

Committee: Strategic Development Committee	Date: 23 rd April 2015	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development & Renewal Case Officer: Nasser Farooq		Title: Planning Application for Decision Ref No: PA/14/01246 Ward: Canary Wharf	

1. APPLICATION DETAILS

Location: Former Enterprise Business Park, 2 Millharbour, London

Existing Use: Vacant Site.

Proposal: Full planning permission for the erection of seven mixed-use buildings—A, B1, B2, B3, C, D and E (a ‘link’ building situated between block B1 and D)—ranging in height from 8 to 42 storeys.

New buildings to comprise: 901 residential units (Class C3); 1,104 sqm (GIA) of ground-floor mixed-use (Use Class B1/ A1/ A2/ A3/ A4/ D1); a 1,049 sqm (GEA) ‘leisure box’ (Use Class D2); plant and storage accommodation, including a single basement to provide vehicle and cycle parking, servicing and plant areas; new vehicle and pedestrian accesses and new public amenity spaces and landscaping

Drawing and documents:

Drawings

T2_(10)P00 P1,
T2_(10)S01 P1,
T2_(10)S04 P1,
T2_(10)S06 P1,
T2_(10)S010 P2,
T2_(20)P01 P3,
T2_(20)P03-P04 P3,
T2_(20)P07 P3,
T2_(20)P09 P2,
T2_(20)P-1 P5,
T2_(20)P12 P2,
T2_(20)P15 P2,
T2_(20)P17-P18 P2,
T2_(20)P20 P3,
T2_(20)P22 P3,
T2_(20)P24 P3,
T2_(20)P26-P27 P3,
T2_(20)P29 P2,
T2_(20)P32-P33 P2,
T2_(20)P35 P2,
T2_(20)P38 P2,
T2_(20)P40 P2,
T2_(20)P42 P2,
T2_(20) S02 P3,
T2_(20) S04 P1,
T2_(20) S06 P1,
T2_(20) S08 P1,
T2_(20) S10 P2,
T2_A(20)DE01 P2,
T2_A(20)E02 P1,
T2_A(20)P01 P1,
T2_A(20)PXX_UI P2,
T2_A(70)D01_WC P1,
T2_B1(20) P01 P3,
T2_B1(20) P08 P3,
T2_B(20)DE01P2,
T2_B(20)E02 P3,
T2_B2(20)P00 P5,
T2_B2(20)P02-P07 P1,
T2_B2(20)P09 P1,
T2_B2(20)P15 P1,
T2_B2(20)P22 P1,
T2_B2(20)P24 P1,
T2_B3(70) D01_WC P1,
T2_C(20)E01 P1,
T2_C(20)E03 P1,
T2_C(20)P00 P2,
T2_C(20)P34 P1,
T2_(10)P100 P1,
T2_(10)S02 P1,
T2_(10)S05 P1,
T2_(10)S08 P1,
T2_(20)P00 P5,
T2_(20)P02 P3,
T2_(20)P05-P06 P3,
T2_(20)P08 P3,
T2_(20)P10 P2,
T2_(20)P11 P2,
T2_(20)P13-P14 P2,
T2_(20)P16 P2,
T2_(20)P19 P2,
T2_(20)P21 P3,
T2_(20)P23 P3,
T2_(20)P25 P3,
T2_(20)P28 P2,
T2_(20)P30-P31 P2,
T2_(20)P34 P2,
T2_(20)P36-37 P2,
T2_(20)P39 P2,
T2_(20)P41 P2,
T2_(20) S01 P3,
T2_(20) S03 P1,
T2_(20) S05 P3,
T2_(20) S07 P1,
T2_(20) S09 P2,
T2_(20) P100 P1,
T2_A(20)E01 P1,
T2_A(20)P00 P4,
T2_A(20)PXX_LS P1,
T2_A(20)PXX_US P1,
T2_B1(20) P00 P3,
T2_B1(20) P02-07 P3,
T2_B1(20) P09 P4,
T2_B(20)E01 P3
T2_B(20)E03 P3,
T2_B2(20)P01 P1,
T2_B2(20)P08 P1,
T2_B2(20)P10-14 P1,
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T2_B2(20)P23 P1,
T2_B2(20)P25 P1,
T2_C(20)DE01,
T2_C(20)E02 P1,
T2_C(20)E04 P1,
T2_C(20)P01 P1,
T2_C(20)P35 P1,

