

Development Committee



Agenda

Thursday, 13 August 2020 6.00 p.m.

Online 'Virtual' Meeting -

<https://towerhamlets.public-i.tv/core/portal/home>

Chair:

Councillor Abdul Mukit MBE

Vice Chair:

Councillor John Pierce

Members:

Councillor Mufeedah Bustin, Councillor Kahar Chowdhury, Councillor Dipa Das, Councillor Leema Qureshi and 1 Vacancy

Substitute Members:

Councillor Sabina Akhtar, Councillor Kevin Brady and Councillor Rajib Ahmed

(The quorum for the Committee is 3)

The deadline for registering to speak is **4pm Tuesday, 11 August 2020**

The deadline for submitting information for the update report is Noon
Wednesday, 12 August 2020

Contact for further enquiries:

Zoe Folley, Democratic Services, zoe.folley@towerhamlets.gov.uk 020 7364 4877 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
<http://www.towerhamlets.gov.uk/committee>



Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.
<http://towerhamlets.public-i.tv/core/portal/home>

View Planning application documents here:

https://www.towerhamlets.gov.uk/ignl/planning_and_building_control/planning_applications/planning_applications.aspx

Electronic agendas reports and minutes.

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Agendas are available on the Modern.Gov, Windows, iPad and Android apps.

Development Committee

Thursday, 13 August 2020

6.00 p.m.

APOLOGIES FOR ABSENCE

1. **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 6)**

Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately it's the Members' responsibility to declare any interests and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

2. **MINUTES OF THE PREVIOUS MEETING(S) (Pages 7 - 14)**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 9th July 2020

3. **RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 15 - 18)**

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Place along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

4. DEFERRED ITEMS

There are none

5. PLANNING APPLICATIONS FOR DECISION

19 - 24

**5 .1 Existing garages, Vawdrey Close, London, E1 4UA
(PA/20/00580)**

25 - 42

**Bethnal
Green**

Proposal:

Demolition of existing garages and construction of four new family-sized houses.

Recommendation:

Grant planning permission with conditions and planning obligations

6. OTHER PLANNING MATTERS

There are none.

Next Meeting of the Development Committee

Thursday, 10 September 2020 at 6.00 p.m.



Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Asmat Hussain, Corporate Director, Governance and Monitoring Officer,
Tel: 0207 364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.00 P.M. ON THURSDAY, 9 JULY 2020

ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)

Members Present:

Councillor Abdul Mukit MBE (Chair)

Councillor Kahar Chowdhury

Councillor Dipa Das

Councillor Leema Qureshi

Councillor John Pierce

Councillor Rajib Ahmed (Substitute for Councillor Mufeedah Bustin)

Other Councillors Present:

None

Officers Present:

Shahara Ali-Hempstead

– (Planning Officer, Place)

Jerry Bell

– (Area Planning Manager (East), Planning Services, Place)

Paul Buckenham

– (Development Manager, Planning Services, Place)

Gareth Gwynne

– (Area Planning Manager (West), Planning Services, Place)

Siddhartha Jha

– (Principal Planning Lawyer, Governance, Legal Services)

Aleksandra Milentijevic

– (Planning Officer, Place)

Gareth Owens

– (Daylight and Sunlight Consultant, Place)

Simon Westmorland

– (West Area Team Leader, Planning Services, Place)

Matthew Wong

– (Planning Officer, Place)

Zoe Folley

– (Committee Officer, Governance)

Apologies:

Councillor Mufeedah Bustin

1. ELECTION OF VICE -CHAIR OF THE COMMITTEE

It was proposed by Councillor Abdul Mukit MBE and seconded by the Councillor Dipa Das and **RESOLVED:**

That Councillor John Pierce is appointed Vice-Chair of the Development Committee for the remainder of the Municipal Year 2020/2021

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no declarations of interests.

3. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 4th June 2020 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

1. The procedure for hearing objections and meeting guidance be noted.
2. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and
3. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Place be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

5. DEFERRED ITEMS**5.1 Bow Exchange, 5 Yeo Street, London E3 3Q (PPA/19/02281)**

Paul Buckenham (Development Manager, Planning Services, Place) introduced the application for the redevelopment of the site to provide a 4-9 storey mixed used scheme, comprising residential units and workspace. Matthew Wong (Planning Officer, Place) presented the application.

This application was considered by the Development Committee on 4th June 2020. Members decided to defer the application in order that Members could view the proposed developments' relationship with Caspian Wharf.

Members were reminded of the site location, the surrounds and the key features of the proposals, including the:

- Provision of commercial units with 10% at affordable rents.
- New housing including 35% affordable housing.
- Public open space and improvements to pedestrian links.
- That the appearance of the development would be in keeping with policy

Concerns were raised about the relationship with Caspian Wharf in terms of access between the podium areas. In response to the security concerns, the applicant has taken the following steps:

- Submitted imagery clarifying the relationship.
- Increased the podium railing.
- Provided details of the new boundary treatment

The podium arrangements have been designed in consultation with the Metropolitan Police (Designing out Crime Officers) and conditions would be secured to ensure the development was secure by design. Given this, officers felt that this relationship would be acceptable.

Concerns were also expressed about the amenity impacts on Caspian Wharf, in view of the relationship with the proposal. It was reported that:

- The rooms mostly affected should continue to receive adequate levels of sunlight and daylight and outlook given they were served by unobstructed windows. The separation distances, in some instances, should also provide some relief.
- The outdoor terrace space would retain BRE compliant levels of sunlight and should retain an unobstructed outlook.

In summary, there would be no undue loss of daylight and sunlight, loss of outlook, sense of enclosure or loss of privacy to properties at Caspian Wharf.

In response to questions about the design, Officers advised of the approach to the design. The scheme had been design to respond appropriately to the area. Officers would take care to ensure that the materials were of the highest quality and the development adhered to the plans.

On a vote of 5 in favour and 0 against the Committee **RESOLVED:**

1. That, planning permission is **GRANTED** at Bow Exchange, 5 Yeo Street, London E3 3Q for the
 - Demolition of the existing building and redevelopment of the site comprising the erection of 4 to 9 storey building to provide 2,471sqm of flexible B1c workspace at ground and mezzanine level and 92 residential units (Use Class C3) on the upper floors, together with landscaped public open space, communal amenity space, on-site child play space, waste storage, cycle parking and disabled car parking. (PA/19/02281)
2. Subject to the prior completion of a legal agreement to secure the planning obligations set out in the report.
3. The planning conditions set out in the Committee report including updated conditions regarding the boundary treatment, the provision of

a 2.5 meter podium boundary to be maintained for the lifetime of the development

6. PLANNING APPLICATIONS FOR DECISION

6.1 38-44 White Horse Road and 605-623 Commercial Road, London (PA/19/00669)

Paul Buckenham introduced the application for the provision of a mixed use development of up to 5 storeys. The plans also included 46 White Horse Road. Its omission from the site address has had no material impact on the assessment of the application.

Shahara Ali – Hempstead (Planning Officer, Place) presented the application explaining the nature of the site and the surrounds within the Conservation Area and the Limehouse Neighbouring Centre. The proposal sought to redevelop the site through demolishing existing buildings and the construction of the new development. The enforcement action relating to the unlawful demolition works had been held in abeyance pending the outcome of this planning application. Consultation had been carried out. Nine letters in objections had been submitted and, and issues raised were noted.

