

<b>Committee:</b> Strategic Development	<b>Date:</b> 21 <sup>st</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Jane Jin	<b>Ref No:</b> PA/13/02108
	<b>Ward:</b> Mile End and Globe Road

## 1. APPLICATION DETAILS

**Location:** Suttons Wharf North, Palmers Road, London  
**Existing Use:** Residential Development  
**Proposal:** Application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 to seek minor material amendments to the \*approved Suttons Wharf North development comprising the conversion of ground, first and second floor levels to create ten additional residential units and associated minor alternations to Block B.

\*see planning history for the approved Suttons Wharf North Development

**Drawing Nos/Documents:** Drawings:  
303/PL/001; 491/PL/011 Rev B; 491/PL/012 Rev B;  
491/PL/013 Rev B; 491/PL/014 Rev A; 491/PL/015 Rev A;  
491/PL/016 Rev B; 491/PL/017 Rev A; 491/PL/018 Rev A;  
491/PL/019 Rev A; 491/PL/020 Rev A; 491/PL/021 Rev B;  
491/PL/022 Rev B; 491/PL/023 Rev A; 491/PL/024 Rev A;  
491/PL/025 Rev 5; 491/PL/026 Rev A; 491/PL/027 Rev A;  
491/PL/028 Rev A; 491/PL/029 Rev A; 491/PL/040;  
491/PL/041 Rev C; 2841/SK/08; 2841/SK/9; 2841/SK/10;  
2841/SK/11; 303/SK/100118/03; 396/PL/203 Rev A;  
396/PL/204 Rev A; 303/PL/102 Rev B; 491/SK/131009-CG01;

Environmental Statement Addendum with ref 11752/IR/BK/CB;  
Additional Internal daylight and sunlight assessment for Block B with ref JB/RV/2852/13;

**Applicant:** Hollybrook Limited  
**Ownership:** Barwood Ventures Ltd;  
Barwood (Suttons Wharf) Ltd;  
Barwood Nominees Ltd; and  
One Housing Group  
**Historic Building:** None  
**Conservation Area:** Adjacent to Regents Canal Conservation Area

## 2. EXECUTIVE SUMMARY

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document 2013 as well as the London Plan (2011) and its Revised Early Minor Alterations (REMA) 2013 and the National Planning Policy Framework and has found that:

- 2.2 The proposal to remove the consented B1 and A1 uses and to introduce 10 residential units can be considered to be a minor material amendment to the consented scheme.
- 2.3 The loss of B1 and A1 uses are acceptable and have been satisfactorily justified as such these uses are better located in town centres and office locations rather than isolated locations.
- 2.4 The impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental, given the built form of the consented scheme and the urban nature of the site.
- 2.5 Sufficient quantum and quantity of housing amenity space, communal space, child play space and open spaces are already provided for which can cater for the requirement of the 10 additional units and are considered to effectively meet the needs of the development.
- 2.6 Transport matters, including parking, access, and servicing are not altered and additional cycle spaces are provided for the additional 10 residential units which are acceptable and promote sustainable travel modes.
- 2.7 The proposal will provide the full amount of the financial contributions for the 10 additional units in accordance with the Council's Planning Obligation SPD towards health facilities, employment opportunities, libraries, leisure facilities and sustainable transport which would be sufficient to mitigate the impact of the development.

### 3. RECOMMENDATION

- 3.1 That the Strategic Development Committee resolve to **GRANT** planning permissions subject to:

The variation to the **legal agreement** to secure the following additional planning obligations:

- 3.2 Financial Obligations

- a) A contribution of £1,870 towards employment and enterprise.
- b) A contribution of £1,260 towards libraries
- c) A contribution of £5,419 towards leisure facilities.
- d) A contribution of £12,295 towards health facilities.
- e) A contribution of £150 towards sustainable transport
- f) £419 towards S106 monitoring fee (2%)

**Total: £21,413**

- 3.3 Non-financial Obligations

- a) Car-free agreement to extend to the 10 new residential units to restrict occupants applying for parking permits
- b) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

- 3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **CONDITIONS & INFORMATIVES**

- 3.6 Where they have not already been discharged, the conditions on the previous decision notice shall be re-imposed to the new decision notice and there are no new conditions proposed as a result of the proposed minor material amendment. All other pre-commencement conditions which have been discharged will be re-worded to ensure that they are changed to compliance conditions.
- 3.7 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.
- 3.8 **Informatives:**
- S106 planning obligation
- 3.9 Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.10 That, if within 3 months of the date of this committee's resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

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

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

- 4.1 Suttons Wharf North is approximately 1.2 ha in size, and is located at the southern-end of Palmers Road. The site originally comprised of a cash and carry warehouse however the warehouse has been demolished since the approval of the re-development in 2006 and half of the development has been completed.
- 4.2 Of the 7 consented residential blocks, the 5 blocks which are the affordable housing units are the only element of the wider consented scheme have been delivered on site and now occupied. The remaining two blocks (A and B) are the private tenure and these blocks are currently under construction.
- 4.3 The site adjoins the Regents Canal (to the east) which is a conservation area, and lies between Meath Gardens (to the west) and Mile End Park (further to the east). Adjoining to the south of the site is Suttons Wharf South that has recently been redeveloped for a predominately a residential scheme.