T2_C(20)P36 P1,	T2_C(20)PXX_1 P1,
T2_C(20)PXX_2,	T2_C(20)PXX_3,
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T2_D(20)E02 P1,	T2_D(20)E03 P1,
T2_D(20)E04 P1,	T2_D(20)P00 02,
T2_D(20)P01 P1,	T2_D(20)P02 P1,
T2_D(20)P39 P1,	T2_D(20)P40 P1,
T2_D(20)P41 P1,	T2_D(20)P42 P1,
T2_D(20)PXX_1 P1,	T2_D(20)PXX_1A,
T2_D(20)PXX_2 P1,	T2_D(20)PXX_2A,
T2_D(20)PXX_3 P1,	T2_D(20)PXX_INT
T2_D(20)PXX_INT3B P1,	D2165 L.200 D,
D2165 L.403 A,	D2165 L100 H,
D2165L.400 A,	D2165 L.402 A
and	D2165 L.401 A,

Documents

Design and Access Statement Incorporating a Statement of Community Involvement dated May 2014

Design and Access Statement Addendum dated September 2014

Design and Access Statement Addendum 2 dated February 2015

Design addendum dated August 2014

Energy Statement prepared by Hoare Lea revision A dated May 2014

Energy Statement addendum prepared by Hoare Lea dated September 2014

Environmental Statement Non-technical summary prepared by BWB dated May 2014 rev 02

Environmental Statement Non-technical summary addendum prepared by BWB dated September 2014 rev A

Environmental Statement Non-technical summary addendum prepared by BWB dated February 2015 rev 1

Sustainability Statement prepared by Hoare Lea revision 02 dated May 2014

Environmental Statement Volume 1 dated May 2014 rev A

Environmental Statement Addendum Volume 1 dated September 2014

Environmental Statement Volume 2 Technical Appendices dated May 2014

Environmental Statement Addendum Chapter 1 Daylight, Sunlight, Overshadowing, Light Pollution & Solar Glare prepared by BWB ref: LNS/2071/EIA/ES/VOL1/A

Environmental Statement Addendum prepared by BWB dated September 2014 rev A

Environmental Statement Addendum prepared by BWB dated February 2015 rev 1

Environmental Statement Chapter 17 Townscape, Heritage and Visual Impact Assessment Addendum dated September 2014 with minor corrections October 2014
 Environmental Statement Chapter 17 Townscape, Heritage and Visual Impact Assessment Addendum 2 dated October 2014
 Internal Daylight and Sunlight Report prepared by Waldrams dated 17th October 2014
 Financial Viability Assessment dated May and June 2014
 Geo-Environmental Assessment report Phase 1 prepared by BWB dated January 2013
 Geo-Environmental Assessment report Phase 2 prepared by BWB dated January 2014
 BWB response to FRR dated November 2014 (letter, tabulated response and appended information)
 Planning Statement dated May 2014
 Planning Statement Addendum dated September 2014
 Planning Design Addendum (including Open Space Provision Plan)
 Affordable Housing Statement dated May 2014
 Affordable Housing Statement Addendum September 2014
 Transport Assessment dated May 2014
 Transport Assessment Addendum dated September 2014
 Transport Statement Addendum February 2015
 Planning Design Addendum –Retention of Trees dated 31st March 2015
 Mix Changes March 2015

Applicant: GDL limited

Ownership: Applicant

Historic Building: None

Conservation Area: None

2.0 Background

2.1 This application was reported to the Strategic Development Committee on the 12th March 2015, with an Officers recommendation to **Grant** planning permission.

2.2 The committee resolved not to accept officer recommendation due to concerns over the following:

- Lack of affordable rent units and overprovision of intermediate housing.
- Lack of child play space.
- Lack of supporting amenities and community facilities.
- Density of the scheme.

