

<b>Committee:</b> Development	<b>Date:</b> 9 October 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 6.2
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Kamlesh Harris / Piotr Lanoszka	<b>Ref No:</b> PA/13/01433 (Full Planning Application)
	<b>Ward:</b> Saint Dunstan's and Stepney

## 1. APPLICATION DETAILS

**Location:** Dame Colet And Haileybury Centre, Ben Jonson Road, London E1 3NN

**Existing Use:** Community and play facilities

**Proposal:** Demolition of Dame Colet House and Haileybury Centre and erection of two four storey residential blocks to provide 40 affordable housing units together with the erection of a three storey youth, sport and community centre building with associated landscaping, car parking and other ancillary works.

**Drawings and documents:** List of Plans:

1917-00-DR-0010 P01, 1917-00-DR-0011 P01,  
1917-00-DR-0101 P01, 1917-00-DR-0110 P04,  
1917-00-DR-0111 P02, 1917-00-DR-0112 P02,  
1917-00-DR-0113 P02, 1917-00-DR-0114 P02,  
1917-00-DR-410 P02, 1917-00-DR-611 P03,  
1917-00-DR-615 P021, 1917-00-DR-616 P02,  
1917-00-DR-617 P01, 1917-00-DR-1010 P01,  
1917-00-DR-1011 P01, 1917-00-DR-1012 P01,  
1917-00-DR-1013 P01;

A/100/01G, A/100/02G, A/100/03F, A/100/04,  
A/100/05, A/100/41D, A/100/42D, A/100/61F,  
A/100/62F and A/100/63F.

Documents:

- Design and Access Statement
- Statement of Community Involvement
- Transport Statement
- Travel Plan
- Planning and Impact Statement
- Socio-economic and Regeneration report

- Ground investigation
- Ecology Report/Bat Survey
- Sustainability Report
- Daylight and Sunlight Assessment
- Construction Management Plan
- Verified views
- Energy Statement
- Archaeology Assessment
- Noise Assessment
- Acoustic Report
- Heritage Statement

<b>Applicant:</b>	Guildmore Limited and London Borough of Tower Hamlets
<b>Ownership:</b>	London Borough of Tower Hamlets
<b>Historic Building:</b>	None
<b>Conservation Area:</b>	None

## 2. EXECUTIVE SUMMARY

- 2.1 The report considers an application to demolish Dame Colet House and Haileybury Youth Centre, located in Stepney and to redevelop the site to provide a new indoor youth and sports centre and to provide 40 affordable homes, within two linked four storey buildings.
- 2.2 The proposals are a Council led initiative and the applications are submitted jointly by Tower Hamlets Council and its procured developer partner, Guildmore.
- 2.3 The development of the youth centre would involve the loss of an outdoor sports pitch to the rear of Haileybury Youth Centre. This would be mitigated through the provision of a similar open air ball court on the roof of the proposed youth facility.
- 2.4 The residential development would be focussed around a private courtyard accommodating a play area for under-5 year old children and gardens for the ground floor flats. All upper floor flats would have access to private balconies.
- 2.5 The residential scheme would provide a policy compliant mix of one, two, three and four bedroom homes for rent at Tower Hamlets preferred affordable rents.
- 2.6 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver good quality affordable homes and a much improved youth centre in a sustainable location. The youth centre proposals would relate well to the corner location in terms of their design and appearance, the buildings would preserve and enhance the setting of York Square Conservation area to the south and would open up views from Ben Johnson Road towards Saint Dunstan's Church (Grade I listed).
- 2.7 In addition to the provision of a new public leisure facility and 100% affordable housing, the scheme would provide financial contributions, secured as planning

obligations, towards education and health facilities, off site open space and public realm improvements

- 2.8 The application is recommended for approval subject to the completion of a Section 106 agreement.

### 3. RECOMMENDATION

- 3.1. That the Development Committee resolve to **GRANT PLANNING PERMISSION** for application PA/13/01433 subject to:

- 3.2 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:

- § £72,595 towards primary education
- § £67,493 towards secondary education
- § £14,020 towards primary healthcare
- § £30,000 towards public realm improvements
- § £15,892 towards public open space improvements

Total £200,000

- 3.3 In addition the following non-financial obligations would be secured:

- § 100% affordable housing (Tower Hamlets preferred rents)
- § Car free agreement

- 3.4 That the Corporate Director, Development & Renewal and Assistant Chief Executive (Legal Services) is delegated authority to negotiate and approve the legal agreement indicated above.

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

#### **Conditions**

- 3.6 Compliance

1. Time Limit 3 years
2. Demolition to take place within 2 years (requirement for further bat survey)
3. Compliance with plans and documents
4. Compliance with Energy and Sustainability Strategy submitted
5. All residential accommodation to be completed to lifetime homes standards
6. Communal play space and child space accessible to all future residents of the development
7. Refuse and Recycling to be implemented in accordance with approved plans
8. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
9. Ensure pedestrian access points are level or gently ramped
10. Hours of opening for the youth, sport and community centre including all ancillary facilities (07:00 until 22:00 Monday to Saturday, 08:00 until 21:00 on Sundays and Bank Holidays)
11. Vegetation clearance/removal to take place outside bird nesting season

### 3.7 Prior to commencement

12. Demolition/Construction Environmental Management Plan/Construction logistics
13. Ground contamination – investigation and remediation
14. No impact piling shall take place until a piling method statement has been submitted and approved
15. Drainage details and mitigation of surface water run-off
16. Submission of details and samples of all facing materials
17. Approval of sound insulation measures in accordance with agreed standards
18. Crossrail requirement regarding detailed design and method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent),
19. Crossrail requirement regarding works below ground level
20. Scheme of Highways Works (S.278)
21. Travel plan
22. Details of all external lighting and CCTV
23. Details of brown and green roofs and other ecological enhancement/mitigation measures
24. Landscaping and boundary treatment details including Landscaping Management Plan
25. Submission of details of the wheelchair housing specification/standards to show at least 10% units are wheelchair adaptable
26. Details of cycle parking/storage
27. Details of external plant and ventilation, including noise attenuation measures
28. Archaeological investigation and historic buildings recording
29. Details of all Secure by Design measures
30. Details of future capability to connect the site to a district wide CHP system
31. Details of rooftop PV array
32. Details of play equipment

### 3.8 Prior to Occupation

33. Delivery and Servicing Plan
34. Waste Management Plan
35. Code for Sustainable Homes post completion assessment
36. BREEAM post completion assessment

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

### 3.10 Informative

1. Associated S106
2. Compliance with Environmental Health Legislation
3. Compliance with Building Regulations

## **4. SITE AND SURROUNDINGS**

4.1 The application relates to the site of the existing part single, part two storey Dame Colet House and two storey Haileybury Youth Centre buildings. The site is located on the southern side of Ben Jonson Road at the corner with Stepney High Street. The southern boundary adjoins Durham Row which is a pedestrian lane running between Stepney High Street and White Horse Road. Directly across Stepney High Street to the west is the Stepney City Farm. Stepney Maths and Computing College lies north

of Ben Jonson Road; to the east is a 4 storey residential block – Pevensey House and further to the south east are residential properties on either sides of Durham Row. The site is located 100m west of the Ben Jonson Road Town Centre, a vibrant parade of shops and community facilities.

- 4.2 On the opposite side of Durham Row lies the Grade I listed Parish Church of St Dunstan and All Saints with its historic churchyard and green space. The churchyard's iron railings, gate piers and gates are Grade II listed. The church and surrounding area fall within the York Square Conservation Area which was designated in January 1973 and extended in October 2008. Whilst the application site overlooks the church, no parts of this site fall within the conservation area. Further to the east along Durham Row is a Grade II listed terrace.
- 4.3 The site measures 0.29 hectares in area. The buildings on site have an established use as a community and youth centre with ancillary facilities. The site includes an existing open air football pitch behind Haileybury Youth Centre. They are modern 1960's blocks built in bricks and sit quite low within the street scene. The Haileybury Youth Centre is still in use today but is in a very poor condition. It also serves as community function space. The Dame Colet House did have some community and residential use but has not been in use for many years and is in poor state of repair. All existing buildings on site would be demolished to accommodate the new proposal.
- 4.5 The site has a PTAL (public transport accessibility) of 5, being very accessible (where level 6 is regarded as being excellent levels of accessibility). There are several bus routes serving the local area. Limehouse DLR station is about 550m south of the site and Stepney Green Underground station lies to the north about 600m away. There is also a Barclays Cycle Hire station nearby.
- 4.6 There are a number of schools in the vicinity of the application site in nursery, primary and secondary stages. In addition to the public open space around the church, there are several children's play areas scattered within walking distance of the application site, in Belgrave Street and White Horse Road. Besides the St Dunstan and All Saints church, the Stepney City farm is one of the main attractions in the area.

