

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/18/00065
	Ward: Bow West

1. APPLICATION DETAILS

Location:	Regency Court, 10 Norman Grove, London, E3 5EG
Existing Use:	Specialist housing, age restricted sheltered accommodation (C2)
Proposal:	PA/18/00065 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.
Drawing and documents	<p>Drawings:</p> <p>2017-3096-AT-102; 2017-3096-AT-101; 826 P 1014 REV_A; 826-P-0001; 826-P-0100 A; 826-P-0110; 826-P-0111; 826-P-1001; 826-P-1010; 826-P-1011; 826-P-1012; 826-P-1013; 826-P-1015; 826-P-1050; 826-P-1051; 826-P-2010; 826-P-2100; 826-P-2101; 826-P-2102; 826-P-2103; 826-P-3100; 826-P-3101; 826-P-3102; D1 and L7662/E/1-1.</p> <p>Documents and reports:</p> <p>Design & Access Statement; Daylight and Sunlight Report; Daylight and Sunlight Internal Report; Transport Statement; Planning and Affordable Housing Statement; Aboricultural Impact Assessment; Built Heritage Statement; Delivery and Servicing Trics Assessment; Energy Statement; Landscape Proposals; Preliminary Ecological Appraisal; Statement of Community Involvement; Sustainability Assessment; Viability Assessment Report; Viability Assessment Report Executive Summary; Appraisal Inputs; Regency Court Root Investigation.</p>
Applicant:	Gateway Housing Association Limited
Ownership:	Gateway Housing Association Limited
Historic Building:	None
Conservation Area:	Abuts the Medway Conservation Area

2. EXECUTIVE SUMMARY

- 2.1. The current application has been assessed against the development plan for the area that comprises the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010, the Managing Development Document 2013 & Adopted Policies Map), the National Planning Policy Framework (NPPF, 2018), the National Planning Practice Guidance (NPPG), and relevant supplementary planning documents including the Mayor's '*Housing*' SPG 2016, 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 Regency Court. The proposal would provide 32 dwellings, the majority of which would be for private sale. The proposal would be linked to an associated planning application for the redevelopment of Appian Court (also on the agenda for this meeting of the Development Committee) which would provide the majority of the affordable housing required by both schemes. The applications would be linked via a section 106 legal agreement.
- 2.3. The proposed redevelopment of this site for 32 residential units optimises the development potential of the site and 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.
- 2.4. The development when combined with Appian 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 rented. The proportion of affordable housing is strongly supported and would complement the range of accommodation provided within the area.
- 2.5. 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.
- 2.6. 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.
- 2.7. 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.
- 2.8. 54 letters of objection have been received regarding impact upon privacy and neighbouring amenity. 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.

- 2.9. The quality accommodation provided, along with high quality external amenity spaces would create an acceptable living environment for the future occupiers of the site.
- 2.10. Concerns have been raised regarding jeopardising the council scheme to the north to the site at 12 Norman Grove. This has been considered as part of the design process and the proposed development has been appropriately designed to enable development of the site to the north.
- 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 £10,880.00 towards employment, skills, training and enterprise during the construction stage;
- b) Carbon offsetting contribution of £45,900.00
- c) A contribution of £2,000 (£500 per each substantial Head of Terms) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions **£58,780.00**

Non-financial contributions

- d) Delivery of affordable housing comprising 2 intermediate units at Regency Court and 16 intermediate units and 46 shared ownership units at Appian Court.
 - e) Occupation clauses ensuring Appian is delivered at least concurrently
 - f) Car and permit free agreement
 - g) Wheelchair accessible bays and maintaining as wheelchair accessible bays as and when required
 - h) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
 - i) 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.

Proposal

-
- Regency Court**
- 0.5 Mile distance**
- Appian Court**

Site and Surroundings

- 4.6. The application site comprises a purpose built sheltered accommodation development, comprising 30 one and two bedroom flats arranged over two storeys. The current building was erected in the 1970's and is constructed of red brick with pitched roofslopes.
- 4.7. The site lies on the corner of Norman Grove, Saxon Road and Rosebank Gardens. It is bounded to the north by No. 12 Norman Grove, a residential children's home. To the south it faces the locally listed Saxon Lea Court - a Victorian Church School converted into flatted accommodation - and the adjacent Selwyn Green, a small park providing green amenity space for local residents.



Fig. 2 Map showing conservation area boundary (shaded area)

- 4.8. The site is not located within a conservation area but is located adjacent to the Medway Conservation Area to the south and west as shown in the above map. This part of the conservation area is typically characterised by two storey terraced dwellings some of which have been extended at roof level.
- 4.9. The conservation area guidelines have also been recently amended to facilitate additional accommodation in the form of mansards.



Fig. 3 Aerial Map of site.

- 4.10. The above aerial image shows the application site in red with the two storey terraces which lie in the Medway Conservation area on the right hand side and above. 12 Norman Grove is shown at the bottom.

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.

Appian Court, 87 Parnell Road, London, E3 2RS

- 4.13. 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 44 provide age restricted sheltered housing units (Use class C2) and 16 residential units (Use class C3) together with the provision of communal amenity space, parking and cycle storage spaces and associated landscaping.
- 4.14. Appian 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.

LBTH Transportation and Highways

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

- 5.14. 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.
- 5.15. Wheelchair units should be secured for residents with blue badges.
- 5.16. There should be a mix of 50/50 double tier and Sheffield stands.
- 5.17. *Officer comments – These comments are addressed in the highways section of this report*

LBTH Contaminated land

- 5.18. No objection subject to conditions

LBTH Air Quality

- 5.19. The air quality officer has reviewed the application and has raised no objections subject to conditions.

