

<b>Committee:</b> Development	<b>Date:</b> 11th April 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.1
<b>Report of:</b> Corporate Director of Development and Renewal <b>Case Officer:</b> Mandip Dhillon/Jerry Bell		<b>Title:</b> Planning Application for Decision <b>Ref No:</b> PA/12/01758 (Full Planning Permission) <b>Ward(s):</b> Bethnal Green South	

## 1. APPLICATION DETAILS

**Location:** Land adjacent to railway viaduct, Mantus Road, London

**Existing Use:** Vacant (cleared site)

**Proposal:** Planning Application PA/12/01758  
Redevelopment to provide 93 residential units in buildings ranging from three to six storeys including amenity space, landscaping, disabled car parking and cycle parking.

**Drawing No's:** 83747-100 (D); 83747-101; 83747-110(E); 83747-111 (F); 83747-112 (B); 83747-113(B); 83747-200(E); 83747-201(E); 83747-202(H); 83747-203(H); 83747-204(E); 83747-205(E); 83747-206(F); 83747-207(E); 83747-208(G); 83747-230(F); 83747-231(E); 83747-232(F); 83747-232(F); 83747-233(F); 83747-236(D); 83747-240(B); 83747-241(B); 83747-242(B); 83747-243(B); 83747-244(B); 83747-245(C); 83747-246(B); 83747-247(B); 83747-248(C); 83747-250(H); 83747-260; 83747-261(A); 83747-262(A); 83747-263 (A); 83747-264; 83747-265; 83747-266; 83747-267; 83747-290 (B); 83747-291 (B); 511-3367 01; 511-3367 02; 511-3367 03; 1207 001; 1207 002(C); 1207 003 (B); 1207 004; 83747-700; Accommodation Schedule (Rev c)

Supporting documentation

Design Statement September 2012  
Planning Statement dated August 2012  
Planning and Impact Statement dated August 2012  
Transport Assessment dated August 2012  
Air Quality Assessment dated August 2012  
Noise and vibration Assessment dated October 2012  
Energy Strategy Report dated May 2012  
Code for Sustainable Homes Assessment dated May 2012  
Code for Sustainable Homes Flood Risk Assessment dated May 2012  
Drainage Strategy dated May 2012

**Applicant:** Tower Hamlets Community Housing

**Owner:** Tower Hamlets Community Housing and Network Rail

**Historic Building:** Grade II listed railway viaduct

**Conservation Area:** No

## 2. RECOMMENDATION

That the Committee resolve to **REFUSE** planning permission for the following reasons:

- 2.2
1. The proposal would represent an overdevelopment of this constrained, brownfield site with the density of development exceeding density standards as set out in the London Plan, with insufficient external amenity space standards for future residential occupiers, insufficient levels of on-site disabled car parking facilities and an over-emphasis on larger family units which places undesirable pressures on existing and proposed on and of site amenity spaces, contrary to Policy 3.4 of the London Plan 2011, Policy SP02 of the adopted Core Strategy 2010, Policy HSG1 of the Interim Planning Guidance 2007 and the National Planning Policy Framework which seek to ensure the use of land is appropriately optimised in order to create sustainable places.
  2. The proposed amenity space, in particular the private and communal amenity space would be of poor quality and insufficient quantity to the detriment of the amenity of future residential occupiers of the site and would place unacceptable pressures on existing open spaces in the vicinity of the site. As such, the proposal is contrary to policy 3.6 of the London Plan (2011), saved Policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (Submission Version 2012 with modifications) and Policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residential occupiers.
  3. The development, in view of its proposed scale, form, layout, mass and elevational treatment would not provide a high quality design solution for this constrained site and would introduce an incongruous and alien built form, failing to respect existing townscape character and the local streetscene, contrary to Policies 7.1, 7.4, and 7.6 of the London Plan 2011, Policy SP10 of the adopted Core Strategy 2010, saved Policy DEV1 of the Unitary Development Plan 1998, Policy DM24 of the Managing Development - Development Plan Document (Submission Version May 2012 with modifications) and Policy DEV2 the Interim Planning Guidance (2007). These policies seek to ensure high quality design within the Borough whilst respecting and enhancing the existing local character and setting.

## 3. PROPOSAL AND LOCATION DETAILS

### Proposal

- 3.1 This application seeks consent for the erection of 93 residential units, located in two blocks which would lie to the east and west of Malcolm Road, along the southern boundary of the existing railway Viaduct. The development comprises of part 4 stories rising to a maximum of six stories in parts of the development.
- 3.2 The proposal includes the provision of refuse and cycle storage on site and the creation of a 'Homezone' on Mantus Road. An area of child play space is proposed on-site, and a public piazza/thoroughfare is incorporated at the junction of Malcolm and Mantus Road. Improvements are also proposed to the public realm immediately surrounding the proposed housing (within the red line boundary) including upgrading of the estate roads and public spaces.
- 3.3 The proposal include works within the Grade II listed railway viaduct to provide cycle storage for the proposed development submitted under planning application PA/12/01759. This will be dealt with under delegated authority.

## Site and Surroundings

- 3.4 The site, which measures 0.7 hectares and comprises of a strip of land bounded by the main Liverpool Street railway line to the north and a stopped up access road to the south, which is adjacent to existing residential properties of Lang Street, Ibbott Street, Kenton House, Hadleigh House and Braintree and Wickford House. Block A as proposed is located to the west of Malcolm Road with vehicular access from Wickford Street and Block B as proposed is located to the east of Malcolm Road and has its main frontage onto Mauntus Road, which is currently closed to vehicular traffic.
- 3.5 The existing residential blocks surrounding the application sites range between three and five stories in height and form the Bancroft Housing Estate. There are a mixture of flatted developments alongside some single family dwellinghouses. Bancroft Green comprises a large area of public open space located between Hadleigh and Kenton House to the south of the application site. This open space also comprises an area of children's play space with dedicated play equipment.
- 3.6 To the north of the railway viaduct lie a number of commercial units which are located within the railway arches. Further to the north lie a number of community buildings including a primary school, the Wessex Community Centre and a Mosque. To the north also lies Bethnal Green Gardens, a designated public open space within the borough.
- 3.7 The application site is not located within a conservation area, although the railway viaduct is Grade II listed. For this reason the applicants have submitted a parallel Listed Building Consent application which will be considered under delegated authority.
- 3.8 The site is well served by public transport links, it is located approximately 450 metres (10 minute walk) from Bethnal Green Underground Station which is served by the Central line. There are also numerous bus stops on Cambridge Heath Road and Bethnal Green road located within walking distance of the site and offering links in and around the borough. The site has the highest Public Transport Accessibility Level (PTAL) rating achievable of 6a.

