



## DEVELOPMENT COMMITTEE

17<sup>th</sup> April 2019

Report of the Corporate Director of Place

Classification: Unrestricted

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### Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA/18/02822
<b>Site</b>	Sites adjoining Birchdown, Denbury and Huntshaw House, Devons Road, London.
<b>Ward</b>	Bromley North
<b>Proposal</b>	<p>Construction of 18 dwellings over 3 sites within the Devons Estates.</p> <p>Site 1: Redevelopment of surface car park to the rear of Birchdown House, Rainhill Way by a 3 storey building to provide 8No. flats.</p> <p>Site 2: Demolitions and development of car parking garages and surface car park adjacent to Denbury House, Devons Road by erection of 3 x 3 storey houses.</p> <p>Site 3: Demolition and redevelopment of car parking garages and electricity substation adjacent to Huntshaw House by erection of a 4 storey building to provide 7No. flats.</p>
<b>Summary Recommendation</b>	Grant planning permission with conditions and planning obligations
<b>Applicant</b>	Poplar HARCA
<b>Architect</b>	Leaside Planning
<b>Case Officer</b>	Victoria Coelho
<b>Key dates</b>	<ul style="list-style-type: none"><li>- Application registered as valid on 01/10/2018</li><li>- Public consultation finished on 14/11/2018</li></ul>

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### EXECUTIVE SUMMARY

Officers have considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework.

The proposal is a residential development over three sites within the existing residential development known as the 'Devons Estate'. The development would provide eighteen new residential units comprising 5 x one bed, 9 x two bed, 2 x three bed and 2 x four bed. This summary has regards to the key issues arising from the scheme; a full account of all relevant issues is set out within the main body of the report.

The proposed redevelopment of the three sites for 18 residential units optimise the development potential of the sites and as such complies with policy 3.4 of the London Plan (2016), policy SP02 or the Core Strategy (2010) and policy DM3 of the Managing Development Document.

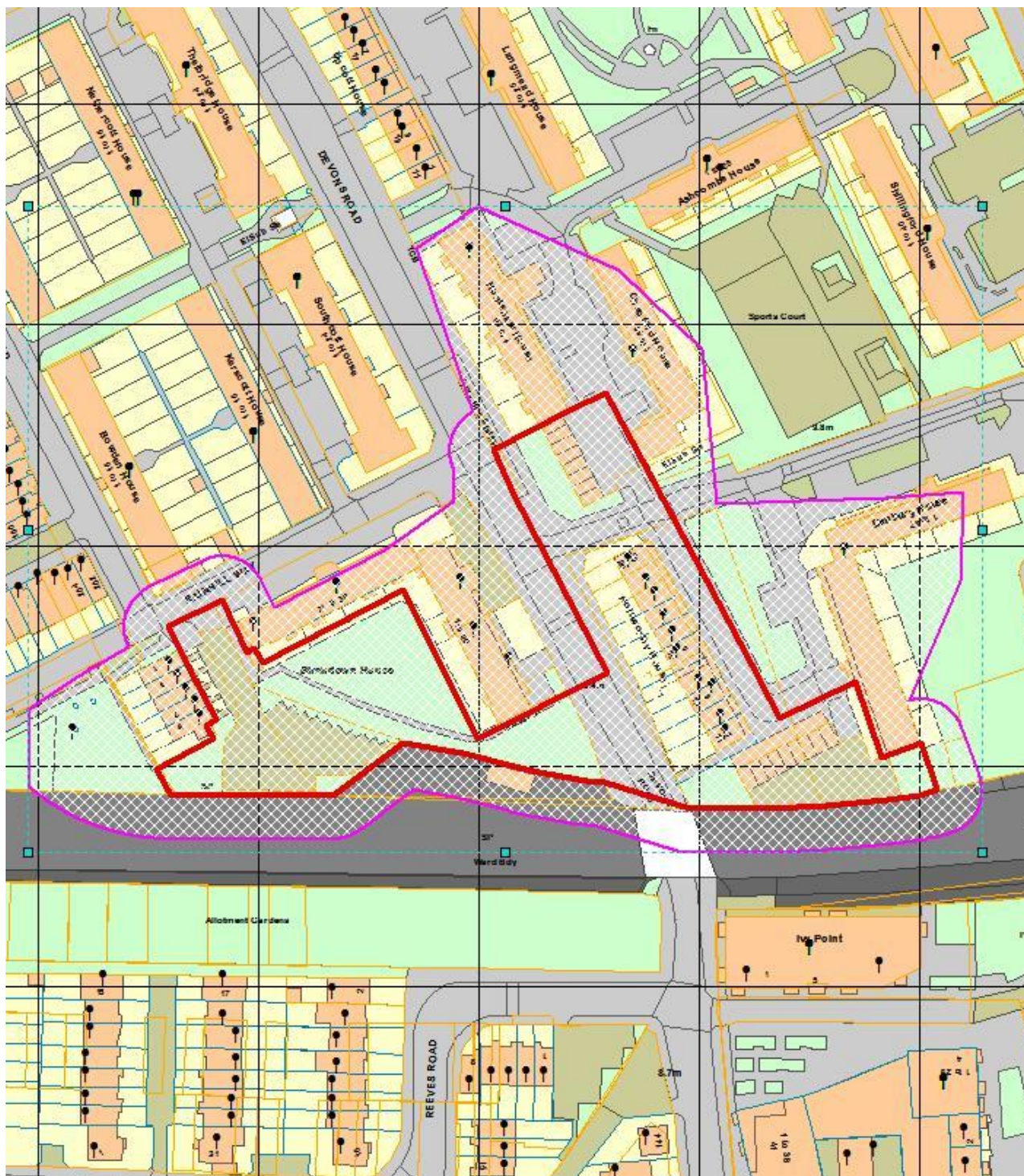
The development would provide an acceptable mix of housing types and tenure including an 100% affordable housing provision with 47% rent and 53% intermediate.

The proposals would be acceptable in terms of height, scale, design and appearance and would deliver quality homes in a sustainable location. The proposed units would all have access to amenity space and meet or exceed the minimum London Plan SPG space requirements.


The density of the scheme would not result in significant adverse impacts on the amenity of neighbouring occupiers in terms of loss of light, overshadowing, loss of privacy or increase sense of enclosure. The quality of accommodation provided, along the provision of external amenity spaces would create an acceptable living environment for the future occupiers of the site.

Transport matters, including parking and access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highway network as a result of the developments.

The scheme would meet the required financial and non-financial contributions.



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<div data-bbox="100 1691 154 1713" style="border: 2px solid red; width: 40px; height: 70px; margin-bottom: 5px;"></div> <div data-bbox="175 1691 563 1713">Planning Application Site Boundary</div> <div data-bbox="100 1715 154 1738" style="border: 2px solid orange; width: 40px; height: 70px; margin-bottom: 5px;"></div> <div data-bbox="175 1715 563 1738">Other Planning Applications</div> <div data-bbox="100 1740 154 1762" style="border: 2px solid pink; width: 40px; height: 70px; margin-bottom: 5px;"></div> <div data-bbox="175 1740 563 1762">Consultation Area</div> <div data-bbox="127 1765 148 1771" style="text-align: center;">●</div> <div data-bbox="175 1765 563 1771">Land Parcel Address Point</div> <div data-bbox="100 1776 154 1796" style="background: repeating-linear-gradient(45deg, transparent, transparent 2px, blue 2px, blue 4px); border: 1px solid blue; width: 40px; height: 70px; margin-bottom: 5px;"></div> <div data-bbox="175 1776 563 1796">Locally Listed Buildings</div> <div data-bbox="100 1800 154 1821" style="background: repeating-linear-gradient(-45deg, transparent, transparent 2px, purple 2px, purple 4px); border: 1px solid purple; width: 40px; height: 70px; margin-bottom: 5px;"></div> <div data-bbox="175 1800 563 1821">Statutory Listed Buildings</div>	<div data-bbox="598 1691 1158 1713"> <h2 style="margin: 0;">Planning Applications Site Map</h2> <h3 style="margin: 0;">PA/18/02822</h3> </div> <div data-bbox="592 1715 1158 1744"> <p style="margin: 0;">This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p> </div>	<div data-bbox="1243 1691 1401 1729">  </div> <div data-bbox="1200 1731 1450 1744"> <p style="margin: 0;">London Borough of Tower Hamlets</p> </div>
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## 1. SITE AND SURROUNDINGS

- 1.1 The application site is approximately 0.6ha and comprises three areas within the Devons Estate. Site one is bound to the south by railway tracks and to the north by Birchdown House and No. 1 to 9 Rainhill Way. Site two is bound by railway tracks to the south, Denbury House to the East and Holsworthy House to the West. Site Three is location of the corner of Devons Road and Talwin Street, adjacent to Huntshaw House with Changford House to the east.

