

Committee: Strategic Development Committee	Date: 21 st July 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Adam Williams	Ref No: PA/13/03068
	Ward: Whitechapel

1. **APPLICATION DETAILS**

Location: 28 Ensign Street, London

Existing Use: Retail (Use Class A1) and Education (Use Class D1)

Proposal: Demolition of existing building and erection of a new part 4, 6 and 15 storey building (ground plus 14 storeys) to provide 65 residential units (Use Class C3); flexible commercial use of part of the ground floor for either Class A1/A2/B1 use; and other landscaping and highways works incidental to the application (amended application).

Drawing No: MLUK/373/P/001;
MLUK/373/P/002;
MLUK/373/P/010;
MLUK/373/P/011;
MLUK/373/P/012;
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MLUK/373/P/200/B;
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MLUK/373/P/474/B;
MLUK/373/P/475/A;
MLUK/373/P/476/B;
MLUK/373/P/477/A;
MLUK/373/P/478/A;
MLUK/373/P/600/A;
MLUK/373/P/601/A;
MLUK/373/P/602/A;
MLUK/373/P/603/A.

Documents:

Air Quality Assessment (Rev 1), prepared by MLM Consulting Engineers Limited, dated 11 December 2013;
Archaeological Assessment (Issue 2), prepared by Museum of London Archaeology, dated 11 December 2013;
Design & Access Statement, Volume I, dated December 2013;
Design & Access Statement, Volume I, Addendum, dated February 2014;
Design & Access Statement, Volume I, Addendum II, dated June 2014;
Desktop Contamination Assessment (Rev 1), prepared by MLM Consulting Engineers Limited, dated 25 November 2013;
Daylight and Sunlight Assessment, prepared by Waldrams, dated December 2013;
Daylight & Sunlight Report, prepared by Waldrams, dated 3 June 2014;
Ecology Statement (Rev 1), prepared by MLM Consulting Engineers Limited, dated 12 December 2013;
Energy and Sustainable Design Statement (Rev 2), prepared by Waterstone Design Building Services Consultants Limited, dated December 2013;
Letter from Michael Harper of Waldrams, dated 28 January 2014;
Letter from Michael Harper of Waldrams, dated 3 March

2014;
Noise Assessment (Rev 2), prepared by RBA Acoustics, dated 9 December 2013;
Planning Statement, dated December 2013;
Response to LBTH Highways Comments on Planning Application, prepared by JMP Consultants Limited;
Statement of Community Involvement, dated December 2013;
Transport Assessment, prepared by JMP Consultants Limited, dated 12 December 2013;
Travel Plan, prepared by JMP Consultants Limited, dated 12 December 2013;
Vibration Assessment (Rev 2), prepared by RBA Acoustics, dated 9 December 2013.

Applicant:	London and Quadrant Housing Trust
Ownership:	Shanpark Limited Multi Tile Limited London Borough of Tower Hamlets
Historic Building:	NA
Conservation Area:	NA

2. EXECUTIVESUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013), the London Plan (2013) and national planning policy and guidance, along with all other material considerations and has found that:
- 2.2 The proposal is for the demolition of the existing 4 storey building, which comprises a mixture of A1 retail and D1 training facility floorspace, and for the erection of a new building that comprises three main elements that are 4, 6 and 14 storeys in height that will provide 212sqm of flexible commercial floorspace (A1/A2/B1) at ground floor level and 65 residential units on the upper floors.
- 2.3 It is considered that the proposed mix of uses, including active commercial uses at ground level and residential use on the upper floors accords with adopted policy and the proposals are therefore considered acceptable in land use terms. The proposed development has a high residential density of be 1,832hr/ha, which exceeds the 650 – 1,100hr/ha density range set out in the London Plan. However, officers consider that the proposals do not exhibit the adverse symptoms of overdevelopment and that the proposed density level is acceptable in this instance.
- 2.4 The proposed development would provide a policy compliant level of 35% affordable housing by habitable room, including intermediate units and affordable rented units that are to come forward at the Council's preferred (POD) rent targets for the E1 postcode area, which is supported. In addition, the scheme will deliver an appropriate mix of unit sizes across the tenures and provides a high standard or residential accommodation in terms of unit sizes, layouts, provision of private and communal amenity space and the delivery of 10% wheelchair accessible homes, in accordance with adopted policy.

- 2.5 In terms of building heights, it is considered that the proposed 14 storey element of the building is appropriate in terms of the site's local context, located within the Central Activities Zone and in the vicinity of the Thomas More Square complex and (under development) London Dock site, which include buildings of comparable heights. In addition, the proposed building would be of high architectural quality, including a regular fenestration rhythm with deep reveals, appropriate solid to void proportions and the use horizontal banding to give visual interest to the facade, which is welcomed. In addition, the proposed material palette of brick, pre-cast concrete, PPC aluminium casement windows and PPC steel balconies are considered to be sensitive to the setting of nearby listed buildings and visually appropriate within the context of the wider streetscene.
- 2.6 In terms of impacts on surrounding amenity, it is noted that the proposal would result in a noticeable reduction in daylight and sunlight to some neighbouring properties. The submitted Daylight and Sunlight Assessment has been independently reviewed and officers consider that on balance, these impacts are not so severe so as to warrant a reason for refusal in this instance, given the residual light levels and the central urban context of the site and its surroundings. In addition, whilst the daylight levels in some of the proposed habitable rooms on the lower floors of the building will be below guideline levels, overall it is considered that the proposals are acceptable in daylight and sunlight terms.
- 2.7 The application site benefits from good access to public transport, with a Public Transport Accessibility Level (PTAL) of 4. Accordingly, if planning permission were to be granted it is recommended that the development be secured as 'car free', save for the provision of two disabled parking spaces which would need to be provided on-street. In addition, a policy compliant quantum and layout of cycle parking facilities would be provided, which is supported. Adequate, segregated waste storage facilities would also be provided on-site.
- 2.8 The associated legal agreement would secure an appropriate package of S106 contributions, in accordance with the Council's Planning Obligations SPD (2012), and includes financial contributions towards TfL infrastructure, including bus shelters, cycle hire facilities and Legible London signage.

3. RECOMMENDATION

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

The prior completion of a **legal agreement** to secure the following planning obligations:

3.2 Financial Contributions

- (a). A contribution of £18,547.97 towards Employment & Skills Training
- (b). A contribution of £15,629.54 towards Idea Stores, Libraries and Archives.
- (c). A contribution of £65,280 towards Leisure Facilities.
- (d). A contribution of £205,218.37 towards Education.
- (e). A contribution of £79,743.00 towards Health.
- (f). A contribution of £1,935.90 towards Sustainable Transport.

- (g). A contribution of £99,537.82 towards Public Open Space.
- (h). A contribution of £67,650.00 towards Streetscene and Built Environment.
- (i). A contribution of £9,630.00 towards CO2 Reductions
- (j). A contribution of £7,222.00 towards Cycle Hire Facilities (TfL)
- (k). A contribution of £10,000.00 towards Bus Shelters (TfL)
- (l). A contribution of £15,000.00 towards Legible London Signage (TfL)
- (m). A contribution of £11,907.89 towards Monitoring.

3.3 **Non- Financial Contributions**

- (n). A commitment to provide 35% affordable housing by habitable room within the development comprised of 3 x 1-bed, 1 x 2-bed intermediate (shared ownership) units and 6 x 2-bed, 5 x 3-bed and 2 x 4-bed affordable rented units at POD rent levels.
- (o). Secure a permit free agreement to prevent future residential occupiers from applying for on-street parking permits.
- (p). A commitment to 20% local employment during construction phase and end user phase and procurement during the construction phase in accordance with the Planning Obligations SPD.
- (q). Code of Construction Practice
- (r). Travel Plan
- (s). Any other obligation(s) considered necessary by the Corporate Director Development and Renewal.

3.4 That the Corporate Director Development & Renewal and the Service Head (Legal Services) are delegated power to negotiate and complete 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:

3.6 **Conditions**

1. Time limit
2. Development to be carried out in accordance with the approved plans.
3. Samples and details and external materials
4. Full details of Landscaping

5. Details of the Combined Heat and Power (CHP) System
 6. Development to comply with Lifetime Homes standards
 7. Details of 10% wheelchair accessible units
 8. Compliance with Energy Strategy
 9. Submission of Code for Sustainable Homes certificates to demonstrate the development achieves a minimum "Level 4" rating.
 10. Developer to consult with LPA if any suspected contamination, or unusual or odorous ground conditions are encountered during any ground works.
 11. Construction Environmental Management Plan
 12. Full details of the demolition, design and construction methodology, including full details of cranes, to be submitted.
 13. Details of residential glazing to meeting 'good' standard of BS 8233
 14. Details of noise insulation between residential and commercial areas
 15. Details of plant machinery to meet LA90 – 10dB(A) noise requirement
 16. All private forecourt/areas to be drained within the site and not into the Public Highway
 17. Scheme of highway improvement works to be submitted.
 18. Details of cycle parking
 19. Delivery and Servicing Management Plan
 20. Waste and recycling storage to be retained
 21. Archaeological and historic buildings recording work
 22. Full details of the extent, design, construction and planting of the living roof
 23. Post-completion noise testing
 24. Secured by design accreditation
 25. Details of NOx filters and mechanical ventilation
- Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