2.3 Accordingly, the application was deferred to enable officers and the applicant an opportunity to address these concerns.

3.0 UPDATE FOLLOWING COMMITTEE

Issue 1- Housing Mix

- 3.1. At committee, members felt that 17% of the total number of units being allocated for rented accommodation was insufficient when considering 901 residential units. Concerns were also expressed over the affordability of the 22 intermediate, family size units.
- 3.2. In response to the first issue, it is advised that planning policy seeks affordable housing based on the number of habitable rooms rather than number of units. Theoretically, the number of overall units could be increased by turning family sized units into smaller units. However, this approach whilst satisfying the concerns over the number of units, would not necessarily lead to the best overall outcome, as the units would be smaller and less suitable for families.
- 3.3. In this instance, the application reported to committee proposed 35% affordable housing based on habitable rooms and as such, was considered policy compliant.
- 3.4. Notwithstanding this, the applicant following committee has sought to address the concerns raised by members by transferring some of the intermediate units over to the rented section. The allocation has been done using the existing floorplates, ensuring the design is largely as submitted. By making these changes the applicant has also sought to address the concern raised about the affordability of the intermediate family sized units.
- 3.5. Table 1 below shows the original scheme as presented to committee whilst Table 2 shows the subsequent change to address members concerns.

	Number of units	%	Habitable Rooms	%
Open Market	624	69	1593	65
Affordable rent	157	17	534	22
Intermediate	120	13	320	13
TOTAL	901	100	2447	100

Table 1: showing tenure mix presented to committee

	Number of units	%	Habitable Rooms	%
Open Market	624	69	1593	65
Affordable rent	176	20	594	24
Intermediate	101	11	258	11
TOTAL	901	100	2445	100

Table 2: showing amended tenure mix to address members concerns.

- 3.6. As members would note, the number of intermediate units has fallen in favour of rented units, and the overall split between the two has changed from 62.5:37.5 to 70:30 in favour of rented accommodation. The resulting tenure is in accordance with policy DM3 of the Managing Development Document (2013).
- 3.7. The following table provides the resulting house mix of units.

		affordable housing						market housing		
		Affordable rented			intermediate			private sale		
Unit size	Total units	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	76	0	0	0%	0	0	0%	76	12	0%
1 bed	350	74	42	30%	45	45	25%	231	37	50.00%
2 bed	304	35	20	25%	56	55	50%	213	34	30.00%
3 bed	165	61	35	30%	0	0	25%	104	17	20%
4 bed	6	6	3	15%	0	0		0	0	
5 bed	0	0	0	0%	0	0		0	0	
6 bed	0	0	0		0	0		0	0	
Total	901	176	100%	100%	101	100%	100%	624	100%	100%

Table 3: Showing resulting housing mix of units

- 3.8. It is noted that the revised mix, omits all the 22 family sized units within the intermediate housing, thus overcoming the concerns over the affordability of family sized intermediate units.
- 3.9. The benefits of the applicant response include:
- The proposal retains the 35% affordable housing
 - The mix of family sized rented units is improved with 6 four bedroom family sized units
 - The number of rented units overall has increased from 157 to 176 equating to 19.5% of the total units (up from 17%)
 - The affordable rented housing is now located within two buildings
 - The affordable rented family sized units have increased from 60 to 68

- 3.10. As a result of these changes the proposed intermediate units have now fallen from 120 to 101, and the 22 family sized units within the intermediate section have now been omitted from the scheme.
- 3.11. Whilst the original mix was considered acceptable, the revised mix further accords with policy in terms of the percentage split between intermediate and rented accommodation which is now 70:30 in favour of rented. As such, officers consider this to address the issues raised by members.