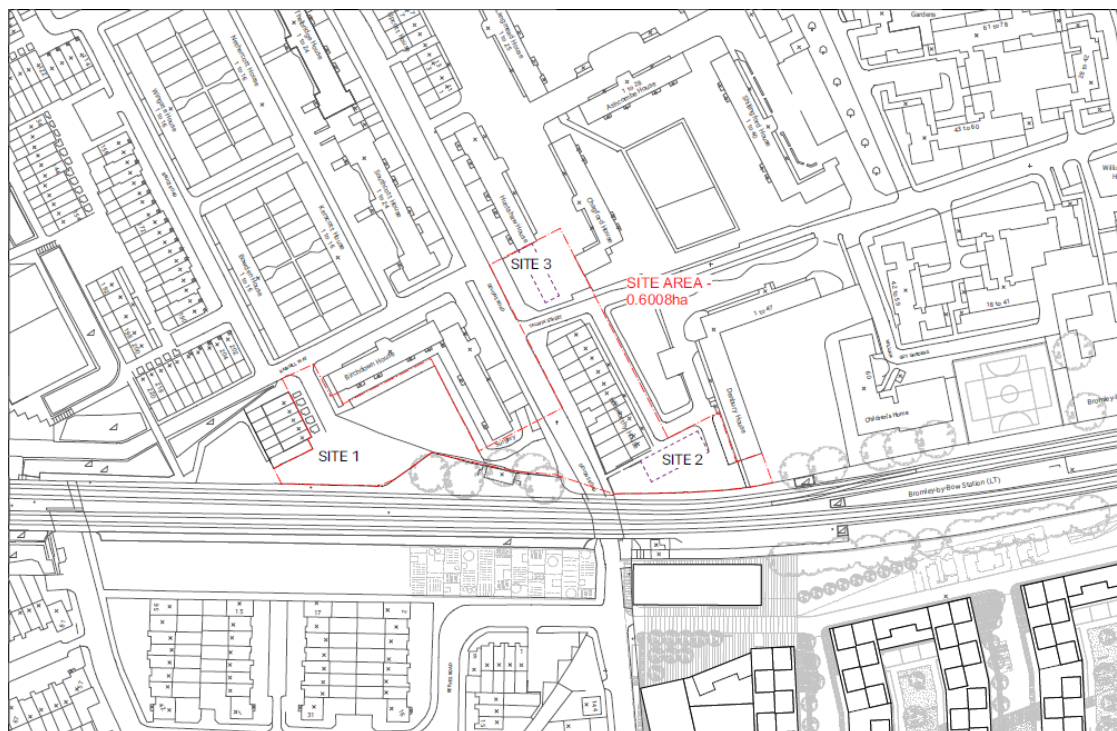


Figure 1: Site location plan

- 1.2 The Devons Estate is characterised by purpose built flats ranging in height between 4 and 5 storeys. The railways tracks of the District and the Hammersmith and City Lines run on a viaduct immediately south of Birchdown House and Denbury House (Sites 1 & 2). None of the buildings within or adjoining the sites are statutorily or locally listed and the site is not within a conservation area.
- 1.3 The areas surrounding the site are primarily residential in nature. The site benefits from good public transport accessibility (PTAL rating of 4) and is located between Bromley-by-Bow underground station and Devons Road DLR station.
- 1.4 The site is located within the Bromley-by-Bow Masterplan area. The site is not subject to any other policy designations.



**Figure 2: Ariel View of the sites**



**Figure 3: Photo of Site 1.**





**Figure 4: Photos of Site 2 and 3.**



**Figure 5: Photo of Site 3.**

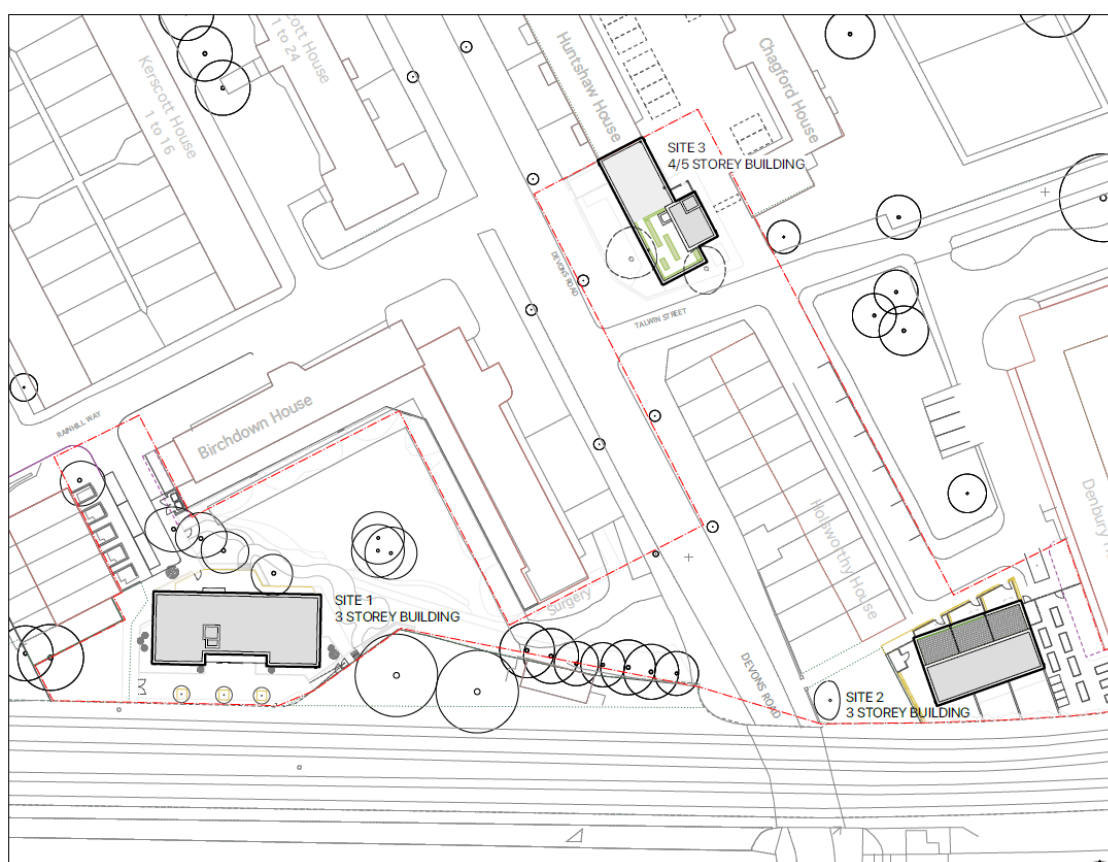
## **2. PROPOSAL**

- 2.1 The application proposal involves the redevelopment of three sites within the Devons Estate currently used for car parking garages and / or surface car parking that serve the existing blocks of flats within the Devons Estate.

- 2.2 It is proposed to create 18 residential dwellings over the 3 site. The residential mix of each site is presented below:

Site	1B/2P	2B/4P	3B/4P	3B/5P	4B/6P	Total Units
One	2	6	0	0	0	8
Two	0	0	0	1	2	3
Three	3	3	1	0	0	7

- 2.3 The scheme would provide 12 intermediate / 6 affordable units which comprise an 100% affordable housing provision.



**Figure 6: Proposed Site Layouts**

### 3. RELEVANT PLANNING HISTORY

#### Devons Estate

- 3.1 PA/10/1138 – Permitted 21/09/2010 Refurbishment works consisting of new balconies and stepped access to rear ground floor of Denbury House & Birchdown House plus new block entrances with canopies and provision of new glazed screen to staircase at Holworthy House.

- 3.2 PA/10/1642 – Permitted 19/10/2010 External renovation works to include: new windows, new communal entrances, insulated render and brick slips to be applied to flank walls, new entrance doors, renewal/overhauling of roof and new proposed individual letter signage.
- 3.3 PA/11/00573 – Permitted 15/06/2011 Proposed environmental works to include – new road and parking layout for the central area. Enhance and improve pedestrian links. Improve semi-private communal area. New community zones in Limscott Green and the Piazza. Provision of URS across the estate. New recycling and food waste enclosures. Creation of private front and rear gardens. New lighting and planting strategy.
- 3.4 PA/11/01645 – Permitted 30/08/2011 External refurbishment works to Denbury House consisting of installation of new communal doors and entry system and glazed tiling.

#### **Pre-application**

- 3.5 Officers engaged with the applicant at pre-application stage under pre-application reference PF/17/00017. The proposals developed through the pre-application submission after the following issues were raised to the initial proposals:
- Scale, height, massing and form
  - Layout
  - Impact on amenity

#### **4. PUBLICITY AND ENGAGEMENT**

- 4.1 A total of 178 properties were notified. Site notices were erected outside each site. The application was advertised in the location press.
- 4.2 In total, 4 objections and 2 petitions were received. The petitions had 38 and 5 signatures, respectively.
- 4.3 The objections received raised the following issues:
- Whether the garage renters will be offered an alternative site.
  - Loss of daylight/sunlight.
  - Loss of car parking.
  - Traffic, noise, dust during construction.
- 4.4 The petition containing 38 signatures raised the following issues:
- Overbearing nature and loss of light to Rainhill Way.
  - Detrimental impact on the daylight and sunlight of Rainhill Way and Birchdown House.
- 4.5 The petition containing 5 signatures raised the following issues:
- Overbearing nature of proposed building in relation to the houses at Rainhill Way, given its height, mass and proximity.
  - Loss of light and lack of clarity of daylight/sunlight calculations.

#### **5. CONSULTATION RESPONSES**

- 5.1 The following were consulted regarding the application:

##### **LBTH Energy Efficiency Unit**

- 5.2 The current proposals have sought to implement energy efficiency measure and renewable energy technologies to deliver a 27% reduction in on-site CO2 emissions compared to the Building regulation baseline. It is considered that the shortfall in CO2 emission reductions to



meet the zero carbon homes requirement should be offset through a cash in lieu payment of £34,020.

It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:

- Delivery of anticipated 27% reduction in onsite CO2 emissions
- S106 contribution of £34,020
- Post construction verification report submitted to LBTH to verify delivery of CO2 emission reductions as identified in the Energy Statement.

#### **LBTH Environmental Health (Air Quality)**

- 5.3 With reference to the above application I have reviewed the air quality assessment report ref 443184-00 (00) by RSK. The report concludes the development will have insignificant on local air quality. I have no reason to disagree with this.

With regards to air quality neutral assessment as required by the GLA SPG on sustainable design and construction, the development will not be air quality neutral in terms of transport emission but only marginally above the benchmark emissions. Suggestions for M mitigation measures are proposed in the report for offsetting the impact. I would recommend a condition requiring details of the proposed mitigation measures to be submitted for approval by the local planning authority.

#### **LBTH Environmental Health (Contaminated Land)**

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

#### **Network Rail**

- 5.5 No comments to date.

#### **LBTH Design & Conservation**

- 5.6 The proposals have been revised through a number of pre application meetings. Accordingly, many design issues have been resolved with the scheme generally acceptable following minor amendments and submission of additional details:

- Details of the boundary treatment between private and communal amenity space to the rear of site 1.
- Explore amendments to the articulation of the front elevation of site 2 to better emphasise each townhouse.
- Reconsider the bedroom layouts of the ground floor units of site 3.
- Provide details of the roof garden set back and balustrade.
- Amend the boundary treatment of site 3 to follow that of the existing block.
- Amend design of the western elevation of site 3 to be better aligned with balconies and windows of Huntshaw House.
- Provide further detailing of windows and boundary treatments

## **LBTH Surface Water Run Off**

### **5.7 Flood Risk**

The site is within Flood Zone 1 and has no significant risk of surface water flooding. The proposals are acceptable and in principle comply with the London Plan Policy 5.13 and Local plan policy DM13.

The report produced by RPS sets out proposals to limit surface water outflow to peak discharge rate of 2 l/s. The applicant proposes to achieve this by using below ground attenuation.

This proposal primarily makes use of below ground storage and little use of sustainable forms of SuDS techniques. The applicant should consider Green roofs as cited in the FRA to comply with policy.

