

<b>Committee:</b> Development Committee	<b>Date:</b> 8 <sup>th</sup> February 2017	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b>  Corporate Director of Place	<b>Title:</b> Applications for Planning Permission  <b>Ref No:</b> PA/16/1081/A1
<b>Case Officer:</b> Angelina Eke	<b>Ward:</b> Blackwall and Cubitt Town

## 1. APPLICATION DETAILS

**Location:** Balmoral House, 12 Lanark Square, London E14 9QD

**Existing Use:** Residential

**Proposal:** Erection of three additional storeys to building to create nine new residential units (4 x 1 bed, 3 x 2 bed and 2 x 3 bed) plus external amenity space, associated refuse storage and secure cycle storage provision

**Drawing No.'s:** Existing

BALHO\_E001\_Existing\_Front Elevation - Revision A  
BALHO\_E002\_Existing\_Rear Elevation - Revision A  
BALHO\_E003\_Existing\_Side Elevation 1 - Revision A  
BALHO\_E004\_Existing\_Side Elevation 2 - Revision A  
BALHO\_L000\_Existing\_OS map  
BALHO\_P000\_Existing\_Basement Plan - Revision A  
BALHO\_P001\_Existing\_Ground Floor - Revision A  
BALHO\_P002\_Existing\_First Floor - Revision A  
BALHO\_P003\_Existing\_Second Floor - Revision A  
BALHO\_P004\_Existing\_Third Floor - Revision A  
BALHO\_P005\_Existing\_Fourth Floor - Revision A  
BALHO\_P006\_Existing\_Roof Plan - Revision A  
BALHO\_S001\_Existing\_Section AA' - Revision A  
L001 Rev A – Existing Site Plan

Proposed drawings

BALHO\_D202\_Proposed - Wall Detail - Revision B  
BALHO\_D203\_Proposed - Bin Storage - Revision C  
BALHO\_D204\_Proposed - Cycle Parking - Revision B  
BALHO\_E201\_Proposed - Front Elevation - Revision C  
BALHO\_E202\_Proposed - Rear Elevation - Revision C  
BALHO\_E203\_Proposed - Side Elevation 1 - Revision C  
BALHO\_E204\_Proposed - Side Elevation 2 - Revision C  
BALHO\_L201\_Proposed - Site Plan - Revision C  
BALHO\_MS201\_Proposed - Material Strategy - Revision B  
BALHO\_P200\_Proposed - Basement Plan - Revision B  
BALHO\_P201\_Proposed - Ground Floor - Revision C  
BALHO\_P202\_Proposed - First Floor - Revision B  
BALHO\_P203\_Proposed - Second Floor - Revision B  
BALHO\_P204\_Proposed - Third Floor - Revision B

**Documents:** BALHO\_P205\_Proposed - Fourth Floor - Revision B  
BALHO\_P206\_Proposed - Fifth Floor - Revision B  
BALHO\_P207\_Proposed - Sixth Floor - Revision B  
BALHO\_P208\_Proposed - Roof Plan - Revision C  
BALHO\_S201\_Proposed - Section AA - Revision C  
BALHO\_V201\_Proposed - 3d Views - Revision B

Appraisal Report of the existing and proposed structures dated April 2016, Alan Baxter Partnership (Ref D532),  
Construction Management Plan, Drawing & Planning Ltd  
Design and Access Statement,  
Daylight and Sunlight Report Rev A dated 30<sup>th</sup> November 2016, Waldrams Limited (Ref : 1123)  
Flood Risk Assessment, GTA Civils Limited, April 2016 (First Issue, Ref 6260 2.3 F)  
Noise Exposure Assessment dated 31/03/2016, Clement Acoustics Ref 11040-NEA-01)

**Applicant:** LGI (Group) Limited

**Ownership:** LGI (Group) Limited

**Historic Building:** N/A

**Conservation Area:** N/A

## **2. EXECUTIVE SUMMARY**

- 2.1. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Core Strategy (2010), Tower Hamlets Managing Development Document (2013) the London Plan (MALP 2016) and National Planning Policy Framework (NPPF) (2012) and has found that:
- 2.2. The principle of the use is considered acceptable given the site context as the proposal seeks to make efficient use of a previously developed site to improve the supply of housing. The proposal would contribute to meeting the borough's identified need for housing in a sustainable location which accords with Policies 3.3 and 3.4 of the London Plan (MALP 2016), Policies SP02 and SP10 and Policies DM0, DM1 of the Managing Development Document (2013) and the NPPF. The policies and guidance seek to ensure that the uses of land/buildings are optimised.
- 2.3. The proposed three storey extension to the existing block is acceptable in terms of bulk, massing, scale, height and architectural appearance. The design approach respects the integrity of the existing building and site context. The use of materials will be subject to a condition to ensure the finishes are of high quality. Subject to this, the proposal would accord with Policies 7.4 and 7.6 of the London Plan (MALP 2016), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM24, which seeks to ensure buildings are of the highest quality design with appropriate finishes.
- 2.4. The proposed dwelling mix is acceptable and it will provide a good range of unit types including family housing. The new flats will be adaptable with acceptable internal

layouts. The units are to be designed to meet lifetime home standards which accords with Policies 3.5, 3.8, 3.9 and 7.2 of the London Plan, Policy SP02 of the Tower Hamlets Core Strategy (2010) and Policies DM3 and DM4 of the Managing Development Document (2013) and the Mayor's Housing Standards (2016).

- 2.5. Given the urban context of the site, it is considered that the proposal will not result in any unduly detrimental impacts on the adjoining residential properties with regard to daylight, sunlight, overshadowing, privacy, outlook or noise. The proposal will be subject to conditions to minimise some of the amenity impacts. Subject to these conditions, the proposal would accord with Policy 7.15 of the London Plan (MALP 2016), Policies SP03 and SP10 of Tower Hamlets Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) as well as the NPPF.
- 2.6. The proposal includes private amenity space for all but one of the units. The quantum of open space provided for each of the new units is considered to be acceptable overall and this accord with Policy SP02 of the Core Strategy (2010) and Policy DM4 of the Managing Development Document (2013).
- 2.7. With respect to transport issues, it is considered that the transport and servicing arrangements are acceptable. The increase in the residential use of the building is being focused within a highly sustainable location which is to be welcomed as public transport accessibility levels of the site are good. Furthermore, the proposal will be subject to conditions to ensure that it is car free and that adequate cycle parking is provided which should promote sustainable travel options in line with policy requirements.

### **3. RECOMMENDATION**

- 3.1. The Committee resolves to Grant Planning Permission subject to the following conditions:
  - 1) Three Year Time Limit
  - 2) Compliance with approved plans and documents
  - 3) Full details including samples of all facing materials
  - 4) Hours of construction
  - 5) Details including design of the proposed new bin store to be retained for the lifetime of the development
  - 6) Details of acoustic glazing
  - 7) Construction Management Plan (incorporating a site waste management plan)
  - 8) Wheelchair adaptable and wheelchair accessible dwellings
  - 9) A scheme for the provision of obscured glazing to be submitted and agreed in writing by the LPA before the flats are first brought into use and thereafter be maintained
  - 10) Permit free parking
  - 11) Details/location of disabled parking space
  - 12) A minimum of 16 cycle parking spaces (in a secure and accessible location)
  - 13) Details of Privacy Screens
  - 14) Obscure glazing to be installed and permanently retained
  - 15) Details of Scaffolding/Mast Climbers to be agreed in conjunction with TFL
  - 16) Submission and Agreement of an Energy and sustainability strategy
  - 17) If any potential contamination is found then a requirement for mitigation measures

#### Informatives

- 3.2. The following informative are to be attached to the planning permission

- 1) That the development will be subject to a car free s106 agreement
- 2) CIL requirements
- 3) Any other conditions/informative(s) considered necessary by the Corporate Director of Place

