

Committee: Development Committee	Date: 11 th February 2015	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/14/001671
	Ward: Shadwell

1.0 APPLICATION DETAILS

Location: 1-9 Ratcliffe Cross Street and land to the south of 8-12 Ratcliffe Cross Street

Existing Use: Warehouse and brown field land

Proposal: Demolition of the existing building at Site A and redevelopment to provide part 6 part 7 and part 8 storey residential building/block comprising of 56 flats (30 x 1 bed, 13 x 2 bed, 13 x 3 bed) with associated ground floor car park and cycle parking. Development of Site B to provide an 8 storey residential building/block comprising of 22 flats (8 x1 bed, 7 x 2 bed, 7 x 3 bed) with associated undercroft car and cycle parking and protected roof top child play space.

Drawings:

P772/000 Site Location Plan
EX 770-100 Existing Ground Floor Plan
EX 770-101 Existing First Floor Plan
EX 770-102 Existing Roof Plan
EX 770-300 Existing West Elevation- (Block A)
EX 770-301 Existing South Elevation
EX 770-302 Existing Elevation- (Block B)

P 772/200 Rev C: PROPOSED GROUND FLOOR
P 772/201 Rev C: PROPOSED FIRST FLOOR
P772/ 202 Rev A: PROPOSED SECOND FLOOR
P772/ 203 Rev A: PROPOSED THIRD FLOOR
P772/ 204 Rev A: PROPOSED FOURTH FLOOR
P772/ 205 Rev A: PROPOSED FIFTH FLOOR
P772/ 206 Rev A: PROPOSED SIXTH FLOOR
P772/ 207 Rev A: PROPOSED SEVENTH FLOOR
P772/ 208 Rev A: PROPOSED ROOF PLAN
P772/ 209 Rev B: PROPOSED SOUTHERN + NORTHERN ELEVATIONS SITE A
P772/ 210 Rev A: PROPOSED WESTERN ELEVATION SITE A
P772/ 211 Rev A: PROPOSED EASTERN ELEVATION SITE A
P772/ 212 PROPOSED SECTION A-A SITE A P

P772/ 213 PROPOSED SECTION B-B SITE A P
P772/ 214 PROPOSED SECTION C-C SITE A P
P772/ 215 Rev A: PROPOSED SOUTHERN +
EASTERN ELEVATIONS SITE B
P772/ 216 Rev A: PROPOSED NORTHERN +
WESTERN ELEVATIONS SITE B
P772/ 217 PROPOSED SECTION D-D + E-E
SITE B
P772/ 300 Rev A: SITE A WHEELCHAIR
ACCESSIBLE UNIT 01
P772/ 301 Rev A: SITE A WHEELCHAIR
ACCESSIBLE UNIT 02
P772/ 302 Rev B: SITE B WHEELCHAIR
ACCESSIBLE UNIT 03
P772/ 303 Rev A: SITE B WHEELCHAIR
ACCESSIBLE UNIT 04

Document: Design and Access Statement dated 17.06.2014,
prepared by Milan Babic Architects
Accommodation Schedule dated 17.06.2014
Planning Statement dated June 2014, prepared by
CgMs
Sunlight Daylight Assessment, dated January 2014,
provided by Twenty16 Design
Noise and Vibration Assessment, REF:. Report
10735.NVA.01, dated 20 January 2014, prepared
by KP Acoustics
Phase 1 Preliminary Contamination Assessment
Report dated 1 August 2014, prepared by MLM
Energy Statement and CSH Pre – Assessment,
dated August 2014, prepared by Twenty 16 Design
Statement of Community Involvement dated June
2014, prepared by CgMs
Transport Assessment, dated prepared by YES
Engineering
Travel Plan, dated June 2014, prepared by YES
Engineering
Case for Loss of Employment Land, dated 14
March 2014, prepared by Matthews and Goodman

Applicant: C/O Israel, Strange and Conlon
Ownership: C/O Israel, Strange and Conlon
Historic Building: None
Conservation Area: No

2.0 EXECUTIVE SUMMARY

2.1 The report considers an application for demolition of existing warehouse and redevelopment of the site to provide a residential development of 78 new dwellings arranged over two blocks of between six to eight storeys in height.

- 2.2 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 in the provision of 30% affordable housing.
- 2.4 The residential quality of the scheme would be very high. Out of the 15 affordable rented units 40% would be of a size suitable for families. All of the proposed affordable 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.
- 2.5 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver good quality homes in a sustainable location. The proposed flats would be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 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 implications, in terms of light, privacy, noise and traffic impacts.
- 2.7 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.8 The scheme would meet the full obligation of financial contribution.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- 3.3 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following planning obligations:
- 3.4 Financial Obligations:
- a) A contribution of **£250,000** towards Affordable Housing
 - b) A contribution of **£196,209.73** towards education.
 - c) A contribution of **£15,318.96** towards employment, skills, training and enterprise initiatives.
 - d) A contribution of **£89,593.94** towards community facilities.
 - e) A contribution of **£101,277** towards Health.
 - f) A contribution of **£23,992.38** towards street scene improvements.
 - g) A contribution of **£120,919.68** towards public Open space
 - h) A contribution of **£2,260.35** toward sustainable transport.
 - i) **£10,991.44** towards monitoring fee (2%)

Total £810,563.48

3.5 Non-financial Obligations:

- a) Affordable housing 30% by habitable room (22 units)
 - 68% Affordable Rent at Borough affordable rental levels (15 units)
 - 32% Intermediate Shared Ownership (7 units)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
- c) Car free agreement
- d) S278 Highways agreement
- e) 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
5. Details of play equipment
6. Details of green roof
7. Details of drainage and mitigation of surface water run-off
8. Details of all Secure by Design measures
9. Hours of construction and demolition
10. Demolition and Construction Management/Logistics Plan
11. Delivery and Servicing Management Plan
12. Contamination
13. Code for Sustainable Homes Level 4 post completion testing
14. Lifetime Homes
15. Compliance with Energy Statement
16. Details of cycle parking
17. Details of noise and Vibration levels post completion testing
18. Details of piling, all below ground works and mitigation of ground borne noise
19. Ground borne noise post-completion testing as requested
20. Scheme of highway improvement works as requested by LBTH Highways