It was noted that:

- In land use terms, the scheme would contribute to the broader regeneration of the area. It would provide a significant opportunity to enhance the derelict site by bringing back commercial units and providing an active frontage along Commercial Road. Whilst there would be a net reduction in employment floor space, the proposal would provide an improved quality of commercial floor space. This would complement the role and the function of the Town Centre. There were no restrictions in policy regarding the provision of housing on the site.
- The scheme would provide 40% affordable housing by habitable room. The housing mix, including the slight divergence from policy, was considered acceptable. The private and the affordable units would have separate cores.
- The quality of the residential dwellings would be high in terms of internal accommodation and external amenity. All play space for younger children(0-11) would be provided on site.
- The plans included a number wheelchair assessable units.
- The height, massing and design of the proposed development would appropriately respond to and would make a positive contribution to the surrounding area and meet Local Plan policy.
- The loss of the non-designated heritage assets would result in a less than substantial harm to the conservation area. The replacement buildings would not wholly compensate. Nevertheless it was felt that the public benefits would outweigh this including the provision of new housing, affordable housing and commercial units

- The proposal would impact upon the daylight and sunlight to some habitable rooms to Powesland Court on the west side of White Horse Road. The impacts were considered to be acceptable in the urban context. There were also measures to protect privacy and adequate separation distances that should preserve amenity.
- The proposals were acceptable in highways, servicing, biodiversity and energy terms, subject to the appropriate use of planning conditions and obligations.
- A range of contributions has been secured

In response, Members asked questions about a number of issues. The following points were discussed:

- Whether the development met the requirement to provide 50% affordable housing on public and industrial land.
- In this case, it is not considered this requirement applied due to the timing of the sale of the land in relation to the introduction of the requirement.
- That there would be a management plan to control the maintenance of the child play space. The Housing Association would be responsible for managing the space.
- That the play space on the ground floor would be accessible to all of the residents of the development and would be for the use of the residents only.
- The lack of green space currently on site or public open space.
- The daylight and sunlight impacts on neighbouring properties. The vast majority of windows tested would meet the policy guidelines. The impacts were considered to be acceptable, given the number of residential units to be provided on site. The units affected currently overlooked an empty site, so any development of the site would affect these units. No objections had been received from Powesland Court.
- The next stages in any enforcement action, should this application not be approved.
- That the proposal sought to provide a range of use classes, that should provide flexibility in terms of future occupants.
- The Committee discussed the merits of placing restrictions on the A3 use class units given their proximity to nearby residential areas.

Councillor Kahar Chowdhury proposed and Councillor Leema Qureshi seconded additional conditions restricting the opening hours of the A3 Use Class and to require the installation of sound proofing.

On a vote of 5 in favour and 0 against the Committee **RESOLVED:**

1. That planning permission is **GRANTED** at 38-46 White Horse Road and 605-623 Commercial Road, London for
 - Development of mixed-use scheme up to 5 storeys comprising 38 residential units, 740sqm flexible commercial floor space (Use Class A1, A2, A3, B1, D1, and D2) at basement and ground floor level, and associated amenity space and cycle storage (PA/19/00669)
2. Subject to the prior completion of a legal agreement to secure the planning obligations set out in the Committee report
3. The conditions set out in the Committee report and the additional conditions restricting the opening hours of the A3 Use Class and to require the installation of sound proofing.

6.2 Former 23 Gillender Street, 24-26 Gillender Street, London, E3 3LB (PA/19/02684)

Paul Buckenham introduced the application for the restoration and refurbishment of the existing buildings for continued industrial use.

Aleksandra Milentijevic (Planning Services Officer) presented the application explaining the nature of the site and the surrounds. Consultation had been carried out by the Council as set out in the report and the applicant had carried out extensive consultation.

She explained the key features of the application, including:

- The proposed ground floor arrangements. This included the provision of a new glazed main pedestrian entrance and reception area, providing a better working environment and improvements to the street scene.
- The provision of additional flexible workspace.
- Supporting facilities for future staff.
- Improved servicing arrangements including noise mitigation measures.
- Other benefits of the proposals included, biodiversity diversity enhancements through the provision of green walls along the site's boundary, planting on the roof terrace, and measures to improve energy efficiency of the existing industrial buildings on site.

It was noted that the external changes would result in less than substantial harm to the grade II listed and locally listed buildings. However given the merits of the scheme, this was found to be acceptable.

In response to questions, the following points were noted.

- No objections had been received from heritage groups.
- Details of the biodiversity diversity enhancements. Such measures should also provide additional sound proofing and help mitigate the effects of air pollution.

On a vote of 5 in favour and 0 against the Committee **RESOLVED:**

1. That subject to any direction by the Mayor of London, planning permission is **GRANTED** at Former 23 Gillender Street, 24-26 Gillender Street, London, E3 3LB for
 - The restoration and refurbishment of the existing buildings for continued industrial use falling within Class B1c, B2 and B8 uses. Associated external alterations to the existing buildings and internal and external alterations to the listed building at 23 Gillender Street. (PA/19/02684)
2. subject to the conditions and the prior completion of a legal agreement to secure the planning obligations set out in the Committee report
3. That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
4. That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the matters set out in the Committee report

7. OTHER PLANNING MATTERS
NONE

The meeting ended at 8.30 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee

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The meeting is due to be held as a ‘remote meeting’ through the Microsoft Teams app in accordance with:

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, allowing for remote Committee Meetings.

The following guidance provides details about the operation of the virtual Strategic and Development Committee Meetings.

Publication of Agenda papers and meeting start time.

Electronic copies of the Committee agenda will be published on the Council’s Website on the relevant Committee pages at least five clear working days before the meeting. In the event of a technical difficulty, the meeting arrangements may need to be altered at short notice (such as a delay in the start time). Where possible any changes will be publicised on the website.

A link to the electronic planning file can be found on the top of the Committee report. Should you require any further information or assistance with accessing the files, you are advised to contact the Planning Case Officer.

How can I watch the Committee meeting?

Except when an exempt item is under discussion, the meeting will be broadcast live for public viewing via our Webcasting portal <https://towerhamlets.public-i.tv/core/portal/home>. Details of the broadcasting arrangements will be published on the agenda front sheet. The meeting will also be available for viewing after the meeting. Physical Attendance at the Town Hall is not possible at this time

How can I register to speak?

Members of the public and Councillors may address the meeting in accordance with the Development Committee Procedure Rules. (Details of the process are set out on the above guidance). Please note however, that it may not usually be possible to arrange for additional speaking rights and late requests to speak, particularly those received during or shortly before a meeting.

Should you wish to address the Committee, please contact the Democratic Services Officer to register to speak by the deadline, who will assist you to join the meeting. It is recommended that you supply the Officer with a copy of your representation in case you lose connection. You may address the Meeting via Teams. You have the option of joining through a video link or audio.

(Please note that if you participate at the meeting, you must be able to hear and be heard by the other participants attending remotely).

Where participation through video or audio tools is not possible, please contact the Democratic Services officer by the deadline to discuss the option of:

- Submitting a written statement to be read out at the meeting.

You may also wish to consider whether you could be represented by a Ward Councillor or another spokesperson.

Microsoft Teams:

This is a Microsoft Teams Event. If you are using a Laptop or PC or a mobile device, you may join via the website. Should you require assistance please contact the relevant Democratic Services Officer who will be able to assist you further.

