

<b>Committee:</b> Development Committee	<b>Date:</b> 15 <sup>th</sup> December 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/16/02295  <b>Ward:</b> Mile End

## 1.0 APPLICATION DETAILS

<b>Location:</b>	(Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London
<b>Existing Use:</b>	Green open estate land.
<b>Proposal:</b>	Residential development comprising 20 one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from six storeys to nine storeys.
<b>Drawings:</b>	P1000, P1001, P1002 P1, P1100 P1, P1101 P1, P1102 P1, P1106 P1, P1107 P1, P1108 P1, P1109 P1, P1201 P1, P1202 P1, P1204, P1207, P1208, P2101, P2103, P2200, P2201, P2102, P2202, P2203, P3003, P4001, P4002, P4003, DFCEP3648 TPP REV. A
<b>Documents:</b>	<ul style="list-style-type: none"> <li>- Design &amp; Access Statement by Bell Phillips ref.</li> <li>- Air Quality Assessment by Air Quality Consultants ref. 2495/6/F2 (20.06.2006)</li> <li>- Arboricultural Impact Assessment by BF Clarke Bionomique Ltd ref. DFCEP 3648 (16.05.2016),</li> <li>- Ecological Assessment by Genesis Centre ref. 5451.008 (June 2016)</li> <li>- Energy Statement by XC02 Energy (13.05.2016),</li> <li>- Noise Impact Assessment by KP Acoustics ref. 13071.NIA.06 (31.05.2016)</li> <li>-Phase 1 Desk Study Report by Ground Engineering ref. C13460 (February 2016)</li> <li>- SuDS Assessment by MT Morgan Tucker ref. MT/LDN/EK/2179/SUDS/Locksley (03.12.2015)</li> </ul>
<b>Applicant:</b>	London Borough of Tower Hamlets
<b>Ownership:</b>	London Borough of Tower Hamlets
<b>Historic Building:</b>	No listed buildings on site.
<b>Conservation Area:</b>	Adjacent to Regent's Canal CA

## **2.0 EXECUTIVE SUMMARY**

- 2.1 The report considers an application for a residential development comprising 20 one, two, three and four bedroom flats. The height of the building would range from six storeys to nine storeys.
- 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 report explains that the proposals would be acceptable in terms of height, scale, design and appearance; preserving the adjacent Regent's Canal conservation area. The scheme 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.
- 2.4 The development would result in the provision of 100% affordable rented housing. This is much needed housing and is strongly supported in the consideration of this application.
- 2.5 The residential quality of the scheme would be high. Seven of the units would be of a size suitable for families (35%). 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 Part M Building Control regulations and 10% (2 units) would be provided as wheelchair accessible.
- 2.6 The amenity impact of the development would be acceptable. Officers consider that the design of the development, massing of the site would minimise any adverse amenity implications, in terms of light, privacy, noise and traffic impacts.
- 2.7 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.8 The scheme would meet the full obligation of financial contributions. However, given the Council is unable to enter into a s106 agreement with itself, the financial and non-financial contributions are to be secured by the imposition of conditions.

## **3.0 RECOMMENDATION**

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

That the Corporate Director, Development & Renewal is delegated authority to issue the planning permission and impose conditions and informative to secure the following matters:

### **Conditions**

1. Three year time limit
2. Compliance with approved plans and documents
3. Development is personal to, and shall be implemented by, LBTH
4. Tree Protection Measures
5. Removal of trees/vegetation undertaken between September and February
6. Wheelchair adaptable and wheelchair accessible dwellings
7. Provision of approved cycle storage
8. Compliance with Energy Statement

9. Hours of construction
10. Communal amenity/child play space to be completed prior to occupation
11. Delivery and Service Management Plan
12. Scheme of Highway Improvement Works
13. Details of all Secure by Design measures
14. Details of hard and soft landscaping, including boundary treatment and lighting
15. Details of play equipment
16. Details of noise and vibration mitigation measures

Pre-Commencement Conditions

17. Scheme for the provision of financial contributions (see financial contributions section below)
18. Strategy for using local employment and local procurement (see non-financial contributions section below)
19. Details of biodiversity mitigation measures
20. Details of green roof
21. Contamination
22. Construction Management Plan
23. Details of piling, all below ground works and mitigation of ground borne noise
24. Scheme for the Provision of Affordable Housing
25. Samples and details of all facing materials
26. Details of boundary treatments
27. Arboricultural Report
28. Surface Water Drainage Scheme
29. Car Permit Free (bar Blue Badge Holders and Permit Transfer Scheme)
30. Method statement for the protection of the boundary wall beside the tow path

**Condition 17**

Securing contributions as follows:

Financial contributions:

- a) A contribution of **£8,052** towards employment, skills, training for construction job opportunities
- b) A contribution of **£10,080** towards Carbon Off-Setting.
- c) **£1,500** towards monitoring fee (£500 per s106 HoT's)

**Total £19,132**

**Condition 18/ Condition 24**

3.5 Non-financial contributions:

- a) Affordable housing 100% by habitable room (20 units)
- b) Access to employment
  - 20% Local Procurement
  - 20% Local Labour in Construction
- c) Any other contributions considered necessary by the Corporate Director Development & Renewal

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:

3.7 Any other conditions considered necessary by the Corporate Director Development & Renewal.

3.8 Informatives:

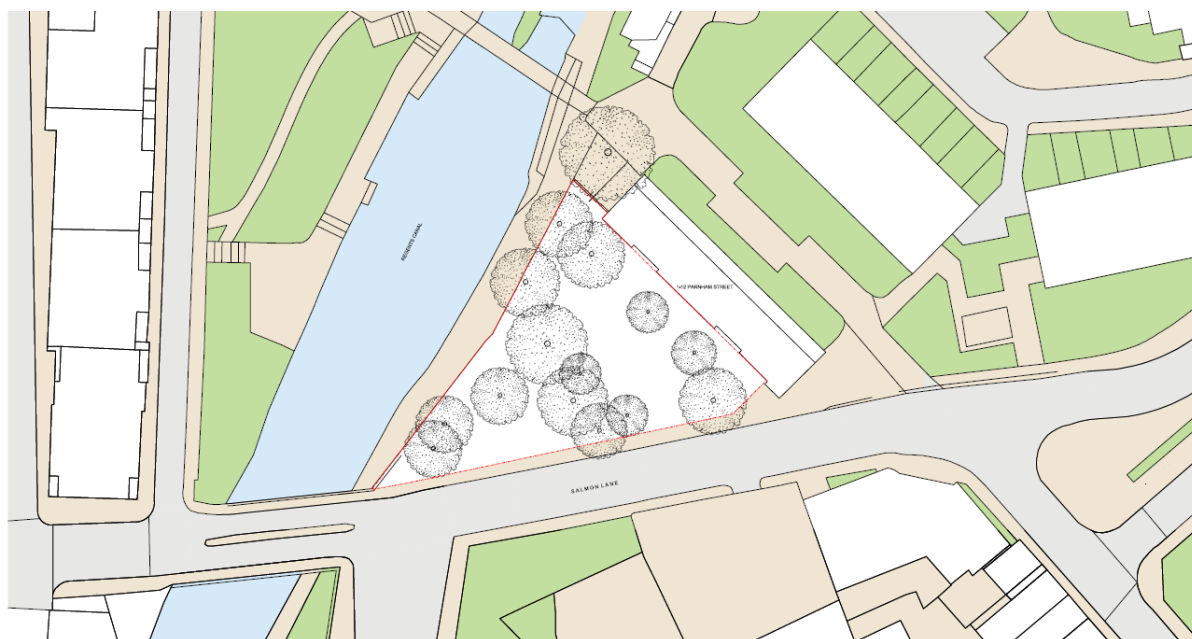
1. Thames Water – Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site.
2. Building Control
3. S.278
4. Fire & Emergency
5. Footway and Carriageway
6. CIL
7. Designing out Crime

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 bounded by an existing residential block to the north and east, Salmon Lane to the south and Regent's Canal to the west. There is a level difference of around four metres between the site and the adjacent canal towpath. As shown in the following plan.

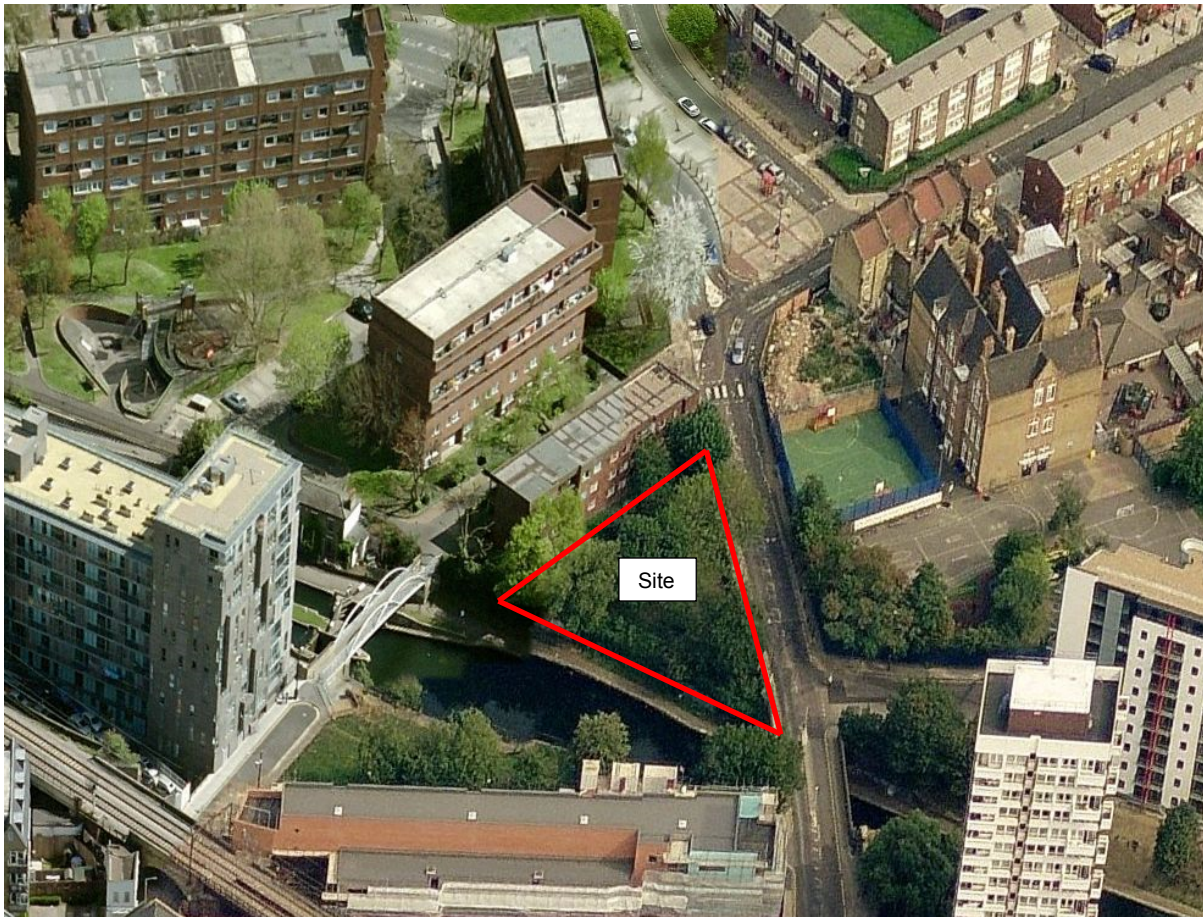


Existing Site Plan N↑

4.2. As existing, the site is currently covered in vegetation with the presence of a number of trees along the site boundary.