## **5 RELEVANT PLANNING HISTORY**

### Dame Colet House

- 5.1 On 14 December 2001, planning permission was granted for the construction of a purpose built nursery extension to replace current portakabin and storage shed, together with a new lift extension to existing building (LBTH Ref: PA/01/000870). This planning permission was not implemented and has now lapsed.

### Haileybury Youth Centre

- 5.2 On 25 January 2002, planning permission was granted for the construction of first floor extension to the current sports hall comprising music room, offices, ground floor car parking & new lift extension to the existing building. (LBTH Ref: PA/01/000869).
- 5.3 On 08 April 2013, an EIA Screening Opinion was issued which confirmed that an EIA submission was not required for the construction of a four storey residential development and sports/youth centre. (LBTH Ref: PA/13/00568).

## **6 DETAILS OF THE PROPOSED DEVELOPMENT**

- 6.1 Planning permission is sought for demolition of the single storey Dame Colet House and the two storey Haileybury Youth Centre, and erection of two residential buildings of four storeys and a two/three storey youth, sport and community centre.
- 6.2 The new Haileybury Youth Centre would comprise a sports hall, a rooftop MUGA pitch, a gym, studios, classrooms and a café. The youth centre would sit in a prominent corner position and while itself at 3 storeys in height, due to higher floor to ceiling heights, would broadly match the height of the adjoining 4 storey residential development. The building would be faced in London Stock brick, benefit from large areas of glazing, especially to the entrance, and louvered panels enclosing the rooftop MUGA games court. Artwork on glazing would add visual interest to the building.
- 6.3 The residential buildings would be 100% affordable with all of the 40 units designed to Lifetime Homes standards and Sustainable Homes Code 4. The mix would consist of 12 one bedroom, 10 two bedroom, 12 three bedroom and 6 four bedroom units. The units would be arranged in two buildings with separate entrances from Ben Jonson Road, linked by a central courtyard and child play space in the centre and at rear. Each residential unit would have access to a balcony or private garden. Amenity space consists of a communal courtyard with dedicated child play space measuring approximately 100sqm. The two buildings would be set 5 metres apart to allow views of the church and linked by a wall with railings on Ben Jonson Road to provide privacy and security for residents. Both buildings would be formed in an L shape with a flat roof, faced in London Stock brick with glazed balconies. Contrasting bricks are proposed within the rear elevation. This architectural approach would give the building a strong vertical emphasis – in particular to the south, facing the York Square Conservation Area and the Grade I listed church.
- 6.4 The proposal would be car free and existing permit holders would be allowed to transfer their parking permits (for the 3 bed and above). A total of 3 disabled parking spaces and 58 cycle spaces would be dedicated to residents, with 6 spaces for visitors. Cycle parking for the Haileybury Youth Centre consists of 12 secure, covered spaces for staff and 20 for visitors.

## **7 POLICY FRAMEWORK**

- 7.1 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:

### **7.1 Government Planning Policy**

NPPF - National Planning Policy Framework

### **7.2 Spatial Development Strategy for Greater London - London Plan 2011**

2.9 Inner London

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

3.8 Housing Choice

3.9 Mixed and Balanced Community

3.10 Definition of Affordable Housing

- 3.11 Affordable Housing Targets
- 3.14 Existing Housing
- 3.16 Protection and enhancement of social infrastructure
- 3.19 Sports facilities
- 4.7 Retail and town centre development
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic Approach
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing Traffic Flow and Tackling Congestion
- 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 and Archaeology
- 7.18 Protecting Local Open Space
- 7.19 Biodiversity and access to nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

**7.3 Tower Hamlets Adopted Core Strategy 2010**

- SP01 Refocusing on our town centres
- SP02 Urban Living for Everyone
- SP03 Creating Healthy and Liveable Neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering place making
- SP13 Planning Obligations

**7.4 Managing Development Documents 2013**

- DM0 Delivering sustainable development
- DM1 Development within the town centre hierarchy
- DM3 Delivering Homes
- DM4 Housing standards and amenity space
- DM8 Community Infrastructure
- DM10 Delivering Open Space
- DM11 Living Buildings and biodiversity
- DM13 Sustainable Drainage
- DM14 Managing Waste

DM20 Supporting a Sustainable transport network  
DM21 Sustainable transportation of freight  
DM22 Parking  
DM23 Streets and the public realm  
DM24 Place sensitive design  
DM25 Amenity  
DM27 Heritage and the built environment  
DM29 Achieving a zero-carbon borough and addressing climate change  
DM30 Contaminated Land

## **7.5 Supplementary Planning Documents**

Designing out Crime Parts 1 and 2  
Planning Obligations SPD 2012  
York Square Conservation Area Appraisal

## **7.6 Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

## **8.0 CONSULTATION RESPONSE**

8.1 The following were consulted with regard to the application. Responses are summarised below. Full representations are available to view on the case file. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report which addresses the various material planning considerations but where appropriate, comment is also made in response to specific issues raised as part of the consultation process.

8.2 As the proposed development was amended, to address concerns raised as part of the initial consultation process, officers have determined that it was not necessary to carry out any re-consultation on the amended plans.

### **LBTH Housing Development & Private Sector**

8.3 The bedroom size mix is fully policy compliant. All properties comply with Lifetime Homes and would benefit from separate kitchens and living areas.

8.4 Wheelchair accessible units are welcome and the mix would be in line with the needs of families waiting for fully accessible housing on the Common Housing Register.

8.5 Given the size of the development, a 100% affordable scheme is considered acceptable. The Affordable Housing Team fully supports this proposal.

### **LBTH Environmental Health**

8.6 The proposed development should comply with the Tower Hamlets Construction Policy, the Control of Pollution Act 1974 and BS 5228: 2009 (Code of practice for noise and vibration control on construction sites) in order to ensure prevention of noise and dust nuisance and the infringement of the nuisance provisions set out in the Environmental Protection Act 1990. Construction works to be carried out only during the following hours: 8am- 6pm Monday to Friday. 8am – 1pm Saturdays. No



works allowed on Sundays and Public Holidays. Piling methods and construction management plan should also be agreed. The construction noise limits should not exceed 75dBA LAeq 10 hours at residential facade and should not exceed 65dBA LAeq 10 hours at the facade of noise sensitive premises such as schools. It is recommended that the developer applies for section 61 COPA 1974 consent. Details of plant and equipment should be provided to comply with noise assessment submitted.

- 8.7 The development must satisfy the design requirements of BS8233: 1999 - 'good standard' and Approved Document E (ADE) of Building Regulation 2003. Approved Document E stipulates the insulating specifications that must be met to ensure that building design and construction provides reasonable resistance to sound from other parts of the same building and from adjoining buildings – Dntw 45 and Lntw 62.
- 8.8 A condition should be included to ensure a detailed land contamination remediation method statement is submitted prior to the commencement of the development.

(OFFICER'S COMMENT – suggested conditions have been included as part of the recommendation to grant planning permission to deal with all the issues raised above).

#### **LBTH Biodiversity Officer**

- 8.9 A preliminary bat survey identified part of Dame Collet House as having high potential to support bat roosts, and several other features on site as having low potential to support bat roosts. Results of further survey found no evidence of roosting bats, so there is no need for any further bat mitigation or surveys at this time. If demolition does not take place within 2 years, a precautionary bat survey should be undertaken before demolition commences. This would be secured by condition.
- 8.10 It is important that the development does not increase the current levels of lighting within the churchyard where small numbers of bats have been recorder. Details of external lighting should be secured by condition.
- 8.11 Vegetation clearance should be undertaken outside the bird nesting season. If this is not possible, vegetation to be removed should be surveyed for nesting birds - if any nests are found, these must be left undisturbed until the young have fledged. This should be secured by condition.
- 8.12 A condition should require details of ecological enhancements, including green roofs, landscaping and boxes for animals.

(OFFICER COMMENT: suggested conditions have been included).

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

- 8.13 The energy strategy is policy compliant. Initial assessment confirms that the proposed development would achieve Sustainable Homes Code 4, reducing CO2 emissions by more than 35%, and BREEAM Excellent at a score of at least 70. Relevant pre-assessments and post completion assessment should be conditioned to ensure that the above targets are met.
- 8.14 London Plan Policy 5.6 requires the applicant to investigate communal systems if they cannot connect to a district system or have an on-site CHP. The applicant has

demonstrated that in this instance individual gas boilers are an acceptable solution. Details of provision for future connection to a district wide CHP network should be conditioned.

