

Committee: Development Committee	Date: 19 th November 2014	Classification: Unrestricted
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Shahara Ali-Hempstead	Ref No: PA/14/00623
	Ward: Bow East

1.0 APPLICATION DETAILS

Location: Land at rear of 81-147 Candy Street And Wendon Street, London, E3

Existing Use: Brown field and residential land

Proposal: Demolition of existing garages and 2 bungalows and the construction of 45 residential dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) with associated infrastructure provision.

Drawings: AA3313 /IJK/2.3/001, AA3313 /IJK/2.3/002, AA3313 /IJK/2.3/003, AA3313 /IJK/2.3/004, AA3313 /IJK/2.3/005, AA3313 IJK/2.0/001, AA3313/IJK/2.1/001, AA3313/IJK/2.1/001, AA3313/IJK/2.1/002, AA3313/IJK/2.1/003, AA3313/IJK/2.1/004 Rev B, AA3313/IJK/2.1/005 Rev A, AA3313/IJK/2.1/006 Rev A, AA3313/IJK/2.1/007, AA3313/IJK/2.1/008 and AL3386_2.1_101

Document:

- Planning Statement by PRP Planning Dated March 2014
- Design and Access Statement by PRP Architects
- Air Quality Assessment by Resource & Environmental Consultants Ltd, Dated 24 July 2013
- Transport Statement by Transport Planning Consultants, Dated November 2013
- Energy Statement by PRP Environmental, Dated 6 March 2014
- Daylight levels document
- Daylight and Sunlight Assessment by Calfordseaden, Dated March 2014
- Code for Sustainable Homes Pre-Assessment by PRP Environmental, Dated 4 March 2014
- Code for Sustainable Homes Ecology Report by Landscape Planning Ltd, Dated

- September 2013
- Tree Survey and Arboricultural Impact Assessment by Hayden's Arboricultural Consultants Limited, Dated 19 August 2013
- Noise Vibration Statement by Airo, Dated 3 October 2013
- Ecological Appraisal by Landscape Planning Ltd, Dated September 2013

Applicant: Old Ford Housing Association
Ownership: Old Ford Housing Association
Historic Building: None
Conservation Area: No

2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for demolition of existing garages and 2 bungalows on site and to redevelop the site to provide a residential development of 45 new dwellings arranged over three blocks of between two and six storeys in height.
- 2.2 The officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The development would result not only in re-provision of the existing affordable units on site but also additional affordable housing, providing a 100% affordable scheme.
- 2.4 The residential quality of the scheme would be very high. Out of the 45 affordable rented units 33% would be of a size suitable for families. The family-sized units would be provided as a mix of three and four units. A large proportion of these units would be provided as townhouses with sizeable private amenity space and individual front doors. All of the proposed units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All affordable rented units would be provided with separate kitchens and living/dining rooms. All of the dwellings would meet Code of Sustainable Homes and Lifetime Homes standards and 10% would be provided as wheelchair accessible. All but 2 of the proposed 45 units would be dual aspect.
- 2.5 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.6 The amenity impact of the development would be acceptable. Officers consider that the design of the development, massing of the site minimise any adverse amenity impacts.
- 2.7 The design of the scheme as a whole, including the proposed massing, siting, architectural design and response to the site's setting, is of a high quality. The proposed heights do not cause concern. High quality materials and detailing would be used throughout.

2.8 The scheme would provide a financial contribution towards education facilities in the Borough. Nevertheless, the financial obligations proposed would not fully mitigate the impact of the development proposal, in particular with regard to provision of education, healthcare and open space. Having taken into account the provision of 100% affordable scheme and the results of the independently reviewed viability assessment, officers consider that, on balance, the substantial public benefits and the regenerative potential of the proposal outweigh the proposal's inadequacies with regard to the mitigation of all of the infrastructure impacts of the development.

3.0 RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission subject to:

3.2 Any direction by the London Mayor.

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

3.4 Financial Obligations:

A contribution of £95,523 towards education facilities

3.5 Non-financial Obligations:

- a) Affordable housing 100% by habitable room (45 units)
 - 69% Affordable Rent at Borough Framework affordable rental levels (31 units)
 - 31% Intermediate Shared Ownership (14 units)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
- c) Car free agreement
- d) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.4 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.

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

3.6 Conditions:

1. Three year time limit
2. Compliance with approved plans and documents
3. Samples and details of all facing materials
4. Details of hard and soft landscaping, including boundary treatment and a Landscaping Management Plan
5. Archaeological

6. Detail of easement area within Block K
 7. Pedestrian access points to be level or gently ramped
 8. Details of play equipment
 9. Details of rooftop PV array
 10. Details of biodiversity enhancement measures
 11. Details of drainage and mitigation of surface water run-off
 12. Details of elevation treatment of the winter gardens of Site K, adjacent to the pedestrian bridge
 13. Details of all Secure by Design measures
 14. Details of safety mirrors
 15. Hours of construction and demolition
 16. Demolition and Construction Management Plan
 17. Delivery and Servicing Management Plan
 18. Contamination
 19. Parking Management Plan
 20. Code for Sustainable Homes Level 4 post completion testing
 21. Lifetime Homes
 22. Compliance with Energy Statement
 23. Details of cycle parking
 24. Details of ventilation and Vibration levels
 25. Details of piling, all below ground works and mitigation of ground borne noise
 26. Ground borne noise post-completion testing as requested
 27. Scheme of highway improvement works as requested by LBTH Highways
 28. Protection of retained trees
- 3.7 Any other conditions considered necessary by the Corporate Director Development & Renewal.
- 3.8 Informatives:
1. Subject to a S106 agreement
 2. Thames Water standard informative
 3. Building Control
 4. CIL
- 3.9 Any other informatives considered necessary by the Corporate Director Development & Renewal.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site is a strip of land that sits behind the properties at 81-147 Candy Street and Wendon Street within Bow East ward. The site forms part of the much larger Parkside residential estate managed by Old Ford Housing Association. The site is bounded to the East by the A12 Blackwall Tunnel Northern Approach arterial road and to the north by the Hertford Union Canal and Victoria Park.
- 4.3 The site is largely vacant brownfield land with five garages, and on the southern part of the site, two semi-detached bungalows. The site does not have any specific policy designations and is located within a predominantly residential area. The site is located to the west of the A12, which is a main arterial route through east London. There is a strip of vegetated land between the site and the A12 that provides a visual barrier and noise buffer.

- 4.4 The site is adjacent to the four storey 1960's block of flats on Candy Street fronting the open space of the square, an area that has recently seen significant regeneration and inclusion of child play space and enhanced communal amenity value.
- 4.5 The site is also adjacent to the footbridge that connects to Fish Island and the wider Olympic Park. No part of the application site falls within the curtilage of a listed building or within a conservation area.
- 4.6 Within a distance of 150m from either end of the overall site are number local bus stops which are served by the Nos. 276 and 488 bus routes with direct connections to Stratford, Hackney and Canning Town. No. 8 bus route towards Bethnal Green and Central London. Hackney Wick Station, part of the London Overground network is a 10-15 minute walk away, with eastbound connections to Stratford and westbound connections across the entire network. The site has a Public Transport Accessibility Level (PTAL) of 2.

