

Committee: Development Committee	Date: 14 th November 2012	Classification: Unrestricted	Agenda Item Number:
Report of: Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Mandip Dhillon		Ref: PA/11/03577	
		Ward: Bromley By Bow	

1 Application Details

<u>Location</u>	Land bounded by Watts Grove and Gale Street, London, E3 3RE.
Existing Use:	Derelict site former industrial uses.
Proposal:	Redevelopment to provide three residential blocks ranging from 4-6 storeys to provide 50 dwellings (11 x 1 bedroom, 25 x 2 bedroom, 9 x 3 bedroom and 5 x 4 bedroom) plus bicycle parking, refuse recycling facilities and access together with landscaping including public, communal and private amenity space. Creation of an east-west public walkway from Watts Grove to Gale Street.
Drawing no's	L(9-)000 rev P4, L(9-)001 rev P13, L(9-)002 rev P6, L(9-)003 rev P6, L(9-)500 rev B, E(04)001 rev L, E(04)002 rev L, E(04)003 rev L, E(04)004 rev L, E(04)005 rev L, E(04)006 rev L, L(05)000 rev V, L(05)001 rev V, L(05)002 rev V, L(05)003 rev V, L(05)004 rev V, L(05)005 rev W, L(05)006 rev V, S(91)001 rev P3, S(05)001 rev H and S(05)002 rev H.
Documents	Sustainability and renewable energy statement ref AA11-0161-A dated 27 th October 2011; Transport Assessment Report ref P573 dated November 2011; Affordable Housing Statement prepared by Swan; Planning Impact Statement prepared by CMA Planning dated October 2011; Design and Access Statement prepared by HLM Architects dated November 2011; 23643 Proposed Residential Development at Watts Grove (Noise Assessment) Revision 00 dated January 2009; Report in Daylight and Sunlight Rev F ref K/07/0723/C7/0001 SWC/tmt/G3; 23643 Watts Grove Air Quality Assessment Revision 00 dated July 2010; Commercial Drainage and Water Search dated 9 th May 2007; Code for Sustainable Home- Ecological Report ref EN12457 dated January 2008; Ground Investigation report dated January 2011 ref 11505GI2; Analysis of the Assessment of Development Viability prepared by Allsop dated August 2012.

Applicant: Swan Housing Association Ltd

Ownership: Swan Housing Association Ltd

Historic Buildings: None

Conservation Area: None

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 Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Managing Development DPD (Submission version 2012), IPG (2007), adopted supplementary planning guidance and documents, the London Plan 2011 and the National Planning Policy Framework and has found that:
- 2.2 The proposal is in line with the Mayor of London and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (Submission version 2012) which seeks to ensure the use of land is appropriately optimised.
- 2.3 The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3.8, 3.10, 3.11, 3.12, 3.13 of the London Plan 2011, saved policy HSG7 of the Council's Unitary Development Plan 1998, policy DM3 of Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy Development Plan Document 2010 which seek to ensure that new developments offer a range of housing choices.
- 2.4 The proposed development is acceptable in terms of design and appearance. As such, the scheme is in line with policies 7.1 and 7.6 of the London Plan 2011, Policy SP10 of the adopted Core Strategy (2010), policies DM24 and DM26 of the Managing Development DPD (Submission version 2012), and saved policy DEV1 of the Council's Unitary Development Plan 1998, which seek to ensure buildings are of a high quality design and suitably located.
- 2.5 The scheme provides acceptable space standards and layout. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, DM4 of the Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy Development Plan Document 2010 and policy 3.5 of the London Plan 2011 which seek to provide an acceptable standard of accommodation.
- 2.6 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan 1998, policy DM4 of the Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy Development Plan Document (2010), which seek to improve amenity and liveability for residents.
- 2.7 The proposal would not give rise to any undue detrimental impacts in terms of privacy,

overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DM25 of the Managing Development DPD (Submission version 2012), and policy SP10 of the of the Core Strategy Development Plan Document 2010 which seek to protect residential amenity.

- 2.8 Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policy DM20 and DM22 of the Managing Development DPD (Submission version 2012), and policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.9 The development, thorough the provision of a CHP plant would result in a satisfactory reduction in carbon emissions and also seeks to secure the code for sustainable homes level 4 which is in accordance with policy SP11 of the Core Strategy and the energy hierarchy within the London Plan (2011) policies 5.2 and 5.7, and policy DM29 of the Managing Development DPD (Submission version 2012), which seek to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.
- 2.10 Contributions have been secured towards the provision of affordable housing; education improvements and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy Regulations 2010; saved policy DEV4 of the Council's Unitary Development Plan 1998; policy SP02 and SP13 of the Core Strategy Development Plan Document 2010; and the London Borough of Tower Hamlets Planning Obligations SPD which 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:

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

3.3 Financial Contributions

a) £106,575 towards Education

Non-financial Contributions

a) 100% affordable housing

b) Car and permit free agreement

c) Travel Plan

d) Commitment to utilise employment initiatives (reasonable endeavours to secure 40%)

e) Access in perpetuity along pedestrian link created from Watts Grove to Gale Street

f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.4 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.6 Conditions

1. Three Year time limit for full planning permission
2. Development in accordance with plans
3. Land Contamination report
4. Full details of Energy Strategy 35% CO2 reductions
5. Code for Sustainable Homes details to be submitted and approved
6. Details of noise mitigation measures including to Building A and C (in relation to proposed lift and stacking arrangements)
7. Construction Environmental Management Plan
8. Construction Hours (8am – 6pm Monday to Friday, 8am – 1pm Saturday only)
9. Scheme of highways works
10. Development to comply with lifetime homes standards
11. Wheelchair allocated car parking bays to be provided on Gale Street only (No bay to be provided on Watts Grove)
12. Scheme of lighting, maintenance and landscaping for the new public route
13. Provision of refuse and recycling facilities in accordance with drawing
14. Provision of cycle spaces in accordance with drawing
15. Should piling be required, a Piling Risk assessment and Hydrological Risk Assessment to be submitted and approved. (EA condition)
16. Surface Water Management strategy to be submitted and approved (EA condition)
17. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.7 Informatives

1. This development is to be read in conjunction with the s106 agreement
2. Developer to enter into a s278 agreement for works to the public highway
3. Developer to contact Council's Building Control service
4. Developers should ensure that any proposed piling methods do not pose a pollution risk to controlled waters. Piling to facilitate building foundations or the installation of ground source heat pumps has the potential to create a pathway between contaminated shallow soils and deeper geological formations and aquifers. Deep piling can result in physical disturbance to aquifers
5. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal

3.8 That if, within three months of the date of this committee the legal agreement has not been completed, the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application seeks planning permission for the residential development of the site, through the erection of three buildings. The first block, known as Block A is proposed to be located fronting Gale Street and would be part 4 storeys, part 6 storeys. Block B would be located within the centre of the site with pedestrian access via Compton Close and is proposed at part 3 storeys, part 5 storeys. Block C is proposed to be located fronting on Watts Grove and is also proposed to be accessed from this location. This block is proposed at 6 stories in height.
- 4.2 A total of 50 residential units are proposed across the three residential blocks. The proposals also includes the provision of refuse and recycling facilities on-site alongside cycle parking facilities for residents and visitors. A public pedestrian walkway is also being provided as part of the application which will link Watts Grove and Gale Street along the sites southern boundary.

