

Development Committee	Date: 19 June 2013	Classification: Unrestricted	Agenda Item No: 9.3
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Iyabo Johnson		Ref No: PA/13/00683	
		Ward(s): Bow East	

1. APPLICATION DETAILS

- 1 **Location:** 225 Armagh Road
- 1.2 **Existing Use:** Estate office and contractors base
- 1.3 **Proposal:** Demolition of existing building on site and the erection of No. 8 new residential units and ancillary caretakers facility.
- 1.4 **Drawing Nos:** AA3313R/2.3/001 (site plan)
AA3313/R/2-3/100
AA3313/R/2-3/101
AA3313/R/2-3/102
AA3313/R/2-3/103
AA3313/R/2.1/010
AA3313/R/2.1/011
AA3313/R/2.1/100
AA3313/R/2.1/101
AA3313/R/2.1/102
AA3313/R/2.1/103
AA3313/R/2.1/104
- 1.5 **Supporting documentation** Design and Access Statement, prepared by Old Ford Housing Association, Circle and PRP Architects.
Planning Statement, prepared by PRP Planning, Dated March 2013.
Report on Daylight and Sunlight, prepared by Calford Seaden, Dated 11 February 2013.
Energy Statement Issue 02, prepared by PRP Planning dated 14 March 2013.
Code for Sustainable Homes Pre-Assessment Issue 01, prepared by PRP Planning, Dated 15 March 2013.
Air Quality Assessment Reference 33046p7r1 prepared by REC Ltd. Dated 22 October 2012
Archaeological Desk Based Assessment, prepared by CGMS, Dated February 2013.
Transport Statement, prepared by Transport Planning Consultants, Dated January 2013
- 1.6 **Applicant:** Old Ford Housing Association
- 1.7 **Owner:** Old Ford Housing Association
- 1.8 **Historic Building:** No
- 1.9 **Conservation Area:** N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010); Managing Development Document (2013), the London Plan (2011) and Government Planning Policy Guidance and has found that:

- Through the provision of a new residential development, the scheme will maximise the use of previously developed land and will contribute towards creating a sustainable residential development environment in accordance with policy 3.3 and 3.4 of the London Plan (2011); policies SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development Document (2013)
- The proposal provides an acceptable mix of units overall. As such, the proposal is in line with policies 3.8; 3.10; 3.11, 3.12 and 3.13 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development Document (2013) which seek to maximise the provision of affordable housing in the Borough.
- The scheme would provide acceptable level of housing quality and would meet internal space standards and layout. As such, the scheme is in line with London Plan Housing SPG 2012, policy SP02 of the Core Strategy (2010) & DM4 of the Managing Document (2013) which seek to provide an acceptable standard of accommodation.
- The density of the scheme would not result in significant adverse impacts typically associated with overdevelopment and is therefore acceptable in terms of policy 3.4 of the London Plan (2011); policy SP02 of the Core Strategy (2010); policies DM24 & DM25 of the Managing Development Document (2013) which seeks to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.
- On balance, the quantity and quality of outdoor housing amenity space are acceptable given the constrained and urban nature of the site and accords with policy 3.6 of the London Plan (2011); policy SP02 of the adopted Core Strategy (2010) & DM4 of the Managing Development Document (2013) which seeks to ensure that adequate amenity space is provided.
- The urban design, layout, building height, scale, bulk and detailed design of the scheme is considered acceptable and in accordance with chapter 7 of the London Plan (2011); policies SP10 and SP12 of the Core Strategy (2010) and policies DM23, DM24 and DM27 of the Managing Development Document (2013) which seek to ensure buildings and places are of a high quality design, suitably located and sensitive to its context.
- Transport matters, including parking, access and servicing, are acceptable and in line with policies 6.9 and 6.13 of the London Plan (2011), policy SP09 of the adopted Core Strategy (2010) and policies DM20 & DM22 of the Managing Development Document (2013) which seek to ensure development minimise parking and promote sustainable transport options.
- The impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, noise, loss of privacy or increased sense of enclosure would

not result in an unduly detrimental impact to the amenity of existing residential occupants, given the urban nature of the site. As such, the proposal accords with policy SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) which seek to ensure development does not have an adverse impact on neighbouring amenity.

- Sustainability matters, including energy, are acceptable and in line with policies 5.1, 5.2, 5.3, 5.5, 5.6, 5.7 and 5.8 of the London Plan (2011), policy SP11 of the Core Strategy (2010) and policy DM29 of the Management Development Document (2013) which promote sustainable development practices

3 **RECOMMENDATION**

3.1 That the Development Committee resolve to GRANT planning permission subject to.

A The prior completion of a legal agreement, to the satisfaction of the Assistant Chief Executive (legal Services), to secure the following obligation:

- a) Affordable Housing
- b) On street parking permit free development

That the Corporate Director of Development and Renewal is delegated powers to negotiate the legal agreement indicated above acting with normal delegated authority.

That the Assistant Chief Executive (Legal Services) is delegated power to complete the legal agreement.

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

CONDITIONS & INFORMATIVES

Compliance conditions

1. Permission valid for 3 years
2. Development in accordance with approved plans
3. Development in accordance with Lifetime Homes Standards
4. Implementation of electric vehicle charging
5. Provision of photovoltaic panel array with a minimum peak output of 10kWp shall be installed and operational
6. Control over hours of construction to 0800-1800 Monday to Friday; 0800-1300 Saturday
7. Implementation and compliance with energy efficiency strategy

Prior to commencement conditions

8. Submission of details of all proposed external facing materials
9. Submission of ground contamination- investigation, remediation and verification
10. Submission of landscape and public realm details (including boundary

- treatment, surface treatment, planting scheme, external lighting and CCTV)
11. Submission of a Secure by Design Statement
 12. Submission of Construction Environment Management Plan
 13. Submission, approval and implementation of archaeology investigation, recording and mitigation strategy
 14. Submission of Code for Sustainable Homes Level 4 certification
 15. Details of obscure glazing for windows on western elevation abutting Pulteney Close

3.2 Informative

1. Section 106 agreement required (car free & affordable housing)
2. Section 278 (Highways) agreement required
3. Site notice specifying the details of the contractor required
4. Construction Environmental Management Plan Advice
5. Environmental Health Department Advice
6. Metropolitan Police Advice

Any other informative(s) considered necessary by the Head of Development Decisions.

