

Strategic Development Committee	Date: 19th February 2015	Classification: Unrestricted	
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Report of: Director of Development and Renewal	Title: Applications for Full Planning Permission
Case Officer: Shay Bugler	Ref No: PA/14/03196
	Ward: St Peter's

1. APPLICATION DETAILS

Location: Ashington House East, Orion House, Coventry Road, London, E1 5RX

Existing Use: Community centre/open space/car park

Proposal: Demolition of the existing community hall and erection of three buildings ranging from 4-5 storeys in height to provide 53 residential units (comprising of 23 x 1 bed; 8 x 2 bed; 16 x 3 bed and 6 x 4 bed) and the re-provision of the community Centre (438 sqm); 35 parking space; 88 bicycle spaces; communal, private and public open space.

Drawings and documents: SP_BL; SP_00 Rev B; SP_01; SP_02; SP_03; SP_04; SP_RL; PL; GA_H_00; WCH_01_A; WCH_02_A; WCH_03_B; WCH_04_B; WCH_05_C; EX_GF_H; EX_EX_0_1; EX_EX_0_2; EX_EX_TP; EX_SP; EX_EL_0_03; EX_EL_H; EX_GF_0; EL_H_N; EL_H_S; EL_B_W; EL_B_S; EL_B_E; EL_B_N; EL_C_S; EL_C_W; EL_C_W; EL_C_E; EL_A_S; EL_A_N; EL_A_E; EL_A_W

- Local/Long View Assessment by Alan Camp Architects dated November 2014
- Design and access statement by Alan Camp Architects dated November 2014
- Waste Management Strategy by Alan Camp Architects dated November 2014
- Ashington House East, Bethnal Green Tree Survey (issue 1: dated: November 2014 by LADellwood
- Energy Statement by AJ Energy Consultants Limited dated November 2014
- Sustainability Statement by AJ Energy Limited dated November 2014
- Daylight and sunlight report by Schroeders Begg Ltd dated November 2014 (ref 1090/B)

- Transport Statement by YES Engineering Group Limited dated November 2014
- Travel Plan, Tower Hamlets, London
- Report on phase 2: Ground Investigation (contract: 52195a) by Tower Hamlets Homes dated May 2014
- Statement of Community Involvement dated November 2014
- Ecology phase 1 Habitat Survey (issue 1 October 2014 by LaDellWood)
- Preliminary Investigation Report dated March 2014 (contract 52195) by Tower Hamlets Homes
- Energy Statement by AJ Energy Consultants dated November 2014.
- Sustainability Statement by AJ Energy Consultants Limited dated November 2014

Applicant:	Tower Hamlets Homes
Ownership:	Tower Hamlets
Historic Building:	None
Conservation Area:	None

2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the development plan including the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy 2010, Managing Development Document 2013, the London Plan 2011(as amended) and national and local guidance along with all other material considerations and has found that:
- 2.2 A proposed residential led development on this site is considered acceptable as it would contribute towards the borough's housing delivery target. The new homes would be built to a high design standard, with good internal space and external private amenity space and child playspace.
- 2.3 The residential scheme would address local need by providing a high proportion of family housing comprising a mix of three and four bedroom homes. The units would be 100% affordable housing at Tower Hamlets borough framework rent levels. Six large family sized wheelchair accessible units would be provided in the form of detached houses with an accessible car parking space, which further meets the needs of residents of the borough.
- 2.4 The report explains that the proposal would be acceptable in terms of layout, height, scale, bulk, design and appearance, and would deliver good quality affordable homes in a sustainable location.
- 2.5 The proposal would not give rise to any unduly detrimental impacts to existing and future residents in terms of privacy, overlooking, outlook and sense of enclosure, or daylight and sunlight. Subject to appropriate conditions, noise

nuisance and other amenity impacts would also be mitigated so as not to cause unduly detrimental impacts to future residents.

- 2.6 Transport matters including parking, access and servicing area are acceptable.
- 2.7 The application is recommended for approval subject to the completion of a Section 106 agreement which would secure affordable housing and contributions towards education, health, and employment and enterprise in accordance with national and local policies.

3. RECOMMENDATION

- 3.1 To **GRANT** planning permission subject to:
- 3.2 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and s111 of the Local Government Act 1972 within three months of the date of this resolution, to secure the following planning obligations:
- £210,894 towards education facilities
 - £41,388 towards health facilities
 - £1,888 towards employment and enterprise
 - £31,500 towards public open space
 - A monitoring fee of £5,830 which is 2% of the total figure has also been secured.
- 3.3 In addition the following non-financial obligations would be secured:
- Car free agreement
 - Local training, procurement and access to employment strategy (20% local goods and services procurement; 20% local employment during construction)
 - 53 affordable rented housing units, secured at Borough Framework rent levels
- 3.4 In addition to the above, the development would be liable for approximately £17,815 to the Mayor of London's Community Infrastructure Levy (CIL). As the scheme is 100% affordable this floorspace would be eligible for relief.
- 3.5 That the Director of Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
- 3.6 That the Director of Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the following matters:

Conditions

- 3.8 Compliance
1. Time Limit 3 years
 2. Compliance with plans and documents
 3. Compliance with Energy and Sustainability Strategy submitted
 4. All residential accommodation to be completed to lifetime homes standards

5. All amenity space including child space accessible to all future residents of the development
6. Refuse and Recycling to be implemented in accordance with approved plans
7. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
8. Hours of operation of the Community Centre (9:00-21.00 Sunday to Thursday and 09:00-23.00 on Friday and Saturday).
9. Hours of operation of communal roof top amenity space (9am-9pm on any day of the week).
10. Removal of tree/shrub subject to nesting bird survey.

3.9 Prior to demolition

11. Demolition Environmental Management and Logistics Plan including piling method.
12. Ground contamination – investigation and remediation
13. Archaeological investigation

Prior to commencement above ground floor slab level

14. Submission of details and samples of all facing materials including windows, balustrades and screening
15. Approval of sound insulation measures in accordance with agreed standards
16. Scheme of Highways Works (S.278)
17. Details of brown and green roofs and other ecological enhancement/mitigation measures
18. Landscaping and boundary treatment details
19. Submission of details of the wheelchair housing specification/standards to show the three four bed family units are wheelchair adaptable
20. Details of cycle parking/storage
21. Details of external plant and ventilation, including noise attenuation measures
22. Details of all Secure by Design measures
23. Identify the costs, benefits and barriers of expanding the existing CHP
24. Details of PV panels
25. Details of play equipment within the under 5s play space
26. Lifetime Homes
27. Acoustic insulation of the Community Centre and Residential to achieve 'good' standard.
28. Surface Water Management Plan
29. CCTV, lighting, landscaping, tree replacement details

3.10 Prior to Occupation

30. Community Hall Management Strategy
31. Car Parking Allocation Management Plan
32. Code for sustainable homes, level 4
33. Secure by Design Certificate
34. 20% electric vehicle provision (maximum 10% passive provision)

3.11 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

3.12 Informative

1. Associated S106
2. Compliance with Environmental Health Legislation
3. Compliance with Building Regulations

4. SITE AND SURROUNDINGS

- 4.1 The site is located in St Peters Ward, Tower Hamlets. It lies west of Cambridge Heath Road and south east of Bethnal Green railway station and railway line. The site lies immediately south of Barnsley Street, extending westwards to Collingwood Street and eastwards to Coventry Road. The proposed site area is 5,465 sqm (circa 0.55 ha).
- 4.2 Managed by Tower hamlets Homes, the site forms of the Collingwood Estate, and is currently residential with Orion House, an 11 storey tower block within the site boundary. A parking area with 50 spaces occupies a substantial area of the site north of Orion House. These spaces are occupied by residents within the estate.
- 4.3 Directly west of Orion house is a single storey building currently occupied by the Collingwood Community Centre. The existing community hall is 216sqm in size, it has multiple different events and group activities during week days and the weekend such as boys club, youth services, pensioner's group and Councillor's surgery.
- 4.3 There is a maintenance contractors Office onsite serving the Collingwood Estate. It will be demolished as part of this application and replaced with a proposed Community Centre. The applicant has advised the contractors office will be re-provided elsewhere within the Collingwood Estate. The location has not been confirmed to Officers, and as such this would be subject to a further application.
- 4.4 The surrounding area is primarily residential in character. The majority of buildings in and around the Collingwood estate are residential blocks and terraces, ranging from two to seven storey tower blocks, of varying scales and styles.
- 4.5 The site does not fall within a Conservation Area and contains no statutory or locally listed buildings. However, St Bartholomew's Church is a locally listed building that lies to the east, adjacent to the site.
- 4.5 The site has a Public Transport Accessibility Level of 6a which means it is highly accessible by public transport. It is also controlled parking zone A3 (CPZ). There are four railway stations within a 960m distance (PTAL maximum walking distance) of the site. Bethnal Green National rail station is approximately 215m away (less than a 3 minute walk; Bethnal Green Underground station is approximately Whitechapel National Rail/Underground station is approximately 700mm from the site.
- 4.6 There are also nine bus services operating within the walking thresholds of the site, providing frequent services to the surrounding area.

