

Development Committee	Date: 12 th January 2017	Classification: Unrestricted
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Report Of: Director of Development and Renewal	Title: Application for Full Planning Permission
Case Officer: Victoria Olonisaye-Collins	Ref No: PA/16/02789
	Ward: Bromley North

Location: William Brinson Centre, 3-5 Arnold Road, London, E3 4NT
Existing Use: Site has a two storey building which is used to provide adult day learning facilities.

Proposal: Demolition of existing building, construction of an 8 storey building and a 6 storey building to provide 62 dwellings (affordable housing tenure) and 398 sq.m B1 floorspace with amenity space, access, cycle parking, landscaping and associated works

Drawings: 9_1602_P_100_A, 9_1602_P_101_A, 9_1602_P_102_A,
9_1602_P_103B, 9_1602_P_105_B, 9_1602_P_106_A
9_1602_P_107_A, 9_1602_P_108_A, 9_1602_P_109_A,
9_1602_P_110_A, 9_1602_P_111_A, 9_1602_P_112_A,
9_1602_P_113_B, 9_1602_P_115_B, 9_1602_P_116_B,
9_1602_P_120_B, 9_1602_P_121_B, 9_1602_P_125_B,
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9_1602_P_163_A, 9_1602_P_164_A, 9_1602_P_165_A,
9_1602_P_166_A, 9_1602_P_167_A,
VLA-DR-L-2139-0200 Rev 02, VLA-DR-L-2139-4000 Rev 02
VLA-DR-L-2139-5001 Rev 01, VLA-DR-L-2139-5002 Rev 01
VLA-DR-L-2139-5003 Rev 01,

Documents: Planning Statement by Treanor Consulting
Daylight/Sunlight Assessment by Waldrams Ltd
Design and Access Statement + Addendum by Henley Halebrown Rorrison
Transport Assessment and Travel Plan by ttp consulting
Construction Traffic Management by Potter Raper Partnership
Phase 1 Preliminary Risk Assessment by RPS
Air Quality Assessment by HHbR Limited
Noise and Vibration Assessment by Max Fordham
Ecological Scoping survey by Greenlink Ecology Ltd

Below Ground Drainage and SuDS by Price & Myers
Energy and Sustainability Report by Max Fordham
Waste Management Plan by Potter Raper Partnership
Landscaping Statement by VOGT Landscape architects
(within DAS + Addendum)
Phase 1 Contamination Report by
Site Waste Management Strategy
Statement of Community Involvement (Within DAS)

Ownership: London Borough of Tower Hamlets
Historic Building: No listed buildings on site.
Conservation Area: Adjacent to Tomlins Grove and Tower Hamlets Cemetery
Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for a residential development comprising 62 one, two, three and four bedroom flats, within two buildings 6 and 8 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 report explains that the proposals would be acceptable in terms of height, scale, design and appearance; preserving the character and appearance of the nearby Tomlins Grove and Tower Hamlets Cemetery Conservation Areas. The scheme would deliver good quality homes in a sustainable location. The proposed flats would all be served by private balconies and communal space 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. 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. 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.
- 2.5 The residential quality of the scheme would be high, 32 of the units would be of a size suitable for families (51%). 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% (6 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:

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

3.2 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. Wheelchair adaptable and wheelchair accessible dwellings
5. Provision of approved cycle storage
6. Compliance with Energy Statement
7. Hours of construction
8. Communal amenity/child play space to be completed prior to occupation
9. Delivery and Service Management Plan
10. Scheme of Highway Improvement Works
11. Details of all Secure by Design measures
12. Details of hard and soft landscaping, including boundary treatment and lighting
13. Details of play equipment
14. Details of noise and vibration mitigation measures

Pre-Commencement Conditions

15. Scheme for the provision of financial contributions (see financial contributions section below)
16. Strategy for using local employment and local procurement (see non-financial contributions section below)
17. Details of biodiversity mitigation measures
18. Details of green roof
19. Construction Management Plan
20. Details of piling, all below ground works and mitigation of ground borne noise
21. Scheme for the Provision of Affordable Housing
22. Samples and details of all facing materials
23. Details of boundary treatments
24. Surface Water Drainage Scheme
25. Car Permit Free (bar Blue Badge Holders and Permit Transfer Scheme)

Condition 15

3.3 Securing contributions as follows:

Financial contributions:

- a) A contribution of **£43,527.90** towards employment, skills, training for construction Job opportunities
- b) **£1,000** towards monitoring fee (£500 per s106 HoT's)

Condition 16/ Condition 21

3.4 Non-financial contributions:

- a) Affordable housing 100% by habitable room (62 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:

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

3.7 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

3.8 Any other informatives considered necessary by the Corporate Director Development & Renewal.

3.9 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework and the provisions of the Development Plan. There are no other material considerations which would indicate that the proposal should be refused. The officer recommendation to the Committee is that permission should be granted.

4.0 APPLICATION SITE AND SURROUNDINGS

Application site

4.1. The site is triangular, elongated site with an 98m frontage onto Arnold Road, forming the eastern boundary. The site is owned by the Council. The building is two storeys in height and has limited architectural merit.

4.2. The current building on the site is occupied by an adult day centre run by the charity Vibrance with car parking located to the rear. Only the ground floor is currently occupied and in use as a community centre (Class D1 use), the rest of the site is currently empty and appears to have been for some time. Site is dominated by two major railway lines, one of which is the District Line with above ground tracks leading from Bow Road Station.

4.3. The following is an aerial view of the site (edged in red).



Aerial photo of site North ↑

4.4. The following photographs show the front and rear facades of the existing building that occupies the site.



Front view of site



Rear view of site

4.5. The area is characterised by a varied mix of commercial, residential community use buildings, railway viaducts and trainlines. The site is within an established residential neighbourhood separated off by the submerged trainline to the west and the raised viaduct to the east. The arches in the viaduct on Arnold Road are used as commercial/light industrial premises. To the north is the Thames Magistrates Court on Bow Road. These are shown in the following photographs.

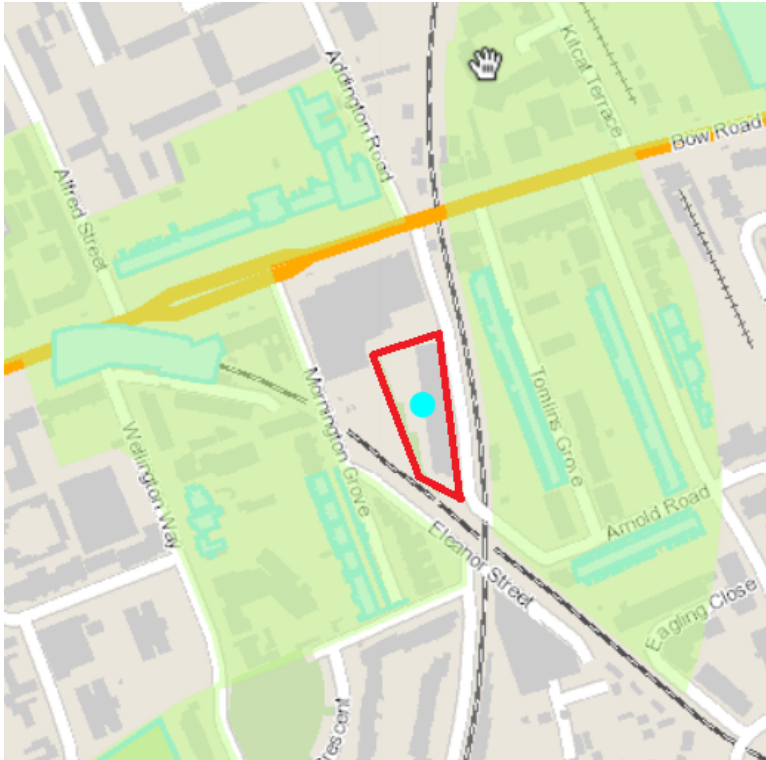


View of Arnold Road from site.