4.3. The surrounding area is characterised by a range of buildings developed over several decades, with the predominant land use is being residential. Buildings along Rhodeswell Road to the east of the site are typically six storey residential blocks of flats built in the 1970s and the closest building to the site is 1-12 Parnham Street

which is three storeys in height. There are also some examples of relatively tall buildings in the surrounding area, creating a varied townscape and urban grain. To the west of the site, on the other side of the canal is a small park called Stonebridge Wharf. To the south, on the opposite side of Salmon Lane is Sir William Burrough Primary School. The following image shows an aerial view of the site looking east. Many of the trees have been lawfully felled before application was submitted.



Birds-eye view of the site looking East - N← (many of the trees have been removed)

- 4.4. Regent's Canal, adjacent to the site, is designated as a Conservation Area, forms part of the Blue Ribbon Network and is identified as a Site of Importance to Nature Conservation (SINC).
- 4.5. The site lies within Flood Zone 1 therefore is categorised as low risk of flooding.
- 4.6. The site has excellent transport links reflected in the high Public Transport Accessibility Level (PTAL) of 5, with 6b being the highest. Limehouse rail and DLR station is located 350 metres walk away to the south west of the site. The closest bus stops are located on Commercial Road 200 metres walk away.

### **Planning History and Project Background**

- 4.7. None.

### **Proposal**

- 4.8. Full planning permission is sought for the erection of a residential building of between 6 and 9 storeys in height to provide 20 residential units (6 x 1 bed, 7 x 2 bed, 6 x 3

bed and 1 x 4 bed) including landscaped communal amenity and child play space, cycle parking, gas meter room and associated works.

- 4.9. All of the proposed dwellings would be within the affordable rented tenure.
- 4.10. The ground floor layout would be a triangular shape with each of the corners cut off. The south west corner opening onto Salmon Lane and bounding the Regent's canal would contain a single entrance lobby glazed entrance lobby. The south and south eastern section of the ground floor would contain the gas meter room, refuse store and cycle store. The northern section of the ground floor would contain a 3 bed 5 person wheelchair accessible flat and at the centre of floor would be a plant room.
- 4.11. The external area between the north and east of the building and 1-12 Parnham Street would be a 435sqm area of communal space (175sqm) and dedicated child play space (260sqm). The communal and child play space would be shared with 1-12 Parnham Road.
- 4.12. The upper floors (1-8) would consist of a further 19 high quality flats. The northern half of the building would be 6 storeys closest to 1-12 Parnham Street and 9 storeys at its southern half by Salmon Lane. The scheme will be based on a simple, robust palette of high quality materials comprising a dark red brick, steel and glass balconies and pre-cast fluted concrete cladding accentuating the base and crown of the building.
- 4.13. The proposed development would be car-free bar blue badge holders and those residents that benefit from the Council's permit transfer scheme. The computer generated image (CGI) below shows the development viewed from Stonebridge Wharf across Regent's Canal.



## **5.0 POLICY FRAMEWORK**

5.1 The Council in determining this application has the following main statutory duties to perform:

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
- To have regard to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
- Pay special attention to the desirability of preserving or enhancing the character or appearance of the adjacent Regents Canal Conservation Area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

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

### **5.3 Government Planning Policy**

National Planning Policy Framework 2012

### **5.4 London Plan MALP 2016**

- 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

#### 5.5 **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

#### 5.6 **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

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

Regent's Canal Conservation Area Appraisal

### 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 (2016)
- Affordable Housing and Viability Supplementary Planning Guidance (Draft 2016)

### Other

- Planning Obligations SPD (2016)

## 5.8 **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:

### Internal Consultees

#### Air Quality

6.3 The Air Quality Assessment shows that the development will not have any significant negative impacts on air quality. The construction mitigation measures recommended in the assessment should be included in the Construction Environmental Management Plan and all Non Road Mobile Machinery (NRMM) used in the construction must comply with the GLA's NRMM emission limits.

#### Canal & River Trust

6.4 No comments received.

#### Contaminated Land

- 6.5 No objections. A condition is recommended for a land contamination scheme to be submitted in order to 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.

#### Highways

- 6.6 No objections. In accordance with DM22.2 of the Managing Development Document (MDD) this development will be conditioned to prohibit all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.
- 6.7 The Blue Badge parking bays, while welcome, would appear to exceed the recommended maximum distance between front door and parking space of 50m.
- 6.8 Highway recommend a condition is placed on any permission requiring agreement of a Construction Management Plan prior to commencing construction.

#### Occupational Therapist

- 6.9 No objections. A range of detailed and specific recommendations were put forward to improve the functionality of the wheelchair accessible units.

#### Surface Water Run-Off

- 6.10 A detailed surface water management plan which should complement the pro forma already provided to the applicant is required.
- 6.11 The SuDs assessment document submitted is accepted in principle. A condition is recommended for the detailed surface water management plan, this would need to be submitted in addition to the completed pro forma.

#### **External Consultees**

##### Crime Prevention Officer

- 6.12 No objections. A range of detailed measures are recommended to provide greater security to the development relating to access control, boundary treatments, permeability through the development, physical security (doors & windows) unauthorised use of turn round areas for service vehicles.
- 6.13 A general condition and informative are recommended relating to the Secure by Design award scheme.

##### London Fire & Emergency Planning Authority

- 6.14 Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation, however they do appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B.

