

Strategic Development Committee	<b>Date:</b> 27 August 2015	<b>Classification:</b> Unrestricted	
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Full Planning Permission
<b>Case Officer:</b> Shay Bugler	<b>Ref No:</b> PA/15/00039
	<b>Ward:</b> Lansbury

## 1. APPLICATION DETAILS

**Location:** Land at 160-166 Chrisp Street

**Existing Use:** Vacant light industrial (B8 Use)

**Proposal:** Demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to thirteen storeys comprising 272 residential units, including affordable housing, together with associated car parking, landscaping and infrastructure works.

Drawings and documents:

Drawing numbers:

1000 Rev B; 1001 Rev D; 1002 Rev B; 1110 Rev F; 1116 Rev F; 1117 Rev F; 1118 Rev F; 1119 Rev F; 1120 Rev F; 1122 Rev F; 1123 Rev F; 1201 Rev F; 11202 Rev F; 1204 Rev F; 1205 Rev F; 1206 Rev F; 1301 Rev F; 1302 Rev F; 1303 Rev F; 1304 Rev F

- Design and access statement by Brimelow McSweeney dated January 2015
- Daylight and sunlight report by eb7 dated 10 December 2014
- Transport Assessment by Mayor Brown dated December 2014
- Planning Statement prepared by Savills dated January 2015.
- Heritage Statement dated December 2014 (ref no: 105930) prepared by Wessex Archaeology
- Air Quality Assessment prepared by Breon Ltd dated September 2014
- Wind microclimate assessment by BRE dated 22 December 2014 by Savills
- Draft construction Logistics Plan by Mayor Brown dated December 2014.
- Extended ecological phase 1 Habitat Survey Report dated December 2014

- Energy Statement by Hodkinson dated December 2014
- Geotechnical and Geoenvironmental by Stats (Ref no: 36173-01)
- Noise and vibration assessment by Clarke Saunders Acoustics consultancy dated 25 November 2014
- Socio economic assessment dated 17 December 2014 by BRE
- Statement of Community Involvement dated December 2014
- Sustainability Statement dated December 2014
- Townscape and visual impact appraisal by Turley Associates dated December 2014
- Study of the wind environment around proposed development by BRE dated December 2014
- Economic Viability appraisal report dated 30 January 2015

**Applicant:** Bellway Homes

**Ownership:** Bellway Homes

**Historic Building:** None

**Conservation Area:** None

## 2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the development plan including the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy 2010, Managing Development Document 2013, the London Plan 2011(as amended and consolidated March 2015) and national guidance (National Planning Policy Framework) (NPPF) and local guidance along with all other material considerations and has found that:
- 2.2 The loss of vacant existing industrial buildings onsite is acceptable onsite given that the surrounding area is predominantly residential in character and the site is located outside a Local Industrial Location. The proposed residential development on this site is considered acceptable as it would contribute towards the borough's housing delivery target. The new homes would be built to a high design standard, with good internal space and external private amenity space and child playspace.
- 2.3 The residential scheme would address local need by providing a high proportion of family housing comprising a mix of three and four bedroom homes. There are 55 social rent units proposed. The 4 houses proposed form a terrace (i.e. two are semi-detached and two are terrace dwellings).

- 2.4 The report explains that the proposal would be acceptable in terms of layout, height, scale, bulk, design and appearance, and would deliver good quality affordable homes in a sustainable location.
- 2.5 The proposal would not give rise to any unduly detrimental impacts to existing and future residents in terms of privacy, overlooking, outlook and sense of enclosure, or daylight and sunlight. Subject to appropriate conditions, noise nuisance and other amenity impacts would also be mitigated so as not to cause unduly detrimental impacts to future residents.
- 2.6 Transport matters including parking, access and servicing area are acceptable.
- 2.7 The application is recommended for approval subject to the completion of a Section 106 agreement which would secure 35% affordable housing by habitable rooms and a contribution towards employment during the construction phase and end use phase skills and training, and a Community Infrastructure Levy payments.

### **3. RECOMMENDATION**

- 3.1 To **GRANT** planning permission subject to:
- 3.2 Any direction by the Mayor of London
- 3.3 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:
  - 35% Affordable Housing (70 'affordable target' rent units/30 intermediate units)
  - Car free agreement
  - Local training, procurement and access to employment strategy (20% local goods and services procurement)
  - 20% local employment during construction
  - Construction Phase and end user phase skills and training £17,547
- 3.4 That the Director of Development & Renewal is delegated authority to negotiate the Section 106 legal agreement referred to above.
- 3.5 That the Director of Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the following matters:

#### Compliance conditions

1. Time Limit 3 years
2. Compliance with plans and documents
3. Compliance with Energy and Sustainability Strategy submitted by the applicant
4. All residential accommodation to be completed to Lifetime Homes Standards
5. All amenity space including child space accessible to all future residents of the development

6. Refuse and Recycling to be implemented in accordance with approved plans
7. Hours of construction (08.00 until 18.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
8. Removal of tree/shrub subject to nesting bird survey.
9. All residential units shall be designed to meet noise requirement BS8333.
10. Installation of heat network compliance
11. A 'car free' agreement

Prior to demolition conditions

12. Demolition Environmental Management and Logistics Plan
13. Scaffolding details – proximity to the railway. This would include a Risk a Risk Assessment and method statement
14. Details of adequate safety measures into the construction of the development
15. Crane/lifting Management Plan
16. No vibro-compaction machinery unless details of the use machinery and method statement have been submitted to and approved by the Local Planning Authority

Prior to commencement of works (except demolition)

17. Construction Environmental Management and Logistics Plan
18. Ground contamination – investigation and remediation
19. Archaeological scheme of investigation
20. Design and construction methodology for the foundations
21. Piling Method Statement

Prior to commencement of works above ground floor slab level

22. Details and samples of all facing materials including windows, balustrades and screening;
23. Details of sound insulation measures in accordance with agreed standards;
24. Details of hard and soft landscaping, boundary treatment details and children's play equipment;
25. Details of the wheelchair housing specifications to show the three four bed family units are wheelchair adaptable;
26. Details of all Secure by Design measures/ Secure by Design Accreditation
27. Details of biodiversity enhancements;
28. Detailed specification of the proposed 96kWp photovoltaic array;
29. Radio Impact Survey;
30. Details of maintenance facades of the building facing the railway in consultation with the DLR;
31. Scheme of Highway improvement works (including stopping up details where relevant).

Prior to Occupation conditions

32. Details of car Parking Allocation Management Plan;
33. Submission of Secure by Design Certificate;
34. 20% electric vehicle provision (maximum 10% passive provision);
35. Final energy calculations to show how the scheme has delivered the carbon emission reductions;

36. Details of cycle storage;
37. Details of Servicing Management Plan.

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

#### Informative

1. Associated S106 legal agreement;
2. Compliance with Environmental Health Legislation;
3. Compliance with Building Regulations;
4. Notice period to DLR for works adjacent to the railway.