##### **Proposal**

- 4.4 The consented scheme comprises 7 blocks of predominately in residential use, of which 5 blocks have been constructed and are solely for affordable housing. The ground floors of some of these buildings had consented commercial uses.
- 4.5 The remaining two blocks (A and B) are currently under construction and the subject application is to alter Block B of the consented scheme. The originally consented scheme had a total quantum 3,118sq.m of B1, A1 and D1 uses for the entire site.

- 4.6 Block B comprise of a 18 storey building with retail (118sq.m) and office (628sq.m) floor space on the lower three floors. The proposal is to replace the consented commercial spaces and to provide 10 additional units on the ground, first and second floors within Block B. The proposed mix of the units are, 4x1 bedroom units, 3 x 2 bedroom units and 3 x 3 bedroom units. These would be for private tenure.
- 4.7 The proposed amendment also include associated elevational changes to the façade to the building on the ground, first and second floor levels which will incorporate balconies and other amenities associated with residential use.

## **5 RELEVANT PLANNING HISTORY**

5.1 There is a complex planning history for the site and this can be summarised as below.

### **PA/05/1727**

*Demolition of existing buildings and construction of seven buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 656m<sup>2</sup> of Class B1 (Business) floorspace, 225m<sup>2</sup> of either Class B1 and/or D1 (non-residential institution) floorspace, 330m<sup>2</sup> of Class A1 (shop) floorspace, a health clinic (1,907m<sup>2</sup>), and a day nursery (367m<sup>2</sup>), 183 parking spaces and landscaping was granted on 12 May 2006.*

The consented mixed use scheme included the following residential number of units:

Block A – 154

Block B – 64

Block C – 35

Blocks D, E, F – 150

Block G – 16

Total 419 units.

The total affordable housing provision on site equated to 52% in habitable rooms.

### **PA/06/1336**

*Demolition of existing buildings and construction of seven buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 656m<sup>2</sup> of Class B1 (Business) floorspace, 225m<sup>2</sup> of either Class B1 (Business) and/or D1 (non-residential institution) floorspace, 330m<sup>2</sup> of Class A1 (Shop) floorspace, a 1,907m<sup>2</sup> health clinic and a 367m<sup>2</sup> day nursery, 183 parking spaces and landscaping without compliance with conditions previously attached to the Council's planning permission dated 12th May 2006 (Ref: PA/05/1727) was granted on 13 December 2007.*

This application involved removal of planning conditions and therefore did not alter the make up of the scheme, however a new consent was issued and therefore was the 'Planning Permission' for the site.

### **PA/10/1089**

*Non-material amendment to planning permission dated 13th December 2007, Reference PA/06/1336, for the demolition of existing buildings and construction of seven buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 656 m<sup>2</sup> of Class B1 (Business) floorspace, 225 m<sup>2</sup> of either Class B1 (Business) and/or D1 (non-residential institution) floorspace, 330 m<sup>2</sup> of Class A1 (Shop) floorspace, a 1,907 m<sup>2</sup> health clinic and a 367 m<sup>2</sup> day nursery, 183 parking spaces and landscaping without compliance with conditions previously attached to the Council's planning permission dated 12th May 2006 (Ref: PA/05/1727); by the addition of a condition requiring development to be carried out in accordance with approved plans.*

This non-material amendment saw the insertion of a planning condition to list all approved

plan numbers to allow for an application to be made for a minor material amendment to the scheme under s.73 of the Town and Country Planning Act. This was introduced through the Country Planning Act 1990 which was brought into force on 1 October 2009, via the commencement of s.190 of the Planning Act 2008.

#### 5.5 **PA/10/2697**

*Variation of Condition 22 (Schedule of approved drawings) of the Council's planning permission dated 13th December 2007, Reference PA/06/1336, as amended on 26 June 2010 ref: PA/10/1089 for redevelopment to allow the replacement of eight approved plans with revised versions that would result in minor material amendments to Blocks C and G comprising:*

##### *Block G*

- *Change of 16 studio units to 8 x 1 bedroom units and 4 x 2 bedroom units.*
- *Reconfiguration of nursery space resulting in an increase in floorspace from 367sq.m to 395sq.m.*
- *Reduction in height of glass panelling around the circumference from two storeys to one storey.*
- *Minor reduction in height but remains 6 storey.*

##### *Block C*

*Modifications to ground floor window framing.*

This permission was granted on 4 August 2011 and subsequently increased the number of habitable rooms slightly and therefore the percentage of the affordable housing was reduced to 51%.

