

Committee: Development	Date: 6 th August 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Shahara Ali-Hempstead	Ref No: PA/14/03660
	Ward: Bow East

1. **APPLICATION DETAILS**

Location: 219-221 Bow Road and 27-31 Payne Road, Bow, E3 2SJ

Existing Use: Vacant. Previously light industry, warehouse and a church.

Proposal: Demolition of existing buildings and erection of four blocks of four, five and six storeys to provide 89 dwellings together with ancillary parking and landscaping.

Drawings and documents: List of Plans:

PL 001, PL 002, PL 003, PL 004, PL 005, PL 006, PL 007,	PL_100 Rev B PL_101 Rev A, PL_102 Rev A, PL_103 Rev A, PL_104 Rev A, PL_105 Rev A, PL_106 Rev A, PL_107, PL_120 Rev A, PL_121 Rev A, PL_200 Rev A, PL_201 Rev A, PL_202 Rev A, PL_203 Rev A, PL_204 Rev A, PL_205 Rev A, PL_206 Rev A, PL_400 Rev A, PL_401 Rev A, PL_402 Rev A, PL_403 Rev A
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Documents:

3302 July 2015 Rev J (Summary Schedule of Accommodation)

Design And Access Statement December 2014

Daylight and Sunlight Report dated 19 December 2014

Flood Risk Statement, Report Ref. No S751-02 dated

December 2014
 Transport Assessment Report Ref. S751-01a dated December 2014
 Planning Statement prepared by Phase 2 Planning, Ref: Ref. C14072 dated December 2014
 Design Statement (Landscape) Ref:L0301 R01 B, dated November 2014
 Heritage Statement prepared by Heritage Collective, Ref: 14/1362 dated December 2014
 Archaeological Desk-Based Assessment, prepared by Heritage Collective Ref: 14/1362 dated December 2014
 Air Quality Assessment dated December 2014
 Code for Sustainable Homes Pre-Assessment Report Ref 22685.001 dated 18 December 2014
 Energy Strategy Report Ref 22685.001, dated 3 December 2014
 Arboricultural Impact Assessment, prepared by PJC Consultancy LTD Ref No: PJC/3569/14, dated 11 December 2014
 Construction Management Plan Ref. S751-03a dated December 2014
 Geo-environmental Desk Study, Prepared by Jomas Associates Ltd Ref P8760J438 dated May 2014
 Framework Travel Plan Ref S751-04A dated December 2014
 Noise Assessment dated 01 December 2014
 Phase 1 Habitat Survey, BREEAM Assessment, CFSH Assessment dated July 2014
 Servicing Management Plan, REF. S751-05A dated December 2014

Applicant: 219-221 Bow Road LLP and 27-31 Payne Road LLP
Ownership: 219-221 Bow Road LLP and 27-31 Payne Road LLP & Wayne Harris
Historic Building: Nos. 199 & 223 Bow Road adjoining Grade II listed St Mary Bow Church Grade II* listed
Conservation Area: Fairfield Road

2. EXECUTIVE SUMMARY

- 2.1 This report considers the particular circumstances of this application against the development plan policies in the London Plan 2015, Tower Hamlets Core Strategy 2010, the Council's Managing Development Document 2013, the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).
- 2.2 The application is for full planning permission to demolish the existing buildings on the site and to construct four new residential blocks between four and six storeys to provide 89 units. The proposals comprises three parts: Bow Road frontage (Block A), a courtyard pavilion (Block B) and a rear 'L' shaped block (Blocks C and D) fronting Grove Hall Park and Memorial Gardens.

- 2.3 The proposal involves the redevelopment of 'brownfield land' with the loss of employment floor space to create a residential development. This is considered acceptable in policy terms, given the size, location, accessibility and condition of the existing accommodation.
- 2.4 The development would be focussed around a central courtyard accommodating a play area for under-5 year olds and small urban gardens for the ground floor flats. All upper floor flats would have access to private balconies.
- 2.5 The scheme would provide a policy compliant mix of one, two, three and four bedroom homes with 35% affordable housing including intermediate housing.
- 2.6 There would be a policy complaint mix of 9 ground floor wheelchair accessible or wheelchair adaptable units:
- Block A – 1 x 4 bedroom 7 person (wheelchair accessible)
 - Block B – 1 x 3 bedroom 5 person) (wheelchair accessible)
 - Block C and D – 1 x 3 bedroom & 1 x 1 bedroom 2 person wheelchair accessible)
 - Block C and D – 2 x 3 bedroom 5 person; 2 x 2 bedroom 4 person and 1 x 2 bedroom 3 person (wheelchair adaptable)
- 2.7 This report explains that the proposal is considered acceptable in terms of height, scale, bulk, design and appearance, and would deliver good quality private and affordable homes in a sustainable location.
- 2.8 The proposed demolition of existing buildings would not harm the character and appearance of the Fairfield Road Conservation Area. The proposed residential redevelopment would preserve the character and appearance of the conservation area and the setting of the grade II listed building No. 223 Bow Road adjacent to the site.
- 2.9 The design has been developed to ensure the setting of the Grade II* listed St Mary Bow Church and the grade II listed Nos. 199 and 223 Bow Road would also be preserved. There would be no harm to any designated heritage asset and the proposed buildings would be in keeping with the scale of adjacent development currently under construction and other buildings within the local area.
- 2.10 The density of the scheme would be satisfactory and not result in significantly adverse impacts associated with overdevelopment with no undue detrimental impacts upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, privacy or increased sense of enclosure. The high quality of accommodation provided, with internal and external amenity spaces standards met, would provide an acceptable living environment for the future occupiers.
- 2.11 Transport matters including parking, access and servicing arrangements are acceptable.
- 2.12 Existing trees within Grove Hall Park would be protected during the proposed demolition and construction works.

3. RECOMMENDATION

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

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

Financial Obligations:

- (a) A contribution of £28,788 towards providing employment & training skills for local residents.
- (b) A monitoring fee in line with the emerging Planning Obligations SPD £3,000 contribution towards monitoring and implementation (based on a charge of £500 per principle clause).
- (c) £25,200 contribution to carbon offset projects (subject to status of the Planning and Energy Act 2008).

Total: £56,988

Non-Financial Obligations:

- (a) 35% affordable housing by habitable room comprising:
 - 65% affordable rent by habitable room
 - 35% intermediate by habitable room
- (b) Employment and Training Strategy including access to employment (20% Local Procurement and 20% Local Labour in Construction).
- (c) On-street parking permit free.
- (d) The funding of replacement trees in Grove Hall Park and Memorial Gardens should, within 5 years from the implementation of planning permission, any trees within Grove Hall Park and Memorial Gardens need to be removed, die or are seriously damaged as a result of the development).
- (e) Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following

B The following conditions and informatives:

3.4 Compliance conditions

- 1 Time limit 3 years.
- 2 Compliance with plans.
- 3 10% of the housing measured by habitable rooms shall either be wheelchair accessible or wheelchair adaptable and shall include 1 x 4 bed family rented unit that shall be wheelchair accessible.
- 4 Compliance with Energy and Sustainability Strategy.
- 5 Communal amenity space and child space accessible to all future residents of the development.
- 6 Cycle parking/storage to be provided and maintained
- 7 Refuse and recycling facilities to be implemented in accordance with approved plans.
- 8 Acoustic glazing and ventilation to comply with the submitted Air Quality and Noise Assessment.
- 9 Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
- 10 Impact piling limited to 10.00 am to 4.00 pm.

3.5 Prior to commencement

- 11 Demolition/Construction Environmental Management & Construction Logistics Plan.
- 12 Ground contamination – investigation and remediation.
- 13 Piling Method Statement.

3.6 Prior to above ground works commencement

- 14 Drainage details and mitigation of surface water run-off.
- 15 Details and samples of all facing materials including windows, balustrades and screening.
- 16 Section 278 agreement with Transport for London.
- 17 Gates across the vehicular access from Bow Road shall be remote controlled.
- 18 Landscaping to include boundary treatment, brown and green roofs, ecological enhancement/mitigation measures and external lighting.
- 19 Trees within Grove Hall Park to be protected during demolition and construction works in accordance with the submitted Arboricultural Impact Assessment.
- 20 Details of the specifications of the four wheelchair accessible units and the five wheelchair adaptable units.
- 21 Details of external plant and ventilation, including noise attenuation measures.
- 22 Historic England - Archaeological investigation.
- 23 Secured by Design accreditation.
- 24 Details of rooftop PV array.
- 25 Details of play equipment within the under 5s play space.

3.7 Prior to Occupation

- 26 Delivery, Servicing Plan and Waste Management Plan including refuse storage and collection.

