

<b>Committee:</b> Development	<b>Date:</b> 10 <sup>th</sup> March 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Mary O'Shaughnessy	<b>Ref No:</b> PA/10/2769
	<b>Ward:</b> Bromley by Bow

1. **APPLICATION DETAILS**

**Location:** Oakfield House, Gale Street, London  
**Existing Use:** Residential and car parking (35 spaces)  
**Proposal:** Demolition of existing 8 dwellings (4 x bedsit and 4 x one bed flats) and erection of a building up to 5 storeys in height to provide 18 new residential units (5 x 2 bed flats, 6 x 3 bed flats, 7 x 4 bed houses) proposal including the provision of associated parking and landscaped amenity space

**Drawing Nos/Documents:** PH 854-X01, PH 854/X02, PH 854/X03, PH 854/X04, OD01 REVC, OD02 REVF, OD03 REVE, OD04 REVC, OD05 REVC, OD06 REVC, OD08 REVE, OD09 REVD, 854-OD11 REVC, 854-OD12 REVC, 854-OD13 REVC, 854-OD14 REVC, 854-OD15 REVC, 854-OD16, 854-OD20, 854-OD21, 854-OD22, 854-OD23, 854-OD24 and 854-OD25.

Design and Access Statement 2, prepared by Living-Architects, 854-2, D&A2-10,11,26  
Landscape Design and Access Statement, W104858R02, prepared by Whitelaw Turkington, November 2010

Report on the Availability of Natural Daylighting and Sunlighting Oakfield House, Ref. K09/0327B/C PSD/hmt/G28, prepared by CalfordSeaden, 1<sup>st</sup> December 2010

Reply to Community Response Oakfield House, Ref. K/090374B/PSD/hmt/G28, prepared by CalfordSeaden, 22th February 2011

Oakfield House – Planning Statement, Impact Statement and Statement of Community Involvement, prepared by Leaside Regeneration, December 2010

Transport Statement, Project No. 09-105, prepared by Odyssey, December 2010

Noise Assessment, prepared by SKM Enviros, December 2010

<b>Applicant:</b>	Poplar HARCA
<b>Ownership:</b>	Poplar HARCA
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998 (UDP), the Council's Interim Planning Guidance for the purposes of Development Control (2007) (IPG) and the Core Strategy Adoption Version September 2010 (CS), associated supplementary planning guidance, the London Plan 2008 (Consolidated with Alterations since 2004) (LP) and Government Planning Policy Guidance and has found that:
- 2.2 The proposed part three storey part five storey residential development is considered appropriate in terms of design, bulk, scale, and massing. The designs of the new buildings are in keeping with the surrounding properties in terms of general building line, height and use of materials. This is in accordance with strategic policy SP10 of the adopted Core Strategy (2010), saved policy DEV1 of the adopted Unitary Development Plan (1998) and policy DEV2 of the Interim Planning Guidance (2007). These policies seek to ensure appropriate design within the Borough which respects local context.
- 2.3 The proposal provides 45% affordable housing and a good mix of housing types including family housing which is in line with policy. The proposal accords with the criteria set out in policies 3A.1, 3A.2, 3A.5, 3A.8, 3A.9, 3A.10 and 3A.11 of the London Plan 2008 (Consolidated with Alterations since 2004), strategic policy SP02 of the adopted Core Strategy (2010), these policies seek to ensure that new developments offer a range of housing choices and secure appropriate levels of affordable housing.
- 2.4 The proposal is considered appropriate in relation to the residential amenity of the site. The impact of the development in terms of daylight and sunlight, overshadowing, sense of enclosure, outlook, privacy and noise is acceptable given the overall compliance with the relevant BRE Guidance and the urban context of the site. This is in line with strategic policy SP10 of the adopted Core Strategy (2010), saved policy DEV2 of the adopted Unitary Development Plan (1998) and DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of residential occupiers and the environment in general.
- 2.5 The quantity and quality of private amenity space, communal amenity space and child play space, is broadly acceptable. Any shortfall in the provision of on-site child play space is mitigated by the location of child play space within the vicinity of the site and contributions towards open space. Therefore, the proposal accords with policies 3A.6, 3D.13 and 4B.1 of the London Plan 2008 (Consolidated with Alterations since 2004), strategic policy SP02 of the adopted Core Strategy (2010), policies DEV1, DEV12 and HSG16 of the adopted Unitary Development Plan (1998) and policies DEV2, DEV 3, DEV4 and HSG7 of the Interim Planning Guidance (2007), which seek to improve amenity and liveability for residents.
- 2.6 In reference to transport matters, including provision of cycle parking, access, servicing and the creation of a car free development, the proposal is considered acceptable and in accordance with policies 3C.1, 3C.2, 3C.3 and 3C.23 of the London Plan 2008 (Consolidated with Alterations since 2004), strategic policy SP09 of the Core Strategy adopted September

2010, policies DEV1, T16, T19 of the adopted Unitary Development Plan (1998), policies DEV16, DEV17 and DEV19 of the Interim Planning Guidance (2007). These policies seek to ensure developments can be supported within the existing transport infrastructure.

- 2.7 Sustainability matters, including energy, are acceptable and in line with policies 4A.1 – 4A.9 of the London Plan 2008 (Consolidated with Alterations since 2004), strategic policy SP11 of the adopted Core Strategy (2010) and policies DEV5 and DEV6 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development practices.
- 2.8 Contributions have been secured towards the provision of open space, leisure and library facilities and health in line with the Community Infrastructure Levy Regulations 2010, strategic policy SP13 of the adopted Core Strategy (2010) and saved policy DEV4 of the adopted UDP (1998). These policies seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

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

A. The prior completion of a **legal agreement** to secure the following planning obligations:

- a) **45%** Affordable Housing with a tenure of 100% social rent
- b) **£13,750** – towards the provision of health services within the area
- c) **£29,150** – towards the provision of Open Space, Leisure and/or Community Facilities within the area
- d) **£12,100** – towards the provision of educational facilities within the area
- e) Car Free
- f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total Financial Contributions: **£55,000**

