

Committee: Strategic Development	Date: 10 th April, 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Jane Jin	Ref No: PA/13/02938
	Ward: 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 Block A of the Suttons Wharf North development comprising:

- Removal of one ground floor links between Block A2 and A3 and the creation of separate D1 Use Class units (390sq.m; 280sq.m; and 1035sq.m);
- Insertion of an additional internal floor level (no resulting increase of heights to the consented buildings);
- Alterations to the dwelling mix within Block A, resulting in a net increase of 41 residential units
- Other associated external changes

Drawing Nos/Documents: Drawings:

491/PL/010 Rev A; 491/PL/011 Rev J; 491/PL/013 Rev F;
491/PL/014 Rev E; 491/PL/015 Rev E; 491/PL/016 Rev F;
491/PL/017 Rev E; 491/PL/018 Rev E; 491/PL/019 Rev E;
491/PL/020 Rev E; 491/PL/021 Rev F; 491/PL/022 Rev F;
491/PL/023 Rev E; 491/PL/024 Rev E; 491/PL/025 Rev E;
491/PL/026 Rev E; 491/PL/027 Rev E; 491/PL/028 Rev E;
491/PL/029 Rev E; 491/PL/040 Rev H

Environmental Statement Addendum Dated December 2013 with reference 11752/IR/BK/SW;

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 alter the ground floor and rationalise the internal layout of the Block A to introduce 41 additional residential units can be considered to be a minor material amendment to the consented scheme.
- 2.3 The minor loss of D1 floor space is considered acceptable which is more in tune with the requirements of the NHS England and which allows or other D1 uses to be introduced.
- 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 revised Block A (41 net 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 41 residential units which are acceptable and promote sustainable travel modes.
- 2.7 The proposal will provide the full amount of the financial contributions for net additional 41 units in accordance with the Council's Planning Obligation SPD towards health facilities, 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 £8,820 towards libraries
- b) A contribution of £29,115 towards leisure facilities.
- c) A contribution of £40,182 towards health facilities.
- d) A contribution of £1,050 towards sustainable transport
- e) £1,583 towards S106 monitoring fee (2%)

Total: £80,750

Non-financial Obligations

- 3.3
 - a) Car-free agreement to extend to the 41 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 that have been delivered on site and are 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 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 A of the consented scheme. The originally consented scheme

had a total quantum 3,485sq.m of B1, A1 and D1 uses for the entire site.

- 4.6 Recently, the Members resolved to grant planning permission for the proposed changes to Block B within the site, where by 8 additional units were proposed together with a reduction of commercial floor space.
- 4.7 The current proposed amendment relates to Block A and the proposed changes relate to rationalising the floor to ceiling heights of each residential floor which allows for one additional floor to be inserted to the three buildings (A1, A2, A3) which form Block A whilst maintaining the consented heights. This together with re-shuffling of the internal floor layout results in the scheme providing net additional 41 units.
- 4.8 The proposal also includes rationalising the consented D1 floor space on the ground floor, as a result of the NHS England requesting that circa 900sq.m would now be required on-site, not circa 1,900sq.m. Therefore the proposal includes three separate commercial units to be taken up for different D1 uses by breaking up Cores A2 and A3 to provide amenity space at grade level. The proposal will now include three separate D1 spaces of 390sq.m; 280sq.m and 1035sq.m, the largest space for the NHS.
- 4.9 The proposed amendment also includes associated elevational changes to the façades of the building to reflect the internal changes and to accommodate a revised lift strategy.

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, 656m² of Class B1 (Business) floorspace, 225m² of either Class B1 and/or D1 (non-residential institution) floorspace, 330m² of Class A1 (shop) floorspace, a health clinic (1,907m²), and a day nursery (367m²), 183 parking spaces and landscaping was granted on 12 May 2006.

