

Committee: Development Committee	Date: 1 st April 2018	Classification: Unrestricted
Report of: Director of Place Case Officer: Katie Cooke		Title: Applications for Planning Permission Ref No: PA/18/03347 Ward: Mile End

1.0 APPLICATION DETAILS

Location: (Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London

Existing Use: Green open estate land.

Proposal: Residential development comprising 17, one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from five to eight storeys.

Drawings: P1000, P1002 Rev A, P1100 Rev B, P1101, P1102, P1105, P1106, P1107, P1109, P1201, P1202, P1204, P1207, P1208, P2101, P2102 Rev A, P2103 Rev P1, P2200 Rev A, P2201, P2202 Rev A, P2203 Rev A, P4001 Rev P1, P4002, P4003, P5000, P5001 Rev A, P3003 Rev A
5036-OOB-SI-GF-DR-L-0001 Rev P03,
5036-OOB-SI-GF-DR-L-0002 Rev P03
5036-OOB-SI-GF-DR-L-0003 Rev P03
5036-OOB-SI-GF-DR-L-0004 Rev P03

Documents:

- Design & Access Statement by Bell Phillips, Rev A (November 2018)
- Daylight & Sunlight Report by Waldrams ref 1947 (03.04.2017)
- Air Quality Assessment by Air Quality Consultants ref. J2495/D (10.05.2017)
- Arboricultural Impact Assessment by BF Clarke Bionomique Ltd ref. DFCP 3648 rev. C (03.05.2017),
- Ecological Assessment by Genesis Centre ref. 7345.001 (November 2018)
- Energy Statement by XC02 Energy, Issue 3 (31.03.2017),
- Noise Impact Assessment by KP Acoustics ref. 13071.NIA.06 Rev A (28.03.2017)
- Phase 1 Desk Study Report by Ground Engineering ref. C13460 (February 2015)
- SuDS Assessment by MT Morgan Tucker ref. MT/LDN/EK/2179/SUDS/Locksley (03.12.2015)
- Landscape Report by, OOBE,, October 2018
- Transport Statement by Cundall,, ref: RPT-TN-001 Rev D, dated 29.03.17
- Statement of Community Involvement

- Planning Statement, produced by RPS, dated 18th February 2019

Applicant: London Borough of Tower Hamlets
Ownership: London Borough of Tower Hamlets

Historic Building: No listed buildings on site.
Conservation Area: Adjacent to Regent's Canal CA

2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for a residential development comprising 17 one, two, three and four bedroom flats. The height of the building would range from five storeys to eight storeys.
- 2.2 This follows two unsuccessful applications, the first of which being for a part 6 and part 9 storey building, comprising 20 residential units (PA/16/02295) and the second being for a part 5 and part 8 storey building comprising 17 residential units (PA/17/01618). Both schemes were withdrawn by the Council following a committee recommendation not to accept officer's recommendation to grant planning permission.
- 2.3 Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.4 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance; preserving the adjacent Regent's Canal conservation area. The scheme would deliver good quality homes in a sustainable location. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.5 The development would result in the provision of 100% affordable rented housing. This is much needed housing and is strongly supported in the consideration of this application. Whilst both London Plan and local policies seek a mix of housing tenures, all 17 units within this scheme will be for affordable rent in direct response to the very high local need in Tower Hamlets and form part of the Council's programme to deliver 1,000 new affordable homes for local people between 2014 and 2018. With the extremely high priority for affordable housing in mind the significant additional provision is welcomed and the fact that a mix of tenures is not provided is considered acceptable in this instance.
- 2.6 The residential quality of the scheme would be high. Six of the units would be of a size suitable for families (35%). All of the proposed affordable units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All of the dwellings would meet Part M Building Control regulations and over 10% (2 units) would be provided as wheelchair accessible.
- 2.7 The provision of housing in particular affordable housing, coupled with the additional biodiversity enhancement measures and wider estate amenity and play space improvements, is considered to out-weigh the loss of open space.

- 2.8 The amenity impact of the development would be acceptable. Officers consider that the design of the development, massing of the site would minimise any adverse amenity implications, in terms of light, privacy, noise and traffic impacts.
- 2.9 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.10 The scheme would meet the full obligation of financial contributions. However, given the Council is unable to enter into an s106 agreement with itself, the financial and non-financial contributions are to be secured by the imposition of conditions.

3.0 RECOMMENDATION

3.1 That the Committee resolve to GRANT personal planning permission subject to:

- a) That the Corporate Director of Place is delegated authority to issue the planning permission and impose conditions to secure the following matters:

Conditions

1. Three year time limit
2. Compliance with approved plans and documents
3. Development is personal to, and shall be implemented by, LBTH
4. Tree Protection Measures
5. Removal of trees/vegetation undertaken between September and February
6. Wheelchair adaptable and wheelchair accessible dwellings
7. Provision of approved cycle storage
8. Compliance with Energy Statement
9. Hours of construction
10. Communal amenity/child play space to be completed prior to occupation
11. Delivery and Service Management Plan
12. Scheme of Highway Improvement Works
13. Details of all Secure by Design measures
14. Details of hard and soft landscaping, including boundary treatment and lighting
15. Details of play equipment
16. Details of noise and vibration mitigation measures

Pre-Commencement Conditions

17. Scheme for the provision of financial contributions (see financial contributions section below)
18. Strategy for using local employment and local procurement (see non-financial contributions section below)
19. Details of biodiversity mitigation measures
20. Details of green roof
21. Contamination
22. Construction Management Plan
23. Details of piling, all below ground works and mitigation of ground borne noise
24. Scheme for the Provision of Affordable Housing
25. Samples and details of all facing materials
26. Details of boundary treatments
27. Arboricultural Report

- 28. Surface Water Drainage Scheme
- 29. Car Permit Free (bar Blue Badge Holders and Permit Transfer Scheme)
- 30. Cycle Management Plan
- 31. Risk Assessment and Method statement for the protection of the boundary wall beside the tow path

Condition 17

- 3.2 Securing contributions as follows:

Financial contributions:

- a) A contribution of **£7,064** towards employment, skills, training for construction job opportunities
 - b) A contribution of **£30,200** towards Carbon Off-Setting.
 - c) **£2,000** towards monitoring fee (£500 per s106 HoT's)
- Total £39,264**

Condition 18/ Condition 24

- 3.3 Non-financial contributions:

- a) Affordable housing 100% by habitable room (17 units)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
- c) Any other contributions considered necessary by the Corporate Director of Place

- 3.5 That the Corporate Director of Place is delegated authority to issue the planning permission and impose any other conditions considered necessary by the Corporate Director of Place and informatives to secure the following matters:

- 3.7 Informatives:

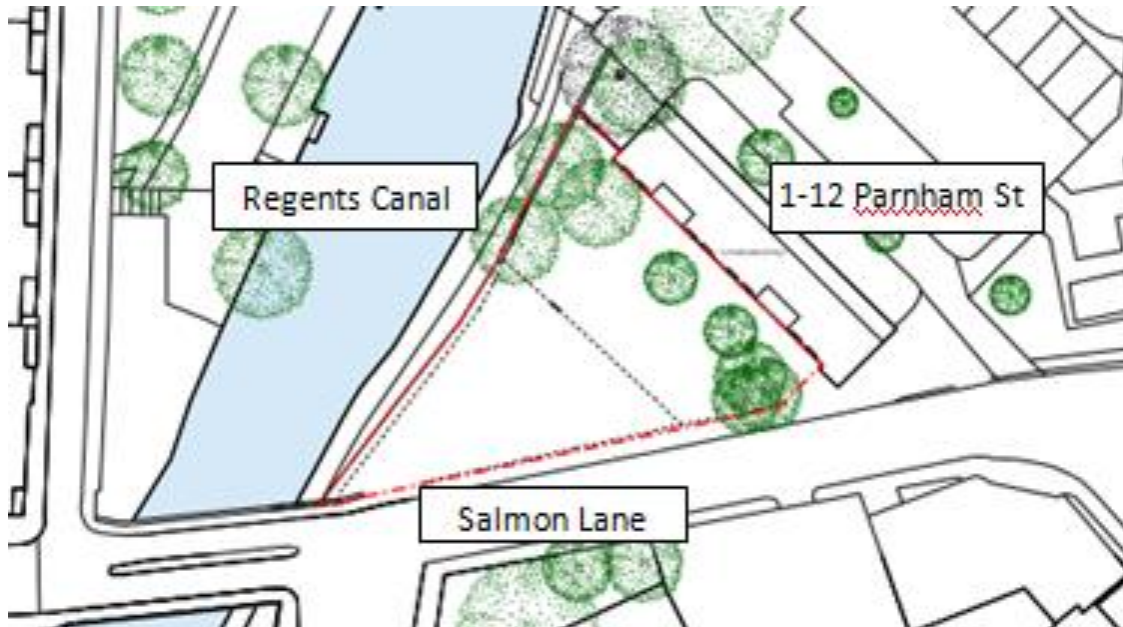
- 1. Thames Water – Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site.
- 2. Building Control
- 3. S.278
- 4. Fire & Emergency
- 5. Footway and Carriageway
- 6. CIL
- 7. Designing out Crime
- 8. Canal River Trust – Code of Practice for Works/written consent required for and encroachment/any drainage to canal requires written consent.