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

4. APPLICATION SITE AND SURROUNDINGS

- 4.1 The application site is located on the corner of Armagh Road and Pulteney Close within the Parkside Estate. The site lies to the north of Roman Road and to the south of Old Ford Road and Victoria Park.
- 4.2 The site forms an island between Armagh Road and Pulteney Close. To the north of the site is the Old Ford Methodist Church; to the east of the site is Annie Besant Close, to the south of the site is surface car parking with houses on Pulteney Close beyond these bays, as well as to the east of the site.
- 4.3 Purpose built ex-local authority housing form the predominant built form in the immediate vicinity. Building heights range from two storey houses to the south, a large four storey block to the west and three storey houses to the east.
- 4.4 The site is currently occupied by a single storey building which is being used as an estate office and base for construction contractors carrying out works within the Parkside Estate, and there is also some construction related training on site.
- 4.5 The site has a Public Transport Accessibility (PTAL) rating of 2. The nearest underground station is Bow Road and the closest DLR station is Bow Church. Both are located to the south of the site approximately 15 minutes walking distance. Roman Road to the south is served by a number of bus routes.
- 4.6 The site does not fall within a Conservation Area and there are no listed structures on the site.

Relevant Planning History

- 4.7 **PA/68/00201– 225 Armagh Road**
The erection of 510 dwellings, 87 garages and 170 parking spaces, tenant's clubroom and old people's clubroom
Approved – 17/10/1968
- 4.8 **BW/88/00098 – 225 Armagh Road**
Change of use of building from drinking club to an estate based office. Approved – 8/12/1988.
- 4.9 **PA/12/00611 – Ollerton Green**
Change of use of basement car park to provide construction training facility and storage / office space for grounds & gardens maintenance contractor.
Approved – 31/05/2013
- 4.10 **PA/12/03272 – Old Ford Methodist Church, 522 Old Ford Road**
Demolition of existing buildings and redevelopment of Old Ford Methodist Church into a mixed use building comprising a community hall with ancillary spaces and 9 new dwelling (2 x 3 bedroom units, 2 x 2 bedroom units and 5 x 1 bedroom units)
Approved – 18/04/2013

5 DETAILS OF PROPOSAL

- 5.1 The application seeks permission for the demolition of the existing single storey estate office building and its replacement by part two, part three and part four storey residential development comprising 4 x 4 bed houses, 1 x 3 bed house and 3 x 2 bed flats (eight new dwellings in total).
- 5.2 Each of the four bedroom houses are accessed directly from Armagh Road and the access to the three bedroom house is from Pulteney Close. A stair core which is also accessed from Pulteney Close provides access to the three two bedroom flats on the first, second and third floor levels.
- 5.3 A communal refuse store together with a bike store for the three two bedroom flats is located at ground floor at the Pulteney Close frontage. The houses are all provided with their own integrated refuse stores. The flats are provided with a cycle store at ground floor level. The houses are not allocated formal cycle stores.
- 5.4 At its highest point, the building rises to four storeys at the eastern and southern sides of the site. The massing of the building is set back from the western edge of the site where private gardens to the rear of the four bedroom houses form a buffer. The majority of the building comprises of a light coloured brick, similar to buildings to the north, east and south of the site. Window frames are formed of a black aluminium and timber composite and the proposed balconies have glazed balustrades and hardwood timber sliding screens.
- 5.5 All residential units would have access to private amenity space. No communal amenity space or child play space is proposed.
- 5.6 An ancillary caretaker's office is to be located at ground floor, adjacent to the communal entrance on the southern elevation.

6. POLICY FRAMEWORK

- 6.1 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:

6.2 The London Plan (2011)

- 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 recreational facilities
- 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
- 3.16 Protection and enhancement of social infrastructure
- 3.17 Health and social care facilities
- 3.18 Education facilities
- 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 networks in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London’s neighbourhoods and communities
- 7.2 An Inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

6.3 Core Strategy (adopted 2010)

SP01	Refocusing on our town centres
SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
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	Delivery and monitoring

6.4 **Managing Development Document (adopted April 2013)**

6.5 The Managing Development Document (adopted April 2013) was formally adopted by full Council on 17 April 2013.

6.6 The Managing Development Document (adopted April 2013) has full weight as part of the Council's Development Plan in determining applications.

Policies:	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM19	Further and higher education
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM29	Achieving a Zero-Carbon borough and addressing Climate Change
	DM30	Contaminated Land & Hazardous Installations

6.7 **Supplementary planning documents and guidance**

London Plan Housing SPG (2012)
Tower Hamlets Planning Obligations SPD

7 **CONSULTATION**

LBTH Arboricultural Officer

7.1 The Council's Arborist requested that an up to date British Standard 5837 arboricultural report be prepared and submitted in support of the application given the presence of a number of trees within the site, three of which are to be removed. The report would be expected to include a tree survey, a tree constraints plan, an arboricultural assessment,

a method statement and a tree protection plan.

- 7.2 **[Officer Comment:** Given that the site does not fall within a Conservation Area and that the applicants could carry out works to the trees without seeking prior approval from the Council, it is not considered that this issue is material to the outcome of this planning application. Nonetheless, in the interest of good arboricultural practice, it is recommended that a condition be imposed requesting the submission and approval of an arboricultural survey prior to commencement of development.]

LBTH Biodiversity Officer

- 7.3 The Council's Biodiversity Officer noted the presence of trees within the site and the lack of information provided about these and the biodiversity value of the site in general. The Biodiversity Officer does however note that the site appears to be of limited biodiversity value.
- 7.4 The Biodiversity Officer requested that a condition be imposed requiring the submission and approval of a Biodiversity Strategy prior to commencement of development. The Biodiversity Strategy will be required to demonstrate how biodiversity is to be provided within the new development, how impacts will be mitigated against and how the development will provide a net benefit for biodiversity. The report should also scope out potential for the inclusion of green roofs within the development.
- 7.5 **[Officer Comment:** This matter will be controlled via a suitably worded condition to ensure that the development maximises opportunities to bring about biodiversity benefits].