## Planning History

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

### Application Site:

- PA/03/00264 Erection of a new 3 storey building in connection with the use of the site as a Community Centre and ancillary accommodation (Class D1) plus 12 parking spaces and loading bay (Outline Application).  
Permitted 22nd April 2003
- PA/08/02406 Outline permission for the erection of five, five storey blocks with ground floor retail space with 37 flats above, amenity space, private gardens, refuse stores, cycle stores and four wheelchair accessible parking spaces.  
Withdrawn 9th April 2009 following concerns from the Council relating to:
- Design
  - Proposed Retail floorspace
  - Loss of employment
  - Noise and Vibration
- PA/09/1626 and 1627 Outline permission and Listed Building Consent for Erection of five, blocks from three to five storeys with ground floor business space and 29 flats above including private and communal roof terraces, amenity space, private

gardens, refuse stores, cycle stores and three wheelchair accessible parking spaces. Retention of employment uses within arches  
Refused 20<sup>th</sup> November 2009

Reasons for Refusal:

PA/09/1626:

1. The proposed extension, by virtue of its inappropriate design, massing, scale and appearance, coupled with its proximity to the existing railway line would constitute a form of development that would be incongruous with its location, resulting in a building that would be out of keeping with the adjacent surroundings to the detriment of the existing environment. For these reasons the proposal would be contrary to Saved Policy DEV1 of the Unitary Development Plan (1998) and Policy DEV2 of the Interim Planning Guidance: Core strategy and development control plan (October 2007), which seek to ensure appropriate design and to consider the development capabilities of sites within the Borough.
2. The applicant has failed to provide sufficient information relating to the proposed elevational treatment of the buildings and how the proposals would relate to the existing street scene. Therefore, it is considered that the proposal does not demonstrate how the buildings would be of an appropriate design and would be contrary to Saved policy DEV1 of the Unitary Development Plan (1998) and Policies DEV2, CP4 and CP19 of the Interim Planning Guidance: development control plan and core strategy which seek to minimise negative environmental impacts when considering new developments, new developments to respect local character and for new developments to integrate well with their surroundings.
3. The applicant has failed to provide sufficient information relating to the noise and vibration levels on site due to the close proximity of the proposal to the railway line, and the impacts this would have upon the proposed and existing residential units. Therefore, it is considered that the proposal does not demonstrate how the amenities of residential occupiers will be safeguarded and is contrary to Saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998) and Policy DEV1 and DEV10 of the Interim Planning Guidance: Core strategy and development control plan (October 2007), which seek to safeguard the amenities of residential occupiers and ensure minimal disturbance in relation noise pollution within the Borough.
4. The quality of the proposed amenity space, in particular the playspace to the east of the site would be a poor quality to the detriment of the amenities of future residential occupiers of the site. As such, the proposal is contrary to Policy DEV2 of the Unitary Development Plan (1998) Policies DEV1 and HSG7 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) as well as Policy 3A.6 of the London Plan (2008) which seeks to ensure quality development, adequate provision and quality amenity spaces within new developments and to safeguard the amenity of future and existing residential occupiers of the Borough.
5. The quantity of the child play space proposed is unacceptable and does not accord with Policy 3D.13 of the London Plan (2008), Policy DEV1 of the adopted UDP (1998) and policy DEV2 of the Interim Planning Guidance (2007), as well as supplementary planning Guidance: Providing for Children and Young People's Play and Informal Recreation published by the Mayor of London which seek to improve amenity and liveability for residents including children and young people.

6. It is considered therefore that insufficient information has been submitted to demonstrate the appropriateness of the proposed B1 units in terms of their access, location and relationship with the proposed residential units. As such, the proposal contrary to Saved Policies DEV2, DEV50, EMP1 and T16 of the Unitary Development Plan (1998) and Policies DEV1 and DEV10 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007), which seek to retain employment sites, minimise noise disturbance and to ensure that business have reasonable operational access to their premises.

7. The applicant has failed to provide sufficient information relating to the levels of daylight and sunlight at the proposed units, particularly in relation to the habitable rooms with small window openings. Therefore, it is considered that the proposal does not demonstrate how the amenities of future residential occupiers will be safeguarded and is contrary to Saved Policy DEV2 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance: Core strategy and development control plan (October 2007), which seek to safeguard the amenities of residential occupiers within the Borough.

8. The proposed development, by virtue of its inclusion of small window openings within some habitable rooms would result in a built form that would create a poor outlook for the users of those rooms. Therefore, the proposal would be contrary to Saved Policy DEV2 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance: Core strategy and development control plan (October 2007), which seek to safeguard the amenities of residential occupiers within the Borough.

PA/09/1627:

1. Insufficient information has been submitted to allow for proper consideration of the proposal and its impact upon the Grade II listed viaduct. As such, the proposal fails to comply with Saved Policies DEV1 in the Unitary Development Plan 1998 and Policies DEV2 and CON1 of the Interim Planning Guidance: development control plan and core strategy (October 2007) as well as Planning Policy Guidance 15 which seek to ensure that developments would not have an adverse impact upon the fabric, character or identity of listed buildings within the borough.

PA/98/00003 Planning permission for the use of the land as garden centre. Granted 18<sup>th</sup> May 1998.

Surrounding Area: Bancroft Green and Site on Braintree Street

PA/12/2685 Planning application for Installation of temporary portacabin on Bancroft Green area for use as a mosque whilst building is being erected at 49 Braintree Street under planning permission PA/11/00987. Granted 1<sup>st</sup> February 2013

PA/11/00987 Planning application for Demolition of existing temporary structures and construction of purpose built Mosque and Cultural centre. Granted 5<sup>th</sup> September 2011

#### **4. POLICY FRAMEWORK**

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:

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

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Archaeology
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Nature Conservation and Ecology
	DEV69	Efficient Use of Water
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Residential Amenity
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	OS9	Children's Playspace

#### 4.2 Core Strategy Development Plan Document 2010 (CS)

Policies:	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP07	Improving education and skills
	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
	SP13	Planning Obligations

#### 4.3 Managing Development Plan Document - Submission Version May 2012 with modifications (MD DPD)

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
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity

DM27	Heritage and Historic Environment
DM29	Zero-Carbon & Climate Change
DM30	Contaminated Land

#### 4.4 Interim Planning Guidance (2007) for the purposes of Development Control (IPG)

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
	OSN2	Open Space

#### 4.5 Spatial Development Strategy for Greater London (London Plan 2011)

2.18	Green Infrastructure: the network of open and green spaces
3.1	Ensuring Equal Life Chances for All
3.2	Improving Health and Addressing Health Inequalities
3.3	Increasing Housing Supply
3.4	Optimising Housing Potential
3.5	Quality and Design of Housing Developments
3.6	Children and Young People's Play and Informal Recreation Facilities
3.7	Large Residential Developments
3.8	Housing Choice
3.9	Mixed and Balanced Communities
3.10	Definition of Affordable Housing
3.11	Affordable Housing Targets
3.12	Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
3.13	Affordable Housing Thresholds
3.14	Existing Housing
3.16	Protection and Enhancement of Social Infrastructure
3.17	Health and Social Care Facilities

- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

#### 4.6 London Plan Supplementary Planning Guidance/Documents

- London Housing Design Guide 2012
- London View Management Framework 2010
- Draft London View Management Framework 2011
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004

#### 4.7 Supplementary Planning Guidance/Documents

- LBTH Planning Obligations SPD 2012

#### 4.8 Government Planning Policy Guidance/Statements

- NPPF National Planning Policy Framework

#### 4.9 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 creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

## 5. CONSULTATION RESPONSE

The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

### English Heritage (Statutory Consultee)



5.1 Comments relate to the Listed Building Consent works specifically:

EH advise that the application should be determined in accordance with national and local policy guidance, and on the basis of LBTH specialist conservation advice.