Greater London Archaeological Advisory Service (GLASS)

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

Thames Water

- 5.21. 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. Consultation was held on May and December 2016 and included both the residents of Regency Court and the local community. Residents were notified of the meeting by way of a leaflet drop.
- 6.3. The applicant also engaged with the Council under the pre-application process and this included a joint meeting with the Councils Design & Corporate Property and Capital Delivery Team which are developing the Norman Grove Children site which abuts this site on it's northern boundary.

Statutory Consultation

- 6.4. A total of 150 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 56 letters of representation were received. 54 letters were received in objection (including objections from the Mile End Old Town Residents Association, Cllr Begum and Cllr Whitehead) and 2 comments.
- 6.6. The objections are summarised as follows:

Design

- Height not sympathetic to the conservation area
- Recessed balconies not sympathetic to the conservation area

Amenity

- Overlooking
- Disturbance caused by construction works
- Impact on sunlight and daylight
- Not sufficient parking
- Pollution
- Impact on children's home at 12 Norman Grove

Housing

- No social housing
- Not enough family housing
- Loss of accommodation for the elderly
- Split level units contrary to type of housing in the area
- 10 and 12 Norman Grove should be redeveloped at the same time.

Other

- Poor public consultation
- Loss of trees

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. 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.

- 7.3. London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) states that the Mayor is seeking the maximum provision of additional housing in London.
- 7.4. 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.
- 7.5. The site does not have a housing allocation in the MDD (2013), however is within a wider surrounding area that contains a mix of uses including residential, it is therefore considered that this development would be an acceptable use of previously developed land in accordance with the above mentioned policies.

Loss of sheltered accommodation

- 7.6. The proposed development when considering Appian Court would collectively result in a net loss of 14 sheltered housing units. This is contrary to DM5 of the Managing Development Document, which states that redevelopment of any site which includes specialist housing should re-provide existing specialist housing unless it can be demonstrated that there is no longer an identified need for its retention in the current format.
- 7.7. The loss of sheltered accommodation is not normally acceptable; however in this case the sheltered housing is being re-provided at Vic Johnson House. Vic Johnson House forms part of GHA housing stock and is a sheltered housing development located in Bow which was granted planning permission in 2017.
- 7.8. The redevelopment of Vic Johnson House resulted in an increase from 32 sheltered units to 60, with a surplus of 28 units.
- 7.9. When this scheme is taken into account, there would be an overall net gain of 14 sheltered units. The number of sheltered housing units as part of GHA overall housing stock is therefore not negatively impacted, and the proposed loss as part of the current application at Regency Court is considered to be acceptable as there is a wider re-provision at Vic Johnson House.
- 7.10. It should also be noted that the current proposal to redevelop Regency Court is dependent upon securing planning permission at Appian Court. The viability appraisal indicates that re-developing both sites would result in a deficit of £10 million.
- 7.11. As such, the applicant intends to utilise the resale of the open market units at Regency Court to facilitate the redevelopment of Appian Court. This would enable both sites to be redeveloped (albeit at a loss) and provide a greater proportion of high quality affordable sheltered units on a habitable room basis within on consolidated site.

- 7.12. On this basis, and subject to a s106 obligation it is considered the loss of sheltered accommodation at Regency Court is acceptable.

Design and Heritage

- 7.13. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 7.14. 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.
- 7.15. 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.
- 7.16. 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

- 7.17. The application site is located adjacent to the Medway Road Conservation Area (bordering Norman Grove to the west, Saxon Road to the south and Rosebank Gardens to the east), with the locally listed Saxon House to the south of the site.
- 7.18. The proposed development would provide 32 new residential units ranging from 3-4 storeys high. The buildings would be arranged in a perimeter block form with well-defined street frontages characterised by consistent building lines, small front gardens and residential properties accessed directly from the street.

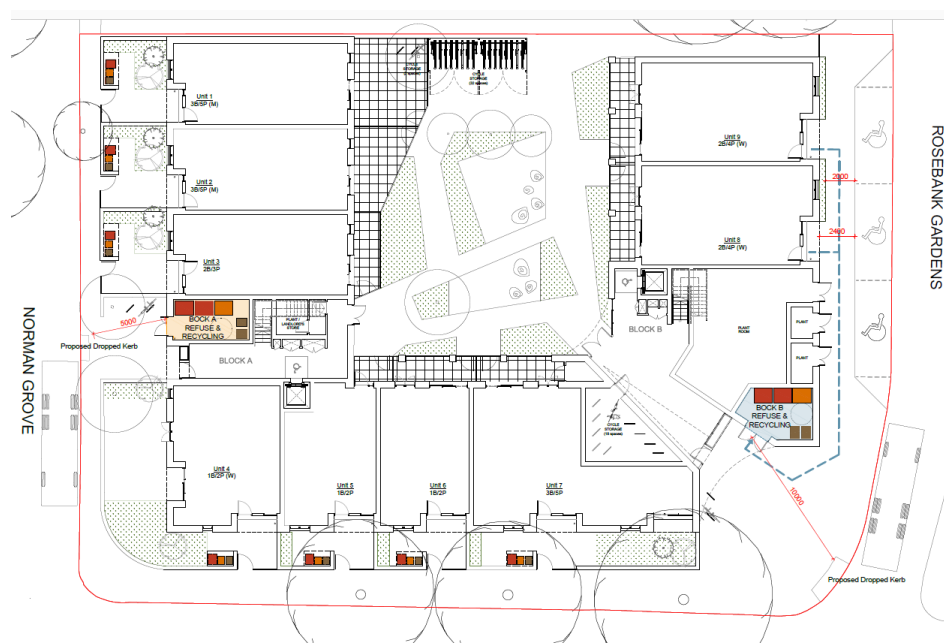


Fig. 4 Ground Floor Plan

- 7.19. This is reflective of the character of the conservation area where strong building lines and small front gardens form part of the rhythm of the streetscene and is also considered to be an improvement to the existing street frontage which presents a number of blank walls and is overly defensive.