Procedure at the Committee meeting.

Participants (contributors) in the virtual meeting are expected to log in to the meeting in advance of the start time of the meeting, as set out in the guidance that will be provided by the Democratic Services Officer, when you register to speak. This is in order to check the connection. You will be expected to confirm your identity before the meeting starts.

The Chair will formally open the meeting and will introduce themselves and every participant. The Chair will then set out the expected meeting etiquette, including the following:

- When speaking for the first time, participants should state their full name before making a comment.
- To only speak at the invitation of the Chair.
- The method for indicating how to speak.
- If referring to a specific page of the agenda pack, you should mention the page number.
- All participants microphones must be muted when not speaking.
- Where necessary, participants may switch off their cameras when not speaking to save bandwidth.
- Participants **must alert** the Chair/Democratic Services Officer if they experience technical difficulties, particularly a loss of connection, or if they need to leave the meeting, as soon as possible. Where a key participant experiences a loss of connection, the Chair may adjourn the meeting until such a time the participant can re-join the meeting. A key participant is defined as a participant whose continuing contribution to the meeting is vital to allow a decision to be made.

The Chair, following consultation with Democratic Services and the Legal Advisor, may adjourn the virtual meeting for any reason should they consider that it is not appropriate to proceed.

The format for considering each planning application shall, as far as possible, follow the usual format for Strategic and Development Committee Meetings, as detailed below.

- Officers will introduce the item with a brief description, and mention any update report that has been published.
- Officers will present the application supported by a presentation
- Any objectors that have registered to speak to address the Committee.
- The applicant or any supporters that have registered to speak to address the Committee.
- Committee and Non Committee Members that have registered to speak to address the Committee.
- The Committee may ask points of clarification of each speaker.
- The Committee will consider the item (Questions and Debate)
- Voting. At the end of the item, the Chair will ask the Committee to vote on the item. The Chair will ensure that all Members are clear on the recommendations, have heard all of the presentation and submissions. The Chair will conduct a roll call vote, asking each Committee Member to indicate their vote, (for, against, or abstain) Other voting methods may be used at the Chair's discretion
- The Democratic Services Officer will record the votes and confirm the results to the Chair.



DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson. Members of the public in support	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection. It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under [Council Constitution, Part C Section 35](#) Planning Code of Conduct

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair’s discretion. The procedure for considering applications for decision shall be as follows:
Note: there is normally no further public speaking on deferred items or other planning matters

- (1) Officers will introduce the item with a brief description.
- (2) Officers will present the report supported by a presentation.
- (3) Any objections that have registered to speak to address the Committee
- (4) The applicant and or any supporters that have registered to speak to address the Committee
- (5) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (6) The Committee may ask points of clarification of each speaker.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council’s website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none"> • Development Committee Procedural Rules – Part C of the Council’s Constitution Section 35 Appendix B. • Terms of Reference for the Development Committee - Part B of the Council’s Constitution Section 19 (7). 	 <p>Council’s Constitution</p>



DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Advice on Planning Applications for Decision

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda can be made available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

2.3 ADVICE OF CORPORATE DIRECTOR, GOVERNANCE

- 3.1 This is general advice to the Committee which will be supplemented by specific advice at the meeting as appropriate. The Committee is required to determine planning applications in accordance with the Development Plan and other material planning considerations. Virtually all planning decisions involve some kind of balancing exercise and the law sets out how this balancing exercise is to be undertaken. After conducting the balancing exercise, the Committee is able to make a decision within the spectrum allowed by the law. The decision as to whether to grant or refuse planning permission is governed by section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990). This section requires the Committee to 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
- to any other material considerations.

- 3.2 What does it mean that Members must have regard to the Development Plan? Section 38(6) of the Planning and Compulsory Purchase Act 2004 explains that having regard to the Development Plan means deciding in accordance with the Development Plan, unless material considerations indicate otherwise. If the Development Plan is up to date and contains material policies (policies relevant to the application) and there are no other material considerations, the application should be determined in accordance with the Development Plan.

The Local Development Plan and Other Material Considerations

- 3.3 The relevant Development Plan policies against which the Committee is required to consider each planning application are to be found in:
 - The London Plan 2016;

- The Tower Hamlets Core Strategy Development Plan Document 2025 adopted in 2010; and
 - The Managing Development Document adopted in 2013.
- 3.4 The Planning Officer's report for each application directs Members to those parts of the Development Plan which are material to each planning application, and to other material considerations. National Policy as set out in the National Planning Policy Framework 2019 (**NPPF**) and the Government's online Planning Practice Guidance (PPG) are both material considerations.
- 3.5 One such consideration is emerging planning policy such as the Council's Local Plan¹ and the Mayor of London's New London Plan². The degree of weight which may be attached to emerging policies (unless material considerations indicate otherwise) depends on the stage of preparation of the emerging Development Plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the framework. As emerging planning policy progresses through formal stages prior to adoption, it accrues weight for the purposes of determining planning applications (NPPF, paragraph 48).
- 3.6 Having reached an advanced stage in the preparation process, the Local Plan now carries more weight as a material consideration in the determination of planning applications. However, the policies will not carry full weight until the Local Plan has been formally adopted. The New London Plan is at a less advanced stage of the adoption process.
- 3.7 The purpose of a Planning Officer's report is not to decide the issue for the Committee, but to inform Members of the considerations relevant to their decision making and to give advice on and recommend what decision Members may wish to take. Part of a Planning Officer's expert function in reporting to the Committee is to make an assessment of how much information to include in the report. Applicants and objectors may also want to direct Members to other provisions of the Development Plan (or other material considerations) which they believe to be material to the application.
- 3.8 The purpose of Planning Officer's report is to summarise and analyse those representations, to report them fairly and accurately and to advise Members what weight (in their professional opinion) to give those representations.
- 3.9 Ultimately it is for Members to decide whether the application is in accordance with the Development Plan and if there are any other material considerations which need to be considered.

Local Finance Considerations

- 3.10 Section 70(2) of the TCPA 1990 provides that a local planning authority shall have regard to a local finance consideration as far as it is material in dealing with the application. Section 70(4) of the TCPA 1990 defines a local finance consideration and both New Homes Bonus payments (**NHB**) and Community Infrastructure Levy (**CIL**) fall within this definition.

¹The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits' was submitted to the Secretary of state for Housing, Communities and Local Government to undergo an examination in public on 28 February 2018. As part of the examination process, the planning inspector held a series of hearing sessions from 6 September to 11 October 2018 to discuss the soundness of the Local Plan. The planning inspector has put forward a series of modifications as part of the examination process in order to make it sound and legally compliant. These modifications are out to consultation for a 6 week period from 25 March 2019.

² The draft New London Plan was published for public consultation in December 2017, The examination in public commenced on 15 January 2019 and is scheduled until mid to late May 2019.

- 3.11 Although NHB and CIL both qualify as *“local finance considerations*, the key question is whether they are "material" to the specific planning application under consideration.
- 3.12 The prevailing view is that in some cases CIL and NHB can lawfully be taken into account as a material consideration where there is a direct connection between the intended use of the CIL or NHB and the proposed development. However to be a ‘material consideration’, it must relate to the planning merits of the development in question.
- 3.13 Accordingly, NHB or CIL money will be 'material' to the planning application, when reinvested in the local areas in which the developments generating the money are to be located, or when used for specific projects or infrastructure items which are likely to affect the operation or impact on the development. Specific legal advice will be given during the consideration of each application as required.

