

Committee: Development Committee	Date: 27/09/2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Hoa Vong	Ref No: PA/18/00092
	Ward: Bow East

1. APPLICATION DETAILS

Location:	Appian Court, 87 Parnell Road, London, E3 2RS
Existing Use:	Specialist housing, age restricted sheltered accommodation (C2)
Proposal:	PA/18/00092 The demolition of the existing buildings at Appian Court and the construction of a part 4/5 plus lower ground floor storey building to provide age restricted sheltered housing consisting of 60 units together with the provision of communal amenity space, parking and cycle storage spaces and associated landscaping.
Drawing and documents	<p>Drawings:</p> <p>APL001 Rev C; APL002 Rev C; APL003 Rev C; APL004 Rev K; APL005 Rev K; APL006 Rev M; APL007 Rev N; APL008 Rev M; APL009 Rev M; APL010 Rev M; APL011 Rev M; APL012 Rev J; APL013 Rev G; APL014 Rev G; APL015 Rev G; APL016 Rev G; APL017 Rev G; APL018 Rev G; APL019 Rev G; APL020 Rev G; APL021 Rev G; APL02 Rev G 2; APL023 Rev D and APL025.</p> <p>Documents and reports:</p> <p>Design and Access statement; Daylight and sunlight report; Floodrisk assessment; Ecology Survey Report; Planning statement; Acoustic report; Air quality Assessment; Arboricultural statement; Archaeological report; Energy report; Statement of community involvement; Tree Survey Report; Viability main report; Viability summary report; Viability Appraisal inputs; Sunlight to courtyard; NSL results and Transport statement.</p>
Applicant:	Gateway Housing Association Limited
Ownership:	Gateway Housing Association Limited
Historic Building:	None
Conservation Area:	Abuts the Roman Road Conservation Area

2. EXECUTIVE SUMMARY

- 2.1. The 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, the Building Research Establishment's handbook – '*Site layout planning for daylight and sunlight: a guide to good practice.*' and all other material planning considerations including the emerging local plan.
- 2.2. This application seeks planning permission for the residential led redevelopment of Appian Court. The proposal would provide the construction of a part 4/5 plus lower ground floor storey building to provide age restricted sheltered housing consisting of 60 units, together with the provision of communal amenity space, parking and cycle storage spaces and associated landscaping. The housing would consist of 14 intermediate private units and 46 sheltered units at affordable rent.
- 2.3. The scheme would be linked to an associated planning application for the redevelopment of Regency Court (also on the agenda for this meeting of the Development Committee). The applications would be linked via a section 106 legal agreement.
- 2.4. The proposed redevelopment of this site for 60 residential units is considered appropriate in this location as it seeks to optimise the development potential of the site. As such, the development complies with policy 3.4 of the London Plan (2016), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development which seeks to ensure the use of land is appropriately optimised.
- 2.5. The development in consideration with Regency Court would provide an acceptable mix of housing types and tenure, including the provision of 60.3% Affordable Housing and 39.7% private housing. The tenure range would be 72%/28% in favour of social rented. The proportion of affordable housing is strongly supported and would complement the range of accommodation provided within the area.
- 2.6. Officers consider the provision of the majority of affordable housing at Appian Court and private sale units at Regency Court results in significant regenerative benefits to the Borough. This is because the linked approach allows the delivery of 60.3% affordable housing across the two sites, the consolidation of sheltered accommodation within one site and much needed family housing for the borough.
- 2.7. Officers also consider that linking the schemes will benefit the Borough by facilitating the redevelopment of two sites which have become dated, provide improved public realm and a much improved standard of accommodation for residents.
- 2.8. 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.
- 2.9. One letter of objection and 2 letters of support have been received regarding impact upon neighbouring amenity, parking, amenity spaces and constriction.

These impacts have been considered as part of the assessment and it is considered that 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.

- 2.10. The quality accommodation provided, along with high quality external amenity spaces would create an acceptable living environment for the future occupiers of the site.
- 2.11. 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. 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 £23,324.00 towards employment, skills, training and enterprise during the construction stage;
- b) Carbon offsetting contribution of £45,900
- c) A contribution of £2500 (£500 per each substantial Head of Terms) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions **£71, 724**

Non-financial contributions

- a) Delivery of affordable housing comprising 2 intermediate units at Regency Court and 14 intermediate units and 46 shared ownership units at Appian Court.
 - b) Occupation clauses ensuring Appian is delivered at least concurrently
 - c) Occupation clause requiring that the sheltered accommodation at Appian is age restricted.
 - d) Car and permit free agreement
 - e) Wheelchair accessible bays and maintaining as wheelchair accessible bays as and when required
 - f) The provision of 2 Construction phase apprenticeships are to be delivered through the construction phase of the development to a min standard NVQ lvl 2
 - g) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
 - h) 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) Compliance with energy and sustainability strategies
- d) Noise insulation standards for residential units and noise limits for plant
- e) Provision and retention of wheelchair accessible parking spaces,
- f) Inclusive access standards for residential units, provision of lifts

Pre-commencement –

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

Pre-superstructure -

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

Prior to occupation –

- q) Delivery & Servicing Plan, Waste Management Plan
- r) 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 and SITE AND SURROUNDING

Proposal

- 4.1. The demolition of the existing buildings at Appian Court and the construction of a part 4/5 plus lower ground floor storey building to provide age restricted sheltered housing consisting of 60 units together with the provision of communal amenity space, parking and cycle storage spaces and associated landscaping.



Fig. 1 CGI of proposed development

- 4.2. Appian Court would provide 60 residential affordable units. The units would consist of 14 intermediate shared ownership units and 46 sheltered housing units. The accommodation will include self-contained, accessible apartments in a mix of 46 No. 1 bed apartments, 6 No. 1 bed wheelchair apartments and 8 No. 2 bed apartments. There will be private resident winter gardens and balconies for most of the apartments.
- 4.3. The proposal also includes internal communal spaces, internal café, laundry rooms, scooter store, and offices for use by staff.