##### Thames Water Utilities Ltd.

- 6.15 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

- 6.16 Thames Water have recommended a piling method statement to be submitted to and approved in writing by the local planning authority to ensure potential to impact on local underground sewerage utility infrastructure is suitably addressed. A condition relating to surface water drainage is also recommended.
- 6.17 Informatives relating to a Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site are recommended.

Twentieth Century Society

- 6.18 No comments received.

**7.0 LOCAL REPRESENTATION**

Statutory Consultees

- 7.1 A total of 345 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: 15                      Supporting: 0
- No of petitions received:                      1 (with 9 signatories)
- 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/Density
- Area already too dense
  - Overdevelopment of land
- 7.6 Housing
- Ghettoise the area
  - Affordable housing is too expensive for people working in everyday jobs
- 7.7 Amenity Related
- Increase anti-social behaviour
  - Loss of light
  - Loss of view
  - Overshadow the canal
  - Trees reduce the pollution and noise on this busy stretch of road
  - Loss of privacy
  - Would overlook primary school compromising the children's safety.
- 7.8 Infrastructure Related
- Local resources overstretched
- 7.9 Design
- Too tall and dominant

- Already too many high rise buildings in the area

#### 7.10 Biodiversity

- Site should remain a green space/community garden
- Land should be designated as an Asset of Community Value
- Mature trees (possibly 9) on site have already been cut down on site without permission and proposal disingenuously says that mature trees will be retained.
- Native hedge has already been removed without permission
- Remove shared amenity space would harm community ties
- Forms part of the green corridor from TH Cemetery Park to Limehouse Basin
- The space is rich in wildlife
- The estate has already lost a football pitch

### 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
- Housing
- Design
- Amenity
- Transport, Access and Servicing
- Sustainability and Environmental Considerations
- Planning Contributions

#### 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.

#### Loss of Surrounding Estate Land

- 8.6 The existing site is land surrounding the Locksley estate with no specific policy designation or protection. The site was largely cleared of vegetation earlier this year. It should be noted that clearing a site such as this does not require planning permission.
- 8.7 The site does not come under the definition of 'open space' as defined in Policy DM10 of the Managing Development Document as the land has never been publically accessible and the Council's Parks and Open Spaces team do not list it as open space.
- 8.8 Some representations suggested that the site should be secured as an Asset of Community Value (ACV) as a green space. The Council's Asset Management and Legal teams were consulted on this who confirmed that the site has not been listed and no application has been received.

#### Principle of residential use

- 8.9 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan (MALP 2016) 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.
- 8.10 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.
- 8.11 Given the above and the residential character of surrounding area around the site, the principle of intensification of housing use is strongly supported in policy terms.

#### **Design**

- 8.12 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.13 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.
- 8.14 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.8 seeks to protect heritage assets and their settings.

- 8.15 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.
- 8.16 Policy SP10 of the Core Strategy (2014) and DM27 support the NPPF in seeking to conserve and enhance heritage assets. Policy DM27 states that alterations and extensions within a heritage asset will only be approved where:
- a. it does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting;
  - b. it is appropriate in terms of design, scale, form, detailing and materials in its local context;
  - c. it enhances or better reveals the significance of the asset or its setting;
- 8.17 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.

#### Form, height and massing

- 8.18 The footprint and height of the proposed building together with the transition in building heights was established with planning officers during pre-application discussions (PF/16/00096). Whilst the design of the building footprint has remained the same, there has been a reduction in the height of the 7 storey northern half of the block to 6 storeys. No objections are raised to this aspect of the proposal and it is noted that the block would reference flats of a similar height to the north on Salmon Lane and to the south on Lowell Street. Due to periods of intermittent development consisting of terraced housing and Council flats, contrasting building heights are also a characteristic feature of the area and so the proximity of the proposed building to three storey flats would be in keeping with the varied townscape.