Listed Buildings and Conservation Areas

- 3.14 Under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 3.15 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed buildings or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.16 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development in a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Trees and Natural Environment

- 3.17 Under Section 197 of the TCPA 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
- 3.18 Under Section 40 of the Natural Environment and Rural Communities Act 2006 (Duty to conserve biodiversity), the local authority *“must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”*.

Crime and Disorder

- 3.19 Under Section 17 of the Crime and Disorder Act (1998) (Duty to consider crime and disorder implications), the local authority has a *“dutyto exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)...”*

Transport Strategy

- 3.20 Section 144 of the Greater London Authority Act 1999, requires local planning authorities to have regard to the London Mayor’s Transport strategy.

Equalities and Human Rights

- 3.21 Section 149 of the Equality Act 2010 (Public Sector Equality Duty) (**Equality Act**) 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 Equality 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.
- 3.22 The protected characteristics set out in Section 4 of the Equality Act are: age, disability, gender reassignment, marriage and civil partnership, 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 Equality Act.
- 3.23 The Human Rights Act 1998, sets out the basic rights of every person together with the limitations placed on these rights in the public interest. 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. Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members 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.

Environmental Impact Assessment

- 3.24 The process of Environmental Impact Assessment is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (2017 Regulations). Subject to certain transitional arrangements set out in regulation 76 of the 2017 Regulations, the 2017 regulations revoke the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (2011 Regulations).
- 3.25 The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The 2017 Regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.
- 3.26 The Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority in deciding whether or not to grant consent for the development.

Third Party Representations

- 3.27 Under section 71(2)(a) of the TCPA 1990 and article 33(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Committee is required, to

take into account any representations made within specified time limits. The Planning Officer report directs Members to those representations and provides a summary. In some cases, those who have made representations will have the opportunity to address the Committee at the meeting.

Daylight, Sunlight and Overshadowing

- 3.28 Amenity impacts resulting from loss of daylight and sunlight or an increase in overshadowing are a common material planning consideration. Guidance on assessment of daylight and sunlight is provided by the 'Site Layout Planning for Daylight and Sunlight' 2011 by BRE (the BRE Guide). The BRE Guide is purely advisory and an appropriate degree of flexibility needs to be applied when using the BRE Guide. The BRE Guide does not form part of the Development Plan and compliance is not a statutory requirement.
- 3.29 There are two methods of assessment of impact on daylighting: the vertical sky component (VSC) and no sky line (NSL). The BRE Guide specifies that both the amount of daylight (VSC) and its distribution (NSL) are important. According to the BRE Guide, reductions in daylighting would be noticeable to occupiers when, as a result of development:
- a) The VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value; or
 - b) The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.
- 3.30 The BRE Guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours or less than 5% of probably sunlight hours between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%.
- 3.31 For overshadowing, the BRE Guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.
- 3.32 Specific legal advice will be given in relation to each application as required.

General comments

- 3.33 Members are reminded that other areas of legislation cover aspects of building and construction and therefore do not need to be considered as part of determining a planning application. Specific legal advice will be given should any of that legislation be raised in discussion.
- 3.34 The Committee has several choices when considering each planning application:
- To grant planning permission unconditionally;
 - To grant planning permission with conditions;
 - To refuse planning permission; or
 - To defer the decision for more information (including a site visit).

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the Agenda Item: Recommendations and Procedure for Hearing Objections and Meeting Guidance.

5. RECOMMENDATION

5.1 The Committee to take any decisions recommended in the attached reports.



DEVELOPMENT COMMITTEE

13th August 2020

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/20/00580
Site	Existing garages, Vawdrey Close, London, E1 4UA
Ward	Bethnal Green
Proposal	Demolition of existing garages and construction of four new family-sized houses.

Summary Recommendation Grant planning permission with conditions and planning obligations

Applicant London Borough of Tower Hamlets Capital Delivery

Architect/agent LTS Architects

Case Officer Antonia McClean

Key dates

- Application registered as valid on 19/03/2020
- Significant amendments received on 24/04/2020 and 06/05/2020
- Public consultation finished on 11/07/2020

EXECUTIVE SUMMARY

The proposal is for the removal of 14 garages and the construction of four three-storey single family dwellings including two dwellings designed for persons with autism. An associated communal amenity space will be provided. The proposal will retain a large electricity substation on-site and provide gated access to the existing pedestrian walkway.

Officers have considered the particular circumstances of this application against the provisions of the Development Plan and other material considerations as set out in this report and recommend approval of planning permission.

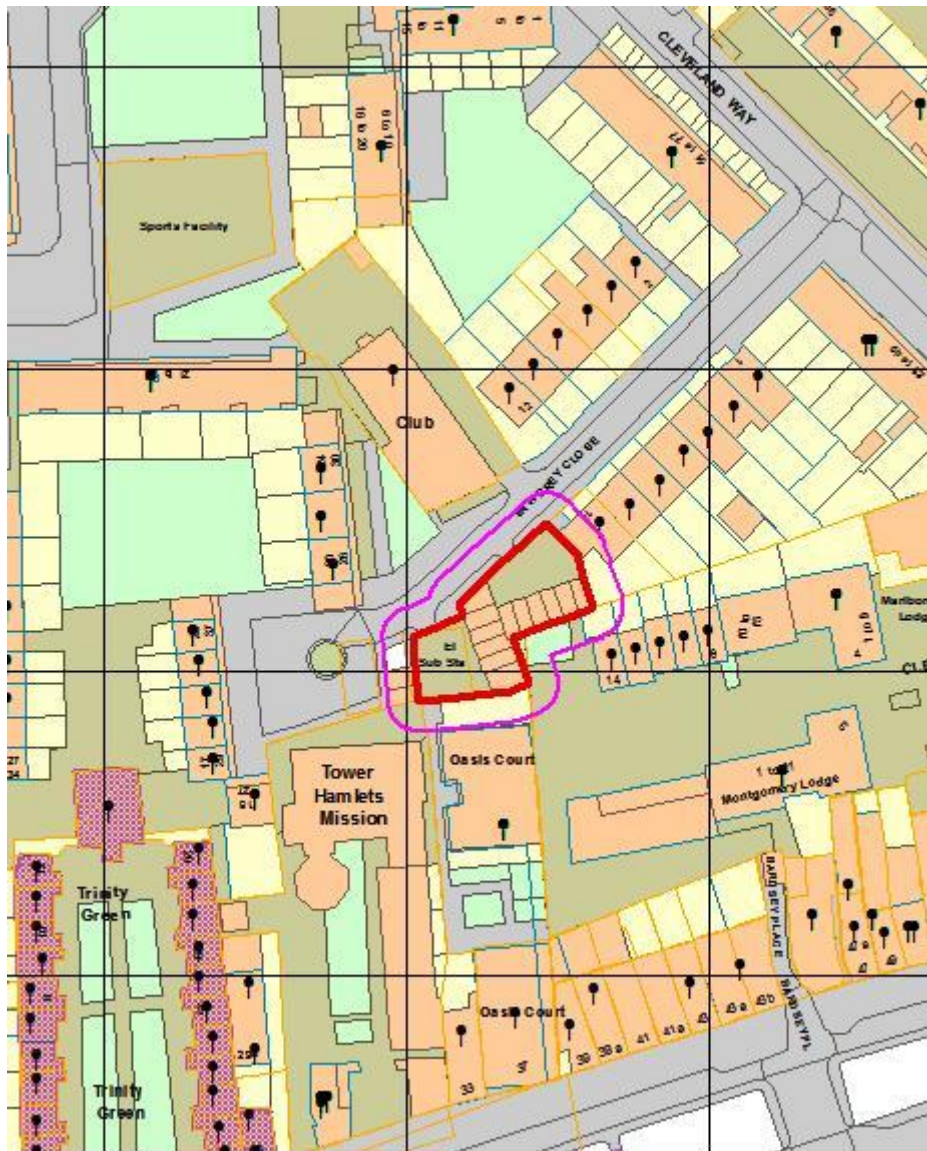
The proposal would optimise the development potential of the site to provide additional family-sized homes in a sustainable location. The proposal would be acceptable in terms of height, scale, design, appearance, with minimal impact to listed buildings within the area.