Thames Magistrates Court on Bow Road.

- 4.6. Although the site itself does not contain any listed buildings or trees with preservation orders, the site is surrounded by Conservation Areas beyond the trainlines; the Tomlins Grove Conservation Area to the east and the Tower Hamlets Cemetery Conservation Area to the west. These Conservation Areas contain numerous listed buildings with the terraced dwellings of Tomlin's Grove and the large demi-detached houses on Mornington Grove close to the site. There are local community facilities in close proximity of site, such as Wellington Primary school, play facilities and religious institutions and commercial activity associated with the railways land. Larger scale employment and retail buildings are located along Bow Road.
- 4.7. The following image shows the application site, with the shaded areas being the respective conservation areas. The Blue areas represented the Grade II listed terraces.



- 4.8. Further north of the site is Bow Road (A11), close to its junction with the A12. The site has good transport links. Bow Road Underground and Bow Church DLR Stations are within 5 - 10 minutes walk and numerous buses serve Bow Road. The site's PTAL rating at 6a is excellent accessibility to public transport.

Planning history

- 4.9. None.

Proposed development

- 4.10. Proposed development includes the demolition of the an existing two storey building and the provision of 62 new homes along with 400sq.m of commercial office space (B1 use class) and associated landscaping and public realm works. 16 x 1b2p, 14 x 2b4p, 20 x 3b5p and 12 x 4b6p including 6 wheelchair units (2 x 1b2p, 2 x 2b4p and 2 x 3b5p).

5.0 POLICY FRAMEWORK

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

- To have regard to the provisions of the development plan, so far as material to the application, 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);
- 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).

- Pay special attention to the desirability of preserving or enhancing the character or appearance of the adjacent Tomlins Grove and Tower Hamlets Conservation Areas (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 Application for Determination” agenda items. The following policies are relevant to the application:

Government Planning Policy

National Planning Policy Framework 2012

Planning Practice Guidance

5.3 London Plan 2016 (consolidated with alterations since 2011)

- 2.9 Inner London
- 2.14 Areas for Regeneration
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People’s Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.7 Streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.11 Tackling Congestion

- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise
- 8.1 Implementation
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

5.4 Tower Hamlets Core Strategy 2010

- SP02 Urban Living for Everyone
- SP03 Creating Healthy and Liveable Neighbourhoods
- SP04 Creating a Blue and Green Grid
- SP05 Dealing with waste
- SP06 Employment uses
- SP07 Learning and training facilities
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering place making
- SP13 Planning Obligations

5.5 Managing Development Document 2013

- DM0 Delivering sustainable development
- DM3 Delivering Homes
- DM4 Housing standards and amenity space
- DM11 Living Buildings and biodiversity
- DM12 Water Space
- 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 Environment
- DM29 Achieving a zero-carbon borough and addressing climate change

5.6 Supplementary Planning Guidance / Documents and Other Documents:

Tomlins Grove Conservation Area Character appraisal (March 2007)

Tower Hamlets Cemetery Conservation Area Character appraisal (March 2007)

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

Other

- Planning Obligations SPD (2016)
- Designing Out Crime Supplementary Planning Guidance, LBTH (2002)
- Tower Hamlets Air Quality Action Plan, LBTH (2003)
- Clear Zone Plan – 2010-2025, LBTH (2010)
- Tower Hamlets Partnership Community Plan 2015 (2015)
- Housing Supplementary Planning Guidance, GLA (2016):
- Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance, GLA (2012):
- Sustainable Design and Construction Supplementary Planning Guidance, GLA (2014):
- Shaping neighbourhoods: character and context SPG (GLA 2014)
- Control of Dust and Emissions during Construction and Demolition SPG (GLA 2014)
- Tall Building Advice Note (Historic England 2015)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)

5.9 Tower Hamlets Community Plan objectives

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

6.0 CONSULTATION RESPONSES

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 No objections subject to construction and demolition activities condition, as the assessment submitted with proposals indicates that the development will not lead to any significant impacts on air quality and that the pollution levels at the site are below the relevant air quality objectives and it is therefore suitable for residential use.

- Employment and Enterprise
- 6.4 No objections subject to financial contribution to support and/or provide training and skills need of local residents in accessing the job opportunities created through the construction phase of the development.
- Occupational Therapist
- 6.5 No objections. A range of detailed and specific recommendations were put forward to improve the functionality of the wheelchair accessible units.
- Sustainable Urban Drainage System (SuDS)
- 6.6 No objection to the use of below ground storage, however, the use of sustainable techniques has not been applied, SuDS should typify management and provision of water quantity, water quality, Amenity and Biodiversity. The use of SuDS features that provides source control and other benefits, such as permeable paving, rainwater harvesting systems or grey water recycling to improve the sustainability of the site as cited in the report and revised strategy. It is not clear how the entire drainage system is to be maintained, therefore details of agreed adoption, monitoring and maintenance of the drainage and SuDS features to be achieved via condition should planning permission be granted.
- 6.7 To ensure flood risk is not increased elsewhere a detailed surface water drainage scheme as outlined in the report would be secured via planning condition.

External Consultees

- Environment Agency
- 6.8 The site is within Flood Zone 1 and has no significant risk of surface water flooding. The proposals would be considered acceptable to comply with the London Plan Policy 5.13 and Local plan policy DM13. The SuDS assessment produced by Price & Myers sets out proposals to limit surface water outflow to 5l/s. The applicant proposes to achieve this by including 103m of storage
- Thames Water
- 6.9 Thames Water advises that there is no objection with regard to sewerage infrastructure capacity.
- 6.10 Thames Water advises that a piling method statement condition detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works be imposed to safeguard local underground sewerage utility infrastructure and an informative in respect of discharging ground water into a public sewer.
- Crime Prevention Officer (Metropolitan Police)
- 6.11 Given the high levels of locally reported crimes and the legislation and planning guidance regarding the above, a Secured by Design condition to any design and layout aspect would be considered appropriate in order to enable the development to achieve Secured by Design accreditation, or as a minimum to encompass the principles and practices of Secured by Design, thereby creating safer more sustainable communities.
- Transport for London
- 6.12 The proposed 'car free' development is acceptable, subject to a permit free agreement for any existing and future controlled parking zone.

- 6.13 Non-designation of the proposed 2 disabled car parking is a concern because of the high level of vehicular services around the site. Applicant states that the two parking spaces are for the residents and an on-street Blue Badge parking bay can be provided for the B1 occupants should demand arise.
- 6.14 The proposed cycle provision is acceptable but TfL recommend that at least 5% of all spaces can accommodate a larger cycle, plan 9-1602-P-105B has been amended to cater for larger cycles.
- 6.15 Require full details of construction works including any structural changes & impacts on underground infrastructure, this can be achieved via condition.