(OFFICER COMMENT: Appropriate conditions dealing with the issues raised have been included.)

### **LBTH Communities, Localities & Culture (Strategy)**

8.15 The units proposed will result in an estimated 111 new residents within the development. A number of financial contributions are required to mitigate the impact of the proposed development based on the Planning Obligations SPD.

8.16 £14,011 is required towards Idea Stores, Libraries and Archives.  
£46,169 is required towards Leisure Facilities.  
£89,231 is required towards Public Open Space.  
£1,668 is required towards Smarter Travel.  
£91,020 is required towards public realm improvements.

(OFFICER COMMENT: The financial contributions are explained in detail in Section 10 of this report)

### **LBTH Transportation & Highways**

8.17 The principle of residential development at this location and of the scale proposed is supported by Transport and Highways.

8.18 A Construction Management Plan, S278 agreement and a Travel Plan should be secured by condition. A car free agreement and financial contributions towards sustainable travel should be secured through S106.

8.19 Details of disabled bays should be revised to ensure appropriate access - amended plans have been received and the number of disabled bays has been reduced to 3 together with changes to their orientations. Furthermore, the steps have been omitted and a direct step free access to the lobby area has been provided.

8.20 Provision of secure cycle parking in accordance with standards is welcome. Details should be conditioned.

8.21 The deliveries and servicing area should be appropriately designed to encourage drivers to give way to pedestrians.

(OFFICER COMMENT: suggested conditions have been included, highway matters will be addressed in Section 10 of this report.)

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

8.22 The bin store locations are acceptable. Sufficient capacity of the bin stores should be ensured.

(OFFICER COMMENT: a Waste Management Strategy condition has been included)

### **LBTH Children Schools and Families (Education Development)**

8.23 Standard contributions towards primary and secondary school places are requested.

(OFFICER COMMENT: Educational contributions feature as part of the S106 Agreement).

## **LBTH Enterprise & Employment**

### Construction Phase

- 8.24 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets.
- 8.25 The Council will seek to secure a financial contribution of **£5,695** to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.

(OFFICER COMMENT: The financial contributions are explained in detail in Section 10 of this report)

### External consultation responses

#### **Transport for London (TfL)**

- 8.26 TfL supports this proposal in principle. Construction Logistics Plan and a Delivery and Servicing Plan should be secured by condition.
- 8.27 The Travel Plan submitted with the application failed the ATTrBuTE toolkit assessment and as such will need to be revisited, amended and assessed through ATTrBuTE before being re submitted to the Borough.

(OFFICER COMMENT: This would be sought through the imposition of a planning condition).

#### **Environment Agency**

- 8.28 The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. Measures to ensure sustainable drainage and reduction in water runoff should be conditioned.

(OFFICER COMMENT: An appropriate condition dealing with the issues raised have been included)

#### **English Heritage Archaeology**

- 8.29 The application site lies inside an area of archaeological potential connected with the historic core of Stepney and both prehistoric and early medieval remains have been encountered close by.
- 8.30 The submitted Archaeological assessment has been examined and also the geotechnical reports from the site. Archaeological remains may be affected by the

proposed development and a programme of field evaluation followed by any necessary mitigation work would be appropriate in this case.

- 8.31 A condition should be attached with regards to the safeguarding of any heritage assets of archaeological interest.

(OFFICER COMMENT: An appropriate condition dealing with the issues raised have been included)

#### **Metropolitan Police (Crime Prevention Officer)**

- 8.32 Detailed Secure by Design comments were received. The matters raised will be conditioned appropriately.

(OFFICER COMMENT: An appropriate condition dealing with the issues raised have been included)

#### **Crossrail**

- 8.33 Detailed design of the proposed development needs to take account of the construction of Crossrail.

- 8.34 Crossrail request conditions regarding 1) detailed design and method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), and 2) Condition regarding works below ground level

(OFFICER COMMENT: An appropriate condition dealing with the issues raised have been included)

#### **Thames Water Utilities**

- 8.35 Thames Water raise no objections and request for a number of informatives to be included on the decision notice.

(OFFICER COMMENT: An informative has been included dealing with the advice and issues raised)

### **9. Local Representation**

#### Statutory Consultation

- 9.1 Site notices were displayed on 06 August 2013. The proposal was also advertised in the press on 08 July 2013. A total of 138 neighbouring addresses were notified in writing. 1 letter of objection has been received from a local resident and 5 letters of support have also been received.

- 9.2 For completeness, all issues raised in objection or in support are summarised below. The full representations are available to view on the case file.

- 9.3 The objection raises the following matters:

- Scale and height of development
- Housing density

- Disruption during works

9.4 The letters in support focus on benefits of the new Haileybury Centre to young people.

Consultation carried out by the applicant

- 9.5 A public exhibition was held on 15 May 2013 at the Haileybury Youth Centre.
- 9.6 A press advert / editorial was published in the East End Life on Monday 6<sup>th</sup> May 2013 to provide background information about the schemes. A web-site ([www.poplarbathsanddamecolet.co.uk](http://www.poplarbathsanddamecolet.co.uk)) has also been set up by Guildmore to promote the scheme, provide background information and updates for people to view and comment on the plans.
- 9.7 Approximately 60 residents attended the public exhibition. A total of 22 comment forms were completed and returned to Guildmore.
- 9.8 Overall, the majority of attendees welcomed the proposals for the regenerated Youth Centre and provision of new affordable housing.
- 9.9 A number of people expressed an opinion that more affordable housing would be welcomed on the site. There was a view that Durham Row needed to be enhanced through improved lighting and landscape treatment to assist in stopping anti-social behaviour. Many of the concerns and issues raised that evening have already been addressed by the developer.
- 9.10 (OFFICER COMMENT: The response to third party representations in the assessment of the applications is included in Section 10 below.

## **10. MATERIAL PLANNING CONSIDERATIONS**

### **Background**

- 10.1 This planning application has been submitted by Guildmore acting as Developer for London Borough of Tower Hamlets (LBTH) in respect of the Haileybury Youth Centre and Dame Colet House. This marks a key milestone in the Boroughs aspiration to provide 40 much needed residential housing units, in conjunction with a new community youth facility to replace the existing Haileybury Youth Centre.
- 10.2 The Haileybury community youth facility will be provided on an internal repairing lease basis, with the demise of the lease encompassing the whole of the internal space.
- 10.3 The residential units will be provided to LBTH under an internal repairing lease basis, with Tower Hamlets Homes managing and letting the units as LBTH's ALMO.
- 10.4 This project is a local authority led initiative that would deliver key strategic priorities including the provision of a 'state of the art' youth centre and the provision of affordable homes.
- 10.5 Tower Hamlets Council has procured this project through an European Union compliant competitive dialogue process. Initial invitations were sort through an OJEU notice, with respondent's completing Pre-Qualification Questionnaires. Upon completion of PQQ's a number of successful bidders were invited to participate in competitive dialogue.

- 10.6 In July 2012 cabinet permission was received to proceed into stage 2 of the procurement process (ITPCD - detailed solutions). The successful completion of this process as ratified by Council in January 2013 and has allowed the Council's developer to complete detailed design and this subsequent planning application on our behalf.
- 10.7 The main planning issues raised are as follows:
1. Land Use
  2. Housing density, mix and quality
  3. Design and Heritage matters
  4. Amenity
  5. Transport and Highways
  6. Energy efficiency & Sustainability
  7. Contamination
  8. Planning Obligations & CIL
  9. Localism Act (amendment to S70 (2) of the TCPA 1990)
  10. Human Rights Considerations
  11. Equality Act Considerations

#### **Land Use**

- 10.8 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 10.9 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.
- 10.10 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.
- 10.11 The Core Strategy place-making policy SP12 identifies a vision for Stepney to be 'A great place for families nestled around the green spine of Stepney Green, Regents canal and Mile End Park Leisure Centre'. The vision places priority on improving the quality of the Ben Jonson Road Neighbourhood Town Centre to ensure it meets local needs and acts as a focal point to the area, and to continue the physical, social and economic regeneration of the Ocean Estate.

- 10.12 The application site carries no site-specific policy designations but is located within an 'edge of centre' area for the Ben Jonson Road Neighbourhood Town Centre, located approximately 150m to the east. The site is occupied by two community centres of approximately 1035sqm and an outdoor sports pitch of circa 600sqm.

