

Committee: Development	Date: 27 September 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: John Miller	Ref No: PA/18/01776 - Full Planning Permission
	Ward: Whitechapel

1. **APPLICATION DETAILS**

Location:	Site Rear of 225 to 347, Hanbury Street, London
Existing Use:	Garages and Open Space (Sui Generis)
Proposal:	Demolition of the existing garages and the construction of four three bedroom and three four bedroom affordable houses, including improved open space, play area and hard landscaping.
Drawings:	See Appendix 2
Documents:	See Appendix 2
Applicant:	London Borough of Tower Hamlets
Ownership:	London Borough of Tower Hamlets
Historic Building:	None
Conservation Area:	None

2. **EXECUTIVE SUMMARY**

- 2.1. Officers have 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.
- 2.2. The proposal is a residential development for the construction of seven family sized dwellinghouses with the redevelopment of the existing open space. The

development would provide seven new residential units comprising four three bed houses and three four bed houses. All would be three storeys high. This summary has regard to the key issues arising from the scheme; a full account of all relevant issues is set out within the main body of the report.

- 2.3. From a land use perspective, the proposed use is considered to be appropriate within the context. The surrounding use is residential in nature and the addition of the houses is in keeping with the locality. The garages have been identified as largely used as external storage by residents not within the estate. The open space will be re-provided towards the western end of the site.
- 2.4. When assessing the proposal officers had regard to balancing the harm of the loss of the trees and the overall benefits provided by affordable housing. The report outlines that the scheme delivers a net gain in trees and their removal has, on balance, been deemed appropriate, particularly given the nature of the proposed affordable family sized housing which are deemed a priority. .
- 2.5. The standard of residential accommodation provided by the proposed development has been assessed and is considered to be acceptable. The units are policy compliant in terms of size, each with access to private external amenity space and communal amenity space.
- 2.6. Further to this, officers consider that the design of the houses is acceptable. The height and mass of the dwellings are considered to be in keeping with the scale of surrounding existing development.
- 2.7. The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver high quality homes in a sustainable location. The proposed houses would all be served by private terraces as well as private rear gardens that exceed minimum London Plan SPG space requirements.
- 2.8. The density of the scheme would not result in adverse impacts associated with overdevelopment and there would be no unduly detrimental impacts upon the amenity of neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality accommodation provided, along with re-provision of the public open space would create an acceptable living environment for the future occupiers of the site.
- 2.9. Residents have raised concerns relating to the impacts of the proposal, including loss of the garages and parking issues, loss of open space and amenity impacts, and design impacts.
- 2.10. Further consideration has been given to the impact of the proposal upon the visual amenities of neighbouring occupiers. It has been concluded that the proposal would not result in an unacceptable impact upon the outlook or privacy of neighbours.
- 2.11. 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.

- 2.12. Officers have fully considered the concerns raised by residents and consultees and also acknowledge the improvements that the applicant has made to the scheme during the planning application process.
- 2.13. This report acknowledges the elements of the scheme that fall short of fully meeting planning policy requirements, for example, the residential unit mix. These elements of the scheme have been discussed and considered in full. The overall scheme is considered to present a good response to the redevelopment of the site and offers several benefits to the borough. This includes contribution to the delivery of housing that meets Tower Hamlet's identified housing need and high quality design that positively connects with surrounding public realm and introduces much needed activity, surveillance and vibrancy at street level.
- 2.14. On this basis, it is concluded that the benefits of the scheme outweigh the loss of trees and other issues set out within this report. Therefore, giving full consideration to the development plan and other material considerations, officer recommend that planning permission is granted, subject to the conditions and planning obligations proposed in this report.

3. RECOMMENDATION

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

Compliance conditions

1. Permission valid for 3 years
2. Development in accordance with approved plans
3. Hours of construction

Prior to commencement conditions

1. Land contamination
2. Construction Environmental Management Plan
3. Details of hard landscaping to the front
4. Tree protection methods and proposed schedule/viability
5. Details of affordable housing

Prior to completion of superstructure works conditions

1. Materials (samples and details)
2. Architectural Drawings
3. Biodiversity mitigation and enhancements
4. Tree Schedule
5. Waste Management Strategy
6. Details of soft landscaping
7. Details of hard/soft landscaping for the park
8. Details of play equipment

Prior to Occupation' Conditions

1. Cycle Parking
2. Parking Management Plan

Informatives

1. CIL liable

PROPOSAL AND SITE DESCRIPTION

4. The proposal

- 4.1. The applicant is seeking planning permission for the demolition of the existing garages on site and the construction of four three bedroom houses and three four bedroom houses.
- 4.2. The existing green space and play space will be relocated to and upgraded to the western end of the site. A number of trees will be felled as a result of development, however replacement trees and landscaping form part of the proposal.
- 4.3. The existing road will be widened in order to accommodate emergency and service vehicles. The existing 13 on-street car parking spaces will be re-provided. No new car parking is proposed.

Figure 1.1: CGI of proposed development - view along Hanbury Street looking north-west



Figure 1.2: CGI of proposed development – view along Hanbury Street looking north



5.0 Site and Surroundings

- 5.1 The application site is approximately 0.3ha and is bound by Hanbury Street to the south and east, Vallance road to the west, and Osmani Primary School to the north. The site lies within the Chicksand Estate.

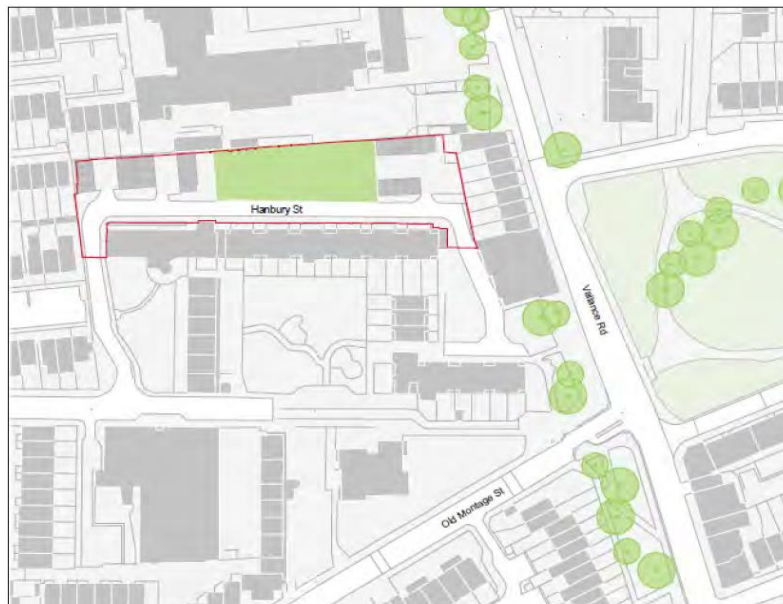


Figure 1.3: Site location plan

- 4.1. The application site comprises of approximately 29 garages, a play area and undesignated green space located to the north of the residential block addressed as 249 – 347 Hanbury Street.