- 3.2 That the Corporate Director Development & Renewal is granted delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal is granted delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### Conditions

- 1 Full planning permission – 3 year time limit
- 2 Drawings – to be built in accordance with the approved drawings
- 3 Contaminated Land – contaminated land report to be provided prior to the commencement of any works
- 4 Materials - approval of samples and detail of all facing materials to be provided prior to the commencement of any works
- 5 Full details of proposed energy technologies, their location and their design to be provided prior to the commencement of any works
- 6 Highway Improvements – to be secured via condition

- 7 Landscaping – full details to be provided and implemented prior to the occupation of the residential units and maintained in perpetuity.
- 8 Full details of BREAM assessment to be provided prior to the occupation of the residential units.
- 9 Cycle Parking – to be retained in perpetuity
- 10 Full details of proposed energy technologies, their location and their design to be provided
- 11 Privacy screening - to be retained in perpetuity
- 12 Noise report – development to be carried out in accordance with the submitted noise report
- 13 Lifetime Homes – secure all units to be built to Lifetime Homes standards
- 14 Accessible – secure 10% of units to be accessible

Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives**

- 1 Associated S106 agreement
- 2 Highway Improvements
- 3.4 That, if by 15<sup>th</sup> March 2010 the legal agreement has not been completed, the Corporate Director Development & Renewal is granted delegated power to refuse planning permission.

#### **4. PROPOSAL AND LOCATION DETAILS**

##### **Proposal**

- 4.1 The proposal involves the demolition of the existing building on a site known as Oakfield house which comprises four bedsits, and four x one bedroom flats and the redevelopment of the site. The new buildings would be between three and five storeys and would provide 18 residential units comprising five x two bed flats, six x three bed flats and seven x four bed houses. The proposal would also include the provision of car parking, cycle parking, landscaped amenity space and associated works.

##### **Site and Surroundings**

- 4.2 The application site is located at the junction of Gale Street and Devons Road and forms part of the Perring Estate, Poplar. The site is currently occupied by a two storey building with associated landscaping and an area of hard-standing which is used as a car park.
- 4.3 The site lies within a principally residential area dominated by medium and low rise housing with some commercial land uses. To the north of the site on the opposite side of Devons Road, there is a four storey building known as 302 Devons Road with commercial use at ground floor level and residential above. To the north-east of the site is The Liquor Inn public house which is mostly two storeys in height with a high gabled roof.

- 4.4 The site is bounded by residential blocks which form part of the Perring Estate; to the north east, is Bramble House which has commercial at ground floor and residential above and the building rises to five storeys. To the east of the site is Bracken House and to the south is Berbeis House both of which are residential blocks rising to five storeys. To the west of the site on the opposite side of Gale Street is Mollis House which rises to six storeys in height.

### **Planning History**

- 4.5 The following planning decisions are relevant to the application:
- 4.6 PA/00/00360 The Local Planning Authority (LPA) granted planning permission on 2 June 2000 for "Proposed external refurbishment and environmental works."
- 4.7 PA/01/00688 The LPA granted planning permission on 14 August 2001 for the *"Installation of 3 underground refuse containers, external works including re-surfacing courtyard, new secure fencing around Oakfield House, new grassed areas & shrub planting in front of Oakfield House."*
- 4.8 PF/09/0047 Pre-application discussions were held in respect to re-developing the site and the Council raised concerns about the proposal. These were not addressed prior to lodgement.
- 4.9 PA/10/0083 An application for the redevelopment of the site was withdrawn by the applicant on 16 April 2010 following officer advice that the scheme as submitted would be recommended for refusal.
- "The development involved the: "Demolition of existing building (Oakfield House - 8 x one bedroom flats) and erection of a building of between 3 and 6 storeys to provide 20 residential units (7 x 4 bed houses, 6 x 3 bed flats and 7 x 2 bed flats), together with the provision of car parking, cycle parking, roof top amenity space and associated works."*
- 4.10 PF/10/00189 The applicant entered into pre-application discussions in order to address the concerns raised by officers.

## **5. POLICY FRAMEWORK**

- 5.1 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:

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

PPS1	Delivering Sustainable Development
PPS	Planning and Climate Change supplement to PPS1
PPS3	Housing

### **5.3 Spatial Development Strategy for Greater London (London Plan)**

Policy No	Title
3A.1	Increasing London's supply of housing
3A.2	Borough housing targets
3A.3	Maximising the potential of sites
3A.5	Housing choice
3A.6	Quality of housing provision
3A.7	Large residential developments
3A.8	Definition of affordable housing
3A.9	Affordable housing targets

3A.10	Negotiating affordable housing in private residential and mixed-use schemes
3A.11	Affordable housing thresholds
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.3	Sustainable transport in London
3C.21	Improving conditions for walking
3C.22	Improving conditions for cycling
3C.23	Parking Strategy
3D.13	Children and young people's play and informal recreation strategies
4A.1	Tackling climate change
4A.2	Mitigating climate change
4A.3	Sustainable design and construction
4A.4	Energy assessment
4A.5	Provision of heating and cooling networks
4A.6	Decentralised Energy: Heating, Cooling and Power
4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4B.1	Design principles for a compact city
4B.2	Promoting world-class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety, security and fire prevention and protection
4B.8	Respect local communities and context

#### 5.4 Core Strategy (Adopted September 2010)

Strategic Policies:	Policy No	Title
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP05	Dealing with waste
	SP08	Making Connected Places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking and Bow Vision Statement
	SP13	Planning Obligations

#### 5.5 Unitary Development Plan 1998 (as saved September 2007)

Policies:	Policy No	Title
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV12	Provision of Landscaping in Development
	DEV50	Noise
	DEV51	Soil Tests
	DEV55	Development and Waste Disposal
	DEV56	Waste recycling
	HSG7	Dwelling Mix & Type
	HSG13	Standard of Converted Dwellings
	HSG16	Housing Amenity Space
	T7	The Road Hierarchy
	T8	New Roads

T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrian Needs in New Development
OS9	Children's Play Space

**5.6 Interim Planning Guidance for the purposes of Development Control**

Policies:	Policy No	Title
	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travels Plans
	DEV19	Parking for Motor Vehicles
	DEV22	Contaminated Land
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing Provisions in Individual Private Residential and Mixed-use Schemes
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing

**5.7 Supplementary Planning Guidance/Documents**

- SPG Residential Space Standards
- SPG Designing Out Crime

**5.8 Community Plan** The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well

**6. CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

**Environmental Health – Contaminated Land**

6.3 It is noted from council records that the site and surrounding area have been subjected to former industrial uses (Leather Works at St. Paul's Juniper Row - 1894 - 1922: (source: 1894/6 OS sheet VII 78 1:1056 & 1922 OS map sheet)), which have the potential to contaminate the area. It is understand that ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated risks.

