

<b>Committee:</b> Development	<b>Date:</b> 27 <sup>th</sup> Sept 2018	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Place  <b>Case Officer:</b> Elizabeth Donnelly	<b>Title:</b> Application for Planning Permission  <b>Ref No:</b> PA/17/01808 - Full Planning Permission  <b>Ward:</b> St Peter's
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## 1. APPLICATION DETAILS

<b>Location:</b>	13-19 Herald Street, London, E2 6JT
<b>Existing Use:</b>	Gallery (D1) and scrap metal yard (Sui Generis)
<b>Proposal:</b>	Demolition of two storey commercial building and scrap metal yard bounded by Herald Street, Witan Street and Glass Street and erection of new residential building ranging between 6 and 9 storeys (including the creation of a basement), to accommodate 553 sqm of commercial space (Class D1) at ground floor and 62 residential units (21 x 1 bed, 33 x 2 bed, 8 x 3 bed) at the upper floors, together with associated works.
<b>Drawing and documents:</b>	See Appendix one
<b>Applicant:</b>	Herald Street Properties LLP
<b>Ownership:</b>	Various
<b>Historic Building:</b>	None
<b>Conservation Area:</b>	None

## **2. EXECUTIVE SUMMARY**

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.
- 2.2. The proposed development is a residential led development, together with 553sqm of D1 (non-residential institution) floorspace at ground floor level. The building would range between six and nine storeys and provide 62 new residential units. This summary has regard to the key issues arising from the scheme; a full account of all relevant issues is set out within the main body of the report.
- 2.3. From a land use perspective, the proposed uses are considered to be appropriate and reflect the character of existing surrounding development. It is proposed that the D1 floorspace is occupied by the art gallery that currently occupies the site.
- 2.4. The art gallery (Maureen Paley Art Gallery) is described by residents as being popular and well-respected and is reported to attract visitors from all over London. Given its community value, together with the introduction of high quality ground floor elevations that will allow the transfer of associated visual activity and surveillance into the public realm, the retention of the D1 use is considered to constitute a local benefit of the scheme.
- 2.5. The proposal also delivers new housing; the affordable housing offer is 28%, (11 units, including 7 family units). This falls below the policy target of 35-50%, but is supported by viability testing and is considered to present the maximum amount that the scheme can viably offer. Despite the shortfall, the proposed development is considered to make a valuable contribution to the delivery of housing that meets an identified need, especially the need for larger households within the affordable tenure.
- 2.6. The delivery of 62 residential units, inclusive of 28% affordable housing, is therefore considered to constitute a public benefit in the context of the overall Council's housing targets.
- 2.7. The standard of residential accommodation provided by the proposed development has been assessed and is considered to be acceptable. The units are policy compliant in terms of size, each with access to private external amenity space and communal amenity space. The scheme does present two instances within the private tenure where the quantum of private amenity space falls short of the policy requirement. Officers however do not raise objections on the basis that the units are within the private tenure and the shortfall is compensated with additional internal floorspace.
- 2.8. Further to this, officers consider that the design of the building is acceptable. The height and mass of the building is considered to be in keeping with the scale of surrounding existing development. The upper floors of the building have been amended to simplify the building at the upper and roof level to provide a greater sense of uniformity and clarity on each street elevation. The visibility of the upper floors of the building is limited in longer views, however, the design quality is considered to render the building acceptable where viewed in its entirety, or in part, from the surrounding area.

- 2.9. As mentioned above, the ground floor elevations of the building are considered to be high quality, introducing activity and a human scale of development when experienced from street level. The active frontage and resultant natural surveillance on all four ground floor elevations is considered to foster a positive relationship with pedestrians and the surrounding public realm. This is considered a particular benefit in the context of the existing conditions, where the ground floor elevations of neighbouring buildings are largely inactive.
- 2.10. The proposal does not however come without some objection; amongst other things discussed within the report, residents have raised concerns relating to the impacts of the proposal, including daylight and sunlight and noise impacts. The daylight and sunlight impacts of the proposal have been fully considered. Whilst the scheme would give rise to some very minor failings to windows serving neighbouring student accommodation development, officers consider this to be acceptable in the context of the short term nature of the occupation of the affected rooms and the dense urban nature of the surrounding environment. A further failing is noted at one residential window, given that the window fails by just 1% and would maintain adequate outlook resulting from the separation distance, officers do not consider that this would give rise to an unacceptable impact upon amenity.
- 2.11. Further consideration has been given to the impact of the proposal upon the visual amenities of neighbouring occupiers. It has been concluded that the proposal would not result in an unacceptable impact upon the outlook or privacy of neighbours.
- 2.12. Officers have also had regard to the noise impacts of the proposal upon the occupiers of neighbouring development. Officers have also considered the impact of noise arising from external sources (i.e. the railway) upon the standard of residential accommodation of the proposed units together with any mitigation measures. Officers are also satisfied that with suitably worded conditions, the scheme would be acceptable in this regard.
- 2.13. Officers have fully considered the concerns raised by residents and consultees and also acknowledge the improvements that the applicant has made to the scheme during the planning application process.
- 2.14. This report acknowledges the elements of the scheme that fall short of fully meeting planning policy requirements, for example, the residential unit mix and private amenity space. These elements of the scheme have been discussed and considered in full. The overall scheme is considered to present a good response to the redevelopment of the site and offers several benefits to the borough. This includes contribution to the delivery of housing that meets Tower Hamlet's identified housing need and high quality design that positively connects with surrounding public realm and introduces much needed activity, surveillance and vibrancy at street level. The proposed development also enables the planning permission connected to the renovation and conversion of the railway arches to the rear to be implemented and deliver the approved employment floorspace.
- 2.15. On this basis, it is concluded that the benefits of the scheme outweigh the minor short fallings set out within this report. Therefore, giving full consideration to the development plan and other material considerations, officers recommend that planning permission is granted, subject to the conditions and planning obligations proposed in this report.

### 3. RECOMMENDATION

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

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

#### Financial Obligations:

- a) A contribution of £27,362.00 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £92,412 towards carbon off-set initiatives
- c) A contribution towards monitoring (at £500 per head of term) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions **£119,774 (plus monitoring fee)**

#### Non-financial contributions

- a) Delivery of 28% Affordable Housing by habitable room
  - b) Viability review mechanism
  - c) A commitment to secure at least 20% local employment during the construction phases
  - d) A commitment to secure at least 20% of procurement from local business during the construction phase
  - e) Apprenticeships during construction phases (3 NVQ Level 2)
  - f) Car and permit free agreement
  - g) Travel plan
  - h) A commitment to comply with the Council's code of construction practice.
- 3.2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.3. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

#### Compliance conditions

- 1. Permission valid for 5 years
- 2. Development in accordance with approved plans
- 3. Hours of construction
- 4. D1 (art gallery) opening hours and submission of management plan
- 5. Demolition and bats
- 6. Mechanical ventilation
- 7. Delivery of energy strategy and savings to at least 30.7%

#### Prior to commencement conditions

- 1. Details of hard landscaping
- 2. Wheelchair accessible plans
- 3. Dust Management Plan
- 4. Details of plant and CHP
- 5. Land contamination

## 6. Construction Environmental Management Plan

### Prior to completion of superstructure works conditions

1. Materials (samples and details)
2. Site drainage strategy
3. Secure by design accreditation
4. Scheme of highways work – S278 (Glass Street widening)
5. Biodiversity mitigation and enhancements (including green roof)
6. Noise insulation details (residential units)
7. Waste Management Strategy

### Prior to Occupation' Conditions

1. Thames water; water network infrastructure capacity
2. Details of public access to hardscaped strip to rear
3. Cycle Parking
4. Delivery and Servicing Management Plan
5. Travel Plan
6. Submission of as built calculations (CO2 savings)
7. Submission of final BREEAM (excellent) certificate

### **Informatives**

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

## **PROPOSAL AND SITE DESCRIPTION**

### **4. The proposal**

- 4.1. The applicant is seeking planning permission for the demolition of the existing buildings on site and the construction of a new building that would range between 6 and 9 storeys in height (max. height 28.3m). The proposal also includes the creation of a basement level.
- 4.2. The proposed development would provide 62 residential units and 553sqm of D1 floorspace at ground floor level. In relation to the residential units, 28% of these would be affordable housing by habitable room. In dwelling numbers, this would result in 51 private units and 11 affordable units.
- 4.3. The refuse stores for the proposed residential and D1 floorspace would be located at ground floor level. There would be two residential refuse stores, one accessed from Witan Street and another accessed from Glass Street. The refuse store to serve the D1 unit would also be accessed from Glass Street.
- 4.4. In terms of cycle storage, the D1 associated cycle store would be located at ground floor level, accessed from Glass Street. The residential cycle storage would be provided in part at ground floor level (off Glass Street) and at basement level.
- 4.5. The proposal includes a hard landscaped strip to the rear of the development, between the western elevation of the proposed building and the railway. It would

be 5m wide and enable access to the railway arches. There would be gates at each end, controlled by Network Rail. During hours of operation for the railway arches, the landscaped strip would be publicly accessible.

**Figure 1.1:** CGI of proposed development - view along Herald Street looking north



**Figure 1.2:** CGI of proposed development – view along Witan Street Looking West



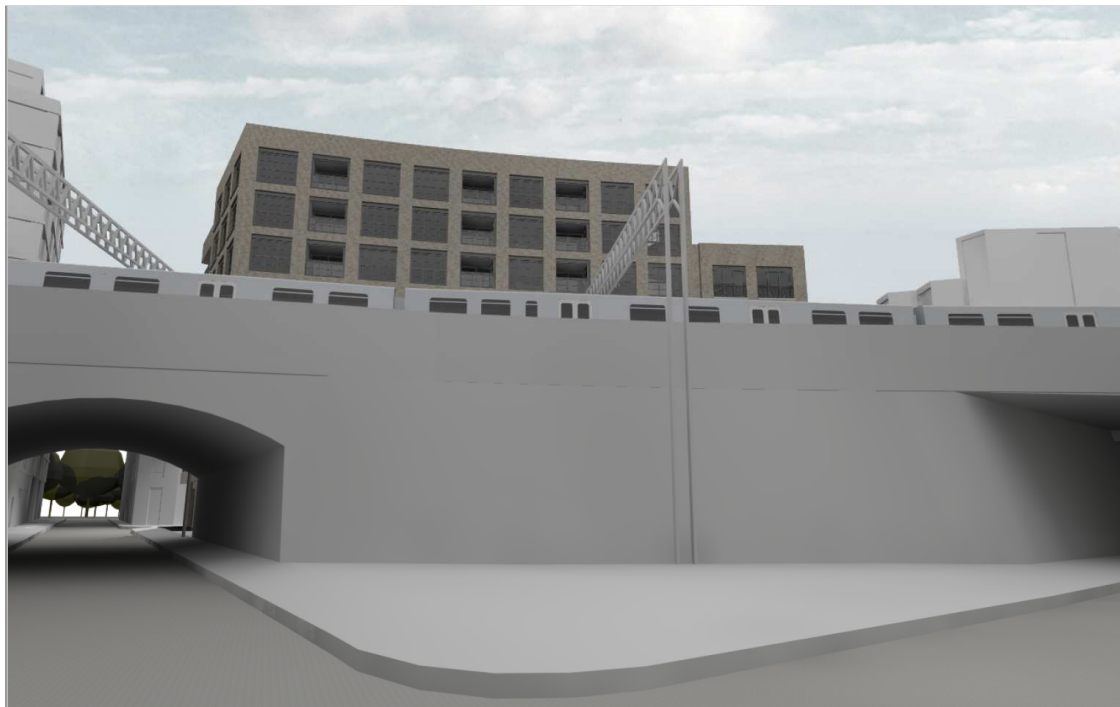
**Figure 1.3:** CGI of proposed development – view along Herald Street looking south



**Figure 1.4:** CGI of proposed development – view along Herald Street looking north



**Figure 1.5:** CGI of proposed development – view from corner of Coventry Road and Witan Street



## 5.0 Site and Surroundings

- 5.1 The application site is approximately 0.20ha and is bound by Witan Street to the north, Herald Street to the east, Glass Street to the south and the railway and railway arches to the west.