- 4.2. The site is bound by Osmani Primary School to the north, a three storey residential terrace fronting Vallance Road to the east, Hanbury Street to the south and two storey semi-detached residential units to Woodseer Street to the west. The garages on site are understood to be rented by a mix of Tower Hamlets Housing residents and non-residents.
- 5.2 The buildings that immediately surround the site comprise primarily residential in nature. 249-329 Hanbury Street is located to the south of the site, a residential estate development that is 6 storeys in height.
- 5.3 Osmani Primary School is located to the north of the site of the site. It is bound by Vallance Road to the east and Underwood Road to the north. The buildings range from 3-4 storeys in height.
- 5.4 In terms of policy designations, the application site is not located within a conservation area. There are also no listed buildings in the immediate vicinity.
- 5.5 The site is located in close proximity to the Whitechapel overground station, in addition to local bus routes. It has a Public Transport Accessibility ranging from 2-6a.
- 5.6 The site does not have any allocations as outlined in the Local Plan.
- 5.7 Relevant photographs of the application site and neighbouring development are included below.

Figure 1.4: Existing site looking east



Figure 1.5: Existing site looking west



Figure 1.6: Existing garages



Figure 1.7: Existing Hanbury Street block



6.0 Relevant Planning History

There is no relevant planning history relating to the application site itself and the neighbouring planning applications were not considered relevant to the site.

Pre-application

6.1 Pre-application discussions identified several key issues to be addressed. These included:

- Loss of open space
- Loss of trees
- Biodiversity
- Design of the proposal
- Highways impacts

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.

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

Government Planning Policy Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)

National Planning Guidance Framework (March 2014) (NPPG)

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

Policies

- 2.1 London
- 2.13 Opportunity Areas
- 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
- 3.8 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
- 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
- 5.13 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
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 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)

Tower Hamlets Core Strategy (adopted September 2010)

SP02 Urban living for everyone
SP03 Creating healthy and liveable neighbourhoods
SP05 Dealing with waste
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
SP13 Planning Obligations

Managing Development Document (adopted April 2013)

DM0 Delivering Sustainable Development
DM3 Delivering homes
DM4 Housing standards and amenity space
DM9 Improving air quality
DM10 Delivering open space
DM11 Living buildings and biodiversity
DM14 Managing Waste
DM20 Supporting a Sustainable transport network
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

Emerging Planning Policy

- 7.2 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and is now closed. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however the weight given to it is a matter for the decision maker.
- 7.3 The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and has closed. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version is currently undergoing Examination in Public, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

Supplementary Planning Documents

- 7.4 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)

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 (2016)

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

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 Refuse

8.4 In response to these comments, the waste strategy, including the bin storage, has been amended. This is further discussed in the highways and transportation section of this report.

- Refuse collection

The applicant is required to demonstrate how the waste collections vehicle will turn around and whether the land owner in the turning area has provided permission to use the land if owned by different owner.

LBTH Highways

- Car parking

- 8.5 There are no objections in principle to the proposal. The applicant should be informed that the site lies within the 200m buffer zone of a retained road widening line. However the proposals do not affect the actual widening proposal.

All new residential units are to be subject to a *Permit Free' agreement restrict all future residents (other than Blue Badge holders and those that qualify through the Permit Transfer Scheme) from applying for a parking permit on the surrounding public highway network. This is to form a condition to any planning permission which may be granted and secured via the s106 agreement (or similar mechanism as agreed by the case officer).

With regards to the internal road widening proposals on Hanbury Street this is not public highway and the reasoning for the widening is welcomed. The design must, however, ensure that the increased width does not give opportunity for additional parking which could cause obstruction to emergency and service vehicles.

- Cycle parking

With regards cycle provision it is stated that each unit will have space in the back gardens. Details of the storage areas are required and a condition which retains and maintains the cycle storage for the permitted use only will be expected.

- Servicing

The proposed road widening to facilitate emergency service and service vehicles is welcomed subject to the design preventing any further parking / stopping of private vehicles which could obstruct the road.

- Conditions

Planning conditions requiring a construction management plan, parking management strategy, and cycle parking are proposed.

LBTH Design

- Height, scale and massing

- 8.6 Height of proposed houses supported given variation of heights in the surrounding area. The overall mass of the proposal is well managed, given that subtly setbacks and block type massing have used to reduce the apparent bulk and mass of the houses.

- Design and materials

The proposed materials palette is acceptable. The bulk of the proposed building in brick will present a robust and solid appearance, consistent with surrounding buildings.

The use of a single brick colour combined with architectural detailing and deep reveals of the windows to the upper floors will also add interest and variety, with brick coursing located below balconies providing further expression.

The metals railings and glazed balustrades are acceptable.

- Conditions

Planning conditions requiring samples of materials, details of ground floor elevations and typical window and external door detail are proposed.

LBTH Biodiversity

- 8.7 In response to the following comments, the applicant has provided a revised biodiversity strategy which has been supported by the Council's Biodiversity officer.

- Comments

I agree with the overall conclusion of the Preliminary Ecological Assessment (PEA) that there are no major biodiversity constraints to development on the site, though trees may be a significant constraint for other reasons. However, the loss of a number of existing trees and other open space would be a minor adverse impact on biodiversity.

Policy DM11 requires developments to provide net gains for biodiversity in line with the Local Biodiversity Action Plan (LBAP), and elements of a living building such as green roofs. There is, therefore, a need to ensure that the landscaping and any other biodiversity enhancements more than compensate for the loss of existing habitat to produce a net gain. As this is the Council's own development, I would expect it to do more than just about meet the policy requirement – I'd hope it would be an exemplar of what we expect from other developers.

The revised PEA states that biodiversity mitigation/enhancement will include new wildflower meadow, new trees, appropriate bird boxes, nectar-rich planting on first-floor terraces and log piles.

The Landscape Layout plan shows shrub and herbaceous planting with an excellent range of nectar-rich species, which will provide nectar for bees and other pollinators all year round. The planting list includes Buddleia, an invasive non-native species identified as a problem by the London Invasive Species Initiative. Buddleia should be removed from the list.

The Landscape Layout also shows areas of wildflower planting. This is a mix of annuals and perennials. It is not clear whether this is to be managed as meadow, with the annuals providing temporary colour in the first couple of years after sowing, or as annual wildflower patches which will be re-sown every year.

Either way, this will benefit biodiversity, especially pollinating insects. I note that most of the wildflower planting is located under trees. The proposed mix is designed for a sunny location, and will be of most benefit to pollinating insects if located in full sun. The location of the wildflower areas therefore needs to be reconsidered.

The plan also shows 4 bird bricks (2 for sparrows and 2 for swifts) incorporated into the new buildings. These appear to be located above doors or windows, which is not recommended. Log piles are also indicated.

Biodiverse green roofs, designed in accordance with best practice guidance published by Buglife, on as much of the new buildings as possible, would be a significant additional benefit for biodiversity.