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

3.9 Informatives

1. Associated section 106 agreement
2. Compliance with Building Regulations
3. Thames Water main crosses the site
4. TfL contact details

3.10 That, if within 3 months of the date of this committee the legal agreement referred to in paragraph 3.1 has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. SITE AND SURROUNDINGS

4.1 The application site comprises 0.33 hectare located within Bow East ward. It lies within the Fairfield Road Conservation Area designated in September 1989. It is situated to the north of Bow Road and south of the Council's Grove Hall Park and Memorial Gardens. To the east lie Payne Road and the A12 / Blackwall Tunnel Approach road. To the west are industrial warehouses and the grade II listed No. 199 Bow Road. Further south west in the centre of Bow Road is St Mary Bow Church and grounds grade II* listed. Adjoining the site to the east, No. 223 Bow

Road is also grade II listed. Nos. 199 and 223 Bow Road are late 17th or early 18th century and are relatively rare survivals of pre-Victorian Bow.

- 4.2 The site is occupied a series of 20th century 2 storey factory buildings in mixed use and character surrounding by areas of hard standing. The buildings comprise 3,575 sq. m. last used for commercial purposes comprising light industry, warehousing, religious purposes and some residential but are now vacant.
- 4.3 The buildings on site are a mix of brick construction with flat and pitched corrugated asbestos roofs, generally in very poor condition and detract from the character and appearance of Bow Road and the Fairfield Road Conservation Area. The frontage building contains an undercroft opening beneath the first floor that provides vehicular access into a court yard that serves the buildings at the rear. There are some 20 car parking spaces on site.
- 4.4 The site is a deep narrow broadly rectangular plot extending to the boundaries with Grove Hall Park and Memorial Gardens. Most surrounding plots are similarly deep with narrow frontages set close together.
- 4.5 Grove Hall Park is the most significant public open space in the area comprising a small part of the original preserved gardens of the Grove Hall Estate. The southern part of the gardens encompasses the grade II listed Bryant and May War Memorial, a slender white stone shaft topped with a cross. The gardens are setback behind Grove Hall Court, separating Ridgdale Street's back of terrace from the gardens and aligned with large mature trees subject to Tree Preservation Orders. Other trees in the Park and the Memorial Garden are protected by the conservation area designation.
- 4.6 The character of the surrounding area is mixed commercial industrial and creative arts (the Bow Arts Trust studios) fronting Bow Road interspersed by residential uses. Recent taller developments at Payne Road dominate this eastern part of Bow Road consisting of high rise residential buildings overlooking the A12 and the Bow fly-over.
- 4.7 Bow Road is a major route in and out of east and central London and part of the Transport for London Road Network (TLRN). The site has very good public transport accessibility PTAL 5. Bow Church DLR station is approximately 350 m. away and Bow Road Underground station is about 650 m. to the west. Bus routes Nos. 25, 8, D6, D8 and 309 serve the area travelling towards Central London, Stratford, Hackney and Fish Island.
- 4.4 There are no statutory or locally listed buildings within the site. The site lies within an archaeological priority area. The site is located within Flood Zone 1 i.e. 1 in 1,000 year annual probability of flooding (0.1%) and suitable for all types of development. The Council's records show that the site could suffer from ground contamination.

5. MATERIAL PLANNING HISTORY

- 5.1 The application site has no material planning history.
- 5.2 This eastern end of Bow Road has seen recent considerable change through regeneration and redevelopment that started with the development of the former Payne Road studios and the Bow Baptist church site to the east, which comprise 9 to 18 storey residential blocks.

- 5.3 The adjoining site to the west Nos. 213-217 Bow Road is currently being developed to provide residential apartments in two buildings including a 6-storey building on the Bow Road frontage (PA/13/00863). An application for a minor material amendment to alter the access and site's boundary with the subject application is currently being considered by officers at the time writing (PA/15/001594)
- 5.4 Nos. 207-211 Bow Road has recently been redeveloped by two 5-storey blocks of residential apartments (PA/11/03461).
- 5.5 The application proposals were subject to pre-application advice in 2014 (Ref. PF/14/00107). The scheme proposed demolition of the existing buildings and construction of a mix-used development comprising 102 residential units and approximately 250 sq. m. of commercial floor space. A 2nd reiteration proposed 100% residential. Key advice provided was:
- The scheme would provide opportunities for housing in accordance with policies SP02 of the Core Strategy 2010 and policy DM4 of the Managing Development Document 2013.
 - The site does not fall within a designated employment or local industrial area. Whilst the replacement of employment floor space by a 100% residential scheme could be supported in principle, Policy DM15 'Local job creation and investment' of the Managing Development Document 2013 will need to be addressed.
 - The scheme would benefit from the residential elements being orientated towards the Grove Hall Park. The redevelopment should also be dictated by the approved proposal on the adjacent site at Nos. 213-217 Bow Road. The scheme should include a well thought area for communal amenity space.
 - Core Strategy Policy SP02 seeks to create mixed and balanced communities and requires 35%-50% of homes on sites providing 10 new residential units or more to be affordable.
 - There should be mixed tenures that accord with Managing Development Document Policy DM3 'Delivering homes.'
 - Residential space standards should accord with the Mayor's Housing Design Guide, the minimum dwelling standards in Table 3.3 in the London Plan and Table 3 in the Council's Managing Development Document.
 - 10% of all units should be designed to be wheelchair accessible or easily adaptable for wheelchair users.
 - All units should have adequate provision of amenity space with child play space provided.
 - The scheme will be assessed against on whether it would preserve or enhance the character of the Conservation Area, impact on the setting of the listed buildings, impact upon protected trees and archaeology.
 - The proposals should not result in the loss of privacy, or enable an unreasonable level of overlooking or sense of enclosure with good sunlight and daylight maintained to adjoining property. Developments should not result in an unacceptable level of noise or vibration.
 - A development which promote sustainable modes of transport and reduces the need to travel by car would be supported. There should be no adverse impact on safety and road network capacity. Car and cycle parking standards should be met.
 - Policies on climate change and refuse storage should also be met.
- 5.6 The applicant was advised that the site was considered an acceptable location for a residential development and a formal submission was invited.

6. PROPOSAL

- 6.1 Application is made for full planning permission to demolish the existing warehouse buildings on the site and to construct four new residential blocks ranging between 4 and 6 storeys. The development comprises three parts: A Bow Road frontage (Block A – part 3 part 6 storey), a courtyard pavilion (Block B - 5 storey) and a rear 'L' shaped block facing Grove Hall Park and Memorial Gardens (Block C part 4 part 5 storeys and Block D - 6 storey).
- 6.2 The application is effectively Phase 2 of the permitted redevelopment scheme for Nos. 213-217 Bow Road adjoining to the west that is currently on site to provide two residential buildings including a 6-storey building on the Bow Road frontage (PA/13/00863). A current application Ref. PA/15/00594 seeks amendments to PA/13/00863) to link the common service areas with the current proposal at Nos. 219-221 Bow Road. This would provide a comprehensive solution to access, landscaping, refuse storage and amenity provision with a single vehicular access to Bow Road at Nos. 219-221 beneath Block A that would over sail at 1st floor level.

Figure 1 – Proposed Bow Road elevation



- 6.3 The scheme for Nos. 219-221 initially proposed 93 dwellings but has been revised to 89 residential units comprising:
- 40 x 1 bedroom
 - 31 x 2 bedroom
 - 17 x 3 bedroom
 - 1 x 4 bedroom
- 6.4 Block A has been amended to propose a part 3, part 5 and part 6 storey frontage to Bow Road. Block C has been amended to a part 3 and part 4 storey alongside Grove Hall Park and Block D has been reduced by a storey on the park side with a setback part 5 and part 6 storey block now proposed.

- 6.5 Calculated by habitable rooms 35% of the housing would be affordable.
- 6.6 There would be 9 ground floor wheelchair or wheelchair adaptable units:
- Block A – 1 x 4 bedroom 7 person (wheelchair accessible)
 - Block B – 1 x 3 bedroom 5 person)(wheelchair accessible)
 - Block C and D – 1 x 3 bedroom & 1 x 1 bedroom 2 person (wheelchair accessible)
 - Block C and D – 2 x 3 bedroom 5 person; 2 x 2 bedroom 4 person and 1 x 2 bedroom 3 person (wheelchair adaptable).
- 6.7 A new gated vehicular access would be provided from Bow Road with an existing loading bay relocated. Two parking spaces would be provided on site both reserved for disabled motorists.
- 6.8 All trees and shrubs within Grove Hall Park would be retained and protected during construction.

Figure 2 - Proposed view from the Memorial Garden



7. LEGAL AND POLICY FRAMEWORK

- 7.1 The Council in determining the planning application has the following main statutory duties to perform:
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
 - In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. (Section 66 (1) Planning (Listed Building and Conservation Areas) Act 1990);

- When considering the application special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Fairfield Road Conservation Area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

7.2 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:

National Planning Policy

7.3 National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

7.4 The London Plan 2015

- 2.9 Inner London
- 3.1 Ensuring equal life chances for all
- 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
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Community
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.14 Existing Housing
- 3.16 Protection and enhancement of social infrastructure
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing Traffic Flow and Tackling Congestion
- 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
- 7.8 Heritage and Archaeology
- 7.18 Protecting Local Open Space
- 7.19 Biodiversity and access to nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

7.5 **Tower Hamlets 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

7.6 **Tower Hamlets Managing Development Document 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
DM27 Heritage and the built environment
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

7.7 **Supplementary Planning Documents**

Revised draft *Planning Obligations Supplementary Planning Document* Version for public consultation April 2015
Fairfield Road Conservation Area Appraisal & Management Guidelines
The Mayor's Housing SPG 2012

7.8 **Tower Hamlets Community Plan objectives**

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

8. **CONSULTATION**

8.1 The following organisations and council departments have been consulted. 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 'Material planning

considerations' but where appropriate comment is made in response to specific issues raised by the consultation process.