#### **4. SITE AND SURROUNDINGS**

- 4.1 The site is located in Poplar to the north of Canary Wharf and is bounded by Rifle Street to the north, Cording Street to the south, the Docklands Light Railway (DLR) line to the east and Chrisp Street to the west. The nearest part of Transport for London's road Network (TLRN) is East India Dock Road (A13) approximately 500m to the south of the site.
- 4.2 The site immediately to the south of the application site, and immediately next to Langdon Park station is recently approved 22 storey Ballymore residential scheme. Beyond the station, to the west, various residential blocks have been developed, and across the road, opposite the station there is an estate renewal taking place by Bellway. Adjacent to this redevelopment by Bellway, there are two storey, flat roofed residential terraces, which form part of an estate. The site is therefore, at present, the only area where there is an element of declining light industrial activity remaining.
- 4.3 At present, the site is vacant but was previously occupied by warehouse buildings and storage areas for a number of industries and covers an area of approximately 4,044 square metres. The existing buildings have associated areas of hardstanding used for car parking.
- 4.4 The nearest station is Langdon Park DLR, which is approximately 150 m to the south. The area is also served by 5 bus routes from nearby stops on Cordelia Street; Morris Street and East India Dock Road. This area is served by TfL's cycle hire scheme with docking stations located at Langdon Park and Chrisp Street market, within 550 m of the site.
- 4.5 The public transport accessibility level (PTAL) rating for the site ranges from 3 (average) in the north to 4 (good) in the south which means it has moderate/good access to public transport.
- 4.6 Chrisp Street also incorporates a mix of other uses including a health centre, shopping units and Chrisp Street market. The site is located 300 metres from Chrisp street District Centre. Immediately to the west of the station is a modern/contemporary youth centre called 'Spot Light' which is located in the site of Langdon Park secondary school.
- 4.6 There is a large conservation area to the east of the site across the railway tracks known as Langdon Park Conservation Area. The closest main watercourseS to the site are the Limehouse Cut Canal and Bow Creek.

## **5 RELEVANT PLANNING HISTORY**

- 5.1 Ref no: PA/07/1966: An application was submitted on 11 December 2007, for the demolition of existing buildings and redevelopment ranging from 6 to 8 storeys to provide 276 residential units (95 x 1 bed, 120 x 2 bed, 55 x 3 bed & 6 x 4 bed), 1182sq.m of commercial (retail) floorspace at ground floor and basement parking. This was withdrawn on 21 April 2008.

## **6 DETAILS OF THE PROPOSED DEVELOPMENT**

- 6.1 The proposal involves the demolition of the existing buildings onsite and the construction of 6 blocks on the site (blocks A, B, C, D, E & F) to provide 272 residential units.
- 6.2 **Block A** is located in the north-eastern part of the site, fronting onto the new internal street and orientated parallel to the DLR line. The block extends to 10 storeys in height and provides 49 private residential apartments and 19 shared ownership units. The majority of the dwellings in the block are accessed from an entrance core on the new internal street. Some ground floor units are accessed directly from the new internal street. Communal amenity space is provided at roof level and private amenity space is provided for each dwelling, in the form of balconies or rear gardens to the ground floor units.
- 6.3 **Block B** is located in the south-eastern part of the site and adjoins Block A and would extend to 13 storeys in height. It provides 78 private residential apartments and 11 shared ownership units. The majority of the dwellings are accessed from a central entrance core, with some ground floor dwellings accessed directly from the internal street. Private amenity space is provided for each dwelling, in the form of balconies or rear gardens. The block also provides direct access at the tenth floor to the communal amenity space on the roof of Block A. The block includes a residents gym on the ground floor, located in the south-west corner of the block. Cycle store is provided at the ground floor. A plant room containing the proposed CHP plant is located at ground floor level which will enable the extent of flues to be taken to the highest building within the scheme.
- 6.4 **Block C** is located in the south-western part of the site, fronting Cording Street and Chrisp Street, and marks the main entrance to the scheme. The block extends to eight storeys and provides 55 private residential apartments, one shared ownership unit and one affordable rented unit, including seven maisonette units on the ground floor and first floor. These units will be accessed from Chrisp Street or Cording Street. The proposed entrance core at the junction of Chrisp Street and Cording Street would be double height and set back from the building line to provide a new area of urban landscaped space. Private amenity space is provided in the form of balconies and terraces and the communal amenity space at podium level can be accessed from the first floor. Refuse, cycle store and plant room are provided at ground floor.
- 6.5 **Block D** is located in the western part of the site fronting Chrisp Street, adjoining Block C to the south. The block extends to 6 storeys and comprises 41 affordable rented units, including 8 maisonette units on the ground and first floor which can be accessed directly from Chrisp Street and from the undercroft car park. All other apartments are accessed from a core off Chrisp

Street. Private amenity space is provided in the form of balconies and terraces. Communal amenity space is provided on the roof of Block E, with access from the fifth floor, as well as the central podium. A number of cycle stores are provided at ground floor level, each accessed from the car park.

- 6.6** **Block E** is located in the northern part of the site, fronting Rifle Street and adjoining Block D to the west. The block extends to four storeys in height with the top floor set back from the building line to reduce the visual appearance of the building along Rifle Street. The block comprises four affordable rented maisonette units at ground and first floor, which are accessed directly from Rifle Street, and 10 private residential dwellings located on the upper floors, accessed from an entrance core on Rifle Street. Refuse and cycle storage is provided at the ground floor.
- 6.7** **Block F** is located at the centre of the site and fronts the new internal street. It provides four private three storey townhouses. The dwellings can be accessed at ground floor level from the internal street and have private terraces at first floor level which open out onto the communal open space at podium level. A cycle store is provided at ground floor level.
- 6.8** The scheme makes provision for 20 number of car parking spaces and 448 number of cycle parking spaces onsite.
- 6.9** The scheme provides a new landscaped street through the site, which would run from north to south to connect Rifle Street and Cording Street.

## **7 POLICY FRAMEWORK**

- 7.1** Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### **7.2 Government Planning Policy**

NPPF/ NPPG - National Planning Policy Framework/ Guidance

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

### **7.3 Spatial Development Strategy for Greater London – (London Plan Consolidated 2015)**

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town Centres

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



## 7.19 Biodiversity and Access to Nature

### 7.4 Tower Hamlets Adopted Core Strategy 2010

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

### 7.5 Managing Development Documents 2013

DM0 Delivering sustainable development  
DM3 Delivering Homes  
DM4 Housing standards and amenity space  
DM8 Community Infrastructure  
DM11 Living Buildings and biodiversity  
DM13 Sustainable Drainage  
DM14 Managing Waste  
DM15 Local Job Creation and Investment  
DM17 Local Industrial Locations  
DM20 Supporting a Sustainable transport network  
DM21 Sustainable transportation of freight  
DM22 Parking  
DM23 Streets and the public realm  
DM24 Place sensitive design  
DM25 Amenity  
DM29 Achieving a zero-carbon borough and addressing climate change  
DM30 Contaminated Land

### 7.6 Supplementary Planning Documents

Designing out Crime Parts 1 and 2  
Planning Obligations SPD 2012

### 7.7 Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

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

## 8.0 CONSULTATION RESPONSE

8.1 The following consultees were consulted with regards to the application. Responses are summarised below. Full representations are available to view in the case file. The views of Officers within the Directorate of Development and Renewal are generally expressed within Section 10 of this report which addresses the various material planning considerations but where

appropriate, comment is also made in response to specific issues raised as part of the consultation process.