Biodiverse roofs are perfectly compatible with photovoltaics (PVs), and a green roof would actually enhance the efficiency of the PVs. Biodiverse roofs require just a single annual maintenance visit to remove woody plants, which, on buildings where there is easy access to the roof, adds only minimally to maintenance costs. However, on individual houses, biodiverse roofs might entail significantly higher maintenance costs, which could be regarded as a justification not to include them.

While the landscape proposals and other biodiversity enhancements require a bit of minor tweaking as discussed above, they will be sufficient to ensure net gains for biodiversity. The minor changes and final details can be subject to a condition

- Conditions

Prior to the commencement of works, full details of biodiversity mitigation and enhancements shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall include but not be limited to the following:

- wildflower planting, either as meadows or annual wildflower patches, located in suitable sunny areas – details to include locations, total area of planting, planting mix and information on ongoing management;
- landscaping to include a good diversity of nectar-rich plants to provide food for bumblebees and other pollinators for as much of the year as possible – details should include species list and planting plans;
- nest boxes for appropriate bird species, including house sparrow and swift – details should include number, locations and type of boxes.

The agreed measures shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site and to comply with Policy SP04 of the Tower Hamlets Core Strategy and Policy DM11 of the Tower Hamlets Managing Development Document

LBTH Arboricultural

- 8.8 In response to the following comments provided a revised arboricultural strategy which has been largely supported by the Council's Biodiversity officer.

- Trees

It is apparent from the proposals that this development cannot occur without there being the high likelihood of the build having a detrimental impact on the current tree stock.

The scheme results in the loss of 11 trees. Of these, 3 are deemed to have a life expectancy of less than 10 years (BS 5837 'U' Grade) and 1 is of a low quality and value (BS 5837 'C' Grade). The proposed landscape scheme provides sufficient mitigation for these losses through the replanting of 4 semi-mature (instant impact) trees. The remaining 7 trees are of a moderate quality and value (BS 5837 'B' grade).

The proposed landscape scheme provides sufficient mitigation for these losses through the replanting of 14 semi-mature (instant impact) trees. In regards to the mitigation planting, evidence needs to be provided showing the viability of planting the proposed stock size (semi-mature) in the proposed locations on the landscaping scheme. This should include above and below ground considerations and post development pressures. I would also suggest the following tree species for planting; *Betula pendula* (silver birch), *Sorbus aria* (whitebeam) and *Alnus glutinosa* (common alder) in order to meet our LBAP targets.

- Conditions

New planting and Tree Schedule detailing species of proposed trees. Tree protection measures for trees to be retained.

External responses

None

9 LOCAL REPRESENTATION

- 9.1 A total of 114 neighbouring properties were notified. Site notices have also been erected in close proximity to the site. The application was also advertised in the local press.
- 9.2 2 letters of objection have been received in relation to the proposed scheme as well as a petition with 95 signatures which pre-dates the application submission but was received during the consultation period.. The concerns that were raised following both informal pre consultation and consultation are outlined and categorised below.

Land use

- The proposal to demolish the garages and develop on open space is out of character for the area

Design

- The development does not respect the local context and street pattern
- The scale and proportions of the buildings does not sit well in the surrounding area
- Overdevelopment and overcrowding

Amenity

- Lower quality of life for residents within immediate vicinity
- Adverse impact on neighbouring amenity

- Overlooking as a result of development

Parking

- Removal of garages and lack of clarity surrounding occupancy
- No proposed parking for the development
- Addition of new houses will negatively impact upon existing arrangement which is already under pressure

Trees and open space

- Loss of valuable trees and greenspace will spoil views
- Proposal infringes on valuable green space

Biodiversity

- No environmental benefit

10 MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Loss of Trees
- Design
- Housing
- Neighbouring Amenity
- Highways and Transportation
- Biodiversity
- Land contamination
- Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

Land use

10.2 The main issues to consider in relation to land use are listed below:

- The acceptability of the loss of the existing land uses that currently or last occupied: Garages and open space (use class Sui Generis)
- The acceptability of the proposed land uses: Residential (C3)

Loss of garages (sui generis)

- 10.3 Part of the application site is in as 29 garages which is considered use class sui generis.
- 10.4 Due to the nature of a sui generis use, there is not always a specific policy that can be directly applied. This is the case in this instance.
- 10.5 There are no policies that restrict the loss of this use. The garages are currently in poor condition are not fit for the purposes of modern cars. Of the 29 garages 12 are rented by estate users, 2 are empty and 15 are rented by private residents.
- 10.6 It is not clear how many are used for cars and how many are used for other purposes. The Council and Tower Hamlets Homes are undertaking an audit of the garages, and assessing the available car parking bays and garages near the area with the intention of securing a space for those Council residents who would lose one of the 12 garages.
- 10.7 On this basis, officers raise no objections.

Loss of play space/ open space

- 10.8 In relation to the loss of existing uses, officers have had regard to the relevant planning policy. Policy SP04 of the Core Strategy (2010) and policy DM10 of the Managing Development Document (2013) sets out how new development will be required to contribute to delivering an improved network of open space through protecting and improving existing open space, creating new open space and improving access to and between spaces. DM10 states that development on areas of open space will only be allowed in exceptional circumstances where:
- it provides essential facilities to ensure the function, use and enjoyment of the open space; or
 - as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved.
- 10.9 The existing site accommodates approximately 852sqm of open/play space. Whilst the proposal seeks a residential-led development, it includes the re-provision of approximately 939sqm of open space. The majority of this is situated to the western part of the site, however an active linear path which includes open and play space runs the entire length of the site.
- 10.10 The proposed open play space provides a net gain with regards to an overall quantum of useable space, which is policy compliant. Additionally it proposes an upgraded play area which would provide new equipment compliant with modern standards. 17 new pieces of play equipment are to be installed within the proposal when compared to the existing 5. The proposed services range from a large multi play slide down to play tractors and traditional swings.
- 10.11 In the letters of objection, neighbours have expressed concern that the proposals would result in a loss of open space which makes a valuable contribution to the surrounding area.
- 10.12 From the above it can be seen that a net gain is provided in both quantity and quality. In terms of delivering open space the proposal is an improvement over the existing arrangement and is fully supported.

Proposed residential use (C3)

- 10.13 The proposal seeks to introduce residential use to the application site. The site does not benefit from any designations that would restrict this from a policy perspective.
- 10.14 The proposed residential use is supported by officers as a contribution to the borough's housing targets which responds to an identified need.
- 10.15 This is considered in more detail in the housing section of this report.