6.4 Please condition this application to ensure the developer carries out a site investigation to

investigate and identify potential contamination.

- 6.5 **[Officer Comment:** A condition requiring the submission of a detailed contaminated land study could be controlled via condition if planning permission were granted.]

#### **LBTH Environmental Health – Noise and Vibration**

- 6.6 They have no adverse comments providing the recommendations made in the submitted noise report are fully followed.
- 6.7 **[Officer Comment:** A condition requiring the development to be built in accordance with the relevant report could be attached to the planning permission if granted.]

#### **LBTH Environmental Health – Health and Housing**

- 6.8 No adverse comments or observations.

#### **LBTH Highways**

- 6.9 The Highway Officer provided the following comments.
- 6.10 Secure development as car free
- 6.11 **[Officer Comment:** The S106 agreement includes a clause to prevent future occupiers applying for on-street car parking permits.]
- 6.12 They requested further details in respect of cycle parking.
- 6.13 **[Officer Comment:** The applicant provided further clarification in respect of cycle parking provision and the Highway's officer found this information satisfactory.]
- 6.14 The Highway Officer considered that the approach taken to justify the reduction in number of car parking spaces is considered acceptable.
- 6.15 They requested further details in respect of the submitted tracking drawings for the Refuse vehicle.
- 6.16 **[Officer Comment:** Clarification was provided via email and this was found satisfactory by the highway officer.]
- 6.17 They requested further details in respect of the URS vehicles ability to access the underground refuse which was provided and found to be satisfactory.
- 6.18 **[Officer Comment:** Clarification was provided via email and this was found satisfactory by the highway officer.]
- 6.19 S278 agreement required to secure re-alignment of existing kerb.
- 6.20 **[Officer Comment:** A condition to secure highway improvements could be attached if planning permission were to be granted.]

#### **LBTH Waste Policy and Development**

- 6.21 To date no comments have been received.

### **Health and Safety Executive (HSE) – Statutory Consultee**

- 6.22 This HSE advice refers to the proposed development at Oakfield House, Gale Street, E3, input into PADHI+ on 08 Feb 2010 by London Borough of Tower Hamlets.
- 6.23 The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major Hazard sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using PADHI+, HSE's planning advice software tool, based on the details input by London Borough of Tower Hamlets. Only the installations, complexes and pipelines considered by London Borough of Tower Hamlets during the PADHI+ process have been taken into account in determining HSE's advice. Consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

### **Primary Care Trust (PCT)**

- 6.24 The PCT have requested a contribution of £33,545 in order to mitigate the impact of the increased population on health services within the vicinity of the site.
- 6.25 [**Officer Comment:** The applicant submitted a toolkit as part of the planning application. This was assessed internally by officers and the contribution of £17,600 towards health is considered acceptable in this instance given the scale of the development and the assertions within the submitted toolkit. The PCT are aware of the level of contribution and have raised no objection.]

### **Communities, Localities & Culture (CLC)**

- 6.26 CLC, note that the increased permanent population generated by the development will increase demand on community, cultural and leisure facilities.
- 6.27 The Local Development Framework's (LDF) Planning for Population and Grown Capacity Assessment sets out Household Size Assumptions for new developments in Tower Hamlets From this information; a population output estimate can be derived. Based on this assessment, it is expected that the scheme would result in a population uplift of 53 people.
- 6.28 The below comments and requests for S106 financial contributions are supported through the LDF's evidence base, particularly the Infrastructure Delivery Plan.

### Open Space Contribution

- 6.29 The Core Strategy (Appendix Two, Page 132 - 134) identifies the need for the provision of new open space and improvement to existing open space throughout the Borough. Underpinning the Core Strategies lies the IDF (Appedix 1 – Costs Report) which outlines the typical costs for new open spaces.
- 6.30 Based on the LBTH open space standard of 12sqm / 1person the development generates an overall need for 636sqm of open space. There is no publicly accessible open space provided on site.
- 6.31 Based on the figure for a new Local Park deriver from the IDP of £66.8685/sqm, a total open space contribution of £42,528 is required to mitigate for the impact of the population increase on existing open space within the Borough.

### Library/Idea Store Facilities Contribution

- 6.32 The need for the provision of additional Idea Stores is identified in Appendix Two of the Core Strategy (Page 135). In addition, the IDP shows the need to provide 646sqm of library space borough-wide between 2009 and 2015 to address population growth.
- 6.33 Visitor data for Idea Stores and libraries demonstrates that users do not restrict their use to library and Idea Store facilities within their immediate locality. Users will access the facility, which is most convenient to them - this may be located near their office or school. As facilities operate borough-wide, any development, not just those in areas of deficiency, impact on library space requirements.
- 6.34 Furthermore, the Infrastructure Development Plan notes the changes required to existing facilities to not only address population growth but also change. A number of facilities will require upgrade or replacement in order to meet the needs of a changing population.
- 6.35 A tariff approach to S106 contributions for Libraries and Archives has been developed by Museums, Libraries and Archives Council (the sector Department for Culture Media and Sport agency). This approach is referred to in the IDP and assumes a requirement of 30sqm of library space per 1,000 population. The standard uses construction index figures and applies a cost of £3,465/sqm for London. This results in a per capita cost of £104. On the basis of a population uplift of 53, a Library/Idea Stores contribution of £5,512 should be sought.