- 8.2 Following the receipt of revised plans, reducing building heights and the number of residential units from 93 to 89, re-consultation has been undertaken.

External

Transport for London

- 8.3 No objection in principle. Details of the dimensions and construction of the vehicular access to Bow Road should be secured and agreed in a section 278 agreement with TfL. No objection to the gate across the vehicular access provided a 7.5 m. clearance is provided between the footway kerb and the gate with the gate remote controlled by users to minimise vehicle waiting for it to be opened. Content with the position of the loading bay on Bow Road.

(Officer comment: Appropriate conditions are recommended).

Primary Health Care Trust

- 8.4 No comments received.

Historic England Archaeology

- 8.5 Recommends a condition to secure an archaeological investigation.

(Officer comment: An appropriate condition is recommended).

Canal and River Trust

- 8.6 No objection. The development is set away 150 m. from the canal and towpath and with the A12 acting as a physical barrier is unlikely to have any direct impact on the canal.

Sport England

- 8.7 Does not wish to comment.

London Legacy Development Corporation

- 8.8 No comments received.

Environment Agency

- 8.9 No comments received.

London Fire and Emergency Planning Authority

- 8.10 No comments received.

Thames Water

- 8.11 No objection regarding water infrastructure. Recommends a condition requiring a Piling Method Statement and informatives regarding water pressure and a water main that crosses the site.

(Officer comment: An appropriate condition and informative are recommended).

Internal

Housing Development & Private Sector

- 8.12 The breakdown of the revised scheme is - Affordable Rent:- 28% one bed units against the Core Strategy target of 30%, 33% two bed units against target of 25%, 33% of three bed units against target of 30% and 6% four bed units against the target of 15%.
- 8.13 Intermediate - 20% one bed units against Core Strategy target of 25%, 50% two bed units against target of 50% and 30% three bed units against the target of 25%.
- 8.14 Private units:- 54% of one bed units against our Core Strategy target of 50%, 33% of two bed units against target of 30%, 13% of three bed units against the target of 20%.
- 8.15 The scheme would achieve 35% affordable housing by habitable rooms which is policy compliant. Of the affordable housing 39% would be affordable rented 3-bed plus family housing, which is slightly below the policy requirement of 45%.

Biodiversity Officer

- 8.16 The application site consists entirely of buildings and hard surfaces. The buildings are not suitable for roosting bats. There would be no adverse impacts on biodiversity.
- 8.17 MDD Policy DM11 requires major development to provide biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP). Several features within the proposals could contribute to LBAP targets, but insufficient information is currently available to be certain that these would contribute.
- 8.18 The Proposed Roof Plan indicates green roofs throughout the development. Biodiverse roofs would contribute to the LBAP target for new open mosaic habitats. The proposed landscaping includes tree planting and other vegetation at ground level. If there is a good diversity of nectar-rich flowers within the landscaping, it would contribute to the LBAP target to provide more forage for pollinating insects. A contributor to LBAP targets would be to provide bat boxes and nest boxes for birds.
- 8.19 Recommends a planning condition requiring full details of biodiversity enhancements to be submitted for written approval.

(Officer comment: Appropriate conditions are recommended).

Arboricultural Tree Officer - Parks and Open Spaces

- 8.20 The Arboricultural Method Statement is acceptable and the protection measures for trees in Grove Hall Park and Memorial Gardens are adequate. Concerned that the 2

main trees affected, T5 (Birch) and T8 (Ash), are quite large and close to the façade of Block C, and this might lead to pressure from residents for their pruning. T5 (Birch) is a mature specimen, and any pruning required for access for demolition and building may significantly reduce the tree's life. The tree however is nearing the end of its life and is not considered a reason to oppose the development.

- 8.21 Requests two replacement trees are planted further inside Grove Hall Park and Memorial Gardens to replace lost amenity from the current and any future pruning of T5 & T8.

(Officer comment: A head of agreement is recommended to require the funding of replacement trees in Grove Hall Park and Memorial Gardens should, within 5 years from the implementation of planning permission, any trees within Grove Hall Park and Memorial Gardens need to be removed, die or are seriously damaged as a result of the development).

Energy Efficiency Unit

- 8.22 MDD Policy DM29 sets a target of a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014, the Council has applied a 45% carbon reduction target beyond Building Regulations Part L 2013 as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L of the Building Regulations 2010.

- 8.23 The proposals follow the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures, high efficiency gas boilers and a PV array (57.5kWp).

- 8.24 Based on the current proposals there is a shortfall to MDD Policy DM29 requirements of 14% - approximately 14 tonnes of regulated CO2.

- 8.25 The Revised Draft Planning Obligations SPD public consultation version includes a mechanism for any shortfall in CO2 to be offset by a cash in lieu contribution for sustainability projects. This accords with London Plan 2015 Policy 5.2 (E) which states:

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

- 8.26 It is proposed the shortfall in CO2 emission reductions be offset through cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 recommended by the GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014.

- 8.27 It is recommended that £25,200 is sought for carbon offset projects as identified in the submitted Energy Statement:

(Officer comment: A head of agreement is recommended to secure the requested sum).

Transportation & Highways

- 8.28 Car Parking. The site scores PTAL 5 'Very Good.' The on-site car parking proposed comprises two spaces for Blue Badge holders in line with the borough's transport objectives. Any permission should be subject to a section 106 agreement prohibiting occupiers of the new residential units from obtaining on-street parking permits.
- 8.29 Cycle Parking. The proposed cycle parking is acceptable exceeding MDD requirements and would be distributed across the site, ensuring it is conveniently located for residents of the various blocks.
- 8.30 TfL matters. As highway authority for Bow Road, TfL have jurisdiction over the proposals to consolidate vehicle access points and servicing. TfL will advise on their suitability and what section 278 arrangements should be secured by any condition. Highways recommend the following conditions are applied to any permission:
- A Construction Management Plan to be approved prior to commencement of development
 - A Travel Plan approved prior to occupation of development
 - A Deliveries and Servicing Plan approved prior to occupation of development

(Officer comment: Appropriate conditions are recommended save it is not considered that a Travel Plan is necessary the development relying on public transport and bicycles).

Environmental Health - Noise and vibration

- 8.31 No comments received.

Environmental Health - Smell / Pollution

- 8.32 No comments received.

Environmental Health - Contaminated Land

- 8.33 Recommends condition to secure a site investigation to identify ground contamination and subsequent mitigation measures.

(Officer comment: Appropriate conditions are recommended).

Waste Management

- 8.34 Collection points, capacity requirements and vehicle swept paths are satisfactory.

Crime Prevention Officer

- 8.35 The vehicle entrance at Bow Road should not be set back beyond the building line. Any gate at this location needs to be full height, leaving no gaps. All boundary walls/railings need to be of 2.4 m. in height, especially at the rear. Metal non-climbable railings would be the best option. Basement is impossible to offer suitable comments as there is no detail on the drawing. The access to and from the basement space needs to be of PAS24 (doors) standard with suitable access/control for residents only.

(Officer comment: The front gates would be flush with the building line circa 7.5 m.

from Bow Road. This 7.5 m. clearance would satisfactorily accommodate any waiting car/transit van without encroaching onto Bow Road. There is no intention or need for setback gates. All boundary walls/railings would be 2.4 m. high. A brick wall is proposed for the boundary to Grove Hall Park and the Memorial Gardens. On design and privacy grounds this is considered preferable to railings. A condition is recommended to require the development to achieve Secured by Design accreditation).

Directorate of Children's Services

8.36 No comments received.

Communities, Localities & Culture – Strategy

8.37 Requested financial contributions based on the potential population and increased impact on local services. These requests were made prior to the introduction of the Council's CIL on 1st April and are no longer relevant as they fall within the borough's Regulation 123 list.

Enterprise & Employment

8.38 There is no submitted evidence that justifies the loss of commercial floor space. MDD Policy DM15 'Local job creation and investment' recommends that the applicant should provide marketing evidence which demonstrates that the site was marketed for a period no less than 12 months:

(Officer comment: This matter is addressed in 'Material Planning Considerations' below)

Corporate Access Officer

8.39 No comments received.

Education Development Team

8.40 No comments received.

Idea Stores

8.41 No comments received.

9. LOCAL REPRESENTATION

9.1 The application has been publicised by site notices and advertisement in East End Life. 380 neighbouring properties were individually notified and invited to comment. The Fairfield Conservation Area Residents Association was also consulted. All neighbours and the Fairfield Conservation Area Residents Association have been re-consulted on the revised plans.