Loss of Trees

- 10.16 Policy SP04 of the Core Strategy (2010) requires the protection and enhancement of biodiversity value in design of open space and buildings. Policy DM11 of the Managing Development Document (2013) states that existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value.
- 10.17 The proposal results in the loss of 11 trees. Of these, 3 are deemed to have a life expectancy of less than 10 years (BS 5837 'U' Grade) and 1 is of a low quality and value (BS 5837 'C' Grade). The proposed landscape scheme provides sufficient mitigation for these losses through the replanting of 4 semi-mature (instant impact) trees. The remaining 7 trees are of a moderate quality and value (BS 5837 'B' grade).
- 10.18 The proposed landscape scheme provides sufficient mitigation for these losses through the replanting of 14 semi-mature (instant impact) trees. In regards to the mitigation planting, should permission be granted, a planning condition will be secured showing the viability of planting the proposed stock size (semi-mature) in the proposed locations on the landscaping scheme. This would include above and below ground considerations and post development pressures.
- 10.19 The tree officer has reviewed the assessments and has suggested a number of tree species in order to meet our LBAP targets. These can also be conditioned.
- 10.20 Giving consideration to the public benefit associated with the proposed housing contribution in addition to the upgrading of the existing open and play space, the loss of the trees is considered acceptable.
- 10.21 The LBTH Tree officer has been consulted and supports the development subject to the above conditions being satisfied.

Design

- 10.22 In this section of the report, officers will consider the acceptability of the design of the proposed building, having regard to:
- Height, scale and massing
 - Quality of architecture and detailed design

- Public realm

- 10.23 Firstly, consideration is given to the relevant policy context. Chapter 7 'Requiring good design' of the NPPF (2012) states that the Government attaches great importance to the design of the built environment, outlining good design as a key aspect of sustainable development and indivisible from good planning.
- 10.24 In relation to the conservation and enhancement of the historic environment, Chapter 12 of the NPPF (2012) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. It further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.25 Furthermore, London Plan Policy 7.4 'Local Character' seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets in scale, proportion and mass. London Plan Policy 7.6 'Architecture' 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.
- 10.26 Core Strategy Policy SP10 'Creating distinct and durable places' seeks to protect and enhance the Borough's conservation areas and their settings. It also seeks 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. More specifically, it seeks to ensure that new development respects its local context and townscape, including the character, bulk and scale of the surrounding area.
- 10.27 Policy DM24 'Place-sensitive design' of the Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design, ensuring that design is sensitive to and enhances the local character and setting of the development.

Height, scale and massing

- 10.28 The proposed development marks a significant increase in building scale when compared to the existing single storey garages and open space. Officers have had given careful consideration to the acceptability of this in the context of the character and appearance of the surrounding area. Consideration has also been given to the amenity impacts of this which are discussed later in the report.
- 10.29 Objections have been received in relation to the scale of the proposed buildings, which consider that the proposed height is not in keeping with the existing plot, and would lead to overcrowding in an already dense urban environment. These concerns have been considered below.

- 10.30 Whilst the existing garages sit at just 3m (approx.) in height and occupy approximately 50% of the overall application site, the application site is surrounded by built form of an increased scale.
- 10.31 The prevailing height in the surrounding area is mid-rise. For example, the neighbouring buildings adjacent to the application site range between 3 and 6 storeys in height.
- 10.32 This said, the local scale and pattern of the streets that surround the application site is acknowledged and the impact of taller buildings upon this has been considered.
- 10.33 The height of the proposed building ranges between 1 and 3 storeys in response to the variations in surrounding height and existing open space use. The terraces are broken up into blocks with single storey across ground floor level and additional stories atop the eastern flank of the dwellings.
- 10.34 Officers are satisfied that the proposed height range marks an appropriate response to the surrounding building heights.
- 10.35 The applicant has provided CGIs from Hanbury Street that provide an insight into the impact of the proposed building from direct and longer views. They demonstrate the high design quality of the scheme and this is considered to offset any potential harm resulting from its visibility.
- 10.36 For the reasons outlined above, the proposed development is considered to be acceptable with regards to height, scale and massing.

Detailed design and materiality

- 10.37 Officers consider that the existing garages reflect the past character of the area. However, as they are not listed and the site does not fall within a conservation area permission would not be required for their demolition.
- 10.38 In recognition of the surrounding context the applicant has adopted a contemporary architectural style for the dwellings.
- 10.39 Officers have given regard to the detailed design of the proposed buildings and consider them to be well-proportioned with appropriate solid to void ratios. They are simple in their design, appearing as a single uniform terrace. The part 1/3 storey buildings arranged in a mews style development are near identical in mass and materiality. The proportions together with the proposed fenestration pattern results in a strong sense of horizontal and vertical articulation.
- 10.40 The proposed detailing is considered to successfully break down the scale and massing of the proposed building. The proposed materials are also considered to result in a high quality aesthetic. It is proposed that further details of the external materials are secured by condition.
- 10.41 The continuation of the articulation to ground floor level, together with the extensive glazing, is also considered to result in a high quality ground floor elevation that is active and human scale in nature. It is therefore considered to foster a positive relationship with pedestrians and the surrounding public realm.

- 10.42 The proposal would introduce active frontage and resultant natural surveillance on the primary elevation. This is considered to be particularly positive when considering the nature of the ground floor elevations of the neighbouring buildings which are largely inactive.
- 10.43 The proposed buildings would therefore enhance the pedestrian experience, street safety and relationship between built form and public realm.

Public realm

- 10.44 Policy DM23 'Streets and the public realm' seeks to ensure that development is well-connected with the surrounding area, accessible for all people, designed at a human scale and comfortable and useable. It also seeks active and high quality shop fronts.
- 10.45 As outline in the above section, the proposed development is considered to give rise to an acceptable relationship with the surrounding streets and pedestrians.
- 10.46 In addition to the provision of the improved open/play space the proposal provide an active street frontage the development includes a section of hard and soft landscaping to the front of the houses, between the southern elevation of the buildings and Hanbury Street.
- 10.47 Street lighting is also proposed and this will make a more welcoming space.
- 10.48 On this basis, officers consider this space to contribute to the public realm. Whilst no details of the proposed hard landscaping have been proposed at this stage, officers would secure the submission of further details by planning condition, if the proposed development is approved.
- 10.49 Officers would expect the strip to deliver high quality landscaping, including seating opportunities and play equipment as outlined in the Landscape Plan.
- 10.50 Subject to the submission of details surrounding the hard/soft landscaping works, and proposed lighting, officers consider the scheme to be acceptable in this regard.

Housing

- 10.51 The proposed development comprises 7 new residential units.
- 10.52 This is supported in line with the London Plan (2016) and the Core Strategy (2010) which seek to increase London's and Tower Hamlet's supply of housing.
- 10.53 In addition to housing numbers, planning policy requires new housing development to provide housing choice. This includes a mix of sizes and tenures.
- 10.54 Housing planning policy also seeks a high standard of residential accommodation for its occupiers. The standard of proposed residential accommodation is assessed later in this report.