- 3.9 Any other informatives considered necessary by the Corporate Director of Place

4.0 PROPOSAL AND LOCATION DETAILS

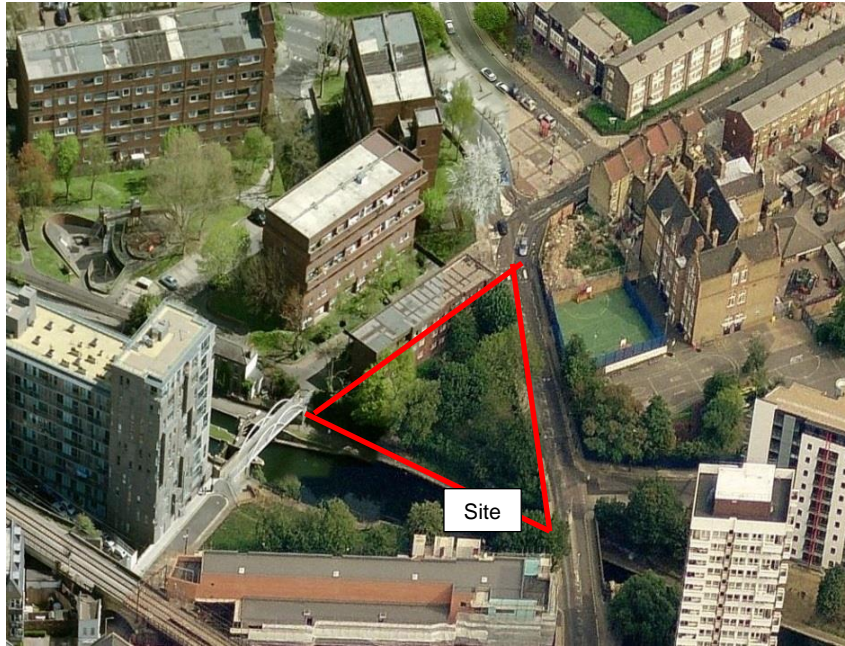
Site and Surroundings

- 4.1. The application site is bounded by an existing residential block to the north and east, Salmon Lane to the south and Regent's Canal to the west. There is a level difference of around four metres between the site and the adjacent canal towpath.



Existing Site Plan N↑

- 4.2. As existing, the site is currently divided into two, with the area closest to 1-12 Parnham Street accessed via a secure gate to the north of that block, whilst the rest of the site, has been cleared of vegetation.
- 4.3. The surrounding area is characterised by a range of buildings developed over several decades, with the predominant land use being residential. Buildings along Rhodeswell Road to the east of the site are typically six storey residential blocks of flats built in the 1970s and the closest building to the site is 1-12 Parnham Street which is three storeys in height. There are also some examples of relatively tall buildings in the surrounding area, creating a varied townscape.
- 4.4. To the west of the site, on the other side of the canal is a small park called Stonebridge Wharf. To the south, on the opposite side of Salmon Lane is Sir William Burrough Primary School. The following image shows an aerial view of the site looking east. Many of the trees have been lawfully felled before application was submitted.



Birds-eye view of the site looking East – N← (many of the trees have been removed)

- 4.5. Regent's Canal, adjacent to the site, is designated as a Conservation Area, forms part of the Blue Ribbon Network and is identified as a Site of Importance to Nature Conservation (SINC).
- 4.6. The site lies within Flood Zone 1 therefore is categorised as low risk of flooding.
- 4.7. The site has excellent transport links reflected in the high Public Transport Accessibility Level (PTAL) of 5, with 6b being the highest. Limehouse rail and DLR station is located 350 metres walk away to the south west of the site. The closest bus stops are located on Commercial Road 200 metres walk away.

Planning History and Project Background

- 4.8. PA/16/02295 – Residential development comprising 20 one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from six storeys to nine storeys. This application was presented to Development Committee on 11th January 2017, with a recommendation to grant planning permission.
- 4.9. Members were minded not to accept officer recommendation and instead recommended the scheme be refused due to concerns over:
 - The impact on the setting of the Canal Towpath and the Regents Canal Conservation Area.
 - Impact on the properties at Parnham Street due to the separation distance.
 - Loss of publically accessible open space.
 - Overconcentration of one housing type.
- 4.10. The applicant subsequently withdrew the application in order to revise the development which was submitted as a new application in June 2017 as planning application reference: PA/17/01618.

- 4.11. PA/17/01618 – Residential development comprising 17 one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from five storeys to eight storeys.
- 4.12. The main changes from the PA/16/02295 to the PA/17/01618 application were:
- Reduction in height from 9 to 8 storeys and 6 to 5 storeys,
 - Amendments to façade to overcome privacy issues
 - Pulling the building away from the towpath
 - Additional child playspace improvements
 - Alterations to the materials to the base and top of the building
- 4.13. The revised application was presented to Development Committee on 11th October 2017, with a recommendation to grant planning permission, however members did not accept the officers' recommendation for approval and subsequently deferred the application to allow officers to set out the proposed detailed reasons for refusal and the implications of the decision.
- 4.14. The application was then taken back to committee on 8th November 2017 and was refused for the following reasons:
- The proposed development results in a loss of open space, which would not be adequately off-set by the public benefits of the development. The development would conflict with policy SP04 of the adopted Core Strategy which seeks to protect open spaces.
 - The proposed development by virtue of its height, design and siting with a lack of setback from the Regents Canal would fail to preserve or enhance the character and appearance of the Regents Canal Conservation Area, and the Blue Ribbon Network. As such, the proposal fails to accord with policy (134) of the NPPF, policy 7.24 of the London Plan, policy SP10 of the adopted Core Strategy and policies DM12 and DM27 of the Managing Development Document.
- 4.15. The applicant subsequently withdrew the application.
- Proposal
- 4.16. Full planning permission is sought for the erection of a residential building of between 5 and 8 storeys in height to provide 17 residential units (5 x 1 bed, 6 x 2 bed, 4 x 3 bed and 2 x 4 bed) including landscaped communal amenity and child play space, cycle parking, gas meter room and associated works.
- 4.17. All of the proposed dwellings would be within the affordable rented tenure.
- 4.18. The proposed changes which are included in this application (in comparison to the previous two applications) are as follows:
- Wildlife wall to north elevation
 - Enlarged areas of lawn/shrubs and minimising of paving
 - Additional planting cascading over towpath retaining wall

- The landscape proposals are much more detailed: the landscape architects have consulted with the Council's Biodiversity Officer to ensure specification and quantities of planting are appropriate for site.
- Additional bat boxes to west elevation
- Dropped kerb for waste collection vehicles (to facilitate ease of refuse collection)

The image below shows the location of the abovementioned proposals



- 4.19. The ground floor layout would be a triangular shape with each of the corners squared. The south west corner opening onto Salmon Lane and bounding the Regent's canal would contain a single entrance lobby glazed entrance lobby. In addition to this the south of the ground floor would contain the plant rooms, gas meter room, refuse store and cycle store. The northern section of the ground floor would contain a 3 bed 5 person wheelchair accessible flat.
- 4.20. The external area between the north and east of the building and 1-12 Parnham Street would be 520sqm's of communal space (250sqm of communal amenity and

dedicated child play space (270sqm). The communal and child play space would be shared with 1-12 Parnham Road.

- 4.21. The upper floors (1-7) would consist of a further 16 high quality flats. The northern half of the building would be 5 storeys closest to 1-12 Parnham Street and 8 storeys at its southern half by Salmon Lane. The scheme will be based on a simple palette of high quality materials comprising a dark red brick, steel and glass balconies and pre-cast fluted concrete cladding accentuating the base and crown of the building.
- 4.22. The proposed development would be car-free bar blue badge holders and those residents that benefit from the Council's permit transfer scheme. The computer generated image (CGI) below shows the previous and current development viewed from Stonebridge Wharf across Regent's Canal.



Original scheme (PA/16/02295)

Current proposal

5.0 DECISION MAKING FRAMEWORK

- 5.1 The Council in determining this application has the following main statutory duties to perform:
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);

- To have regard to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
- Pay special attention to the desirability of preserving or enhancing the character or appearance of the adjacent Regents Canal Conservation Area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

5.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.3 **Government Planning Policy**

National Planning Policy Framework 2018

5.4 **London Plan MALP 2016**

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 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
- 3.13 - Affordable housing thresholds
- 4.12 - Improving opportunities for all
- 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
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 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
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 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
- 7.21 - Trees and woodland
- 8.2 - Planning obligations

5.5 Core Strategy 2010

- SP01 - Town Centre Activity
- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking
- SP13 - Planning Obligations

5.6 Managing Development Document 2013

- DM0 - Delivering Sustainable Development
- DM1 - Development within the town centre hierarchy
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM8 - Community infrastructure
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM13 - Sustainable drainage
- DM14 - Managing Waste
- DM15 - Local Job Creation and Investment
- DM20 - Supporting a sustainable transport network
- DM21 - Sustainable transportation of freight
- DM22 - Parking
- DM23 - Streets and the public realm
- DM24 - Place sensitive design
- DM25 - Amenity
- DM26 - Building Heights
- DM27 - Heritage and the historic environments
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

5.7 Supplementary Planning Guidance/Documents and Other Documents

Regent's Canal Conservation Area Appraisal

Mayor of London

- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context - Draft (2013)
- Sustainable Design and Construction - Draft (2013)
- Accessible London: Achieving an Inclusive Environment (2004)
- All London Green Grid (2012)
- Housing (2016)
- Affordable Housing and Viability Supplementary Planning Guidance (2017)

Other

- Planning Obligations SPD (2016)

5.8 Tower Hamlets Community Plan objectives

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

5.9 Emerging Planning Policies

The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits

- 5.10 Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. 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). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. 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 completed its process of examination by the 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.