3.7 Informatives

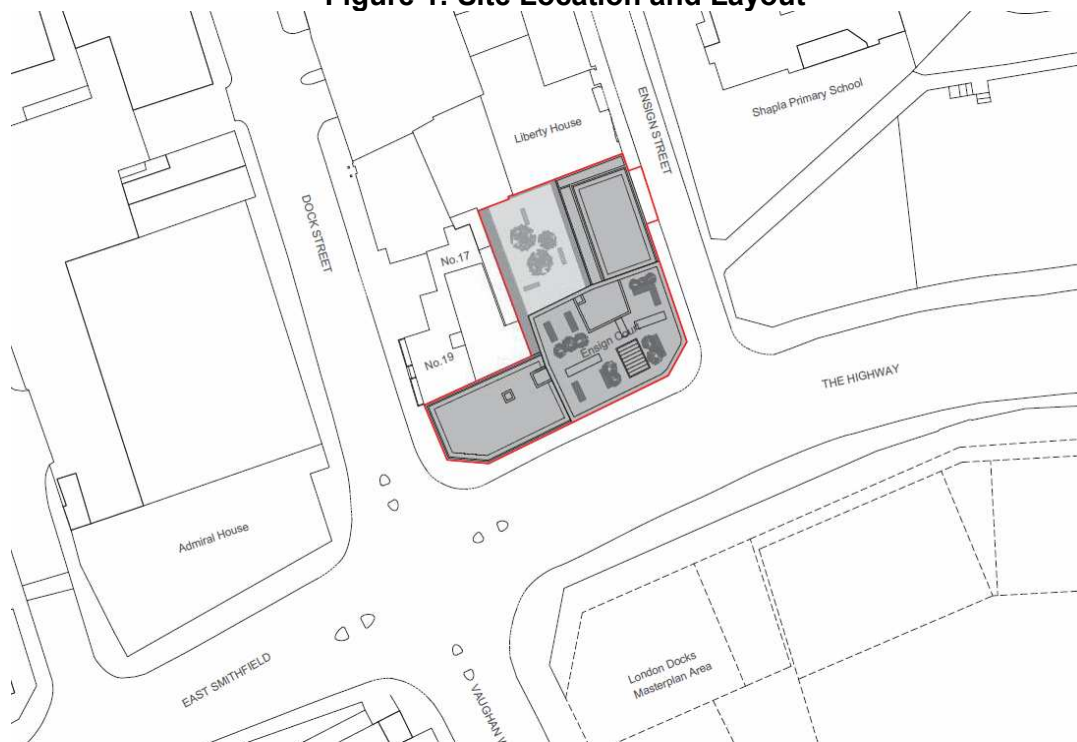
1. This development is to be read in conjunction with the S106 agreement.
2. The developer is to enter into a S278 agreement for works to the public highway.
3. The developer is to contact the Council's Building Control service.
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.
5. That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the demolition of the existing 4 storey commercial building and the erection of a new part 4, part 6 and part 14 storey residential-led mixed use building. The tallest block rises to 60.8 metres in height (AOD at parapet) and is situated towards the south-west of the site on the corner of The Highway and Ensign Street. The 4 storey element fronts onto Ensign Street and rises to approximately 15 metres in height and the 6 storey element fronts onto The Highway and Dock Street and rises to approximately 21 metres in height.

Figure 1: Site Location and Layout



- 4.2 The proposal would provide 212sqm of flexible commercial (Use Class A1/A2/B1) floorspace at ground floor level and 65 residential units (Use Class C3) on the upper floors.
- 4.3 The proposed scheme delivers 35% affordable housing by habitable room and includes separate entrance lobbies, lift cores, bin stores and cycle stores for both the market and affordable units, with all units in the building having access to private and communal amenity spaces.
- 4.4 All proposed dwellings are to be built to 'Lifetime Homes' standards and 10% of dwellings have been designed to be wheelchair accessible. All residential units have been designed to a Code for Sustainable Homes Level 4 rating.
- 4.5 The proposed development includes a total of 535sqm of external communal amenity space through the provision of a roof terrace on the taller element of the building and a landscaped courtyard at first floor level.

Site and Surroundings

- 4.6 The site fronts on to The Highway and also has frontages along Ensign Street to the east and Dock Street to the west. The current building is four storeys in height and includes retail (Use Class A1) on the ground floor ('Topps Tiles') whilst the upper floors are currently vacant and were last was in use as a training college (Use Class D1). A car park which serves the retail use is located to the rear of the building and is accessed from Ensign Street. The four storey building at 15 Dock Street is locally listed and lies adjacent to the north-west corner of the application site.
- 4.7 In terms of site context, the site fronts The Highway, which is an arterial A-road that forms part of the Transport for London Road Network (TLRN), for which Transport for London are the relevant highway authority. The site lies to the north-east of the Thomas More Square office complex, which is located at the junction of East Smithfield and Vaughan Way and includes tall buildings that rise to approximately 42 metres in height (AOD).
- 4.8 The site benefits from good access to public transport, being located 630 metres to the east of Tower Hill Underground Station, 520 metres to the east of Tower Gateway Docklands Light Rail (DLR) Station and 820 metres to the west of Shadwell DLR Station. In addition, a number of bus routes operate in the vicinity of the site, with nearby bus stops located on East Smithfield, The Highway and Vaughan Way. As a result, the site has a good Public Transport Accessibility Level (PTAL) of 4, on a scale from 1a to 6b where 6b is excellent.
- 4.9 The former News International print works/office complex and associated car park is located to the south of the site, on the opposite side of The Highway. In March 2014 planning permission was granted for the residential-led mixed use redevelopment of the former News International Site (now known as 'London Dock') to provide up to 1,800 homes, approximately 20,000sqm of flexible commercial floorspace, a new secondary school and new public open space, with the scheme including new buildings ranging between 4 and 25 storeys in height (application reference PA/13/01276).
- 4.10 The existing built form along Dock Street and Ensign Street remains relatively low rise in character, with the majority of buildings in the immediate area generally rising to between 4 and 8 storeys in height. St Pauls Vicarage & Church, which is Grade II listed, is located at 11 Dock Street, a few doors north of the application site and the spire of the church is quite visible in all directions due to the relatively low rise nature of the local townscape.
- 4.11 The application site is not located within a designated Conservation Area. However, the Wilton's Music Hall Conservation Area lies to the north-east of the site and the Tower of London Conservation Area lies to the south-west of the application site. The application site also lies approximately 500 metres to the east of the Tower of London UNESCO World Heritage Site.

Planning History

4.12 The following planning decisions are relevant to the application:

4.13 **PA/00/1248**

A Certificate of Lawfulness was approved for the existing use of Ground Floor: A1/A3 use class & associated parking: (shops class) & 1st/2nd/3rd Floors: B1 (a) (b) (c) use class & associated parking on 5 September 2000.

4.14 **PA/11/0042: Unit 1, 28 Ensign Street:**

An application for Change of use of first floor level from Office use (Class B1) to non-residential institution use (Class D1) with associated works. (Retrospective application) was permitted on 1 March 2012.

It should be noted that the decision notice for this permission explicitly states that this change of use was considered acceptable as the application demonstrated that the B1 unit had been marketed for a significant period of time and the D1 use offered potential for both employment and training provision.

4.15 **PA/12/1908: 28 Ensign Street:**

An application for Change of use of second and third floors from Office use (Class B1) to non-residential institution use (Class D1) with associated works was permitted 26 Nov 2012.

It should be noted that the decision notice for this permission explicitly states that this change of use was considered acceptable as the expansion of City Gateway training facility was considered in accordance with policies DM15, DM16 and DM19 of the MD DPD 2012 (Now MDD 2013) and policy SP06 of the Core Strategy 2010 which seek to maximise employment opportunity and investment, retain employment generating floorspace and supports the expansion of existing further and higher education facilities.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

Government Planning Policy Guidance/Statements

National Planning Policy Framework (2012)
Technical Guidance to the National Planning Policy Framework (2012)
National Planning Policy Guidance

Spatial Development Strategy for Greater London (London Plan) (2013)

- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people’s play and informal recreation facilities
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy network
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 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
7.7	Location and design of tall and large buildings
7.8	Heritage assets and archaeology
7.9	Heritage-led regeneration
7.13	Safety, security and resilience to emergency
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.18	Protecting local open space and addressing deficiency
7.19	Biodiversity and access to nature
7.29	The River Thames
8.2	Planning Obligations
8.3	Community Infrastructure Levy

Core Strategy Development Plan Document (September 2010) (CS)

SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP04	Creating a green and blue grid
SP06	Delivering successful employment hubs
SP05	Dealing with waste
SP08	Making connected places
SP09	Creating attractive and safe streets
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking and Implementation

Managing Development Document (April 2013) (MDD)

DM0	Delivering Sustainable Development
DM1	Development within the Town centre hierarchy
DM3	Delivery homes
DM4	Housing standards and amenity space
DM9	Improving air quality
DM10	Delivering open space
DM11	Living buildings and biodiversity
DM13	Sustainable drainage
DM14	Managing waste
DM15	Local job creation and investment
DM20	Supporting a sustainable transport network
DM21	Sustainable transportation of freight
DM22	Parking
DM23	Streets and the public realm
DM24	Place-sensitive design
DM25	Amenity
DM26	Building heights
DM27	Heritage and the built environment
DM29	Achieving a zero carbon borough and addressing climate change

Supplementary Planning Guidance/Documents

Planning Obligations Supplementary Planning Document, LBTH (2012)
Housing Supplementary Planning Guidance, Mayor of London(2012)
The Tower of London Conservation Area Character Appraisal and Management Guidelines, LBTH (2008)

Wiltens Music Hall Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)
Greater London Authority World Heritage Supplementary Planning Guidance (2012)
London View Management Framework Supplementary Planning Guidance, Mayor of London (2012)
Greater London Authority Sustainable Design and Construction SPG (2014)
Greater London Authority Planning Energy Assessment Guidance (2014)

6. CONSULTATION RESPONSE

- 6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

LBTH Biodiversity

- 6.2 The application site has no existing biodiversity value. It contains no vegetation or soft surfaces, and the existing buildings are unsuitable for roosting bats or nesting birds. The proposed development includes over 300 square metres of green roof, described in the Design & Access Statement as biodiverse green roofs. This would be a significant biodiversity enhancement. A condition should require full details of the green roofs, including extent, design, depth of substrate, planting (including any vegetated mat or blanket) and any other habitat features, such as piles of stones or logs, to be approved by the Council before development commences, and subsequently constructed as approved. Boxes for swifts, sparrows and bats are also proposed, according to the Design & Access Statement. This would be an additional enhancement for biodiversity. A condition should require details of these to be approved by the Council before development commences

(Officer comment: The relevant conditions would be placed on any permission)

LBTH Environmental Health (Noise and Vibration)

- 6.3 Further to additional information provided by the applicant, the Environmental Health Officer had no objections in regards to Noise and Vibration subject to the inclusion of necessary conditions.

(Officer comment: The relevant conditions would be placed on any permission)

LBTH Environmental Health Officer – Contaminated Land

- 6.4 No objections subject to the inclusion of a condition to secure a scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed, together with a condition to require the necessary remediation works to be carried out in full and to require the submission for approval of a verification report on completion of the remediation works.

(Officer comment: The relevant conditions would be placed on any permission)

LBTH Environmental Health (Air Quality)

- 6.5 No comments have been received.

LBTH Energy Efficiency Unit/Sustainability

- 6.6 The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. The current proposals therefore fall short of this policy requirement by approximately 7% which equates to 5.35 tonnes of CO2. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects.

The GLA published updated guidance in April 2014 that states that the cost per a tonne of CO2 is £1,800. This figure is set out in the GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014. For the proposed scheme it is therefore recommended that a figure of £9,630 is sought for the LBTH carbon offset fund. The calculation for this figure is as follows:

Building Regulation 2010 Baseline is 76.5 tonnes/CO2

Proposed development is at 43.6 tonnes/CO2

50% DM29 reduction would therefore be 38.25 tonnes/CO2.

Shortfall to meet DM29 requirements = 5.35 tonnes/CO2 x £1,800 = £9,630 offset payment to meet current policy requirements.

For the proposed scheme it is therefore recommended that a figure of £9,630 is sought for the LBTH carbon offset fund.