LBTH Crime Prevention

- 7.6 No comments received to date.

LBTH Cleansing Officer

- 7.7 No objections.

LBTH Energy Efficiency and Sustainability

- 7.8 The Energy and Statement (14th March 2013), follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and CO2 emissions by 11%. High efficiency boilers are proposed to supply the space heating and hot water requirements.
- 7.9 Photovoltaic cells are proposed to provide a source of onsite renewable energy (Be Green). The proposed 10kWp system is anticipated to reduce CO2 by 34% and the cumulative CO2 savings are anticipated to be 41%. The applicant should provide a sample of the SAP calculations to demonstrate that the CO2 savings have been appropriately modelled and are deliverable.
- 7.10 In terms of sustainability, the submitted Code Pre-assessment demonstrates how the development is currently designed to achieve a Code Level 4 rating. This is considered appropriate for the development and should be secured through an appropriately worded condition.
- 7.11 **[Officer Comment:** This matter will be controlled via a suitably worded condition to ensure that the Energy strategy is implemented in full and that a sample of SAP calculations are provided].

LBTH Environmental Health – Contaminated Land

- 7.12 The Council's Environmental Health Officer noted that as the site may have been subject to historical uses, there may be ground borne contaminants. The Environmental Officer therefore recommended that suitably worded conditions be imposed requiring the applicant to notify the Council if potential contaminants are encountered during ground works. In addition, the applicant would be required to classify any waste soil arising from the ground works, to allow the citing of an appropriately licensed landfill facility for disposal of the waste.
- 7.13 **[Officer Comment:** The requested condition would be attached should planning permission be granted.]

LBTH Environmental Health – Health and Housing

- 7.14 The Environmental Officer stated that the proposed units would need to comply with Housing Act 2004 and relevant Building Regulations.

Environmental Health – Noise and Vibration

- 7.15 No comments received to date.

LBTH Housing Development and Private Sector

- 7.16 The Council's housing officer made a number of observations:
- A preference for the units to be let at affordable POD levels
 - A preference for the inclusion of a wheelchair accessible unit
 - The three bedroom house has no bathroom window
 - A window within the communal stairwell overlooks the three bedroom house
 - Views of the Crime Prevention officer should be sought
- 7.17 **[Officer Comment:** The applicant has confirmed that all eight of the proposed units are to be let at POD rent levels. The applicant will be required to enter into a Section 106 legal agreement to ensure the provision of the units at POD levels in perpetuity.
- 7.18 Regarding the wheelchair accessible unit, it is accepted that the majority of units are three storey family homes which do not easily lend themselves to wheelchair adaptability. The applicant has explained that if a wheelchair unit were to be provided, it would be at the cost of one of the family sized units which doesn't have an obvious landing point on the first floor. On balance and in view of the Borough's specific housing needs, it is considered that the provision of family sized dwellings at the site should be maximised. This view is supported by the Council's Housing department who have explained that there would be limited demand for a two bedroom wheelchair accessible house., and in this instance the approach is therefore accepted.
- 7.19 Regarding the lack of a bathroom window in the three bedroom house, the applicant has explained that this is a deliberate design solution intended to minimise overlooking and loss of privacy from the rear of the site. The applicant has also explained that the window in the communal stairwell is intended to provide access for estate management personnel and is to be kept locked at all times.
- 7.20 The Council's Crime Prevention Officer has been consulted about the application but to date has not provided any comments. It is understood that the applicants liaised with the Crime Prevention Officer prior to submitting the application. Notwithstanding, it is recommended that a condition be imposed requiring the submission and approval of a detailed Secure by Design strategy]

LBTH Highways and Transportation

- 7.21 The Highways Officer made a number of comments about the application:
- Recommendation that future occupiers enter into a Section 106 permit free agreement
 - Recommendation that a minimum of two disabled parking bays be provided through the adaptation of two of the existing bays
 - Supportive of net reduction in off street parking bays
 - Recommendation for compliance with Council's cycling standards
- 7.22 [**Officer Comment:** Regarding the permit free agreement, policy DM22 of the Managing Development Document (adopted April 2013) states that permit free agreements should be sought in areas of good public transport accessibility. Whilst the site is within an area of poor public transport accessibility, the submitted Transport Assessment does not suggest that walking, cycling and public transport cannot cater for demand. This indicates that the site would still be suitable for a car free agreement. In addition, the applicant has expressed that future occupiers would be able to apply for private parking permits for spaces managed by the Estate management and located within the estate, and that provided that the internal criteria was met, that there would be sufficient capacity to meet demand. As such, in this instance the restriction of future occupiers from applying for on-street parking permits on public roads would be considered acceptable.]
- 7.23 Regarding the adaptation of existing parking bays for wheelchair users, it is considered that as the scheme proposes no wheelchair adaptable units, there is no justification for the requirement of wheelchair adaptable parking bays. Notwithstanding, if the need for accessible parking bays arises in the future, it is considered that there would be scope to convert existing off street bays to the south of the site at Pulteney Close.
- 7.24 Regarding the cycling provision, it is noted that cycle stands are only provided for the two bedroom flats. The family sized dwellings do not have formal cycle parking spaces, however all are provided with generously sized private gardens where bicycles could feasibly be stored. Given the constraints associated with the development of this infill site, this arrangement is considered to be acceptable on balance.

LBTH Head of Building Control

- 7.25 No comments received to date.

LBTH Street Naming and Numbering

- 7.26 No comments received to date.

LBTH Corporate Access Officer

- 7.27 No comments received to date.

LBTH Development Design and Conservation

- 7.28 The Design officer raised no objections to the scheme but emphasised that details of materials, entrances and boundaries will need to be submitted to the Council for consideration and approval prior to construction of the scheme.

8. LOCAL REPRESENTATION

- 8.1 A total of 303 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment.