#### **Residual Risk**

Safe and appropriate flow routes from blockage and exceedance of the drainage system must be evaluated. This must demonstrate no property flooding or increase in flood risk, either offsite or to third parties.

To ensure flood risk is not increased elsewhere a detailed surface water drainage scheme as outlined in the report should be secured via planning condition. Development shall not commence until a detailed surface water drainage scheme for the site, based on the agreed 'Outline Strategy' has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off to 2l/s as outlined in the Report.

The scheme shall also include (but not limited to)

- The peak discharge rates and together with any associated control structures and their position
- Safe management of critical storm water storage up to the 1:100 year event plus 40% and
- Details of agreed adoption, monitoring and maintenance of the drainage and suds features.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

## **Transport for London**

### **5.8 No comments to date.**

## **LBTH Transportation & Highways**

### **5.9 Car Parking:**

According to our parking data, surround public highways has high parking stress. In addition, the proposed development site it is located in good PTAL area (PTAL 4). Therefore, Transport and Highways will require a S106 (or similar mechanism as agreed by the case officer) 'car and permit' free agreement to be secured for this development.

The applicant has not provided any new disabled parking facility on site. Therefore, the applicant is required to show where a person with disabilities can park accessibly and conveniently.

Cycle Spaces:

Site 1:

We are satisfied with the proposed location of the cycle storage; however, proposed cycle storage appears to be very small. The applicant is required to provide dimension of the cycle storage before the application is approved.

Site 2:

Most of the cycle storage is proposed outdoor without any shelter. The applicant is required to provide sheltered cycle storage for the residential use.

Site 3:

Like site 1, the cycle storage will appears to be very narrow; the applicant is required to provide the dimensions of the cycle storage. The design of the cycle storage must comply with Appendix 2 of the DMD (2013).

In addition, any cycle spaces that require access through the house will not be supported.

Loss Of Off-Street Car Parking Spaces:

Transport and Highways require the applicant to confirm with evidence all the existing off-street car park users have been relocated to another off-street bay. Without this information, Transport and Highways cannot support this proposal.

Access Route For Site 3:

We are concerned about the visibility of vehicle entering and exiting the site. Therefore, the applicant is required to provide some visibility splay and sight line analysis for vehicles entering and exiting the site.

Construction Management Plan:

Due to the location of the proposed development, Transport and Highways require the applicant to submit a Construction Management Plan (CMP) to the local planning authority and receive written approval for the CMP prior to commencement. This must be secure through a planning condition.

Highways Improvement Work:

Transport and Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development. The applicant is required to consult Wajid Majid to discuss the highway's improvement work required for this development and agree a S278 agreement.

## **LBTH Waste Policy & Development**

### **5.10 Waste Capacity**

The applicant has mentioned that the new development can use existing URS stating that there is still sufficient capacity in the existing URS for the new development.

The applicant is required to demonstrate that the existing URS's that are intended to be used for the new development have spare capacity to meet the requirements of the new proposed developments.

All bins must meet the British Standard EN 840.



## Bin Store

The bin store is required to be designed in accordance with British Standard BS5906:2005 Waste management in buildings – Code of practice and Building Regulations 2000, Part H6.

Ensuring the bin store is large enough to store all containers with at least 150mm distance between each container and that the width of the door is large enough with catches or stays. The bin store must also be step free.

## Waste Collection Service

The applicant is required to provide dropped kerb 1.2 meters wide from bin store to collection point.

## Residents

The carrying distance for all residents must be a maximum of 30 meters. Any distance exceeding 30 meters will not be accepted.

## Internal Storage

All residential units are required to be provided with internal waste storage preferably within the kitchen units with the following capacity:

Refuse – 40 litres

Recycling – 40 litres

Food waste – 23 litres

Waste Policy and Development requires the above points to be addressed before we can be supportive of the application.

## **LBTH Environmental Health Noise**

5.11 (1) The noise report did not identify an existing major dominant noise source which is noticeable and intrusive and also in operation 24/7 in close proximity to the residential development at Devons Estate Rain hill Way London E3 3JD;

(2) The applicant will be required to resubmit a noise impact assessment that takes in to consideration all the potential noise sources within the vicinity of the site and in addition propose and implement robust noise mitigation measures that will reduce the adverse effect of the noise to a minimum.

Reason: To protect the amenity of occupiers of the proposed development and nearby properties from noise or vibration disturbance in accordance with the requirements of Tower Hamlets Core Strategy 2010 policy SP03 (2) and SP10 (4a)”

## **6. RELEVANT PLANNING POLICIES AND DOCUMENTS**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.

6.2 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:

### 6.3 **Government Planning Policy**

National Planning Policy Framework (2019) (NPPF)  
National Planning Guidance Framework (2018) (NPPG)

### 6.4 **London Plan MALP (2016)**

- 3.2 – Improving Health and Addressing Health Inequalities
- 3.3 – Increasing Housing Supply
- 3.4 – Optimising Housing Potential
- 3.5 – Quality and Design of Housing Developments
- 3.6 – Children and Young People’s Play and Informal Recreation Facilities
- 3.8 – Housing Choice
- 3.9 – Mixed and Balanced Communities
- 3.10 – Definition of Affordable Housing
- 3.11 – Affordable Housing Targets
- 5.1 – Climate Change Mitigation
- 5.2 – Minimising Carbon Dioxide Emissions
- 5.3 – Sustainable Design and Construction
- 5.13 – Sustainable Drainage
- 5.14 – Water Quality and Wastewater Infrastructure
- 5.15 – Water Use and Supplies
- 5.17 – Waste Capacity
- 5.21 – Contaminated Land
- 6.3 – Assessing the Effects of Development on Transport Capacity
- 6.7 – Streets and surface transport
- 6.9 – Cycling
- 6.10 – Walking
- 6.13 – Parking
- 7.1 – Lifetime Neighbourhoods
- 7.2 – An Inclusive Environment
- 7.3 – Designing Out Crime
- 7.4 – Local Character
- 7.5 – Public Realm
- 7.6 – Architecture
- 7.13 – Safety, Security and Resilience to Emergency
- 7.14 – Improving Air Quality
- 7.15 – Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 7.1 – Biodiversity and Access to Nature
- 8.1 – Implementation
- 8.2 – Planning Obligations
- 8.3 – Community Infrastructure Levy

### 6.5 **Core Strategy (2010)**

- SP02 – Urban Living for Everyone
- 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

## **6.6 Managing Development Document (2013)**

DM0 – Delivering Sustainable Development  
DM3 – Delivering Homes  
DM4 – Housing Standards and Amenity Space  
DM9 – Improving Air Quality  
DM11 –Living Buildings and Biodiversity  
DM13 –Sustainable Drainage  
DM14 –Managing Waste  
DM20 –Supporting a Sustainable Transport Network  
DM22 –Parking  
DM23 –Streets and the Public Realm  
DM24 –Place-sensitive Design  
DM25 –Amenity  
DM26 –Building Heights  
DM29 –Achieving a Zero-carbon Borough and Addressing Climate Change

## **6.7 Supplementary Planning Guidance/Documents**

- Planning Obligations SPD, LBTH (2016)
- Development Viability SPD, LBTH (2017)
- Housing SPG, GLA (2016)
- Shaping Neighbourhoods: Character and Context SPG, GLA (2014)
- Shaping Neighbourhoods: Play and Informal Recreation SPG, GLA (2012)
- Sustainable Design and Construction SPG, GLA (2014)
- Affordable Housing and Viability SPG, GLA (2017)
- Tower Hamlets Air Quality Action Plan, LBTH (2003)
- Tower Hamlets Partnership Community Plan, LBTH (2015)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)

## **7. PLANNING ASSESSMENT**

7.1 The key issues raised by the proposed development are:

8.0 Land Use

9.0 Design

10. Housing

11. Quality of Residential Accommodation

12. Impact on Neighbouring Amenity

13. Highways and Transportation

14 Environmental Considerations

15. Local Finance Considerations

16. Human Rights Considerations

17. Equalities Act Considerations

18. Recommendation



## **8.0 Land Use**

### Provision of Residential Space

- 8.0 The NPPF attaches great importance to significantly boosting the supply of new housing. LBTHs Core Strategy Policy SP02 seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. Infill development which meets an identified need and contributes to creating sustainable communities is supported and Bromley-by-Bow is identified as an area to focus new housing.
- 8.1 The London Plan sets a revised minimum 10 year housing target of 39,314 between 2015 – 2025 (3,931 per year) for Tower Hamlets. The development proposes re-use of sites within an existing residential development, making the best use of land.
- 8.2 London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) describe the pressing need for more homes in London and how development should optimise housing output.
- 8.3 A residential development of the sites is considered to be acceptable in principle, subject to compliance with all other policy considerations.

## **9.0 Design**

- 9.1 In this section of the report, officers will consider the acceptability of the design of each proposed building across the three sites.
- 9.2 Firstly, consideration is given to the relevant policy context. Chapter 7 'Requiring good design' of the NPPF (2019) states that the Government attaches great importance to the design of the built environment, outlining good design as a key aspect of sustainable development and indivisible from good planning.
- 9.3 London Plan Policy 7.4 'Local Character' seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets in scale, proportion and mass. London Plan Policy 7.6 'Architecture' seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 9.4 Core Strategy Policy SP10 'Creating distinct and durable places' seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 9.5 Policy DM24 'Place-sensitive design' of the Managing Development Document requires development to be design to the highest quality standards, incorporating principles of good design, ensuring that design is sensitive to and enhances the local character and setting of the development.

### **Site One**

#### Scale, Height and Mass

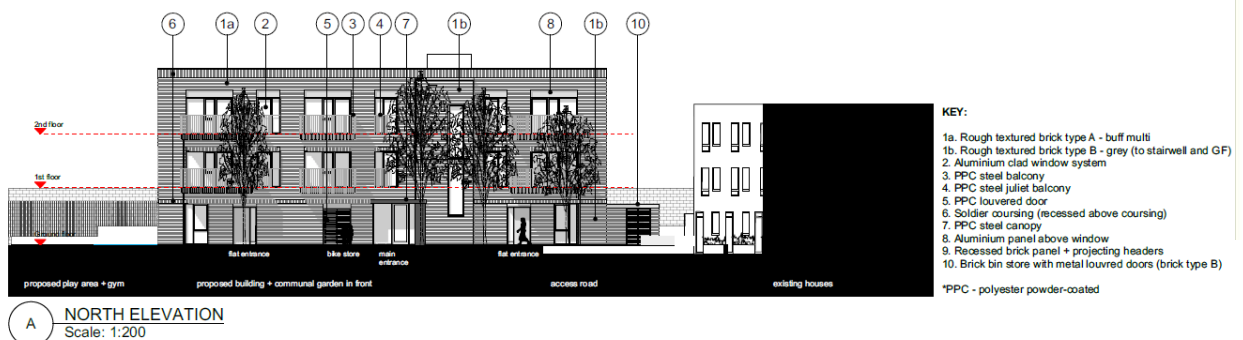
- 9.6 The site to the rear of Rainhill Way/Birchdown House is a highly constrained location. The proposed three storey building is in keeping with the neighbouring Birchdown House and the three storey terrace in terms of its scale, height and mass.