### Leisure and Community Facilities Contribution

- 6.36 The Core Strategy identifies the need for additional Leisure and Community facilities in the Borough (Appendix Two, Page 134 – 135) and directs these uses towards the Tower Hamlets Activity Areas, Major Centres and District Centres (Page 36, SP01).
- 6.37 The proposed development will result in a population uplift of 53 and will increase demand on existing Leisure and Community facilities. A financial contribution is therefore required to offset this.
- 6.38 A Sports Facility Calculator for S106 purposes has been developed by Sports England (the sector Department for Culture Media and Sport agency). The Calculator underpins the data outlined in the IDP (Part 8.1) and the Leisure Facilities Strategy notes that for the purpose of calculating contributions, the Sport England Sports Facility Calculator should be applied to new development in Tower Hamlets (Page 69).
- 6.39 The Calculator determines (based on population figures and research based demand data) the amount of water space, halls and pitches required as a result of population increases caused by new development. It then uses building cost index figures to calculate the cost associated. The model generates a total Leisure and Community Contribution of £24,814.
- 6.40 **[Officer Comment:** The applicant submitted a toolkit as part of the planning application. This was assessed internally by officers and the contribution of £37,000 towards open space, leisure and/or cultural facilities is considered acceptable in this instance given the scale of the development and the assertions within the submitted toolkit. CLC have raised no objection to this offer and requested that it be attributed towards open space, leisure and or community facilities.]
- 6.41 **Education**
- 6.42 This can be assessed as a contribution equivalent to 2 additional school places @ £14,830 =

£29,660. This is based on including only 1 new rented unit (discounting the lost units) and all the market units.

## 7. LOCAL REPRESENTATION

7.1 A total of 271 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	4	Objecting:	1	Supporting:	3
No of petitions received:	1 objecting containing 50 Proforma letters 1 supporting containing 59 signatories				

7.2 The following local groups/societies made representations:

- Homes for Families - petition submitted
- Dennis Central Housing Co-operative – covering letter with pro-forma signed letters and Oakfield Community Response

7.3 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:

7.4 Denis Central Housing Co-operative set up a sub-committee to prepare a report which accompanied the pro-forma letters objection to this planning application. The main concerns raised are summarised below.

7.5 **Site area and density** – The density of the development has been calculated on the basis of the site area, which has been incorrectly calculated. The site area includes a large area of land between Bracken House and Berberis House and should not form part of the development site.

7.6 [**Officer Comment:** Planning Policy Statement 3: Housing provides guidance about the site area to be included when calculating density. It states that “net dwelling density is calculated by including only those site areas which will be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children’s play areas, where these are provided.” It is considered that the site area included is in line with the guidance provided by PPS3, in that it includes the associated uses including access roads, private garden space, car parking areas and open space and children’s play areas. Please also refer to the density section of this report 8.5 – 8.11.]

7.7 **Height** – The proposed five storey element would block out the sky for many of the surrounding residents and create a canyon like space between the buildings. This would have an adverse impact on sunlight and daylight. The proposal would also impact upon privacy, overlooking and sense of enclosure of existing residents.

7.8 [**Officer Comment:** Please refer to the amenity section of this report at paragraph 8.43 – 8.68 which includes a full discussion of the submitted daylight and sunlight report, BRE regulations and issues around privacy, overlooking and sense of enclosure.]

7.9 **Planning of the spaces between buildings** – The layout of the proposal creates a ‘back’ to the ‘front’ of Bracken and Berberis House and results in a street which would not be active or well supervised.

- 7.10 [**Officer Comment:** Please refer to the design section of this report at paragraph 8.12-8.25.]
- 7.11 A petition in support of the scheme was received from Homes from Families. It is noted that the petition stated that ‘all the homes proposed for this site are for social housing’. The current proposal is for a scheme which proposed 35% affordable housing. The letters of support and the petition are in support because of the need for social housing and family housing in the borough.
- 7.12 No issues were raised in representations that are not material to the determination of the application.
- 7.13 No procedural issues were raised in representations.

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Density
3. Design and Appearance
4. Housing
5. Amenity
6. Highways
7. Other

### **Land Use**

- 8.2 There is currently a two storey building on the site which provides eight residential units. The area of hard standing adjacent to the building is used for car parking.
- 8.3 The proposal is for the creation of 18 residential units and the retention of some car parking spaces for the use of residents of the Perring Estate.
- 8.4 The site is not designated for any particular use within the Development Plan. It is considered that the proposed retention of a residential use at this site is acceptable and in keeping with land uses in the area.

### **Density**

- 8.5 National planning guidance in PPS1: Sustainable Development and PPS3: Housing, stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3A.3 – which requires development to maximise the potential of sites, policy 4B.1 – which details design principles for a compact city and part 2 of strategic policy SP02 of the CS, which seeks to ensure new developments optimise the use of land that the density of levels of housing correspond to public transport accessibility levels and the wider accessibility of the location. Finally, IPG policy HSG1 provides detailed guidance listed below and seeks to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.6 In calculating the density of this site reference has been made to table 3A.2 of policy 3A.3 of the London Plan. The site has an average Public Transport Accessibility Level (PTAL) (2). The site is identified as falling within the ‘urban’ area. For Sites within the central area with a PTAL range of between 2-3 the appropriate density is 200 -450 habitable rooms per hectare. The proposed density would be 365 habitable rooms per hectare (net site area), which is

within the recommended standard.