No of individual responses:	9	Objecting:	8	Supporting:	1
No of petitions received:	1	(124 signatures objecting)			

9.2 The letter in support says the proposal would contribute to the vision for the area.

9.3 Material grounds of objection by neighbours may be summarised as:

- Warehouse character and working community lost
- Overlooking of adjoining property and the park with tranquillity lost
- Loss of natural light to adjoining property
- Excessive density and height
- Resultant increase in anti-social behaviour – noise, smells, traffic and pollution
- Increased pressure on local services – doctors, dentists, hospitals and schools
- Exacerbation of local parking difficulties
- Increased pressure on public transport
- Loss of light to the garden of Bow Baptist Church, 1 Payne Road

9.4 Commenting on the initial plans, a ward councillor says the proposal has made real efforts to improve the relationship with adjoining sites but is concerned that:

- 22% affordable housing is not policy compliant.
- Conflict with conservation area policy. Stacked heights bordering the park not in keeping and disruptive to the Memorial. Over massed and over dense.

(Officer comment: The affordable housing offer has been increased to 35% and the height of the proposed buildings reduced).

9.5 Following assessment of the application by officers and representations from the local community, revised plans have been submitted making the following amendments to the proposals:

- Block A has been amended to present a part 3, part 5 and part 6 street frontage.
- Block C has been amended to a part 3 and part 4 storey alongside Grove Hall Park. Block D has been reduced by a storey on the park side. A setback part 5 and part 6 storey block is now proposed with metal clad fin detailing removed.
- Number of residential units reduced to 89.

Fairfield Conservation Area Residents Association

9.6 Representations by the Fairfield Conservation Area Residents Association supported the petition that had been received. This has been updated to comment on the revised plans and the petition resubmitted with additional signatures. The Association's objections may be summarised as follows:

- The development will not preserve or enhance the character of the Fairfield Road Conservation Area.
- The cumulative effect of high-rise five storey development alongside that under construction is not sympathetic with the existing character of the area. The development should be limited to the height of the existing buildings or three storeys where it borders the park.
- The proposed distance from the boundary of between 1.5 metres and 2 metres is inappropriate as a buffer between the building and public park.
- Existing homes in Ridgdale Street/Baldock Street are set back from the park by private gardens or paved areas. No other properties bordering the park have balconies.
- Material risk that noise levels in the park caused by music/parties from the development will increase, destroying its tranquillity.
- The privacy of current residents will be significantly diminished by the amount

of windows and balconies that will allow a direct view into their properties-including the bedrooms and gardens.

- The buildings should be set back further from the boundary to provide a natural buffer between the development and the park in terms of noise/overlooking.
- The brick wall /fence separating the park from the development should be increased from a proposed median 1.8 m. height to 2.4 m.
- Residents of the development should not be able to directly access Grove Hall Park or the Memorial Gardens.
- The use of a loading bay on Bow Road is insufficient given the planned upgrade to Cycle Superhighway Route 2 and increased demand for buses. The developer should provide larger and more open vehicle site access for deliveries, not just refuse collection.
- The development should be subject to car-free arrangements.

10. MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by this application are:

1. Sustainable development
2. Land use
3. Heritage assets & design and appearance
4. Housing
5. Quality of accommodation & impact on neighbours
7. Highways & Transport
8. Energy
9. Contaminated Land
10. Flood Risk
11. Biodiversity & Ecology
12. Community Infrastructure Levy and Planning Obligations
13. Other Local Finance Considerations
14. Human Rights
15. Equality Act

Sustainable development

10.2 Local planning authorities must have regard to the National Planning Policy Framework (NPPF) and the related guidance in the National Planning Practice Guidance (NPPG) that set out the Government's objectives for planning and development management.

10.3 The NPPF Ministerial foreword and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean "*ensuring that better lives for ourselves don't mean worse lives for future generations.*" Development means growth. We must house a rising population. The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:

- *"Sustainable development is about change for the better.*
- *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
- *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*

- *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*

10.4 The NPPF Introduction page 2 paragraph 7 says achieving sustainable development involves three dimensions:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
- a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

10.5 NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.

10.6 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life. This includes widening the choice of high quality homes. (NPPF Paragraph 9).

10.7 Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development. This is reflected in the Core Strategy 2010 at Strategic Objective SO3 ‘Achieving wider sustainability.’ This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

Land Use

10.8 The proposed 89 residential units would involve the demolition buildings previously used as:

Offices	545 sq. m.
Light industry	2,176 sq. m.
Storage and distribution	607 sq. m.
Religion	448 sq. m.
Total	3,576 sq. m.

10.9 Other than the Fairfield Road Conservation Area, the site is unallocated on the Local Plan Adopted Policies Map. A cycle super highway is shown running along Bow Road.

10.10 NPPF Paragraph 22 (Economy) seeks to encourage alternative use of non-viable employment sites and states:

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no

reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

- 10.11 NPPF Paragraph 49 requires housing applications to be considered in the context of the presumption in favour of sustainable development. The development would provide much needed housing in a sustainable location that meets the relevant NPPF tests.
- 10.12 NPPF Paragraph 51 says local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
- 10.13 MDD Policy DM15 ‘Local Job Creation and Investment’ supports the upgrading and redevelopment of employment sites. This should not result in the loss of active and viable employment uses.
- 10.14 The site is previously developed land within a highly accessible/sustainable location (PTAL 5) and its redevelopment for housing would comply with London Plan Policy 3.3 ‘Increasing Housing Supply’ and help the Council meet its increased housing targets set by the London Plan.
- 10.15 The applicant has undertaken a commercial market overview of the site addressing its suitability for continued employment use in terms of location, financial viability, accessibility, size, and condition and market status. The report also reviews the site’s suitability for commercial redevelopment and advises:
- The existing buildings are poor quality in poor repair and are beyond their economic life expectancy.
 - The long and narrow access to a small rear yard provides inadequate service areas lacking access for HGV’s.
 - The constrained loading area resulted in parking on the TLRN which caused conflict and constrained day to day operations of the site. Difficulties would be exacerbated by the proposed cycle super highway.
 - The surrounding area is predominantly residential and continued employment use could cause loss of amenity to adjoining residents.
- 10.16 Officers concur with the applicant’s analysis. The area is reverting to a residential location following a number recently permitted housing schemes and this is the last remaining commercial site in the immediate area. The buildings and location are considered unsuitable for continued commercial use or redevelopment for such purposes.
- 10.17 Core Strategy place making policy SP12 identifies a vision for Bow and Bromley-by-Bow to be *“A prosperous neighbourhood set against the River Lea and Park and transformed A12”*. The vision for Bow places priority on improving local connections which would in turn help *“to create a place for families which reflects the quieter, more community based side of urban living.”*
- 10.18 No objection in principle is raised to redevelopment of the application site for residential purposes.

Heritage assets & design and appearance

- 10.19 Statutory tests for the assessment of planning applications affecting listed buildings or conservation areas are found in Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Section 66(1) relates to applications that affect a listed building or its setting. It requires the decision maker to: “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*”. Section 72(1) relates to applications affecting a conservation area. It states that “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”.
- 10.20 The NPPF is the key policy document at national level relevant to the assessment of individual planning applications. Chapters relevant to heritage, design and appearance are Chapter 7 ‘Requiring good design’ and Chapter 12 ‘Conserving and Enhancing the Historic Environment.’
- 10.21 Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness. Local planning authorities should have local design review arrangements in place, and applicants should evolve designs that take account of the views of the community.
- 10.22 Chapter 12 relates to the implications of a development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced with the benefits of a scheme.
- 10.23 In this case, the relevant designated heritage assets are the Fairfield Road Conservation Area, the adjoining grade II listed 2-storey No. 223 Bow Road and the nearby St Mary Bow Church Grade II* listed, the grade II Bryant and May War Memorial and No. 199 Bow Road. None of the buildings on the site are considered to make a positive contribution to the Conservation Area and no objection is seen to their demolition.
- 10.24 NPPF Paragraph 132 confirms that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Any harm or loss should require clear and convincing justification.
- 10.25 The effect of a development on heritage assets may be positive, neutral or harmful. Where a decision maker considers there is harm, the NPPF requires decision makers to distinguish between ‘Substantial’ or ‘Less than substantial’ harm. If a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset, the approach set out in paragraph 133 is to be followed, namely that consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 10.26 In order to amount to substantial harm to the significance of a heritage asset, there would have to be such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced.

10.27 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the approach set out in paragraph 134 should be followed:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

10.28 The London Plan 2015 addresses the principles of good design, and in appropriate locations, preserving or enhancing heritage assets. This includes Policy 7.4 ‘Local Character’ which requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to the character of a place to influence the future character of an area, and be informed by the surrounding historic environment. Policies 7.5 and 7.6 emphasise the provision of high quality public realm and architecture. Policy 7.8 requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

10.29 Tower Hamlets Core Strategy SP10 seeks to protect and enhance the borough’s heritage assets and to preserve or enhance the wider built heritage and historic environment. SP12 promotes a borough of well-designed places that retain and respect the features that contribute to each places heritage, character and local distinctiveness.

10.30 These principles are followed in the MDD and Policy DM24 ‘Place-sensitive design’ requires developments to be built to the highest quality standards, incorporating principles of good design. This includes being sensitive to and enhancing the local character and setting of a development, and use of high quality materials.

