



Meeting of the

# DEVELOPMENT COMMITTEE

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Thursday, 11 April 2013 at 7.00 p.m.

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## A G E N D A

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### VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Shiria Khatun	
Councillor Kosru Uddin Councillor Craig Aston Councillor Md. Maium Miah Councillor Anwar Khan 1 Vacancy	Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Craig Aston) Councillor Khales Uddin Ahmed, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun) Councillor Peter Golds, (Designated Deputy representing Councillor Craig Aston) Councillor Tim Archer, (Designated Deputy representing Councillor Craig Aston) Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun) Councillor Bill Turner, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun)

[Note: The quorum for this body is 3 Members].

**Committee Services Contact:**

Zoe Folley, Democratic Services,

Tel: 020 7364 4877, E-mail: [zoe.folley@towerhamlets.gov.uk](mailto:zoe.folley@towerhamlets.gov.uk)

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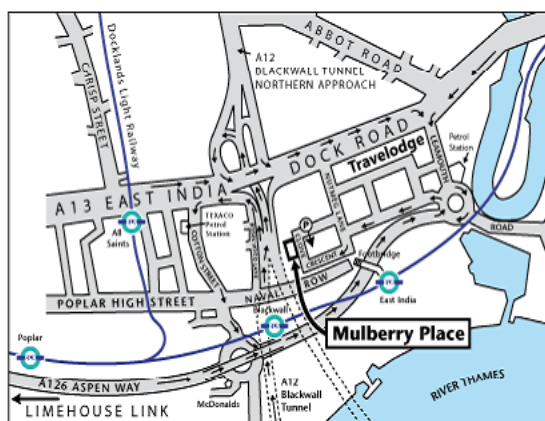
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QR code for smart phone users

# LONDON BOROUGH OF TOWER HAMLETS

## DEVELOPMENT COMMITTEE

Thursday, 11 April 2013

7.00 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

### 3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 13<sup>th</sup> March 2013.

PAGE NUMBER	WARD(S) AFFECTED
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5 - 10

### 4. RECOMMENDATIONS

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 Development and Renewal 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 Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

## **5. PROCEDURE FOR HEARING OBJECTIONS**

To note the procedure for hearing objections at meetings of the Development Committee. **11 - 12**

The deadline for registering to speak at this meeting is 4pm Tuesday 9<sup>th</sup> April 2013.

## **6. DEFERRED ITEMS**

Nil items. **13 - 14** **All Wards**

## **7. PLANNING APPLICATIONS FOR DECISION** **15 - 18**

**7 .1 Land adjacent to railway viaduct, Mantus Road, London (PA/12/01758)** **19 - 52**

**7 .2 Bath House, Dunbridge Street, London (PA/12/02632 & PA/12/02633)** **53 - 70**

**7 .3 Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London (PA/11/03371 - 3372 - 3373)** **71 - 130**

**7 .4 69-89 Mile End Road, London E1 4UJ (PA/12/03357)** **131 - 154**

**7 .5 Site At 3-11 Goulston Street And 4-6 And 16-22 Middlesex Street, Middlesex Street, London E1 (PA/12/02045)** **155 - 196**

## **8. OTHER PLANNING MATTERS** **197 - 198**

**8 .1 Planning Appeals** **199 - 206**

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# Agenda Item 2

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

**Further advice**

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or  
John Williams, Service Head, Democratic Services, 020 7364 4204



## 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	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>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—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON WEDNESDAY, 13 MARCH 2013**

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Helal Abbas (Chair)  
Councillor Kosru Uddin  
Councillor Craig Aston  
Councillor Md. Maium Miah (Items 7.1-  
8.2)  
Councillor Khaled Uddin Ahmed  
(Substitute for Councillor Shiria Khatun)  
(Items 7.1-8.2)

**Other Councillors Present:**

None.

**Officers Present:**

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Elaine Bailey	– (Principal Planning Officer, Development and Renewal)
Nasser Farooq	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted from Councillors Anwar Khan and Shiria Khatun for who Councillor Khaled Uddin Ahmed was deputising.

**2. DECLARATIONS OF INTEREST**

No declarations of disclosable pecuniary interests (DPIs) were made.

However Councillor Md.Maium Miah declared that he had received correspondence regarding item 7.1 (Land in Saunders Ness Road, at rear of 1 Glenaffric Avenue E14 (PA/12/03288)).

### **3. UNRESTRICTED MINUTES**

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 13<sup>th</sup> February 2013 be agreed as a correct record and signed by the Chair.

### **4. RECOMMENDATIONS**

The Committee **RESOLVED** 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, Development and Renewal 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, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

### **5. PROCEDURE FOR HEARING OBJECTIONS**

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

### **6. DEFERRED ITEMS**

#### **6.1 Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London, E2 7ES (PA/12/02317 & PA/12/02318)**

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the report regarding Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London, E2 7ES (PA/12/02317 & PA/12/02318).

Elaine Bailey (Planning Officer, Development and Renewal) presented the report. At the last meeting of the committee in February, the Committee were minded to refuse the application for two reasons. These were: loss of heritage value in respect of the roof and former roof top play space and overall impact on the uniqueness of the building. Officers considered that the two areas of concern were closely intertwined and they were best expressed

in a single reason as set out in paragraph 4.1 of the report. Officers considered that the suggested reason could be defended at appeal as the original recommendation was finely balanced. Officers also highlighted the options open to the applicant in terms of this decision.

Councillor Craig Aston proposed an amendment to the reasons for refusal. He stated that he had received correspondence that the application could cause significant harm to the building. Accordingly, he proposed that the following be added to the suggested reason for refusal 'and the objectives of the National Planning Policy Framework and the principles of Planning Policy Statement 5 Practice Guide'.

This was seconded by Councillor Kosru Uddin and agreed by the Committee on a vote.

On a vote of 3 in favour and 0 against, the Committee **RESOLVED**:

That listed building consent and planning permission (PA/12/02317 & PA/12/02318) at Club Row Building, (Rochelle Centre) Rochelle School, Arnold Circus, London, E2 7ES be **REFUSED** for change of use from D1 (Non-residential institution) to mixed A1 (Shop), B1 (Business) and D1 (Non-residential institution) with the construction of an extension to rear, internal alterations (including installation of mezzanine floor space and new staircases), external alterations (including new doorways & windows & roof parapet raising & roof replacement) and alterations to Club Row boundary wall for the following reason:

The proposal, by reason of the loss of the original roof and other alterations resulting in loss of historic fabric, would detract from the unique historical importance of the building. The proposed roof and other alterations do not relate sufficiently well to the host building and fail to pay special regard to the desirability of preserving the building, its setting and features of special architectural or historic interest. On balance, the benefits of renovating parts of the building are not sufficient to outweigh the harm caused by the proposal.

The proposal is therefore contrary to saved policy DEV37 of the Unitary Development Plan (1998), adopted policy SP10 of the Core Strategy (2010) and policies DM24 and DM27 of the Development Management DPD (Submission Version 2012 with post EiP Modifications) AND the objectives of the National Planning Policy Framework and the principles of Planning Policy Statement 5 Practice Guide.

## **7. PLANNING APPLICATIONS FOR DECISION**

### **7.1 Land in Saunders Ness Road, at rear of 1 Glenaffric Avenue, E14 (PA/12/03288)**

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the report regarding Land in Saunders Ness Road, at rear of 1 Glenaffric Avenue, E14 (PA/12/03288)

There were no registered speakers.

Nasser Farooq (Planning Officer, Development and Renewal) presented the detailed report. He explained the site within a conservation area and the nearby listed buildings. He explained the outcome of the local consultation resulting in 12 representations in support, 6 against and a petition against with 33 signatures. He addressed the main planning issues. It was considered that the land use was acceptable. The scheme would make best use of the site and supply additional housing.

He referred to the previously refused scheme in 2004. The scheme was refused due to: impact on the listed public house and highway safety. He referred to the issues with the 2012 scheme that was also refused. The current application sought to overcome the concerns with changes to the design and the submission of adequate information. Mr Farooq explained the new design, the materials and layout of the building. The new scheme was in line with the surrounding area and would preserve the public house.

The plans had been amended to remove a parking bay in view of concerns from the Highways service (regarding poor visibility from the western bay). There were also measures to mitigate the impact on the highway under a s278 agreement. This included signage before the bend. Officers were now satisfied with the scheme in terms of highway safety.

Officers were recommending that the application be granted.

In response, Members asked questions/made comments on the following issues:

- the consultation with residents and how this had been taken on board.
- the disruption from the construction work.
- highway safety in view of the proposed trees and bend in Saunders Ness Road.
- the scope for an additional parking bay.
- the improvements on the refused schemes.

In response, Mr Farooq addressed the points. The application had been advertised in the East End Life newspaper with letters to 23 households in the vicinity and site notices. He explained the objections received covering the felling of trees. This matter had already been dealt with by separate

enforcement action. The applicant would also be required to plant additional trees.

