

<b>Committee:</b> Strategic Development	<b>Date:</b> 28 <sup>th</sup> July 2016	<b>Classification:</b> Unrestricted
<b>Report of:</b> Director of Development and Renewal		<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Brett McAllister		<b>Ref No:</b> PA/14/02928  <b>Ward:</b> Lansbury

## 1.0 APPLICATION DETAILS

<b>Location:</b>	116-118 Chrisp Street, Poplar London, E14 6NL
<b>Existing Use:</b>	116 Chrisp Street – Public House (Use Class A4) 118 Chrisp Street – Vacant Light Industrial Building (Use Class B1c)
<b>Proposal:</b>	Demolition of public house (Use Class A4) and former Tyre and Exhaust Centre building (Use Class B1/B2) and erection of mixed-use development of part 5, part 14, part 16 storeys comprising of 71 residential units (Use class C3) with ground floor commercial unit (flexible use - Use Classes A1/A2/A3), and associated cycle and refuse storage facilities, amenity areas and electricity sub-station. Formation of new vehicular and pedestrian accesses onto Chrisp Street.
<b>Drawings:</b>	1233 (PL) 001 1233 (PL) 002 1233 (PL) 100 C 1233 (PL) 101 1233 (PL) 102 1233 (PL) 103 B 1233 (PL) 104 B 1233 (PL) 105 A 1233 (PL) 106 A 1233 (PL) 107 A 1233 (PL) 108 A 1233 (PL) 109 A 1233 (PL) 110 B 1233 (PL) 111 B 1233 (PL) 112 B 1233 (PL) 113 B 1233 (PL) 114 1233 (PL) 115 1233 (PL) 116 1233 (PL) 200 A 1233 (PL) 201 A 1233 (PL) 202 A

1233 (PL) 203 A  
1233 (PL) 204 A  
1233 (PL) 300 A  
1233 (PL) 301 A  
1233 (PL) 302 A  
1233 (PL) 400  
1233 (PL) 401  
Accommodation Schedule D

**Documents:**

- Design and Access Statement by Stephen Davy Peter Smith Architects
- Air Quality Assessment by Hawkins Environmental
- Statement of Consultation and Community Involvement by The Planning and Design Bureau
- Planning Statement by The Planning and Design Bureau
- Noise and Vibration Assessment by Hepworth Accoustics
- Daylight & Sunlight Assessment by Malcolm Hollis
- Transport Statement by EAS
- Affordable Housing Policy Statement by Affordable Housing Solutions
- Interpretive Report by RSA Geotechnics Ltd.
- Energy Assessment by Robinson Associates
- Sustainability Summary by Mulalley
- Flood Risk Assessment by Sherrygreen Homes Ltd.
- Wind Environment Assessment by WSP

**Applicant:** Sherrygreen Homes  
**Ownership:** Sherrygreen Homes  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for demolition of a public house and vacant warehouse and redevelopment of the site to provide a residential development of 71 in a single building up to 16 storeys in height.
- 2.2 Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The proposed redevelopment of this brownfield site for a residential led mixed use development is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the development plan policies.
- 2.4 The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing (37.4% affordable housing by habitable room). Taking into account the viability constraints of the site the development is maximising the affordable housing potential of the scheme.

- 2.5 The residential quality of the scheme would be high. Out of the 17 affordable rented units 41% would be of a size suitable for families (7 units). All of the proposed affordable units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All of the dwellings would meet Lifetime Homes standards and 10% would be provided as wheelchair accessible.
- 2.6 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver good quality homes in a sustainable location. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.7 The majority of amenity impact from the development would be acceptable. It is noted that the proposed development has a significant adverse impact on the Equinox development in particular; however officers consider this to be expected to a degree given the existing low rise nature of the application site. Officers also consider that the design of the development, massing of the site to be appropriate and as such, overall given the regenerative benefits of the proposal including the provision of housing and affordable housing the impact on balance, is considered acceptable.
- 2.8 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.9 The scheme would meet the full financial and non-financial contributions.

### **3.0 RECOMMENDATION**

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

a) Any direction by the London Mayor

b) The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following planning obligations:

3.2 Financial Obligations:

- a) A contribution of **£18,495** towards employment, skills, training for construction job opportunities
- b) A contribution of **£718.2** towards employment, skills, training for unemployed residents
- c) **£1000** towards monitoring fee (£500 per s106 HoT's)

**Total £20,213.2**

3.3 Non-financial Obligations:

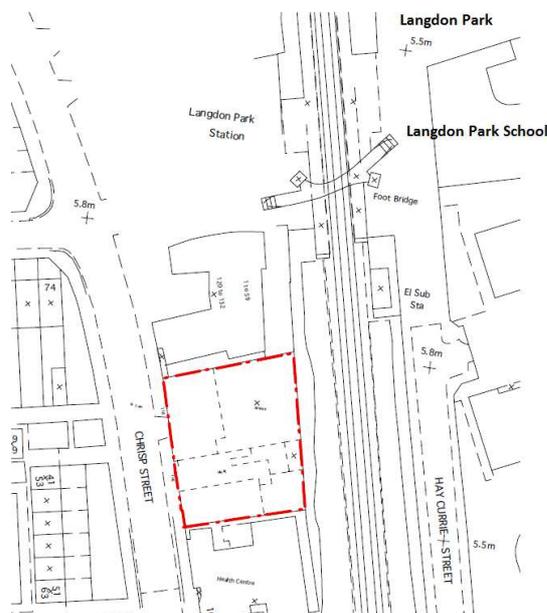
- a) Affordable housing 37.4% by habitable room (26 units)
  - 68% Affordable Rent at Borough affordable rental levels (17 units)
  - 32% Intermediate Shared Ownership (9 units)
- b) Access to employment
  - 20% Local Procurement
  - 20% Local Labour in Construction

- c) Car free agreement
  - d) Three blue badge parking spaces to be funded by applicant at request of potential tenants for a term of 5 years.
  - e) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.
- 3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:
- 3.6 Conditions:
1. Three year time limit
  2. Compliance with approved plans and documents
  3. Samples and details of all facing materials
  4. Details of any shopfront 1:50 including location of signage
  5. Details of hard and soft landscaping, including boundary treatment and lighting
  6. Details of play equipment
  7. Details of green roof
  8. Details of drainage and mitigation of surface water run-off
  9. Details of all Secure by Design measures
  10. Hours of construction and demolition
  11. Demolition and Construction Management/Logistics Plan
  12. Delivery and Servicing Management Plan
  13. Details of any extract system serving an A3 use
  14. Hours of operation for any A3 use
  15. Travel Plan
  16. Contaminated Land
  17. Compliance with Energy Statement
  18. Details of cycle parking
  19. Details of noise and vibration levels post completion testing
  20. Details of piling, all below ground works and mitigation of ground borne noise
  21. Scheme of highway improvement works as requested by LBTH Highways
  22. Protection of DLR infrastructure
  23. Car and Permit free agreement
  24. Commercial unit to be Use Classes A1/A2/A3
  25. Details of wheelchair accessible units
- 3.7 Any other conditions considered necessary by the Corporate Director Development & Renewal.
- 3.8 Informatives:
1. Subject to a S106 agreement
  2. Thames Water standard informative
  3. Building Control
  4. CIL
- 3.9 Any other informatives considered necessary by the Corporate Director Development & Renewal.