Issue 2-Provision of Child Play Space

- 3.12. Following the change to the housing mix, the child yield has also increased. The child yield using the LBTH calculations has gone from 240 to 245. The GLA child yield for the updated housing mix is 251 children.
- 3.13. Based on the LBTH yields, the proposal now requires 2447sqm of Child Play Space (2566sqm using GLA yields). Whilst both figures are provided, this report primarily assesses the Child Play Space in relation to the LBTH yields. This approach is supported by the GLA's Shaping Neighbourhoods, play and informal recreation supplementary planning guidance September 2012 which at paragraph 2.20 encourages local authorities to develop their own benchmarking standards. The paragraph reads:

2.20 It is recommended that boroughs develop benchmark standards in the context of their play and open space strategies, taking into account their local circumstances. The link between setting standards and local play strategies is essential, as the standards can be applied most effectively when boroughs have an understanding of the state of play and informal recreation provision in the area locally.

- 3.14. The breakdown in child allocation is as follows:
- 105 children who are between 0 to 3 requiring 1040sqm of space;
 - 94 children who are between 4 to 10 requiring 968sqm; and,
 - 44 children who are between 11 to 15 requiring 439sqm.
- 3.15. When the application was presented to committee on 12th March 2015, members were concerned over the under provision of child play space. Within that proposal there was a deficit of 444sqm of Child Play. When taking into account the revised yield the deficit increases by 47sqm to 491sqm.
- 3.16. Members were not also satisfied with the approach taken within the Urban Design Framework which sought to locate the majority of playspace from the three sites (Application site, Millharbour East and Millharbour West) within two pocket parks on the Millharbour East and Millharbour West sites.
- 3.17. In response to these concerns, the applicant has advised that the retail units located to the north of the development (within blocks B1, B2 and B3) share an access route with Millharbour West, and as such to an extent rely on that site coming forward in order to generate a level of footfall to sustain the units. As such, in re-considering the approach to child play space, the applicant has

sought to provide an additional 299.5 sqm of internal/external floorspace at the ground floor of block B2 and B3.

- 3.18. The applicant has indicated it could be used potentially as a free gyms/outdoor spaces that function for cross training, free style boxing and even adhoc obstacle courses as a form of play. The area would be managed by the applicant and is recommended to be secured within a planning condition.
- 3.19. The applicant has been informed that they would require planning permission to revert these units to retail in the event that the playspace at Millharbour West is off sufficient size to deliver its child play space requirement, plus the shortfall within this proposal.
- 3.20. With the change in child yield and provision of additional floorspace, the deficit of 491sqm of child play space has been reduced to 191.5sqm (just under 8% of the total requirement).
- 3.21. In addition, in reconsidering the approach to amenity the applicant has been able to increase the overall amount of communal amenity space to 1004sqm, which is 63sqm in excess of the required 941sqm.
- 3.22. Officers when considering the approach to amenity as a whole, consider the shortfall in playspace to be acceptable when considering the total overall quantum of playspace provided within the development, along with the level of communal amenity space and the overall approach to the public realm which seeks to free up as much of the public realm as possible.
- 3.23. In addition, it is noted that child play space is a single issue when considering the various benefits of the scheme such as, the regenerative benefits of developing a brownfield site, the provision of 901 residential units, the provision of 35% affordable housing, the creation of jobs during construction and occupation and the quantum and quality of public realm proposed. When considering the entire scheme the proposed shortfall and the overall level of playspace proposed within the application officers consider it insignificant to warrant a refusal of the application on this basis.

Issue 3- Lack of community facility

- 3.24. A further concern raised by members was over the lack of a community facility to cater for the increase in population arising from the development.
- 3.25. It is noted, that there is no policy requirement within the site allocation to require a community facility. However, in order to address the concerns raised by members officers have held discussions with colleagues from Communities, Localities and Culture (CLC), and the Third Sector Team on whether there is a need for further facilities which could be accommodated within the area.
- 3.26. CLC have revealed that they are responsible for providing leisure and Idea Store Facilities. However, these facilities and their locations have been

identified at Wood Wharf and Crossharbour (in the town centres in line with the Core Strategy and the Managing Development Document).