A further area of concern was the car parking. In response, Officers had sought additional comments from highways. As a result, the scheme had been amended as explained above with the removal of the parking bay. Another issue was the design. However, this has also been amended and was now in line with the surrounding area.

The application would be subject to a condition to manage the construction impact (a Construction Logistics and Management Plan). There would also be restrictions on construction hours. This was acceptable to the Council's Environmental Health service. There were controls to prevent further parking bays outside the development. This included a condition removing permitted development rights.

The impact on the highway had been fully considered. It was found that the sightlines were acceptable with full visibility for reversing vehicles from the proposed bays.

The 2004 application sought to provide 7 parking spaces with no housing. However there was a lack of information on highway safety. This current application provided this information which had been reviewed and approved by the Council's Highways officers.

On a unanimous vote, the Committee **RESOLVED**:

1. That planning permission (PA/12/03288) at Land in Saunders Ness Road, at rear of 1 Glenaffric Avenue, E14 be **GRANTED** for the erection of three and four storey development to provide 4 x 4 bedroom terrace houses (use class C3) with provision of landscaping and off-street car parking spaces on vacant site.
2. That the Corporate Director of Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the committee report.

## **8. OTHER PLANNING MATTERS**

### **8.1 Trinity Centre, Key Close, London, E1 4HG (PA/12/02410)**

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the report regarding Trinity Centre, Key Close, London, E1 4HG (PA/12/02410)

On a unanimous vote, the Committee **RESOLVED**:

That application (PA/12/02410) at Trinity Centre, Key Close, London, E1 4HG for listed building consent to carry out repairs to roof, roof access and bell

tower to prevent water ingress to internal ceilings be **REFERRED** to the Government Office for West Midlands with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions set out in the report.

## 8.2 APPEAL REPORT

Jerry Bell (Applications Team Leader, Development and Renewal) presented the report and highlighted the key points.

On a unanimous vote the Committee **RESOLVED**

That the details and outcomes as set out in the report be noted.

The meeting ended at 7.25 p.m.

Chair, Councillor Helal Abbas  
Development Committee



# Agenda Item 5

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1<sup>st</sup> class post at least five clear working days prior to the meeting.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee Members may ask questions of a speaker on points of clarification only.
- 6.14 In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

# Agenda Item 6

<b>Committee:</b> Development	<b>Date:</b> 11 <sup>th</sup> April 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6. 1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Deferred items	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred.
- 1.2 There are currently no items that have been deferred.

## 2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT**

Brief Description of background papers:  
Application, plans, adopted UDP. draft  
LDF and London Plan

Tick if copy supplied for register

Name and telephone no. of holder:  
Eileen McGrath (020) 7364 5321

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# Agenda Item 7

<b>Committee:</b> Development	<b>Date:</b> 11th April 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 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 are 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.

## 3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
  - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
  - the London Plan 2011
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes), Managing Development DPD – Submission Version 2012, Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the National Planning Policy Statement.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application, local finance considerations, so far as material to the application, and any other material

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7**

Brief Description of background papers:  
Application, plans, adopted UDP, Interim  
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:  
Eileen McGrath (020) 7364 5321

considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, 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.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects 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.
- 3.6 Whilst the adopted UDP 1998 (as saved) is the statutory Development Plan for the borough (along with the Core Strategy and London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 Members should note that the Managing Development DPD has reached the same stage in its development as the 2007 Interim Planning Guidance. With the Managing Development DPD being the more recent document and having regard to the London Plan 2011, it could be considered to be more relevant and to carry more weight than the 2007 Interim Planning Guidance documents.
- 3.9 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.
- 3.10 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.
- 3.11 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

**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 Agenda Item 5.

**5. RECOMMENDATION**

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

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# Agenda Item 7.1

<b>Committee:</b> Development	<b>Date:</b> 11th April 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Mandip Dhillon/Jerry Bell		<b>Ref No:</b> PA/12/01758 (Full Planning Permission)	
		<b>Ward(s):</b> Bethnal Green South	

## 1. APPLICATION DETAILS

**Location:** Land adjacent to railway viaduct, Mantus Road, London

**Existing Use:** Vacant (cleared site)

**Proposal:** Planning Application PA/12/01758  
Redevelopment to provide 93 residential units in buildings ranging from three to six storeys including amenity space, landscaping, disabled car parking and cycle parking.

**Drawing No's:** 83747-100 (D); 83747-101; 83747-110(E); 83747-111 (F); 83747-112 (B); 83747-113(B); 83747-200(E); 83747-201(E); 83747-202(H); 83747-203(H); 83747-204(E); 83747-205(E); 83747-206(F); 83747-207(E); 83747-208(G); 83747-230(F); 83747-231(E); 83747-232(F); 83747-232(F); 83747-233(F); 83747-236(D); 83747-240(B); 83747-241(B); 83747-242(B); 83747-243(B); 83747-244(B); 83747-245(C); 83747-246(B); 83747-247(B); 83747-248(C); 83747-250(H); 83747-260; 83747-261(A); 83747-262(A); 83747-263 (A); 83747-264; 83747-265; 83747-266; 83747-267; 83747-290 (B); 83747-291 (B); 511-3367 01; 511-3367 02; 511-3367 03; 1207 001; 1207 002(C); 1207 003 (B); 1207 004; 83747-700; Accommodation Schedule (Rev c)

Supporting documentation

Design Statement September 2012  
 Planning Statement dated August 2012  
 Planning and Impact Statement dated August 2012  
 Transport Assessment dated August 2012  
 Air Quality Assessment dated August 2012  
 Noise and vibration Assessment dated October 2012  
 Energy Strategy Report dated May 2012  
 Code for Sustainable Homes Assessment dated May 2012  
 Code for Sustainable Homes Flood Risk Assessment dated May 2012  
 Drainage Strategy dated May 2012

**Applicant:** Tower Hamlets Community Housing

**Owner:** Tower Hamlets Community Housing and Network Rail

**Historic Building:** Grade II listed railway viaduct

**Conservation Area:** No

## 2. RECOMMENDATION

That the Committee resolve to **REFUSE** planning permission for the following reasons:

- 2.2
1. The proposal would represent an overdevelopment of this constrained, brownfield site with the density of development exceeding density standards as set out in the London Plan, with insufficient external amenity space standards for future residential occupiers, insufficient levels of on-site disabled car parking facilities and an over-emphasis on larger family units which places undesirable pressures on existing and proposed on and of site amenity spaces, contrary to Policy 3.4 of the London Plan 2011, Policy SP02 of the adopted Core Strategy 2010, Policy HSG1 of the Interim Planning Guidance 2007 and the National Planning Policy Framework which seek to ensure the use of land is appropriately optimised in order to create sustainable places.
  2. The proposed amenity space, in particular the private and communal amenity space would be of poor quality and insufficient quantity to the detriment of the amenity of future residential occupiers of the site and would place unacceptable pressures on existing open spaces in the vicinity of the site. As such, the proposal is contrary to policy 3.6 of the London Plan (2011), saved Policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (Submission Version 2012 with modifications) and Policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residential occupiers.
  3. The development, in view of its proposed scale, form, layout, mass and elevational treatment would not provide a high quality design solution for this constrained site and would introduce an incongruous and alien built form, failing to respect existing townscape character and the local streetscene, contrary to Policies 7.1, 7.4, and 7.6 of the London Plan 2011, Policy SP10 of the adopted Core Strategy 2010, saved Policy DEV1 of the Unitary Development Plan 1998, Policy DM24 of the Managing Development - Development Plan Document (Submission Version May 2012 with modifications) and Policy DEV2 the Interim Planning Guidance (2007). These policies seek to ensure high quality design within the Borough whilst respecting and enhancing the existing local character and setting.

## 3. PROPOSAL AND LOCATION DETAILS

### Proposal

- 3.1 This application seeks consent for the erection of 93 residential units, located in two blocks which would lie to the east and west of Malcolm Road, along the southern boundary of the existing railway Viaduct. The development comprises of part 4 stories rising to a maximum of six stories in parts of the development.
- 3.2 The proposal includes the provision of refuse and cycle storage on site and the creation of a 'Homezone' on Mantus Road. An area of child play space is proposed on-site, and a public piazza/thoroughfare is incorporated at the junction of Malcolm and Mantus Road. Improvements are also proposed to the public realm immediately surrounding the proposed housing (within the red line boundary) including upgrading of the estate roads and public spaces.
- 3.3 The proposal include works within the Grade II listed railway viaduct to provide cycle storage for the proposed development submitted under planning application PA/12/01759. This will be dealt with under delegated authority.