#### Principle of residential use

- 10.13 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885. The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 10.14 The Core Strategy objective SO5 and policy SP01 identify edge of town centre locations, such as the application site, as suitable for mixed use development with the proportion of residential accommodation increasing away from designated town centres. Additionally, the placemaking policy SP12 envisages Stepney as a great place for families.
- 10.15 Given the above and the predominant residential character of the site's environs, the principle of redevelopment of part of this brownfield site for housing purposes is considered desirable in policy terms subject to other land use considerations.

#### Re-provision of community/sport facilities

- 10.16 Housing growth should be accompanied by and underpinned by provision of social, recreational and cultural facilities and services to reflect the community's needs, promote social cohesion, increase the quality of life and support health, social and cultural wellbeing. In particular, paragraph 73 of the NPPF acknowledges the contribution that opportunities for sport and recreation can make to the health and wellbeing of communities. Accordingly, policies 3.16 and 3.19 of the London Plan support development proposals that increase or enhance the provision of sports and recreation facilities. There is a particular preference for multi-use public facilities.
- 10.17 These national and regional policies are reflected in the Council's Core Strategy policy SP03 and strategic objectives SO10 and SO11 which aim to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and ensure the timely provision of infrastructure to support housing growth. In particular, policy SP03 seeks provision of high-quality, multi-use leisure centres in accessible locations.
- 10.18 The NPPF, policies 3.16 and 4.7 of the London Plan, objectives SO4 and SO5 and policy SP01 of the Core Strategy, and policy DM8 of the Managing Development Document seek to locate leisure, social and community facilities in accessible locations, in or at the edge of town centres or along main roads. This is in order to support the vitality and viability of local town centres and ensure easy access by foot, cycle or public transport.
- 10.19 The Managing Development Document policy DM8 requires protection of health, leisure, social and community facilities where they meet an identified local need and the buildings are suitable for their use. The loss of an existing facility will only be considered acceptable if it can be demonstrated that there is no longer a need for the

facility and the building is no longer suitable, or the facility is being adequately reprovided elsewhere. Paragraph 74 of the NPPF specifies that existing open space, sports and recreational buildings and land should not be built on unless the development is for alternative sports and recreational provision or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity.

- 10.20 The application proposes replacement of the existing community centres of some 1035sqm and an outdoor sports pitch of some 600sqm with a new, purpose-built youth, sport and community centre of 1,271sqm. The centre is to include two primary sport areas – a 323sqm indoor sports hall and a 544sqm outdoor multi-purpose games area, with associated changing facilities, studios, classrooms, gym and café.
- 10.21 While this represents a net gain of 267sqm in the area of dedicated sports pitches, an overall loss of 404sqm of general community floorspace will occur as result of the proposed redevelopment of the site due to introduction of a significant amount of affordable residential accommodation within its eastern part.
- 10.22 It is considered expedient to note that while the 476sqm Hailebury Youth Centre with its external sports pitch of 600sqm is in a very poor condition is still actively used for sport and recreational purposes, the 559sqm Dame Colet House is derelict and has not been in use for many years. The new youth, sport and community centre, being purpose-built would be of much higher quality than the existing buildings on site and include dedicated indoor and outdoor sport area. Thus while some quantitative loss of community floorspace occurs the overall proposal represents a strong qualitative improvement. Furthermore, Sport England were consulted on the proposal and raised no objection.
- 10.23 Overall, on balance, it is considered that the loss of part of the community floorspace on site is acceptable in land use terms as the redevelopment of the site for mixed use purposes will provide a state-of-the-art youth, sport and community centre in an appropriate location while making a significant contribution to delivery of much needed affordable housing. The proposal thus broadly accords with the principles of the abovementioned land use policies.

#### Development on open space

- 10.24 Outdoor sport facilities such as the 600sqm sports pitch, which forms part of the Haileybury Youth Centre, are defined as open space for the purpose of the Managing Development policy DM10 and Core Strategy policy SP04.
- 10.25 Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection and safeguarding of open space such that there is no net loss. Policy DM10 specifies that development on areas of open space will only be allowed in exceptional circumstances where a higher quality open space outcome is achieved as part of a wider redevelopment proposal. As mentioned above, paragraph 74 of the NPPF specifies that existing open space, sports and recreational buildings and land should not be built on unless the development is for alternative sports and recreational provision or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity.
- 10.26 The 600sqm artificially surfaced outdoor sports pitch is to be replaced by a 323sqm, indoor, multi-purpose, sports hall and a 544sqm rooftop, outdoor, multi-purpose,



games area. While a small reduction in the area of outdoor sport facilities occurs, there would be an overall qualitative and quantitative improvement to the sport facility. In light of the provision of large outdoor sport pitches in the vicinity of the site within Stepney Green and Mile End parks, it is considered that, on balance, the proposal broadly accords with the above policies.

#### Inclusion of café use

- 10.27 Core Strategy policy SP01 and objectives SO4 and SO5 seek to ensure that the scale and type of development is proportionate to the town centre hierarchy and to promote mixed use at the edge of town centres and along main streets. The policy also seeks to ensure that town centres are active, well-used and safe during day and night and to encourage evening and night time economy uses that contribute to the vibrancy, inclusiveness and economic vitality. Evening and night time uses such as cafes should not be over-concentrated where undue detrimental impact on amenity would result, should be of a balanced provision and complementary to the adjoining uses and activities. Policy DM1 of the Managing Development Document expands on the above strategic policy and, to support the vitality and viability of town centres, directs restaurants and cafes to town centres.
- 10.28 Provision of a small café on site, in an edge-of-centre location, is acceptable as it would not be uncommon for a community or sport centre to house a publicly accessible café to supplement the leisure offer on site, the café use would be clearly ancillary to the principal youth, sport and community centre use and would not compete with the offer of the nearby town centres.
- 10.29 The redevelopment of the site to provide affordable residential accommodation and a purpose-built youth, sport and community facility with an ancillary café would be acceptable in land use terms as it would continue the physical, social and economic regeneration of the Ocean Estate, constitute a sustainable and efficient use of a brownfield site, contribute significantly to meeting local housing needs and provide an improved leisure, recreational and community facility in line with the broad objectives of planning policies at the national, regional and local levels.

#### **Design and Heritage matters**

- 10.30 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 10.31 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site. Policy 7.8 seeks to identify London's heritage assets and historic environment so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.

- 10.32 Policy SP10 sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings. This policy also seeks to protect and enhance the borough's heritage assets, their setting and their significance.
- 10.33 The Managing Development Document deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context. Policy DM27 of the MDD seeks to protect and enhance the borough's heritage assets, their setting and their significance. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure that they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. More importantly, it states that development should enhance or better reveal the significance of the asset or its setting.

#### Layout, height and scale

- 10.34 The application site is rectangular in shape and occupies a corner plot along a busy junction and near the Ben Jonson Road town centre. The surrounding area is interesting in its diverse uses and different architecture. St Dunstan's church dominates this area; however, it is also equally important to look at the layout of the roads, the adjacent Stepney City Farm, the Stepney Green Maths and Computer College and the surrounding conservation areas, York Square and Stepney Green. The several housing blocks scattered around these different buildings offer a wholesome palette of materials and design that complement the whole area.
- 10.35 The proposal would occupy the entire plot of land, running from north to south but with a significant gap in between. The two residential buildings would be in an "L" shape; the youth centre building would mould the corner edge with a wraparound element that brings together both roads, Ben Jonson Road and Stepney High Street. The ground floor and the courtyard of the residential buildings would be raised by 0.75m which matches the raised level of the churchyard. A small basement is proposed in the stand-alone residential building. At 3/4 storeys in height, the new buildings would complement the existing surrounding buildings along this frontage which are between 2 to 6 storeys in height. The new buildings would be built close to the street edge with a setback of 0.7m in the Ben Jonson Road elevation. At rear the buildings would be constructed abutting Durham Row. This layout will reintroduce in Ben Jonson Road a typical and traditional urban form of dwelling frontages and offer an active frontage at rear, along Durham Row and the churchyard.
- 10.36 The two residential buildings would have separate level accesses at front along Ben Jonson Road. These would be situated at either ends of the residential sections. A recessed brick wall with railings joins the two buildings at street level. The youth centre building would have a recessed level access from Ben Jonson Road on the corner with Stepney High Street. The wide forecourt would give this community/sports building a greater street presence in line with its usage. Furthermore, it would offer a generous set back from the corner junction of both streets and complements the use and activities of this building. Terraces and balconies overlook the courtyard. All ground floor properties would be provided with gardens at rear within the courtyard.
- 10.37 A rooftop mini football pitch and MUGA complete the youth centre layout. There would be a viewing terrace on the roof which will be accessed from the MUGA and

which faces the farm. The two buildings whilst close together would function separately and would be independent of each other. One of the residential buildings would be stand-alone and the other would be joined together with the youth centre building. When viewed from a distance, the two buildings would read as one in terms of their height.