Planning History and Project Background

None

Proposal

- 4.7 Full planning permission is sought for demolition of existing garages and 2 bungalows on site and erection of a residential development of 45 new dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) arranged over three sites consisting between two and six storeys in height with associated infrastructure provision.
- 4.8 All 45 proposed units would be provided as affordable units (31 for affordable rent and 14 intermediate). Out of the 31 affordable rented units, 33% would be suitable for families. A large proportion of these family sized affordable units would be provided as townhouses.

5.0 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:

5.2 Government Planning Policy

National Planning Policy Framework 2012

5.3 London Plan 2011 with Revised Early Minor Alterations published 11/10/2013

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 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
- 3.13 - Affordable housing thresholds
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.5 - Decentralised energy networks
- 5.6 - Decentralised energy in development proposals
- 5.7 - Renewable energy
- 5.8 - Innovative energy technologies
- 5.9 - Overheating and cooling
- 5.10 - Urban greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies
- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London's neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 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 local deficiency
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodland
- 8.2 - Planning obligations

5.4 **Core Strategy 2010**

- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking (Bow)
- SP13 - Planning Obligations

5.5 **Managing Development Document 2013**

- DM0 - Delivering Sustainable Development
- DM1 - Development within the town centre hierarchy
- DM3 - Delivering 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
- DM20 - Supporting a sustainable transport network
- DM21 - Sustainable transportation of freight
- DM22 - Parking
- DM23 - Streets and the public realm
- DM24 - Place sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environments
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

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

Mayor of London

- Further Alterations to the London Plan - Draft (2014)
- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context - Draft (2013)
- Sustainable Design and Construction - Draft (2013)
- Sustainable Design and Construction (2006)
- Accessible London: Achieving an Inclusive Environment (2004)
- Planning for Equality and Diversity in London (2007)
- All London Green Grid (2012)
- East London Green Grid Framework (2008)
- Housing (2012)
- London Planning Statement - Draft (2012)

Other

- Planning Obligations SPD (LBTH 2012)
- Affordable Housing SPD - Engagement Version (LBTH 2013)
- By Design 'Urban Design in the Planning System: Towards Better Practice' (CABE 2000)

5.7 **Tower Hamlets Community Plan objectives**

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

6.0 CONSULTATION RESPONSE

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

6.2 The following were consulted regarding the application:

External Consultees

London Fire and Emergency Planning Authority

6.3 No information directly related to water supply has been provided.

6.4 [OFFICER COMMENT: Full details have been reserved by condition and would be approved in consultation with the London Fire and Emergency Planning Authority.]

Thames Water

Waste Comments

6.5 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

6.6 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

6.7 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

6.8 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality<<http://www.thameswater.co.uk/wastewat>

[erquality](#)>. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Water comments

- 6.9 Thames Water recommends informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Supplementary Comments

- 6.10 To the north of the site adjacent to the proposed development is Wick Lane Depot. This is a Thames Water Asset. The company will seek assurances that it will not be affected by the proposed development. On the Map a blue outlined box shows the assets, and the proposed development area is identified by a red outlined box.
- 6.11 [OFFICER COMMENT: The requested condition and informative will be secured

Internal Consultees

Biodiversity

- There is nothing of significant biodiversity value on the application site, and the existing buildings have been assessed as being unsuitable for bats. There will not, therefore, be any significant biodiversity impacts.
 - The proposed landscaping includes a number of silver birch trees, a native species of high wildlife value. The rest of the planting consists of evergreen hedge, and shrub planting in beds and planters.
 - The applicant should be asked to consider installing biodiverse green roofs, in line with the guidance on living roofs published by Buglife. This would be a significant benefit for biodiversity, and would contribute to objectives and targets in the Local Biodiversity Action Plan.
- 6.12 [OFFICER COMMENT: The proposal includes the installation of photovoltaic array to the roof as such the installation of a green roof would not be feasible.]

Trees Officer, Parks & Open Spaces

- 6.13 The location for the development does not fall within the boundary of a Conservation Area and no TPO*s are applied.
- 6.14 The trees at this location are of average form, can only be seen by a relatively small number of people, have no known historical association and are not screening any unpleasant views. Nevertheless, they are important in the larger composition, provide many environmental benefits and have an amenity value (in the region of £4000 in total).
- 6.15 Therefore, if removed, suitable replacements should be planted to compensate for these losses.

- 6.16 All removal/replacement works should follow the guidelines in the relevant British Standard documents.
- 6.17 [OFFICER COMMENT: The proposed works would cover removal and replacement of trees, details of all tree works will be covered under the landscaping condition.]

Environmental Health - Noise and Vibration

- 6.18 The following Environmental Noise and Vibration Survey Reports by AIRO i) dated 25/06/2012 ii) dated 03/10/2013 has been reviewed, The contents of both requires more information and clarification. Accordingly the Design/Layout/Noise Barrier & calculations /suitable glazing with adequate ventilation needs to be provided, since this is a NEC *D* site so as to meet BS 8233 internal levels of the 'good'standard.
- 6.19 The Vibration levels needs to demonstrate that levels meet BS6472 of the low probability of adverse comments both for day and night. EH is not able to recommend Planning Permission in this format, until all the additional information and clarification are provided.
- 6.20 [OFFICER COMMENT: It is considered that sufficient mitigation measures can be employed to minimise adverse noise impacts. A condition will be secured to ensure this is implemented.]

Environmental Health - Housing

- 6.21 Standard comments were provided with relation to thermal insulation, heating and ventilation of the dwellings as well as automatic fire detection and alarm systems.
- 6.22 [OFFICER COMMENT: These areas are appropriately controlled under the Building Regulations and Building Control approval would be required]

Transportation and Highways

- 6.23 Subject to the below matters being secured through S106 or conditions, Highways has no objection to the application:
- Car Parking Management Plan
 - Construction Management Plan
 - Deliveries and Servicing Plan
 - Scheme of highway works (S278)
 - All areas to be drained within the site
 - 'Car free'

CAR PARKING:

- 6.24 The site is located in an area of good public transport accessibility (PTAL2 2) and should be subject to a s106 agreement prohibiting all occupants of the development from obtaining residential on-street car parking permits.
- 6.25 The applicant is providing eight (8) parking spaces with six (6) of them being disabled parking. There is a large open courtyard fronting the site, which can lead to abuse and used for car parking. A planning condition may be required to prevent such; parking of cars should be carried out only on marked bays.

CYCLE PARKING:

- 6.26 The site is located near a range of cycle routes. The applicant is providing cycle stands within the curtilage of the site but it's unclear the total no of cycle stands being provided. In line with current LBTH policy and standards a total of 60 cycle stands is to be provided to serve the development. The applicant will be required to submit details of the cycle stands.

SERVICING

- 6.27 Servicing and refuse collection will be carried out off street, within the courtyard fronting the site. This is satisfactory.