5 RELEVANT PLANNING HISTORY

5.1 There is no relevant planning history for this site.

6 DETAILS OF THE PROPOSED DEVELOPMENT

6.1 The development comprises five main elements:

- The erection of a five storey residential development to the west of Orion House, where the existing Community Centre is currently located. This is known as Block A. This block would contain 22 dwellings.
- The erection of a five storey residential development to the north of Orion House in place of the existing car park, providing 23 dwellings. This is known as Block B.
- The erection of a four storey residential development to the north of Orion House comprising 8 dwellings, known as Block C.
- Demolition of the existing hall and relocation of the Community Hall to the ground floor level of Orion House, where a contractors office for the estate is currently located.
- Public realm works including provision of play space for younger children and a new landscaped area.

7 POLICY FRAMEWORK

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise. 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:

7.2 Government Planning Policy

NPPF/ NPPG - National Planning Policy Framework/ Guidance

- Chapter 6: Delivering a wide choice of high quality homes
- Chapter 7: Required good design
- Chapter 8: Promoting healthy Communities
- Chapter 10: Meeting the challenges of climate change, flooding and coastal change.

7.3 Spatial Development Strategy for Greater London – (London Plan 2011 incorporating Revised Early Minor Alterations)/ Draft Further Alterations to the London Plan, 2014 (FALP)

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town Centres
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.5 London's visitor infrastructure
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and Access to Nature

7.4 Tower Hamlets Adopted Core Strategy 2010

SP02 Urban Living for Everyone
SP03 Creating Healthy and Liveable Neighbourhoods
SP05 Dealing with waste
SP06 Employment uses
SP08 Making connected Places
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places
SP11 Working towards a Zero Carbon Borough
SP12 Delivering place making
SP13 Planning Obligations

7.5 Managing Development Documents 2013

DM0 Delivering sustainable development
DM3 Delivering Homes
DM4 Housing standards and amenity space
DM11 Living Buildings and biodiversity
DM13 Sustainable Drainage
DM14 Managing Waste
DM15 Local Job Creation and Investment
DM20 Supporting a Sustainable transport network
DM21 Sustainable transportation of freight
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

7.6 Supplementary Planning Documents

Designing out Crime Parts 1 and 2
Planning Obligations SPD 2012

7.7 Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

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

8.0 CONSULTATION RESPONSE

8.1 The following were consulted with regards to the application. Responses are summarised below. Full representations are available to view in the case file. The views of Officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report which addresses the various material planning considerations but where appropriate, comment is also made in response to specific issues raised as part of the consultation process.

LBTH Housing Development & Private Sector

- 8.2 The proposal is supported in principle. The provision of 100% affordable housing with high proportion of family dwellings is supported and welcome.
- 8.3 The five wheelchair accessible large family units are also welcome together with individual parking spaces. A condition would be attached to ensure the delivery of the five wheelchair units.
- 8.4 The proposal would make provision for affordable rent units at preferred rental levels, which is welcomed.
- 8.5 A management agreement for the community hall would need to be put in place as the bedroom windows of the flats are directly above the community facility.

(OFFICER'S COMMENT: Appropriate conditions dealing with the issues raised have been included).

LBTH Environmental Health (noise)

- 8.6 With reference to the Community Centre, the sound insulation between "commercial" community centre and residential has to be considerable to ensure there is no residential loss of amenity. The hall maybe hired for parties & functions which may involve loud amplified music. If the sound insulation is not effective then the noise would escape through the air, through the structure or a combination of both. Further details of sound insulation for the Community Centre is required and would be secured by way of condition.
- 8.7 The hours of operation for the community centre would have to be strictly controlled to prevent a residential loss of amenity.
- 8.8 Construction works to be carried out only during the following hours: 8am-6pm Monday to Friday. 8am – 1pm Saturdays. No works allowed on Sundays and Public Holidays. Piling methods and construction management plan should also be agreed.

(OFFICER'S COMMENT: Suggested conditions have been included as part of the recommendation to grant planning permission to deal with all the issues raised above).

LBTH Environmental Health (contamination)

- 8.9 A condition should be included to ensure a detailed site investigation report is submitted to identify and investigate any potential contamination prior to the commencement of the development.

(OFFICER'S COMMENT – suggested conditions have been included as part of the recommendation to grant planning permission to deal with all the issues raised above).

LBTH Biodiversity Officer

- 8.10 A condition should be attached to the permission which requires any tree or shrub removal to take place outside the bird nesting season (i.e. not during March to August inclusive). If this is not possible, a survey for nesting birds should be undertaken immediately before clearance begins (within 5 days of clearance commencing). If any nests are found, they must be left undisturbed until the young have fledged. If no nests are found, there is no need to report the survey results to the Council before starting vegetation clearance.
- 8.12 (OFFICER'S COMMENT: A condition has been included as part of the recommendation to grant planning permission to deal with all the issues raised above)

LBTH Energy Efficiency Unit

- 8.13 The proposed Energy Strategy is inconclusive. It is recommended that the following conditions should be attached to the permission conditions are attached to the permission to deliver:
- Site wide CHP system served by a single energy centre housing 15.5kWth CHP engine. The energy system must be future proofed to connect to a wider scheme should one be available.
 - The final specification of the PV to be submitted demonstrating a minimum of 110m² of PV panels with a peak output of >29kWp are delivered
 - Code for sustainable homes Final certificates demonstrating that a Code Level 4 has been delivered

(Officers comment: This would be secured by way of condition).

- 8.14 The residential uses are anticipated to achieve Code for Sustainable homes Level 4. This is supported and this should be secured via an appropriately worded Condition with the final certificates being submitted to the council within 6 months of occupation.

LBTH Communities, Localities & Culture (Strategy)

- 8.15 The units proposed will result in an estimated 134 new residents. A number of financial contributions are required to mitigate the impact of the proposed development based on the Planning Obligations SPD.
- £16,827 is required towards Idea Stores, Libraries and Archives.
 - £67,810 is required towards Leisure Facilities.
 - £107,166 is required towards Public Open Space.
 - £2,003 is required towards Smarter Travel

(OFFICER'S COMMENT: Securing all these contributions would compromise the viability and deliverability of the development onsite. The financial contributions are explained in detail in Section 10 of this report)

LBTH Transportation & Highways

Car parking

- 8.16 The development should be subject to an s106 agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.
- 8.17 The proposed car parking spaces would result in the allocated to the existing residents which are welcomed.

(Officers comment: The applicant would be required to enter into a 'car free' agreement).

Cycle parking

- 8.18 The proposal makes provision for 84 cycle spaces for the residential element and 4 spaces for the Community Centre use , in accordance with policy in a safe and secure location using Sheffield Stands which is welcomed by Officers.

Servicing and Delivery

- 8.19 The tracking diagrams show a refuse vehicle can enter and exit the site in forward gear and as such, the servicing arrangements are acceptable. As the site has the capability to accommodate service vehicles on site please attach a condition requiring approval of a Delivery and Servicing Plan prior to occupation of the site.

Construction Management

- 8.20 A Construction Management Plan would be required as a condition to outline the effect of the construction on the public highway. A S278 agreement is required to secure the cost for any damage or changes caused to the public highway adjacent/surrounding to the development during any preparatory operation or the implementation of the planning permission.

(OFFICER'S COMMENT: Suggested conditions and informative have been included and highway matters would be addressed in Section 10 of this report).

Public realm

- 8.21 Public Realm

To facilitate the development works to the highway required (but not limited to):

- Removal of existing crossover on Barnsley Street
- Construction of two vehicles crossovers on Barnsley Street
- Works to Coventry Street to provide continuous footway on the western side and vehicle turning head

(Officers comment: The development authorised by this permission shall not be occupied until the scheme of highway improvements necessary to serve this development have been completed in accordance with the Council's approval and have been certified in writing as complete by or on behalf of the Council (as local planning authority and highway authority) unless alternative arrangements have been approved in writing by the Council (as local planning authority and highway authority).

LBTH Senior Arboricultural Officer, Parks and Open Spaces

- 8.22 LBTH Arboricultural team have confirmed they do not wish to object to the proposal.