#### 4. LOCATION AND PROPOSAL DETAILS

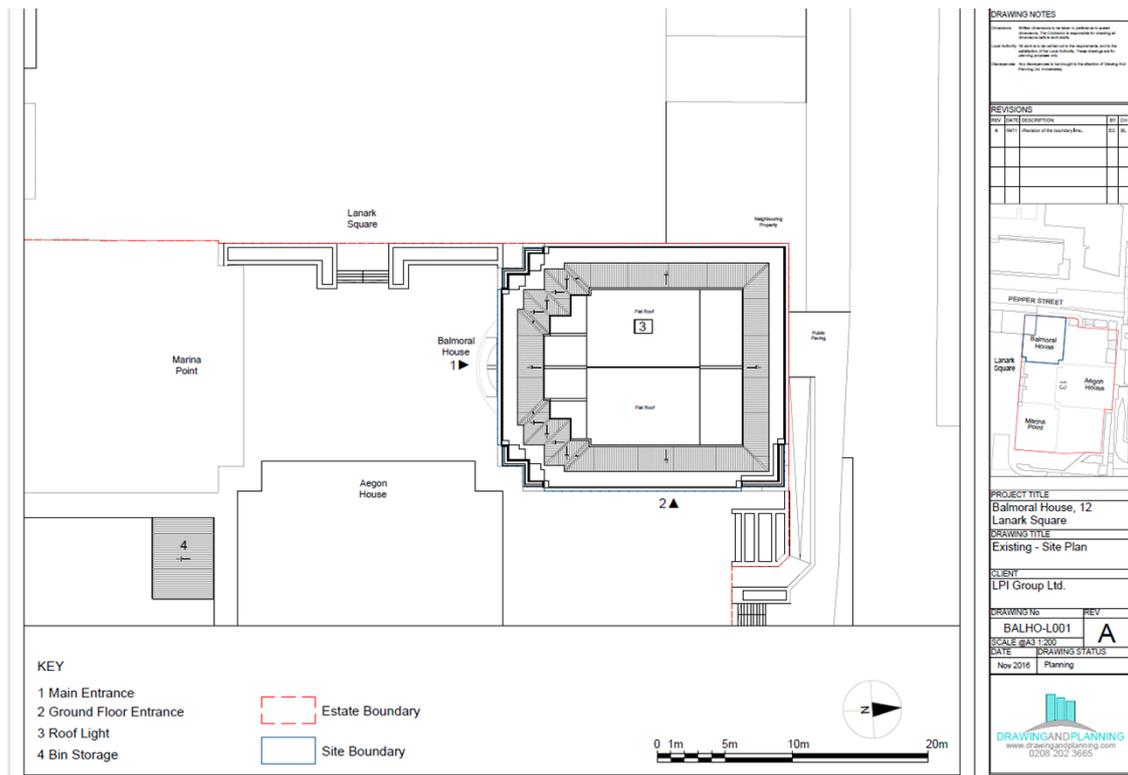
##### Site and Surroundings

- 4.1. The application premises consist of a four storey building with a plant area measuring approximately 390m<sup>2</sup> incorporated within a mansard style roof. The application building lies within Lanark Square Estate, which is a mixed use development forming part of the Glengall Bridge Development.



Figure 1: Balmoral House

- 4.2. The application premises forms part of a small cluster of three buildings with Aegon House to the east and Marina Point to the south. All three buildings were former office accommodation until they were converted on the upper floors to residential use in September 1996. The ground floor areas remained in commercial use for many years, however in more recent years; the ground floors for Balmoral House have been converted for residential use. (See Figure 2)



**Figure 2: Balmoral House (Location)**

- 4.3. There is a basement area below the three blocks which accommodates 104 cars and to the south eastern part of the site at ground floor level, there are additional parking spaces plus a single storey refuse bin store for the three residential blocks.
- 4.4. The Crossharbour Docklands Light Railway Station (DLR) is located to the east of the site and Cross Harbour shopping area is located in close proximity. The site is designated within the Cubit Town Vision Area as set out in the Tower Hamlets Core Strategy (2010).
- 4.5. The site is located immediately to the south of Pepper Street and it has an access point from Seldon Way. The site is located within walking distance from Millwall Inner Dock Water which is designated as a water protection area and a site of nature conservation.
- 4.6. The former London Arena site is situated to the north of the application building and this site has been redeveloped for a large-high density residential led mixed-use development, known as Baltimore Wharf. The new buildings facing the north side of Pepper Street range from 8 storeys with 10-13 storey buildings fronting Millwall Dock.
- 4.7. To the west of the application site is Tunberry Quay which is currently under construction for a residential led mixed use development comprising 89 flats with cycle parking, amenity space, landscaping and 321 sq metres of commercial uses.
- 4.8. The application premise is not listed nor does it lie within a Conservation Area.

## The Proposal

- 4.9. The application seeks planning permission for the removal of the redundant roof plant area including a three storey extension to the existing building to form nine new flats with external amenity space, secure cycle parking and refuse storage.
- 4.10. The proposal new structure will be faced with brickwork and it will take cues from the existing architectural language of the building and will terminate with a glazed roof design.
- 4.11. The palette of materials proposed will include stock brick, with large areas of glazing in a similar fenestration design to the existing. The proposal will also seek to replicate the floor plate of the lower floors to enable the architectural integrity of the existing building to be maintained.

## 5. RELEVANT PLANNING HISTORY

Balmoral House, 12 Lanark Square (Application site)

- 5.1. **PA/15/01343:** Application for Prior Approval under Part 3 Class O of the Town and Country Planning (General Permitted Development Order) 2015 for the change of use from offices (Use Class B1a) to residential (Use Class C3) to form 4 flats (3 x 1 bedroom and 1 x 2 bedroom). Approval dated 08/07/2015.
- 5.2. **PA/15/02308:** Minor alteration to an existing external door frame and windows (East elevation). Approval dated 14/10/2015.
- 5.3. **PA/15/02306:** Submission of details pursuant to Condition 2(Cycle Parking) attached to the Prior Approval scheme consented under PA/15/01343 dated 08/07/2015. Approval dated 28/10/2015.
- 5.4. **PA/15/03063:** Submission of details pursuant to condition no. 1(Car-Free) attached to planning permission dated 08/07/2015, ref: PA/15/01343. Approval dated 22/12/2015.
- 5.5. **PA/13/01650:** Prior approval application under Class J of Part 3 of Schedule 2 to the General Permitted Development Order 2013 (as amended) for the Change of Use of independent B1(a) office unit at ground floor level to facilitate the creation of four self-contained residential dwellings (Class C3) providing 1no. Two-bed self-contained flat, 2no. One-bed self-contained flats and 1no. Self-contained studio unit. Approval dated 12/09/2013
- 5.6. **ID/96/00048:** Full planning permission for the conversion of approved office accommodation on upper floors of 12, 13 and 14 Lanark Square to form 65 residential units and continued use of ground floor for A1/A2/A3/B1 uses (ref: T/96/0147). Approval dated 23/09/1996 at 12, 13 and 14 Lanark Square, E14

Aegon House, 13 Lanark Square

- 5.7. **PA/14/03489:** Application for Prior Approval under Part 3 Class J of the Town and Country Planning (General Permitted Development Order) 1995 (as amended) for the change of use from offices (Use Class B1 (a)) to residential (Use Class C3) to provide 4 flats (comprising 2 x 1 bed flats and 2 x 2 bed flats) at ground floor level. Prior Approval 11/02/2015.

- 5.8. **PA/11/03672/R**: Full Planning Permission for the change of use of part ground floor from office (Class B1) to a one bed studio flat (Class C3). Refusal 06/03/2012.
- 5.9. **PA/11/03828/R**: Full planning permission for the change of use of existing ground floor office into a residential dwelling (C3). Refusal 13th March 2012.
- 5.10. **PA/01/01056**: Change of use of part of the ground floor from retail to residential. Withdrawn 4th July 2002.
- 5.11. **T/97/00068**: Conversion and change of use of the roof space at 8th floor level to form 4 self-contained flats (3 x 2 beds and 1 x one bed with ancillary car parking. Approval dated 19/02/1997

Marina Point, 14 Lanark Square (formerly Melrose House)

- 5.12. **PA/14/01820/A1**: Full planning permission for the erection of three additional storeys to building to create nine new residential units (3 x 1 bed, 5 x 2 bed and 1 x 3 bed) plus external amenity space and alterations to the refuse storage area within the basement. Approval dated 29/08/2014.
- 5.13. **PA/14/003512/A1**: Application for Prior Approval under Part 3 Class J of the Town and Country Planning (General Permitted Development Order) 1995 (as amended) for the change of use from offices (Use Class B1 (a)) to residential (Use Class C3) comprising 5 units (3 x 1 bed flats and 2 x 2 bed flats) at ground floor level. Prior Approval dated 12/02/2015.
- 5.14. **PA/12/01043/NC**: Full planning permission for the demolition and re-building of existing roof space to provide four self-contained one bedroom flats. Approval dated 18/06/2012

Turnberry Quay

- 5.15. **PA/12/02923**: Mixed-use development comprising demolition of existing buildings and erection of a building of between 7 and 13 storeys providing 321sqm of commercial floor space (use classes A1-A3, B1, D1 and D2) and 89 residential units (use class C3) plus cycle parking, amenity space, access and landscaping at 1-3 Turnberry Quay and 1-5 Lanark Square, Cross Harbour, London E14. Approval dated 04/09/2013.