Site and Surroundings

- 4.3 The site is bounded to the east by Watts Grove and to the west by Gale Street. The sites northern boundary abuts the flank elevations of existing properties at Compton Close. The southern boundary of the site abuts industrial units which are still operational. The site itself extends to approximately 0.27 hectares.
- 4.4 The site was previously occupied by an electrical substation building, however this was demolished some time ago and the site now lies vacant and has been hoarded off.
- 4.5 To the north of the site along Watts Grove, the site abuts an existing 4 storey residential development comprising flatted units. To the north east of the site lies the Council refuse depot which is currently operational. To the north of the site along Gale Street, the site abuts an existing 4 storey residential development, comprising flatted units. Compton Close which lies to the north of the site comprises two storey single family dwelling houses.

Planning History

- 4.6 The following planning decisions are relevant to the application:

PA/10/01989	Erection of three blocks comprising four to six storey buildings to provide 57 residential units, together with landscaping, boundary treatment and new public walkway. Withdrawn 24/11/2010
PA/09/00431	Erection of three to eight storey buildings to provide 63 residential units together with landscaping, boundary treatment and new public walkway. Withdrawn 29/06/2009

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 Core Strategy Development Plan Document 2025 (adopted September 2010)

Strategic Objectives	SO7	Urban living for everyone
	SO8	Urban living for everyone
	SO9	Urban living for everyone
	SO10	Creating Healthy and Liveable Neighbourhoods
	SO12	Creating a Green and Blue Grid
	O013	Creating a Green and Blue Grid
	SO14	Dealing with waste
	SO19	Making Connected Places
	SO20	Creating Attractive and Safe Streets and Spaces
	SO21	Creating Attractive and Safe Streets and Spaces
	SO22	Creating Distinct and Durable Places
	SO23	Creating Distinct and Durable Places
	SO24	Working Towards a Zero Carbon borough
	SO25	Delivering Placemaking
	Policies	SP02
SP03		Creating healthy and liveable neighbourhoods
SP04		Creating a green and blue grid
SP05		Dealing with waste
SP09		Creating attractive and safe streets and places
SP10		Creating distinct and durable places
SP11		Working towards a zero-carbon borough
SP12		Delivering placemaking

5.3 Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	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 and type
	HSG13	Internal Space Standards
	HGS16	Housing amenity space
	T10	Priorities for Strategic Management
	T16	Traffic priorities for new development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development

5.4 Managing development DPD (Submission Version 2012)

Policies	DM3	Delivering Homes
	DM4	Housing standards and amenity space
	DM10	Delivering Open Space

DM11	Living buildings and biodiversity
DM13	Sustainable Drainage
DM14	Managing Waste
DM20	Supporting a sustainable transport network
DM22	Parking
DM23	Streets and public realm
DM24	Place-sensitive design
DM25	Amenity
DM26	Building Heights
DM29	Achieving a zero carbon borough and addressing climate change
DM30	Contaminated Land

5.5 Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessible 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
	DEV12	Management of Demolition and Construction
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes and facilities
	DEV17	Transport Assessments
	DEV19	Parking for motor vehicles
	DEV22	Contaminated Land
	HSG1	Determining Density
	HSG3	Affordable housing
HSG7	Housing Amenity Space	
HSG9	Accessible and Adaptable Homes	
HSG10	Calculating the provision of affordable housing.	

5.6 London Plan 2011 (Spatial Development Strategy for Greater London)

3.3	Increasing housing supply
3.5	Quality and design of housing design
3.6	Children and young people's play and informal recreation facilities
3.8	Housing choice
3.10	Definition of affordable housing
3.11	Affordable housing targets
3.12	Negotiating affordable housing on individual private residential and mixed use schemes
3.13	Affordable housing thresholds
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction

5.5	Decentralised energy networks
5.6	Decentralised energy in development proposals
5.7	Renewable energy
5.11	Green roofs and development site environs
5.13	Sustainable drainage
5.17	Waste capacity
5.21	Contaminated land
6.9	Cycling
6.11	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.4	Local character
7.5	Public realm
7.15	Reducing noise and enhancing soundscapes
8.2	Planning obligations

5.7 **Supplementary Planning Guidance/Documents**

LBTH Planning Obligations SPD 2012
Designing Out Crime

5.8 **Government Planning Policy Guidance/Statements**

NPPF National Planning Policy Framework 2012

5.9 **Community Plan**

The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for learning, achievement and leisure
- A better place for excellent public services

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:

6.3 Environment Agency (Statutory Consultee)

No objections have been raised in principle. It has been requested that conditions and informatives are imposed should consent be issued at the site dealing with piling and potential contamination risks.

(Officer comment: The conditions and informatives requested would be attached to any consent issued at the site.)

6.4 LBTH Environmental Health - Contaminated Land

No objections are raised in principle subject to the imposition of an appropriate condition requiring the submission and approval of a land contamination report and any subsequent remediation is undertaken at the site.

(Officer comment: A condition will be imposed to ensure adequate assessment and mitigation is achieved.)

6.5 LBTH Environmental Health- Noise & Vibration

No objections are raised in principle to the acoustic report submitted. Within Buildings A and C, habitable rooms adjoin the proposed lift shaft, a condition should be imposed to ensure adequate insulation to avoid noise disturbance. In addition, the layout of the Building A has stacking arrangements which could potentially lead to disturbance, a upgraded level of insulation should be sought in these locations.

(Officer comment: A condition will be imposed to ensure adequate mitigation is proposed to prevent noise disturbance within the proposed development.)

6.6 LBTH Housing

The development seeks to provide 100% affordable housing across the 50 units proposed. The scheme is providing all residential units at affordable rent levels at the adjusted rent level, in accordance with the Development Management DPD policy.

All units are meeting the floorspace standards required by the London Plan 2011 and the provision of the pedestrian link between Watts Grove and Gale Street is supported.

The ground floor wheelchair housing is supported.