- 3.27. CLC have also advised that additional leisure capacity is being proposed at Poplar Baths and Tiller Leisure Centre (again in line with the Core Strategy, MDD and the relevant service strategy).
- 3.28. The financial contributions that were sought from developments prior to the adoption of LBTH CIL were pooled to deliver the capacity improvements at these strategically identified sites. As such, there is no requirement or desire from CLC to deliver a facility on the application site.
- 3.29. The Councils Third Sector team, have advised that there are a number of community organisations seeking premises within the borough and they would welcome the opportunity to allocate a use to this development.
- 3.30. In this case, the applicant has offered the 125sqm D1 facility located at the south of Block A for an initial three year period at peppercorn rent. This is to be secured within an additional non-financial obligation within the S106 agreement. The Councils obligation will be to seek expressions of interest for the space and to allocate it based on a plan which would include provisions of long term funding of the space.
- 3.31. Officers consider that this measure, subject to securing it within the s106 agreement would suitably address this concern raised by members.

Issue 4 - Density

- 3.32. Members raised concerns over the high density of the development which exceeds the London Plan density ranges.
- 3.33. Officers consider that a refusal of the application, based solely on it's density levels would be difficult to substantiate at appeal. Especially given the level of housing proposed, including 35% affordable homes and the regeneration of a vacant cleared site. Advice on the interpretation of density can be found in the London Housing Design Guide SPG which reads as follows:

“...the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone grappling with the thorny issue of density tends to go round in circles – moving between these two extreme positions.”

- 3.34. Factors which influence whether density can be acceptable include the following:
 - inadequate access to sunlight and daylight for proposed or neighbouring homes;
 - sub-standard dwellings (size and layouts);

- insufficient open space (private, communal and/or publicly accessible);
- unacceptable housing mix;
- unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
- unacceptable increase in traffic generation;
- detrimental impacts on local social and physical infrastructure; and,
- detrimental impacts on visual amenity, views or character of surrounding area.

3.35. In this case, officers have carefully considered the above issues and considered the proposal to be broadly compliant. The concerns raised by members relating to Child Play Space, unit mix and a lack of community facility are also considered to have been addressed within the latest amendments. As such, whilst density may be high within its context the resulting harm is not considered to be unduly detrimental for officers to consider recommending the application for refusal.

4.0 OTHER MATTERS

Retention of trees on highway

- 4.1. Whilst not raised by members as an issue, the loss of trees on the public highway was raised during the representations made at committee.
- 4.2. The applicant in reviewing the approach to the other issues has been able to amend the basement of the site at the south western corner, to enable two public highway trees to be retained. These are mature trees and their retention is supported by officers.

Adoption of LBTH CIL and Local Finance Matters

- 4.3. With the adoption of the LBTH CIL on 1st April 2015, the Council is unable to seek specific financial contributions towards items located on its Infrastructure list. These include contributions towards health, education, leisure and community facilities.
- 4.4. As such, along with the additional S106 obligation arising from the community use mentioned within section 3 of this report, the officer's recommendation to committee has been amended to omit the s106 contributions which no longer apply.
- 4.5. The Councils CIL liability for this scheme is expected to be in the region of £13,179,298.00.
- 4.6. As the CIL is pooled to collectively deliver infrastructure officers are no longer able to ring fence contributions for open space and community uses as requested by members at the committee of 12th March 2015.
- 4.7. For completeness the following table outlines the difference in financial considerations from the "S106 World" i.e the scheme as presented on 12th

March 2015, and the “CIL World” following the adoption of LBTH CIL in April 2015.

	S106 World	CIL World	Difference
S106	£ 7,664,425.00	£713,163.00	-£6,951,262
LBTH CIL		£13,179,298.00	+£ 13,179,298
Mayoral CIL	£2,369,731.00	£2,369,731.00	
Total	£10,034,156.00	£ 16,262,192.00	+ £ 6,228,036.00

5.0 RECOMMENDATION

5.1. As outlined, following the adoption of LBTH CIL, the recommendation has been updated to read as follows:

5.2. That the Committee resolve to GRANT planning permission subject to:

(A) Any direction by The London Mayor.