- 10.38 The total height of the development is taller than the existing buildings on the site but it relates well to other heights in the surrounding area and the corner location of the site. The viewing corridor between the two residential elements helps to break the mass that could have created a negative impact on the setting of the Grade I listed church to the south. The buildings have street prominence along Ben Jonson Road without appearing bulky and dominating.
- 10.39 The Haileybury youth centre building occupies a prominent corner location. Besides being a corner building, it would also be a public building with activities that would attract a lot of people, in particular the younger generations. The rooftop MUGA creates another feature to this site together with the high perimeter enclosure which adds interest to the building. The youth centre building also complements the existing school opposite the site and the farm.
- 10.40 Overall, the proposed buildings would be appropriate in terms of height, layout and scale and relate well to the surrounding street layout and townscape. They would also preserve and enhance the setting of the York Square Conservation Area and would not affect the setting of the Grade I church and Grade II railings and gate.

#### Architectural appearance and landscape

- 10.41 The lower sections of the youth centre building would be faced in London Stock brick and benefit from large areas of glazing, especially to the entrance, while the upper section would be defined by louvered panels enclosing the rooftop MUGA games court. Artwork on glazing would add visual interest to the building. An out of hour's access would be introduced on the Stepney High Street elevation near the loading bays. Boundary fencing would be introduced at this point together with sliding gates. The high level terrace facing Stepney High Street would be set behind a parapet wall and a canopy would mark the upper level out-of-hours staircase.
- 10.42 The two residential buildings would also be faced in London Stock brick with glazed balconies. Contrasting grey bricks in basket weave bond are proposed within the rear elevation. This architectural approach would give the building a strong vertical emphasis – in particular to the south, facing the York Square Conservation Area and the Grade I listed church. Two soldier courses at first floor level and a single soldier course at parapet level add further character to the front elevation of the residential building. The windows are set within appropriate recesses and expressed in grid form. The bottom section of the windows at ground floor level would be finished in a toughened obscured glass spandrel panel to offer added privacy and add visual interest to the ground floor raised elevation. The windows and wrap-around windows would be finished in grey powder coated frames as are the patio doors. On the side of both entrance doorways the walls would be finished in a blue/grey stock brick panel with basket weave bond.
- 10.43 The majority of the projecting balconies face the internal courtyard and would be finished with toughened glass balustrade. No balconies are proposed on the front and rear elevations which is welcome. None of the balconies would project over the public highway or extend beyond the site boundary.

- 10.44 External boundary treatment has been carefully considered with low brick walls defining the edges of the site. The low wall is mounted with high railings which would be conditioned to ensure that they are of high quality and match the railings surrounding the church yard in terms of design and detailing. The low wall joining the two residential buildings would be appropriately recessed and carried out in contrasting brickwork.
- 10.45 In conclusion, the external appearance of the buildings has been carefully considered and designed to complement each other and the different uses that they serve. The materials proposed would be high quality and the buildings would create visual interest and relate well to the street at ground level. Overall the development would provide a positive enhancement to the street scene and the setting of the York Square Conservation Area and the Grade I St Dunstan and All Saints Church and surrounding churchyard.

#### Impact on designated heritage assets

- 10.46 Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Paragraph 131 specifically requires that in determining planning applications, local planning authorities take account of:
- *“desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and*
  - *the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 10.47 Guidance at paragraph 132 states that any consideration of the harm or loss of a designated heritage asset or its setting requires clear and convincing justification as well as an assessment of the impact of the proposal on the significance of the designated heritage asset and establish if it would lead to substantial harm or loss (advice at paragraph 133). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (advice at paragraph 134).
- 10.48 The closest heritage asset to the application site is the Grade I St Dunstan and All Saints Church which lies within York Square Conservation Area (designated in 1973 and extended in October 2008). The appraisal document for this conservation area describes the church as *“one of the most important parish churches in England.”* The appraisal document also states that the purpose of designating the York Square Conservation Area was to *“protect the public open space and the high quality townscape around the Grade I Parish Church and its churchyard which forms the northern boundary of the conservation area”*. It is noted that the churchyard's iron railings, gate piers and gates are Grade II listed.
- 10.49 Durham Row is also very close to the application site and has a significant architectural and historic interest. Numbers 3-19 Durham Row are Grade II listed and these properties represent a typical example of a Regency terrace. The houses also lie on the northern boundary of the church and its open space/church yard. The other side (north) of Durham Row is not listed and faces the rear elevation of Pevensey House.

- 10.50 In accordance with the York Square Conservation Area character appraisal, the preservation of the historic setting of the church and public churchyard gardens of utmost importance and views of these should be maintained and protected where appropriate, thus ensuring that the historic ties between the church and community is continued and enhanced. The new development aims to do exactly that. The existing buildings on site are low rise and there is no break between these buildings. No views are currently afforded from Ben Jonson Road to the church and churchyard.
- 10.51 The new proposal would provide views towards the church and churchyard and establish a visual connection with Ben Jonson Road. As described above, the buildings are brick built with balconies facing the internal courtyard. The viewing corridor would also allow secondary view into the development itself onto its private landscaped courtyard area situated in between the two residential buildings and at rear. The youth centre building would be built “as one” with the residential block to the west. The landscaped courtyard would create an active frontage along Durham Row and would complement the churchyard.
- 10.52 Subject to conditions to ensure high quality materials, boundary treatments and finishes, the proposal would preserve the setting, character and appearance of the Grade I Listed Church and Grade II listed railings, Grade II listed Durham Row terrace and the York Square Conservation Area.

#### Safety and security

- 10.53 The scheme would deliver significant benefits in terms of safety and security by providing active frontages to Ben Jonson Road and Durham Row. The residential development would offer natural surveillance along this narrow pedestrian walkway through over-looking from all floors.
- 10.54 The entrance area to the new Haileybury Centre is designed appropriately and together with the centre facilities and ground floor café would provide appropriate passive surveillance without creating opportunities for loitering.
- 10.55 Details of all Secured by Design measures as well as external lighting and CCTV would be conditioned.
- 10.56 Overall, the scheme would properly take into account secure by design requirements, improve safety and security in the location of the site and would not introduce undue risk of crime to future occupiers as a result of detailed design.
- 10.57 To conclude this section of the report, officers are satisfied that the scheme accords with the London Plan, the Core Strategy and the Managing Development Document policies which seek to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.

#### **Housing**

- 10.58 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development” Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

- 10.59 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885. The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.

#### Residential density

- 10.60 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 10.61 The application site adjoins the Ben Jonson Road Neighbourhood Town Centre, benefits from an urban context and very good public transport accessibility - PTAL score 5. In areas of PTAL 5 and urban setting, the density matrix associated with policy 3.4 of the London Plan supports densities of up to 700 habitable rooms per hectare. The policy acknowledges that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment.
- 10.62 The proposal, at 40 units, represents a density of 694 habitable rooms per hectare. Officers consider that the proposal would provide good quality affordable homes at an appropriate mix, including a high proportion of family sized units in a high quality scheme that positively responds to local context and does not result in any of the abovementioned symptoms of overdevelopment. As such, taking into account the context of the site, it is considered that the proposal optimises the use of the site and that the site can comfortably accommodate the proposed density in line with the relevant local, regional and national policies.

#### Affordable housing

- 10.63 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period.
- 10.64 The application is for a 100% affordable development of 40 Affordable Rent flats including a significant proportion of family units. This substantially exceeds the minimum on-site requirement of 35% affordable as specified by the Core Strategy policy SP02 and will make a significant contribution towards the Council's overall strategic target for 50% of new homes across the borough to be affordable.

- 10.65 The application also follows the Council's stated approach to provide Affordable Rent homes significantly below the national level of maximum 80% of private rent. All of the units will be managed by Tower Hamlets Homes and rented at levels determined to be genuinely affordable to local residents as assessed by the POD partnership. The one and two-bed properties are capped at equivalent to 65% of private rent, the 3 and 4 bed units are capped at 45% of market rent whilst the 5 bed units would be below 40% of market rent. This fits with the Council's approach to prioritise the larger family homes for social rent, or as in this case, as close as possible to social rent. Furthermore, development of a 100% Affordable Rent scheme at POD level rents is also supported by the LBTH Housing Team.
- 10.66 Although the proposal is for all of the new flats to fall in the Affordable Rent tenure, it is considered that the London Plan and the Council's objective of creating mixed and balanced communities and avoiding creation of mono-tenure areas would not be jeopardised in this instance as a significant number of Market Sector and Intermediate units is being delivered in the immediate area through the on-going regeneration of the Ocean Estate.