## Site and Surroundings

- 3.4 The site, which measures 0.7 hectares and comprises of a strip of land bounded by the main Liverpool Street railway line to the north and a stopped up access road to the south, which is adjacent to existing residential properties of Lang Street, Ibbott Street, Kenton House, Hadleigh House and Braintree and Wickford House. Block A as proposed is located to the west of Malcolm Road with vehicular access from Wickford Street and Block B as proposed is located to the east of Malcolm Road and has its main frontage onto Mauntus Road, which is currently closed to vehicular traffic.
- 3.5 The existing residential blocks surrounding the application sites range between three and five stories in height and form the Bancroft Housing Estate. There are a mixture of flatted developments alongside some single family dwellinghouses. Bancroft Green comprises a large area of public open space located between Hadleigh and Kenton House to the south of the application site. This open space also comprises an area of children's play space with dedicated play equipment.
- 3.6 To the north of the railway viaduct lie a number of commercial units which are located within the railway arches. Further to the north lie a number of community buildings including a primary school, the Wessex Community Centre and a Mosque. To the north also lies Bethnal Green Gardens, a designated public open space within the borough.
- 3.7 The application site is not located within a conservation area, although the railway viaduct is Grade II listed. For this reason the applicants have submitted a parallel Listed Building Consent application which will be considered under delegated authority.
- 3.8 The site is well served by public transport links, it is located approximately 450 metres (10 minute walk) from Bethnal Green Underground Station which is served by the Central line. There are also numerous bus stops on Cambridge Heath Road and Bethnal Green road located within walking distance of the site and offering links in and around the borough. The site has the highest Public Transport Accessibility Level (PTAL) rating achievable of 6a.

## Planning History

- 3.9 The following planning decisions are relevant to the application:

### Application Site:

- PA/03/00264 Erection of a new 3 storey building in connection with the use of the site as a Community Centre and ancillary accommodation (Class D1) plus 12 parking spaces and loading bay (Outline Application).  
Permitted 22nd April 2003
- PA/08/02406 Outline permission for the erection of five, five storey blocks with ground floor retail space with 37 flats above, amenity space, private gardens, refuse stores, cycle stores and four wheelchair accessible parking spaces.  
Withdrawn 9th April 2009 following concerns from the Council relating to:
- Design
  - Proposed Retail floorspace
  - Loss of employment
  - Noise and Vibration
- PA/09/1626 and 1627 Outline permission and Listed Building Consent for Erection of five, blocks from three to five storeys with ground floor business space and 29 flats above including private and communal roof terraces, amenity space, private

gardens, refuse stores, cycle stores and three wheelchair accessible parking spaces. Retention of employment uses within arches  
Refused 20<sup>th</sup> November 2009

Reasons for Refusal:

PA/09/1626:

1. The proposed extension, by virtue of its inappropriate design, massing, scale and appearance, coupled with its proximity to the existing railway line would constitute a form of development that would be incongruous with its location, resulting in a building that would be out of keeping with the adjacent surroundings to the detriment of the existing environment. For these reasons the proposal would be contrary to Saved Policy DEV1 of the Unitary Development Plan (1998) and Policy DEV2 of the Interim Planning Guidance: Core strategy and development control plan (October 2007), which seek to ensure appropriate design and to consider the development capabilities of sites within the Borough.
2. The applicant has failed to provide sufficient information relating to the proposed elevational treatment of the buildings and how the proposals would relate to the existing street scene. Therefore, it is considered that the proposal does not demonstrate how the buildings would be of an appropriate design and would be contrary to Saved policy DEV1 of the Unitary Development Plan (1998) and Policies DEV2, CP4 and CP19 of the Interim Planning Guidance: development control plan and core strategy which seek to minimise negative environmental impacts when considering new developments, new developments to respect local character and for new developments to integrate well with their surroundings.
3. The applicant has failed to provide sufficient information relating to the noise and vibration levels on site due to the close proximity of the proposal to the railway line, and the impacts this would have upon the proposed and existing residential units. Therefore, it is considered that the proposal does not demonstrate how the amenities of residential occupiers will be safeguarded and is contrary to Saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998) and Policy DEV1 and DEV10 of the Interim Planning Guidance: Core strategy and development control plan (October 2007), which seek to safeguard the amenities of residential occupiers and ensure minimal disturbance in relation noise pollution within the Borough.
4. The quality of the proposed amenity space, in particular the playspace to the east of the site would be a poor quality to the detriment of the amenities of future residential occupiers of the site. As such, the proposal is contrary to Policy DEV2 of the Unitary Development Plan (1998) Policies DEV1 and HSG7 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) as well as Policy 3A.6 of the London Plan (2008) which seeks to ensure quality development, adequate provision and quality amenity spaces within new developments and to safeguard the amenity of future and existing residential occupiers of the Borough.
5. The quantity of the child play space proposed is unacceptable and does not accord with Policy 3D.13 of the London Plan (2008), Policy DEV1 of the adopted UDP (1998) and policy DEV2 of the Interim Planning Guidance (2007), as well as supplementary planning Guidance: Providing for Children and Young People's Play and Informal Recreation published by the Mayor of London which seek to improve amenity and liveability for residents including children and young people.

6. It is considered therefore that insufficient information has been submitted to demonstrate the appropriateness of the proposed B1 units in terms of their access, location and relationship with the proposed residential units. As such, the proposal contrary to Saved Policies DEV2, DEV50, EMP1 and T16 of the Unitary Development Plan (1998) and Policies DEV1 and DEV10 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007), which seek to retain employment sites, minimise noise disturbance and to ensure that business have reasonable operational access to their premises.

7. The applicant has failed to provide sufficient information relating to the levels of daylight and sunlight at the proposed units, particularly in relation to the habitable rooms with small window openings. Therefore, it is considered that the proposal does not demonstrate how the amenities of future residential occupiers will be safeguarded and is contrary to Saved Policy DEV2 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance: Core strategy and development control plan (October 2007), which seek to safeguard the amenities of residential occupiers within the Borough.

8. The proposed development, by virtue of its inclusion of small window openings within some habitable rooms would result in a built form that would create a poor outlook for the users of those rooms. Therefore, the proposal would be contrary to Saved Policy DEV2 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance: Core strategy and development control plan (October 2007), which seek to safeguard the amenities of residential occupiers within the Borough.

PA/09/1627:

1. Insufficient information has been submitted to allow for proper consideration of the proposal and its impact upon the Grade II listed viaduct. As such, the proposal fails to comply with Saved Policies DEV1 in the Unitary Development Plan 1998 and Policies DEV2 and CON1 of the Interim Planning Guidance: development control plan and core strategy (October 2007) as well as Planning Policy Guidance 15 which seek to ensure that developments would not have an adverse impact upon the fabric, character or identity of listed buildings within the borough.

PA/98/00003 Planning permission for the use of the land as garden centre. Granted 18<sup>th</sup> May 1998.

Surrounding Area: Bancroft Green and Site on Braintree Street

PA/12/2685 Planning application for Installation of temporary portacabin on Bancroft Green area for use as a mosque whilst building is being erected at 49 Braintree Street under planning permission PA/11/00987. Granted 1<sup>st</sup> February 2013

PA/11/00987 Planning application for Demolition of existing temporary structures and construction of purpose built Mosque and Cultural centre. Granted 5<sup>th</sup> September 2011

#### **4. POLICY FRAMEWORK**

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

#### 4.1 Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Archaeology
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Nature Conservation and Ecology
	DEV69	Efficient Use of Water
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Residential Amenity
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	OS9	Children's Playspace

#### 4.2 Core Strategy Development Plan Document 2010 (CS)

Policies:	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking
	SP13	Planning Obligations

#### 4.3 Managing Development Plan Document - Submission Version May 2012 with modifications (MD DPD)

Policies:	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity

DM27	Heritage and Historic Environment
DM29	Zero-Carbon & Climate Change
DM30	Contaminated Land

#### 4.4 Interim Planning Guidance (2007) for the purposes of Development Control (IPG)

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
	OSN2	Open Space

#### 4.5 Spatial Development Strategy for Greater London (London Plan 2011)

2.18	Green Infrastructure: the network of open and green spaces
3.1	Ensuring Equal Life Chances for All
3.2	Improving Health and Addressing Health Inequalities
3.3	Increasing Housing Supply
3.4	Optimising Housing Potential
3.5	Quality and Design of Housing Developments
3.6	Children and Young People's Play and Informal Recreation Facilities
3.7	Large Residential Developments
3.8	Housing Choice
3.9	Mixed and Balanced Communities
3.10	Definition of Affordable Housing
3.11	Affordable Housing Targets
3.12	Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
3.13	Affordable Housing Thresholds
3.14	Existing Housing
3.16	Protection and Enhancement of Social Infrastructure
3.17	Health and Social Care Facilities

- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

**4.6 London Plan Supplementary Planning Guidance/Documents**

- London Housing Design Guide 2012
- London View Management Framework 2010
- Draft London View Management Framework 2011
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004

**4.7 Supplementary Planning Guidance/Documents**

- LBTH Planning Obligations SPD 2012

**4.8 Government Planning Policy Guidance/Statements**

- NPPF National Planning Policy Framework

**4.9 Community Plan** The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

**5. CONSULTATION RESPONSE**

The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

**English Heritage (Statutory Consultee)**



5.1 Comments relate to the Listed Building Consent works specifically:

EH advise that the application should be determined in accordance with national and local policy guidance, and on the basis of LBTH specialist conservation advice.