No. of individual responses: 1 Objecting: 1 Supporting: 0

No of petitions: 1 21 signatures
In total - objecting

8.2 The following issues have been raised which are material to the determination of the application:

- *Concerns about overdevelopment of the site*
- **[Officer Comment:** This matter is discussed in further detail in the “Amenity” section of this report. But in general, it is not considered that the proposal gives rise to any unduly detrimental symptoms of overdevelopment.]

- *Loss of daylight to neighbouring residents*
- **[Officer Comment:** As discussed within the Amenity section of this report, it is considered that the submitted Daylight and Sunlight Report sufficiently demonstrates that the proposal will not give rise to any unduly detrimental impacts on neighbouring residents.]

- *Overlooking and loss of privacy*
- **[Officer Comment:** This matter is discussed in further detail in the Amenity section of this report. However, given the separation distances between the site and neighbouring properties, it is not considered that the development would give rise to an unduly detrimental increase in overlooking and loss of privacy.]

- *Lack of communal open space*
- **[Officer Comment:** This matter is discussed in further detail in the Housing section of this report. However, the Council's policies do not require the provision of open space for developments of less than 10 units.]

- *Disruption during construction*
- **[Officer Comment:** It is considered that concerns about construction disruption can be addressed through the imposition of suitably worded conditions restricting hours of construction, and requiring the submission of a Construction Management Plan in order to protect residential amenity.]

- *Proposed tenure mix*
- **[Officer Comment:** This matter is discussed in further detail in the Housing section of this report. In view of the Council's strategic focus on the delivery of affordable family homes and the small scale nature of the proposal, the proposed tenure mix is considered to be acceptable on balance.]

- *Provision of parking spaces*
- **[Officer Comment:** This matter is discussed in further detail in the Highways section of this report. The Council's Highways Officer supports the provision of a car free development at this location, given the overall thrust of the Council's policies which seek to promote sustainable transport. Notwithstanding, the applicant has explained that future occupants of the development would be eligible to apply for private, off street parking bays under the Estate's existing parking allocation framework.]

8.3 It is also understood that the applicants undertook their own community consultation exercises prior to the submission of the application. Two consultation events were undertaken in October 2012 and then in November 2012.

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by the application are as follows:

1. Land use
2. Density
3. Housing mix and quality
4. Design and layout
5. Amenity
6. Highways
7. Sustainability and Energy efficiency

Land Use

9.2 The main land use issues to consider are as follows:

- The principle of residential development
- Loss of construction training facility

Proposed residential development

9.3 Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework (2012) (NPPF), Strategic Objectives 7, 8 and 9 of the Core Strategy (2010) and policy 3.1 of the London Plan (2011) which gives Boroughs targets for increasing the number of housing units.

9.4 Strategic policy SP02 of the adopted Core Strategy (2010) 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 2011 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.

9.5 The site does not have an allocation in the Managing Development Document (adopted April 2013). Taking this into account, and given that the surrounding area is predominantly residential in character, it is considered that a residential development would be an acceptable use of previously developed land and would be in accordance with the above planning policies.

9.6 The site is currently under-utilised and it is considered that redeveloping this site would act as a catalyst for regeneration for the site in accordance with the Core Strategy. Moreover, the subject proposal would make the most efficient use of the land and bring forward sustainable development which responds to its context and doesn't result in overdevelopment of the site. Furthermore, this subject proposal would help address the key requirement for affordable housing which is a priority focus for the borough.

9.7 The proposal complies with the National Planning Policy Framework (NPPF), policy SP02 and the vision for Bow identified in the Core Strategy (2010) all of which seek to ensure that developments are sustainable and make the most efficient use of land.

9.8 Some construction related training is currently being delivered at the site. The proposal would result in the displacement of this facility.

9.9 Policy SP07 of the adopted Core Strategy (2010) states that the Council will

support developments that promote local enterprise, and the employment and skills training of local residents. Policy DM19 seeks to support the expansion of further education facilities in appropriate locations.

- 9.10 The applicant (Old Ford Housing Association) has recently secured planning permission (PA/12/00611) for the conversion of a basement parking area at Ollerton Green, to the north of the site, to a dedicated construction training facility. As the existing training facilities are to be re-provided elsewhere on the Parkside Estate, the proposal will not result in the loss of a local training facility and would therefore meet the aims and objectives of policy SP02 of the adopted Core Strategy and policy DM19 of the Managing Development Document (adopted April 2013).

Conclusion on land use matters

- 9.11 The principle of the loss of the training facility has been justified in this instance given it is being re-provided nearby. Furthermore, the principle of a residential development in this location is acceptable and accords with policy. Finally, the proposal would deliver sustainable regeneration of the area and make the most efficient use of this land.

Density

- 9.12 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing.
- 9.13 The London Plan density matrix within policy 3.4 suggests that densities within urban sites with average transport links (ie PTAL levels 2 to 3) should be within the range of 200-450 habitable rooms per hectare.
- 9.14 Policies SO7 and SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location.
- 9.15 The application site has a public transport accessibility (PTAL) rating of 2 and proposes a density of around 600 habitable rooms per hectare. In the simplest of numerical terms, the proposed density would appear to suggest an overdevelopment of the site, given the density exceeds the London Plan guidance for sites with a relatively low PTAL rating such as this.
- 9.16 However, the intent of the London Plan (2011) is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity. Furthermore, the London Housing SPG notes that the density matrix within the London Plan and Council's Core Strategy is a guide to development and is part of the intent to maximise the potential of sites, taking into account the local context, design principles, as well as public transport provision. Moreover, it should be remembered that density only serves an indication of the likely impact of development.
- 9.17 Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Loss of privacy and outlook;
 - Small unit sizes

- Lack of appropriate amenity space;
- Increased sense of enclosure;
- Increased traffic generation; and
- Impacts on social and physical infrastructure.