Fig. 5 View from Saxon Road as existing on the left and as proposed on the right

- 7.20. A number of objections have been raised regarding height in comparison to the existing two storey terraced houses within the adjacent conservation area.
- 7.21. The proposed development fronting Norman Grove would be 9.7m high. The existing properties which lie opposite, range from 7.3m- 9.1m with a number of different roof forms including mansards, hipped roofs and butterfly roof slopes.

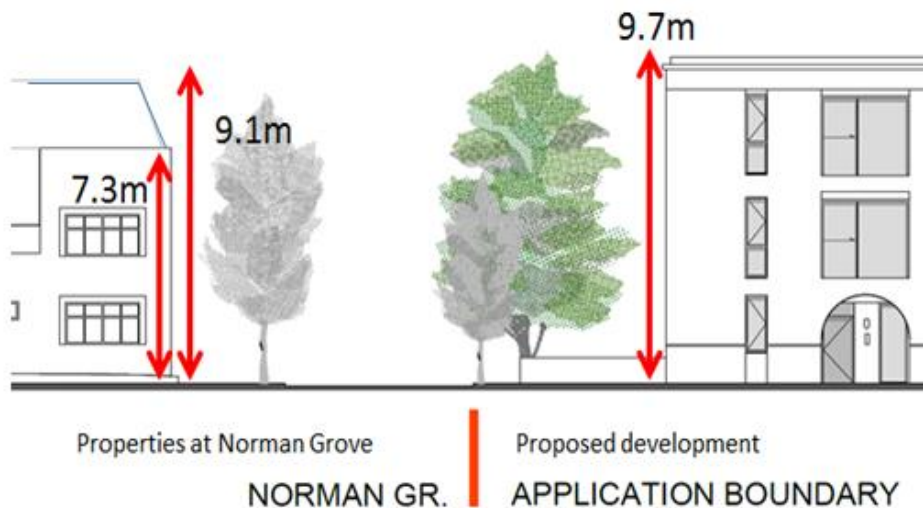


Fig. 6 Height difference between proposed developed and properties at Norman Grove.

- 7.22. Whilst it is noted that the proposed development would be slightly taller, the actual difference in height (2.4m- 0.6m) in comparison to those along Norman Grove is not considered to be detrimental or out of keeping with the surrounding building heights and is considered acceptable.



Fig. 7 View looking south from Norman Grove

- 7.23. In long views, with particular regard to those along Saxon Road where Saxon Hall rises to 10.3m high and the properties are more uniform in height and detailing, this approach creates a more consistent streetscene and sense of enclosure to the area, again replicating the tighter and finer urban grain which is characteristic of the Medway Conservation Area.
- 7.24. Along Rosebank Gardens the proposed development would be four storeys in height. This responds to the increase in height with the adjacent flats which do not lie within the conservation area. Views from the conservation area would also be limited and so the impact of this four storey element is not considered to result in harm to the character of the area.

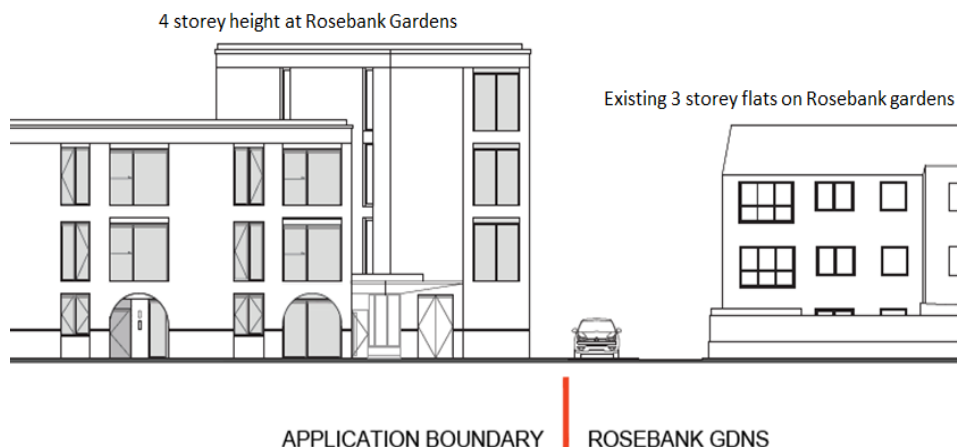


Fig. 8 Height difference between proposed developed and properties at Rosebank Gardens.

- 7.25. With regards to materiality and design, the proposed development would be constructed of brick, with reconstituted stone parapets and metal windows. This draws reference to the material within the area and will help to ensure the building fits comfortably within the streetscene.

- 7.26. Detailing such as arched entrances and parapets pick up on the existing features of the surrounding properties in the Medway Conservation area. The entrance to the communal garden and gap also creates a strong sense of arrival which is welcomed.

Secure by Design

- 7.27. Full details of secure by design will be secured by condition. The proposed development has been designed with prominent well defined entrances and will provide passive surveillance. These will contribute to a safe and secure environment.