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. Network Rail
- 5. 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 proposal consist of two sites, Site A and Site B. Site A is currently vacant although once operated as a car body repair and vehicle painting workshop.
- 4.2 The site frontage is on Ratcliffe Cross Street and forms its western boundary. The site is bounded to the south by a railway viaduct serving national rail and DLR stations. A six storey mixed use development is located directly north of Site A and fronts Commercial Road. To the east of the site lies an existing two storey building fronting Boulcott Street No.6, a current application for a 8 storey development has recently been approved on the site constructed and at 2-4 Boulcott Street a 6 storey building has recently been constructed.
- 4.3 Site B is smaller; it also fronts Ratcliffe Cross Street on its eastern boundary. To the north of the site is a warehouse building approximately 15 meters tall (no.s 8-12). The railway viaduct runs along its southern boundary and to the west is a two storey warehouse/storage building. Further north of the proposed development is Commercial Road and York Square conservation area.
- 4.4 The site is located on the boundary of Limehouse neighbourhood centre and the surrounding area is in mixed use, having originally formed a part of an area of commercial/industrial development, the character of which has changed over recent years with many of the older industrial sites being re-developed for housing. Much of the housing takes the form of multi-storey flats which have become a feature of the streetscape in this part of the Borough. A grade II listed building known as the 'TROXY' lies to the west of Site B on Caroline Street.
- 4.5 The site benefits from excellent access to public transport with a Public Transport Accessibility Level (PTAL) of 5/6, the site is within close proximity to Limehouse Docklands Light Railway (DLR) and National rail. Bus no. 15, 115, 135 and D3 all serve Commercial Road.

Planning History and Project Background

None

Proposal

- 4.7 Full planning permission is sought for demolition of the existing building at Site A and redevelopment to provide part 6, part 7 and part 8 storey residential comprising of 56 flats (30 x 1 bed, 13 x 2 bed, 13 x 3 bed) with associated ground floor car park and cycle parking. Development of Site B to provide an 8 storey residential comprising of 22 flats (8 x1 bed, 7 x 2 bed, 7 x 3 bed) with associated undercroft car and cycle parking and protected roof top child play space.

4.8 All proposed units on Site B would be provided as affordable units (15 for affordable rent and 7 intermediate). Out of the 15 affordable rented units, 40% would be 3 bed units.

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 comments received

Transport for London

6.4 The site is accessed from Commercial Road which forms part of Transport for London's Road Network.

6.5 TfL have the following comments:

- a) TfL request a Construction Logistics Plan prior to approval. This will need to include vehicular routing as it is unacceptable for construction vehicles to be reversing onto Commercial Road. Also, deliveries should not occur between the peak hours of 7:00-10:00 and 15:00-18:00. Guidance about CLPs can be found here : <http://www.tfl.gov.uk/cdn/static/cms/documents/construction-logistics-plan-guidance-for-developers.pdf>
- b) TfL request that the provision of cycle parking for Site B is increased to 29 in line with London Plan standards.
- c) TfL request that 20% car parking spaces are have electric charging points and a further 20% have passive charging points.

- d) TfL recommend that the development is car-free with the car parking spaces allocated to blue badge holder only. 10% of the units are wheelchair accessible and TfL recommend that each of these units are given a car parking space in accordance with the London Housing SPG.

6.6 If the comments are addressed, TfL would have no objection to the application.

6.7 [OFFICER COMMENT: These matters are discussed in paragraphs 8.102 The application proposes 46 cycle parking spaces within Site B. Appropriate conditions will be secured for points a and d.]

Network Rail

6.8 No comments received

6.9 [OFFICER COMMENT: An informative will be secured requesting developer to contact Network Rail before works commence on site]

Thames Water

Waste Comments

6.10 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer, are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk.

6.11 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.

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

6.13 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

6.14 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to

subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

- 6.15 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 wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. 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

- 6.16 On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.
- 6.17 Thames Water recommends the following 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.
- 6.18 [OFFICER COMMENT: The requested condition and informative will be secured]

Internal Consultees

Environmental Health – Contamination

- 6.19 Additional information submitted - Geotechnical ground investigation report. The findings of the site investigation work and the proposals to address the elevated concentration of lead in the made ground is acceptable.
- 6.20 However, additional works including a programme of gas monitoring to characterise the gas regime at the site and any proposed protective measures should be reported in the remedial method statement to be submitted in due course.

Initial comments (29/07/2014)

- 6.21 Previous uses of industrial nature may have resulted in contamination of the area. I understand ground works are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated risks with future development including soft landscaped areas.
- 6.22 The site investigation works should delineate the extent and nature of any contamination on site including potential ground gas issues and should be undertaken in accordance with the following guidance:

- DCLG (2012) NPPF, National Planning Policy Framework (All relevant sections)
- Environment Agency and Defra (2004) Model Procedures for the Management of Land Contamination. CLR 11.
- NHBC and Environment Agency (2008) Guidance for the Safe Development of Housing on Land Affected by Contamination. R&D Publication 66.
- British Standards: BS10175: 2011. Investigation of potentially contaminated sites. Code of practice