## 4.0 PROPOSAL AND LOCATION DETAILS

### Site and Surroundings

- 4.1. The application site is a broadly rectangular plot that measures 0.1024ha in size. It is situated on the eastern side of Chrisp Street and is to the west of the DLR line that runs from Lewisham to Stratford.
- 4.2. The site comprises two plots – 116 and 118 Chrisp Street. No.116 to the south is occupied by a two storey public house - The Royal Charlie and includes its rear outbuildings and car park. 118 Chrisp Street comprises a vacant 2 storey warehouse. This warehouse was previously used as a tyre and exhaust centre.
- 4.3. To the north of the site is Parkview Apartments (120-122 Chrisp Street). This is a 19 storey residential building with ground floor commercial uses (an A3/A5 use is closest to the application site). It occupies most of its site, and comprises a slim tower set towards the rear of the land, with lower wings projecting towards Chrisp Street.
- 4.4. To the north of Parkview Apartments, beyond a pedestrianised street that connects Langdon Park Station with Chrisp Street, is a construction site for a consented residential development comprising buildings that will range from 5 to 22 storeys high.
- 4.5. Approximately 40m to the north east of the site is a Langdon Park DLR Station and Landon Park. On the other side of the DLR tracks to the east is Langdon Park school. Immediately to the south of the site is a 1 and 2 storey Health Centre and associated car park.
- 4.6. To the west, across Chrisp Street, is a relatively recent residential development of between 3 and 9 storeys in height, which is part of the Equinox development. The 9 storey element of the development faces the application site. Moving north there is a 2 storey terrace of postwar housing which faces Carmen Street and further north from that there is another relatively recent residential development of between 4 and 9 storeys in scale, which is also part of the Equinox development.
- 4.7. The following site plan shows the site in relation to its surroundings:



- 4.8. Further afield there exists a recently built 20-storey building tower – ‘The Panoramic’, located to the south east of the application site at the meeting point of Hay Currie Street, Willis Street and Bircham Street.
- 4.9. The site is located at the northern end of the Chrisp Street Market District Centre.
- 4.10. The proposed development site has a Public Transport Accessibility Level (PTAL) of 4, with 6 being the highest. Langdon Park DLR station is located on the north-east and is approximately 100 metres walk from the site. The site therefore provides good connectivity. Bus stops exist on Chrisp Street located just outside the site and 2 minutes walk away on Cordelia Street providing connections to Stratford, Canary Wharf, Bethnal Green and Canning Town.

### **Planning History**

- 4.11. The two sites were previously in separate ownership and received separate planning permissions for buildings up to 10 storeys; however these consents were not implemented and have since expired.

#### 118 Chrisp Street - PA/08/00374

- 4.12. (1) Demolition of the existing single storey light industrial building with double pitched roof and redevelopment of the site by the erection of a part 5, part 8 and part 10 storey building for mixed use purposes.  
  
(2) Provision of 128 sq.m of commercial floorspace falling within use classes A1, A2, B1 or D1 at ground floor level plus a total of 28 self-contained flats (12 x 1 bedroom; 9 x 2 bedroom, 6 x 3 bedroom and 1 x 4 bedroom) together with bicycle parking, refuse/recycling facilities and amenity space.  
Permitted: 04.07.2008  
Expired without implementation: 04.07.2011

#### 116 Chrisp Street – PA/09/00357

- 4.13. Demolition of existing Public House and redevelopment of site to provide 95sqm of A3 use on ground floor; 20 residential units (comprising 9 x 1 bed; 6 x 2 bed & 5 x 3 bed); associated amenity space and 30 cycle spaces. Part 5 part 10 storeys in height.  
Permitted: 03.06.2009  
Expired without implementation: 03.06.2012

### **Proposal**

- 4.14. Full planning permission is sought for demolition of existing buildings and erection of a building between 5 and 16 storeys in height to provide 71 residential units (15 x 1 bed, 37 x 2 bed, 17 x 3 bed and 2 x 4 bed) and landscaped amenity space, cycle parking, electricity substation and associated works. The formation of new vehicular and pedestrian access onto Chrisp Street is also proposed.
- 4.15. The front of the ground floor would contain the two entrance lobbies and a 90sqm commercial unit that would be flexible between retail, financial and professional and restaurant uses (use classes A1/A2/A3). The rear of the ground floor would contain cycle storage rooms, bin stores, plant rooms and a substation. The external area between the rear elevation and the boundary of the site with the DLR tracks would be a 200sqm area of dedicated child play space.

- 4.16. Floors 1-5 would consist of the 26 affordable units with the upper floors containing the private units.
- 4.17. The building would be 5 storeys where it meets Chrisp St, this would be stepped in at 13 storey where a communal amenity area of 144sqm would be provided and would rise to a total of 16 storeys to the rear of the site. The scheme will be based on a simple palette of high quality materials.
- 4.18. The proposed development would be car-free. A permit free agreement will be entered into with Tower Hamlets to restrict future residents from access to parking permits.

## **5.0 POLICY FRAMEWORK**

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### **5.2 Government Planning Policy**

National Planning Policy Framework 2012

### **5.3 London Plan FALP 2015**

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 3.1 - Ensuring equal life chances for all
- 3.2 - Improving health and addressing health inequalities
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people’s play and informal recreation facilities
- 3.7 - Large residential developments
- 3.8 - Housing choice
- 3.9 - Mixed and balanced communities
- 3.10 - Definition of affordable housing
- 3.11 - Affordable housing targets
- 3.13 - Affordable housing thresholds
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.5 - Decentralised energy networks
- 5.6 - Decentralised energy in development proposals
- 5.7 - Renewable energy
- 5.8 - Innovative energy technologies
- 5.9 - Overheating and cooling
- 5.10 - Urban greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies

- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London's neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 7.13 - Safety, security and resilience to emergency
- 7.14 - Improving air quality
- 7.15 - Reducing noise and enhancing soundscapes
- 7.18 - Protecting local open space and addressing local deficiency
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodland
- 8.2 - Planning obligations

#### 5.4 **Core Strategy 2010**

- SP01 - Town Centre Activity
- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking
- SP13 - Planning Obligations

#### 5.5 **Managing Development Document 2013**

- DM0 - Delivering Sustainable Development
- DM1 - Development within the town centre hierarchy
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM8 - Community Infrastructure
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM13 - Sustainable drainage
- DM14 - Managing Waste
- DM15 - Local Job Creation and Investment
- DM20 - Supporting a sustainable transport network
- DM21 - Sustainable transportation of freight
- DM22 - Parking
- DM23 - Streets and the public realm
- DM24 - Place sensitive design
- DM25 - Amenity
- DM26 - Building Heights

- DM27 - Heritage and the historic environments
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

## 5.6 **Supplementary Planning Guidance/Documents and Other Documents**

### Mayor of London

- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context - Draft (2013)
- Sustainable Design and Construction - Draft (2013)
- Accessible London: Achieving an Inclusive Environment (2004)
- All London Green Grid (2012)
- Housing (2012)
- London Planning Statement - Draft (2012)

### Other

- Revised Draft Planning Obligations SPD 2015 (consultation draft)

## 5.7 **Tower Hamlets Community Plan objectives**

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

## 6.0 **CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

6.2 The following were consulted regarding the application:

### **External Consultees**

#### Transport for London

### 6.3 Car Parking

Car free scheme is welcomed by TfL in principle. The applicant should therefore demonstrate whether 7 accessible car parking spaces can be feasibly achieved on site or within the local area.

### 6.4 Cycle Parking

-93 cycle spaces are proposed internally at grade with access from the two cores, to serve the residential units an additional 8 spaces externally for visitors and commercial use. The external store should be covered and preferably covered by CCTV. Also, TfL request that the cycle parking is increased in conformity with the Further Alterations to the London Plan (FALP).