(B) The prior completion of a legal agreement to secure the following planning obligations:

Financial Obligations:

- a) A contribution of **£265,889.00** towards employment, skills, training and enterprise
- b) A contribution of **£433,290.00** towards Carbon Offsetting
- c) A contribution of **£13,984.00** (2%) of the total financial contributions would be secured towards monitoring

Total Contribution financial contributions **£713,163.00**

Non-financial contributions

- d) Delivery of 35% Affordable Housing comprising of 176 rented units and 101 Shared ownership units.
- e) Phasing Plan to ensure timely delivery of affordable housing
- f) Permit Free for future residents
- g) Feasibility Car clubs
- h) S278 agreement for highway works including: financial contribution for loss of trees, and their replacement and re-location of coach bays and TfLs docking stations
- i) Public Art
- j) Apprenticeships and work placements
- k) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- l) Public access retained for all public realm
- m) Implementation and monitoring of Travel Plan
- n) Delivery of public access route across site (2 and 3 Millharbour)
- o) T.V reception and Monitoring

- p) Delivery and allocation of a community building measuring 125sqm to a local community group for an initial 3 year period at peppercorn rent.
 - q) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 5.3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 5.4. In light of recent case law (Oxfordshire CC v Secretary of State for Communities and Local Government [2015] EWHC 186 (Admin)) which considered the ability of a local planning authority to request a contribution towards the cost of monitoring a s106 agreement, officers have considered the s106 monitoring fee requested for this development. In accordance with the Council's planning obligations SPD the monitoring fee has been calculated as 2% of the total contributions and the Court questioned this approach in the above case and whether this reflected the work that would be required in respect of the s106 agreement that was under consideration in that case.
- 5.5. In considering the planning obligations required to make this development acceptable in planning terms it is noted that this proposed development requires a complex s106 agreement and significant monitoring of the agreement will be necessary, along with officer time to ensure full compliance. For example, there is a need for the submission of an employment and training strategy and meetings will be held to work with the developer to achieve the employment and enterprise obligations. These obligations also require specific monitoring. The agreement also provides for the approval of travel plans. Therefore in this instance, the Council considers that the monitoring contribution is necessary and meets the tests set out in Regulation 122 of the CIL Regulations.
- 5.6. Should members be minded to refuse the application, based on the concerns raised at committee of 12th March, officers have drafted the following reason for refusal which is an amalgamation of the concerns raised.

1. The proposed development exhibits clear and demonstrable signs of overdevelopment which include:

a) A failure to provide the appropriate quantum and high quality child play space which, as a result, would not provide high quality residential accommodation.

b) A failure to provide an adequate level of affordable homes Accordingly, the proposal would fail to provide a sustainable form of development in accordance with the National Planning Policy Framework and would be contrary to the Development Plan, in particular policies 3.4, 3.5, 3.6, 7.4, 7.5, 7.6 and 7.7 of the London Plan (2011), policies SP02, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM24 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest

quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.

2. In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Sustainable Transport, Highways and Energy, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Planning Obligations SPD.

- 5.7. The second reason for refusal is suggested to cover the Council's position in the event the applicant chose to appeal against the decision to refuse planning permission.

6.0 IMPLICATIONS OF THE DECISIONS

- 6.1. Should members choose not to accept the officer recommendation, following the refusal of the applications the following options are open to the Applicant. These would include (though not be limited to):
- 6.2. The applicant could appeal the decisions and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”.

- 6.3. There are two financial implications arising from appeals against the Council's decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour”. Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122)
- 6.4. A future “call in” by the London Mayor or a future appeal should it be successful, might result in the developers being able to provide affordable rented housing at up to 80% of market rents across the site, as opposed to the current proposed offer at borough framework rented levels. Similarly, the developer may elect to either renegotiate planning obligations previously agreed or prepare a unilateral undertaking for a subsequent appeal which might well result in a lesser S.106 planning obligations package (both in terms of financial and non-financial obligations negotiated by your officers).

6.5. Whatever the outcome, your officers would seek to defend any appeal.

7.0 CONCLUSION

7.1 All relevant policies and considerations have been taken into account and officers recommend that planning permission should be **GRANTED**, subject to any direction from the Mayor of London.

8.0 APPENDICES

8.1 *Appendix One - Committee Report to Members on 12th March 2015*

8.2 *Appendix Two – Update Report to Members on 12th March 2015*