Draft New London Plan

- 5.11 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and closed on 2nd March 2018. The draft London Plan has been submitted to the Secretary of State for examination. 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.

6.0 CONSULTATION RESPONSE

6.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

6.2 The following were consulted regarding the application:

Internal Consultees

Air Quality

6.3 No comments received on this application, however the advice from the previous scheme is still relevant and recommends a Construction Environmental Management Plan and all Non Road Mobile Machinery (NRMM) used in the construction to comply with the GLA's NRMM emission limits.

Contaminated Land

6.4 No objections. A condition is recommended for a land contamination scheme to be submitted in order to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

Highways

6.5 No objections. In accordance with DM22.2 of the Managing Development Document (MDD) this development will be conditioned to prohibit all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.

6.6 The Blue Badge parking bays, while welcome, would appear to exceed the recommended maximum distance between front door and parking space of 50m.

6.7 Highway recommend a condition is placed on any permission requiring agreement of a Construction Management Plan prior to commencing construction.

6.8 They also requested that a condition be added requiring the applicant to provide a cycle management plan.

Occupational Therapist

6.9 No comments received on this application, however the advice from the previous scheme is still relevant. No objections were raised.

Surface Water Run-Off

6.10 A detailed surface water drainage scheme which should complement the pro forma already provided to the applicant is required.

6.11 The SuDs assessment document submitted is accepted in principle. A condition is recommended for the detailed surface water management plan, this would need to be submitted in addition to the completed pro forma.

External Consultees

Crime Prevention Officer

6.12 No objections. A range of detailed measures are recommended to provide greater security to the development relating to access control, boundary treatments,

permeability through the development, physical security (doors & windows) unauthorised use of turn round areas for service vehicles.

- 6.13 A general condition and informative are recommended relating to the Secure by Design award scheme.

London Fire & Emergency Planning Authority

- 6.14 Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation, however they do appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B.

Thames Water Utilities Ltd.

- 6.15 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 6.16 Thames Water have recommended a piling method statement to be submitted to and approved in writing by the local planning authority to ensure potential to impact on local underground sewerage utility infrastructure is suitably addressed. A condition relating to surface water drainage is also recommended.
- 6.17 Informatives relating to a Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site are recommended.

Canal & River Trust (CaRT)

- 6.18 CaRT, remain of the opinion that the adverse impact on the quality of the environment of the Blue Ribbon Network around the bridge hole as a result of building so tall and so close to the back of an approx. 4m wall at the back of the towpath is excessive. CaRT remain unconvinced that the development will preserve or enhance the character and appearance of the Conservation Area.
- 6.19 CaRT consider that the development will make the towpath in this location feel oppressive and give rise to increased fears of crime or anti-social behaviour.
- 6.20 CaRT note that the towpath wall is intended to be retained as part of the development, which they would support. They are concerned at the potential impact of the construction of the development on the towpath and towpath wall, and would therefore request that a condition be attached for a Construction Environmental Management Plan
- 6.21 The removal of vegetation on the canal-side of the site would disrupt the blue/ green interface which provides important refugia and foraging habitat for numerous avian and mammal species. In accordance with policies DM11 and DM12, we suggest that more should be done to enhance the canal side wildlife now that most of the building will be set back from the towpath wall. We suggest that this matter should be addressed through a planning condition that requires further details of the landscaping proposals.
- 6.22 CaRT state that they would want to be consulted on a landscape condition providing details of the planting on the proposed site should planning permission be granted.

Twentieth Century Society

- 6.23 No comments received.

7.0 LOCAL REPRESENTATION

Applicants Consultation

- 7.1 The applicant submitted a revised Statement of Community Involvement on 18th February 2019 (in addition to a Planning Statement which had been omitted as part of the original submission) both of which were subsequently consulted on for an additional 14 days. Letters were sent to neighbours on 21st February 2019.
- 7.2 The document states that two consultation events were held once the planning application had been submitted:
- Resident information door knock on Thursday 10th January 2019
 - Resident information drop-in session on Monday 28th January 2019 at 3-8pm at Dora Hall
- 7.3 The applicant also advised that a Newsletter bulletin was sent to residents in November 2018
- 7.4 A resident poster sign board was also erected on 25th January 2019

Statutory Consultees

- 7.5 A total of 479 letters were sent to occupiers of neighbouring properties, a site notice was displayed outside the application site, and a press advert was published in the East End Life Newspaper.
- 7.6 The number of representations received in response to notification and publicity of the application is as follows:
- 7.7 No of individual responses: Objecting: 21 Supporting: 1
- No of petitions received: 1 (with 20 signatures)
- 7.8 The letter of support referred to the following positives of the scheme:
- The need for social housing
 - The location has never been used by children or been of social amenity, beauty or nature reserve
 - New homes are a benefit and the area can accommodate such heights
 - A well-lit, developed site will be brighter and safer than its existing derelict appearance.
- 7.9 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:
- 7.10 Land Use/Density
- Area already too dense
 - Overdevelopment of land
- 7.11 Housing
- Overconcentration of affordable housing
 - Affordable housing is too expensive for local residents
- 7.12 Amenity Related
- Increase anti-social behaviour
 - Loss of light

- Loss of view
- Overlooking (particularly Rhodeswell and Parnham residents and pupils of Sir William Burrough school)
- Overshadowing
- Noise
- Trees reduce the pollution and noise on this busy stretch of road
- Loss of privacy
- Health issues
- Disruption during construction
- Lack of reference to impact on Rayners Terrace in the planning statement

7.13 Infrastructure Related

- Local resources overstretched

7.14 Design

- Too tall and dominant
- Already too many high rise buildings in the area
- Not in keeping
- Impact York Square conservation area

7.15 Biodiversity

- Site should remain a green space/community garden
- Mature trees on site were cut down prior to submission of application
- Native hedge was removed prior to submission of application
- Remove shared amenity space would harm community ties
- Forms part of the green corridor from TH Cemetery Park to Limehouse Basin
The space is rich in wildlife

7.16 Highways

- No parking available on the estate
- Increased traffic
- Concerns around servicing

7.17 Other

- Lack of public consultation given history to the site since 2016
- Consultation document only in English

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee are requested to consider are:

- Land Use
- Housing
- Design
- Amenity
- Transport, Access and Servicing
- Sustainability and Environmental Considerations
- Planning Contributions

Land Use

8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to

sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles:

- an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure;
- a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and
- an environmental role – protecting and enhancing the natural, built and historic environment.

8.3 These economic, social and environmental goals should be sought jointly and simultaneously.

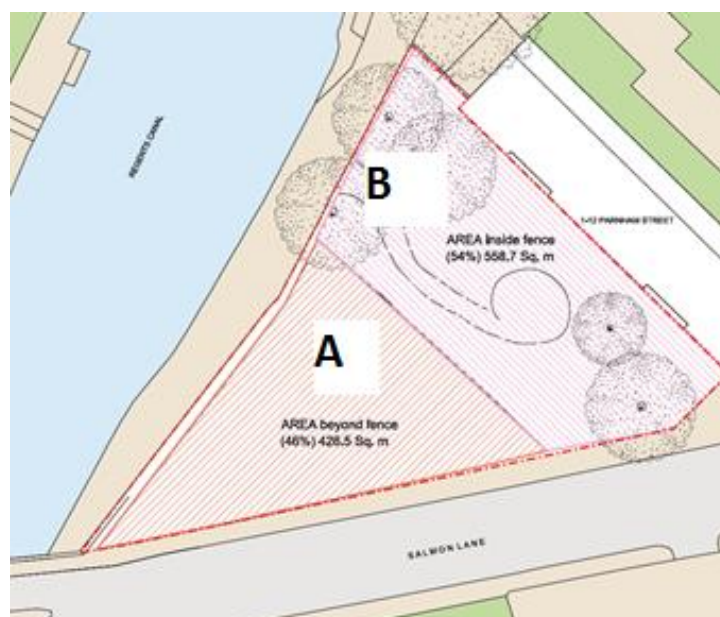
8.4 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.

Loss of Surrounding Estate Land

8.5 The existing site is land surrounding the Locksley estate with no specific policy designation or protection.

8.6 The application site can be identified as having two distinct areas. A portion of the site, immediately to the rear of 1-12 Parnham Street is accessible and has been used in the past as 'communal amenity space' with residential access via a locked gate from Parnham Street. This area measures, approximately 558.7sqm (labelled B in the diagram below). This space could be considered to be communal amenity space serving the flats located at Parnham Street.

8.7 The second part of the site is secured by railings with no access arrangements. (Labelled A in the diagram below). This measures approximately 426.5sqm. Council records are unable to confirm its previous usage, however it has been suggested that it was all one large communal amenity area serving 1-12 Parnham Street. This part of the site was largely cleared of vegetation earlier this year. It should be noted that clearing a site such as this does not require planning permission.



- 8.8 The Councils Local Plan contains two definitions of open space – publically accessible open space and general open space (wider definition). The definition of publically accessible open space is found within the Glossary of the Core Strategy p131. The Core Strategy defines Open Space (Publically accessible) as being:

“Open space will be considered to be publicly accessible, where access for the public is secured by virtue of legal agreements and formal arrangement; whether it is in public or private ownership. Publicly accessible open space will not include areas of water such as rivers, canals, lakes, docks or incidental spaces”

- 8.9 The wider definition of open space says:

All open space that offers opportunity for play, recreation and sport or is of amenity value [emphasis added] including land, as well as areas of water such as rivers, canals, lakes and docks. This wider definition covers all open space, whether in public or private ownership, where public access is unrestricted, partially-restricted or restricted.