9.18 On review of the above issues, as discussed later within this report, officers are satisfied that the proposal does not present any of the symptoms associated with overdevelopment. The density is considered acceptable primarily for the following reasons:

- The proposal is of a high design quality and responds appropriately to its context.
- The proposal is not considered to result in unduly detrimental impacts upon the amenity of existing and future residents.
- The provision of the required housing mix, including dwelling size and type and affordable housing is acceptable.
- The proposal is unlikely to result in adverse impacts in terms of traffic generation and pressure on local infrastructure given the low number of units proposed

Conclusion

9.19 It is important to note that density only serves as an indication of the likely impact of a development and as discussed above and in later sections of this report, the development does not present prevalent symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential development. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 of the London Plan and Policy SP02 of the adopted Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Housing mix and quality

Affordable housing

9.20 Policies 3.10, 3.11 and 3.12 of the London Plan (2011) define Affordable Housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.

9.21 Policy SP02 of the adopted Core Strategy (2010) together with policy DM3 of the Managing Development Document (adopted April 2013) seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.

9.22 The proposed new development will provide eight new residential units. All of the units are affordable and are to be provided at the following local POD rent levels (inclusive of service charge):

- 2b - £198.32
- 3b - £218.76
- 4b - £250.01

- 9.23 A petition against the proposal has been received in which local residents have expressed concerns about the over provision of affordable homes within the development.
- 9.24 The Council would, typically on larger development sites, require a blend of housing tenures in the interests of creating sustainable communities, however the proposal has arisen out of a specific need identified by the applicant; a Registered Social Landlord.
- 9.25 The supporting text to policy SP02 of the adopted Core Strategy explains that Tower Hamlets faces “significant housing challenges”. At the time of adoption of the Core Strategy, there was an affordable homes shortfall of 2,700 homes per year. In addition, rates of overcrowding were running at 16.4%, significantly higher than the national average (2.7%).
- 9.26 These statistics demonstrate that there is an acute need for family sized affordable homes in the Borough. In view of this need and the general intent of the Council’s policies, the delivery of a 100% affordable scheme comprising of eight units is considered to be acceptable on balance.

Dwelling Mix

- 9.27 Pursuant to policy 3.8 of the London Plan (2011), the development should offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation.
- 9.28 Policy SP02 of the Core Strategy (2010) seeks to create mixed use communities. A mix of tenures and unit sizes assists in achieving these aims. It requires an overall target of 30% of all new housing to be suitable for families (3 bed plus), including 45% of new affordable rented homes to be for families.
- 9.29 Policy DM3 (part 7) of the Managing Development Document (adopted April 2013) requires a balance of housing types including family homes and details the mix of units required in all tenures. With specific reference to family sized accommodation, a development should make provision for 20% family units within the market tenure, 25% within the intermediate tenure and 45% within the social rented tenure.
- 9.30 The scheme is proposing a total of eight residential units comprising the following:
- 4 x 4bed houses
 - 1 x 3bed house
 - 3 x 2bed flats
- 9.31 The application proposes the provision of five family sized dwellings which equates to 63% of the total number of dwellings. The scheme therefore exceeds the Council’s minimum requirement for family homes within the affordable tenure.
- 9.32 Again, in view of the general thrust of the Council’s policies which seek to reduce overcrowding in the borough through the provision of affordable family homes, the proposed dwelling mix is considered to be acceptable.

Wheelchair housing and lifetime homes

- 9.33 Policy SP02 of the Core Strategy (2010) requires housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or “easily adaptable” standard.
- 9.34 All proposed dwellings have been designed to Lifetimes Homes standards. No wheelchair accessible units are proposed. The applicant has explained that if a wheelchair accessible unit with a lift were to be provided, it would be at the cost of a bedroom in the three bedroom house as there is limited circulation space on the first floor. Given that the demand for three bedroom houses is greater than the demand for wheelchair accessible two bedroom houses, the lack of wheelchair accessible units is considered acceptable on balance in this instance.

Quality of accommodation

- 9.35 Policy 3.5 of the London Plan (2011) sets out minimum internal space standards which are recommended for all residential developments. The Housing SPG also gives advice on the quality of the internal space. For example storage areas should be provided; separate living rooms and kitchens are encouraged as are dual aspect flats.
- 9.36 Policy DM4 of the Managing Development Document (adopted April 2013 sets out the Council’s housing standards in respect of internal floorspace, and amenity space
- 9.37 In terms of size, all the units would exceed the Council’s minimum internal space standards. In addition, all units are provided with separate kitchens and built in storage.

Play Areas and External Amenity Space

- 9.38 Policy 3.5 of the London Plan, policy SP02 of the Core Strategy and policy DM10 of the Managing Development Document (adopted April 2013) promote the good design and the provision of amenity spaces within developments. Furthermore, policy 3.6 of the London Plan (2011), policy SP02 of the adopted Core Strategy (2010) and policy DM4 of the Managing Development Document (adopted April 2013) require the provision of appropriate child play space within residential developments of 10 units or more.
- 9.39 At ground floor, all of the family sized dwellings are provided with private west facing gardens to the rear ranging in size from approximately 53sqm to 28 sqm. In addition, at first floor level, the family homes are all provided with private terraces. The three two bedroom flats are all provided with balconies measuring approximately 12 sqm.
- 9.40 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 Managing Development Document (adopted April 2013).
- 9.41 Based on the above policy a total of 160sqm of private amenity space would need to be provided. This application proposes around 300sqm which is clearly in excess of the Council’s minimum requirements.

Outdoor space – communal and child play space

- 9.42 Adopted policy does not require communal amenity space and child play space for

a development of this size. Notwithstanding, Victoria Park as well as a number of public play grounds for younger and older children are located within a short walking distance from the site.

Conclusion on housing matters

- 9.43 The proposal provides an acceptable amount of affordable housing, mix of units and an acceptable quality of accommodation.

Design and Appearance

- 9.44 The NPPF promotes high quality design and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.45 Chapter 7 of the London Plan (2011) places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces on streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adoptable space, optimising the potential of the site.
- 9.46 Core Strategy policy SP10 and policies DM23 and DM24 of the Managing Development Document (adopted April 2013) seeks to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and seek to ensure that buildings, spaces and places are of high-quality, sustainable, accessible, attractive, durable and well integrated with their surroundings.