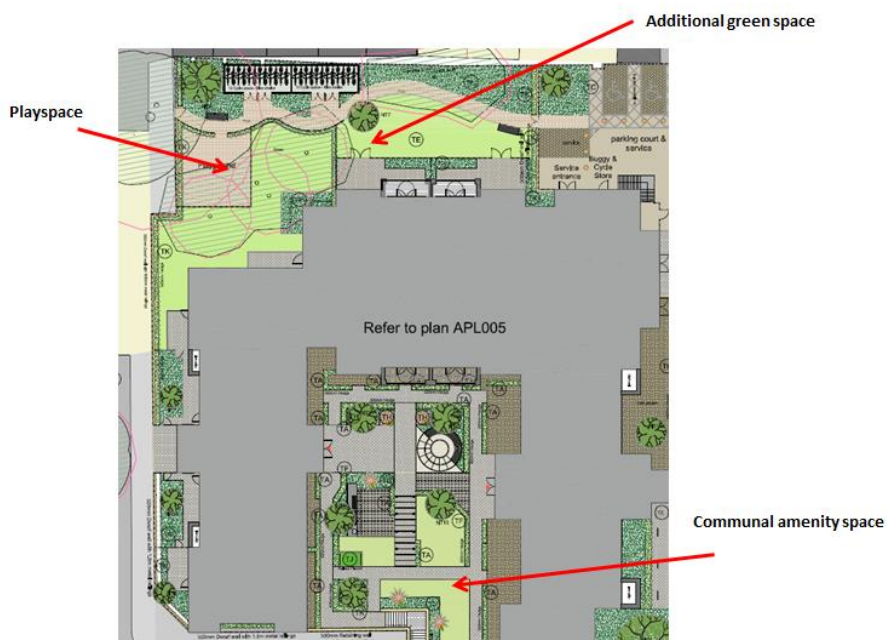


Fig. 2 Ground floor plan

- 4.4. Two planning applications have been submitted by the applicant, this application at Appian Court which is discussed further within this report and the planning application at Regency Court (PA/18/00065) which is to be considered on this agenda.
- 4.5. The accompanying viability assessment reveals that as stand-alone schemes neither would be financially viable. The applicant has therefore combined the two sites for planning purposes. The intention is that Appian Court would provide all the affordable sheltered units and the sale of the private units at Regency Court would cross subsidise the redevelopment of both sites.
- 4.6. The applications are therefore linked to facilitate the delivery of both sites and to maximise the provision of housing including affordable housing.

Site and Surroundings

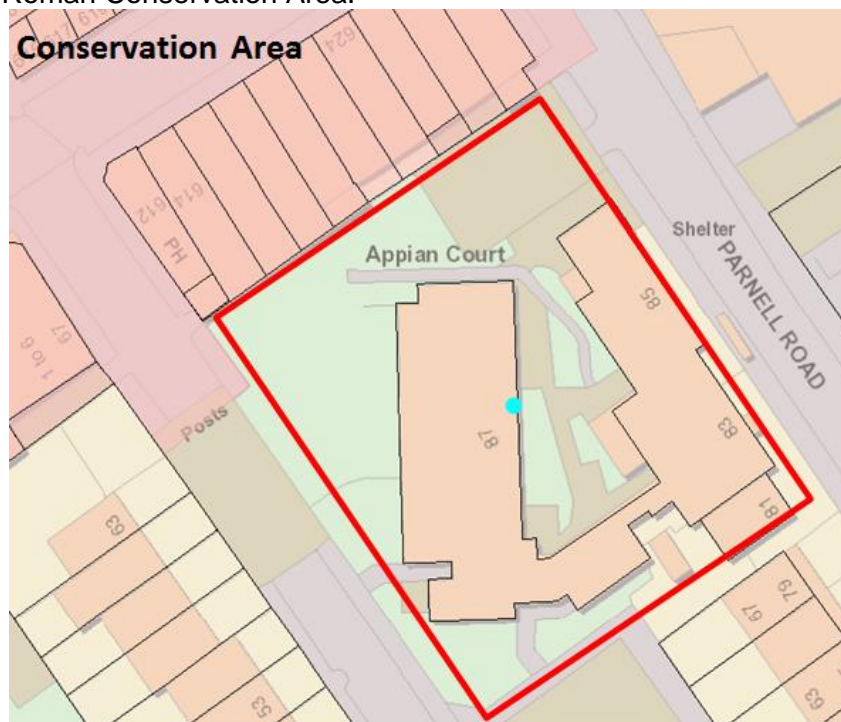
- 4.7. The site's existing building consists of 30 units of sheltered housing for the over 55s and communal space, including facilities for Age UK who operate a day service for the local community. The existing building spans between two and four storeys and has an associated area for parking (6 spaces) which is accessed from Parnell Road, immediately to the north.



Fig. 3 Aerial view

- 4.8. The site is bounded by Parnell Road to the north east and Usher Road to the south west. It is situated in an urban location surrounded by residential and commercial buildings. Residential properties are located to the north west, south east and south west, a nursery and a Youth Centre are located opposite the site to the east and south east on Parnell Road.

- 4.9. The site is not located within a conservation area but is located adjacent to the Roman Conservation Area.



- 4.10. Fig. 4 Plan showing conservation area boundary

Relevant Planning History

Vic Johnson House Centre, 74 Armagh Road, London, E3 2HT

- 4.11. PA/15/01601- Part demolition, part refurbishment, part new build (extension) to total 60 age restricted apartments (over 55s) sheltered housing scheme, including new communal areas (lounge, function room, hair salon and managers office), and associated landscape gardens. The proposed use remains as existing. The scheme is on part 2, part 3 and part 4 storeys. Refused on 18/12/2015 and approved at appeal 14/02/2017.
- 4.12. This scheme forms part of Gateway Housing Association (GHA) housing stock and is referred to within this application. Further details are provided in the main section of this report.

Regency Court, 10 Norman Grove, London, E3 5EG

- 4.13. Demolition of the existing building and redevelopment to provide 32 residential dwellings (Class C3) with new hard and soft landscaping, ancillary servicing and plant, car and cycle parking, and associated works.
- 4.14. Regency Court is a sheltered accommodation development owned by GHA and is to be redeveloped in association with the current application.