7.0 LOCAL REPRESENTATIONS

Statutory Consultees

- 7.1. Public consultation took place in accordance with statutory requirements. This included a total of 477 letters sent to occupiers of neighbouring properties, a press advert and site notices.
- 7.2. 14 individual letters in objection have been received, two petitions against, one signed by 29 residents and the other signed by 9 residents. No letter received in support of the proposals

Representations in objection including petitions

- 7.3. Reasons given in objection to the scheme include:
- Location of the 'holding area' for construction vehicle – Noise and disturbance from construction works
 - Bulk and massing
 - Lower daylight & sunlight
 - Creating shadows and privacy intrusion
 - Loss of outlook
 - Proposals not compatible with garage businesses in the railway arches
 - Out of scale and character with surrounding area and in particular the conservation area it abuts.
 - Excessive density and overdevelopment
 - Pressure on services
 - Increased traffic congestion, highway safety and parking
 - Impact on biodiversity
 - Design consideration
 - Loss of existing community facilities on site
 - Ground floor commercial not required
 - Alternative site within the borough
 - 100% affordable rent tenancy not in tune with the goal of socially diverse borough
 - Proposal should be directed towards Key workers
 - Adverse impact on existing businesses on Arnold Road, creating temporary loss of jobs
 - Inadequate refuse facilities for both commercial and residential and waste management
 - Limited outdoor spaces
 - Potential for fire

- 7.4. These issues are addressed in the material planning considerations section of this report.
- 7.5. The loss of private views has also been raised in objection to the proposal. Impact of development on private views is not a material planning consideration. The proposal's impact on outlook is addressed in the amenity section.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised are as follows:

- Sustainable Development
- Land Use
- Place-making and Density
- Design
- Housing
- Employment
- Learning and training facilities
- Neighbouring Amenity
- Transportation and Access
- Waste management
- Energy and Sustainability
- Environmental Considerations
- Flood Risk and Water Resources
- Biodiversity
- Health Considerations
- Impact on Local Infrastructure / Facilities
- Local Finance Considerations
- Human Rights Considerations
- Equalities Act Considerations

Sustainable development

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

8.3 The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean "ensuring that better lives for ourselves don't mean worse lives for future generations." The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:

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

- 8.4 Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and it is the Government's view that policies in paragraphs 18 to 219, taken as a whole, of the Framework constitutes sustainable development
- 8.5 Paragraph 7 states that achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
 - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 8.6 NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 8.7 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life (NPPF Paragraph 9).
- 8.8 The NPPF's core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:
- be genuinely plan led;
 - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
 - encourage the effective use of land by reusing land that has been previously developed;
 - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 8.9 This is reflected in the Council's Managing Development Policy DM0 and Core Strategy 2010 at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

- 8.10 Paragraph 14 sets out a ‘presumption in favour of sustainable development’ and states that for decision-taking this means, inter alia, approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 8.11 When assessed against NPPF criteria the proposed scheme amounts to sustainable development and accords with the Local Planning Authority’s up-to-date Development Plan. There are no relevant policies that are out-of-date, silent or absent and no other material considerations, including policies within the Framework, which suggest that approval should not be given.

Land Use

Principles

- 8.12 The National Planning Policy Framework sets out the Government’s land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 8.13 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and enjoy leisure and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land which has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.
- 8.14 During the course of the pre-application of similar proposals for the site, it has been established that the proposed relocation of the existing community facility on site would be acceptable and the proposal for residential development at the upper levels would be consistent with LBTH policy, which identifies housing as the priority land use for the Borough and highlights the need to maximise the supply of housing.
- 8.15 The NPPF attaches great importance to significantly boosting the supply of new housing. LBTHs Core Strategy Policy SP02 seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. This will be achieved by focusing the majority of new housing in the eastern part of the borough.
- 8.16 The London Plan sets a revised minimum 10 year housing target of 39,314 between 2015 – 2025 (3,931 per year) for Tower Hamlets. The development proposes re-use of an existing underutilised, brownfield site, making the best use of land. This approach accords with the core principles of the NPPF, which encourages the re-use of previously developed land.

Loss of employment and existing community facility

- 8.17 The key policy tests in relation to retention of employment uses are set out in the MDD Policy DM15 (Local Job Creation and Investment), paragraph 15.2. The development which is likely to impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere. Site is not designated as employment location and no loss of existing employment is envisaged on site given the relocation of the existing use with the staff. In addition, the proposed commercial use at the ground floor level would provide employment opportunity on site above the existing provision.
- 8.18 Policy DM8 requires the protection of community facilities where they meet an identified local need and the building considered suitable for their use, and where proposals would adversely impact on existing community facilities, the re-provision of the existing facility would be required as part of the development unless it can be demonstrated that a new offsite location would better meet the needs of existing users.
- 8.19 Another test in relation to loss of existing community facility is that there is no longer a need for the facility within the local community and the building is no longer suitable or the facility is adequately re-provided elsewhere. The provision of the new facility should be located in or at the edge of town centre; any facility located outside town centre will only be supported where they are local in nature and scale and where local need can be demonstrated.
- 8.20 The Design and Access Statement (DAS) and additional details provided by the agent (via email dated 14/11/2016 & 19/12/2016) confirm that the existing facility would be relocated to the Redcoat Community Centre And Mosque, Stepney E1 remaining within Tower Hamlets. Given the existing location and the building is no longer suitable for its existing use due to the age of the building, its layout, adaptability and quality of space which has a number of shortcomings in terms of circulation and usability. In addition, the proposed new site would adequately cater for the need of existing users, this would be considered acceptable, given that there will not be a total loss of the facility within the borough to comply with Policy DM requirements.
- 8.21 The site area 0.25 hectares and in relation to existing use as an adult day learning centre which is partially vacant means that the site is highly under-utilised. The proposed development with the provision of commercial floorspace would provide small B1 suites, 2 units totalling 124sqm GIA in the north block and 3 units totalling 277sqm GIA in the south block at the ground floor level with residential above, would respond positively to site with no loss of employment envisaged.
- 8.22 In light of the above, and having regard to policy SP06 and SP7 which seeks to support a range and mix of employment uses and spaces within the borough and the employment and skills training of local residents, the proposed loss of employment-generating land and the existing community facility would be considered to accord with policies SP06, SP07 and DM15. This is particularly so when giving consideration to the priority given to the delivery of new dwellings (particularly on underused brownfield sites) that is advocated by the Development Plan and the NPPF.

Density

- 8.23 The Core Strategy's place-making annex identifies Bromley-by-Bow as area that will become more economically prosperous through comprehensive regeneration and new development. The ambition is for the area to increase the diversity of housing choice, and to promote family housing in the area along with new green spaces. It goes on to set out principles for new buildings, including for them to focus higher-density development above the relocated supermarket and around the public transport interchange. In addition, that new development should improve the permeability and legibility by aligning with the existing street network and also respond to the local constraints, opportunities and characteristics.
- 8.24 Policies 3.4 of the London Plan (2016) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.25 The London Plan (policy 3.4 and table 3.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 8.26 The site has a PTAL rating of 6a and is defined as being within an urban area. The London Plan sets out density ranges in Table 3.2 and Policy 3.4, which states that:
- "Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2."*
- 8.27 For the application site, the London Plan would suggest that a density of 70-260 units per ha, or 200-700 habitable rooms per hectare, is appropriate. The net site area for the purpose of density calculations is 0.25ha. The proposed scheme proposes 62 residential units, resulting in a density of 248 units per hectare or 792 habitable rooms per hectare which would slightly exceed the London Plan Policy 3.4 density matrix, however proposed density would be considered acceptable given the context, design principle and public transport accessibility.
- 8.28 It is not only that the proposals accords with density range of the London Plan numerically in terms of units per hectare, but an interrogation of this scheme against the standards in the London Plan Housing SPG as set out in the following sections of this report indicates that the proposed development would:
- Preserves the setting of both Tower Hamlets Cemetery and Tomlins Grove Conservation Areas when viewed from within the conservation areas;
 - Preserves the setting of neighbouring listed terraces
 - the development would not result in excessive loss of sunlight or daylight for neighbouring homes and the new flats would have good access to daylight and sunlight;
 - the development provides a good mix of unit sizes within the scheme
 - the development is 'car-free' owing to the site's excellent accessibility to public transport with 2 disabled on-street car parking spaces provided. The development would not cause unacceptable traffic generation;
 - The proposed development is liable for the Mayoral and Tower Hamlets Community Infrastructure Levy, which will ensure the development

contributes appropriately to the improvements to local social and physical infrastructure (only the commercial will be liable for CIL as the affordable will be able to claim social housing relief)

- The materiality and design is considered to be of high quality, would develop an underutilised site close to conservation areas and replaces a former building that detracted from the quality of the built environment.