- 6.23 The Phase 2 site investigation should include a risk assessment of the contamination at the site. Risk assessment can be undertaken by comparing measured levels of soil contamination with generic assessment criteria, such as the UK Soil Guideline Values or by deriving site-specific assessment criteria. The assessment methodology used for assessing contamination should be undertaken consistent with the current guidance available on the Environment Agency's website
- 6.24 Where the risk assessment indicates that remediation is required a report or series of reports setting out the remedial objectives, remedial options, selected remedial strategy and implementation plan should be submitted for approval. Occupation of the completed development will generally not be permitted until a Verification Report is submitted and approved. This should include a description of the remedial works, analytical data used to verify that the works have achieved the agreed remedial objectives, photographs and as-built drawings of the works, records of consultations and agreements with regulatory authorities, records relating to waste management and disposal held under the Duty of Care Regulations, environmental monitoring data, a description of any residual contamination and arrangements for any post-remediation management/monitoring.
- 6.25 [OFFICER COMMENT: The above comments are noted. Suggested condition has been included]

Environmental Health - Noise and Vibration

- 6.26 EH have reviewed the comments from the Acoustic Consultant in response to EH previous comments. The information provides spectral qualities of the glazing instead of the actual glazing composition. Although similar, can be accepted in this instance. EH is happy for Planning Permission to be considered but conditioned for post completion assessment for Noise and Vibration, before residential occupation so as to ensure that future residents are protected from Noise/Vibration disturbance or nuisance.
- 6.27 [OFFICER COMMENT: These matters are discussed in paragraphs 8.94 -8.101 Suggested condition has been included]

Environmental Health - Housing

- 6.28 No comments

Transportation and Highways

- 6.29 All issues are resolved except for loading for block A. As proposed by the applicant, bay 3 should be used as a loading bay to prevent service vehicles from reversing off the highway as suggested. A plan showing this should be provided.

Initial Comments (31/07/14)

CAR PARKING

- 6.30 The site is located in an area of very good public transport access (PTAL5) therefore Highways require an agreement prohibiting all future residents from obtaining an on-street resident parking permit.
- 6.31 The proposed level of car parking is acceptable. However, Highways require tracking diagrams to show how:
- vehicles using spaces labelled 4 and 5 in Site A will enter and exit the site forward gear should the service be occupied;
 - vehicles using the space labelled 2 in Site B will enter and exit the site forward gear;
 - service vehicles using the service bay in Site A will enter and exit the site in forward gear.
- 6.32 The three parking bays for Blue Badge holders should be reserved exclusively for this use and should not be made available for general use (by lease, sale etc). This restriction should be a condition of any permission either as a compliance condition by requiring approval of a Car Park Management Plan prior to occupation of the site.

6.33 CYCLE PARKING

- 6.34 The applicant is required to demonstrate that there is a minimum 2.0m width between the double stack cycle parking to allow loading of the stands (the recommended width is for stands of this type is 2.5m). It appears from the plans only c1.5m and c1.2m wide strips of hard standing between the car parking and cycle racks in Site A and Site B would be provided. If the required space is not provided then Highways would object to the cycle parking and require that the plans are amended accordingly.

SERVICING

- 6.35 Colleagues in Waste will provide more detailed comments on the proposed collection arrangements but in the meantime can the applicant provide the width of the vehicle access to Site B.
- 6.36 In addition the applicant should clarify whether it is their intention that goods vehicles will use the vehicle access route on Site B as a facility to turn around before exiting Ratcliffe Cross Street. If it is not, they should explain how such manoeuvres will be performed.
- 6.37 It is critical that the need for vehicles reversing along Ratcliffe Cross Street onto Commercial Street is removed as far as possible. To this end a Construction Management Plan and Service Management Plan should be secured by condition.

GENERAL

- 6.38 The applicant is required to clarify whether any balconies are proposed that would overhang public highway. It appears from the plans that balconies on the upper levels would overhang the footway on Radcliffe Cross Street. Any balconies overhanging the public highway will not be licenced by Highways and should be removed from the plans.

6.39 To facilitate the development works to the public highway on Ratcliffe Cross Street will be required including (but not limited to)

- construction of new footway adjoining Site B
- construction of new vehicle crossover for access to Site A
- construction of new vehicle crossover for access to Site B

6.40 Please attach the following condition for scheme of highway improvements to any permission.

6.41 [OFFICER COMMENT: Further to highways Officer comments the applicant has submitted a revised plan showing the omitted loading bay to prevent service vehicles from reversing off the highway. Suggested conditions have been included]

Inclusive Access Officer

6.42 Following amendments to the floor plans the proposal is considered to be acceptable and to fully meet the appropriate requirements.

Employment and Enterprise

Proposed employment/enterprise contributions at construction phase:

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

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

6.45 The Council will seek to secure a financial contribution of £15,317 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

6.46 Proposed employment/enterprise contributions at end-use phase: N/A resi development.

6.47 [OFFICER COMMENT: The financial and non-financial obligations are discussed in paragraphs 8.133-8.141]

6.48 Energy Efficiency and Sustainability

6.49 The additional information responds to my initial queries relating to the sizing and selection of CHP. Also, it identifies that the provision of a CHP would have net present value benefit to the scheme. Based on the information provided I have no

objections to the proposals although I would question the deliverability of a CHP for this size of scheme and additional details should be secured via condition for:

- Plant room: the energy assessment must demonstrate that enough space has been allocated for a sufficiently large energy centre. This must be clearly shown on the plan drawings of the development and the floor area in m² confirmed in writing. A floor plan showing the layout of the energy centre should also be provided
- Site heat network: a simple schematic of the site heat network showing all apartments and non-domestic buildings/uses connected into it, as well as the location of the single energy centre, must be provided as part of the energy assessment. Where the development is phased, a number of schematics should be provided showing how the network will evolve, including indicative timescales if available.
- SAP calculations for the units

6.50 It also recommended that a condition be attached to any permission for the submission of the final code for sustainable homes certificates, demonstrating the scheme has achieved Code Level 4, within 3 months of completion.

6.51 The proposals are anticipated to achieve a 53.6% reduction in CO₂ emissions through energy efficiency measures and integration of a CHP. The proposals are also designed to meet Code for Sustainable Homes Level 4 rating. This is in accordance with MDD policy DM29 and London Plan policies 5.2 and 5.6.