The Energy and Sustainable Design Statement identifies that a Code for Sustainable Homes level 4 will be achieved with a score of 71.54. This is supported by the sustainable development team and should be secured via condition for the final Code certificates to be submitted within 3 months of occupation.

(Officer comment: This financial contribution would be secured in the S106 agreement if members resolve to grant planning permission, and a condition would be added to any permission issued to ensure that the development achieves level 4 of the Code for Sustainable Homes)

LBTH Transportation & Highways

- 6.7 It is noted that TfL advise in their response that loading or disabled parking will not be permitted on the Transport for London Road Network (TLRN) as "constraints along The Highway are even more significant and TfL does not support stopping for any purpose along this key route".

With regards to servicing, it is acknowledged that there are design constraints that make the provision of off-street servicing difficult and we would therefore accept that on-street servicing may be the only operational solution in this instance. The proposal to allow residents of the affordable units to access removal services internally from the proposed Ensign Street loading / unloading bay is welcomed and this should be included in the Service Management Plan.

The proposal for provision of two disabled bays in Ensign Street should be progressed and these bays should be positioned as near to the residential access as possible. It should be noted that the provision of on street disabled bays will mean that they cannot be tied to the development and will be available to any Blue Badge holder who wishes to park there, which doesn't necessarily cater for the requirements of the development.

(Officer Comment: Noted. The provision of the two on-street disabled bays will be secured through a S278 agreement. Full details of servicing arrangements will be secured by condition through a Delivery and Servicing Management Plan).

LBTH Crime Prevention Officer

6.8 No comments received.

LBTH Communities, Localities & Culture

6.9 Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. In accordance with the Planning Obligations SPD, financial contributions should be secured for:

- Idea Stores, Libraries and Archives.
- Leisure Facilities.
- Public Open Space.
- Smarter Travel.
- Public Realm Improvements.

(Officer comment: If permission is granted the legal agreement would secure these S106 contributions in full, in line with the calculation formulae set out in the Planning Obligations SPD, details of which are provided at paragraph 3.2 of this report).

LBTH Waste Policy and Development

6.10 Waste management plan is satisfactory for the residential properties, but no plan has been presented for the commercial units. Please ensure that there is a separate storage area for the commercial units too.

(Officer comment: A revised ground floor plan was subsequently provided by the applicant, which shows the location of a separate commercial store within the 'Commercial Servicing' bay, which is accessed directly from the public highway on Ensign Street. Officers consider that the proposed waste and recyclables storage arrangements are satisfactory and recommend the inclusion of a condition to require the refuse stores to be installed prior to first occupation and retained as approved thereafter).

LBTH Directorate of Children's Services

6.11 The proposed development adjacent to two primary schools, Shapla and St Paul's Schools, is noted. The application details state that the impact on Shapla School's daylight amenity and on the sunlight amenity to the playground is acceptable. The impact of additional traffic on both the schools, and pupil and parent journeys to and from school should be considered. In particular the construction phase traffic should be managed to avoid deliveries and other traffic movements in the periods

at the beginning and end of the school day. The development should be assessed according to the Planning Obligations SPD to determine any payments required to mitigate the impact of the additional residential units on school places.

(Officer comment: A Construction Environmental Management Plan will be required to be submitted to and approved by the Council to minimise the impact during the construction phase. Financial contributions towards education have been included in the recommended S106 heads of terms in order to mitigate the impact of the additional residential units on school places.)

Environment Agency

- 6.12 The Environment Agency need not be consulted on this application

(Officer Comment: Noted).

LBTH Enterprise & Employment

- 6.13 Proposed employment/enterprise contributions at construction phase:

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.

To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.

The Council will seek to secure a financial contribution of £16,010 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

Proposed employment/enterprise contributions at end-use phase:

The council seeks a monetary contribution of £2,537 towards the training and development of unemployed residents in Tower Hamlets to access either:

i) jobs within the A1/A2 and B1 uses of the development

ii) jobs or training within employment sectors relating to the final development

Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

(Officer comment: These obligations would be secured in the s106 agreement if members resolve to grant planning permission)

LBTH Environmental Health and housing

- 6.14 Consideration should be made to the principles contained in BS 5250 (CP for control of condensation in buildings) for the design of the thermal insulation,

heating and ventilation of the dwellings. To prevent excess heat the ventilation system shall be so designed that the benchmark summer peak temperatures [living rooms 28°C & bedrooms 26°C] are not exceeded for more than 1% of the annual occupied hours. See CIBSE Guides. The developer is to demonstrate Policy 5.9 (Overheating & Cooling) of The London Plan has been complied with. Sufficient extract ventilation is required to internal kitchens, bathrooms, and WCs. Where a kitchen is not separated from a habitable room by a close fitting door, the extract ventilation shall be located immediately adjacent to the hob/cooker preferably via a cooker hood. Where the extract vent isn't located immediately adjacent to the hob/cooker - it should be demonstrated that the extract system has an intermittent extract rate of NLT 60 l/s (or NLT 13 l/s when operated at high rate as a part of a continuous system). Suggested air changes: 10 air change per hour for kitchens 3 air changes per hour for bathrooms and w.c.'s Ensure automatic fire detection & alarm system is installed and maintained.

(Officer comment: This has been noted and the information passed onto the applicant and would be addressed at Building Control stage)

English Heritage Archaeology

- 6.15 The Shadwell bath house would be considered an undesignated heritage asset equivalent to a scheduled monument and indicates that the terrace edge was an attractive location for Roman settlement. Significant quantities of Roman pottery and some other artefacts were found in the archaeological excavation at the adjacent 15 Dock Street site, this indicates potential for settlement in the vicinity (albeit there is no clear evidence for high status settlement like the Shadwell bath house), not only dumped deposits. The Dock Street excavation was terminated at 7m OD, above the natural gravel and possible Roman levels; its most significant discovery was an 18th century glass-making furnace. Thus there is in my opinion potential for both significant Roman settlement and post-medieval industrial remains.

The demolition pile caps, ground beams and other works would potentially affect medieval/post-medieval layers quite extensively depending upon the precise levels whereas the deeper buried Roman level would only be impacted by piling, for which I note continuous flight auger (CFA) piles affecting 5% of the site area are proposed. CFA piling can be an acceptable means of preserving archaeological remains in-situ with relatively little harm however English Heritage guidance is that no more than 2% new pile impact should be the target and 5% the upper limit from foundation construction. It also notes that pile clusters should be avoided wherever possible and that the cumulative impact of previous piling schemes should be considered. The preliminary proposed pile design as presented in the DBA is therefore still of concern and may require adjustment.

For mitigation I would therefore propose conditions to secure control over demolition, require archaeological evaluation to inform foundation design, approve foundation design and secure archaeological investigation where effective preservation cannot be achieved.

(Officer comment: This is noted and addressed in the 'Archaeology' section of the report and the recommended conditions would be attached to the planning permission should members resolve to grant permission)

English Heritage

6.16 The application should be decided in accordance with local policy.

(Officer Comment: Noted)

LBTH Public Health Strategist

6.17 The contribution sought to mitigate the healthcare impacts as calculated using the HUDU model.

(Officer Comment: This had been included within the recommended S106 financial contributions).

Historic Royal Palaces

6.18 The Accurate Visual Representations included in the appendix to the Design & Access Statement confirm that the development would not be visible in views of or from the Tower of London World Heritage Site, so we have no comments to make.

(Officer comment: Noted)

LBTH Housing Accessibility

6.19 The wheelchair accessible units must have access to two lifts as if a single lift is provided and it breaks down the tenants would be housebound. With regard to the layout of the units, some units are accessed directly through the kitchen, which is not ideal as it does not provide room for wheelchair users to change to an indoor chair at the point of entry. In addition, whilst the hallways are wide, some are slightly short of a full turning circle, although it is noted that the room sizes appear to exceed Housing SPG standards, which is supported.

Whilst the plans do not appear to show designated charging and wheelchair changing spaces in the hallways, it is noted that the units include some storage cupboards. The access in and out of the rooms is acceptable and the provision for future ensuite access to the shower room is supported.

(Officer comment: This has been noted and it has been confirmed by the applicant that the accessible units will have access to two lifts. This is discussed further in the 'Housing' section of the report)

Transport for London

6.20 To ensure that the proposed development complies with the transport policies in the London plan, the following matters should be addressed:

- Bus stop upgrades [a contribution of £10,000 is sought]
- Secure land and a financial contribution [£187,000 is sought] towards a cycle hire docking station are required
- An obligation for the applicant to enter into a section 278 agreement with TfL to improve the public realm
- Contributions towards the installation of wayfinding, 'Legible London' signs are required [£15,000]
- Provision of a Travel Plan to be secured
- Provision of a Delivery and Servicing Plan to be secured

- Provision of a Construction Logistics Plan to be secured
- Contributions towards the Mayoral CIL are required

These items should be secured via the appropriate planning conditions and obligations.

(Officer comment: This has been noted and the relevant conditions would be placed on any planning permission. The applicant has proposed a reduced financial contribution of £7,222 towards cycle hire facilities on development viability grounds and the contributions and obligations would be secured through the S106 agreement).

London Fire & Civil Defence Authority

- 6.21 Pump appliance access and water supplies for the fire service were not specifically addressed by the supplied documentation in the planning application portal; nonetheless, from other information supplied, they do appear adequate. Our standing recommendation is this proposal should conform to the requirements of part B5 of Approved Document B.

(Officer comment: This has been noted and the information passed onto the applicant)

Crossrail Charging Zone

- 6.22 No comments have been received.

London City Airport

- 6.23 No comments have been received.

Greater London Authority

- 6.24
- The GLA does not have an objection to the principle of the residential-led mixed-use development of the site.
 - The housing mix, density and quality standards are generally supported. Further discussion is needed regarding the viability and the reasonable maximum amount of affordable housing and how the proposed tenure split has been arrived at.
 - The GLA raised concerns about the internal courtyard and the overall quality and attractiveness of the space due. It is recommended that a softer and more playful landscaping approach is considered.
 - The overall height and scale of the scheme is generally supported and the provision of local views are welcomed. Further consideration should be given to the large areas of servicing along Ensign Street and increasing the footway along The Highway.
 - The proposals appear to take inclusive design principles into account and the commitment to providing 10% wheel chair accessible units is welcomed.

- Further discussion, clarification and /or commitments are required to address those issues regarding the exact location of the on-street parking spaces proposed, the safeguarding of land for a Cycle Hire docking station, the entering into a section 278 Agreement under the Highways Act 1980, the financial contributions towards a new bus shelter, the provision of Legible London signage. In addition a Residential Travel Plan should be secured by Section 106 Agreement and a construction logistics plan and delivery servicing plan to be planning conditions.

(Officer Comment: Noted. The above points of clarification will be addressed by conditions and secured through the S106 agreement).