- 9.7 The proposed simplified built form running in parallel with the train line to the rear and at three storeys in height sits well within its context, and not overly domineering. The siting of the proposed building also maintains the existing communal garden to its east.
- 9.8 The relationship between the western corner of the proposed building and the existing three storey terrace houses appears tight but is acceptable as it provides approximately 6 metres at its pinch point and splays out to provide more relief. The informal amenity space of the existing terraces will not be significantly impacted.

### Design and Materials

- 9.9 The design of the scheme is supported, working well to delineate each flat and the main entrance. The vertical emphasis through the design and placement of windows also works well in contrast to the vertical elements of the surrounding residential blocks.
- 9.10 The use of brick work is again supported, with brick detailing adding visual interest. Further detailing of windows, particularly reveals, and of boundary treatments will be required which will be secured through a condition.

**Figure 7 Site One Ariel View and Elevations**



## Site Two

### Scale, Height and Mass

- 9.11 The proposed height of three storeys is supported, with the infill building subordinate to the adjacent Holdsworthy House and Denbury House.
- 9.12 The scale and form is considered to be acceptable and has been simplified since the applicant's initial pre-application submission. The proposal generally adheres to the slender rectilinear blocks in the surrounding area. Given its orientation, in addition to its simple form, the proposals read as a cohesive group.

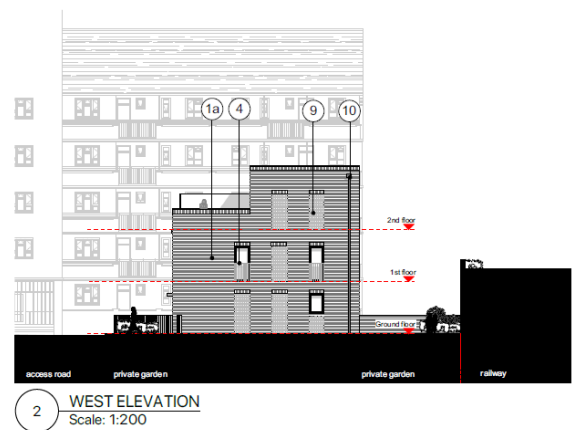
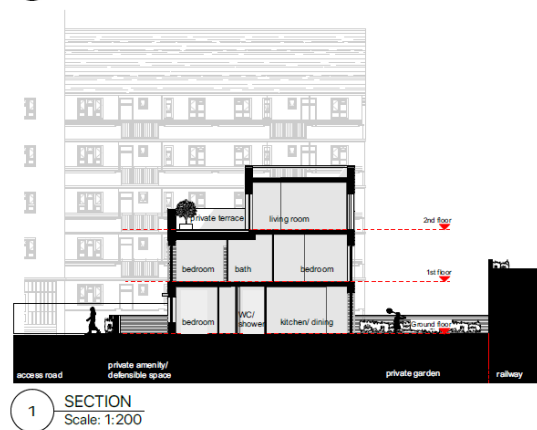
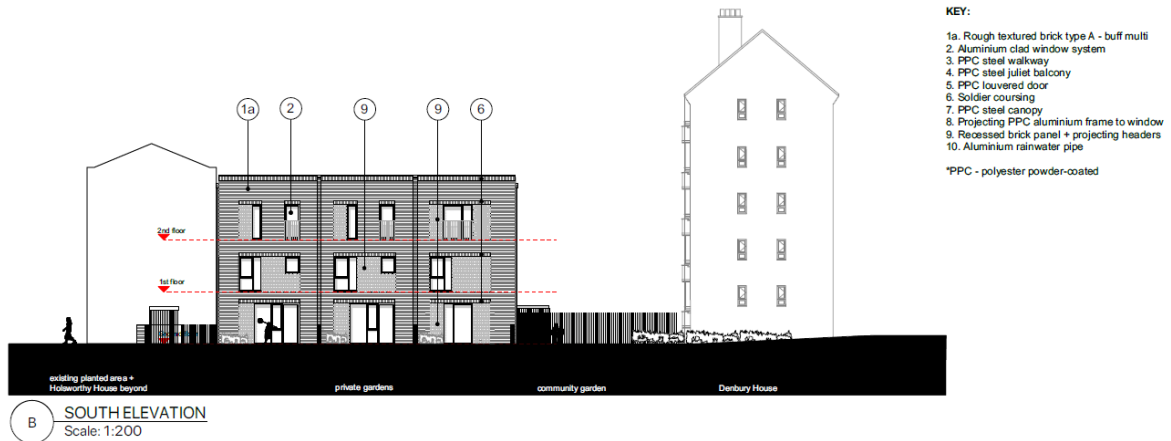
### Design and Materials

- 9.13 The general approach to the design of this building is acceptable and it is considered that the simple and contemporary approach is appropriate. The northern façade comprise of large terraced area on the second floor which breaks down the elevation horizontally. Whilst the vertical emphasises of the individual townhouses would have been preferred the terrace has been proposed to allow maximum usability for the future residents and therefore the overall design is considered to be acceptable.
- 9.14 The proposal includes upper roof terraces that include balustrades. It is recommended that detail of the balustrading is secured by a condition to ensure its appropriateness within the context.

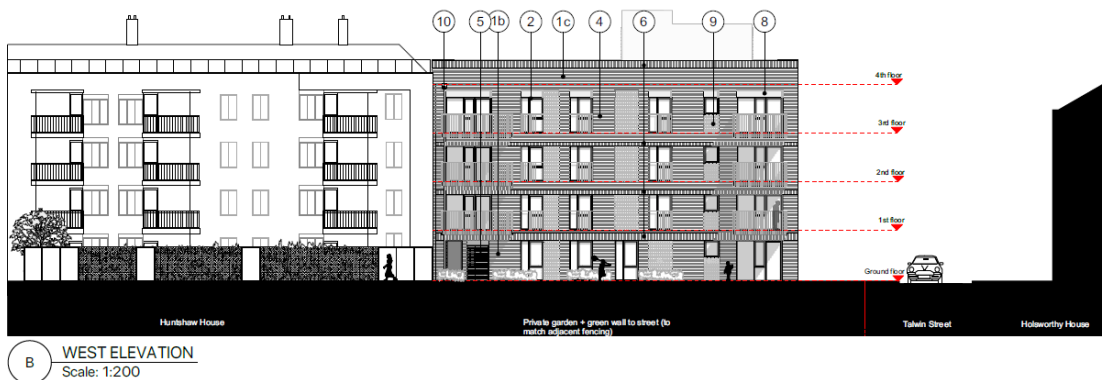
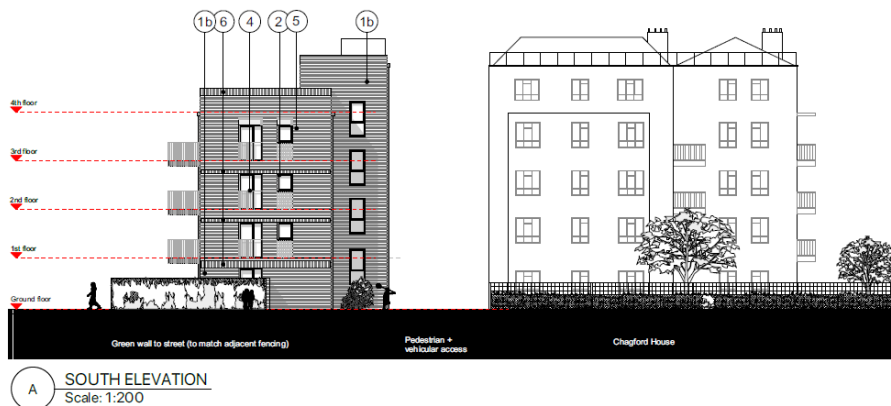


**Figure 8 Proposed Ariel View of Site 2 and Elevations**





Any errors and omissions to be corrected by the Architect prior to construction. Dimensions and areas are based on current information provided for the client. This drawing is provided AS SUPPLIED. All dimensions to be checked on site. See Section B for more details.



## **Site Three**

### **Scale, Height and Mass**

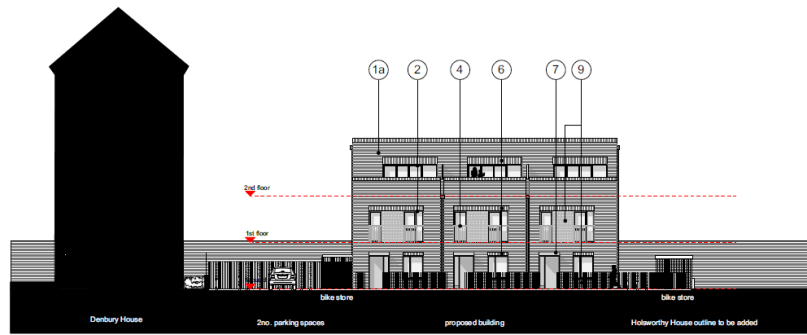
- 9.15 The height of the proposed building at four storeys is appropriate and in keeping with Changford House and Huntshaw House that the proposal seeks to infill.
- 9.16 There have been extensive pre applications that discussed the appropriate building line and its relationship with Chagford House along Talwin Street. The proposal projects closer to the Talwin Street than Chagford House and it is designed to appear as and continuation of Huntshaw House. Therefore, Talwin Street is seen as the secondary frontage and its alignment with Chagford House becomes less important. The proposed reduced scale and form the proposed scheme integrate well with the existing urban form. Accordingly the scale and form is acceptable.

### **Design and Materials**

- 9.17 The general design approach is also supported; the design is a contemporary approach although elements pick up on features of the existing block. The design successfully delineates the shared core of the block and entrances from the private dwellings.
- 9.18 The brick finish is proposed and is considered to be acceptable.