## **6. POLICY FRAMEWORK**

- 6.1. The council in determining this application has the following statutory duties to perform, mainly to:
- Determine the application in accordance with the development plan unless other material planning considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004):
  - To have regard to local finance considerations so far as this is material to the planning application, and to any other material consideration (Section 70(2) Town & Country Planning Act 1990)

6.2. In this regard, the following policies are considered to be relevant to the application:

6.3. **Government Planning Policy/Guidance**

National Planning Policy Framework (NPPF) 2012  
National Planning Policy Guidance (NPPG) 2016  
National Technical Standards (March 2015) – National Described Space Standards

6.4. **Consolidated London Plan (March 2016)**

3.3: Increasing housing supply  
3.4: Optimising housing potential  
3.5: Quality and Design of Housing Developments  
3.9: Mixed and Balanced Communities  
3.8: Housing Choice  
3.11: Affordable Housing targets  
3.12: Negotiating Affordable Housing on Individual Private residential & mixed use schemes  
3.13 Affordable Housing Thresholds  
5.2: Minimising carbon dioxide emissions  
5.3: Sustainable design and construction  
5.12: Flood Risk Management  
5.17: Waste capacity  
6.3: Assessing effects of development on transport capacity  
6.9: Cycling  
6.10: Walking  
6.13: Parking  
5.1: Climate Change mitigation  
5.2: Minimising carbon dioxide emissions  
7.2: An Inclusive Environment  
7.4: Local Character  
7.6: Architecture  
7.15: Reducing Noise and enhancing soundscapes

6.5. **Tower Hamlets Core Strategy 2010**

SP01: Refocusing on our Town Centre  
SP02: Urban Living for Everyone  
SP03(2): Addressing the impacts of noise pollution  
SP04 (5): Creating a Blue and Green Grid  
SP05: Dealing with waste  
SP09: Creating safe and attractive street and spaces  
SP10 & SO23: Creating Distinct and Durable Places  
SP11 & SO24 : Working towards a zero carbon borough  
SP12: Delivering Place Making  
Annexe 9: Cubitt Town Vision

6.6. **Managing Development Document 2013**

DM0: Delivering Sustainable Development  
DM1: Development within the Town Centre Hierarchy  
DM3: Delivering homes  
DM4: Housing standards and amenity space  
DM12: Water spaces  
DM14: Managing Waste

DM20: Supporting a sustainable transport network  
DM22: Parking  
DM23: Streets and The Public Realm  
DM24: Place Sensitive Design  
DM25: Amenity  
DM26: Architecture  
DM29: Achieving a zero carbon borough and addressing climate change  
DM30: Contaminated Land

6.7. **Supplementary Planning Guidance/Documents**

London Plan Housing Standard (March 2016)

6.8. **Tower Hamlets Community Plan Objectives**

A Great Place to Live  
A safe and supportive community

**7. CONSULTATION**

7.1. The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application

**Canal River Trust**

7.2. No comment. The proposal is some distance from the dock.

**Environmental Health**

Air Quality

7.3. No comments

Noise and Vibration

7.4. No response received

Contaminated Land

7.5. No objections, although there if contamination is found, no further development should take place without the appropriate mitigation measures

**Environment Agency**

7.6. No objection as the proposal

**Transport for London (DLR)**

7.7. No objections subject to the applicant providing a minimum of 16 cycle parking spaces in a secure and accessible location and full details of scaffolding/mast climbers

**Tower Hamlets Highways and Transportation Team**

7.8. No objection to the proposal in principle, although a construction management plan should be secured by condition.

- 7.9. The number of cycle stands proposed is welcome, although a greater proportion of Sheffield stands will be required and this can be secured by a condition
- 7.10. Step free access is required for the refuse storage area.
- 7.11. It is recommended that conditions be attached to secure a permit free development restricting future residents from obtaining permits for on street car parking
- 7.12. It is considered that the bin storage area may be too far from residents' homes and this may need to be reviewed.

### **LBTH Waste Policy and Development**

- 7.13. It is acknowledged that the existing location for waste provision is not ideal; however, the walking distance is within 30 metres of the residential block entrance points and this is considered to be acceptable.
- 7.14. Although the current capacity of the waste provision is below resident's need, this is an existing situation that cannot be controlled through this application.
- 7.15. The applicant is advised to make a separate refuse provision and the detail of this is considered to be acceptable. A condition to the proposal as the and a condition are recommended for the waste disposal strategy for the site.

### **LBTH Energy Efficiency Team**

- 7.16. The applicant needs to ensure that the development complies with the London Plan (2016) requirements and the local plan policies set out in SO3, SO24 and SP11 which seeks to mitigate climate change and minimise carbon dioxide emissions. The applicant would need to ensure compliance with the 'Energy Hierarchy' :
  - 1) Use less energy (Be Lean)
  - 2) Supply energy efficiently (Be Clean)
  - 3) Use renewable energy (Be Green)
- 7.17. Insufficient details have been provided to assess the sustainability features and energy efficiency measures to be incorporated into the development. The climate change policies require the fullest contribution to be made to mitigation and adaptation to climate change and a condition is required to demonstrate the energy and sustainability strategy for the new proposal.

## **8. LOCAL REPRESENTATIONS**

- 8.1. A total of 386 planning notification letters were sent to nearby properties as detailed on the attached site plan. A further consultation was undertaken on 23/12/2016. The proposal was publicised by way of a site notice and the following responses were received

**No of individual responses:** 60 Objecting: 54 Supporting: 6  
**No of petitions received:** 0

- 8.2. In response to the consultations, a total of 60 letters of representation were received. 54 of the total representations received raised objections against the proposal, whilst six letters of representations were in favour of the scheme.

8.3. A summary of the representations are listed below under the specific headings:

#### Land Use

- Failure to take account of the materially relevant planning permissions which have led to an incremental development on the block and it is considered that the additional units should be subject to affordable housing
- The increase in the density is not matched by infrastructure requirements.
- The proposal will result in the overdevelopment of the site

#### Design

- The visual aesthetics and unity of the three blocks will be lost
- The building will be double in size and as a result it will lose its character

#### Amenity

- The proposed increase in the height and scale of the block will adversely impact on the daylight and sunlight
- Loss of privacy due to overlooking from the new units, specifically the terraced area and impacts on residential amenity
- The Health and Safety risks to existing residents during the construction phase
- The proposal will compound the on-going noise impacts from Turnberry Quay and 49-50 Mill Harbour
- No additional refuse capacity has been provided for the new development.
- That the bin store poses health and safety risks for persons with mobility issues.

#### Highways

- That the cycle parking for the prior approval application at ground floor level has not been implemented
- Step free access should be provided for the refuse bin facility

8.4. Aegon/Balmoral Residents Association have objected to the scheme on the grounds noted above and this is to be considered within the relevant part of this report.