- 6.28 [OFFICER COMMENT: The above comments are noted. Suggested conditions and planning obligations have been included]

Housing

- 6.29 This scheme proposes 100% affordable phased housing scheme, delivering 31 affordable rented units along with 14 intermediate units, This area is currently used for fly-tipping and anti-social behaviour. There are two bungalows that are to be demolished as part of this redevelopment. These existing residents will be rehoused as part of the redevelopment phased process.

- 6.30 The affordable rented unit breakdown is as follows:- 29% one bed units against 30%, 23% two bed units against our policy target of 25%, 29% of three bed units against our policy target of 30%, 19% of four bed units against our policy target of 15%.

- 6.31 Within the intermediate units the scheme provides 43% of one bed units against our policy target of 25%, 57% of two bed units against our policy target of 50%. There are no three bed units within this tenure type. The applicant seeks to provide 33% family housing across both affordable tenures.

- 6.32 We need to ensure that rear windows that face onto the busy A road have the required ventilation methods for example:- voltaic ventilation. All units should meet lifetime homes and the London Mayors Guide space standards.

[OFFICER COMMENT: The applicant has confirmed that all units will be provided with individual Mechanical Ventilation with Heat Recovery (MVHR) units, and as such windows to the rear will be non-operable and voltaic ventilation/trickle vents are not required to habitable rooms. The applicant has confirmed that all units will meet the life times homes standard a compliance condition will be secured.]

Inclusive Access Officer

- 6.33 The detailed floor layouts for the proposed wheelchair accessible units have been reviewed and following receipt of explanation are considered to be acceptable and to fully meet the appropriate requirements.

Employment and Enterprise

- 6.34 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce would be local residents of Tower Hamlets.

- 6.35 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.
- 6.36 The Council seeks to secure a financial contribution of £9,400 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 would 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.
- 6.37 Due to the nature and scale of the proposed development, we would also be keen to secure apprenticeships.

[OFFICER COMMENT: The financial and non-financial obligations are discussed in paragraphs 8.132]

Energy Efficiency and Sustainability

- 6.38 The proposals have followed the London Plan energy hierarchy of Be Lean, Be Clear and Be Green, and sought to minimise CO2 emissions through energy efficiency and energy supply to achieve a 38% reduction in CO2 emissions against the benchmark of Building Regulations 2010. The proposal also includes the installation of (50kWp) photovoltaic array to further reduce emission.
- 6.39 The overall CO2 emissions reductions considered achievable for the development are 38% and the development has been designed to achieve a minimum Code of Sustainable Homes Level 4.
- 6.40 The proposed scheme it is recommended that a figure of £13,500 is sought for the LBTH carbon offset fund. The calculation for this figure is as follows:
- Building Regulation 2010 Baseline is 64.4 tonnes/CO2
 - Proposed development is at 39.7 tonnes/CO2
 - 50% DM29 reduction would therefore be 32.2 tonnes/CO2.
 - Shortfall to meet DM29 requirements = 7.5 tonnes/CO2 x £1,800 = £13,500 offset payment to meet current policy requirements.

[OFFICER COMMENT: These matters are discussed in paragraphs 8.107. Requested conditions have been included while the request for a financial planning obligation is discussed further in this report at paragraph 8.132]

Waste Collection

- 6.41 Waste management plan as explained in the design and access statement is acceptable.

[OFFICER COMMENT: This is noted]

7.0 LOCAL REPRESENTATION

Statutory Consultees

- 7.1 On 16th December 2013, a total of 407 letters were sent to occupiers of neighbouring properties, a site notice was displayed outside the application site, and a press advert was published in the East End Life Newspaper.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses: Objecting: 3 Supporting: 0

No of petitions received: 0

7.3 The objection letters were received from existing residents of the bungalows and the Disability Advocate. The letters state that the objectors do not wish to be moved from their properties and would like to remain in the bungalows.

[OFFICER COMMENT: The two existing bungalows are to be demolished to make way for a six storey development. The applicant has advised that the two residents are to be rehoused within the development in accessible units.)

Applicant's Consultation

7.4 The applicant has provided information in relation to public consultation, the information details the extent of consultation that was undertaken prior to the submission of the application.

7.5 The applicant has organised a number consultation events. The proposals were first presented to the local community at a consultation event on Thursday 19th July 2012. A second consultation event was held on a Saturday 3rd November 2012 to allow residents who were unable to attend the weekday event to view the proposal. These events were advertised to all households within Candy Street, Ruston Street, Wendon Street, Old Ford Road and also Elton House.

7.6 In addition to the consultation events, the Parkside Residents Group was also consulted, 8 individual meetings were held with the group.

7.7 A separate consultation was undertaken with existing residents of the two bungalows to be demolished, visits to these residents were undertaken on 28 February 2013 and 20 July 2013 and 24 September 2013.

7.8 According to the consultation document submitted by the applicant, the proposals were generally received favourably.

8.0 MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Housing
- Design
- Amenity
- Transport, Access and Servicing
- Sustainability and Environmental Considerations
- Planning Obligations

Land Use

8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic

approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.

- 8.3 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 8.4 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there. Bow East ward and Locton Estate forms part of an area identified for regeneration in policy 2.14 of the London Plan and within the Vision Statement of the Core Strategy.
- 8.5 The Core Strategy place-making policy SP12 identifies a vision for Bow to be ‘A suitable place for families, based around a rejuvenated market and lively town centre. It will benefit from being next door to a regenerated Fish Island, the Olympic Park and the resulting regeneration of the Lea River area. Bow east is to remain largely residential and offer high quality new housing alongside regenerated housing estates. The vision places priority on improving existing connections via Old Ford Road, Tredegar Road and St. Stephen’s Road across the A12 to Fish Island, the Olympic Park and Bromley-by-Bow.
- 8.6 The application site carries no site-specific policy designations. The site is largely vacant brownfield land with five garages, and on the southern part of the site, two semi-detached occupied bungalows. The two bungalows are to be demolished and the residents are to be re-housed within the development.

Principle of residential use

- 8.7 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets, for years 2011-2021 is set at 28,850 with an annual monitoring target of 2,885; however the Draft Further Alterations to the London Plan revise the Council’s ten year target to 39,314 with an annual monitoring target of 3,931, for years 2015-2025. The need to address the pressing demand for new residential accommodation is embraced by the Council’s strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 8.8 The Core Strategy place-making policy SP12 pictures Bow as a place for families which reflects the quieter, more community-based side of urban living, with improvements to connectivity sought, with new development and estate-regeneration to reinstate a traditional, joined-up street pattern.

- 8.9 Given the above, the predominantly residential character of the site's environs, the principle of intensification of housing use on this brownfield site is strongly supported in policy terms.

Housing

- 8.10 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development" Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 8.11 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally.

Residential density

- 8.12 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.13 The application site measures approximately 0.3345 hectares, the site has a PTAL rating of 2. In areas of PTAL 2 and urban setting, the density matrix associated with policy 3.4 of the London Plan suggests a density of between 200-450 habitable rooms per hectare. The proposed density would be 562 habitable rooms per hectare (net site area) and therefore would be above the recommended density range. It should be remembered that density only serves as an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure.