10.31 MDD Policy DM27 deals with ‘Heritage and the Historic Environment.’ Policy DM27 1 provides that:

“Development will be required to protect and enhance the borough’s heritage assets, their setting and their significance”

10.32 Policy DM27 2 says that development within a heritage asset should not adversely impact on character, fabric or identity. Scale, form, details and materials should be appropriate to the local context and should better reveal the significance of the heritage asset.

10.33 The Fairfield Road Conservation Area was designated in September 1989. The Council’s Fairfield Road Conservation Area and Management Guidelines identify the area as bounded by Fairfield Road and the railway to the west, Tredegar Road to the north, Wick Lane to the east and Bow Road to the south. The area contains locally listed terraces and features the historic and architectural merits of the Grade II listed Bryant and May complex and Bow Garage. It contains half the historic centre of Bromley by Bow and most importantly provides the setting for the Parish Church, St Mary Bow Church (Ecclesiastical grade B listed). Nos. 199 and 223 Bow Road (the latter adjoining the application site) are grade II listed circa late 17th or early 18th century and rare survivals of pre-Victorian Bow.

10.34 No. 223 Bow Road is 2-storeys in height and 2 bays wide. It has an early 19th century shop front with double hung sashes. The list description notes that it is an ‘interesting survival’. It is of architectural and historical value and survives as a considerably altered 17th century building adapted to incorporate a later shop front.

The settings of Nos. 199 and 223 have changed dramatically through the loss of a substantial amount of Grove Hall Park and the development of the adjoining factories. The setting of No. 223 has been compromised and considerably reduced but, along with No.199 and St Mary's Church forms an important triangle, in historical and architectural terms, along this much altered section of Bow Road.

- 10.35 The prevailing character of the Conservation Area is defined by its mixed character, with a strongly industrial feel bordering the railway and a more typically residential character to the south, east of Fairfield Road. The designated area presents a varied townscape, reflected in the widely differing ages and characteristics of its buildings.
- 10.36 The scale of buildings within the Conservation Area varies, particularly along Bow Road, where its commercial buildings range between 1–7 storeys. Beyond the Bow Road frontage, the rest of the Conservation Area is predominantly low rise, with the exception of the taller scales and larger building footprints of the industrial sites.
- 10.37 Grove Hall Park is the most significant public open space in the designated area. Located off Jebb Street and south of Ridgdale Street, the park is a preserved small part of the original gardens of the Grove Hall Estate. The southern part of the gardens encompasses the Grade II listed Bryant and May War Memorial. The island site of St Mary's Bow Church is enhanced by abundant tree planting circling the church site and enclosed within gothic railings.
- 10.38 The Management Guidelines identify the area as subject to considerable change. New development in and around the Conservation Area must be to an appropriate scale to reflect its character.

Assessment

- 10.39 Policy 3.4 of the London Plan requires development to optimise housing output taking account of local context and public transport capacity and availability. The development would result in a density of 748 habitable rooms per hectare which is a little above the 200 - 700 hrh advocated by the Sustainable residential quality density matrix for areas with PTALs 4-6 at Table 3.2 of the London Plan.
- 10.40 The proposed development is considered a high quality design for its context that draws on influences from both the residential and the industrial / warehouse buildings which characterise the conservation area. Currently the site detracts from the character and appearance of the designated area and does not contribute positively to the setting of the other nearby designated heritage assets.
- 10.41 Returning the site to residential use by a design which reflects both its industrial and residential past is considered a positive change which would re-establish a sense of place and identity along this part of Bow Road.
- 10.42 The scale of the development is considered appropriate to the surroundings. The design and brick facings of the facades would reference surrounding development, including the neighbouring development at Nos. 213-217 Bow Road (currently under construction) and integrate well with the surroundings on Bow Road. Whilst the setting of adjoining No. 223 would be altered with a taller building alongside, it is considered this would not be harmful to the designated heritage asset.
- 10.43 Blocks C and D overlooking Grove Hall Park and the Memorial Gardens would be set back away from the north western park boundary by some 1.5 m. and 2.5 m. to reduce the impact on the green space with varied heights that have been lowered

since the original submission.

- 10.44 The new development would not harm or cause a loss of the significance to the grade II War Memorial. The setting of the Memorial is primarily contained within the remains of Grove Hall Park, from where it is best appreciated, but the general improvements as a result of the development would enhance the wider setting.
- 10.45 The development would enliven this part of Bow Road and as a result would preserve and positively influence the setting of St Mary's Bow Church and draw it back in with its surroundings and help re-establish a visual link between the church and neighbouring development with no resultant harm or loss of significance. The setting of No. 199 Bow Road would also be preserved.
- 10.46 It is considered that the development would result in a substantial improvement to the character and appearance of the Fairfield Road Conservation Area that would be both preserved and enhanced without harm to designated heritage assets.

Housing

- 10.47 Increased housing supply is a fundamental policy objective at local, regional and national levels. A key component of housing supply is the provision of affordable housing. London Plan Policy 3.12 requires that the maximum reasonable amount of affordable housing be sought when negotiating on residential schemes. This should have regard to affordable housing targets, the need to encourage rather than restrain residential development, the size and type of affordable units needed to meet local needs, and site specific circumstances including development viability.
- 10.48 Policy SP02 of the Core Strategy 2010 states that new housing development should provide a mix of unit sizes where appropriate and include a substantial proportion of family dwellings. MDD Policy DM3 'Delivering Homes' promotes housing choice and requires development to provide a balance of family housing (3 beds +) in the social rented, intermediate and private sales components at 45%, 25% and 20% respectively.
- 10.49 Core Strategy Policy SP02 sets out the borough's affordable housing targets that 35-50% of homes should be affordable housing subject to viability. The Local Plan targeted tenure split within the affordable component is 70:30 (affordable rented: intermediate). This is reflected at MDD Policy DM3 which also sets out the requirement for maximising delivery of on-site affordable housing.
- 10.50 The application was initially supported by a financial viability appraisal prepared by BNP Paribas. The results of the analysis indicated that 23% affordable housing could viably be provided on the basis that the Borough CIL would be applicable at the date of grant of permission.
- 10.51 The appraisal was independently assessed by the Council's viability consultants, GVA who concluded that the development could provide up to 50% affordable housing on a habitable room basis.
- 10.52 The application has been subsequently amended by reductions in height of the buildings and alterations to the internal layouts with 89 units now proposed. The revised plans were accompanied with the provision of 35% affordable calculated by habitable rooms broken down as 65% affordable rented and 35% intermediate housing.

10.53 The revised affordable housing provision has again been reviewed by GVA for the Council. GVA conclude that based on achieving a 20% profit of GDV on private units and a 6% profit of GDV on affordable units, the scheme cannot afford to provide any additional affordable housing. The provision of 35% affordable housing by habitable rooms is considered to be the maximum reasonable amount, which is compliant with Core Strategy Policy SP02 and therefore satisfactory.

Figure 3 - Proposed dwelling mix

Unit size	Total units in scheme	affordable housing						market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0		0%	0%		0%	0%		0%	0%
1 bedroom	40	5	28%	30%	2	20%	25.0%	33	54%	50.0%
2 bedroom	31	6	33%	25%	5	50%	50.0%	20	33%	30.0%
3 bedroom	17	6	33%	30%	3	30%	25%	8	13%	20%
4 bedroom	1	1	6%	15%		0%			0%	
5 bedroom	0		0%	0%		0%			0%	
6 bedroom	0		0%			0%			0%	
TOTAL	89	18	100%	100%	10	100%	100%	61	100%	100%

10.54 The tenure split within the affordable housing would be 65% affordable rent and 35% intermediate measured by habitable rooms. This falls between the Council's Core Strategy target of 70:30 and the London Plan 2015 target of 60:40 and is considered acceptable.

10.55 Core Strategy Policy SP02 and MDD DM3 and the Mayor's Accessible London SPG require that 10% of all units are designed to be wheelchair accessible or easily adaptable for wheelchair users. Policy DM3 advises that this can be measured as 10% of habitable rooms.

10.56 The development would be policy complaint proposing 10% wheelchair or wheelchair adaptable units:

- Block A – 1 x 4 bedroom 7 person (wheelchair accessible)
- Block B – 1 x 3 bedroom 5 person) (wheelchair accessible)
- Block C and D – 1 x 3 bedroom & 1 x 1 bedroom 2 person wheelchair accessible)
- Block C and D – 2 x 3 bedroom 5 person; 2 x 2 bedroom 4 person and 1 x 2 bedroom 3 person (wheelchair adaptable)

Quality of accommodation & impact on neighbours

10.57 London Plan 2015 Policy 3.5 requires housing developments to be of the highest quality internally and externally. Local Plans should incorporate minimum spaces standards that generally conform with Table 3.3. Designs should take account of factors relating to ‘arrival’ at the building and the ‘home as a place of retreat’, with adequately sized rooms and convenient and efficient room layouts. Guidance on these issues is provided by the Mayor’s ‘Housing’ SPG 2012.