#### **London Fire and Emergency Planning Authority**

5.2 No information has been related to fire service access and water supplies has been submitted. The LFEPA recommends that this information is made available (agreed) at the earliest opportunity.

(**Officer comment:** As an access road is proposed to be re-opened at the site, additional access to serve the existing estate and proposed residents is available. A condition could be imposed to secure full details of fire service access and water supplies, to be agreed and approved prior to the commencement of any works on site.)

#### **Thames Water**

5.3 The following comments have been received:

- The applicant is advised to install a non-return valve (or alternative device) to avoid the risk of backflow during storm conditions.
- Applicant is advised to contact Thames Water regarding surface water drainage and public sewers.
- Impact piling details to be submitted and approved in consultation with Thames Water
- Informative to be included regarding the minimum pressure provided by Thames Water.
- Surface Water Drainage should preferably be disposed of on site using SUDs-include as an informative.

(**Officer Comment:** The requested conditions and informatives will be included if planning permission is granted.)

#### **LBTH Biodiversity Officer**

5.4 A summary of the comments received are set out below:

- The application site currently has no significant biodiversity value. Therefore there will be no significant adverse impacts on biodiversity.
- Small-leaved Cotoneaster have been identified on site, a potentially invasive non-native species. A condition should be imposed to ensure that the shrubs are cleared outside the nesting season. A condition should also ensure that the Small-leaved Cotoneaster is disposed of in a way which will not allow it to grow in the wild.
- The proposed landscaping includes tree and shrub planting which will at least replace the shrub beds which are to be lost.
- A condition should require the applicant to demonstrate how the landscaping, including any green roofs, will enhance biodiversity.

(**Officer comment:** the requested conditions will be imposed on any planning permission issued.)

#### **LBTH CLC Department**

5.5 Comments

Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough.

- 5.6 The comments and requests for s106 financial contributions set out below are supported by the Planning Obligations Supplementary Planning Document (SPD). The development proposed will result in 224 new residents within the development. As a result the following planning obligations are required to mitigate against the impact of the development:

**Idea Stores, Libraries and Archives**

A total contribution of £28,224 is required towards Idea Stores, Libraries and Archives.

**Leisure Facilities**

A total contribution of £100,036 is required towards Leisure Facilities.

**Public Open Space**

A total contribution of £179,746.60 is required towards Public Open Space.

**Smarter Travel Contribution**

A total contribution of £3,360 is required towards Smarter Travel.

**Public Realm/Streetscene Contribution**

A total contribution of £15,252 is required towards public realm improvements.

**(Officer Comment:** The applicant has agreed to provide all of the above contributions requested to mitigate against the impacts of the development.)

**LBTH Access Officer**

- 5.7 No comments received to date.

**Crime Prevention Officer**

- 5.8 No comments received to date.

**LBTH Education**

- 5.9 No comments received to date.

Based on the Planning Obligations SPD 2012, the contributions required to mitigate against the impacts of this development for new school places in the borough are:

£482,893 (for primary and secondary school places).

This is based on provision for 19 primary school places and 9 secondary school places in the borough.

**(Officer Comment:** The applicant has agreed to provide the full contributions requested towards further school places.)

**LBTH Energy**

- 5.10 The energy strategy is principally supported and proposes to achieve a 41% reduction in CO2 emissions purely through energy efficiency and CHP. This exceeds the requirement of DM 29 but does not include any renewable energy technologies as required by Core

Strategy Policy SP11. We would therefore seek that the development be constructed to allow the future integration on renewable energy technologies i.e. the roof design to accommodate PV and include appropriate access for any future maintenance.

Conditions are requested for the following:

- Submission of a sample of the SAP (to show TER and DER) calculations to demonstrate the deliverability of the energy strategy.
- A code for sustainable homes level 4.

**(Officer Comment:** The scheme encompasses a flat roof design providing for the incorporation of renewables at a later date. The requested conditions will be included on the decision notice if planning permission is granted.)

### **LBTH Employment and Enterprise**

5.11 No comments received to date.

Based on the Planning Obligations SPD 2012, the contributions required to mitigate against the impacts of this development are:

£19,649.52 alongside non-financial contribution requests.

**(Officer Comment:** The applicant has agreed to provide the full financial and non-financial contributions requested towards employment and enterprise.)

### **LBTH Environmental Health- Noise and Vibration**

5.12 Based on the noise report submitted with the application, a post completion testing review is required to ensure the amenity of future occupants. This should be secured by condition if planning permission is granted.

**(Officer Response:** *The requested condition will be included on any planning permission issued*).

### **LBTH Environmental Health- Land Contamination**

5.13 No comments received to date.

**(Officer Comment:** *A condition for preliminary investigative works will be imposed to safeguard future residents should planning permission be granted.*)

### **LBTH Housing**

5.14 A summary of the comments provided are set out below:

- The scheme provides a good level of affordable housing, giving 39% by habroom with a split of 69 / 31% between rent and intermediate housing.
- The mix of unit sizes within each tenure is quite far off our policy ideal, but is considered overall to make a very useful contribution to meeting local needs. The development produces the high level of 41% of family-sized units which overall provides a useful response to local demand.
- Many units are provided with private outdoor space at the front and back of the building which is welcomed
- The building design is not distinguished by tenure which is supported
- There are 10 units identified for wheelchair accessible use and there are all either maisonettes or within the one core which provides 2 lifts. The Wheelchair units are 6

for sale and 4 for rent, with the rented units being 3 beds and 4 beds which is welcome. Further details are required of future lift provision and layouts.

- The units are all double aspect and all have balcony space facing south.
- I think that the communal areas to the south of the main block works well in providing a new area of open space which will be vehicle free apart from refuse servicing and access to wheelchair unit car spaces. The provision of 10 spaces (one for each wheelchair unit) is very welcome, but we would expect that if insufficient wheelchair users do not have a need for these spaces, they are not used for general parking purposes.
- I approve of the location of some cycle parking in covered shelters in front of the block. The arrangements to access the cycle stores under the arches will need to be carefully managed to keep the route behind the block secure from unauthorised access.
- I am pleased to see that the scheme incorporates URS for refuse as this provides a big improvement over normal refuse stores.
- It does not appear clear from the application the extent of the works that are to be carried out to improve the open space currently providing amenity space to the adjacent estate, although the application refers to carrying out improvements. It would seem sensible to clarify this item and include reference to it in the S106 agreement.

*(Officer response: The application is proposing to make a wider contribution towards public open space works which will include upgrading the Bancroft Green space).*

#### **Network Rail**

- 5.15 No comments received to date, although Network Rail are the applicants in this instance, therefore it is not necessary to seek their comments.

#### **Primary Care Trust**

- 5.16 The planning obligations sought to mitigate against the impacts of this development are £152,966.

**(Officer Comment:** the applicant has agreed to provide all health contributions requested.)

#### **LBTH Highways**

- 5.17 A summary of the officer comments are set out below:

- Should consult LFEPA following concerns raised by residents
- Cycle parking is sufficient and details of stands should be secured by condition
- Proposals for URS are acceptable
- Car and permit free agreement is supported at the site
- Provision of 8 spaces for the affordable family units is proposed and supported in line with the Councils permit transfer scheme, these spaces are proposed within the existing estate and will therefore need to be secured by legal agreement between the various interested parties.
- Condition required to secure a Construction Management Plan and details of cycle parking on site and final landscaping details.
- Objection is raised to the proposal to provide 10 disabled parking bays on-street within the Bancroft Green estate. The spaces should be located on-site and within adequate proximity of the accessible unit.