8.5. In addition, various representations were raised which are not considered to be material planning considerations:

- Leaseholders are concerned that the extra flats would impact on their them financially through increased service charges;
- Objectors are concerned that the findings of the structural report are superficial and inconclusive as they were not based on the original construction drawings, which the council officer confirmed had been destroyed in a fire. A more informed structural assessment should be carried out to enable residents to assess what impact the proposal within have on the structural integrity of the flats below and the developer has a duty of care to provide this;
- A Section 20 Notice is due to be served on leaseholders for repair works to the estate (estimated at £2 million) and it is considered that the demand has been triggered by the cost of works for water ingress to the development over a number of years. Residents consider that the demand for repair works arose as a consequence of building out the four ground floor units within the application block;
- That the leaseholders would be prepared to see the redevelopment of the entire Lanark Square properties (including the flats in Balmoral House, Aegon House and Marina Point);

- The developer contacted the other residents and leaseholders because he knew that they are likely to object to the proposal
  - Concerns about the risks of residents being in occupation whilst the airspace above is being extended;
- 8.6. Officers consider that the technical and structural matters (including risk assessments) for the finalised scheme are matters which are addressed once planning permission has been obtained and as part of the building control approvals. Freeholder consent would also be required for any development on the application block.
- 8.7. In respect of the concerns raised regarding the structural implication of the proposal on the foundations of the application block, this is a matter dealt with under the Building Regulations.
- 8.8. In respect of structural impacts of the proposal on leaseholder flats, these are civil matters which are normally addressed through party wall procedures and Building Control
- 8.9. With regard to the concerns raised that leaseholders wish to see their whole estate redeveloped, officers would need to assess any application submitted on its own merit and currently there is no proposal on record for the redevelopment of the entire estate.
- 8.10. With regard to the concerns raised about pre-consultations between residents/leaseholders and developers, this is encouraged as part of the statement for community involvement, however statutory neighbour notifications are still undertaken by the Local Planning Authority.
- 8.11. Officers have assessed the details of the range of objections raised in respect of tenant and landlord matters. The structural issues are matters dealt with by building control and party wall agreements. The objections are not considered to be material planning considerations and cannot be dealt with as part of this report.
- 8.12. Councillor Andrew Wood – A local ward member has objected to the proposal in a personal capacity and the concern relates to the structural impacts of the proposal on the existing structure and concerns as to how residents can be in place when the existing building is being extended. As noted above, this issue is one that is normally the subject of party wall agreements as building control approval. It is considered that the above concerns do not warrant a refusal of the application proposal.

## **9. MATERIAL PLANNING CONSIDERATIONS**

- 9.1. The main planning issues raised by the application that the committee must consider are:
- Principle of Land Use
  - Design
  - Amenity
  - Highways and Transportation
  - Other
  - Financial Considerations
  - Equalities Consideration
  - Human Rights

## **Principle of Land Use**

- 9.2. The National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development through the effective use of land driven by a plan led system to ensure the delivery of sustainable, economic, social and environmental benefits. The NPPF seeks to promote the efficient use of land and buildings through maximising the development potential of sites to achieve high densities, mixed -use developments on underutilised sites, specifically to increase the delivery of new housing and support infrastructure. Local planning authorities are encouraged to boost significantly the supply of housing and applications for such proposals should be considered in the context of the presumption in favour of sustainable developments.
- 9.3. Policy 3.3 of the London Plan (MALP 2016) provides support for the increase in the housing supply throughout London, and it sets out a target for this council to deliver a minimum of 39,314 homes between the periods of 2015-2025 and it supports options to achieve this objective through intensification of existing mixed uses or on underutilised buildings.
- 9.4. The proposal was subject to a formal pre-application discussion to establish the principle of converting the redundant plant space measuring 390m<sup>2</sup> plus the erection of a three storey extension to form 9 additional units. The principle of residential intensification on the site is considered to be acceptable given the mixed character of the area and its town centre location within Crossharbour District Centre.
- 9.5. It should be noted that planning permissions have been approved at Aegon House under T/97/00068 for a similar conversion of the plant space. At Marina Point planning permission was approved under PA/14/01820 for a similar conversion of the plant space and three storey extension to form nine flats. This permission on this site has not yet been implemented and the permission will lapse in August 2017.
- 9.6. Whilst the principle of residential intensification is supported in policy terms, the proposal would need to meet the relevant policy considerations in respect of design, amenity, and highway impacts to be considered acceptable overall. The principle of optimising the residential potential of the site accords with Policies 3.3 and 3.4 of the London Plan (MALP 2016), Policy DM3 in the Managing Development Document (2013) and Policy SP02(1c) plus SP02(5a) in the Core Strategy (Adopted 2010) and guidance set out in National Planning Policy Framework (2012).

## Housing

### Affordable Housing

- 9.7. Policy 3.11 of the London Plan (2016) seeks to maximise the affordable housing provision. Part A of Policy 3.12 on planning decisions requires the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed use schemes. In undertaking such negotiations, officers are expected to encourage rather than restrain development and individual circumstances of the site including development viability are expected to be taken into account.
- 9.8. Policy SP02 of the Core Strategy (2010) seeks to ensure that new developments optimise the use of land and that new housing including higher densities are encouraged in sustainable locations with proximity to the nearby town centres. The policy sets an expectation for 50% of additional homes within the period of 2025 should

be affordable, subject to viability, the availability of public subsidy and the individual circumstances of the site.

- 9.9. Policy DM3 of the Managing Development Document seeks to ensure maximise the delivery of affordable housing in accordance with the Council's tenure split (70% social/Affordable Rent and 30% Intermediate) as reinforced in the Core Strategy. Policy DM3 (4) which is may have some relevance to this application states Affordable housing will be calculated;
- a) by using habitable rooms as primary measure to allow for the most suitable mix of units: and
  - b) based on the total housing existing or permitted as part of a development, where a scheme proposes additional housing.
- 9.10. Objections have been received on the grounds that the total additional units being created by the developer would trigger an affordable housing requirement, because it is a phased development and reference has been made to a 31st July 2015 High Court decision which ruled against exempting small sites from affordable housing.
- 9.11. The site history illustrates that 4 units (3 x 1 beds and 1 x 2 beds) were created at ground floor level under PA/15/01343. The proposal has been implemented. The application proposal is for a further 9 units (13 in total). Officers have considered the merit of the objection and whether the policy trigger for affordable housing would be applicable if the application proposal was approved. Whilst it is acknowledged that there is an unmet demand for affordable housing within the Borough; government guidance and case law require assessments for such provisions (specifically on smaller sites) to be done on a case by case basis and in a way which encourages rather than stifles development.
- 9.12. In assessing whether or not affordable housing would be applicable, officers have assessed the sequence of events relating to the application submissions for the ground floor use and the current scheme and assessed that it is not appropriate to view the two applications as part of the same phased development (notwithstanding the timing of their submissions or the ownership of the sites). The ground floor units were approved as part of a Prior Approval scheme (which operates as deemed permission for the conversion of office premises to residential uses) and new units arising from such schemes are not subject to affordable housing contributions. Officers have also separately assessed whether the proposed units on their own would potentially trigger the ten unit threshold. In this instance, officers do not consider that the residents' objections are justified and the affordable housing trigger is not applicable to this scheme.

#### Housing Mix

- 9.13. Policy 3.8 of the London Plan seeks to ensure that new developments offer a range of housing choice, in terms of the mix of unit types and sizes.
- 9.14. Policy SP02 of the Tower Hamlets Core Strategy (2010) requires a mix of housing types and it establishes an overall target of 30% of all housing to be suitable for families (3+ bedrooms) for units which are for private market.
- 9.15. Policy DM3 of the Managing Development Document (2013) sets out a target mix as shown in Table 1 below.

**Table 1**

Tenure	1bed (%)	2 bed (%)	3 bed (%)	4+ bed (%)
MD DPD	50	30		20
Proposal	44.5%	33.3 %		22.2%

- 9.16. The application proposal seeks to provide 9 private market flats with the dwelling mix consisting of 4 x 1 beds, 3 x 2 beds and 2 x 3 beds. The proposed units will be incorporated within the new extension which will continue the lift and stair core arrangements and the new units will all benefit from private amenity space.
- 9.17. Having assessed the proposal, it is considered that the proposed dwelling mix would be roughly compliant with policy. A good range of housing sizes including two family sized units are being proposed and this will go some way to meeting the identified need for housing in this locality, whilst contributing to the objective of providing mix and balanced community in accordance with the aspirations of both the London Plan and local plan policies.

#### Residential Space Standards

- 9.18. Policy 3.5 of the London Plan seeks to secure new housing of the highest standards that enhances the quality of local places and takes into account the physical context, local character, tenure and the relationships with the local context. The boroughs to should this end seek to new homes are adequately sized, with convenient and efficient room layouts which are functional, fit for purpose and meet the changing needs of the occupant over their lifetime. Securing new housing of the highest quality (internally and externally) that protects and enhance residential neighbourhoods are consisted to be key priorities in accessing the acceptability of new developments.
- 9.19. Policy DM4 of the Managing Development Document seeks to ensure that new homes are built with efficient layouts in line with the London Plan aspirations.
- 9.20. The Government's published Technical Housing Standard –Nationally described space standards seeks to reinforce the above as it sets out requirements for Gross Internal Floors pace at a defined level of occupancy, requirements for floor areas, storage and minimum floor to ceiling heights within new developments.