#### **LBTH Environmental Health (noise)**

8.2 The proposal is considered to be acceptable subject to the following conditions:

- (a) (i) All residential units shall be designed in accordance with BS8233 on sound insulation  
(ii) A test shall be carried out prior to the discharge of this condition to show the standard of sound insulation required shall be met and results submitted to the LPA

(b) Construction works to be carried out only during the following hours: 8am-6pm Monday to Friday. 8am – 1pm Saturdays. No works allowed on Sundays and Public Holidays. Piling methods and construction management plan should also be agreed.

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

#### **LBTH Environmental Health (contamination)**

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

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

#### **LBTH Environment Health (air quality)**

8.4 The proposed Combined Heat and Power plant must comply with the Air Quality neutral assessment and the standards set out in the GLA Sustainable Design and Construction SPG.

(OFFICERS COMMENT: This would be secured by way of condition).

#### **LBTH Energy Efficiency Unit**

8.5 The proposed Energy Strategy is acceptable subject to the following Conditions:

- A heat network supplying all spaces within the development shall be installed. It shall be operational prior to the full occupation of the development and shall thereafter serve all spaces within the development
- Full detailed specification of the proposed 96kWp photovoltaic array to be approved
- Prior to occupation, the applicant shall submit the final energy calculations

(Officers comment: The above would be secured by way of condition to ensure a reduction of carbon dioxide emissions)

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

### **LBTH Communities, Localities & Culture (Strategy)**

- 8.15 There would be no financial contributions sought from this development.

### **LBTH Transportation & Highways**

#### Car parking

- 8.16 The development should be subject to an s106 agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.

- 8.17 The provision of 20 accessible car parking spaces is welcomed onsite.

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

#### Cycle parking

- 8.18 The proposal makes provision for 448 cycle spaces for the residential element and in accordance with policy in a safe and secure location using Sheffield Stands which is welcomed by Officers.

#### Servicing and Delivery

- 8.19 The proposed servicing arrangements via Rifle Street is considered acceptable. Notwithstanding, the applicant would be required to submit a servicing management plan for approval by the Local Planning Authority prior to commencement of works above ground floor slab level. This would be secured by way of condition.

#### Construction Management

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

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

### **LBTH Enterprise & Employment**

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

ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. The Council would seek to secure a Section 106 contribution of £17,547 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.

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

- 8.24 The applicant has not submitted marketing evidence to demonstrate that a B1 commercial use onsite would not be viable, the applicant should provide relevant marketing evidence and/or a relocation strategy for existing businesses.

(Officers comment: Given the general decline in the demand of employment floorspace in the area, there is no identifiable over riding demand to justify the retention of employment use in favour of residential development in this location, particularly as the site is not located within a Local Industrial Location. This is discussed further in Section 10 of the report).

#### **LBTH Waste Management**

- 8.25 Further details on the refuse and recycling storage arrangements shall be submitted to and approved by the LPA prior to occupation. This would be secured by way of condition.

#### **LBTH Biodiversity**

- 8.26 LBTH Biodiversity team do not object to the proposal subject to the following contributions:
- Full details of biodiversity enhancements shall be submitted and approved by the Local Planning Authority
  - Landscaping details should include a good diversity of nectar rich plants to provide food for bumblebees and other pollinators.

(Officers comment: The above would be secured by increase the biodiversity of the site).

#### **External consultation responses**

##### **Metropolitan Police, Crime Prevention Officer**

- 8.26 The Metropolitan Police do not raise any objections subject to the following condition: Prior to the occupation of the development, a Secure by Design Accreditation (to include details of CCTV) on site, shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the particulars so approved.

(Officers comment: The applicant would be required to submit a Secure by Design Accreditation to ensure that the development is designed to maximise safety and security throughout the site. This would be secured by way of condition).

## **Environment Agency**

- 8.27 The Environment Agency has raised no objections and has not requested to include any conditions to the consent.

(Officers comment: The applicant would be required to submit a Surface Water Management Plan for approval by the Local Planning Authority. This would be secured by way of condition).

## **Transport for London (TfL)**

- 8.30 Transport for London (TfL) are satisfied with the proposed car park; cycle parking; access and servicing arrangements development subject to the following conditions:

- Construction Management Plan
- Travel Plan

(Officers comment: The Construction Management Plan would be secured by way of condition and the Travel Plan would be secured in the S106 Agreement).

## **Greater London Authority**

- 8.31 The GLA are supportive of the application and have the following comments to make:

- The proposed land use is considered acceptable in strategic terms.
- Housing/affordable housing: The results of the independent assessment of affordable housing provision should be shared with GLA officers demonstrating the maximum reasonable amount of affordable housing is being secured at the site.
- Design: The noise mitigation proposed through appropriate architectural materials should be secured by condition and the playspace equipment proposed should also be secured and be useable given the implementation of PV on the roof top. Therefore the screening panels proposed should also be secured by condition. The overall approach to the layout, height and massing and the residential quality is supported.
- Inclusive access: The applicant has provided sufficient information to demonstrate that the scheme is fully accessible to all.
- Climate change/energy: The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. Further information is required before the final proposals can be understood. The current carbon dioxide savings exceed policy requirements and are welcomed.
- Sustainable drainage: The drainage measures proposed for the site by the applicant should be secured by the Council by way of condition.

## **London Fire and Emergency Authority**

- 8.32 No comments received

## **English Heritage Archaeology**

- 8.33 English Heritage (archaeology) does not object subject to a condition which requires a programme of archaeological work to be submitted and approved in writing by the Local Planning Authority prior to the commencement of works onsite.

## **Docklands Light Railway**

- 8.34 DLR do not object subject to the proposal subject to the following conditions:
- Demolition and Construction Management Plan
  - Adequate safety measures into the construction of the development
  - Full details of the design and construction methodology for the foundations
  - Scaffolding details- proximity to railway. This would include a Risk Assessment and Method Statement
  - Radio Impact survey
  - No vibro-compaction machinery unless details of the use of such machinery and method statement have been submitted and approved
  - Maintenance or alterations to the façade of the development fronting the railway line shall be submitted.

(Officers comment: The above conditions would be secured to protect the safe and efficient use of the railway).

- 8.35 DLR also recommends that a condition should be attached to the permission which requires no balconies to the elevation facing the railway and that all windows on this eastern elevation would be fixed. This is to ensure that the safety of the DLR network is not compromised by an object falling onto the railway. The proposed balconies would be enclosed, therefore no objects would be able to fall onto the railway.

## **9. LOCAL REPRESENTATION**

### Statutory Consultation

- 9.1 A total of 523 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. Site notices were displayed and the application was advertised in the local press.
- 9.2 1 petition with 30 signatures in support and 7 individual letters of objection were received from local residents.
- 9.3 Objections
- The scale of development is unacceptable onsite
  - The proposal would result in loss of daylight and sunlight to surrounding properties.

- There will be unacceptable levels of noise and dirt which will come from this building and invasion of privacy.
- The proposal puts pressure on existing local services such as shops, schools and health services and does not make provision for any of these services.

(Officers comment: The above comments are addressed in Section 10 of the report).

#### 9.4 Support

- The current industrial site is unsightly, unused and creates a barrier between Langdon Park and Limehouse canal.
- The design is solid with formidable massing withdrawn from the main road and a colour scheme in keeping with the two more adjacent modern buildings.