The number of residential units in each block has been changed to following:

Block A – 154

Block B – 64

Block C – 35

Blocks D, E, F – 150

Block G – 14

Total 415 units.

#### 5.6

#### **PA/11/3348**

*Variation of Condition 22 (Schedule of approved drawings) of the Council's planning permission dated 13th December 2007, Ref PA/06/1336, as amended on 26 June 2010 ref PA/10/1089 (and further amended on 4th August 2011), reference PA/10/2697 for the replacement of two approved plans with revised versions to allow the following minor material amendments to blocks D, E and F:*

- *Minor reconfiguration of the 9th floor set back storey of Blocks D, E and F;*
- *Removal of the open walkway's between Blocks D, E and F at ground to second floor levels;*
- *Glazed enclosure of the external stair cores between Blocks D and E, and E and F;*
- *Enclosure of the external walkway's between Blocks D and E, and E and F;*
- *Minor alterations to fenestration and external stair cores of the north elevation of Block F and southern elevation of Block D; and*
- *Chimney flue on the north elevation of Block F.*

This permission was approved on 30 March 2012 and sought minor changes to the physicality of the buildings. However, through the variation of the s.106, Block B became all private tenure and Blocks C and G were allocated for affordable housing. This permission retained the affordable housing provision on site as 51%. A new planning permission was issued and therefore this permission became the implemented permission.

5.7 **PA11/2309**

*Change of use of the ground floor and first floor of Block G of Suttons Wharf North from a nursery (D1 use class) to residential (C3 use class), and associated exterior alterations, to provide six additional one and two bedroom units was approved 30 March 2012.*

This permission was a stand-alone permission and was considered on its own merits for the change of use from D1 use (395sq.m) on the ground floor of Block G to residential. The dwelling mix consented were 6 x 2 bedroom units in the intermediate tenure.

**PA/11/2310**

- 5.8 *Change of use on the ground floor of Block C of Suttons Wharf North from non-residential floorspace (Class B1 and/or D1) to residential (C3 use class), to provide three additional units (one x no. one bedroom, one x no. two bedroom and one x no. three bedroom) was granted on 30 March 2012.*

This permission was also a stand-alone permission and was for the change of use within Block C from B1/D1 use (225sq.m) to residential to provide 3 private units.

The planning permissions PA/11/3348, PA/11/2309 and PA/11/2310 were all considered at the same time to allow for a holistic assessment. The permissions and variation of the s106 to the original planning obligation provided the number of dwelling units for the site as follows. The affordable housing % was slightly reduced to 50.7% through the permissions but still remains as 51% as a whole number.

Block A – 151

Block B – 64

**Block C – 38**

Blocks D, E, F – 150

**Block G – 18**

**Total 424 units.**

**PA/12/2535**

- 5.9 *Non-material amendment following grant of planning permission dated 30/03/2012, ref PA/11/03348 to Blocks A & B for:*

- *reduction in floor to ceiling heights within Block B in order to introduce two additional floors of development*
- *minor external changes to the elevations of block B associated with the introduction of two new floors*
- *changes to the dwelling mix within Block A and B in order to ensure the overall number of units and bed spaces within the development remains as approved.*

This application was approved on 2 November 2012 for a non-material amendment which altered dwelling schedule of Blocks A and B (private tenure). Whilst the unit numbers stayed the same, the number of habitable rooms increased due to the removal of studios, and increased number of 2 bedroom units which are all in private tenure. This resulted in the increase of habitable rooms in private tenure by 82 rooms and therefore consequently resulted in the reduction of affordable housing to 49.6% on the site.

In conclusion, currently the site has consent for 424 units with 49.6% of affordable housing. It is worthwhile to note that all of the affordable units have been delivered on site as consented and currently Block B and A (private units) are under construction.

In terms of non-residential uses, the planning history of the application resulted in a reduction of commercial spaces (A1, B1 and D1) from a total consented 3,485sq.m to 2,898sq.m. Block A contains the largest quantum of commercial space (D1) at 1,907sq.m which was identified for PCT during the initial application stages in 2005.