## **6. LOCAL REPRESENTATION**

- 6.1 A total of 666 neighbouring properties within the area shown on the map appended to this

report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The application underwent two separate consultations in September 2012 and following revisions received, further consultation was undertaken in February 2013. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No. of individual responses: 4	Against: 3	In Support: 1
No of Proforma Responses: 196	Against: 196	In Support: 0
No. of petitions: 1	Against: 0	In Support: 26

## 6.2 Density and land use

- Proposal will not bring benefits to the existing Bancroft Estate residents
- The majority of homes to be provided are to be private homes and not affordable for local residents
- No offices proposed as part of the application
- Insufficient affordable housing on site
- Proposals do not overcome the previous reasons for refusal and should therefore be refused
- Overly dense development

## 6.3 Design and Impact on Conservation Area

- Poor design of new buildings
- New development does not relate to the existing estate buildings

## 6.4 Amenity Impacts

- Proposal results in an increased demand in playspace
- Proposals do not contribute to the existing play area
- Proposed flats will be subject to noise and vibration impacts from railway line
- Loss of light to the proposed residential units
- Building line should be moved to minimise the impact of noise and vibration
- Increased overlooking/loss of privacy
- Loss of light to Ibbott Street

## 6.5 Impact of Transport

- Insufficient accommodation of new resident parking
- Loss of car parking space on Mantus Road
- Do not want to see Mantus Road opened- rat running will be a problem within the estate
- Refuse areas may cause nuisance

### Impact on local infrastructure

- Proposals provide no community facility as part of the proposals
- Insufficient access for fire and emergency vehicles
- Proposals may impact on the delivery of future infrastructure such as internet cables

6.6 The following issues were raised in representations that are not considered material to the determination of the application:

- 6.7
- Residents within Bancroft Green should be given priority to move into the new units as part of a transfer scheme in current overcrowded units.
  - Developers are only concerned with maximising profits
  - Impact on local property prices

Support:

- Good use of a vacant site
- Need for rented social accommodation
- Relieves overcrowding
- Improves anti-social behaviour
- Improves safety for walking and cycling

## **7. MATERIAL PLANNING CONSIDERATIONS**

7.1 The main planning issues raised by the application that the committee must consider are:

- 7.2
1. Land-use
  2. Density
  3. Design – Proposed Development
  4. Housing
  5. Amenity
  6. Transport Impacts
  7. Other planning matters

### **Land-use**

7.3 The sites for blocks A and B are vacant sites with no policy designations. The previous application (PA/09/1626) although refused, did not raise any issue with the principle of a residential development in this location. At National level, 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 promotes the efficient use of land, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets. Local Authorities are also expected to boost significantly the supply of housing and housing applications should be considered in the context of the presumption in favour of sustainable development.

7.4 At the local level, the Core Strategy also identifies that housing needs to be provided in accordance with the London Plan housing targets. These sites are within Bethnal Green South Ward and over the Plan period a total of 1,200 new homes are predicated to be delivered.

7.5 The subject site is a vacant brownfield site with no specific designations and is located within a predominantly residential area. In light of the above policies it is considered that the site is suitable for a form of residential development, However, for the reasons set out below, it is considered that the scale of development proposed on this site would be unacceptable and would not provide a satisfactory standard of accommodation for the future residents.

### **Density**

- 7.6 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 7.7 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Policies S07 and SP02 of the Core Strategy and Policy HSG1 of the Interim Planning Guidance 2007 (IPG) also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 7.8 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 6a.
- 7.9 In terms of density characteristics, the site and surrounding area has a largely urban character. Table 3.2 of the London Plan sets out that where accessibility to public transport is highest, densities in urban settings can reach up to 700 habitable rooms per hectare. The applicant has provided an accommodation schedule which states that the density of the proposal will be 461 habitable rooms per hectare (hr/ha). This density calculation relates to an application site which extends across the redline boundary shown below. This includes a substantial area of Bancroft Green and also Mantus Road which is an access road which runs through part of the site. In order to provide a more accurate assessment of density, public thoroughfares within the Bancroft Estate and also the Mantus Road estate road have been excluded from the red line boundary and this results in a reduced site area of 0.28 hectares (as outlined in green below). Based on this site boundary the density of the proposal will be 1218 habitable rooms per hectare. In the simplest of numerical terms, the proposed density would appear to suggest an overdevelopment of the site. However, the intent of the London Plan and the Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.



- 7.10 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to the standard of accommodation for prospective occupiers, impact on neighbours and associated amenity standards.
- 7.11 Policy HSG1 of the IPG states that solely exceeding the recommended density range (on its own) would not be sufficient reason to warrant refusing a planning application. It would

also be necessary to demonstrate that a high density was symptomatic of overdevelopment of the site. Typically an overdeveloped site would experience shortfalls in other areas which include:

- Access to sunlight and daylight
- Sub-standard dwelling units
- Increased sense of enclosure
- Loss of outlook
- Increased traffic generation
- Detrimental impacts on local social and physical infrastructure
- Visual amenity
- Lack of open space; or
- Poor housing mix

7.12 Whilst the proposed development is assessed in greater detail below, it is considered that the density of this development does experience a number of the shortfalls identified above which indicate an overdevelopment of this site.

- Lack of play space within the estate
- Poor housing mix
- Poor quality design
- Impact on the local streetscape
- Poor quality private amenity space abutting the railway lines

7.13 In overall terms, officers consider that the proposed scheme gives rise to a number of symptoms of overdevelopment. As such, the density is considered to be unacceptable and gives rise significant adverse impacts.

7.14 The proposals exceed the density standards set out within the London Plan and represents overdevelopment of this brownfield site contrary to Policy 3.4 of the London Plan 2011, Policies SP02 of the Core Strategy 2010, Policy HSG1 of the Interim Planning Guidance 2007 and the National Planning Policy Framework which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

### **Design**

7.15 Policy DM24 of the MD DPD requires development proposals to be designed to the highest quality standards, incorporating principles of good design. Some of these principles include ensuring design is sensitive to and enhances the local character and setting of the development.

7.16 The development can be seen as two related but distinct blocks. Block A is the smaller of the blocks and is located to the west of Malcolm Road. Block B is substantially longer and located to the east of Malcolm Road. Block A is predominantly four storeys with a six storey element at the eastern end, adjacent to Malcolm Road. Block B is a range of heights between three and six storeys (with lift towers above this). The taller elements of the



scheme would be located at the western end and towards the centre of the block and within the centre.

- 7.17 The design of the two blocks would follow a similar theme, which involves a building of varying depth, both at the front and rear, with sections on the upper floors projecting forward of the main building line in the form of projecting rectangular blocks. As a general rule the lower two floors would be positioned along a similar building line, albeit with elements are garden / defensible space cutting into part of the building line. The stair cores would project beyond this building line by 1.5m in most cases. The projecting box elements tend to be located at second floor and above, thus creating an overhang over the lower floors. The depth of the projection is varied at between 3m and 4m.
- 7.18 The design to the rear of the building is simpler with less projecting elements. Similar materials would be used but the building form would have more solid sections and decked access to the flats in some sections.
- 7.19 The materials to be used would be a mixture of brick, glazing and cladding. The lower two floors of both blocks would be a blond brick, the stair cores would be clear glazed, the upper floors, including the projecting boxes would be clad in metal in a mixture of blond, gold and brown.



#### Assessment of the Design

- 7.20 The architecture of the surrounding area, whilst not remarkable, is understated and befits a residential estate away from a town centre location or a busy thoroughfare. The buildings are comprised predominantly yellow stock brick/London brick buildings with sloping tiled roofs and generally UPVC windows. The architecture is calm in nature and the surrounding development generally respects this
- 7.21 By contrast, the treatment of the elevations of the proposed building, which is bold and exuberant, as portrayed by the overall variety of styles, materials and depth of projections, is not considered to suitably reflect the surrounding context. There is little relationship with

the existing townscape and it would sit uncomfortably within the streetscene.

- 7.22 Other good design principles include street patterns, building lines, setbacks and streetscape rhythm. Whilst there are a number of linear buildings within the Bancroft Green Estate, the Mantus Road block provides a linear form which exceeds that of any other building in the area. This is not reflective of the local street rhythm in the area and is uncharacteristic of the local streetscape. Whilst discussions were held to encourage the applicants to break up the Mantus Road block, this was not progressed by the applicants. This is considered unfortunate, as it would have helped resolve the current streetscape problems. The current design also provides substantial setbacks, overhangs and balconies which create a façade which is busy and somewhat confused.
- 7.23 Whilst the NPPF at paragraph 60 discourages the imposition of architectural styles or tastes, it does properly promote reinforce local distinctiveness. This proposal fails to take sufficient account of Policy DM24 above and the NPPF (para.60) as it is not sensitive to the existing local character and fails to enhance the local character and setting. It provides a design which, whilst contemporary in nature, imposes itself on the local streetscene and appears incongruous by reason of its overly detailed façade and mixed material palette.

#### Scale and Massing

- 7.24 The scale of the surrounding development is varied and the housing estate to the south consists of blocks of flats which generally sit at 90 degrees to the development site. These are generally between three and five storey blocks. The railway viaduct which borders the site to the north is approximately equivalent 3 storeys in height. Further away from the site to the west of Cambridge Heath Road there are a number of larger, more modern blocks, up to 11 storeys.
- 7.25 In the context of solely its height, it is considered that the proposal is not unacceptable, however as discussed in the previous section the scheme is considered to represent an overdevelopment of the site not least because of the narrow size of the plot which results in an unforgivingly lengthy building on plot Band the overly dense nature of the proposal.
- 7.26 The NPPF provides at paragraph 58 that development proposals should establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. It is considered that the proposal fails in this regard as it dominates the existing surrounding buildings both in architectural style and mass, resulting in a poor streetscape that pays little respect to the surrounding context.
- 7.27 It is possible that with a wider plot that this scale of building could be accommodated without appearing unduly out of character and over-dominant with the local context.