Housing standards

10.58 MDD Policy DM4 ‘Housing Standards and Amenity Space’ requires all new developments to meet the internal space standards set out in the document. All the units meet, and in the majority of cases exceed, minimum space standards set out in the London Plan, Policy DM4 of the Council’s MDD and the Mayor’s Housing SPG. Individual room sizes would also meet standards.

Amenity space

10.59 The London Plan and the MDD also require private amenity space to be provided at 5 sq. m. per 2-person dwelling and an extra 1 sq. m. per additional bedroom. Communal amenity space should be provided at a minimum of 50 sq. m. for the first 10 dwellings and 1 sq. m. for every additional unit. Child play space should be provided at 10 sq. m. per child. The proposed flats would all be provided with private amenity space in the form of balconies, which exceed the minimum standard requirements. Policy also requires 592 sq. m of private amenity space compared with 865 sq. m provided (273 sq. m surplus). In addition, a communal amenity space of 133 sq. m. is required compared with 150 sq. m. of provision, which exceeds minimum standards.

10.60 It is estimated that the development with 35% affordable housing would yield 29 children requiring 20 sq. m. of play space on site. The proposal provides 290 sq. m. of play space on site as illustrated by the applicant’s Landscape Strategy.

Figure 4 – Child Yield – Play space

	Total	Under 5 (Pro-Rata)	5 - 10 (Pro-Rata)	11 - 15 (Pro-Rata)
Child Yield	29	13	10	6
Child Play space Policy Requirement (sq. m.)	290	130	100	60

Dual / Single aspect dwellings

10.61 The Mayor’s ‘Housing’ SPG Standard 5.2.1 says developments should avoid single aspect dwellings that are north facing, exposed to noise levels above which significant adverse effects on health and quality of life occur, or contain three or more bedrooms. The SPG adds that: *‘Where possible the provision of dual aspect dwellings should be maximised in a development proposal.’*

10.62 There would be 29 x 1 bedroom and 5 x 2 bedroom single aspect units in the scheme (38%). This is due in part to the site’s narrow width but deep nature. The scheme would be consistent with the form of development at Nos. 207-211 Bow Road, Nos.

213-217 Bow Road and the Payne Road Studios site which each have a proportion of single aspect units.

- 10.63 The Applicant's Air Quality and Noise Assessment demonstrate that all flats would be provided with adequate ventilation. These details are subject to a recommended condition. The SPD states that *'North facing single aspect dwellings should be avoided wherever possible.'* *'North facing'* is defined as an orientation less than 45 degrees either side of due north. 22 of the 34 single aspect units would face northwest onto Grove Hall Park but would be provided with a very positive high quality view and orientation that would enhance the amenity of these units significantly. The remaining units would face the internal communal amenity space which again would be a positive high quality view and orientation enhancing their amenity.
- 10.64 The SPG adds *'Where limited numbers of rooms are required, the frontage is generous, the plan is shallow, and the orientation is favourable, good single aspect one and two bedroom homes are possible.'* There would be 29 x 1 bed and 5 x 2 bed single aspect units. These units all pass internal daylight standards (see below). Principal rooms such as living, dining kitchen and bedrooms would be located adjoining the Grove Hall Park boundary or internal communal amenity space, the frontages of these units are generous and a shallow plan is proposed.
- 10.65 Taking the above matters into consideration, it is considered that the development would be compliant with the Mayor's SPG in terms of aspect.

Sunlight and daylight

- 10.66 Core Strategy Policy SP10 'Creating Distinct and Durable Places' & MDD Policy DM25 'Amenity' require development to protect the amenity of adjoining development and provide satisfactory conditions for future occupants. This includes provision of adequate levels of daylight and sunlight.
- 10.67 The original application was supported by a Daylight and Sunlight Assessment by GL Hearn that assessed the impact of, and conditions within, the proposed development against the guidance provided by the Building Research Establishment (BRE). The BRE Guidebook is accepted by the industry as best practice. The submitted assessment was reviewed for the Council by the BRE that reached the following conclusions on the impact to neighbouring properties:
- Nos. 207-211 Bow Road - minor adverse for one room, but negligible for the remainder.
 - Nos. 213-217 Bow Road - minor adverse.
 - No. 1 Payne Road – minor adverse.
 - Nos. 76-79 Payne Road Blocks C and D – moderate to major adverse, but building C (at Nos. 76-79 Payne Road) stands close to the boundary and is dependent upon light across the application site.
 - Nos. 61-69 Baldock Street – minor adverse for four locations, but largely negligible.
 - Impact on neighbouring open spaces - negligible.
- 10.68 With regard to conditions within the new development the BRE advised:

"We would disagree with GL Hearn's general conclusion that the proposed flats would receive adequate light when assessed specifically against the guidelines in the BRE Report. The BRE Report references minimum values contained in

BS 8206 part 2 for daylight and sunlight and a significant number of proposed habitable rooms do not achieve these minimum values. We counted 71 out of 267 rooms in the table data failing to achieve the recommended minimum average daylight factor. Two rooms were missing from the table data.”

10.69 With regard to sunlight within the rooms within the development the BRE advised:

“Sunlight provision to all windows in the proposed development should have been taken into account rather than just those facing within 90° of due south. We counted 93 main living rooms in the development. Of these, 33 of the 56 living rooms analysed by GL Hearn achieved the recommendations for both annual probable sunlight hours and winter sunlight hours and 23 failed to achieve them. In addition, 36 living rooms with windows solely facing north west or north east which were not analysed would have a reduced expectation of sunlight. One south east facing room was missing from the table data.”

10.70 With regard to the amount of sunlight reaching the amenity spaces within the development the BRE advised:

“Two of the eight proposed amenity spaces analysed achieve the recommended amount of sunlight on 21 March. The other spaces would receive less sunlight, with between 0% and 43% of their respective areas receiving at least two hours of direct sunlight on March 21, compared to the recommended 50%.”

10.71 The position between the two consultants regarding the proposed development's impact on surrounding buildings may be summarised as.

- Five surrounding locations have been assessed and at four locations the majority of rooms, if not all, comply with the BRE daylight and sunlight amenity guidance.
- At Nos. 76-79 Payne Road. Blocks C & D rely on light across the application site and fail the BRE tests. These buildings are “bad neighbours” due to their reliance on light over the application site.
- The living / kitchen / diners in Block C, 76-79 Payne Road, would all maintain daylight distribution to over 69% of their areas as they are dual aspect.
- In Block D, 76-79 Payne Road, the depth of the living / kitchen / diners means they are susceptible to daylight distribution modification but amenity would be maintained within the living areas adjacent to the windows. Conditions in the rooms are adversely affected due to overhanging balconies and already fail BRE guidance receiving VSCs of less than 20%.
- The BRE advises that conditions should be considered against other site constraints, as natural lighting is only one of many factors in site layout design.

10.72 Officers agree that the two blocks at Nos. 76-79 Payne Road are bad neighbours and on balance consider that the degree of harm would not be of sufficient significance to outweigh the benefits of the new housing which the proposals would provide.

10.73 With regard to daylight conditions within the rooms of the development, whilst there are a number of failures against BRE guidelines, the majority of the rooms comply with guidance and are consistent with levels within neighbouring properties in this urban location. Where there are failures, the BRE advises that there may be other factors such as balcony amenity which provide mitigation.

- 10.74 With regard to sunlight conditions within the rooms of the development, the majority of rooms that would not face north would exceed guidelines. The rooms which do not receive the recommended amount of sunlight are generally underneath balconies, which reduce the ability of the window to receive sunlight by blocking off the higher part of the sky. The north-west facing rooms would obviously not receive the recommended amount of sunlight but many would benefit from balcony amenity with good aspect overlooking Grove Hall Park, which could be considered sufficient mitigation.
- 10.75 The overshadowing of the amenity spaces within Nos. 213-217 Bow Road would not alter existing sunlight values. The largest amenity area in front of proposed Blocks C & D would achieve BRE guidelines. The area between Block A and Block B would also be well supplied with sunlight at 100%. Where other outdoor space would be overshadowed, the difficulties arise due to the depth of the plot and the requirement to optimise the amount of development. Nevertheless, although these areas would not be suited for children's play, they would provide a valuable amenity in this urban location.
- 10.76 The reduction in height of the buildings will have improved conditions of natural light throughout much of the development above the original assessments. On balance officers consider the scheme would provide adequate levels of daylight and sunlight consistent with its location.

Privacy

- 10.77 MDD Policy DM25 stipulates that a distance of 18 m. between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people. The proposal would fail to achieve a separation distance of 18 m. to the consented residential blocks adjoining at Nos. 213-217 Bow Road in all locations. There would also be some conflict between stairwells & access corridors vis-a-vis existing buildings in Payne Road and Taylor Place (the former Payne Road Studios). The worst cases would be: Proposed Block B- existing to Nos. 213-217 Bow Road 9.86 m. Block B to Payne Road Studios 13.15 m. and Block D to existing Taylor Place 8.0 m. 15 m.
- 10.78 However, where there would be a shortfall in the recommended separation distance this would be mitigated by the introduction of directional fins in front of windows to direct views away from primary aspect windows of adjacent buildings to provide the desired privacy. Obscured glazing for staircases and secondary aspect windows within the proposal would also avoid any direct overlooking to adjacent habitable rooms. Separation to neighbouring development across the Grove Hall Park in Ridgdale & Baldock Streets would far exceed the separation standard.