7. LOCAL REPRESENTATION

7.1 A total of 167 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	10	Objecting:	8	Supporting:	2
No of petitions received:	0				

7.2 The following issues were raised in representations in objection to the scheme and are addressed in the 'Design' and 'Amenity' sections of the Material Planning Considerations section of this report:

- Loss of daylight/sunlight
- Loss of visual amenity/increased sense of enclosure
- Loss of uniformity in the townscape/height of the proposal
- Noise and disturbance during the construction stage of the proposal

The following issues were raised in representations in support of the scheme:

- The successful use of an unattractive and underused site
- The creation of new jobs during the construction phase
- The creation of new homes including affordable and family homes
- New retail space for local residents

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee must consider are:

- (a). Land Use
- (b). Housing
- (c). Design and Conservation
- (d). Amenity
- (e). Highways
- (f). Waste and Recyclables Storage
- (g). Archaeological Impacts
- (h). Biodiversity
- (i). Energy & Sustainability

- (j). Planning Obligations
- (k). Human Rights Considerations
- (l). Equalities Act Considerations
- (m). Section 70(2) of the TCPA 1990

Land Use

- 8.2 In terms of land use, the proposed development comprises both flexible commercial and residential uses. The site is located within the Central Activities Zone (CAZ) as designated in the London Plan (2013) and within the Tower Gateway East Employment Area, which is designated as a Local Office Location in the Council's adopted Managing Development Document (2013).
- 8.3 As set out in Policy DM1 of the Council's adopted Managing Development Document (2013), the continued enhancement and promotion of the CAZ is supported and this includes residential development on the upper floors of the building with active uses at ground floor level. Policy DM16(2) also supports the inclusion of residential uses in Local Office Locations (provided, amongst other criteria that the existing office floor space is re-provided on site).
- 8.4 Policy DM16 of the Council's adopted Managing Development Document (2013) seeks to protect office floor space in Local Office Locations. The upper floors of the site were previously in B1 use; however, in 2011 and 2012 planning permission was granted for change of use of the upper floors to D1 use as the applications demonstrated that the B1 unit had been marketed for a significant period of time and that the site was unsuitable for on-going B1 use and that the new use would generate significant employment. The first second and third floors were being occupied by City Gateway training facility and in D1 use. It is therefore considered that that justification is not needed for the loss of employment floorspace.

Figure 2: Existing Building



- 8.5 The proposal will result in the loss of non-residential/community floorspace (Use Class D1). At the time the application was submitted the upper floors of the building were occupied by City Gateway, who provide community training programmes. Policy DM8 of the adopted Managing Development Document (2013) seeks to protect such

facilities where they meet an identified local need and the buildings are considered suitable for their use. The loss of such a facility will only be considered if it can be demonstrated there is no longer a need for such a facility within the local community and the building is no longer suitable, or the facility is being adequately re-provided elsewhere in the borough. The applicant has confirmed that City Gateway is due to relocate to Mastmaker Court and has provided supporting evidence, satisfying the criteria in Policy DM8 of the Managing Development Document (2013).

- 8.6 As set out in Policy DM1 of the Managing Development Document (2013), the continued enhancement and promotion of the CAZ is encouraged which includes residential development on upper floors, as such the principle of the residential development is supported. Policy DM16(2) also supports the inclusion of residential uses in Local Office Locations.
- 8.7 The proposal provides a re-provision of 212sqm of flexible commercial floorspace, comprising retail/professional services/office (Use Class A1/A2/B1) use which is supported on the basis that the site is located within the CAZ and adopted policy seeks the inclusion of active uses at ground floor level within the CAZ.

Proposal Residential Use

- 8.8 At National level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits. Government guidance set out in paragraph 51 of the NPPF (2012) supports proposals for change of use of commercial buildings to residential use where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
- 8.9 The regeneration of sites such as this within East London is a strategic target of the London Plan (2013) as outlined within Policy 1.1 which states “the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”.
- 8.10 Policy 3.3 of the London Plan (2013) seeks to ensure that the identified housing need in London is met through the provision of new homes, requiring Boroughs to exceed their housing targets.
- 8.11 Policy SP02(1) of the Council’s adopted Core Strategy (2010) seeks the delivery of 43,275 new homes over the plan period (equating to 2,885 new homes per year) in line with the housing targets set out in the London Plan.
- 8.12 The proposed development would deliver a total of 65 new residential dwellings on the site. The site is not designated for any specific use and is not included in the site allocations in the adopted Managing Development Document (2013). Given the strong policy support for the delivery of new homes in the Borough and given that the surrounding area is predominantly residential in character, it is considered that the site will provide a suitable environment for future residents and that the proposed residential use is acceptable in principle in land use terms.

Density

- 8.13 Policy 3.4 of the London Plan (2013) seeks to optimise housing output for different types of location within the relevant density range shown in Table 3.2 (in the London

Plan) taking into account local context and character, the design principles and public transport capacity.

- 8.14 The NPPF (2012) stresses the importance of development making the most efficient use of land and maximising the delivery of housing. This guidance is echoed in the requirements Policy 3.5 of the London Plan (2013), which details design principles for a compact city. Policies S07 and SP02 of the adopted Core Strategy (2010) also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.15 The application site benefits from good access to public transport, with a Public Transport Accessibility Level (PTAL) of 4, on a scale from 1a to 6b where 6b is excellent. The site and surrounding area has a largely 'central' character in terms of the scale of surrounding built form and the proximity to the City to London. Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics of between 650 to 1,100 habitable rooms per hectare (hr/ha) and 140 to 405 units per hectare (u/h).
- 8.16 For vertically mixed use schemes, whereby buildings include a mix of residential and non-residential uses on different floors of the building, the residential density can be calculated using the 'Greenwich Method', in which the non-residential floorspace is deducted from the net site area in proportion with the percentage of proposed non-residential floorspace within the scheme. In this instance, by deducting the proposed non-residential floorspace (3.36%) from the overall site area of 0.104ha, it can be seen that the adjusted site area for the purposes of calculating residential density is 0.101ha.
- 8.17 The proposed development would deliver 65 residential units and 185 habitable rooms. Using the Greenwich Method, officers have calculated the residential density of the scheme to be 1,832hr/ha and 644u/h, with an average of 2.85hr per unit, which exceeds the density range as set out in Table 3.2 of the London Plan (2013).
- 8.18 A high residential density (particularly one that exceeds the indicative density range in the London Plan) can be an indicator of overdevelopment. However, a high residential density is not, in and of itself, a reason for refusal. For residential density to be a reason for refusal, a proposed high density would need to manifest itself in ways that cause significant harm to interests of acknowledged importance, such as:
- Inadequate access to sunlight and daylight for proposed or neighbouring homes;
 - Sub-standard dwellings (size);
 - Insufficient open space (private, communal and/or publicly accessible);
 - Unacceptable housing mix;
 - Unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
 - Unacceptable increase in traffic generation;
 - Detrimental impacts on local social and physical infrastructure; and
 - Detrimental impacts on visual amenity, views, character of surrounding area.
- 8.19 Officers consider that the scheme will provide good quality homes, including larger family-sized units, which are of an appropriate mix and include a policy compliant quantum of on-site affordable housing. Officers also consider that the proposed buildings would be of high architectural quality and would positively respond to the local context in terms of the surrounding built form and public realm in both local and longer distance views. It is considered that the proposals do not exhibit the adverse

symptoms of overdevelopment that would provide justification for refusal on density grounds. Further assessment of the above indicators is carried out in the relevant sections of this report.

- 8.20 Taking into account the above, officers consider that the scheme would optimise the residential density of the site and help to create a sustainable place, in accordance with the objectives of Policy 3.4 of the London Plan (2013) and Policies SP02 and SP10 of the Council’s adopted Core Strategy (2010).

Housing

- 8.21 The proposed development will deliver a total of 65 residential units, of which 48 units are market sale, 13 units are affordable rented and 4 units are intermediate (shared ownership).
- 8.22 This section of the report considers the acceptability of the housing provision with regard to the level of affordable housing, mix of tenures, mix of dwelling sizes and provision of wheelchair units.

Affordable Housing

- 8.23 Policies 3.8, 3.9 and 3.11 of the London Plan (2013) state that Boroughs should seek to maximise affordable housing provision. Policy SP02(3) of the Council’s adopted Core Strategy (2010) requires a minimum provision of 35% affordable housing on schemes providing 10 or more dwellings. Policy DM3 of the Managing Development Document (2013) reiterates the Council’s 35-50% affordable housing target and states that affordable housing provision should be calculated using habitable rooms as the primary measure.
- 8.24 The scheme as originally submitted would have provided 31% affordable housing by habitable room. A viability assessment was submitted with the application which has been independently tested by the Council’s appointed consultants, BNPP. Following independent testing and review the scheme was amended to provide 185 habitable rooms of which 64 are affordable, which increases the overall (on-site) provision of 35% affordable housing, which accords with the Council’s affordable housing policy target.

Mix of Dwelling Sizes

- 8.25 Policy SP02(5) of the Council’s adopted Core Strategy (2010), and Policy 3.8 if the London Plan (2011) require developments to provide a range of housing choice. In addition, local policies place an emphasis on the delivery of family sized dwellings given the shortfall of family units across the Borough identified in the LBTH Strategic Market Housing Assessment (2009), which forms part of the evidence base for Policy SP02 of the Core Strategy (2010).
- 8.26 Policy DM3(7) of the Council’s adopted Managing Development Document (2013) sets out the Council’s targets for the mix of dwelling sizes by tenure. These targets and the breakdown of the proposed accommodation mix are shown in Figure 3 below:

Figure 3: Dwelling Mix

Market Sale Units			
Unit Size	No. Units	Proposed %	LBTH Target %
1 bed	23	48%	50%

2 bed	25	52%	30%
3 bed	0	0%	20%
4 bed	0	0%	
TOTAL	48	100%	100%
Intermediate (Shared Ownership) Units			
1 bed	3	75%	25%
2 bed	1	25%	50%
3 bed	0	0%	25%
4 bed	0	0%	0%
TOTAL	4	100%	100%
Affordable Rented Units			
1 bed	0	0%	30%
2 bed	6	47%	25%
3 bed	5	38%	30%
4 bed	2	15%	15%
TOTAL	13	100%	100%

- 8.27 LBTH Housing have reviewed the proposals and note that the mix for 'Affordable Rented' units includes no provision of 1 beds, together with an over provision of 2 beds and an above target provision of 3 bed units. However, LBTH Housing confirm that the 'Affordable Rented' mix is acceptable in this instance as it helps to maximise the delivery of larger family sized rented units, for which there is an identified need in the Borough.
- 8.28 With regard to the proposed mix for 'Intermediate' units, LBTH Housing note that the proposal is for 75% one beds and 25% two beds with no provision of 3 beds and larger, resulting in an overprovision of one beds and an under provision of two beds. However, as only 3 intermediate units are proposed, officers note that the percentages are easily skewed. In addition, LBTH Housing advise that a number of Registered Providers have approached the Council due to difficulties in marketing 3 bed intermediate units. As a result, LBTH Housing raise no objections to the 'Intermediate' mix in this instance.
- 8.29 Overall, it is considered that the proposed development provides a suitable mix of unit sizes, including a good overall range of units, as well as a high proportion of family sized (3 bed+) affordable rented units. Whilst it is noted there is a high proportion of 1 and 2 bed market units, it is considered that the overall mix, including a high proportion of family sized units, is acceptable.
- 8.30 Taking into account the above, it is considered that the proposed residential mix is, on balance, acceptable in this instance, in accordance with the objectives of Policy SP02(5) of the Council's adopted Core Strategy (2010), Policy DM3(7) of the Managing Development Document (April 2013) and Policy 3.8 of the London Plan (2013).