6.7 LBTH Community, Leisure and Culture

In accordance with policy the Planning Obligations SPD, the development is required to deliver the following planning obligations in order to mitigate the proposed development:

Community Facilities: £64,393
Public Open Space: £120,207.48
Sustainable Transport: £1,755

(Officer comment: A viability toolkit has been submitted alongside the planning application. Full details of the viability of the proposed development are set out within the Material Planning Considerations (Section 8) of the committee report.)

6.8 LBTH Energy

The principles of the proposed energy strategy as submitted are considered to be acceptable as the scheme aims to achieve a 35% reduction in carbon emissions. However full details are required through the submission of a detailed Energy Strategy. This should be

secured by an appropriate condition.

(Officer Comment: Appropriate conditions will be imposed on any planning consent issued at the site.)

6.9 LBTH Transportation & Highways

Highways have no objection to the proposal in principle subject to securing the new housing as car and permit free. The cycle parking is considered to be acceptable and the provision of the new pedestrian access link between Gale Street and Watts Grove is supported. Full details of refuse turning facilities have been provided and these are considered to be acceptable and able to be accommodated within the existing arrangements of Watts Grove, Gale Street and Compton Close.

Highways are concerned with the position of the on-street disabled parking space located on Watts Grove. Given the provision of 2 x spaces on Gale Street to serve this development, it is considered that this space should be removed to avoid vehicular conflict on Watts Grove.

(Officer Comment: The applicants have agreed to remove the car parking space on Watts Grove and condition will secure on-street parking on Gale Street only.)

6.10 Crime Prevention Officer

Ensure the development provides a 2.4m high boundary fence along the perimeter of the site and seek to ensure secure cycle parking.

(Officer Comment: These details will be conditioned and secured at a later date through detailed design.)

7. **LOCAL REPRESENTATION**

7.1 A total of 324 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 at both Gale Street and Watts Grove.

7.2 The Council received 5 letters in objection to the development from local residents. 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:

Land Use

- Over-dense development proposal
[**Officer Comment:** Please refer to paragraphs 8.7-8.14 of this report where these matters are fully addressed.]
- The proposed residential development is likely to be detrimentally impacted upon by the existing industrial uses adjoining the site- this should be taken into consideration in any determination of the proposal
[**Officer Comment:** Please refer to paragraph 8.6 of this report where these matters are fully addressed.]

Design

- Scale of proposed building is oppressive and overbearing
- Incongruous addition in the streetscene
- Scale of Building C alongside existing commercial premises is out of character
- Inadequate buffer zones of landscaping and planting
[**Officer Comment:** Please refer to paragraphs 8.33-8.51 of this report where these matters are fully addressed.]

Amenity

- Loss of privacy/overlooking impacts
[**Officer Comment:** Please refer to paragraph 8.53 of this report where these matters are fully addressed.]
- All windows overlooking the commercial premises should be obscured and balconies screened to ensure the security of the commercial operators
[**Officer Comment:** Please refer to paragraph 8.54 of this report where these matters are fully addressed.]
- Location of refuse store could cause amenity problems for residents at David Hewitt House
[**Officer Comment:** Please refer to paragraphs 8.86-8.89 of this report where these matters are fully addressed.]
- Inadequate child play space provision
[**Officer Comment:** Please refer to paragraphs 8.73-8.80 of this report where these matters are fully addressed.]
- Overshadowing/Loss of Light to Ladyfern House
- Height and position of Block B creates a loss of daylight and sunlight to David Hewitt House
[**Officer Comment:** Please refer to paragraphs 8.55-8.64 of this report where these matters are fully addressed.]
- Loss of privacy and anti-social behaviour through the creation of the public walkway
[**Officer Comment:** Please refer to paragraph 8.43 of this report where these matters are fully addressed.]

Transport

- Use of Watts Grove for disabled parking would prevent commercial traffic accessing Anchor Wharf, this arrangement is also considered dangerous
[**Officer Comment:** the disabled parking bay on Watts Grove has been removed from the proposals.]
- Increased car parking in the area- late evenings and weekends
[**Officer Comment:** Please refer to paragraphs 8.81-8.84 of this report where these matters are fully addressed.]

Other

- Inadequate public consultation at pre-application stage
[**Officer Comment:** During the course of the planning application, statutory consultation was undertaken, as set out in paragraph 7.1 of this report.]
- Impact of proposal upon rights to quiet and private enjoyment of existing property

(Human Rights Act)

[**Officer Comment:** Please refer to paragraphs 8.110- 8.118 of this report where these matters are fully addressed.]

- Ensure a land contamination condition is imposed given the former industrial uses at the site.

[**Officer Comment:** Please refer to paragraph 8.94 of this report where these matters are fully addressed.]

7.3 A copy of all comments received will be available to view in advance of the committee meeting.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of the Land Use and Density
2. Housing
3. Design and Appearance
4. Amenity
5. Highways
6. Energy
7. Environmental Health
8. Planning Obligations
9. Localism Act

Principle of land use and density

Land Use

8.2 Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework (NPPF), Strategic Objectives 7, 8 and 9 of the Core Strategy (CS) and policy 3.1 of the London Plan 2011 (London Plan) which gives Boroughs targets for increasing the number of housing units.

8.3 Policy SP02 of the CS sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025. An important mechanism for the achievement of this target is reflected in London Plan policies 3.3 and 3.4 which seek to maximise the development of sites and thereby the provision of family housing to ensure targets are achieved.

8.4 The site does not have an allocation in the saved Unitary Development Plan 1998 (UDP) nor the Managing Development DPD, submission version 2012 (MD DPD). Taking this into account, and given the surrounding area is predominantly residential in character, it is considered that this development would be an acceptable use of previously developed land and would be in accordance with the above planning policies.

8.5 The site previously comprised an employment site up until 2007. Former site designations had allocated the site and surrounding area as an Industrial Employment Area (IEA) however this site designation was dropped from this area through the adoption of the CS in 2010. The site now carries no site specific designations. The changing nature of the area has seen the

redevelopment of the area comprising residential development. The housing development in the area coupled with the de-designation of this particular site makes it appropriate to be brought forward for a housing scheme.

- 8.6 Concerns have been raised by industrial occupants located to the south of the site regarding vehicular access to and from the industrial units. Due to amendments negotiated with the applicants, a disabled car parking bay which had been proposed on Watts Grove has now been removed to ensure that full vehicular access is afforded to the industrial units at all times, to ensure the viability of these sites in the future.