8.29 The principle of mixed use development at this site is acceptable in line with SP02 (1a) which focuses new housing in the eastern part of the borough and with SP06 (1 b and 3c) which encourages the provision of suitable units for small and medium enterprises.

8.30 Given the above and the residential character of surrounding area around the site, the principle of intensification of housing/commercial use is strongly supported in policy terms.

Design

8.31 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character. Detailed Government policy on 'Requiring Good Design' is set out in chapter 7 of the NPPF.

8.32 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.

8.33 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

8.34 The following elevations show the various elevations of the buildings, the materials and fenestration are discussed later within this section.



Eastern Elevation



Southern Elevation



Northern Elevation

Layout

- 8.35 The proposal is laid out in two linear blocks of 6 storeys to the north and 8 storeys to the south with the provision of a well-proportioned communal central space between the blocks for communal use, accessed from Arnold Road. The central circulation cores are top lit, increasing the sense of openness with flats arranged around core, achieving an efficient layout and enabling most units to be dual aspect units providing a standard residential living accommodation and for ease of buildability.
- 8.36 The proposed buildings have been designed to prevent direct overlooking between rooms (especially habitable rooms). The proposed design would provide active frontage to Arnold Road with the provision of commercial uses at ground floor level, this is in reaction to the site constraint, given the nature of existing car business uses of the arches. It is considered that the provision of ground floor commercial uses at this location would be compatible with the surrounding area, increasing footfall down Arnold Road and enables passive surveillance at varying times throughout the day, given the nature of the proposed operation hours to the commercial units, which would be different from the usual office hours. The layout is an appropriate approach to the opportunities and constraints of the site and optimises development on the site.
- 8.37 The proposed design is considered to respond appropriately to different environments around the site and associated constraints, in particular the two railway lines, the uses within the railway viaduct arches and the raised footbridge, by locating the commercial uses at the ground floor level fronting Arnold Road in line with the commercial uses opposite site and the layout which sets adequate separation distances from the railines and still able to provide mainly dual aspects units. In

addition, the proposed full height windows and doors to the ground floor would create a dialogue between the commercial units and the street and therefore improve overlooking. The proposed commercial units would generate footfall throughout the day and early evening.

- 8.38 Units are designed internally facing to provide zones of public and private spaces, with inset balconies. All units would have adequate levels of natural light given the adequate floor to ceiling height and the introduction of corner glazing. All wheel chair units are located on the first floor of both blocks in order to minimise the need to travel by prospective users. Proposals would provide two lifts in each core to ensure adequate access provision.
- 8.39 The main entrances to the residential are located within the internal elevations facing the two blocks. The entrances are also located towards the middle of the courtyard to facilitate movement within the central space. The gentle winding design of the stairs around an open void is to provide multiple landings to encourage the use of the stairs to encourage healthy life style and thus improve the security of the block. The southern block due to the height requires the staircase to be lobbied from the lift core. The arrival point into the building is on the shorter edge of the elevation with direct access to the courtyard.
- 8.40 Five commercial units totalling 398 sq.m are proposed for B1 use with each unit would having its own entrance directly from Arnold Road, providing active street frontage with its own dedicated bin storage, cycle and shower facilities. The proposals would provide opportunities for local businesses and employment and would be provided as shell and core, allowing flexibility for tenant fit out.
- 8.41 Proposed commercial units are proposed to be standard units with floor to ceiling height of 3.14m minimum to allow for maximising daylight penetration and reduce the need for artificial light, to comply with British Council for Offices Specification 2014.

Appearance

- 8.42 The scheme's appearance is inspired by what is often termed the New London Vernacular with elevations predominantly faced in brickwork, facades topped with a parapet, vertically emphasised windows emulating the regular grid pattern of Georgian fenestration, deeply recessed windows, and accented entrances where possible directly from the street. This approach complements other development in the area and is a tried and trusted approach which results in a legible and robust development.
- 8.43 The appearance of the development varies around the site appropriately addressing the site's setting. The predominant material used in the area is brickwork as well as the introduction stucco and stone detailing around windows and doors. The proposed full height glazing of windows and doors to the ground floor are to create relationship between the B1 commercial units. The brick piers and deep set reveals generate a rhythm to the façade which would be similar to the arches opposite. The vertical rhythm of the façade is punctuated by horizontal concrete elements of a contrasting colour as balcony and window lintels, this would further reduce the massing of the proposed development.
- 8.44 The northern block at 6 storeys is smaller in scale and height to suit the smaller neighbouring developments while the southern block at 8 storeys is bolder reflecting its position along the rail track. Generally, the proposed scale and height at this location would be considered acceptable at this location where there are larger

perimeter buildings, would be compatible with other developments in immediate vicinity of site.

8.45 The entrance to each block is from the communal amenity space, drawing residents in to the site and encouraging natural surveillance. Brick piers and gates on to the street denote defensible space and will have a fob control allowing access only for residents. Each lobby is well positioned and glazed to provide natural light and a legible welcoming entrance. The south block has an extended lobby being a longer building, and has a view through to a colonnade running along the rear communal areas.

8.46 There are three types of balconies proposed for the development, these are: inset balconies (with a variation between different types) corner balconies and Juliette balconies, balconies are intended to become external rooms to each units where it is located, corner balconies and Juliette balconies, the proposed different types of balconies to the development would further add interest to the façade without appearing confused or busy.

8.47 The proposed development's appearance would be a significant improvement in comparison to the buildings which have previously occupied the site, with residential units overlooking Arnold Road at the upper floors providing a more active frontage and increase passive surveillance.



View to the central courtyard and main entrance

Height

8.48 Policy DM26 and London Plan Policy 7.7 sets out policy in relation to tall buildings. The criteria set out by both policies can be summarised as follows:

- Be of a height and scale proportionate to its location within the town centre hierarchy and generally directed to areas such as the Central Activities Zone, Activity Areas, town centres, opportunity areas, intensification areas and within access to good public transport;
- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas;

- Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters;
 - Should not adversely impact upon heritage assets or strategic and local views;
 - Present a human scale at street level and enhance permeability of the site where possible;
 - Provide high quality private and communal amenity spaces for residents;
 - Provide public access to the upper floors where possible;
 - Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
 - Comply with Civil Aviation requirements, not interfere with telecommunication and television and radio transmission networks and consider public safety requirements; and,
 - Not adversely affect biodiversity or microclimates.
- 8.49 The northern block would be six storeys high, reflecting modest scale development within the immediate vicinity of site which would not significantly impact on the amenity of nearby neighbours and surrounding area in terms of loss of light, privacy, outlook and visual amenity. The lower scale also assists in providing good daylight and sunlight to other parts of the development, including the communal amenity space & play space located within the central courtyard, rear and side of site.
- 8.50 The southern block would be 8 storeys high, this would be considered acceptable as proposal would still provide a good level of sunlight on the south façade of the north building due to the slight splay of both buildings, and would not significantly impact on amenity of nearby neighbours. This height reflect its position close to larger perimeter blocks in surrounding area, therefore would not be considered to be out of scale and character with surrounding area.
- 8.51 The proposed development would broadly align with other recent approvals in surrounding area; proposals would therefore not appear as out of context with its surroundings.
- 8.52 Given the high standards of design and architectural quality, the proposals would be considered not to have significant impact on the setting of nearby conservation areas.
- 8.53 The following image provides a visual of how the corners of the building with balconies are designed.