### 6.5 Walking

TfL has identified that this area suffers from poor wayfinding and therefore in accordance with London Plan policy 6.10 'Walking' TfL recommends that the

applicant liaise with Tower Hamlets on the introduction of Legible London within the local area to help aid wayfinding in the area.

6.6 DLR

Langdon Park suffers from uneven loading, with some carriages busier than others, and this is exacerbated (particularly in poor weather) by the lack of full-length platform canopies at most stations. TfL requests a £75,000 contribution towards enhancements, including full length canopies, at Langdon Park station is secured. As this development includes the construction of a tall building adjacent to the DLR line TfL requests that conditions should be attached to the grant of any planning consent with the intention of protecting DLR infrastructure.

6.7 Buses

TfL considers that the impact of this development upon the bus network will be negligible and that there is sufficient capacity to cope in the minor uplift in bus passenger trips.

6.8 Freight

TfL understand that deliveries and servicing will occur on street however to ensure the smooth flow of traffic TfL's preference is for servicing to occur on site. The applicant should therefore demonstrate whether this would be feasible to provide on site. With consideration to the retail unit TfL would expect a Delivery and Servicing Plan (DSP) to be secured by condition.

6.9 *[Officer Comment: These matters are discussed in the material planning considerations section of the report. Conditions are recommended securing the above. Transport and road enhancements are within the Councils regulation 123 list and as such, fall within the remit of CIL]*

Thames Water (TW)

6.10 TW do not have any objection to the above planning application in relation to sewage impact or Water Infrastructure capacity.

6.11 TW recommend a condition restricting impact piling.

6.12 *[Officer comment: The requested condition and an additional informative are recommended to this consent]*

Environment Agency (EA)

6.13 EA have reviewed the Flood Risk Assessment we agree with its findings that the site levels are above the in-channel levels of the River Thames for the extreme tidal surge. The site is not affected by fluvial flood risk and is under 1 ha therefore they have no objection to the proposal nor any conditions to recommend.

Greater London Authority

6.14 *London Plan policies on the loss of local community asset (PH), affordable housing, density, design, energy and transport are relevant to this application. The application complies with some of these policies but not with others and reason and the potential remedies to non-compliance are set out below:*

#### *Affordable housing*

- Whilst the scheme is proposing affordable housing, the proportion is lower than the Council's minimum requirement of 35%. The Council may also opt to independently assess this scheme to ensure that the maximum amount of affordable housing is being delivered, since new schemes within the Chrisp Street area are known to have achieved high provisions than the 24% proposed.

#### *Housing*

- The residential housing mix appears to be appropriate.

#### *Density*

-The Density is higher than the London Plan specification but the design quality is high.

#### *Design*

- Design is generally supported. However the Council will need to be satisfied locally that there are no negative impacts to the uses to the southern elevation of the building and surrounding the site.

- The sixteen-storey height of the proposal sits comfortably within the established and emerging context and is supported from a strategic perspective, given its location within the Chrisp Street Market district centre. The building height also responds to the scale of the taller development closer to Langdon Park Station, contributing to a gradual drop in scale further to the south along Chrisp Street.

#### *Transport*

- Agreement for the enhancement of the DLR station required  
- CMP, Travel Plan, electric vehicle charging points, way-finding enhancements and more specific plans required.

- 6.15 [Officer comment: The above comments are addressed in the material planning consideration within this report. In relation to affordable housing, since the Stage 1 report, the affordable housing has increased to 37.4%]

### **Internal Consultees**

#### Environmental Health – Contamination

- 6.16 Development of the site shall not begin until a scheme has been submitted to the local planning authority and written approval has been granted for the scheme.
- 6.17 The scheme will identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.
- 6.18 [Officer comment: The requested condition will be secured]

#### Environmental Health - Noise and Vibration

- 6.19 Noise should not be a material factor for refusal, although it is recommend that the design of the development is reviewed to accommodate the necessary measures to ameliorate noise, vibration and any likely groundborne noise, as some complaints are likely to be made after occupation.

- 6.20 *[Officer comments: These matters are discussed in the material planning considerations section of this report]*

Air Quality

- 6.21 The Air Quality Assessment submitted is adequate.

Transportation and Highways

- 6.22 The following is a summary of the representations received from the Councils Transportation and Highways department.

- 6.23 Highways have taken on board the agreement of Parking Services to three on-street disabled parking bays. In this case it is recommended that the applicant enter into a legal agreement to provide funding for three bays over a five year period (after first occupation) so that the bays can be installed as and when required by residents who hold registered blue badges. Highways support the otherwise car-free approach. A 'Permit Free' agreement will be required, secured by the S106 agreement, which restricts all future residents (unless blue badge or those who qualify for the Permit Transfer Scheme) from obtaining a parking permit in the controlled parking zone.

- 6.24 Minimum of 90 cycle parking spaces is required without the additional for visitors and commercial use.

- 6.25 There are waiting restrictions in operation (as well as a bus stop on the frontage) and with these are inherent loading restrictions, which restrict loading to a 20 minute period, insufficient for a removals van for instance. With regards servicing, the pre-app advice given for on-street servicing is accepted.

The highway works surrounding this site are to be subject to a section 278 agreement

- 6.26 *[Officer comments: These matters are discussed in the material planning considerations section of this report. The suggested conditions are recommended]*

- 6.27 Sustainability

The CO2 emission reductions proposed are anticipated to be policy compliant and deliver a 45% reduction against a Building Regulations 2013 baseline.

Waste

- 6.28 The following is a summary of comments received.
- Residential and commercial bin stores must be segregated
  - require that the largest bin for residual waste is 1100 litres and recycling 1280 litres
  - require that the bin store is within 10 metres of the place where the refuse vehicle will stop and the area should have a dropped kerb

- 6.29 *[Officer comment: The site is liable for a CIL contribution, the money collected could be spent on health infrastructure. Contaminated land matters are discussed in the material planning considerations section of this report.]*

## 7.0 LOCAL REPRESENTATION

### Statutory Consultees

7.1 A total of 546 letters were sent to occupiers of neighbouring properties, a site notice was displayed outside the application site, and a press advert was published in the East End Life Newspaper.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

7.3 No of individual responses:                      Objecting: 4                      Supporting: 0  
No of petitions received:                      0

7.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

#### 7.5 Land Use

- Royal Charlie pub is a community asset
- Royal Charlie pub is a viable business
- Too many flats in the area
- Adverse impact on local services
- Unused warehouse should be redeveloped

7.6 *[Officer comment: the impact of the proposal on land use is discussed within the material planning considerations section of this report.]*

#### 7.7 Design & Heritage

- Affect the view from the properties on the opposite side of the road
- Royal Charlie pub is historic building that should be protected

7.8 *[Officer comment: the impact of the proposal on design and conservation is discussed within the material planning considerations section of this report.]*

#### 7.9 Amenity

- Block light to neighbouring dwellings and GP practice to south
- Overlooking of GP practice to south impacting confidentiality and comfort of patients
- Closure of pub may lead to people loitering and anti-social behaviour
- Increase in new housing in the area may cause vandalism and anti-social behaviour due to traditional community feeling 'replaced' by new residents.

7.10 *[Officer comment: the impact of the proposal on amenity is discussed within the material planning considerations section of this report]*

#### 7.11 Highways & Transportation

- DLR does not have the capacity to cope with further residential development
- Adverse impact on traffic

7.12 *[Officer comment: the impact of the proposal on highways is discussed within the material planning considerations section of this report]*

7.13 Other

- Is there a possibility of Section 106 funding for increased amount of patients at the GP practice
- The tyre centre was formerly an HGV services and may have contaminated land

7.14 *[Officer comment: Contaminated land will be discussed within material planning considerations section of this report]*

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the Committee are requested to consider are:

- Land Use
- Design
- Housing
- Amenity
- Transport, Access and Servicing
- Sustainability and Environmental Considerations
- Planning Obligations

### **Land Use**

8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles:

- an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure;
- a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and
- an environmental role – protecting and enhancing the natural, built and historic environment.