**Figure 1.6:** Site location plan

- 5.2 The site is currently occupied by a two storey building and a scrap metal yard. The site is currently vacant with exception to the ground floor unit at 1 Witan Street that is currently occupied by a gallery (Class D1). The floorspace at 13-19 Herald Street was last used as a place of worship (Class D1).
- 5.3 The buildings that immediately surround the site comprise a mix of uses. Blithehale Court is located to the north of the site and fronts Witan Street. It is a student accommodation development and has a maximum height of 11 storeys.
- 5.4 A Travel Lodge hotel is located to the east of the site. It wraps around from Witan Street, where it is 10 storeys in height, into Herald Street, where its height reduces to 7 storeys.
- 5.5 Mansion Hive Studios is located to the south of the site and fronts both Glass Street and Herald Street. It is also a student accommodation development and is 5 storeys in height.
- 5.6 Further to the south, on Three Colts Lane, there are recently constructed residential blocks of 7 and 8 storeys in height.
- 5.7 To the rear of the site is the railway and arches. The restoration and conversion to B1 use was granted in 2016 (PA/15/02828) with respect to the 6 railway arches.
- 5.8 In terms of policy designations, the application site is not located within a conservation area. There are also no listed buildings in the immediate vicinity.
- 5.9 The site is however located in the City Fringe Opportunity Area. The City Fringe Opportunity Area Framework (OAPF) identifies the site as being within the 'wider hinterland' of the opportunity area.
- 5.10 The site is located in close proximity to Bethnal Green underground station and overground station, in addition to local bus routes. It has a Public Transport Accessibility Level of 6b.
- 5.11 Relevant photographs of the application site and neighbouring development are included below.

**Figure 1.7:** View of the existing building looking north along Herald Street



**Figure 1.8:** View of the existing building looking south along Herald Street



**Figure 1.9:** View of the existing building looking west along Glass Street



**Figure 2.0:** View of the existing scrap metal yard from Glass Street



**Figure 2.1:** View of neighbouring student accommodation development to the north of the application site (Blithehale Court, Witan Street)



**Figure 2.2:** View of neighbouring hotel development to the east of the application site (Travel Lodge, corner of Witan street and Herald Street)



**Figure 2.3:** View of neighbouring student accommodation to the south of the application site (Mansion Hive Studios, corner of Herald Street and glass Street)



**Figure 2.4:** View of neighbouring residential development to the south of the application site (58-64 Three Colts Lane and 191-205 Cambridge Heath Road)



## 6.0 Relevant Planning History

There is no relevant planning history relating to the application site itself. However, relevant planning history relating to neighbouring development is outlined below.

### Railways Arches at 207-211 Three Colts Lane and at 214-216 Witan Street

Ref. PA/15/02828

Planning permission was granted on 1<sup>st</sup> February 2016 for alterations to 13 arch frontages in addition to the change of use for 5 arch units from B2 to A1 use, 2 arch units to A3 use and 6 arch units from B2 to B1 use.

### Pre-application

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

- Outlook views from residential units on the first floor facing the railway
- Height of building and 'extension' elements at roof level
- Legibility of ground floor entrances

## 7 POLICY FRAMEWORK

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

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

### **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2012) (NPPF)  
National Planning Guidance Framework (March 2014) (NPPG)

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

#### Policies

- 2.1 London
- 2.13 Opportunity Areas
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure

- 4.1 Developing London's economy
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.13 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)

### **Tower Hamlets Core Strategy (adopted September 2010)**

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP05 Dealing with waste
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP13 Planning Obligations

### **Managing Development Document (adopted April 2013)**

- DM0 Delivering Sustainable Development

- DM1 Development within the town centre hierarchy
- DM3 Delivering homes
- DM4 Housing standards and amenity space
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water Spaces
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM20 Supporting a Sustainable transport network
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

### **Emerging Planning Policy**

- 7.2 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and is now closed. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however the weight given to it is a matter for the decision maker.
- 7.3 The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and has closed. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

### **Supplementary Planning Documents**

- 7.4 Planning Obligations SPD (September 2016)
- CIL Charging Schedule (April 2015)
- Sustainable Design and Construction SPG (April 2014)
- Shaping Neighbourhoods: Character and Context (June 2014)
- Housing Supplementary Planning Guidance (March 2016)
- Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (March 2016)

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

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

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

Affordable Housing and Viability Supplementary Planning Guidance (2016)

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

## **8 CONSULTATION RESPONSE**

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

8.2 The following were consulted regarding the application:

### Internal Responses

#### **LBTH Environmental Health - Contaminated Land**

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

#### **LBTH Environmental Health - Air Quality**

8.4 The Air Quality Assessment states that the development will have a CHP.

The plant has yet to be decided upon. It must comply with the NO<sub>x</sub> emissions standards as set out in the GLA's Sustainable Design and Construction SPG. A condition should be added requiring details of the above.

#### **LBTH Sustainability**

8.5 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 30.7% reduction in CO<sub>2</sub> emission reductions. Subject to Conditions securing the delivery of the approved energy strategy and the CO<sub>2</sub> emission reduction shortfall being met through a carbon offsetting contribution, the proposals would be considered in accordance with adopted policies for decentralised energy, integration of renewable energy technologies and emission reductions.

It is recommended that the proposals are secured through appropriate s106 clauses and conditions to deliver:

1. Delivery of Energy Strategy and CO<sub>2</sub> savings to at least 30.7%
2. Details of the thermal profiling of the development and sizing of the CHP system including associated plant requirements and plant room layout drawing

3. Submission of the as built calculations to demonstrate CO2 savings have been delivered
4. Submission of the Final BREEAM certificate to demonstrate scheme delivered to a BREEAM excellent standard
5. S106 requirement for carbon offsetting contribution in accordance with Planning Obligations SPD

### **LBTH Strategic Housing**

- Affordable housing and tenure mix

8.6 Affordable housing provision of 22% of the scheme by habitable room is considerably short of the borough's requirement of a minimum of 35%. The applicant states that the scheme has been subject to a viability assessment, However, given significant variance from Council policy, an independent viability assessed is carried out to test whether the provision of affordable units have been maximised on this scheme.

The accommodation schedule does not specify tenure split within affordable element. It should be noted that full details in this regard have since been provided and considered within the report.

The overprovision of 3 bed units which helps to address the acute need for family housing in the borough. However, 3B5P units would be preferred.

Should the borough's independent viability assessment conclude there is scope for additional affordable units, the quantum of 1 beds should be increased more in line with the borough's required target.

The Council has recently approved its rent structure that specifies the rented units coming forward should be at charged at 50% London Affordable Rents and 50% Tower Hamlets Living Rents,

- Rents

The only element of the mix that causes some concern is the over representation of 2 bed units at 43% against a target of 30% which we would like to see addressed by the applicant.

- Wheelchair units

6 units are proposed by the applicant which meets the council's 10% requirement.

The units are located on the lower floors on the drawings, but, there is only one lift located in the affordable housing core. This poses a problem for potential wheelchair users' and they often refuse these units on the basis that they are rendered housebound when the sole lift is out of action. We would therefore request 2 lifts are included in the affordable core.

We would also prefer all the wheelchair units located in the affordable element of the scheme and a more equal split between unit sizes.

We note there is no designated parking for wheelchair users on this development and the intention is for street parking to be agreed with the Council. Whilst our preference would be for parking to be provided for this client group on site, if this is not possible, we would want to ensure Highways are appropriately consulted to ensure sufficient provision is included as close as possible within the immediate vicinity.

All bathrooms should include provision for conversion to a wet room at a later stage. 1:50 drawings should be provided to enable the Occupational Therapists to adequately assess the scheme's suitability for this client group.

- Communal amenity space

To avoid future management problems, should ensure that an RP is on board with the amenity space/ under 5's playspace at 6<sup>th</sup> floor level.

### **LBTH Refuse**

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

- Bin stores

Witan Street bin store door appears too small that may cause difficulties in manoeuvring bins and it also opens onto the public highway. This will need to be amended.

Witan Street bin store has two separate internal doors for residential access. This could cause extra inconvenience for residents using the bin store.

One of the doors of the bin store on Glass Street appears to only open half way which appears to obstruct the manoeuvring of bins

I would like the applicant to show measurements of bins stores by cubic meters to ensure there are sufficient storage space for bins. The applicant is 20 litres less in capacity for recycling than the required amount. The applicant has also not addressed compostable waste.

- Refuse collection

The applicant should ensure there will be a dropped kerb from bin store to collection point. The trolleying distance for the Glass Street bin store appears to be 15 meters to the waste collections vehicle. The trolleying distance must be a maximum of 10 meters.

Waste collections vehicle shown is smaller than conventional vehicle. The applicant should show a swept path analysis using the vehicle specifications shown below to ensure the vehicle can service this proposed site.

### **LBTH Highways**

- 8.8 In response to the following comments, the applicant has provided further information in relation to blue badge parking and the gallery use, additional cycle

storage and a revised servicing strategy. The plans have also been amended to facilitate the widening of Glass Street to 1.8m. This has been discussed in greater detail within the highways and transportation section of this report.

- Car parking

The development should be subject to a s106 agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH. The site is located in an area with PTAL 6 giving excellent access to public transport.

The scheme should provide a minimum of three on-site Blue Badge car parking spaces. The scheme would provide at least 6 wheelchair accessible units although the applicant forecasts demand for 2-3 Blue Badge holding vehicles generated by the site.

Blue Badge holders living at the site would also need guaranteed parking spaces. Blue Badge holders can park in any residents' bay for maximum of three hours not without restriction as suggested in the TS. Our parking data shows that the nearby parking bays are occupied regularly during controlled and outside of controlled hours. In such a situation residents with Blue Badges would not be able to park within 50m of their front door as required.

- Cycle parking

Highways objects to the lack of cycle parking. The proposed amount of residential cycle parking does not accord with London Plan requirements.

Furthermore the applicant should set out the type of cycle parking to be provided. 100% provision of cycle parking using this type of stand is not supported by Highways. A proportion of long stay cycle parking for all uses should be comprised of Sheffield stands (or similar) as these offer the most inclusive form of cycle parking.

There is also a lack of cycle parking for the commercial use. As the final use is intended as a gallery the applicant should meet the Local Plan standards for a gallery use (1/10 staff and 1/5 visitors).

- Commercial trip generation

This information should also be used to provide a gallery 'peak' during exhibition launches etc to enable Highways to assess the impacts of the gallery use. While we acknowledge that the amount of gallery space in the development does not exceed the current amount, there may be a need to mitigate any unacceptable impacts result from a gallery of this scale.

- Servicing

Highways are concerned that the current road and parking layout may not facilitate refuse vehicle access to the proposed bin stores (there are limited active residential sites in the area). The applicant should provide tracking to demonstrate that refuse vehicles can access the proposed bin stores and make all necessary turns wholly within the carriageway and without oversailing parking bays.

- Public Realm

The footway adjoining the site at Glass Street should be widened to 1.8m. It is currently a substandard width at 1.5m- insufficient to allow two wheelchairs/ buggies to pass. The building line here should be set back and the additional footway adopted using s72 Highways Act 1980.

### **LBTH Design and Heritage**

- Height, scale and massing
- 8.9 Height of proposed building supported given variation of heights in area. The stepped approach is responsive to the established height and scale of buildings in the immediate vicinity. The overall mass of the proposal is well managed, given that subtle setbacks have been used to reduce the apparent bulk and mass of the taller elements to the addition.

