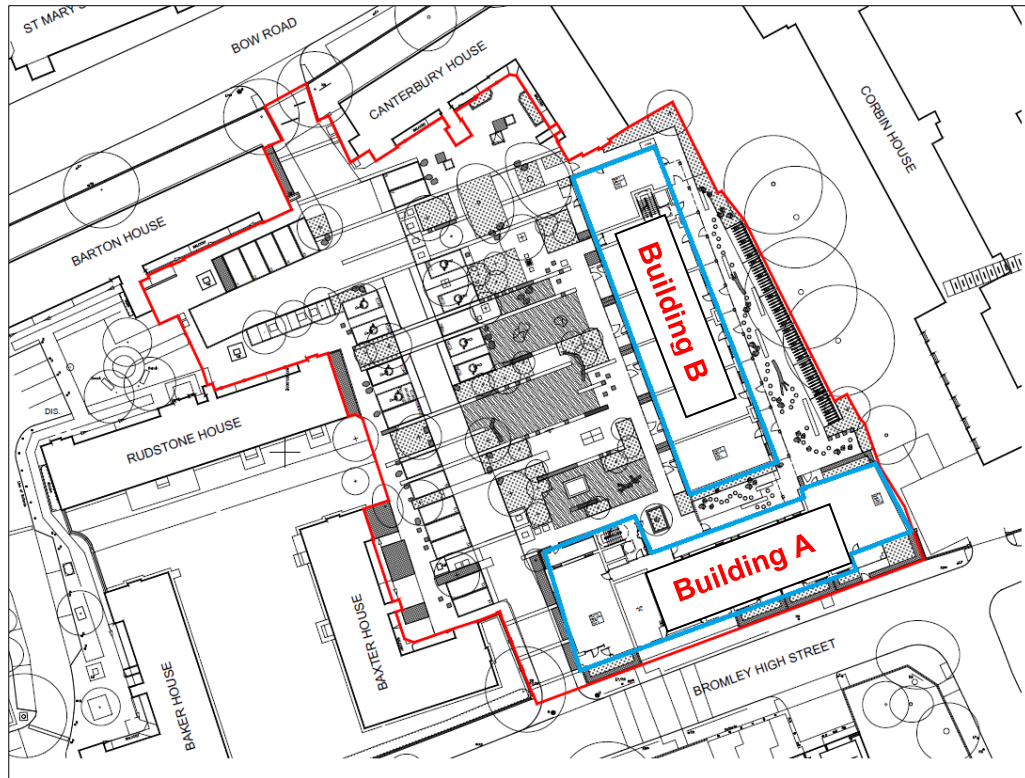
- 7.17. The existing Jolles House residential building is of limited architectural merit and its demolition and replacement with a quality residential development is welcome.
- 7.18. In terms of the loss of the A4 use the applicant has provided marketing details to demonstrate that there has been a sustained attempt to market the property as an A4 use. This marketing campaign was undertaken from June 2016 to July 2017. The applicant has detailed a number of methods used to market the property widely and a number of incentives used to encourage prospective tenants including rent free periods and stepped rental levels. Prospective tenants were dissuaded due to the financial investment needed to renovate the property. The pub was last in operation in 2015.
- 7.19. Officers are satisfied that the applicants were unable to let the property as an A4 unit and have submitted sufficient evidence to demonstrate this. It should be noted that there are two existing public houses, the Bow Bells and The Little Driver located within 0.2 miles (5 minutes walk) of the site.
- 7.20. Given the above it is officer's view that the loss of the vacant public house would be acceptable in the instance. The applicant has demonstrated that there is no viable commercial interest in the A4 use and the benefits of the proposed scheme in the form of the substantial affordable housing element and the improved amenity space would outweigh any harm from the loss of the vacant public house.