Tenure Split

- 8.31 Policy 3.11(A) of the London Plan (2013) seeks a tenure split for affordable homes from new development of 60% rented and 40% intermediate. Policy SP02(4) of the Council's adopted Core Strategy (2010) and Policy DM3(1) of the Council's adopted Managing Development Document (2013) require an overall strategic tenure split for affordable homes from new development of 70% rented and 30% intermediate.

- 8.32 The tenure split for the proposed affordable homes is 86% affordable rented and 14% intermediate. The applicant has confirmed that the rented units will come forward at Affordable Rents in line with the Council's preferred (POD) rent targets for the E1 postcode area. In addition, the application is being brought forward by a Preferred Registered Provider, who has advised that the larger proportion of affordable rented units responds to specific design constraints and the Borough's and ward's housing needs.
- 8.33 LBTH Housing note that the proposals therefore do not accord with the Council's sought 70:30 split, although acknowledge the constraints of the site with specific regard to the requisite separation of the market and affordable residential cores. In addition, the proposal to bring forward the rented units at POD target rent levels is supported as it markedly improves the affordability of the rented units. As such, on balance, it is considered that the proposed tenure split is acceptable in this instance.

Residential Space Standards

- 8.34 Policy 3.5 of the London Plan (2013) and Policy DM4(1) of the Managing Development Document (2013) require all housing developments to include adequate provision of internal space in order to provide an appropriate living environment for future residential occupants, meeting the minimum space standards for new development in the London Plan.
- 8.35 The submitted drawings and details of the units show that the overall standard of accommodation is high with all units exceeding the Council's minimum space standards for dwellings. In addition, the proposed room sizes and layouts accord with the standards set out in the Mayor of London's Housing SPG (2012). As such, it is considered that the proposed residential dwellings include adequate internal space so as to provide an appropriate living environment for future residents, in accordance with the requirements of Policy 3.5 of the London Plan (2013) and Policy DM4(1) of the Council's adopted Managing Development Document (2013).

Wheelchair Housing and Lifetime Homes

- 8.36 Of the 65 proposed units, 6 units are wheelchair adaptable, which are located on levels 1, 2 and 3. There are two accessible affordable units and 5 accessible market units. The LBTH Accessibility Officer has assessed the wheelchair adaptable units and has commented that the proposed layouts may not be popular with wheel chair users. It is therefore recommended that a condition requiring full details of the accessible units to be submitted to and approved by the Council.
- 8.37 Details provided at application stage indicate that proposed residential units comply with 'Lifetime Homes' standards and the proposed provision of 10% of wheelchair accessible units accords with the requirements of Policy SP02(6) of the Council's adopted Core Strategy (2010). It is recommended that a condition is included to ensure that these standards are met during construction.

Design and Conservation

- 8.38 The NPPF (2012) promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.39 Chapter 7 of the London Plan (2013) places an emphasis on robust design in new development and Policy 7.4 specifically seeks high quality urban design having regard

to the pattern and grain of the existing spaces and streets. Policy 7.6 of the London Plan (2013) seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.

- 8.40 Policy SP10 of the adopted Core Strategy (2010) and Policy DM24 of the Managing Development Document (2013) 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.

Building Heights

- 8.41 With regards to appropriateness of the development of tall buildings, this has been considered in the context of London Plan and Local Plan policies. A tall building is described as one which is significantly taller than their surroundings and/or having a significant impact on the skyline. Policy 7.7 of the London Plan (2013) deals with tall and large buildings, setting out criteria, including appropriate locations such as areas of intensification or town centres, and provides that such buildings should not affect the surrounding area in terms of its scale, mass or bulk; should relate to the urban grain of the surrounding area; improve the legibility of the area; incorporate the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and make a significant contribution to local regeneration.
- 8.42 The tall buildings guidance paper prepared by CABE and English Heritage (EH), 'Guidance on Tall Buildings' (2007) recognises that in the right place, tall buildings can make a positive contribution to city life.
- 8.43 Policy SP10 of the Council's adopted Core Strategy (2010) also provides guidance on the appropriate location for tall buildings, requiring them to relate well to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the Council's adopted Managing Development Document (2013) reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings.
- 8.44 The height of the proposed 14-storey 'tower' at the south eastern corner of the site follows discussions with officers and is now one storey lower than originally proposed by the applicant. Officers consider that the result is a well-proportioned element of the design. The two lower elements of the building ensure that the 'tower' is well proportioned and responds to the lower context along Dock Street and Ensign Street as well as The Highway itself. The walls of the roof terrace on the top of the 'tower' create interest at that level as well as being semi-transparent so the tower does not appear as bulky or overbearing in local views. Much consideration has been given to a series of landmark buildings that are dotted along The Highway which is one of the main gateways into The City.

Figure 4: Proposed building looking west along The Highway



8.45 Although not located directly within the viewing corridor of any strategic views within the London View Management Framework (LVMF), the application site is located within the wider setting and background of the following LVMF viewpoints:

- 5A.2 (Greenwich Park to Central London)
- 6A (Blackheath Point to Central London)
- 11B.1 (Eastward from southern end of London Bridge)
- 15B.1 (Eastward from northern viewing plaque of Waterloo Bridge)
- 15B.2 (Eastward from centre of Waterloo Bridge)
- 25A.1 (The Queen's Walk to Tower of London)

8.46 The views assessment indicates the proposed development is not visible within any of the LVMF views, nor within any of the viewpoints around the Tower of London. An assessment has been carried out to establish the potential for any impact on these particular views by the proposed development. A number of viewpoints around the Tower of London have also been assessed to determine the potential for harm to the Outstanding Universal Value of the UNESCO World Heritage Site.

8.47 The views assessment indicates the proposed development is not visible within any of the LVMF views, nor within any of the viewpoints around the Tower of London.

Heritage Assets

8.48 Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

8.49 Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states "with respect to any buildings or other land in a

conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

8.50 Section 12 of the NPPF provides specific guidance on ‘Conserving and Enhancing the Historic Environment’. Paragraph 131 specifically requires that in determining planning applications, local planning authorities should take account of:

- “desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- the desirability of new development making a positive contribution to local character and distinctiveness.”

8.51 Parts 1-3 of Policy SP10 of the Council’s adopted Core Strategy (2010) provide guidance regarding the historic environment and states at Part 2 of the policy that the Council will protect and enhance heritage assets and their setting. The policy further requires that proposals protect or enhance the Boroughs heritage assets, their setting and their significance.

8.52 Policy DM27(2) of the Council’s adopted Managing Development Document (2013) provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.

8.53 The two lower elements of the design have been taken from the scale and proportion of the street that the elevation faces onto.

Figure 5: Southwards view along Ensign Street from within the Wilton's Music Hall Conservation Area



- 8.54 Ensign Street is largely uniformed in terms of massing, with existing buildings varying between 4 and 5 storeys. The tallest part of the proposed building at 14 storeys is located at the bottom of Ensign Street in order to mark the end of the block and signal the transition between Ensign Street and The Highway.
- 8.55 A lower 'stepped' 3 and 5 storey building is proposed to the north of the taller portion, creating a continuous frontage up to the party wall of the neighbouring 24 to 26 Ensign Street. The three storey set-back abuts the party wall at a lower level reducing impact on the neighbouring building and eliminating overlooking and security issues. Windows are avoided on the north facing gable wall and a green roof and wall are proposed here to create an attractive visual amenity for the residents of the top floor apartment.

Figure 6: View south along Dock Street with the Grade II Listed Church in the Foreground and the Locally listed building at 15 Dock Street further down



- 8.56 Dock Street is characterised by a variation in building heights along its length from 2 to 7 storeys. The proposed development locates the tower towards the east of the site to have less of an impact on the heritage assets along Dock Street. The taller element is slightly visible behind the church; however due to its set-back, proportions and design it blends into the street scene and does not appear over-dominant or detract from the setting of heritage buildings along Dock Street.
- 8.57 The proposed massing on the Dock Street elevation is generally commensurate with the height of no.7 Dock Street, which is the tallest building on the street excluding the church steeple. Figure 6 shows the 6 storey element of the proposed building immediately adjacent to 19 Dock Street, which sits comfortably within the range of heights on the street and within the context of the much taller buildings of the Thomas More Square complex and officers consider that the proposal is in keeping with the overall character and appearance of the street.
- 8.58 The detailed design of the proposal is considered to be of good quality and well thought out. The fenestration rhythm, deep reveals, solid to void proportions and the horizontal banding give visual interest to the facade, which is welcomed. The proposed material palette of brick, pre-cast concrete, PPC aluminium casement windows and PPC steel balconies are considered to be sensitive to the setting of nearby listed buildings and visually appropriate within the context of the wider streetscene.
- 8.59 At ground floor level the application proposes a new active frontage for the commercial unit to maximise the space along The Highway and the corner of Dock Street. The proposed building overhangs the footway and gives shelter to pedestrians and allows a good relationship between the commercial unit and the public realm.
- 8.60 The ground floor frontage along Ensign Street is made up of the substation, commercial servicing, bin storage and the residential lobby. This results in a

predominantly inactive frontage along Ensign Street. Options have been explored to maximise the commercial/active frontages and minimise service elements on this frontage and due to the site constraints and the requirements of the proposed building. It is accepted that the current proposals represent the optimal use of the space.

- 8.61 Taking into account the above, it is considered that the proposed building has been sensitively designed within the context of the historic built form and public realm and would protect the special historic and architectural interest of nearby Locally and Statutorily Listed Buildings and preserve and enhance setting of the nearby Wiltons Music Hall Conservation as well as The Tower World Heritage Site. The proposal therefore accords with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development Document (2013), Policy 7.8 of the London Plan (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and either preserve or enhance the character and appearance of the Borough's Conservation Areas.

Amenity

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

Daylight / Sunlight

- 8.63 The daylighting conditions at neighbouring properties are normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be reduced to no less than 0.8 times their former value, in order to ensure that sufficient light is still reaching windows. These figures should be read in conjunction with other factors, including NSL, which takes into account the distribution of daylight within the room and figures should not exhibit a reduction beyond 20% of their former value.
- 8.64 The daylighting conditions within new homes are normally assessed in terms of the Average Daylight Factor (ADF). British Standard 8206 recommends the following minimum ADF values for new residential dwellings:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 8.65 Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would

constitute a material reduction in sunlight.