8.54 In conclusion, the development would be of high quality design and is an appropriate response to redevelopment opportunities presented by this site. The proposal generally accords with the relevant development plan policies.

Landscaping

8.55 The proposed approach to landscaping as amended would be considered acceptable, given a feel of useable and legible amenity space within the site. The amenity area is mainly located to the central courtyard, rear of both blocks and the 'Rose garden' located on the southern side of the southern block. The updated landscape strategy shows that the landscaping could effectively soften the appearance of the building from the street as well as providing a good range of child play space features and native planting, which is good for biodiversity, within the courtyard. A more detailed landscape strategy would be required and this can be achieved via appropriate condition.

8.56 The central yard is the main communal space. The focal point of the yard is a large, multiterm feature tree with a circular bench around its stem. Long benches are proposed against a backdrop of climbing plants on either side of the courtyard providing seating. As the yard provides entry to the buildings blocks and to the two adjacent courtyard, high quality clay pavers create a unified floor plane, details to be achieved via condition. Given that the central yard of the development is a space that unifies the residents of both blocks, the landscape proposals seeks to create a simple and strong gesture by using a single large tree, providing most vegetation on the ground and on the walls, and thereby creating as much open space as much as possible to be occupied

8.57 The western space along the southern and northern blocks designed as a single space would have strong relation with the building and its interior.

Secure by Design

- 8.58 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.
- 8.59 In general, the proposed layout and mix of uses provides some activity at street level and natural surveillance. A particular improvement is the level of natural surveillance to Arnold Road. In addition, the proposals responds to the meet the Secure by design requirements in providing a gated development at this location which evolved from the location of the site in an environment which would not otherwise be fit for residential purpose. The type of businesses opposite site and railway lines are not residential friendly, given the nature of the existing uses, therefore for proposals to be considered safe for residential purpose, it would need to be a gated development in accordance with Secured by Design advice.
- 8.60 The Crime Prevention Officer at the Metropolitan Police advises that the scheme raises no particular concerns in the manner it is designed and advises that the scheme should seek a Part 2 Secure by Design Accreditation. An appropriate condition has been recommended.
- 8.61 The proposal accords with the aforementioned policies.

Inclusive Design

- 8.62 Policy 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 8.63 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The development has been designed with the principles of inclusive design in mind, although gated development, this is as required by secure by design given the location of site and the proposed use mainly residential with no other residential development within the immediate vicinity of site.
- 8.64 The entrances and circulation spaces are 'level' and slip resistant, recessed openings provided at all external entrances. At least 2 wheelchair on-street parking spaces are provided, with the option to provide more, depending on demand.
- 8.65 10% of units would be wheelchair accessible or adaptable, in accordance with the policy requirements, all affordable rented units with a choice of size and aspect.
- 8.66 The proposal accords with the aforementioned policies.

Heritage

- 8.67 Policies in Chapter 7 of the London Plan (2016 as amended) and policies SP10 and SP12 of the CS and Policies DM24, DM26 and DM27 of the MDD seek to protect and enhance the character, appearance and setting of heritage assets and the historic environment.

- 8.68 Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF.
- 8.69 NPPF Paragraph 128 requires applicants to describe the significance of any heritage assets affected by a proposal. The applicant has not provided a heritage statement that includes a statement of significance for the built heritage assets affected by the application proposals, which area the Tomlins Grove and Tower Hamlets Cemetery Conservation Areas. Nevertheless, the Local Planning Authority considers it has sufficient information to reach an informed decision.
- 8.70 NPPF Paragraph 131 goes on to state that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.71 NPPF Paragraph 132 notes that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 8.72 The NPPF at Paragraphs 133 and 134 respectively refer to proposals which cause substantial harm, or less than substantial harm, to designated heritage assets and establish relevant tests.
- 8.73 In considering the significance of the asset, NPPF paragraph 138 notes that not all elements of a Conservation Area will necessarily contribute to its significance and paragraph 137 advises local planning authorities to look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. In addition, paragraph 137 states that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 8.74 This section of the report considers the implications for the application in respect of the setting of both conservation areas along with any other assets that may be impacted.

Setting of the Tomlins Grove and Tower Hamlets Cemetery Conservation Areas

- 8.75 The application site is surrounded by both conservations areas, although outside the conservation areas would be visible from both. The buildings which previously occupied the site related poorly to the conservation areas, and harmful to its setting and did not engage or provide an active frontage to the Arnold Road.
- 8.76 The proposed buildings, constructed from brick and designed to respond to the context, would be of considerably higher quality and provide an active frontage and passive surveillance to Arnold Road. It is considered that the proposals would not have significant impact on the setting of these conservation areas, given the

separation distance between the site and other designated heritage assets. Proposals would sustain and enhance both the character and appearance of the surrounding conservations areas, make a positive contribution to the setting of Tomlins Grove and Tower Hamlets Conservation Areas. The proposals accord with relevant Development Plan and NPPF policies in this respect.

Housing

Principles

- 8.77 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” and “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.”
- 8.78 The application proposes 62 residential units. The consolidated London Plan identifies a housing need of at least 3,931 units per annum in Tower Hamlets.
- 8.79 The quantum of housing proposed will assist in increasing London’s supply of housing and meeting the Council’s housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

Affordable Housing

- 8.80 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides 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 which can be expressed in absolute terms or as a percentage.
- 8.81 The proposed 62 units with 51% family units all affordable rents would be slightly above the 45% the policy requirement, however, given the scheme had been designed with particular reference to the council’s high need rented accommodation especially for families, would comply with the aforementioned Policies and to be provided at Borough Framework Rents. Following consultations, the Council’s affordable officer raised no objection subject to affordable rent condition.

Housing Mix

- 8.82 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. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing and Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council’s most up to date Strategic Housing Market Assessment (2009).
- 8.83 The table below compares the proposed target mix against policy requirements:

Ownership	Type	Number of units	Policy requirement (%)	Proposed mix (%)
Affordable Rent	1 bed	16	30	26
	2 bed	14	25	23
	3 bed	20	30	32
	4 bed	12	15	19

- 8.84 DM3 (3.3) states that the Council will give favourable consideration to proposals which exceed its strategic target of 50% affordable housing., current proposal is 100% affordable as earlier stated which exceeds the Council's affordable provision target.
- 8.85 The Councils Housing section have advised that 50% of the rented homes will be Tower Hamlets social target rent and the remaining will be Tower Hamlets Living Rents.
- 8.86 In relation to the affordable rent mix, given that the proposals is 100% affordable rent, the proposal would broadly meet the policy targets and in particular the affordable rented accommodation proposed would have a good mix of 1, 2, 3 and 4 bedroom homes for prospective occupiers. Overall the scheme would provide 51% of family units which is slightly above the policy requirements of 45%. There are a total of 20 units within the northern block comprising of 18 x 3 bed units and 2 x 2 bed wheelchair units. The southern block comprises of 42 units in total, 16 x 1 bed of which 2 are wheelchair units, 12 x 2 bed units, 2 x 3 bed wheelchair units and 12 x 4 bed units.
- 8.87 On balance, whilst there is some conflict with policy targets, the scheme overall provides a balance of different unit sizes which contributes favourably to the mix of units across tenures within the borough as a whole especially with the generous provision of family units, would therefore be considered to be policy compliant with DM3 of the Local Plan.