## 6. POLICY FRAMEWORK

- 6.1 Following the adoption of the Managing Development Document on 17<sup>th</sup> April 2013 the development plan now consists of the Managing Development Document (MDD), the Core Strategy 2010 and the London Plan 2011 with its Revised Early Minor Alterations (REMA) 2013. The following policies are relevant to the application:

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

Policies:	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
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking
	SP13	Planning Obligations

### **Managing Development Document (Adopted 2013)**

Policies	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM27	Heritage and Historic Environment
	DM29	Zero-Carbon & Climate Change

### **Supplementary Planning Guidance/Documents and Other Documents**

Planning Obligations SPD 2012

### **Spatial Development Strategy for Greater London (London Plan 2011 and REMA 2013)**

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds

- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.9 Access to Nature and Biodiversity
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature

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

- London Housing Design Guide 2010
- Housing Supplementary Planning Guidance Nov 2012
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004
- Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012

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

- The National Planning Policy Framework 2012 (NPPF)

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

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

#### **Good practice guidance is issued by 'Communities and Local Government'**

- 6.2 The guidance 'Greater flexibility for planning permissions: Guidance', published 23 November 2009 and as amended by 2<sup>nd</sup> edition dated October 2010 provides guidance on the use of measures and to augment policy and advise on the best way of achieving technical outcomes.

#### **Background to Minor Material Amendments**



- 6.3 Changes were introduced to the planning regime in October 2009 to allow minor and non-material amendments to proposals after permission has been granted.
- 6.4 The 'Greater Flexibility Guidance' states that the use of the existing route under s.73 to vary a condition would be the best short term solution for allowing minor material amendments to an approved scheme. However, the use of s.73 depends on the existence of a relevant condition which can be amended, which includes either a condition listing plans numbers or compliance with the approved plans condition.
- 6.5 The implemented permission does have such a condition to vary, allowing the Council to consider the proposed minor material amendment.
- 6.6 Therefore, the current proposal proposed an amendment to Condition 22 which lists the approved plan numbers of the Permission for the proposed minor-material amendment.

## 7. CONSULTATION RESPONSE

- 7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:
- 7.2 The following were consulted and made comments regarding the application:

### **LBTH Housing**

- 7.3 This proposal delivers ten additional private units to the original consented scheme. These units are provided through existing vacant commercial space within the scheme.
- 7.4 The scheme achieved 52% affordable housing by habitable room, when the scheme was originally consented in 2006. Through amendments, the consented scheme has delivered 49.6% affordable housing. This proposal with the additional uplift of (10) ten units (29 habitable rooms) would change the affordable housing habitable provision to 48.6% by habitable rooms.
- 7.5 The 48.6% existing affordable units by habitable rooms still exceeds the Council's minimum affordable housing policy requirement of 35% by habitable rooms, therefore this proposal is acceptable on balance.

## 8. LOCAL REPRESENTATION

- 8.1 A total of 450 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site.
- 8.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application as submitted and amended were as follows:
 

No of individual responses:	30	Objecting:	30	Supporting:	0	Neither:	0
No of petitions received:	None						
- 8.3 The issues raised in the objections received are;-
- 8.4 *Need for commercial spaces within the site*  
[Officer's comment: This is addressed in the Land Use section of this report]
- 8.5 *Need retail uses for the existing residents*  
[Officer's comment: the site is located within 300m of the Roman Road District Centre, and out of town centre retail uses are not supported through current plan documents. This is

further expanded upon in the Land Uses section of this report.]

8.6 *Increase in density resulting in overcrowding*

[Officer's comment: The proposal does not suffer from any of the symptoms of over development and thus resulting in overcrowding conditions. The proposed unit sizes are also in accordance with the minimum dwelling standards as outlined in the Council's Managing Development Document 2013 and in the London Plan 2011.]

8.7 *Problems with refuse disposal*

[Officer's comment: As detailed in the Transport section of this report the site exceeds the minimum required capacity for refuse and recycling provision. The issues raised by the residents are in relation to an on-site management issue and the manner in which waste is disposed of. The development provides sufficient waste and recycling storage capacity to accommodate the projected waste disposal for the units on site.]

8.8 *Fly tipping*

[Officer's comment: Again, this is a site management issue. There is no direct link to suggest that the additional residential units will result in further fly tipping on site]

8.9 *Anti-social behaviour*

[Officer's comment: Objections received indicate that there have been numerous incidents of anti-social behaviour on site (9 reported cases in August 2013) and that the proposed additional new units will further add to anti-social behaviour. There is no clear association between reported cases and occupiers of the development and officers are not aware of any evidence to suggest that the proposed 10 additional units will add to the anti-social behaviour to the area.]

## 9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by this application that the committee are requested to consider are:

- Land Use.
- Housing
- Design
- Amenity
- Transport
- Planning obligations

### Land Use

9.2 The proposal will see the loss of consented commercial uses within Block B and the introduction of additional residential units on the ground, first and second floors.