- 8.66 A number of objections have been received from neighbouring residents within blocks to the north and west of the site on the grounds that the proposal would result in a significant deterioration in the daylighting and sunlighting conditions of habitable rooms within their properties. The application is accompanied by a Daylight & Sunlight Report, prepared by Waldrams, dated December 2013, together with updated reports dated 19th March 2014 and 3rd June 2014, which include revised daylight and sunlight assessments to take into account the subsequent revisions to the scheme, which has included reductions in height of the main tower and the block fronting Ensign Street.
- 8.67 The submitted Daylight and Sunlight reports have been independently assessed by Delva Patman Redler (DPR) and details of the assessment and officers' recommendations are provided below.

17 Dock Street

- 8.68 The building at 17 Dock Street adjoins the north/west boundary of the application site and is five storeys in height, comprising commercial use at ground floor level and residential units on the upper floors.
- 8.69 In terms of daylight, of a total of 23 residential windows, 16 windows (69.6% of total) would see VSC reductions greater than BRE guideline levels, of which 3 windows would be subject to VSC reductions of 20-29.9%, 6 windows would be subject to VSC reductions of 30-39.9% and 7 windows would be subject to VSC reductions of over 40%, with the worst affected window being a living/kitchen/dining room window at first floor level (ref: W7), for which the VSC would be reduced by 72%.
- 8.70 Of a total of 19 rooms, 7 rooms (36.8% of total) would see NSL reductions greater than BRE guideline levels, of which 1 room would be subject to NSL reductions of between 20-29.9%, 5 rooms would be subject to NSL reductions of between 30-39.9% and 1 room would be subject to NSL reductions of over 40%.
- 8.71 In terms of sunlight, of the 2 windows facing within 90 degrees of due south, both windows would see significant reductions in APSH of between 80-89.9%. In addition, whilst one of these windows currently receives 0 Winter APSH, the one window that receives 1 Winter APSH would as a result of the development receive 0 Winter APSH.
- 8.72 The rear elevation of 17 Dock Street faces directly towards to the (undeveloped) car park area at the rear of the application site and as such these windows and rooms currently receive very good levels of daylight and sunlight. DPR note that the proposals would result in significant reductions in VSC to a high proportion of windows, which would be noticeable to occupants. Whilst the proposal would also result in material reductions to NSL reductions to 7 rooms, DPR note that the rooms would be left with NSL to over half room areas in most cases, which officers consider represent acceptable residual NSL levels for residential properties in a central urban area.
- 8.73 Whilst not required by BRE guidance, the submitted Daylight & Sunlight Report provides the existing and proposed ADF values for 17 Dock Street. This assessment shows that of the 19 affected rooms, 14 rooms (73.7%) would retain ADF levels that are BS 8206 compliant. It is also noted that of the 5 rooms that fail to meet BS 8206 minimum levels, all 5 rooms have existing ADF values that are below these levels. It

is further noted that the ADF reductions to 3 of the 5 rooms are marginal in nature, with the ADF being reduced by up to only 0.02% in these 3 rooms.

- 8.74 Whilst a number of rooms and windows within 17 Dock Street will be subject to material reductions in daylight, as stated above, officers consider that the residual daylight levels to the majority of windows and rooms are acceptable given the local context of the building within a central urban area. However, the VSC, NSL, ADF and APSH values do show that two rooms will be significantly affected in terms of loss of daylight and sunlight, which are two living/kitchen/dining rooms located at first and second floor level.
- 8.75 Officers acknowledge that the occupiers of the two worst affected properties will be subject to a very noticeable reduction in daylight and sunlight to their living/kitchen/dining rooms. However, on balance, given the range of benefits that would be brought by the scheme, including the delivery new homes, a policy compliant level of affordable housing and a full S106 package, officers do not consider that these impacts are so significant so as to warrant a reason for refusal in this instance.

1-14 Liberty House, 26 Ensign Street

- 8.76 Liberty House is a part four, part five storey building that comprises a secure residential car park and one single-aspect, north facing garden flat at ground floor level with further residential units on the upper floors. DPR note that the location of the building is such that it will only be affected by the new tower building fronting The Highway and not by the infill block on Ensign Street, except to windows on the top floor, which directly face towards the infill block.
- 8.77 In terms of daylight, of a total of 17 windows, 4 windows (23.5% of total) would see VSC reductions greater than BRE guideline levels, of which 2 windows would see VSC reductions of between 30-39.9% and 2 windows would see VSC reductions of over 40%. All 11 rooms would be unaffected in terms of NSL and DPR note that the ADF result would remain high and that there would be a negligible impact on daylight distribution to habitable rooms within Liberty House.
- 8.78 In terms of sunlight, of a total of 14 windows that face within 90 degrees of due south, 4 windows at fourth floor level (28.6% of total) would see APSH reductions greater than BRE guideline levels, with these reductions ranging between 29-43%. In addition, 6 windows at first to fourth floor level (42.9% of total) would see Winter APSH reductions greater than BRE guideline levels, with these reductions ranging between 33-65%.
- 8.79 Whilst it is noted that around a quarter of the windows will be subject to material reductions in VSC, given the layout and aspect of the rooms the windows serve, the internal daylight distribution levels (NSL) would be unaffected and overall officers consider that these properties would retain adequate levels of daylight. In addition, whilst a number of rooms would be subject to material reductions in sunlight, officers do not consider that these impacts are so significant so as to warrant a reason for refusal in this instance.

Shapla Primary School

- 8.80 The Shapla Primary School includes a single storey building located approximately 25 metres to the north-east of the application site.

- 8.81 In terms of daylight, of a total of 6 windows 3 windows (50% of total) would see VSC reductions greater than BRE guideline levels, with these 3 windows seeing minor VSC reductions of between 21-24%. All six windows serve a single room that benefits from multiple-aspect and as a result the reduction in NSL to the room would be BRE compliant at 8%. In addition, in terms of internal illuminance, the resultant ADF value of 4.09% shows that the room would remain well lit. DPR consider that the impact on the daylighting conditions would be minor adverse in nature and on balance officers consider this impact to be acceptable.
- 8.82 In terms of sunlight, of a total of 6 windows that face within 90 degrees of due south, 3 windows (50% of total) would see APSH reductions greater than BRE guideline levels, with these reductions ranging between 35-41%. In addition, all 6 windows would see Winter APSH reductions of over 20%, although for three of the windows the reductions are only marginally over BRE guideline levels at 21%. DPR note that the levels of sunlight to three of the windows serving the room would remain good and that on balance the room will still appear adequately sunlit and that the overall impact on sunlight levels could be considered acceptable.

Nearby Commercial Buildings

- 8.83 The submitted Daylight & Sunlight assessments include analysis of the impacts of the development on the daylighting and sunlighting conditions of nearby commercial buildings.
- 8.84 15 Dock Street is a three storey commercial building located immediately to the north-west of the site, adjoining the northern boundary of 17 Dock Street. The assessment shows that the daylight and sunlight impacts on the windows and rooms at 15 Dock Street would be negligible and within BRE guideline levels.
- 8.85 Admiral House, 66-68 East Smithfield is a five storey commercial building that is located immediately to the west of the application site on the opposite side of Dock Street and forms the southern end of the urban block that is bounded by Flank Street to the north, Dock Street to the east, East Smithfield to the south and John Fisher Street to the west. The assessment shows that the daylight and sunlight impacts on the windows and rooms at Admiral House would be negligible and within BRE guideline levels.

Daylight & Sunlight Levels within the Proposed Development

- 8.86 The submitted assessment shows that a number of habitable rooms within the proposed development on the lower floors of the building will have ADF values below BS 8206 recommended minimum levels. Specifically, of the 114 habitable rooms at first to fifth floor level, 44 rooms (38.6% of total) would fail to meet the target minimum ADF levels. The Council's appointed consultant, DPR, notes that the majority of the ADF failures are to bedrooms. It is noted that bedrooms have a lesser minimum daylight requirement than other type of habitable room, such as living rooms, given the nature of their use and the hours of the day in which they are typically used.
- 8.87 DPR further note that a number of living/kitchen/dining rooms on the lower floors of the building will also fail to meet the target ADF levels, which is largely due to the design of the building, which includes recessed balconies that invariably restrict the levels of light reaching the rooms located at the rear of the balconies. In their letter dated 28 January 2014, the applicant's consultant, Waldrams, confirms that the living/kitchen/dining rooms are deep rooms with the main living areas located closest

to the windows, with the kitchen element to the rear of the rooms. As such, the primary seating areas within the living room would retain a relatively well daylight appearance despite the overall ADF values for the rooms not being compliant.

- 8.88 Officers acknowledge that the internal daylighting conditions to a number of habitable rooms on the lower floors of the building will be poor. However, from the sixth floor upwards, all habitable rooms would be ADF compliant. Taking into account the site's context within a central urban area and in light of the design of the scheme, including the provision of good levels of private amenity space for each unit, officers consider that the daylighting conditions within the development are not so poor so as to warrant a reason for refusal in this instance.

Noise & Vibration

- 8.89 Section 11 of the NPPF (2012) provides guidance for assessing the effect of noise. The document states that planning decisions should avoid noise giving rise to adverse effects on health and quality of life; mitigate and reduce effects arising from noise through conditions; recognise that development will often create some noise, and; protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.90 Policy 7.15 of the London Plan (2013), Policies SP03(2) and SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse effects and separate noise sensitive development from major noise sources.
- 8.91 LBTH Environmental Health note that The Highway is considered to be one of the noisiest roads in the borough and London and has been highlighted as an area for noise action under the Environmental Noise Directive (END). The proposed development will experience very high levels of noise and vibration from road traffic on The Highway and the site is considered to fall within a SOAEL (Significant Observable Adverse Effect Level), as defined by the NPPL (Noise Planning Policy for England) under the current Planning Framework.
- 8.92 LBTH Environmental Health have reviewed the submitted Noise Assessment, prepared by RBA Acoustics, and raised concerns that the scheme as originally proposed would not meet the required "good" design standard of BS8233 and would likely result in noise disturbance to future residential occupants. The applicant's acoustic consultants subsequently provided further information within the Acoustic Consultant Comments document, dated 18 February 2014, which has been reviewed by LBTH Environmental Health and is considered to be acceptable in demonstrating that the development can be constructed to meet the Council's noise requirements for new residential properties.
- 8.93 In line with the comments from LBTH Environmental Health, it is recommended that a condition be included to require the submission for approval of details of the noise insulation for the residential units, which shall demonstrate that the proposed glazing and ventilation ensure that the "Good" internal design standard of BS8233 is met. In addition, it is recommended that a condition be included to require the submission for approval of details of the sound insulation between the commercial and residential areas, which shall demonstrate that a noise insulation level of at least 60 DnTw will be achieved. Details of all mechanical plant, to comply with the Council's noise requirement of LA90 – 10dB(A), should also be secured by condition.