## **Design**

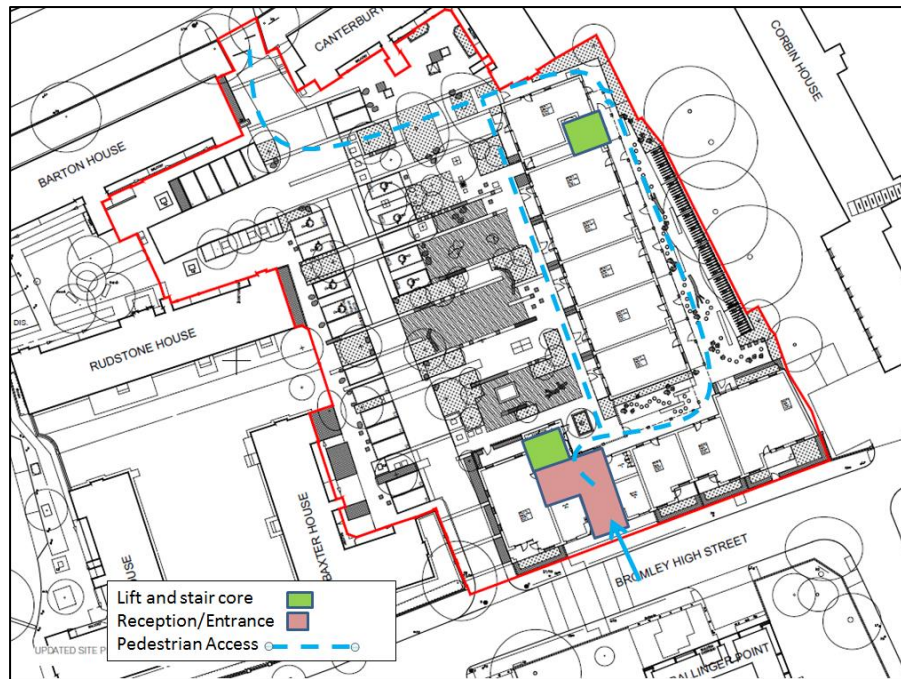
### Policies

- 7.21. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 7.22. National Planning Practice Guidance sets out seven qualities a well-designed new or changing place should exhibit:-
- be functional;
  - support mixed uses and tenures;
  - Include successful public spaces;
  - be adaptable and resilient;
  - have a distinctive character;
  - be attractive; and
  - encourage ease of movement
- 7.23. 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.
- 7.24. 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.

- 7.25. The application proposes the redevelopment of the site to provide 70 new residential units within two 6 storey buildings. The first building would front Bromley High Street with the second building located to the north within the site creating a T shaped footprint enclosing the landscaped square which will form a central focal point within the wider estate. The drawing below shows the footprint of the buildings outlined in blue within the context of the wider site.



- 7.26. The main entrance to the residential units would be from Bromley High through the building reception. The buildings each have an access core including stairs and a lift. Each access core services less than 8 residential units.
- 7.27. The map below shows the location of the two stair cores, the main entrance and reception area and the main pedestrian access routes through the site.



7.28. The below elevations show the proposed buildings in the context of existing surrounding development.



7.29. The CGI below shows an aerial view of the site with the two proposed buildings sitting comfortably within the surrounding built context.



Proposed CGI

- 7.30. The building heights respond to the local context and broadly match the heights of the surrounding residential buildings within the wider Bow Bridge Estate. The proposed building fronting Bromley High Street helps to create a more defined street frontage with the pedestrian entrance to the development from Bromley High Street activating this frontage. The CGI below shows how the new building will address Bromley High Street.



- 7.31. The buildings would be clad in brick with two different type of bricks utilised across the buildings. Brick detailing at ground floor level and around the communal Bromley High Street entrance will provide a solid plinth base for the building facing

the High Street and a clearly defined entrance. The detailing has evolved though input from the officers and the amount of proposed brick detailing has increased to the benefit of the appearance of the building.

- 7.32. The buildings form a border enclosing the redesigned central courtyard. The CGI below shows a view across the courtyard towards the western elevation of building B and the rear elevation of building A. The redesigned courtyard will provide enhanced amenity and child playspace for the new residential buildings and the surrounding existing residential buildings.



- 7.33. The proposed built form, siting, mass and bulk is considered to be an appropriate response to the scale of neighbouring existing developments with improved landscaping located at the centre of the proposed development.
- 7.34. In summary, the proposed materials complement the neighbouring residential developments and ensure the proposed buildings integrate within the surrounding built context. The materials will also be secured by way of condition to ensure the quality of materials is maintained.
- 7.35. The applicant has engaged with the secured by design officer and it is proposed that windows and doors meet the secured by design standards. A condition is recommended to ensure this is implemented. All ground floor units are protected by private amenity space and planted defensible space.
- 7.36. It is therefore considered that the proposal would result in a scheme that would be very well connected to its surroundings and would provide a development that can be used safely and easily. The proposal is considered to comply with policy 7.2 of the London Plan (2016), Policy SP10 of the CS and Policy DM23 of the MDD.

### **Heritage**

- 7.37. Policies in Chapter 7 of the London Plan (2016 as amended) and policies SP10 and SP12 of the CS and Policies DM24, DM26 and DM27 of the MDD seek to

protect and enhance the character, appearance and setting of heritage assets and the historic environment.

- 7.38. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 184 – 202 of the NPPF.
- 7.39. This section of the report considers the implications for the application in respect of the setting of both conservation areas along with any other assets that may be impacted.
- 7.40. The application site is located to the south of the Fairfield Road Conservation Area and proposal would not be visible from distant views from within the conservation area. There are two nearby listed buildings, to the north the grade II star listed St Marys Church and to the west the grade II Rose and Crown pub building
- 7.41. The proposed buildings would be constructed from brick and designed to respond to the surrounding context, both in terms of scale and design. The materials and design would be of high quality and it is considered that the proposals would not have significant impact on the setting of this conservation area or the nearby listed buildings given the separation distance between the sites.
- 7.42. It is therefore considered that proposals would preserve both the character and appearance of the Fairfield Road Conservation Area and the neighbouring listed buildings and would accord with the relevant Development Plan and NPPF policies in this respect.