#### Loss of B1 and A1 Uses

9.3 Building B is comprised of 628sq.m of B1 use and 118sq.m of A1 use on the lower floors. Employment uses are managed in accordance with SP06 of the Core Strategy, which seeks to ensure job opportunities are provided and maintained. Part 1.b of SP06 promotes a sustainable and diverse economy by ensuring a range and mix of employment uses in the borough, with a particular focus on small and medium enterprises (SMEs). Part 3.c of SP06 supports the provisions of units approximately 250sqm or less for SMEs. This is further reiterated in the Managing Development Document (MDD) policy DM15, which sets out how new development will contribute to delivering growth in locations outside designated employment areas. The loss of employment floorspace within the Borough will usually be resisted by the Council unless it can be demonstrated through marketing evidence of 12 months or that the site is unsuitable for continued employment use.

- 9.4 The application is supported by commercial assessment which looks at the supply and demand for commercial floorspaces in the local area as well as across the borough. It also looks at the appropriateness of the B1 use in this location. The assessment concludes that as the subject location is not an established business location and given the residential nature of the area, a B1 use in this location would have little prospect of it being taken up. It further states that there is a general lack of interest due to the site not benefiting from sufficient parking and not being centrally located (close to other businesses). In summary the site is not suitable due to:
- Insufficient footfall for future businesses;
  - Limited demand within this part of the borough
  - Large number of existing units (operated by workspace- customised employment spaces) are available within a 1 mile radius of the site;
  - Site is not within a preferred office location
- 9.5 It is also noted that within the locality, officers are aware that that the consented 3,000sq.m of B1 office floorspace area within Suttons Wharf South development has been actively marketed since the development was completed in 2008, and it largely remains vacant, with only limited area taken up by the One Housing Group who manages the site and the affordable housing within the application site. An application for a Prior Approval to convert the existing B1 use to residential is being assessed at the time of writing.
- 9.6 It is considered that the loss of B1 use in this location is acceptable in this instance and satisfactorily justified, and therefore accord with policies SP06 Core Strategy 2010 and DM15 of the Managing Development Document 2013.
- 9.7 In relation to the loss of the consented A1 Use, the site is within 300m from the Roman Road District Centre where a wide variety of services is available. The Council's Core Strategy directs A1 uses to town centres and only supports developments for local shops where there is a demonstrable local need which cannot be met within the existing town centre. It is considered that the Roman Road District Centre would provide the demands of the local needs and therefore A1 uses should be directed to town centres. The loss of the A1 Use is supported.

#### Residential Use

- 9.8 In terms of residential use, at strategic level the London Plan policy 3.3 'Increasing housing supply' recognises the pressing need for additional housing in London and supports development which delivers new homes on suitable sites. It seeks an annual average of 32,210 net additional homes across London, of which Tower Hamlets annual target is 2,885.
- 9.9 At the local level, the Core Strategy also identifies that housing needs to be provided in accordance with the London Plan housing targets. It also seeks to deliver more affordable homes and achieve mixed and balanced places that have a range of dwelling sizes, types and tenures, to help create sustainable communities
- 9.10 Given that the predominate use of the site and the area in general is in residential use, and the consented commercial uses are within a residential block, the alternative use on the ground, first and second floors are better suited for a residential use. The development site has already delivered affordable housing which is above the Council's minimum standards which is already in occupation. The proposed residential use is welcomed.
- 9.11 It is considered that the proposed change from B1/A1 to residential is a minor amendment in the context of the site wide scheme as the proposal will see 3% in change of the total floor area on site, and an increase of 2% in residential unit numbers.
- 9.12 The remainder of the report looks at whether the proposed residential quality is in accordance with policies, and whether the proposal will have impact upon the general amenities to the

area. The detail of affordable housing is also discussed below.

## Housing

### 9.13 *Policy summary*

At the national level the NPPF seeks to ensure that wide choices of high quality homes are delivered. Where it is identified that affordable housing is needed this need should be met on-site, unless off-site provision of a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

9.14 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and 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 which can be expressed in absolute terms or as a percentage.

9.16 At the local level, Policy SP02 of the Core Strategy (2010) states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. This policy seeks a split of 70% social/affordable rents to 30% intermediate housing provision.

9.17 The site originally was consented with 419 residential units separated in 7 residential blocks, with a total of 206 units for affordable housing, equating 52% in habitable room numbers. Since the granting of the original permission, various amendments have been sought on site as detailed in the Planning History earlier in this report, and therefore the current consented scheme on site is 424 residential units with the same 206 affordable housing units (49% habitable room).

9.18 The proposed additional 10 units which is the subject of this minor material amendment will be located in Block B which is a private tenure block. This will result in the development delivering an overall 434 residential units for the application site with a minor reduction of the affordable housing provision to 48.6% as a result of the increase in habitable room numbers in private tenure.

9.19 The proposal continues to exceed the minimum required affordable housing units on-site and provides split which retains 72:28 in favour of target rented accommodation and therefore the proposal would still be acceptable and would remain compliant with policies mentioned above.