- 8.94 Taking into account the above and subject to conditions, it is considered that the proposed development would adequately protect future residential occupiers from undue noise disturbance, in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

Sense of Enclosure / Outlook

- 8.95 The properties that are most likely to be affected in terms of an increased sense of enclosure and loss of outlook are the flats located at 17 Dock Street, to the north-west of the development site. In addition, the south facing windows to habitable rooms on the top floor of Liberty House will have their level of outlook reduced by the four storey element of the proposed building. However, as these rooms are dual-aspect it is considered that adequate levels of outlook would be retained. Whilst it is acknowledged that the outlook from some properties will be reduced as a result of the development, given the design of the proposed building and setbacks from neighbouring windows, it is not considered that there would be any significant detrimental impacts on the outlook of neighbouring residents.

Overlooking and Loss of Privacy

- 8.96 It is noted that a number of objections have been received from neighbouring residents located to the north and west of the site respectively, on the grounds that windows and balconies within the proposed development will result in overlooking and a loss of privacy to neighbouring residents.
- 8.97 Design guidance documents usually recommend a visual separation distance of 18 metres between facing habitable room windows or balconies in order to preserve the privacy of existing and future residents. Section 5.1 of the Mayor of London's Housing SPG (2012) acknowledges this standard, whilst also noting that strict adherence can limit the variety of urban spaces and housing types in the city and can sometimes unnecessarily restrict density.
- 8.98 The proposals include the formation of a communal amenity terrace at podium (first floor) level. The terrace would be located close to rear (east) facing residential windows of the building 17 Dock Street. In order to prevent any direct overlooking from the terrace to neighbouring residential windows, the proposals include the installation of a 1.84 metre tall (from finished floor level) privacy screen along the western side of the terrace, the appearance of which will be softened through the use of planting. Officers consider that the proposed measures are sufficient to prevent any direct overlooking from the terrace to neighbouring properties within 17 Dock Street.
- 8.99 In terms of any potential overlooking from habitable room windows or balconies within the development into neighbouring properties, officers note that the separation distance between the west facing windows of the eastern block and the east (rear) facing windows at 17 Dock Street is approximately 16.5 metres. Whilst this falls slightly below the recommended 18 metre separation, given the central urban location of the site and the typical characteristics of residential development in such areas, officers consider that the proposed separation distance of 16.5 metres would afford residents adequate levels of privacy.
- 8.100 In order to prevent any direct overlooking from north facing windows within the development to adjacent windows and amenity spaces at 17 Dock Street and to the north, the applicant proposes the use of perforated metal balustrades and privacy

screens, as detailed on pages 14-19 of the submitted Design & Access Statement Addendum II, dated June 2014. Officers consider that the proposed mitigation measures will adequately protect the amenity of neighbouring residents from direct overlooking and it is recommended that full details of the design, specification and location of the balustrades and privacy screens are secured by condition.

- 8.101 Given the urban location and specific context of the site and its surroundings, together with the separation distances between facing habitable room windows and amenity spaces and the proposed mitigation measures, subject to condition, it is considered that the proposed development would not result in any significant overlooking or loss of privacy to neighbouring residents. The proposal therefore accords with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

Private Amenity Space

- 8.102 Policy SP02 (6d) of the Council's adopted Core Strategy (2010) requires adequate provision of housing amenity space for new homes, including private amenity space in every residential development.
- 8.103 Policy DM4(2) of the Council's adopted Managing Development Document (2013) requires the provision of a minimum of 5sqm of private outdoor space for 1-2 person dwellings, with an additional 1sqm to be provided for each additional occupant, whilst specifying that balconies and private external spaces would have a minimum width of 1,500mm.
- 8.104 Each of the proposed residential units includes a recessed balcony, which have been assessed by officers and the vast majority of balconies have been found to meet or exceed the Council's and Mayor of London's minimum space and design standards for amenity space. Where balcony sizes are below the minimum space standards, the shortfalls are slight and officers consider that the limited number shortfalls are mitigated by the provision of a significant level of communal amenity space within the development, which exceeds the Council's policy requirements. As such, on balance, it is considered that the proposals include adequate provision of private amenity space, in accordance with the objectives of Policy SP02 (6d) of the Council's adopted Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013).

Communal Amenity Space

- 8.105 Policy DM4 Managing Development Document (2013) requires the provision of communal amenity space within developments that include 10 or more residential dwellings. This policy requires the provision of 50sqm of community amenity space for the first 10 dwellings and a further 1sqm per additional dwelling. As such, the policy requirement for the current scheme, which would provide 65 new residential units, is for provision of no less 105qsm of communal amenity space.
- 8.106 The proposal markedly exceeds this target through the provision of 535square metres of communal amenity space. This communal amenity space is provided via a roof terrace on top of the main tower of the building and an internal courtyard terrace at podium level. It has been noted that concerns were raised about the quality of this internal scale by the GLA and if planning permission were to be granted it is recommended that a condition be included to require the submission for approval of full details of the landscaping so as to ensure that the communal amenity spaces are high quality and useable.

- 8.107 Taking into account the above and subject to condition, it is considered that the proposal includes adequate provision and communal amenity space, in accordance with Policy SP02 (6d) of the Council's adopted Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013).

Highways

- 8.108 The NPPF (2012) and Policy 6.1 of the London Plan (2013) seek to promote sustainable modes of transport and accessibility and reduce the need to travel by car. Policy 6.3 of the London Plan (2013) also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.109 Policy SP08 and SP09 of the Council's adopted Core Strategy (2010) and Policy DM20 of the adopted Managing Development Document (2013) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development does not have an adverse impact on safety and road network capacity, requiring the assessment of traffic generation impacts and also seeking to prioritise and encourage improvements to the pedestrian environment.
- 8.110 The current application is accompanied by a Transport Assessment, which has been reviewed by LBTH Transportation & Highways and Transport for London (TfL), with TfL confirming that the correct method has been used to calculate the trip rate and modal split for the proposed development and that the projected impact on the Transport for London Road Network (TLRN) is considered to be acceptable, in accordance with Policy 6.3 of the London Plan (2013).

Car Parking

- 8.111 Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) require developments located in areas of good public transport accessibility to be secured as 'car free'. Policy 6.13 of the London Plan (2013) also promotes 'car free' development in areas with good access to public transport.
- 8.112 The proposal has been assessed by LBTH Transportation & Highways, who note that the site benefits from good access to public transport, with a Public Transport Accessibility Level (PTAL) of 4, on a scale from 1a to 6b where 6b is excellent. LBTH Transportation & Highways consider this site to be suitable for a car and permit free agreement, which would be secured through the S106 agreement.
- 8.113 In accordance with Policy requirements, the proposals include provision of two disabled parking spaces, which are proposed to be provided on-street, adjacent to the site. The exact location of the on-street disabled parking bays will need to be agreed with LBTH Transportation & Highways and secured through a S278 agreement.
- 8.114 Subject to the completion of the associated S106 agreement, it is considered that the proposal accords with Policy SP09(4) of the Council's adopted Core Strategy (2010), Policy DM22(2) of the Managing Development Document (2013) and Policy 6.13 of the London Plan (2013). These policies seek for developments located in areas with good access to public transport to be secured as car and permit free.

Cycle Parking

- 8.115 The Council's cycle parking standards, as set out in Appendix 2(1) of the adopted Managing Development Document (2013), require the provision of 1 cycle parking space per 1 and 2 bed residential unit and 2 cycle parking spaces per 3+ bed residential unit. The cycle parking standards also require a minimum provision of 2 cycle parking spaces for commercial (A1/A2/B1) uses, with 1 space to be provided per 125sqm of floor area for A1 use.
- 8.116 The proposed development, which would provide 58 x 1 and 2 bed units and 7 x 3+ bed units would therefore require the provision of at least 72 cycle parking spaces, in line with the Council's adopted standards. In addition, the proposals include 212sqm of flexible commercial floorspace, for which at least 2 cycle parking spaces are required.
- 8.117 The applicant confirms that the development will include 112 residential cycle parking spaces located in suitable, secure cycle store rooms, adjacent to the lift cores, which exceeds the Council's policy requirements. In addition, the applicant's transport consultant confirms in the submitted Transport Assessment that the cycle parking spaces for the commercial uses will be provided on the public highway outside of the development, which must be agreed by Transport for London as the relevant Highway Authority for The Highway and secured through a S278 agreement.
- 8.118 Officers consider that the proposed location and quantum of cycle parking spaces is acceptable. If planning permission is to be granted, it is recommended that a condition be included to require the submission for approval of full details of the cycle parking facilities, which must be installed prior to first occupation of the development and retained and maintained as approved thereafter.
- 8.119 Subject to condition, it is considered that the proposals accord with Policy DM22(4) of the Council's adopted Managing Development Document (2013), and Policy 6.9 of the London Plan (2013). These policies promote sustainable forms of transport and seek to ensure the developments include adequate provision of safe, secure and usable cycle parking facilities.

Waste and Recyclables Storage

- 8.120 The proposal includes the provision of separate refuse and recyclables storage areas for the affordable rented units, for the intermediate and market sale units and for the commercial unit(s). All three refuse stores are located at ground floor level on the east side of the building and the residential refuse stores can be accessed both from within the building and directly from the public highway on Ensign Street, with all bins located within 10m of the collection point on the public highway, which is supported. The proposed refuse storage arrangements have been reviewed by LBTH Waste Policy & Development and are considered to be acceptable.
- 8.121 If planning permission were to be granted it is recommended that a condition be included to require the waste and recyclables storage facilities as shown on plan to be provided prior to first occupation of the development and to be retained as approved thereafter.
- 8.122 Subject to condition, it is considered that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with Policy SP05 of the Council's adopted Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013). These policies require planning applications to be

considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.