### **Housing**

- 7.43. The NPPF identifies as a core planning principle the need to encourage the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.44. The application proposes 70 residential units (Use Class C3) units at the application site). Tower Hamlets annual monitoring target as set out in the London Plan 2016 (MALP) is 3,931 and the emerging London Plan sets a target of 3,511 annually.
- 7.45. 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.
- 7.46. 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**

- 7.47. 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 also emphasise that development should not be constrained by planning obligations. 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.

- 7.48. 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). The preamble in 4.4 states that “given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%.”
- 7.49. Managing Development Document Policy DM3 (3) states ‘Development should maximise the delivery of affordable housing on-site’.
- 7.50. The scheme provides a total of 64 affordable housing units. The provision of 96% affordable housing exceeds the local plan policy target of between 35-50% and as such, is supported by officers.
- 7.51. The applicant is able to provide this level of affordable housing due to grant funding from the GLA in relation to the Intermediate units.
- 7.52. In terms of the tenure split within the affordable element, this would be at a ratio of 30:70 between affordable rented and intermediate. It is acknowledged that this is not in line with the Councils policy for a tenure split of 70:30 in favour of socially rented. This figure is somewhat skewed due to the grant funding which is specifically for intermediate housing which has allowed for a much larger intermediate offering and an overall affordable offering of 96%
- 7.53. The applicant has provided an illustrative example below of a policy compliant scheme in terms of the affordable tenure split with 35% affordable units and the additional intermediate housing as private sale. This highlights how the grant funding for the intermediate units has resulted in the affordable tenure split which is not in liner with policy.

Illustrative Tenure Split and Accommodation Mix  
07-Aug-18

Ownership	Type	Units	Hab rooms	%age	
Private	Studio	4	8	7.7	
	1 bed	19	38	36.5	
	2 bed	29	87	55.8	
	3 bed	0	0	0.0	Family Units
	4 bed	0	0	0.0	
	5 bed	0	0	0.0	
<b>Total new sale</b>		<b>52</b>	<b>133</b>	<b>100.0</b>	<b>64.3%</b>
Affordable/Social Rented	studio	0	0	0.0	
	1 bed	1	2	7.7	
	2 bed	3	9	23.1	
	3 bed	8	40	61.5	Family Units
	4 bed	1	6	7.7	
	5 bed	0	0	0.0	
<b>Total affordable rent</b>		<b>13</b>	<b>57</b>	<b>72.2%</b>	<b>69.2%</b>
Intermediate	Studio	0	0	0.0	
	1 bed	0	0	0.0	
	2 bed	4	12	80.0	
	3 bed	1	5	20.0	Family Units
	4 bed	0	0	0.0	
	5 bed	0	0	0.0	
<b>total intermediate</b>		<b>5</b>	<b>17</b>	<b>27.8%</b>	
<b>Total new affordable</b>		<b>18</b>	<b>74</b>		<b>35.7%</b>
<b>Total new build</b>		<b>70</b>	<b>207</b>		
<i>minus loss of sale units</i>		<i>-7</i>	<i>-16</i>		
<b>Net private</b>		<b>45</b>	<b>117</b>		<b>65.0%</b>
<i>minus loss of affordable units</i>		<i>-5</i>	<i>-11</i>		
<b>Net affordable</b>		<b>13</b>	<b>63</b>		<b>35.0%</b>
<b>Net total</b>		<b>58</b>	<b>180</b>		

- 7.54. Given that the 96% affordable scheme is only possible due to the grant funding on the intermediate units the conflict with the Council's affordable tenure policy is considered acceptable by officers in this instance.
- 7.55. A conventional scheme where the tenure mix would normally be 65% private and 35% affordable would yield 13 affordable rented units. The current proposal would also yields affordable rented units, and together with the additional intermediate units secured through grant funding would deliver more affordable units overall than a conventional tenure mix.

### Housing Mix

- 7.56. Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable homes for rent to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes.
- 7.57. The following table below compares the proposed target mix against policy requirements:

Unit size	Affordable Rented			Intermediate			Private		
	Units	%	Target	Units	%	Target	Units	%	Target
<b>Studio</b>	-	-	-	-	-	-	4	66.6	-
<b>1 bed</b>	1	7.7	30%	18	35.3	25%	1	16.7	50%
<b>2 bed</b>	3	23.1	25%	32	62.7	50%	1	16.7	30%
<b>3 bed</b>	8	61.5	30%	1	2	25%	-	-	20%
<b>4 bed</b>	1	7.7	15%	-	-		-	-	

7.58. Within the affordable rented tenure, 69% of units would be delivered as family sized although the majority of the family units would be three-bed. There would be one four-bed unit which would be below the Council's policy requirements, an under-provision of one-beds and a broadly policy compliant provision of two-beds. Given that the overall target for family sized units is in excess of the policy requirements the proposed mix of affordable accommodation is considered to be acceptable in this instance.