Heritage

- 7.28. The proposed development is considered to be an improvement to the existing character of the streetscene and would enhance the character of the adjacent conservation area.
- 7.29. This can first of all be seen in the perimeter block layout, incorporation of small front gardens and setback from the pavement which all replicate the historic street pattern.
- 7.30. The building heights are also considered to respect the character of the adjacent conservation area, with the long views as shown in figures 5 and 7 showing that the buildings would sit harmoniously in the streetscene.
- 7.31. All three street elevations are articulated along the same principle where in-set balconies, providing private amenity space for the corresponding dwellings, give depth and break down what would otherwise have been a solid volume.
- 7.32. A primary material of brickwork provides a contextual, robust appearance which unifies the scheme. Areas of feature brickwork add visual interest in key locations. A 'sawtooth' brick texture articulates the split between the two building volumes which leads to the courtyard, also highlighting the building entrance.



Fig. 9 Image of entrance

- 7.33. Additional materials have been selected to complement the brickwork and reference the character of the Medway Conservation Area. Cornice detailing at parapet level also made in reconstituted stone references the traditional features found in many of the Victorian streets in the area.
- 7.34. It is considered that the use of materials, layout and overall height and massing is sensitive to the adjacent conservation area and the overall character would be preserved.

Conclusions

- 7.35. In summary, the proposed heights are not considered to be out of keeping with the character of the adjacent conservation area. This together with the perimeter block form, active ground floor, and uniform parapet height is considered to strengthen the character of the surrounding area
- 7.36. The proposed materials are also considered complement the neighbouring residential developments and ensure the proposed buildings integrate within the surrounding built context.
- 7.37. It is therefore considered that proposals would both preserve and enhance the character and appearance of the Medway Road Conservation Area by replacing a building with a high quality development which responds to the historic context of the conservation area and provides improved pedestrian environment.
- 7.38. This would accord with the relevant Development Plan and NPPF policies in this respect.

Housing

- 7.39. 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.
- 7.40. 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.
- 7.41. The application proposes 32 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.
- 7.42. 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.
- 7.43. 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).

- 7.44. 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.
- 7.45. The below housing section will be broken into three parts.
- The first will detail the level of affordable housing and unit mix provided at Regency Court 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.

Application site as a standalone application

- 7.46. The application for Regency Court proposes the following unit mix.

Unit size	Intermediate			Private		
	Units	%	Target	Units	%	Target
Studio	-	-	-	-	-	-
1 bed	2	100%	25%	9	30%	50%
2 bed	0	0%	50%	15	50%	30%
3 bed	-	-	25%	6	20%	20%
4 bed	-	-		-	-	
TOTAL	2	100%	100%	30	100%	100%

Table. 1 Regency Court unit mix

- 7.47. The proposed development would be delivered as 93% private market housing with the remaining 7% (Two units on the 2nd and 3rd floor) being intermediate products. By habitable room this equates to 88% private housing and 12% affordable housing.
- 7.48. When considered in isolation there would be a net loss of 28 affordable sheltered units in comparison to the existing which currently provides 30, 1 and 2 bed sheltered units.
- 7.49. As a standalone application, the percentage of affordable housing would not normally be considered acceptable. However, as discussed below, affordable housing in line with policy guidelines will be delivered as part of the proposed redevelopment of Appian Court which lies just 0.5 miles to the north east from the application site.

Application site considered in conjunction with Appian Court

- 7.50. Providing the majority of affordable housing at Appian Court 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.

- 7.51. Furthermore, the consolidation of sheltered accommodation at one site allows for more efficient management and improved services.
- 7.52. When considered together with Appian Court, a total of 60.3% Affordable Housing and 39.7% private housing by habitable room would be provided. This is a 10.3% uplift above the policy requirement.
- 7.53. The tenure range would also be 72/ 28 in favour of the rented units which closely aligns with the target tenure of 70% social rented and 30% intermediate accommodation.
- 7.54. The rented units are provided in the form of sheltered accommodation located at Appian Court and the rent levels have been agreed with the Council's Housing team to ensure they are genuinely affordable.
- 7.55. The rents are to be secured at the following prices:
- 1 bed - £150.03
 - 2 bed - £158.84
- Service charge £62.46
- 7.56. The following table explains the change in habitable rooms before and after re-development.

	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

- 7.57. 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

- 7.58. Across the Appian and Regency Court sites 60 sheltered units will be replaced with 46 sheltered units. These will be at affordable rent levels. As such, when combined the proposed developments would result in a net loss of 14 sheltered housing units. This is not in accordance with policy DM5, which states 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.

- 7.59. In support of this, the applicant has suggested it's planning approval at Vic Johnson House should be considered as material planning consideration.
- 7.60. 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).
- 7.61. 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. It is also 70m from the site as shown in the following plan.