Housing mix and affordable housing

- 10.55 As stated above, planning policy requires a mix of housing that responds to the identified housing need within Tower Hamlets and, as a result, contributes to the creation of mixed and balanced communities.
- 10.56 On this basis, the priorities of the Mayor and aspirations of policy DM3 of the Managing Development Document (2013) are to provide a balance of housing types, including more family homes within the borough. Policy DM3 recommends a distribution of 50% 1 bed, 30% 2 bed and 20% 3 to 4 bed units within market sector only developments.
- 10.57 The development proposes 100% affordable 4 x 3B5P and 3 x 4B6P houses, which whilst not meeting the letter of the policy targets for housing mix provides an overall uplift in affordable family sized housing. Due to the relatively small nature of the scheme and the uplift in family sized dwellings the proposed mix is considered to be acceptable.
- Housing related planning obligations
- 10.58 In the event that planning permission is granted, the affordable housing contribution, inclusive of the unit and tenure mix, would be secured by condition. Officers would also secure appropriate rent levels within the affordable social rent tenure. This is to ensure the genuine affordability of these units.
- Summary
- 10.59 In summary, the proposed development falls short of the Council's policy targets with regards to the proposed unit type mix.
- 10.60 As set out above, the proposed affordable housing contribution is considered to overcome the shortfalls in the proposed mix, together with the benefit provided by family sized dwellings in line with local and national policy.
- 10.61 In terms of the wider scheme, additional benefits are present and have been acknowledged earlier in this report. This includes the re-provision of an improved open/play space, the introduction of activity and natural surveillance at street level and the general improvement to the street scene.
- 10.62 It is therefore concluded that the proposed housing is acceptable when balanced with the benefits of the overall scheme.

Accessible housing

- 10.63 The proposed development would not provide any wheelchair accessible or adaptable units which whilst disappointing would not raise objections considering the overall size of the scheme and the type of housing provided.

Standard of residential accommodation

- 10.64 In addition to the requirements set out within Policy 3.5 'Quality and design of housing developments' of the London Plan (2016), Policy SP02 'Urban living for everyone' of the Core Strategy (2010) and Policy DM4 'Housing standards and

amenity space' of the Managing Development Document (2013), the Mayor's Housing SPG (2016) sets out a series of design standards. Officers will consider the quality of residential accommodation proposed in regard to the following aspects:

- Space standards

10.65 Local and regional planning policy, in addition to the guidance set out in the London housing SPG, sets minimum space standards for new residential units. All residential units are also required to have a minimum floor to ceiling height of 2.3m. This is achieved throughout the development.

10.66 The proposed houses would come in two layouts and the minimum space standards (GIA) are set out in the table below:

Unit type	GIA standard (sqm)	GIA proposed (sqm)
3B/5P	99	108
4B/6P	112	116

10.67 Officers are satisfied that all of the proposed residential units are compliant with the space standards.

10.68 Looking at the rest of the development each of the dwellings provides adequate integrated storage space and room layouts and sizes are generally acceptable.

10.69 The development is therefore considered to be acceptable in this regard.

- Aspect, daylight and sunlight, noise and vibration, outlook and privacy

10.70 The London Housing SPG also seeks the minimisation of single aspect dwellings. It further states that single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.

10.71 Officers are satisfied that all of the dwellings benefit from a triple aspect setting.

10.72 From an outlook perspective, officers have given careful consideration to the quality of the units so that they do not negatively impact upon neighbouring amenity, which will be discussed later in the report.

10.73 Each of the units main aspect would face east onto their own private balconies, with additional outlook to the rear of the properties so that the units could benefit from a triple aspect setting. The drawings and documents demonstrate whilst the houses look onto the neighbouring side walls they would achieve acceptable outlook, particularly given their triple aspect setting.

- 10.74 It is noted that the houses would sit between 6m and 16m from neighbouring/opposite properties. The principle elevation facing the Hanbury Street block stands 16m away from the front of the proposed houses.
- 10.75 The proposal therefore gives rise to a medium to close relationship with neighbouring buildings, although due to the orientation of the plots and the careful placement of windows this is considered to be acceptable. This relationship is also considered to reflect the street and built form pattern in the surrounding area, where buildings occupy 'blocks', separated by narrow local streets. Officers therefore do not consider this is to be an uncommon or unexpected circumstance in a dense urban environment such as the one that exists throughout the borough, especially where a new development seeks to infill a gap/ site within existing built form.
- 10.76 Taking all of the above considerations into account, officers do not raise objections in this regard.
- Private amenity space
- 10.77 In terms of private open space, the London Housing SPG requires a minimum of 5sqm of private outdoor space to be provided for 1-2 person dwellings. An extra 1sqm should be provided for each additional occupant.
- 10.78 Therefore the 3B5P dwellings would require a minimum of 10sqm and the 4B6P dwellings should provide a minimum of 11sqm.
- 10.79 Taking this into account, it is noted that all 7 dwellings provide a minimum of 35sqm for the 3B5P house on the eastern boundary closest to the park up to a maximum of 69sqm for the 4B6P house closest to the western boundary. For each dwelling the amenity space is provided across the rear of the ground floor and external terraces at first floor level.
- 10.80 Objection has been raised over the quality of the private amenity space, however from the above it can be seen that the houses will provide more than adequate amounts of private amenity space which officers consider acceptable.

- Summary

- 10.81 The proposed standard of residential accommodation has been carefully considered in respect to the development plan and best practise guidance. The scheme fully meets all the relevant standards, and officers consider the proposal to be acceptable in this regard.

Impact on amenity

- 10.82 This part of the report will assess whether the proposed development would give rise to an unacceptable impact upon the amenities of neighbouring development and its occupiers. In line with Policy DM 24 'Amenity' of the Managing Development Document (2013), officers will have specific regard to the daylight and sunlight impacts of the proposal, in addition to any resultant impact upon outlook and privacy levels.

- Daylight and sunlight

10.83 The application submission is supported by a daylight and sunlight assessment, undertaken by Brooke Vincent + Partners. The following buildings have been assessed:

- 53B Vallance Road
- Hanbury Street

10.84 The relationship of the above buildings with the application site is illustrated on the image (figure 1) below.

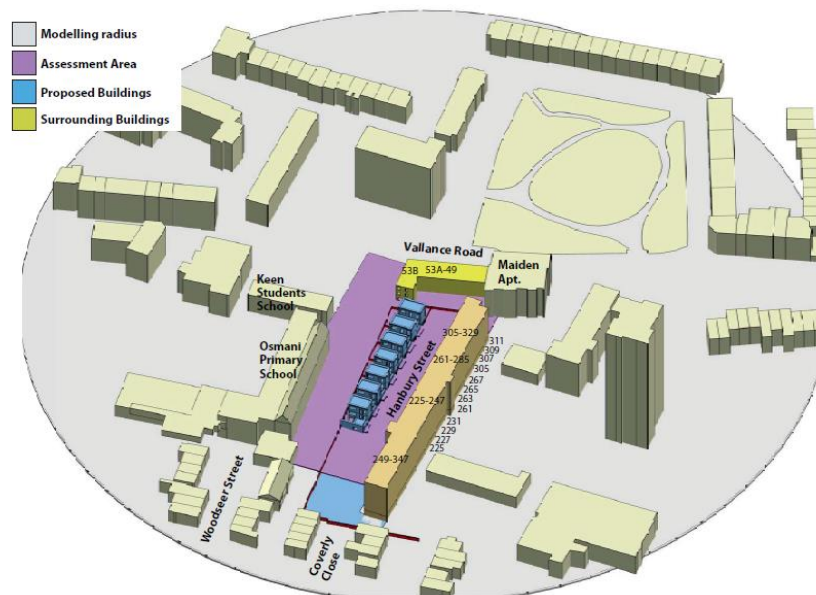


Figure 2: Daylight and Sunlight Assessment Analysis

10.85 The identified sensitive receptors were initially analysed using a 25-degree line analysis. This method identifies the façades that are obstructed by the proposed development. Façades that do not encounter any obstructions are very likely to retain good levels of daylight and sunlight and do require a further analysis.