The consented mixed use scheme included the following numbers of residential 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, 656m² of Class B1 (Business) floorspace, 225m² of either Class B1 (Business) and/or D1 (non-residential institution) floorspace, 330m² of Class A1 (Shop) floorspace, a 1,907m² health clinic and a 367m² 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 m² of Class B1 (Business) floorspace, 225 m² of either Class B1 (Business) and/or D1 (non-residential institution) floorspace, 330 m² of Class A1 (Shop) floorspace, a 1,907 m² health clinic and a 367 m² 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 – 12

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 2bedroom units in the intermediate tenure.

5.8 **PA/11/2310**

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 30March 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 3Intermediate 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 – 154

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.

5.10 **PA/13/2108**

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 part ground, first and second floor levels to create eight additional residential units (3 x 3 bed; 3 x 2bed and 2 x 1bed) and retention of 107sq.m. of commercial floor space (A1 or B1(a) Use Class) on the ground floor; and associated minor alterations to Block B.

This application was considered by the Members at the Strategic Development Committee in November 2013 and again in January 2014 as a deferred item and was granted planning permission.

In conclusion, currently the site has consent for 432 units with 48.6% of affordable housing. It is worthwhile to note that all of the affordable units have been delivered on site as consented, and Block B and A (private units) are currently 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 2,014sq.m comprising A1 and D1 uses only. Block A contained 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 17th 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:

6.2 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

6.3 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

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

Planning Obligations SPD 2012

6.5 **Spatial Development Strategy for Greater London (London Plan 2011; REMA 2013; Draft Further Alterations to the London Plan 2014)**

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

6.6 **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

6.7 **Government Planning Policy Guidance/Statements**

The National Planning Policy Framework 2012 (NPPF)
The Planning Practice Guidance

6.8 **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

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

The guidance 'Greater flexibility for planning permissions: Guidance', published 23 November 2009 and as amended by 2nd 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.

6.10 **Background to Minor Material Amendments**

Changes were originally introduced to the planning regime in October 2009 and updated in October 2010 to allow minor and non-material amendments to proposals after permission has been granted. This has now been replaced by the Planning Practice Guidance published in March 2014

6.11 The Guidance provides that the use of the existing route under s.73 of the Town and Country Planning Act 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.

6.12 The implemented permission does have such a condition to vary, allowing the Council to consider the proposed minor material amendment.

6.13 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:

7.3 **LBTH Housing**

7.4 This proposal delivers 41 net additional private units to the original consented scheme. These

-- units are provided through an additional floor level being inserted and through revisiting the dwelling mix.

This scheme achieved 52% affordable housing by habitable room, when the scheme was originally consented in 2006. Through amendments, the consented scheme has delivered 48.6% affordable housing. This proposal with the additional uplift of 41 private units would change the affordable housing habitable provision to 45% by habitable rooms.

The 45% existing affordable units by habitable rooms are all occupied and let as Social target rented, Intermediate and Shared Ownership units. The overall development still exceeds the Council's minimum affordable housing policy requirement of 35% by habitable rooms, therefore this proposal is acceptable on balance.

[Officer Comment: details of affordable housing is discussed in the main body of the report]

7.5 NHS

NHS England have indicated that the D1 space secured within the site is now required, albeit it was formally expressed that the space was not required in 2010. Circa 900sq.m would be required by NHS.

[Officer comment: Initially the proposal separated the D1 space into three smaller separate units, which allowed the buildings to be separated and linkages removed. However, the following discussions with the NHS, the applicant has re-provided the space required by the NHS of 1,050sq.m.]

7.6 LBTH Transportation

The proposed additional residential units do not have any additional parking spaces attached to them. In addition the developer is expected to sign up to a legal 'Permit Free' agreement, secured by the S106 which prevents future residents from applying for parking permits in the surrounding controlled parking zones.

Additional cycle parking is required to make this proposal policy compliant. Looking at the schedule of accommodation provided, the current level of cycle parking falls short of the MDD minimum standards, which requires 1 space per 1/2 bed unit and 2 spaces per 3+ bed unit.

For the proposed D1 uses no details are submitted with regards likely uses within that use class, all of which have different servicing requirements (perhaps ambulances, museum deliveries etc.) as well as additional cycle parking requirements, which are included in the MDD.