7.59. The intermediate accommodation would include an overprovision of both one and two bed units and an under-provision of three bed units. This is considered acceptable.

7.60. In relation to private units, there would be 4 studio apartments, one 1 bed and one 2 bed which would represent 67%, 16.5% and 16.5% respectively. This would be an under-provision of larger private units and an overprovision of smaller units however given the limited number of private units on site and the number of smaller intermediate units being provided through grant funding it is considered that this would be an acceptable compromise to mallow for maximising the number of the affordable units.

7.61. On balance, whilst there is some conflict with policy targets, the scheme overall provides a balance of different unit sizes which contributes favourably to the mix of units across tenures within the borough as a whole and the mix as proposed contributes to the viability of the scheme to ensure that provision of affordable housing and in particular family housing is prioritised and maximised.

#### Wheelchair Accessible Housing and Lifetime Homes Standard

7.62. Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

7.63. Seven wheelchair homes are proposed on the ground floor of blocks A and B, with 4 for London Affordable rent suitable for wheelchair applicants and 3 for intermediate tenure being easily adaptable homes.

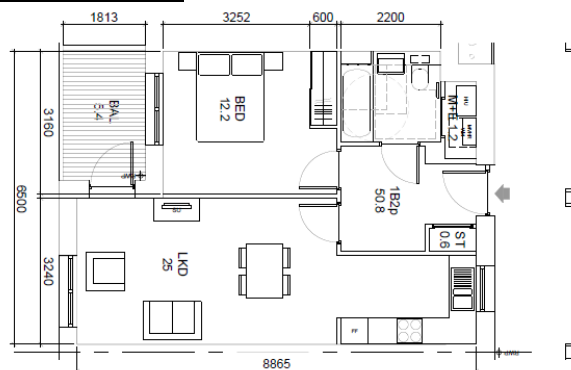
7.64. This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Seven disabled accessible car parking space would be provided within the central courtyard.

### Quality of residential accommodation

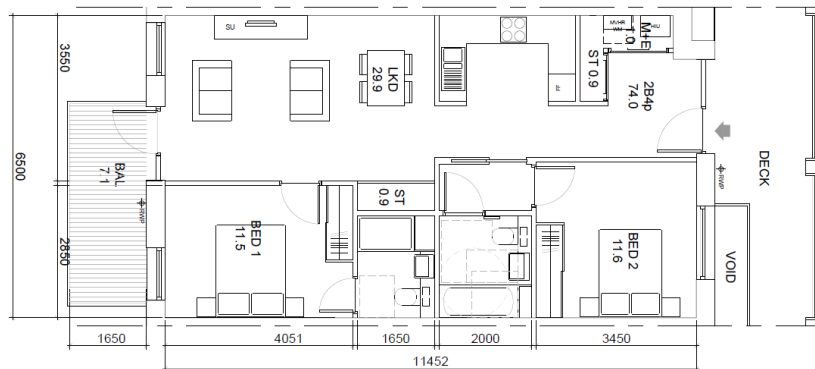
- 7.65. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02 (6) and SP10 (4) of the CS which supports high quality well-designed developments.
- 7.66. Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring 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.
- 7.67. All of the proposed flats meet or exceed the London Plan minimum internal space standards and the Nationally Described Space Standards. The minimum floor-to-ceiling height also exceeds 2.5m which is in accordance with relevant policy and guidance.
- 7.68. All units would be dual aspect with two internal cores serving a maximum of 6 residential units in each block which would comply with the recommended 8 flats per core and accord with the objectives of the London Mayor’s Housing SPG. There is also an external decked walkway connecting the two blocks allowing access to both blocks from the central Bromley High Street entrance.
- 7.69. The proposed residential units have been appropriately designed given the constraints on site. The relationship has been managed well with the adjoining residential buildings at Corbin House, Canterbury House and Baxter House. The proposal would have adequate separation distances between habitable room windows of the existing developments (27m away from Corbin House and 20m away from Canterbury House) and the proposed development.
- 7.70. Subject to conditions, it is considered that the proposed development would provide high quality residential accommodation for future occupants in accordance with London Plan policy 3.5 and policies SP02(6) and SP10(4) of the CS.
- 7.71. The floorplans below show the typical layout for the one and two bed flats.

### Typical floor plans

#### Block A – 1 bed 2 Person Flat



### Block B – 2 bed 4 Person Flat



### Internal Daylight and Sunlight

- 7.72. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the surrounding existing and future occupants of new developments.
- 7.73. 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. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."
- 7.74. Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. 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.
- 7.75. For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 7.76. 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.