- 8.10 There is no legal agreement and formal arrangement for the use of the entire space, as such, officers consider that the proposal does not result in a loss of “publically accessible open space”.

- 8.11 However, the space does have some visual amenity value; it is considered that it could fall within the wider definition of open space.

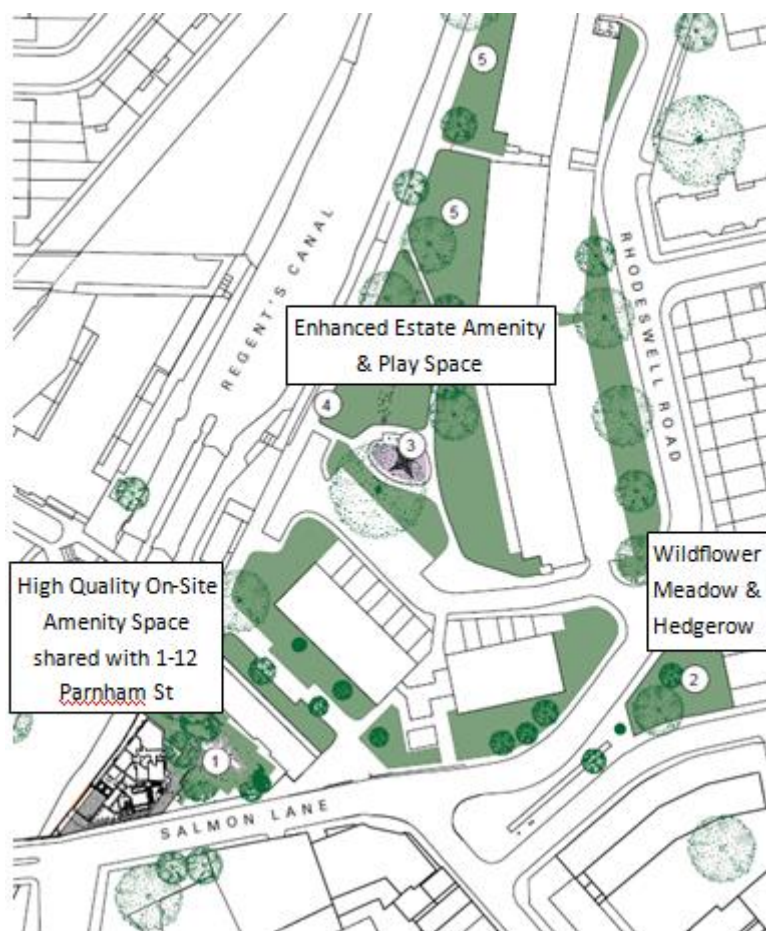
- 8.12 Policy SP04 of the Core Strategy is therefore applicable. This policy states the Council will “Deliver a network of open space by: Protecting and safeguarding all existing open space such that there is no net loss”. Policy DM10 of the Managing Development Document allows development on areas of open space in exceptional circumstances where a) it provides essential facilities to ensure the function, use and enjoyment of the open space; or b) as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved.

- 8.13 With no additional areas of open space being provided within the proposals, it is clear there will be a net loss of open space. However, the applicant has committed to a range of improvements within the estate which should lead to an enhanced enjoyment of open space within the estate. These are outlined below:

1. Herb and vegetable garden
2. Wildflower meadow and hedgerow
3. Rope climbing frame
4. Habitat information board
5. Mixed bulb planting

- 8.14 The above measures are to be secured as a planning condition and would not just apply to the amenity area of the immediate site but across the Locksley estate. An area of land to the west of Ashpark House, following consultation with the Borough Biodiversity officer would see 25 metres of new native hedgerow and 125sqm of new wildflower meadow. The existing playgrounds within the wider Locksley Estate, which are in disrepair and underused would be re-designed to improve visibility through the open space and passive surveillance, the space would be resurfaced and a new rope climbing frame and planting would be provided that would ensure it is an attractive and usable space for local children.

- 8.15 On the immediate site, in the shared garden between the new development and 1-12 Parnham Street, there would be a number of planter boxes for community gardening in addition to the landscaped amenity and child play space. The following plan shows the location of these open space improvements.



Plan showing wider estate improvements

- 8.16 In conclusion, the proposal would not result in the loss of publically open space but would result in the net loss of open space under the wider definition outlined above. This is contrary to Policy DM10 of the Managing Development Document, which states that in exceptional circumstances the redevelopment loss of open space may be acceptable provided that a higher quality open space outcome is achieved and that there is no net loss.
- 8.17 Consequently, it falls to the Committee as decision makers to determine whether the loss of this area of un-used and inaccessible open space would be outweighed in planning policy terms by the benefits of delivering an enhanced open space offer for the estate and new affordable housing. The officer position is that that the balance falls in favour of the proposed development.

Principle of residential use

- 8.18 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan (MALP 2016) seeks to alleviate the current and projected housing shortage within London through provision of an annual average of 42,000 net new homes. The minimum ten year target for Tower Hamlets, for years 2015-

2025 is set at 39,314 with an annual monitoring target of 3,931. The need to address the pressing demand for new residential accommodation is addressed by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.

- 8.19 The principle of residential use at this site is acceptable in line with SP02 (1a) which focuses new housing in the eastern part of the borough.
- 8.20 Given the above and the residential character of surrounding area around the site, the principle of intensification of housing use is strongly supported in policy terms.

Design

- 8.21 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.22 In accordance with paragraph 127 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - be visually attractive as a result of good architecture and appropriate landscaping.
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - optimise the potential of the site to accommodate and sustain an appropriate amount and mix, and
 - Be inclusive
- 8.23 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.8 seeks to protect heritage assets and their settings.
- 8.24 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.25 Policy SP10 of the Core Strategy (2014) and DM27 support the NPPF in seeking to conserve and enhance heritage assets. Policy DM27 states that alterations and extensions within a heritage asset will only be approved where:
- a. it does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting;
 - b. it is appropriate in terms of design, scale, form, detailing and materials in its local context;
 - c. it enhances or better reveals the significance of the asset or its setting;
- 8.26 The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

Form, height and massing

- 8.27 Responding to members' and CaRT concerns as part of the original planning application (ref: PA/16/02295), the height of the building has been reduced from 6 to 5 storeys on the northern element of the building and 9 to 8 on the southern element. In addition, a set back from the canal retaining wall has also been provided. This in turn has led to a very marginally altered footprint and massing including the re-orientation of the northern balcony to stop overlooking of 1-12 Parnham Street and a larger balcony for the 1st floor southern unit that wraps around the western elevation of the building.
- 8.28 It is appreciated that the proposed scheme remains in close proximity to the towpath and will therefore have impact on the sense of openness along the canal. However, the proximity to the towpath is not out of context given the historic industrial character of development along the canal. In addition, this proximity is intended to be mitigated through additional landscaping.
- 8.29 Officers welcome the attempts made by the applicant to address the concerns raised and it is noted that the block would reference flats of a similar height to the north on Salmon Lane and to the south on Lowell Street. Due to periods of intermittent development consisting of terraced housing and Council flats, contrasting building heights are also a characteristic feature of the area and so the proximity of the proposed building to three storey flats would be in keeping with the varied townscape.
- 8.30 The following shows the change in elevation from the earlier scheme to the current proposal



Western Elevation as originally proposed in PA/16/02295



Western Elevation as currently proposed and previously refused under PA/17/1618

Elevational treatment/materials

- 8.31 In terms of materials, the proposed building would be predominantly constructed of a dark red brick, with concrete fluted cladding together with anodised steel doors, steel cladding to balconies and a ribbed, aluminium, insulated facade panel to the southern elevation. The windows would consist of timber/aluminium composite double glazed

units. To ensure the highest quality finish all materials including boundary treatment and landscaping would be reserved by condition.

- 8.32 The balconies would consist of PPC Steel panelling and the northern and southern balconies would have glass to their western sides. Whilst no objections are raised in principle to enclosing much of the balconies, due to the prominence of these features, it is important that these are of a high quality for overall the success of the proposed development.
- 8.33 The red brick wall which abuts the application site and Regents Canal tow path forms part of the conservation area and should be preserved. A Method statement should be submitted indicating how the red brick wall is protected during construction works. This will be conditioned.
- 8.34 In response to CaRT comments to the original planning application (ref: PA/16/02295), the use of fluted concrete at the parapet of the building and at the base of the building has been reduced. The parapet would now simply be finished in soldier coursing in the same brick as would be used in the rest of the building. The extent of fluted concrete would be reduced on the western elevation however it would still be used at the ground floor around the entrance on the western elevation, highlighting the entrance, and across the southern elevation including being used as the balcony material for the 1st floor southern and western units.
- 8.35 The design of the southern elevation would diverge from the rest of the building. The southern elevation would consist of bands of ribbed aluminium insulated panelling and facing brickwork with square windows. The rest of the building would have floor to ceiling height window reveals of 200mm with facing brickwork only and bands of soldier coursing between each floor. The soldier coursing would provide a subtle horizontal emphasis to the northern and western elevations while interest would be created on the southern elevation through the aluminium panelling being set back 285mm from the face of the brickwork banding giving this elevation depth and relief and helping to emphasise the horizontal bands of facing brick.
- 8.36 The proposed buildings would front Salmon Lane and would be located directly opposite the Sir Williams Burrough School and Regents Canal Bridge. Because of this there are a number of high boundary walls adjacent to the site and Salmon Lane appears relatively enclosed. As the rear service access is located to the south of the building, the southern elevation at ground floor level consists of 2 double steel louvred service doors and square windows with a relatively high solid-to-void ratio at ground floor here. This is considered acceptable given the necessity for servicing to be conducted from the southern elevation which addresses Salmon Lane.
- 8.37 The aluminium panelling on the southern elevation would match that used for the metal parts of the balconies which would provide a level of coherence to the southern elevation tying together the variations in elevation design. The balcony design picks up on the immediate surroundings with panelling referencing the brick and metal banding of the Salmon Lane Bridge.