- Design and materials

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

The use of different brick colours combined with crissal style windows to the upper floors will also add interest and variety, with brick coursing located below corner balconies providing further expression.

The metal railings to the terrace areas at seventh floor level (southeast facing – currently visible in views looking north along Herald Street) should be reconsidered i.e. a glazed balustrade is preferred at high level to minimise any visual prominence from street level.

- Conditions

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

### **LBTH Biodiversity**

- Bats

- 8.10 The submitted Preliminary Ecological Appraisal (PEA) report states that there is negligible bat roost potential, but identifies a few features suitable for roosting bats.

On the basis that it is unlikely that bats roost in the building and there is no potential for high value roosts, emergence surveys are not required.

Demolition should be undertaken in a way to ensure that no bats are harmed in the unlikely event that they are present. This should be secured by condition.

- Enhancements

There will be no significant adverse impacts on biodiversity.

No details of proposed green roof provided, but if a biodiverse roof and designed in accordance with best practice guidance, it would contribute to an objective in the

Local Biodiversity Action Plan (LBAP). Details of this should be secured by condition.

The PEA also recommends nest boxes for swifts and house sparrows and nectar rich planting on any accessible roof terraces. Details of this should be secured by condition.

### **LBTH Sustainable Urban Drainage (SUDS) officer**

- 8.11 Further information on surface water drainage should be submitted. No details of proposed SUDS have been included within the submission.

Should planning permission be granted, a condition securing the submission of a surface water drainage scheme prior to the commencement of superstructure works should be attached.

### **LBTH Enterprise and employment**

- Proposed employment/enterprise contributions at construction phase:

- 8.12 The developer should provide three construction phase apprenticeships to a minimum specific of NVQ Level 2.

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Economic Development Service will support the developer in achieving this target through providing suitable candidates through the Workpath Job Brokerage Service (Construction).

To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. The Economic Development Service will support the developer to achieve their target through ensuring they work closely with the council's Enterprise team to access the approved list of local businesses.

The Council will seek to secure a financial contribution of £27,362.00 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

- Proposed employment/enterprise contributions at end-use phase:

The council seeks a monetary contribution of £0.00 towards the training and development of unemployed residents in Tower Hamlets to access either:

- i) jobs within the uses C3 & D1 of the development
- ii) jobs or training within employment sectors relating to the final development

Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

Total of zero end-use apprenticeships on this scheme.

## External responses

### **Secure By Design (Met Police)**

- 8.13 Have discussed the project with the architects in a pre-application meeting in regard to Secured by Design (SbD). With continued dialogue through to compliance and sign off, the project is capable of achieving a SbD Homes 2016 Gold Award and the Commercial 2015 Award.

SBD would recommend that the scheme should, by means of a condition, achieve Secured by Design accreditation which would be formally acknowledged upon a final inspection once all works are complete.

The reason for this is to reinforce the committed approach and interest in the long term sustainability of both security and crime prevention measures throughout the development for the benefits of all future residents.

### **Thames Water Utilities Ltd.**

#### **- Waste**

- 8.14 Following initial investigations, Thames Water has identified an inability of the existing combined water infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree an infrastructure and phasing strategy for surface water but have been unable to do so in the time available.
- 8.15 Our sewer records don't indicate any shared drainage within the site, but there may be newly transferred sewers that we haven't yet mapped and aren't aware of.
- 8.16 If the site owner finds shared drainage, the sewers may need to be diverted, as we don't allow new builds over public sewers. They will need to submit their pre-planning application to us and then discuss any potential diversions with the engineer dealing with their application.
- 8.17 And as such Thames Water request that the following condition be added to any planning permission.

The condition should impose the following: No properties shall be occupied until confirmation has been provided that either:- all combined water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

#### **- Water**

On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer

should take account of this minimum pressure in the design of the proposed development.

- Other

We require a site drainage strategy to assess the impact that this development will have on the public sewer system.

### **London Overground**

- 8.18 No comments to make.

### **London Underground**

- 8.19 No comments to make.

### **Network Rail**

- 8.20 No response.

## **9 LOCAL REPRESENTATION**

- 9.1 A total of 795 neighbouring properties were notified. Site notices have also been erected in close proximity to the site. The application was also advertised in the local press.
- 9.2 Neighbours were also re-consulted on 1<sup>st</sup> May 2018 in respect of amendments to the scheme.
- 9.3 9 letters of objections have been received in relation to the proposed scheme. The concerns that were raised following both initial consultation and re-consultation are outlined and categorised below.

### Land use

- If the proposal is to demolish 21 Herald Street, currently home to the Maureen Paley Gallery, we would object strongly; Bethnal Green's vibrant artistic community is one of its great assets, and to close a popular and well-respected gallery that visibly draws in many visitors from both across London and beyond is clearly to the detriment of the local community

### Design

- The height is not in keeping with scale of buildings in the surrounding area/ 9 storeys are too many.
- Impact skyline view in the area/ block sky from Mint Street development
- Unhuman scale of development
- The existing building is visually pleasing for the area

### Amenity

- Lower quality of life for residents within immediate vicinity

- Adverse impact on neighbouring amenity
- Would overlook private terraces and living spaces at 25 Mint Street
- Loss of light and overshadowing, especially Peabody building on Mint Street, particularly Cotherstone Court.

## **10 MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Density / Quantum of Development
- Design
- Housing
- Neighbouring Amenity
- Highways and Transportation
- Energy and Sustainability
- Biodiversity
- Air Quality
- Land contamination
- Impact on Local Infrastructure and facilities, Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

### **Land use**

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

- the acceptability of the loss of the existing land uses that currently or last occupied: D1 (place of worship and art gallery) and Sui Generis (scrap metal yard)
- the acceptability of the proposed land uses: Residential (C3) and D1 (flexible)

### Loss of scrap metal yard (sui generis)

10.3 Part of the application site was last in use as a scrap metal yard which is considered to be a sui generis land use.

10.4 Due to the nature of a sui generis use, there is not always a specific policy that can be directly applied. This is the case in this instance.

10.5 As a result, there are no policies that restrict the loss of this use. Further to this, as the scrap metal yard is vacant at present, the proposal would not give rise to the loss of an active business and associated employment. On this basis, officers raise no objections.

### D1 floorspace at the application site (existing and proposed)

- 10.6 In relation to the loss of existing uses, officers have had regard to the relevant planning policy. This includes Core Strategy Spatial Policy SP03 and Managing Development Document (MDD) Policy DM8 'Community Infrastructure' which seek to ensure the delivery of healthy and liveable neighbourhoods. They also resist proposals that would result in adverse impact upon existing health, leisure, social and community facilities.
- 10.7 The existing building accommodates 1,235.5sqm of D1 (non-residential institutions) floorspace. Whilst the proposal seeks a residential-led development, it includes the re-provision of 553sqm of D1 floorspace at ground floor level.
- 10.8 The proposal seeks permission for D1 floorspace. Officers raise no objections to the principle of D1 as a land use in this location. It also represents a continuation of the existing land use character on the site. It is noted that the D1 Use Class captures a relatively broad spectrum of uses. It is also noted that the application submission identifies the proposed occupier to be the art gallery that occupies the existing building.
- 10.9 Whilst there are no objections to the principle of flexible D1 floorspace in this location, it is acknowledged that the impact of the land use will be dependent upon the specific D1 user. It is proposed that this is managed by a planning condition requiring the submission of details should the floorspace be occupied by a D1 use other than an art gallery.
- 10.10 In the letters of objections, neighbours have expressed concern that the proposals would result in the loss of the Maureen Paley art gallery which makes a valuable contribution to the Bethnal Green's vibrant artistic community.
- 10.11 As the applicant seeks to retain this occupier, officers are satisfied that the proposal would not displace an active and valued community use.
- 10.12 In terms of the remainder of the existing D1 floorspace (682.5sqm), it would be lost as a result of the proposal. It is noted that this floorspace was previously occupied by a place of worship, but is currently vacant. The proposal would therefore not displace a community facility.
- 10.13 Giving consideration to the public benefit associated with the proposed housing contribution in addition to the vacant nature of the floorspace, the loss of the D1 floorspace is considered to be acceptable in this instance.
- 10.14 Further to the above, the retention of a valued community use that would also result in the creation of street level activity and a positive relationship with the public realm and railway arches to the rear is also considered to be a key benefit of the scheme.

#### Proposed residential use (C3)

- 10.15 The proposal seeks to introduce residential use to the application site. The site does not uphold any designations that would restrict this from a policy perspective.
- 10.16 The proposed residential use is supported by officers as a contribution to the borough's housing targets which responds to identified need.

- 10.17 Officers will return to discussions surrounding the nature of this contribution in the housing section of this report.

### **Density**

- 10.18 Policy 3.4 'Optimising housing potential' of the London Plan (2016) seeks to ensure that new housing developments optimise the use of land by relating the density levels of housing to public transport accessibility levels. The London Plan Housing SPG (2016) states that the density matrix contained within the London Plan (2016) should be applied flexibly rather than mechanistically.
- 10.19 Policy SP02 'Urban living for everyone' of the Core Strategy (2010) also relates density levels of housing to public transport accessibility levels and additionally relates density levels of housing to the hierarchy and proximity of nearby town centres, so that higher densities are promoted in and around town centres that are higher up in the hierarchy.
- 10.20 The application site is considered to fall within a 'central' setting and has a PTAL rating of 6b. The London Plan therefore recommends that a suitable density range for such a site is 650-1100 habitable rooms per hectare (hr/ha).
- 10.21 The proposed development would deliver a net residential density of 1,760 hr/ha. This exceeds the density range set out within the London Plan.
- 10.22 Attention is however drawn to the guidance provided by the London Housing SPG in relation to the implementation of Policy 3.4 and the density matrix. It sets out the circumstances where densities above the relevant density range may be justified.
- 10.23 The SPG states that schemes which exceed the ranges in the matrix must be of a good design quality. They should also be tested against the following considerations. Officers have undertaken this exercise below:

Considerations	Proposal
The factors outlined in Policy 3.4 including local context and character, public transport capacity and the design principals set out in chapter 7 of the London Plan	<p>As outlined in the design section, the proposed development is considered to be compatible with its surroundings with regards to its scale, height and massing. It is seen to be in keeping with surrounding residential buildings with regards to scale and massing, but also density.</p> <p>For example, the recently constructed residential development at 58-64 Three Colts Lane and 191-205 Cambridge Heath Road (PA/11/03785) has a maximum height of 8 storeys and a density of 1830ha/hr.</p>
Location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services	The application site benefits from a PTAL of 6b, which is the highest level of accessibility.

The need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and in particular, accord with the housing quality standards set out in Part 2 of this SPG	As outlined in the design section and housing section of the report, the proposed development is considered to give rise to high quality design and enhance the public realm. The standard of residential accommodation has also been fully assessed and is considered to be acceptable.
A scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding'.	For the reasons outlined in the report, the proposed development is considered to positively contribute to place making. This includes the retention of the valued community art gallery, the introduction of activity and surveillance at street level and facilitating the implementation of the planning permission to convert and restore the railway arches to the rear.
Depending on the particular characteristics, the potential for large sites to define their own setting and accommodate high densities.	Not relevant for this application.
The residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location.	As discussed in the housing section of this report, the proposed development is considered to provide an acceptable residential mix and makes a good contribution to the acute need for family housing in the borough.
The need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities	The proposed development is considered to be policy compliant in this regard.
Whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (e.g. town centres, opportunity areas, intensification area and other large sites	The application site is located within the City Fringe Opportunity Area. As stated above, it is also a PTAL 6b location.

- 10.24 For the reasons outlined in the table above and in greater detail throughout the report, officers are satisfied that the proposed density is acceptable. It has been demonstrated that the proposal is in keeping with the surrounding and that there are no significant material issues that deem the proposed density unacceptable. Officers therefore raise no objections in this regard.