- 8.7 Residents concerns in respect of how the site area is determined for calculating density are noted. However, this is the method for which the densities of all sites across the Borough are calculated and is also in line with the guidance found in PPS3.
- 8.8 In the simplest of numerical terms, the proposed density does not identify an overdevelopment of the site. However, the density of a scheme must also be assessed against the policy criteria of HSG1 of the IPG, as such just because you meet the density range does not mean you will meet the criteria of the policy.
- 8.9 Policy HSG1 of the IPG seek to maximise residential densities on individual sites taking into consideration:
- the density range appropriate for the setting of the site,
  - local context and character,
  - amenity,
  - design,
  - housing mix and type,
  - access to town centre,
  - provision of adequate open space including private, communal and public open space,
  - impact on the provision of services and infrastructure, and;
  - the provision of other (non-residential) uses on site.
- 8.10 In accessing this application against the criteria contained within policy HSG1 of the IPG it is considered that:
- the density range at 365 habitable rooms per hectare would be appropriate for the setting of the site,
  - the proposal would be in keeping with the local context and character – this is discussed in detailed within the design section of this report,
  - the overall impact on amenity would be acceptable – this is discussed in detailed within the amenity section of this report ,
  - the proposed design would be acceptable – this is discussed in detailed within the design section of this report
  - the housing mix and type would be acceptable – this is discussed in detailed within the housing section of this report,
  - access to town centre would be acceptable,
  - provision of adequate open space including private, communal and public open space would be acceptable – this is discussed in detailed within the housing section of this report,
  - impact on the provision of services and infrastructure would be acceptable and mitigated against through S106 contributions, and;
  - the provision of other (non-residential) uses on site isn't applicable for this application.
- 8.11 In numerical terms the proposed density would be acceptable and in line with LP, CS and IPG policy. Furthermore, when the scheme is fully assessed against design criteria, amenity criteria and highways criteria the proposal is considered acceptable.

### **Design and Appearance**

- 8.12 Part 4 of strategic policy SP10 of the CS seeks to ensure that buildings and neighbourhoods promote good design principles by respecting local context and townscape; including the

character, bulk and scale of the surrounding area.

- 8.13 Furthermore, saved policy DEV1 of the UDP outlines that all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials, they should also be sensitive to the development capability of the site, maintain the continuity of street frontages and take into account existing building lines, roof lines and street patterns. Furthermore, the design should take into consideration the safety and security of the development.
- 8.14 Finally, policy DEV2 of the IPG seeks to ensure that new development amongst other things, respects the local context, including character, bulk and scale of the surrounding area, ensure the use of high quality materials and finishes, contribute to the legibility and permeability of the urban environment, and contribute to the enhancement of local distinctiveness.
- 8.15 The proposal is for the demolition of the existing two-storey building on site and the erection of a terrace of three storey houses along Gale Street and a five storey block of flats at the corner of Gale Street and Devons Road. The aim of the proposed layout would be to continue the traditional perimeter blocks of the estate and creating new street frontages.
- 8.16 Along Gale Street, the proposal would include a row of seven family houses forming a terrace. These would be three storeys in height with a flat roof and a set back at second floor level to provide private amenity space. The terrace would be a contemporary take on the traditional London town house. The proposed materials would include brick to match Bracken House, aluminium windows and doors, timber privacy screens and metal railings.
- 8.17 The rear elevation includes set backs at first and second floor level to provide private amenity space. The houses also include private gardens at ground floor level.
- 8.18 The corner building rises to five storeys with a flat roof. The building is a contemporary design but includes some traditional materials such as brick to match the adjacent Bracken House. The material palette also includes, burgundy red glazed brick, white stone cils, glazed curtain walling, aluminium windows and doors, metal railings, elements of white render and timber privacy screens.
- 8.19 The internal elevation facing Bracken and Berberis House includes a similar palette of materials but also includes elements of timber cladding. This elevation also includes balconies.
- 8.20 The proposal provides a communal landscaped area which includes elements of planting, grass and hard landscaping. This area would also include child play space.
- 8.21 It is considered that the height, bulk, scale and massing of the proposed buildings would be acceptable and in keeping with the scale of development within the surrounding area. Both Bracken and Berberis House which are to the east and south of the application site are five storey buildings. The general height of buildings within the area is between three and five storeys. As such, the proposed five storey element is in keeping with the general massing of the area.
- 8.22 To the east of the site is the Liquor Inn which is a two storey building with a pitched roof. The lower scale of this building allows views of the five storey mass of Bracken House behind. It is considered that the reduction in height to five storeys has addressed previous concerns of officers in respect of massing and the relationship to the Liquor Inn. The design of the eastern elevation which faces the Liquor Inn and would be viewed from Devons Road has also been improved. The top storey would include zinc cladding which would add interest

and this along with the reduction in height would ensure a more acceptable relationship.

- 8.23 It is considered that the proposed three storey terrace would be acceptable in terms of bulk, scale and massing and relates well to the corner block. The use of similar materials across the scheme would be acceptable in design terms. The fact that the proposed brick is in keeping with the existing brick of the estate would ensure that the proposal is acceptable in respect of design and appearance and in keeping with the local context.
- 8.24 In order to ensure that the proposed materials would be of a high quality, it is recommended that this matter be controlled via condition.
- 8.25 The layout of the communal area would be acceptable and would result in the creation of a home-zone. This space could be used by both existing and proposed residents and would contribute to the overall provision of communal amenity space within the estate. The mix of hard and soft landscaping allows for different users. Planting along the boundary walls of the private gardens would delineate between private and public space. In order to ensure the detailed design of this area would be successful and maintained in perpetuity it is recommended that a landscaping condition be attached to the planning permission.

## **Housing**

- 8.26 This section of the report considers the acceptability of the housing provision proposed in terms of key issues including affordable housing provision, provision of family sized units, wheel chair housing, lifetime homes, floor space standards and provision of amenity space.