9.5 All representations are available at Committee to view upon Members request.

### **10. MATERIAL PLANNING CONSIDERATIONS**

10.1 The main planning issues raised are as follows:

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

#### **Land Use**

##### Principle of development

10.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.

10.3 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and enjoy leisure and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land which has previously been developed, promote mixed use development and to drive and support

sustainable economic development through meeting the housing, business and other development needs of an area.

The loss of industrial floorspace onsite.

- 10.4 Policy 4.4 of the London Plan seeks to ensure sufficient industrial stock of land is provided and/or retained to meet the future needs of different types of industrial related uses. Policy SP06 of the Core Strategy (2010) and DM17 of the Managing Development Document (2013) requires mixed use re development of local Industrial sites to re-provide at least the same quantum of employment floorspace and also seeks to ensure that introducing that introducing residential uses does not jeopardise the function and viability of industrial B type uses, and provides flexible units including those to meet the needs for small to medium sized enterprises (SME's).
- 10.5 The site is currently used for light industrial space (B8 within the use class order). The existing warehouse provides approximately 587 sqm2 of B1 (office) use and 3457 sqm of general light industrial. The site is currently vacant and therefore there is no existing employment provided onsite.
- 10.6 DM15.1 requires evidence to be provided to demonstrate that where proposals seek to reduce the amount of existing employment floor space, the site has been actively marketed (for approximately 12 months) *or* that the site is unsuitable for continued employment use due to its location, accessibility, viability, size and condition. DM15.2 is concerned with existing businesses not being displaced by the proposal. This is not the case as the site has been vacant for some time. It is accepted that whilst the existing wholesale, storage and office space is vacant and although no evidence was submitted to suggest that any marketing has taken place to facilitate continued employment use, it is accepted that the existing floorspace currently provides relatively low quality employment floorspace and is unsuitable for continued use in this location.
- 10.7 In this instance, it is considered that the loss of the existing floor space has been justified in terms of the relevant tests in policy DM15, in that it would not result in the loss of a viable employment use and that the current premises are not suited to continued employment use given their location, size and quality.
- 10.8 There is a general decline in the demand for warehouse floorspace in this area. Warehouse uses are not typical in the immediate or nearby area. Given the general decline in the demand of employment floorspace in the area, there is no identifiable over riding demand to justify the retention of employment use in favour of residential development in this location, particularly as the site is not located within a Local Industrial Location. Although the site has good access and the existing site condition is satisfactory for light industrial storage use, the location is not considered appropriate for continued B8 use given that the surrounding site is predominantly residential in character and the site is located outside a Local Industrial Location (LIL). Furthermore, the Core Strategy (2010) stipulates that new development close to Langdon Park should primarily be a place for residential uses. The Core Strategy's does not promote this area for light industrial, storage or distribution uses.



- 10.9 The GLA note that *“the character of the surrounding area has changed significantly becoming almost entirely residential. Once this scheme and the neighbouring site are built out, the area will become predominantly residential in character”*. There are also a number of developments in the area which have vacant commercial units in their ground floors.

#### Principle of residential Development onsite

- 10.10 Delivering new residential accommodation is a key priority both locally and nationally. Policy 3.3 of the London Plan seeks to alleviate the current and projected housing shortage in the Capital through the provision of an annual average of 39,314 new homes over a ten year period. The Further Alterations to the London Plan sets out a minimum target of 3,931 for Tower Hamlets.
- 10.11 The need to address the pressing demand for new residential accommodation is embraced by the Council’s strategic objectives SO7 and SO8 and policy SP02 of the Adopted Core Strategy together with policy DM3 of the Managing Development Document (2013). These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 10.12 Within the adopted Core Strategy (2010), the site is identified in “Poplar”. The vision set out in the Core Strategy for Poplar is to:

*“regeneration the area] into a great place for families set around a vibrant Chrisp Street and a revitalised Bartlett Park”*

One of the key principles for the vision of Poplar is to:

*“focus higher density development in and around Chrisp Street and adjacent transport nodes”*.

- 10.13 The site is currently an underutilised vacant site with good access to public transport facilities and local services including Chrisp Street town centre. It is considered that redeveloping this site would act as a catalyst for regeneration for the site and the Poplar area in accordance with the Core Strategy. Moreover, the subject proposal would make the most efficient use of the land and bring forward sustainable development which responds to its context and doesn’t result in overdevelopment of the site. Furthermore, this subject proposal would help address the great requirement for social rented housing which is a priority focus for the borough.

#### Gymnasium

- 10.14 Policy 3.19 of the London Plan (consolidated with alterations since 2011) stipulates that “development proposals that increase or enhance the provision of sports and recreation facilities will be supported”. Policy SP03 of the Core Strategy (2010) seeks to provide high quality social and community facilities in accessible locations. Policy DM8 of the Managing Development Document seeks to ensure gyms are local in nature and scale and where there is a need for such facility.
- 10.15 The proposed ancillary D2 (gym) is located to the south west of the site. The area is increasingly characterised by high density residential development. The gym is considered to be an important facility for the future residents of the

development and would serve to promote health and well being. The proposed gym would also generate employment which is supported by the Council.

## **DESIGN AND APPEARANCE**

- 10.16 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 10.17 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.
- 10.18 Policy SP10 sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings.
- 10.19 The Managing Development Document deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context.
- 10.20 The application proposal includes a redevelopment proposal which would be of high quality and would enhance the surrounding area. The design of the new buildings is discussed in more detail, within this section of the report under the headings: layout; height and scale; architectural appearance; and safety and security; as considered in detail below.

### *Layout*

- 10.21 The scheme comprises three buildings or 6 blocks which have been arranged to provide an area of open space at the centre of the site. The building line at the east of the site has been determined by the adjacent DLR and the required DLR safe guarded zone of 8 metres has been respected. The building line on Rifle Street and Chrisp Street follows the site perimeter and the building line of adjacent buildings.
- 10.22 At ground level there are 20 car parking spaces located in an undercroft car park which is accessed off the new internal street. Above the car park, at podium level is a combination of communal amenity space and child play space provision.
- 10.23 The layout of the scheme is particularly supported as it creates an active public realm, through the generous provision of ground floor entrances to all

units at street level. A new north-south pedestrianised street is proposed through the centre of the site. The new link connects Rifle Street and Cording Street and improves the permeability of the area. Blocks A & B and the town houses fronts onto the link road.

- 10.24 There is a landscaped podium courtyard space proposed which sits above and encloses the car park area and would provide valuable amenity space for residents. The buildings that enclose the courtyard space have been designed to be outward facing and provide active frontages, with a number of maisonette dwellings at ground floor level with their front doors in Chrisp Street separated by an area defensible space.

*Height, bulk and scale*

- 10.25 The scheme comprises of buildings ranging from 4 to 13 storeys in height. The scale, massing and height is presented with the lower elements fronting Cording Street; Rifle Street and Chrisp Street and the taller element to the east of the site fronting the DLR and Langdon Park. The taller elements are confined to the north and south east of the site. Block A extends to 10 storeys in height which is located to the northern part of the site. This block is directly adjacent to the DLR and would be prominent when viewed across Langdon Park. Block A is designed to be subservient to Block B which extends to 13 storeys. Block B is proposed to be the tallest element of the proposals located in the south east corner of the site and extends to 13 storeys in height. This is significantly lower than the site adjacent which has planning permission for 22 storeys. The GLA note that *“the buildings increases in height to complement the neighbouring proposal and drops in height towards the northern end. This approach is supported”*.
- 10.26 The proposal has been designed to reflect the height and massing of adjacent blocks. The proposed development would provide a transition in scale between the tall and large scale developments located around the edge of the Chrisp Street district town centre to the south, and the residential/commercial scale of the area to the north and west of the site. The scale, bulk and massing is therefore acceptable and in keeping with the prevailing character of the area.