6.52 [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 8.117-8.124]

Waste Collection

6.53 The space provided for turning the refuse vehicle is too *tight*. I am assuming the width is 3.1 metres, whilst the vehicle is approximately 2.5 metres. An allowance of half a metre is restrictive considering that the vehicle will be turning. In view of this I can accept you proposal for collections

6.54 [OFFICER COMMENT: The submitted plans have been revised, to show that a service vehicles can be accommodated on site.]

Crime Prevention Officer

6.55 The following issues have been identified:

- a. This is a poor location from a security point of view. It is very narrow street and has very little to no natural surveillance.
- b. The entrances for both vehicles and pedestrians are placed too far back creating large recessed/undercroft areas which, are not good for security and anti-social behaviour in most locations, but in this location there will be a major problem with crime and ASB in a very short period of time.
- c. Car park entry. There MUST be additional secure barrier at building line in Ratcliffe Cross St to prevent an undercroft area.

- d. Pedestrian access. No recess area greater than 600mm.
- e. GF windows in Ratcliffe Cross St MUST have a low level defensible space between the window and street.
- f. Cycles need to be within a secured cage or similar.
- g. There needs to be a second security (access/control) door after external communal door and before access to stairs, doors, lifts etc.
- h. Access door/gate to refuse store is recessed. No greater recess than 600mm.
- i. The Glass blocks proposed to site A are not a sensible choice on the GF due to criminal damage.
- j. Site A – security concerns regarding climbing onto balconies.
- k. I would strongly suggest the current plans are reconsidered. There must be no recessed areas greater than 600mm and the car parking will not work due to restriction of space. Creating the undercrofts/recesses to allow car parking is creating problems relating to ASB and crime for the proposed residents.

6.56 [OFFICER COMMENT: These matters are discussed in paragraphs 8.65-8.68]

6.57 Head of Building Control

No comments received

6.58 Education Development

No comments received

6.59 Idea Sore

No comments received

7.0 LOCAL REPRESENTATION

Statutory Consultees

7.1 On 25th July 2014, a total of 198 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: 5	Supporting: 0
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No of petitions received:	0
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7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Density

- Over development

7.4 [Officer Comment: The above issues is fully discussed in paragraph 8.11 - 8.13of this report].

Design

- Out of character
- Out of scale
- Over bearing

7.5 [Officer Comment: The above issues are fully discussed in paragraph 8.49-8.64 of this report].

Amenity

- Development will reduced light
- Overshadowing
- Loss of privacy

7.6 [Officer Comment: The above issues are fully discussed in paragraph 8.75-8.93 of this report].

Transport

- Noise from increased traffic

7.7 [Officer Comment: The above issues are fully discussed in paragraph 8.102-8.106 of this report].

Other

- Noise and pollution from construction

7.8 [Officer Comment: A condition will be secured to restrict hours of construction and for the submission of a construction management plan to address access and health and safety issues.)

- The location of the window on the western flank elevation could prejudice future development at 3-33 Caroline Street.

[Officer Comment: The above issues are fully discussed in paragraph 8.78-8.81 of this report].

- Lack of consultation with neighing site at 6 Boulcott Street

- 7.9 [Officer Comment: The applicant has advised that two meetings were held with the interested parties of 6 Boulcott Street on 23rd July 2013 and 9th October 2013, furthermore a leaflet outlining the proposed development was sent to 6 Boulcott Street. The Council's consultation included a letter sent on 25th July 2014, to occupiers of neighbouring properties, which included 6 Boulcott Street, displayed a site notice outside the application site, and a press advert was published in the East End Life Newspaper. Officers consider that sufficient consultation was undertaken.]

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.
- 8.5 The application site carries no site-specific policy designations but is located within an 'edge of centre' area for the Limehouse Neighbourhood Town Centre, located approximately 16m to the north. Site A is occupied by a double height industrial building now vacant but was in use as car body repair and vehicle painting workshop. Site B is largely vacant brownfield land.

Principle of residential use

- 8.6 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.
- 8.7 Objective S05 and policy SP01 identify edge of town centre locations, such as the application site, as suitable for mixed use development with the proportion of residential accommodation increasing away from designated town centres. Additionally, the place making policy SP12 envisages Stepney as a great place for families.
- 8.8 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

- 8.9 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.
- 8.10 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally.

Residential density

- 8.11 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.
- 8.12 The application site measures approximately 0.126 hectares for Site A and 0.038 for Site B, the two sites have a PTAL rating of 5/6. In areas of PTAL 5/6 and urban setting, the density matrix 5 associated with policy 3.4 of the London Plan suggests a density of between 200-700 habitable rooms per hectare. The proposed density would be 1198.4 habitable rooms per hectare (net site area) for Site A and 1710 habitable rooms per hectare (net site area) for Site B 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.

8.13 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 affordable housing.

Affordable housing

8.14 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.

8.15 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).

8.16 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 (69.9%) and shared ownership (30.1%), which is in line with Council's preferred split.

8.17 As detailed in table 1 below, the proposal provides 30% affordable housing provision by habitable room, or 22 units and payment in lieu towards affordable housing.