8.3 These economic, social and environmental goals should be sought jointly and simultaneously.

8.4 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.

8.5 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.

8.6 The site is within the Crisp Street district centre and the place of Poplar as set out in the Core Strategy SP12 Annex which seeks to create "a great place for families set

around a vibrant Chrisp Street and a revitalised Bartlett Park”, with higher densities in and around the regenerated Chrisp Street town centre and lower densities around Bartlett Park.

#### Loss of public house

- 8.7 Public houses (Use Class A4) such as the Royal Charlie located at the site are considered to be community facilities, therefore in line with Policy DM8 (3) of the Managing Development Document which manages the loss of such facilities the applicants were required to demonstrate that there is no longer a need for the public house within the local community including evidence of marketing effort at an appropriate rent.
- 8.8 The applicant submitted a Viability Study by Christie & Co which suggests the public house suffers from a consistently poor trade performance considered to be linked to rising costs within the industry, a poor location, a low customer base, the poor condition of the property and a number of competing public houses in the local area. The study concludes that the Public house is not viable in the long term.
- 8.9 It is also noted, that the Council has previously granted the loss of the public house in PA/09/00357. However, given this consent has expired limited weight is given to this point.
- 8.10 With many of the sites surrounding the site having been re-developed, the loss of the public house which is not considered to be of any townscape merit amongst the various new residential developments of area, is considered acceptable. Although the pub manages to continue to trade and serves a limited customer base the viability report indicates that it is not thriving business, no information has been found to the contrary.
- 8.11 As such, overall the loss of the public house needs to be balanced against policy aims to optimise the use of the site and achieve ambitious housing targets. For these reasons, officers consider the loss of the public house acceptable in this instance, when considering the benefits to be gained with 71 additional residential units including much needed affordable housing.

#### Loss/reduction of employment space

- 8.12 Policy DM15 states that employment uses should only be lost if they are not viable or they are unsuitable for continued use. Evidence of a marketing exercise for approximately 12 months is usually required to demonstrate that there is no demand for the existing employment use before a loss will be accepted. This has not been provided.
- 8.13 The applicant states that the tyre and exhaust centre building (B1c) on the site has been vacant since 2008. The building is in a poor condition which would take investment to be suitable to reuse. The building is an unsympathetic feature of the townscape in this residential/town centre location and is unlikely even with investment to generate a high level of employment. In this case and in light of the intense pressure outlined to provide new housing the loss of the warehouse is considered acceptable. Its replacement with high-quality residential with 90sqm of commercial uses at ground floor is considered by officers to be the most efficient and appropriate use of the site, taking into account the emerging residential context.

### Principle of residential use

- 8.14 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan (FALP 2015) seeks to alleviate the current and projected housing shortage within London through provision of an annual average of 42,000 net new homes. The minimum ten year target for Tower Hamlets, for years 2015-2025 is set at 39,314 with an annual monitoring target of 3,931. The need to address the pressing demand for new residential accommodation is addressed by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 8.15 The principle of residential use at this site is acceptable in line with SP02 (1a) which focuses new housing in the eastern part of the borough including the Poplar.
- 8.16 Given the above and the residential character of surrounding area around the site, the principle of intensification of housing use on this brownfield site is strongly supported in policy terms.

### Proposed flexible commercial space

- 8.17 In terms of the proposed non-residential uses at the site, it was originally proposed to provide flexible commercial uses comprising retail/restaurant/office (Use Classes A1/A3/B1a) for the single 90sqm unit on the ground level of the building. It has now been agreed to omit the office use and include financial and professional use in the range of uses considered appropriate (Use Classes A1/A2/A3) and this would be conditioned as such.
- 8.18 It was considered that the proposed inclusion of office (Use Class B1) would not activate the street frontage so this use has been removed. Conversely officers consider financial and professional services (Use Class A2) to provide an active frontage which has therefore been included in the range of appropriate flexible uses for the commercial unit.
- 8.19 Regarding the proposed retail use, an increase in floorspace and units within the designated Crisp Street district centre is supported in accordance with the SP01 (4a) of the Core Strategy which looks to encourage additional comparison retail in town centres.
- 8.20 Restaurant/café uses are also directed to designated town centres providing there is not an over-concentration of such uses and there is a separation of at least two non-A3/A4/A5 unit between each A3/A4/A5 unit in accordance with Policy DM1 (4) of the Managing Development Document. It is acknowledged that the neighbouring unit to the north is in use as a café/takeaway however there are no other A3/A4/A5 uses exist in the immediate surrounding area that would amount to an overconcentration. The restaurant/café use is therefore considered acceptable.

### **Design**

- 8.21 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.22 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,

- establish a strong sense of place, creating attractive and comfortable places to live,
  - respond to local character and history, and reflect the identity of local surroundings and materials,
  - create safe and accessible environments, and
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.23 Chapter 7 of the London Plan places an emphasis on robust design in new development.
- 8.24 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.25 The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

#### Height & Massing

- 8.26 With regards to appropriateness of the development of tall buildings, this has been considered in the context of London Plan and Local Plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2015) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 8.27 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate well to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the Managing Development Document reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings.
- 8.28 The building is within the Chrisp Street Market District centre and is located close to Langdon Park DLR station where a number of tall buildings have been consented/implemented or are in the process of being implemented. As such, the principle of a tall building at this location can be supported, in line with the prevailing/emerging scale of development within the area. The height of the proposed 16-storey tower generally accords with recently built or consented schemes within the

immediate surrounding area. These include: Parkview apartments, (19 storeys) on the neighbouring site to the north; 134-156 Chrisp Street, (22 storeys) consented further north on the other side of the DLR station. This results in a gradual drop in height as you move away from Langdon Park Station.

- 8.29 In terms of massing the proposal follows similar principles to the Parkview Apartment building. The building's tallest element is positioned to the rear of the site by the DLR. This is then staggered at various points towards the front of the building where it meets Chrisp Street at 5 storeys, providing a human scale at street level that corresponds with the surrounding buildings here.
- 8.30 The appropriateness of the height is also supported by the GLA's stage one response as outlined within the consultation section above.
- 8.31 Overall, it is considered the proposed height and scale of development coming forward is considered acceptable and appropriately relates to its surroundings.

#### Elevation Design & Materials

- 8.32 The elevation treatment and detailing have been well thought through and the architects have employed architectural techniques to create articulation and interest achieving a robust and contemporary development. The elevation treatment consists of high-quality brick as the main external material. Contrast and a breakup of the massing would be created through the use of a combination of red-buff bricks and grey bricks. Brick detail of vertical stack bonded bricks at the header and sill of certain windows would add further interest. In the same way visual interest has been achieved on the southern elevation, which would be exposed in relation to the low-rise Health Centre and has much less fenestration, with a contrast of brick colours and brickwork detailing.
- 8.33 It is considered the elevation treatment and detailing have been well thought through and subject to conditions, a high quality development will be achieved.
- 8.34 The communal entrance would be constructed with full height glazing and glass swing doors to residential entrances. This would be sheltered with colonnade entrance area. It is considered that the ground floor layout is well-conceived with a good level of active frontage on Chrisp Street.
- 8.35 The windows would have deep reveals with high-quality aluminium frames. The proposed window details will be conditioned to ensure high thermal and acoustic levels are obtained. Further variation to the elevations would be provided by a combination of balcony types with perforated aluminium panelled balconies used on the lower 5 floors and projecting frameless glass balconies on the upper floors. At the front elevation, the balconies of the lower 5 floors would be inset. Officers consider that careful consideration has been given to the approach to fenestration and balcony locations as well as to the design of entrances.
- 8.36 To ensure the highest quality materials, all external materials would be reserved by condition.