#### Dwelling sizes and mix

- 10.67 In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council's Core Strategy policy SP02 and policy DM3 of the Managing Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant targets and the breakdown of the proposed accommodation is shown in the table below.

- 10.68 Table 3: Proposed new build housing mix

Unit size	Affordable Rented		
	Units	%	Target %
<b>Studio</b>	<b>0</b>	0	0
<b>1 bed</b>	<b>12</b>	30	30%
<b>2 bed</b>	<b>10</b>	25	25%
<b>3 bed</b>	<b>12</b>	30	30%
<b>4 bed</b>	<b>6</b>	15	15%
<b>Total</b>	<b>40</b>	<b>100</b>	<b>100</b>

- 10.69 The proposed mix of units fully corresponds with the above policy requirements and includes an appropriately high proportion of family homes at 45% of all units.

#### Standard of accommodation

- 10.70 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance.
- 10.71 The internal space standards are set at 50sqm for 1 bed 2 person flats, 74sqm for 2 bed 4 person flats, 95sqm for 3 bed 6 person flats and 99sqm for 4 bed 7 person flats. All of the proposed 1 bed, 3 bed and 4 bed flats meet or exceed this target. Out of the ten 2 bed flats proposed, seven measure 70sqm which is considered to be within an acceptable margin of 74sqm as specified by policy. It is noteworthy that the majority of 3 and 4 bedroom units are particularly generously sized which is welcome

for Affordable Rented family units. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings can accommodate the furniture, access and activity space requirements relating to the declared level of occupancy. Moreover, all of the units benefit from separate kitchens and living rooms and adequate dedicated storage areas.

- 10.72 The majority of units are to be dual aspect with only 9 single aspect one bed properties. None of the proposed single aspect properties are north facing while all of the two, three and four bedroom units are dual aspect and benefit from south facing living rooms. While a small number of individual bedroom and kitchen windows (8 out of 152) fall short of the day lighting standard for new-built properties, the level of day lighting would generally remain good for the affected units bearing in mind their ground floor location in an inner city area. As such, it is considered that all of the proposed units will enjoy adequate daylight, and outlook.
- 10.73 As the habitable rooms on the opposite sides of the courtyard are 22m apart and there are no windows in the side elevation of the adjoining Pevensey House, all of the proposed flats will benefit from adequate privacy. Even though there is no defensible space boundary to the ground floor bedrooms facing onto Ben Jonson Road, the difference in levels of 1m and location of the bottom of street facing windows at 2.05m from pavement level will, in officers' opinion, ensure an adequate level of privacy.
- 10.74 Overall, it is considered that the proposed layouts are well thought through and will provide a high standard of living accommodation and amenity to the future occupiers.

#### Wheelchair Accessible Housing and Lifetime Homes Standards

- 10.75 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.
- 10.76 Four wheelchair accessible homes are proposed. 2 x two bed, 1 x three bed and 1 x four bed. The LBTH Housing Team confirmed that this is in line with the needs of families waiting for fully accessible housing on the Common Housing Register. The homes would all be located on the ground floor – due to the difference in floor levels wheelchair lifts are to be provided next to each residential entrance.
- 10.77 Overall, in compliance with the above policies, the scheme would be built to the Lifetime Homes Standards and provide 10% wheelchair accessible units with a good spread across dwelling sizes.

#### Private and communal amenity space

- 10.78 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 10.79 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the upper storey flats would have adequately sized balconies none of which are in the northern elevation. All of the ground floor units benefit from private gardens which substantially exceed the policy requirement.



10.80 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 80sqm is required for a development of 40 flats. The development will exceed this target and provide 370sqm of communal amenity space. Once areas of child playspace and defensible space for the northernmost ground floor flats are deducted, 180sqm of usable communal amenity space remains in the form of a south facing garden courtyard which is overlooked and well integrated with the development and its environs.

#### Child play space

10.81 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. 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.

10.82 Using the LBTH child yield calculations, the development is anticipated to yield 42 children and accordingly the policy sets an overall benchmark of 420sqm of child play space to be provided. Play space for children under 5 should be provided on-site while older children can reasonably use spaces off-site, within a short walking or cycling distance.

10.83 It is anticipated that the development will yield 14 under 5s and accordingly 140sqm of dedicated play space should be provided on-site. Even though the proposal incorporates 105sqm of under 5s play space within the garden courtyard, it is considered that the minor deficiency in on-site provision is acceptable due to close physical proximity and ease of access to formal play areas and informal play opportunities near the site. A gate is provided for easy access to the adjoining green spaces which benefit from various informal play opportunities and formal play facilities such as: the adjoining green space within the St Dunstan's Churchyard, the Adventure Playground and green space in the White Horse Road Park - 150m walking distance over quiet or pedestrianized streets, and the White Horse Road One O'clock Club - some 300m away. Additionally, the children play facilities in Stepney Green Park are less than 400m walking distance.

10.84 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. In addition to the youth activities which will be on offer at the adjoining Haileybury Centre, the multi-use games court in the northern part of White Horse Park is located within a 200m walking distance, Stepney Green Park with its play facilities, general games areas and floodlit football pitches is under 400m away, there are also sport facilities in Trafalgar Gardens, under 300m away, and in Shandy Park, some 400m walking distance. Mile End Park, with its sport centre, football pitches and skateboard park, is located 600m to the east.

#### Open space

10.85 Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection, improvement, and creation of open spaces. Managing Development

policy DM10 states that development will be required to contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy.

- 10.86 The Core Strategy notes that to achieve the 1.2 hectare of open space per 1000 population standard the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the built up urban character of Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standard to help justify local need.
- 10.87 To meet the above standard, based on a likely population yield of 111 new residents, the scheme would need to include 1332sqm of open space on top of 532sqm covered by the private gardens and communal amenity space provided, which in light of housing demand and the need to optimise the use of scarce development land would not be reasonable for a site measuring just under 2 hectares. It is considered that a financial contribution towards improvement of existing public open spaces would successfully mitigate the lack of on-site publicly accessible open space.
- 10.88 On balance, given the objectives to maximise delivery of affordable housing, it is considered that the proposed on-site provision would be at an acceptable level for children under 5 and that the lack of on-site provision for older children is acceptable in this instance as there are ample opportunities for play, sport and leisure within a short walking distance of the application site.

#### **Residential amenity**

- 10.89 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 10.90 The nearest residential property is the adjoining, 4 storey Pevensey House, located immediately to the east of the application site. To the southeast is a small terrace on the northern side of Durham Row, while to the northeast, on the opposite side of Ben Jonson Road is the 3 storey Edith Ramsay House.

#### Overlooking and privacy

- 10.91 Due to the lack of fenestration in the side elevation of the adjoining Pevensey House, no overlooking or privacy intrusion to adjoining residential properties would occur. The minor increase in overlooking of the rear gardens of the ground floor maisonettes within Pevensey House would have no material effect on the amenity of adjoining occupiers due to the existing levels of overlooking from other flats within Pevensey House. Due to the degree of physical separation, there would be no impact on Edith Ramsay House or the Durham Row properties.

#### Outlook and sense of enclosure

- 10.92 Due to the physical relationship between the adjoining Pevensey House and the proposed development and the large degree of separation to Edith Ramsey House and Durham Row, the outlook of adjoining residential properties would not be affected. The proposed 4 storey building would also not appear as overbearing or lead to an unacceptable sense of enclosure.

### Daylight and sunlight

- 10.93 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value.
- 10.94 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology. The assessment demonstrates that none of the adjoining residential properties would be materially affected with regards to their daylighting while only minor reductions would occur to the afternoon sunlighting enjoyed by residents of Pevensey House. The minor reductions in sunlighting to Pevensey House would not result in poor lighting condition to any of the flats and are considered in line with what can reasonably be expected in an urban location.