- 7.77. The applicant submitted a Daylight & Sunlight report which has been reviewed by an independent consultant appointed by the Council. Within the initial assessment 63% of habitable rooms met the BRE guidelines. During further discussions between officers and the applicant some design changes were proposed to improve the daylight to these units. A further daylight assessment was undertaken and the development improved with 151 of 207 (73%) habitable windows within the development meeting BRE guidelines.
- 7.78. The majority of the windows affected which are below BRE guidelines are bedroom windows. Although the development has some low levels of daylight to some windows overall it is officers view that the development as a whole provides a good quality of accommodation and is considered reasonable for an urban development.
- 7.79. In terms of sunlight to habitable rooms 87% of habitable windows would receive the recommended level of sunlight which is considered reasonable for an urban development.
- 7.80. The Council's daylight consultant has reviewed the report and is broadly satisfied with the methodology used. However, the consultant has stated that the daylight assessment has not considered the existing trees located between the proposed building and Corbin House and the figures for windows on this elevation may not reflect the true conditions. This is noted, however given the design, siting and design with the majority of flats being dual aspect, this is on balance considered acceptable.
- 7.81. The impact on neighbouring sites is considered in detail under the impact on neighbouring amenity section below.

#### Communal amenity space and play space

- 7.82. For all major developments, there are three forms of amenity space required: private amenity space, communal amenity space, and child play space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied. As part of this application, the applicant approach has been to include the existing residential blocks within the calculations as they will also rely on this space.

7.83. The following plan shows the allocation of amenity spaces within the proposal.



Map showing location of playspace and communal open space



#### Private Amenity Space

- 7.84. 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.
- 7.85. Individual residential units will each have a dedicated private amenity space provided through ground floor terraces and upper floor balconies and terraces which meets the Councils policy requirements. On Block A, inset balconies and terraces will face south over Bromley High Street whilst the Block B balconies

project over the landscaped courtyard. The latter provides both views for the residents and informal supervision of children playing in the courtyard below.

#### Communal Amenity Space

- 7.86. 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 110sqm.
- 7.87. 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*'
- 7.88. The proposal would provide approximately 334sqm of communal amenity space which is in excess of the 244sqm required for both the existing residential units and the proposed new Jolles House development. The communal amenity space is located within the central square of the site adjacent to the child playspace.
- 7.89. Given the above, the quantum and quality of the communal amenity space is therefore considered acceptable.

#### Child play space

- 7.90. Play space for children is required for all major developments. The quantum of which 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.
- 7.91. The scheme is predicted to contain 27 children split across the different age group (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                      10
  - 5-11 years                            10
  - Over 12 years                        7
- 7.92. In accordance with London Plan Guidance a total of 265sqm of play space is required for all three age groups. When taking into account the existing residential blocks a total of 763sqm of playspace is required to accommodate the new residential units and the provision of the existing playspace. The applicant proposes to include 1013sqm of playspace with sufficient playspace provided for all age groups.
- 7.93. The proposed child play provision is significantly in excess of the minimum requirements by approximately 250sq.m. The indicative landscaping proposals included in the Design and Access Addendum submitted with the application envisage that the majority of play space would be provided within the central courtyard. The doorstep playspace has been split into two sections, one adjacent to Canterbury House and the other within the rear space of the new Jolles House

building B. This allows residents from all the buildings easier access to doorstep play.

- 7.94. In terms of the proposed play equipment the applicant has proposed a well distributed, varied and high quality play facilities including a basketball hoop to replace the existing basketball area within the central courtyard. A condition is recommended requiring details of the play equipment to be submitted for approval to ensure the quality of this offering is maintained with specific reference to the installation of the basketball hoop.
- 7.95. Overall, the proposed communal amenity and play space areas would be acceptable, in accordance with the aforementioned policies. A condition would be included to secure the details of landscaping and play facilities.

### **Neighbouring Amenity**

- 7.96. 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.

### Privacy

- 7.97. It is not considered that any loss of privacy or overlooking would occur as a result of the proposed habitable windows given the separation distances which range from approximately 20metres to 27metres away from habitable windows of the existing residential developments within the immediate vicinity of application site.
- 7.98. 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.
- 7.99. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

### Daylight, Sunlight and Overshadowing

- 7.100. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 7.101. Surrounding the application site exist a number of residential properties which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council, these are discussed below.

### *Daylight and Sunlight*

- 7.102. A technical study of the impacts upon daylight and sunlight has been submitted with the application and updated during the course of the application which looks at the development on the neighbouring properties using both an empty site and the previous substation on site as the baseline.

- 7.103. 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.
- 7.104. However, as outlined above, officers consider the appropriate assessment is to calculate whether the habitable rooms in these buildings will be left with above minimum levels of daylight for their current use rather than necessarily maintaining most of the daylight that they currently receive.
- 7.105. 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.
- 7.106. Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight).
- 7.107. The applicant has submitted a daylight and sunlight study and an addendum which assesses the impact of the development on existing properties surrounding the development site. The study makes an assessment of a number of surrounding properties namely, Baxter House, Barton House, Canterbury, Corbin House, Rudstone House and Ballinger Point. The plan below shows the location of the neighbouring properties in relation to the proposed development.