- 8.14 This report will go on to show that whilst some of the symptoms of overdevelopment are present in this application, officers have sought to weigh up its impacts against the benefits of the scheme and in particular the provision of 100% affordable housing scheme.

Affordable housing

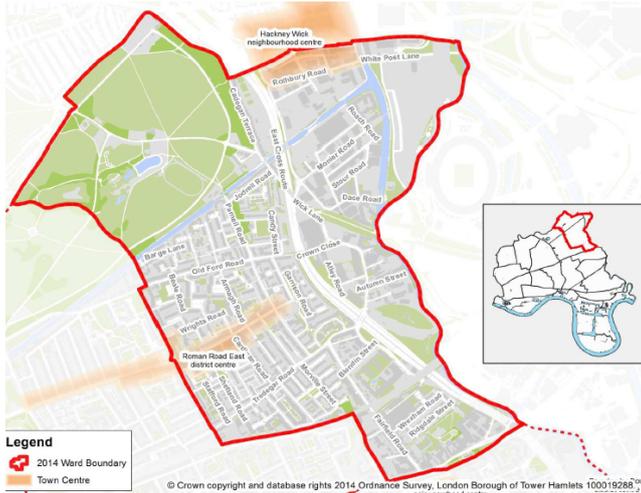
- 8.15 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including

affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.

- 8.16 The Strategic Housing Market Assessment (2009) identifies that there is an affordable homes shortfall of 2,700 homes per year. Additionally, current rates of over-occupation (over-crowding) are at 16.4%, significantly higher than the national average at 2.7%. The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 8.17 Policy DM3 subsection 3.3 of the Management Development Document states Council will give favourable consideration to proposals which exceed its strategic target of 50% affordable housing
- 8.18 This scheme provides 100% affordable housing for the London Borough of Tower Hamlets and therefore exceeds Council policy requirements.
- 8.19 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate. The proposed units will provide a mixed tenure of affordable rent (69%) and shared ownership (31%), which is broadly in line with Council's preferred split.
- 8.20 All 45 proposed units are to be provided as affordable (31 as affordable rent and 14 as intermediate). The applicant has advised the area is currently used for fly-tipping and anti-social behaviour. The proposed scheme will not only overcome the anti-social issues but provide much needed affordable housing within the borough.
- 8.21 The affordable rented accommodation would be let in accordance with Old Ford Housing' rents policy. The proposed rents would be broadly in line with the Borough Framework affordable rental levels for E3 areas.
- 8.22 Overall, the proposal exceeds policy targets and would result in a significant uplift in the quantum of much needed affordable accommodation.

Mixed and balanced communities

- 8.23 It is acknowledged that providing 100% affordable housing on the subject site does not represent a mix of tenures. An analysis of the socio-economic make-up of the area is carried out.
- 8.24 As a visual aid, the maps below outline the areas that have been assessed:



8.25 The following table is formulated from census data and shows the make-up of existing housing tenure:

Tenure	Borough Average	Bow ward	East
Owner occupier	27%	26%	
Social/affordable rented	39%	42%	
Private rented	32%	30%	

8.26 Changes to percentages if development is constructed at 100% affordable rented housing:

Tenure	Borough Average	Bow ward	East
Owner occupier	27%	26%	
Social/affordable rented	39%	43%	
Private rented	32%	30%	

8.27 The site is located within Bow East Ward, the census indicates approximately 6,595 household to be living in the Bow East ward. The table above shows an increase of 1 % within the social/affordable housing tenure. At ward level the addition of 45 affordable rented homes does not significantly alter the level of social/affordable housing in the area.

8.28 It should also be noted that this is an area of significant change and the proportion of social housing in the area has significantly reduced since the 2001 census. In 2001, Bow East ward was made up of 54% social/affordable housing and 12% private rent. From the above table it can be seen that this is changing and the area is becoming more mixed, with a greater proportion of private rented accommodation.

8.29 The introduction of 45 additional social/affordable rented units would not disproportionately affect the levels of social/affordable housing in the area, though consideration would need to be given to future 100% social/affordable housing schemes to ensure the income of private housing in the area is not being reversed and the balanced skewed towards social/affordable housing again in this area. It is considered, on balance, that the relatively small scale of this development would not adversely affect the mix of the area.

8.30 A balanced view needs to be taken on this proposal, whilst the site is located within an area with higher than average social/affordable housing, these habitable rooms

would provide much needed additional housing stock for those on the Council's waiting list and this is a significant benefit of the scheme which needs to be weighed against any concern arising from whether this is undermining the objectives of creating a mixed and balanced community.

- 8.31 It is the view of officer's that the scheme is an example of an exceptional circumstance whereby 100% affordable housing could be considered acceptable. The benefits of the scheme are that 31 units of the total housing provided would be affordable rented, with 33% provide as family housing at lower density environment which is more suitable for family accommodation.
- 8.32 It is acknowledged that the area around Candy Street is changing, as between 2001 and 2014 there has been a shift towards private rented accommodation and owner occupiers, away from the high levels of social housing. The scheme as an individual development does not significantly alter the proportion of social/affordable rented accommodation at ward level.

Dwelling mix

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

Unit size	Affordable Rented			Intermediate		
	Units	%	Target	Units	%	Target
1 bed	9	29%	30%	6	43%	25%
2 bed	7	23%	25%	8	57%	50%
3 bed	9	29%	30%	-	-	25%
4 bed	6	19%	15%	-	-	
Total	31			14		

- 8.34 Within the affordable rent units the housing mix (with policy target in brackets) would be as follows: one-bed 29% (30%), two-bed 23% (25%), three-bed 29% (30%) and four-bed 19% (15%). The proposed provision of a substantial number of larger family units - 48% of three-bed plus including four bed units against a policy target of 45%, is especially welcome and supported by Housing colleagues. The slight shortfall in two-bed units is not considered to be of concern.
- 8.35 Within the intermediate tenure the mix would be: one-bed 43% (25%) and two-bed 57% (50%). The applicant justifies the shortfall in family units in intermediate tenure by referring to the lack of demand shown for family sized units. Officers note that the shortfall in the proportion of larger intermediate units enables for a larger proportion of family units to be provided within the affordable rented tenure. It is also noteworthy that a large proportion of the proposed family sized affordable units would be provided as townhouses with sizeable private amenity space.

- 8.36 Overall, in light of the proposed quantity and quality of family housing in the affordable rented tenure, the shortfall in intermediate tenures is considered to be acceptable and would not prejudice the relevant policy objectives.