#### Heritage

- 8.37 The site is not within a Conservation Area, however it would be visible in relation to the Langdon Park Conservation Area which is located approximately 100 metres to the north east of the site, on the opposite side of the DLR tracks.

- 8.38 The proposed development is considered to form part of an emerging cluster around Langdon Park DLR station of contemporary taller buildings. The design of the proposal has been subject to pre-application discussions between the applicant and Officers. Officers are satisfied that the buildings would form background buildings when viewed from the Conservation area and consequently preserve the appearance of the Langdon Park Conservation Area.

#### Safety and security

- 8.39 The site has been design to high security standards. The site benefits from a prominent entrance on Chrisp Street. The proposed entrance and fenestration to the ground floor would result in a high proportion of active frontage. This would result in a high level of passive surveillance and have a positive effect on actual and perceived safety and security.
- 8.40 A condition would be attached to the permission for secure by design standards to be secured should the application be recommended for approval.

#### Landscaping

- 8.41 The proposal would provide 200sqm of dedicated child playspace at ground floor to the rear of the building. This would include toddler play space with low height/impact timber and steel play equipment, stepping stones and wetpour safety surfacing. An acoustic green barrier with hedge planting to the front would be erected along the eastern boundary in order to mitigate noise generated from the passing DLR trains. The area would include a range of planting for visual and seasonal interest.
- 8.42 In addition to the ground floor child play space there would be a terrace on the 14th floor which would provide a further 144sqm of communal amenity space. This would feature tree planting set within raised planters, composite timber decking, benches incorporated into planting bed walls and other timber tables and chairs.
- 8.43 At the front of the development there would be tree planting along Chrisp Street and a feature tree set in a planting bed at the north west corner.
- 8.44 The constrained sites provide limited space for an elaborate landscape scheme; however the proposed landscaping is considered to be well thought out and would be conditioned to be of a high quality.

#### **Housing**

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

### Residential density

- 8.47 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.48 The As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4. The London Plan defines "Central Areas as those with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre. The site and surrounding area has a character that fits the definition of a "Central" area given in the London Plan without being located within 800m walking distance of a major town centre, Canary Wharf Central Activities Zone being approximately 1250m walking distance away.
- 8.49 Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics of 650 to 1100 habitable rooms per hectare (hrph) and with an average of just over 3 habitable rooms per unit 215 to 405 units/hectare (u/h).
- 8.50 The proposed density would be 2138hrph and 693u/h which would be well in excess of the indicative density range in this table. However, the density is considered to be skewed heavily by the small size of the site
- 8.51 It should be noted that density only serves as an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Loss of outlook;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure.
- 8.52 This report will go on to demonstrate that the scheme has minimal impacts of overdevelopment within this application; officers have sought to weigh up its impacts against the benefits of the scheme and in particular the provision of affordable housing.

### Affordable housing

- 8.53 In line with section 6 of the NPPF, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.

- 8.54 The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 of the Core Strategy 2010 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 8.55 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate. The scheme that was originally submitted offered a total of 16 of the 71 residential units to be provided as affordable units, which represented a total on-site provision of 24% affordable housing based on habitable rooms.

Table 1: Affordable Housing Provision

- 8.56 The applicant submitted a viability appraisal which was independently assessed on behalf of the Council. Following negotiations around viability it was concluded additional affordable housing could be provided and as such a revised offer of a total of 26 affordable units has been agreed. This represents a total on-site provision of 37.4% by habitable room. This would be provided in the following mix:

	Units	% Units	Hab Rooms	% Hab Rooms
Affordable Rent	17	23.95%	56	25.6%
Intermediate	9	12.67	26	11.9%
<b>Total Affordable</b>	<b>26</b>	<b>36.6</b>	<b>82</b>	<b>37.4%</b> (68:32 Rent: Intermediate)
Market Sale	45	63.4	137	62.6%
Total	71	100	219	100%

Table 2: Affordable Housing Provision.

- 8.57 The proposed delivery of 37.4% affordable housing is above the Council's minimum policy target of 35%. Officers consider that this is the maximum reasonable amount of affordable housing that can be provided whilst ensuring the scheme is viable.
- 8.58 Of the affordable accommodation all the rented units would be let in accordance with the Council's Borough framework rents for this postcode area.
- 8.59 For this postcode currently the rents are 1 bed -£204pw, 2 bed -£214pw, 3 bed -£227pw, 4 bed -£267.
- 8.60 The intermediate properties are to be provided as shared ownership and would accord with affordability levels of the London Plan.
- 8.61 In addition, the tenure split between Rented and Intermediate, at 68:32, is broadly in accordance with the Council's 70:30 policy target.
- 8.62 Separate access cores would be provided for affordable and private tenures and these have been designed to ensure the rented units are not accessed from 'secondary entrances'.
- 8.63 Overall, the proposal meets policy targets and the overall tenure mix on site would assist in creation of a mixed and balanced community.

## Dwelling mix

- 8.64 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 8.65 Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.
- 8.66 Policy DM3 (part 7) of the Managing Development Document requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 8.67 The proposed dwelling mix for the revised scheme is set out in the table below:

Unit size	Total units	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 bed	15	4	24	30%	3	33	25%	8	18	50.00%
2 bed	37	6	35	25%	4	44	50%	27	60	30.00%
3 bed	17	5	29	30%	2	22	25%	10	22	20%
4 bed	2	2	12	15%	0	0		0	0	
5 bed	0	0	0	0%	0	0		0	0	
6 bed	0	0	0		0	0		0	0	
<b>Total</b>	<b>71</b>	<b>17</b>	<b>100%</b>	<b>100%</b>	<b>9</b>	<b>100%</b>	<b>100%</b>	<b>45</b>	<b>100%</b>	<b>100%</b>

Table 3: Dwelling Mix

- 8.68 In terms of affordable Rented Housing:- 24% of one bed units are provided against our policy requirement of 30%, 35% of two bed units are provided against our policy requirement of 25%, 29% of three bed units against our policy requirement of 30% and 12% of four bed units against our policy requirement of 15%. The affordable family rented units are providing 41% family rented housing by habitable rooms, which is slightly short of our policy 45% family rented homes.
- 8.69 In terms of intermediate/shared ownership 33% of one bed units are provided against our policy requirement of 25%, 44% of two bed units are provided against our policy requirement of 50%, 22% of three bed units are provided against our policy requirement of 25%.
- 8.70 It can therefore be seen that within the affordable rented and intermediate tenures of the proposed development the dwelling mix generally accords with the policy targets.
- 8.71 Within the private element of the scheme 18% of one beds are provided against our policy requirement of 50%, 60% of two bed units against our policy requirement of 30%, 22% of three bed units against our policy requirement of 20%.

- 8.72 Within the private element of the scheme 1 and 2 bed flats are significantly divergent from the policy target with an under provision of one bed units and an overprovision of 2 bed units. It is considered that although there is this divergence from the policy targets, having generally accorded with policy in the other tenures including achieving the most important output, which are family-sized units for rent, it is considered that the housing mix is acceptable on balance.