## Design

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

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

#### Height, scale and massing

- 10.31 The proposed development marks a significant increase in building scale when compared to the existing two storey building and open yard. Officers have had careful regard to the acceptability of this in the context of the character and appearance of the surrounding area. Regard has also been given to the amenity impacts of this which are discussed later in the report.
- 10.32 Objections have been received in relation to the scale of the proposed building. It is considered that the proposed height is not in keeping with the surrounding buildings, it would impact upon the skyline and block sky from Mint Street and would result in an unhuman scale of development. These concerns have been considered below.

- 10.33 Whilst the existing building sits at just 9m (approx.) in height and occupies 61% of the overall application site, the application site is surrounded by built form of an increased scale.
- 10.34 The prevailing height in the surrounding area is mid-rise. For example, the neighbouring buildings that are located immediately adjacent to the application site range between 6 and 11 storeys in height.
- 10.35 This said, the local scale and pattern of the streets that surround the application site is acknowledged and the impact of taller buildings upon this has been considered.
- 10.36 In addition to this, the presence of the railway to the north-west of the site is also acknowledged. It comprises a raised railway track inclusive of railway arches. The height of the railway is similar to that of a two a storey building. Therefore, whilst there are buildings to the north-west of the application site (including the Mint Street development referred to by objectors), they are separated by the railway.
- 10.37 The height of the proposed building ranges between 6 and 9 storeys in response to the variations in surrounding height. The taller elements (8 and 9 storeys) of the proposed building are positioned towards the northern and western parts of the site, adjacent to the railway and Blithehale Court student accommodation (an 11 storey building). On these elevations, the building sits at a full 7 or 8 storeys with a set-back 9<sup>th</sup> storey.
- 10.38 The building transitions from 7 to 6 storeys on the Herald Street elevation and sits at 6 storeys on the Glass Street elevation, where the existing neighbouring building (Mansion Hive student accommodation) is also 6 storeys.
- 10.39 Officers are satisfied that the proposed height range marks an appropriate response to the surrounding building heights.
- 10.40 This design response does however result in a series of steps and elements at roof level. When originally submitted, officers raised concerns that the form of the building was over-complicated at roof level which was to the detriment of the overall design quality of the building.
- 10.41 The plans have since been amended to simplify the building at this level and provide a greater sense of uniformity on each street elevation. The applicant also submitted CGIs demonstrating that the 9<sup>th</sup> floor of the proposed building, due to the generous set back would be of limited visibility from surrounding streets.
- 10.42 It is noted that the 9<sup>th</sup> floor would be fully visible from the streets on the other side of the railway, including Mint Street. However, officers consider the additional separation distance provided by the railway sufficient to mitigate the impact of this additional height.
- 10.43 The applicant has also provided a CGI from Cambridge Heath Road, to provide an insight into the impact of the proposed building from longer views. It demonstrates that whilst the building can be seen, the visibility of the 9<sup>th</sup> set back storey is limited. Officers do acknowledge that it is likely that the 9<sup>th</sup> storey would be visible in kinetic views that have not been tested. However, the design quality is considered to offset any potential harm resulting from its visibility. It is further

acknowledged that there is a prevalence of buildings in the vicinity with similar form and arrangement at roof level.

- 10.44 For the reasons outlined above, the proposed development is considered to be acceptable with regards to height, scale and massing.

Detailed design and materiality

- 10.45 Firstly, it is noted that the objections also raise concern in relation to the loss of the existing building as it is considered to be visually pleasing for the area.
- 10.46 Officers consider that the existing building reflects the past industrial character of the area. However, as it is not a listed building and is not located within a conservation area, officers raise no objections to its demolition.
- 10.47 In recognition of the industrial aesthetic that once prevailed in Bethnal Green, the applicant has adopted a contemporary architectural style that seeks to reflect the early 20<sup>th</sup> century industrial and Victorian character of the surrounding area.
- 10.48 Officers have regard to the detailed design of the proposed building and consider it to be well-proportioned with an appropriate solid to void ratio. The proportions together with the proposed fenestration pattern results in a strong sense of vertical articulation and rhythm which continues to ground level with reconstituted stone piers.
- 10.49 The proposed detailing is considered to successfully break down the scale and massing of the proposed building. The proposed materials are also considered to result in a high quality aesthetic. It is proposed that further details of the external materials are secured by condition.
- 10.50 The continuation of the articulation to ground floor level, together with the extensive glazing, is also considered to result in a high quality ground floor elevation that is active and human scale in nature. It is therefore considered to foster a positive relationship with pedestrians and the surrounding public realm.
- 10.51 The proposal would introduce active frontage and resultant natural surveillance on all four of its ground floor elevations. This is considered to be particularly positive when considering the nature of the ground floor elevations of the neighbouring buildings which are largely inactive.
- 10.52 The proposed building would therefore enhance the pedestrian experience, street safety and relationship between built form and public realm.

Public realm, inclusive design and secure by design

- 10.53 Policy DM23 'Streets and the public realm' seeks to ensure that development is well-connected with the surrounding area, accessible for all people, designed at a human scale and comfortable and useable. It also seeks active and high quality shop fronts.
- 10.54 As outline in the above section, the proposed development is considered to give rise to an acceptable relationship with the surrounding streets and pedestrians.

- 10.55 In addition to active street frontage, the development includes a section of hard landscaping to the rear, between the northern elevation of the building and the railway arches.
- 10.56 Whilst this section of the site is located within the site boundary, it facilitates the implementation of the planning permission (PA/15/02828) that relates to the conversion of the railway arches as it allows access from Glass Street and Witan Street to the arches.
- 10.57 The applicant has suggested that the purpose of this space is to access the railway arches and will have gates at each end which will be closed when the railway arches are outside of their operating hours. The applicant has also suggested that this space would be publicly accessible when the gates are open.
- 10.58 On this basis, officers consider this space to contribute to the public realm. Whilst no details of the proposed hard landscaping have been proposed at this stage, officers would secure the submission of further details by planning condition, if the proposed development is approved.
- 10.59 Officers would expect the strip to deliver high quality landscaping, including seating opportunities.
- 10.60 From a designing out crime perspective, the Metropolitan police have recommended that a planning condition is attached to ensure that the proposed development achieves secure by design accreditation. If the development is approved, this condition will be attached.
- 10.61 Subject to the submission of details surrounding the hard landscaping works, officers consider the scheme to be acceptable in this regard.

### **Housing**

- 10.62 The proposed development comprises 62 new residential units.
- 10.63 This is supported in line with the London Plan (2016) and the Core Strategy (2010) which seek to increase London's and Tower Hamlet's supply of housing.
- 10.64 In addition to housing numbers, planning policy requires new housing development to provide housing choice. This includes a mix of sizes and tenures.
- 10.65 Housing planning policy also seeks a high standard of residential accommodation for its occupiers. The standard of proposed residential accommodation is assessed in a later in this report.

### **Housing mix and affordable housing**

- 10.66 As stated above, planning policy requires a mix of housing that responds to the identified housing need within Tower Hamlets and, as a result, contributes to the creation of mixed and balanced communities.
- 10.67 On this basis, Policy SP02 of the Core Strategy seeks 35-50% affordable housing (by habitable room) to be provided by developments that provide 10 new residential units or more. In line with national, regional and local policy, this is subject to viability testing.

- 10.68 In addition to a policy requirement to maximise affordable housing contribution, policy requires a tenure split for affordable homes of 70% social rented and 30% intermediate.
- 10.69 The development, as originally submitted included a proposed affordable housing contribution of 24% (by habitable room) which comprised 11 units and 41 habitable rooms. The tenure split in the affordable tenure represents 54.5% social rented and 45.5% intermediate.
- 10.70 In line with the Mayor of London's Affordable housing and Viability SPG, the above unit mix and tenure split was supported by a viability assessment submitted by the applicant. The Council's external consultants undertook an independent review of the viability. The findings of this review suggest that there is no viability case to support a higher level of affordable housing than proposed in the applicant's financial viability report.
- Revised housing offer
- 10.71 However, in addition to a relatively low affordable housing contribution of 24%, the proposed tenure split (54.5% social rented/ 45.5% intermediate) within the affordable tenure was not policy compliant. Officers raised objections on this basis. The applicant responded with a revised offer.
- 10.72 The revised offer includes an affordable housing contribution of 28% (by habitable room). In terms of unit numbers, this still represents 11 units, but provides an increased habitable room figure of 51 rooms. This results from changes to the unit mix within each tenure which has resulted in additional family units within the affordable tenure and an increase in the amount of smaller units within the private tenure.
- 10.73 The revised offer also provides a tenure split of 73% social rent/ 27% intermediate within the affordable tenure. This is policy compliant and acceptable.
- 10.74 The overall unit types and mix has been set out in the table below. The table also makes reference to the policy requirement in respect of the unit types as set out in Policy DM3 'Delivering homes' of the Managing Development Document (2013).

		Affordable Housing						Market Housing		
		Social/Affordable Rented			Intermediate					
Unit Size	Total Units	Units	As a %	Policy Target %	Units	As a %	Policy Target %	Units	As a %	Policy Target %
Studio	0	0	/	/	0	/	/	0	/	/
1 Bed	21	0	/	30%	0	/	25%	21	41.2%	50%
2 Bed	33	3	37.5%	25%	1	33.33%	50%	28	54.9%	30%
3 Bed	9	5	62.5%	30%	2	66.66%	25%	2	3.9%	20%
4 Bed	0	0	/	15%	0	/	0%	0	/	
Total	62	8	100%		3	100%		51	100%	100%

- 10.75 It is also noted that the proposed affordable housing contribution of 28% still falls below the policy requirement of 35-50%. Officers do however consider that this represents the maximum amount of affordable housing that the scheme can viably afford.
- 10.76 Officers therefore refer to the Core Strategy that states *"in some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met"* (Policy SP02, para 4.4).
- 10.77 However, the Core Strategy also states that there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision.
- 10.78 As shown by the table, the proposed development does not provide a mix of housing types in line with policy. It acknowledged that the above unit type mix has resulted from an attempt to maximise the affordable housing contribution by habitable room.
- 10.79 The proposed unit type mix provides a minimal amount of family units within the private tenure and an increased number of family units within the affordable tenure.
- 10.80 Although not in line with the policy requirements in this regard, officers have had regard to the most up to date housing data in respect of Tower Hamlets' housing need as set out in the Strategic Housing Market Assessment (SHMA) (2017).
- 10.81 With regards to 'size and tenure mix', the evidence is considered to point towards a high need for 2 bedroom properties in the market sector, along with a high need for 2 and 3 bedroom properties in the affordable sector. The report states, *"the main driver of this need in the affordable sector is the need to address overcrowded households in Tower Hamlets who require larger affordable housing"*.
- 10.82 When assessed in relation to policy, the proposal presents an imbalance between unit sizes. However, with regard to the SHMA evidence, the proposed development, through the delivery of 7 affordable family units, makes a valuable contribution to the delivery of housing that meets an identified need for larger households within the affordable tenure. Therefore, whilst the scheme does not contribute to housing need across all unit sizes (for example, 1 bed households within the affordable tenure), it is considered to make a positive contribution to the delivery of affordable larger houses, where need is identified as high.
- Housing related planning obligations
- 10.83 In the event that planning permission is granted, it is proposed that the affordable housing contribution, inclusive of the unit and tenure mix, is secured by legal agreement. Officers would also secure appropriate rent levels within the affordable social rent tenure. This is to ensure the genuine affordability of these units.
- 10.84 It is proposed that the social rented units are secured as a 50/50 split between two social rented products: London Affordable Rent (LAR) and Tower Hamlets Living Rent (THLR).