*Architecture appearance*

- 10.27 The proposed buildings are contemporary in nature which is in keeping with the prevailing character of new residential developments within its immediate context. The materials proposed include high quality brickwork (dark brown brick; grey and yellow); contracting wall cladding; metal and glass balustrade; stainless steel flues; privacy screens to block C and powder coated aluminium window frame. Robust materials along with carefully designed details would provide a coherent high quality development to complement the existing fabric of the area. Large balconies would help articulate and give focal points to the elevations.
- 10.28 Subject to conditions to ensure high quality materials and finishes, the proposal is considered to be of high quality and adopting good design principles. The proposed materials are considered to respect the local area and uplift an otherwise neglected part of this area.

*Impact on Langdon Park Conservation Area*

- 10.29 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environment. Policies SP10 and SP12 of the Core Strategy and policies DM24, DM26, DM27 and DM28 of the Managing Development Document seek to protect the character, appearance and setting of heritage assets and the historic environment, which include the Borough's conservation areas.
- 10.30 Core Strategy Policy SP10 aims for the protection and enhancement of heritage assets and their settings, including Conservation Areas, Statutory Listed Buildings and Locally Listed Buildings.
- 10.31 The proposed development has the potential to impact upon the Langdon Park Conservation Area that lies adjacent to the eastern boundary of the site and extends to the north of the site. This Conservation Area is focused around St Michael's Church located 195m to the east of the Site. The area also includes the locally listed buildings of 159-167 St Leonards Road, 162 St Leonards Road and St Leonards Arms Public House.
- 10.32 A townscape and visual assessment has been prepared by the applicant to examine the surrounding area and to examine the impact the proposal would have on Langdon Park Conservation Area, which comprises a varied and eclectic mix of periods and architectural styles, without one single strong building form or use of external materials. The articulation of the eastern façade has been carefully considered and Officer's believe it presents a well-proportioned view from Langdon Park.
- 10.33 The applicant has submitted a views analysis within Langdon Park, looking westwards towards 160-166 Chrisp Street. The viewpoint is some 150 metres away. It was concluded that the schemes proposal is likely to have a direct permanent moderate beneficial effect on the view.
- 10.34 The visual impact of the proposed development from Morris Road, looking southwards towards 160-166 Chrisp Street was also examined. The viewpoint is located approximately 70 metres away, on the southwest boundary of the Langdon Park Conservation Area, although no part of the Conservation Area is visible within the view. It is concluded that the scheme proposal is likely to have a direct, permanent moderate to minor beneficial effect on the view from this viewpoint.
- 10.35 In addition, the applicant submitted a view looking northwards towards 160-166 Chrisp Street. The viewpoint is approximately 350 metres away. The view falls on the eastern boundary of Lansbury Conservation Area, with the market building, public house and adjacent building all falling within the boundaries of the Conservation Area. Again, the proposal would have a permanent moderate to minor beneficial effect on the Conservation Area.
- 10.36 Further, there would be minimal impact to the Listed Buildings of Balfron Tower and Carradale House within the Balfron Conservation Area. Overall, the proposal is considered to have a negligible impact on Langdon Park Conservation Area and is therefore considered acceptable.

### *Safety and Security*

- 10.37 The proposal has been developed in accordance with the principles of Secured by Design. Principles of design and safety have been incorporated into the design.
- 10.38 Overall, the scheme would properly take into account secured by design requirements, improve safety and security in the location of the site and would not introduce undue risk of crime to future occupiers as a result of detailed design. The development proposals would improve local legibility and connectivity, and natural surveillance in the area. Notwithstanding, the applicant would be required to attain a Secure by Design Accreditation Certificate prior to occupation.
- 10.39 In terms of detailed design, materials and finishes, it is considered that that the proposed development reads as a cohesive architectural response and includes design elements that respond to the surrounding built form and public realm and incorporates high quality materials, which is supported. As such, it is considered that the overall design of the scheme is acceptable.
- 10.40 The urban design, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance with Chapter 7 of the London Plan (2011); Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

### **Housing**

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

### Residential density

- 10.43 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to

the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.

- 10.44 The site has a public transport accessibility level (PTAL) rating of 3 and 4 which means it has good access to public transport. Table 3.2 of the consolidated London Plan (2015) suggests a density of 200-450 habitable rooms per hectare (hrph) for sites with a PTAL range of 3 and suggests a density of 200-700 hrph for sites with a PTAL range of 4.
- 10.45 The proposed density is 1155 habitable rooms per hectare (hrph) which exceeds the target for this area. Density figures only serve as an indication of the likely impact of a development and the development does not present any serious concerns in respect of overdevelopment as considered in detail below.
- 10.46 High density schemes may exhibit symptoms of over development which relate to:
- Access to sunlight and daylight;
  - Loss of privacy and outlook;
  - Small unit sizes
  - Lack of appropriate amenity space;
  - Increased sense of enclosure;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure
- 10.47 On review of the above issues later in this report, officers are satisfied that the proposal does not present any of the symptoms associated with overdevelopment. The density is considered acceptable because the proposal assists in the delivery of affordable housing targets, is of a high design quality, responds appropriately to its context and is not considered to result in adverse symptoms of overdevelopment.
- 10.48 Officers consider that the proposal would provide good quality and affordable homes, including a very high proportion of family sized units in a well-designed scheme that positively responds to local context. Due to the fact that this proposal is responding to an identified housing priority which is a demand for large affordable family housing, it is not considered that this would result in an under-provision of units, it is considered that the proposal optimises the use of the site and the site would comfortably accommodate the proposed density in line with the relevant local, regional and national policies.

#### Affordable housing

- 10.49 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period.
- 10.50 The issue of affordable housing and off-site provision is similarly dealt with in the Council's policies. Policy SP02 of the Core Strategy sets an overall target

of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).

- 10.51 The applicant has submitted a viability assessment which was reviewed by an independent viability consultant appointed by the Council. The proposal makes provision for 35% affordable housing by habitable rooms which accords with Council policy. Within the affordable housing provision, 69% of the units would be affordable rent (i.e borough framework rents) and 31% would be intermediate rent. The proposed rents are in accordance with the borough rent framework levels for the E14 area. The affordable housing provision is supported by the Council's housing team. This fits with the Council's approach to prioritise the larger family homes for affordable rent tenure based on local income levels.

Addressing the over crowding problem in the Borough

- 10.52 The table below shows the level of overcrowding in Lansbury ward at 17%. This is greater than the borough average of 16%. The number of bedrooms required to overcome this overcrowding would be 2480. The introduction of 53 additional affordable rented units would help reduce overcrowding amongst households. It is not considered that this scheme would disproportionately affect the levels of social/affordable housing in the area when compared with the recent market housing that has been built. It is considered, that on balance, the scale of this development would not adversely affect the mix of the area, and would help address local problems of overcrowding.