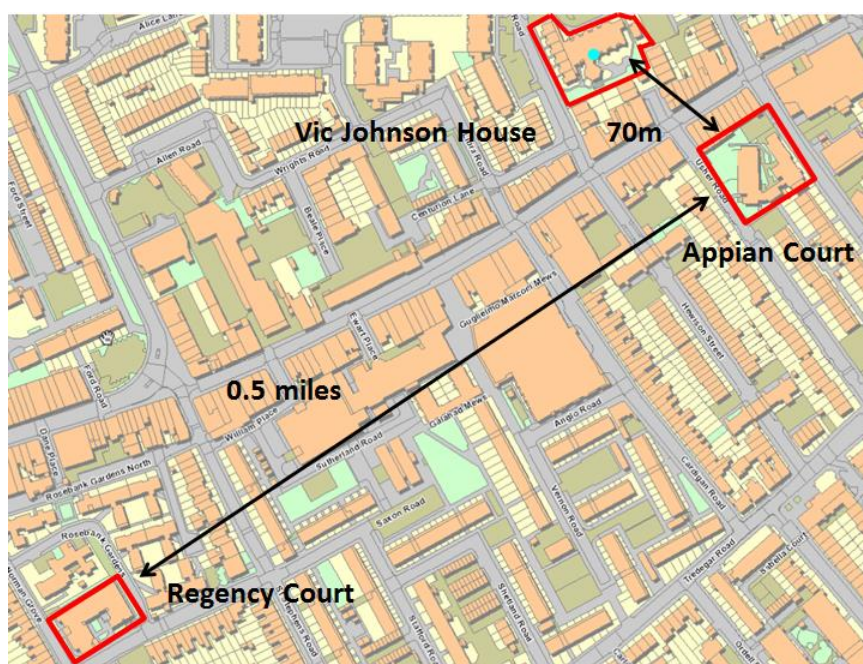


Fig. 10 Map showing distance between Regency Court, Appian Court and Vic Johnson House

- 7.62. 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.

- 7.63. 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.
- 7.64. 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.
- 7.65. The current proposals are therefore linked via a number of funding mechanisms, the locality in which they serve and management services. As a result, officers consider it is appropriate to accept Vic Johnson House as a material planning consideration and give weight to this within the consideration of this application.
- 7.66. As a result, and 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.
- 7.67. The number of sheltered housing units across three sites is therefore increased by 14 and therefore, when taking into account the material planning considerations outlined above, officers consider on balance, the loss of sheltered accommodation across Appian and Regency Court to be acceptable in this instance.

Unit Mix

- 7.68. With regards to unit mix, whilst the proposal does fall short of 1 beds and over-provides on 2 beds, the requirement for family sizes units is met. Given that the discrepancy in 1 and 2 beds is also minor, the requirement for family size accommodation requirement is met and that affordable housing is provided in excess across the two sites, this is considered to be acceptable.

Wheelchair Accessible Housing

- 7.69. 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.
- 7.70. Three wheelchair homes are proposed on the ground floor along Rosebank Gardens.
- 7.71. 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 and in accordance with policy.

Overall Housing Conclusions

- 7.72. 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.
- 7.73. 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.

- 7.74. The proposed unit mix does not align exactly with the policy, however given the minor variance and as the requirement for family housing is met, this is considered to be acceptable.
- 7.75. 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

- 7.76. 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.
- 7.77. 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	50 m ² – 64 m ²	~	~	✓
2 bed	3 person	61 m ²	61 m ² – 69 m ²	~	~	✓
	4 person	70 m ²	70 m ² – 78 m ²	~	~	✓
3 bed	4 person	74 m ²	79 m ²	~	~	✓
	5 person	86 m ²	94 m ²	93 m ²	122 m ²	✓

- 7.78. 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

- 7.79. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the surrounding existing and future occupants of new developments.
- 7.80. 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."
- 7.81. Where the assessment considers 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.

- 7.82. 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.
- 7.83. 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.
- 7.84. The applicant submitted a Daylight & Sunlight report which has been reviewed by an independent consultant appointed by the Council. The results of the ADF assessment have shown that 28 (88%) of the 32 living rooms and 51 (88%) of the 58 bedrooms surpass the BRE and British Standard guidance criteria.
- 7.85. All rooms that fall below the targets are primarily served by windows located beneath a balcony, however this failure is considered to be offset by the amenity that the balconies provide in themselves.
- 7.86. The majority of the windows affected which are below BRE guidelines are bedroom windows. Although the development has some low levels of daylight to some windows, overall it is officers view that the development as a whole provides a good quality of accommodation and is considered reasonable for an urban development.
- 7.87. This is the view shared by the Councils independently appointed consultants who have reviewed the report. It is concluded that the proposed development would have a minor impact upon the surrounding properties as well as the children's home to the north located at 12 Norman Grove.
- 7.88. In terms of sunlight, 29 of the 32 living rooms with south facing windows achieve the recommended level of 25% total and 5% winter sunlight. This is a 90% pass rate and is considered acceptable.
- 7.89. The overshadowing (sunlight amenity) assessment indicates that 44% of the Regency Court amenity area will receive direct sunlight for at least 2 hours on the 21st March, marginally below the 50% suggested target and it will exceed the targets shortly after this date. This is considered to be acceptable.

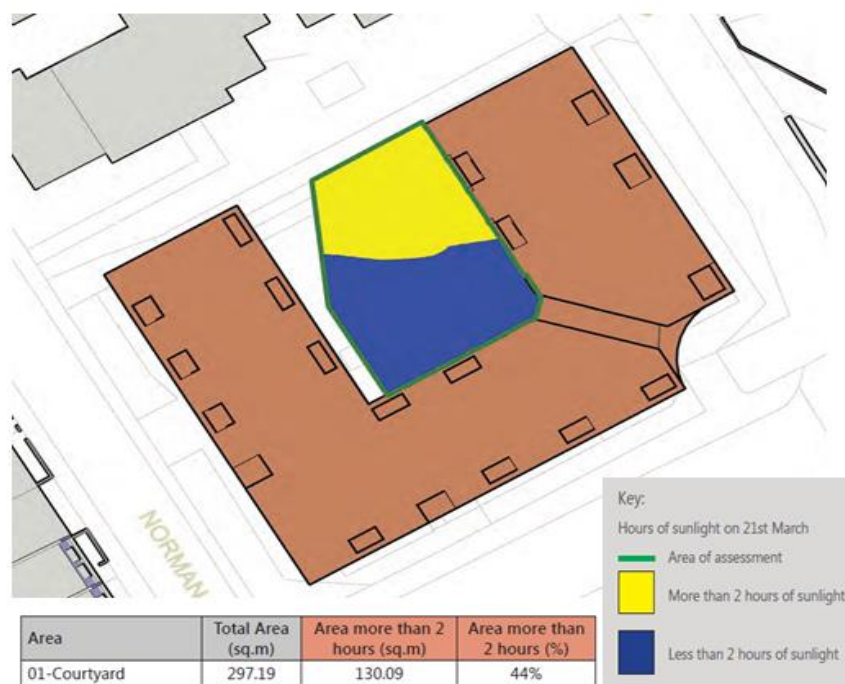


Fig. 11 Proposed daylight levels within courtyard amenity space

- 7.90. The daylight/ sunlight received by the proposed development is therefore considered to be acceptable.
- 7.91. The impact on neighbouring sites is considered in detail under the impact on neighbouring amenity section below.