Wheelchair Accessible Housing and Lifetime Homes Standard

- 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 Six wheelchair accessible homes are proposed which amounts to approximately 10% of the total units.
- 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. Two disabled accessible on- street car parking space would be provided at the front of site on Arnold Road.

Quality of residential accommodation

- 8.91 GLA's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific

advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.

- 8.92 All of the flats meet the relevant London Plan space standards; have a floor-to-ceiling height of 2.6m in accordance with the GLA's Housing SPG. No floor would have more than 8 units per core, again in accordance with the SPG.
- 8.93 Approximately 75% of the flats would be dual aspect and all of the flats would have balcony at a size which would be policy compliant. The only single aspect units are the 1 bedroom flats which are east facing.
- 8.94 The applicant has submitted an independent daylight and sunlight analysis. This demonstrates that 91% of the habitable rooms would meet the guidance set out in the BRE guide for minimum levels of average daylight factor (ADF).
- 8.95 The analysis has also assessed the sunlight levels of the site in context of the surrounding buildings and the results shows that the majority of surrounding residential properties will meet the BRE Guidelines in terms of daylight and all remaining rooms are within units where the majority of rooms meet the BRE Guidelines for daylight, indicating all units will be well daylight. In sunlight terms all but five of the main living spaces analysed contain at least one window which meets the BRE Guidelines in terms of APSH. Each of the five remaining living rooms includes access to a balcony which provides an excellent alternative source of additional sunlight amenity.
- 8.96 There are a number of rooms and windows within the Tomlins Grove properties which would experience reductions beyond the BRE guidelines in VSC terms, in both cases these windows and rooms are significantly obstructed from receiving daylight and sunlight by their own massing, namely side returns and balconies at its highest in the sky. In any case, of those windows which do not meet annual sunlight standards, they all meet or exceed the standard for winter probable sunlight hours. Overall, the results demonstrate that the development would receive very good daylight and sunlight having regard to the urban location of the development.

Amenity space and child play space

- 8.97 Private amenity space requirements are determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm. The proposal provides private amenity space, in the form of balconies to all of the flats in compliance with the above quantitative standards.
- 8.98 Policy DM4 requires communal amenity space and child play space for all developments with ten or more units. The communal amenity space requirement for this development is 100sqm. The child play space requirement is 10sqm per child. The development is predicted to contain 61 children and therefore 610sqm of child play space is required, split across the different age groups set out in the GLA's Play and Informal Recreation SPG (2012).
- 8.99 The development would provide approximately 979sqm of amenity space. This would significantly exceed the combined requirement of 710sqm for communal amenity space and child play space for all ages. The Design and Access Statement has set out indicative arrangements for these spaces. The 'sun hours on the ground' assessment shows that most part of the amenity spaces would exceed the minimum

standards set out in the BRE guidelines and would appear well sunlit. Only small part of the 5 – 11 age group will receive two hours of sunlight on March 21st to 43% of its area, this would be considered sufficiently close to the BRE Guideline to be considered acceptable.

- 8.100 The spaces are accessible, secure and appropriately separated from vehicular traffic and well overlooked by the proposed development and would be accessible to all residents. The detail, including planting and play equipment can be appropriately secured by condition. The condition shall also seek to ensure a minimum of 610sqm of child play space is provided.



Amended Landscaping – Communal and Child Play Space

Neighbouring amenity

- 8.101 Policy DM25 of MDD requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.

Daylight and sunlight

- 8.102 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.
- 8.103 The applicant has submitted a daylight assessment by Waldrams daylight & sunlight. The report has analysed 40 properties surrounding the development to assess the impact this development will have on their daylight and sunlight due to their proximity to the development site. The properties tested are: 8 – 11 Mornington Grove, 28 & 29 Mornington and 7 – 25 Tomlins Grove.

- 8.104 Properties 8 – 11 Mornington Grove, 4 – 7, 9 & 20 – 25 Tomlins Grove are fully compliant with the BRE Guidelines on daylight and sunlight in terms of VSC daylight distribution and APSH. Nos. 28 & 29 Mornington Grove, there are four windows (W8 and W10) on the first and second floors which would experience reductions in VSC beyond 20% recommended in the BRE Guidelines, although W8 and W10 on the first floor and W10 on the second floor are likely to sufficiently close to the BRE Guidelines to be considered acceptable, experiencing 25%, 26% and 23% reduction respectively. W8 would experience a 38% reduction in VSC but importantly the room it serves, R2, experience no change in its daylight distribution, indicating this room will remain as well daylighted in the proposed situation as it currently is in existing situation, meets the BRE Guideline in terms of VSC.
- 8.105 In terms of sunlight, all windows which look over the proposed development site and face within 90 degree of due south meet the BRE Guidelines for APSH with the proposed development.
- 8.106 In relation to properties on Tomlins Grove, nos. 4 – 7, 9, 20 – 23 would meet the BRE Guidelines in terms of VSC with the proposed development in place. For each property from and including 8 – 18 Tomlins Grove, the significant majority of the windows meet or come sufficiently close to the BRE guidelines in terms of VSC to be considered acceptable but there is one window likely to serve a habitable room on the ground floor which experience a reduction in VSC beyond 20% recommended in the BRE Guidelines. However, in all but five cases, the rooms served by these windows meet or come close sufficiently to the BRE Guidelines for daylight distribution to be considered acceptable, indicating these rooms will remain appropriately well-lit with the proposed development.
- 8.107 In terms of the four remaining windows and rooms, W1 on the ground floor of 8,15,16,17 and 18 Tomlins Grove, these windows are blinkered by their own massing (side returns and balconies) and not as a result of the proposed development.
- 8.108 In relation to sunlight, all habitable rooms analysed contain at least one window which meets the BRE Guidelines in terms of APSH
- 8.109 Overall, the proposal makes appropriate efforts to protect neighbouring properties' sunlight in accordance with policy DM25.

Conclusion

- 8.110 Overall, as would be expected, the proposals would result in some impact on the daylighting conditions of the surrounding development. The results show that there would be noticeable reductions in the level of daylight from some windows. However, the rooms affected would remain well-lit and have adequate amenity reducing the overall impact, therefore would be considered acceptable in accordance with Local Plan policy DM25.
- 8.111 While perceptible reductions to daylighting would still occur, in all cases the properties would continue to receive good levels of daylighting, especially for an urban location, it is therefore considered that the proposal would appropriately protect surrounding residents' level of daylight in accordance with Local Plan policy DM25.

Privacy, outlook and enclosure

- 8.112 Given the location (adjoining the rear boundary with the Thames Magistrates Court) to the north and nature of site (an infill development) with the separation distance, in excess of average of 36m between this development and the rear elevation of

neighbouring properties on Tomlins Grove to the east, and approximately 30m away from Mornington Grove to the south, approximately 60m away from the nearest property on Mornington Grove to west with no significant loss of privacy and outlook.

- 8.113 Having regard to the heights of the proposed buildings and their proximity to their neighbours, it is not considered that the development would not cause undue sense of enclosure to any of its neighbouring residents.

Overshadowing

- 8.114 Due to the separation distances, location and nature of development indicated above, proposal would not result in significant overshadowing of nearby residential properties.