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. The Local Plan 2031 seeks for provision for larger units, all units will be family-sized dwellings. The

scheme would not result in any undue impacts on the residential amenities of the neighbouring occupiers and the quality of accommodation provided, along with the provision of external amenity space, would create a good standard of accommodation for the future occupiers of the site.

The proposal includes the retention of an existing large tree with the introduction of nectar rich planting and the addition of bird and bat boxes, there will be a net gain of biodiversity.

SITE PLAN



Legend:

- site boundary: red line
- consultation boundary: dashed line
- listed buildings: blue
- conservation areas: shaded area

1. SITE AND SURROUNDINGS

- 1.1 The site known as 'Existing garages, Vawdrey Close, London E1 4UA' is an 'in-fill' site located on the southern side of Vawdrey Close cul-de-sac within Bethnal Green. Vawdrey Close provides access to Cleveland Way. Mile End Road (A11) runs further to south of the subject site. The site is relatively narrow (0.0485ha) and currently consists of fourteen garages, a substation and one mature False Acacia tree. The site is constrained by Vawdrey Close to the north and existing development to the south.
- 1.2 The site is not located within a conservation area. Two terraces of statutory listed buildings 'Trinity Green' is in vicinity to the subject site. The surrounding area consists of primarily low-rise residential terraces forming the Cleveland Estate except for Oasis Court located further to the south of the subject site.
- 1.3 Various community facilities are located in vicinity to the site such as the Tower Hamlets Mission and the Toby Club located directly opposite the subject site. John Scurr primary school is located to the north east.
- 1.4 Under the current policy framework the site is subject to the following relevant designations:
- Highways Engineer Consultation Area
 - Potential Contamination Risk
- 1.5 Under the Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits (Local Plan policy Framework) there are no designations identified.
- 1.6 The site has a PTAL rating of 5 highlighting 'very good' access to public transport. The Stepney Green Underground Station is located approximately 500m to the east of the subject site. The Bethnal Green Overground Station is located approximately 400m to the northwest and the Whitechapel Overground Station is located approximately 370m southwest of the subject site. The site is located in vicinity to bus routes along the A11.
- 1.7 St Bartholomew Gardens is located across Cambridge Health Road 190m northwest of the subject site.
- 1.8 With regards to the current use of the garages the applicant has stated that the current occupancy is following:
- 10 garages let to tenants of the Cleveland Estate,
 - 2 garages occupied by Housing Association Tenants
 - 1 garage privately rented
 - 1 garage occupied by Tower Hamlets Homes for storage facilities.
 - Residents will be able to apply to Tower Hamlets Homes for a replacement garages/permits within the borough upon closure of the garages, subject to availability.
- 1.9 The site is located within Flood Zone 1 and is not identified as vulnerable to flooding

2. PROPOSAL

- 2.1 The application proposal seeks to replace the garages with four (4) family-sized homes with associated landscaping with communal space. The proposal will change the use from Garages (B8) to Residential Development (C3). Two units will be accessible (designed for autistic persons) units. The four proposed dwellings will the following details:

	Unit 1	Unit 2	Unit 3	Unit 4
Bedrooms	4 bedroom 6 person	4 bedroom 7 person	4 bedroom 7 person	4 bedroom 6 person
Outdoor living space	12m ²	16m ²	20m ²	32m ²

- 2.2 All the dwellings would be within the affordable rented tenure split 50:50 between Tower Hamlets and London Living rents.
- 2.3 Secure waste storage will be located outside each front door. The existing dropped kerbs provide step free access from the bin stores to the waste vehicles. All residential units will be provided with an internal waste storage of Refuse – 40 litres Recycling – 40 litres Food waste – 23 litres. The bin stores will be hidden behind wooden battens.
- 2.4 The proposed dwellings will be constructed in brick (both recycled and London Stock) with grey roof tiles. Windows will be triple glazed.
- 2.5 The proposal will provide landscaped areas with permeable paving/gravel areas with porous sub-base and cobblestone paving. New planting will be provided including a green edge of defensible low maintenance shrubs with sparrow terraces, perennials and nectar rich planting. Bird and bat boxes will be provided.
- 2.6 A communal amenity space with natural play features such as boulders will be provided around the retained False Acacia Tree.
- 2.7 No secure cycle storage is currently provided.
- 2.8 The applicant has stated that there is no pre-existing unified architectural typology in the area, the proposed design aims to create architectural interest by combining flat and pitched roofs of different angles.
- 2.9 The proposed dwellings are designed to be certified 'Classic Passivhaus' standard. These dwellings are specifically designed to maximise energy efficiency and provide a comfortable climate for future residents. Each dwelling will be fitted with a mechanical ventilation with heat recovery unit (MVHR).
- 2.10 At present there is a passageway located to the south of the site and to the north of Oasis Court. There is no record that this is a right of way. A secure access gate of 2.4m in height with controlled access will be provided.

3. RELEVANT PLANNING HISTORY

- 3.1 PF/19/00216 – Pre-application meeting: 4-5 new affordable houses with associated landscaping.
- 3.2 No other relevant planning history

4. PUBLICITY AND ENGAGEMENT

- 4.1 The applicant has undertaken two rounds of public consultation in November 2019 and February 2020.

4.2 Upon validation of the application the surrounding sites were notified of the application. A press notice was issued on 18/06/2020.

4.3 Two Submissions were received in objection to the proposal and a petition with 32 signatures was received in opposition to the proposal. The petition is titled "*To STOP all plans for this land to development or any other reasons to remove current garage site*". All 32 signatures are from residents located within the borough from the following streets:

- Cleveland Way,
- Vawdrey Close,
- Trinity Green,
- Wyllen Close,
- Wickford Street,
- Cephas Street.

4.4 The two objections are summarised as following:

Other- general

- The officers have not taken into account views of residents, residents have been 'bullied' into losing the garages causing disruption to the people's lives. Residents have waited many years (20 years was highlighted by the submitter) in order to use garages.

Highways

- Strong concerns in regards to an increase in vehicle and pedestrian safety as the demolition of the garages will displace vehicles from the garages and increase traffic generation along Vawdrey Close.

Amenity

- The quality of amenity space will be very poor and issues of health and safety have not been taken into account. Alternative spaces around the development could be better utilised.