Communal amenity and child play space

- 7.92. 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

- 7.93. 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.
- 7.94. Private amenity space is provided through a mix of terrace gardens and balconies. Ground floor dwellings have access to private terraces which address the courtyard.
- 7.95. All dwellings would provide an acceptable level of private amenity space.

Communal Amenity and child Space

- 7.96. 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.
- 7.97. 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.
- 7.98. A development of this size requires 72 sqm of communal amenity space and 58 sqm of child play space. The central courtyard provides 300 sqm of shared amenity space and child play space solely for residents of the development.
- 7.99. Overall, the quantum of communal amenity and play space is considered acceptable. A condition would be included to secure the details of landscaping and play facilities.

Neighbouring Amenity

- 7.100. 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

- 7.101. The proposed development would have the following separation distances with the adjacent properties:
- 16m at Saxon Hall
 - 18.8m at Saxon Road
 - 15m- 20m at Rosebank Gardens
- 7.102. Objections have been raised with regards to overlooking and in particular the relationship with balconies which are located on the front elevation.
- 7.103. The accompanying text to Policy DM24 of the MDD states that a distance of about 18m between habitable rooms and adjacent windows reduces the inter-visibility to a degree acceptable to most people. However this figure will be applied as a guideline depending upon the design and layout concerned.
- 7.104. A separation distance of 18m therefore is not a minimum requirement however is an indicative figure which allows for flexibility depending on the constraints of the site.
- 7.105. Notwithstanding this, a separation distance of 15m is not unusual in such urban areas and in particular where the historical layout of the area is more intimate. This is certainly true of surrounding roads in the conservation area where the separation distances between terraces is 15m and below.

- 7.106. Nevertheless mitigation measures have been taken which include incorporating recessed balconies which would minimise inter-visibility and noise between adjacent properties.
- 7.107. In conclusion, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

Daylight, Sunlight and Overshadowing

- 7.108. 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

- 7.109. 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.
- 7.110. The following residential properties were considered within the assessment with regards to daylight/ sunlight. A total of 416 windows were tested.
- 1 – 30 Rosebank Gardens
 - 40 – 48 Rosebank Gardens
 - 58 – 66 Rosebank Gardens
 - 14 – 40 Saxon Road
 - 1 – 9 Saxon Lea Court
 - 19 – 27 Selwyn Road
 - 1 – 43 Norman Grove
 - 12 Norman Grove (Childrens home)
- 7.111. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 7.112. Surrounding the application site exist a number of residential properties which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council, these are discussed below.
- 7.113. 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 0.8 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 0.8 of the former value.
- 7.114. The results of the VSC and NSL assessment have shown that all windows with the exception of 8 will retain at least 0.8 times their former value and are above 27%. The NSL analysis similarly shows that the majority of rooms will experience no noticeable reduction as a result of the proposal.

Property	Number of windows tested	Number of windows experiencing VSC loss of less than 0.8	Number of windows experiencing VSC loss of 0.8 or more
1 – 30 Rosebank Gardens	79	79	0
40 – 48 Rosebank Gardens	28	28	0
58 – 66 Rosebank Gardens	27	27	0
14 – 40 Saxon Road	88	88	
1 – 9 Saxon Lea Court	40	40	0
19 – 27 Selwyn Road	42	42	0
1 – 43 Norman Grove	82	82	0
12 Norman Grove (Children's home)	30	28	2

Table showing VSC results

- 7.115. The windows that experience greater than the 0.8 VSC loss are discussed further below.

12 Norman Grove

	Magnitude of Impact (number of windows experience VSC losses)		
Property	20-29%	30-39%	40+%
12 Norman Grove (Children's Centre)	0	2	0

Table Percentage of VSC loss

- 7.116. At 12 Norman Grove (R12 W15 and R13 W16 at ground floor) retain 0.7 times their former VSC, a loss of 38% and 37% respectively. This is considered to be a moderate adverse impact.
- 7.117. Whilst this falls below the recommended VSC, the overall values remain above the recommended 27% and these rooms are fully compliant with regards to NSL. This reduction is therefore considered to be acceptable.
- 7.118. Three rooms at ground floor and one room at first floor retain 0.7 and 0.5 times their former NSL. The retained values for these 4 rooms are generally considered to be commensurate with an urban environment whilst all windows retain BRE compliant levels of VSC. This reduction is therefore considered to be acceptable.
- 7.119. In conclusion out of a total of 30 windows tested at 12 Norman Grove, despite reductions in VSC below the recommend levels, all windows have VSC levels of 27% or above which is considered to be very good in an urban environment.
- 7.120. The impact of the proposed development on 12 Norman Grove with regards to daylight is therefore considered to be acceptable.
- 7.121. Nos. 7 and 13 Norman Grove, (both R1 W1 at ground floor), retain 0.6 and 0.7 times their former NSL, respectively, just below the 0.8 target. Whilst this falls below the recommended NSL, the windows serving these rooms are fully compliant

under the primary VSC and retain 0.9 and 0.8 their former value. This reduction is therefore considered to be acceptable.