- 10.85 Also, in recognition of the policy requirement to the maximise the delivery of affordable housing, together with the potential for changes in sales values and construction costs, it is considered appropriate to secure a viability review mechanism. This is in line with the Mayor of London's Affordable housing and Viability SPG and would allow additional affordable housing to be secured should the viability of the scheme improve.
- 10.86 It is proposed that two viability review triggers are proposed:
- Early stage review – triggered in the event that the above ground superstructure is not in place within 2 years of the date of permission.
  - Late stage review – triggered once 75% of homes are sold.
- 10.87 The above requirements would be inserted into a clause within the legal agreement, should planning permission be granted.
- Summary
- 10.88 In summary, the proposed development falls short of the Council's policy targets with regards to both the quantum of affordable housing and the proposed unit type mix.
- 10.89 As set out above, the proposed affordable housing contribution is considered to represent the maximum amount that the scheme can viably deliver. Further affordable housing contributions would also be captured via the viability review mechanisms secured by legal agreement.
- 10.90 In line with policy, officers have considered the affordable housing position in context of the benefits of the scheme.
- 10.91 As also set out above, officers consider the delivery of 7 affordable family units as a benefit in the context of the identified need for affordable larger units evidenced within the SHMA (2017). Although a short fall in policy terms, the delivery of 62 residential units, inclusive of 28% affordable housing, is also considered a benefit in the context of the overall Council's housing targets.
- 10.92 In terms of the wider scheme, additional benefits are present and have been acknowledged earlier in this report. This includes the retention of a valued community use, the introduction of activity and natural surveillance at street level and the introduction of public realm that enables the implementation of the planning permission relating to the conversion of the railway arches.
- 10.93 It is therefore concluded that the proposed housing is acceptable when balanced with the benefits of the overall scheme.

#### Accessible housing

- 10.94 The proposed development would provide 7 wheelchair accessible units (designed in accordance with Part M4(3) of the Building Regulations 2015). This equates to 11% of the total number of residential units proposed (62). The remaining 51 units would be secured as adaptable, in accordance with Part M4(2) of the Building Regulations 2015.

- 10.95 In terms of quantum, this is compliant with Policy 3.8 'Housing choice' of the London Plan (2016) which requires 10% of the total units to be wheelchair accessible. The table below sets out within which tenure the proposed wheelchair accessible units are proposed.

Tenure	1-bed	2-bed	3-bed	4-bed	Total
Market Sector		6		-	6
Intermediate	-	0	0	-	
Social/Affordable Rented	-	0	1	-	1
Total		6	1	-	7

- 10.96 As set out in the table above, the proposal seeks the provision of 1 wheelchair accessible unit within the affordable tenure. Given the borough's demand for wheelchair accessible units within this tenure, this is considered to make a minimal contribution.
- 10.97 It is further noted that there is only one lift within the affordable core of the building. Officers have raised concerns in this regard on the basis that it restricts the movement of wheelchair users in instances where the lift may become out of service. The applicant has however stated that due to the increased service charge that would come hand in hand with providing an additional lift within the affordable core, they are unable to do so.
- 10.98 Whilst the quality of this unit from an accessibility perspective is considered to be compromised, there is no current policy that sets a requirement for an additional lift.
- 10.99 It is for this reason that officers have not suggested the inclusion of further wheelchair units within the affordable tenure of the development. Officers have however sought the amendment of the plans to introduce additional choice within the private tenure.
- 10.100 Despite the above, the proposal is considered to meet policy requirements in this regard. If planning permission is granted, in order to ensure that the proposed wheelchair accessible units have been designed in accordance with Part M4(3) of the Building Regulations 2015 a condition requiring detailed layouts of the units at a scale of 1:50 will be imposed. The condition would also stipulate that the remaining 51 units within the development must be designed in accordance with Part M4(2) of the Building Regulations 2015.

#### Standard of residential accommodation

- 10.101 In addition to the requirements set out within Policy 3.5 'Quality and design of housing developments' of the London Plan (2016), Policy SP02 'Urban living for everyone' of the Core Strategy (2010) and Policy DM4 'Housing standards and amenity space' of the Managing Development Document (2013), the Mayor's Housing SPG (2016) sets out a series of design standards. Officers will consider

the quality of residential accommodation proposed in regard to the following aspects:

- Space standards

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

10.103 The minimum space standards (GIA) are set out in the table below:

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings
<b>1b</b>	1p	39 (37)
	2p	50
<b>2b</b>	3p	61
	4p	70
<b>3b</b>	4p	74
	5p	86
	6p	95

10.104 Officers are satisfied that all of the proposed residential units are compliant with the space standards. It should also be noted that the GIA of all units exceeds the minimum standard, ranging between 0.2sqm to 33.2sqm above the requirements.

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

- Shared circulation and access

10.106 The London Housing SPG provides standards relating to shared circulation. It determines that each core should be accessible to generally no more than eight units on each floor.

10.107 Neither the private nor the affordable tenured part of the building would exceed this standard.

10.108 The SPG also states that all dwellings entered at the seventh floor (eighth storey) and above should be served by at least two lifts. The development also complies with this standard.

10.109 Officers are therefore satisfied that the development is acceptable in this regard.

- 10.110 With regard to the main residential entrances, the private units and affordable units would be accessed via separate entrances; this is in line with the location of the respective cores.
- 10.111 The private entrance would be located on the corner of Witan Street and Herald Street. The affordable entrance would be located mid-way along the Witan Street elevation. Given that the application site has three street frontages and the proposed building seeks to introduce active elevation across the ground floor of the building, officers consider the siting of the proposed entrances is considered to be acceptable.
- 10.112 In terms of quality, the design of the affordable entrance is also considered to be acceptable. The size and recessed nature of the entrance is considered to result in a visually prominent residential entrance, similar in prominence to the private residential entrance.
- Aspect, daylight and sunlight, noise and vibration, outlook and privacy
- 10.113 The London Housing SPG also seeks the minimisation of single aspect dwellings. It further states that single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.
- 10.114 The proposed development is inclusive of single aspect units. These occur on both the west and east facing sides of the building. Officers have also had regard to the daylight and sunlight assessment which demonstrates that these units would have acceptable internal daylight levels. The daylight and sunlight assessment further demonstrates that the all units across the development would meet BRE guidelines with regards to internal daylight levels.
- 10.115 Officers are also satisfied that any units that have 3 bedrooms are dual aspect.
- 10.116 The units on the west facing elevation of the proposed building would be in close proximity to the railway. The separation distance would be 5m between the western elevation of the building to the railway. Officers have had regard to any noise and vibration impacts upon these units.
- 10.117 The application submission was supported by a Noise and Vibration Assessment, prepared by RBA Acoustics. Given the proximity of the proposed development to the railway, the Council have had the applicant's report independently reviewed by an external noise consultant. This review had regard to the methodology and conclusions drawn within the applicant's report.
- 10.118 The report makes a series of recommendations in relation to the external building fabric to ensure that the noise levels generated by train movements are suitably mitigated. This includes a mechanical ventilation heat recovery unit (MVHR) for the elevations overlooking the railway. A glazing specification is also proposed. The external consultants working on behalf of the Council made further recommendations surrounding the glazing attenuation characteristics. It proposed that the recommended are secured by planning condition. Subject to this, the proposed development is considered to be acceptable with regards to noise and vibration.
- 10.119 From an outlook perspective, officers have had careful regard to the quality of the units that directly overlook the railway.

- 10.120 It is noted that much of the building would sit in close proximity/ opposite to neighbouring buildings, with separation distances ranging between 7.5m and 9m. The units at first floor level on the western side of the building would directly overlook the railway bridge, separated by a distance of 5m.
- 10.121 The proposal therefore gives rise to a close relationship with neighbouring buildings. It is considered that this would result in compromised outlook. It does however reflect the street and built form pattern in the surrounding area, where buildings occupy 'blocks', separated by narrow local streets. Officers therefore do not consider this is to be an uncommon or unexpected circumstance in a dense urban environment such as the one that exists throughout the borough, especially where a new development seeks to infill a gap/ site within existing built form.
- 10.122 The applicant has provided further justification to demonstrate that the units that look directly out onto the side walls of the raised railway would achieve acceptable outlook. The sections submitted show that the occupiers of these units would achieve a view of the sky, in addition to adequate daylight and sunlight levels. This is considered to mitigate the close proximity to the railway to an extent.
- 10.123 Further to this, officers have sought amendments from the applicant to remove wheelchair units and single aspect affordable units from this part of the building given that future occupiers of these units are likely to have limited choice in where they live and/or limited mobility.
- 10.124 Taking all of the above considerations into account, officers do not raise objections in this regard.
- 10.125 Further consideration has been given to the privacy impacts of the close relationship with neighbouring development. It is noted that privacy impact resulting from the close relationship with the student accommodation building (Mansion hive studios) on Glass Street is mitigated by the oblique windows on the neighbouring building. In relation to the other elevations that sit in close proximity to neighbouring buildings, whilst privacy may be compromised at some parts of the day, officers do not raise objections for the same reasons outlined in relation to outlook above.

- Private amenity space

- 10.126 In terms of private open space, the London Housing SPG requires a minimum of 5sqm of private outdoor space to be provided for 1-2 person dwellings. An extra 1sqm should be provided for each additional occupant.
- 10.127 Taking this into account, it is noted that 2 of the proposed 62 units present a shortfall in private amenity provision. Both of these units fall within the private tenure. The shortfalls are outlined below:

Unit number	Unit type	Balcony (sqm)	Policy requirement	Short fall (sqm)
509	2b3p	5	6	1
602	2b4p	5.2	7	1.8

10.128 It is also noted that the London Housing SPG states that “*in exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space required. This area must be added to the minimum GIA*”.

10.129 The internal area of these units exceeds the minimum policy requirements and the future occupiers would have a choice surrounding where they live.

10.130 Officers also draw attention to the provision of a policy compliant quantum of communal amenity space and Under 5's child playspace, located at 6<sup>th</sup> floor roof level, accessible by both the affordable and private cores. Taking this, and the above into consideration, officers are satisfied that this is acceptable.

- Communal amenity space and child playspace

10.131 Local planning policy requires the provision of communal amenity space for all developments with 10 or more residential dwellings. The policy requirement is 50sqm for the first 10 units, plus a further 1sqm for every additional unit thereafter.

10.132 This results in a requirement for the proposed scheme to deliver 102sqm of communal amenity space.

10.133 Local planning policy and the London Plan require the provision of child play space in line with the Mayor's 'Shaping neighbourhoods: Play and informal recreation' SPG. This specifies a requirement for 10sqm to be provided for each child.

10.134 Officers have used the Mayor of London's child yield calculator which is informed by the above SPG to establish the number of children that the development is likely to yield. The table breaks the total number down into age groupings and outlines the amount of child play space required per age group.

Child age group	No. of children	Proportion of total children	Child play space required (10sqm per child)
Under 5	8	44%	80
5 to 11	6	34%	60
12 +	4	22%	40
Total	17	100%	170

10.135 Policy DM4 'Housing standards and amenity space' of the Managing Development Document states that as a requirement, playspace for children under 5 should be provided on site.

10.136 The proposed development includes child playspace at 6<sup>th</sup> floor level, to be delivered in conjunction with the communal amenity space referred to above. The total area is 185sqm, dedicating 83sqm to under 5 child playspace. Whilst it is preferable that play space is provided at ground floor level, the proposed play space has been designed into the scheme and would be well overlooked from windows to upper storeys, thereby discouraging anti-social behaviour. It is proposed that the submission of further details surrounding the 6<sup>th</sup> floor external

space are secured by condition. This will ensure that the full quantum of under 5 child playspace is delivered, it is to a high standard and that it is compatible with the communal amenity space provision.