The proposed scheme

- 9.47 The application proposes the erection of a part two, part three and part four storey building. The built mass is focussed at the Armagh Road frontage, to the south east of the site. At the rear of the site (west) the mass is broken by rear gardens at ground floor level.
- 9.48 In terms of height, the proposal seeks to respond to the existing buildings in the immediate context. At the northern end of the site, the proposal rises to three storeys to mimic the height of the existing Old Ford Methodist Church and sit a storey lower than the consented new building at that site. The tallest element of the scheme is located at the southern end of the site, where the site is most open, creating a suitable setting for increased height (four storeys).
- 9.49 The proposed building would be faced in a light coloured brick; details of which will be agreed through the discharge of a suitably worded condition. As there are a range of brick types in the surrounding area, the proposal seeks to complement these rather than match any of them. The fenestration follows a simple and regular pattern, the windows are formed of black framed metal composite of aluminium and timber. On the flank elevation, balconies on the upper levels feature glass balustrades and hardwood timber sliding screens to provide enclosure. At the rear elevation, the hardwood timber sliding screens are replaced by opaque glass sliding screens.
- 9.50 At the eastern elevation, the four bedroom houses are arranged in a terrace, reflecting the arrangement of houses on Annie Besant Close immediately opposite. The flats in addition to an estate office at ground floor are located in the southern

corner where the height is focussed. A two storey three bedroom house is located to the rear.

Conclusion on design matters

- 9.51 The design and use of materials sensitively responds to the adjacent buildings.
- 9.52 The building height, scale, bulk and design is acceptable and the proposal would create a sustainable, accessible, attractive development which is well integrated into its surroundings in accordance with regional and local policy.

Safety and security

- 9.53 Policy 7.3 of the London Plan and policy DM24 of the Managing Development Document (adopted April 2013) seek to ensure that developments are safe and secure.
- 9.54 As a result of the island nature of the site, it benefits from four frontages. Three active frontages are provided at the northern, eastern and southern elevations, thus increasing the level of natural surveillance in the immediate surrounds. In addition, all of the street facing ground floor units are provided with adequate defensible space.
- 9.55 However, no details of how the development will meet the secured by design standards have been provided. In order to ensure that the development maximises the safety of residents, details of how the development meets secured by design standards should be submitted for approval and it is recommended that this is required by condition. Based on the current design of the proposal, officers are of the view that secured by design standards will be achievable.
- 9.56 With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the London Plan (2011) and policy DM24 of the Managing Development Document (adopted April 2013).

Amenity

- 9.57 Policy SP10(4) of the adopted Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) require development to protect and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, microclimate, outlook, privacy and a lack of disturbance through noise and vibration.

Daylight and sunlight

- 9.58 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 9.59 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide

emphasises the VSC assessment as the primary method of assessment.

- 9.60 British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 9.61 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties, as well as its impact upon itself.
- 9.62 The BRE Guidance is a guidance document for architects and designers. It sets out general principles to assist them in designing residential developments which achieve good levels of lighting for existing and future residents. However, it is intended to be considered in the round, taking into account the constraints and context of individual sites.

Proposed units

Daylight

- 9.63 Of the 53 windows tested, 25 windows achieve a 27% VSC or more, which suggests that the internal lighting of those rooms would be acceptable. Of the remaining windows which don't achieve 27%, 17 achieve 20% or more. When further interrogating the data, it is clear that the windows which fail, are located on the northern or north-western elevations, which to agree is expected given the orientation of the units. Furthermore, as the units are dual aspect and in most cases spread over three floors, the units as a whole receive adequate daylight from other facades within the houses.
- 9.64 On balance, the daylighting to proposed units is therefore considered acceptable.
- 9.65 The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in British Standard 8206:2008 as follows:
- 9.66 *“Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probably sunlight hours should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary”*
- 9.67 All eight of the proposed units would be dual aspect and in all of the family sized dwellings, the communal living areas are orientated to the south in order to maximise availability of sunlight hours.
- 9.68 The submitted Daylight and Sunlight report shows that of a total of 30 rooms tested, 16 would fail to achieve at least 25% probable sunlight hours, a failure rate of approximately 53%. However, it should be noted that of the 16 failures, 3 are negligible (0%-20% failure), 4 are minor adverse (20%-35% failure) and 5 are moderately adverse (35% - 50% failure). The remaining 4 rooms experience substantially adverse failure meaning that they would experience a 50% or greater reduction in annual probable sunlight hours over the 25% target. Of these four failures, two relate to a ground floor living room window and patio door which are north facing. Here, the failures are considered to be compensated by the fact that

both the window and the door look on a large private garden. The two failures on the first floor relate to full height bedroom windows which open on to private terraces that face west.

- 9.69 All rooms within the proposed development would satisfy the BRE (2011) guidelines for ADF.
- 9.70 It is considered that given the urban location, scale and density of the development, that daylight and sunlight levels within proposed development would overall be acceptable in accordance with the BRE guidelines.

Existing units

- 9.71 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties on Pulteney Close, Annie Besant Close and at Old Ford Methodist Church.

Daylight

- 9.72 The daylight and sunlight assessment shows that there are isolated (2) instances of VSC reduction of greater than 20% and which result in a VSC of less than the recommended 27%. A ground floor window at a property on the eastern corner of Pulteney Close would experience a negligible impact (0.72) in terms of VSC reduction. The function of the room is unknown but it is likely to be a living room. Notwithstanding, this property benefits from dual aspect and a rear garden. Taking this into account and the minor nature of the impact, the reduction in sunlight is not considered to be unduly detrimental.

- 9.73 The other failure is at a ground floor window at the north western corner of Pulteney Close. Again, the failure is relatively minor. Although the function of the room is unclear, it is noted that the existing view of the sky (NSL) from ground floor windows at Pulteney Close are inhibited by the overhanging first floor in their existing condition. In addition, properties on this portion of Pulteney Close have benefitted from an open aspect over an under developed site.