### Affordable Housing:

- 8.27 Policy 3A.9 and 3A.10 of the LP seek the maximum reasonable amount of affordable housing taking into account, the Mayor's strategic target that 50% of all new housing in London should be affordable as well as the borough own affordable housing targets. Part 3 of strategic policy SP02 of the CS sets the borough's target and requires 35% - 50% affordable homes on sites providing 10 new residential units or more. Amongst other things, consideration should be given to the Council's affordable housing target and individual site circumstances (including site costs).
- 8.28 The proposal is for the creation of 18 units and falls within the threshold for providing affordable housing. The proposal provides 45% affordable housing. The offer would comprise of 7 affordable houses which equates to 35 habitable rooms. The site currently has eight residential units comprising four bedsits and four x one bedroom flats which equates to 12 habitable rooms.
- 8.29 The proposed 45% figure includes replacement of the existing affordable units and 35% on the uplift. It is considered that level of affordable housing provision is in line with policy and is considered to be acceptable for this location.
- 8.30 Affordable housing provision includes social rented housing and intermediate housing. A split of 70:30 is suggested pursuant to part 4 of strategic policy SP02 and policy 3A.7 of the London Plan. It is noted that there is no split between intermediate and socially rented accommodation within this proposal. However, given the location, the size of the scheme and the fact that the development is being carried out by Registered Social Landlord (RSL), in this instance it would be acceptable and would contribute to the creation of balanced communities.

#### Housing Mix:

- 8.31 The Borough is in short supply of suitable family sized accommodation (3-6 units) as demonstrated in the Strategic Housing Market and Needs Assessment (2009) which forms part of the CS evidence base. Part 5 of strategic policy SP02 requires a mix of housing sizes on sites with a target of 30% of all new housing to be of a size suitable for families including 45% of new social rented homes to be for families.
- 8.32 All of the socially rented homes and 54% of the market housing would be for family sized. This is above the policy requirement of 45% and 30% respectively and would be welcome given the need for family housing in the borough.

#### Residential Space Standards:

- 8.33 The SPG Residential Space Standards (1998) and saved policy HSG13 of the adopted UDP set out the minimum space standards for all new housing developments. In terms of unit size all of the units meet the minimum space standards.

#### Wheelchair Housing and Lifetime Homes:

- 8.34 Part 6c of strategic policy SP02 requires that all new developments comply with accessibility standards including Lifetime Homes. Policy DEV3 of the IPG outlines that new development is required to incorporate inclusive design principles. Policy HSG9 of the IPG requires that at least 10% of all housing should be wheelchair accessible and new housing should be designed to Lifetime Homes standards.
- 8.35 The submitted Planning Statement outlines that all new dwellings would be built to 'Lifetime Homes' standards and two of the units have been designed to be fully accessible to future wheelchair users which is in line with policy. These units would also have access to a dedicated disabled parking bay within the site. It is recommended that this is secured by condition.

#### Amenity Space:

- 8.36 Part 6d of strategic policy SP02 of the CS and saved policy HSG16 of the adopted UDP provides that all new housing developments should provide high quality, useable amenity space, including private and communal amenity space, for all residents of a new housing scheme. These policies reinforce the need to provide high quality and usable private external space fit for its intended user, as an important part of delivering sustainable development and improving the amenity and liveability for Borough's residents. The SPG Residential Space Standards (1998) and Table DC2 which forms part of HSG7 of the IPG sets out amenity space provision standards.

#### Private Amenity Space:

- 8.37 In respect of private amenity space all of the proposed units are in keeping with or exceed the minimum standards set out in table DC2 of the IPG. It is considered that the quality and usability of this private amenity space would be acceptable.

#### Communal Amenity Space:

- 8.38 In respect of communal amenity space in reference to table DC2 of the IPG there would be a requirement for 60 square meters of communal amenity space. Overall, the development would include the provision of 186 square meters of amenity space between the proposed terraced houses and Bracken House. It is considered that both the quantum and quality of

the proposed amenity space would be acceptable. The space would form part of a 'home-zone' which would encourage the slow movement of vehicles and pedestrian priority. The proposed layout of this space is considered to be acceptable. It is recommended that if planning permission were granted that full details of landscaping be controlled via condition.

#### Child Play Space:

- 8.39 In respect of child play space the London Plan SPG seeks to provide 10 square metres of well designed play and recreation space for every child in new housing developments. It does identify that appropriate and accessible facilities within 400 metres for 5-11 year olds or within 800 metres for 12 plus age groups may be acceptable alternatives in lieu of provision on site. The IPG requires three meters square per child bed space.
- 8.40 The development would have a child yield of 24 and this would equate to a need to provide between 72 square meters and 240 square meters of child play space within the development. In line with the London Plan SPG, the applicant intends to provide 'door-step' child play space for under 4's within the site which would form part of the proposed communal amenity space area.
- 8.41 The communal amenity space is 186sqm of which 126sqm would be provided as child play space. In numerical terms this would be in line with the IPG requirement but fall short of the LP requirement. However, the LP guidance allows for the provision of appropriate and accessible facilities within 400 meters for 5-11 year olds or within 800 meters for 12 plus age groups. In this instance within the Perring Estate there is an existing play ground which would be appropriately 50 meters from the development site.
- 8.42 On balance it is considered that the level of child play space would be sufficient when consideration is given to existing provision within the area. It is not considered that non-compliance with the LP numerical standard would in this instance merit refusal of the scheme. However, it is considered essential that the proposed 'door-step' play space is child friendly and well designed. If planning permission were granted, it is recommended that this matter be controlled via the landscaping condition.

#### **Amenity**

- 8.43 Part 4 a and b of strategic policy SP10 of the CS, saved policy DEV2 of the UDP and policy DEV1 of the IPG seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or a material deterioration of daylight and sunlight conditions.

#### Impact on Residential Properties – Sunlight

- 8.44 BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.45 The submitted report assessed the impact on the worst affected ground floor rooms of 302 Devons Road, Mollis House, Gale Street, and Bracken House.
- 8.46 In respect of 302 Devons Road the level of sunlight to the ground floor would be in line with BRE guidance.
- 8.47 In respect of Mollis House, one kitchen was tested and it would not be BRE compliant.