9.20 It is important to note that the 206 units of affordable housing, of which 136 units are target rents and 70 units are within the Intermediate provision, have already been constructed and delivered on site. Therefore, as part of this proposal for 10 additional units, no further affordable housing is secured. The Council's Housing officer is satisfied with the quantum of the already delivered affordable housing which exceeds the Council's minimum.

### *Housing Mix*

9.21 Pursuant to Policy 3.8 of the London Plan, the development should '*... offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups*'.

9.22 Policy SP02 of the Core Strategy and policy DM3 of the MDD sets out that development should provide a balance of housing types, including family homes, in accordance with the most up-to-date housing needs assessment.

9.23 The proposal will provide 4 x 1 bedroom units, 3 x 2 bedroom units and 3 x 3 bedroom units. The proposed mix for the 10 additional units would provide a range of housing choice within the private tenure which includes 3 bedroom family sized units. The proposed mix is acceptable and is a proposal which does not alter quantum and the mix of affordable housing tenures.

#### *Density*

9.24 In terms of the proposed density, Policy 3.4 of the London Plan sets out the optimum housing densities for a site based on how accessible they are. For an urban area with a PTAL of 4-6 the anticipated density range is 200-700 habitable rooms per hectare or 70-260 units per hectare. The application site lies in PTAL within PTAL 4 and 5 and has a density of 1162hr/ha or 361u/ha and therefore would be above the recommended density range. However, the intent of the London Plan and Council's MDD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity.

9.25 It should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:

- Access to sunlight and daylight;
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Loss of outlook;
- Increased traffic generation; and
- Impacts on social and physical infrastructure.

9.26 As detailed within this report, officers consider that the subject site can accommodate the density of the proposed development, and the above symptoms of over-development are not present in this case.

#### **Design**

9.27 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

9.28 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.

9.29 Core Strategy policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

9.30 The proposal includes minor elevational changes to the first three floors of Block B. Due to the commercial use on the ground, first and second floors, the building would be predominately glazed on these floors however the proposal will now have design elements which reflect the residential use.

9.31 The proposed changes are minor in nature and do not alter the building form in its entirety. The proposed balconies and elevational treatments, including the double height main communal residential entrance follows the typology of the architecture and the use of the consented materials will continue to the lower floors. The ground floors still maintain the visual break-up of the Block B of the upper floors and lower floors and therefore the proposed elevational changes are acceptable in principle and as a minor material amendment to the entire scheme.

9.32 Consented North Elevation Block B



9.33 Proposed North Elevation – Block B



9.34 Consented West Elevation (canal side)



### 9.35 Proposed West Elevation (canal side)



#### *Quality of residential accommodation*

- 9.36 The GLA produced a supplementary planning guidance note on housing in November 2012. Part 2 of the document provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 9.37 The proposed units on the lower three floors are laid out appropriately to ensure that the majority of the units do have dual aspect and all of the family sized units benefit from private garden spaces on the street level. All of the ground floor units have sufficient setback and are designed with defensible spaces around them and therefore provide sufficient privacy to the occupiers of these units. The block was originally designed with two lifts and with sufficient circulation spaces and therefore this will continue with the lower floors.
- 9.38 With regards to the internal layout, Policy 3.5 of the London Plan sets out minimum standards for all residential dwellings, and these requirements are echoed in policy DM4 of the MDD. Each of the units within this development exceed the required standard by at least 10sq.m.
- 9.39 The proposed residential accommodation complies with the standards as set out in the GLA’s Supplementary Planning Guidance Note, and the standards which are repeated in the Council’s Core Strategy and the Managing Development Document. It is therefore considered that the proposal constitutes a development which would provide a high quality residential accommodation for the future occupiers.

#### *Amenity space*

- 9.40 Private amenity space is a set figure which is determined by the size of the dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. These spaces can be provided in the form of balconies, private gardens, and terraces. All of the proposed units have private amenity spaces which exceed the minimum standards as set out in the said policy. As mentioned, the proposed 3 family sized units benefit from garden space on the ground floor and all units have balconies of sufficient width and size.

- 9.41 Policy DM4 of the MDD requires residential developments to provide an on-site communal open space and this is calculated by the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. In the case of the proposed development, the 10 additional units will require 10sq.m additional communal open space on site. The consented scheme provides a comprehensive landscaping scheme that includes a tree-lined central avenue, an ecology pool, and a landscaped pedestrian link that creates a connection between the canal and Meath Gardens. In addition, a canal-side walkway will be provided running the entire length of the canal frontage.
- 9.42 As part of the originally consented development, a financial contribution was also delivered towards the construction of the pedestrian bridge over the Regents Canal linking Meath Gardens to Mile End Park which is now in place. It is considered that the consented scheme provides sufficient amenity benefits and the 10 additional square metres can comfortably be met within the site.
- 9.43 Policy DM10 of the Managing Development Document 2013 seeks developments to provide or contribute to the delivery of open spaces. Public open space is determined by the number of residents anticipated from the development, the planning obligations SPD sets out that 12sqm of public open space should be provided per resident, otherwise a financial contribution towards the provision of new space or the enhancement of existing spaces.
- 9.44 Whilst the consented scheme contributed financially towards the linkage of the two Parks through the construction of the pedestrian bridge, it is likely that the 10 additional units will generate further demand and pressure on the existing open spaces. The total projected population from the 10 additional units is 20 people, using the Tower Hamlets Planning for Population Growth Capacity Assessment. The applicant has agreed to fully mitigate the impact by contributing towards open spaces as outlined later in this report.