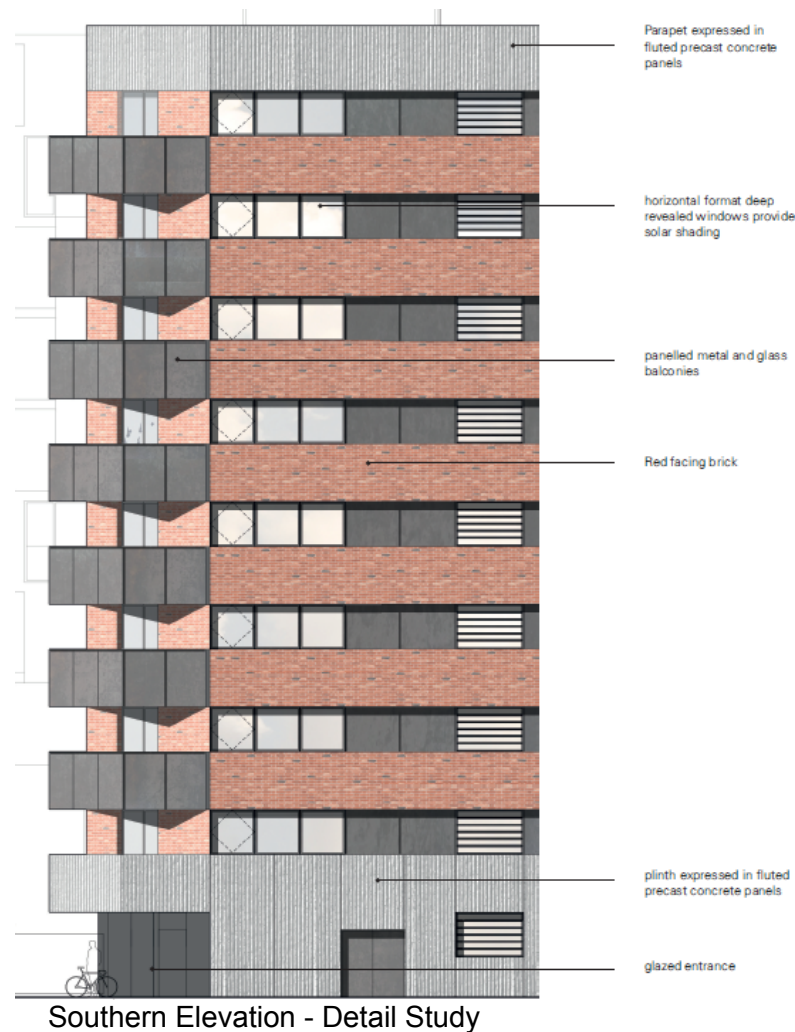
Western Elevation

Elevational treatment/materials

- 8.19 The building would meet the ground with pre-cast fluted concrete that would clad the ground floor at varying heights. This would be mirrored with a band of the same material at the parapet of the building.
- 8.20 The design of the southern elevation would diverge from the rest of the building. The southern elevation would consist of bands of ribbed, aluminium insulated panelling and facing brickwork with square windows. The rest of the building would have floor to ceiling height windows with 200mm reveals with facing brickwork only and soldier coursing. The soldier coursing would provide a subtle horizontal emphasis to the northern, eastern and western elevations while interest would be created on the southern elevation through the aluminium panelling being set back 285mm from the face of the brickwork banding giving this elevation depth and relief and helping to emphasise the horizontal bands of facing brick.
- 8.21 The proposed buildings would front Salmon Lane and would be located directly opposite the Sir Williams Burrough School and Regents Canal Bridge. Because of this there are a number of high boundary walls adjacent to the site and Salmon Lane appears relatively enclosed. As the rear service access is located to the south of the building, the southern elevation at ground floor level consists of a number of steel doors and narrow windows with a high solid-to-void ratio. It was a concern that this would add to the enclosed nature of the site. In response to this the applicant was able to amend the scheme to break up this elevation by swapping the refuse and cycle storage rooms; providing more activity directly on Salmon Lane.
- 8.22 The aluminium panelling on the southern elevation would match that used for the metal parts of the balconies which would provide a level of coherence to the southern

elevation despite the variation in design for this elevation compared to the rest of the building.

- 8.23 In response to advice from the Council's Place Shaping officers, the applicant has amended the plans, introducing two additional windows to levels 1-6 and one additional window on levels 7 and 8 on the southern elevation and one additional window on levels 7 and 8 on the northern elevation. These help ensure a suitable level of outlook and glazing is provided within the development.



- 8.24 In terms of materials the proposed building would be predominantly constructed of a dark red brick, with concrete fluted cladding together with anodised steel doors, steel cladding to balconies and a ribbed, aluminium, insulated facade panel to the southern elevation. The windows would consist of timber/aluminium composite double glazed units. To ensure the highest quality finish all materials would be reserved by condition.

- 8.25 The balconies would consist of PPC Steel panelling and the northern and southern balconies would have glass to their western sides. Whilst no objections are raised in principle to enclosing much of the balconies, due to the prominence of these



features, it is important that these are of a high quality for overall the success of the proposed development.

- 8.26 In addition to this the proposed boundary treatment along Salmon Lane and around the communal path will be confirmed by condition.
- 8.27 The red brick wall which abuts the application site and Regents Canal tow path forms part of the conservation area and should be preserved. A Method statement should be submitted indicating how the red brick wall is protected during construction works. This will be conditioned.

#### Setting of the Regents Canal Conservation Area

- 8.28 This part of Regents Canal is characterised by buildings of six storeys (east and west sides) and seven storeys (west side). The proposal would, therefore, sit comfortably in this context and for this reason and the design considerations above would preserve the setting of the adjacent Regents Canal Conservation Area.
- 8.29 The proposed building is located in a prominent position adjacent to the Regents Canal, as such the local planning authority is required to give special consideration to the impact of the development on the character and appearance of the Conservation Area and its setting. The development should preserve or enhance the character and appearance of this conservation area.
- 8.30 This part of Regents Canal is characterised by buildings of six storeys (east and west sides) and seven storeys (west side). Officers consider that the proposal would, therefore, sit comfortably in this context and for this reason and the design considerations above would preserve the setting of the adjacent Regents Canal Conservation Area.
- 8.31 In arriving at a decision regarding this application, Members are reminded of the obligations established by the National Planning Policy Framework 2012 (NPPF) to consider the irreplaceable nature of the historic environment, and to require clear and convincing justification for any harm caused to its significance (NPPF paragraph 132).
- 8.32 Where less than substantial harm arises, this harm should be weighed against the public benefits of a proposal, including its retention in its optimum viable use (paragraph 134). The conclusion reached by a 2014 Court of Appeal case, Barnwell Manor, noted that 'considerable weight and importance' should be given to any harm to listed buildings and their settings, and correspondingly to any harm to the character and appearance of conservation areas through Sections 66(1) and 72(1) of the 1990 Act. Accordingly, careful consideration should first be given to assessing whether the proposal causes harm to conservation areas and their settings and the desirability of avoiding that harm before undertaking the balancing exercise that is required by paragraph 132 to 135 of the NPPF. Considerable weight and importance should be given to the desirability of preserving (causing no harm to) the listed buildings and conservation areas and their settings when carrying out that balancing exercise.
- 8.33 The NPPF describes harm to heritage assets as being either substantial or less than substantial. Substantial harm should only result in situations where the significance of the whole heritage asset is diminished.