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**

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

- 5.9. On Wednesday 28 February 2018, the new Local Plan was submitted to the Secretary of State for the Ministry of Housing, Communities and Local Government to undergo a public examination. This will be carried from the 6th September to 15 October. As the Local Plan has reached an advanced stage, decision makers can now attach more weight to its policies in the determination of planning applications.

CONSULTATION RESPONSE

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

- 5.11. The following were consulted regarding the application:

LBTH Refuse

- 5.12. Details including waste capacity and trolleying distance were requested. These have been submitted and are sufficient.

- 5.13. A S278 agreement will be required in order to secure works for dropped kerbs.

Officer comments – These comments are addressed in the waste section of this report

LBTH Transportation and Highways

- 5.14. A 'Permit Free' agreement as outlined above in regards to on street parking permits;

- 5.15. 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.

- 5.16. Wheelchair units should be secured for residents with blue badges.

- 5.17. There should be a mix of 50/50 double tier and Sheffield stands.

These comments are addressed in the highways section of this report

LBTH Energy Efficiency

- 5.18. The submitted energy report is acceptable subject to a carbon offsetting contribution.

Greater London Archaeological Advisory Service (GLASS)

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

LBTH Employment

- 5.20. No objection's subject to the following:

- Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;

- A contribution of £23,324.00 towards employment, skills, training and enterprise during the construction stage;

Secure by design

5.21. Comments were received regarding the height of boundary treatments and access.

5.22. *These comments are addressed in the highways section of this report*

LBTH Environmental Health Air Quality

5.23. No objections subject to conditions regarding construction site dust control.

Thames Water

5.24. No objection subject to informatives

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. Gateway Housing Association has undertaken an extensive pre-application consultation on its proposals for the demolition of the current Appian Court building to deliver state-of-the-art, affordable new homes for older residents.

6.3. The consultation ran between August and October 2016. Activities included:

- Emails and letters sent to key stakeholders to inform and remind them of the plans and public drop-in session
- Site visits for residents to other sites developed by Gateway Housing
- Fully staffed and widely publicised public drop-in session held on 23 August 2016
- Engagement with key local stakeholders including local councillors and representatives of local residents' groups
- A consultation hotline, email and Freepost address service

Statutory Consultation

6.4. A total of 104 neighbouring properties within the area 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.

6.5. A total of 3 letters of representation were received. 1 in objection and 2 in support including a letter of support from the Neighbourhood Forum steering committee

6.6. The letters of support is summarised as follows:

- Impact of construction works on properties

- Greater clarity regarding materials planting and detailing for the external elevations and, in particular the design and detailing of the top storey of the building.

The letter of objection is summarised as follows:

- Parking
- Pollution due to increased congestion
- Movement of materials during construction
- Playground provision and security of the proposed footpath

7. MATERIAL PLANNING CONSIDERATIONS

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

- Principle of development
- Design and heritage
- Housing
- Amenity Space
- Neighbouring Amenity
- Highways and Transportation
- Waste
- Energy and Sustainability
- Environmental Considerations (biodiversity, noise and vibration, air quality and floodrisk.)
- Impact on Local Infrastructure and facilities, Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

Principle of development

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 60 residential units contributing towards the regeneration and revitalisation of this part of the borough.

Design and Heritage

- 7.7. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 7.8. 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.
- 7.9. 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.
- 7.10. 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.

Design

- 7.11. The proposed development would provide 60 new residential units ranging from 4-5 storeys high including a basement level. The buildings would be arranged in a perimeter block form with a sunken courtyard and basement level. The application site is also bordered to the north by the Roman Road Market Conservation Area.

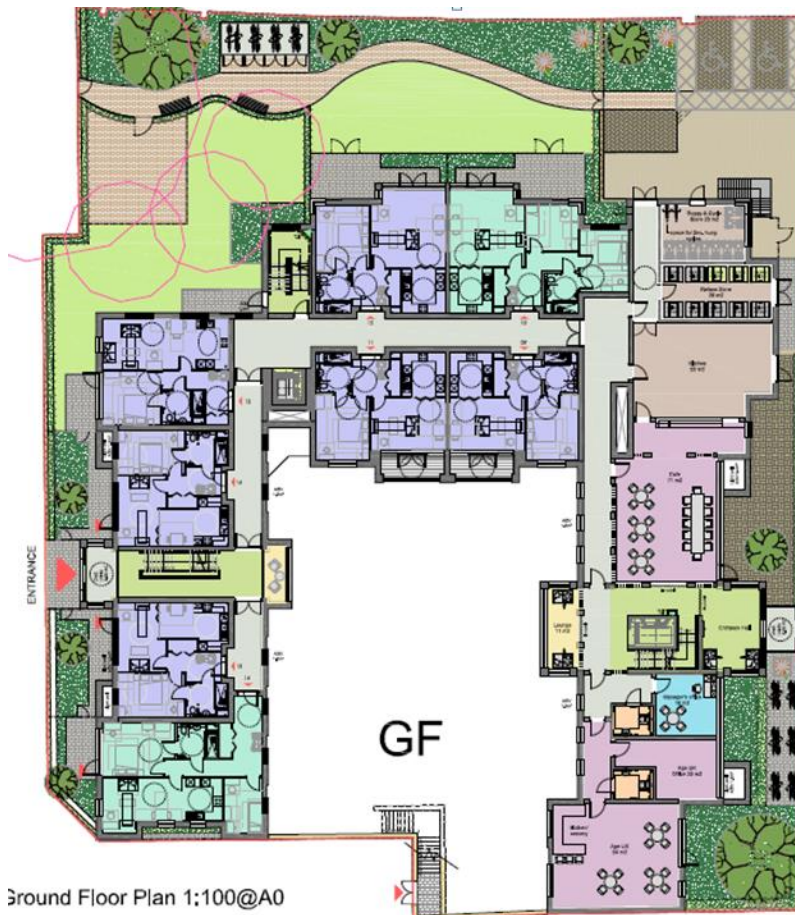


Fig. 5 Ground floor plan.