- 10.137 The proposed development does not seek the provision of on-site playspace for either the 5 to 11 year old or the 12+ year old age groups.
- 10.138 The applicant has had regard to existing play spaces in addressing the playspace requirements for the other age groups of children. In line with the SPG, the applicant has explored existing playspace provision within the following distances from the application site:

Child age group	Max. walking distance from residential unit
Under 5s	100m
5-11 year olds	400m
12+	800m

- 10.139 The applicant has demonstrated that there are various provisions, including equipped playgrounds and landscaped spaces, sports courts (tennis/basketball/5-a-side football) and dedicated informal play spaces (gardens and open greens) within 400m and 800m of the site (age group dependent).
- 10.140 This includes a 210m walking distance to Bethnal Green Gardens, where there is age appropriate play/recreation opportunity for the 5-11 age group and 12+ age group. Weavers Fields is within 650m and provides tennis and ball courts, appropriate to the 12+ age group.
- 10.141 It is considered that the above spaces provide existing play and recreation opportunity for the 5-11 and 12+ age groups. Taking the scale of the proposed development into account and the amount of children that the scheme is expected to generate, officers consider that this is acceptable.

- Summary

- 10.142 The proposed standard of residential accommodation has been carefully considered in respect to the development plan and best practise guidance. The scheme does not fully meet policy requirements, however, when balanced against the site constraints and wider benefits of the scheme discussed throughout this report, officers consider the proposal to be acceptable in this regard.

**Impact on amenity**

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

- Daylight and sunlight

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

- Blithehale Court
- The Hive (41-65 Three Colts Lane)
- 27 Cotherstone Court
- 1-17 Witan Street

10.145 The relationship of the above buildings with the application site is illustrated on the map (figure 2.5) below.



**Figure 2.5**

10.146 The Council has had the report independently reviewed by external daylight and sunlight consultants. The independent review has regard to the technical conclusions of the report and agrees with the conclusions drawn by the applicant. It does however assume that the study undertaken by the applicant is accurate.

- 10.147 It should be noted that the applicant has not assessed the daylight and sunlight impacts of the proposal upon the neighbouring hotel development. Given the nature of the land use, officers raise no objections to this.
- 10.148 It should also be noted that the daylight and sunlight assessment has not been revisited following amendments to the scheme. The amendments are inclusive of changes to the arrangement of massing and height at upper/ roof level. For example, where the 6<sup>th</sup> storey of the building was originally set back, but revised to become a full 6 storeys.
- 10.149 Nevertheless, as the amendments are considered to be minor and the adjacent buildings are not considered to be sensitive from a daylight and sunlight impact perspective, officers raise no objections.
- 10.150 The **daylight** impacts of the proposal are addressed below:
- Blithehale Court and The Hive (41-65 Three Colts Lane)
- 10.151 Both of the above buildings are student accommodation blocks. The daylight impact upon these buildings has been tested using the Average Daylight Factor (ADF) test, which is a measure of overall daylight in a space. The BRE standards recommend minimum values of ADF of 2% for kitchens, 1.5% for living rooms/ study rooms and 1% for bedrooms.
- 10.152 The ADF test has been chosen to assess the daylight upon these particular buildings as they are in student accommodation use. The assessment has obtained the internal layouts and reviewed the lowest three floors and analysed the relevant living rooms and study areas adjacent to the windows with a view of the proposal. Whilst the applicant has not provided an assessment of all windows on the affected elevation, officers consider that the results relating to the lowest three floors would present the worst case scenario.
- 10.153 Both the applicants report and the Council's independent review state that it can be appropriate to use ADF for properties that are not in permanent use and are only used for relatively short periods of time. This is on the basis that the actual level of daylight is more important than whether there is a reduction from the existing level.
- 10.154 Officers raise no objections to the use of ADF in this instance and have had regard to the findings of the ADF test.
- 10.155 The results confirm that the daylight conditions would remain above the BRE guidelines for a study room (1.5%), with exception to two study area windows - one at first floor level (1.24%) and another at second floor level (1.44%).
- 10.156 In addition to these failures being marginally below the BRE guideline, it should also be noted that their existing values were also below 1.5%. The affected windows therefore retain 95% and 97% their former value as a result of the proposed development.
- 10.157 The applicant has adopted the same approach towards daylight testing of The Hive as it is also a student accommodation block. This time, the lowest two floors have been reviewed. The results confirm that all windows would conform with the BRE guidelines.

10.158 By meeting BRE guidelines for the ADF test, officers are satisfied that the student rooms would experience an acceptable standard of living with regards to daylight.

10.159 Given the marginal nature of the failings and the transient use of the rooms, officers do not consider the identified impact to be unacceptable. If in residential use, officers would seek the further testing of the upper floors. In this instance, the level of testing is considered to give an adequate indication of impact across the building.

- 27 Cotherstone Court (Mint Street)

10.160 The above address is a residential building. It is located to the west of the site, on the other side of the railway.

10.161 Residents have raised objection to the proposal on the basis that it would result in unacceptable daylight and sunlight impact upon existing development in Mint Street.

10.162 The applicant has reviewed the closest windows of the Cotherstone Court development that have a view of the site.

10.163 The Vertical Sky Component (VSC) test has been applied. This test measures the amount of daylight received at the centre of the window face, before and after the proposed development is constructed. This is considered to be the most appropriate test for measuring the level of impact upon a neighbouring residential building. When the VSC is below 27% as existing, the BRE guidelines recommend that daylight values are not reduced by more than 0.8 of the former value (i.e. more than a 20% reduction in daylight as a result of the proposal).

10.164 The results demonstrate that the daylight at one window at first floor level (W1) would be reduced to 0.79 its former value as a result of the proposal. This represents a 21% loss of daylight at one window. According to the guidance this is considered to constitute a minor adverse failing. Given that the window fails by 1%, this is considered to present a very minor failure.

- 1 – 17 Witan Street

10.165 The above address is also a residential building. It is located to the north-west of the site. The applicant has reviewed the closest windows with a view of the site and the VSC test has been applied.

10.166 The majority of these windows maintain a VSC in excess of 27%. Daylight levels for all other tested windows (5 windows) are slightly reduced, however, remain within the limits deemed acceptable by the BRE guidelines and where the loss of light would not be deemed noticeable. . For example, the daylight reduction to these windows, as a result of the proposal, ranges between 2% and 14%. Officers therefore consider this to be acceptable on the basis that the results are compliant with BRE guidelines.

10.167 The sunlight impacts of the proposal are addressed below.

10.168 The applicant has tested the sunlight impacts of the proposal using the Annual Probable Sunlight Hours (APSH) test. This should be calculated for windows of main habitable rooms that face within 90 degrees of due south.

- 10.169 On this basis, the APSH has been calculated for the previously outlined windows at Blithehale Court, 27 Cotherstone Court and 1-17 Witan Street. The windows at The Hive do not face within 90 degrees of south and the criterion therefore does not apply.
- 10.170 The results relating to Blithehale Court show that 9 of the tested windows would fail to meet the BRE guidelines with regard to winter APSH. They would meet BRE guidelines with regards to the annual APSH.
- 10.171 As the windows would retain a BRE compliant level of sunlight on an annual basis and the affected windows serve student study room/ bedrooms that are occupied on a short term basis, the impact is considered to be acceptable on balance.
- 10.172 The results show that all other tested windows that fall within 90 degrees of south meet the BRE guidelines with regards to sunlight.
- 10.173 In summary, the majority of the tested windows meet the BRE guidelines with regards to daylight. There are 3 minor failings, as set out above.
- 10.174 Given the minimal nature of the failings, this is not considered to result in an unacceptable impact, especially when considered in the context of the scale of existing surrounding development.
- 10.175 For the reasons outlined above, the scheme is also considered to be fully BRE compliant with regards to sunlight.
- 10.176 As a result, officers do not raise objections on daylight and sunlight grounds.
- Outlook, overlooking and privacy
- 10.177 As previously set out, the proposed building sits in relatively close proximity to neighbouring buildings. Whilst the application site comprises an existing building that occupies the majority of the site, the proposal marks an increase in overall scale which would result in a change of outlook for neighbouring occupiers.
- 10.178 As also set out previously, the closest physical relationship would exist between the proposed building and The Hive development to the south. However, the nature of the ground floor and the obliquely arranged windows on this neighbouring development would mitigate any unacceptable impact with regards to outlook. For the same reason, there is no conflict between these buildings from a privacy perspective.
- 10.179 The proposed building would give rise to a reduction in outlook and increased overlooking for the Travel Lodge hotel development to the east and the student accommodation development, Blithehale Court, to the north.
- 10.180 Given the short term nature of the occupants that reside within the affected rooms, officers do not consider the impact to be unacceptable.
- 10.181 In addition to the above, officers have had regard to any outlook and privacy impacts arising from the development upon the residential buildings to the west of the development and the railway. Objectors have noted particular concern in relation to the impact upon properties in Mint Street, mainly Cotherstone Court (to the west and south-west of the site). This includes overlooking to private

terraces/living spaces and impact on sky line/ blocking of the sky, when viewed from Mint Street development.

- 10.182 A level of overlooking would result from the proposed development, however, due to the separation distance (in excess of 30m), officers do not consider that this would amount to an unacceptable loss of privacy.
- 10.183 Officers have had regard to the concerns raised relating to the blocking of sky/ changing sky line when viewed from the existing Mint Street development. Whilst a change to a view from a residential property is not considered to constitute a planning consideration as such, officers have considered this from an outlook perspective. The reduction of outlook experienced from a residential property as a result of a new development in close proximity can result in unacceptable impact upon residential amenity.
- 10.184 However, in this instance, whilst occupiers would experience a change of a view as a result of the proposed development, the separation distance resulting from the railway and street is considered to adequately mitigate an unacceptable loss of outlook.

- Noise and disturbance

- 10.185 The objections have suggested that the proposed building would increase the noise levels experienced from the railway. The applicant has not tested the impact of the development upon noise levels associated with the railway. However, the presence of buildings of the proposed scale of either side of the railway is not considered to be an uncommon situation within the borough, nor wider London. Officers therefore raise no objections in this regard.
- 10.186 The proposal also seeks the introduction of residential development on the site. It is not considered that the proposed residential land use would give rise to an unacceptable noise impact. Both the scale and nature of the use is akin to existing neighbouring development and is therefore considered to be compatible.
- 10.187 Permission is sought for the ground floor of the building to be in D1 (non-residential institution) use. It is noted that a large part of the site is in D1 use as existing, however, the impacts associated require further consideration given the intensification of the site and the introduction of residential use.
- 10.188 At this stage, it is proposed that the existing D1 occupier, an art gallery, would also occupy the ground floor of the proposed building. However, the application seeks non-restricted D1 use to enable change of use between the various non-residential institutions that also fall within the D1 use class.
- 10.189 Officers are satisfied that the proposed art gallery occupier would not give rise to unacceptable impact upon the amenities of surrounding occupiers, including noise and disturbance impacts. Taking this into consideration, together with the positives surrounding activity at street level throughout the day, it is proposed that the opening hours are relatively flexible and secured at 8am – 11pm daily. This will be secured by condition if the development is approved.
- 10.190 It is however recognised that the impacts arising from the ground floor of the building is dependent upon the specific community type use that occupies the space, given the relatively broad spectrum of uses within the D1 use class. This

could include differences in opening times, number of visitors and general intensity of use.

- 10.191 To ensure a sustainable development, should this scheme be approved, it is considered to appropriate to attach a planning condition to ensure the suitable management of D1 uses that differ from an art gallery. The condition would require the submission of a management plan, specific to the proposed occupier. This would give officers the opportunity to ensure ongoing compatibility with the residential use on site and neighbouring land uses.