LBTH Enterprise & Employment

- 8.23 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. The Council would seek to secure a financial contribution of £1,888 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.

(OFFICER'S COMMENT: The planning obligations are explained in detail in Section 10 of this report)

LBTH Waste Management

- 8.24 The provision of refuse and recycling storage arrangements are acceptable.

External consultation responses

Metropolitan Police, Crime Prevention Officer

- 8.25 No objection subject to the following Condition: Prior to the occupation of the development, a Secure by Design Accreditation (to include details of CCTV) on site, shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the particulars so approved.
- 8.26 (Officers comment: The applicant would be required to submit a Secure by Design Accreditation to ensure that the development is designed to maximise safety and security throughout the site. This would be secured by way of condition).

Environment Agency

- 8.27 The Environment Agency has assessed this application and identified flood risk as the only constraint at this site. This site is in Flood Zone 1 and is under a hectare and therefore falls under cell F5 of our Flood Risk Standing Advice (FRSA). The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere.

- 8.29 It is recommended that a surface water management good practice is used to ensure sustainable surface water management is achieved as part of the development.

(Officers comment: The applicant would be required to submit a Surface Water Management plan. This would be secured by way of condition).

Transport for London (TfL)

- 8.30 Transport for London (TfL) are satisfied with the development subject to the following conditions:

- TfL recommend that no car parking is proposed on site considering the site's excellent PTAL. Notwithstanding this, each wheelchair accessible unit should have access to its own Blue Badge parking space.
- The Further Alterations to the London Plan is expected to be adopted next month and requires 2 cycle spaces for each 2 bed unit. On that basis TfL recommend that the cycle parking provision is increased accordingly.

(OFFICER'S COMMENT: As noted in paragraph 8.17, the applicant has confirmed that the car parking is for the re-provision for the existing residents and not as new car parking for the new residents. The spaces would be controlled by a permit system, which would be secured in the legal agreement.

With reference to the provision of cycle spaces, the applicant has amended the ground floor plan to accommodate for 84 residents cycle storage spaces in safe and secure locations, in accordance with the draft Further Alterations to the London Plan).

London Fire and Emergency Authority

- 8.31 No comments received.

9. LOCAL REPRESENTATION

Statutory Consultation

- 9.1 A total of 810 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. Site notices were displayed and the application was advertised in the local press.

- 9.2 There were no letters of support received. One petition with 93 signatures and 19 individual letters of objection were received from local residents. Objections were raised on the following grounds:

- The proposal would exacerbate the existing problems of overcrowding in the area.
- The proposed community hall use would cause adverse noise impacts, anti-social behaviour, and the amenity of residents and would be detrimental to the existing property values due to noise impacts.

- The proposal would result in the loss of privacy to residents of Orion House and Barnsley Street. Consequently, it is anticipated that disputes between neighbours will increase.
- The proposal would result in increased traffic and parking as existing car park would be removed. This adversely affects highway safety and convenience of road users.
- Existing residents will lose their car park.
- The proposal would result in loss of views for residents of Orion House.
- The proposal is unacceptably high in density, visually bulky, out of scale and is considered to be an overdevelopment of the application site.
- The proposal would result in the breach of enjoyment of their properties.
- The proposal would have significant impact on trees as several trees will be removed in order to make way for the development.

(Officers comment: The matters raised in the public consultation are addressed in Section 10 of the report).

- 9.3 The Council also received a pre-action protocol letter in respect of this development in late December 2014, and an application for judicial review has since been filed. The pre-action letter:
- a) claims that the impacts that the residents of Orion House would suffer if the Council allows the building of the community centre would be in breach of their human rights;
 - b) and claims that the building of the community centre would be in breach of the tenants right to the quiet enjoyment of their properties.
- 9.4 The filed claim accuses the Council of delaying the taking of a decision to build the community centre in order to make the claim out of time. This is misconceived as the period of time during which a claim for judicial review needs to be filed in respect of a planning application runs from the date when the planning decision is issued. As no decision has yet been taken on this application, the claim is considered to be premature.
- 9.5 In respect of the substance of the claim it is important to take human rights considerations into account in taking planning decisions and an assessment of the human rights implications associated with this application is included in Section 10 of this report. In respect of the claim that this development would breach the rights of the residents of Orion House to the quiet enjoyment of their properties because of the impacts on their amenity which may stem from the operation of the Community Centre, in this instance it is proposed that the amenity of local residents would be protected by a Community Centre Management Plan which would be conditioned. To such extent that the suggested breach would arise because of impacts on amenity (such as through noise or antisocial behaviour) this is also a material consideration for the Council in their capacity as Local Planning Authority. An assessment of these impacts and proposed mitigation is addressed in Section 10 of this report.
- 9.6 All representations are available at Committee to view upon Members request.

10. MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised are as follows:

1. Land Use
2. Design
3. Housing - density, mix and tenures
4. Impact on neighbours the amenity of existing residents
5. Transportation and Access
6. Sustainability, Energy Efficiency & Climate Change
7. Health Considerations
8. Planning Obligations & CIL
9. Conclusion

Land Use

Principle of development

- 10.2 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.
- 10.3 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 enjoy leisure and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land which has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.
- 10.4 The Council's vision for the "Place" of Bethnal Green as set out in the Core Strategy (2010), states that, in Bethnal Green " Opportunities for growth and change would be delivered by a number of industrial areas being redeveloped for residential, infill development in existing built areas and housing estate renewal". This scheme proposes the addition of 53 housing units through infill development on disused land and regeneration of the existing Ashington estate and is therefore considered to be in line with the objectives of the Council's vision for this place.

Principle of residential development

- 10.5 Delivering new residential accommodation is a key priority both locally and nationally. Policy 3.3 of the London Plan seeks to alleviate the current and projected housing shortage in the Capital through the provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring

target of 2,885. The draft Further Alterations to the London Plan sets out a minimum target of 3931 for Tower Hamlets.

- 10.6 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 Adopted Core Strategy together with policy DM3 of the Managing Development Document (2013). These policies and objectives place particular focus on delivering more affordable homes throughout the borough. This proposal would seek to deliver 100% affordable housing.
- 10.7 Given the borough's ambitious housing targets, including affordable housing provision, the fact that the site is part of the Ashington housing estate and the surrounding area is predominantly residential in character, the principle of redevelopment of this land for housing purposes is considered desirable in land use and policy terms subject to all other planning material considerations. The provision of residential accommodation would constitute a sustainable and efficient use of a brownfield site whilst seeking to contribute significantly to meeting local housing needs. In land-use terms the desirability of the site to come forward for residential development will need to be considered along with the acceptability of the loss/ re-provision of the existing land-uses. Other material considerations, including more detailed housing matters are discussed in detail below.

Community uses

- 10.8 Housing growth should be accompanied by and underpinned by provision of social, recreational and cultural facilities and services to reflect the community's needs, promote social cohesion, increase the quality of life and support health, social and cultural wellbeing. In particular, paragraph 73 of the NPPF acknowledges the contribution that opportunities for recreation can make to the health and wellbeing of communities. Accordingly, policies 3.16 and 3.19 of the London Plan support development proposals that increase or enhance the provision of sports and recreation facilities.
- 10.9 These national and regional policies are reflected in the Council's Core Strategy policy SP03 and strategic objectives SO10 and SO11 which aim to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and ensure the timely provision of infrastructure to support housing growth.
- 10.10 The existing community centre is approximately 216 sqm. The proposal is to demolish the existing facility and construct a new larger community centre of 438sqm at the ground floor of Orion House. As such there is a net increase in community floorspace which is considered acceptable in this location given the increase in population and the existing provision which meets a local need. It is acknowledged that the site is located outside a town centre and that new community centres will only be supported outside of a town centre where they are local in nature and scale, and there is local need. Notwithstanding, the proposal is for the re-provision of an existing community centre it is currently well used.
- 10.11 The new community centre would be used for various community activities and group sessions but will continue to be owned by the Council/Tower Hamlets Homes, allowing noise nuisance and other adverse impacts associated with the increase in floorspace to be managed effectively. This

arrangement would be secured through a planning condition should Members minded to grant planning permission.

Loss of existing car park

- 10.12 In land use terms, this proposal results in the redevelopment of two areas currently used for parking cars. The borough's local plan does not protect existing car parking in land use terms, instead Local Plan Policy SP9(4) promotes car free development and those schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport such as this location. The implications of the loss of car parking is considered below in the transportation and highways section of this report.