#### **London Fire and Emergency Planning Authority**

5.2 No information has been related to fire service access and water supplies has been submitted. The LFEPA recommends that this information is made available (agreed) at the earliest opportunity.

(**Officer comment:** As an access road is proposed to be re-opened at the site, additional access to serve the existing estate and proposed residents is available. A condition could be imposed to secure full details of fire service access and water supplies, to be agreed and approved prior to the commencement of any works on site.)

#### **Thames Water**

5.3 The following comments have been received:

- The applicant is advised to install a non-return valve (or alternative device) to avoid the risk of backflow during storm conditions.
- Applicant is advised to contact Thames Water regarding surface water drainage and public sewers.
- Impact piling details to be submitted and approved in consultation with Thames Water
- Informative to be included regarding the minimum pressure provided by Thames Water.
- Surface Water Drainage should preferably be disposed of on site using SUDs-include as an informative.

(**Officer Comment:** The requested conditions and informatives will be included if planning permission is granted.)

#### **LBTH Biodiversity Officer**

5.4 A summary of the comments received are set out below:

- The application site currently has no significant biodiversity value. Therefore there will be no significant adverse impacts on biodiversity.
- Small-leaved Cotoneaster have been identified on site, a potentially invasive non-native species. A condition should be imposed to ensure that the shrubs are cleared outside the nesting season. A condition should also ensure that the Small-leaved Cotoneaster is disposed of in a way which will not allow it to grow in the wild.
- The proposed landscaping includes tree and shrub planting which will at least replace the shrub beds which are to be lost.
- A condition should require the applicant to demonstrate how the landscaping, including any green roofs, will enhance biodiversity.

(**Officer comment:** the requested conditions will be imposed on any planning permission issued.)

#### **LBTH CLC Department**

5.5 Comments

Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough.

- 5.6 The comments and requests for s106 financial contributions set out below are supported by the Planning Obligations Supplementary Planning Document (SPD). The development proposed will result in 224 new residents within the development. As a result the following planning obligations are required to mitigate against the impact of the development:

**Idea Stores, Libraries and Archives**

A total contribution of £28,224 is required towards Idea Stores, Libraries and Archives.

**Leisure Facilities**

A total contribution of £100,036 is required towards Leisure Facilities.

**Public Open Space**

A total contribution of £179,746.60 is required towards Public Open Space.

**Smarter Travel Contribution**

A total contribution of £3,360 is required towards Smarter Travel.

**Public Realm/Streetscene Contribution**

A total contribution of £15,252 is required towards public realm improvements.

**(Officer Comment:** The applicant has agreed to provide all of the above contributions requested to mitigate against the impacts of the development.)

**LBTH Access Officer**

- 5.7 No comments received to date.

**Crime Prevention Officer**

- 5.8 No comments received to date.

**LBTH Education**

- 5.9 No comments received to date.

Based on the Planning Obligations SPD 2012, the contributions required to mitigate against the impacts of this development for new school places in the borough are:

£482,893 (for primary and secondary school places).

This is based on provision for 19 primary school places and 9 secondary school places in the borough.

**(Officer Comment:** The applicant has agreed to provide the full contributions requested towards further school places.)

**LBTH Energy**

- 5.10 The energy strategy is principally supported and proposes to achieve a 41% reduction in CO2 emissions purely through energy efficiency and CHP. This exceeds the requirement of DM 29 but does not include any renewable energy technologies as required by Core

Strategy Policy SP11. We would therefore seek that the development be constructed to allow the future integration on renewable energy technologies i.e. the roof design to accommodate PV and include appropriate access for any future maintenance.

Conditions are requested for the following:

- Submission of a sample of the SAP (to show TER and DER) calculations to demonstrate the deliverability of the energy strategy.
- A code for sustainable homes level 4.

**(Officer Comment:** The scheme encompasses a flat roof design providing for the incorporation of renewables at a later date. The requested conditions will be included on the decision notice if planning permission is granted.)

### **LBTH Employment and Enterprise**

5.11 No comments received to date.

Based on the Planning Obligations SPD 2012, the contributions required to mitigate against the impacts of this development are:

£19,649.52 alongside non-financial contribution requests.

**(Officer Comment:** The applicant has agreed to provide the full financial and non-financial contributions requested towards employment and enterprise.)

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

5.12 Based on the noise report submitted with the application, a post completion testing review is required to ensure the amenity of future occupants. This should be secured by condition if planning permission is granted.

**(Officer Response:** *The requested condition will be included on any planning permission issued*).

### **LBTH Environmental Health- Land Contamination**

5.13 No comments received to date.

**(Officer Comment:** *A condition for preliminary investigative works will be imposed to safeguard future residents should planning permission be granted.*)

### **LBTH Housing**

5.14 A summary of the comments provided are set out below:

- The scheme provides a good level of affordable housing, giving 39% by habroom with a split of 69 / 31% between rent and intermediate housing.
- The mix of unit sizes within each tenure is quite far off our policy ideal, but is considered overall to make a very useful contribution to meeting local needs. The development produces the high level of 41% of family-sized units which overall provides a useful response to local demand.
- Many units are provided with private outdoor space at the front and back of the building which is welcomed
- The building design is not distinguished by tenure which is supported
- There are 10 units identified for wheelchair accessible use and there are all either maisonettes or within the one core which provides 2 lifts. The Wheelchair units are 6

for sale and 4 for rent, with the rented units being 3 beds and 4 beds which is welcome. Further details are required of future lift provision and layouts.

- The units are all double aspect and all have balcony space facing south.
- I think that the communal areas to the south of the main block works well in providing a new area of open space which will be vehicle free apart from refuse servicing and access to wheelchair unit car spaces. The provision of 10 spaces (one for each wheelchair unit) is very welcome, but we would expect that if insufficient wheelchair users do not have a need for these spaces, they are not used for general parking purposes.
- I approve of the location of some cycle parking in covered shelters in front of the block. The arrangements to access the cycle stores under the arches will need to be carefully managed to keep the route behind the block secure from unauthorised access.
- I am pleased to see that the scheme incorporates URS for refuse as this provides a big improvement over normal refuse stores.
- It does not appear clear from the application the extent of the works that are to be carried out to improve the open space currently providing amenity space to the adjacent estate, although the application refers to carrying out improvements. It would seem sensible to clarify this item and include reference to it in the S106 agreement.