[Officer Comments: Following the above comments, the applicant has provided the required cycle parking provision and the car free obligation will be extended to the additional 41 units through a deed of variation to the original legal agreement. In addition, the consented space for NHS will be retained and at a reduced scale and therefore the impact is likely to be reduced from that approved in the original scheme. Details of transportation is discussed in the main body of the report]

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: 9 Objecting: 9 Supporting: 0 Neither: 0

No of petitions received: None

8.3 The issues raised in the objections received are;-

8.4 *No additional parking provided for the additional residents*

[Officer Comment: The on-site car parking provision as consented is already over the current maximum requirement and therefore additional on-site parking is resisted. The new additional units would be subject to a car free agreement and therefore there would be no net increase to the vehicle movements in and out of the site as a result on the additional residential units.]

8.5 *Need for commercial spaces within the site not new homes*

[Officer's comment: This is addressed in the Land Use 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

Number of habitable rooms as stated in the accommodation schedule is not correct

[Officer comment: The officers have assessed the details of the dwelling schedule and have not relied on the applicant's submission, whether it is right or wrong. The details of the housing, and dwelling mix is outlined in the main body of the report]

8.8

Problems with refuse disposal

---- [Officer's comment: The development provides sufficient waste and recycling storage capacity to accommodate the projected waste disposal for the units on site and this is detailed in the main body of the report.]

8.9 *Fly tipping*

[Officer's comment: 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.]

8.10 *Loss of health care facility*

[Officer comment: NHS have shown interest of continuing to secure a space (reduced floor space then previously secured) within the site and therefore the applicant have re-provided the space]

8.11 *Contribution towards transport should be sought*

[Officer comment: Transport contribution have previously been sought through the original consent and further contributions are sought for the revised amendment for sustainable transport]

8.12 *Anti-social behaviour*

[Officer's comment: Objections received indicate that there have been incidents of anti-social behaviour on or near the site. 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 additional units will add to the anti-social behaviour to the area.]

Increasing the dimensions of the footprint of the building to accommodate the additional 41 units.

[Officer comment: As explained earlier in the report, the additional units are achieved through rationalising the floor to ceiling heights and re-shuffling the internal layout. The proposal does not increase the footprint of the consented buildings.]

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 reduction of the consented commercial uses within Block A and the introduction of additional residential units.

9.3 Reduction in D1 floor space.

The proposal would not result in the loss of the consented D1 use class, but a reduced total quantum of floor space.

9.4 Initially, 1,907sq.m of D1 floor space within Block A was secured for a health clinic (previously by PCT) and since then in 2010, NHS confirmed that the space was no longer required. However as a result of subject application, NHS have shown interest in the space again, and requested 850sq.m - 900sq.m be made available. The applicant has now re-introduced a provision for a health clinic and a total space of 1,035sq.m would be provided for NHS. This is considered to be an acceptable approach as the required floor space would be fit for purpose and other separated D1 units (280sq.m and 390sq.m) can be made available to other end users such as nurseries.

9.5 The proposal will continue to provide a health clinic provision through working partnership with the NHS, and therefore would improve access to health facilities in the borough in accordance with the policy SP04 of the Core Strategy 2010; and DM8 of the Managing Development Document 2013.

9.6 Residential Use

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. It is also worth noting that these targets are proposed to be increased by the Further Alternations to the London Plan (Draft 2014) where the Borough's annual target is proposed to be set at a minimum of 3,931.

9.7 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

9.8 Given that the predominate use of the site and the area in general is in residential use maximising the site for residential use is acceptable. Given that there may be further pressure for boroughs to deliver more homes annually than what is already expected, the net additional 41 units within the proposed subject amendment could be sustained. It will be explained in the latter part of this report why the proposed density can be sustained on this site.

9.9 It is considered that the proposed reduction in D1 floor space and the introduction of a modest net uplift of residential units is a minor amendment in the context of the site wide scheme given

all these changes are contained within the footprint of the consented buildings.

- 9.10 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

9.11 *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.

- 9.12 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 provides 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.

- 9.13 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 to 30% intermediate housing provision.