Table 1: Affordable Housing Provision

Unit Type	Affordable Housing				Market Housing		Total	
	Affordable Rent		Intermediate		Unit	Hab. Rm.	Unit	Hab. Rm.
	Unit	Hab. Rm.	Unit	Hab. Rm.				
1 bed flat	6	12	2	4	30	60	38	76
2 bed	3	9	4	12	13	39	20	60

flat								
3 bed flat	6	24	1	4	13	52	20	80
4 bed house	0	0	0	0	0	0	0	0
Total	15	45	7	20	56	151	78	216

- 8.18 The application was submitted with a viability appraisal which was independently assessed on behalf of the Council, the viability expert advised that the development could support a level of 30% affordable housing which equates 22 affordable units on site and a commuted sum payment of £249,773.
- 8.19 A total of 22 of the 78 residential units within the proposal have been provided as affordable units, which represents a total on-site provision of 30% based on habitable rooms. The applicant has proposed a cash contribution of £250,000 towards affordable housing provision. This is the maximum reasonable amount of affordable housing and planning contributions whilst ensuring the scheme can be delivered and is viable.
- 8.20 Policy DM3 (3) of the MDD states that development should maximise the delivery of affordable housing on-site. Part (a) of the policy states that off-site provision will only be considered in circumstances that it is not practical to provide affordable housing on site.
- 8.21 There are specific constraints associated with the subject site; the site is located off a narrow road with the DLR and national rail lines running along the south of the site. This accordingly has an impact on the level of affordable housing the scheme can deliver, whilst being viable. The affordable units are to be provided within Site B, which accommodates 22 units consisting of 8 x 1 beds, 7 x 2 beds and 7 x 3 beds.
- 8.22 The affordable rented accommodation would be let in accordance with the Councils Borough affordable rent level for E1 areas. The viability assessment submitted with the application was independently reviewed by external consultants which demonstrates that the scheme would not be able to produce an adequate number of new units if social rent levels were charged. The intermediate properties are to be provided as shared ownership and would accord with affordability levels of the London Plan.
- 8.23 The proposed tenure mix within the affordable tenure is 69.9% affordable rent and 30.1% intermediate, which is in accordance with the Council's preferred split of 70/30.
- 8.24 Site A would be provided solely as private units and Site B as affordable units. Separate access cores would be provided for affordable and private tenures.
- 8.25 Overall, the proposal meets policy targets and the overall tenure mix on site would assist in creation of a mixed and balanced community.

Dwelling mix

- 8.26 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			Private Sale		
	Units	%	Target	Units	%	Target	Units	%	Target
1 bed	6	40%	30%	2	28.57%	25%	30	53.5%	50%
2 bed	3	22%	25%	4	57.13%	50%	13	23.25%	30%
3 bed	6	40%	30%	1	14.30%	25%	13	23.25%	20%
4 bed	-	-	15%	-	-		-	-	

- 8.27 Within the affordable rent units the housing mix (with policy target in brackets) would be as follows: one-bed 40% (30%), two-bed 22% (25%) and three-bed 40% (30%). The proposed provision of a substantial number of larger family units 40% of three-bed units against a policy target of 30% is especially welcome and supported by Housing colleagues. It is considered that the over provision of three bedroom units mitigates towards the shortfall in four-bed units.
- 8.28 Within the intermediate tenure the mix would be: one-bed 28.57% (25%), two-bed 57.13% (50%) and three-bed 14.30% (25%). In the market sale tenure it would be: one-bed 53.5% (50%), two-bed 23.25% (30%) and 23.25% three-beds (20%). Officers note that the shortfall in the proportion of larger intermediate units assists with the viability of the proposal and thus enables for a larger proportion of family sized units to be provided within the affordable housing tenure.
- 8.29 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

- 8.30 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.”
- 8.31 All of the proposed units would meet or exceed the baseline floorspace standard. 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. The family sized affordable rent units would be provided with sizeable private amenity space.
- 8.32 All units within the affordable tenure will be dual aspect, 17 units within the private tenure will be dual, although all units are either south, west or east facing.

- 8.33 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.
- 8.34 The applicant has submitted a Daylight & Sunlight report addressing daylighting and sunlighting to the proposed units. The report highlights that all of the proposed rooms would meet the average daylight factor (ADF) requirements of the British Standard. All of the proposed units would receive adequate sunlighting where the orientation of the units makes it a reasonable requirement.
- 8.35 Entrance areas have been designed with safety and security in mind. Access cores to the flats have similarly been designed and sited to ensure safety, security and passive surveillance. Defensible space has been provided for the ground floor units on both sites.
- 8.36 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

- 8.37 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.
- 8.38 Six wheelchair accessible homes are proposed, two units (1 x 2 bed and 1 x 3 bed) will be located within the affordable tenure and four units within the private tenure.
- 8.39 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. 3 accessible parking spaces would be provided throughout the development and allocated in accordance with need.

Private and communal amenity space

- 8.40 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.
- 8.41 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 units within the affordable tenure would have adequately sized balconies or terraces all meeting or exceeding the minimum standard. Within the private tenure, with the exception on one unit all units would benefit from balconies or private terrace, some of which substantially exceed the policy requirement.
- 8.42 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. The scheme provides 364sq metres of communal space for the private tenure however, no communal space is provided for the affordable tenure.
- 8.43 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 within the affordable tenure would not undermine the scheme.

Child play space

- 8.44 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.
- 8.45 Using the LBTH child yield calculations, the development is anticipated to yield 17 children (6 under 5s, 7 of 5-11 year olds and 4 of 12+ year olds) on Site B. Accordingly; 110sqm of on-site play space is required for under 5s and 6-10 year olds. Not including private amenity space, the application proposes a total of 118sqm of on-site play space.
- 8.46 For Site A the development is anticipated to yield 5 children (3 under 5s and 2 of 5-11 year olds). Accordingly; 50sqm of on-site play space is required for under 5s and 6-10 year olds. Not including private amenity space, the application proposes a total of 60sqm of on-site play space. The proposed play area is in accordance with policy requirement. Full details of play space facilities and equipment would be reserved by condition.
- 8.47 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 Stepney sports ground is located approximately 655 metres from the site.
- 8.48 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 Stepney sports ground within a short walking distance of the application site.

Design

- 8.49 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.50 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.
- 8.51 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.

8.52 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

8.53 The application has been put forward with two sites on Ratcliffe Cross Street opposite each other, Site A and Site. Site A 1-9 Ratcliffe Cross Street is located on the eastern side of Ratcliffe Cross Street. To the east of the site are no's 2-4 Boulcott Street and the Dockers Club at 6 Boulcott Street, the south of the site backs onto a railway viaduct serving national rail and DLR stations and to the north the site adjoins No. 516 Commercial Road (1-23 Lavender House) a six storey residential development which, also fronts Commercial Road and 526 – 528 Commercial Road, which forms the boundary of the York Square Conservation Area.