Standard of residential accommodation

- 8.37 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime.”
- 8.38 All of the proposed units would meet or exceed the baseline floorspace standard, in particular the proposed family sized units would be more spacious, especially in the affordable rent tenure. It is also noteworthy that all units in the affordable rent tenure would be provided with separate kitchens. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements. A large proportion of family sized affordable rent units would be provided as townhouses, all with sizeable private amenity space.
- 8.39 The proportion of dual aspect units has been maximised, with only 2 units (4.4%) to be provided as single aspect, although both units are west facing.
- 8.40 The distances between opposite elevations with habitable rooms exceed the requirements of policy DM25. All of the proposed units would benefit from adequate privacy and defensible space, and would not be subject to undue overlooking.
- 8.41 The applicant has submitted a Daylight & Sunlight report addressing daylighting and sunlighting to the proposed units. The report has been independently reviewed by a qualified consultant appointed by the Council. Most of the proposed rooms would meet the average daylight factor (ADF) requirements of the British Standard with the exception of 8 windows located within Site K, of the 8 windows 4 are kitchen windows.
- 8.42 Further to the submission of the Daylight & Sunlight report, the applicant has increased the size of 6 of the affected windows which shows significant improvement to the level of daylight. As such it is considered that reasonable levels of daylight would still be obtained for the 8 windows. All of the proposed units would receive adequate sunlighting where the orientation of the units makes it a reasonable requirement.
- 8.43 The townhouses would be provided with individual access doors to the street to provide a sense of ownership and to generate activity and passive surveillance of all spaces around the development. Entrance areas have been designed with safety and security in mind. Access cores to the flats within the upper storeys are also spread throughout the development and have similarly been designed and sited to ensure safety, security and passive surveillance. The number of residential units per core and per corridor has been kept to a minimum.
- 8.44 Overall, it is considered that the proposal would meet and exceed the relevant qualitative and quantitative design standards and would represent an exemplary standard of living accommodation and amenity to the future occupiers of the scheme.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.45 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.46 Six wheelchair accessible homes are proposed, the units will be equally spread across the unit sizes. Two wheelchair units will house the existing two tenants and an additional 4 units within the affordable housing tenure.
- 8.47 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes have been reviewed by the Council's Inclusive Access Officer and are considered to meet the appropriate requirements. 6 accessible parking spaces would be provided throughout the development and allocated in accordance with need.

Private and communal amenity space

- 8.48 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 8.49 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the upper storey flats would have adequately sized winter gardens, balconies or terraces all meeting or exceeding the minimum standard. All units would benefit from large private terrace or patios which substantially exceed the policy requirement.
- 8.50 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. The application does not propose communal amenity space.
- 8.51 The applicant has stated within the submitted planning statement states that Locton estate is currently being redeveloped to provide amenity space for all ages to include: toddler adventure play, a games area, an outdoor gym and informal open space. This space will be within a few minutes' walk of the site and by allowing the new residents use of this communal space will enable integration with the existing residents, creating a more balanced and mixed community. Additionally, the site benefits from being within 5 minutes' walk from Victoria Park and within 10 minutes from the Olympic Park. Moreover, all new units benefit from sizeable private amenity space in the form of: gardens, winter gardens, balconies and terraces.
- 8.52 Overall, the proposed provision of private amenity space would significantly exceed the policy requirements and make a significant contribution to creation of a sustainable, family friendly environment. The non-provision of communal space would not undermine the scheme.

Child play space

- 8.53 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH

child yields and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.

- 8.54 Using the LBTH child yield calculations, the development is anticipated to yield 40 children (13 under 5s, 18 of 6-10 year olds and 9 of 11-15 year olds). Accordingly, 310sqm of on-site play space is required for under 5s and 6-10 year olds. Not including the doorstep play space of private gardens, the application proposes a total of 166sqm of on-site play space divided between Site I and Site K. Proposed play area is below policy requirement however the applicant has advised that the site is adjacent to an area of open space at Candy Street. Old Ford Housing Association has recently vastly improved this green space to provide a toddlers adventure play space, kick-about space, outdoor gym and informal play in the grass for young children. This space has been specifically designed to cater for all ages of children as well as adults. Locton Green has capacity for the child yield created by the proposals and this sharing of space and facilities will seek to integrate the proposed development within the existing neighbourhood. Officers consider that the benefit of the development outweighs the shortfall of child playspace and the provision of the existing playspace is considered sufficient. As such the shortfall of child playspace would not undermine the scheme as a whole. Full details of play space facilities and equipment would be reserved by condition.
- 8.55 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. The proposal does not include any dedicated on-site play space for older children, however Victoria Park is located approximately 370 metres from the site.
- 8.56 Overall, it is considered that the proposal would provide an excellent play environment for younger children while the lack of dedicated provision for older children and teenagers does not raise concerns bearing in mind the location of Victoria Park within a short walking distance of the application site.

Design

- 8.57 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.58 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.59 Chapter 7 of the London Plan places an emphasis on robust design in new development. In particular:
- Policy 7.1 seeks creation of distinct, liveable neighbourhoods and requires new buildings to interface with surrounding land, improve access to social and community infrastructure, local shops and public transport. The character,

legibility, permeability and accessibility of neighbourhoods should be reinforced.

- Policy 7.2 seeks creation of an inclusive environment catering to the needs of all sections of the population, while policy 7.3 requires development to reduce the opportunities for criminal behaviour and to contribute to a sense of safety and security.
- Policy 7.4 requires development to respect local character - this should be achieved by a high quality design response informed by the surrounding historic environment and which has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Development should be human in scale, ensuring that buildings have a positive relationship with street level activity.
- Policy 7.5 the public realm should be secure, accessible, inclusive, and legible. Opportunities for greening should be maximised.
- Policy 7.6 specifies that in terms of assessing the architecture of a development as a whole the development should make a positive contribution to a coherent public realm, streetscape and wider townscape. It should incorporate the highest quality materials and design appropriate to the site's context.
- Policy 7.7 gives detailed guidance on design of tall and large buildings which should not have an adverse effect on the character of their surroundings, should relate well to the surrounding buildings, urban grain and public realm, and incorporate the highest standard of architecture and materials.

8.60 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces. The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

Design, massing and scale

8.61 The site is located in Bow East Ward, within the periphery of Locton Estate. The site forms part of the much larger Parkside residential estate managed by Old Ford Housing Association. The site is bounded to the East by the A12 Blackwall Tunnel Northern Approach arterial road and to the north by the Hertford Union Canal and Victoria Park.

8.62 The main design constraint to development of the site is, first and foremost its proximity to the A12 arterial road and large sewer beneath Site K which requires access.

8.63 Site I currently consist of open space between Nos. 1-79 and 81-147 Candy Street, currently containing 5 mostly derelict garages. The proposal will consist of an infill four storeys in height, which reflects the scale of the two existing adjoin buildings. The massing to Block I has been well thought through so as not to dominate. This is

clear when viewed from the Candy Street elevation and from the proposed public square towards the end of the new mews street.