**Table 2 Gross Internal Floor Areas for the proposed dwellings**

Flat No.	Flat type	Size Required (sq. m)	Size Proposed (sq. m)	Pass/Fail
4.01	3 bed/4 persons	74	77	Pass
4.02	1 bed/ 2 persons	50	50	Pass
4.03	1 bed/2 persons	50	62.2	Pass
4.04	1 bed/2 persons	50	50.3	Pass
4.05	1 bed/2 persons	50	50	Pass
5.01	3 bed/5 persons	86	86.1	Pass
5.02	2 bed/3 persons	61	65.9	Pass
6.01	2 bed/4 persons	70	77	Pass
6.02	2 bed/3 persons	61	66.3	Pass

- 9.21. Table 2 above illustrates that the proposed units have been designed with acceptable internal floor arrangement overall and the internal space arrangement including circulation space are adequate in meeting policy requirements.

#### Inclusive Design

- 9.22. Policy 3.8 of the London Plan (MALP 2016) seeks to ensure that the aspirations to offer housing choice, is balanced against the diverse needs (including the changing demographic structure) of the borough's residents. Policy 3.8 (c) seeks to ensure that ninety percent of new housing meets Building Regulation Requirements M4 (2) 'accessible and adaptable units'. Policy 3.8 (d) seeks to ensure that ten percent of the new housing meets Building Regulation Requirements M4 (3) for Wheelchair User dwellings.
- 9.23. Policy SP02 of the Core Strategy (2010) reinforces the need for new housing to be designed in line with the 'Life Time Home Design criteria' and GLA's Wheelchair Housing Best Practice Guidance (as amended).
- 9.24. The applicant's drawings indicate that the new development is capable of meeting the above objective. The 10% requirement for wheelchair adaptable units (or readily adaptable) can be secured by a planning condition. Subject to this, it is considered that the proposal would accord with the objectives in Policy 3.8 in the London Plan (MALP 2016) and Policy SP02 of the Core Strategy (2010).

#### External Amenity space

- 9.25. Policies 3.5 of the London Plan (MALP 2016) and DM4 of the Managing Development Document (2013) states that a minimum of 5 sq. of private outdoor space should be provided for residential dwellings consisting of 1-2 persons and for larger dwellings, there is a requirement for 1 sq. metre in respect of each additional occupant. Balconies are expected to be designed with a minimum of 1500mm width.

**Table 3**

Flat No.	Flat Size	Amenity space required	Amenity space proposed	Pass/Fail
4.01	3 bed/4 persons	7 m2	7.0 m2	Pass
4.02	1 bed/ 2 persons	5 m2	5.9 m2	Pass
4.03	1 bed/2 persons	5 m2	None	Fail
4.04	1 bed/2 persons	5m2	5 m2	Pass
4.05	1 bed/2 persons	5 m2	6 m2	Pass
5.01	3 bed/5 persons	10 m2	38.0 m2	Pass
5.02	2 bed/3 persons	6 m2	74.4 m2	Pass
6.01	2 bed/3 persons	6 m2	6 m2	Pass
6.02	2 bed/3 persons	6 m2	6 m2	Pass

- 9.26. Table 3 illustrates that three out of four flats on the 4th floor will have access to private amenity space in the form of an inset balconies. All flats on the 6th floor will have access to private amenity space in the form of in set balconies. The two flats at fifth floor level have been designed with roof terraces. All of the external amenity spaces provided meet or exceed the minimum policy requirements.

- 9.27. Overall, it is considered that eight out of nine of the flats will have satisfactory amenity space provision and this represents a significant improvement over and above the existing situation, where many flats within the three blocks do not have any external amenity space. However, the affected unit is a one bed flat, likely to be occupied by young couples without families and as such, and the lack of this facility does not undermine the ability of the unit to provide high quality accommodation.
- 9.28. Objections have been raised on grounds that the proposal does not provide communal amenity space. Officers do not consider this to be a requirement for a small development below ten units.

### Density

- 9.29. The NPPF identifies as a core planning principle the need to encourage the effective use of land through re-using previously developed or underutilised sites. Policy 3.4 of the London Plan seeks to optimise housing delivery through residential intensification and redeveloping underutilised sites. In this regard, Policy SP02 of the Tower Hamlets Core Strategy (2010) seeks to optimise the use of land for housing whilst ensuring that the resulting density levels corresponds to public transport accessibility levels and the proximity to, and hierarchy of town centres. Table 3.2 of the London Plan sets out a density matrix which seeks to guide the assessment of a scheme, based on the setting of the site and Public Transport Accessibility (PTAL).
- 9.30. The application site is good public transport accessibility (PTAL4). For urban locations with PTAL 4, the London Plan (Table 3A.2) suggests an appropriate density of between 200 – 750 habitable rooms per hectare (HR/HA) for urban settings. The application site currently has 15 units and it will have an overall density of 593 habitable rooms per hectare. The proposed density is considered to be acceptable in this regard.
- 9.31. Objections were received on the ground that the proposal will increase the overall population yield as well as child yield and this will put a strain on the local infrastructure such as doctors and schools, which are already oversubscribed. The objectors are concerned that s.106 contributions are not being levied for this proposal. Officers have considered the above points and whilst there will be an increase in population yield, the proposal is not considered to be a major development that would require s106 contributions. Furthermore, infrastructure provisions are funded from CIL payments.
- 9.32. The London Plan makes it clear that the density of a development is considered to be a guide and officers consider that the increase in density would be acceptable compatible with the local context and public transport accessibility

### **Design**

- 9.33. Chapter 7 of the NPPF focuses on ensuring that the principle of good design is embraced within the built environment. “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute to making places better for people”
- 9.34. Good design is also central to the objectives of the London Plan (MALP 2016) as it places emphasis on robust designs in new developments, which respond to the local context. With regard to Policy 7.4 of the London Plan (MALP 2016), this places emphasis on optimising the potential of sites and buildings whilst responding to the local character, pattern and grain of existing spaces and streets. Policy 7.6 of the London Plan places emphasis of developments being of the highest architectural

quality and that it is response to the local context, enhanced public realm, high quality materials where developments are seeking to optimise sites.

- 9.35. In respect of Policy SP10 of the Core Strategy (2010) this seeks to ensure that buildings and neighbourhoods encourage good design principles to ensure that new buildings, spaces and places are of high quality, sustainable and attractive and well integrated into the surroundings
- 9.36. Policy DM24 of the Managing Development Document (2013) requires development to be of high quality in terms of employing good principles of urban design, reinforcing the need to encourage developments which enhances the local character and distinctiveness of an area and is appropriate in terms of high quality materials and finishes.
- 9.37. The existing building is a four storeys building and it forms a cluster with Aegon House (9 storeys) to the east of the block and the four storey Marina Point (to the south of the site). Although Marina Point is currently four storeys in height, there is an extant planning permission to increase the height of the block by three more storeys to create nine additional flats which was approved by the council in 2014 under PA/14/01820.
- 9.38. The proposed extension will be of a modern design mirroring the existing built form in terms of its fenestration design. The applicant intends to raise the shoulder of the building in a similar architectural language to lower floors and the roof level will terminate in the form of a modern glazed box. The Council's Urban Design officer has assessed the proposal in terms of its massing, bulk and scale including height of the built form will be appropriate to the site context. The objections raised, that the proposed design of the application building will be out of context with the surroundings are not justified. It is considered that the roof form will be complementary addition to the host building and it will not detract from the character and appearance of the area. A condition is recommended to secure full details of the facing materials for the scheme and to ensure that they are of a high quality finish



Figure 2: Front Elevation of the proposed block



**Figure 3: Rear Elevation of the proposed block**

- 9.39. Buildings in the surrounding area are of a mix of scale and architectural types, but mostly flatted buildings. The first phase of Baltimore Wharf to the north of the site is between 8 and 13 storeys high and Turnberry Quay to the west of the site seven and thirteen storeys. Within the three immediate clusters, Aegon House is 9 storeys and Marina Point is currently 4 storeys, but if the planning permission were implemented, this will be 7 storeys. The application building is currently 4 storeys and the proposal will result in a seven storey building. It is considered that the height of the existing building currently creates a contrast with the surrounding taller buildings and it is considered that the overall character of the building will be improved by the new development.
- 9.40. Objections have been received on grounds that the height and massing of the resulting building will significantly alter its character. As noted the council's Urban Design officer has assessed the proposal and consider that it is sympathetic to the adjoining. The massing, scale and height is also considered to be appropriate to the site and context.
- 9.41. Subject to a condition to secure a high quality materials and finishes, it is considered that the proposal would accord with Policy SP10 in the Adopted Core Strategy (2010) and Policies DM23, DM24 and DM26 in the Managing Development Document (2013), which seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are of high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

### **Amenity**

- 9.42. A core principle of the NPPF is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy 7.6 of the London Plan (MALP 2016) states that the design of new buildings “should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings”.
- 9.43. Policy SP10 of the adopted Core Strategy (2010) and Policy DM25 of the adopted Managing Development Document (2013) require developments to ensure that it does not result in the loss of amenity, specifically loss of privacy, unreasonable overlooking, or an increase in a sense of enclosure or loss of outlook to adjoining properties, as well as protect the amenity of the surrounding public realm.