- 7.12. The perimeter block form and entrances on Parnell and Usher Road is welcomed and would provide active frontage as well as tie in with the wider urban layout.
- 7.13. The height of the proposed development drops to 4 storeys along Usher Road with the 4th floor set back. This is considered to respond to the 3 and 4 storey properties which are adjacent and is appropriate.
- 7.14. The height of the proposed development along Parnell Road and the boundary of Roman Road is 5 storeys with the fifth floor set back. On its southern elevation the proposed development would adjoin an existing terrace at No. 67-79 Parnell Road which is 4 storeys.

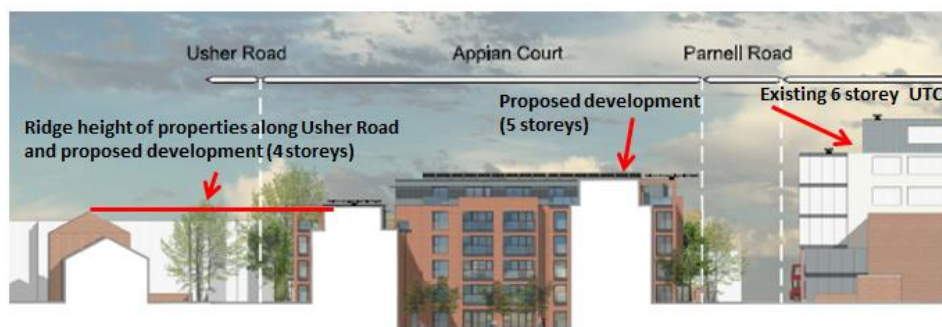


Fig. 6 Relationship with Usher and Parnell Road

- 7.15. The building heights on this part of Parnell Road vary from 2- 6 storeys with the tallest building in the area being the 6 storey Mulberry technical college which sits opposite the site.



Fig. 7 Parnell Road elevation

- 7.16. The proposed height which is 5 storeys is therefore not considered out of context with the surrounding building heights on Parnell Road and would blend in with the streetscene.
- 7.17. With regards to the transition with Nos. 67- 69, the proposed development maintains a 4 storey height (albeit slighter taller) with a matching pitched roof. This is considered to be an appropriate transition to the existing buildings.
- 7.18. With regards to materials a limited palette of materials has been chosen to reflect the character of the surrounding properties. The outer skin is primarily red facing brick which is consistent in the area. The roof level would be clad in zinc.
- 7.19. The proposed building heights therefore are considered to be in keeping with the surrounding context and the materials uses would replicate the residential properties in the area.
- 7.20. The proposed design is therefore considered to be acceptable and would complement the surrounding streetscene.

Heritage

- 7.21. In the context of the Roman Road Conservation area the proposed development would be visible in long views from the south along Usher and Parnell Road and narrow gaps from Roman Road where these roads meet at junctions. At the boundary with the Roman Road Market Conservation area the properties are three storeys.
- 7.22. Due to the limited views that the proposed development would be visible from Roman Road, it is considered that there would not be significant impact on the adjacent conservation area. It is noted that at the boundary the existing buildings are three storeys however, this view has a neutral contribution to the character of the conservation area and as is existing is already heavily obscured. The transition in building heights are therefore considered to be acceptable.



Fig. 8 Long view with Roman Road conservation area in background

- 7.23. Due to the limited views from the conservation area, the choice of materials which have been chosen to reflect the properties on Parnell and Usher Road. The proposal is considered appropriate in terms of overall character of the streetscene.
- 7.24. The proposed materials are as a result considered to be acceptable and would ensure that the proposed development would complement the adjacent conservation area.
- 7.25. It is therefore considered that the building heights and massing respond appropriately to the surrounding scale of development and adjacent Roman Road Market Conservation area.
- 7.26. In conclusion it is considered that the proposed development is acceptable with regards to design and heritage and the character of the adjacent conservation area would be preserved.

Secure by design

- 7.27. Metropolitan police during consultation requested that all external boundaries should be increased from to 2.4m. A balance however must be struck between security, use of the amenity spaces and exclusive impact of high walls on the streetscene.
- 7.28. In this instance, the amenity spaces are overlooked on all floors with ground floor gardens and also landscaped to a high quality. This would provide a sufficient level of activity to deter illegitimate access. The boundary wall of 1.2m is therefore considered sufficient with regards to security.
- 7.29. In other respects, access points have double doors to prevent tailgating and this is welcomed.
- 7.30. Officers are therefore satisfied with the application with regards to secure by design.

Housing

- 7.31. 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.
- 7.32. 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.
- 7.33. The application proposes 60 residential 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.
- 7.34. 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.
- 7.35. 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).
- 7.36. Paragraph 3.74 of the London Plan identifies a range of situations where the 'on-site preference' for affordable housing may be set aside and delivered off site to deliver other affordable housing outcomes.
- 7.37. The below housing section will be broken into three parts.
- The first will detail the level of affordable housing and unit mix provided at Appian as a standalone application.
 - The second will assess the provision of affordable housing provided by Regency Court and Appian Court, if the affordable housing were to be linked across two sites.
 - And the third will assess the proposal with regards to the loss of sheltered housing and Vic Johnson House as a material planning consideration.
- 7.38. It is concluded that a policy compliant scheme is provided. Linking Regency and Appian Court maximises the level of affordable housing, with an overall net gain of affordable housing by 10.3%, and together with Vic Johnson House a surplus of 14 sheltered accommodation units.
- 7.39. It is also concluded that the resale of the open market units will facilitate the applicant's Improvement Programme and allow Appian Court to be redeveloped.

Application site as a standalone application

7.40. The application for Appian Court proposes the following unit mix.

	Affordable Rented (Over 55s Sheltered Accommodation)			Intermediate		
Unit size	Units	%	Target	Units	%	Target
Studio	-	-	-	-	-	-
1 bed	43	93%	30%	9	65%	25%
2 bed	3	7%	25%	5	35%	50%
3 bed	-	-	30%	-	-	25%
4 bed	-	-	15%	-	-	
TOTAL	46	100%	100%	14	100%	100%

Table. 1 Appian Court unit mix

The proposed development would be delivered as 100% affordable housing, comprising 77% (46 units) social rented sheltered housing with the remaining 23% (14 units) being intermediate products.

7.41. When considered in isolation there would also be an increase in 16 sheltered accommodation units.

7.42. No objections are raised to this element of the scheme and the provision of a 100% affordable housing scheme is considered to be acceptable.