Density

- 8.7 The NPPF 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 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Policies S07 and SP02 of the CS and policy HSG1 of the Interim Planning Guidance 2007 (IPG) also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.8 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.9 The site has an area of 0.27 ha. The application proposes to develop the site to provide a residential density of 585 habitable rooms per hectare (hr/ha). In an urban area with a PTAL of 2, the London Plan states that a density range of 200 – 450 hr/ha is appropriate.
- 8.10 In the simplest of numerical terms, the proposed density would appear to suggest an overdevelopment of the site. However, the intent of the London Plan and the Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.
- 8.11 Policy HSG1 of the IPG states that solely exceeding the recommended density range (on its own) is not sufficient reason to warrant refusing a planning application. It would also be necessary to demonstrate that a high density was symptomatic of overdevelopment of the site. Typically an overdeveloped site would experience shortfalls in one or more of the following areas:
- Access to sunlight and daylight
 - Sub-standard dwelling units
 - Increased sense of enclosure
 - Loss of outlook
 - Increased traffic generation
 - Detrimental impacts on local social and physical infrastructure
 - Visual amenity
 - Lack of open space; or

- Poor housing mix

8.12 These specific factors are considered in detail in later sections of the report – and are found to be acceptable.

8.13 In the case of this proposal it is considered that:

- The proposal is of a particularly high quality and responds to the local context by delivering a positive relationship to Gale Street and Watts Grove.
- The proposal does not result in any of the adverse symptoms of overdevelopment to warrant refusal of planning permission.
- The proposal provides good quality homes, including larger family houses, of an appropriate mix with an acceptable percentage of affordable housing.
- The scheme delivers a pedestrian walkway providing enhanced connectivity between Watts Grove and Gale Street.

8.14 In overall terms, officers are satisfied that the development makes the most efficient use of land. Furthermore, as discussed further below, it is not considered that the proposed scheme gives rise to any of the symptoms of overdevelopment. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts and meets the recommended guidelines.

Housing

8.15 The application proposes 50 residential (Use Class C3) units at the application site. The following table (Table 1) sets out the proposed housing mix when split into market, social rent, affordable rented, shared-ownership tenures for all 50 proposed residential units:-

Table 1	Market Sale	Affordable Rent	Social Rent	Shared Ownership
Studios	0	0	0	0
1 Bedroom unit	0	5	0	6
2 Bedroom unit	0	10	0	15
3 bedroom unit	0	6	0	3
4 Bedroom unit	0	5	0	0
5 Bedroom unit	0	0	0	0
Total Units	0	26	0	24
Total Affordable Units	0	26 (52%)		24(48%)

- 8.16 This section of the report considers the acceptability of the housing provision on site in terms level of affordable housing, mix of tenures, mix of dwellings sizes and provision of wheelchair units.

Affordable Housing

- 8.17 London Plan policies 3.8, 3.9 and 3.11 state Boroughs should seek to maximise affordable housing provision. Policy SP02 of the CS and IPG policy HSG3 require the provision of a minimum of 35% affordable housing on schemes of 10 dwellings or more. IPG policy HSG10 notes that it is acceptable for the proportion of affordable housing to be calculated using habitable rooms as the primary measure.
- 8.18 The scheme provides a total of 50 affordable housing units, which equates to 100% of the habitable rooms. The provision of 100% affordable housing complies with local planning policy guidance which sets minimum affordable housing thresholds, therefore this development accords with planning policies 3.8, 3.9 and 3.11 of the London Plan 2011, policy S07, S08, S09 and SP02 of the CS and HSG3 of the IPG.

Social Rent / Intermediate Ratio

- 8.19 London Plan policy 3.11 states that there should be mix of tenures within the affordable housing units with 60% social rent (social rented and affordable rented) and 40% shared ownership. The Council's own CS policy SP02 requires a split of 70% social rent and 30% shared ownership given the housing needs identified within the Borough.
- 8.20 The development proposal does not achieve the CS objectives under policy SP02 for a tenure split of 70:30 or the London Plan policies. However on balance, the provision of a tenure split of 52:48 affordable housing at this site is considered acceptable because the scheme will provide 100% affordable housing.
- 8.21 Affordable rented housing is defined as:
- “Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.”
- 8.22 To assist in the assessment of what constitutes an affordable rent level, Tower Hamlets has commissioned a housing consultancy called the Pod Partnership to research market rent levels in different areas of the borough and to carry out affordability analyses. The affordability analyses for all areas of the boroughs led to the conclusion that rents would only be affordable to local people if they were kept at or below 65% of market rent for one beds, 55% for two beds and 50% for three beds and larger properties.

	Social Target Rent	Adjusted Rent levels	Affordable for E3 area	Proposed rents for this scheme
1 bed	£157.57 (including estimated £30 service charges)	£163.05 (inclusive of charges)	per week of service	£149.43 per week (inclusive of service charges)
2 bed	£165.06 (including estimated £30 service charges)	£190.38 (inclusive of charges)	per week of service	£169.55 43 per week (inclusive of service charges)
3 bed	£172.57 (including estimated £30 service charges)	£210.00 (inclusive of charges)	per week of service	£190.69 per week (inclusive of service charges)
4 bed	£180.07 (including estimated £30 service charges)	£240.00 (inclusive of charges)	per week of service	£235.75 per week (inclusive of service charges)

- 8.23 In respect of Policy DM3 of the MD DPD, it is considered in this instance that the provision of the affordable rent product is justified as it is required in order to make this 100% affordable scheme viable. The application proposes that all units will be at rents lower than the POD adjusted rent levels for the area which is a significant advantage when considering the accessibility of affordable rents to local people on low to average incomes. A scheme which provided the 11 family units at social rent, in line with policy DM3 of the MD DPD would have required affordable rents for the smaller units at higher than POD levels in order to be viable.
- 8.24 Whilst the tenure split of accommodation is not wholly compliant with policy DM3 of the MD DPD, the scheme would deliver 50 units of affordable housing, for shared ownership and for affordable rent and on balance, the provision of affordable housing at this site is supported.