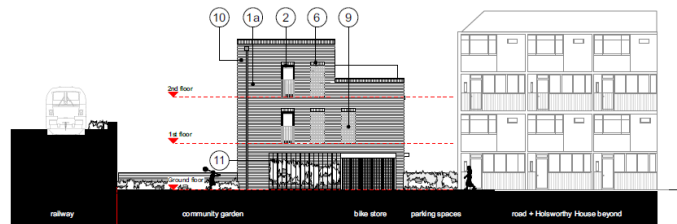
**Figure 9 Proposed Ariel View of Site 3**



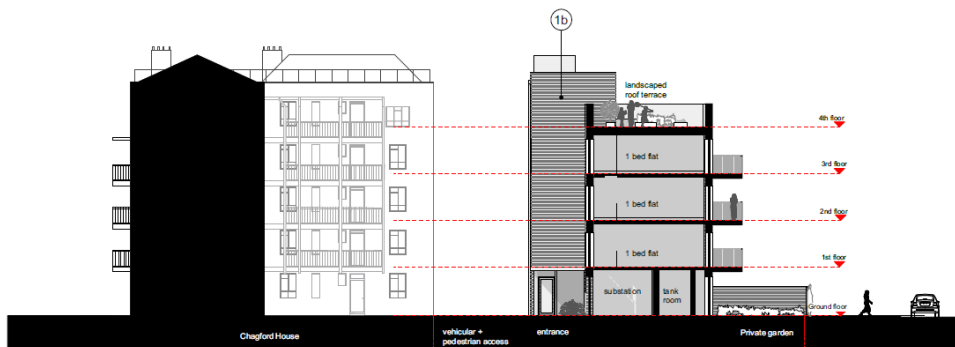
**A NORTH ELEVATION**  
Scale: 1:200

**KEY:**

- 1a. Rough textured brick type A - buff multi
  - 2. Aluminium clad window system
  - 3. PPC steel walkway
  - 4. PPC steel Juliet balcony
  - 5. PPC louvered door
  - 6. Soldier coursing
  - 7. PPC steel canopy
  - 8. Projecting PPC aluminium frame to window
  - 9. Recessed brick panel + projecting headers
  - 10. Aluminium rainwater pipe
  - 11. Green wall - recessed brick panel + stainless steel vertical wire trellis
- \*PPC - polyester powder-coated



**C EAST ELEVATION**  
Scale: 1:200



**2 SECTION/ELEVATION**  
Scale: 1:200



**1 EAST ELEVATION**  
Scale: 1:200

**KEY:**

- 1b. Rough textured brick type A - grey
  - 1c. Rough textured brick type C - brown multi
  - 2. Aluminium clad window system
  - 3. Glazed entrance + steel canopy
  - 4. PPC steel Juliet balcony
  - 5. PPC louvered door
  - 6. Soldier coursing
  - 7. PPC steel canopy
  - 8. Aluminium panel above window
  - 9. Recessed brick panel + projecting headers
- \*PPC - polyester powder-coated



## 10. Housing

- 10.1 The proposed development comprises 18 new residential units.
- 10.2 This is supported in line with the London Plan (2016) and the Core strategy (2010) which seeks to increase London's and Tower Hamlet's supply of housing.
- 10.3 In addition to increased housing provision, planning policy requires new housing development to provide housing choice including a mix of sizes and tenures.
- 10.4 Housing planning policy also seeks a high standard of residential accommodation for its occupiers.

### Affordable Housing

- 10.5 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.
- 10.6 The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 of the Core Strategy 2010 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 10.7 The scheme would provide 18 units (100% affordable). In regards to a breakdown of the affordable housing provision, Policy SP02 requires an overall strategic tenure split of 70% affordable/social rent and 30% intermediate. In this instance, the overall split is 47% affordable/social rent and 53% intermediate (by habitable room). Whilst it is appreciated that this does not reached the split required by policy SP02, the applicant has provided an illustrative schedule of accommodation mix and tenure split if the scheme were to be policy compliant mix of affordable/intermediate/private sale. In that scenario, the affordable provision would be 37.9% and the intermediate 14%. Overall, the proposal as submitted provides a greater level of affordable and intermediate units than the illustrative policy compliant scheme.

### Dwelling Mix

- 10.8 Policy DM3 states that development should provide a balance of housing types, including family homes in accordance with the breakdown of unit types set out within the most up-to-date housing needs assessment. The proposed tenure mix is shown below in relation to the Council's prescribed mix.

Unit Size	Affordable Rented			Intermediate		
	Units	%	Target	Units	%	Target
Studio	-	-	-	-	-	-
1 bed	0	0	30	5	41	25
2 bed	2	33	25	7	58	50
3 bed	2	33	30	0	0	25
4 bed	2	33	15	0	0	

- 10.9 Within the affordable rented tenure, 66% of the units would be family sized including two 4 bedroom units, there would be an under provision of one beds and a broadly policy compliant provision of tow beds. Given there is an excess provision of family sized units, the proposed mix of affordable accommodation is considered to be acceptable in this instance.
- 10.10 The intermediate units would include an over provision of one and two bedroom units and an under provision of three bed units. This is considered to be acceptable in this instance.
- 10.11 On balance, whilst there is some conflict with policy targets, the scheme overall provides a balance of different units sizes which contributes favourably to the mix of units across tenures within the borough as a whole with a good family housing provision.

#### Wheelchair Accessible Housing and Lifetime Homes Standard

- 10.12 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 10.13 Two wheelchair homes are proposed, one at site two and one at site three. They will be London affordable rented units. This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. Two disabled car parking spaces are also provided.

#### Density

- 10.14 LP Policy 3.4 and Policy SP02 seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 10.15 The London Plan (policy 3.4 and table 3.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 10.16 The site has a PTAL rating of 4 (good) and is defined as being within an urban area. The London Plan sets out density ranges in Table 3.2 and Policy 3.4, which states that:

*"Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2."*

- 10.17 The recommended density range for each site is between 200 to 700 habitable rooms per hectare and 70 to 260 units per hectare. The densities for the three sites are as follows:

Site	Area	Habitable Rooms	Density
One	0.092ha	22	238 hr/ha
Two	0.080ha	17	212 hr/ha
Three	0.054ha	19	351 hr/ha

- 10.18 Whilst Policy 3.4 makes it clear that the matrix should not be applied mechanistically and that the indicate density ranges should be considered a starting point not an absolute rule, the proposed density for all three sites is within the range set out in London Plan density matrix.
- 10.19 Officers consider that the proposal would optimise the development potential of the site given the character and height of the surrounding built context.

## **11. Quality of Residential Accommodation**

### Internal space

- 11.1 The Mayor of London's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring they are "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 11.2 All 18 residential units comply with nationally described internal space standards in regards to minimum gross floor areas and floor to ceiling heights (minimum 2.5m height). Furthermore no floor would have more than 8 units per core, in accordance with the Housing SPG. 1 wheelchair accessible unit and 1 adaptable unit is proposed and these are sufficiently oversized for extra circulation space and comprise the required 10% of units.

### Internal Daylight and Sunlight

- 11.3 DM25 of the Managing Development Document seeks to ensure adequate daylight and sunlight levels for the surrounding existing and future occupants of new developments.
- 11.4 The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."
- 11.4 Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 11.6 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 11.7 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.
- 11.8 The applicant submitted a Daylight & Sunlight report which has been reviewed by an independent consultant appointed by the Council. The assessment was carried out for 6 sample dwellings considered to be 'worst-case' units in terms of daylight across the scheme. The results indicated that all the rooms would satisfy the recommendations set out in the BRE Guidance. In terms of sunlight all of the living rooms within the proposed development would have at least one window facing within 90 degrees of due south and that all of the living spaces

will achieve ASPH greater than 25% and WPSH greater than 5%.

11.9 It is considered that the development provides a good quality of accommodation overall.

11.10 The impact on neighbouring sites is considered in detail under the impact on neighbouring amenity section below.

#### Internal Noise Level and Vibrations.

11.11 Sites one and two are within close proximity to the railway line that serves the District and Hammersmith lines. As such, the applicant has provided an Acoustic Design Statement. That assesses the potential noise and vibrations to the new residential units.

11.12 The assessment concludes that the proposed development sites range from low to medium risk in terms of the potential for noise and vibration nuisance as a result of the railway. The report recommends that should appropriate design measures including façade treatments and double glazed window units then the average internal noise levels to habitable rooms will be within acceptable limits.

11.13 In terms of vibration, the report concludes that the VDV's (Vibration Dose Values) are of a level where adverse impact is not expected.

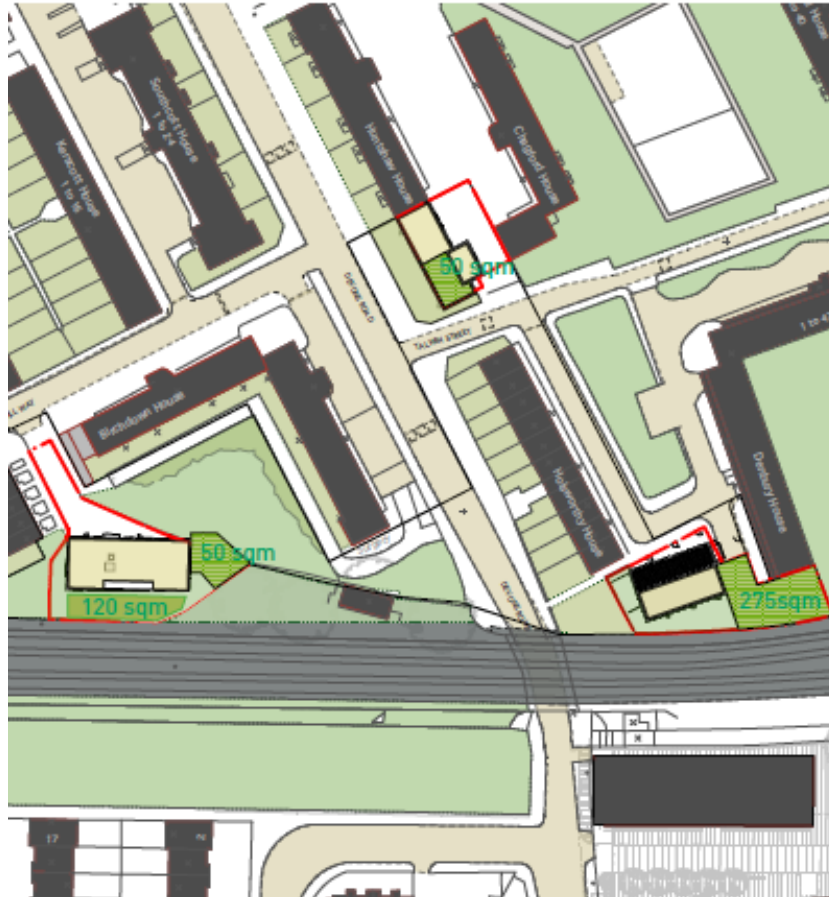
11.14 The Council's Environmental Health Officer has raised concerns that a nearby noise source, namely the Print Works, have not been taken into consideration when preparing the assessment. However, given the distance of approximately 400m between the application site and the print works it is not considered that further assessment on this basis is required in this instance.