9.44. The application site is located within an urban location surrounded by a mix of residential and commercial uses. Given the current site context and the relationship of the three adjoining blocks, it is considered that the bulk, mass and scale including height of the proposal may give rise to potential impacts on the amenity of residents through daylight/sunlight loss, overlooking, privacy, outlook, noise, and disturbance. In view of the objections received on these grounds, the degree of these impacts would need to be assessed.

Daylight and Sunlight

9.45. The assessment for Daylight/sunlight impacts is based on the BRE guide ‘Site Layout Planning for Daylight and Sunlight (2011). Daylight conditions within new homes are normally assessed in terms of the Average Daylight Factor (ADF). British Standard 8206 recommends the following minimum ADF values for new residential dwellings:

- >2% for kitchens;
- >1.5% for living rooms; and
- >1% for bedrooms

9.46. The applicant has submitted a Daylight/Sunlight Report and this illustrates that the surrounding properties will all benefit from satisfactory daylight/sunlight with the proposal in place. It is noted that the daylight to the proposed dwelling (flat 4.03) will experience a lower level of daylight, as the quality of the lighting will be impacted upon by the close relationship of the proposal to Aegon House and the need for obscure glazing to mitigate privacy concerns.

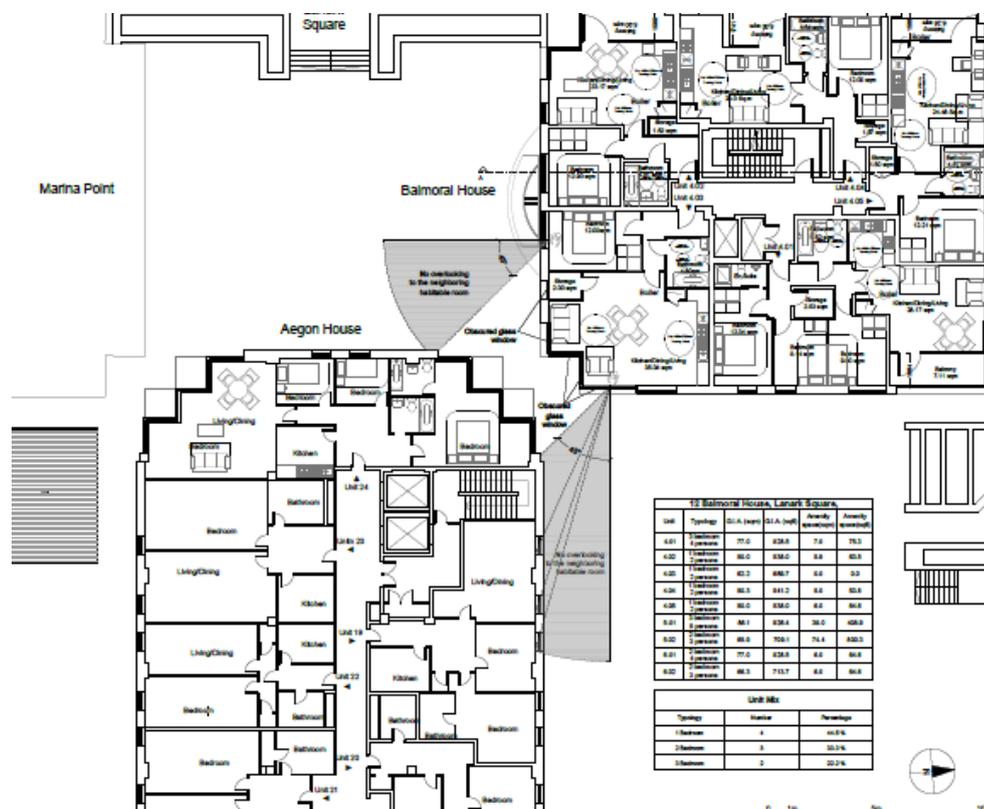


Figure 4: Relationship of the application building to Aegon House at 4<sup>th</sup> floor level

### Outlook

- 9.47. Objectors have raised a number of points that are relevant to consideration namely that the proposal will impact on the outlook and have an overbearing impact on residents at Aegon House. The 4th floor of the application building has been designed in line with the footprint of the lower floors, whilst the 5th and 6th floors will be stepped away from the existing building edge.
- 9.48. Given the height and stepped building form of the upper two storeys, this will increase the separating distance above the 4th floors to 6.2 metres. It is accepted that the outlook issues are a challenge on this site, and it is considered that this arises from the original design of the former office blocks. On balance, officers do not consider that the proposal poses any unacceptable restrictions on the outlook to accommodation within Aegon House, given the close knit arrangements of the blocks. It is noted that the site is located within an urban context and given the existing relationship between the application site and its neighbour, officers do not consider that the living conditions of existing residents will be unduly harmed by the proposal and that the sense of enclosure would not be materially worse than the existing situation.

### Overlooking and Privacy

- 9.49. Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not lead to an unreasonable level of overlooking between habitable rooms of adjacent residential properties and their private amenity spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view.
- 9.50. The separating distance between the two closest buildings is 18 metres to Marina House and Aegon House at its closest pinch points is approximately 3.2 metres. Due to the limited separating distances between the two existing blocks, this is likely to have potential impacts on the privacy of the adjoining habitable rooms as shown in figure 4 above. To mitigate against the impact, the applicant is seeking to provide obscure glazing to habitable areas specifically at 4th floor level (Flat 4.03) to minimise any incidence of overlooking to and from Aegon House. The provision of obscure glazing at these strategic points is considered to be acceptable and will be subject to condition.
- 9.51. It is noted that the existing relationship on the lower floors of the building have been mitigated in the same way. The application proposal has been designed to address this issue and at fourth floor level, the south elevation and east facing pinch points will have obscured glazing to mitigate the privacy concerns. At fifth floor level, there is some potential for overlooking from the terrace areas, however, it is noted that the windows will be significantly set back at this level and the terrace area on the southern elevation will not be accessible. There is some potential downward viewing to the habitable rooms of lower floors, however, privacy screens will be provided and any direct overlooking will be minimised despite the height differences. Officers consider that with the necessary measures for privacy screens and obscure glazing secured by conditions will reduce the level of potential overlooking between the blocks to an acceptable level.

### Sense of enclosure

- 9.52. The proposal seeks to maintain the footprint and design of the lower floors at fourth floor level and as a result, the interfacing windows on the proposed fourth floor has been designed to mitigate this through the provision of obscure glazing. On the fifth

and sixth floors, the proposed floors are significantly set back from the building edge and as such this will improve the outlook situation for the blocks on other floors. Officers have assessed the proposal and do not consider that there will be any significant increases in the sense of enclosure, over and above the existing situation.

- 9.53. Given the urban context of the site, it is considered that the proposal will not result in any unduly detrimental impacts to the adjoining properties with regard to daylight, sun lighting, overshadowing, privacy and outlook or noise. The proposal will be subject to conditions to minimise some of the amenity impacts. Subject to conditions to restrict outlook through the provision of obscure glazing and privacy screen, officers consider that the proposal would accord with Policy SP10 of Tower Hamlets Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) as well as the NPPF.