5. CONSULTATION RESPONSES

Internal

Biodiversity

5.1 No objections – Condition recommended for bat and swift/sparrow boxes.

Design and Conservation

Height, mass and sitting

5.2 No objection based on further information provided.

Highways

5.3 Offices acknowledge that this proposal will displace vehicles from the garages onto the surrounding highway network. The applicant is unable to provide details of how many of the garages currently house vehicles rather than being used for storage, in this case officers can only assume that 100% of the garages house vehicles in order to robustly assess the potential impact on the public highway. The applicant states "LBTH's intention is to offer alternative

garages or carparking spaces to the residents of the Cleveland Estate” which would reduce the potential displacement onto the public highway to only a few vehicles.

- 5.4 Due to the current Covid situation it was agreed with the applicant that the historical parking surveys held by LBTH would be used rather than a new survey being requested. These surveys show that in the local area the parking provision is very well utilised and, therefore, any displaced parking from the garages (for which the resident will be permitted to apply for a permit if they do not already hold one) will impact on existing residential amenity and increase demand for on street parking which is already stressed. As well as the displaced parking from the garages the size of the units means that there is a possibility that residents moving into these could qualify for permits under the ‘Permit Transfer Scheme’ which could add to the demand by a further four vehicles. No accessible parking is proposed, contrary to policy, and this too could add to the potential impact of the development on the existing parking regimes. It should be noted that blue badges are not only available to wheelchair users but to others who may not always have a visible disability.
- 5.5 Officers would expect that all new residents are subject to a ‘Permit Free’ agreement which would restrict them (other than those who qualify under the PTS or are registered blue badge holders) from obtaining permits to parking on the public highway. This would need to be a condition to any planning permission which may be granted and is usually secured via the s106 agreement (or similar mechanism as agreed by the case officer). Notwithstanding this there will undoubtedly be an impact from the development on the current availability of parking to residents on the public highway from displaced vehicles. However, it is accepted that this would be the only way that these units can be constructed and would be an inevitable consequence to providing this housing.
- 5.6 All cycle facilities must be designed in line with the London Cycle Design Guide and meet the minimum requirements set out in policy. Cycle parking within the rear gardens is not up to standard.
- 5.7 Officers have concerns regarding the potential impact of this proposal in terms of displaced vehicles and additional permits on the public highway in an area where parking stress is high and the impact this may have on the availability of suitable parking for existing residents. However, it is recognised that to provide additional housing on existing Council land this may be inevitable. *Conditions recommended.*

Housing

- 5.8 *No objection*

Waste

- 5.9 *Can be conditioned.*

LBTH Environmental Health

Contamination

Prior to commencement condition to be agreed on with the applicant.

Noise

Prior to commencement condition to be agreed on with the applicant.

Metropolitan Police

- 5.10 *No objections - Conditions recommended.*

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 In this case the Development Plan comprises:

- The London Plan 2016 (LP)
- Tower Hamlets Local Plan 2031 Managing Growth and Sharing the Benefits (2020)

6.3 The key development plan policies relevant to the proposal are:

Housing - LP3.3, 3.13, D.DH7, S.H1, D.H1, D.H2, D.H3
(affordable housing, unit mix, density, housing needs, housing quality)

Design S.DH1, S.DH2, S.G1, D.DH2
(layout, massing, materials, public realm)

Amenity LP7.6, LP7.15, D.DH8, D.ES9
(privacy, outlook, daylight and sunlight, construction impacts)

Transport D.MW3, D.TR2, D.TR3, D.TR4, S.TR1
(sustainable transport, highway safety, car and cycle parking, waste, servicing)

Environment - L.P3.2, LP5.1, 5.15, LP5.21, LP7.19, LP7.21, D.ESG4, D.ES3
(biodiversity, energy efficiency, air quality, contaminated land)

6.4 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)

Emerging Policy

6.5 The Mayor of London's Draft New London Plan with Consolidated Suggested Changes was published in July 2019. The Examination in Public (EiP) took place in January 2019. Generally, the weight carried by the emerging policies within the Draft New London Plan is considered significant as the document has been subject to EiP, incorporates all of the Mayor's suggested changes following the EiP and an 'Intend to Publish' was made by the Mayor of London. However, some policies in the Draft New London Plan are subject to Secretary of State directions made on 13/03/2020, these policies are considered to have only limited or moderate weight. The statutory presumption still applies to the London Plan 2016 up until the moment that the new plan is adopted.

Relevant draft London Plan policies:

- D4 – Delivering good design
- D6 – Housing standards
- HC1 – Heritage

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Housing
- iii. Design & Heritage
- iv. Neighbour Amenity
- v. Transport
- vi. Environment
- vii. Human Rights and Equalities

Land Use

Redevelopment for residential use

- 7.2 London Plan Policy 3.3 seeks to ensure the pressing need for more homes in London is recognised by increasing the supply of housing. Policy 3.8 seeks to ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.
- 7.3 Policies and objectives place particular focus on delivering more affordable homes throughout the borough with focus on creating mixed and balanced communities. Under Policy S.H1 development will need to meet the needs of specific communities such as disabled and vulnerable people. Although the proposal does not provide a wide mix of unit choices, the development will provide four 100% affordable rented units including two (autistic) accessible units. Council-led projects are essential to ensure that these units are brought forward.
- 7.4 The proposal would support and contribute to the council's strategic aims in respect of the provision of housing to meet local need. The site is located within a 'low growth area (0-1000 units)' as identified on Figure 9: *Housing distribution across 24 places* of the Local Plan 2031.
- 7.5 Concern has been raised in respect of the loss of current use of the land, which appears to be for garages. It is noted that there is no policy requirement to replace the existing carparking spaces. The applicant has stated that garages allocated to residents of the Cleveland Estate will be re-allocated. As highlighted above, residents are able to apply to Tower Hamlets Homes for a replacement garage, subject to availability. It is also noted that the sites within an area will good access to public transport as highlighted above.
- 7.6 In light of this and the above policies which seek to maximise the provision of housing, it is considered that the principle of the development is acceptable.

Housing

Mix of unit sizes

- 7.7 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. LBTH Policy D.DH2 seeks to secure a mixture of small and large housing. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2017).

- 7.8 The application proposes four residential units – two, 4 bedroom 6 person and two 4 bedroom 7 person family-sized dwellings. Given the small size of the scheme and the fact that the proposal provides 4 bedroomed units, for which there is there is a clear need, the mix is supported. The family-sized dwellings will fill a need and provide improved facilities and amenities in accordance policy S.H1.

Quality of Residential Accommodation

- 7.9 GLA's Housing SPG aims to ensure that housing 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 provides 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.
- 7.10 All proposed dwellings accord with required internal space standards and external amenity space standards, as noted in the table above.

Design

- 7.11 Development Plan policies requires that schemes are of high-quality design that reflects local context and character and provides attractive, safe and accessible places that safeguard and where possible enhance the setting of heritage assets.
- 7.12 Local Plan policy S.DH3 requires that developments need to be sensitive to heritage assets. The proposal is located away from heritage assets. The proposal will not replicate the design of the identified heritage assets and is a modern appropriate response, the proposal is not anticipated to cause harm on listed buildings in accordance with policy S.DH3.
- 7.13 Local Plan policy D.DH2 states requires development to contribute positively to the public realm. The proposal will provide a more defined street edge with a small front amenity space provided with integrated bin storage. The proposal will increase the level of defensible space, defined front entrances. Glazing from primary living areas will provide passive surveillance on to Vawdrey Close. The proposal is acceptable.