10.86 From the above test the properties that required further testing were 53B Vallance Road and the ground floor of the Hanbury Street building.

10.87 The **daylight** impacts of the proposal are addressed below:

- 53B Vallance Road

- 10.88 The above building is in residential use. It is located to the east of the site. The daylight impact upon these buildings has been tested using the Vertical Sky Component (VSC) test. The VSC takes into consideration any obstruction to the visible sky to calculate the possible daylight reduction.
- 10.89 The Vertical Sky Component (VSC) test has been applied. This test measures the amount of daylight received at the centre of the window face, before and after the proposed development is constructed. This is considered to be the most appropriate test for measuring the level of impact upon a neighbouring residential building. When the VSC is below 27% as existing, the BRE guidelines recommend that daylight values are not reduced by more than 0.8 of the former value (i.e. more than a 20% reduction in daylight as a result of the proposal).
- 10.90 It is important to note that VSC does not quantify the actual daylight levels inside a room, just the potential for receiving daylight. More detailed assessments (below) are better equipped to assess this.
- 10.91 Officers raise no objections to the use of VSC in this instance and have given consideration to the findings of the VSC test.
- 10.92 The results confirm that the 7 windows on the property overlook the site and were analysed for daylight impacts.
- 10.93 4 out of 7 windows analysed on 53B Vallance Road receive VSC values exceeding 27% and therefore meet the criteria with the proposed development in place.
- 10.94 One window on the first floor (W2) does not meet the criteria (VSC 26.29%) but retains 81% of its former value, which would be acceptable in terms of the BRE guidelines.
- 10.95 Two windows on the ground floor (W2 and W3) do not meet the criteria (VSC 22.98% and 22.24%) but they belong to the same living room that has a window with good VSC levels and therefore they only contribute to increase the daylight levels of the room.
- Hanbury Street
- 10.96 The above address is also residential building. It is located to the south of the site, on the opposite side of the street.
- 10.97 The Vertical Sky Component (VSC) test has again been applied.
- 10.98 Twelve windows that belong to the kitchens of the ground floor flats of this property overlook the site and were analysed for daylight impacts.
- 10.99 The results demonstrate that all 12 windows analysed on the ground floor have VSC values exceeding 27% and should therefore have good daylight access.
- 10.100 The sunlight impacts of the proposal are addressed below.
- 10.101 The applicant has tested the sunlight impacts of the proposal using the Annual Probable Sunlight Hours (APSH) test. This should be calculated for windows of main habitable rooms that face within 90 degrees of due south.

- 10.102 On this basis, the APSH has been calculated for five properties (seven windows) at 53B Vallance Road. The results show that all windows receive annual winter PSH values in excess of the minimum BRE guidelines and therefore retain good access to sunlight.
- 10.103 The windows at The Hanbury Street block do not face within 90 degrees of south and the criterion therefore does not apply.
- 10.104 In summary, all of the tested windows meet the BRE guidelines with regards to daylight and for the reasons outlined above, the scheme is also considered to be fully BRE compliant with regards to sunlight.
- 10.105 As a result, officers do not raise objections on daylight and sunlight grounds.

- Outlook, overlooking and privacy

- 10.106 As previously set out, the proposed building sits in relatively close proximity to neighbouring buildings. As the application site comprises single storey garages and open space the proposal marks an increase in overall scale which would result in a change of outlook for neighbouring occupiers.
- 10.107 The closest physical relationship would exist between the house closest to the western boundary of the proposed site and 53B Vallance Road to the east. However, due to the arrangement and site layouts of both properties the windows of 53B would retain largely uninterrupted views which would mitigate any unacceptable impact with regards to outlook. Additionally there are no west facing windows on the proposed houses and as such there is no conflict between these buildings from a privacy/ overlooking perspective.
- 10.108 The rest of the terrace along Vallance Road is set back from number 53 and would have minimum distances of 14m between the proposed houses and existing windows. Whilst this distance is less than the 18 metre guideline outlined in the Local Plan, as stated above there are no windows on the western elevations of the proposed houses therefore this guideline would not apply from an overlooking perspective. Officers consider the separation distances involved and the low scale of the proposed houses to be acceptable from an outlook perspective.
- 10.109 The proposed houses would face directly opposite the Hanbury Street block and would be located a minimum of 16 metres away. Objectors have noted particular concern in relation to the impact upon properties facing Hanbury Street. This includes overlooking to windows and an over dominant impact with regards to the introduction of houses in this area.
- 10.110 Whilst the distances involved are again below the 18 metre guideline as outlined in the Local Plan they fall just only short in this instance. The layouts of the houses have been arranged in such a way as to avoid overlooking to the buildings directly south. There is a single double height window serving each house and this window services the staircase only and no habitable rooms. For this reason officers consider that there would be no impacts with regards to overlooking/loss of privacy to the Hanbury Street Block.
- 10.111 Officers have had regard to the concerns raised relating to the blocking of sky/ changing sky line when viewed from the existing Hanbury Street development. Whilst a change to a view from a residential property is not considered to

constitute a planning consideration as such, officers have considered this from an outlook perspective. The reduction of outlook experienced from a residential property as a result of a new development in close proximity can result in unacceptable impact upon residential amenity.

10.112 Officers acknowledge that there will be a slight impact with regards to the outlook provided to the existing block south of the proposed site. The existing trees provide amenity value but as mentioned above the change in use of the site does not directly constitute a planning consideration.

10.113 However, in this instance, whilst occupiers would experience a change of a view as a result of the proposed development, the massing of the buildings with large breaks between each house, the separation distances involved, the general decrease in scale when compared to the existing block and the proposed planting scheme is considered to adequately mitigate an unacceptable loss of outlook.

- Noise and disturbance

10.114 The proposal seeks the introduction of residential development on the site. It is not considered that the proposed residential land use would give rise to an unacceptable noise impact. Both the scale and nature of the use is akin to existing neighbouring development and is therefore considered to be compatible.

- Summary

10.115 Officers have given the amenity impacts associated with the proposed development careful consideration. For the reasons outlined above, the development is considered to be acceptable in this regard.

Highways and Transportation

- Car parking (and blue badge parking)

10.116 This part of the report will assess whether the proposed development would give rise to an unacceptable impact upon the local highway and transportation network. In line with Policy DM 20 'Supporting a sustainable transport network', Policy DM 22 'Parking' and Policy DM 14 'Managing Waste' of the Managing Development Document (2013), officers will have specific regard to the highways impacts of the proposal.