Southern Elevation - Detail Study

- 8.38 Officer's consider that the materiality, robust design and multifaceted massing are intended to pick up on the areas industrial heritage, with links to the hexagonal chimney in Mile End Park.

Setting of the Regents Canal Conservation Area

- 8.39 The proposed building is located in a prominent position adjacent to the Regents Canal, as such, the local planning authority is required to give special consideration to the impact of the development on the character and appearance of the Conservation Area and its setting. The development should preserve or enhance the character and appearance of this conservation area.
- 8.40 In arriving at a decision regarding this application, Members are reminded of the obligations established by the National Planning Policy Framework 2019.
- 8.41 The NPPF states significant harm or loss of significance to heritage assets such as conservation areas should be resisted (para 195). 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 (para196). Local planning authorities should however *'look for opportunities for new development within the conservation area to enhance or better reveal their significance'* (para200).

- 8.42 London Plan policy on the Blue Ribbon Network seeks to prioritise the use of the waterspace for water related purposes and protect its linked natural or semi natural nature (paragraph 7.70). Emerging Local Policy aims to protect the integrity of the borough's water spaces and maximise opportunities for enhancing the aesthetic, ecological and biodiversity values (S.OWS2).
- 8.43 Local Policy also states development is required to be of an appropriate scale, height, mass and form where the architectural language reflects the immediate and wider surroundings. In addition, policy states development should create integrated and well connected places. With regard to heritage and the historic environment, development should safeguard the significance of the heritage asset and be appropriate in terms of design, height, scale, detailing and materials. Development should preserve or enhance the special character of the conservation area character and appearance (DM27).
- 8.44 The Regents Canal Conservation Area appraisal and management plan outlines the character and the significance of this heritage asset. The canal is a waterway, framed by the towpath and fringed with greenery. However, character is also shaped by the canal's industrial heritage and is dependent on the buildings and uses which adjoin it. Elements of the industrial heritage should be protected, combined with the preservation of its new role as a recreational resource.
- 8.45 The following photographs help explain the relationship of the site to the Canal.



- 8.46 The above photograph shows the level difference between the western towpath on the right of the image with the application site which is above the wall on the eastern bank (not visible from this view).
- 8.47 The following photograph shows the towpath in question, the proposed building is to be located on the left hand side of the photo above the towpath wall. Two tall residential towers are visible in this view the one to the right more noticeable in the photo with the second tower partially visible to the left of the sun.



- 8.48 This part of Regents Canal is characterised by buildings of six storeys (east and west sides) and seven storeys (west side). The proposal at five and eight storeys would, therefore, sit comfortably in this context.
- 3.1. In relation to height, it is noted the immediate context is made up of buildings ranging from 3 to 10 and 17 stories in height. The arrangement of the reduced 8 storey block stepping down to 5 storeys (in response to the original 2016 refusal) successfully mediates between this range of building heights. The nine story element is located at the intersection of the canal and Salmon Lane forming a cluster of taller buildings with Anglia House (17 storeys) and Lowell Street (10) storeys.
- 3.2. The following photographs show some of these buildings, all within the immediate section of the facing or adjacent to the application site.



Photograph of the development opposite the site.



Photographs of the development opposite, further long and adjacent to the site.

- 8.49 It is considered that the proposal responds sensitively to the waterspace. The building would engage with the towpath through the glazed entrance lobby that would extend out to the retaining wall and the 1st floor balcony/terrace above this. The materials are considered to relate well with the varied townscape including historic industrial canal-side structures. The set back of 1 metre from the canal is considered to alleviate concerns regarding the potential for the building to be overbearing to the canal environment. In addition to this the park on the opposite side of the canal, Stonebridge Wharf, would be considered to provide 'breathing room' for the building.
- 8.50 It is also considered that the building with windows and Juliet balconies would increase passive surveillance of the Salmon Lane bridge hole and towpath, improving safety and the perception of crime in these locations. For the above reasons the proposal is considered to preserve the setting of the adjacent Regents Canal Conservation Area.
- 8.51 The NPPF describes harm to heritage assets as being either substantial or less than substantial. Substantial harm should only result in situations where the significance of the whole heritage asset is diminished.
- 8.52 The scheme represents a sensitive approach to development in the setting of the Regents Canal Conservation Area. Both the design and landscaping will improve the overall quality of the site whilst improving safety and accessibility. The high quality design and landscaping serve to offset the impact of the scheme on the sense of openness. However, it is essential that design quality is preserved through condition on material and detailing.
- 8.53 As mentioned above, officers consider that this development preserves (causes no harm) to the setting of the character and appearance of the conservation area, but if Members were to take a different view then any harm therefore that could result from the proposed development would only be classified as 'less than substantial'. In which case, in applying the 'public benefits' test as set out above, Officers consider the main public benefits to be the delivery of 17 new affordable homes pursuant of the Council's housing delivery targets and the development of a site, with a form and

design that would have negligible impact on the character, appearance and safety of the conservation area and would be sensitive to local context.

Landscaping

- 8.54 The proposal would provide 520sqm of landscaped space to the north and east of the building. This space would be split between communal amenity space (250sqm) and dedicated child play space (270sqm) and would be shared with 1-12 Parnham Street.
- 8.55 Since the 2017 application, this current application has been further developed in terms of landscaping. A separate landscape strategy has been submitted as part of this application.
- 8.56 The evolution of the landscaping proposals demonstrate that residents will be provided with a high quality external environment sheltered from the street, rather like a 'green oasis' within an urban environment.
- 8.57 The playspace will be located through the garden within the lawn areas. These spaces will be designed to lead the children through the spaces. Equipment shall comprise of playable mounds, stepping logs, talking tubes, playable boulders, balancing boards and timber animals. A planning condition will be attached to the planning permission requesting further details of such strategy.
- 8.58 The communal amenity space would be surfaced with concrete pavers, self-binding gravel, clay pavers and gravel maintenance strip and would include raised planters and allotment planters, shrub planting, lawn space, benches, defensible planting, privacy hedge, climbing plants, central walkway. It provides a pleasant open space next to the canal. The combination of play space and allotment planters will ensure the garden can be enjoyed by all age groups from the very young to the elderly.
- 8.59 The revised proposals also include a wildlife wall to north elevation (this is addressed in the 'environmental consideration' section of the report) and additional planting cascading over the towpath retaining wall.
- 8.60 With regards to trees, the original application included 4 trees to be removed and 6 trees to be replanted. However, Tower Hamlets Homes carried out a survey on 22nd November 2018 and found that T7 was unsuitable for retention, and, as such was removed on 1st December 2018. This is confirmed in the correspondence from Bell Phillips Architects dated 8th March 2019.
- 8.61 As such, 3 trees are proposed for removal (T2, T4 and T5 –all category U) and 6 new trees (5 betula pendula and 1 quercus robur with a minimum 20cm girth and 5-6 metres tall) are to be replanted.
- 8.62 In addition, there are various other improvements which are specific to this current application, for example:
- Central walkway
 - Seating in the form of benches
 - The street railings have been removed and proposed to be replaced with privacy hedges which are more visually pleasing whilst still ensuring a level of security.
 - This application sees enlarged areas of lawn/shrubs and minimised areas of paving in contrast to the previous applications.

- 8.63 Off-site there would be landscaping enhancements to land adjacent to Ashpark House with the addition of a hedgerow and wildflower meadow. There would also be planting across the wider estate around the playground.
- 8.64 As noted earlier in this section of the report, additional offside landscaping was proposed to the scheme as part of the 2017 application (ref: PA/17/01618) to help mitigate the perceived biodiversity losses on site through landscape improvements elsewhere on the estate.
- 8.65 The proposed landscaping is considered to be well thought out and would be of a high quality.
- 8.66 The following two plans show the differences between the landscape strategies for the 2017 planning application (ref: PA/17/16/18) and this current planning application.



Landscape plan for previously withdrawn scheme (PA/17/16/18)



Proposed detailed landscape plan

Creating a Green and Blue Grid

- 8.67 Strategic Objective 12 of the Core Strategy seeks to create a high-quality, well-connected and sustainable environment of green and blue spaces that are rich in biodiversity and promote active and healthy lifestyles. Policy SP04 of the Core Strategy Inter alia seeks to achieve the strategic objective by creating new green corridors and enhancing existing ones to connect publically accessible open spaces to main destinations points, such as town centres, schools, health facilities etc.
- 8.68 Concerns have been raised from residents that the site should remain a green space/community garden and that it forms part of the green corridor from TH Cemetery Park to Limehouse Basin.
- 8.69 Within the proposals map of the adopted Core Strategy the site is located to the south of a green grid route which connects Stepney Green Park, St Dunstan Church and Stonebrige Wharf to the west of the site and Regents Canal with Mile End Park and Bartlett Park further east of the site.
- 8.70 The green grid connection across Regents Canal is via a pedestrian bridge along Parnham Street and does not run through the application site. Furthermore, the site is separated from the green grid by the residential block 1-12 Parnham Street. As such, officers are satisfied the site does not form part of the existing green grid, and it has been appropriately discounted as a connection to an existing green grid.
- 8.71 Discussions on Biodiversity are found under 'environmental consideration' below within this report.