#### Standard of residential accommodation

- 8.73 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime.”
- 8.74 All of the proposed units would meet or exceed the internal floorspace standards. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements.
- 8.75 All 15 of the 1 bedroom units would be single aspect. All of the other units would be at least dual aspect. These would either be oriented east or west, none would be north facing.
- 8.76 All of the units would benefit from at least 18m separation distance between primary habitable room windows with surrounding buildings such as the building on the corner of Chrisp Street and Cordelia Street (Equinox building) to the west.
- 8.77 DM25 of the MDD seeks to ensure that new development optimises the level of daylight and sunlight for the future occupants of new developments.
- 8.78 The Building Research Establishment (BRE) Handbook ‘Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice’ (hereinafter called the ‘BRE Handbook’) provides guidance on the daylight and sunlight matters.
- 8.79 For calculating daylight to new developments, the BRE Handbook advises that average daylight factor is the most appropriate method of assessment. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- 8.80 The ADF assessment can be complemented by the No Skyline (NSL) test, which is a measurement of sky visibility. It can be the case that even where a flat has relatively low levels of illuminance as measured by the ADF test, where it has a good NSL score, occupants’ perception of the light to the room as a result of that good sky visibility may be positive.
- 8.81 The application is supported by a Daylight and Sunlight Assessment (DSA). The robustness of the methodology and conclusions has been appraised by the Council’s independent daylight and sunlight consultants.
- 8.82 The BRE Review (6th February 2015) identified that nine rooms in the proposed development did not achieve the recommendations for ADF. This equates to a 4% of the total habitable rooms. However, of these, three living/kitchen/diners do achieve

the recommendations for living rooms but are below the higher requirement for kitchens. Two living rooms experience extremely low levels of daylight due to recessing of their windows into the building. These rooms also receive little to no sunlight for the same reason. The BRE Review recommended that room configurations were reconsidered for those two locations to try to provide at least some daylight to the two living rooms in question.

- 8.83 In response to the review the balcony balustrades to first and second floor rooms have been changed from a solid metal material to glass. This increased the ADF values to just outside the recommended value.
- 8.84 BRE stated that this change only made a very marginal difference but that these two results were not that far outside the recommended minimum ADF values.
- 8.85 In relation to third and fourth floor living rooms R12/303 and R12/304, the bedrooms and living rooms have been swapped such that it is the bedrooms that would now receive the lowest levels of light as bedrooms have a lower recommended minimum ADF. Glass balcony balustrades have also been added to these units to reduce the obstruction to low-level light reaching the rooms.
- 8.86 In response to the changes BRE concluded that access to daylight/sunlight in the new development was significantly improved although five rooms would remain poorly lit. This is considered a good level of compliance for an urban development project of this scale and character.
- 8.87 Overall, it is considered that the proposal would provide an acceptable standard of living accommodation and amenity to the future occupiers of the scheme.

#### Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.88 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.89 Seven wheelchair accessible homes are proposed which amounts to just under 10% of the total units. These would include two units to be located within the affordable tenure (one affordable rent and one shared ownership) and five units within the private tenure.
- 8.90 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Three disabled accessible parking space would be provided on Chrisp Street.

#### Private and communal amenity space

- 8.91 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 8.92 The All of the proposed units would have a private balcony or terrace that is at least 1500mm wide and would meet the minimum standards set out in the MDD. Some of the family units would exceed the minimum standards.

- 8.93 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 total of 111sqm of communal amenity space is required within this development. The scheme provides 155sqm of communal space on the roof of the 14th storey element of the building exceeding the policy requirement.
- 8.94 Overall, the proposed provision of private and communal amenity space would meet the policy requirements and make a significant contribution to the creation of a sustainable, family friendly environment.

#### Child play space

- 8.95 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child.
- 8.96 The proposed scheme is anticipated to accommodate 28 children using the LBTH yield and 31 children using the GLA yield. Accordingly, the scheme should provide a minimum of 280sqm of play space using the LBTH yield. This requirement is broken down as shown in Table 3.

	LBTH Child Yield	Required Space	Proposed within scheme
0-4	11	110sqm	200sqm
5-10 year olds	12	120sqm	
11-15 year olds	5	50sqm	0sqm
Total	28	280sqm	200sqm
Shortfall in play space			80sqm

Table 4 – Child Play Space

- 8.97 The proposed development would provide 200sqm of dedicated child amenity space at ground floor level between the building and the eastern boundary. This is a 80sqm less than the required provision of child amenity space.
- 8.98 Whilst not normally acceptable, the impact of the shortfall is mitigated to some extent by the proximity of the site to Langdon Park.
- 8.99 The application as submitted proposed less affordable housing, and had child yield of 22 children and hence would have had a reduced shortfall in child play space provision of only 20sqm. The increase in the affordable housing offer has significantly increased the shortfall, however this is considered acceptable on balance in providing a better planning outcome in securing a higher level of affordable housing and considering the proximity of Langdon Park in this instance.
- 8.100 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. The proposal does not include any dedicated on-site play space for older children, given the existence of facilities in nearby Langdon Park and Bartlett Park which fall within the above

distances. As such, officers are generally supportive in the approach of focussing the play space to the younger children.

- 8.101 Overall, it is considered that the proposal subject to condition would provide an acceptable play environment for children.

### **Amenity**

- 8.102 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

### Overlooking and privacy

- 8.103 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.
- 8.104 Other than the ground floor which comprises the entrance lobbies and commercial unit the development has been designed with the primary aspects being east (across the DLR) and west (across Chrisp Street). A number of windows exist on the South elevation facing the Health Centre (three on floors 1-4 and one on each floor above that); however these would not result in any unacceptable privacy impact.
- 8.105 The Equinox development, to the west, on the opposite side of Chrisp Street would have a separation distance of more than 18 metres at the closest section to the application site. To the east there would be ample separation distance between the proposed building and Langdon Park School located beyond the DLR tracks. The north facing windows of the flats in the northern protruding section of the building facing Parkview Apartments would have a separation distance of under 6 metres and as such these secondary windows would be obscure glazed. On floors 1-4 there would be a north facing windows in that part of the elevation that are also cut in, serving single and twin bedrooms respectively. The separation distance to Parkview Apartments here is 13 metres but there is only a corridor window in the south facing elevation of this development which is considered acceptable, as it ensures there is not habitable room facing adjoining habitable rooms.

### Outlook and sense of enclosure

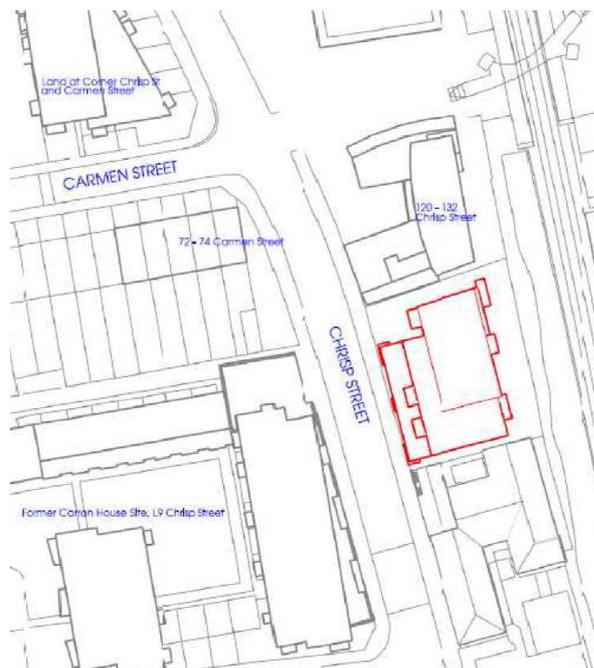
- 8.106 The distance between the development proposal and habitable rooms of adjoining properties would follow the separation distances mentioned in the above section and the proposed massing generally would not result in an overbearing appearance or sense of enclosure. The relationship of the proposed development with Parkview Apartments is most relevant here with separation distance of under 6 metres at its closest point. However, given that this elevation of Parkview contains high level

windows and windows serving cores an appropriate design response has been achieved to ensure the development does not result in an unacceptable sense of enclosure.