7.108. Additional daylight and sunlight analysis was undertaken to assess the daylight and sunlight to Baxter House, Barton House and Canterbury House with the balconies above the windows removed to ascertain how much of the impact to these properties is a result of their design (with balconies) and how much is a result of the proposed development.

7.109. The following paragraphs discuss the impact to each of the buildings outlined above.

#### Baxter House

7.110. The following table shows the percentage loss of VSC for Baxter House.

% loss of VSC	Proposal	Balconies Omitted
0-20%	19	28
20-29%	0	5
30-39%	4	0
40+	10	0

7.111. From the table it is clear 14 windows will see a noticeable reduction of daylight as a result of the proposal this impact is considered a moderate to major adverse impact on the daylight to these properties.

7.112. However, when a comparative test with the balconies being omitted this falls to just 5 which are all within the typically described minor adverse range. Of these five windows the loss of VSC would only be marginally outside the BRE guidelines and would retain VSC of 76-79% of the existing VSC.

7.113. All windows within Baxter House would be within BRE guidelines for annual probable sunlight hours (APSH).

7.114. The test with the balconies omitted demonstrates, this blocks daylight is already restricted by overhanging balconies and as such, it has an increased reliance on the application site.

#### Barton House

7.115. The following table shows the percentage loss of VSC for Barton House.

% loss of VSC	Proposal	Balconies Omitted
0-20%	34	40
20-29%	6	0
30-39%	0	0
40+	0	0

7.116. From the above table it is clear the impact from the proposal is very minor with just 6 windows failing. When undertaking a similar exercise as Baxter House with the balconies omitted, it is noted none would fail.

#### Canterbury House

7.117. The following table shows the percentage loss of VSC for Canterbury House.

% loss of VSC	Proposal	Balconies Omitted
0-20%	47	68
20-29%	8	2
30-39%	9	0
40+	6	0

- 7.118. Within Barton House and Canterbury House all the windows would be within the BRE guidelines for daylight and sunlight when assessed with the balconies removed.
- 7.119. The results above demonstrate that the design of the existing buildings at Baxter House, Barton House and Canterbury House and in particular the overhanging balconies are a significant contributing factor in the loss of daylight and sunlight when assessing the impact of the proposed building.
- 7.120. In relation to Baxter, Barton and Canterbury House the Councils consultant has advised that *“The additional calculations show that with the design of the neighbouring buildings taken into context, the impact of the development could be considered as relatively reasonable. There are still results which would be outside the BRE guidelines, but they would be close to them in all cases.”*
- 7.121. Overall, having considered the applicants daylight/sunlight assessment and the Councils independent review officers consider the resulting daylight conditions to these properties to be acceptable.

#### Rudstone House

- 7.122. All the windows within Rudstone House would receive more 80% of existing VSC levels and would be within BRE guidelines. With regards APSH all windows would receive APSH within BRE guidelines.

#### Corbin House

- 7.123. Within Corbin House there would be a noticeable loss of VSC to 54 windows. This is shown in the following table.

% loss of VSC	Proposal
0-20%	85
20-29%	36
30-39%	18
40+	0
Total	139

- 7.124. The Council's independent Daylight Consultant suggested that the design of Corbin House is itself an obstruction resulting in the building being more dependent on sunlight from across the site. A mirror image assessment was suggested to set alternative VSC targets for windows on Corbin House.
- 7.125. When the impact of the proposed development was assessed against these alternative VSC targets 77 windows would have a VSC which met the target value while the remaining 62 windows would be very close to meeting the target value.

- 7.126. From these results it is officers view that although the proposed building would impact on the daylight received within Corbin House this impact is considered reasonable when assessed against the mirror image alternative VSC targets. Windows which would receive a VSC below the target value would only be marginally below the target value. Given the urban context of the site, in particular the distances, site layouts and massing of buildings within the estate, the impact is considered acceptable.
- 7.127. For APSH five windows of the 134 assessed within Corbin House would be below the target value albeit these would all be marginally below the target value. This too is considered acceptable.

#### Bollinger Point

- 7.128. This is a 10 storey tower to the south of the site. Within this building the impact is focussed on the lower floors where there would be marginal daylight losses for 2 windows on the first and 2 windows on the second floor. These are within the 20% tolerance of BRE for VSC. There would be no loss of sunlight as the development lies to the north of Bollinger Point

#### Conclusion

- 7.129. Overall, it is considered, there will be an adverse impact on some neighbouring properties. However, when taking into account the proposed design, height, massing and layout of the proposal broadly follows the pattern of the existing estate, the resulting levels of daylight overall are considered acceptable, and given the regenerative benefits of the proposal including much needed housing, the proposed impacts can be considered acceptable in this instance.