Mix of dwelling sizes

- 8.25 The Council's housing studies have identified that there is a significant deficiency of family housing within the Borough. This shortage is reflected in Council policy which seeks to ensure development provides a range of dwelling sizes.
- 8.26 Saved policy HSG7 of the UDP requires development to provide a mix of unit sizes and this is reflected in London Plan policy 3.8 which also requires development to offer a range of housing choice. Policy SP02 of the CS and MD DPD policy DM3 specify the particular mix of unit sizes required across different tenures in the Borough.
- 8.27 Policy DM3 of the MD DPD details the mix of units required in all tenures. These figures and the breakdown of the proposed accommodation are shown in the table 3 below: -

Table 3		Affordable Housing						Private Housing		
		Affordable Rent			Intermediate			Market Sale		
Unit size	Total units	Unit no.s	%	LBTH target %	Unit no.s	%	LBTH target %	Unit no.s	%	LBTH Target %
Studio	0	0	0%		0			0	0%	
1 bed	11	5	19%	30%	6	25%	25%	0	0%	50%
2 bed	25	10	39%	25%	15	62.5%	50%	0	0%	30%
3 bed	9	6	23%	30%	3	12.5%	25%	0	0%	10%
4+ bed	5	5	19%	15%	0	0%	0%	0		10%
	50	26	100		24	100		0		

- 8.28 The proposed housing mix provides an excess of two bedroom units against the policy target. It is also noted that IPG policy HSG2, policy DM3 of the MD DPD and policy SP02 of the CS seeks the overall provision of 45% family sized units (comprising 3 or more bedrooms) in the social rent tenure. Achieving the 45% target would require one additional family unit for rent, but the 42% of family units which the application currently provides benefits from a higher level of 4 bed units in the affordable rent tenure is supported.
- 8.29 Although the scheme mix fails to comply closely with policy, it is considered that on balance the provision of 100% affordable housing, together with 42% family units for affordable rent at below POD levels is considered to meet the Borough's identified demand for a range of affordable housing. The overall provision of 50 affordable units in a well-designed scheme instead of a 35% mixed tenure scheme is considered acceptable.

Wheelchair Housing and Lifetime Homes

- 8.30 Policy HSG9 of the IPG and policy SP02 of the CS requires housing to be designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible.
- 8.31 All residential units would be built to Lifetime Homes Standards. In addition five wheelchair accessible units are proposed within the ground floor layout of the properties which meets the regional and local policy requirement. The proposed layouts will provide 2 x 3 bed and 3 x 2 bed wheelchair accessible units and 2 designated on-street disabled parking bays located on Gale Street. This will not preclude other blue badge holders from applying for permits to park in the local area.
- 8.32 The proposed units are all comply with lifetime homes standards and the level of wheelchair housing provision is in accordance with the requirements of IPG policy HSG9 and CS policy SP02. It is recommended that a condition is included to ensure that these units and standards are met during construction.

Design and Appearance

- 8.33 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained in Chapter 7. Saved policy DEV1 in the UDP and Policy DEV2 of the IPG states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.34 These principles are further supported by policy SP10 in the CS and policy DM24 of the MD DPD.
- 8.35 London Plan policies 7.6 and 7.7 seek to ensure tall buildings are of an appropriate design and located to help create attractive landmarks and be a catalyst for regeneration. These aims are further supported by policy SP10 of the adopted CS, policy DM26 of the MD DPD, and DEV27 in IPG.
- 8.36 London Plan policy 7.9 and policy SP10 in the CS seek to preserve the character and appearance of conservation areas and the setting of heritage assets. These policies are reinforced by policy DM27 of the MD DPD and policies CON1 and CON2 in the IPG.

The Proposed Scheme

- 8.37 The application proposes the erection of 3 residential blocks, Block A fronts Gale Street, Block C fronts Watts Grove and Block B is located within the centre of the site, with a pedestrian access available from Compton Close. The proposed development comprises heights of between 2 and 6 stories.
- 8.38 The proposed scheme has been designed to respect the context of the surrounding area, which comprises a wide variety of housing typologies, such as the two storey dwelling houses at Compton Close and taller flatted developments on both Gale Street and Watts Grove. The site's relationship with the proposed commercial land to the south of the site which could potentially be redeveloped at a later date has been taken into account.
- Block A; Gale Street
- 8.39 Block A is proposed to be part 4 storeys where it adjoins the existing development of Ladyfern House and rises to 6 stories as the development approaches the southern part of the application site. The scale and massing of this block is considered to respect the existing built form of Ladyfern House and the development within Gale Street and Hawgood Street. The building line is also proposed to mirror that of Ladyfern house with the provision of some defensible space for the new residential block proposed at ground floor level. Principle entrances are proposed at ground floor level to provide some ground level interaction from the proposed development. An entrance into the ground floor residential unit is also proposed via the new walkway which will also provide constant pedestrian movement along this public thoroughfare.
- Block B; Central Block
- 8.40 Block B is split into a part 3 storey and part 5 storey block. The proposal would be part 3 storeys at the northern end of the block to provide a transition between the two storey dwelling houses at Compton Close and the proposed development. The proposed building

would then rise to 5 stories to the south of the site, where the site would meet the proposed pedestrian walkway. The principal pedestrian access into this block would be from Compton Close, although a secondary pedestrian access is proposed to be provided via the new pedestrian walkway.

- Block C; Watts Grove

8.41 Block C comprises a proposed 6 storey block with its principal access from Watts Grove. David Hewitt House abuts the proposal site to the south and is an existing residential block of four stories in height. The proposed development at Block C would abut the proposed pedestrian walkway and bring forward the potential redevelopment of sites to the south of the application site. It is considered that this increase in height is of a scale which can be accommodated at the site and in the local area as future sites may come forward.

Analysis

8.42 The building entrances are well positioned and the proposed ground floor units have adequate defensible space. The proposal creates an internal courtyard play area for the development and provides a number of residential units with ground floor private amenity space. The level of amenity space provision is discussed in greater detail within the Amenity section of this report.

8.43 In terms of built form, the siting, mass and bulk of the development is considered to be an appropriate response to the scale of the adjoining development. The proposals to provide an pedestrian route from Watts Grove to Gale Street will also provide an improved landscaping scheme which will be publicly accessible and finished to a high standard. A green wall is proposed on the boundary of the employment site to the south to provide a suitable interim finish until a time at which the site is potentially redeveloped. The provision of this publicly accessible route provides appropriate landscaping and buffering to the proposed development, which is also extended along Watts Grove and Gale Street. Concerns have been raised of the potential for the pedestrian route to increase anti-social behaviour. A suitable condition will be secured to ensure appropriate landscaping, lighting and maintenance of this route is provided to secure a safe and secure route for passers-by and existing and future residents.

8.44 The external façades of the buildings are proposed to be primarily grey engineering brickwork, with small elements, mainly at upper floor levels, of timber cladding and colour render to break up the scale of the overall buildings. UPVC windows are proposed, although these will be coated in a grey aluminium finish.

8.45 The proposed development is to be primarily of yellow stock brick, with metal rainscreen cladding complemented with aluminium windows with PPC panels. The staircases are to be constructed with silver coloured timber faced rainscreen panels and the internal courtyard is to be faced in white render, making full use of its reflective properties.

8.46 The proposed materials are consistent with those found in the surrounding area which comprises a mixture of brick buildings and buildings finished with render treatments of varying colours.