Loss of open space

- 10.13 Policy DM10 of the Managing Development Document (2013) stipulates that development on areas of open space will only be allowed in exceptional circumstances where:
- it provides essential facilities to ensure function, use and enjoyment of the open space;
 - as part of a wider development proposal there is an increase of open space and a higher quality open space and a higher quality open space outcome is achieved
- 10.14 This scheme is an example of a housing estate regeneration scheme where it is considered that building on a fragmented area of poor quality open space enables the provision of improved public realm which is more usable for the local community. The site currently contains 181sqm of open space at site C. The loss of this space is considered to be acceptable as the proposal would result in more useable and higher quality space; providing 381sqm of communal amenity space and 322.6sqm of child playspace which will be publicly available in daylight hours. The applicant would be required to submit landscaping and child play details, and a management and maintenance plan which would be secured by way of condition. The applicant has agreed to pay a financial contribution towards public open space improvements in the local area to mitigate the impacts of the proposed development.

DESIGN AND APPEARANCE

- 10.15 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 10.16 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.

- 10.17 Policy SP10 sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings.
- 10.18 The Managing Development Document deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context.
- 10.19 The proposal includes the demolition of the existing Community centre. It is considered that the building to be demolished has no architectural quality and is in a state of disrepair and is not worthy of retention in design terms
- 10.20 The application proposal includes a redevelopment proposal which would be of high quality and would enhance the surrounding area. The design of the new buildings is discussed in more detail, within this section of the report under the headings: layout; height and scale; architectural appearance; and safety and security.

Layout

- 10.21 The proposed layouts of the three blocks are considered to improve natural surveillance with the proposed housing overlooking Collingwood Street (block A), Barnsley Street (block B) and Coventry Road (Block C). The proposed layout would improve legibility. In terms of amenity space, the proposal clearly defines the public and private spaces. The child playspace area is located at the centre of the site which is overlooked by block B and Orion House.
- 10.22 The proposal would reinforce a sense of place and connection to the existing estate. The design approach would reinforce the street pattern and has covered a range of factors such as accessibility, security, safety, privacy and community interaction. It is considered that the proposal successfully relates to the existing pattern and layout of existing buildings, routes and spaces within the estate and the scheme delivers a high quality public realm solution to create a strong sense of place. The layouts of blocks A and C would positively reinforce the street corner at Collingwood Road and Coventry Road, and would produce an attractive modern block which would complement the residential block and would be in keeping with the overall streetscene.
- 10.23 The proposed community centre is located underneath Orion House, which is adjacent to the existing Community Centre to be demolished and is easily accessible for residents. The relocation of the Community Centre fills in the ground floor void beneath Orion House providing a more active and robust building edge and improved natural surveillance, benefiting the public realm. The applicant would be required to submit landscaping and lighting details which would be secured by way of condition.
- 10.24 The accessible car parking spaces are located within the site close to the entrance of the accessible units at ground floor level. The proposal results in separate cycle parking for each of the residential blocks at ground floor level. In addition, the proposal would make provision for separate refuse and recycling facilities for each block in safe and secure location which is welcomed by Officers.

Height and scale

- 10.25 The height, scale and massing responds to the immediate context of the surrounding area. The majority of buildings in and around the Collingwood estate are residential blocks and terraces, ranging from two to seven storey tower blocks, of varying scales and styles.
- 10.26 The applicant has submitted various street views of the development looking down Collingwood street; from junction of Collingwood Street looking west; Barnsley Street view from junction of Collingwood Street looking east; Collingwood Street view looking south. The views analysis demonstrates that the scale of development does not exceed the prevailing scale of development in the area and sits well within its context and therefore appropriate for the site. The overall scale is substantially less than the development at Orion House which is an eleven storey building.
- 10.27 The design, setback and massing of blocks A and C respect and reinforce the existing fabric, whilst block B sits as an island between these two blocks. By taking note of the existing massing, block A also serves to bridge and modulate the existing. Block C manages the transition in heights from Dunnington House to Eagle House (nos 49 -64). The overall scale of the development is similar to the scale of development in this general area and would not present symptoms of overdevelopment such as excessive loss of daylight and sunlight. Accordingly, the development is in character with the established pattern of development in the area.
- 10.28 The variety of materials would positively articulate the development whilst reducing its massing and adding to its visual interest.

Architecture appearance

- 10.29 The proposed buildings are contemporary in nature. The scheme would use high quality brickwork with deep reveals and shadow gaps. Mixed selection of colour glass; photovoltaic (PV) panels and dark grey aluminium windows and matching louvers are proposed. Robust materials along with carefully designed details would provide a coherent high quality development to complement the existing fabric of the area. Full height windows would provide ample daylight for the units as well as natural ventilation. Large balconies would help articulate and give focal points to the elevations.
- 10.30 Subject to conditions to ensure high quality materials, boundary treatments and finishes, the proposal is considered to be of high quality and adopting good design principles. The proposed materials are considered to respect the local area and uplift an otherwise neglected part of this estate.

Safety and Security

- 10.31 The proposal has been developed in accordance with the principles of Secured by Design. Principles of design and safety have been incorporated into the design. The communal entrance doors are not recessed greater than 600mm to ensure anti-social behaviour does not occur. All blocks have access to two doors and balustrading is indicated on the roof level.

- 10.32 With reference to the residential element of the scheme, the applicant has taken on board comments from the Metropolitan Police Crime Prevention Officer and revised the proposal accordingly.
- 10.33 With reference to the proposed Community Centre, local residents have expressed concern that the existing Community Centre (Collingwood Hall) attracts anti-social behaviour and undue noise disturbance and are concerned that these issues will re-appear with the new Community Centre. Residents of Orion House have expressed their significant concerns about the relocation of the existing community centre (which is to be demolished) beneath their building, referencing existing anti-social behaviour that occurs at the existing community centre.
- 10.34 Both LBTH Environment Health (noise team) and Metropolitan Police have reviewed the proposal and consider that residential amenity can be protected subject to appropriate conditions on hours of operation; Community Centre Management Plan, external lighting and CCTV.
- 10.35 It is acknowledged that the new centre will be larger than the existing. Officers consider that there is a need for this centre and that the new permission provides an opportunity to seek to improve the management and any amenity issues that have arisen with the existing community facility.
- 10.36 Officers have proposed to restrict opening hours of the centre (which are reduced from the existing which is open until 11pm every evening) and also that a condition is attached which requires the submission of a management plan to the Council for approval prior to occupation of the centre (and compliance with it thereafter). The Management Plan should set out the managers proposals as to how any anti-social behaviour will be dealt with. All residents would have a copy of the Community Centre Management Plan. The plan would provide contact details within the document to report instances of anti-social behaviour. Tower Hamlets Homes would be required to log instances of anti-social behaviour and report to Metropolitan Police if required. Further conditions are recommended that require approval of CCTV and lighting.
- 10.37 Overall, the scheme would properly take into account secured by design requirements, improve safety and security in the location of the site and would not introduce undue risk of crime to future occupiers as a result of detailed design. The development proposals would improve local legibility and connectivity, and natural surveillance in the area.

Landscaping

- 10.38 Some residents have expressed concern that the proposed residential development would result in the loss of 3 trees at site C. These trees are not specifically protected by a Tree Preservation Order or similar. As such, the Council does not have powers to protect these trees explicitly, however the existing trees are considered to have an amenity value, therefore the applicant would be required to provide three semi mature trees onsite as part of the landscaping arrangements to ensure this impact is suitably mitigated. This would be secured by way of condition.
- 10.39 To conclude, officers are satisfied that the scheme accords with the London Plan, the Core Strategy and the Managing Development Document policies

which seek to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. The proposal would be in line with council policies 7.13 of the London Plan; SPP10 of the Adopted Core Strategy 2010 and DM24 of the MDD 2013

Housing

- 10.40 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.
- 10.41 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally. This section will consider the proposed housing mix and the quality of the residential units provided.