Noise, vibration and air quality

- 8.115 The effects on the noise, vibration and air quality during the construction and operational phases of the development are assessed elsewhere in this report. However, in summary, they are considered acceptable subject, where applicable, to conditions.

Conclusion

- 8.116 The proposal has been developed so it appropriately takes account of neighbouring properties' amenity and accords with the aforementioned policy.

Highways and Transportation

- 8.117 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities. The NPPF and Policy 6.1 of the London Plan 2016 (as amended) seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.

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

- 8.119 Core Strategy policies SP08 and SP09, together with policy DM20 of the Local Plan seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity. They highlight the need to minimise car travel and prioritise movement by walking, cycling and public transport. They require the assessment of traffic generation impacts and also seek to prioritise and encourage improvements to the pedestrian environment.

Traffic Generation

- 8.120 The site has a PTAL level of 6a, demonstrating that it has an 'excellent' level of accessibility to public transport. Transport Assessment. The submitted with the application shows that the proposal would not significantly increase trip generation around site.

Car Parking

- 8.121 The proposals would be a 'car-free' development with the provision of 2 on-street disabled parking. The two existing crossovers into the site will be closed and reinstated as footway providing additional kerb space to accommodate the proposed disabled bays, therefore there will be no loss of on-street parking as a result of the proposed development. Applicant will be responsible for the road improvement costs, this can be achieved via condition.

Cycle Parking

- 8.122 The number of residential cycle spaces to be provided would be 108 and the number of visitor cycle spaces is 3. The residential and visitor cycle space numbers are in compliance with relevant policy. Details would be reserved by condition. The long stay cycle parking for the residential and B1 uses would be considered acceptable. However, details of the location would be required; this can be achieved via condition.

Access / Servicing and Deliveries

- 8.123 The deliveries and servicing strategy is for on-street servicing which is considered appropriate, given that the residential units would generate a low level of servicing requirements. Residential deliveries generally consist of post, occasional furniture deliveries, online shopping and grocery deliveries. It is expected that the majority of deliveries would be undertaken in a 7.5ft box van. Commercial units typically generate 0.25 deliveries per day, therefore the proposed 398sq.m of commercial floor space would be expected to generate 1 delivery per unit per day. The proposed scheme has been designed to ensure that refuse can be collected from Arnold Road

Accessibility

- 8.124 The site benefits from an excellent level of accessibility to public transport reflected by its PTAL rating of 6a. It is well connected to Bow Road station and bus stops on Bow Road within 250m to the north.

Construction traffic

- 8.125 The applicant has provided preliminary information on construction management. While this is welcome a condition is attached requiring approval of a Construction Management Plan prior to commencement of the development. Details would need to be submitted closer to commencement when a contractor has been appointed.

Conditions

- 8.126 Highways and TfL recommend the following conditions to mitigate the impact of the proposal:

- Require the scheme as 'permit-free';
- Require approval of a car parking management plan;
- Require approval of a Travel Plan;
- Require approval of a Servicing Management Plan;
- Require approval of a Demolition and Construction Management Plan;
- Require approval of a Scheme of Highways Improvements Plan;

8.127 The above conditions have been recommended as part of this report

Summary

8.128 Subject to conditions, transport matters, including vehicular and cycle parking, vehicular and pedestrian access are acceptable and the proposal should not have a detrimental impact on the public highway in accordance with National Planning Policy Framework (NPPF); 6.1 of the London Plan, SP08 and SP09 of the Core Strategy (2010) and DM20 of the Managing Development Document (2013).

Waste

8.129 DM14 of the Local Plan requires applicant's to demonstrate how waste storage facilities and arrangements are appropriate to implement the Council's waste management hierarchy (reduce, re-use and recycle).

8.130 In terms of construction waste, a site waste management plan (as part of a Construction Environmental Management Plan) is recommended to be secured by condition to ensure, inter alia, that excess materials would not be brought to the site and that building materials are re-used wherever possible.

8.131 In terms of operational the amended plans would be considered acceptable, given the location and type of facilities proposed. The proposed access arrangement for refuse collection would be considered acceptable. Whilst some concerns were raised initially with the workability of the proposed accesses and the usability of the central yard, the amended plans would overcome the concerns with appropriate conditions in respect of further details.

Energy & Sustainability

8.132 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.

8.133 The climate change policies as set out in Chapter 5 of the London Plan 2015, 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.

8.134 The London Plan sets out the Mayor's energy hierarchy which is to:

- Use Less Energy (Be Lean)
- Supply Energy Efficiently (Be Clean)
- Use Renewable Energy (Be Green)

8.135 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO₂ emissions above the Building Regulations 2010 (circa 45% reduction against Building Regulations 2013) through the cumulative steps of the Energy Hierarchy.

- 8.136 Policy DM 29 requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential to achieve BREEAM Excellent. The applicant has submitted a BREEAM score sheet which shows the scheme is designed to achieve a BREEAM Excellent rating with a score of 75%. It is recommended that the submission of the final certificate to demonstrate achievement of BREEAM Excellent rating should be secured via Condition. It is recommended that the submission of the final certificate to demonstrate achievement of BREEAM Excellent rating should be secured via Condition, unless otherwise agreed in writing.
- 8.137 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy systems in accordance with the following hierarchy: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.
- 8.138 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures, use of a centralised CHP system and a PV array. Notwithstanding the need to be compliant with London Plan policy 5.6, the CO2 emission reductions proposed are supported and would result in a circa 45% reduction against the Building Regulations 2013.
- 8.139 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 45% reduction in CO2 emissions. Whilst the proposals are demonstrating the development is policy DM29 complaint for CO2 emission reductions, it should be noted that use of electrical base systems has the potential to result in higher fuel bills for the residents.
- 8.140 Should the scheme be recommended for approval it is recommended that the proposals are secured through appropriate Conditions to deliver:
- Submission of 'As built' calculations to demonstrate the 45% reduction has been achieved.
 - Submission of PV array specification showing peak output (kWp) the 609m2 array
 - Submission of communal heating details including plant room layout plan and pipe routing schematic showing all uses within the development are served by the system
 - Delivery of BREEAM Excellent Development unless otherwise agreed in writing with LBTH

Environmental Considerations

Air quality

- 8.141 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.

- 8.142 In this case, the applicant has submitted an Air Quality Assessment with an updated calculation received 14 November 2016, which has been reviewed by the Council's Air Quality Officer. However, the GLA has recently introduced a requirement for an Air Quality Neutral Assessment which has been reviewed by the Council's Air Quality Officer and found to be acceptable.
- 8.143 The development provides policy compliant off-street parking and all of the occupiers of the residential will be restricted from applying for on-street parking permits (other than disabled occupiers). Conditions have been imposed to control the demolition and construction process. To be discussed further depending on comments from highways.
- 8.144 Future residents and users of the proposed development would be appropriately protected from existing poor air quality in the Borough and the new development satisfactorily minimises further contributions to existing concentrations of particulates and NO₂ in accordance with the aforementioned policies.