- 8.48 In respect of Bracken House, four rooms were tested comprising one bedroom and three kitchens. In respect of the bedroom tested, it falls marginally below the annual requirement and would receive 22% of annual sunlight hours. More importantly, it exceeds the winter requirement and would in fact receive 6.1% of winter sunlight hours. In respect of the three kitchens tested they would not be compliant with BRE guidance in respect of sunlight.
- 8.49 The BRE guidance documents notes that *"kitchens and bedrooms are less important, although care should be taken not to block to much sun"*. In this instance it is not considered that the failure of existing kitchens would merit refusal of the scheme. It is considered that in this instance it would mean no development could occur on the site which is not considered reasonable in this instance.
- 8.50 The proposed development was also tested in respect of APSH. It is noted that of the 10 windows tested three would be in accordance the BRE Guideline for annual and summer sunlight levels. Of the remaining windows three would experience levels which are marginally below the annual and winter guidelines. Three would substantially fall below this guideline. Given, the urban location and the scale of development within the vicinity of the site it not considered that the sunlight levels for the proposed development would merit refusal of the application.

Daylight:

- 8.51 The submitted study includes the results of BRE Vertical Sky Component (VSC), No-Sky Line (NSL) and Average Daylight Factor (ADF) tests.
- 8.52 Daylight is normally calculated by three methods - the VSC, NSL and ADF. However, for existing windows VSL and NSL are the key measures. 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 less that 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including NSL and ADF. 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. ADF calculation takes account of the size and reflectance of room surfaces, the size and transmittance of its window(s) and the level of VSC received by the windows.
- 8.53 It is noted that residents have raised concerns about the impact of the proposed development on their levels of daylight and sunlight. Many of the windows tested at ground floor level are kitchens under six square meters and as such are not classed as habitable rooms which is in line with policy DEV1 of the IPG.

Bracken House:

- 8.54 In respect of VSC within Bracken House 11 windows at ground floor level were tested. Six of the windows tested were kitchens below six square meters and as such are not classed as habitable rooms in respect guidance found within the IPG. The remaining five windows tested were bedrooms of which three passed the VSC standards. However, two windows would fall below the recommended BRE guidance in respect of VSC, as such the examination of NSL tests is required to assess if the loss is appropriate.
- 8.55 In respect of window G45 the existing level of VSC is 8.7 and this would drop to 5.36. It is evident that the existing level of daylight striking the face of the window is limited. Notwithstanding, this still represents a loss of a further 38% of VSC. However, when consideration is given to the NSL test, which indicates the distribution of daylight into the room the level of impact would result in a loss of 3.7%, which would be in line with BRE Guidance.

- 8.56 In respect of window G48 the existing level of VSC is 7.93 and this would drop to 5.05. It is evident that the existing level of daylight striking the face of the window is limited. Notwithstanding, this still represents a loss of a further 36% of VSC. However, when consideration is given to the NSL test, which indicates the distribution of daylight into the room the level of impact would result in a loss of 3.7%, which would be in line with BRE Guidance.
- 8.57 With the new development of a brown-field site a level of reduction in daylight levels can be expected. Consideration needs to be given to the existing situation, the location of the site and the scale of the proposed development. Of the five bedrooms tested all would comply with BRE guidance following the erection of the proposed development. When the combination of the two tests is taken into account it is not considered that the level of failure against the existing situation for these bedrooms this would not merit refusal of the scheme.

Berberis House:

- 8.58 In respect of VSC within Berberis House eight windows at ground floor level were tested. Three of the windows tested were kitchens below six square meters and as such are not classed as habitable rooms in respect of guidance found within the IPG. Five of the eight windows tested were bedrooms and all would remain in compliance with BRE standards as result of the proposed development.

Mollis House Gale Street:

- 8.59 In respect of VSC within Mollis House six windows at ground floor level were tested all of which are kitchens below six square meters. As such, these rooms are not classed as habitable rooms in respect of IPG guidance.

302 Devons Road:

- 8.60 In respect of VSC, NSL and ADF one window was tested at 302 Devons Road which was a living room and all of the test results complied with BRE Guidelines.

Proposed Oakfield House:

- 8.61 The daylight and sunlight report has also considered the availability of daylight for future residents of the proposed development. For new build, VSC, NSL and ADF tests are used to asses the level of daylight for future residents.
- 8.62 18 habitable rooms at ground floor level of the proposed development were tested. In respect of the first test VSC, none of the windows are compliant with BRE Guidance. However, in respect of NSL test, 16 of the windows are compliant with BRE Guidance and in respect of the ADF test all of the windows are compliant with BRE Guidance. In respect of these results, it is considered that the proposed resident units would receive adequate levels of daylight.

Amenity Space:

- 8.63 BRE Guidance states that open spaces should receive not less than 40% of available annual sunlight hours on the 21<sup>st</sup> March. Furthermore, any additional loss must be within 20% of the former conditions. The Daylight and Sunlight Consultant has confirmed following concerns raised by residents in respect of this point that no more than 18% of the shared amenity space would be in shadow between 11am and 1pm on the 21<sup>st</sup> of March. As such, the proposal complies with this requirement.

### Sense of Enclosure, Outlook, Privacy and Overlooking:

- 8.64 The residents of Bracken House currently have open views across the site, and any development would result in a change in outlook for residents. In assessing this change consideration has been given to the existing site layout, relationships between buildings including distance and the massing of the proposed development.
- 8.65 Firstly, it is considered that in respect of layout the proposed development follows the established pattern of the estate which has five storey buildings and internal courtyards. Secondly, the relationship between the proposed building and the existing Bracken House would also be similar to the relationships between buildings within the estate. The minimum separation distance would be approximately 17 meters. Thirdly, in respect of massing, this has been reduced to five storeys which would be in keeping with the scale of development within the estate. Furthermore, the transition in between the five storey element of the building and the terrace has been amended to limit any impact on the existing residents. On balance, it is not considered that there would be an adverse impact in terms of sense of enclosure.
- 8.66 Residents are also concerned about an increased impact from overlooking and a loss of privacy. The separation distance between the proposed terraced houses and Bracken House would be between approximately 17 and 25 meters. The UDP has a minimum separation distance standard of 18 meters which is applied flexible across the borough given the dense urban grain. In this instance it is not considered that the proposed development would result in an adverse impact in respect of overlooking and loss of privacy.
- 8.67 In respect of the layout of the proposed development, the use of timber screening would ensure privacy for future residents. If planning permission were granted there retention could be controlled via condition.