*(Officer response: The application is proposing to make a wider contribution towards public open space works which will include upgrading the Bancroft Green space).*

#### **Network Rail**

- 5.15 No comments received to date, although Network Rail are the applicants in this instance, therefore it is not necessary to seek their comments.

#### **Primary Care Trust**

- 5.16 The planning obligations sought to mitigate against the impacts of this development are £152,966.

**(Officer Comment:** the applicant has agreed to provide all health contributions requested.)

#### **LBTH Highways**

- 5.17 A summary of the officer comments are set out below:

- Should consult LFEPA following concerns raised by residents
- Cycle parking is sufficient and details of stands should be secured by condition
- Proposals for URS are acceptable
- Car and permit free agreement is supported at the site
- Provision of 8 spaces for the affordable family units is proposed and supported in line with the Councils permit transfer scheme, these spaces are proposed within the existing estate and will therefore need to be secured by legal agreement between the various interested parties.
- Condition required to secure a Construction Management Plan and details of cycle parking on site and final landscaping details.
- Objection is raised to the proposal to provide 10 disabled parking bays on-street within the Bancroft Green estate. The spaces should be located on-site and within adequate proximity of the accessible unit.

## **6. LOCAL REPRESENTATION**

- 6.1 A total of 666 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 application underwent two separate consultations in September 2012 and following revisions received, further consultation was undertaken in February 2013. 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	Against: 3	In Support: 1
No of Proforma Responses: 196	Against: 196	In Support: 0
No. of petitions: 1	Against: 0	In Support: 26

## 6.2 Density and land use

- Proposal will not bring benefits to the existing Bancroft Estate residents
- The majority of homes to be provided are to be private homes and not affordable for local residents
- No offices proposed as part of the application
- Insufficient affordable housing on site
- Proposals do not overcome the previous reasons for refusal and should therefore be refused
- Overly dense development

## 6.3 Design and Impact on Conservation Area

- Poor design of new buildings
- New development does not relate to the existing estate buildings

## 6.4 Amenity Impacts

- Proposal results in an increased demand in playspace
- Proposals do not contribute to the existing play area
- Proposed flats will be subject to noise and vibration impacts from railway line
- Loss of light to the proposed residential units
- Building line should be moved to minimise the impact of noise and vibration
- Increased overlooking/loss of privacy
- Loss of light to Ibbott Street

## 6.5 Impact of Transport

- Insufficient accommodation of new resident parking
- Loss of car parking space on Mantus Road
- Do not want to see Mantus Road opened- rat running will be a problem within the estate
- Refuse areas may cause nuisance

### Impact on local infrastructure

- Proposals provide no community facility as part of the proposals
- Insufficient access for fire and emergency vehicles
- Proposals may impact on the delivery of future infrastructure such as internet cables

6.6 The following issues were raised in representations that are not considered material to the determination of the application:

- 6.7
- Residents within Bancroft Green should be given priority to move into the new units as part of a transfer scheme in current overcrowded units.
  - Developers are only concerned with maximising profits
  - Impact on local property prices

Support:

- Good use of a vacant site
- Need for rented social accommodation
- Relieves overcrowding
- Improves anti-social behaviour
- Improves safety for walking and cycling

## **7. MATERIAL PLANNING CONSIDERATIONS**

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

- 7.2
1. Land-use
  2. Density
  3. Design – Proposed Development
  4. Housing
  5. Amenity
  6. Transport Impacts
  7. Other planning matters

### **Land-use**

7.3 The sites for blocks A and B are vacant sites with no policy designations. The previous application (PA/09/1626) although refused, did not raise any issue with the principle of a residential development in this location. At National level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets. Local Authorities are also expected to boost significantly the supply of housing and housing applications should be considered in the context of the presumption in favour of sustainable development.

7.4 At the local level, the Core Strategy also identifies that housing needs to be provided in accordance with the London Plan housing targets. These sites are within Bethnal Green South Ward and over the Plan period a total of 1,200 new homes are predicated to be delivered.

7.5 The subject site is a vacant brownfield site with no specific designations and is located within a predominantly residential area. In light of the above policies it is considered that the site is suitable for a form of residential development, However, for the reasons set out below, it is considered that the scale of development proposed on this site would be unacceptable and would not provide a satisfactory standard of accommodation for the future residents.

### **Density**

- 7.6 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 7.7 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 Core Strategy 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.
- 7.8 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 6a.
- 7.9 In terms of density characteristics, the site and surrounding area has a largely urban character. Table 3.2 of the London Plan sets out that where accessibility to public transport is highest, densities in urban settings can reach up to 700 habitable rooms per hectare. The applicant has provided an accommodation schedule which states that the density of the proposal will be 461 habitable rooms per hectare (hr/ha). This density calculation relates to an application site which extends across the redline boundary shown below. This includes a substantial area of Bancroft Green and also Mantus Road which is an access road which runs through part of the site. In order to provide a more accurate assessment of density, public thoroughfares within the Bancroft Estate and also the Mantus Road estate road have been excluded from the red line boundary and this results in a reduced site area of 0.28 hectares (as outlined in green below). Based on this site boundary the density of the proposal will be 1218 habitable rooms per hectare. 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.



- 7.10 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 the standard of accommodation for prospective occupiers, impact on neighbours and associated amenity standards.
- 7.11 Policy HSG1 of the IPG states that solely exceeding the recommended density range (on its own) would not be 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 other areas which include:

- 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

7.12 Whilst the proposed development is assessed in greater detail below, it is considered that the density of this development does experience a number of the shortfalls identified above which indicate an overdevelopment of this site.

- Lack of play space within the estate
- Poor housing mix
- Poor quality design
- Impact on the local streetscape
- Poor quality private amenity space abutting the railway lines

7.13 In overall terms, officers consider that the proposed scheme gives rise to a number of symptoms of overdevelopment. As such, the density is considered to be unacceptable and gives rise significant adverse impacts.

7.14 The proposals exceed the density standards set out within the London Plan and represents overdevelopment of this brownfield site contrary to Policy 3.4 of the London Plan 2011, Policies SP02 of the Core Strategy 2010, Policy HSG1 of the Interim Planning Guidance 2007 and the National Planning Policy Framework which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

### **Design**

7.15 Policy DM24 of the MD DPD requires development proposals to be designed to the highest quality standards, incorporating principles of good design. Some of these principles include ensuring design is sensitive to and enhances the local character and setting of the development.

7.16 The development can be seen as two related but distinct blocks. Block A is the smaller of the blocks and is located to the west of Malcolm Road. Block B is substantially longer and located to the east of Malcolm Road. Block A is predominantly four storeys with a six storey element at the eastern end, adjacent to Malcolm Road. Block B is a range of heights between three and six storeys (with lift towers above this). The taller elements of the



scheme would be located at the western end and towards the centre of the block and within the centre.