Sunlight

- 9.74 East and west facing dwellings in the surrounding area already experience limited sunlight availability as a result of their orientation. Of the 23 rooms tested on Pulteney Close, Annie Besant Close and Old Ford Methodist Church, 7 would fail to achieve at least 25% probable sunlight hours, a failure rate of approximately 30%. Of the 7 failures; 4 are negligible (0%-20% failure), 1 is minor adverse (20%-35% failure) and 2 are moderately adverse (35% - 50% failure). The moderately adverse failures are limited to the Pulteney Close which is east facing. All properties within this block benefit from dual aspect.

- 9.75 Therefore, in view of the relatively minor nature of the failures, the impact of the existing recessed ground floor and the urban context of the site, the daylight and sunlight impacts are considered to be within an acceptable range that will not have an unduly detrimental impact on the amenity of neighbouring residents.

Overshadowing

- 9.76 BRE guidelines state for an amenity space to appear adequately sunlit throughout the year, at least half of the area should receive at least two hours of sunlight on 21 March (Spring Equinox). If as a result of new development an existing amenity area does not meet the above, and the area which can receive two hours of sun on

21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

- 9.77 The submitted Daylight and Sunlight Assessment includes an overshadowing assessment. It demonstrates the extent of permanent overshadowing that would arise from the proposed development.
- 9.78 The study showed that on 21st March, two rear gardens serving one of the proposed four bedroom houses and the three bedroom house would experience over shadowing on both 21st March and 21st June. These spaces sit immediately north of the southern wing of the building and are north facing. . The applicant has not quantified the degree of overshadowing but rather has provided diagrams which simulate the likely overshadowing conditions.
- 9.79 Given the generous size of the rear gardens (approximately 30sqm) and the overall amenity of the proposed units, the potential overshadowing impacts are considered to be within an acceptable range and unlikely to result in unacceptable amenity for future occupants of the development.

Sense of enclosure, outlook and privacy

- 9.80 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. Typically a separation distance of 18 metres between directly facing habitable room windows is deemed to be acceptable. An occupant of one of the properties in Pulteney Close to the south of the site has objected to the proposal siting overlooking and loss of privacy as a reason. Given the separation distance between the property and the site, it is not considered that a loss privacy or overlooking would occur as a result of the proposed development.
- 9.81 The separation distance to the west of the site reduces to approximately 12 metres from the front elevation of the block on Pulteney Close to the western elevation at the southern end of the site. On this elevation, the scheme proposes secondary bedroom windows and kitchen windows. In order to ensure that the proposal would not result in an unduly detrimental loss of privacy, it is recommended that a condition be attached to any planning consent, securing details of obscurely glazing these windows.
- 9.82 In conclusion, it is considered that the proposal would not result in unduly detrimental impacts 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.

Air Quality

- 9.83 Policy 7.14 of the London Plan (2011) and policy SP03 of the Core Strategy 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.
- 9.84 An air quality assessment has been submitted with the application. This sets out a

number of mitigation measures to limit the effects of construction dust and traffic on air quality.

- 9.85 A baseline air quality assessment was also undertaken. This found that levels of nitrogen oxide are likely to be above recommended levels which is not uncommon for sites within Tower Hamlets. The report explains that given the proximity of the site to sources of road vehicle exhaust emissions, the inclusion of a mechanical ventilation system within the development would not be desirable.

Conclusion on amenity matters

- 9.86 The proportion of properties affected and the level of any losses in excess of BRE guidelines is considered to be relatively low particularly given the urban context of the site, therefore the proposed development is considered to comply with Core Strategy policy SP10 and policy DM25 of the Managing Development Document (2013) which seeks to protect amenity by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development.

Highways

- 9.87 The site has a Public Transport Accessibility Level (PTAL) of 2 which is 'poor'.
- 9.88 There are parking policies to be found in the London Plan (2011) and the Managing Development Document (adopted April 2013), 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.
 - The Managing Development Document (adopted April 2013) has a requirement of zero parking provision for 0-2 bedroom units and 0.1 for three bedroom units or more.
- 9.89 The proposal will result in the displacement of six existing car parking spaces from the surface car park to the south of the site. However, the applicant has explained that these spaces are used by contractors and not residents of the estate. The applicant has indicated that future occupants of the development may be able to apply for estate (private) parking spaces in the future, provided that the developer's parking lettings criteria is satisfied.
- 9.90 In order to prevent future occupants from seeking on street permits and thus increasing parking stress on surrounding roads, it is recommended that the developers be required to enter into a Section 106 car free agreement. The Council's Highways Officer supports this approach.

Cycle Parking

- 9.91 Policy 6.1 of the London Plan (2011) seeks to promote sustainable modes of transport and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.
- 9.92 Core Strategy policies SP08 and SP09, together with policy DM20 of the Managing Development Document (2013) seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

- 9.93 For the proposed development, a total of 13 cycle parking spaces would be required to accord with policy. Three of the two bedroom flats are provided with formal cycle spaces which equates to three in total. However, given that the large gardens would allow for the informal storage of bicycles, the under-provision of formal spaces is considered acceptable on balance.

Servicing and Refuse

- 9.94 Policy 5.17 of the London Plan, policy SP05 of the adopted Core Strategy and policy DM14 of the Managing Development Document (adopted April 2013) require developments to make suitable waste and recycling provision within the development.
- 9.95 All of the proposed houses are provided with integrated bin stores with sufficient capacity to accommodate three wheeled bins. A communal bin store with an equivalent capacity is provided on the ground floor for the three flats. The Council's waste officer is satisfied with the proposed arrangements.
- 9.96 To ensure that the waste storage areas are retained it is recommended a condition of consent 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 Core Strategy and policy DM14 of the Managing Development Document (adopted April 2013).
- 9.97 Overall, the proposed development will not have an unduly detrimental impact upon the safety and free flow traffic, and is in line with DM20 and DM22 of the Managing Development Document (2013) and policies SP08 and SP09 of the adopted Core Strategy (2010) which seek to ensure developments minimise parking and promote sustainable transport options.

Conclusion on transport/highway matters

- 9.98 Overall, it is considered that the proposal will not have a detrimental impact on the public highway.