#### Permeability and Security

- 7.28 Saved UDP policy DEV1 and IPG policy DEV4 require development to consider the safety and security of users. Regard should also be given to the principles of Secure by Design. However, these matters must also be balanced against the requirements to promote site permeability and inclusive design.
- 7.29 The proposal seeks to redevelop this vacant site in an area where it is understood there is existing anti-social behaviour. The design of the building allows for the Mantus Road block to provide a significant degree of natural surveillance over the Bancroft Green open space which was encouraged by the Secure by Design pre-application discussions and in principle is supported.
- 7.30 The main pedestrian access into the development site is via Mantus Road and a pedestrian access off Malcolm Road, away from the Railway viaduct. Restricted access for

residents only will be provided to the rear of the site to allow residents to access the bike stores which are provided under the railway viaduct arches. Whilst this arrangement is not ideal as residents will have to traverse a significant distance from the eastern end of the block B, the rear of the site is also heavily overlooked by windows from the proposed development and on balance, given its limited use, is considered to be acceptable, subject to the detailing of the lighting and security.

- 7.31 As such it is considered that the layout of the development has improved the permeability and security of the application site, and the surrounding area of the Bancroft green estate. The proposal is therefore considered to accord with the requirements of saved UPD policy DEV1 and IPG policy DEV4.

## **Housing**

- 7.32 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 7.33 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan
- 7.34 The application proposes 93 residential (Class C3) units in the following mix when split into 62 market units (private sale), 15 affordable rent units and 16 shared ownership units.
- 7.35 This section of the report considers the acceptability of the housing provision on site in terms of affordable housing, mix of tenures, mix of dwellings sizes and provision of wheelchair units.

### Affordable Housing

- 7.36 As detailed in table 1 below, the proposal seeks to deliver 36.3% affordable housing provision by habitable room, which meets Council policy requirements.

Table 1	Units	% of units	Habitable rooms	% Hab rooms
Affordable Rent	15	16.1%	86	25.2%
Social Rent	0	0%	0	0%
Intermediate/ Shared Ownership	16	17.2%	38	11.1%
<b>Total Affordable</b>	<b>31</b>	<b>33.4%</b>	<b>124</b>	<b>36.3%</b>
Market Sale	62	66.6%	217	63.7%
Total	93	100%	341	100%

### Housing Mix and Tenure Mix

- 7.37 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.
- 7.38 Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of 3 bedrooms and above.

7.39 Policy SP02 of the CS also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families. The application proposes to provide 41% family sized accommodation throughout the development and exceeds the requirement of 45% of all affordable homes to be provided as family sized units.

Table 2 shows the applicants unit and tenure mix against policy requirements:

		Affordable Housing						Private Housing		
		Affordable Rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	LBTH target %	Unit	%	LBTH target %	Unit	%	LBTH target %
Studio/1bed	27	0	0%	30%	10	62.5%	25%	17	27.4%	50%
2bed	27	0	0%	25%	6	37.5%	50%	21	33.9%	30%
3bed	28	4	26.7%	30%	0			24		
4bed	11	11			0	0%	25%	0	38.7%	20%
5bed	0	0			0			0		
			73.3%	15%						
<b>Total</b>	<b>93</b>	<b>15</b>	<b>100%</b>	<b>100</b>	<b>16</b>	<b>100%</b>	<b>100</b>	<b>62</b>	<b>100%</b>	<b>100</b>

7.40 Within the Affordable Housing tenure, the application proposes affordable rented and Intermediate housing.

7.41 Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.

7.42 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. Home Buy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.

7.43 The Council's Housing team are supportive of the provision of affordable housing and also family sized units as part of the application proposal. The housing department do however acknowledge that overall mix is not ideal and does not comply with planning policy requirements. In broad terms, the mix as proposed provides no smaller affordable rented units, no larger family sized shared ownership units and an under provision of smaller private rented accommodation, namely studios and 1 bedroom units.

- 7.44 Whilst the level of affordable housing should be welcomed in pure housing delivery terms, particularly the level of larger family units (4+ bed unit in the affordable rented tenure) with all affordable rented units being delivered at POD rents, there is some concern that the proposed mix does not accord with the mix of housing size and types. The main concern however is that the over-emphasis on family affordable accommodation (4+ bedrooms) on such a constrained site would place further pressure on very limited on site amenity space provision and the existing amenity spaces that form part of the adjacent Bancroft Estate. This over-emphasis on larger family housing (in the affordable rented tenures) adds to the overall feeling that the proposal would represent an over-development of the site as highlighted above.

#### Wheelchair Housing and Lifetime Homes

- 7.45 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 7.46 Across the development, 10 residential units are proposed to be provided as wheelchair accessible which is 10% of all units and accords with Council policy. The units are to be distributed across the proposed tenures which is supported by LBTH housing. The delivery of 10% wheelchair accessible units is considered acceptable. If planning permission is granted a condition would be attached to ensure that the 10 wheelchair accessible units are delivered within the scheme and further details of the layout are submitted and approved. The applicants have also stated that 10 disabled car parking spaces are proposed to be provided for these units, however they are not identifiable within the revised drawings and may be proposed to be provided as on-street parking within the Bancroft Estate. In this circumstance, it is encouraged to provide on-site disabled car parking, as residents can apply for a blue badge and will have to compete for on-street spaces with existing residents. Given the existing level of parking stress, this is not considered to be an acceptable solution.
- 7.47 In terms of compliance with lifetime homes standards, each home has been designed to comply with Lifetimes Homes Standards. A condition will be included to ensure that these standards are secured.
- 7.48 In overall terms, the units fully comply with lifetime homes standards and are readily adaptable and the level of wheelchair housing provision is in accordance with the requirements of London Plan policy 3.8 and policy SP02 of the Core Strategy 2010.

#### **Amenity**

##### Internal Space Standards

- 7.49 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5, MD DPD policy DM4 and saved UDP policy HSG13 requires new development to make adequate provision of internal residential space.
- 7.50 The proposed development is designed to the Housing Design Guide standards and therefore is acceptable in terms of internal space standards.

##### Daylight and Sunlight

- 7.51 Daylight is normally calculated by two methods - the Vertical Sky Component (VSC) and No Sky Line (NSL). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching

windows. These figures should be read in conjunction with other factors including NSL. NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value, or there will be a discernible loss of daylight.

7.52 Many of the existing residential units comprise external/overhanging balconies providing private amenity space. The balconies provide additional alternative amenity, but are also responsible inhibiting the daylight levels received to the windows below. BRE guidance acknowledges that this is a common occurrence and allows applicants to undertake a daylight assessment both with the balcony in place and without the balcony, to provide a level of flexibility in the interpretation of the results in the instance of windows beneath balconies.

The submitted assessment undertook a review of the following surrounding buildings:

- Wickford House
- Braintree House
- Sceptre House
- Lang Street
- Hadleigh House
- Kenton House
- Ibbott Street
- Rickman Street

7.53 The report demonstrates that of the 145 windows tested, 110 pass the daylight test, resulting in 35 failures in various buildings. Many of these buildings comprise balcony overhangs and therefore in accordance with the BRE guidance, the daylight assessment was undertaken again it was found that there were only 12 failures. The failures are relatively marginal and for clarification of the failures are set out below:

Block	VSC Ratio (against a target of 0.8)	Pass/Fail	Room served (if known)
Wickford House (East facing)	0.79	Marginal Failure	Unknown (Ground floor)
Braintree House (West Facing)	0.79	Marginal Failure	Unknown (Ground floor)
20 Lang Street	0.79	Marginal Failure	Unknown (First floor)
22 Lang Street	0.67	Minor Failure	Unknown (Ground floor)
22 Lang Street	0.65	Minor Failure	Unknown (First Floor)
22 Lang Street	0.74	Marginal Failure	Unknown (Second floor)
Hadleigh House (North East facing)	0.79	Marginal Failure	Unknown (Ground floor)
Kenton House	0.77	Marginal Failure	Unknown (Ground Floor)
Ibbott Street (Front, no's 1-15)	0.72	Marginal Failure	Unknown (Ground floor)

Ibbott Street (Front, no's 1-15)	0.76	Marginal Failure	Unknown (Ground floor)
Ibbott Street (Front, no's 1-15)	0.79	Marginal Failure	Unknown (Ground floor)
Ibbott Street 14 (Rear of)	0.71	Marginal failure	Kitchen, ground floor level.

7.54 The submitted assessment also reviewed loss of sunlight for windows facing within 90 degrees of due south. All windows analysed meet the guidelines for daylight requirements.

7.55 Whilst the new development will result in some loss of daylight to a small number of windows within the existing Bancroft Green estate, Officers consider that given the low number of failures, the urban location of the site, the separation distances and building heights which have been integrated with the site and surroundings, that on balance, impact of the development on daylight to neighbouring properties is considered to be acceptable.