11.15 Overall, it is considered that the residential units will have satisfactory internal noise levels and will not be subject to adverse vibration as a result of the nearby railways subject to the implementation of the façade treatments recommended in the Acoustic Noise Report. It is recommended that implementation of this is secured via a condition.

#### Amenity and Child Play Space

11.16 For all major developments, there are three forms of amenity space required: private amenity space, communal amenity space, and child play space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied.





- 11.17 The overall amenity space provision across the three sites is indicated in the above plan.

#### Private Amenity Space

- 11.18 Policy DM4 sets out that a minimum of 5sqm private open space is required to be provided for 1-2 person dwellings with an extra 1sqm needed for each additional occupant. Balconies should have a minimum width/depth of 1.5m. The proposal provides a policy compliant amount of private open space in the form of balconies, terraces or gardens.

#### Communal Amenity Space

- 11.19 Policy DM4 requires communal amenity space of 50sqm for the first 10 units plus a further 1sqm for every additional unit thereafter. Therefore the communal amenity space requirement for this development is 58sqm. 445sqm of communal amenity space would be provided across the three sites which is significantly higher than the policy requirement. The space would be split between a communal garden to the rear of Site 1, a community garden adjacent to Site 2 and a communal roof terrace to Site 3.

#### Child Play Space

- 11.20 In regards to child play space, the development is predicted to contain 13 children (using the GLA calculator). Across the three sites a total of 133.5sqm of child space is required. The split across the three sites is as follows:

Site One : 24.3m<sup>2</sup>  
 Site Two : 85.8m<sup>2</sup>  
 Site Three : 23.4m<sup>2</sup>

- 11.21 The applicant proposed play space adjacent to site one that would total 50m<sup>2</sup>, this is twice the level of the recommended amount. Whilst this provision is within the existing communal garden area which is currently used by the residents within Birchdown House and 5 terraced dwellings, it is considered that the overall improvement to the communal garden area and the new children play space provision would provide benefit to all residents, existing and new. The proposal also includes new fob access to the gardens and this would allow access for the existing and new residents.
- 11.22 Site two is a proposal for three dwellings and therefore the play space provision is within the individual curtilage. The private amenity space provided for each dwelling is in excess of 90m<sup>2</sup> and therefore, the excessive quantum of their private amenity space is sufficient for the provision of play and communal space requirement. In addition, the proposal includes improvements to the existing communal garden area accessed by the residents of Denbury House and Holsworthy House which is also fob access controlled.
- 11.23 In terms of site three, the proposal provide 50sq.m of communal terraced area on the fourth floor roof level. The proposed building on site three provides 7 self-contained flats, and therefore, the provision of the 50sq.m of communal area where play space can be provided is acceptable.
- 11.24 The applicant has provided indicative details of the proposed play equipment. It is recommended that full details and plans of the child play space at sites one and two is secured by a condition.

#### Summary

- 11.25 Overall, taking into account internal space, private open space, communal amenity space, child play space, internal daylight and sunlight levels it is considered that the development would provide a high quality of residential accommodation.

## **12. Impact on Neighbouring Amenity**

- 12.1 Adopted policy SP10 of the Core Strategy and policy DM25 of the Managing Development Document seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

#### Impact on Outlook, Privacy and Sense of Enclosure

- 12.2 It is not considered that a loss of privacy or overlooking would occur as a result of any of the three proposed buildings given the sufficient separation distances between habitable windows of the existing and proposed residential developments. In regards to sites one and three, the developments are also positioned at oblique angles from the existing residential blocks which further reduces the potential for overlooking.
- 12.3 It is considered that the proposed developments have been suitably designed to ensure that the privacy of existing residents is preserved.

#### Daylight, Sunlight and Overshadowing

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

- 12.5 Each of the three sites are surrounded by a number of residential properties which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council, these are discussed below.

### *Daylight and Sunlight*

- 12.6 For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.
- 12.7 However, as outlined above, officers consider the appropriate assessment is to calculate whether the habitable rooms in these buildings will be left with above minimum levels of daylight for their current use rather than necessarily maintaining most of the daylight that they currently receive.
- 12.8 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 12.9 Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight).
- 12.10 The applicant has submitted a daylight and sunlight study and an addendum which assesses the impact of the development on existing properties surrounding the development site. The study makes an assessment of a number of surrounding properties namely, Huntshaw House, Bowden House, 3 Rainhill Way, Chagford House, Birchdown House, Denbury House and Holsworthy House.

### **Site One**

#### *3 Rainhill Way*

- 12.11 All of the widows have an existing VSC of over 27%, the proposed development would result in a loss of VSC to all of the windows. However, all of the losses with the exception of 1 window of the ground floor would not result in a VSC of less than 27% or a loss of more than 1.00. The window that would see a proposed VSC of less than 27% is measured at 25.4%, with an existing VSC of 30.5%. The loss of daylight would therefore be within the BRE Guidelines for this building.
- 12.12 An objection received raised concerns with regards to the data provided in the applicant's daylight and sunlight report in terms of the window positions analysed. The Council's consultant acknowledges that the report analyses too many positions on the first and second floors and not enough on the ground floors. However, the window positions analysed effectively show the impact on the building and the missing window would pass the guidelines in any case.
- 12.13 In line with the guidance, loss of sunlight have not been analysed as the windows do not face within 90 degrees of due south.

### *Birchdown House*

- 12.14 One window to the building at ground floor level would see a loss of daylight that is slightly outside of the BRE guidelines. Its retained VSC would be 24.1% with a before/after ratio of 0.77. It has been concluded that the window has a slightly lower VSC than its immediate neighbours in the figures both before and after the development and the reduction is likely to be due to the balconies above the window.
- 12.15 The losses to all of the other windows in this building would be within the BRE guidelines.

### **Site Two**

#### *Holsworthy House*

- 12.16 Loss of daylight to all of the windows at this location would be within the BRE guidelines.

#### *Denbury House*

- 12.17 Denbury House is to the east of site 2 and would directly face the new building. The south of the building is one of the more affected locations. Eight windows at ground floor would have losses that would be outside the BRE Guidelines. These are all windows, with one exception, that are to the right of the main entrance.
- 12.18 The windows are all located beneath overhangs which do limit the amount of daylight they currently received and are a key factor in the impact of the proposed development. In this instance, a mirror image of Denbury House would give a much larger impact in the same situation.

### **Site Three**

#### *Huntshaw House*

- 12.19 Huntshaw House lies to the north of Site 3 and would have a limited view of the development to one side. Given the relationship, loss of daylight would be well within the BRE guidelines in all cases.

#### *Chagford House*

- 12.20 The west elevation of Chagford House would directly face the site. In this instance, the majority of windows on the ground floor and five windows at first floor would have losses substantially outside the BRE guidelines. However, seven of the windows are excluded from consideration as the windows serve toilets which are not covered by BRE guidelines. The remaining windows serve kitchens.
- 12.21 The applicant has carried out a mirror image test given the substantial losses identified.
- 12.22 The theoretical mirror building has been positioned appropriately and the alternative VSC target values derived from it are now clearly identified in the table data and can be compared to the 'after' values for VSC. The ratios provided comparing the 'after' values to the mirror image target value are not relevant and can be disregarded; the purpose of the mirror image calculation is to derive an alternative target value to the standard 27%. All but one of the windows would achieve their alternative target value, showing that, although the impact of the proposed building would be substantial, a replica of Chagford House would itself have more impact in the same situation. The one window which would not achieve its mirror image target value, ground floor window W14 indicated on the diagram below, would achieve the standard



ratio criterion in any case. The windows are indicated to light small kitchens and WCs.



## Summary

- 12.23 Officers have outlined any potential adverse impacts on neighbours and are satisfied that these are not significant to warrant refusal, especially taking into consideration the public benefits of scheme, such as the provision of new housing and affordable housing. For the reasons above, it is considered that the proposed development would be acceptable in terms of its impact on neighbouring amenity and would comply with Policy DM25.

## 13. Highways and Transportation

- 13.1 According to paragraphs 108 and 110 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 13.2 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both corridor and local level are fully assessed. Development should not adversely affect safety on the transport network.
- 13.3 The site benefits from excellent public transport accessibility (PTAL 6a), therefore the proposed scheme is acceptable as a car-and-permit free agreement development, to prevent future occupants from parking on the existing road network – this would be secured by s106 agreement and condition. The development of the three sites would result in the loss of a total of 23 parking spaces and 7 garages, this is discussed below. Overall, the impact on the existing road network is considered to be minimal. This is in accordance with Policies SP09 and DM22.

### Loss of Off-Street Car Parking Spaces

- 13.4 The proposed developments will result in the loss of a total of surface parking spaces and garages across the site.

Overall, the proposal would result in 17 parking spaces to be displaced. The applicant has provided parking data for the existing parking capacity of the estate which demonstrates the displaced car parking spaces can be accommodated elsewhere within the estate. There are several areas of estate which are managed by Poplar HARCA with estate parking permits issued. The transport statement data illustrates that there are a minimum of 27 of these spaces available. These estate parking spaces are located at locations including Talwin Street/William Guy Gardens, Rainhill Way and Bruce Road. The proposed development will be secured as car-free, and Poplar HARCA would be responsible for the distribution of the car parking spaces within the estate. Given that there is still capacity with the estate, it is considered that the loss of the car parking spaces on the application site would not result in unreasonable impact to the nearby highway network.

### Site One

- 13.5 The development will result in the loss of the parking known as 'Birchdown Car Park' which as existing has gated access and is available for permit holders only. This area is to the rear of the site adjacent to the railway. At present, there is a total of 19 spaces in this location, however only 10 of the spaces currently have permits issued against them. It is considered that there is capacity within estate and can absorb the 10 displaced spaces and Poplar HARCA would be responsible for the management of this.