Energy efficiency & sustainability

- 9.99 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document (adopted April 2013) Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.100 The London Plan sets out the Mayor's energy hierarchy which is for development to be designed to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and

- Use Renewable Energy (Be Green).

- 9.101 The Managing Development Document Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a minimum Code for Sustainable Homes Level 4 rating.
- 9.102 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 reduction of carbon dioxide emissions through on-site renewable energy generation.
- 9.103 Energy efficiency measures such as a well insulated building fabric, best practice controls, mechanical ventilation with heat recovery (MVHR) and low energy lighting have been maximised in order to achieve a reduction in carbon dioxide emissions of 11%.
- 9.104 In addition, 10kWp photovoltaic panels are proposed to be installed on the roof which are projected to achieve an additional 34% reduction in carbon dioxide emissions.
- 9.105 The total anticipated carbon dioxide savings from the developments are 41%, through a combination of energy efficiency measures and renewable energy technologies. The carbon dioxide savings exceed Policy DM29 requirements and are supported by the sustainable development team. It is recommended that the energy strategy is secured by condition and delivered in accordance with the submitted Energy Statement.
- 9.106 In terms of sustainability, the submitted information commits to achieving a Code for Sustainable Homes Level 4 rating and a pre-assessment has been submitted to demonstrate how this level is deliverable. It is recommended that achievement of the Code Level 4 rating is secured through an appropriately worded condition with the final certificate submitted to the Council within 3 months of occupation. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the Managing Development Document (adopted 2013).

Summary on energy and sustainability matters

- 9.107 Subject to the recommended conditions, it is considered that energy and sustainability matters, including energy, are acceptable and in line with policies SO3 and SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development Document (adopted 2013) which seek to promote sustainable development practices.

Human Rights Considerations

- 9.108 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:-

- 9.109 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".
- 9.110 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.
- 9.111 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.
- 9.112 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.
- 9.113 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.114 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.
- 9.115 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

- 9.116 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.

9.117 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.

9.118 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

9.119 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, 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.

9.120 The contributions to affordable housing support community wellbeing and social cohesion.

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

9.121 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:

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

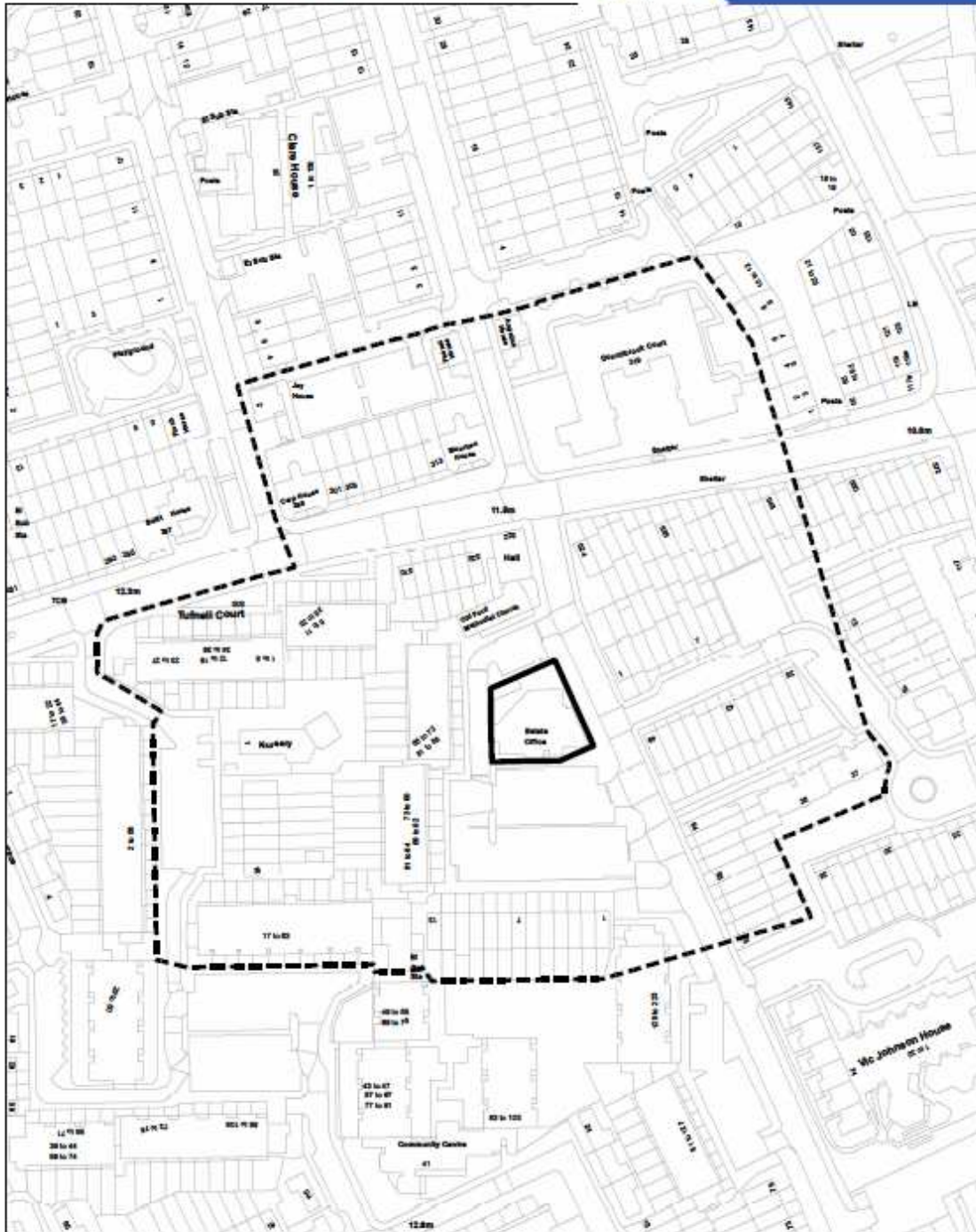
- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

9.123 With regard to Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £16,700.

10 Conclusions


- 10.1 All other relevant policies and considerations have been taken into account.
Planning
permission should not 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

 Consultation Area

 Statutory Listed Buildings



1:1,500

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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