7.43. The rents are to be secured at the following prices:

- 1 bed - £150.03
- 2 bed - £158.84
- Service charge £62.46

7.44. The proposed development is therefore in isolation is a policy compliant scheme with regards to affordable and sheltered housing and creates the opportunity to secure high quality affordable sheltered units within the locality.

Application site considered in conjunction with Regency Court

7.45. As mentioned in the above section Appian Court would provide the majority of affordable housing whilst Regency Court would provide the majority of private housing.

7.46. It is considered appropriate to provide the majority of affordable housing at Appian Court as this will allow the applicant to redevelop both sites as well as maximise the amount of affordable housing. This is supported by a Financial Viability Assessment which has been independently assessed. Furthermore the consolidation of affordable accommodation at one site allows for more efficient management and improved services.

	Existing habitable rooms (before development)	Proposed habitable rooms (after development)	Proposed Affordable habitable rooms (after development)	Percentage of Affordable based on Habitable Rooms (after development)
Regency Court	62	91	4	4.4%
Appian Court	70	128	128	100%
Total	132	219	132	60.3%

Table. 2 Affordable housing breakdown by habitable room

- 7.47. Notwithstanding the sheltered housing which is discussed in further detail below, the proposed development is therefore in excess of the policy compliant level of 50% on both sites, providing 60.3% affordable housing on a habitable room basis, as required by the GLA Affordable Housing and Viability SPG Policy DM3 and DM5, and in this regard is considered to be acceptable.

Consideration of sheltered accommodation

- 7.48. The below table summarises the rented sheltered housing provided by Regency Court and Appian Court as well as Vic Johnson House.

	Regency Court	Appian Court	Vic Johnson House	
Existing Sheltered Units	30	30	32	
Proposed sheltered units	0	46	60	
Net	0	-14	+28	Overall +14

Table. 3 Existing and proposed sheltered units provided at Regency court, Appian Court and Vic Johnson House.

- 7.49. Across the two sites 46 rented units will be provided as sheltered accommodation. When taking into account the existing sheltered units which are to be demolished, a total of 60, the proposed development would result in a net loss of 14 sheltered housing units.
- 7.50. In accordance with DM5, the loss of sheltered accommodation is not normally acceptable, however in this case it is considered that the planning application for Vic Johnson House is a material consideration.
- 7.51. Vic Johnson House (PA/15/01601) gave permission for the redevelopment of an existing sheltered housing development in 2017 and resulted in a net gain of 28 sheltered housing units (an increase from 32 to 60).
- 7.52. The redevelopment of Vic Johnson House forms part of a wider schedule of works undertaken by GHA to improve and refurbish their existing housing stock, and

provide sheltered housing which meets the needs of their current occupiers and provides improved standards of accommodation.

- 7.53. Further to this, the applicant has advised that GLA grant funding was secured to develop these three sites. A strategy was also developed to provide private housing at Regency Court to fund these works.
- 7.54. In addition, as all three sites are located in Bow and within close proximity, existing residents would not be displaced to other parts of the borough and the proposed sheltered housing would continue to serve the Bow area.

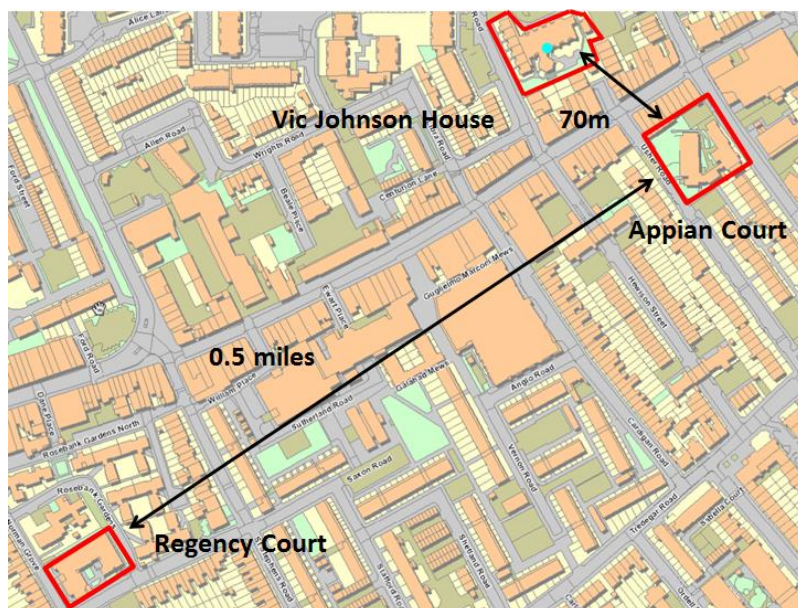


Fig. 9 Map showing distance between Regency Court, Appian Court and Vic Johnson House

- 7.55. The current proposals are therefore linked via a number of funding mechanisms, the locality in which they serve and management services. As a result it is appropriate to accept Vic Johnson House as a material planning consideration and give weight to this within the planning system.
- 7.56. When taking into account Vic Johnson House, the net loss of 14 sheltered housing units which would arise from the redevelopment of Regency and Appian Court, are re-provided by an overall surplus of 28 units due to the redevelopment of Vic Johnson House.
- 7.57. The number of sheltered housing units across three sites is therefore increased by 14 and the proposed development would be policy compliant.

Unit Mix

- 7.58. The unit mix is somewhat adrift of what the council would expect with regard to the 1 bed offer. The council's policy target is 30%, and the applicant has proposed 93%. The 2 bed offer is similarly outside of council policy with 7% proposed against a target of 25%. There is also no family sized accommodation. However, given the client group (sheltered housing) at which this scheme is aimed, existing demand and affordability, this is considered to be acceptable.

Wheelchair Accessible Housing

- 7.59. 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.
- 7.60. The Accommodation Schedule submitted for Appian Court states there are to be 6 x 1 bed units on the 1st, 2nd and 3rd floors. This is accordance with policy which requires that 10% of all dwelling are wheelchair accessible. Whilst the location is not ideal, the proposed development is served by two lifts which is considered to be acceptable. The numbers meet the 10% requirement for this unit type but it is unclear which units they are on the drawings.
- 7.61. These dwellings have been designed to the highest level of accessibility, complying with the standards set out in the Building Regulations Part M4(3) for Category 3: Wheelchair User Dwellings, and will be secured by condition. This is considered to be acceptable an in accordance with policy.