- 7.122. There are no other reductions in VSC below the recommended BRE levels and all other impacts to neighbouring properties demonstrate full policy compliance.

Overshadowing

- 7.123. 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).
- 7.124. In respect of the shading impacts to amenity space, there should be at least 2 hours of sunlight across at least 50% of its area, or if the area retains 0.8 times or greater its former value, can be said to see acceptable levels of sunlight.
- 7.125. The central wing of the existing Regency Court building is to be demolished, as such sunlight penetration and shading to the Children's home will improve. This is evident from the Sunlight Amenity assessment of the Regency Court proposals where the northern section of the proposed amenity courtyard will receive sufficient direct sunlight in line with the BRE guide.

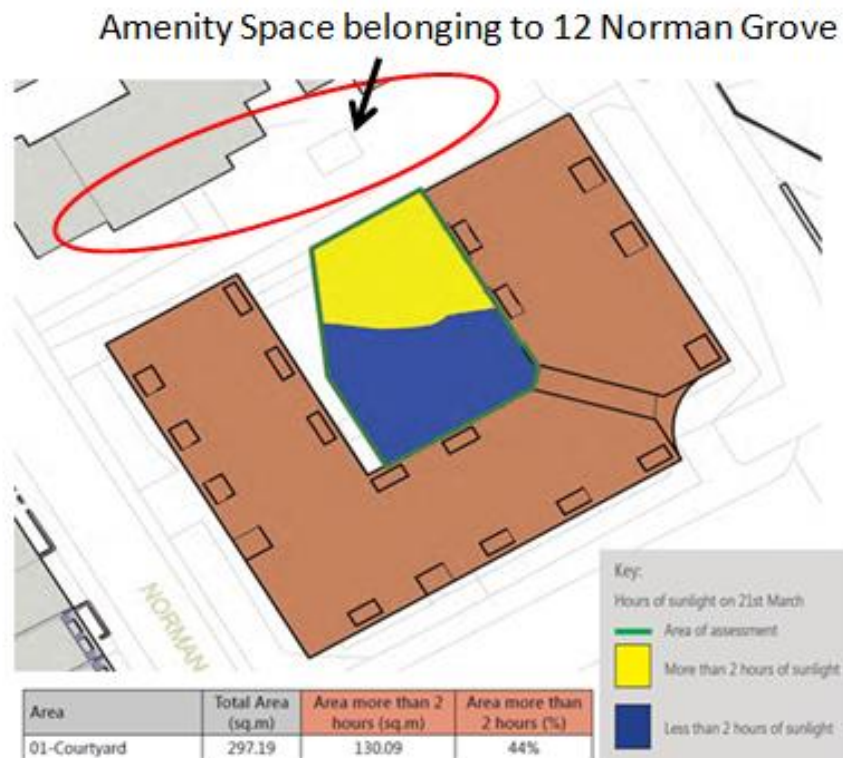


Fig. 12 Plan showing location of amenity space at 12 Norman Grove.

- 7.126. The visual impact of the layout of the proposed development on the children's home courtyard in this case should also be considered. Where the existing development presents a 2/3 storey wall at the northern boundary, an open courtyard is now proposed.
- 7.127. The sense of enclosure and visual obstruction is therefore significantly reduced. This is considered to be a vast improvement to the existing relationship.

- 7.128. With regards to APSH, four windows would have reductions outside of the BRE guidance where the proposed winter APSH falls below 5 and level retained is below 0.8. These are at 40- 48 Rosebank Gardens and serve a stairwell, bedroom and 2 unknown uses.
- 7.129. Whilst the impact on the stairwell is not a material consideration, it should be noted that the existing winter APSH for the remaining windows is already below 5. A further reduction would therefore not materially impact the impact the standard of accommodation. These rooms also meet all other BRE guidelines with regards to daylight and so overall these units would overall receive acceptable levels of daylight/ sunlight.
- 7.130. There are no further reductions to APSH below BRE guidelines.
- 7.131. Given that only a small number of windows are impacted and the decreases are minor, it is considered that the proposed development would not have a significant impact on surrounding daylight/ sunlight and is acceptable.

Relationship with the emerging scheme at 12 Norman Grove (Children's centre)

- 7.132. Throughout the pre-application and application process consideration has been given to ensure the proposal does not prejudice the development capabilities of neighbouring sites. In this instance, officers are aware of proposals to develop the Children's Centre at Norman Grove.
- 7.133. Whilst a daylight/ sunlight assessment of the emerging scheme is welcomed, it should be noted that the emerging scheme shown at No.12 is an iteration brought forward at pre- application stage and is subject to change. There has been no application for this site to date. Nevertheless the results will be discussed as the proposed development would have a potential impact.
- 7.134. The following is a plan of the indicative massing that has been tested.



Fig. 13 Image showing proposed scheme at Regency Court in red and indicative massing of proposed scheme at 12 Norman Grove.

- 7.135. With regards to daylight, should both schemes be constructed, all but one window at 12 Norman Grove would meet the BRE recommendations. However, this window (First floor W1) would retain a VSC value of 23.7%. This is considered very good for an urban environment and therefore acceptable on these grounds.
- 7.136. Due to the proposed courtyard layout which leaves an open space towards the boundary, daylight conditions should Norman Grove be redeveloped, are expected to meet BRE guidelines.
- 7.137. There is a breach of the winter months APSH assessment in respect of window W8 serving first floor bedroom R6, which would experience change from 19% APSH to 2% post development, which would equate to a 90% difference. However the retained value of 2 is commensurate with an urban environment. Furthermore the use is a bedroom, which has a reduced sunlight expectation.
- 7.138. The development has also been designed with an open courtyard facing No.12, which further reduced the visual impact at the boundary.
- 7.139. In conclusion the proposed development would not prejudice the development potential of the adjacent site.