Residential density

- 10.42 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.
- 10.43 The application site falls within the range of PTAL rating level 6a which means it has excellent access to public transport. Table 3A.2 of the London Plan (2011) suggests a density of 200-700 habitable rooms per hectare (hrph) in an urban location for sites with a PTAL range of 6.
- 10.44 The scheme is proposing 53 units. The proposed residential accommodation would result in a density of approximately 297hrph and would therefore sit comfortably with the GLA guidance for sites with a PTAL rating of 6a
- 10.45 There are 75 existing residential units at Orion House. Given that these units fall within the site boundary, the density of the existing and proposed development together was also considered. The overall density would amount to 707 hrph which marginally exceeds the target for this area. Density figures only serve as an indication of the likely impact of a development and the development does not present any serious concerns in respect of overdevelopment as considered in detail below.
- 10.46 Typically high density schemes may have an unacceptable impact on the following area:
- Access to sunlight and daylight;
 - Loss of privacy and outlook;
 - Small unit sizes
 - Lack of appropriate amenity space;

- Increased sense of enclosure;
- Increased traffic generation; and
- Impacts on social and physical infrastructure

10.47 On review of the above issues later in this report, officers are satisfied that the proposal does not present any of the symptoms associated with overdevelopment. The density is considered acceptable primarily for the following reasons:

- The proposal is of a high design quality and responds appropriately to its context.
- The proposal is not considered to result in adverse symptoms of overdevelopment.
- Assists in the delivery of affordable housing targets

10.48 Officers consider that the proposal would provide good quality and affordable homes, including a very high proportion of family sized units in a well-designed scheme that positively responds to local context. Due to the fact that this proposal is responding to an identified housing priority which is a demand for large affordable family housing, it is not considered that this would result in an under-provision of units, it is considered that the proposal optimises the use of the site and the site would comfortably accommodate the proposed density in line with the relevant local, regional and national policies.

Affordable housing

10.49 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 3.11 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.

10.50 The issue of affordable housing and off-site provision is similarly dealt with in the Council's policies. Policy SP02 of the Core Strategy sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).

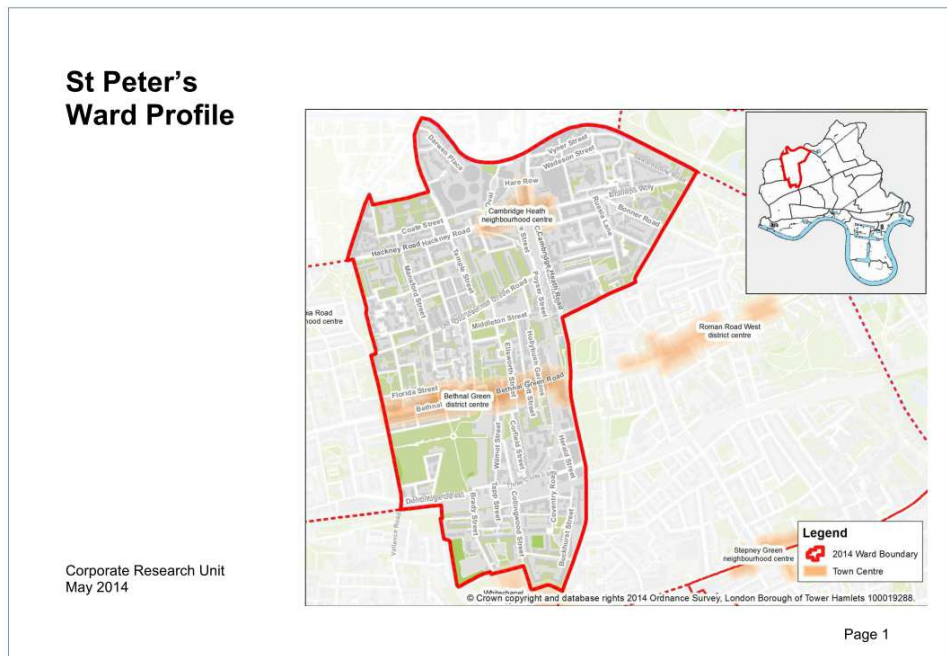
10.51 The application is for a 100% affordable development which substantially exceeds the minimum on-site requirement of 35% affordable as specified by the Core Strategy policy SP02 and would make a significant contribution towards the Council's overall strategic target for 50% of new homes across the borough to be affordable.

10.52 The application also follows the Council's preference to provide Affordable Rent homes significantly below the national level of maximum 80% of private rental levels. All of the units will be managed by Tower Hamlets Homes and rented at levels determined to be genuinely affordable to local residents at borough rent framework levels for the E1 area. The rent levels would be just above 50% of market rents inclusive of service charges. One and two-bed properties are capped at equivalent to 65% of private rent levels, the 3 and 4 bed units are capped at 45% of market rent levels. This fits with the Council's

approach to prioritise the larger family homes for social rent, or as in this case, as close as possible to social rent. Furthermore, development of a 100% Affordable Rent scheme at borough framework rents is also supported by the LBTH Housing Team.

Balanced and mixed communities

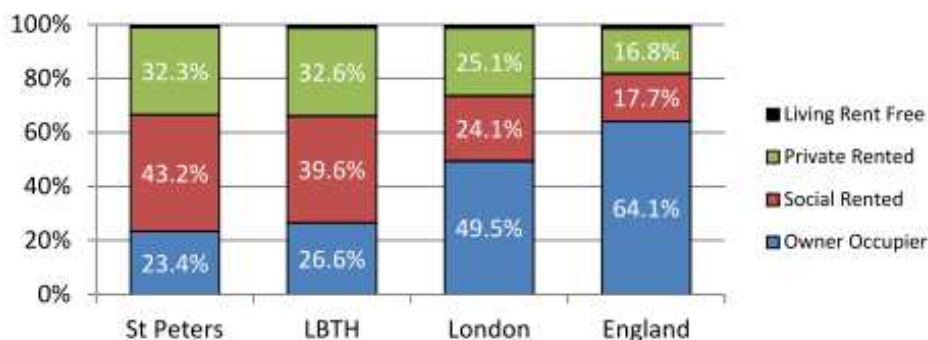
- 10.53 Policies 3.9 of the London Plan (2011); SP02 of the Core Strategy (2011) seek to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London’s population by tenure.
- 10.54 It is acknowledged that providing 100% affordable housing on this site would not represent a mix of tenures. An analysis of the socio-economic make-up of the area has been carried out.
- 10.55 As a visual aid, the maps below outline the areas that have been assessed



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

Housing Tenure¹

Figure 4: Tenure of households



(Source: Census 2011 QS405EW - Tenure – Households)

10.57 The table below sets out how the percentage of affordable housing will change in St Peter's ward as a result of this scheme:

Tenure	St Peters ward
Owner occupier	23.2%
Social/affordable rented	44.5%
Private rented	32.3%

10.58 The site is located within St Peters ward. Census data indicates approximately 7,326 households living in this ward. The existing amount of social/affordable rented occupiers is approximately 3,164. The addition of 53 affordable rented units would increase the number of affordable units by almost 1.3%. This is not therefore considered to significantly alter the level of social/affordable housing in the area.

10.59 The table below shows the level of overcrowding in St Peter's ward at 17%. This is greater than the borough average of 16%. The number of bedrooms required to overcome this overcrowding would be 4007. The introduction of 53 additional affordable rented units would help reduce overcrowding amongst households. It is not considered that this scheme would disproportionately affect the levels of social/affordable housing in the area when compared with the recent market housing that has been built. It is considered, that on balance, the scale of this development would not adversely affect the mix of the area, and would help address local problems of overcrowding.

Table 3: Occupancy ratings

Area	Overcrowded (-1 or less)		Required Bedrooms (0)		Under Occupied (+1 or more)	
	Count	%	Count	%	Count	%
St Peter's	1,227	17%	4,007	55%	2,092	29%
Tower Hamlets	16,605	16%	51,058	50%	33,594	33%
London	370,531	11%	1,282,883	39%	1,612,759	49%
England	1,024,473	5%	5,885,951	27%	15,152,944	69%

(Source: Census 2011 QS406EW - Household size)

- 10.60 In assessing this application Officers have sought to take a balanced view on this proposal. It is acknowledged that St Peters ward is an area with higher than average social/affordable housing, however overcrowding is also higher than average. Therefore, the proposed habitable rooms would provide much needed additional housing stock for those on the Council's waiting list. This is therefore, a significant benefit of the scheme which needs to be weighed against any concern arising from whether this is undermining the objectives of creating a mixed and balanced community.
- 10.61 It is officers' view that the scheme would be an example of an exceptional circumstance, whereby 100% affordable housing could be considered acceptable. The benefits of the scheme would be 53 units at affordable rent, of which 42% would be for family housing.

Housing mix and tenures

- 10.62 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.
- 10.63 The table below illustrates the proposed dwelling mix onsite

Unit size	Affordable Rented			Intermediate			Private Sale		
	Units	%	Target	Units	%	Target	Units	%	Target
Studio		0	0	0	0		0	0	0
1 bed	23	44	30%	0	0	25%	0	0	50%
2 bed	8	15	25%	0	0	50%	0	0	30%
3 bed	16	30	30%	0	0	25%	0	0	20%
4 bed	6	11	15%	00	0		0	0	
Total	53	100				0	0	0	

- 10.64 Policy SP02 of the Core Strategy (2010) stipulates that new housing development should make provision for 30% family sized accommodation (three bed plus), including 45% of new affordable rented homes to be for families. Policy DM3 of the MDD seeks to secure 45% family sized units within the affordable rented tenure. The proposal makes provision for 16 x 3 beds and 6x 4 bed units which equate to 42% of the overall number of units. Whilst the proposal does not secure 45% family housing, the proposed family units are of high quality providing general private amenity space to many of the larger units. In addition, the proposal provides 100% affordable housing. Therefore, on balance, the proposed dwelling mix is considered acceptable, particularly as the proposal exceeds the requirements for affordable housing

with all the units being affordable which helps tackle a significant shortage within the borough.