Noise and disturbance

- 10.79 MDD Policy DM25 also stipulates that there should not be unacceptable levels of noise or vibration. The developer has undertaken an environmental noise survey at the application site. Daytime and night-time sample noise levels were monitored on 10th & 11th June 2014. The assessment indicates that the windows on the elevations facing Bow Road/Blackwall Tunnel Approach would achieve the required acoustic performance with closed acoustic glazing as specified in the mitigation section of the report. Other façades of Blocks B/D would also require a combination of acoustic and thermal double glazing as specified in the mitigation section of the report. If the occupiers of the proposed dwellings wish to keep windows closed to attenuate external noise levels, an additional means of ventilation (e.g. passive through the wall

ventilation) would be required for those proposed elevations that have unobstructed view of the above mentioned roads. With mitigation, the development would be consistent with Core Strategy Policy SP10 & MDD Policy DM25.

Air quality

- 10.80 London Plan Policy 7.14 'Improving Air Quality' and MDD Policy DM9 'Improving Air Quality' requires major development to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution during construction or demolition. An assessment of the potential impacts during the construction phase has shown that through good site practice and the implementation of suitable mitigation measures, the impact of dust and PM10 releases could be effectively mitigated with negligible impacts.
- 10.81 Modelling has also been carried out to assess the suitability of the site for residential development and to predict the impact of traffic generated by the proposal on local air quality. The development would result in an overall reduction in traffic on the adjacent road network. The model predicts no change in NO₂ and PM10 concentrations as a result of the proposals and therefore the impact on local air quality would be negligible.
- 10.82 The Assessment predicts annual mean NO₂ concentrations above the objective limit at the facades of some of the blocks and therefore recommends that mechanical ventilation is provided for all residential units where the NO₂ objective is exceeded with air intakes located at roof height to ensure a clean supply of air. On this basis the proposals are considered to satisfy the London Plan and the MD DPD.

Highways & Transport

- 10.83 London Plan policies 6.1, 6.3, 6.9, 6.10, 6.13, Tower Hamlets Core Strategy Policy SP09 and MDD Policies DM20 and DM22 seek to promote sustainable modes of transport by reducing car-parking and improving public transport.
- 10.84 The site scores PTAL 5 'Very Good.'
- 10.85 London Plan and the Council's parking standards are expressed as maximums and do not require car parking unless it can be demonstrated that the poor accessibility of a site justifies provision. This is not the case at Bow Road and the scheme would be 'car free' save two car parking spaces for disabled motorists are proposed on-site to serve two of the 10% wheel chair accessible homes. This level of provision complies with MD DPD policy DM22.
- 10.86 Cycle parking would be provided in accordance with the London Plan Table 6.3 at one space for each 1 & 2 bed dwelling and two spaces for each 3 bed dwelling. This results in a requirement of 113 spaces however 158 cycle spaces are proposed. These would be provided a mixture of stacked spaces and Sheffield stands. The proposal complies with MD DPD policy DM22.
- 10.87 Bow Road is part of the TLRN and TfL raise no objection in principle advising that details of the dimension and construction of the vehicular access to Bow Road should be secured and agreed in a section 278 agreement with TfL. A condition is recommended to secure these arrangements.
- 10.88 Refuse servicing is proposed within the site and vehicle tracking illustrates refuse vehicles could enter and leave the site in forward gear. Refuse stores would be

located underground in a central hard landscaped area. The arrangements would ensure easy access from individual flats, ease of collection/removal off the site with reduced vehicle hardstanding and access required.

Energy

- 10.89 The NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 10.90 London Plan 2015 Chapter 5 deals with London's response to climate change and Policy 5.1 seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025. Policy 5.2 sets out the Mayor's energy hierarchy to:
- Be lean: Use Less Energy
 - Be clean: Supply Energy Efficiently
 - Be Green: Use Renewable Energy
- 10.91 London Plan Policy 5.2 requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings should be zero carbon.
- 10.92 Tower Hamlets Core Strategy Strategic objective SO3 seeks to incorporate the principle of sustainable development including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Core Strategy Policy SP11 reiterates the Mayor's CO2 reduction targets and requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 10.93 MDD Policy DM29 reiterates the London Plan targets except it increased the savings target for residential buildings to 50% above Building Regulations 2010 during years 2013-2016. This is now interpreted to mean 45% above Building Regulations 2013.
- 10.94 In March 2015 the Government withdrew the Code for Sustainable Homes and made it clear that any policy relating to energy/carbon reduction should not require anything over the equivalent of defunct CFSH level 4.
- 10.95 In April 2015, the Greater London Authority released new guidance 'Greater London Authority guidance on preparing energy assessments' which says the Mayor will adopt a flat carbon dioxide improvement target beyond Part L 2013 of 35% to both residential and non-residential development.
- 10.96 The applicants submitted energy strategy follows the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures, high efficiency gas boilers and a PV array (57.5kWp).
- 10.97 Based on the current proposals there is a shortfall to MDD Policy DM29 requirements of 14% - approximately 14 tonnes of regulated CO2.
- 10.98 The Council's Planning Obligations SPD includes a mechanism for any shortfall in CO2 to be offset by a cash in lieu contribution for sustainability projects. This complies with London Plan 2015 Policy 5.2 (E) and the applicant has agreed a £25,200 contribution for carbon offset projects.

10.99 On 10th July 2015, the Chancellor of the Exchequer presented to Parliament – *“Fixing the foundations: Creating a more prosperous nation.”* It contains the following statement:

“The government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards, but will keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established.”

10.100 Subsequent to the comments reported in ‘Consultation’ above, the Council’s Energy Efficiency Unit advises that the Chancellor’s announcement is not helpful in clarifying the energy targets the Council can require. The Council’s carbon target was set under the Planning and Energy Act 2008 (Chapter 12 – 1C) which is extant. The Unit is not aware that a date for its repeal has been set, as it was due to be when the changes came into Building Regulations 2016.

10.101 The ability to seek a carbon offset is different to the ‘allowable solutions’ and the requirement for an offsetting contribution accords with London Plan Policy 5.2. It is considered compliant to continue with carbon offsetting, if authorities are allowed to retain their carbon targets. Original advice to secure a carbon offset contribution stands, as the overarching legislation that allows authorities to set targets is still extant. Clarification is being sought from the GLA and the Department for Communities and Local Government to establish when the Planning and Energy Act may be repealed.

Contaminated land

10.102 Due to the former industrial uses of the site the land could be contaminated. Environmental Protection advises that a site investigation is required to identify any contamination and to ensure that any contaminated land is properly treated and made safe before development. A condition requiring a contamination report and associated investigation is recommended in accordance with MDD Policy DM30.

Flood risk

10.103 The NPPF says the susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test. This is reflected in London Plan Policy 5.15 ‘Flood Risk Management’ and Core Strategy Policy SP04 5 within ‘Creating a Green and Blue Grid.’

10.104 The Environment Agency Flood Map shows that the site is located in Flood Zone 1 which comprises land assessed as having less than 0.1% (1 in 1000) annual probability of flooding from fluvial or tidal sources i.e. low probability. The submitted Flood Risk Assessment finds that the site has a low probability of flooding from all other potential sources including groundwater and surface water. No representations have been received from the Environment Agency following consultation.

10.105 The NPPG confirms that areas within Flood Zone 1 have no constraints on development other than the need to ensure that the development does not increase run-off from the site to greater than that from the site in its undeveloped or presently developed state. It is not considered such circumstances apply and the development is compliant with national and development plan policy concerning flood risk.

Biodiversity & Ecology

- 10.106 Core Strategy SP04 concerns 'Creating a green and blue grid.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs and green terraces whilst ensuring that development protects and enhances areas of biodiversity value.
- 10.107 MDD Policy DM11 addresses 'Living buildings and biodiversity.' Policy DM11-1 requires developments to provide elements of a 'living buildings' which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.
- 10.108 The application is supported by a Geo-environmental Desk Study that finds the site supports habitats, which are common and widespread, with the site consisting solely of buildings and hard standing. The site is considered to provide negligible ecological value. The proposals would not isolate or fragment any valuable habitat with no habitat loss.
- 10.109 Site inspections found no evidence of protected species including bats in the existing buildings and revealed no suitable features for bats. The site did not support habitats considered suitable to support a range of protected species and the site is therefore not considered to be constrained ecologically.
- 10.110 Enhancements for the site would include soft landscaping, open spaces and green roofs and the redevelopment would not have an effect on the nature conservation value of the site or indeed the wider landscape. It is considered that the planning strategy for these spaces would enhance biodiversity consistent with the development plan. Officers concur.