Figure 1: View towards the northern elevation from the Vawdrey Close cul-de-sac.

Privacy and Outlook

- 7.14 The rear outdoor amenity spaces will be located to the south to maximum sunlight. There will be some overlooking from properties located to the south of the subject site in particular from Oasis Court as there are balconies directly facing the site. This is not uncommon in this urban setting as can be seen by the level of overlooking from properties in Cleveland Grove into the gardens of existing properties on Vawdrey Close. Existing overlooking from large upper level windows are also prevalent from the Tower Hamlets Mission building. No balconies will be provided on the southern elevation of the new dwellings.
- 7.15 In order to minimise overlooking Bedroom 2 of Unit 2 will have the larger window with the potential to overlook Oasis Court as obscure glazed. However, the window will be at an oblique angle to minimise overlooking further. Two other windows on the elevation will be shielded by privacy screens.
- 7.16 Unit 1 will be set back approximately 8 from the Mission building and 5m from Oasis Court, Unit 2 will be set back approximately 6.5m from Oasis Court. Unit 3 will be setback approximately 3m from the carparking area and Unit 4 will be setback approximately 11m from 14 Cleveland Grove. Although less than 18m separation distance will be provided within the urban context it will be acceptable.
- 7.17 The existing overlooking from Oasis Court and the Mission building will impact the quality of amenity space provided.

Daylight/Sunlight

- 7.18 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 of new build accommodation is through calculating the average daylight factor (ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 7.19 Only kitchen for Unit 1 fell below the 2% threshold (1.7%) as shown with the report supplied by the applicant by *Greenlight Building Physics Internal Daylighting Report dated 27.02.2020*.
- 7.20 On balance the provision of southern facing well-sized outdoor amenity spaces together with the communal amenity space will provide an acceptable level of amenity for future residents. Internal living spaces are also designed to be spacious. The proposal will be acceptable.

Neighbour Amenity

- 7.21 Development Plan policies seek to protect neighbour amenity, safeguarding privacy and the peaceful enjoyment of ones dwelling and ensuring acceptable daylight and sunlight conditions.
- 7.22 Policies seek to protect neighbouring amenity to safeguard privacy, not creating unacceptable levels of noise and ensure an acceptable level of daylight and sunlight in accordance with Policy D.DH8. Policies aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as protect the amenity of the public realm.
- 7.23 There will be limited separation distances towards surrounding buildings, including towards Oasis Court given the constrained nature of the site. The depth and angle of the gardens will ensure the buildings are setback from the southern boundary to minimise any sense of enclosure.
- 7.24 The report titled *Overshadowing Daylight Analysis 19_060 dated 27.02.20 by Greenlight Building Physics* was supplied by the applicant to assess impacts on surrounding buildings

from potential overshadowing using the Vertical Sky Component method (VSC) in accordance with the BRE guidelines. The BRE guidelines suggest that obstruction angles between 25-45 degrees are acceptable. It was found that ground floor windows on Oasis Court and to the Mission Building would see a decrease in VSC but not to significant levels.

- 7.25 The roof angles have been pitched in order to minimise any loss of daylight/sunlight to neighbouring properties. The building has been broken up and angled in a way to minimise any impacts on overlooking, overshadowing and privacy to Oasis Court.

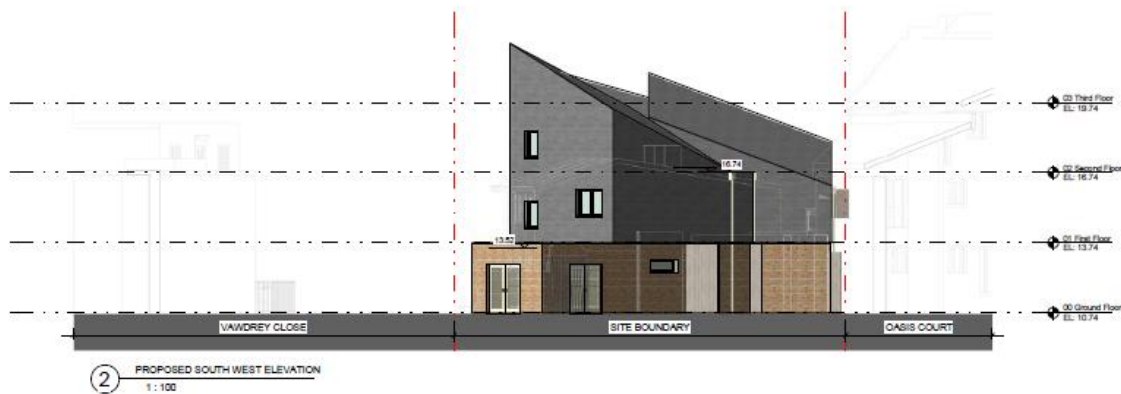


Figure 2: View from the south western elevation.

- 7.26 New overlooking towards neighbouring properties will be mitigated as main windows to principle living rooms will be located on the ground floor or inwards towards the accessway. Mutual overlooking will be limited through the provision of blank rear facades and strategically angled windows. As such the proposal would not give rise to any unduly detrimental impacts on privacy to neighbours. The proposal is acceptable.

Secure by Design

- 7.27 Security features were highlighted as being important throughout the applicant's consultation process. The gate will be 2.4m in height and will provide controlled access. The application was reviewed by the Metropolitan Police and a condition to retain security features by way of a Certificate of Compliance was proposed and has been accepted by the applicant.



Figure 3: View from the south western elevation towards the controlled access gate.

Construction Impacts

- 7.28 Demolition and construction activities are likely to cause some noise and disturbance to nearby residents, including matters of additional traffic generation and dust. In accordance with relevant Development Plan policies and for the peaceful enjoyment of neighbouring dwellings, a number of conditions are recommended to minimise these impacts. These would control working hours and require the approval and implementation of Construction Management Plan.

Transport and Highways

- 7.29 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.
- 7.30 In line with council policy to promote car free developments, a condition would prevent future occupiers of the proposed dwellings from obtaining on-street parking permits in accordance with Policy D.TR3.
- 7.31 The applicant has states that garages will be re-allocated to the 10 Cleveland Estate residents. This would result in a displacement of a maximum of four cars. The transport officer notes that this low level of displacement cannot be guaranteed given the reallocation of garages and the permit free development proposed. It should also be highlighted that the site has good access to public transport given the '5' PTAL rating. On balance impacts on traffic generation within the surrounding environment are anticipated to be acceptable.
- 7.32 Secure cycle parking spaces was suggested to be located at the rear of the new dwellings; however this was found to be unacceptable for officers as it would mean wheeling bikes though primary living areas. The applicant noted good provision of cycle parking and hire schemes within the surrounding area. This is not an adequate substitute for secure and private cycle facilities in accordance with Policy D.TR3. A condition will be imposed requiring all cycle facilities to be provided retained and maintained for the use of the future residents for the life of the development.
- 7.33 In relation to pedestrian access to the new dwellings from Vawdrey Close, the travel route would remain as existing. Whilst the proposal lacks accessible parking and pre-allocated secure cycle parking given the constraints of the site and good access to public transport this is acceptable.