- Summary

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

### **Highways and Transportation**

- Car parking (and blue badge parking)

- 10.193 The proposed land use does not attract a requirement to provide general car parking. A car-free development is in line with local policy and therefore supported. A planning condition to secure the car-free nature of the development is recommended.
- 10.194 Accessible parking in conjunction with both the proposed residential use and the D1 floorspace is required. In terms of quantum, Policy DM 22 'Parking' of the Managing Development Document (2013) seeks the following where the proposed development does not include off-street car parking: *"1 space on-site. Where site constraints mean provision is unfeasible or not safe, development will be required to demonstrate how a disabled person can park to use the development with ease"*.
- 10.195 Using Department for Transport (2015) statistics, the applicant has suggested that a development of the proposed scale would be likely to generate demand for 2-3 accessible car parking spaces.
- 10.196 In the absence of opportunity for on-site accessible parking, in line with the parking requirements set out in Policy DM 22, the applicant has sought to demonstrate how a disabled person can park to use the development with ease.
- 10.197 The applicant has undertaken a parking stress survey, using the Lambeth methodology, in relation to the existing parking bays surrounding the site.
- 10.198 For context, it should be noted that vehicles can park free of charge and without time limit where on-street pay and display parking facilities apply. Blue badge holders are also exempt from the terms of any condition that secures the car-free nature of the development and restricts residents from applying for parking permits.
- 10.199 The parking stress survey has regard to occupancy levels at pay and display bays, permit holder bays and dual use bays within 200m walking distance of the site. From this, the applicant concludes that there are parking stress levels of 79% overnight and 82% during the day.

10.200 It is further acknowledged by the applicant that the parking bays surrounding the site, encompassing Witan Street, Herald Street, Glass Street and Coventry Road experience high levels of parking stress. The applicant has however undertaken a review of the survey plans in detail and suggests that at any one time there were 2-3 unoccupied spaces within these streets.

10.201 Given that the evidence provided by the applicant suggests that there are parking opportunities in close proximity to the development for blue badge holders, officers raise no objections.

- Cycle parking

10.202 The residential element of the proposal is required to provide 96 long stay cycle parking spaces.

10.203 The proposal seeks to provide 23 residential spaces at ground floor level, accessible from Glass Street at street level. A further 80 spaces are provided at basement level, accessible via the lift core that serves the private residential units.

10.204 Officers are satisfied that the 23 spaces at ground floor level provide a sufficient quantum of cycle parking to serve the affordable residential units (16 spaces required by policy).

10.205 The private units give rise to a requirement for 81 spaces. Officers are satisfied that the proposed basement cycle parking, together with the additional spaces in the ground floor provision meet this requirement.

10.206 Officers will however seek to ensure that 16 of these spaces are reserved for the occupiers of the affordable units. It is proposed that this is secured by planning condition.

10.207 The commercial element of the proposed is required to provide 5 cycle parking spaces at ground floor level, in a separate store dedicated to the commercial floorspace. It would be accessible internally from the commercial floorspace. This is considered to be acceptable.

10.208 It is proposed that all of the aforementioned cycle storage is secured by planning condition.

- Commercial trip generation

10.209 Officers have had regard to the commercial trip generation to understand fully any highways implications arising from the development.

10.210 Given the nature of the use and the high PTAL rating at the site, it is not expected that the development would give rise to a significant increase in car visits to the surrounding area. In any case, the existing Controlled Parking Zone (CPZ) and yellow lines restricts parking in the streets surrounding the sites.

10.211 Officers raise no objections in this regard, it is however recognised that a different D1 use may generate an increased amount of visits to the site. The proposed condition requiring the submission of a management plan should the D1 use change from an art gallery, would enable the consideration of this.

- Delivery, servicing and waste collection

- 10.212 The general deliveries arising from the development are considered to be limited to small delivery vehicles given the nature of the proposed land uses. It is proposed that the delivery arrangements reflect that of the existing occupants and the adjacent development.
- 10.213 The Transport Statement submitted by the applicant outlines that the existing service activity occurs from on-street, via unoccupied parking bays and/or sections of single yellow line where there are no loading restrictions, and/or from within the carriageway.
- 10.214 As the proposed arrangements reflect an existing situation and alternative solutions are constrained by the presence of existing on-street parking bays and the narrowness of the streets that surrounding the site, officers raise no objections.
- 10.215 Servicing relating to waste collection is also constrained by the narrowness of the streets that surround the site.
- 10.216 Highways officers raised concerns that the Council's refuse vehicles would not be able to service the proposed development due to restricted access resulting from the narrowness of the surrounding streets, together with parked vehicles.
- 10.217 Veolia, the Council's contractor tested the site's accessibility by their vehicles, and confirmed that they were unable to access the site.
- 10.218 On this basis, the applicant has stated that the development would be serviced by a private refuse collection arrangement. Officers are satisfied that this will offer greater flexibility surrounding the type of refuse vehicle that can be used to service the development. It is proposed that a planning condition is imposed, requiring the submission of further details surrounding the private refuse collection. This will include details surrounding the proposed vehicles (including swept path analysis), frequency of collection, and capacity of storage.
- 10.219 Otherwise, officers are satisfied with the location of the proposed refuse stores and consider that with a private refuse collection arrangement, the scheme is capable of delivering an acceptable waste strategy.

- Pedestrian movement

- 10.220 The highways officers also raised concerns that the Glass Street footway, on the southern side on the development, is currently only 1.5m in width. This width is considered to be insufficient to allow two wheelchair/ buggies to pass.
- 10.221 In response to this, the applicant revised the building line to facilitate additional pavement width. The applicant would be expected to enter into a S278 agreement with the Council to enable the adoption of this additional footway. Should the proposed development be approved, this requirement would be secured by condition.
- 10.222 Subject to these conditions, officers are satisfied in this addresses any concerns in this regard.

- Construction

- 10.223 Should the proposed development be approved, the impact on the road network from demolition and construction traffic would be controlled by way of conditions requiring the submission and approval of Demolition and Construction Logistic Plans.

### **Energy & Sustainability**

- 10.224 Policy 5.1 'Climate change mitigation' of the London Plan (2016) deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025.

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

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

- 10.226 Policy DM29 'Achieving a zero carbon borough and addressing climate change' of the Managing Development Document includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.

- 10.227 Policy 5.2 of the London Plan requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings should be zero carbon while non-domestic should accord with Part L of the 2013 Building Regulations and be zero carbon from 2019.

- 10.228 Policy DM29 of the Managing Development Document also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require the residential units to comply with optional requirement G (36) (2)9b) of the 2010 Building Regulations in relation to water consumption and non-residential to achieve BREEAM Excellent.

#### **- Proposed carbon emission reduction**

- 10.229 The general principles of the proposed energy strategy are supported as carbon savings are being focused at the Be Lean stage with the use of high efficiency fabric and energy efficiency measures to reduce the energy demand by 12%%. Additional CO2 emission reductions are proposed through the integration of a centralised mini-CHP (5.5kWe), PV array (6.7kWp) and ASHPs (to serve the non-domestic space).
- 10.230 In relation to the Be Clean proposals, the applicant is seeking to utilise a CHP system. The thermal profiling of the system to demonstrate appropriateness for the development should be secured via Condition to ensure the CHP is sized correctly for the development and minimising risk of oversizing the system which could result in heat dumping.

- 10.231 The above would result in a 30.7% reduction in CO2 emissions. Whilst this is below the policy target of 45%, the applicant is proposing to fulfil the shortfall through a carbon offsetting contribution. The calculation for this is set out below:

For the residential element:

- Baseline – 69.2 Tonnes/CO2/yr
- Proposed design – 48.73 Tonnes/CO2/yr
- Carbon offsetting payment to zero carbon –  $48.73(\text{Tonnes/CO2/yr}) \times £1,800 = \textbf{£87,714}$

For the non-residential element:

- Baseline – 23.26 Tonnes/CO2/yr
- Proposed design – 15.4 Tonnes/CO2/yr
- LBTH 45% Policy requirement – 12.79 Tonnes/CO2/yr
- Carbon offsetting payment to 45% carbon –  $2.61\text{Tonnes/CO2/yr} \times £1,800 = \textbf{£4,698}$

Total carbon offsetting for the scheme is **£92,412**

- 10.232 Subject to Conditions securing the delivery of the approved energy strategy and the CO2 emission reduction shortfall being met through a carbon offsetting contribution (secure by S106 agreement), the proposals would be considered in accordance with adopted policies for decentralised energy, integration of renewable energy technologies and emission reductions.

- Sustainability

- 10.233 The proposals identify that a BREEAM Excellent rating will be achieved with a score of 73 for the non-residential element of the development. This is supported and should be secured via a condition with the final BREEAM certificate submitted to the council.

- 10.234 It is proposed that the delivery of BREEAM Excellent is secured by planning condition.

### **Biodiversity**

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

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

- Existing biodiversity value

- 10.237 The Council's biodiversity officer has had regard to the Preliminary Ecological Appraisal (PEA) report submitted by the applicant. The report has recorded a potential for bats roosting at the existing site, albeit negligible potential.
- 10.238 On the basis that it is unlikely that bats are roosting at the existing site/building and that there is no potential for high value roosts, officers are satisfied that further investigation/ emergence surveys are not required. Should the proposed development be approved, a planning condition to ensure that demolition does not harm any bats, in the unlikely event that they may be present will be imposed.
- 10.239 Officers are otherwise satisfied that the proposal would not give rise to significant impact upon biodiversity.

- Enhancements

- 10.240 The proposed development includes a green roof at roof level. No details of the proposed green roof have been submitted, however, it is recognised as a contribution to the objectives of the Local Biodiversity Action Plan (LBAP). Should the proposed development be approved, the submission of details of the green roof would be required by planning condition. The planning condition would require the green roof to be a biodiverse roof designed in accordance with best practice guidance (Bug life).
- 10.241 The PEA also recommends the delivery of nest boxes for swifts and house sparrows and nectar rich planting on any accessible roof terraces. It also proposed that this is secured by condition, if approved.
- 10.242 Subject to the conditions, the proposed development is considered to be acceptable in this regard.

**Air Quality**

- 10.243 Policy 7.14 of the London Plan (2016) seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 'Creating healthy and liveable neighbourhoods' and SP10 'Creating distinct and durable places' of the Core Strategy (2010) and Policy DM9 'Improving air quality' of the Managing Development Document (2013) seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.
- 10.244 The borough is a designated Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods. NPPF paragraph 124 requires planning decisions to ensure that new development in Air Quality Management Areas is consistent with the local air quality plan.
- 10.245 The application submission is supported by an Air Quality Assessment; this provides an assessment of potential air quality impacts arising from the construction and operation of the proposed development. It also has regard to the impact of existing emissions, resulting from traffic, upon the future occupants of the proposed development. The report has been reviewed by the Council's air quality officer.

- Impact during construction

10.246 The Assessment demonstrates that during the construction phase, the site has the potential to generate dust nuisance beyond the application boundary. It is however stated that through the implementation of a Dust Management Plan, the impacts can be effectively minimised and are unlikely to be significant.

10.247 On this basis, if the proposed development is approved, the submission of a Dust Management Plan will be secured by condition.

- Impact through operation of proposed development

10.248 The proposed development includes a centralised CHP plant and supplementary boilers to provide heat and hot water to the residential units.

10.249 The specific plant has not yet been determined; it must however comply with the NO<sub>2</sub> emissions standards as set out in the Mayor of London's Sustainable Design and Construction SPG. If the proposed development is approved, this will also be secured by condition.

- Impact air quality on future occupiers

10.250 The report has also had regard to the air quality at the proposed development in order to assess its suitability for residential purposes. The assessment shows that, due to the elevated background concentration, the NO<sub>2</sub> concentrations at the site are likely to exceed the annual mean air quality objective. It has therefore been recommended that whole house ventilation is installed throughout the development to provide a source of fresh air to residents, without the need to open windows.

10.251 If approved, this will also be secured by planning conditions.

- Summary

10.252 Subject to the submission of the above details and implementation of the identified mitigation measures, the proposed development is considered to be acceptable in this regard.