- 7.17 The design of the two blocks would follow a similar theme, which involves a building of varying depth, both at the front and rear, with sections on the upper floors projecting forward of the main building line in the form of projecting rectangular blocks. As a general rule the lower two floors would be positioned along a similar building line, albeit with elements are garden / defensible space cutting into part of the building line. The stair cores would project beyond this building line by 1.5m in most cases. The projecting box elements tend to be located at second floor and above, thus creating an overhang over the lower floors. The depth of the projection is varied at between 3m and 4m.
- 7.18 The design to the rear of the building is simpler with less projecting elements. Similar materials would be used but the building form would have more solid sections and decked access to the flats in some sections.
- 7.19 The materials to be used would be a mixture of brick, glazing and cladding. The lower two floors of both blocks would be a blond brick, the stair cores would be clear glazed, the upper floors, including the projecting boxes would be clad in metal in a mixture of blond, gold and brown.



#### Assessment of the Design

- 7.20 The architecture of the surrounding area, whilst not remarkable, is understated and befits a residential estate away from a town centre location or a busy thoroughfare. The buildings are comprised predominantly yellow stock brick/London brick buildings with sloping tiled roofs and generally UPVC windows. The architecture is calm in nature and the surrounding development generally respects this
- 7.21 By contrast, the treatment of the elevations of the proposed building, which is bold and exuberant, as portrayed by the overall variety of styles, materials and depth of projections, is not considered to suitably reflect the surrounding context. There is little relationship with

the existing townscape and it would sit uncomfortably within the streetscene.

- 7.22 Other good design principles include street patterns, building lines, setbacks and streetscape rhythm. Whilst there are a number of linear buildings within the Bancroft Green Estate, the Mantus Road block provides a linear form which exceeds that of any other building in the area. This is not reflective of the local street rhythm in the area and is uncharacteristic of the local streetscape. Whilst discussions were held to encourage the applicants to break up the Mantus Road block, this was not progressed by the applicants. This is considered unfortunate, as it would have helped resolve the current streetscape problems. The current design also provides substantial setbacks, overhangs and balconies which create a façade which is busy and somewhat confused.
- 7.23 Whilst the NPPF at paragraph 60 discourages the imposition of architectural styles or tastes, it does properly promote reinforce local distinctiveness. This proposal fails to take sufficient account of Policy DM24 above and the NPPF (para.60) as it is not sensitive to the existing local character and fails to enhance the local character and setting. It provides a design which, whilst contemporary in nature, imposes itself on the local streetscene and appears incongruous by reason of its overly detailed façade and mixed material palette.

#### Scale and Massing

- 7.24 The scale of the surrounding development is varied and the housing estate to the south consists of blocks of flats which generally sit at 90 degrees to the development site. These are generally between three and five storey blocks. The railway viaduct which borders the site to the north is approximately equivalent 3 storeys in height. Further away from the site to the west of Cambridge Heath Road there are a number of larger, more modern blocks, up to 11 storeys.
- 7.25 In the context of solely its height, it is considered that the proposal is not unacceptable, however as discussed in the previous section the scheme is considered to represent an overdevelopment of the site not least because of the narrow size of the plot which results in an unforgivably lengthy building on plot Band the overly dense nature of the proposal.
- 7.26 The NPPF provides at paragraph 58 that development proposals should establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. It is considered that the proposal fails in this regard as it dominates the existing surrounding buildings both in architectural style and mass, resulting in a poor streetscape that pays little respect to the surrounding context.
- 7.27 It is possible that with a wider plot that this scale of building could be accommodated without appearing unduly out of character and over-dominant with the local context.

#### Permeability and Security

- 7.28 Saved UDP policy DEV1 and IPG policy DEV4 require development to consider the safety and security of users. Regard should also be given to the principles of Secure by Design. However, these matters must also be balanced against the requirements to promote site permeability and inclusive design.
- 7.29 The proposal seeks to redevelop this vacant site in an area where it is understood there is existing anti-social behaviour. The design of the building allows for the Mantus Road block to provide a significant degree of natural surveillance over the Bancroft Green open space which was encouraged by the Secure by Design pre-application discussions and in principle is supported.
- 7.30 The main pedestrian access into the development site is via Mantus Road and a pedestrian access off Malcolm Road, away from the Railway viaduct. Restricted access for

residents only will be provided to the rear of the site to allow residents to access the bike stores which are provided under the railway viaduct arches. Whilst this arrangement is not ideal as residents will have to traverse a significant distance from the eastern end of the block B, the rear of the site is also heavily overlooked by windows from the proposed development and on balance, given its limited use, is considered to be acceptable, subject to the detailing of the lighting and security.

- 7.31 As such it is considered that the layout of the development has improved the permeability and security of the application site, and the surrounding area of the Bancroft green estate. The proposal is therefore considered to accord with the requirements of saved UPD policy DEV1 and IPG policy DEV4.

## **Housing**

- 7.32 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 7.33 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan
- 7.34 The application proposes 93 residential (Class C3) units in the following mix when split into 62 market units (private sale), 15 affordable rent units and 16 shared ownership units.
- 7.35 This section of the report considers the acceptability of the housing provision on site in terms of affordable housing, mix of tenures, mix of dwellings sizes and provision of wheelchair units.

### Affordable Housing

- 7.36 As detailed in table 1 below, the proposal seeks to deliver 36.3% affordable housing provision by habitable room, which meets Council policy requirements.

Table 1	Units	% of units	Habitable rooms	% Hab rooms
Affordable Rent	15	16.1%	86	25.2%
Social Rent	0	0%	0	0%
Intermediate/ Shared Ownership	16	17.2%	38	11.1%
<b>Total Affordable</b>	<b>31</b>	<b>33.4%</b>	<b>124</b>	<b>36.3%</b>
Market Sale	62	66.6%	217	63.7%
Total	93	100%	341	100%

### Housing Mix and Tenure Mix

- 7.37 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 7.38 Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of 3 bedrooms and above.

7.39 Policy SP02 of the CS also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families. The application proposes to provide 41% family sized accommodation throughout the development and exceeds the requirement of 45% of all affordable homes to be provided as family sized units.

Table 2 shows the applicants unit and tenure mix against policy requirements:

		Affordable Housing						Private Housing		
		Affordable Rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	LBTH target %	Unit	%	LBTH target %	Unit	%	LBTH target %
Studio/1bed	27	0	0%	30%	10	62.5%	25%	17	27.4%	50%
2bed	27	0	0%	25%	6	37.5%	50%	21	33.9%	30%
3bed	28	4	26.7%	30%	0			24		
4bed	11	11			0	0%	25%	0	38.7%	20%
5bed	0	0			0			0		
			73.3%	15%						
<b>Total</b>	<b>93</b>	<b>15</b>	<b>100%</b>	<b>100</b>	<b>16</b>	<b>100%</b>	<b>100</b>	<b>62</b>	<b>100%</b>	<b>100</b>

7.40 Within the Affordable Housing tenure, the application proposes affordable rented and Intermediate housing.

7.41 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% of the local market rent.

7.42 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. Home Buy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.