#### Visual amenity / sense of enclosure

- 7.130. 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.
- 7.131. In conclusion, it is considered that there would be no unduly detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

### **Highways and Transportation**

#### Policy Context

- 7.132. 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.
- 7.133. 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.

- 7.134. 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

- 7.135. The site has an excellent public transport accessibility level (PTAL) of 6a. The site can currently be accessed via Bromley High Street and from Bow Road.
- 7.136. 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.
- 7.137. There is existing parking on site for 47 cars some of which are used by permit holders from within the wider estate. Poplar Harca have reviewed the parking requirements for existing residents and have established that a large proportion of these parking spaces are no longer required. The revised layouts allow for 14 resident spaces, a contractor space and a visitor space plus the 7 wheelchair spaces for the new development. This is an overall reduction of 50% from the existing 47 spaces. The new residential units would be parking permit free and this would be secured through the section 106 agreement.

Cycling

- 7.138. The applicant has proposed a total of 116 cycle parking spaces for the residents of the scheme within and is located in the courtyard area for Blocks A and B and along the north-south route for Block C.
- 7.139. The covered cycle parking is provided meets the London Plan requirement, for 116 spaces with a two tier system (50% Sheffield stands). This is now located within the secure landscaped gardens.
- 7.140. The details of the proposed cycle stands (with reference to the London Cycling Design Standards (LCDS)) will be secured by condition.

Construction Traffic

- 7.141. Should the application be approved, the impact on the road network from construction traffic would be controlled by way of a condition requiring the submission and approval of Construction Management Plan. This plan will need to consider other nearby developments as well as the nearby primary school.

Waste, Servicing and deliveries

- 7.142. Waste collection from the development would use the existing URS system on the estate. Additional URS bins are proposed in a number of locations within the site.
- 7.143. It is acknowledged that some of the URS bins would be located slightly beyond the 30m guidance from residential units. It is officer's view that this is acceptable in this instance to prevent the creation of additional access routes for refuse collection which would impact on the size and quality of the amenity space. The URS bins would still be located on or near pedestrian routes out of the site.
- 7.144. Access for servicing and deliveries will be from the northern Bow Road entrance to the site which will become a pedestrian only entrance with a parking area at the entrance to facilitate deliveries and servicing for the site.

## **Energy & Sustainability**

- 7.145. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The climate change policies as set out in Chapter 5 of the London Plan, policy SP11 of the Core Strategy and the Managing Development Document policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 7.146. The submitted proposals have followed the energy hierarchy of be lean, be clean & be green and seek to minimise CO<sub>2</sub> emissions through the implementation of energy efficiency measures and a CHP system.
- 7.147. The CO<sub>2</sub> emission reductions are anticipated to be at 47.9% against the Building Regulations 2013, exceeding the 45% policy target. There would therefore be no financial payment required for carbon offsetting.

## **Environmental Considerations**

### Landscaping and Biodiversity

- 7.148. 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. MDD Policy DM11 addresses 'Living buildings and biodiversity.' Policy DM11-1 requires developments to provide elements of a 'living buildings' which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.
- 7.149. The application site includes a number of trees, a few of which will be lost, as well as shrubbery and amenity grassland. The Council's Biodiversity officer has advised that this will provide some wildlife habitat, the loss of which would be a very minor adverse impact on biodiversity. Furthermore the landscape strategy proposes 20 additional new trees are planted as part of the landscape improvements across the site.
- 7.150. Policy DM11 requires biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP). The landscape proposals have clearly been strongly influenced by the desire to enhance biodiversity, and contain several features which will make significant contributions to LBAP objectives.
- 7.151. The majority of the roof area of the new buildings (about 540 square metres) is proposed to be biodiverse "brown". Provided this is designed in accordance with best practice guidance published by Buglife, this would be a significant biodiversity enhancement.
- 7.152. Features in the ground-level landscaping which will contribute to LBAP targets include 68 metres of mixed native hedge, 45 square metres of wildflower meadow, and nectar-rich ornamental planting.
- 7.153. A condition has been recommended requiring full details of biodiversity enhancements to be approved by the Council before work commences. Overall,

the proposed green roof, replacement trees and landscaping will ensure a significant net gain in biodiversity.

#### Noise

- 7.154. Chapter 15 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 7.155. Policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 7.156. Suitable conditions have been included to deal with noise insulation within the completed development and in relation to any new plant and extract systems.

#### Air Quality

- 7.157. 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.
- 7.158. 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.
- 7.159. The air quality assessment shows that the development will have a negligible impact on the local air quality and that the development meets the air quality neutral requirements.
- 7.160. The construction assessment is acceptable and any relevant dust and emissions mitigation must be included in a Construction Environmental Management Plan, along with a program for dust monitoring. All on site non road mobile machinery must comply with the GLA's emission limits for Non Road Mobile Machinery.
- 7.161. Subject to safeguarding conditions, it is considered that the impacts on air quality are acceptable and any impacts would be outweighed by the regeneration benefits that the development would bring to the area.
- 7.162. As such, the proposal is generally in keeping Policy 7.14 of the London Plan, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution.