8.54 The existing building is a vacant double height two storey warehouse, previously used as car body repair and vehicle painting workshop.

8.55 Site B Land to the south of 8-9 Ratcliffe Cross Street is a plot of vacant land located on the western side of Ratcliffe Cross Street. To the north and west of the site is no.

8-12 Ratcliffe Cross Street and to the south the railway viaduct. There is also a derelict building to the south-west corner which is not owned by the applicant.

- 8.56 The surrounding area is interesting in its diverse uses, different architecture and character, being close to the busy Commercial Road to the north and opposite Limehouse town centre.
- 8.57 This change of character is evident within Ratcliffe Cross Street itself, which is a narrow road intersected by the railway viaduct and terminated at its southern end by Cable Street. Lying directly to the east of the site is no's 2-4 Boulcott Street, a recently constructed five storey residential building with a sixth floor setback. Committee resolved to grant planning permission for a part 7 part 8 storey mixed use residential development at 6 Boulcott Street, the railway line runs east to west and to the south of the railway line lies a plot of undeveloped land with permitted outline permission for a part 7, part 8 storey mixed use residential development.
- 8.58 The main design constraint to development of the site is, first and foremost its proximity to the railway viaduct to the south and the narrow street.
- 8.59 The proposal for Site A is for a part 6 with a setback 7 storey rising to 8 storey residential development. The development rises in height from north to south providing a transition with the 6 storey being adjacent to the Lavender House and the 8 storey element to the south to achieve better sunlight and daylight and better outlook for residents. The massing of Site A has been well thought through by maximising the development potential whilst respecting the surrounding context so as not to dominate.
- 8.60 The development has been set back from the east by 18 metres to afford light to penetrate the courtyard space and allow for a higher number of dual aspect units. Communal amenity space has been provided at ground and first floor level east, the proposals also incorporates projecting and recessed balconies and terraces. An undercroft car and cycle parking and refuse store is provided to the northern end.
- 8.61 The west elevation of building fronts Ratcliffe Cross Street and will form the main elevation, at ground floor level the entrance and residential lobby has been slightly recessed to afford shelter and provide a point of access. Full height glazing is proposed for the residential lobby and main door, emerald green glazed wall tiles will be used at ground and first floor with patterned tiled floor, this will provide a prominent entrance point from the street.
- 8.62 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 industrial feel to the development, which ties in with the existing use of the site and surrounding properties. The block would be faced with a smooth blue/silver grey dark brick at ground and first floor creating a plinth base. The upper floor would consist of brickwork piers in beamish blend brick rising to stacked soldier course parapet with brickwork panels in lighter red brick set within brick frame. Pre-cast pigmented concrete panels would be beneath the windows to express the floor plate. In contrast the setback sixth storey will be fully glazed.
- 8.63 The windows would consist of double height glazing with full brick reveals, with bronze powder coated window and door frame, adding visual interest. A mix of projecting and recess balconies is proposed. The projecting balconies will be finished with anodized aluminium and timber handrails. The recessed balconies will consist of

pre-cast concrete frame. 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.

Site B, will consist of a T-shape building, whilst smaller in scale, similar architectural elements and devices have been employed to articulate the building with recessed and projecting balconies as Site A, providing continuity to the street scene. The building will be 7 stories in height with the children's play space provided at roof level enclosed with high wall for safety. An undercroft car and cycle parking and refuse store is provided to the western end.

- 8.64 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

- 8.65 Both sites would benefit from prominent entrances located on Ratcliffe Cross Street. The entrances will have a slight recess with PIR directional security lights. The crime prevention officer raised concerns regarding the entrance and cycle storage. The applicant has taken on board the concerns and has amended the scheme to include secure caged cycle enclosures and an additional security door has been included within Site A. Ratcliffe Cross Street can be characterised as an industrial street with limited pedestrian footfall. The proposed entrances as well as the glazed fenestration to the ground floor would 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.
- 8.66 The Crime Prevention officer has raised concerns regarding the proposed recessed undercroft and potential for anti-social activity. Whilst the concerns are noted, the recessed undercrofts have been proposed in accordance to advice provided by the Highways Officer, in order to comply with highways safety and also to aid in turning points for refuse vehicles. It is the view of Officers that the construction of the proposed development would introduce increase footfall within Ratcliffe Cross Street and the public highway would be well overlooked. Suitable measures such as external lighting strategy can mitigate security concerns. Appropriate consideration has also been given to the boundary treatment to different areas and general circulation through the site.
- 8.67 The above measures would ensure that the proposal enhances safety and provide a deterrent to loitering and anti-social behaviour.
- 8.68 The applicant has responded positively to the advice provided by the Tower Hamlets Crime Prevention Design Advisor. Details of all Secured by Design measures as well as external lighting would be conditioned.

Landscaping

- 8.69 The landscape area to Site A is proposed to the rear in the form of a communal court yard. The court yard will contain a number of different areas; these consist of a raised court yard area with seating area and raised planters to accommodate herb garden. The ground level communal space will contain a play area, seating area and a small

terrace for the ground floor units. This area is to be screened from the communal garden by planting to retain the privacy of the residents but at the same time not completely blocking off the outside world to the ground floor units.

- 8.70 The landscaped court yard is accessed via the communal area of core at the ground floor level. The planting will consist of a mix variety, details of which will be conditioned to ensure that suitable species are selected to increase biodiversity.
- 8.71 Landscape area to Site B is proposed to the roof, in the form of play area and green roof. The play space will contain timber seating, perimeter planting and grip grooved treated timber decking.
- 8.72 The constraint site provides limited space for an elaborate landscape scheme; however the proposed landscaping is considered to be well thought out and would be of a particularly high quality.