8.47 The use of these varied materials would create a distinctive building within the streetscene

which contributes positively to the locality.

- 8.48 Conditions have been recommended requiring full details of all external materials, landscaping treatments and elevation details to ensure the highest possible and the most appropriate level of design quality.
- 8.49 Overall, the proposed redevelopment of the site results in a high quality well designed building, which would enhance the character and appearance of the site and surrounding area. Whilst concerns have been raised with regard to the scale of Block C juxtaposed against the industrial units to the south of the site, it is not considered that this relationship is out of scale or character to that of the surrounding area, moreover the industrial building are located some distance to the south of the site and the remainder of the sites comprise open storage and parking.
- 8.50 The proposal provides a high quality development that would contribute to an identified housing need. The design approach is not considered to pose an adverse impact on the character, appearance and setting of the site and surrounding area.
- 8.51 The proposed height of the development responds to its local context in accordance with London Plan policies 7.6 and 7.7, policy SP10 of the adopted CS and policy DM26 of the MD DPD which seek to ensure building heights are suitably designed to be of high quality and appropriate height and scale to their context.

Amenity

- 8.52 Adopted policy SP10 of the CS, saved policy DEV2 of the UDP and DM25 of the MD DPD 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 residents visual amenities and the sense of enclosure it can create.

Privacy

- 8.53 It is not considered that any loss of privacy or overlooking would occur as a result of the proposed habitable windows given the separation distances which range from 17 metres to 20 metres. Block B will provide a separation distance to existing residential properties at David Hewitt House and Ladydern House of 18 metres and 20 metres. The separation distance between the proposed blocks A and B is 17 metres but increases to 18metres between blocks B and C. The separation distances between the existing and proposed development are in excess of the minimum privacy distance outlined within policy DEV2 of the UDP and DM25 of the MD DPD, which seek a separation distance of 18 metres. Whilst the proposed development falls slightly below the 18 metres separation distance of planning policies, the shortfall is marginal and on balance is considered to be acceptable and will not give rise to any adverse privacy concerns.
- 8.54 Concern has been raised with regard to overlooking into the commercial premises from proposed windows and balconies located on the southern elevation. Whilst some overlooking into the commercial operations may occur as a result of the proposed development, a certain level of overlooking in urban areas is likely to occur in such a built up area. It is not considered appropriate to obscure all windows and screen all balconies/terraces on the

southern elevation as it is likely to impact upon the amenity of future residents within the proposed development by limiting their outlook and enjoyment. It is not considered that the overlooking from windows and balconies within Blocks A and B will have a detrimental impact upon the viability of the commercial premises adjoining this site.

Daylight/sunlight

- 8.55 Policy 3.5 of the London Plan, policy SP02 of the CS and policy DM25 of the MD DPD also seek to ensure developments are designed to provide appropriate living conditions in term of daylight and sunlight received by the proposed development.
- 8.56 A technical study of the impacts upon daylight and sunlight has been submitted with the application.

Daylight and Sunlight (Impacts)

Daylight

- 8.57 Daylight is normally calculated by two methods - the Vertical Sky Component (VSC) and No Sky Line (NSL). 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 than 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. 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, or there will be a discernible loss of daylight.
- 8.58 The submitted study assesses the impact of the development on existing properties surrounding the development site. The study makes an assessment of a number of surrounding blocks namely, 5 and 6 Compton Close, David Hewitt House, Ladyfern House, 1, 2, 3 and 4 Gale Street and 1 and 2 Hawgood Street. The report demonstrates that for all residential units tested, with the exception of David Hewitt House, the daylight and sunlight results would be in accordance with the BRE Guidelines.
- 8.59 Within David Hewitt House, it has been identified that 5 windows fail to meet the BRE recommendations, resulting in failures of between 20% and 40% VSC. This can be broken down into significance ratings of minor adverse (20%-35%), moderate adverse (35%-50%) and substantial adverse (50%) effects.
- 8.60 Of the 5 failures, 4 of these windows will experience only a minor adverse failure of 30% or less, these comprise 2 x bedroom windows and 2 x living room windows. One further window, which forms a bedroom window would experience a moderate adverse failure of 40%.
- 8.61 Officers consider that given the low number of failures, the urban location of the site, the proposed heights of the building being in keeping with the established building heights and the dual aspect afforded to the majority of adjoining properties that the impact of the development on daylight to neighbouring properties is considered on balance to be acceptable.
- 8.62 The submitted daylight and sunlight study prepared by Calford Seaden considers proposed

light-levels within the proposed development for the future residents. An independent assessment of the study submitted has been undertaken and it has concluded that the daylight and sunlight availability would be within acceptable margins, based upon the report submitted.

Sunlight

- 8.63 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).
- 8.64 The results of the study show annual and winter sunlight levels, to some properties at David Hewitt House are likely to experience some minor losses of winter sunlight, albeit the majority are close to the BRE guidance. However, given the urban context of the application site, on balance the proposals are not considered so significant as to warrant refusal of the planning application.

Visual amenity / sense of enclosure

- 8.65 These issues are considered to be subjective. Following an assessment of the application, officers consider that given the separation distances involved between the application site and surrounding buildings the proposed development will not give rise to any adverse impacts in terms of visual amenity or sense of enclosure.
- 8.66 In conclusion, it is considered that there would be no significant detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

Internal Space Standards

- 8.67 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5, MD DPD policy DM4 and saved UDP policy HSG13 requires new development to make adequate provision of internal residential space.
- 8.68 The submitted drawings and details of the unit layouts show that the units are in-line with the requirements of the space standards set out in policy 3.5, table 3.3, of the London Plan and policy DM4 of the MD DPD.

Noise and vibration

- 8.69 The application site sits within an area characterised by a number of noise sensitive receptors, principally existing residential properties.
- 8.70 Officers consider that this matter can be controlled via the conditions ensuring that the proposed development will not adversely impact on the amenity of existing residents by controlling the hours of construction.

Air Quality

- 8.71 Policy 7.14 of the London Plan, policy SP03 of the CS and policy DEV11 of the IPG seek to

ensure that air quality is protected. Air pollution has an impact on human health, biodiversity, crops and forests, materials, buildings and cultural heritage. Air Quality testing has identified that the whole of the London Borough of Tower Hamlets has poor air quality. As such, London Borough of Tower Hamlets is an air quality control zone.

- 8.72 Through the imposition of a suitable condition, a Construction Environmental Management Plan will be secured at the site to ensure the proposed development provides appropriate mitigation measures during the construction phase.