Community Infrastructure Levy and Planning Obligations

- 10.111 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure. The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 10.112 NPPF paragraph 204 states that planning obligations should only be sought where they meet the following tests:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and,
 - (c) Fairly and reasonably related in scale and kind to the development
- 10.113 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 10.114 On 25th February 2015, Full Council agreed to adopt the borough's Community Infrastructure Levy Charging Schedule. The CIL was introduced on 1st April 2015.
- 10.115 The introduction of the Council's CIL has necessitated a review of the Council's Planning Obligation SPD 2012 that provided guidance on the use of planning obligations in Tower Hamlets. The SPD was approved for public consultation by the Mayor in Cabinet on 8th April 2015 that was carried out between the 27th April 2015

and the 1st June 2015 in line with the Council's Statement of Community Involvement.

10.116 The boroughs four main priorities remain:

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

10.117 The borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

10.118 The development would place additional demands on local infrastructure and facilities including schools, health facilities, Idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm.

10.119 Tower Hamlets Community Infrastructure Levy Regulation 123 List sets out those types of infrastructure (including new provision, replacement or improvements to existing infrastructure, operation and maintenance)* that the Council intends will be, or may, be wholly or partly funded by CIL:-

- Public education facilities
- Community facilities and faith buildings
- Leisure facilities such as sports facilities, libraries and Idea Stores
- Public open space
- Roads and other transport facilities
- Health facilities
- Employment and training facilities
- Strategic energy and sustainability infrastructure
- Strategic flood defences
- Electricity supplies to all Council managed markets
- Infrastructure dedicated to public safety (for example, wider CCTV coverage)
- Strategic public art provision that is not specific to any one site

*Except (inter alia): Where the need for specific infrastructure contributions is required to make the development acceptable in planning terms and in accordance with the statutory requirements and site specific carbon reduction measures/initiatives.

10.120 The applicant has agreed to the following financial contributions to the borough:

- (a) £28,788 towards providing employment & training skills for local residents during construction phase.
- (b) £25,200 for carbon offset projects (subject to status of the Planning and Energy Act 2008).
- (c) £3,000 towards monitoring and implementation (based on a charge of £500 per principle clause).

10.121 The applicant has also agreed 35% affordable housing by habitable room with a tenure split of 65/35 between affordable rented and shared ownership housing. This

offer has been independently assessed and is considered to maximum viable affordable housing in accordance with policy.

10.122 The applicant has also offered to adopt an Employment and Training Strategy involving at least 20% local procurement of goods and services and 20% local labour in construction and a car parking permit-free agreement.

10.123 It is considered that the proposed agreement meets the CIL Regulation 122 tests being necessary to make the developments acceptable in planning terms, directly related to the scheme, fairly and reasonably related in scale and kind, compliant with the NPPF, local and regional planning policies and the terms and spirit of the emerging Tower Hamlets Planning Obligations SPD 2015.

Other Local Finance Considerations

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

10.124 As noted above Section 70(2) of the Act provides that in dealing with a planning application a local planning authority shall have regard to:

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

10.125 Section 70(4) defines “local finance consideration” as:

- 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
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

In this context “grants” include New Homes Bonus.

10.126 Local finance considerations are to be taken account when determining planning applications or planning appeals.

10.127 As regards to the Community Infrastructure Levy, the London Mayoral CIL was introduced on 1st April 2012 and is estimated at net £186,387 with a CIL relief estimate of £60,880.

10.128 The New Homes Bonus (NHB) was introduced by the Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The NHB 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.

10.129 If permitted and constructed the development would also subject to the Borough's Community Infrastructure Levy. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated Borough CIL for this development is also net £186,387 with a CIL relief estimate of £60,880.

Human Rights Act 1998

10.130 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. The following are highlighted to Members.

10.131 Section 6 of the Act prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights 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".

10.132 This report itemises the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the local planning authority.

10.133 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.

10.134 Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must carefully consider the balance to be struck between individual rights and the wider public interest.

10.135 The Act takes into account any interference with private property rights to ensure that the interference is proportionate and in the public interest. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered and it is considered that any interference with Article 8 rights (by virtue of any adverse impact on the amenity of homes) is in accordance with law and necessary in a democratic society in the interests of the economic well-being of the country.

Equalities Act 2010

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

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

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.137 The following issues arising from the development are relevant to equalities:

- The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities;
- The proposed affordable housing would support community wellbeing and social cohesion;
- The development allows for an inclusive and accessible environment for less-able and able residents and visitors;
- Conditions are recommended to secure disabled parking and wheelchair adaptable/accessible homes;

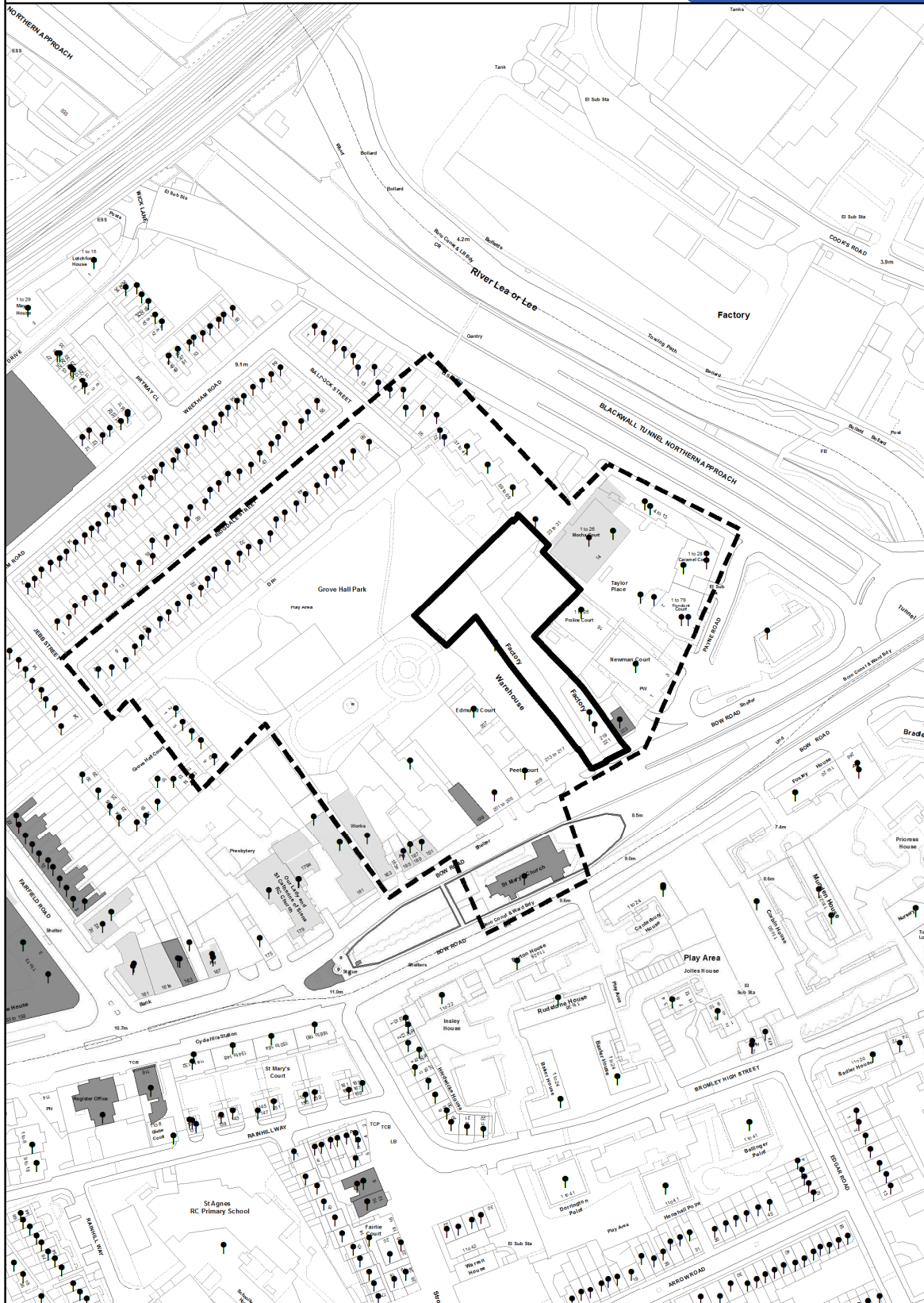
10.138 It is the view of officers that the grant of planning permission would advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it.







11. CONCLUSION

11.1 All relevant policies and considerations have been taken into account. The scheme would amount to sustainable residential development as set out in the NPPF. The fabric and setting of grade II listed Nos. 199 & 223 Bow Road and St Mary Bow Church grade II* listed would be preserved in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The character and appearance of the Fairfield Road Conservation Area would be both preserved and enhanced in accordance with section 72 of the Act.

11.2 The proposal complies with the development plan when considered as a whole. In accordance with section 38 (6) of the Planning and Compulsory Purchase Act 2004 planning permission should be granted for the reasons set out and the details of the decisions set out in the RECOMMENDATIONS at the beginning of this report.

Planning Application Site Map
PA/14/03660



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	
	Consultation Area		Statutory Listed Buildings	0 30 m		

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