### Site Two

- 13.6 Site two currently accommodates 4 parking spaces in the form of garages. In this instance, these garages are below the minimum size required for access by a modern car. It is therefore considered that their loss is acceptable given that they are generally used for storage rather than parking.

### Site three

- 13.7 The development of site three would result in the loss of 7 garages. It is considered that there is capacity within the estate that can absorb the cars that would be displaced by the loss of these spaces. This includes within the remaining parking area that is to the rear of this site.

It is considered that there is sufficient capacity within the estate managed parking spaces to absorb the displaced cars and therefore on-balance the loss of the parking spaces is considered to be acceptable and not to adversely impact upon the surrounding highway network.

### Accessible Parking

- 13.8 In regards to accessible car parking bays, the London Plan specifies that the development should provide disabled parking facilities which has been provided for the wheelchair accessible units on Site Two and Three.

### Cycle Parking

- 13.9 The applicant has proposed a total of 32 cycle parking spaces across the three sites, site one (14), site two (6) and site three (12).

- 13.10 The total provision for each site meets the requirements of the London Plan.

Site One

- 13.11 The applicant has increased the size of the bike store at site one to meet the required area in response to the comments of LBTH Highways.

Site Two

- 13.12 The applicant has clarified that two covered bike stores are to be provided for the residential units in response to the comments of LBTH Highways.

Site Three

- 13.13 The applicant has revised the bike store to provide semi-vertical racks and all 12 spaces are now within the same storage area. In addition, the applicant has provided the details of this in response to the request from LBTH Highways.

Waste

- 13.14 LP Policy 5.17 requires all new developments to include suitable waste and recycling storage facilities. Policies SP05 and DM14 seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 13.15 Refuse and recycling storage is proposed to be absorbed into the existing URS. The applicant has submitted a refuse strategy to demonstrate that there is space capacity within the existing URS to accommodate the additional requirements.
- 13.16 In response to the comments of LBTH Waste the applicant has provided a dropped kerb for site one for waste collection services. A refuse store has also been added to site three to ensure that the carry distance does not exceed 30m.

Construction Management Plan

- 13.17 Policies SP09 and DM20 seek to ensure that new development has no unacceptable impacts on the capacity and safety of the transport network. It is recommended that due to the restricted nature of the sites and construction plan is required in order to ensure public safety and ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the surrounding highway network.

**14. Environmental Considerations**

Sustainability

- 14.1 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 14.2 The climate change policies as set out in Chapter 5 of the London Plan MALP (2016), Policies SP11 and DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

14.3 The London Plan sets out the Mayor's energy hierarchy which is to:

- Use Less Energy (Be Lean)
- Supply Energy Efficiently (Be Clean)
- Use Renewable Energy (Be Green)

14.4 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 (circa 45% reduction against Building Regulations 2013) through the cumulative steps of the Energy Hierarchy.

14.5 Policy DM 29 requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential to achieve BREEAM Excellent.

14.6 The applicant has submitted an Energy Statement which sets out that the applicant has sought to deliver carbon savings through energy efficiency measures and the integration of renewable energy technologies (16kWp PV array). The space heating and hot water requirements are proposed to be met through high energy efficiency gas boilers. The current proposals seek to minimise CO2 emissions at each stage of the energy hierarchy as follows:

- Be Lean – 4% reduction
- Be Clean – 0% reduction
- Be Green – 23% reduction

14.7 In order to be supported the remaining tonnes of CO2, upto the zero carbon target, should be offset through a carbon offsetting contribution. This equates to the need to offset 18.9 tonnes CO2 as identified in para 9.2 of the submitted Energy Statement.

14.8 The on-site CO2 savings should be secured via Condition with a post construction verification report submitted to the council to demonstrate delivery of the anticipated CO2 savings.

14.9 Should the scheme be recommended for approval it is recommended that the proposals are secured through appropriate Conditions to deliver:

- The anticipated 27% reduction in onsite CO2 emissions.
- S106 contribution of £34,020
- Post construction verification report submitted to LBTH to verify delivery of CO2 emission reductions as identified in the Energy Statement.

#### Air Quality

14.10 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.

14.11 In this case, the applicant has submitted an Air Quality Assessment, which has been reviewed by the Council's Air Quality Officer. The air quality assessment concludes that the development will have insignificant impacts on air quality. The report states that it has not been possible to assess whether the building plant emissions meet the air quality neutral



standards, but it is considered that this can be considered post-planning as the site will comprise individual boilers which are likely to have insignificant effects on air quality. The report recommends that use of ultra-low NOx boilers and that exhausts are uncapped.

- 14.12 The development will not be air quality neutral in terms of transport emission; however it would only be marginally above the benchmark emissions. The report outlines measures that would off set the impact; it is recommended that details of the proposed mitigation measures are secured through condition.
- 14.13 Occupiers of the development will be restricted from applying for on-street parking permits (other than disabled occupiers). Conditions would be imposed to control the demolition and construction process.
- 14.14 Future residents and users of the proposed development would be appropriately protected from existing poor air quality in the Borough and the new development satisfactorily minimises further contributions to existing concentrations of particulates and NO2 in accordance with the aforementioned policies.

#### Biodiversity

- 14.15 Policy DM11 requires major developments to provide net gains for biodiversity in line with the Local Biodiversity Action Plan (LBAP). The applicant has provided an Extended Phase 1 Habitat survey Report which concludes that the existing site has a relatively low ecological value and the proposed development will result in minimal loss of any habitats of ecological value. It concludes that nesting birds are likely to make use of the scattered trees and introduced shrub areas and invertebrates will make use of the amenity grassland areas. It is also considered that site could also potentially support low numbers of foraging and commuting bats.
- 14.16 The report suggests that there are opportunities for the site to benefits wildlife and the ecological value of the site through soft landscaping and the provision of nest boxes for birds and a roosting box for bats. It is recommended that details of and the implementation of these improvements are secured by condition.

#### *Trees*

- 14.16 The Arboricultural Impact Assessment identifies that 3 trees will require removal as a result of the development and it is necessary to remove one area of woody shrubs (Site 2). Of the trees to be removed, the two that are on Site 3 have been categorised as 'U', trees that have been assessed as having no retention value. These trees would require removal due to their condition with or without the proposed development and therefore their removal is not a material planning consideration.
- 14.17 The tree that is to be removed to facilitate Site 1 (T11) is categorised as 'B', trees that have been assessed as being of moderate quality and value. Although the loss of this tree is regrettable, it is considered that the overall improvements to the landscape outweigh any harm and suitable replacement tree would be sought through landscaping condition.

### **15. LOCAL FINANCE CONSIDERATIONS**

- 15.1 As noted above section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with a planning application a local planning authority shall have regard to:

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

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

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

15.3 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor’s Community Infrastructure Levy. These financial considerations are material considerations and weigh in favour of the application.

15.4 It is estimated that the development would be liable for Tower Hamlets CIL and Mayor of London CIL.

## **16. HUMAN RIGHTS CONSIDERATIONS**

16.1 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:

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

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

16.3 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.

16.4 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.

16.5 Members must, therefore, carefully consider the balance to be struck between individual rights

and the wider public interest.

- 16.6 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.

## 17. EQUALITIES ACT CONSIDERATIONS

- 17.1 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.

- 17.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

- 17.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

## 18. RECOMMENDATION

All other relevant policies and considerations have been taken into account. Planning permission should be **GRANTED** subject to conditions and a legal agreement, for the reasons set out in this report.

### Compliance conditions

1. Three year time limit
2. Compliance with approved plans and documents
3. Compliance with Energy Statement
4. Hours of construction
5. Communal amenity/child play space to be completed prior to occupation
6. Secure by Design accreditation
7. Wheelchair accessible car parking
8. Internal noise levels

### Pre-commencement conditions

9. Construction and Environment Management Plan
10. Samples and details of all facing materials

11. Wheelchair adaptable and wheelchair accessible dwellings
12. Full details of child play space.
13. Full details of hard and soft landscaping, including boundary treatment, play equipment and lighting
14. Surface Water Drainage Scheme
15. Details of boundary treatments
16. Details of cycle storage
17. Scheme of highway works
18. Contamination
19. Air Quality Mitigation Measures
20. Revised noise assessment with mitigation measures
21. Window detailing
22. Biodiversity improvements and replacement tree planting.

Securing contributions as follows:

Financial contributions:

- a.) A contribution of **£7386.4** towards employment, skills, training for construction job opportunities.
- b.) A contribution of **£34,020** towards carbon off-setting to zero carbon
- c.) A contribution of **£1000** towards monitoring (£500 per s106 HoT's) compliance with the legal agreement.

**Total - £42406.4**

Non-financial contributions:

- a) Affordable housing (18 residential units)
- b) Access to employment
  - 20% Local Procurement
  - 20% Local Labour in Construction
  - 2 construction phase apprenticeships
- c) Car-permit free agreement
- d) Any other contributions considered necessary by the Corporate Director Of Place

Any other conditions considered necessary by the Corporate Director of Place

Informatives:

1. Building Control
2. S.278
3. CIL
4. Designing out Crime

Any other informatives considered necessary by the Corporate Director of Place.

## **Appendix 1**

### **EXISTING DRAWINGS**

3396-PL(20)0.

### **PROPOSED DRAWINGS**

3396-PL(20)02; 3396-PL(20)03; 3396-PL(20)04; 3396-PL(20)05; 3396-PL(20)50; 3396-PL(20)51; 3396-PL(20)100; 3396-PL(20)101; 3396-PL(20)06; 3396-PL(20)07; 3396-PL(20)52; 3396-PL(20)53; 3396-PL(20)102; 3396-PL(20)103; 3396-PL(20)08; 3396-PL(20)09; 3396-PL(20)10; 3396-PL(20)54; 3396-PL(20)55; 3396-PL(20)104; 3396-PL(20)105.

### **DOCUMENTS**

- Schedule of Accommodation (January 2019) prepared by Stockwool.
- Refuse Strategy (April 2018) prepared by Stockwool.
- Design & Access Statement (September 2018) prepared by Stockwool.
- Transport Statement (September 2018) prepared by Vectos.
- Landscape Design Statement (September 2018) prepared by Standerwick Land Design.
- Air Quality Assessment (September 2018) prepared by RSK.
- Arboricultural Impact Assessment (September 2018) prepared by RPS.
- Acoustic Design Statement (September 2018) prepared by RPS.
- Energy Statement (September 2018) prepared by Energy Council.
- Extended Phase 1 Habitat Survey Report (September 2018) prepared by D F Clark Bionomique Ltd.
- Phase 1 Contaminated Land Preliminary Risk Assessment (August 2018) prepared by RPS.
- Planning and Impact Statement (September 2018) prepared by Leaside Planning Ltd.
- Surface Water Drainage Assessment (September 2018) prepared by RPS.
- Sustainability Statement (September 2018) prepared by Energy Council.
- Utilities Statement (September 2018) prepared by XCO2.
- Daylight, Sunlight & Overshadowing Assessment (January 2019) prepared by XCO2.