- 9.14 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 432 residential units with the same 206 affordable housing units (48.6% by habitable room).

- 9.15 The proposed net additional 41 units which is the subject of this minor material amendment will be located in Block A which is a private tenure block. This will result in the development delivering an overall 473 residential units for the application site with a minor reduction of the affordable housing provision to 45% as a result of the increase in habitable room numbers in private tenure.

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

- 9.17 It is important to note that the 206 units of affordable housing, of which 136 units are social rented and 70 units are within the Intermediate and shared ownership provision, have already been constructed and occupied. Therefore, as part of this proposal for a net increase of 41 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.

9.18 *Housing Mix*

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’.

9.19 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.

9.20 The proposal results in a re-shuffle of the dwelling mix and Table 1 provides the details of Block A dwelling mix as consented and as proposed amendment, and Table 2 outlines the breakdown of the entire scheme under the subject proposal.

Table 1 (Block A)

	As consented	As proposed
1bed	35	46
2bed	67	102
3bed	43	38
TOTAL	145	186

Table 2 Dwelling mix for the entire site as revised

Unit size	Social Rented			Intermediate/Shared			Private Sale		
	Units	%	Target	Units	%	Target	Units	%	Target
1 bed	30	22%	30%	28	55%	25%	65	24%	50%
2 bed	54	40%	25%	39	21%	50%	147	55%	30%
3 bed	16	12%	30%	3	4%	25%	55	21%	20%
4 bed	36	26%	15%	-	-		-	-	
TOTAL	136			70			267		

9.21 The proposed net additional units do not alter the consented mix for the affordable units, and as it can be seen from the table above the units within the private tenure would still retain the level of family sized units in accordance with the Council’s policy DM3 of the MDD. Within the private, there is a higher proportion of 2bed units, however it is considered that given fixed nature of the affordable housing tenure and the overall achievement in the quantum of family sized units within the private tenure, the proposal on balance is acceptable.

9.22 *Density*

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 70-260units 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.

9.23 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.

9.24 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

- 9.25 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.26 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.
- 9.27 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.
- 9.28 The proposal includes minor elevational changes which would see an additional storey being inserted within the buildings of Block A which would not result in a notable change however the most noticeable change would be the removal of the linkage between A2 and A3 buildings. This subsequently would allow the consented podium level to be provided at a grade level for everyone to access. This is considered to be a better design approach where better permeability is achieved through the site and outlook to the Canal and Mile End Park beyond.
- 9.29 The proposed changes also include rationalising the lift over run however these are not highly visible and are minor in nature and the proposed reduction of the footprint of the building is acceptable. The added floor level would follow the typology of the architecture and the visual break-up of the building A2 and A3 is acceptable and as a minor material amendment to the entire scheme.
- 9.30 Figure 1 Western Elevations of Suttons Wharf Development as proposed