Housing

- 8.72 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 5 of the NPPF advocates that housing applications should be considered in the context of the presumption in favour of sustainable development and that small and medium sized sites can make an important contribution to meeting the housing requirement of an area.
- 8.73 As mentioned in the Land Use section of this report, delivering new housing, especially affordable housing is a key priority both locally and nationally.

Residential density

- 8.74 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.75 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 5. The site and surrounding area has a mixed character that is considered to fall within the definition of an "urban area" given in the London Plan. The surrounding area is characterised by some very dense development and some relatively less dense, with some mix of uses and although not within 800m of a District town centre is near to a number of neighbourhood centres.
- 8.76 Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics of 200 to 700 habitable rooms per hectare (hrph) and with an average of 3.1 habitable rooms per unit 70 to 260 units/hectare (u/h).
- 8.77 The proposed density would be 541hrph and 170u/h which would be comfortably within the density range in this table which indicates that the proposal is coming forward with an appropriate density for the site, conforming to the abovementioned policy.

Affordable housing

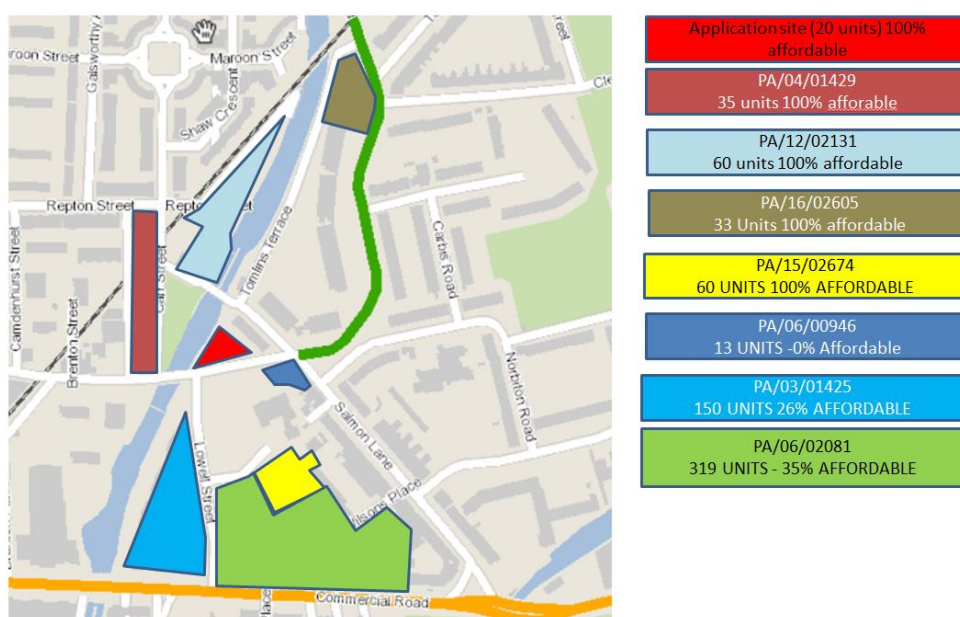
- 8.78 In line with section 5 of the NPPF, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.
- 8.79 In terms of planning policy, the relevant policy is SP02(3) of the Council's Core Strategy. This policy sets an overall strategic target for affordable housing of 50% until 2025. This will be achieved by:
- a) Requiring 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability)

- b) Securing additional affordable homes from a range of public sector initiatives directly with housing associations as identified in the housing strategy
- c) Bringing long-term vacant properties back into use.
- 8.80 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.
- 8.81 Policy DM3 of the Managing Development Document states that there should not be an over-concentration of one type/tenure of housing in any one place. Although the development would be completely affordable rented tenure it is considered that this would not result in an over-concentration of this tenure in this area due to a number of large new developments around the site containing high numbers of private and intermediate tenure dwellings. The number of affordable rented units proposed is relatively minor in comparison ensuring a mixed and balanced community is maintained in the area.
- 8.82 All of the 17 proposed units would be affordable rented units. This is in direct response to the very high local need in Tower Hamlets and form part of the Council's programme to deliver 1,000 new affordable homes for local people between 2014 and 2018. With the extremely high priority for affordable housing in mind the significant additional provision is welcomed and the fact that a mix of tenures is not provided is considered acceptable in this instance.
- 8.83 In respect of wider over-concentration, further information was provided as part of the 2017 application outlining the following:
1. Tenure split within Locksley Estate
 2. Ward Data for Mile End and adjacent St Dunstons Ward
 3. Information from recent major developments
- 8.84 The information received from Tower Hamlets Homes, advised the wider Locksley Estate has 658 properties. Of these properties 251 are Right-to-Buy Leaseholder's and there is a single freeholder. As such, around 38.3% of the estate could be classed as "Private Housing".
- 8.85 The ward data for Mile End suggests, 51.4% of housing within Mile End is social rented, 22% is owner occupier and 25.8% is private rented. The average for LBTH is 39.6% social rented, 26.6% owner/occupier and 32.6% private rented.
- 8.86 In addition to the above, analysis of recent major developments (10 residential units or more has identified 6 sites within the surrounding area that have been developed or have been consented for development in the last 15years.

PA number	Address	Consented date	Private units	Affordable units
PA/04/01429	Former Site At Railway Arch West Of Carr Street North Of Salmon Lane And East Of Blount Street, London, E1	22/03/2015	0	35
PA/12/02131	Land Adjacent to Repton Street, London, E14	21/03/2013	0	60
PA/16/02605	(Locksley Estate Site A) Immediately To The North of 86-144, Rhodeswell Road, London	16/12/2016	0	33

PA/15/02674	25-28 Dalglish Street, London, E14	24/03/2016	0	60
PA/06/00946	From 96 to 100, Salmon Lane, London	20/10/2006	13	0
PA/03/01425	Former Site At 675-681 Commercial Road And Land In Lowell Street And Part Of Disused Railway Viaduct Between Salmon L E14	10/02/2005	123	27
PA/06/02081	721-737 Commercial Road And 2-22 Lowell Street, Commercial Road, London	22/08/2008	215	104
		Total	351	319

8.87 The following plan shows the following plan shows the location of the sites referred to in the above table.



8.88 The above plan shows there have been a number of developments since 2003 within the area and that 5 have been 100% affordable. However, these have largely been between 20-60 units. The larger sites 150 units and 315 units have provided 26% and 35% affordable. As such, in terms of over-concentration when taking into account the number of units, officers are satisfied a suitable mix remains within the area. From the above schemes, the private housing total of 351 is still more than the combined affordable housing of 319 units.

8.89 The scheme would use the latest rent levels being split 50/50 between London Affordable Rent and Tower Hamlets Living Rent.

Dwelling mix

8.90 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.

- 8.91 Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.
- 8.92 Policy DM3 (part 7) of the Managing Development Document requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 8.93 The proposed dwelling mix for the revised scheme is set out in the table below:

		affordable housing						market housing		
		Affordable rented			intermediate			private sale		
Unit size	Total units	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0	0%	0	0	0%	0	0	0%
1 bed	5	5	29	30%	0	0	25%	0	0	50.00%
2 bed	6	6	35	25%	0	0	50%	0	0	30.00%
3 bed	4	4	24	30%	0	0	25%	0	0	20%
4 bed	2	2	12	15%	0	0		0	0	
5 bed	0	0	0	0%	0	0		0	0	
6 bed	0	0	0		0	0		0	0	
Total	17	17	100%	100%	0	100%	100%	0	100%	100%

Table 1 – Unit Mix

- 8.94 The scheme provides 29% of one bed units against our policy target of 30%, 35% of two bed units against our policy of 25%, 24% of three bed units against our policy of 30%, 12% of four bed units against our policy of 15%. This scheme falls slightly short of the Council's required 45% family rented units by habitable rooms. However on balance given that this scheme is providing 100% affordable rented, the tenure mix is deemed acceptable.

Standard of residential accommodation

- 8.95 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime."
- 8.96 All of the proposed units would meet or exceed the internal floorspace standards. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements. Furthermore, all of units would be dual aspect.

Daylight/Sunlight

- 8.97 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment of new build accommodation is through calculating the average daylight factor (ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 8.98 In terms of daylight to the proposed development the ADF was tested for 63 rooms that were eligible for testing. Of these 62 (98%) would satisfy the BRE guidelines completely. The one room that would not meet the guidelines, R1 on the first floor, would receive 1.26% ADF compared to the 1.5% target value therefore the room would still receive a reasonable amount of daylight. This one fairly minor transgression is considered acceptable.
- 8.99 In terms of sunlight for the proposed development the assessment shows that all eligible windows assessed would meet the targets for Annual Probable Sunlight Hours (APSH).
- 8.100 The proposed development therefore is considered to achieve appropriate levels of daylight and sunlight.