10.117 The proposed land use does not attract a requirement to provide general car parking. A car-free development is in line with local policy and therefore supported. A planning condition to secure the car-free nature of the development is recommended.

10.118 It is important to establish that the private estate does not form part of the public highway and is under private management with regards to parking and service arrangements. Objections have been raised with regards to the impacts upon the car-parking along the street with specific comments mentioning additional cars that would be moved onto the street as a result of the additional housing and loss of garages.

- 10.119 The application is accompanied by a transport statement which shows that of the 29 garages only 12 are tenants of Hanbury Street. In response to the objection to the loss of the garages these are not-fit for purposes with regards to current car parking standards and would struggle to fit most modern cars. It has been identified that the majority of these are not used by estate owners or for the purposes of car parking, therefore the impacts upon the public highway would be minimal as a result of their demolition. Nevertheless the applicant has stated alternative arrangements are being sought although not guaranteed for those garage users who live within the estate.
- 10.120 The submitted transport statement also identifies that the 13 existing on street car parking spaces which are currently allocated to the existing residents of the Hanbury Street block will be re-provided as a result of the development.
- 10.121 Officers have given consideration to the permit transfer scheme. As the onsite parking is privately controlled all of the incumbent residents who are moving from elsewhere in the borough and already have a parking permit will be able to retain a permit to park. However this must be elsewhere within Zone A2 and not in any of the 13 replaced on-site spaces. This should address concerns with regards to the displacement of on-street parking for existing residents.
- 10.122 In general terms the addition of 7 new houses is relatively small in scale and any public highways impacts that would be felt as a result of the development would be minimal. In terms of trip generation the proposal will account for very little in the context of the surrounding residential developments, and whilst the potential level of impact on street could usually only be determined by extensive and detailed parking stress surveys, in respect of so few new units and the number of roads with permit parking available within a reasonable walking distance the need for a detailed study is not warranted. Officers raise no objection with regards to this.
- 10.123 The proposed site access and approaches to it will be controlled by Tower Hamlets Housing in terms of vehicle parking and enforcement, which will assist in maintaining access to the site for refuse collection, servicing, delivery and emergency vehicles. Yellow box markings and double yellow lines will be marked on the access road and approaches together with appropriate warning signs to strengthen the enforcement regime. This will be conditioned so that refuse and emergency vehicles will be able to access the site.
- 10.124 As none of the houses are proposed as wheelchair accessible there will be no added impacts as a result of blue badge holders who are exempt from the terms of any condition that secures the car-free nature of the development and restricts residents from applying for parking permits.
- 10.125 The objection regarding the number of car-parking spaces required for houses is noted; however, this figure is not from Local Policy and appears that this number was taken from the cycle parking standards which will be discussed below. The Councils Local Policy again stipulates that all proposed residential accommodation is to be car-free.
- 10.126 Given that the evidence provided by the applicant suggests that there are parking opportunities in close proximity to the development, and that the existing arrangement will be re-provided as well as the PTAL accessibility and proximity local amenities officers raise no objection to the proposed arrangement.

- Cycle parking

10.127 Each of the houses is required to provide 2 dedicated cycle parking spaces.

10.128 The documents outline that each dwelling will have a storage locker in the rear gardens to provide dedicated cycle storage. Officers find this arrangement acceptable and further details will be secured via condition.

- Delivery, servicing and waste collection

10.129 The Design & Access Statement submitted by the applicant outlines that the existing waste collection activity occurs from on-street and that refuse and emergency and vehicles cannot safely pass along the carriageway when cars are parking within the bays. It also outlines that to the western edge of the site the Maiden Apartments and Spirit Apartments facing onto Vallance Road but have their refuse to the rear are frequently left un-emptied.

10.130 As the proposed arrangement reflects an existing situation and alternative solutions are constrained by the presence of existing on-street parking bays and the narrowness of the streets that surround the site, officers raise no objections. As a part of the re-development the existing road will be widened so that emergency and refuse vehicles can safely access the entire street.

10.131 Highways officers raised concerns that the Council's refuse vehicles would not be able to service the proposed development due to restricted access resulting from the narrowness of the surrounding streets, together with parked vehicles.

10.132 Updated documents were received which confirm that the revised arrangement would be suitable for refuse and emergency vehicles.

10.133 Officers are satisfied with the location of the proposed refuse stores for the new houses and consider that the scheme is capable of delivering an acceptable waste strategy.

- Construction

10.134 Should the proposed development 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.

Energy & Sustainability

10.135 Policy 5.1 'Climate change mitigation' of the London Plan (2016) 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.

10.136 Policy 5.2 'Minimising carbon dioxide emissions' sets out the Mayor's energy hierarchy to:

- Be lean: Use Less Energy
- Be clean: Supply Energy Efficiently

- Be Green: Use Renewable Energy

10.137 Policy DM29 'Achieving a zero carbon borough and addressing climate change' of the Managing Development Document 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% 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.

10.138 Policy 5.2 of the London Plan 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.

10.139 Policy DM29 of the Managing Development Document 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.

- Sustainability

10.140 Although not required for the planning application, the applicant has commissioned an Energy and Sustainability Statement to accompany the application to ensure that the designs being brought forward can satisfy the requirements of Policy DM29. The proposals identify that there would be a 6% improvement over the approved Building Regulations (Part L) which officers would welcome.

Biodiversity

10.141 Core Strategy Policy SP04 'Creating a green and blue grid' promotes and supports new development that incorporates measures to green the built environment, including green roofs and green terraces. The policy also seeks to ensure that development protects and enhances areas of biodiversity value.

10.142 Policy DM11 'Living buildings and biodiversity' of the Managing Development Document requires developments to provide elements of 'living buildings' which can be provided as living roofs, walls, terraces or other building greening techniques. The policy requires existing elements of biodiversity value to be retained or replaced by developments.

- Existing biodiversity value

10.143 The Council's biodiversity officer has given consideration to the Preliminary Ecological Appraisal (PEA) and subsequent report submitted by the applicant. The report has recorded the existing biodiversity value as well as a potential for bats roosting at the existing site, albeit negligible potential.

- 10.144 On the basis that it is unlikely that bats are roosting at the existing site and that there is no potential for high value roosts, officers are satisfied that further investigation/ emergence surveys are not required.
- 10.145 Officers are otherwise satisfied that the proposal would not give rise to significant impact upon biodiversity.
- Enhancements
- 10.146 Objections have been received regarding the lack of biodiversity proposed by the scheme.
- 10.147 The revised PEA states that biodiversity mitigation/enhancement will include new wildflower meadow, new trees, appropriate bird boxes, nectar-rich planting on first-floor terraces and log piles. No green roofs are proposed.
- 10.148 The Landscape Layout plan shows shrub and herbaceous planting with an excellent range of nectar-rich species, which will provide nectar for bees and other pollinators all year round. The trees proposed are also considered to be acceptable with regards to their biodiversity. The final species/sizes will be secured via condition.
- 10.149 The councils Biodiversity Officer has stated that whilst there other biodiversity enhancements require a bit of minor alteration, they will be sufficient to ensure net gains for biodiversity. Green roofs were not considered to be necessary due to the nature of the requirements for installing them on individual houses.
- 10.150 Subject to the conditions, the proposed development is considered to be acceptable in this regard.