#### New Build Residential Development

7.56 The daylight assessment for the new blocks to be constructed has been carried out by testing the 15 rooms within the proposed development, of the rooms tested; all but one met the daylight requirements. All units are proposed to be dual aspect and on balance, it is considered that the proposed light within the new development will be acceptable.

#### Sense of Enclosure, Outlook and Privacy

7.57 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MD DPD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. These policies are further supported by policies DEV1 of the IPG and DEV2 of the UDP.

7.58 In terms of impacts upon neighbouring properties, those which are the most sensitive are residential blocks which lie to the south of the site, however all blocks lie at right angles the proposed development and therefore only flank elevations of existing residential blocks will face the proposed development. The majority of these dwellings and residential blocks have no windows within the flank elevation and will have limited impact on the privacy enjoyed by existing residents.

7.59 In accordance with policy DM25 of the MD DPD, a reasonably acceptable separation distance between directly facing habitable rooms' windows to ensure privacy is maintained is 18 metres.

#### Noise

7.60 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.

7.61 As discussed above, the application site adjoins the Railway Viaduct route which has the potential to cause noise disturbance to the future residents located to the rear of the site. Environmental Health officers have reviewed the submitted report and consider the details to be acceptable subject to post completion testing. Should consent be granted a condition for such testing would be requested. With these controls the occupants of the development would not suffer from any unreasonable noise or disturbance and the proposal would be

acceptable.

### Residential Amenity Space

- 7.62 Policy DM4 of the MD DPD sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor's Housing Design Guide (2010), recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant. Each residential unit within the proposed development provides private amenity space, in the form of balconies and gardens.
- 7.63 Housing Supplementary Planning Guidance 2012 provides details of the baseline requirements that development proposals should seek to achieve. Whilst the residential units accord in meeting the required private amenity space by virtue of quantity, there are concerns over the quality of the space which is proposed to be provided. The baseline requirements, (section 4.10.3) within the Housing Supplementary Planning Guidance 2012, requires all external amenity spaces to be at least 1.5 metres in depth, to ensure they provide a usable space for future residents. This is not achieved in a number of instances across the development site. At ground floor level, some of the rear garden are less than 1 metre deep and comprise a long thin strip of amenity space which is not considered to be a usable quality private amenity space for future residents. This is compounded by the poor light that would be received by these gardens as they are bounded to the north by the 2 storey high railway viaduct and to the south the development itself.
- 7.64 For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 93 units the minimum communal amenity space required would be 263sqm. Overall, the proposal is said to deliver 1650sqm of communal amenity space located in a re-landscaped area at the junction of Malcolm Road and Mantus Road which seeks to create a Piazza environment with some seating and upgraded landscaping. Communal amenity space is also provided by the homezone along Mantus Road, details of which, if accepted would be subject to a condition. The space is designed to provide incidental play elements and informal courtyard/spill out areas. However, whilst it would be closed to general traffic, it also provides access for servicing and refuse collection, and would be accessible to the public. The provision of this space is supported as usable amenity space; however given its multi-functional use and public access, it could not be regarded as communal amenity space for the purposes of DM4 of the MD DPD.

### Child Play Space

- 7.65 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' (which sets a benchmark of 10 sq.m of useable child play space per child).
- 7.66 Using the GLA SPG child yield calculations, the overall development is anticipated to accommodate 34 children and accordingly the development should provide a minimum of 340 sq.m of play space in accordance with the London Plan and the emerging MD DPD's standard of 10sq.m per child. This requirement is broken down as follows:

	London Plan/SPG Policy Req't	%	Proposed within scheme
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Child Play Space-Under 5	60 sq.m	18%	80sq.m
Child Play Space-Under 5-11	190 sq.m	56%	
Child Play Space-Under 12+	90 sq.m	26%	
Total	340sq.m		
Shortfall Child Play Space	260sq.m		

- 7.67 The scheme delivers 80sqm of on-site playspace; this caters for the children aged 0-5 only. There is an obvious shortfall of on-site playspace for some 5-11 year olds and the 12 and above age groups. The details of this playspace would be conditioned to ensure appropriate landscaping and equipment was provided within the space.
- 7.68 The Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. Bethnal Green Gardens and Bancroft Green are located to the south and north of the site, less than a 3 minute walk away. Planning obligations have been secured towards local public open spaces and this would include Bethnal Green Gardens and Bancroft Green. Whilst no child play space is provided on site for some 5-11 year olds and the 12 + age groups, it is considered that there are adequate facilities within close proximity to the site to accommodate these children.
- 7.69 Whilst on balance the proposal is considered to provide child play which accords with policy requirements, the quality of the private amenity space proposed on site is not considered to be of a standard which offers quality amenity space for future residents. In addition, the provision and balconies and gardens 3 metres from the railway viaduct would not render the amenity spaces usable by future residents for amenity purposes.
- 7.70 On balance, it is considered that the scheme fails to deliver quality and usable private amenity space for future residential occupiers. It is considered that proposal fails to accord with saved UDP Policy HSG 16 (1998) and policy HSG7 of IPG (2007) and London Plan policy 3D.13.

### **Transport, Connectivity and Accessibility**

- 7.71 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 7.72 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the MD DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 7.73 As detailed earlier in this report, the site has an excellent public transport accessibility level (PTAL) of 6a (1 being poor and 6 being excellent). The site is located within 580m walk of Bethnal Green Station providing access to the Central line and 620m walk of Stepney Green providing access to the District Line and the Hammersmith and City lines. It is served by 7 different bus services detailed in the transport assessment, all of which provide for 55 buses per hour in each direction.

### Car Parking

- 7.74 Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the CS and Policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 7.75 IPG Planning Standard 2 sets a policy maximum car parking ratio of 0.5 spaces per residential unit, where it can be shown that the proposed level would not result in a detrimental impact on the safe and free flow of traffic on the surrounding highway network. MD DPD Parking Standards sets specific parking levels based on the PTAL of a given site, at the development site, units with less than 3 bedrooms have a minimum parking standard of 0.2 spaces per unit with 3 bedrooms plus being 0.3 spaces per unit. At the application site, the MD DPD policy parking standards would permit the provision of a maximum 18.6 spaces. The proposed development seeks to deliver 0 car parking spaces is considered to accord with planning policy.
- 7.76 A travel plan will also be secured for the new development to encourage future residents to use public transport and alternative modes for all journeys.

### Disabled Car Parking

- 7.77 The proposal is required to provide 10% disabled car parking spaces that must be in an accessible and convenient location in relation to the wheelchair-accessible flats. If they are not to be on-site, they can only be in the adjoining estate's car parking provision, as on-street parking is very stressed. The applicant is unable to clarify where the disabled spaces would be located and it is considered that this cannot be conditioned as the co-operation of third party (i.e. LBTH and THH) would be required to secure these spaces. Without an understanding of where the spaces would or even could be, unless provided on-site, officers cannot be satisfied that they would be in a convenient location in relation to the wheelchair accessible flats.
- 7.78 Accordingly, it is the view of officers that whilst the level of general car-parking is considered acceptable, the provision of disabled car-parking is unsatisfactory and this is considered to be a symptom of the overdevelopment of the site.

### Servicing and Deliveries

- 7.79 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in IPG CS Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.
- 7.80 Deliveries and servicing, and in particular refuse servicing are proposed from Malcolm Road and Mantus Road along the homezone. A Delivery and Servicing Plan would be requested by condition alongside a Construction Logistics Plan to minimise the impact on the local highway.

### Waste, Refuse & Recycling

- 7.81 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the development.
- 7.82 Notwithstanding the above, the scheme shows adequate storage facilities on site to serve the proposed development and indicative locations for URS systems along Mantus Road, and this arrangement is therefore considered to be acceptable. .

### Provision for Cyclists

7.83 In accordance with cycle parking requirements, 137 cycle parking spaces have been provided in various storage locations around the site. This provision includes visitor parking to serve the development. 43 of the spaces would be located in the listed arches to the rear of the site forming part of the viaduct. This element of the proposal requires listed building consent and can only be implemented if both Listed building consent and planning permission is approved. The proposal therefore complies with London Plan policy 6.13.

### **Energy & Sustainability**

7.84 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.

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

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

7.86 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

7.87 The information provided in the submitted energy strategy is principally in accordance with adopted the climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The Council's Sustainability & Renewable Energy Team have commented that the proposed development exceed with draft Policy DM29 of the draft Managing Development DPD (2012) which requires:

- 2011-2013 = 35% CO2 emissions reduction;
- 2013-2016 = 50% CO2 emissions reduction; and
- 2016-2031 = Zero Carbon

7.88 The planning application follows the Mayor's energy hierarchy and sets out that the development seeks to make use of energy efficiency and passive measures to reduce energy demand (Be Lean), integrate a communal heating scheme incorporating a Combined Heat and Power engine to supply the development (Be Clean) and utilise photovoltaic panels (Be Green) to reduce overall CO2 emissions. The CO2 emissions achievable from this approach are noted as circa 41%. This exceeds the policy requirements of emerging policy DM29 and the London Plan Policy 5.2 requirements and is considered acceptable.