### Noise and vibration

- 10.95 The site is located on a relatively busy road and, as such, the majority of background noise results from vehicular traffic. The main sources of noise within the proposal are likely to arise from the use of the café, sports hall and the rooftop multi-use games area or from any comings and goings. Residents are likely to be particularly sensitive to disturbance during the evening and at weekends when they may be at home for longer periods of the day. Both uses are however compatible with a residential environment and would not be inappropriate as part of a mixed use development in this location, subject to control over opening hours, servicing hours and details of the location and type of any external ventilation or extraction plant and machinery.
- 10.96 The LBTH Environmental Protection Team recommended planning conditions to ensure noise insulation to meet the "good" design standard of BS8233 in any bedroom or living room and appropriate noise insulation between the residential and community premises. Conditions are also recommended to restrict construction times and require submission of details of piling works and a general construction management plan to ensure that the temporary disturbance to adjoining residential occupiers and the adjoining school premises is minimised.
- 10.97 Conditions are also recommended to control the opening times of the youth, sport and community facility and cafe to 7am – 10pm, Mondays to Saturdays and 8am – 9pm on Sundays and Bank Holidays.
- 10.98 Overall, subject to conditions, no undue disturbance to the amenity of adjoining occupiers would occur as a result of the proposed development.

### **Transportation and access**

- 10.99 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.

- 10.100 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met, including emphasis that the Council will promote car free developments in areas of good access to public transport.
- 10.101 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that development is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 10.102 The site enjoys very high public transport accessibility with a PTAL rating of 5. There are several bus routes serving the local area. Limehouse DLR station is about 550m south of the site and Stepney Green Underground station lies to the north, about 600m away. There is also a Barclays Cycle Hire station on White Horse Lane within 100m walking distance.
- 10.103 The Transport Statement accompanying the application concludes that given the anticipated small increase in movements created by the development and the high volume of sustainable travel connections in vicinity of the sites, the development would not have a detrimental impact on highway and pedestrian safety or operation of the highway and public transport systems. In line with recommendation of the Council’s Highways Officer, the Travel Plan would be secured via a condition.
- 10.104 Overall, Transport for London and LBTH Transportation & Highways Team support the principle and quantum of proposed development at this location.

#### Cycle Parking

- 10.105 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for various types of development.
- 10.106 The new Haileybury Centre would benefit from 20 spaces for visitors – these are to be located within the enlarged pavement on Stepney High Street, outside the proposed entrance; and 12 spaces for employees – these are to be protected from the elements and located within the deliveries and servicing area. This provision was confirmed as adequate by the LBTH Transportations & Highways Team.
- 10.107 The residential development would benefit from 6 spaces for visitors located within the enlarged pavement on Ben Jonson Road, outside residential entrances; and 58 spaces for residents – these are to be located within the car park area and appropriately covered. The proposed provision exceeds the minimum cycle parking standards.

#### Car Parking

- 10.108 Policy DM22 refers to the parking standards set out in its appendix 2. These state that for residential use in locations with a PTAL of 5, parking for 1 and 2 bedroom units should be provided at a maximum of 0.1 spaces per unit and not exceed 0.2

spaces per unit for 3 bedroom homes or larger. Leisure centres or sports facilities should not provide any parking spaces while parking spaces for community centres would be acceptable only if supported by a Transport Assessment.

10.109 In line with the above policies, the application proposes no car parking spaces for the Haileybury Centre which is expected to draw the majority of its users and visitors from residents local to the area.

10.110 Three disabled car parking spaces would be provided for the residential development. The 3 car parking spaces have been designed to be fully accessible to serve the occupiers of the ground floor wheelchair accessible dwellings. Furthermore, in accordance with policy, a car free agreement would be secured to prevent new residents from acquiring an on-street parking permit, apart from those transferring within the borough from another affordable family home under the Council's Permit Transfer Scheme (PTS).

#### Servicing and refuse requirements

10.111 Policy DM14 of the Managing Development Document sets out the Council's requirements for adequate waste storage facilities to be provided in all developments.

10.112 A dedicated servicing, deliveries and refuse area is proposed for the Haileybury Centre, in the southwestern part of the site, off Stepney High Street. Full details of refuse storage, a waste management plan and a deliveries and servicing plan will be secured by condition.

10.113 Two dedicated refuse storage areas are proposed for the residential part of the development. The capacity of the proposed storage facilities complies with the relevant policy standards.

#### **Sustainability, energy efficiency and climate change**

##### Energy efficiency

10.114 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.

10.115 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 emerging Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

10.116 The Managing Development Document policy 29 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.

10.117 According to initial assessments, the residential part of the development would achieve Sustainable Homes Code level 4 and the community centre would achieve BREEAM Excellent with a score of at least 70. Overall CO2 emissions would be reduced by more than 35%. Appropriate conditions would be imposed to ensure that the above targets are met.

- 10.118 The London Plan 2011 Policy 5.6 requires Major development proposals should select energy systems in accordance with the following hierarchy:
- Connection to existing heating or cooling networks
  - Site wide CHP network
  - Communal heating and cooling.
- 10.119 The applicant has demonstrated that in this instance individual gas boilers are the most cost-effective solution which still delivers appropriate energy savings. The applicant has also made provisions for future connection to a district-wide CHP network should one be developed in the area. Full details would be reserved by condition.
- 10.120 The LBTH Energy and Sustainability Officer has confirmed that the Energy Strategy submitted with the application is acceptable and in line with policy.

#### Ecology and biodiversity

- 10.121 The application is supported by a Preliminary Ecological Appraisal, carried out in October 2012. Neither of the sites are formally designated nature conservation sites. There are two trees on site which will be retained. There are several TPO trees within the churchyard.
- 10.122 A preliminary bat survey identified part of Dame Collet House as having high potential to support bat roosts, and several other features on site as having low potential to support bat roosts. Results of further survey found no evidence of roosting bats, so there is no need for any further bat mitigation or surveys at this time. However, if demolition does not take place within 2 years, a precautionary bat survey should be undertaken before demolition commences. This would be secured by condition.
- 10.123 It is important that the development does not increase the current levels of lighting near the churchyard to safeguard the presence of Pipistrelle bats that have been recorded foraging over the application site. It is noted that a condition would seek details of lighting and ensure that the lighting scheme should ensure no light spill onto the treeline in the churchyard. Further biodiversity enhancements can be achieved through the development by including green and brown roofs and by including (as a minimum) native planting schemes and external and integrated wildlife boxes within the development proposal.
- 10.124 In conclusion, officers are satisfied that the scheme would provide appropriate biodiversity and ecological enhancements and subject to appropriate conditions, would comply with national, London Plan and Tower Hamlets Core Strategy and Managing Development Policies with respect to biodiversity.

#### **Health Considerations**

- 10.125 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.
- 10.126 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.

10.127 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.

10.128 The applicant has agreed to a reduced financial contribution of £55,000 to be pooled to allow for expenditure on health care provision within the Borough.

10.129 The application would facilitate the delivery of a youth centre with sports facilities, gym and a roof top MUGA which would promote access to high quality leisure, sport, play and recreation facilities. These factors will contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby in particular the younger residents.

10.130 It is therefore considered that the financial contribution towards healthcare and new open space 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.

### **Planning obligations**

10.131 Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.

10.132 Policies 6A.5 of the London Plan (2008), saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.

10.133 The Planning Obligations Supplementary Planning Document sets out Tower Hamlets priorities for planning obligations and the types of development for which obligations may be sought. Where obligations take the form of financial contributions, the SPD sets out relevant formula that will be applied to calculate the contribution or whether the contribution will be negotiated on a case by case basis.

10.134 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. open space and public realm improvements).

10.135 The table below provides a summary of the financial contributions that would normally be sought in accordance with the standard methodology in the Council's adopted Planning Obligations SPD.

Standard heads of terms and third party requests	Requested contribution	Proposed contributions	Comments
<b>Employment and enterprise - construction</b>	£3,310.96	0	Commitments incorporated within development contract with the Council
<b>Employment and training – end user phase</b>	£1,220	0	Commitments incorporated within development contract with the Council
<b>Community facilities (Idea Stores &amp; libraries)</b>	£14,197	0	Community facility provided on site as part of the application
<b>Leisure facilities</b>	£46,169	0	Community facility provided on site as part of the application
<b>Primary Education</b>	£316,561	£72,595	Pro-rata % of combined Education and Health
<b>Secondary Education</b>	£294,310	£67,493	Pro-rata % of combined Education and Health
<b>Healthcare</b>	£61,135	£14,020	Pro-rata % of combined Education and Health
<b>Sustainable transport</b>	£1,668	0	Sum considered negligible by PCOP
<b>Street scene / public realm</b>	£182,286	£30,000	Durham Row public realm and lighting improvements towards public safety and security
<b>Public open space</b>	£15,892	£15,892	Obligation in proposed legal agreement to provide off site child play space.
<b>Monitoring</b>	£19,326	0	Monitoring included in overall contract delivery monitoring
<b>TOTAL</b>	<b>£956,077</b>	<b>£200,000</b>	

#### Reasons for recommended allocation

10.136 Planning policy states that planning obligations may be subject to development viability or considered on a case by case basis. In this case, it is important for the Committee to note that this mixed use development does not include any commercial elements and it would not be possible to carry out a conventional viability assessment. The proposals would not be viable under normal market conditions and can only be delivered through capital investment and subsidy from the local authority.