#### Noise, disturbance and Pollution

- 9.54. Policy 7.15 of the London Plan (MALP 2016) and Policy SP10 of the Core Strategy (2010) as well as Policy DM25 of the MDD seeks to ensure that new developments reduce noise impacts from noise sensitive development including road and rail noise.
- 9.55. As set out in the consultation section of this report, objections have been raised by local residents, specifically in Aegon House and Marina Point with respect to noise disturbance arising from the proposal during the construction phase. Whilst the proposed development itself is not incompatible with the surround land use, the noise impacts during the construction phase has the potential to cause adverse impacts on residential amenity. Given the nature of the proposal, officers envisage that planning conditions can help to mitigate the noise impacts and the associated disruption for residents.
- 9.56. In this regard, it is recommended that a condition be imposed to secure a construction management plan, which will mitigate noise and dust emissions from demolition and construction works. It is also considered that the hours of construction can also be mitigated to ensure that the amenity of residents is protected.

#### **Highways and Transportation**

##### Car Parking

- 9.57. The NPPF emphasises the role that transport policies play in achieving sustainable development and delivering wider sustainability and public health objectives. It expects the transport demand generated by new developments to be within the capacity of the existing highway network. It also seeks to ensure that new developments prioritise sustainable transport modes such as walking and cycling.
- 9.58. Policy 6.13 of the London Plan (MALP 2016) seeks to encourage 'car free' developments in areas with good access to public transport, whilst still making provision for disabled parking requirements. This policy also seeks to ensure that 20% of parking spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles.
- 9.59. Policy SP09 (4) of the Council's adopted Core Strategy (2010) and Policy DM22 (2) of the Council's adopted Managing Development Document (2013) require developments located in areas of good public transport accessibility to limit car use by restricting car parking provisions. .

- 9.60. The Lanark Square Estate includes a large basement car park, below the three residential blocks which accommodates 104 cars. 57 of the car parking spaces within the basement were allocated as part of the original planning permission (T/96/0147) when the three office blocks were converted to 65 flats. The remaining car park facilities were allocated to the commercial uses within the development. There are 13 car parking spaces within the upper ground level courtyard within the southern part of the site which has been allocated for residents as well as the commercial operators.
- 9.61. The application does not propose any car parking, however, the application proposal will result in the loss of two car parking spaces within the basement car park to accommodate cycle parking for the new units. Within the ground floor courtyard area, two parking spaces will be required to accommodate the refuse bin store and a disabled parking space. The losses of the parking spaces have been considered and no objection was raised by the Council's Highway and Transportation Team.
- 9.62. Objections have been received on grounds that the scheme does not propose any parking and this will lead to traffic congestion in the area. The Council's Highway and Transportation Team have reviewed the proposal and recommended a section 106 agreement to ensure future occupiers do not apply for on street car parking permits. A condition is also recommended to secure one off street parking facility for blue badge holders. Subject to these conditions it is considered that the proposal would accord with Policy 6.13 in the London Plan; Policy SP09 in the Core Strategy and Policy DM22 in the Managing Development Plan (2013).

#### Cycle Parking

- 9.63. Policy 6.13 of the London Plan (MALP 2016) requires developments to include adequate provision for safe, secure and accessible cycle parking facilities and as set out in Table 6.3 of the London Plan, this requires 1 space per studio / 1 bed unit and 2 spaces per all other dwellings. which triggers a requirement for 14 cycle spaces.
- 9.64. Policy SP09 of the Core Strategy (2010) and Policy DM22 of the Managing Development Document (2013) requires transport demand for new developments to reduce the demand for travel by car and for adequate cycle parking to be provided.
- 9.65. A total of 14 cycle parking spaces are required for the proposed development and the developer has confirmed that 17 cycle parking spaces can be provided using a combination of Sheffield and vertical bike stands in the basement area to encourage more sustainable modes of transport. The number of bike stands/spaces proposal is acceptable and meets the policy requirements, however, further details have been requested which can be addressed by a condition.
- 9.66. The Council Highway and Transportation Team and Transport for London (TFL) were consulted on the proposal and both have recommended that the proposal provide a minimum of 16 cycle parking spaces. The Council's Highway Team have indicated that a greater proportion of Sheffield bike stands should be provided. The details for cycle parking will need to be secured by a condition.

#### Construction Traffic

- 9.67. The application was accompanied by a Construction Management Plan and this provides some preliminary information on the construction management. The Council's Highway and Transportation Team have reviewed the submission and recommended a condition to secure a Construction Management Plan. Transport For London (TFL) was consulted and due to their concerns about mitigating potential risks to the DLR

operations, they have recommended a condition in respect of any scaffolding proposed (to include a risk assessment and method statement) and this will be carried forward into the planning permission, should the application be approved.

- 9.68. Subject to conditions, it is considered that the transport and servicing arrangements for the site will be acceptable. The application proposal will be car free and will have adequate cycle parking which should encourage more sustainable modes of travel and as such, it is considered that the proposal will have an acceptable impact on the local highway network which accords with Policies 6.1 and 6.3 in the London Plan, Policy SP09 in the Core Strategy (2010), and Policies DM22 in the Managing Development Document (2013) and guidance within the NPPF.

#### Refuse

- 9.69. Policy 5.17 of the London Plan (2016) reinforces that all development proposals should plan for waste management, and should minimise waste and achieve high re-use and recycling performance as part of the wider strategy for the development.
- 9.70. Policy SP05 (1) of the Council's adopted Core Strategy (2010) emphasizes the need for developments to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that building users manage their waste effectively
- 9.71. Policy DM14(2) of the Managing Development Document (2013) requires developments to illustrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle.
- 9.72. The development currently benefits from an existing bin store at ground level within the south eastern corner of the site. In order to accommodate the six new units proposed, the applicant proposed an additional 2 x refuse bins and 1 x recycling container within the existing bin store.
- 9.73. Objections were received on the grounds that the existing waste provision for the development is inadequate, inaccessible for disabled persons and too far from residents' homes. The Council's Waste Management Team has assessed the concerns and acknowledges that there is a shortfall in the existing waste provision for the development; however the shortfall in the capacity of the existing development would need to be addressed by the freeholder. With regard to the walking distance to the refuse store, this has been assessed as being within the acceptable distance of 30 metres. With regard to the access issues for disabled residents, it is understood that the borough operates a special refuse collection for registered disabled persons.
- 9.74. Given the capacity issues identified, the applicant has revised the proposal to incorporate a new waste facility within an adjacent car parking bay. The proposed refuse store will be a single storey, of a brick construction. It will benefit from level access and will be designed to accommodate facilities for general waste as well as recycling which is supported. The bin store will be within 30 metres walking distance from the application block and this is considered to be acceptable.
- 9.75. The Council's Waste Team has assessed the overall refuse strategy for the proposed development and considers that the siting and size of the new bin store are acceptable, as it is conveniently located adjacent to the existing one and within an acceptable pulling distance for refuse collection and to the application block. The proposal is of a suitable size and has been designed in accordance with the council's waste management hierarchy which seeks to reduce, re-use and recycle waste. It is

considered that the materials and finishes can be addressed by a condition. In regard to the matters regarding the shortfall in the existing waste capacity, this is a tenant/landlord matter to be addressed by the freeholder.

- 9.76. In respect of the objection regarding the walking distance to the existing and proposed bin store, officers accept that this may not be ideal for all the occupants; however, the walking distance has been assessed as being acceptable by the waste management team.

#### Construction Waste

- 9.77. In terms of construction waste, it is envisaged that this aspect can be addressed in a site waste management plan (as part of a construction management plan). It is recommended that this be secured by condition to ensure that the building materials are recycled where appropriate and properly disposed of.
- 9.78. Overall, the waste storage facilities for the site and during construction have been assessed and subject to conditions, it is considered that the proposal would accord with Policy 5.16 of the London Plan, Policy SP05 and Policy DM14 of the Managing Development Document and that it is to be maintained for the lifetime of the development.

#### **Other**

#### Energy and Sustainability

- 9.79. Policies 5.2, 5.3 and 5.7 of the London Plan (MALP 2016) seek to ensure that development proposals make the fullest contribution to minimising carbon dioxide emissions, demonstrate that sustainable design standards are integral to the proposal and integrate on-site renewable energy generation, where feasible.
- 9.80. The Council's Core Strategy SP11 seeks to ensure that carbon emissions are reduced in non-domestic buildings by supporting non-domestic developments that promote the use of renewable energy technologies and reducing the carbon emissions of all public buildings in the Borough.
- 9.81. The Council's Managing Development Document policy DM29 states that all development will be required to be accompanied by an Energy Assessment to demonstrate its compliance with the Borough's carbon reduction targets and will also need to demonstrate that climate change mitigation measures are maximised within development.
- 9.82. The Council's Energy Efficiency Officer has reviewed the proposal and has commented that he noted that the applicant has not submitted details regarding the noted that the applicant has not provided details to assess the sustainability features and energy efficiency measures within the proposal. The climate change policies require the fullest contribution to be made to mitigation and adaptation to climate change and therefore it is recommended that a condition be attached to secure the submission and agreement of the energy and sustainability strategy for the development prior to commencement of works on site.