Play Areas and External Amenity Space

- 8.73 Policy 3.5 of the London Plan, policy SP02 of the CS, policy HSG16 of the UDP and policy HSG7 of IPG and promote the good design and the provision of amenity spaces within developments. Furthermore, policy 3.6 of the London Plan, policy SP02 of the CS, policy OS9 of the UDP and policy HSG7 of the IPG require the provision of appropriate child play space within residential developments.
- 8.74 Outdoor amenity space is provided in a number of forms within the development. An area of communal amenity space is provided between block A and block B at ground floor level. This area also comprises a dedicated and landscaped area of on-site child play space to serve the development. All of the proposed residential units (50 units) are provided with on-site private amenity space.
- 8.75 Private amenity space is expected to be provided at a rate of 5sqm for 1 bedroom flats with an additional 1sqm for each additional occupant. This is set out in the Mayor's housing design guide and within policy DM4 of the MD DPD.
- 8.76 Based on the above policy a total of 345sqm of private amenity space should be provided for private amenity. This application proposes around 748sqm, which is well in excess of the policy requirements.

Outdoor space – communal

- 8.76 For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 50 units the minimum communal amenity space required would be 90sqm. The total communal amenity space proposed (within the area between Blocks A and B) is 377sqm. This is significantly above the minimum requirements in policy terms.
- 8.77 Details of the landscaping for the proposed amenity areas is recommended to be secured by condition.
- 8.78 The amenity space is designed to be easily accessible from within both Block A and Block B to provide the most useable amenity space to serve the proposed development.

Child play space

- 8.79 In addition to general amenity space, for all developments of 10 units or more 10sqm of child play space should be provided per child. In this case a total of 370sqm should be available for children's play space, this is based on the GLA child play space and child yield

calculations. Under the GLA guidance, only a proportion of this child play space is required to be provided on site (as door-step play), and this is principally for 0-4 year old age range, the development generates a child yield of 15 children within the age range of 0-4 years. This equates to 150 square metres of on-site child play space.

- 8.80 The application is proposing a dedicated child play space area located within the communal amenity space, but provided separately (therefore the space has not been double counted). The space extends to some 114 square metres and is proposed to be provided with equipment to provide safe and convenient on site play facilities. Whilst there is a slight shortfall in on-site child play space provision, given the local facilities of Furze Green and Bartlett Park, the area is well served by child play space both on site and off site, this provision is considered acceptable on balance.

Highways

Parking

- 8.81 The site has a Public Transport Accessibility Level (PTAL) of 2 with 1a being poor and 6 being excellent.
- 8.82 There are parking policies to be found in the London Plan, the IPG and the Managing Development DPD, these are as follows:
- London Plan 2011 the standards are 1 – 1.5 spaces per 3 bed flats and less than one space per 1-2 bed flats.
 - IPG standards are up to 0.5 spaces per unit.
 - The Managing Development DPD has a requirement of zero parking provision for 0-2 bedroom units and 0.1 for three bedroom units or more.
- 8.83 The highways team support the car free approach for this development alongside the provision of designated disabled parking bays on Gale Street. The proposal had initially proposed one off site disabled car parking bay on Watts Grove, however this has now been removed from the proposals to avoid vehicular conflict with vehicles accessing the existing industrial units located to the south of the site.
- 8.84 Within the legal agreement a clause is included to ensure that no occupants are able to apply for on-street parking permits (subject to the operation of the Council's permit transfer scheme), therefore not adding to the parking pressure in the locality (subject to the operation of the permit transfer scheme).

Cycle parking

- 8.85 A total of 70 cycle parking spaces are proposed within the development site, located within close proximity to each of the residential blocks and providing adequate storage for each unit and also for visitor parking provision. This provision slightly exceeds the LBTH policy requirements for residential and visitor cycle parking.

Waste storage and collection

- 8.86 Policy 5.17 of the London Plan, policy SP05 of the CS, policy DEV56 of the UDP and policy DEV15 of the IPG require developments to make suitable waste and recycling provision within the development.

- 8.87 Three separate storage areas are proposed for refuse and recycling. The Council's Waste Management team have reviewed the waste storage provision and consider that it will be acceptable for the level of estimated waste and recycling that would be generated by the development.
- 8.88 To ensure that the waste storage areas are acceptable and that they are subsequently retained it is recommended a condition requiring final approval of the waste storage is imposed if permission for the development is granted. With such a condition imposed ensuring that the waste storage facilities are retained for the lifetime of the development, it is considered that appropriate provisions for waste and recycling facilities are provided within the development in accordance with policy 5.17 of the London Plan, policy SP05 of the CS, policy DEV56 of the UDP and policy DEV15 of the IPG.
- 8.89 Overall, the proposed development will not have an unduly detrimental impact upon the safety and free flow traffic, and is in line with policies T16 and T19 of the UDP, policy DM20 and DM22 of the MD DPD, and policy SP08 and SP09 of the CS which seek to ensure developments minimise parking and promote sustainable transport options.

Energy and Sustainability

- 8.90 Policies 5.2, 5.3, 5.4 and 5.7 of the London Plan, policy SP11 of the CS and policy DM29 of the MD DPD require development to incorporate energy efficient design and utilise low carbon and renewable energy technology in order to minimise the carbon emissions associated with the development.
- 8.91 The applicant has employed an energy strategy approach in accordance with the GLA energy hierarchy. To achieve the required energy reduction the applicant proposes to use a CHP. The total carbon emission savings for this development would be 35% on the baseline figures and would be subject to the submission a full Energy Strategy which requires approval following the grant of grant at the site.
- 8.92 The applicant has also confirmed that they are working towards securing code for sustainable homes level 4. Final certificates confirming this will be conditioned.
- 8.93 Overall the proposed Energy Strategy is in accordance with policy SP11 of the CS and the energy hierarchy within the London Plan policies 5.2 and 5.7, and policy DM29 of the MD DPD, which seek to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.

Environmental Health

Contaminated Land

- 8.94 The site has been subject to former industrial uses and as such there is the potential that the land may contain contaminants and remediation work may be required before development can commence on the site. A condition has been recommended by Environmental Health to deal with this issue.

Planning Obligations

8.95 Regulation 122 of the Community Infrastructure Levy Regulations 2010, brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:

- (a) The obligation is necessary to make the development acceptable in planning terms;
- (b) The obligation is directly related to the development; and
- (c) The obligation is fairly and reasonably related in scale and kind to the development.

8.96 The Council's Saved Policy DEV4 of the UDP and Policy SP13 of the CS say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

8.97 The general purpose of s106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as education, community facilities, health care and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured. The Council's draft Supplementary Planning Document (SPD) on Planning Obligations was adopted in January 2012; this SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted CS.

8.98 Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £644,575.48. This has been applied as follows through the SPD.