7.43 The Council's Housing team are supportive of the provision of affordable housing and also family sized units as part of the application proposal. The housing department do however acknowledge that overall mix is not ideal and does not comply with planning policy requirements. In broad terms, the mix as proposed provides no smaller affordable rented units, no larger family sized shared ownership units and an under provision of smaller private rented accommodation, namely studios and 1 bedroom units.

- 7.44 Whilst the level of affordable housing should be welcomed in pure housing delivery terms, particularly the level of larger family units (4+ bed unit in the affordable rented tenure) with all affordable rented units being delivered at POD rents, there is some concern that the proposed mix does not accord with the mix of housing size and types. The main concern however is that the over-emphasis on family affordable accommodation (4+ bedrooms) on such a constrained site would place further pressure on very limited on site amenity space provision and the existing amenity spaces that form part of the adjacent Bancroft Estate. This over-emphasis on larger family housing (in the affordable rented tenures) adds to the overall feeling that the proposal would represent an over-development of the site as highlighted above.

#### Wheelchair Housing and Lifetime Homes

- 7.45 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 7.46 Across the development, 10 residential units are proposed to be provided as wheelchair accessible which is 10% of all units and accords with Council policy. The units are to be distributed across the proposed tenures which is supported by LBTH housing. The delivery of 10% wheelchair accessible units is considered acceptable. If planning permission is granted a condition would be attached to ensure that the 10 wheelchair accessible units are delivered within the scheme and further details of the layout are submitted and approved. The applicants have also stated that 10 disabled car parking spaces are proposed to be provided for these units, however they are not identifiable within the revised drawings and may be proposed to be provided as on-street parking within the Bancroft Estate. In this circumstance, it is encouraged to provide on-site disabled car parking, as residents can apply for a blue badge and will have to compete for on-street spaces with existing residents. Given the existing level of parking stress, this is not considered to be an acceptable solution.
- 7.47 In terms of compliance with lifetime homes standards, each home has been designed to comply with Lifetimes Homes Standards. A condition will be included to ensure that these standards are secured.
- 7.48 In overall terms, the units fully comply with lifetime homes standards and are readily adaptable and the level of wheelchair housing provision is in accordance with the requirements of London Plan policy 3.8 and policy SP02 of the Core Strategy 2010.

#### **Amenity**

##### Internal Space Standards

- 7.49 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.
- 7.50 The proposed development is designed to the Housing Design Guide standards and therefore is acceptable in terms of internal space standards.

##### Daylight and Sunlight

- 7.51 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.

7.52 Many of the existing residential units comprise external/overhanging balconies providing private amenity space. The balconies provide additional alternative amenity, but are also responsible inhibiting the daylight levels received to the windows below. BRE guidance acknowledges that this is a common occurrence and allows applicants to undertake a daylight assessment both with the balcony in place and without the balcony, to provide a level of flexibility in the interpretation of the results in the instance of windows beneath balconies.

The submitted assessment undertook a review of the following surrounding buildings:

- Wickford House
- Braintree House
- Sceptre House
- Lang Street
- Hadleigh House
- Kenton House
- Ibbott Street
- Rickman Street

7.53 The report demonstrates that of the 145 windows tested, 110 pass the daylight test, resulting in 35 failures in various buildings. Many of these buildings comprise balcony overhangs and therefore in accordance with the BRE guidance, the daylight assessment was undertaken again it was found that there were only 12 failures. The failures are relatively marginal and for clarification of the failures are set out below:

Block	VSC Ratio (against a target of 0.8)	Pass/Fail	Room served (if known)
Wickford House (East facing)	0.79	Marginal Failure	Unknown (Ground floor)
Braintree House (West Facing)	0.79	Marginal Failure	Unknown (Ground floor)
20 Lang Street	0.79	Marginal Failure	Unknown (First floor)
22 Lang Street	0.67	Minor Failure	Unknown (Ground floor)
22 Lang Street	0.65	Minor Failure	Unknown (First Floor)
22 Lang Street	0.74	Marginal Failure	Unknown (Second floor)
Hadleigh House (North East facing)	0.79	Marginal Failure	Unknown (Ground floor)
Kenton House	0.77	Marginal Failure	Unknown (Ground Floor)
Ibbott Street (Front, no's 1-15)	0.72	Marginal Failure	Unknown (Ground floor)

Ibbott Street (Front, no's 1-15)	0.76	Marginal Failure	Unknown (Ground floor)
Ibbott Street (Front, no's 1-15)	0.79	Marginal Failure	Unknown (Ground floor)
Ibbott Street 14 (Rear of)	0.71	Marginal failure	Kitchen, ground floor level.

7.54 The submitted assessment also reviewed loss of sunlight for windows facing within 90 degrees of due south. All windows analysed meet the guidelines for daylight requirements.

7.55 Whilst the new development will result in some loss of daylight to a small number of windows within the existing Bancroft Green estate, Officers consider that given the low number of failures, the urban location of the site, the separation distances and building heights which have been integrated with the site and surroundings, that on balance, impact of the development on daylight to neighbouring properties is considered to be acceptable.

#### New Build Residential Development

7.56 The daylight assessment for the new blocks to be constructed has been carried out by testing the 15 rooms within the proposed development, of the rooms tested; all but one met the daylight requirements. All units are proposed to be dual aspect and on balance, it is considered that the proposed light within the new development will be acceptable.

#### Sense of Enclosure, Outlook and Privacy

7.57 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MD DPD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. These policies are further supported by policies DEV1 of the IPG and DEV2 of the UDP.

7.58 In terms of impacts upon neighbouring properties, those which are the most sensitive are residential blocks which lie to the south of the site, however all blocks lie at right angles the proposed development and therefore only flank elevations of existing residential blocks will face the proposed development. The majority of these dwellings and residential blocks have no windows within the flank elevation and will have limited impact on the privacy enjoyed by existing residents.

7.59 In accordance with policy DM25 of the MD DPD, a reasonably acceptable separation distance between directly facing habitable rooms' windows to ensure privacy is maintained is 18 metres.

#### Noise

7.60 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.

7.61 As discussed above, the application site adjoins the Railway Viaduct route which has the potential to cause noise disturbance to the future residents located to the rear of the site. Environmental Health officers have reviewed the submitted report and consider the details to be acceptable subject to post completion testing. Should consent be granted a condition for such testing would be requested. With these controls the occupants of the development would not suffer from any unreasonable noise or disturbance and the proposal would be

acceptable.