#### Demolition and Construction Noise and Vibration

- 7.163. The potential adverse effects from construction noise and vibration levels can be minimised by the mitigation methods such as heightened boundary hoarding with good acoustic qualities, liaison with occupants of the adjacent properties, establishment of noise and vibration action levels, periodic monitoring of noise and vibration levels and the switching off of plant and equipment when not in use which would be employed to ensure that the noise levels are acceptable.

- 7.164. The nearest residential developments to be considered are the developments at Corbin House, Canterbury House, Baxter House and Rudstone House. Construction works are likely to include activities that would increase noise and vibration levels. The submission of a construction management plan and environmental plan via condition would therefore be required to manage the noise and vibration impacts on the neighbouring properties and ensure that all works are carried out in accordance with contemporary best practice.
- 7.165. Should planning permission be granted there would also be conditions controlling the hours of construction (Monday – Friday 08:00 – 06:00, Saturdays 08:00 – 13:00 and no work on Sundays and Bank Holidays).
- 7.166. Subject to safeguarding conditions, officers consider that the proposed development would therefore not result in the creation of unacceptable levels of noise and vibration during construction in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

#### Contaminated Land

- 7.167. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a Geo-Technical Report which assesses the likely contamination of the site.
- 7.168. The Council's Environmental Health Officer has reviewed the documentation, and advises that subject to conditions to ensure that appropriate mitigation measures are in place there are no objections on the grounds of contaminated land issues. Relevant conditions would be included on any planning permission if granted.

#### Flood Risk and Water Resources

- 7.169. The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 7.170. The site is located in Flood Zone 1 and is less than one hectare in area. The annual risk of flooding is less than 1 in 1000 (0.1%) chance in any year and means that the site is within a low risk area.
- 7.171. The application is supported by a Flood Risk Assessment (FRA) and surface water drainage strategy to assess run off and discharge rates from the site. The Flood Risk Appendixes demonstrates the development will not increase the risk or severity flooding elsewhere.
- 7.172. In relation to surface water run-off, there is no objection to the proposal subject to a condition to ensure SUD's are secured by way of condition.
- 7.173. In summary, subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

#### Health Considerations

- 7.174. 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.

7.175. 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.

7.176. 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.

7.177. 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.

#### **Site of Archaeological Importance**

7.178. The site is located within an area of archaeological importance. The applicant submitted a desk based study which was assessed by the Greater London Archaeological Advisory Service who recommended conditions requiring a scheme of investigation is undertaken as part of the development works. A condition to this effect has been recommended as part of this application.

#### **Impact upon local infrastructure / facilities**

7.179. 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.

7.180. 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.

7.181. 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.

7.182. The applicant has agreed to meet the entire financial contributions as set out in the s106 SPD in relation to:

- Enterprise and Employment Skills and Training;
- Monitoring contribution

7.183. The applicant has also offered 96% affordable housing scheme with tenure split within the affordable element of 30:70 between affordable rented and intermediate.

7.184. 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 travel plans.

7.185. The financial contributions offered by the applicant are summarised in the following table:

<b>Heads</b>	<b>Planning obligation financial contribution</b>
Employment, Skills, Construction Phase Skills and Training	£19,042.80
Monitoring	£2000
<b>Total</b>	<b>£21, 042.80</b>

7.186. All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and CIL Regulations tests.

## **OTHER**

### **Financial Considerations**

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

7.187. 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.

7.188. 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.

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

7.190. These are material planning considerations when determining planning applications or planning appeals.

7.191. As regards Community Infrastructure Levy considerations, Members are reminded that the London Mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved.

7.192. It is estimated that the development would be liable for Tower Hamlets CIL at approximately £163,065 and Mayor of London CIL at approximately £163,065. However, given the proposed housing is mostly affordable housing, it is likely that the actual CIL liability would be significantly lower due to the relief that would be available.

- 7.193. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 7.194. Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £122,418 in the first year and a total payment of £734,506 over 6 years.

### **Human Rights Considerations**

- 7.195. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 7.196. 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".
- 7.197. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 7.198. 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.
- 7.199. 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.

- 7.200. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.201. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 7.202. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

### **Equalities Act Considerations**

- 7.203. 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.
- 7.204. The provision of residential units, within the development meets the standards set in the relevant regulations on accessibility. In addition, all of the residential units would comply with Part M 4(2). and 10% would comply with Part M 4(3) and be wheelchair accessible and 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.
- 7.205. The proposed development would be considered to have no adverse impacts upon equality and social cohesion.

## **8.0 Conclusion**

- 8.1 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.

## Appendix A – Site consultation boundary