- 10.53

Area	Overcrowded (-1 or less)		Required Bedrooms (0)		Under Occupied (+1 or more)	
Lansbury	1,029	19%	2,480	47%	1,750	33%
Tower Hamlets	16,605	16%	51,058	50%	33,594	33%
London	370,531	11%	1,282,883	39%	1,612,759	49%
England	1,024,473	5%	5,885,951	27%	15,152,944	69%

(Source: Census 2011 QS406EW - Household size)

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

Housing mix and tenures

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

10.56 The table below illustrates the proposed dwelling mix onsite:

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%	0	0%	0%
1 bedroom	106	10	18%	30%	14	47%	25.0%	82	44%	50.0%
2 bedroom	107	20	36%	25%	9	30%	50.0%	78	42%	30.0%
3 bedroom	54	20	36%	30%	7	23%	25%	27	14%	20%
4 bedroom	0	5	0%	15%	0	0%		0	0%	
5 bedroom	0	0	0%	0%	0	0%		0	0%	
6 bedroom	0	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>272</b>	<b>55</b>	<b>100%</b>	<b>100%</b>	<b>30</b>	<b>100%</b>	<b>100%</b>	<b>187</b>	<b>100%</b>	<b>100%</b>

10.57 Policy SP02 of the Core Strategy (2010) stipulates that new housing development should make provision for 30% family sized accommodation (three bed plus), including 45% of new affordable rented homes to be for families. Policy DM3 of the MDD seeks to secure 45% family sized units within the affordable rented tenure. The proposal makes provision for 20 x 3 beds and 5 x 4 bed units within the affordable rented tenure which accords with policy. Whilst the proposal number of one and two bed units across all units does not accord with policy; on balance it is considered acceptable as the proposal mix is viable and deliverable onsite. Further, the scheme makes provision for 35% affordable housing which helps tackle a significant shortage within the borough and go some way towards the issue of overcrowding within Lansbury ward.

#### Standard of accommodation

10.58 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance.

10.59 All the units proposed are in line with the above policies, are generous in size and exceed the minimum space standards as set out in policy DM4 of the Managing Development. This is set out below.

10.60 The development would provide the following:

- A minimum floor to ceiling height to 2.5m
- There are 181 dual aspect units and 91 single aspect units. There are no north facing single aspect units proposed. The single aspect units face south and west and therefore receive acceptable levels of daylight and sunlight
- All upper floor units have private amenity space in the form of balconies and terraces
- All units meet GLA minimum room size standards
- Internal layouts have been designed to maximise daylight/sunlight levels throughout the day. 89% of units pass the BRE Guidance.



- 10.61 The applicant has undertaken an analysis of daylight to test the proposed new habitable rooms to the new proposed residential accommodation. The analysis has been done on the two lowest residential floors as these rooms receive the lowest level of daylight.
- 10.62 Daylighting to new rooms can be checked using Average Daylight Factor (ADF). The minimum ADF values are given as 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 10.63 691 out of 775 habitable rooms tested comply with BRE guidance. Most of the rooms do not receive daylight/sunlight levels in accordance with the BRE Guidance only marginally fall short of the guidance. The units with poor results are limited to locations where sky visibility is limited by the proximity of the other blocks opposite, by balconies cutting direct visibility. Notwithstanding, given that there are so few failures and that the proposed room sizes of these two rooms are all in accordance with the London Plan policy standards, on balance the quality of the proposed residential dwellings are considered to be of a high standard.
- 10.64 Overall, the proposal would achieve good standard of residential accommodation which receive good daylight/sunlight levels, appropriate internal layouts and room sizes with good outlook. As such, it is considered that the proposal complies with policies SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seeks to protect amenity, by ensuring new developments receive acceptable levels of daylight and sunlight.

#### Wheelchair Accessible Housing and Lifetime Homes Standards

- 10.65 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 10.66 All units are designed to meet Lifetime Homes Standards. There are 27 number of wheelchair units proposed; of which 8 would be provided within the affordable rented tenure; 8 within the intermediate tenure and 11 within the private tenure. The provision for wheelchair accessible units across the tenures is supported by the Councils Housing team.

#### Private amenity space

- 10.67 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 10.68 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. The policy requirement for private amenity space is 1360sqm and the proposed provision amounts to 1360sqm; in accordance with policy. All proposed units would have adequately sized private amenity spaces in the form of private gardens and balconies.

#### Communal and child playspace

- 10.69 The applicant is proposing an integrated approach to the provision of communal and child playspace onsite. The applicant has included the provision of child playspace integrated within the communal amenity area located within the central podium deck and on the terraces located on Block A and C.
- 10.70 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 322sqm is required for a development of 272 units.
- 10.71 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child.
- 10.72 For the 0-5 year age group, a total of 420sqm would be required, for 5-10 year olds 350sqm would be required, and for 11-15 year olds 220sqm is required. As such, a total of 999sqm is required.
- 10.73 Combined, the policy requirement for communal and child playspace would be approximately 1321 sqm. The proposed communal and child playspace onsite amounts to approximately 1204 sqm. As such, there is a shortfall of amenity space provided. Whilst there is a deficiency of child playspace onsite, Officers are confident that the proposed playspace would be on high design quality. Furthermore, children onsite would also be able to easily access the existing play areas at Langdon Park which is less than a 5 minute walking distance from the site.
- 10.74 The applicant would be required to provide further details of the location and form play equipment, which would be secured by way of condition.

#### **Impact on the amenity of existing residents**

- 10.75 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 10.76 The applicant has submitted a daylight and sunlight assessment which has been independently reviewed by an specialist consultant. It was concluded that the methodology and findings are accurate and that, on balance, the neighbouring properties would continue to receive adequate daylight and sunlight levels. This is discussed in detail in the following paragraphs.
- 10.77 The nearest residential properties that may be affected by this proposal are the following nearby properties:
- 151-161 Chrisp Street

- Ascot House
- 1-16 Gabriels Close
- 1-11 Rifle Street
- 71 Carmen Street

#### Daylight and sunlight

- 10.78 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'.
- 10.79 The primary method of assessment is through calculating the vertical sky component (VSC). This is a measure of daylight at the centre of a window and the BRE guidelines permit a reduction of up to 20% on the existing situation. BRE guidance also specifies the method for calculating sunlight levels. It states that where reductions in sun lighting occur this should be within 0.8 times its former value.
- 10.80 The No Sky Line (NSL) is a measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants

#### *151-161 Chrisp Street*

- 10.81 There are some windows which would not meet the VSC standard, there being reductions in VSC of 30% from existing. The levels of retained VSC are good for an urban location and there is minimal impact on the NSL results.
- 10.82 Only 2 windows tested would experience reductions in VSC of more than 20% from existing and these will experience a 30% reduction. Those 2 windows would experience only a minimal change in NSL and will be left with adequate levels of VSC in any event. The impacts would therefore be negligible.

#### *Ascot House*

- 10.83 Only 2 windows tested would experience reductions in VSC of more than a 30% reduction. Those 2 windows would experience only a minimal change in NSL and will be left with adequate levels of VSC in any event. The impacts would therefore be negligible.