Wheelchair Accessible Housing and Lifetime Homes Standards

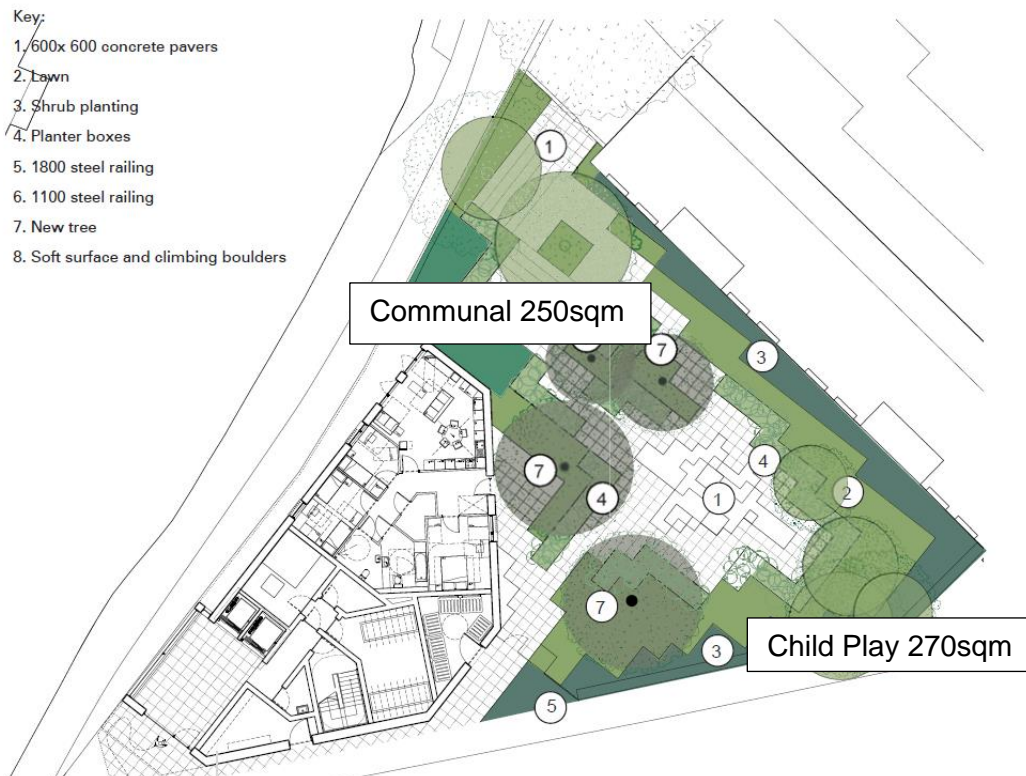
- 8.101 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.102 Two wheelchair accessible homes are proposed (1 at ground floor and the 2nd at 1st floor level) which amounts to more than 10% of the total units, meeting the policy target.
- 8.103 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Two disabled accessible parking space would be provided to the north of the site. These would be positioned further than the 50 metre target. Owing to the constrained nature of this infill site this is the closest the parking spaces can be and are in accordance with Part M of building regulations.

Private and communal amenity space

- 8.104 The on-site communal space (and child play space covered in the following section) provided by the scheme would be shared with neighbouring 1-12 Parnham Street. The calculations of the area required by policy for these will be arrived at as if the scheme included 1-12 Parnham Street. This is to ensure the proposed development is not providing amenity spaces at the expense of spaces currently available to other sites.
- 8.105 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 8.106 For major residential developments Policy DM4 stipulates 50sqm of communal amenity space for the first 10 units plus 1sqm for every additional unit should be provided. As such, a total of 69sqm of communal amenity space is required for the development when you include 1-12 Parnham Street, who will be able to use the amenity space. If considered separately as two different developments (not as a

single phased development) the developments would require 112sqm of communal in total (57sqm for this development and 52sq for 1-12 Parnham. The scheme provides 250sqm of communal amenity space, comfortably exceeding the policy requirement.

- 8.107 All of the proposed units would have a private balcony or terrace that is at least 1500mm wide and would meet the minimum standards set out in the MDD.
- 8.108 Overall, the proposed provision of private and communal amenity space would meet the policy requirements and make a significant contribution to the creation of a sustainable, family friendly environment.



Landscaping - Communal and Child Play Space

- Child play space
- 8.109 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Applying the GLA child yield and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.
- 8.110 The proposed scheme, in combination with 1-12 Parnham Road is anticipated to accommodate 25 children using the GLA child yield calculator. Accordingly, the scheme should provide a minimum of 250sqm of play space. This requirement is broken down as shown in Table 2.

	GLA Child Yield	Required within the scheme.	Proposed within scheme
0-4	8	11sqm	80sqm
5-10 year olds	8	80sqm	80sqm
11-15 year olds	6	60sqm	60sqm
Total	22	250sqm	270sqm
Excess in play space			20sqm

Table – Showing child play space

- 8.111 The proposed development would provide 270sqm of dedicated child amenity space at ground floor level on the east of the site in accordance with policy. As such it is considered that the proposal would provide an acceptable play environment for children within the development and 1-12 Parnham Street

Amenity

- 8.112 In line with the principles of the National Planning Policy Framework, the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

Overlooking and privacy

- 8.113 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.
- 8.114 In response to concerns raised from members in the 2016 application, the balconies/terraces serving the northern units have been re-positioned on the western elevation angled away from 1-12 Parnham Street. This removes overlooking as an issue from these balconies. Bedroom windows in the upper floors on the eastern elevation would be 18 metres from 1-12 Parnham Street. As shown in the following comparison.



Previously proposed scheme in 2016



Current scheme (same as 2017 application)

8.115 Wider separation distances are shown in the following plan.



Ground floor plan showing separation distances.

8.116 There is an ample separation distance to surrounding buildings on the north western elevation, adjacent to Regent's canal and to the south east, the direction which the balconies of the units in the southern part of the building would face.

8.117 The playgrounds of Sir William Burrough's Primary School to the south east of the site would be 18 metres away. In addition to this separation distance, the western tarmacked playground would be screened from the development to some extent by a

strip of trees and the eastern Astroturf playground would be partially screened by a wall perimeter fence.

- 8.118 As such, officers are satisfied the proposal would not give rise to any unduly detrimental impacts on privacy to neighbouring properties.

Outlook and sense of enclosure

- 8.119 The distance between the development proposal and habitable rooms of adjoining properties would largely follow the separation distances mentioned in the above section. The now windowless northernmost part of the building would be 14 metres from the closest part of 1-12 Parnham Street. The proposed massing, which steps down to 5 storeys at the northern part of the development, is not considered to result in an overbearing appearance or sense of enclosure.

Daylight, Sunlight and Overshadowing

- 8.120 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 80% times its former value.
- 8.121 The accompanying Daylight and Sunlight Assessment demonstrates that the development achieves daylight and sunlight levels of a high level of compliance with the BRE guidelines. The following properties are fully compliant with the BRE guidelines: 1-35 Rayners Terrace, Lascar Wharf, 332-378 Rhodeswell Road and Lock Cottage. The proposal however would have some impacts on the on 1-12 Parnham Street.
- 8.122 In terms of VSC there would be some infringements to 1-12 Parnham Street (8 of 48 windows tested). Although the loss of daylight to these windows would be noticeable the losses would be relatively minor. Of these 6 would retain 67-79% of their former value and the remaining 2 windows would experience major losses set back behind a balcony on the ground floor. Daylight distribution was also tested which measures the daylight extent within rooms rather than a point on exterior surface as in the VSC. 10 of 36 windows failed this test however these infringements again were only very minor with the rooms that would fall below the 80% target still retaining 75-79% of their former value.
- 8.123 The report also states that the areas where remaining daylight levels will be marginally below the BRE targets are mostly at parts of the building where windows are recessed by approximately 1.2m behind the main façade of 1-12 Parnham Street. It is therefore the self-design of the building in these few cases which tips the daylight impact just below the guidelines and is considered a mitigating factor.
- 8.124 In terms of sunlight, all surrounding properties satisfy the guidelines. For the reasons set out above it is considered that the development would have an acceptable daylight/sunlight impact on surrounding properties with only minor and localised impacts.

Noise and Vibration

- 8.125 Policy 7.15 of the London Plan (2015), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing

and potential adverse impact and separate noise sensitive development from major noise sources.

- 8.126 The proposed development will experience noise from local road traffic along Salmon Lane.
- 8.127 A Noise and Vibration Assessment by KP Acoustics accompanied the application. The contents of the report takes into account the glazing specification required to achieve good noise insulation. Noise and vibration surveys have been undertaken at the site and daytime and night-time noise levels have been determined.
- 8.128 Appropriate noise mitigation measures have been recommended for the proposed residences which will ensure that internal and external noise levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233. These measures would be secured by condition.
- 8.129 It is considered that the quality of the build and these appropriate measures would guard against a significant impact on the amenity of the occupants of the proposed development.

Transport, Access and Servicing

- 8.130 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.131 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: "Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle." Policy SP09 provides detail on how the objective is to be met.
- 8.132 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments should be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.133 The site benefits from very good access to public transport, being located approximately 350 metres walk from Limehouse Rail and DLR station to the south west. The closest bus stops are located on Commercial Road 200 metres walk away. As such the proposed development site has a Public Transport Accessibility Level (PTAL) of 5, with 6 being the highest.

- 8.134 Overall, the proposal's likely highways and transport impact are considered to be minor and acceptable to the Council's Transportation & Highways section. The relevant issues are discussed below.