- 8.64 Site J has been designed as a mews development consisting of three storey town houses and three storey block of flats to the north. The three storey development has been designed to appear as one with the noteworthy difference being the individual doors provided for the town houses. The east elevation of Block J fronts the A12, in order to minimise outlook onto the A12 fenestration detailing has been concentrated to the west elevation together with balconies and terraces. The elevation treatment and massing to this frontage has been well thought through and the architects have employed a number of imaginative architectural devices to create articulation and introduce a more traditional rhythm of narrow frontages. The town houses and block of flats would be faced with a light brown buff coloured brick. Brick reveals with large setbacks to create balconies and terraces would introduce a varied townhouse rhythm. This articulation would be reinforced through a coherent strategy of creating vertical bands of fenestration as well as the introduction of terraces at third floor level which extend the full depth of the town houses. The treatment to window reveals would vary, adding visual interest. Officers consider that the three storey element would relate well to the 1960s public housing development at Candy Street.
- 8.65 Site K will consist of five stories with a sixth floor set back. The block will be the main gateway to the development and would provide a focal point due to its height and massing. The elevation treatment at lower ground and ground floor of the site differs from Site I and J. Due to the location of the sewer beneath Site K an easement of 4m wide and 5.5m in height has been factored into the design to allow access arrangement for Thames Water without disruption to building or residents. A double height lobby has been created to the south west of the building for easement rights; double height glazing will form two entrance points to the building with a further entrance to the north. As the site lies perpendicular to Site J it has the same constraint. As such, similar architectural elements and devices have been employed to articulate the building with recessed balconies, with the addition of winter gardens and windows to the north east elevation.
- 8.66 In terms of the materials, the scheme proposes a single brick type across the three sites; this creates a unity to the development. Whilst brick is proposed throughout the development, certain key areas will have contrasting material and colour to identify entrance points to flats and houses alike. All terraces and balconies provided are proposed as having opaque-glazed balustrades. This creates a degree of privacy, without increasing the mass of the buildings with solid balustrades.
- 8.67 Opaque-glazed balustrades are considered acceptable as they also prevent residents installing unsightly privacy measures applied to terraces and balconies after occupation. The proposed window details will be conditioned to ensure high thermal and acoustic levels are obtained. Officer considered that careful consideration has been given to the approach to fenestration and balcony locations as well as to the design of entrances.
- 8.68 The design of the proposal has been subject to extensive pre-application discussions between the applicant and the officers. Officers are satisfied that the proposed buildings would be of a very high architectural quality, relate well to their surroundings and enhance the local street scene. The layout and distributions of buildings within the site would create an active high quality environment.

Safety and security

- 8.69 The proposed houses would benefit from individual front doors while adjacent flats would be served by relatively spacious glazed cores. Entrances as well as fenestration to habitable rooms would be distributed throughout the development and result in a high proportion of active frontage. This would result in a high level of passive surveillance and have a positive effect on actual and perceived safety and security. No concealment points or poorly overlooked areas would be created.
- 8.70 The inclusion of development on Site I is particularly welcomed as it provides a single entry point into the scheme, which reduces the potential for anti-social behaviour.
- 8.71 The new public route to be created would be well overlooked. An external lighting strategy has also been submitted. Officers are satisfied that the lighting proposed would make an appropriate contribution to creation of safe public spaces. Appropriate consideration has also been given to the boundary treatment to different areas and general circulation through the site.
- 8.72 The above measures would ensure that the proposal enhances safety and provide a deterrent to loitering and anti-social behaviour.
- 8.73 The applicant has engaged with the Tower Hamlets Crime Prevention Design Advisor whose comments influenced the detailed development of the scheme. Details of all Secured by Design measures as well as external lighting would be conditioned.

Landscaping

- 8.74 Two key landscape areas are proposed, each with its own, distinct character.

Block I & J

- 8.75 Running along the western boundary of the site and forming a link between Block I and Block J; a pedestrian friendly mews style streetscape is proposed; it provides a number of parking spaces but has been designed to ensure a safe and secure streetscape. The feature paved bands along the streetscapes act as an extension from the build form, linking the building to the streetscape whilst providing a function as a traffic calming device and providing a rhythm to the linearity of the space aiding in breaking up the mews, whilst also integrating planting and incidental play elements. A semi-formal landscape would be created with hedge row along the rear gardens of the existing block of flats, low shrub planting beds, raised beds and trees will be sporadically placed. Doorstep play area would also be incorporated.

Block K

Block K would form the primary access route into the development. It has been designed to include planting of trees directly in front of the development to create a buffer between the public street and the building. A large portion of the area will be created as play space for under-fives. A number of shrub planting beds and decking would also be provided.

- 8.76 The proposed landscaping has been well thought out and would be of a particularly high quality.

Amenity

- 8.77 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

The application site is surrounded by residential properties to the north, south and largely to the west. Block I will consist of a four storey block of flats located to the north. The block is nestled between the existing four storey 1960s four storey public housing blocks and can be considered an infill development.

Block J will consist of a three storey block of flats and three storey town houses located to the east, adjacent to the existing four storey 1960s block (no. 81-147 Candy Street).

Block K will consist of a six storey block of flats located to the south east adjacent to the pedestrian bridge and three storey town houses on Wendon Street.

Overlooking and privacy

- 8.78 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people.
- 8.79 In a dense urban context, any infill site such as this must address the sensitive issue of overlooking onto existing properties. The windows in Block I on the south elevation are at an angle to the existing block on Candy Street, the windows are also kitchen windows, it is considered the due to the angle of the windows and use of rooms it would not lead to significant impact in terms of overlooking and loss of privacy.
- 8.80 20m is considered to be an acceptable distance between new developments and existing properties and the distance between Block J and 81-147 Candy Street reflects this. Within an urban setting, overlooking distances are often less than this to reflect the existing urban grain.
- 8.81 The overlooking distances between Block K and the existing buildings on Wendon Street vary between 20m and 23m. These distances are in excess of the distances specified within policy guideline, and as such are acceptable distance in reducing intervisibility between windows.

Outlook and sense of enclosure

- 8.82 The distance between the development proposal and habitable rooms of adjoining properties would be mostly at around 20m and outlook to these properties would not be significantly impacted. The proposed massing would also not result in an overbearing appearance. The 6 storey building of Block K would be located 20m and

23m from existing buildings on Wendon Street. A pedestrian foot bridge is situated between Block K and the three story town houses. The outlook of these properties would not be restricted to an unacceptable due to this separation.

Daylight and sunlight, overshadowing

- 8.83 The applicant has submitted a Daylight & Sunlight report addressing daylighting and sunlighting. The report has been independently reviewed by a qualified consultant appointed by the Council. The report concludes that the proposed scheme will meet the BRE required standards for daylight and sunlight to neighbouring residential properties.