### Residential Amenity Space

- 7.62 Policy DM4 of the MD DPD sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor's Housing Design Guide (2010), recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant. Each residential unit within the proposed development provides private amenity space, in the form of balconies and gardens.
- 7.63 Housing Supplementary Planning Guidance 2012 provides details of the baseline requirements that development proposals should seek to achieve. Whilst the residential units accord in meeting the required private amenity space by virtue of quantity, there are concerns over the quality of the space which is proposed to be provided. The baseline requirements, (section 4.10.3) within the Housing Supplementary Planning Guidance 2012, requires all external amenity spaces to be at least 1.5 metres in depth, to ensure they provide a usable space for future residents. This is not achieved in a number of instances across the development site. At ground floor level, some of the rear garden are less than 1 metre deep and comprise a long thin strip of amenity space which is not considered to be a usable quality private amenity space for future residents. This is compounded by the poor light that would be received by these gardens as they are bounded to the north by the 2 storey high railway viaduct and to the south the development itself.
- 7.64 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 93 units the minimum communal amenity space required would be 263sqm. Overall, the proposal is said to deliver 1650sqm of communal amenity space located in a re-landscaped area at the junction of Malcolm Road and Mantus Road which seeks to create a Piazza environment with some seating and upgraded landscaping. Communal amenity space is also provided by the homezone along Mantus Road, details of which, if accepted would be subject to a condition. The space is designed to provide incidental play elements and informal courtyard/spill out areas. However, whilst it would be closed to general traffic, it also provides access for servicing and refuse collection, and would be accessible to the public. The provision of this space is supported as usable amenity space; however given its multi-functional use and public access, it could not be regarded as communal amenity space for the purposes of DM4 of the MD DPD.

### Child Play Space

- 7.65 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' (which sets a benchmark of 10 sq.m of useable child play space per child).
- 7.66 Using the GLA SPG child yield calculations, the overall development is anticipated to accommodate 34 children and accordingly the development should provide a minimum of 340 sq.m of play space in accordance with the London Plan and the emerging MD DPD's standard of 10sq.m per child. This requirement is broken down as follows:

	London Plan/SPG Policy Req't	%	Proposed within scheme
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Child Play Space-Under 5	60 sq.m	18%	80sq.m
Child Play Space-Under 5-11	190 sq.m	56%	
Child Play Space-Under 12+	90 sq.m	26%	
Total	340sq.m		
Shortfall Child Play Space	260sq.m		

- 7.67 The scheme delivers 80sqm of on-site playspace; this caters for the children aged 0-5 only. There is an obvious shortfall of on-site playspace for some 5-11 year olds and the 12 and above age groups. The details of this playspace would be conditioned to ensure appropriate landscaping and equipment was provided within the space.
- 7.68 The Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. Bethnal Green Gardens and Bancroft Green are located to the south and north of the site, less than a 3 minute walk away. Planning obligations have been secured towards local public open spaces and this would include Bethnal Green Gardens and Bancroft Green. Whilst no child play space is provided on site for some 5-11 year olds and the 12 + age groups, it is considered that there are adequate facilities within close proximity to the site to accommodate these children.
- 7.69 Whilst on balance the proposal is considered to provide child play which accords with policy requirements, the quality of the private amenity space proposed on site is not considered to be of a standard which offers quality amenity space for future residents. In addition, the provision and balconies and gardens 3 metres from the railway viaduct would not render the amenity spaces usable by future residents for amenity purposes.
- 7.70 On balance, it is considered that the scheme fails to deliver quality and usable private amenity space for future residential occupiers. It is considered that proposal fails to accord with saved UDP Policy HSG 16 (1998) and policy HSG7 of IPG (2007) and London Plan policy 3D.13.

### **Transport, Connectivity and Accessibility**

- 7.71 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 7.72 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the MD DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 7.73 As detailed earlier in this report, the site has an excellent public transport accessibility level (PTAL) of 6a (1 being poor and 6 being excellent). The site is located within 580m walk of Bethnal Green Station providing access to the Central line and 620m walk of Stepney Green providing access to the District Line and the Hammersmith and City lines. It is served by 7 different bus services detailed in the transport assessment, all of which provide for 55 buses per hour in each direction.

### Car Parking

- 7.74 Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the CS and Policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 7.75 IPG Planning Standard 2 sets a policy maximum car parking ratio of 0.5 spaces per residential unit, where it can be shown that the proposed level would not result in a detrimental impact on the safe and free flow of traffic on the surrounding highway network. MD DPD Parking Standards sets specific parking levels based on the PTAL of a given site, at the development site, units with less than 3 bedrooms have a minimum parking standard of 0.2 spaces per unit with 3 bedrooms plus being 0.3 spaces per unit. At the application site, the MD DPD policy parking standards would permit the provision of a maximum 18.6 spaces. The proposed development seeks to deliver 0 car parking spaces is considered to accord with planning policy.
- 7.76 A travel plan will also be secured for the new development to encourage future residents to use public transport and alternative modes for all journeys.

### Disabled Car Parking

- 7.77 The proposal is required to provide 10% disabled car parking spaces that must be in an accessible and convenient location in relation to the wheelchair-accessible flats. If they are not to be on-site, they can only be in the adjoining estate's car parking provision, as on-street parking is very stressed. The applicant is unable to clarify where the disabled spaces would be located and it is considered that this cannot be conditioned as the co-operation of third party (i.e. LBTH and THH) would be required to secure these spaces. Without an understanding of where the spaces would or even could be, unless provided on-site, officers cannot be satisfied that they would be in a convenient location in relation to the wheelchair accessible flats.
- 7.78 Accordingly, it is the view of officers that whilst the level of general car-parking is considered acceptable, the provision of disabled car-parking is unsatisfactory and this is considered to be a symptom of the overdevelopment of the site.

### Servicing and Deliveries

- 7.79 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in IPG CS Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.
- 7.80 Deliveries and servicing, and in particular refuse servicing are proposed from Malcolm Road and Mantus Road along the homezone. A Delivery and Servicing Plan would be requested by condition alongside a Construction Logistics Plan to minimise the impact on the local highway.

### Waste, Refuse & Recycling

- 7.81 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the development.
- 7.82 Notwithstanding the above, the scheme shows adequate storage facilities on site to serve the proposed development and indicative locations for URS systems along Mantus Road, and this arrangement is therefore considered to be acceptable. .

### Provision for Cyclists

7.83 In accordance with cycle parking requirements, 137 cycle parking spaces have been provided in various storage locations around the site. This provision includes visitor parking to serve the development. 43 of the spaces would be located in the listed arches to the rear of the site forming part of the viaduct. This element of the proposal requires listed building consent and can only be implemented if both Listed building consent and planning permission is approved. The proposal therefore complies with London Plan policy 6.13.

### **Energy & Sustainability**

7.84 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.

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

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

7.86 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

7.87 The information provided in the submitted energy strategy is principally in accordance with adopted the climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The Council's Sustainability & Renewable Energy Team have commented that the proposed development exceed with draft Policy DM29 of the draft Managing Development DPD (2012) which requires:

- 2011-2013 = 35% CO2 emissions reduction;
- 2013-2016 = 50% CO2 emissions reduction; and
- 2016-2031 = Zero Carbon

7.88 The planning application follows the Mayor's energy hierarchy and sets out that the development seeks to make use of energy efficiency and passive measures to reduce energy demand (Be Lean), integrate a communal heating scheme incorporating a Combined Heat and Power engine to supply the development (Be Clean) and utilise photovoltaic panels (Be Green) to reduce overall CO2 emissions. The CO2 emissions achievable from this approach are noted as circa 41%. This exceeds the policy requirements of emerging policy DM29 and the London Plan Policy 5.2 requirements and is considered acceptable.