Visual amenity / sense of enclosure

- 7.140. 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.
- 7.141. 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

- 7.142. 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.
- 7.143. 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.
- 7.144. 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

- 7.145. The applicant has proposed a total of 54 cycle parking spaces located in the courtyard area and entrance. There will also be visitor parking spaces to the front of the communal entrances

- 7.146. This is in line with London Plan Standards and the details of the proposed cycle stands will be secured by condition.

Waste and servicing

- 7.147. Waste collection would be from the dedicated waste store at ground floor from Rosebank Gardens, Norman Grove and also from the street at ground floor from the front garden. Vehicles would stop on the street as existing.
- 7.148. This is considered to be acceptable. Full details will be secured by condition.

Parking and trip generation

- 7.149. The development will provide three disabled parking spaces within a lay-by along Rosebank Gardens. The transport statement states that there is significant capacity within the surrounding highway network to accommodate the proposed development. A car free agreement will also be agreed which would further mitigate any impact on parking.
- 7.150. In terms of the trip generation, the Statement illustrates that the development will result in only a modest increase in trips during the morning and evening peak hour periods, a maximum of 15, on average one movement every 4 minutes. These will be secured by condition for blue badge holders.
- 7.151. Given the proximity to public transport links, most of these trips will be undertaken on foot, cycle or by public transport. The modest increase is not expected to have any effect in the operation of local transport infrastructure as such no mitigation measures are required and the proposed development is considered to be acceptable with regards to parking and trip generation.

Energy & Sustainability

- 7.152. 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.
- 7.153. 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.
- 7.154. 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.
- 7.155. This is considered to be acceptable. Full details will be secured by condition.

Environmental Considerations

Biodiversity

- 7.156. 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.
- 7.157. The proposals include biodiverse roofs on almost the whole roof area of the new building. The ground level landscaping also includes nectar plants.
- 7.158. 2 bat boxes, 2 sparrow terrace nest boxes and 3 nest boxes for swifts are also proposed.
- 7.159. These measures are welcomed, supported by the Councils Biodiversity officer and will be secured by a condition.

Trees

- 7.160. 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.
- 7.161. 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
- 7.162. Trees T5 and T6 (Cat B), as shown in blue in the below map will require removal to facilitate the proposed construction works.



Fig. 14 Plan showing location of existing trees

- 7.163. New permanent paving will be constructed on unsurfaced areas within the root protection area of T2, T3 and T4. The Council's tree officer is satisfied with the mitigation measures.
- 7.164. Trees T8 and T9 will also require pruning. No objections are raised to this.
- 7.165. The loss of trees T5 and T6 will be mitigated by replanting during the soft landscaping phase of development. One tree would be planted within the front garden of unit 4 on the corner and another by the block A entrance area within the communal amenity space.



Fig. 15 Plan showing location of new trees

- 7.166. Officers are satisfied that the proposed replacement trees and trees works are acceptable.

Air Quality

- 7.167. Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.
- 7.168. The borough is designated an Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods.
- 7.169. Subject to safeguarding conditions, it is considered that the impacts on air quality are acceptable.

- 7.170. As such, the proposal is generally in keeping Policy 7.14 of the London Plan, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution.

Demolition and Construction Noise and Vibration

- 7.171. 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.
- 7.172. 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).
- 7.173. 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

- 7.174. Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 7.175. Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 7.176. Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- a) Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - b) Providing high-quality walking and cycling routes.
 - c) Providing excellent access to leisure and recreation facilities.
 - d) Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - e) Promoting and supporting local food-growing and urban agriculture.
- 7.177. As detailed in the previous section, the proposed development would promote sustainable modes of transport, improve permeability through the site, provide communal amenity space and provide sufficient play space for children. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Site of Archaeological Importance

- 7.178. The site is located within an area of archaeological importance. A condition requiring a scheme of investigation is undertaken as well as details of foundations as part of the development works has been recommended as part of this application.
- 7.179. This is considered to be acceptable.

Impact upon local infrastructure / facilities

7.180. 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.

7.181. 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.

7.182. 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.

7.183. 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

7.184. 60.3% Affordable Housing would be provided when considered with Appian Court. The tenure range would be 72%/ 28% in favour of social rented.

7.185. 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.

7.186. 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	£10,880.00
Carbon offsetting	£45,900.00
Monitoring	£2,000
Total	£ 58,780.00

7.187. 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)

7.188. 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.

7.189. 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.

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

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

7.192. 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.

7.193. It is estimated that the development would be liable for Tower Hamlets CIL at approximately £30,485 and Mayor of London CIL at approximately £30,485. The applicant may be liable for relief and so this figure may be lower.

7.194. The development would generate a standard new homes bonus of £2858.00 with a total payment of £41,645 over 6 years.

Human Rights Considerations

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

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

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,

- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

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

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

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

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

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

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

Equalities Act Considerations

7.203. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

- 7.204. The provision of residential units, within the development meets the standards set in the relevant regulations on accessibility. In addition, all of the residential units would comply with Part M 4(2). and 10% would comply with Part M 4(3) and be wheelchair accessible and adaptable. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.
- 7.205. The proposed development would be considered to have no adverse impacts upon equality and social cohesion.

8.0 Conclusion

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

Appendix A – Site consultation boundary