#### *1-16 Gabriels Close*

- 10.84 2 windows out of the 67 tested do not meet the BRE standard with reductions in VSC of 30% from existing. However, the daylight is constrained by these being located below balconies and it is also relevant that there is minimal reduction in NSL.
- 10.85 There are also a number of windows that experience reductions in NSL of 30% or 40% from existing. However, these particular rooms, which are located below balconies, meet the VSC standard and all of the rooms would be left with sky visibility to more than 50% of the room area.

### *1-11 Rifle Street*

- 10.86 49 of the 74 windows assessed do not meet the BRE standard with 33 experiencing reductions of up to 30% from existing and 8 experiencing reductions of more than 30%, with the worst affected window experiencing a reduction of 70% from existing. It is however relevant that the windows most affected are constrained by being recessed or set beneath balconies. It is also relevant that most of the affected windows also meet the NSL standard and, in many cases experience little, if any, effective reduction in NSL.
- 10.87 Only 3 windows would fail the NSL standard and these are the 3 windows to the ground floor of the flats that face directly towards the taller part of the proposed development. If these are duplex units then these particular units will also experience 30% reductions in VSC to the first floor windows but no material change in NSL at that level.
- 10.88 In general, the VSC levels would be reasonably good for an urban location; there are some exceptions with windows having fairly poor levels of VSC but most of those do experience a reduction of only up to 20% anyway.

### *71 Carmen Street (with planning permission but not yet under construction)*

- 10.89 The applicant has provided the ADF results for the rooms in 71 Carmen Street, showing the levels of internal luminance that those rooms will have once the Chrisp Street development is complete. This is on the basis that 71 Carmen Street has not yet been constructed and the appropriate assessment is whether the rooms would have sufficient light for their intended purpose, not necessarily the reduction in light that would occur if the building had already been constructed.
- 10.90 108 of the 124 rooms assessed would either have adequate ADF or, if the ADF is already below the minimum recommended level, would experience no effective change.
- 10.91 The most significant impact is to 3 studios at ground floor level. As designed, with the existing site at Chrisp Street in place, these would have ADF levels of around 1% which are already below required living room use but just adequate for bedroom use. These rooms would have ADF levels of 0.6%. These would therefore be dark rooms with the perception of poor natural daylight. However, on balance, the impact on 71 Carmen Street would not warrant a refusal.
- 10.92 Some of the rooms affected are kitchens that are small rooms of less than 13m<sup>2</sup> in area. It is recommended that these be treated as not being habitable rooms, as they are not large enough for dining use and therefore the levels of daylight that these rooms are left with can be considered to be acceptable.

### **Sunlight**

- 10.93 The Guide recommends that windows facing within 90 degrees of south be assessed for sunlight. Where windows call to be assessed due to their orientation, the BRE Guide recommends that living rooms should have an

availability of 25% of annual probable sunlight hours and with 5% available in the winter months.

- 10.94 A sunlight assessment is only required for those properties whose affected windows face within 90° of due south. Therefore, it is not necessary for the applicant to have assessed the sunlight to 151-161 Chrisp Street, to Ascot House or to 71 Carmen Street. The results for the remaining properties can be assessed.
- 10.95 The report acknowledges that 10 of the 27 rooms assessed do not meet the BRE standard for sunlight. There would be noticeable reductions to the worst affected properties of over 30% reduction in annual sunlight to 3 of the ground floor rooms and 50% reduction is in winter sunlight to 6 of the rooms. It seems likely however that the worst affected rooms are bedrooms which do have a lower requirement for sunlight.
- 10.96 In addition, some of the windows that will be left with lower levels of annual sunlight have overhanging balconies restricting sunlight availability. The scheme proposal would leave these flats with relatively good levels of annual sunlight by urban standards and, to some windows, relatively poor levels of winter sunlight. That is going to be inevitable with the windows only able to receive sunlight effectively from the southeast and with a development that is inevitably going to be of large massing located to the southeast of the block.

#### *1-11 Rifle Street*

- 10.97 There are 4 windows of the 59 tested which do not meet the BRE standard. It is relevant that the windows are affected by overhanging balconies and also that the sunlight that would be left to the other windows is generally at a very high level so all apartments would have windows that are well sunlit.
- 10.98 There are 4 windows of the 59 tested which do not meet the BRE standard. The 4 windows that are affected by overhanging balconies. The sunlight that would be left to the other windows is generally at a very high level so all apartments would have windows that are well sunlit.

#### Overlooking and privacy

- 10.99 It is widely acknowledge that a separation distance of 18 metres from habitable rooms is considered to be an accepted distance to ensure privacy of future residents in retained. The separation distance between blocks A and B (east) and blocks C and D is approximately 40 metres. The distance between D and F is approximately 12 metres. The distance between blocks F and B is approximately 12 metres and blocks E and A are 11 metres. Officers acknowledge that the relationship between blocks F and B; and E and A could reduce privacy levels to future residents occupying the flats. However, given that block F is only 3 storeys in height and therefore the number of habitable rooms affected would be low. Further, there are privacy screens proposed to the eastern elevation of block E which would reduce the impact of block A.
- 10.100 With reference to the ground floor bedrooms fronting Chrisp Street, the streetscape to Chrisp Street comprises street tree planting, which provides vertical interest and environmental benefits, as well as softening the elevation

of the building. Shrub planting to the base of the building provides privacy to these ground floor units.

10.101 It is acceptable that this development would introduce new buildings in this location. By virtue of the degree of physical separation distance between the existing and new properties and the careful layout of the blocks, Officers on balance are satisfied that the proposal would not result in an unacceptable levels of overlooking or loss of privacy.

#### Noise and vibration

10.102 The applicant submitted a Noise Assessment report which has been reviewed by the Council's LBTH Environmental Protection Team.

10.103 The Environmental Health (EH) Officer in particular examined the relationship between the eastern elevation of block A and B and the railway. The distance between the development and the railway line ranges from 20-25 metres. The balconies proposed to this elevation would be enclosed to ensure future residents are not exposed to undue noise disturbance. EH do not object to the scheme and are satisfied that future residents would not be exposed to undue noise disturbance. Notwithstanding, the scheme would be required to meet BS 8233 the 'good', standard in all habitable rooms and amenity spaces. This would be secured by way of condition.

#### **Transportation and access**

10.104 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.

10.105 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: "Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle." Policy SP09 provides detail on how the objective is to be met, including emphasis that the Council will promote car free developments in areas of good access to public transport.

10.106 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that development is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.

10.107 The developments impacts of the development on the surrounding transport network; is likely to generate around 2-3 additional person movements per

minute (i.e. an arrival or a departure) per minute during the busiest weekday peak. LBTH Highways have considered their assessment and do not raise any objections.

#### Access and servicing arrangements

- 10.108 Access to the parking area is via Cording Street and the applicant has applied to stop up part of Cording Street which currently runs through the site. The stopping up of this section of the road is accepted in principle although the detail is still to be considered as part of the scheme of highway improvement works, which would be secured by way of condition. Although this is not a requirement; it is acknowledged that it would be beneficial to the scheme.
- 10.109 An area which allows vehicles to turn would remain public highway and the applicant would be required to show how unauthorised parking would be prevented on the access road which will be within their ownership. This should be covered in the parking management plan.
- 10.110 The new proposed vehicular access which connects Rifle Street and Cording Street facilitates refuse and other servicing, which is considered acceptable. It is proposed that collapsible bollards are installed at either end of this stretch of estate road. The applicant is required to demonstrate how, and by whom, these bollards would be controlled. This would need to form part of the parking management plan and also a service management plan (again secured via condition).