Amenity

- 8.73 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.
- 8.74 The application site is surrounded by residential properties to the north and east. The east lies no.6 Boulcott Street has a current application approved at committee for an 8 storey residential development and no.2-4 Boulcott Street consist of recently constructed r a six storey residential development. To the north of the sitelies No. 516 Commercial Road (1-23 Lavender House) a six storey residential development and 526 – 528 Commercial Road

Overlooking and privacy

- 8.75 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.

Site A

- 8.76 In a dense urban context, such as this site must address the sensitive issue of overlooking onto existing properties. The windows in Site A on the eastern elevation are located more than 18 meters to the proposed windows of the building at 6 Boulcott Street and windows of recently completed development at 2-4 Boulcott Street, windows to the north elevation will be obscured glazed and will either serve as windows to circulation space or a secondary window to habitable rooms, windows to the west elevation face onto the public highway and windows to the south face onto the railway viaduct. It is considered that sufficient mitigation measures have been employed to the south elevation to ensure that the windows and use of rooms would not lead to significant impact in terms of overlooking and loss of privacy.

- 8.77 It is considered that 18m is an acceptable distance between new developments and existing properties. Within an urban setting, overlooking distances are often less than this to reflect the existing urban grain. Concerns have been raised by neighbouring properties to the north relating to the proposed amenity space at podium level and possible overlooking and impact on privacy. The proposal includes the erection of timber louvered privacy screens at 1.8 metres high to reduce any overlooking or loss of privacy from the proposed amenity space.

Site B

- 8.78 There are no residential properties located to the west or north of the site, notwithstanding, concerns have been expressed by land owners to the west of the site over a small part of the proposed development which backs on to and adjoins part of the site at 3 - 33 Caroline Street.
- 8.79 Whilst the site at 3 - 33 Caroline Street currently occupies a low-rise warehouse; the objector has advised that the land is likely to come forward for a residential development. The general concern is in regards to the windows on the western flank elevation of the site which is within close proximity of the boundary line facing on to the land at 3-33 Caroline Street. The placement and orientation of the proposed kitchen windows could prejudice future development on site and result in an unreasonable level of overlooking.
- 8.80 The subject windows, on all floors, serve kitchens and are secondary windows, as the kitchens have another window facing north onto land owned by the applicant. To mitigate the impact on the neighbouring site the plans have been amended omitting the windows on the western flank elevation.
- 8.81 It is considered that the provision of louvered screens, removal of windows and the distance between the development and the existing properties are acceptable in reducing intervisibility between windows.

Outlook and sense of enclosure

- 8.82 The distance between the development proposal at Site A and habitable rooms of adjoining properties to the east would be mostly at around 18 metres and outlook to these properties would not be significantly impacted. The development to the north of the site will be 6 stories in height, this mirrors the height of neighbouring building at No. 516 commercial Road (1-23 Lavender House). The proposed development will have a seventh storey set back and will rise to 8 stories building, furthermore the development is set back from the east elevation by 14 metres; thus reducing impact on the properties to the north of the site, as such the proposed massing would not result in an overbearing appearance or sense of enclosure. The outlook of these properties would not be restricted to an unacceptable level due to the separation distance and setback from the eastern elevation.
- 8.83 There are no residential properties located to the west or south of the site, to the south of the site is the railway viaduct and beyond that is a ware house and residential development located approximately 42 metres from the site. The outlook of these properties would not be restricted due to the separation distance.

Daylight and sunlight, overshadowing

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

primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 80% times its former value.

- 8.85 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur, they should be less than 20% of the existing.
- 8.86 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology, which looks at the impact of the development on the neighbouring properties to the east and north, No. 516 Commercial Road (1-23 Lavender House), 256-258 Commercial Road, 6 Boulcott Street (proposed development) and 8-12 Ratcliffe Cross Street. However, 8-12 Ratcliffe Cross Street is in industrial use and only the residential properties to the east no. 6 Boulcott Street directly opposite and No. 516 Commercial Road (1-23 Lavender House) to the north are therefore the most likely to be affected.

1-23 Lavender House

- 8.87 Of the 15 windows surveyed 11 would be affected with VSC results of 61% – 76%. Of the windows surveyed only 5 windows serve primary living spaces, of the 5 windows 2 would however be significantly affected with VSC results of 75% and 76%. The resultant VSC is not uncommon in inner city locations and would not be considered unacceptable for only some of the rooms in a property.

6 Boulcott Street

- 8.88 Of the 27 windows surveyed 18 would be affected with VSC results of 58% – 75%. All 18 windows are located within the lightwell of the development of the windows surveyed 12 windows be significantly affected with VSC results below 75%.
- 8.89 In terms of sunlight, the entire windows surveyed only one window at 1-23 Lavender House will suffer a whole year loss of sunlight to less than 80%. It is noted that all of the relevant windows with the exception of one receive in excess of 25% of available sunlight hours throughout the year. The overall sunlighting conditions including winter sunlighting at Lavender House would remain significantly above the BRE guidelines.

Conclusion

- 8.90 It should be accepted that the general pattern of development in this area is higher and denser than used for setting the targets in the BRE Guidelines and it is therefore appropriate to apply a greater degree of flexibility.
- 8.91 The results of the Daylight and Sunlight tests also clearly demonstrate that the impact on the habitable rooms within 1-23 Lavender House No.6 Boulcott Street will be affected to a degree.

- 8.92 In conclusion, notwithstanding the above findings, it should be noted that the application site is located in a constrained urban environment and a degree of loss of daylight and sunlight is to be expected.
- 8.93 The BRE guidelines should be interpreted flexibly and account should be taken of the constraints of the site and the nature and character of the surrounding built form which in this location is characterised by a narrow street with opposing properties in close proximity to each other. Officers consider that there are impacts; however benefits of the scheme outweigh those impacts given the character and nature of the area.