10.137 Advice from the Council's independent viability consultants confirms this position as follows:

1. The buildings do have an existing use value, which could be used as a benchmark for the purposes of viability negotiations.
2. However, the fact that both schemes contain a community use element (which will require long term revenue subsidy from the Council to survive) and affordable housing (which in all likelihood will cost more to build than its capital value when it is constructed) mean that the value of the proposed developments would probably be lower than the existing use value. This means that on a viability basis, it could be demonstrated that the schemes cannot sustain any planning obligations.
3. Policy (e.g. London Plan) recognises that viability needs to take account of the likely availability of public subsidy and scheme viability
4. Essentially, in providing a community use and affordable housing, the scheme is delivering significant planning gain benefit by their very nature. The Planning Authority should decide whether the planning benefit of new affordable homes and community facilities outweighs the opportunity cost of the planning gain payments that would be generated on a policy compliant (35% affordable housing) scheme that are foregone as a result of the provision of 100% housing.

10.138 Notwithstanding the above, the developer has ring fenced a maximum of £200,000 to cover financial planning obligations considered necessary to mitigate the impact of the development.

10.139 The table above confirms that if all standard Planning Obligations SPD contributions were sought, the total would significantly exceed the maximum set aside within the scheme budget.

10.140 The proposals were considered by the Council's Planning Contributions Overview Panel (PCOP), who were asked to consider how the financial contributions should be apportioned and prioritised in order to mitigate the impacts of the proposed development in line with the priorities in the Council's adopted Planning Obligations SPD. PCOP came to the following conclusions:

- Education and health should be prioritised on a percentage pro-rata basis to the full SPD requirements ;
- There would be scope to accept a lower value health contribution given the scheme will include a new leisure facility and swimming baths which can contribute towards healthy and active lifestyles;
- The contract in place with the Council includes substantial commitments to local employment, training and apprenticeships at both the construction and operational phases of the development;
- There would be no requirement to mitigate the impact of the residential development on community facilities (indoor leisure, libraries and idea stores) given the scheme would deliver a substantial new leisure facility.

- A contribution towards public realm improvements focussed on measures to improve safety, security and to deter anti-social behaviour on Durham Row at the rear of the development would be appropriate;
- A reduced open space contribution would be appropriate given the scheme includes some open space, in the form child play space suitable for under 5's.
- The relatively low value of the contribution towards sustainable transport would negate the potential benefits of receiving this sum in terms of mitigating development impacts.
- There would be no requirement to secure a 2% monitoring charge to cover Section 106 monitoring given the delivery of the whole proposal would be monitored by the local authority.

### Conclusion

10.141 In summary, taking into account the special circumstances of the case and the view of PCOP officers recommend the following contributions and obligations would be appropriate and sufficient to mitigate the impact of the development:

#### Financial contributions

- £72,595 towards primary education
- £67,493 towards secondary education
- £14,020 towards primary health care facilities
- £30,000 towards local public realm and street scene improvements
- £15,892 towards public open space improvements

#### Non-financial obligations:

- 100% affordable housing (Tower Hamlets preferred rents)
- Car free agreement

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

10.142 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:

10.143 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.

10.144 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.

10.145 In this context "grants" might include the New Homes Bonus.

10.146 These issues are material planning considerations when determining planning applications or planning appeals.

10.147 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 non-ring 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.

10.148 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £71,153 in the first year and a total payment of £426, 917 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the planning obligation contributions and therefore this initiative does not affect the financial viability of the scheme.

10.149 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

Dame Colet Community Centre	519 sqm gross	£18,165
Dame Colet: Affordable Housing	855 sqm circulation	£29,925
Total		£48,090

### **Human Rights Considerations**

10.150 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:-

10.151 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".

- 10.152 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.
- 10.153 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.
- 10.154 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.
- 10.155 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.156 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.
- 10.157 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**

- 10.158 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.159 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.
- 10.160 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

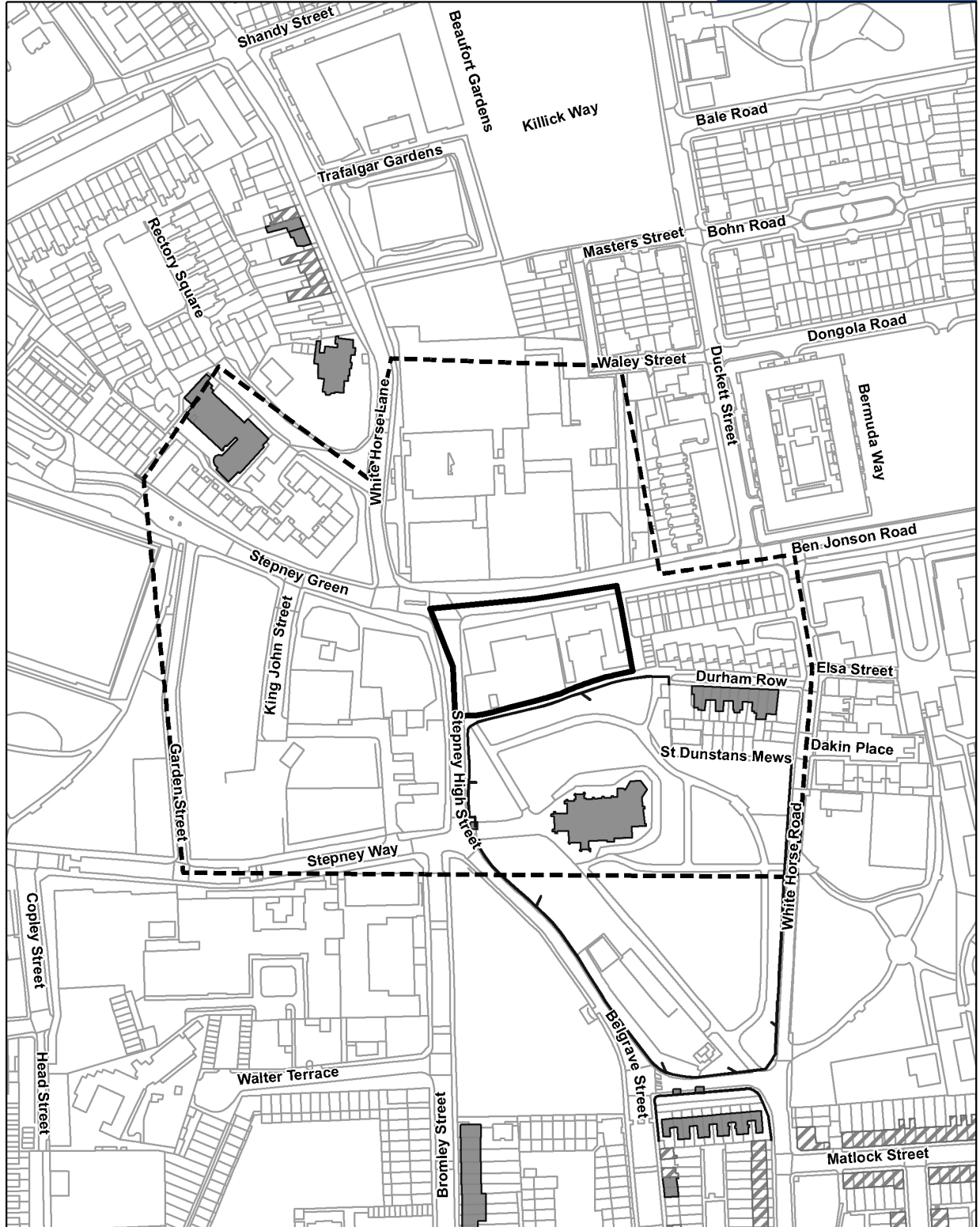
10.161 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community

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

## **11. CONCLUSION**

11.1 All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in RECOMMENDATION section of this report.

**Planning Application Site Map**  
**PA/13/01433**



- Planning Application Site Boundary
- Consultation Area
- Locally Listed Buildings
- Statutory Listed Buildings

0 20 m



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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1:2,500