- 10.65 It is noted that this scheme is quite unique in its approach and would seek to deliver high quality social housing for households currently on the housing register, and in particular families who are currently living in overcrowded conditions. As already discussed this scheme also proposes the delivery of 6 large family wheelchair units.
- 10.66 Given the relatively small scale of the scheme this proposal is considered acceptable on balance and offers a range and good mix of housing types, sizes and tenures. The proposed mix and tenure is also supported by the Affordable Housing Team.

Standard of accommodation

- 10.67 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 Supplementary Planning Guidance.
- 10.68 All the units proposed are in line with the above policies, are generous in size and exceed the minimum space standards as set out in policy DM4 of the Managing Development. This is set out below.
- 10.69 The development would provide the following:
- A minimum floor to ceiling height to 2.5m
 - There is no north facing single aspect units proposed. The 10 single aspect units have access to good outlook
 - All upper floor units have private amenity space in the form of balconies and terraces with a roof top landscaped communal deck on block B & C.
 - All ground floor family units include private garden space.
 - Internal layouts have been designed to maximise daylight/sunlight levels throughout the day. 93% of units pass the BRE Guidance.
- 10.70 The applicant has undertaken an analysis of daylight to test the proposed new habitable rooms to the new proposed residential accommodation. The analysis has been done on the two lowest residential floors as these rooms receive the lowest level of daylight.
- 10.71 Daylighting to new rooms can be checked using Average Daylight Factor (ADF). The minimum ADF values are given as 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 10.72 Of the 83 windows tested, 6 fall below the recommended levels for Average Daylight Factor testing. Of the 6 windows which do not comply, 2 rooms are poorly lit. Given that there are so few failures and that the proposed room sizes of these two rooms are all in accordance with the London Plan policy standards, on balance the quality of the proposed residential dwellings are considered to be of a high standard.

- 10.73 Overall, the proposal would achieve good standard of residential accommodation which receive good daylight/sunlight levels, appropriate internal layouts and room sizes with good outlook. As such, it is considered that the proposal complies with policies SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seeks to protect amenity, by ensuring new developments receive acceptable levels of daylight and sunlight.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 10.74 Policy 3.8 of the London Plan and Policy SP02 of the LBTH 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.
- 10.75 All units are designed to meet lifetime homes standards. There are 6 ground floor wheelchair accessible units proposed in total. This amounts to 2 x four bedroom units in block A; 2 x four bedroom units in block B and 2 x three bedroom unit in block C. LBTH Housing Team confirmed that this is in line with the needs of families waiting for fully accessible housing on the Common Housing Register.
- 10.76 The six units would represent a total of 10% of the total provision of wheelchair accessible units which is welcome. Each designated wheelchair accessible dwelling has a car parking space 2400mm wide with a clear access way to one side of 1200mm. The scheme provides six disabled car parking bays in total (5 for the residential development and 1 for the community centre), which are all easily accessible from each residential block. In this regard, all entrances and doors front the public realm and are an appropriate distance to car parking for wheelchair accessibility (Housing SPG Standard 3.1).

Private and communal amenity space

- 10.77 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.
- 10.78 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. The policy requirement for private amenity space is 323sqm and the proposed provision amounts to 870sqm. All houses and flats proposed would have adequately sized private amenity spaces in the form of private gardens and balconies. All private spaces provided would meet and/or exceed the policy requirement.
- 10.79 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 93sqm is required for a development of 53 units. The proposal makes provision for 381sqm of communal amenity space. Access to the communal amenity space at roof top level would be restricted to the hours of 9am-9pm on any day. This is to ensure that surrounding residents do not suffer from undue noise level and loss of amenity. This would be secured by way of condition.

Child play space

- 10.80 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 on 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child.
- 10.81 Using the LBTH child yield calculations, the development is anticipated to yield 48 children and accordingly the policy sets an overall benchmark of 480sqm of child play space to be provided. Play space for children under 5 should be provided on-site while older children can reasonably use spaces off-site, within a short walking or cycling distance.
- 10.82 For the 0-5 year age group, a total of 180sqm would be required, for 5-10 year olds 175sqm would be required, and for 11-15 year olds 118sqm is required.
- 10.83 New play space equipment would be located between block B and Orion House. Divided into two sections, it would provide a total of 322.6sqm of child play space. This provision almost meets the amount (355sqm) required as set out in the London Plan, given the relatively small shortfall and the requirement for routes through the site this is considered to broadly accord with the London Plan, for children aged 0 to 10 years (DM4). The exact specification of the play space, regarding equipment and landscaping, would be dealt with by condition.
- 10.84 There is no provision on site for 11-15 year olds however the site is close to a number of green spaces, such as St Bartholmew Gardens (0.5ha) which is located approximately 10-15m from the edge of the site and would be accessible to older children. Officers acknowledge that the provision of play space of children ages 11+ years is often difficult to achieve on site due to existing urban density. A financial contribution of £31,500 would be secured in the legal agreement for the upgrading of existing childrens play area at St Barholmew Gardens.
- 10.85 On balance, the proposed new play space would be to the benefit to new residents in this age group, and it is accepted that this can be considered to be as such new provision. Therefore, the under provision of the older children's play space is considered, on balance, to be acceptable given the specific circumstances of this development.

Impact on the amenity of existing residents

- 10.86 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 regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

10.87 The nearest residential properties that may be affected by this proposal are the following nearby properties:

- 30-52 (even) Barnsley Street (located to the north of block A is a 4 storey building on Collingwood Estate, located approximately 4 metres away with no windows)
- Flats 1-4 (ground), 11-15(1st) & 21-25 (2nd), Dinnington House (located to the west of Block B are 4 storey garages which is 18 metres away to the east and a 3 storey building at Dinnington House 3 which is 19 metres away; and located to the north of Block C: To the north Dinnington House- 9.5 metres dual aspect)
- Flats 1-75 Orion House (located in the between the proposed blocks)

Daylight and sunlight

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

10.89 The primary method of assessment is through calculating the vertical sky component (VSC). This is a measure of daylight at the centre of a window and the BRE guidelines permit a reduction of up to 20% on the existing situation. BRE guidance also specifies the method for calculating sunlight levels. It states that where reductions in sun lighting occur this should be within 0.8 times its former value.

10.90 The NSL is a measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.

30-52 (evens) Barnsley Street

10.91 It can be seen that in terms of the upper maisonettes (arranged over 2nd & 3rd floors), reduction in VSC range from 8% to 18% thus not greater than the guidance of below 20% reduction (analysis without balcony as permissible in the BRE Guide). For the ground floor maisonettes, reduction in VSC range from 16% to 32% thus some are greater than the 20% target reduction. However, the average loss in terms of VSC for this lowest level maisonette is 24%, thus originally exceeding the 20% target (given this is a dense urban area and the 'target' criteria within the BRE Guide is more suburban based, this is not considered to be beyond acceptability. Equally, for the ground floor maisonettes, the average residual VSC in the proposed scenario is 22.4% which is again a reasonable VSC value for an urban area.

10.92 With reference to daylight distribution, all windows pass with the exception of 3 isolated rooms over the 20% reduction- however, these relate to bedrooms and the residential daylight distribution is still over 60% in the proposed scenario thus on balance, considered reasonable for an urban area.

1-15/27-53 Barnsley Street

- 10.93 The reductions in VSC range from 4% to 18% thus not greater than a target of 20% reduction the exception of 4 windows with VSC reductions of 23%-33% relating to the west block. Residential VSC in the proposed scenario are still just over a VSC of 20% thus again, considered reasonable for an urban locality.

Flats 1-4 (ground), 11-15(1st) & 21-25 (2nd), Dinnington House

- 10.94 The reductions in VSC range from 0% to 20% generally thus not greater than the guidance of below 20% reduction (analysis without balcony as permissible in the BRE Guide) with the exception of 4 ground floor windows with VSC reductions of 21-25% (thus only marginal above the guidance of below 20% reduction).