### Conclusion:

- 8.68 It is noted that in an urban location that any form of development could have an impact on the amenity of existing residents. It is important to balance the need for new development and the level of impact this would have on existing residents. In this instance, there would be an impact on amenity of existing residents; however, the level of impact has been reduced by limiting the massing and layout of the built form. As such, it is not considered that the level of impact would in this instance merit refusal of the application. As such the proposal is in line with strategic policy SP10 of the CS, saved policy DEV2 of the UDP policy DEV1 of the IPG. These policies seek to ensure that the privacy and amenity of residents is protected from development.

### **Highways**

- 8.69 Policy 3C.1, 3C.2, 3C.3 and 3C.23 of the LP, seek to integrate transport and development and promote sustainable modes of transport, by encouraging patterns and forms of development which reduce the need to travel by car, seeking to improve walking and cycling capacity and allowing development in suitable locations.
- 8.70 Strategic policies SP08 and SP09 of the CS, saved UDP policies T16 and T18 and policies DEV16, DEV17 and DEV19 of the IPG, outline that in respect of new development, consideration should be given to the impact of the additional traffic which is likely to be generated, the need to provide adequate cycle parking and the need to minimise parking and promote sustainable development.
- 8.71 The Highway Officer comments are discussed at paragraphs 6.9 - 6.20 and any concerns

raised during the consultation have been addressed through the submission of further information.

Existing on-site car parking provision:

- 8.72 The proposal would result in the loss of existing on site car parking spaces. There are 35 parking bays and two bays allocated for motorcycle parking currently on the site. All of these spaces are owned by Poplar HARCA and are leased to residents who live within the estate. Currently, 24 of the spaces are leased by the applicant on weekly licenses to residents who live within the estate. The application proposes the re-provision of six on site car parking bays two of which would be for disabled users for the use of existing residents.
- 8.73 This would mean the loss of 29 on site car parking spaces. However, given that only 24 spaces are currently leased to residents it would in fact mean that 18 residents would be affected by the loss of these on site car parking spaces. Whilst, it is noted that this is line with policy it still means that 18 existing spaces which are rented on a weekly basis would need to be relocated. A parking survey has been carried out of the surrounding area to establish if these could be accommodated within the rest of the estate and on-street.
- 8.74 The parking survey was carried out by Odyssey Consulting Engineers in the evening. This survey included off-street car parking spaces within the wider Perring Estate and on-street car parking spaces along Gale Street and Watts Grove. It is noted that the on-street car parking spaces are restricted to use by permit holders within Tower Hamlets Controlled Parking Zone B3 which is in force Monday – Friday from 08:30 – 17:30.
- 8.75 The parking survey found that 201 legal car parking spaces are available within the surveyed area. At 8pm on the evening of the survey 106 of the spaces were occupied. As such, this report concludes that the immediate surrounding area appears to be sufficient capacity to accommodate the displaced bays.

Proposed residential units:

- 8.76 The proposed residential units would be secured as car free. This would be secured via a section 106 agreement. This is in line with policy and would promote sustainable modes of transport and reduce stress on the surrounding highway network.
- 8.77 The provision of cycle parking in line with Council standards would be controlled via condition.
- 8.78 In conclusion it is considered that in respect of transport matters the proposed development would be acceptable and in line with policy.

**Other Planning Issues**

Sustainability and Energy:

- 8.79 Policies 4A.1, 4A.3, 4A.4, 4A.6 and 4A.7 of the London Plan sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used and generated from renewable sources. The London Plan (2008) requires a reduction of 20% reduction in carbon dioxide emissions from on site renewable energy generation.
- 8.80 The latter London-wide policies are reflected in policies SP11 of the CS, DEV5 and DEV6 of the IPG.

8.81 The submitted energy report has been reviewed by the Energy Team and they are broadly satisfied that the proposal is compliant with London Plan policy. They have requested conditions to require full details of the proposed energy efficiency, passive design measures, and renewable energy technologies for the development and a condition requiring the submission of the Code for sustainable homes assessment.

Section 106 Contributions:

8.82 Strategic policy SP13 of the CS and saved Policy DEV4 of the UDP state that the Council will seek planning obligations or financial contributions to mitigate for the impact of the development.

8.83 The Community Infrastructure Levy Regulations 2010, state that any S106 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

8.84 The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

8.85 To mitigate for the impact of this development on local infrastructure, education and community facilities the following contributions accord with the Regulations and have been agreed. The total financial contribution would be **£55,000**.

8.86 The proposed heads of terms are:

8.87 Financial contributions:

- a) A contribution of **£17,600** towards **health**, to mitigate the impact of the additional population upon existing health facilities within the immediate vicinity of the site.
- b) **£37,000** towards **open space, leisure and/or community facilities**, to mitigate the impact of the additional population upon existing open space, leisure and community facilities within the immediate vicinity of the site.
- c) A contribution of **£12,100** towards education, to mitigate the impact of the additional population upon existing education facilities within the immediate vicinity of the site.

8.88 Non-financial contributions:

- a) Seven units which equates to 35 habitable rooms (45% of the development) is secured as affordable housing, with a tenure 100% social rent.
- b) 100% of development to be car free.

8.89 For the reasons identified above it is considered that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the tests of circular 05/05 and the relevant statutory tests.

Site Contamination:

8.90 Saved UDP policy DEV51 and IPG policy DEV22 requires applications to be accompanied by an assessment of Ground Conditions to assess whether the site is likely to be contaminated. If planning permission is granted it is recommended that a condition be attached requiring a contaminated land report to be submitted as requested by the Contaminated Land Officer.

Refuse Storage:

- 8.91 The estate currently has a 'Underground Refuse Store' and this would be maintained for existing and proposed residents. The proposed refuse storage appears acceptable and in line with saved policy DEV15 and planning standard 2 of the IPG.

**Conclusions**

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