### **Land contamination**

10.253 In response to Policy DM30 'Contaminated land and development and storage of hazardous substances' of the Managing Development Document (2013), the application submission includes a Phase I Geo-Environmental Assessment.

10.254 The report concludes that the overall environmental sensitivity of the site is considered to be low to moderate. An intrusive ground investigation is however recommended.

10.255 The Council's contaminated land officer has had regard to the details submitted. Based on the details submitted, a full site investigation is recommended, including a desk study report, an intrusive investigation, a risk assessment and proposed remedial works. Therefore, if the proposed development is approved, this will be secured by planning condition.

### **Health Considerations**

- 10.256 Policy 3.2 'Improving health and addressing health inequalities' of the London Plan (2016) seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 10.257 Policy SP03 'Creating healthy and liveable neighbourhoods' of the Core Strategy (2010) seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 10.258 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- a) Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - b) Providing high-quality walking and cycling routes.
  - c) Providing excellent access to leisure and recreation facilities.
  - d) Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - e) Promoting and supporting local food-growing and urban agriculture.
- 10.259 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 that are in the under 5 age group.
- 10.260 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 Core Strategy.

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

- 10.261 Policy SP13 'Planning obligations' of the Core Strategy (2010) seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 10.262 The Council's Planning Obligations SPD carries weight in the assessment of planning applications. This SPD provides the Council's guidance on the policy concerning planning obligations set out in Policy SP13. This identifies the Council's priorities as affordable housing, sustainable transport, publicly accessible open space, education, health, training, employment and enterprise etc.
- 10.263 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and,
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 10.264 Regulation 122 of the CIL Regulations (2010) brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

10.265 Securing appropriate planning contributions is further supported Policy SP13 which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development. The planning obligations sought will be considered in conjunction with the Council's CIL Regulation 123 list. This sets out the type of infrastructure projects that the Council intends will be, or may, be wholly or partly funded by CIL. This includes:

- Community facilities
- Electricity supplies to all Council managed markets
- Employment and training facilities
- Energy and sustainability (including waste) infrastructure
- Flood defences
- Health and social care facilities
- Infrastructure dedicated to public safety
- Leisure facilities such as sports facilities, libraries and Idea Stores
- Open space, parks and tree planting
- Public art provision
- Public education facilities
- Roads and other transport facilities

10.266 The development would generate additional population within the local area, including a yield of 17 children. It is therefore expected that the development would generate some additional demand upon local infrastructure and facilities, including local schools, health facilities, leisure and sport facilities, transport facilities and public open space. The CIL payment (referred to in the financial contribution section of this report) would therefore contribute to the mitigation of the above impacts.

10.267 For any other site specific mitigation measures will be secured by S106 agreement as a planning obligation. The following planning obligations are sought in respect of the proposed development. They have been referred to and justified throughout the report.

- 28% affordable housing contribution (by habitable room)
- Viability review mechanism, to ensure the maximum contribution is secured
- Enterprise and employment skills and training
- Carbon off-set initiative
- Monitoring

## **Financial Considerations**

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

10.268 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

10.269 Section 70(4) defines "local finance consideration" as:

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

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

- 10.270 These are material planning considerations when determining planning applications or planning appeals.
- 10.271 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.

### **Human Rights Considerations**

- 10.272 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members.
- 10.273 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 10.274 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 10.275 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.

- 10.276 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 10.277 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.278 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 10.279 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

### **Equalities Act Considerations**

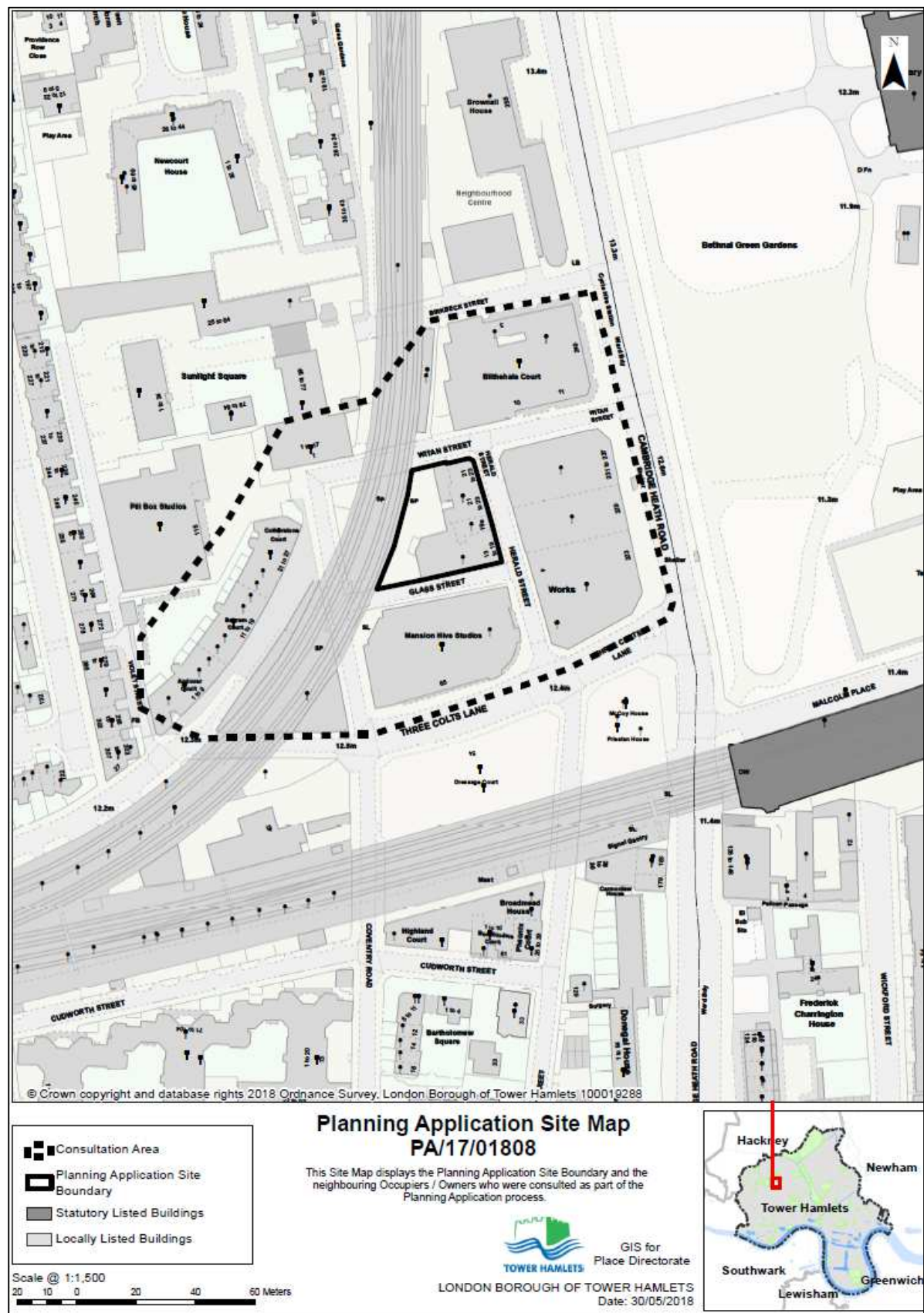
- 10.280 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
  3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.281 It is considered that the proposed development would not conflict with any of the above considerations. It is also considered that the proposal would foster good relations and advancing equality with regards to sex, race, religion and belief.
- 10.282 The proposed commercial floor space and at least 10% of the residential development would be wheelchair accessible.
- 10.283 The housing section of this report sets this out in greater detail. The absence of a second lift in the affordable core of the proposed building is considered to compromise the accessibility of the one wheelchair unit within the affordable residential element. Officers however do not currently have the policy basis to object on this basis. Greater choice in wheelchair unit type within the private tenure has however been negotiated to improve the quality of the building from an accessibility perspective. If the proposed development is approved, at least 10% of the development would be secured as wheelchair accessible, with the remaining 90% secured as wheelchair adaptable.
- 10.284 The communal amenity space and on-site child playspace provision are also accessible to both the affordable and private occupiers. This is therefore considered to promote social cohesion across the site.

- 10.285 The provision of residential units and commercial floor space, within the development meets the standards set in the relevant regulations on accessibility. Of the residential units proposed within the development, 10% would be wheelchair accessible/adaptable. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.
- 10.286 In light of the above, officers are satisfied that the proposed development would not adversely impact equality or social cohesion.

### **Conclusion**

- 10.287 All relevant policies and material considerations have been considered. It is concluded that planning permission should be **GRANTED** for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

## APPENDIX 1: Site map (showing consultation area)



## **APPENDIX 2**

### **List of documents and plans for approval**

#### **EXISTING DRAWINGS**

<b>SITE LOCATION PLAN</b>	<b>PL-001 REV B</b>
<b>SITE PLAN</b>	<b>PL-001 REV B</b>
<b>EXISTING PLAN</b>	<b>PL-010 REV B</b>
<b>EXISTING ELEVATION – EAST</b>	<b>PL-011 REV B</b>
<b>EXISTING ELEVATION – NORTH</b>	<b>PL-012 REV B</b>
<b>EXISTING ELEVATION – SOUTH</b>	<b>PL-013 REV B</b>
<b>EXISTING – AERIAL PHOTOGRAPH</b>	<b>PL-020 REV B</b>
<b>EXISTING – MASSING VIEWS</b>	<b>PL-021 REV B</b>

#### **PROPOSED DRAWINGS**

<b>PROPOSED BASEMENT PLAN</b>	<b>PL-099 REV D</b>
<b>PROPOSED GROUND FLOOR PLAN</b>	<b>PL-100 REV G</b>
<b>PROPOSED FIRST FLOOR PLAN</b>	<b>PL-101 REV F</b>
<b>PROPOSED SECOND FLOOR PLAN</b>	<b>PL-102 REV E</b>
<b>PROPOSED THIRD TO FOURTH FLOOR PLAN</b>	<b>PL-103 REV E</b>
<b>PROPOSED FIFTH FLOOR PLAN</b>	<b>PL-104 REV F</b>
<b>PROPOSED SIXTH FLOOR PLAN</b>	<b>PL-105 REV D</b>
<b>PROPOSED SEVENTH FLOOR PLAN</b>	<b>PL-106 REV E</b>
<b>PROPOSED EIGHTH FLOOR PLAN</b>	<b>PL-107 REV D</b>
<b>PROPOSED SECTION – 01</b>	<b>PL-130 REV C</b>
<b>PROPOSED SECTION – 02</b>	<b>PL-131 REV C</b>
<b>PROPOSED ELEVATION – 01</b>	<b>PL-150 REV E</b>
<b>PROPOSED ELEVATION – 02</b>	<b>PL-151 REV E</b>
<b>PROPOSED ELEVATION – 03</b>	<b>PL-152 REV D</b>
<b>PROPOSED ELEVATION – 04</b>	<b>PL-153 REV D</b>

## **DOCUMENTS**

**Daylight and Sunlight Report dated September 2016, prepared by BVP**

**Transport Statement dated July 2016, prepared by Odyssey Markides LLP**

**Air Quality Assessment dated December 2016, prepared by XCO2 Energy**

**Energy Statement dated December 2016, prepared by XCO2 Energy**

**Sustainability Statement dated December 2016, prepared by XCO2 Energy**

**Phase I Geo-Environmental Assessment dated November 2015, prepared by Delta-Simons**

**Vibration Assessment dated July 2016, prepared by RBA Acoustics**

**Archaeological Desk-Based Assessment dated October 2015, prepared by CGMS consulting**

**Preliminary Ecological Appraisal dated May 2016, prepared by Urban Edge Environmental Consulting**

**Unit Area Schedule DOC-PL-002 dated 3<sup>rd</sup> July 2018, prepared by dga architects**