#### Cycle Parking

- 10.111 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for various types of development.
- 10.112 The proposal makes provision for 448 cycle parking spaces in total; with 418 cycle spaces for the residential development and 30 cycle spaces at entrance for visitors in accordance with the Further Alterations to London Plan policy.
- 10.113 The applicant has confirmed that Sheffield style stands would be used for the storage of the bicycles. The Council's preferred option is the 'Sheffield' type stands rather than stacker or hanging types. 'Sheffield' type stands for the visitor parking would also be welcome provided these are placed within a shelter to offer some protection from the elements.

#### Car parking

- 10.114 Policy DM22 of the Managing Development Document to the parking standards set out in its appendix 2.
- 10.115 Policy 6.13 of the London Plan advocates an appropriate balance between the promotion of new development and the prevention of excessive car parking provision that can undermine cycling, walking and public transport use. Maximum car parking standards are set out in Table 6.2 of the Parking Addendum to the London Plan. Policy 6.13 of the London Plan also states that 20% of all spaces must be for electric vehicles, with an additional 20% passive provision for electric vehicles in the future.

- 10.116 Policy DM22 of the Managing Development Document sets out the parking standards set out in its appendix 2. Appendix 2 of the MDD sets a maximum provision of 0.3 spaces per unit for 1 and 2 bedroom units, and 0.4 spaces per 3 or 4 bedroom unit for developments with PTAL ratings of 3. Where off-street parking is provided, two spaces or 10% of the total parking (whichever is greater) should be accessible car parking for disabled people.
- 10.117 The development proposals seek to provide 20 parking spaces located within an undercroft car park, all of which are accessed via the new internal street off Cording Street. All proposed car parking bays have been designed to accessible standards and would be allocated in the first instance to accessible units and/or blue badge holders. Should any spaces not be taken up by Blue Badge holders within a reasonable time they should be offered to residents who qualify under the Permit Transfer Scheme. A parking management plan would be required as a condition.
- 10.118 Subject to conditions, transport matters, including vehicular and cycle parking, vehicular and pedestrian access are acceptable and the proposal should not have a detrimental impact on the public highway in accordance with National Planning Policy Framework (NPPF); 6.1 of the London Plan, SP08 and SP09 of the Core Strategy (2010) and DM20 of the Managing Development Document (2013).

#### **Sustainability, energy efficiency and climate change**

- 10.119 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the LBTH Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 10.120 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 10.121 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 10.122 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install energy systems in accordance with the following hierarchy:
- 1) Connect to existing heating or cooling networks.
  - 2) Site wide CHP
  - 3) Communal heating and cooling.
- 10.123 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.



From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.

- 10.124 The submitted proposals have followed the energy hierarchy and seek to minimise CO<sub>2</sub> emissions through the implementation of energy efficiency measures (5%), site wide CHP system (135kWth engine; 27%) and utilise PV's on the available roof area (96kWp; 14%). The CO<sub>2</sub> emission reductions proposed are supported and would result in a circa 44% reduction against the Building Regulations 2013. As such, there is no requirement for a cash in lieu payment as the proposal accords with policy.
- 10.125 The current proposals are considered appropriate for the development and meet policy requirements for energy and sustainability. It is recommended that the proposals are secured through appropriately worded Conditions.
- 10.126 It is recommended that Conditions are attached to the permission to deliver:
- A heat network supplying all spaces within the development shall be installed and sized to the space heating and domestic hot water requirements of the Development, and shall be operational prior to the full occupation of the development.
  - Prior to the commencement of the relevant works of the development the applicant shall submit full detailed specification of the proposed 96kWp Photovoltaic Array to be approved in writing by the local planning authority.
  - Prior to the first occupation of development the applicant shall submit the final energy calculations to show the scheme has delivered the carbon emission reductions as anticipated in the submitted Energy Statement (dated December 2014). Should the scheme not deliver the anticipated carbon savings any shortfall must be met through a cash payment in accordance with the carbon offsetting arrangements.
- 10.127 The above conditions would ensure a reduction of carbon dioxide emissions, through the cumulative steps of the Energy Hierarchy in accordance with Policy DM29 of the London Borough of Tower Hamlets Managing Development Document 2013.

#### Sustainability

- 10.128 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a Code for Sustainable Homes Level 4 rating.
- 10.129 The residential uses are anticipated to achieve Code for Sustainable homes Level 4. This is supported and this should be secured via an appropriately worded Condition with the final certificates being submitted to the council within 6 months of occupation.

## **Impact upon local infrastructure / facilities**

10.130 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

10.131 The NPPF requires that planning obligations must be:

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

10.132 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.

10.133 The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations. The SPD was approved for public consultation by the Mayor in Cabinet on the 8th April 2015

10.134 The boroughs four main priorities remain:

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

10.135 The Borough's other priorities include:

- Public Realm;
- Health;
- Sustainable Transport;
- Environmental Sustainability

10.136 The development would place additional pressure on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.

10.125 As outlined in the following section LBTH CIL is now applicable to the development, and along with the onsite schools, the CIL will help mitigate these impacts.

10.126 The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:

- Enterprise and Employment Skills and Training; energy; and,
- £500 towards monitoring the above contribution.

10.127 The applicant has also offered 35% affordable housing by habitable room with a tenure split of 69/31 between affordable rented and shared ownership

housing at LBTH rent levels. This offer has been independently viability tested and is considered to maximise affordable housing levels in accordance with relevant policy.

10.128 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme), 20% active and 20% passive electric vehicle charging points a residential travel plan, and mitigation (if necessary) for DLR communications and television.

10.129 The financial contribution offered by the applicant are summarised in the following table:

Heads	s.106 financial contribution
Construction Phase and end user phase skills and training £17,547	£17,547

#### Local financial considerations

10.130 These obligations are considered to meet the tests set out in guidance and the CIL regulations.

10.131 Section 70(1) of the Town and Country Planning Act 1990 (as amended) and Provides that in dealing with such an application the authority shall have regard to:

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

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

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

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

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

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

10.136 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this

development is likely to generate approximately £418,390 in the first year and a total payment of approximately £2,510,339 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the planning obligation contributions, and therefore this initiative does not affect the financial viability of the scheme.

10.137 This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. 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 and Mayor of London schedule. The estimated the Mayoral CIL would be £525,455 (this figure will be subject to social housing relief of £180,326) and the LBTH CIL is £525,973 (this figure will be subject social housing relief which will reduce the amount of £180,326)

### **Human Rights Considerations**

10.138 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members.

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

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

10.140 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

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

10.142 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

10.143 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

10.144 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

10.145 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

### **Equalities Impact Assessment**

10.146 When deciding whether or not to proceed with the project, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty). Some form of equality analysis would be required which is proportionate to proposed projects and their potential impacts.

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

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

10.148 The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

10.149 The affordable housing supports community wellbeing and social cohesion.

10.150 The proposed development allows for an inclusive and accessible development for less-able and able residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking, wheelchair adaptable/accessible homes.

## **11. Conclusion**

11.1 All other relevant policies and material considerations have been taken into

account. Planning permission should be granted in accordance with the RECOMMENDATION section of this report.