8.99 The proposed heads of terms are:

Financial Contributions

- a) Community Facilities £64,393
- b) Education £445,716
- c) Sustainable Transport £1,755
- d) Employment £12,504
- e) Public Realm £120,207.48

Non-financial Contributions

- a) 100% affordable housing units
- b) Car and permit free agreement
- c) Travel Plan
- d) Commitment to utilise employment initiatives

8.100 This application is supported by a viability toolkit which demonstrated that there was limited provision to provide all of the S106 contributions that are required to mitigate the impacts of this development proposal. The viability appraisal has established that it is not viable for the proposal to deliver the planning obligations which are required to mitigate against the impact of the proposed development. The applicants have however offered a planning contribution of £106,575 towards mitigation.

The toolkit provides an assessment of the viability of the development by comparing the Residual Value against the Existing Use Value (or a policy compliant Alternative Use value), in broad terms, if the Residual Value equals or exceeds the Existing Use Value, a scheme can be considered as viable, as the requirements of paragraph 173 of the NPPF for competitive returns to the developer and the landowner have been satisfied. In summary, the Toolkit compares the potential revenue from a site with the potential costs of development. In estimating the potential revenue, the income from selling dwellings in the market and the income from producing specific forms of affordable housing are considered and in testing the developments costs matters such as build costs, financing costs, developers profit, sales and marketing costs are considered.

8.101 Whilst the Borough's key priorities are affordable housing, employment, and education, it is considered that the limited S106 package should be focused on the one key priority that the Council has a statutory obligation to meet.

8.102 Financial Contributions

a) £106,575 towards Education

Non-financial Contributions

- a) 100% affordable housing units
- b) Car and permit free agreement
- c) Travel Plan
- d) Commitment to utilise employment initiatives (reasonable endeavours to secure 40%)
- e) Access in perpetuity along pedestrian link created from Watts Grove to Gale Street

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 relevant statutory tests.

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

8.103 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

8.104 In dealing with such an application the authority shall have regard to:

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

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

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

- 8.106 In this context “grants” might include the new homes bonus and payment of the community infrastructure levy.
- 8.107 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.108 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to a scheme of this size is £156,625 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 100% affordable housing and will therefore qualify for social housing relief on the majority of this sum.
- 8.108 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.109 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £71,967 within the first year and a total of £431,799 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

Human Rights

- 8.110 Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-
- 8.111 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:-
- 8.112
- § 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

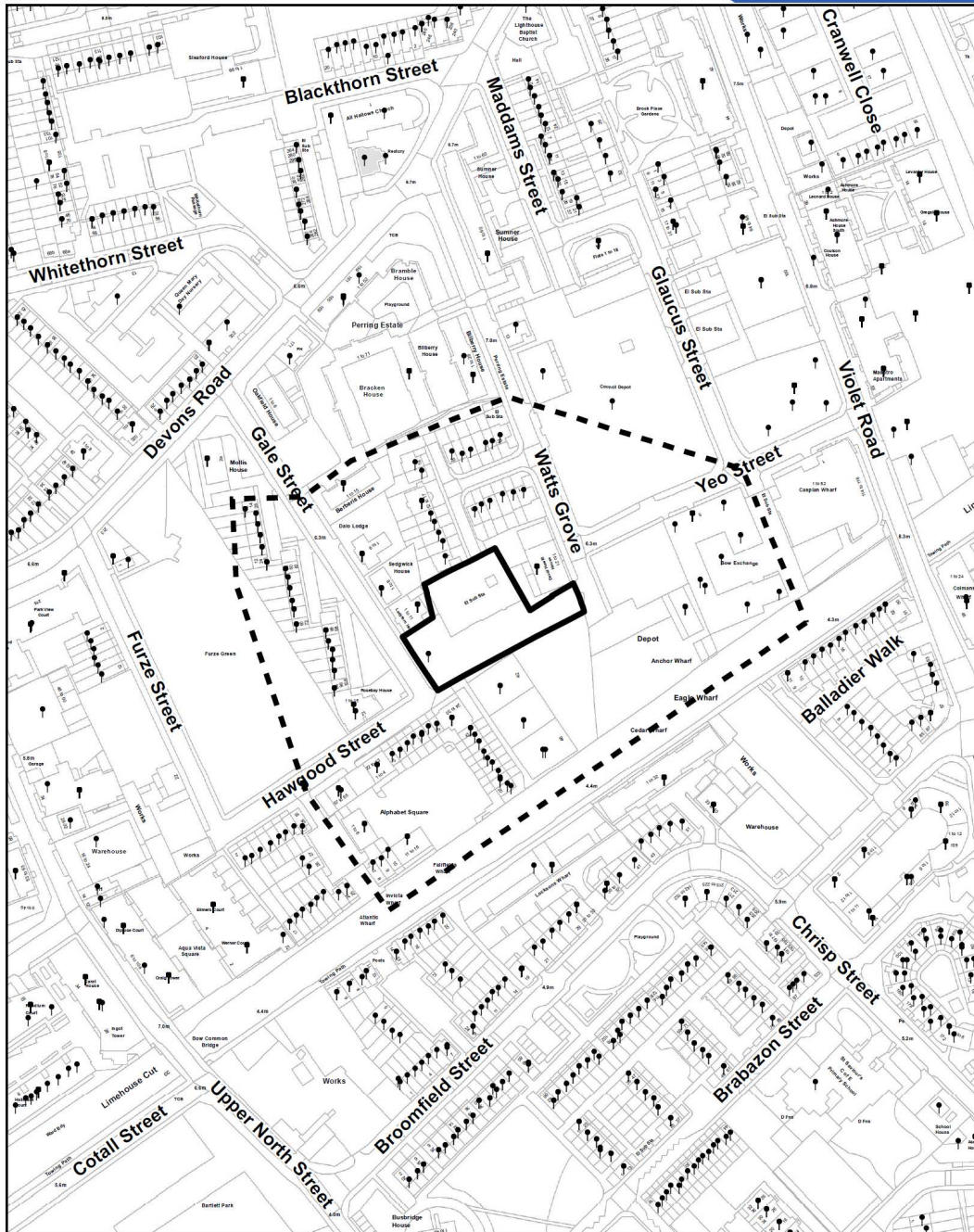
accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 8.113 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.114 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of increased traffic generation on the highway and any noise associated with the use are acceptable and that any potential interference with Article 8 rights would be legitimate and justified.
- 8.115 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.
- 8.116 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.117 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.118 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions to be entered into.

9.0 **Conclusions**

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

Planning Application Site Map



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	 0 15 m  1:2,500
	Consultation Area		Statutory Listed Buildings			

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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