Flats 1-75 Orion House

- 10.95 The vast majority of VSC generally range from 3% to 20% thus not greater than the guidance of 20% reduction (analysis without balcony as permissible in the BRE Guide) with the exception of 8 windows with VSC reductions of 21-36%. However, the average loss in terms of VSC for this lowest floor of residential is 28%, thus close to the 20% target. Notwithstanding, all windows pass the Daylight Distribution test.
- 10.96 With the exception of a very small number of isolated windows, the vast majority of windows in the proposed scenario meet the BRE Guide target criteria. Those isolated windows that exceed the 20% target, do have in the main, reasonable daylight distribution residual levels in the proposed scenario for a dense urban locality.

Sunlight

- 10.97 The Guide recommends that windows facing within 90 degrees of south be assessed for sunlight. Where windows call to be assessed due to their orientation, the BRE Guide recommends that living rooms should have an availability of 25% of annual probable sunlight hours and with 5% available in the winter months.
- 10.98 In terms of sunlight, all the windows to the surrounding neighbouring windows assessed maintain levels of sunlight availability well in excess of BRE Guidelines recommendations (and in some instances circa double) and meet target criteria with the exception of just one window for APSH on the ground floor of Dinnington House which is very marginally below at 24% rather than the target 25%.

Overlooking and privacy

- 10.99 The separation distance from block B to Dinnington House is 19 metres and 18 metres from properties at Collingwood Street. The distance between windows block C and habitable windows to the 3 storey development at Dinnington House is approximately 9.5 metres. Officers acknowledge that this could reduce the privacy levels to existing residents at Dinnington House and would impact on three north facing units of the proposed units at block C.

- 10.100 It is acceptable that this development would introduce new buildings in this location. By virtue of the degree of physical separation distance between the existing and new properties and the careful layout of the blocks, Officers on balance are satisfied that the proposal would not result in unacceptable levels of overlooking or loss of privacy.
- 10.101 Given that Dinnington House is only 3 storey's in height and that the number of proposed units possibly affected would be low, on balance, it is considered that there would be no unduly detrimental demonstrable harm on neighbouring residents.

Noise and vibration

- 10.102 The applicant submitted a Noise Assessment report which has been reviewed by the Council's LBTH Environmental Protection Team.
- 10.103 The Environmental Health (EH) Officer advised that the report does address all of EH concerns; however, EH would want the scheme to meet BS 8233 the 'good', standard in all habitable rooms and amenity spaces. This would be secured by way of condition.
- 10.104 Local residents have expressed concern that the proposed community use could result in undue noise disturbance and promote anti-social behaviour to local residents. To ensure that this is not the case, Officers would restrict the hours of operation of the community facility to 9am to 9pm Sunday to Thursday and 9am-11pm on Friday and Saturday. In addition, a community centre management plan would be required. This would be secured by way of condition.
- 10.105 Access to the roof terrace area would also be restricted to 9am-9pm every day to ensure that future would not be exposed to undue noise disturbance and that their amenity would be protected.
- 10.106 It is considered that subject to appropriate conditions, the amenity of future occupiers would be safeguarded.

Transportation and access

- 10.107 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and 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.
- 10.108 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, including emphasis that the Council will promote car free developments in areas of good access to public transport.

- 10.109 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that development is properly integrated with the transport network and has 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.
- 10.110 The site has a PTAL rating of 6a which means it is highly accessible by public transport. It is also controlled parking zone (CPZ). There are four railway stations within a 960m (PTAL maximum walking distance) of the site. Bethnal Green National rail station is approximately 215m away (less than a 3 minute walk), Bethnal Green Underground station is 580m distant (a 7 minute walk) providing journeys on the central line and Whitechapel National Rail/Underground station is around 700m from the site (9 min walk).
- 10.111 There are also nine bus services operating within the walking thresholds of the site, providing frequent and reliable services to the surrounding area. The public transport provision, along with the secure and covered cycle parking within the site and car free development would encourage occupants to use an alternative mode to the private car.
- 10.112 The Transport Assessment concludes that, with reference to trip generation, the proposed residential development is predicted to generate 2 car movements during both the morning and evening peak hours and only 17 vehicles movements per day. It is clear that the impact would be negligible on the local highway network and that restricted car parking onsite is appropriate.
- 10.113 It is considered that there is adequate capacity on the footways fronting the site to accommodate pedestrian demands associated with the site.
- 10.114 Overall, Transport for London and LBTH Transportation & Highways Team support the principle of proposed development at this location.

Cycle Parking

- 10.115 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for various types of development.
- 10.116 The proposal makes provision for 84 secure cycle spaces for the residential element which will be provided at ground floor level within blocks A & B. For the Community Centre use, 4 spaces would be provided in addition to the 84 residents cycle spaces, in accordance with the Further Alterations to London Plan policy.
- 10.117 The applicant has confirmed that Sheffield style stands would be used for the storage of the bicycles. The Council's preferred option is the 'Sheffield' type stands rather than stacker or hanging types. 'Sheffield' type stands for the visitor parking would also be welcome provided these are placed within a shelter to offer some protection from the elements.

Car parking

- 10.118 Policy DM22 of the Managing Development Document to the parking standards set out in its appendix 2.
- 10.119 The proposal results in the loss of 15 car parking spaces as 35 of the existing 50 spaces are re-provided. In policy terms this loss is justified pursuant to sustainable transport objectives and appropriate in a high PTAL area such as this. A PTAL of 6a is also an appropriate justification for not providing additional car parking for future residents of the new development. These residents would also be prevented from holding a residents parking permit unless they qualify for the borough's permit transfer scheme.
- 10.120 To address objections received regarding the loss of car parking, the situation is as follows: Currently there are 50 existing car parking spaces, 49 are occupied and one is vacant. Of the 49 spaces, 39 are occupied by Tower Hamlets Homes (THH) residents and 10 are non THH residents.
- 10.121 The 10 non THH residents have been allocated spaces on the Bancroft Estate which has an excess of spaces.
- 10.122 Tower Hamlets Homes have identified 26 unallocated parking spaces elsewhere on the Collingwood Estate which would be provided to existing residents in the interim.
- 10.123 In terms of allocating the 35 new spaces, 6 spaces would be designated as accessible spaces for the proposed wheelchair accessible units and 1 accessible space would be allocated to the community centre. The remaining 29 would be for existing residents on the Collingwood Estate on a permanent basis. This means that 10 existing residents with parking spaces will lose their space.
- 10.124 39 residents would be eligible for 29 spaces and should all 39 residents wish to secure a new space, then the criteria would be based upon proximity of their home to the new spaces and proximity of their home to the existing space. The allocation of parking spaces based on proximity will be managed through the Car Parking Management Plan by condition. Pursuant to sustainable transport objectives no additional car parking has been identified to serve the new residents resulting from the proposed development, which is considered to be acceptable given the excellent public transport accessibility level.

Servicing and refuse requirements

- 10.125 Policy DM14 of the Managing Development Document sets out the Council's requirements for adequate waste storage facilities to be provided in all developments.
- 10.126 Refuse and recycling receptacles would be respectively provided for the houses within their private amenity area. A dedicated refuse storage area would be provided for the new residential and community hall. Full details of refuse storage and collection and servicing plan would be secured by condition.

10.127 In terms of servicing, it is not considered that this would significantly impact on the highway. The Transport Assessment has demonstrated that a large service vehicle can satisfactorily turn within the site. Notwithstanding, it is recommended that a delivery and servicing plan is secured by way of condition.

Sustainability, energy efficiency and climate change

10.128 At a national level, 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. 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 LBTH 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.

Energy

10.129 The London Plan sets out the Mayor's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

10.130 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO₂ emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.

10.131 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install energy systems in accordance with the following hierarchy:

- 1) Connect to existing heating or cooling networks.
- 2) Site wide CHP
- 3) Communal heating and cooling.

10.132 The applicant has submitted an additional energy report to respond to previous questions on the extension of the existing system and current capacity of the existing system.

10.133 The report concludes that delivering a new energy centre to serve only the new blocks would be the cheapest system to deliver, and also the cheapest for future residents of the blocks. create a new energy centre with CHP to serve only new units, however should it be financially viable the applicant will replace all existing boilers which serve the estate with a new large CHP energy centre.

10.134 In terms of planning policy It the more comprehensive approach is preferable in terms of policy 5.6 of the London Plan as this would have offered the potential to deliver benefits to the wider estate in upgrading the existing infrastructure.

10.135 However, as the applicant has set out that the most viable system is to deliver a CHP for the new blocks only, and that the existing system is not capable of

supplying the new units, then the proposals is considered to be broadly acceptable as it is delivering an energy system at the second level of the decentralised energy hierarchy as set out in London Plan Policy 5.6.