### Contaminated Land

- 9.83. In accordance with the requirements of the NPPF and policy DM30 of the Managing Development Document (2013), there is a requirement to undertake appropriate remediation where development is sited on contaminated land. The council's Land contaminated land officer has assessed the proposal and whilst no objection has been raised, it is noted that a condition should be applied to the planning permission as a precaution against the likelihood of underlying contamination being found. Subject to this the proposal would be acceptable.

### Flood Risk

- 9.84. The NPPF, Policy 5.12 in the London Plan, and Policy SP04 in the Core Strategy and Policy DM12 in the Managing Development Document (2013) relate to the need to consider flood risks at all stages of the planning process.
- 9.85. The site is located within Flood Zone 3a, at risk of flooding from the tidal River Thames. The Environment Agency (EA) was consulted with regards to the application although no objection was raised. The SFRA confirms that the site is defended to a 1 in 1000 year standard by the River Thames tidal defences and as such Environment Agency has not raised any objections to the proposal.
- 9.86. Given the nature of the scheme, the proposal does not result in any adverse increase in the flood potential of the site and this accords with Policy SP04 of the Core Strategy and DM12 of the Adopted Managing Development Document (2013), which seeks to minimise the impact of flooding in new proposals.

### **Financial Considerations**

- 9.87. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that the authority shall have regarded 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.
- 9.88. 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.
- 9.89. In this case, the proposed development would be liable for Tower Hamlets Community Infrastructure Levy.
- 9.90. The application proposal will be liable to Tower Hamlets CIL.
- 9.91. The application proposal will attract DCLG's New Homes Bonus.

## Human Rights Considerations

- 9.92. 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:-
- 9.93. 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 (“ECHR”). Certain parts of the “Convention” here meaning the ECHR, are incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to be relevant to the development proposal including:
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the 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’s interest (Convention Article 8); and
  - Peaceful enjoyment of possession (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 competing interests of the individual and of the community as a whole”
- 9.94. With regard to Article 6 of the European Convention on Human Rights (“ECHR”), the report illustrates that officers have proactively engaged with the applicant during pre-application discussions and also during the planning process. Neighbour consultations have been undertaken and this has provided the applicant and other third parties (including residents and objectors) with the opportunity to make representations on the proposal. Members must therefore give full consideration to the comments received in accordance with the rights afforded to the applicant, objectors and other third parties who have made representations to Council as local planning authority.
- 9.95. With regard to Article 1, Protocol 1 (Rights to peaceful enjoyment of possessions and Protection of property) and Article 8 (rights to respect for private and family life, home and correspondence) of the European Convention on Human Right, officers have taken account of the relevant material planning considerations as well as the relevant development plan policies and government guidance, in assessing the merits of the application proposal. Whilst it is acknowledged that some of the rights conferred by the articles above may be interfered with, Members will need to ensure that in arriving at a decision on the application a fair balance has been struck between the rights of the individual property owners and the rights of the wider community and that any such interference is in accordance with the Law and justified by being in the public interest and the merits of the planning proposal.
- 9.96. In this regard, Members would need to satisfy themselves that the measures put into place to safeguard the amenity of residents in this case (such as the conditions to mitigate noise and disturbance or to mitigate overlooking including any other condition/informative required by the Director of Place are acceptable and that any potential interference with the Convention Rights are legitimate and justified and that it

strikes the appropriate balance between the rights of the individual and the wider public interests.

- 9.97. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.98. 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.
- 9.99. 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.

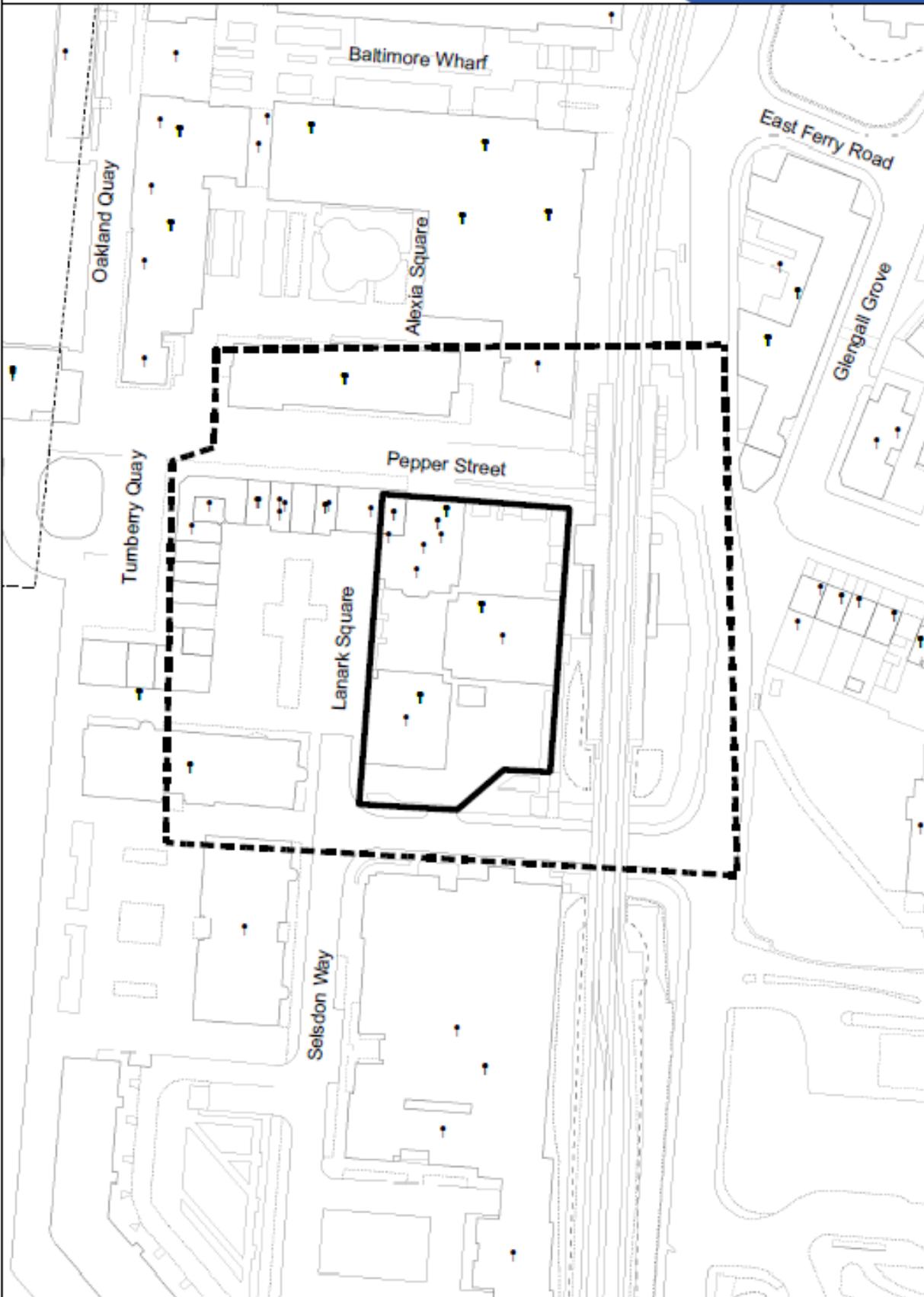
### **Equalities**

- 9.100. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.101. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 9.102. The proposed development allows for an inclusive and accessible development as the proposal will include both wheelchair/adaptable units, the proposal will be built to lifetime homes standards and disabled parking is to be secured by condition.
- 9.103. With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation, it is considered that the equality considerations have been addressed.

## **10. CONCLUSION**

- 10.1. All other relevant policies and considerations have been taken into account and it is considered that planning permission should be GRANTED for the reasons set out in the Executive Summary and Material Planning Considerations as set out in the Planning Considerations sections as set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map  
PA/16/01081



-  Planning Application Site Boundary
-  Consultation Area

-  Locally Listed Buildings
-  Statutory Listed Buildings

 Land Parcel Address