### **Amenity**

- 9.45 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MDD require developments to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.

### *Privacy*

- 9.46 Any loss of privacy which may occur to the neighbouring residents needs to be considered. Within policy DM25 a distance of 18m is suggested as a distance which is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.
- 9.47 The location of the windows to the proposed 10 additional units would follow the location of windows of consented upper floors. Therefore, the proposed windows would be located so as to be comfortably separated by more than 18m. The main facing habitable room windows are located within the development site at Block A (which is being constructed) and Suttons Wharf South Development. The relationship between Block A and Block B is approximately 25m between habitable rooms and more than 18m to the northern elevation of the Suttons Wharf Development.

### *Outlook / sense of enclosure*

- 9.48 Unlike the impact upon daylight and sunlight, or even measuring privacy, analysing a sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. As explained above, there is not considered to be any significant detrimental impact in terms of a loss of light or privacy.
- 9.49 Overall it is considered that the proposed development would not result in any significant loss of outlook or create a sense of enclosure that would be significantly detrimental to the



surrounding residential occupiers.

#### *Daylight and sunlight*

- 9.50 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 9.51 Core Strategy Policy SP10 and Policy DM25 of the Managing Development Document seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 9.52 Given that the proposed units will be within the consented building footprint, there will be no further implications to the availability of the sunlight and daylight to the neighbouring dwellings. However it is important to assess daylighting conditions within the proposed units to ensure that satisfactory levels of daylight are received by the future occupants.
- 9.53 For calculating daylight to proposed units, British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 9.54 The applicant has submitted ADF values for the proposed units and 22 out of 29 rooms tested would be well within the BRE compliant levels of daylight. Of the 6 windows which fall below the required values, only 1 window falls significantly below the required value and remaining 5 are a marginal variance. The windows which do not comply with the guidelines are as a result of limiting factors such as overhanging balconies. It is considered that as majority of the rooms will meet the minimum standard and therefore on balance, the failures do not warrant refusal.

#### **Transport**

- 9.54 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 9.55 CS Policy SP08 & SP09 and Policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network; ensuring new development has no adverse impact on safety and road network capacity; a requirement of assessments of traffic generation impacts; and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.56 As detailed earlier in this report, the site has a public transport accessibility level (PTAL) of 4 and 5 (1 being poor and 6 being excellent) which is a moderate/good rating.

#### *Servicing / Deliveries and Refuse*

- 9.57 London Plan Policy 6.13 states that developments need to take into account delivery and servicing.
- 9.58 There are no new highways implications as a result of the proposed development, rather details as to whether sufficient provision is available for servicing and deliveries and refuse collection is considered. Given that the proposal is to change commercial use to a residential, the changes to the servicing requirements and trips to the site is likely to be neutral as residential uses have lower frequency dependency on servicing than commercial. Nonetheless, there is sufficient vehicular access on site to accommodate deliveries associated with the residential use off the highway and the frequency of the deliveries associated with residential use is likely to be on an ad-hoc basis which is not likely have a

noticeable impact on the highway network.

#### *Car Parking*

- 9.59 Policies 6.13 of the London Plan, Policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 9.60 The consented scheme had a total of 183 car parking spaces, of which 178 are located within the basement level. The proposal does not alter the number of consented car parking spaces, and the additional units would be subject to a car free agreement which is already in place for the wider development site but will apply to the additional units.

#### *Provision for Cyclists*

- 9.61 The consented scheme provided a total of 464 cycle spaces and the additional 10 units will require additional 13 spaces. The proposal includes 13 additional spaces within the basement of Block B and therefore sufficient cycle parking has been provided for and is considered to be acceptable which would help to promote cycling for the residents of the development.