10.136 It is recommended that Conditions are attached to the permission to deliver:

- Details of a site wide CHP system served by a single energy centre housing 15.5kWth CHP engine. The energy system must be future proofed to connect to a wider scheme should one be available.
- The final specification of the PV to be submitted demonstrating a minimum of 110m² of PV panels with a peak output of >29kWp are delivered.

Sustainability

10.137 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a Code for Sustainable Homes Level 4 rating.

10.138 The residential uses are anticipated to achieve Code for Sustainable homes Level 4. This is supported and this should be secured via an appropriately worded Condition with the final certificates being submitted to the council within 6 months of occupation.

Contaminated Land

10.139 There is the potential that the land may contain contaminants and remediation work may be required before development can commence on the site. This would be secured by condition.

Health considerations

10.140 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. Policy SP03 of the Core Strategy (2010) seeks to deliver healthy and liveable neighbours that promote active and healthy lifestyles, and enhance people's wider health and well-being. 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.

10.141 A financial contribution would be secured for primary health care provision within the borough. In terms of healthy and active lifestyles, the proposed development would provide residential accommodation with good transport access and close to amenities such as local open space and indoor leisure provision in Bethnal Green area.

Section 106 and S111 Agreement

- 10.142 Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.
- 10.143 Policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.
- 10.144 The Planning Obligations Supplementary Planning Document sets out Tower Hamlets priorities for planning obligations and the types of development for which obligations may be sought. Where obligations take the form of financial contributions, the SPD sets out relevant formula that will be applied to calculate the contribution or whether the contribution will be negotiated on a case by case basis.
- 10.145 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. affordable housing, open space and public realm improvements).
- 10.146 The development viability of the scheme has been independently assessed. It is clear that the proposal cannot afford the full ask of the S106 in accordance with the Planning Obligations SPD. The Council's independent consultants have concluded that in this instance and taking into consideration the special nature of this proposal and the fact that it would yield a 100% affordable housing provision, the viability report is sound and the proposal can only afford £291,500. In terms of other heads set out in the Planning Obligations SPD, officers have recommended a distribution across the priority areas of Education, Community Facilities and Employment and Enterprise.
- 10.147 Further to the above, the applicant would also contribute the following amount which has been negotiated in line with the Council's adopted Planning Obligations Supplementary Planning Document (SPD) and was also reported to and agreed by the Chair of PCOP. The heads of terms are as follows:
- £210,894 towards education facilities
 - £41,388 towards health facilities
 - £1,888 towards employment and enterprise
 - £31,500 towards Open space
 - A monitoring fee of £5,830 which is 2% of the total figure has also been secured.
- 10.124 In addition the following non-financial obligations would be secured:
- Car free agreement
 - Local training, procurement and access to employment strategy (20% local goods and services procurement; 20% local employment during construction
 - 53 Affordable Rented Housing Units
 - Allocation of parking spaces

10.125 A monitoring fee of £5,830 which is 2% of the total figure has also been secured.

10.126 On balance given the unique circumstances of the application, it is considered that the proposed development would mitigate against the development in accordance with policies 8.2 of the London Plan (2011) and SP13 in the Core Strategy (2010) and the Councils SPD on seeking to negotiate planning obligations through their deliverance in kind or through financial contributions

Local financial considerations

10.127 Section 70(1) of the Town and Country Planning Act 1990 (as amended) and Provides that 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

10.128 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.

10.129 In this context “grants” might include the New Homes Bonus.

10.130 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

10.131 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 non-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.

10.132 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 £94,278 in the first year and a total payment of approximately £565,666 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the planning obligation contributions, and therefore this initiative does not affect the financial viability of the scheme.

10.133 Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would normally be payable. The estimated Community Infrastructure Levy for this development would be £17,815.

Human Rights Considerations

10.134 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.

10.135 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

10.136 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.

10.137 During the assessment of the application, Officers examined the impact that the building the community centre would have on the residents of Orion House. In determining the planning application, Officers had due regard to the provisions of the Human Rights Act 1998. Mitigation measures are proposed and would be secured by condition to mitigate against the adverse effects on residents such as:

- a condition requiring the submission of a management plan to the Council approval, and once compliance with the approved plans
- condition restricting the hours of access to the communal rooftop space
- a condition restricting the hours of use of the community centre

10.138 As such, Officers do not consider that the impacts that the building the centre would have on the residents of Orion House in contravention or violation of article 1 of the first protocol or of article 8 of the Convention. Notwithstanding, Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights are 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 interests.

10.139 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.

10.140 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with protected rights is justified. Officers have also taken into account the mitigations measures governed by planning conditions and the associated legal agreement to be entered into.

Equalities Impact Assessment

10.141 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

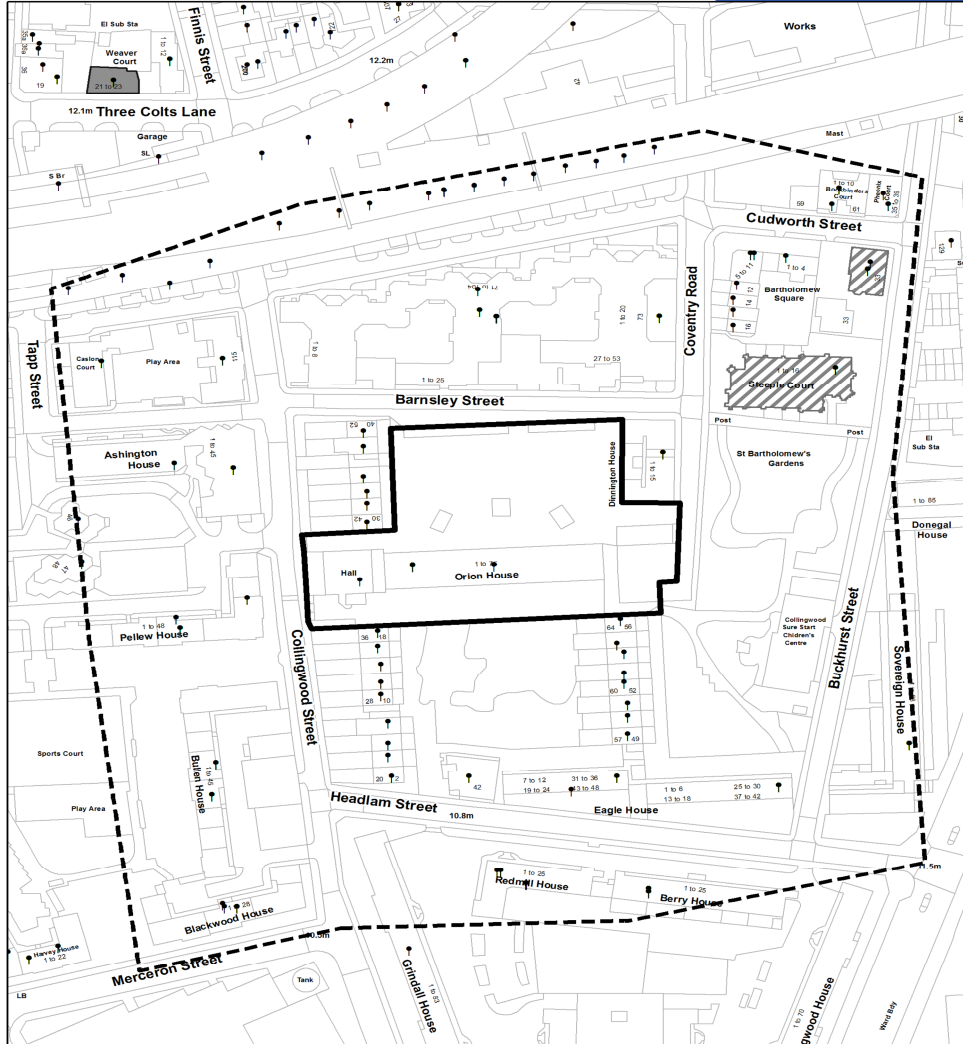
10.142 The proposed development would have a positive effect in terms of disability and other socio-economic indicators through the provision of social housing (including accessible housing and parking and larger family units) and community facilities. The community centre would be accessible to all and provision has been made for an accessible car parking space for the use of the centre. To this end the development will achieve equality of opportunity. No negative equalities impacts have been identified.

10.143 The contributions towards and the upgrading of the community centre and financial contributions towards education, health and employment would help mitigate the impact of real or perceived inequalities and would serve to support the local community of this development and promote social cohesion.

11. Conclusion

11.1 All other relevant policies and material considerations have been taken into account. Planning permission should be granted in accordance with the RECOMMENDATION section of this report.

Planning Application Site Map
PA/14/03196



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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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