Noise and vibration

- 8.145 London Plan policy 7.15 and Local Plan policy DM25 sets out policy requirements for amenity and requires sensitive receptors (including residents) to be safeguarded from undue noise and disturbance.
- 8.146 Given the location of site in close proximity to a train line to the south west of site, a noise and vibration assessment is therefore required to justify the suitability of a new development for residential use on site. An Acoustic Report has been submitted in support of the application and this has been reviewed by the Council's officer and considered the report and its recommendations acceptable. The development itself would not create significant noise or vibration. The report advises that the main source of noise on site is trains passing on the nearby railway. Subject to glazing meeting certain specifications and ventilation measures such as acoustic air bricks, enhanced acoustic double glazing and acoustically attenuating louvers, the future occupiers would not be exposed to undue noise having regard to British Standard BS8233:2014. A glazing and ventilation condition is recommended to secure this mitigation.
- 8.147 In relation to external amenity spaces, some external spaces are expected to exceed the recommended levels, even when all reasonable mitigation methods are applied. However, alternative, relatively quiet, amenity space would be available to residents at the northern half of the west facing garden areas and the central yard provide quieter amenity spaces away from the railway. BS 8233:2014 advises that noise levels below 55dB would be desirable.
- 8.148 The results show that the play space at the north of the site would achieve a noise level that will meet the British Standard due to the increased distance from the railway and the shielding from both the perimeter wall and the railway cutting. However, the noise levels increase in the amenity spaces towards the south of the south, and exceed the standard in the 'rose garden' space at the south of site. Whilst this is undesirable, there are no effective mitigation measures for this amenity space. It should be noted that other amenity would provide alternative (and quieter) amenity space.
- 8.149 Subject to relevant conditions (controlling construction traffic and the method of demolition and construction), and acknowledging non-planning controls over demolition and construction such as the Environmental Protection Act and Control of

Pollution Act, the proposal adequately mitigates the effects of noise and vibration of demolition and construction.

- 8.150 Having regard to the above, it is considered that subject to relevant conditions, the development both during construction and operation would adequately mitigate the effect of noise and vibration on future occupiers and surrounding residents as well as members of the public. The proposal accords with relevant Development Plan policies other than those relating to balconies discussed earlier.

Flood Risk and Water Resources

- 8.151 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off. Condition suggested in terms of permeable materials to comply with London Plan Policy 5.13.
- 8.152 Thames Water advises that there are no concerns with additional water demand from this development. They have advised that a drainage strategy condition be imposed to allow more information to determine the waste water needs of the development. They also advise that their assets may be located underneath the site, therefore they have advised imposing a number of conditions relating to construction and piling details. Thames Water also advises imposing a condition in respect of the site drainage strategy to satisfy their concerns in regards to the impact on the public sewer system. Appropriate conditions are recommended.
- 8.153 In summary, and subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF and its associated Technical Guidance, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Biodiversity

- 8.154 The application site contains buildings and hard standing with small areas of vegetation including an area of young trees, shrubs and climbers on the western edge of the site. These have the potential to support nesting birds, as does a nest box on the western edge of the site. The proposed loss of these trees and other vegetation would not have a significant adverse impact on biodiversity. Following consultation with the Council's biodiversity officer, no objections have been raised subject to timing of vegetation clearance condition. Overall, the proposals would be considered acceptable to comply with the objectives of Policy DM11 which requires developments to deliver net gains for biodiversity. The officer raised the issue of the proposed small landscaping which would not comply with the Local Biodiversity Action Plan (LBAP) objectives. The subsequent amendments with additional landscaped area to the central courtyard would overcome the concern, proposal would be considered to comply with the objectives of the Local Biodiversity Action Plan.
- 8.155 None of the proposed trees is native, though some of them are good nectar plants. The proposed rose garden will be a very good source of nectar while the roses are flowering. This will contribute to a LBAP target to provide more forage for bees and other pollinators. However, the planting could be significantly improved for bees if a greater diversity of nectar-rich flowers was included, this can be achieved via condition.
- 8.156 The proposed climbers on the wall of one of the buildings would provide nesting opportunities for birds, including house sparrows. However, using native ivy instead

of the proposed Boston-ivy would provide much more wildlife value, as it is a good nectar plant, a caterpillar food plant for the holly blue butterfly, and provides berries in late winter when other sources of berries have been eaten. Proposal to include green roofs, bat boxes for birds such as house sparrow and swift in the development to comply with best practice guidance published by Buglife and would contribute to a LBAP target for new open mosaic habitat.

- 8.157 Accordingly, and subject to the recommended conditions, the proposal accords with the London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD which seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.

Health Considerations

- 8.158 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.
- 8.159 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.
- 8.160 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.
- 8.161 The proposal provides on-site child play and communal amenity space at policy compliant levels. The accessibility to parks, green space and play areas/recreation (Archibald Open space and Tower Hamlets Cemetery Park) in close proximity to the development is also recognised. It is noted that the development would be liable for Community Infrastructure Levy contributions and health facilities are included on the Council's Regulation 123 list (i.e. the development may result in a contribution towards improved health infrastructure). The health benefits to residential occupiers of living in homes with good levels of daylight are recognised and the proposed residential units are considered to have good levels of daylight and sunlight. The effect of noise on the living conditions of occupiers can be adequately addressed through planning conditions. However, it is noted that the noise exposure to some balconies would be above the recommended level set out in British Standard 8233:2014.
- 8.162 It is also noted that the site has excellent public transport accessibility which would therefore discourage vehicle trips and encourage cycling and walking. Cycle parking is provided, in accordance with London Plan standards

8.163 It is considered when weighing up the various health considerations pertinent to this scheme, the proposal would be consistent with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Impact upon local infrastructure / facilities

8.164 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's draft 'Planning Obligations' SPD (2015) sets out in more detail how these impacts can be assessed and appropriate mitigation.

8.165 The NPPF (at paragraph 204) states that planning obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and,
- Fairly and reasonably related in scale and kind to the development.

8.166 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests. The Council adopted a Borough-level Community Infrastructure Levy on April 1st 2015. Consequently, planning obligations are much more limited than they were prior to this date.

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

8.168 The Council's draft Supplementary Planning Document on Planning Obligations (2015) provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also sets out the main types of contributions that can be sought through planning obligations, these include:

- Affordable Housing;
- Skills training;
- Job brokerage, apprentices and work placements;
- Supply chain commitments towards local enterprise;
- Site specific transport requirements;
- Certain transport measures;
- Site specific public realm improvements / provision;
- Carbon Reduction measures;
- Biodiversity measures;
- Site specific flood mitigation / adaption measures; and,
- Community Facilities.

8.169 The developer is required to use reasonable endeavours to meet at least 20% local procurement of goods and services by value and 20% local labour during construction and a permit-free agreement condition.

8.170 The financial and non-financial contributions are considered to be in compliance with aforementioned policies and Regulation 122 'tests'.

Local Finance Considerations

8.171 As noted above section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with a planning application a local planning authority shall have regard to:

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

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

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

8.173 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor's Community Infrastructure Levy and would attract a New Homes Bonus. These financial considerations are material considerations and weigh in favour of the application.

8.174 It is estimated that the development would be liable for Tower Hamlets CIL and Mayor of London CIL. However, given the existing building is occupied and given the proposed housing is social housing, it is likely no actual payment would be applicable due to the relief that would be available. In addition a total of £661,722.00 of New Homes Bonus payments over a period of 6 years.

Human Rights Considerations

8.175 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:-

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

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

balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 8.177 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.
- 8.178 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.179 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.
- 8.180 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.181 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.
- 8.182 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions.

Equalities Act Considerations

- 8.183 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
- 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.
- 8.184 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.185 The contributions to the provision of affordable housing support community wellbeing and social cohesion.

8.186 The proposed development allows, for the most part, an inclusive and accessible development for all residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking and wheelchair adaptable/accessible homes.

9. CONCLUSION

9.1 All relevant policies and material considerations have been taken into account. The development is recommended for approval. Planning permission should be **granted**, subject to planning conditions

Appendix 1

Site Location Plan