- 8.34 8.34 As mentioned in paragraph 8.31 officers consider that this development preserves (causes no harm) to the setting of the character and appearance of the conservation area, but if Members were to take a different view then any harm therefore that could result from the proposed development would be classified as 'less than substantial'. In which case, in applying the 'public benefits' test as set out above, Officers consider the main public benefits to be the delivery of 20 new affordable homes pursuant of the Council's housing delivery targets and the development of a site, with a form and design that would enhance the character and appearance of the conservation area and would be sensitive to local context

#### Landscaping

- 8.35 The proposal would provide 500sqm of landscaped space to the north and east of the building. This space would be split evenly between communal amenity space and dedicated child play space.
- 8.36 The playspace would be surfaced with wood fiber mulch and would include a climbing structure, play equipment and sand pits with benches around the perimeter.
- 8.37 The communal amenity space would be surfaced with semi-permeable hoggin and would provide a pleasant open space next to the canal with benches around the perimeter.
- 8.38 The proposed landscaping is considered to be well thought out and would be of a high quality.

#### **Housing**

- 8.39 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.
- 8.40 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally.

#### Residential density

- 8.41 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.
- 8.42 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 5. The site and surrounding area has a mixed character that probably falls within the definition of an "Urban area" given in the London Plan. The surrounding area is characterised by some very dense development and some relatively less dense, with some mix of uses and although not within 800m of a District town centre is near to a number of neighbourhood centres.

- 8.43 Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics of 200 to 700 habitable rooms per hectare (hrph) and with an average of 3.1 habitable rooms per unit 70 to 260 units/hectare (u/h).
- 8.44 The proposed density would be 620hrph and 200u/h which would be within the density range in this table which indicates that the proposal is coming forward with an appropriate density for the site conforming with the abovementioned policy.

#### Affordable housing

- 8.45 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.
- 8.46 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).
- 8.47 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.
- 8.48 Policy DM3 of the Managing Development Document states that there should no over-concentration of one type of housing in any one place. Although the development would be completely affordable rented tenure it is considered that this would not result in an over-concentration of this tenure due to a number of new developments around the site containing sufficient numbers of private and intermediate tenure dwellings to ensure a mixed and balanced community is maintained in the area.
- 8.49 Furthermore, all of the 20 proposed units would be affordable rented units. Whilst both London Plan and local policies seek a mix of housing tenures, all 20 units within this scheme will be for affordable rent in direct response to the very high local need in Tower Hamlets and form part of the Council's programme to deliver 1,000 new affordable homes for local people between 2014 and 2018. With the extremely high priority for affordable housing in mind the significant additional provision is welcomed and the fact that a mix of tenures is not provided is considered acceptable in this instance.

#### Dwelling mix

- 8.50 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.
- 8.51 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.

8.52 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).

8.53 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	6	6	30	30%	0	0	25%	0	0	50.00%
2 bed	7	7	35	25%	0	0	50%	0	0	30.00%
3 bed	6	6	30	30%	0	0	25%	0	0	20%
4 bed	1	1	5	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>20</b>	<b>20</b>	<b>100%</b>	<b>100%</b>	<b>0</b>	<b>100%</b>	<b>100%</b>	<b>0</b>	<b>100%</b>	<b>100%</b>

Table 1 – Unit Mix

8.54 The scheme provides 30% of one bed units against our policy of 30%, 35% of two bed units against our policy of 25%, 30% of three bed units against our policy of 30%, 5% of four bed units against our policy of 15%. This scheme falls slightly short of our required 45% family rented units by habitable rooms. However on balance given that this scheme is providing 100% affordable rented, the tenure mix is deemed acceptable.

Standard of residential accommodation

8.55 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.”

8.56 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. Furthermore, all of units would be dual aspect.

Daylight/Sunlight

8.57 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 average daylight factor

(ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

- 8.58 In terms of daylight to the proposed development the ADF was tested for 62 rooms that were eligible for testing. Of these 48 (77%) would satisfy the BRE guidelines completely. Of those rooms 14 rooms that wouldn't meet the guidelines, the Daylight/Sunlight Assessment notes that 12 will experience light levels at 87-98% of the target levels (2% for kitchens, 1.5% for living rooms and 1% for bedrooms). The infringements are considered to be very marginal and the overall daylight received is considered to be acceptable within the urban context.
- 8.59 In terms of sunlight for the proposed development the assessment shows that all 44 windows assessed would meet the targets for Annual Probable Sunlight Hours (APSH).
- 8.60 The proposed development therefore is considered to achieve appropriate levels of daylight and sunlight.

#### Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.61 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.
- 8.62 Two wheelchair accessible homes are proposed which amounts to 10% of the total units.
- 8.63 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. Two disabled accessible parking space would be provided to the north of the site.

#### Private and communal amenity space

- 8.64 For major residential developments Policy DM4 stipulates 50sqm of communal amenity space for the first 10 units plus 1sqm for every additional unit should be provided. As such, a total of 72sqm of communal amenity space is required for the development (20 units) and 1-12 Parnham Street (12 units). If considered separately as two different developments (not as a single phased development) the developments would require 112sqm of communal in total (60sqm for this development and 52sq for 1-12 Parnham. The scheme provides 250sqm of communal amenity space, comfortably exceeding the policy requirement.
- 8.65 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.
- 8.66 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.
- 8.67 The communal space and child play space (covered in the following section) provided by the scheme would be shared with 1-12 Parnham Street. The calculations of the area required by policy for these will arrived at as if the scheme included 1-12 Parnham Street. This is to ensure the proposed development is not providing amenity spaces at the expense of spaces currently available to other sites.

8.68 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

8.69 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. Applying the GLA child yield 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. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.

8.70 The proposed scheme is anticipated to accommodate 26 children using the GLA yield. Accordingly, the scheme should provide a minimum of 230sqm of play space. This requirement is broken down as shown in Table 3.