Overall Housing Conclusions

- 7.62. In conclusion, justification for linking Regency Court and Appian Court together with Vic Johnson House as a material consideration has been provided in the above section with respect to viability, improvement works, funding and management.
- 7.63. Therefore in terms of affordable housing and sheltered accommodation, the proposed development exceeds the minimum policy requirements and provides a 10.3% uplift in overall affordable housing above the 50% policy requirement and also when taking into account Vic Johnson House, 14 additional sheltered housing units.
- 7.64. The proposed unit mix does not align exactly with the policy, however is for replacement sheltered accommodation, this is considered to be acceptable.
- 7.65. Overall, it is considered that the application provides an acceptable mix and percentage of affordable housing in accordance with policy 3.3 of the LP (2016), policy SP02 of the CS and policy DM3 of the MDD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Quality of residential accommodation

- 7.66. 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.
- 7.67. 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. All units would also be dual aspect.

Number of bedrooms	Number of bed spaces	Minimum GIA (m ²)				Meets or exceeds GLA floorspace requirements?
		1 storey dwellings REQUIRED	1 storey dwellings PROVIDED	2 storey dwellings REQUIRED	2 storey dwellings PROVIDED	
1 bed	2 person	50 m ²		51m ² - 74 m ²		✓
2 bed	3 person	61 m ²		73 m ² - 73 m ²		✓
	4 person	70 m ²		78 m ² - 79 m ²		✓

Table. 4 internal space standards

- 7.68. 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.

Internal Daylight and Sunlight

- 7.69. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the surrounding existing and future occupants of new developments.
- 7.70. 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."
- 7.71. 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.
- 7.72. 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.
- 7.73. 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.
- 7.74. The applicant submitted a Daylight & Sunlight report which has been reviewed by an independent consultant appointed by the Council.
- 7.75. 142 rooms were tested with regards to ADF. The ADF results reflect full compliance with the BRE recommendations for standard residential use. Given the dense urban context these ADF results would generally be considered to be very good.

- 7.76. Of the 193 windows tested, 105 windows face within 90 degrees of due north. In accordance with the BRE recommendations, there are no criteria for windows that face within 90 degrees of due north.
- 7.77. As the below tables shows, of the 88 windows which face within 90 degrees of due south, 75 of these windows would meet the BRE criteria.
- 7.78. Of the 13 windows which, 13 would not meet the minimum annual ASPH and a total of 2 would fail to meet both the minimum annual and winter ASPH.

	Number of windows tested	Does not meet minimum annual ASPH	Does not meet Winter ASPH	Total windows in compliance
Lower Ground	13	4	2	9
Ground	16	3	0	13
First	17	3	0	14
Second	18	2	0	16
Third	16	1	0	15
Fourth	8	0	0	8
Totals	88	13	2	75

Table.5 Daylight results

- 7.79. In addition to this, all rooms would meet the minimum internal standards with regards to private amenity and internal space standards. Communal amenity space is also provided well in excess of the minimum requirements. In addition to this all rooms would also be fully ADF compliant.
- 7.80. The number of north facing windows therefore is considered to be acceptable as proposed residents would have appropriate levels of daylight. Where there are failures they represent a small proportion and given the overall standard of accommodation, this is considered to be acceptable.
- 7.81. With regards to overshadowing of the amenity spaces, between the hours of 9:30am until 1:00pm, a period of 3.5 hours, more than half of the proposed courtyard would receive direct sunlight.
- 7.82. The impact on neighbouring sites is considered in detail under the impact on neighbouring amenity section below.

Communal, amenity and child play space

- 7.83. 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.

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. Private amenity space is provided through a mix of gardens and balconies. Ground floor dwellings have access to private terraces which address the courtyard.
- 7.86. All dwellings would provide an acceptable level of private amenity space.

Communal and child Space

- 7.87. 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.
- 7.88. 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.

Type of amenity space	Space requirement	Amenity space REQUIRED	Amenity space PROVIDED	Meets or exceeds amenity space requirements?
Communal amenity space provision	All development with 10 or more dwellings – 50 m ² plus 1 m ² for every additional unit thereafter	60 units = 100 m ²	517 m ² central courtyard	✓
Child play space	10 m ² for each child	Tower Hamlets Play Space Child Yield Calculator = 148 m ² based on dwelling mix	47 m ²	X

Table. 6 Amenity space

- 7.89. A high quality communal central sunken garden will also be created, with access provided for all residents. The courtyard is at the heart of the development, accessed via all three cores, providing a sociable and accessible space to all those living within the scheme.
- 7.90. The central courtyard provides 517 sqm of communal amenity space. This is well in excess of the minimum requirement of 100 sqm and is welcomed.
- 7.91. The proposals incorporate an element of child play space, whilst this is below the LBTH requirement, it is considered appropriate given that the majority of units will be provided for over 55s residents.
- 7.92. An additional greenspace is proposed to the north of the development.
- 7.93. Overall, the proposed communal amenity and play space areas would be acceptable. A condition would be included to secure the details of landscaping and play facilities.

Neighbouring Amenity

- 7.94. 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

- 7.95. The proposed development would have the following separation distances with the adjacent properties:
- 19m- 20m Usher Road
 - 26m Parnell Road (non-residential)
 - 25m Roman Road
- 7.96. These distances are considered sufficient to mitigate significant levels of overlooking and loss of privacy.
- 7.97. There are no terraces to the rear of the properties at 612- 630 Roman Road, and the rear gardens have been extended over.

Daylight, Sunlight and Overshadowing

- 7.98. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

Daylight and Sunlight

- 7.99. A technical study of the impacts upon daylight and sunlight has been submitted with the application which looks both the existing children's residential home as well as the latest scheme submitted for pre- application consultation.
- 7.100. The following residential properties were considered within the assessment with regards to VSC and APSH. The following neighbouring residential properties were assessed:
- Roman Road (Nos. 612 to 630)
 - 79 Parnell Road
 - Usher Road (No. 33 to 63)
- 7.101. 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.
- 7.102. 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.