Environment

Landscaping & Biodiversity

- 7.34 A large False Acacia tree will be retained. The retained tree will continue to be publicly visible and therefore holds a high-level amenity for the street. The tree currently resides in a small tree pit which is unsuitable, the new amenity space will provide a larger area for the tree's root zone.
- 7.35 The following additional biodiversity enhancement measures have been proposed:
- Retention of a large tree False Acacia Tree adjacent to the vehicle accessway
 - The addition of nectar rich planting (soft landscaping),
 - The addition of 3 bat boxes,

- Swift and sparrow bird boxes

7.36 The Council's biodiversity officer reviewed the proposal and has noted the proposal is acceptable. The proposed biodiversity features and enhancements would contribute to the Local Biodiversity Action Plan. Further details and information would be requested via a condition.

Air Quality

7.37 The Council's air quality officer confirmed that the proposal would not likely to be an exceedance of relevant National Air Quality Objective levels. As suggested in the air quality assessment and reinforced by the air quality officer, further information on the control of dust and emissions during construction would need to be provided prior to works taking place.

Energy & Environmental Sustainability

7.38 The proposal would result in the enhancement of the existing energy levels through the provision of 'Passivhaus' features. This would be secured by condition.

Land Contamination

7.39 The Council's contaminated land officer requested further details to be submitted in the case of contamination found on site during works. This would be secured via a condition.

Waste

7.40 The submitted draft Site Management Plan confirms that the waste will be managed through existing curb side collection. All waste facilities will be stored within 10m of the public highway. This is considered acceptable in principle and retained via condition.

Human Rights and Equalities

7.41 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.

7.42 Development will provide affordable dwellings and the provision of two dwellings designed for autistic residents.

7.43 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

8.1 That subject to any direction by the Mayor of London, **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

8.2 Non-financial obligations:

8.3 That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.

8.4 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

8.5 Planning Conditions

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Development is personal to, and shall be implemented by, LBTH
4. Restrictions on demolition and construction activities:
 - a. All works in accordance with Tower Hamlets Code of Construction Practice;
 - b. Standard hours of construction and demolition;
 - c. Air quality standards for construction machinery;
 - d. Ground-borne vibration limits; and
 - e. Noise pollution limits.
5. Retention of waste storage facilities.
6. Delivery and retention of cycle storage facilities.
7. Noise insulation standards for new residential units.
8. Energy Statement
9. Details for the Wheelchair Dwelling Unit 1
10. Communal amenity/child play space to be completed prior to occupation
11. Revised Noise Impact Assessment
12. Details of all Secure by Design measures
13. Details of hard and soft landscaping, including boundary treatment and lighting
14. Details of Play equipment
15. Details of noise and vibration measures

Pre-commencement

16. Construction Environmental Management Plan:
 - a. Site manager's contact details and complain procedure;
 - b. Dust and dirt control measures
 - c. Measures to maintain the site in tidy condition, disposal of waste
 - d. Recycling/disposition of waste from demolition and excavation
 - e. Safe ingress and egress for construction vehicles;
 - f. Parking of vehicles for site operatives and visitors;
 - g. Location and size of site offices, welfare and toilet facilities;
 - h. Erection and maintenance of security hoardings;
 - i. Measures to ensure that pedestrian and cycle access past the site is safe and not unduly obstructed; and

- j. Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress
- 17. Details of external facing materials and architectural detailing.
- 18. Contamination
- 19. Details of biodiversity enhancements including details of additional trees
- 20. Piling Method Statement
- 21. Surface Water Drainage Scheme
- 22. Car Permit Free (bar Blue Badge Holders and Permit Transfer Scheme)
- 23. Cycle Management Plan

8.6 Informatives

- 1. Permission subject to legal agreement.
- 2. Development is not CIL liable.
- 3. Building Control
- 4. Thames Water – Groundwater Risk Management Permit, minimum pressure/flow rate.
- 5. S.278
- 6. Fire and Emergency
- 7. Footway and Carriageway
- 8. Hours of work for demolition and construction activities
- 9. Designing out Crime

APPENDIX 1

Drawings

Existing Site Location Plan, 00_EX_001 Rev P1, LTS Architects Ltd
Existing Site Plan, 00_EX_002, LTS Rev P1, Architects Ltd
Existing Site Sections, 00_EX_010 Rev P1, LTS Architects Ltd
Existing North West/East Elevations, 00_EX_021 P1, LTS Architects Ltd
Existing South West/East Elevations, 00_EX_022 P1, LTS Architects Ltd
Proposed Site Plan, 01_GA_100_Rev P1, LTS Architects Ltd
Proposed First Floor Plan, 01_GA_102_Rev P1, LTS Architects Ltd
Proposed Second Floor Plan, 01_GA_103 Rev P1, LTS Architects Ltd
Proposed Roof Plan, 01_GA_104 Rev P1, LTS Architects Ltd
Proposed Elevations 01, 03_GA_301 Rev P1, LTS Architects Ltd
Proposed Elevations 02, 03_GA_302 Rev P1, LTS Architects Ltd
Proposed Elevations 03, 03_GA_303 Rev P1, LTS Architects Ltd
Proposed Elevations 04, 03_GA_4 Rev P1, LTS Architects Ltd
Proposed Detailed Unit Plans 01, 04_DE_301 Rev P1, LTS Architects Ltd
Proposed Detailed Unit Plans 02, 04_DE_302 Rev P1, LTS Architects Ltd
Proposed Detailed Unit Plans 03, 04_DE_303 Rev P1, LTS Architects Ltd
Proposed Detailed Unit Plans 04, 04_DE_304 Rev P1, LTS Architects Ltd
Proposed Typical Waste Capacity, 04_DE_405, LTS Architects Ltd
View of Alleyway to the rear of UKPN block, LTS Architects Ltd
Surrounding roofscape photo, LTS Architects Ltd
Proposed Detailed Unit Plans 02, 04_DE_402 P2, LTS Architects Ltd dated 30/07/2020
Window View Face-on 01, LTS Architects Ltd
Window View Oblique 02, LTS Architects Ltd

Submission documents

Design and Access Statement, LTS Architects Ltd, dated 11.03.2020
Planning Addendum, LTS Architects Ltd, dated 09.05.2020
Environmental Noise Survey and Acoustics Design Statement, Hann Tucker Associates Ltd, dated 11.03.2020
Arboricultural Survey and Impact Statement, Marcus Foster Ltd (BS5837:2012)
Air Quality Statement, dated 03.03.2020
Preliminary Ecological Assessment, dated February 2020
Site Investigations, Site Analytical Services Ltd, January 2020
SUDS Strategy, Elliotwood, dated 02/03/2020
Traffic Assessment, Elliotwood, dated 17/06/2020
Travel Plan, Elliotwood, dated 20/06/2020
Waste Management Strategy,
Summer Comfort Report – inside out engineering 05/02/20
Overshadowing Daylight Analysis Rev A, Greenlight Building Physics Internal Daylighting Report dated 25.01.2020
Internal Daylight Analysis, Greenlight Building Physics Internal Daylighting Report dated 27.02.2020

APPENDIX 2

Selection of plans and images



Figure 1 – Proposed ground floor plan



Figure 6 – Proposed north elevation.



Figure 7 – Proposed south elevation.



Figure 8 – Proposed Unit 2 (Bedroom 2) window to be obscure glazed.