	GLA Child Yield	Required within the scheme.	Proposed within scheme
0-4	12	120sqm	260sqm
5-10 year olds	8	80sqm	
11-15 year olds	5	50sqm	
Total	26	260sqm	
Shortfall in play space			0sqm

Table 2 – Child Play Space

8.71 The proposed development would provide 260sqm of dedicated child amenity space at ground floor level on the east of the site in accordance with policy. As such it is

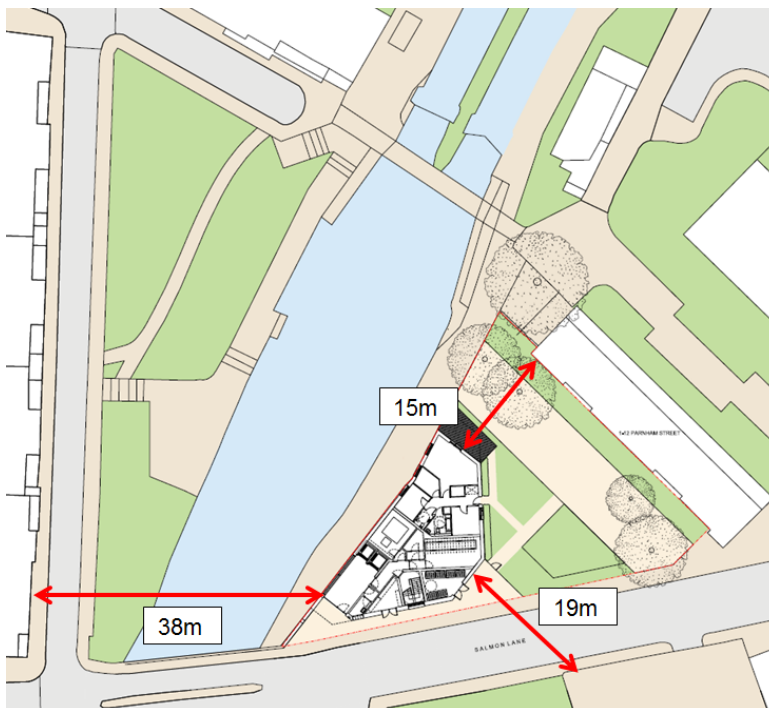
considered that the proposal would provide an acceptable play environment for children.

## Amenity

- 8.72 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

- 8.73 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.



Ground floor plan showing separation distances.

- 8.74 There is an ample separation distance to surrounding buildings on the north western elevation, adjacent to Regent's canal and to the south east, the direction which the balconies of the units in the southern part of the building would face.

- 8.75 The playgrounds of Sir William Burrough's Primary School to the south east of the site would be over 18 metres away. In addition to this separation distance the western tarmacked playground would be screened from the development to some extent by a strip of trees and the eastern Astroturf playground would be partially screened by a wall perimeter fence.
- 8.76 The balcony/terrace door on the north eastern elevation that forms the north end of the building would be 15 metres to the north end of 1-12 Parnham Street. A level of screening would be provided from two retained trees between the buildings at this location. The relationship would also become more angled from the 3<sup>rd</sup> to 5<sup>th</sup> floors of this northern part of the proposed building.
- 8.77 The northernmost windows of the elevation that faces due east would have some oblique views that would have a 16.5 metres separation distance to the northern part of 1-12 Parnham Street. The other windows to the south of this elevation would exceed the 18 metre target in relation to this neighbouring block.
- 8.78 From the above it can be seen that there would only be a closer-than-target relationship between the northern part of the proposed building and the northern part of 1-12 Parnham Road. The closest separation distance here of 15 metres, although not optimal, is not unusual within urban environments and it is a very localised relationship within the overall scheme. It is therefore considered acceptable. A degree of screening would be provided by two retained trees which would help to mitigate any minor loss of privacy.

#### Outlook and sense of enclosure

- 8.79 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.

#### Daylight, Sunlight and Overshadowing

- 8.80 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.
- 8.81 The accompanying Daylight and Sunlight Assessment demonstrates that the development achieves daylight and sunlight levels of a high level of compliance with the BRE guidelines. The report assessed the impacts of the scheme on 1-12 Parnham Road, 100 Salmon Lane, 25-35 Rayners Terrace, 332-378 Rhodeswell Road.
- 8.82 In terms of VSC there would be some infringements to 1-12 Parnham Street (10 of 48 windows tested). Although the loss of daylight to these windows would be noticeable the losses would be relatively minor; retaining 70-79% their former value. The No Skyline Test was also applied which measures the daylight effect on rooms rather than a point on exterior surface as in the VSC. 29 of 36 windows passed this test with the rooms that would fall below the 80% target also only doing so marginally, still retaining 73-79% of their former value.



- 8.83 The report also states that the areas where remaining daylight levels will be marginally below the BRE targets are mostly at parts of the building where windows are recessed by approximately 1.2m behind the main façade of 1-12 Parnham Street. It is therefore the self-design of the building in these few cases which tips the daylight impact just below the guidelines and is considered a mitigating factor.
- 8.84 All other surrounding properties would comply with the guidelines on daylight. In terms of sunlight, all surrounding properties satisfy the guidelines. For the reasons set out above it is considered that the development would have an acceptable daylight/sunlight impact on surrounding properties within this relatively dense urban location.

#### Noise and Vibration

- 8.85 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.
- 8.86 The proposed development will experience noise from local road traffic along Salmon Lane.
- 8.87 A Noise and Vibration Assessment by KP Acoustics 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.
- 8.88 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. These measures would be secured by condition.
- 8.89 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.

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

- 8.90 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.
- 8.91 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.