Noise and Vibration

- 8.84 NPPF and Planning Policy Guidance Note 24 is the principal guidance adopted England for assessing the impact of noise. The guidance uses noise categories ranging from Noise Exposure Category (NEC), NEC A (where noise doesn't normally need to be considered) through to NEC D (where planning permission should normally be refused on noise grounds).
- 8.85 Policy 7.15 of the London Plan (2011), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.86 Due to the site's proximity to significant A12 dual carriageway and the location of two the proposed residential blocks backing on to the carriageway, areas of the development fall within *Category D* of NPPF and PPG24 and the Borough's EHO has objected to the application, noting the site's unsuitability for residential occupation.
- 8.87 The transport route is a major constraint to the development in terms of noise and vibration. It is the view of officers that these constraints should be weighed against the regeneration objectives and provision of 100% affordable housing of the proposal which seeks to provide a better quality residential environment for existing and future occupiers of Parkside Estate. The applicant has confirmed that all units will be provided with individual Mechanical Ventilation with Heat Recovery (MVHR) units, and as such windows to the rear will be none operable and trickle vents are not required to habitable rooms. MVHR systems ensure high air quality in homes & buildings and help prevent condensation issues and mould growth.
- 8.88 It is envisaged that the installation of high quality glazing and MVHR units to individual residential unit, that all buildings would comply with required internal noise levels. Amenity areas within the development site have also been designed to face away from the A12 that they are sheltered from the noise to provide relatively quiet residential environments.
- 8.89 As such, a balanced view has had to be taken with regard to the EHO's objection on grounds of noise. It the view of the case officer that any impacts in terms of noise are outweighed by the provision of 100% affordable housing and regeneration benefits that the development will bring to the area and in any event sufficient mitigation measures can be employed to minimise adverse noise impacts. A condition to ensure this is recommended.

- 8.90 As such, it is the officers view that considering the site constraints, the proposals are generally in keeping with NPPF, Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

Summary - Amenity

- 8.91 In conclusion, it is considered that the amenity impact of the development on the neighbouring residential occupiers would not be uncommon for a major development in an urban area. However due to the separation distance, the orientation of the development it is not envisaged that there would be a detrimental impact on the amenity of neighbouring properties.

Transport, Access and Servicing

- 8.92 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.93 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: "Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle." Policy SP09 provides detail on how the objective is to be met.
- 8.94 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.95 Transport links are limited, but, within a distance of 150m from either end of the overall site are number local bus stops which are served by the Nos. 276 and 488 bus routes with direct connections to Stratford, Hackney and Canning Town. No. 8 bus route towards Bethnal Green and Central London. Hackney Wick Station, part of the London Overground network is a 10-15 minute walk away, with eastbound connections to Stratford and westbound connections across the entire network. The site has a Public Transport Accessibility Level (PTAL) of 2.
- 8.96 Overall, the proposal's likely highways and transport impact are considered to be minor and acceptable to the Council's Transportation & Highways section. The relevant issues are discussed below.

Cycle parking

- 8.97 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for residential development. In

accordance with these standards, the application proposes 60 secure, covered spaces for residents. The cycle stands would be distributed across the development site with an adequate number of spaces provided within each access core and within individual houses. The storage areas are distributed across the site in a manner that would ensure each residential unit is located within a convenient distance to cycle parking.

Car parking

- 8.98 Policy DM22 sets out the Council's parking standards in new developments. The application site falls mainly within PTAL 2. There are 8 parking spaces provided within the courtyard fronting sites I and J.
- 8.99 Whilst this level of parking is possibly less than what would normally be expected to support a development of this size in an area with a PTAL of 2, in this instance further off street parking would be made available to residents within the existing parking spaces controlled by Old Ford HA elsewhere and in the adjacent parts of the Parkside Estates they manage. The allocation of space would be on an application basis and controlled by display permits, this is supported by Highways colleagues.
- 8.100 6 of the proposed spaces would be designed to be accessible to wheelchair users and management of the spaces to ensure Blue Badge holders are prioritised for spaces would be enshrined in the Parking Management Strategy secured by condition.
- 8.101 All of the proposed car parking would be located between Block I and Block J. There would be a single vehicular access point, off Wendon Street, in the southern part of the site. Highways Officers have raised concerns regarding the location of the parking spaces within the site and have requested that a condition be secured to ensure that residents park only within the designated parking bay. All of the residential units would be located within a convenient distance to the car park.
- 8.102 The development would also be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.

Vehicular and Pedestrian Access

The existing access point to site J is to be retained and will serve as the main access to the development.

The existing access at site I is to be blocked. This will facilitate additional parking and an easing of parking congestion on Candy Street.

The main access is to be improved by providing a 'tabled' entrance consisting of a ramp from the kerb line to the shared surface that establishes a clear indication to drivers that they are entering a different driving environment, whilst maintaining a level surface for the existing passing footway. The junction areas will be provided with a series of bollards to show that there is a vehicular route over the footway and appropriate tactile paving for the visually impaired.

The proposed form of access will be subject to a S278 agreement.

All pedestrian access points are DDA compliant. Pedestrian routes within the site courtyard, which is a shared surface, are designated by a change in surface material in terms of colour and where appropriate tactile surfaces.

The application also proposes mirrors to be located at appropriate points in the courtyard to aid pedestrian and driver visibility and for personal security purposes.

Servicing and refuse storage

- 8.103 The existing waste collection services approach the site via Wendon Street from Old Ford Road and will collect from Site K as they currently do and Sites I and J by entering the courtyard via the main entrance. The applicant has demonstrated that service vehicle can travel the full length of the courtyard, turn in the area provided at its far end and then leave in forward gear. A swept path analysis using AUTOTRACK has been provided for the typical range of vehicles that would be expected to attend the site. The proposed servicing arrangements are acceptable to the Council's Highways Officers. This would help to minimise the impact of deliveries and servicing of the development on the immediate highway network.
- 8.104 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards.
- 8.105 The individual houses of Block J have access to integrated bin stores to the front. And the flats of Blocks I and K would use communal general waste and recycling stores located next to access core entrances. The proposed capacity of the waste storage has been calculated for once-weekly collections, in accordance with policy standards and the Council's Waste Officer raises no objection.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

- 8.106 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.107 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.108 In line with London Plan policy 5.6, the Core Strategy policy SP11 seeks to implement a network of decentralised heat and energy facilities that connect into a heat and power network. Policy DM29 requires development to either connect to, or demonstrate a potential connection to a decentralised energy system.
- 8.109 The Managing Development Document policy 29 includes the target for new developments to achieve a 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.

- 8.110 The proposals have followed the London Plan energy hierarchy of Be Lean, Be Clean and Be Green, and sought to minimise CO₂ emissions through a 38% reduction in CO₂ emissions against the benchmark of Building Regulations 2010. The proposal also includes the installation of photovoltaic array (50kWp) to further reduce emission.
- 8.111 The applicant has advised that the scheme has insufficient heat load to permit the efficient operation of a dedicated gas-fired CHP unit per dwelling, therefore the site will be served by individual high efficiency combination gas boilers.
- 8.112 The overall CO₂ emissions reductions considered achievable for the development are 38% and the development has been designed to achieve a minimum Code of Sustainable Homes Level 4.
- 8.113 The proposed energy efficiency and sustainability measures are supported by the Council's Energy Efficiency and Sustainability section. Nevertheless, as the proposal would fall short of the target 50% CO₂ emission reduction, a contribution in-lieu is sought by the Energy Efficiency and Sustainability section for carbon offset projects in the vicinity of the site. As the shortfall is minor and the energy efficiency measures have been maximised taking into account the viability of the proposal, it is considered that the proposal broadly complies with the relevant policies and that no further mitigation is required.