Cycle Parking

- 8.135 The proposal meets the cycle parking standards as set out in the London Plan (2016). These standards require 29 cycle parking spaces to be provided. The development provides 29 covered secure cycle parking spaces with a cycle parking store accessed from internally from the entrance lobby.
- 8.136 However, the Council's Highway's officer is not supportive of the proposed cycle parking provision as the applicant is proposing double stacker stands which are not considered acceptable as they are often inaccessible to those with upper body mobility problems. As such, a cycle management plan condition will be attached.

Car Parking

- 8.137 Policy DM22 sets out the Council's parking standards in new developments.
- 8.138 Owing to the excellent transport links the development would be subject to a 'car free' planning condition restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.
- 8.139 Two on-street accessible car parking spaces would be provided in a car park within Locksley Estate to the north. Three car parking spaces would be converted here to provide the spaces. This would satisfy the policy target, representing 1 for each accessible unit within the development. However they would be around 75 metres away which would be in excess of the 50m policy target. It can be seen that there are limited options available for accessible parking bays and the applicant has stated that the location chosen is the closest possible. It is considered acceptable in this instance.

Servicing and Refuse Storage

- 8.140 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage has been calculated is in accordance with current waste policy.
- 8.141 The development would provide a bin and recycling store of 6 bins at the ground floor. The collection point on Salmon Lane would be 6 metres from the bin store, inside the maximum 10 metre policy requirement.

In light of the Council's Waste officer's comments, the scheme has now installed a suitable dropped kerb which measures 1.2 meters wide within 10 meters of the wheeling distance from the refuse store to the waste collections vehicle .

- 8.142 The Council's Highway's team have not raised any objections and the proposal would be subject to a Servicing and Refuse
- 8.143 Management Plan that would be reserved by condition.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

- 8.144 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.145 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.146 In line with London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.147 From October 2016 Policy DM29 of the Managing Development Document requires major residential developments to achieve zero carbon (with at least 45% reduction achieved through on-site measures). The remaining regulated carbon emissions (to 100%) are to be offset through a cash in lieu contribution in accordance with our carbon offset solutions study. The study identifies the scope of the fund and types of projects to be delivered.
- 8.148 The submitted Energy Statement (XCO2 Energy -March 2017) has followed the principles of the Mayor's energy hierarchy, and focuses on the Be Lean stage to reduce energy demand and Be Green to integrate renewable energy technologies (Photovoltaic array (6.3kWp)).
- 8.149 The current proposals seek to minimise CO2 emissions through Be Lean and Be Green measures as follows:
- Be Lean – 12.2% reduction
 - Be Clean – 0% reduction
 - Be Green – 12.1% reduction
- 8.150 The cumulative CO2 savings from these measures are proposed to be significantly short of policy DM29 requirements and deliver approximately a 24.3% reduction. A carbon offsetting contribution has been proposed in the submitted Energy Statement of £30,200 to be paid through the adopted carbon offsetting procedures. The CO2 emissions are:
- Baseline CO2 emissions: 22.1 Tonnes/CO2/yr
 - Proposed design CO2 emissions: 16.78 Tonnes/CO2/yr
 - Carbon offsetting payment to zero carbon: 16.78 (Tonnes/CO2/yr) x £1,800 = £30,200
- 8.151 In order to support the proposed scheme carbon reduction proposals, appropriately worded Conditions and a S106 agreement for **£30,200** to be payable prior to commencement of development, should be incorporated to deliver carbon savings off-site. The applicant would need to submit the as built building regulations calculations (SAP) to demonstrate that the carbon savings have been delivered. An additional carbon offsetting payment could be payable should the required CO2 emission reductions not be realised.

Biodiversity

- 8.152 Policy DM11 of the Managing Development Document seeks to inter-alia ensure existing elements of biodiversity value are protected or replaced within the development and additional habitat provision made to increase biodiversity value.
- 8.153 Concerns have been raised by local residents that the site had high biodiversity value and that the site clearance took place before the grant of planning permission.
- 8.154 The Council's Biodiversity officer has advised that before being largely cleared of vegetation in February 2016, the application site contained a diverse range of wildlife habitats, including dense scrub, trees, shady wildflower meadow and mixed native hedge, the latter a priority habitat in the Local Biodiversity Action Plan (LBAP). It is stated that the site still contains biodiversity value from 20 metres of hedge along Salmon Lane and wildflowers.
- 8.155 In terms of dealing with the biodiversity loss last year, the site is not designated as a Site of Importance to Nature Conservation (SINC), nor does it lie within a conservation area. Therefore there is no planning restriction on the site being cleared in advance of any development, in the manner that has taken place. As such, officers have to consider the site in its current condition and it would be difficult to attribute weight to a previous condition of the site especially one where the land use did not benefit from any protections.
- 8.156 Policy DM11 seeks net gains for biodiversity from new developments. There are a number of features proposed, both on and within the wider estate, which will mitigate the impacts and enhance biodiversity. On site, the most significant feature for biodiversity is the proposed biodiverse green roofs over more or less the whole of the new block. In addition to this there will be a good range of nectar-rich flowers amongst the herb and vegetable garden, bat boxes and nest boxes. Offsite, biodiversity enhancements would include 25 metres of native hedgerow and a new wildflower meadow west of Ashpark House and extensive bulb planting and plant boxes in the estate amenity land around the central playground.
- 8.157 The revised proposals which are subject to this planning application also include a wildlife wall to north elevation which will include sparrow terrace nesting houses, wren nesting box, robin nest box, swift box as well as a bug hotel.
- 8.158 Bat boxes are now also proposed along the western elevation of the building along the canal (in addition to the trees).
- 8.159 As a result of the above mitigation and enhancement features, the Biodiversity officer is satisfied that there would now be a significant enhancement compared with the current situation and, once the landscaping has matured, "would represent a net enhancement of biodiversity compared with what was on Site D before it was cleared in 2016". The proposal is therefore considered to meet policy in this regard.
- 8.160 All of the proposed mitigation and enhancement measures would be secured by condition.

Land Contamination

- 8.161 The site has been identified as having potential historic contamination. In accordance with the Environmental Health Contaminated Land Officer's comments a condition

will be attached which will ensure the developer carries out a site investigation to investigate and identify potential contamination.

Health Considerations

- 8.162 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.163 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 8.164 The application proposal would result in the delivery of much need affordable housing. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

Planning Obligations and CIL

- 8.165 Mitigation for the development would normally be secured under Planning Obligations Section 106 which are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012). However, as the Council is the applicant, it cannot enter into a legal agreement with itself. Therefore the mitigation will be secured by condition.
- 8.166 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) Fairly and reasonably related in scale and kind to the development.
- 8.167 Regulation 122 of 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.
- 8.168 Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.
- 8.169 The Council's Supplementary Planning Document on Planning Obligations was adopted in September 2016. This SPD provides further guidance on the planning obligations policy SP13.
- 8.170 The SPG also sets out the Borough's key priorities:
- Affordable Housing

- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.171 The following financial and non-financial contributions will be secured by condition to mitigate the impacts of the development:

Financial Obligations:

- a) A contribution of **£30,200** towards Carbon Off-Setting
- b) A contribution of **£7,064** towards training skills for construction job opportunities
- c) **£2,000** towards monitoring fee (£500 per S.106 Head of Term)

Total £39,264

8.172 The following non-financial planning obligations are also secured:

- a) Affordable Rented Housing 100% (17 units)
- b) Access to employment
20% Local Procurement
20% Local Labour in Construction
- c) Scheme of Highway Improvement Works

8.173 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to key priorities. However, it is important to note, as mentioned earlier in this report the obligations are to be secured by condition, as the site is being developed by the Council.

Local Finance Considerations

8.174 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides:
"In dealing with such an application the authority shall have regard to:

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

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

- a) 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
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

- 8.175 In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use.
- 8.176 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas.
- 8.177 In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use. The Community Infrastructure Levy liable would be the London CIL and Tower Hamlets CIL.
- 8.178 Assuming that the Council delivers its annual housing target of 3,931 units, the Council would be liable for a New Homes Bonus payment of approximately £24m over 4 years. Due to the introduction of a new threshold approach by the Government it is not possible to provide an exact amount of New Homes Bonus the proposed development would deliver; officers estimate that the proposal could deliver up to £133,649 over 4 years.
- 8.179 In terms of Tower Hamlets CIL and London CIL liability there would be no payment due because all of the units would be affordable rented and therefore qualify for CIL relief.
- 8.180 Although NHB qualifies as “local finance considerations, the key question is whether they are “material” to the specific planning application under consideration...
- 8.181 The prevailing view is that “in some cases NHB can lawfully be taken into account as a material consideration where there is a direct connection between the intended use of NHB and the proposed development. However to be a ‘material a consideration’, it must relate to the planning merits of the development in question.
- 8.182 Accordingly, Thus NHB or CIL money will be ‘material’ to the planning application, when reinvested in the local areas in which the developments generating the money are to be located, or when used for specific projects or infrastructure items which are likely to affect the operation or impact on the developments of those developments. Specific legal advice will be given during the consideration of each application as required.

Human Rights Considerations

- 8.183 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:
- 8.184 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 of Human Rights 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".

8.185 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.

8.186 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. 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. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.187 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.

8.188 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

Equalities Act Considerations

8.189 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, gender 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:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.190 The proposed contributions towards, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a substantial quantum of high quality affordable housing and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

9.0 CONCLUSION

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report

10.0 SITE MAP