- 8.92 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments should 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.
- 8.93 The site benefits from very good access to public transport, being located approximately 350 metres walk from Limehouse Rail and DLR station to the south west. The closest bus stops are located on Commercial Road 200 metres walk away. As such the proposed development site has a Public Transport Accessibility Level (PTAL) of 5, with 6 being the highest.
- 8.94 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

- 8.95 The proposal meets the cycle parking standards as set out in the London Plan (2016 MALP). These standards require 34 cycle parking spaces to be provided. The development provides 34 covered secure cycle parking spaces with a cycle parking store accessed from the south east elevation of the building. This arrangement is considered acceptable.

#### Car Parking

- 8.96 Policy DM22 sets out the Council's parking standards in new developments.
- 8.97 Owing to the excellent transport links the development would be subject to a 'car free' planning condition 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.
- 8.98 Two on-street accessible car parking spaces would be provided in a car park within Locksley Estate to the north. Three car parking spaces would be converted here to provide the spaces. This would satisfy the policy target, representing 1 for each accessible unit within the development. However they would be around 75 metres away which would be in excess of the 50m policy target. It can be seen that there are limited options available for accessible parking bays and the applicant has stated that the location chosen is the closest possible. It is considered acceptable in this instance.

#### Servicing and Refuse Storage

- 8.99 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 in accordance with current waste policy.
- 8.100 The development would provide a bin and recycling store of 6 bins at the ground floor. The collection point on Salmon Lane would be 4.7 metres from the bin store, inside the maximum 10 metre policy requirement.

- 8.101 The Council's Highway's team have not raised any objections and the proposal would be subject to a Servicing and Refuse Management Plan that would be reserved by condition.

### **Sustainability and Environmental Considerations**

#### *Energy efficiency and sustainability standards*

- 8.102 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.
- 8.103 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.
- 8.104 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.
- 8.105 The Managing Development Document policy 29 includes the target for new developments to achieve a 50% reduction in CO2 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.
- 8.106 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures and utilise PV's on the available roof area (33m<sup>2</sup> / 6.3kWp). The CO2 emission reduction measures proposed are supported and would result in a circa 23% reduction against the Building Regulations 2013.
- 8.107 The proposals fall significantly short of the target in policy DM29, however the energy strategy has demonstrated that energy efficiency measures and thermal performance have been maximised to deliver circa 12.9% reduction in CO2 emissions and renewable energy technologies have also been maximised on-site.
- 8.108 Based on the current proposals there is a shortfall to policy DM29 requirements by approximately 22% to achieve a 45% reduction in CO2 emissions.
- 8.109 The CO2 emissions are:
- Baseline – 25.6 Tonnes/CO2/yr
  - Proposed design – 19.7 Tonnes/CO2/yr
  - LBTH policy requirement – 14.1 Tonnes/CO2/yr
  - Annual Shortfall – 5.6 Tonnes/CO2/yr
- 8.110 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects.

8.111 In order for the scheme to be supported by the sustainable development it is recommended that the shortfall in CO2 emission reduction is met through a carbon offsetting payment. The planning obligations SPD contains the mechanism for any shortfall to be met through a carbon offsetting contribution, in the absence of the CO2 emission reduction not being delivered on site. In addition, the council has an adopted carbon offsetting solutions study (adopted at Cabinet in January 2016) to enable the delivery of carbon offsetting projects. Based on the current energy strategy a carbon offsetting contribution of £10,080 would be appropriate for carbon offset projects. The calculation for this figure is as follows:

8.112 Shortfall to meet DM29 requirements = 5.6 tonnes/CO2 x £1,800 = £10,080 offset payment to meet current policy requirements.

8.113 In relation to Sustainability, the submitted information contains details of the sustainability standards that are to be adhered to and delivered on site. This includes measures to minimise water use, waste production and use of sustainably sourced materials. The proposals set out are supported and considered in accordance with policy DM29 in relation to CO2 emission reductions and sustainable design. It is recommended that the proposals are secured through condition to deliver the energy efficiency and sustainability measures as detailed and the carbon offsetting contribution as identified.

#### Land Contamination

8.114 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.

#### **Health Considerations**

8.115 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.

8.116 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.

8.117 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**

8.118 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).

8.119 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.

8.120 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.

8.121 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.

8.122 The Council's Supplementary Planning Document on Planning Obligations was adopted in September 2016. This SPD provides further guidance on the planning obligations policy SP13.

8.123 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

8.124 The following financial and non-financial contributions will be secured by condition to mitigate the impacts of the development:

Financial Obligations:

- a) A contribution of **£10,080** towards Carbon Off-Setting
- b) A contribution of **£8,052** towards training skills for construction job opportunities
- c) **£1,000** towards monitoring fee (£500 per S.106 Head of Term)

**Total £19,132**

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

- a) Affordable Rented Housing 100% (20 units)
- b) Access to employment
  - 20% Local Procurement
  - 20% Local Labour in Construction

c) Scheme of Highway Improvement Works

8.126 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to key priorities. However, it is important to note, as mentioned earlier in this report the obligations are to be secured by condition, as the site is being developed by the Council.

### **Local Finance Considerations**

8.127 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.

8.128 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.

8.129 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.

8.130 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. The Community Infrastructure Levy liable would be the London CIL and Tower Hamlets CIL.

8.131 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 £35,500 in the first year and a total payment £213,500 over 6 years.

8.132 Tower Hamlets CIL liability would be approximately £130,845 and the London CIL liability would be approximately £70,455 although there would be no payment due because all of the units would be affordable rented and therefore qualify for CIL relief.

The Committee may take these estimates into consideration when determining the application.

### **Human Rights Considerations**

8.133 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:

8.134 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".

8.135 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.

8.136 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.

8.137 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.

8.138 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**

8.139 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.

8.140 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