#### *Refuse/recycling*

- 9.62 The consented scheme utilises 'iceberg type' underground refuse storage system which was designed to hold a capacity of 60,000litres across the whole site, held in 12 separate containers. Currently the site has a total provision of 6 underground storages and further two underground storage areas will be created as a result of Block B phases. The remaining four will be provided with Block A phase of construction. The consented scheme would generate 57,320 litres of waste and the additional 10 would require additional 1,960litre capacity. The provision of 60,000litres across the site would exceed the total weekly projected waste generation of 58,420litres.
- 9.62 In relation to recycling, the consented scheme had 7 x 'node type' underground storage facility with a capacity of 3,200litres per node which equates to 22,400litres in total. As part of the subject amendments, the proposal will provide a total number of 11x nodes which will equate to a total capacity on site of 35,200litres for weekly collection. The total current requirement in accordance with the standards as set out in Appendix 2 of the MDD 2013 for recycling storage provision for the proposed 10 additional units together with the consented units is 28,940litres. Therefore, the site will exceed the requirements for recycling for the entire site.
- 9.63 In relation to the objections received, it was noted during the officers' site visits that rubbish was being dumped around the bins rather than in the bins itself. Therefore, the rubbish dumping was not due to the lack of capacity within the underground storage rather it would appear that there was lack of management and the storage provisions not being used appropriately. This is clear from the current provision of 6 x iceberg storage bins which provides 30,000litres and the requirement for the occupied blocks in accordance with the policy would be 29,020litres for weekly collection. Nonetheless, the existing affordable housing blocks are being managed by the One Housing Group and the applicant is directly liaising with One Housing Group to overcome this management issue. It was also evident during officer's site visit that notices for residents to utilise the bins properly were being displayed on bins to ensure that rubbish is disposed of properly.
- 9.64 As stated, the proposal would provide sufficient waste and recycling storage capacity for weekly collection and would accord with the policies with the Managing Development Document 2013.

#### **Environmental Considerations**

- 9.65 The Environmental Statement (ES) addendum accompanied the application which supplements the Environmental Statement prepared in October 2005 to accompany the

original planning application for the Suttons Wharf North development (ref: 05/01727). The ES addendum analyses each chapter on the effects of the current proposed changes on each of the technical EIA analyses. The proposal only affects Transportation and Socio Economic chapters and the overall conclusions of the original ES Chapters remain applicable to the amended development. The Council's EIA officer has reviewed the detailed report and supports the conclusion.

### **Health Considerations**

- 9.66 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.
- 9.67 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.
- 9.68 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.
- 9.69 The applicant has agreed to a financial contribution of £12,295 to allow for expenditure on health care provision within the Borough.
- 9.70 The application has already proposed public accessible routes and contributed towards a pedestrian bridge linking two Parks, which provide connectivity with the Canal, Mile End Park and Meath Gardens. This contributes to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.
- 9.71 It is therefore considered that the financial contribution towards healthcare and consented access routes 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 and CIL**

- 9.72 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 9.73 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 9.74 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 9.75 Securing appropriate planning contributions is further supported by policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through

financial contributions to mitigate the impacts of a development.

9.76 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

9.77 In line with the Council's SPD, the applicant has agreed to the additional Heads of Terms for the proposed 10 additional units which will be secured through a deed of variation. The calculations of the following contributions are based on 20 additional people and zero uplift in child yield utilising the Tower Hamlets' Planning for Population Capacity Assessment.

- a) A contribution of £1,870 towards employment and enterprise.
- b) A contribution of £5,419 towards leisure facilities.
- c) A contribution of £12,295 towards health facilities.
- d) A contribution towards £1,260 towards libraries
- e) A contribution towards £150
- f) £410 towards S106 monitoring fee (2%)

**Total: £21,413**

#### Non-Financial Obligations

- a) Car free agreement to be extended to the future occupiers of the 10 residential units.

#### **Local Finance Considerations**

9.78 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides: "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."

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.

9.79 In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes and their use.;

Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

- 9.80 As regards 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 'altered' element of the scheme. The likely CIL payment associated with proposed amendment would be in the region of £25,130.
- 9.81 With regards to the New Home Bonus. 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 un-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.
- 9.82 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 £14,392 in the first year and a total payment £86,353 over 6 years.

#### **Human Rights Considerations**

- 9.83 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 9.84 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 9.85 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.86 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

- 9.87 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.88 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.89 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.90 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

- 9.91 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.92 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 9.93 Furthermore, the requirement of the original s.106 Agreement to use local labour during construction enabled local people to take advantage of employment opportunities.
- 9.94 The community related uses and contributions (which will be accessible by all), help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 9.95 The contributions to affordable housing support community wellbeing and social cohesion.

## **10 Conclusions**

- 10.1 The proposed amendments are minor in nature in the context of the site wide re-development and the proposal represents a high quality, well designed residential units in the market tenure. The site has already delivered much need affordable housing which is already in occupation and the proposal broadly complies with the national, London and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.

10.2 All other relevant policies and considerations have been taken into account. Planning permission for the s.73 application should be granted for the reasons set out in the EXECUTIVE SUMMARY and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.