Appendix 2

SITE ONE – Proposed Ground Floor



KEY

1B2P

2B3P

2B4P

3B4P

3B5P

4B6P

A. 16.01.10. Bike store clarified.

rev date description

stock wool

The Pump House, 19 Hooper Street  
London E1 6AD U.K. 020 7254 6000  
info@stockwool.co.uk

Client

POPLAR HARCA

Project

DEVONTS ESTATE

Drawing

Site 2 Proposed  
Ground Floor Plan

Status

PLANNING

Scale 1:200 @ A3

CAD File 3396-PL(2)06

Date 16.01.10

Drawn by DW

Checked DW

Project no.

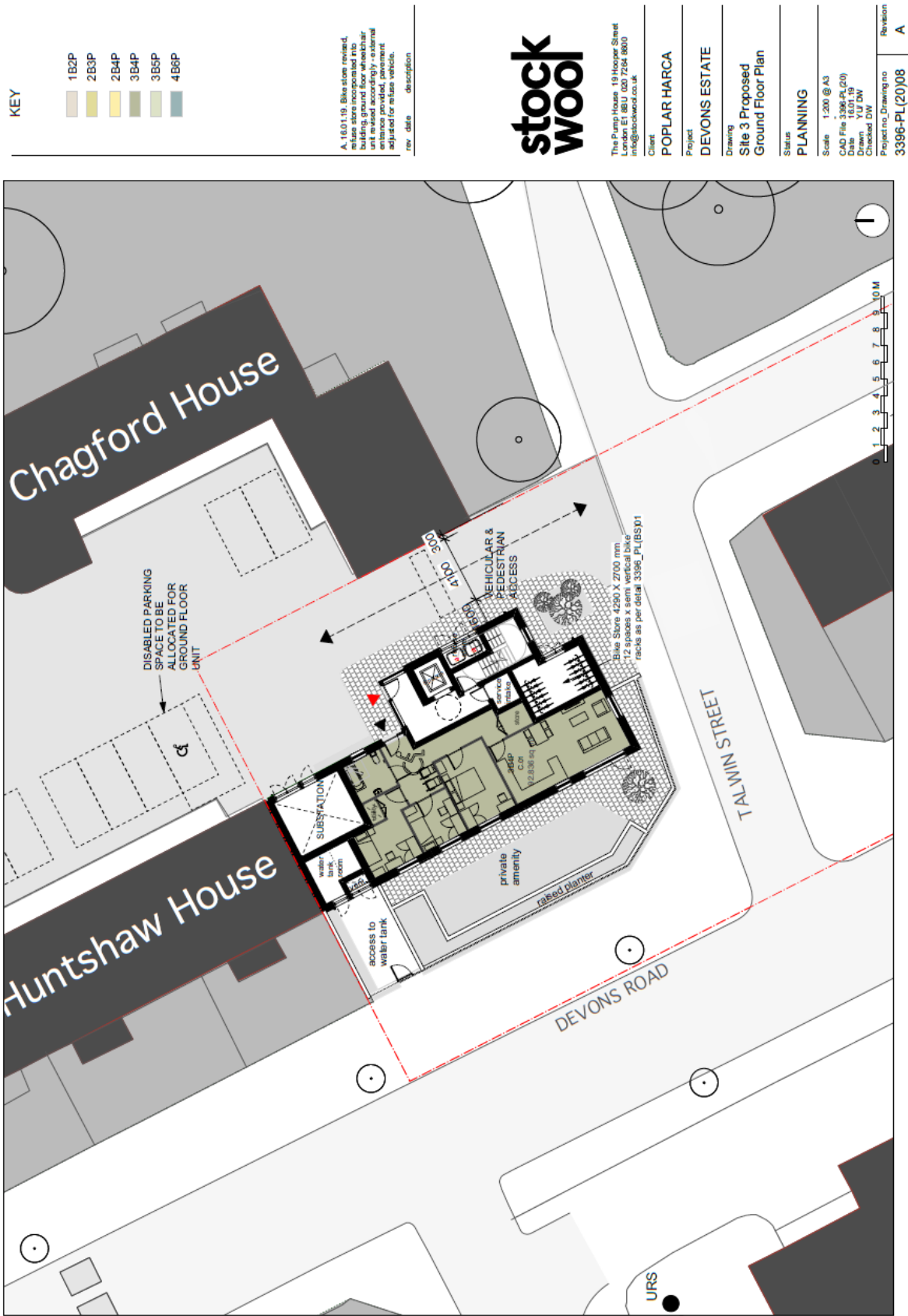
3396-PL(2)06

Revision

A



SITE THREE - Proposed Ground Floor



SITE ONE – Proposed First and Second Floor Plan

rev	date	description



The Priory House, 19 Horse Street  
Luton, Bedfordshire, LU1 1BU  
info@stockwool.co.uk

Client

POPLAR HARCA

Project

DEVONS ESTATE

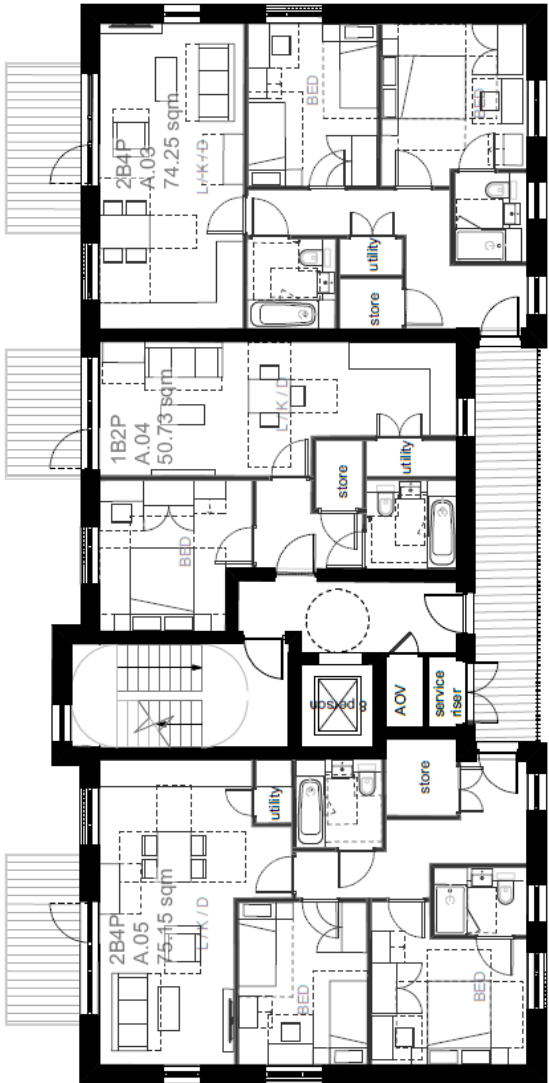
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Site 1 Proposed  
First / Second Floor Plan

Status

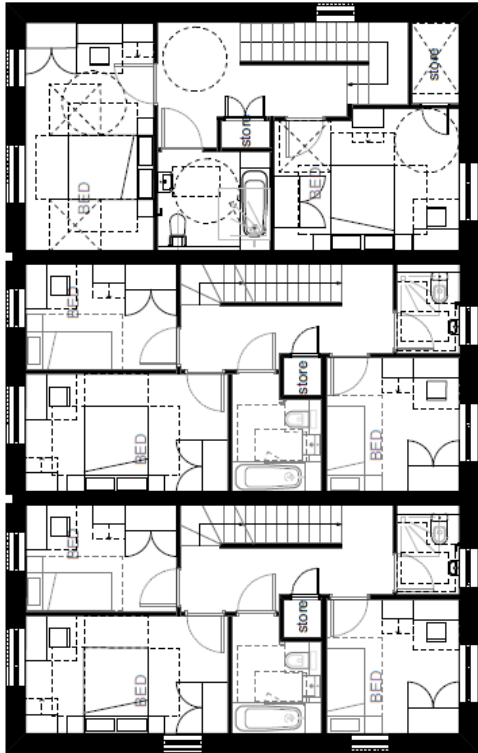
PLANNING

Scale	1:100 @ A3
CAD File	3396-PL(20)
Drawn	VJ DW
Checked	DW
Project no.	3396-PL(20)101
Drawing no.	
Revision	

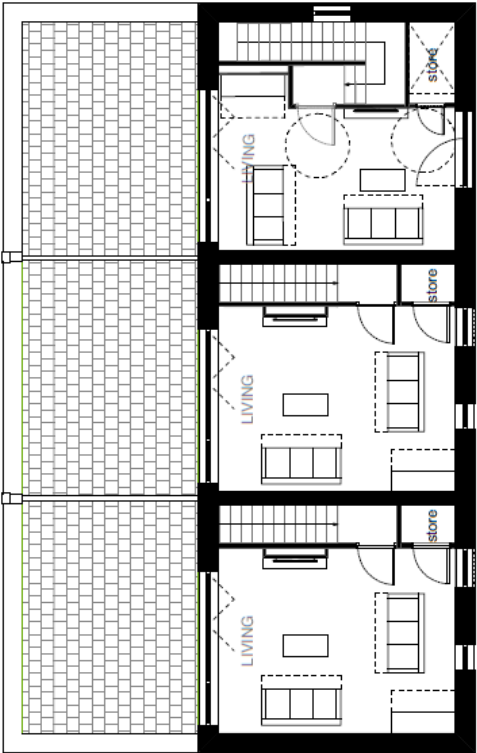




SITE TWO - Proposed First and Second Floor Plan



FIRST FLOOR



SECOND FLOOR



The Pump House, 19 Hooper Street  
London E1 8BU 020 7264 8600  
info@stockwool.co.uk

Client

POPLAR HARCA

Project

DEVONS ESTATE

Drawing

Site 2 Proposed

First/ Second Floor Plan

Status

PLANNING

Scale

1:100 @ A3

CAD File

3396-PL(20)

Drawn

YU DW

Checked

DW

Project no

Drawing no

3396-PL(20)103

Revision



SITE THREE – Proposed First, Second and Third Floor Plan