7.89 Code (Level 4) ratings are currently proposed as minimum levels for all new residential units, and considered acceptable.

### **Contamination**

7.90 In accordance with the requirements of the NPPF, saved UDP policy DEV51 and policy DM30 of the MD DPD.

7.91 Whilst the Councils Environmental Health Officer has not responded a condition to secure and whilst a desk study has been submitted with the application, further exploratory works

and remediation would be requested.

### **Flood Risk**

- 7.92 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process.
- 7.93 The development falls within Flood Risk Zone 1 and therefore by a flood risk assessment is not required to be submitted with the application.

### **Health Considerations**

- 7.94 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 7.95 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 7.96 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.
- 7.97 The applicant has agreed to financial contributions towards leisure, community facilities and health care provision within the Borough.
- 7.98 The application will also propose open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.
- 7.99 It is therefore considered that the financial contribution towards healthcare and community facilities and leisure will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

### **Section 106 Agreement**

- 7.100 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 7.101 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 7.102 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and Policy IMP1 of the Council's IPG and policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial

contributions to mitigate the impacts of a development.

7.102 The Council's Supplementary Planning Document 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 Core Strategy. The document also set out the Borough's key priorities being:

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

7.103 This proposal provides 36.3% affordable housing alongside the full contribution request of planning obligations. The scheme is therefore able to mitigate against the full impacts of the proposed development by providing contributions to all key and other priority areas, whilst delivering a lower affordable housing contribution overall.

7.104 Based on the Council's s106 SPD, LBTH Officers sought to deliver 36.6% on-site affordable housing and a full contribution of planning obligations, to mitigate against the impacts of the development.

7.105 The obligations can be summarised as follows:

**Financial Obligations**

- Education: £482,893
- Enterprise & Employment: £19,649.52
- Community Facilities: £128,260
- Health: £152,966
- Sustainable Transport: £3,360
- Public Realm Improvements: £194,998.60
- Monitoring & Implementation 2% of total

Total Financial contribution: 1,001,769.66

**Non-Financial Obligations**

- 36.6% affordable housing
- Access to employment initiatives
- Permit free agreement
- Travel Plan
- Code of Construction Practice

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

7.106 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:

7.107 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.

7.108 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.

7.109 In this context “grants” might include the new homes bonus and payment of the community infrastructure levy.

7.110 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

7.111 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 £543,060 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 36.3% affordable housing and will therefore qualify for social housing relief on a proportion of this sum.

7.112 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.

7.113 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 £135,617 within the first year and a total of £813,701 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 Considerations**

7.114 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

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

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention

Article 8); and

○ Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.

- 7.116 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.
- 7.117 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 7.118 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.
- 7.119 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.120 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.
- 7.121 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 and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

- 7.122 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.123 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

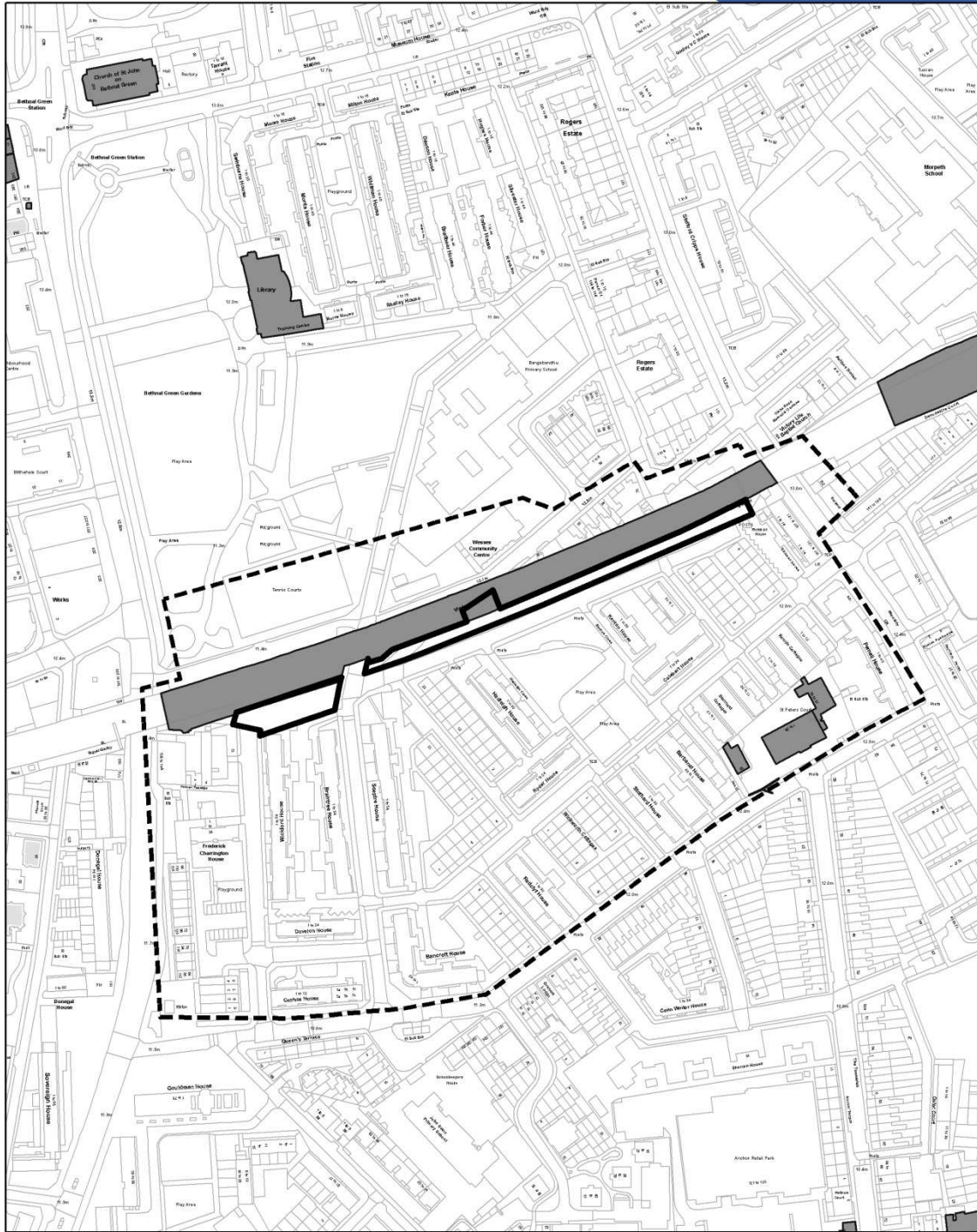
- 7.124 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 7.125 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces and play areas, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 7.126 The contributions to affordable housing support community wellbeing and social cohesion.


### **Conclusions**

- 8.0 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 PA/12/01758




 Planning Application Site Boundary

 Locally Listed Buildings

 Consultation Area

 Statutory Listed Buildings

0 30 m  


  
1:3,000

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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