Archaeological Impacts

- 8.123 Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance archaeological remains and Archaeological Priority Areas. Policy DM27(4) of the Council's adopted Managing Development Document (2013) states that developments located within or adjacent to Archaeological Priority Areas will be required to be supported by an Archaeological Evaluation Report and that any nationally important remains will be required to be preserved permanently in site, subject to consultation with English Heritage.
- 8.124 The application site lies within an Archaeological Priority Area as designated in the Managing Development Document (2013). Accordingly, the current application is accompanied by an Archaeological Desk-Based Assessment & Built Heritage Appraisal, prepared by AOC.
- 8.125 The proposals and submitted Archaeological Statement have been assessed by English Heritage Greater London Archaeological Advisory Service (GLAAS), who consider that there is potential for both significant Roman settlement and post-medieval industrial remains at the site, which could be affected by the demolition pile caps, ground beams and other works.
- 8.126 In order to adequately mitigate any impacts on buried archaeological resource, if planning permission were to be granted GLAAS recommend that a condition be included to secure an Archaeological Mitigation Strategy (to be approved pre-commencement of demolition), together with a post excavation assessment (to be approved prior to first occupation) and a written report of archaeological investigations (to be published within 3 years of completion). Officers consider that the proposed condition is a suitable and proportionate means of mitigation given the potential for buried archaeological remains at the site.
- 8.127 Taking into account the above, subject to condition it is considered that the proposed development would not adversely affect any buried archaeological remains, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27(4) of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

Biodiversity

- 8.128 Policy 7.19 of the London Plan (2013), Policy SP04 of the Council's adopted Core Strategy (2010) and Policy DM11 of the Council's adopted Managing Development Document (2013) seek wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value, this should be protected and development which would cause damage to a Site of Importance to Nature Conservation (SINC) or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.129 The application site is not located within a SINC. The proposal has been assessed by the LBTH Biodiversity Officer, who notes that the application site has no existing

biodiversity value, with the site containing no vegetation or soft surfaces and the existing buildings being unsuitable for roosting bats or nesting birds. The proposed development includes the provision of over 300 square metres of biodiverse green roof, as specified in the submitted Design & Access Statement. The proposed development would therefore provide a significant biodiversity enhancement to the site.

- 8.130 If planning permission is granted it is recommended that a condition be included to secure details of the extent, design, construction and planting of the living roof, which is to be approved prior to the commencement of development, installed prior to first occupation and retained and maintained as approved thereafter.
- 8.131 Taking into account the above and subject to condition, it is considered that the proposed development would protect and enhance biodiversity value at the site through the design of buildings, including the use of biodiverse green roofs, in accordance with Policy SP04 of the Council's adopted Core Strategy (2010) and Policy DM11 of the Council's adopted Managing Development Document (2013).

Energy & Sustainability

Energy Efficiency

- 8.132 At a national level, the NPPF(2012) sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.133 At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2013), Policies SO24 and SP11 of the Council's adopted Core Strategy (2010) and Policy DM29 of the Council's adopted Managing Development Document (2013) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.134 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.135 The current application is accompanied by an Energy and Sustainable Design Statement, which shows that the proposed development follows the energy hierarchy and seeks to minimise CO2 emission through energy efficiency via a CHP (~40kWe) in order to reduce CO2 emissions by 43% (116.1 tonnes CO2) from a building regulation 2010 baseline. This approach is generally supported and the proposals are considered to be in line with the Mayor of London's energy hierarchy.
- 8.136 However, the LBTH Sustainability Officer notes that the proposals will fail to meet the Council's policy target for CO2 reduction as set out in Policy DM29 of the Managing Development Document (2013), which seeks for development to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010. Specifically, the proposed energy efficiency measures will result in a 7% shortfall on CO2 reduction, which equates to 5.35 tonnes of CO2.
- 8.137 Policy 5.2(E) of the London Plan (2013) states "carbon dioxide reduction targets

should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.”

- 8.138 The LBTH Sustainability Officer advises that in this instance the shortfall in CO2 emission reductions should be offset through a cash in lieu payment, with the current identified cost being £1,800 per tonne of CO2, as set out in the GLA Sustainable Design and Construction SPG (2014) and the GLA Planning Energy Assessment Guidance (2014).
- 8.139 The identified shortfall in CO2 emission reductions of 7%, which equates to 5.35 tonnes of CO2, would therefore require a payment of £9,630, which has been agreed with the applicant and will be secured through the S106 agreement.

Sustainability

- 8.140 In terms of sustainability, the London Borough of Tower Hamlets requires all residential development to achieve a Code for Sustainable Homes Level 4 rating. This is to ensure the highest levels of sustainable design and construction are achieved, in accordance with Policy 5.3 of the London Plan (2013) and Policy DM29 of the Council's adopted Managing Development Document (2013).
- 8.141 The LBTH Sustainability Officer notes that the submitted Energy and Sustainable Design Statement identifies that a Code for Sustainable Homes Level 4 will be achieved with a score of 71.54, which is supported. In order to ensure that Code Level 4 is achieved it is recommended that a condition be included to require the submission for approval of the final Code for Sustainable Homes certificates showing that 'Level 4' ratings have been achieved within 3 months of first residential occupation .
- 8.142 Subject to condition, it is considered that the proposed development will incorporate an appropriately high standard of sustainable design and construction, in accordance with Policy 5.3 of the London Plan (2013) and Policy DM29 of the Council's adopted Managing Development Document (2013).

Contaminated Land

- 8.143 The policy context is set by the National Planning Policy Framework (2012) and Policy DM30 of the Council's adopted Managing Development Document (2013). Specifically, Policy DM30 requires suitable site investigation and remediation schemes to be secured and agreed for development proposals on contaminated land or potentially contaminated land.
- 8.144 The current application is accompanied by a Desktop Contamination Assessment, prepared by MLM Consulting Engineers, which has been reviewed by the LBTH Environmental Health (Contaminated Land) Officer, who raises no objections to the proposals subject to the inclusion of a condition to secure a scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed. In addition, the LBTH Environmental Health Officer recommends the inclusion of a further condition to require the necessary remediation works to be carried out in full and to require the submission for approval of a verification report on completion of the remediation works.

Air Quality

- 8.145 Policy 7.14 of the London Plan (2013) seeks to ensure that design solutions are incorporated into new development to minimise exposure to poor air quality and promotes sustainable design and construction to reduce emissions from the demolition and construction of buildings.
- 8.146 Policy SP03(2) of the Council's adopted Core Strategy (2010) seeks to manage and improve air quality along transport corridors and traffic congestion points and seeks to implement a 'Clear Zone' in the borough to improve air quality. Policy DM9 of the Council's adopted Managing Development Document (2013) requires applications for major development to be accompanied by an Air Quality Assessment to demonstrate how it will prevent or reduce associated air pollution during construction or demolition.

Air Quality Assessment

- 8.147 The applicant has provided an Air Quality Assessment (AQA), prepared by MLM Consulting Engineers Limited, dated December 2013, which provides an assessment of the potential effect on local air resulting from the demolition, construction and operational phases of the development.
- 8.148 The submitted AQA notes that the demolition and construction works have the potential to cause dust impacts on nearby sensitive receptors and the surrounding environs. In order to minimise these impacts, the AQA proposes the preparation of a Construction Environmental Management Plan (CEMP), which shall include details of the dust/pollution mitigation measures that are to be put in place, including but not limited to the damping down of rubble, the use of screening, enclosed chutes and skips and the covering of soil mounds. If planning permission is granted, it is recommended that a CEMP be secured by condition.
- 8.149 The AQA also provides an assessment of the impact of the development on local air quality and provides details of the projected air quality (in terms of NO₂ and PM₁₀ concentrations) at various receptor points on the proposed development and nearby buildings in the year 2016. The assessment indicates that the annual average NO₂ levels on receptors at ground to third floor level will exceed the 40 micrograms per cubic metre objective set by the Air Quality Regulations 2000, although concentrations on the above floors will be within target levels. The assessment also indicates that PM₁₀ level will be within target levels on all floors. In addition, the assessment indicates that the proposed development will result in only a marginal increase (i.e. less than or equal to 0.1%) in NO₂ and PM₁₀ levels at nearby receptors at nos.43 and 66 East Smithfield and no.22 Ensign Street.
- 8.150 In light of the projected NO₂ concentration exceedances to rooms between the ground and third floors, the AQA proposes mitigation measures in the form of a NO_x filter, which is to be fitted to the mechanical ventilation (MVHR) unit to ensure that the air quality within all dwellings is acceptable. If planning permission is granted, it is recommended that a condition be included to secure details of NO_x filters to be fitted on the MVHR unit, which shall be installed prior to first residential occupation and be retained and maintained as approved for the life of the development.
- 8.151 Subject to condition, it is considered that the proposed development is acceptable in air quality terms, in accordance with the objectives of Policy 7.13 of the London Plan (2013) and Policy SP03(2) of the Council's adopted Core Strategy (2010).

Planning Obligations

- 8.152 Regulation 122 of the CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Are fairly and reasonably related in scale and kind to the development.
- 8.153 This is further supported by Policy SP13 of the Council's adopted Core Strategy (2010) which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.154 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 (2013).
- 8.155 The document also sets out the Borough's key priorities as being:
- Affordable Housing
 - Employment, skills, training and enterprise
 - Community facilities
 - Education
- 8.156 The Borough's other priorities include:
- Health
 - Sustainable transport
 - Environmental sustainability
 - Public realm
- 8.157 The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development are secured.
- 8.158 The obligations agreed can be summarised as follows:
- Financial Obligations
- (a). £18,547.97 towards Employment & Skills Training
 - (b). £15,629.54 towards Idea Stores, Libraries and Archives.
 - (c). £65,280 towards Leisure Facilities.
 - (d). £205,218.37 towards Education.
 - (e). £79,743.00 towards Health.
 - (f). £1,935.90 towards Sustainable Transport.
 - (g). £99,537.82 towards Public Open Space.

- (h). £67,650.00 towards Streetscene and Built Environment.
- (i). £9,630.00 towards CO2 Reductions
- (j). £7,222.00 towards Cycle Hire Facilities (TfL)
- (k). £10,000.00 towards Bus Shelters (TfL)
- (l). £15,000.00 towards Legible London Signage (TfL)
- (m). £11,907.89 towards Monitoring.

Non-Financial Obligations

- (n). 35% affordable housing by habitable room.
- (o). Car permit free agreement
- (p). 20% local employment/procurement during construction/end user phases
- (q). Code of Construction Practice
- (r). Travel Plan

The above contributions represent 100% of the planning obligations as required by the Council's Planning Obligations Supplementary Planning Document(2012) and officers consider that these obligations met the tests set out in Regulation 122 of the CIL Regulations 2010.

- 8.159 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas.

9.0 Human Rights Considerations

- 9.1 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:-

- 9.2 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"*.

- 9.3 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.

- 9.4 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.

- 9.5 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.
- 9.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.7 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.
- 9.8 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.

10.0 Equalities Act Considerations

- 10.1 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.
- 10.2 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 10.3 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 10.4 The community related 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.
- 10.5 The contributions to affordable housing support community wellbeing and social cohesion and appropriate levels of wheelchair housing and disabled car parking are to be provided, helping to provide equality of opportunity in housing.

11.0 Section 70(2) of the Town and Country Planning Act 1990

11.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

11.2 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.

11.3 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.

11.4 In this context "grants" might include the New Homes Bonus, which for the proposed development that is the subject of this planning application is estimated to total approximately £590,000 over six years.

11.5 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals so far as they are material to the application.

11.6 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor's Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. It is estimated that the Mayoral CIL charge for the proposed development would total approximately £150,000.

12.0 CONCLUSIONS

12.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.