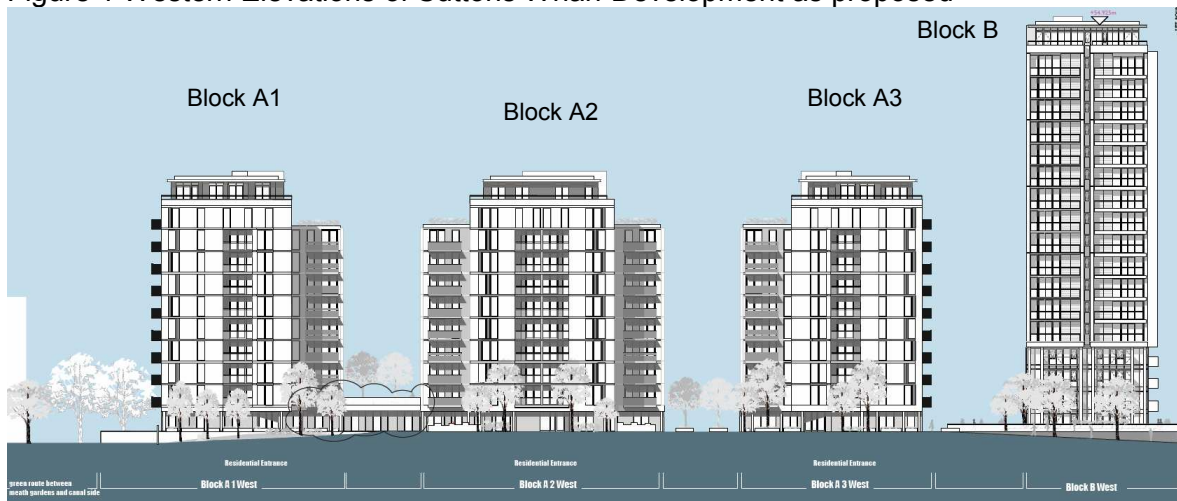


Figure 2 Western Elevations of Suttons Wharf Development as consented

9.31



Quality of residential accommodation

9.32 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.

9.33 The revised layout of the floors within the buildings is appropriate and ensures that the majority of the units do have a dual aspect.

9.34 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.

9.35 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

9.36 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. The private amenity spaces are provided in the form of balconies and provide the sufficient width and size for each unit.

9.37 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 uplift of additional units will require 41sq.m additional communal open space on site. Nonetheless the site wide requirements have been reviewed. Numerically, the

proposal would be required to provide 513sq.m on site communal amenity space for the 473 residential units, however the site as consented provides over 2,500sq.m of communal amenity space. 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.

9.38 It is also worthwhile to note that 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.

9.39 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.

9.40 It is considered that the site wide accessible open space would be more than sufficient to cater for the existing residents already occupying the site and future residents of Blocks A and B. In addition, the original consent secured financial contribution towards the delivery of the pedestrian link bridge connecting the borough's open spaces which has already been delivered.

Amenity

9.41 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

9.42 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.

The location of the windows of the added floor level within the buildings would be at same positions with the consented floors below and above and therefore it is not considered that there would be any additional impact arising from the new additional windows.

Outlook / sense of enclosure

9.43 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.

9.44 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

9.45 9.35 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

9.46 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.

9.47 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 and also, given that the location of windows are same as the other consented floors within same building the daylighting conditions would not be different to what has been assessed before.

9.48 **Overall** it is considered that there would be no additional amenity implications as a result of the proposed amendment and therefore it satisfies policies DM25 of the MDD and SP10 of the Core Strategy.

Transport

9.49 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.

9.50 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.

9.51 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

9.52 London Plan Policy 6.13 states that developments need to take into account delivery and servicing.

9.53 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.

9.54 The site would continue to provide sufficient vehicular access on site to accommodate deliveries associated with the residential use and the commercial uses off the adopted highway and the frequency of the deliveries associated with residential use is likely to be on an ad-hoc basis which is not likely to have a noticeable impact on the highway network.

9.55 In relation to servicing requirement for the D1 Use, the consented scheme had larger and more varied commercial floor spaces. The current proposed amendments would result in the total commercial floor space (A1 and D1) of 1,812sq.m on site than the previously consented 3,485sq.m. Therefore, although the subject amendment would result in three separate D1 units, the limited Use Class of the commercial uses on site and the reduced amount of commercial floor space from the previously consented would reduce the servicing and frequency of delivery and servicing vehicles to and from the site. Therefore the proposed amendment is not likely to add any further impacts to the highway network, and as mentioned all servicing will take place off the highway network.

Car Parking

9.56 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.

9.57 The consented scheme had a total of 183 car parking spaces, of which 178 are located within the basement level. The proposal will see the reduction of four on-site car parking spaces.

within the basement level due to the additional cycle parking provision and additional underground storage for refuse storage (discussed below). The net additional units would be subject to a car free agreement which is already in place for the wider development site.

Provision for Cyclists

- 9.58 The consented scheme provided a total of 477 cycle spaces on site. With relation to Block A, having regard to the revised dwelling mix and the net additional 41 units, Block A will require a minimum of 224 cycle parking spaces for the residents which is worked out on the basis of the current minimum standards 1 space per 1/2 bed and 2 space per 3 bed+. The proposal provide additional cycle spaces through removing onsite car parking bays within the basement level and would provide 260 spaces within close proximity of the cores for the buildings within Block A. Therefore sufficient cycle parking has been provided for and is considered to be acceptable which would help to promote cycling and sustainable mode of transport for the residents of the development.