- 7.103. 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).
- 7.104. All reported VSC and APSH results are compliant with the BRE guidance it is considered that the proposed development would not have a significant impact on surrounding daylight/ sunlight and is acceptable.
- 7.105. This has been verified by an independent consultant.
- 7.106. There are no there are private amenity spaces/ terraces to the rear of 612- 630 Roman Road. As such there impact on overshadowing of the rear is considered to be acceptable.

Visual amenity / sense of enclosure

- 7.107. 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.
- 7.108. 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

- 7.109. 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.
- 7.110. 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.
- 7.111. 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.

Cycling

- 7.112. A incorporated 2no. cycle stores of 6no. Sheffield stands (12 spaces each) for the shared ownership, and 2no. wall hung cycle store spaces within the scooter store. In addition we have 6no. Sheffield stands (uncovered) for 12 spaces outside of the main sheltered block entrance.

- 7.113. This is in compliance with London Plan cycle standards considered to be acceptable. The details of the proposed cycle stands will be secured by condition.

Waste and servicing

- 7.114. Waste collection would be from the dedicated waste store at ground floor accessed from Parnell Road.
- 7.115. Refuse vehicles would be located adjacent to the internal refuse store, both outside of the bus stop zone and outside the car park access zone.

Parking and trip generation

- 7.116. The development will provide two disabled parking spaces accessed from Parnell Road and one general needs parking space. A car free agreement will also be agreed which would further mitigate any impact on parking.
- 7.117. These will be secured by condition for blue badge holders.
- 7.118. No objections are raised towards this aspect of the proposal and the proposed development is considered to be acceptable with regards to parking.
- 7.119. The transport statement concludes that there would be an additional 8 trips during the peak times of 8-9am and 5-6pm. This is not considered to detrimentally impact the surrounding highways capacity and the proposed development is considered to be acceptable in this regard.

Energy & Sustainability

- 7.120. 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.
- 7.121. The submitted proposals have followed the energy hierarchy of be lean, be clean & be green and seek to minimise CO2 emissions through the implementation of energy efficiency measures and a CHP system.
- 7.122. The cumulative CO2 savings from these measures are anticipated to 36%, which falls short of the 45% onsite reduction target. However, the CO2 emission shortfall can be offset through the planning obligations carbon offsetting mechanism. In order to support the residential proposals the shortfall in CO2 emission reductions should be secured in a carbon offsetting contribution for £45,900.
- 7.123. This is considered to be acceptable. Full details will be secured by condition.

Environmental Considerations

Biodiversity

- 7.124. 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.

- 7.125. Biodiverse roofs and nest boxes for swifts, house martins and house sparrows, are proposed which would result in a net gain in biodiversity.
- 7.126. Full details of the enhancements and a condition regarding the timing of vegetation clearance will be secured by condition.
- 7.127. The proposed development is considered to be acceptable with regards to biodiversity.

Trees

- 7.128. Trees are categorised following the guidance of BS5837:2012, and are therefore objectively assigned a quality category to identify their likely value within any future development of the site. Category A trees being of high value and Category U trees being at risk of collapse.
- 7.129. Trees of moderate value (Cat B) include those that do not qualify as Category A due to impaired condition and/or those that collectively have higher value than they would as individuals.
- 7.130. There are 13 trees to be felled to facilitate the development, including 3 category A trees, 2 category b trees and 6 category c trees.
- 7.131. Whilst the loss of these trees is regrettable, in comparison to the large amount of hard landscaping and blank frontage which surrounds the site, the proposed development is considered to result in significantly improved public realm.
- 7.132. This can be seen in the much improved soft landscaping proposed as part of the internal courtyard, northern greenspace and areas located around the perimeter of the site which is considered to offset the visual amenity provided by these existing trees.

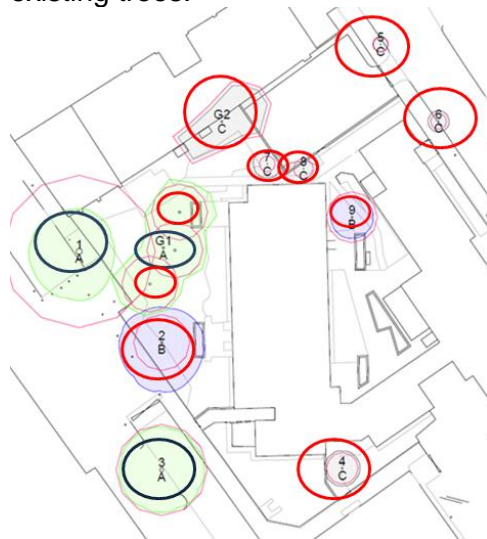


Fig. 10 Existing trees to be demolished

- 7.133. In addition to this, there are also new 13 new trees proposed as mitigation. Whilst it is noted that this is not a like for like replacement of the category A trees, this is undertaken in addition to the additional soft landscaping and bird boxes which as stated above would also result in sufficient biodiversity to offset the loss of the trees.

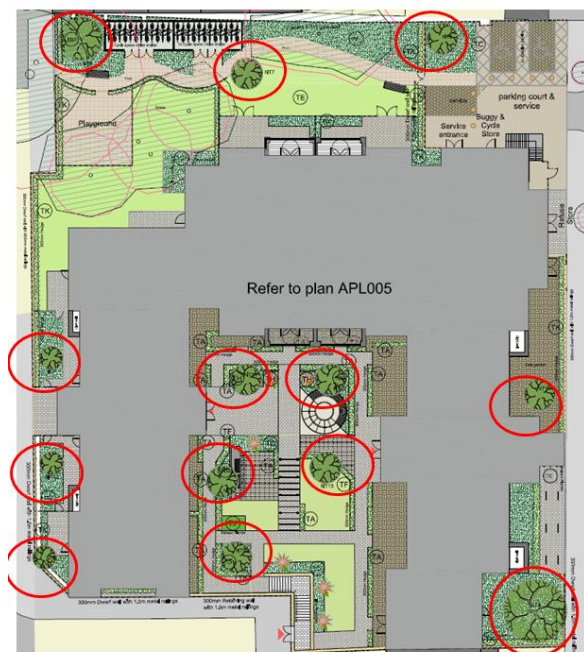


Fig. 11 Proposed location of trees

- 7.134. A total of four trees and one group of trees will be retained. Details of the root protection measures have been included in the application. The council's arboricultural officer has reviewed the application and has raised no objections to these measures.
- 7.135. The proposal is therefore considered to be acceptable with regards to impact on trees.