Ecology, biodiversity and trees

- 8.114 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and policy DM11 of the Managing Development Document seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve an overall increase in biodiversity.
- 8.115 The applicant has submitted an Ecological Appraisal and a Tree Survey.
- 8.116 The Council's Biodiversity Officer has confirmed that there is nothing of significant biodiversity value on the application site and the Ecological Appraisal states that the existing building is modern, intact and well-sealed with extremely limited opportunity for roosting bats. There would therefore be no adverse impact on biodiversity.
- 8.117 The scheme includes numerous features which would ensure biodiversity benefits. In particular, the planting of silver birch trees, a native species of high wildlife value. The rest of the planting consists of evergreen hedge, and shrub planting in beds and planters. Full details would be reserved by condition.
- 8.118 A Tree Survey report has been submitted and reviewed by the Council's Tree Officer who raised no objection subject to suitable replacement planting. The proposed landscaping provides for planting of approximately 14 trees of varying, predominantly native species.
- 8.119 Taking into account the moderate to low value of the existing trees on site, the proposed quantity and quality of replacement trees, the likely significant biodiversity gains resulting from the scheme, it is considered that the proposal would be acceptable in policy terms.

Air Quality

- 8.120 Policy SP03 of the Core Strategy and DM9 of the Managing Development Document seek to deliver air quality improvements by promoting the use of public transport, reducing reliance on private motor vehicles and introducing a 'clear zone' in the borough. The whole area of Tower Hamlets qualifies to be an air quality control zone and policy seeks to prevent new development from contributing to poor air quality.
- 8.121 The Air Quality assessment suggests there are two key distinct elements regarding changes to air quality – during construction and the development itself. During construction it is intended that the construction process will be managed in accordance with the Council's Code of Construction Practice, which clarifies a number of obligations to mitigate against potential air quality deterioration.
- 8.122 Regarding the air quality in the completed development, The Air Quality assessment identifies high levels of pollution at the site, and that mechanical ventilation should be included on all residential units to reduce potential exposure of future residents to elevated pollutant concentrations. This type of mitigation is suggested within best practice guidance and is therefore considered suitable for a development of this size and nature. The applicant has confirmed that all units will be provided with individual Mechanical Ventilation with Heat Recovery (MVHR) units, and as such windows to the rear will be none operable and voltaic ventilation/trickle vents are not required to habitable rooms. MVHR systems ensure high air quality in homes & buildings and help prevent condensation issues and mould growth.
- 8.123 On balance and subject to the imposition of appropriate conditions, it is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area. The Borough's EHO has not commented however, it is recommended that the submission of a Construction Environmental Management Plan be conditioned prior to commencement.

Land Contamination

- 8.124 The site has been identified as having potential historic contamination. In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which will ensure the developer carries out a site investigation to investigate and identify potential contamination.

Flood Risk

- 8.125 The application site is not located within a flood risk zone.

Utilities Infrastructure

- 8.126 A Thames Water sewer runs below Site K, an easement of 4 metres wide and 5.5 metres in height has been agreed with Thames Water.

Health Considerations

- 8.127 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough while the Council's policy SP03 of the Core Strategy seeks to deliver healthy

and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.

8.128 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
- Providing high-quality walking and cycling routes.
- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

8.129 The application proposal would result in replacement of poor quality housing which does not meet the Lifetime Homes or Decent Homes criteria with high quality contemporary housing. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

8.130 Overall, even though no health infrastructure contributions were secured, it is considered that the proposal broadly accord with the abovementioned policies and would generally contribute to improved health outcomes and opportunities for active and healthy lifestyles.

Planning Obligations and CIL

8.131 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).

8.132 The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

8.133 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

8.134 Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.

8.135 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13.

8.136 The SPG also sets out the Borough's key priorities:

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.137 In order to ensure that the proposed development is deliverable and viable, a financial appraisal has been submitted by the applicant. This appraisal has been independently assessed by a qualified consultant appointed by the Council. The appraisal concludes that using conventional viability assessment methods, the development would be unviable and would not be able to withstand any S106 financial contributions. Even though the development would not be deliverable under ordinary market circumstances, the applicant, a registered housing, is prepared to internalise the increased risks and able to raise the required funds.

8.138 The applicant recognises the need to mitigate the impacts arising from the development and has made available a financial contribution of £95,523 towards local infrastructure. Having had regard to the viability of the scheme and the Council's priorities, the entire sum has been allocated to provision of educational facilities. This allocation has been discussed and agreed by the Planning Contribution Overview Panel.

8.139 The following non-financial planning obligations were also secured:

- a) Affordable housing 100% by habitable room (45 units)
 - 69% Affordable Rent at East Thames levels (31 units)
 - 31% Intermediate Shared Ownership (14 units)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
- c) Car free agreement

8.140 A contribution of £95,523 towards education facilities would however not fully mitigate all of the impacts of the development. In line with the Council's SPD the proposal would require a total of £729,163.53 of which £435,339.09 would be required for provision of education facilities, £67,818 for health facilities, £57,183 for leisure facilities, £9,400.14 for employment and skills training, £14,054.22 for Idea Stores, libraries and archives, £98,447.99 for open public space, £1,672.05 for smarter travel and £41,082 for streetscene improvements. This high amount is reflective of the proposed affordable housing which has higher child and population yields.

8.141 Officers consider that the proposal represents a unique opportunity to deliver a %100 high quality affordable homes including a larger proportion of family sized units and a larger proportion of affordable rented accommodation at Borough Framework affordable rental levels. The proposal would provide an extensive amount of high quality development within a brown field site. The scheme would also provide a financial contribution, secured as a planning obligation, towards education facilities in the Borough. The public and regenerative benefits of the proposal would be substantial.

- 8.142 Nevertheless, the financial obligations proposed would fail to fully mitigate the impact of the development proposal, in particular with regard to provision of education, healthcare and open space.
- 8.143 In conclusion, having taken into account the special circumstances of the case and the results of the independently reviewed viability assessment, officers consider that, on balance, the substantial public benefits and the regenerative potential of the proposal outweigh the proposal's inadequacies with regard to mitigation of all of the infrastructure impacts of the development.

Local Finance Considerations

8.144 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides: "In dealing with such an application the authority shall have regard to:

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

Section 70(4) defines "*local finance consideration*" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

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

8.146 Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would normally be payable. However, officers have determined that due to estimated amount of the affordable housing relief and the amount of the existing occupied floorspace on site, it is likely that the proposal would not be liable for any CIL payments.

8.147 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

8.148 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £80,047 in the first year and a total payment £480,282 over 6 years.

Human Rights Considerations

8.149 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:

8.150 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".

8.151 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.

8.152 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. 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. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.153 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.

8.154 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

Equalities Act Considerations

8.155 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of

this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.156 The proposed contributions towards education infrastructure, qualitative and quantitative improvements to the provision of public open space, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a substantial quantum of high quality affordable housing and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

9.0 CONCLUSION

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

11.0 SITE MAP