### Daylight, Sunlight and Overshadowing

- 8.107 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 80% times its former value.
- 8.108 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur more than 20% of the existing they will be noticeable to occupiers.
- 8.109 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology, which looks at the impact of the development on the neighbouring properties.
- 8.110 The following closest surrounding buildings were tested in terms of how they would be impacted in terms of daylight, sunlight and overshadowing:  
72-74 Carmen Street to the north-west,  
Parkview Apartments to the north (120-122 Chrisp Street),  
Equinox development to the west (Former Carron House Site L9)

The properties are shown in the following plan:



8.111 Of those windows tested in those buildings listed above only Parkview Apartments and the Equinox development had windows that did not pass the test for VSC. The following table shows a summary of the VSC results. The properties that fail VSC are discussed in more detail below.

Property Ref	Vertical Sky Component Test		
	No. of Windows Tested	No. of Windows Passed VSC Test	No. of Windows Failed VSC Test
72-74 Carmen Street	4	4	0
Land at corner of Chrisp Street & Carmen Street	30	30	0
71 Carmen Street (Ballymore Scheme)	14	14	0
120-132 Chrisp Street	44	19	25
Former Carron House Site, L9 Chrisp Street (without balconies)	60	26	34
<b>Total</b>	<b>152</b>	<b>93</b>	<b>59</b>

Table 5: Vertical Sky Component Test

*Parkview Apartments*

8.112 The windows which failed to achieve the guidelines in this building are the high level windows that run up the south elevation and 5 windows on the west elevation which is set back from the front elevation on floors 1-5. These are shown in the following image:



Photo 1: showing Parkview Apartments

8.113 These high level windows on the south elevation are secondary windows. The main windows to the rooms that they serve, achieve the BRE guidelines, and therefore large losses of light to these windows do not represent a failure to achieve the guidelines.

- 8.114 Five bedroom windows fail to achieve the guidelines on the west elevation at the lower levels, the development would result their relative daylight reduced by between 27.25% and 41.84%. The windows are shown on the white wall in the photo below:



Photo 2: Part West Elevation - Parkview Apartments

- 8.115 The wall adjacent to these bedroom windows already significantly limits daylight to these windows and make them dependent upon daylight across the development site. A loss of light in a similar way to the south therefore results in the significant impact. It is considered that the specific design of the building with these windows set so far back from the front elevation leads to the impacts and the reliance of light across the application site unfairly compromises development of this site. Given the failures are isolated and the other windows within the development achieve the guidelines it is therefore considered acceptable.
- 8.116 In terms of the sunlight impacts on Parkview Apartments BRE state that all of the windows for this building achieve the recommendations for loss of annual probable sunlight hours as, despite large losses, they retain the recommended value of 25% in each case. Three windows however do fail to achieve the recommendations for winter sunlight hours as they both experience large losses and retain less than 5%. However, a loss of winter sunlight is less important provided the windows retain enough sunlight throughout the year. The losses to sunlight to this building are therefore considered acceptable.

#### *Equinox Development*

- 8.117 The Equinox development is a recently completed nine storey residential development located to the west of the proposal site, on the opposite side of Chrisp Street. The ground floor is in commercial use. The top three storeys are set back from the main elevation. On the first to sixth floors, many of the windows on this east facing elevation are under inset balconies enclosing the windows from above and on their sides. Many of the windows are also recessed into the building. This makes the windows very dependent upon light from directly in front of them. The following photograph shows this building.



Photo 3: Equinox Building

- 8.118 Of the windows tested at the Equinox building 34 would result in relative losses of daylight that fall outside of the BRE target values. A majority of the failures would be very significant resulting in VSC reductions of up to 88.3% in some cases. 20 of the 34 windows would experience VSC reductions greater than 64.1%. The remaining 14 windows would be affected less significantly than those mentioned above.
- 8.119 It is considered that the specific design of the Equinox building with inset balconies and the fact that the buildings opposite are presently low rise leads to these very large relative reductions in VSC.
- 8.120 The balconies significantly reduce the daylight receive by the windows underneath them. BRE note that losses would be increased by up to around 30% for the windows located under balconies in this case. The failures when compared to the building without balconies would instead be in the range of 23.09% and 65.34%. It therefore can be seen that the self-design of the development leads to a reliance of daylight from directly in front of it and much greater losses of daylight than would otherwise be the case.
- 8.121 Moreover, the Equinox development was consented with the then two consented 10 storey developments (see Planning History) on the application site in mind. It should be borne in mind that the relative losses in VSC have been assessed against the context of two low-rise buildings opposite. It follows that if there was development of a similar size and scale to the Equinox development, such as the previously consented schemes on the application site, there then there would be a still less significant reduction in daylight caused by the currently proposed development. As a large development that blocks a significant amount of light itself, the applicant considers it is unreasonable for the Equinox development to rely on unimpeded light from the application site and which the design of the building with inset balconies exacerbates. Officers have some sympathy with this position.
- 8.122 There would be no adverse sunlight impacts on this building.
- 8.123 Taking the above into consideration it is acknowledged that there would be impacts but it considered that the internal daylighting to the Equinox development would still be acceptable within the context and the dense urban nature of the site. It should be accepted that the general pattern of development in this area is higher and denser

than used for setting the targets in the BRE Guidelines and it is therefore appropriate to apply a greater degree of flexibility. Especially given the existing buildings are low rise and redevelopment of the site is likely to have some impact.

- 8.124 Taking the above into consideration it is acknowledged that there would be impacts in particular on the Equinox development but it considered that the internal daylighting to the Equinox development would still be acceptable within the context and the dense urban nature of the site. Given the existing buildings are low rise and redevelopment of the site is likely to have some impact.
- 8.125 The BRE guidelines should be interpreted flexibly and account should be taken of the constraints of the site and the nature and character of the surrounding built form which in this location is characterised by dense development in relatively close proximity to each other. Officers consider that there are impacts; however benefits of the scheme outweigh those impacts given the nature of the area.

#### Noise and Vibration

- 8.126 Policy 7.15 of the London Plan (2015), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.127 The proposed development will experience high levels of noise from local road traffic along Chrisp Street which has a significant number of HGV and Bus movements and the DLR in close proximity to the development. Aircraft noise is also to a small degree a factor at this location, as flights from London City Airport regularly overfly this area.
- 8.128 A Noise and Vibration Assessment by Hepworth accompanied the application. The contents of the report takes into account the glazing specification required to achieve good noise insulation. Noise and vibration surveys have been undertaken at the site and daytime and night-time noise levels have been determined.
- 8.129 Appropriate noise mitigation measures have been recommended for the proposed residences which will ensure that internal and external noise levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233: 2014. These measures would be secured by condition.
- 8.130 It is considered that the quality of the build and these appropriate measures would guard against a significant impact on the amenity of the occupants of the proposed development.
- 8.131 In terms of vibration it has been predicted that the levels at the most exposed part of the proposed development will be below the range of "low probability of adverse comment" as stated in BS 6472: 2008. There will therefore be no requirement for any specific vibration control measures for the development.
- 8.132 Conditions have been recommended to ensure the hours of operation and servicing for any A3 use is controlled appropriately. Any A3 use will be limited to the following hours on any day.

07:30 and 23:00 on any day.

- 8.133 Overall, subject to conditions any adverse impacts on noise and vibration are suitable controlled and are acceptable.