Demolition and Construction Noise and Vibration

- 7.136. The submission of a construction management plan and environmental plan via condition would 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.
- 7.137. 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).
- 7.138. 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.

Health Considerations

- 7.139. 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.
- 7.140. 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.
- 7.141. 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.
- 7.142. 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

- 7.143. 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

- 7.144. 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.
- 7.145. 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.
- 7.146. 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.
- 7.147. 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

7.148. 60.3% Affordable Housing would be provided when considered with Appian Court. The tenure range would be 72%/ 28% in favour of social rented.

7.149. 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.

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

Heads	Planning obligation financial contribution
Employment, Skills, Construction Phase Skills and Training	£23,324.00
Carbon offsetting	£45,900.00
Monitoring	£2500
Total	£71, 724

7.151. 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)

7.152. 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.

7.153. 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.

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

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

7.156. 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.

- 7.157. It is estimated that the development would be liable for Tower Hamlets CIL at approximately £46,682 and Mayor of London CIL at approximately £123,585. The applicant may be liable for relief and so this figure may be lower.
- 7.158. The development would generate a standard new homes bonus of £42865 with a total payment of £320,188 over 6 years.

Human Rights Considerations

- 7.159. 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:-
- 7.160. 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".
- 7.161. 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.
- 7.162. 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.
- 7.163. 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.
- 7.164. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.165. 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.

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

Equalities Act Considerations

- 7.167. 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.

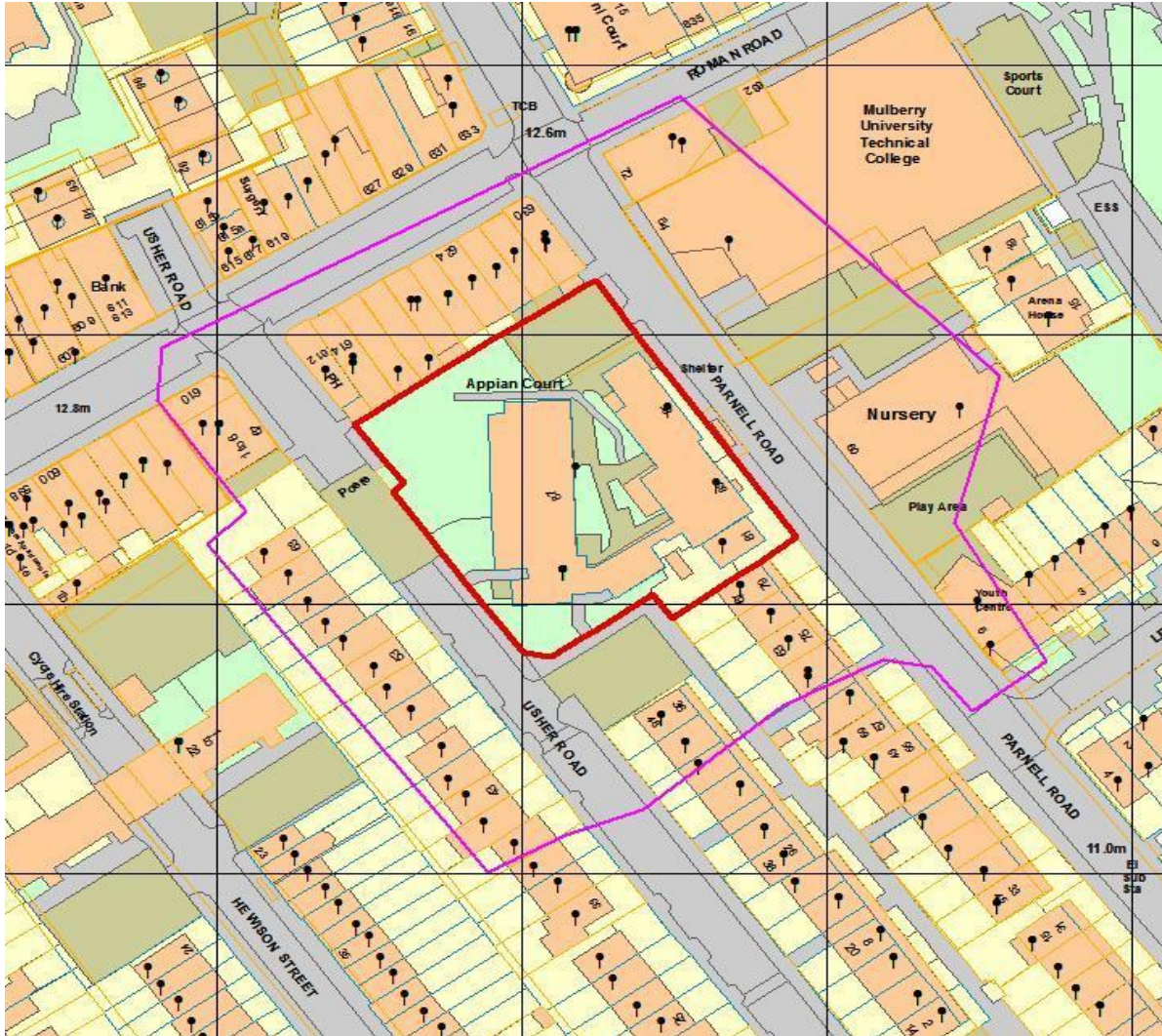
- 7.168. The provision of residential units, within the development meets the standards set in the relevant regulations on accessibility. In addition, all of the residential units would comply with Part M 4(2). and 10% would comply with Part M 4(3) and be wheelchair accessible and adaptable. These design 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.

- 7.169. 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



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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/18/00092

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



TOWER HAMLETS London Borough of Tower Hamlets

Scale : 50m grid squares

Date: 19 September 2018