Refuse/recycling

- 9.59 The consented scheme utilises 'iceberg type' underground refuse storage system which was designed to hold a capacity of 60,000 litres across the whole site, held in 12 separate containers. Currently the site has a total provision of 6 underground storages in place and a further two underground storage areas will be constructed as a result of Block B phase. The remaining four would be provided with Block A phase of construction.
- 9.60 However as a result of the net additional units, the scheme would require a total refuse storage capacity of 63,060 litres. The consented scheme had a total provision for 59,280 litres. The proposal now includes two additional underground storage areas which would be possible through the removal of on-site parking bays within the basement and would allow additional capacity of 10,000 litres of waste to be stored. Therefore, the total refuse storage would be 70,000 litres for the site which would be more than sufficient amount to cater for the total weekly projected waste generation of 63,060 litres.
- 9.61 In relation to recycling, the initially consented scheme had 7 x 'node type' storage facility with a capacity of 3,200 litres per node which equates to 22,400 litres in total. As part of the subject amendments, the proposal will now provide a total number of 10x nodes which will equate to a total capacity on site of 32,000 litres for weekly collection. The total current requirement of 31,300 litres, in accordance with the standards as set out in Appendix 2 of the MDD 2013. Therefore, the site will comfortably provide sufficient storage for recycling for the entire site.
- 9.62 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

- 9.63 The Environmental Statement (ES) addendum accompanied the application which supplements the Environmental Statement prepared in October 2005 and its subsequent addendum prepared in 2013. The ES addendum analyses each chapter on the effects of the current proposed changes on each of the technical EIA analyses. The submitted ES have reviewed relevant 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

- 9.64 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.

- 9.65 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.
- 9.66 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.
- 9.67 The applicant has agreed to an additional financial contribution of £40,182 to allow for expenditure on health care provision within the Borough in addition to the provision of the health clinic space within the revised scheme.
- 9.68 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.
- 9.69 It is therefore considered that the financial contribution together with the actual provision towards healthcare onsite 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

- 9.70 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).
- 9.71 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.
- 9.72 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.
- 9.73 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.
- 9.74 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

9.75 In line with the Council's SPD, the applicant has agreed to the additional Heads of Terms for the proposed net additional 41 units which will be secured through a deed of variation. The calculations of the following contributions are based on 70 additional people and zero uplift in child yield utilising the Tower Hamlets' Planning for Population Capacity Assessment.

- a) A contribution of £29,115 towards leisure facilities.
- b) A contribution of £40,182 towards health facilities.
- c) A contribution towards £8,820 towards libraries
- d) A contribution towards £1,050 towards sustainable transport
- e) £1,583 towards S106 monitoring fee (2%)

Total: £80,750

Non-Financial Obligations

- a) Car free agreement to be extended to the future occupiers of the 41 net additional residential units.

Local Finance Considerations

9.76 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."

9.77 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.

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.;

9.78 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 the uplift in floor space within the scheme. The likely CIL payment associated with proposed amendment would be in the region of £49,105.

9.79 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.

9.80 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 £59,008 in the first year and a total payment £354,048 over 6 years.

Human Rights Considerations

9.81 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:-

9.82 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".

9.83 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.

9.84 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.

9.85 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.

9.86 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.87 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.

9.88 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

9.89 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.

9.90 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.

9.91 Furthermore, the requirement of the original s.106 Agreement to use local labour during construction enabled local people to take advantage of employment opportunities.

9.92 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.

9.93 Whilst no additional affordable housing is to be provided as a result of the current application, delivery of affordable housing has already taken place on site which will provide housing that supports a mixed and balanced community and social cohesion.