### **Transport, Access and Servicing**

- 8.134 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.135 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met.
- 8.136 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.137 The site benefits from good access to public transport, being located approximately 100 metres walk from Langdon Park DLR station to the north east. Bus stops are located on Chrisp Street just outside the site and 2 minutes walk away on Cordelia Street The proposed development site has a Public Transport Accessibility Level (PTAL) of 4, with 6 being the highest.
- 8.138 Overall, the proposal’s likely highways and transport impact are considered to be minor and acceptable to the Council’s Transportation & Highways section. The relevant issues are discussed below.

### Cycle Parking

- 8.139 At the time of submission the proposal complied with the adopted cycle parking standards as set out in the London Plan and Managing Development Document. These standards require 90 cycle parking spaces to be provided. The development provides 93 covered secure cycle parking spaces with two main cycle parking rooms accessed from the rear of the building and a smaller separate store located at the south eastern corner. This arrangement is considered sufficiently convenient. In addition to this 8 visitor spaces would be provided from 4 Sheffield stands at the front of the building.
- 8.140 Since that time the London Plan (FALP 2015) policy 6.9 has increased the minimum cycle parking standards for residential development. The requirement under the current regulations would be 127 spaces. Full details of cycle parking would be finalised under condition with the aim of achieving the latest minimum standards although it is acknowledged with the size constraints this may not be entirely possible.

### Car Parking

- 8.141 Policy DM22 sets out the Council's parking standards in new developments.
- 8.142 The development would be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.
- 8.143 Three on-street accessible spaces have been identified at the front of the development on Chrisp Street. This would be under the policy target of 7, representing 1 for each accessible unit within the development, however owing to the site the provision of 3 spaces is considered acceptable. The Council's Parking Services has agreed on the location following a site visit with the applicant. Should planning permission be granted the applicant must enter into a S106 agreement to provide funding for three bays over a five year period (after first occupation) so that the bays can be installed as and when required by residents who hold registered blue badges rather than them all being installed from the outset. This approach is agreed by the Council's Highways team.

### Servicing and Refuse Storage

- 8.144 The Council's Highway's team have agreed that servicing can take place from Chrisp Street subject to a Service Management Plan that would be reserved by condition. It is intended to conduct servicing within the constraints of the traffic controls along Chrisp Street. The latest controls show a single yellow line on-street with signed indicating parking between 8.30 and 5.30 Monday to Saturday. This would allow maximum loading times during the restricted hours of 20 minutes and unrestricted loading outside of these limits. Deliveries or removals by HGV or equivalent that are likely to require longer than 20 minutes would be scheduled to take place outside of the restricted times.
- 8.145 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage has been calculated is in accordance with current waste policy.
- 8.146 The scheme is proposed to have a management scheme where the bins will be positioned from their dedicated stores within the building, to sit within the 10m distance from the pavement to meet the policy guidance. These locations, along the southern elevation of the commercial unit and at the north western corner of the site would only to be used on the day of collection and would not obstruct passing pedestrians, residents or other companies requiring access.
- 8.147 There would be a separate commercial bin store ensuring residential and commercial waste is segregated.
- 8.148 Pavement crossing to permit bins to reach the rear of vehicles would be secured as part of a wider S.278 agreement reserved by condition.

## **Sustainability and Environmental Considerations**

### Energy efficiency and sustainability standards

- 8.149 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.150 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.151 In line with London Plan policy 5.6, the Core Strategy policy SP11 seeks to implement a network of decentralised heat and energy facilities that connect into a heat and power network. Policy DM29 requires development to either connect to, or demonstrate a potential connection to a decentralised energy system.
- 8.152 The Managing Development Document policy 29 includes the target for new developments to achieve a 50% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. However, following the adoption of the Building Regulations 2013 (April 2014) the London Borough of Tower Hamlets have applied a 45 per cent 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.
- 8.153 The submitted Energy and Sustainability Statement has broadly followed the principles of the Mayor's energy hierarchy, as detailed above, and seeks to focus on using less energy (9.4% reduction), delivering heat efficiently (use of CHP – 30.9% reduction) and integration of renewable energy technologies (9.9kWp PV array – 4.7% reduction). The energy strategy proposes a communal heat system for the hot water and space heating to be served by two 15kWe CHP units.
- 8.154 The CO<sub>2</sub> emission reductions proposed are anticipated to be policy compliant and deliver a 45% reduction against a Building Regulations 2013 baseline.

### Biodiversity

- 8.155 Policy Policy DM11 of the MDD requires developments to provide net benefits for biodiversity in accordance with the Local Biodiversity Action Plan (LBAP). A green roof is proposed, but there is no information on the type of green roof. The detailed specification of the bio-diverse roof (substrate depth and type, species selection, bug habitats etc) can be agreed by condition.
- 8.156 With regards the landscaping proposed at ground level, trees have been chosen for their particular position in the landscape, i.e. tolerance of urban conditions, soil depths, confined space, shade tolerance, etc. The shrub and herbaceous planting includes a few good nectar rich plants which will also enhance biodiversity to an extent but a greater diversity of these plants is sought from the Council's biodiversity officer. A further condition relating to additional planting details will be attached to the permission.

### Land Contamination

- 8.157 The site has been identified as having potential historic contamination. In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which will ensure the developer carries out a site investigation to investigate and identify potential contamination.

### Flood Risk

- 8.158 The NPPF, London Plan policy 5.12 and Core Strategy policy SP04 make clear that there is a need to consider flood risk at all stages in the planning process.
- 8.159 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment
- 8.160 The Environment Agency and Thames Water have raised no in principle objections to the proposal, subject to the imposition of suitable conditions which would be attached if planning permission was granted. Subject to these conditions, the proposal complies with the NPPF, London Plan policy 5.12 and Core Strategy Policy SP04.

### **Health Considerations**

- 8.161 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.162 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.
- 8.163 The application proposal would result in the delivery of much need affordable housing. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

### **Planning Obligations and CIL**

- 8.164 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 8.165 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.

8.166 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

8.167 Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.

8.168 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13.

8.169 The SPG also sets out the Borough's key priorities:

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.170 The proposed heads of terms are:

Financial Obligations:

- a) A contribution of **£718.2** towards employment, skills, training and enterprise initiatives for unemployed residents
- b) A contribution of **£18,495** towards training skills for construction job opportunities
- c) **£1,000** towards monitoring fee (£500 per s106 HoT's)

**Total £20,213.2**

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

- a) Affordable housing 37.4% by habitable room (26 units)  
68% Affordable Rent (17 units)  
32% Intermediate Shared Ownership (9 units)
- b) Access to employment  
20% Local Procurement  
20% Local Labour in Construction
- c) Car free agreement
- d) Highways s278 agreement
- e) Three blue badge parking spaces to be funded by applicant at request of potential tenants for a term of 5 years.

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

### **Local Finance Considerations**

8.173 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides: "In dealing with such an application the authority shall have regard to:

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

Section 70(4) defines "*local finance consideration*" as:

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

8.174 In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes and their use.

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

8.176 Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and would normally be payable. However, officers have determined that due to estimated amount of the affordable housing relief and the amount of the existing occupied floorspace on site, it is likely that a percentage of the proposal would not be liable for any CIL payments.

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

8.178 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 £101,446.00 in the first year and a total payment £663,279 over 6 years.

### **Human Rights Considerations**

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

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

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

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

8.182 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

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

8.184 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

### **Equalities Act Considerations**

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

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

8.186 The proposed contributions towards, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a substantial quantum of high quality affordable housing and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

## **9.0 CONCLUSION**

9.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report

# 10.0 SITE MAP