Noise and Vibration

- 8.94 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.
- 8.95 Site A will be located approximately 6.5 metres from the railway viaduct and Site B located approximately 1 metre from the railway viaduct. Due to the two site's proximity to the railway viaduct the level of noise and vibration to future residents are of concern.
- 8.96 This development will experience high levels of noise and vibration from the Railway and Commercial Road in close proximity and is considered to fall within a SOAEL (Significant Observable Adverse Effect Level) as defined by the NPL (Noise Policy for England) under the current Planning Framework; as such significant noise insulation and acoustic ventilation measures will need to be incorporated to ameliorate the likely noise impact on future residents.
- 8.97 A high degree of noise insulation and vibration isolation will be required, to meet the "good standard" of BS2333.
- 8.98 A Noise and Vibration Assessment by KP Acoustics accompanied the application. The contents of the report takes into account the glazing specification and the very high LAmax values.
- 8.99 In terms of vibration full analysis has been provided showing actual spectral amplitudes of the total vibration profile of the area (i.e. DLR and Viaduct) on the proposed site. This methodology is fully commensurate to all current Standards and it demonstrates that the current vibration profile due to all present vibration sources will not have any detrimental effect on the proposed development.
- 8.100 Whilst the noise and vibration report has been reviewed and accepted by the Environmental Noise Officer, further testing would be required post completion. In accordance with Officers request a condition will be secured for post completion assessment for Noise and Vibration, before residential occupation so as to ensure that future residents are protected from Noise/Vibration disturbance or nuisance.
- 8.101 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), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

Transport, Access and Servicing

- 8.102 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.
- 8.103 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.
- 8.104 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.
- 8.105 The site benefits from excellent access to public transport, being located approximately 242 metres to the west of the Limehouse Docklands Light Railway (DLR) and National rail. Bus no. 15, 115, 135 and D3 all serve Commercial Road. The site has a Public Transport Accessibility Level (PTAL) of 6/5.
- 8.106 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

- 8.107 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 126 (80 in Site A & 46 Site B) secured, 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

- 8.108 Policy DM22 sets out the Council’s parking standards in new developments. The application site falls mainly within PTAL 5/6.
- 8.109 Notwithstanding the above the development proposed 4 car spaces within Site A, 2 of which will be accessible parking. Site B will have 3 car parking spaces 1 of which will be accessible parking. This level of parking is considered acceptable and would not impact on the public highway.

- 8.110 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

- 8.111 Vehicle and cycle access to the sites will be via an undercroft, the undercroft at Site A has been recessed to allow sufficient room for service vehicles to manoeuvre.
- 8.112 Separate access is provided for pedestrians at both sites. It is noted that Site B does not currently benefit from a public footway. A footpath will need to be created via a S278 agreement.
- 8.113 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.

Servicing and refuse storage

- 8.114 Servicing will take place on site. The applicant has demonstrated that service vehicle can enter the site via the undercroft. Reverse in the area provided 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.
- 8.115 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.
- 8.116 The proposed capacity of the waste storage has been calculated for once-weekly collections, in accordance with waste policy.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

- 8.117 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.
- 8.118 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.
- 8.119 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.

- 8.120 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.
- 8.121 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 53.6% reduction in CO2 emissions against the benchmark of Building Regulations 2010.
- 8.122 The applicant has advised that in accordance with the above policy a site-wide CHP system will provide energy to the residents the residential units.
- 8.123 The overall development has been designed to achieve a minimum Code of Sustainable Homes Level 4.
- 8.124 The proposed energy efficiency and sustainability measures are supported by the Council's Energy Efficiency and Sustainability section. It is considered that the proposal broadly complies with the relevant policies and that no further mitigation is required.

Biodiversity

- 8.125 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.
- 8.126 The applicant proposes a green roof; details of which will be reserved by condition.

Land Contamination

- 8.127 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

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

Health Considerations

- 8.129 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.
- 8.130 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.

8.131 The application proposal would result in the delivery of much need affordable housing within in a brown field site. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

8.132 Health infrastructure contribution of £101,277 has been secured, to mitigate against the proposed development, it is considered that the proposal broadly accords with the above mentioned policies and would generally contribute to improved health outcomes and opportunities for active and healthy lifestyles.

Planning Obligations and CIL

8.133 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).

8.134 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.

8.135 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.

8.136 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.

8.137 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.

8.138 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

8.139 This application is supported by a viability toolkit which details the viability of the development proposal through interrogation of the affordable housing provision and the planning obligations required to mitigate the impacts of this development proposal. The viability appraisal has established that it is viable for the proposal to deliver 30% affordable housing, of which £250,000 will be payment in lieu for affordable units and a full contribution of **£810,563.48**.

8.140 The proposed heads of terms are:

Financial Obligations:

- a) A contribution of **£250,000** towards Affordable Housing
- b) A contribution of **£196,209.73** towards education.
- c) A contribution of **£15,318.96** towards employment, skills, training and enterprise initiatives.
- d) A contribution of **£89,593.94** towards community facilities.
- e) A contribution of **£101,277** towards Health.
- f) A contribution of **£23,992.38** towards street scene improvements.
- g) A contribution of **£120,919.68** towards public Open space
- h) A contribution of **£2,260.35** toward sustainable transport.
- i) **£10,991.44** towards monitoring fee (2%)

Total £810,563.48

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

- a) Affordable housing 30% by habitable room (22 units)
69.9% Affordable Rent at East Thames levels (15 units)
30.1% Intermediate Shared Ownership (7 units)
- b) Access to employment
20% Local Procurement
20% Local Labour in Construction
- c) Car free agreement
- d) Highways s278 agreement

8.142 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.

Local Finance Considerations

8.143 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.

8.144 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.

8.145 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.

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 a percentage of 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 £119,148 in the first year and a total payment £714,889 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 of Human Rights 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, 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

10.0 SITE MAP