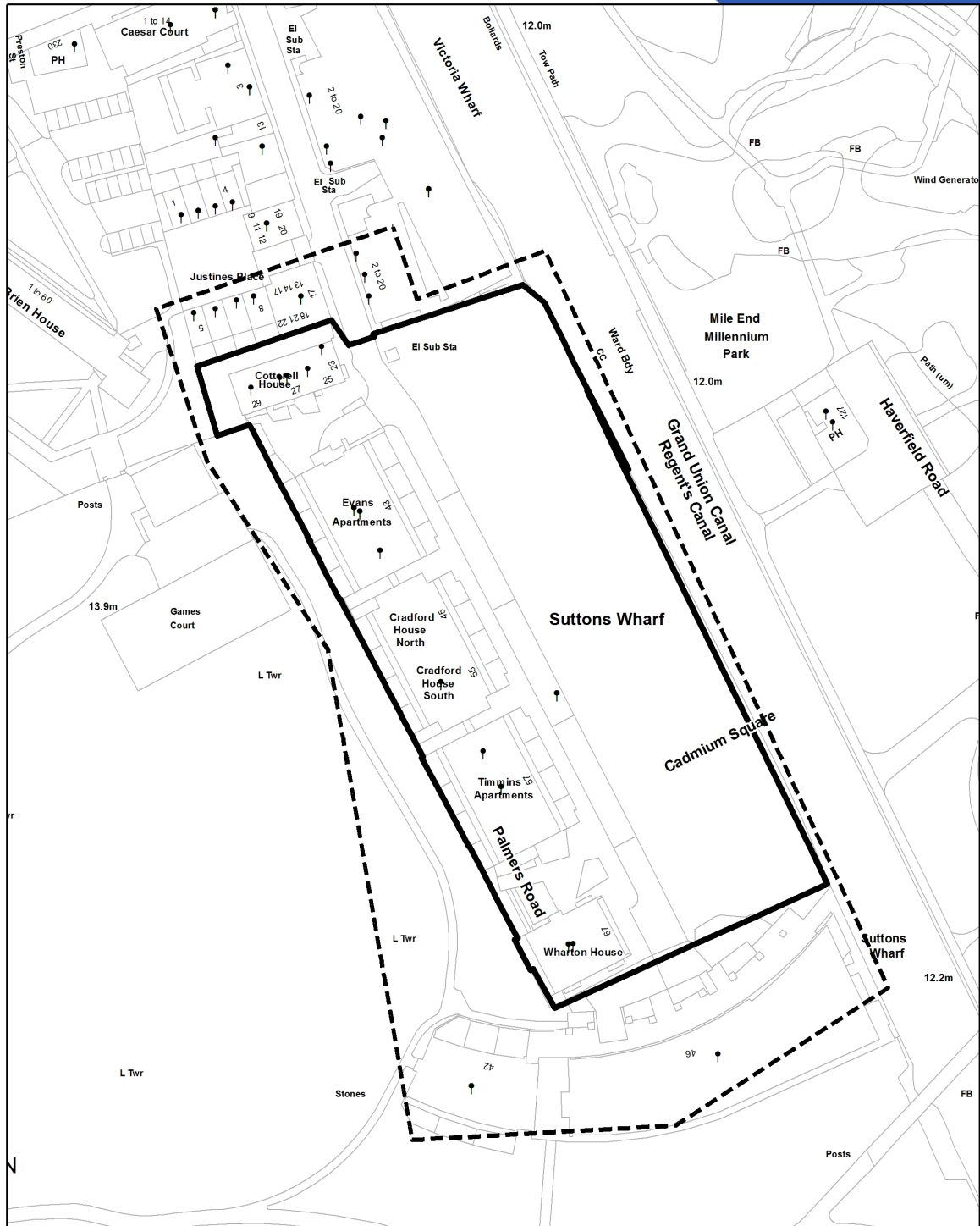
9.94 Accessibility of the development has also been taken into account in the design to ensure that the development is accessible and that the development provides suitable provision for all ages.

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 proposed minor amendments under the s.73 of the Town and Country Planning Act 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.

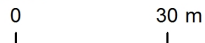
Planning Application Site Map
PA/13/02938



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address
	Consultation Area		Statutory Listed Buildings		OSLine

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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