Land contamination

- 10.151 In response to Policy DM30 'Contaminated land and development and storage of hazardous substances' of the Managing Development Document (2013), the application submission includes a Phase I Geo-Environmental Assessment.
- 10.152 The report concludes that the overall environmental sensitivity of the site is considered to be low to moderate. An intrusive ground investigation is however recommended.
- 10.153 The Council's contaminated land officer has had regard to the details submitted. Based on the details submitted, a full site investigation is recommended, including a desk study report, an intrusive investigation, a risk assessment and proposed remedial works. Therefore, if the proposed development is approved, this will be secured by planning condition.

Financial Considerations

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

- 10.154 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.

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

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

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

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

10.157 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.

Human Rights Considerations

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

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

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

- 10.160 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 10.161 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.
- 10.162 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.
- 10.163 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.164 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.
- 10.165 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

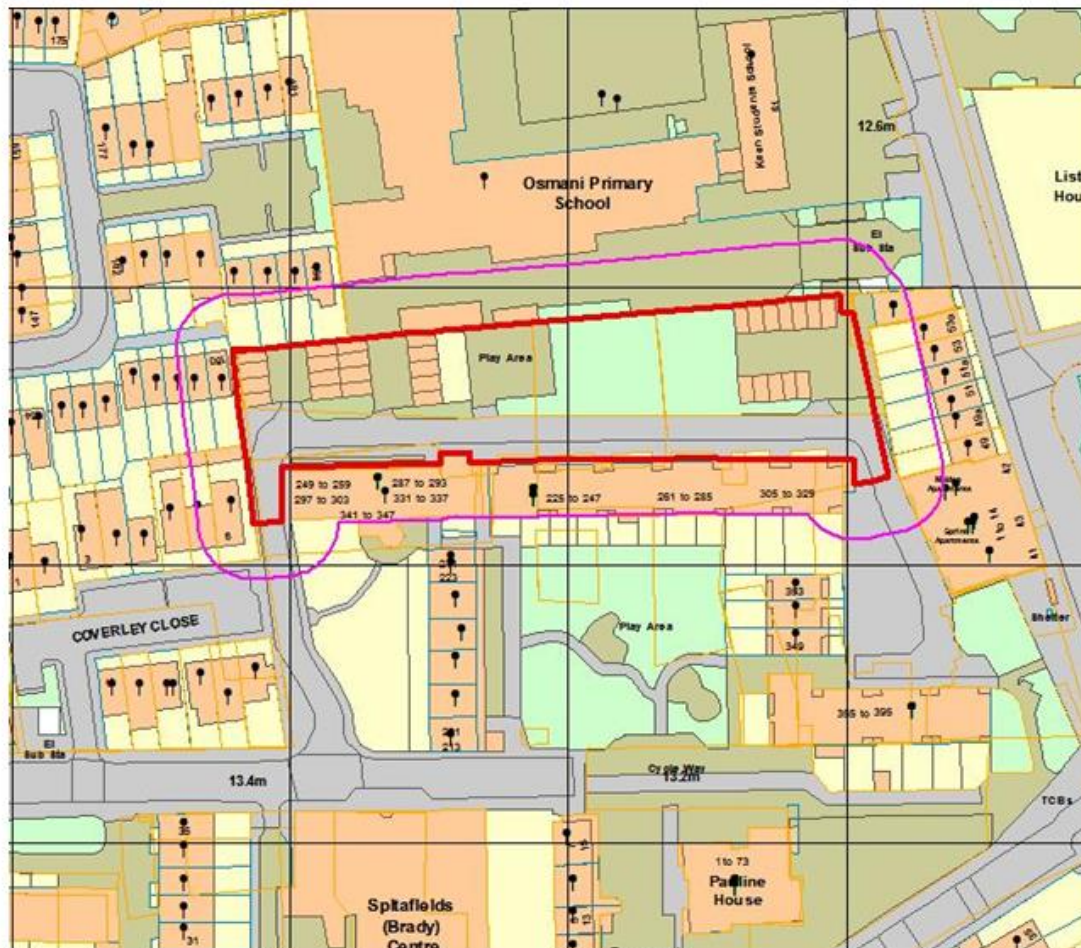
Equalities Act Considerations

- 10.166 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.
- 10.167 It is considered that the proposed development would not conflict with any of the above considerations. It is also considered that the proposal would foster good relations and advancing equality with regards to sex, race, religion and belief.
- 10.168 The reprovod open play space and on-site child playspace provision are also accessible to both existing and proposed occupiers. This is therefore considered to promote social cohesion across the site.
- 10.169 In light of the above, officers are satisfied that the proposed development would not adversely impact equality or social cohesion.

Conclusion

- 10.170 All relevant policies and material considerations have been considered. It is concluded that 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 1: Site map (showing consultation area)



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- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

Planning Applications Site Map PA/18/01776

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process



TOWER HAMLETS
London Borough
of Tower Hamlets

Scale : 50m grid squares

Date: 18 September 2018

APPENDIX 2

List of documents and plans for approval

EXISTING DRAWINGS

SITE LOCATION PLAN	AA7010-2001
SITE PLAN	AA7010-2001
EXISTING SITE PHOTOS	AA7010-2002
TREE SURVEY	358-01
EXISTING DRAINAGE LAYOUT	PL/101

PROPOSED DRAWINGS

PROPOSED SITE PLAN	AA7010-2101
PROPOSED GROUND FLOOR PLAN	PL-100 REV E
PROPOSED FIRST AND SECOND FLOOR PLANS	PL-101 REV D
PROPOSED ELEVATIONS 1	AA7010-2202
PROPSOED ELEVATIONS 2	AA7010-2203
3B5P HOUSE TYPE	AA7010-2204
4B6P HOUSE TYPE	AA7010-2205
ARTIST IMPRESSION 1	AA7010-2300
ARTIST IMPRESSION 2	AA7010-2301
LANDSCAPE LAYOUT	AL7010_2000_01 REV. A
PROPOSED DRAINAGE LAYOUT	PL/101
REFUSE TRUCK PATH	SDS418 - PL100 REV. P5

DOCUMENTS

Design & Access Statement Parts 1-8, prepared by PRP

Transport Statement dated June 2018, prepared by Transport Planning Consultants

Daylight, Sunlight & Overshadowing Assessment prepared by PRP

Energy Statement dated May 2018, prepared by PRP

Arboricultural Impact Assessment dated May 20178, prepared by Oisin Kelly

Appendices to the Arboricultural Impact Assessment dated May 2018, prepared by Oisin Kelly

Updated Preliminary Ecological Appraisal dated September 2018, prepared by Urban Edge Environmental Consulting

Tree Schedule Dated October 2017, prepared by Oisin Kelly