7.89 Code (Level 4) ratings are currently proposed as minimum levels for all new residential units, and considered acceptable.

### **Contamination**

7.90 In accordance with the requirements of the NPPF, saved UDP policy DEV51 and policy DM30 of the MD DPD.

7.91 Whilst the Council's Environmental Health Officer has not responded a condition to secure and whilst a desk study has been submitted with the application, further exploratory works

and remediation would be requested.

### **Flood Risk**

- 7.92 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process.
- 7.93 The development falls within Flood Risk Zone 1 and therefore by a flood risk assessment is not required to be submitted with the application.

### **Health Considerations**

- 7.94 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 7.95 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 7.96 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.
- 7.97 The applicant has agreed to financial contributions towards leisure, community facilities and health care provision within the Borough.
- 7.98 The application will also propose open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.
- 7.99 It is therefore considered that the financial contribution towards healthcare and community facilities and leisure will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

### **Section 106 Agreement**

- 7.100 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 7.101 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 7.102 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and Policy IMP1 of the Council's IPG and policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial

contributions to mitigate the impacts of a development.

7.102 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

7.103 This proposal provides 36.3% affordable housing alongside the full contribution request of planning obligations. The scheme is therefore able to mitigate against the full impacts of the proposed development by providing contributions to all key and other priority areas, whilst delivering a lower affordable housing contribution overall.

7.104 Based on the Council's s106 SPD, LBTH Officers sought to deliver 36.6% on-site affordable housing and a full contribution of planning obligations, to mitigate against the impacts of the development.

7.105 The obligations can be summarised as follows:

**Financial Obligations**

- Education: £482,893
- Enterprise & Employment: £19,649.52
- Community Facilities: £128,260
- Health: £152,966
- Sustainable Transport: £3,360
- Public Realm Improvements: £194,998.60
- Monitoring & Implementation 2% of total

Total Financial contribution: 1,001,769.66

**Non-Financial Obligations**

- 36.6% affordable housing
- Access to employment initiatives
- Permit free agreement
- Travel Plan
- Code of Construction Practice

**Localism Act (amendment to S70(2) of the TCPA 1990)**

7.106 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

7.107 In dealing with such an application the authority shall have regard to:

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

7.108 Section 70(4) defines “local finance consideration” as:

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

7.109 In this context “grants” might include the new homes bonus and payment of the community infrastructure levy.

7.110 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

7.111 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to a scheme of this size is £543,060 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 36.3% affordable housing and will therefore qualify for social housing relief on a proportion of this sum.

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

7.113 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £135,617 within the first year and a total of £813,701 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

### **Human Rights Considerations**

7.114 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:-

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

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention

Article 8); and

○ Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.

- 7.116 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 7.117 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 7.118 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.
- 7.119 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.120 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.
- 7.121 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

- 7.122 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.123 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

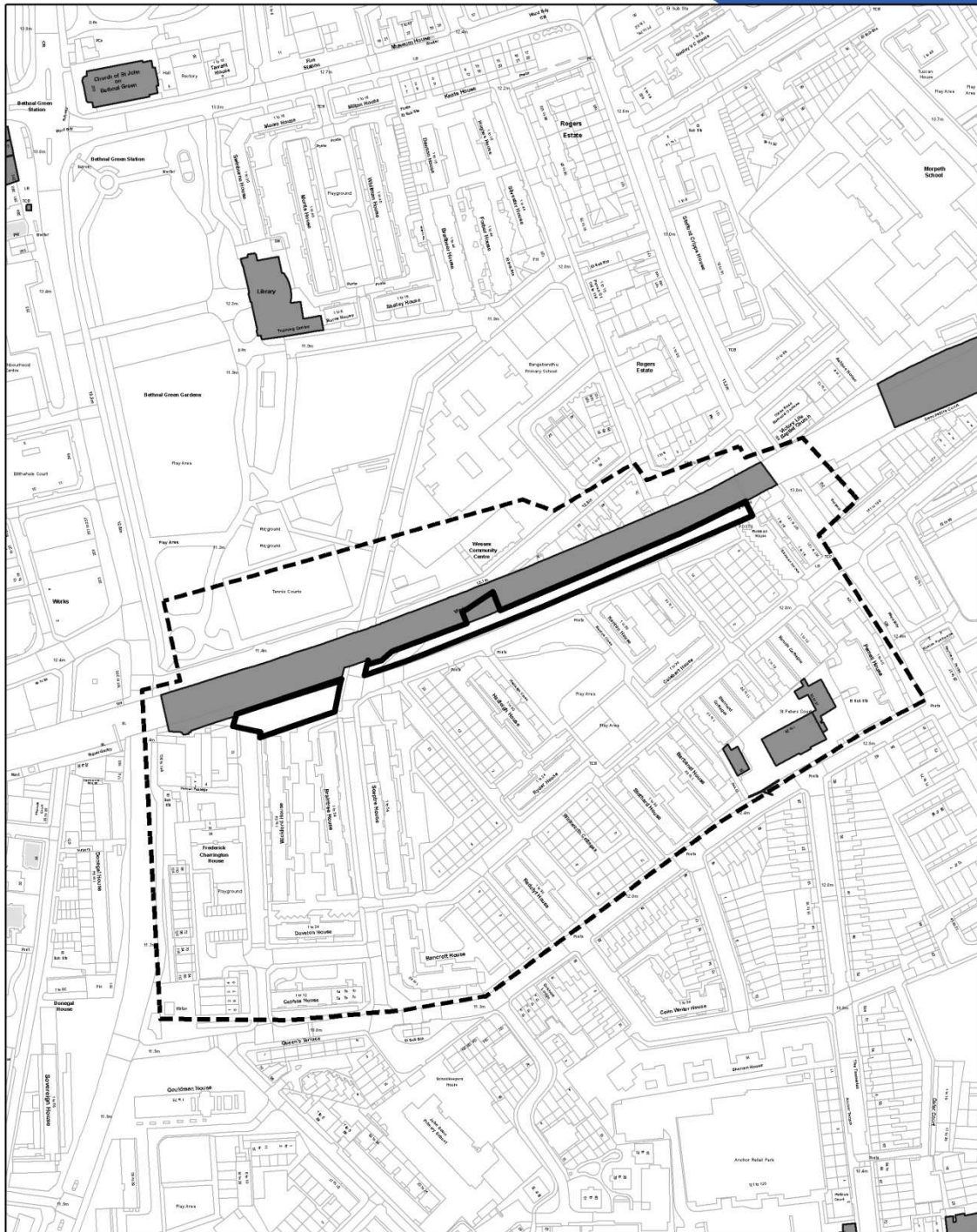
- 7.124 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 7.125 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces and play areas, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 7.126 The contributions to affordable housing support community wellbeing and social cohesion.

### **Conclusions**

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

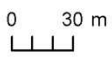


# Planning Application Site Map PA/12/01758



-  Planning Application Site Boundary
-  Consultation Area

-  Locally Listed Buildings
-  Statutory Listed Buildings



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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# Agenda Item 7.2

<b>Committee:</b> Development	<b>Date:</b> April 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 7.2
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application & Listed Building Consent
<b>Case Officer:</b> Adrian Walker	<b>Ref No:</b> PA/12/02632 & PA/12/02633
	<b>Ward:</b> Weavers

## 1.0 APPLICATION DETAILS

**Location:** Bath House, Dunbridge Street, London  
**Existing Use:** Roofspace above residential block  
**Proposal:** Removal of existing hipped roof to Block E and replacement with new mansard roof to provide 2 x 1 bedroom flats and 1 x 2 bedroom flat including raising the stairwells and associated works to refuse and cycle stores.

**Drawing Nos/Documents:** 2008/5/01, 2008/5/02, 2008/5/03 Rev. A, 2008/5/04 Design and Access Statement, Heritage Statement and NPPF Considerations, Townscape & Visual Impact Assessment, 2013/3/R1, Bicycle Rack details, and Site Plan showing cycle rack location and refuse and recycling stores.

**Applicant:** Valbella Business SA  
**Ownership:**  
**Historic Building:** Grade II Listed  
**Conservation Area:** Fournier Street/Brick Lane

## 2.0 **SUMMARY OF MATERIAL PLANNING CONSIDERATIONS FOR FULL PLANNING PERMISSION**

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission Version 2012 with modifications), the London Plan 2011 and the National Planning Policy Framework and has found that:

1. The proposed external alterations and roof extension have been sensitively designed and are appropriate in terms of design, finished appearance and building height within the context of the surrounding built form. As such, it is considered that the proposal would preserve the character and appearance of the Grade II Listed Building and the Fournier Street/Brick Lane Conservation Area, in accordance with Policy SP10 of the Council's adopted Core Strategy (2010), saved Policies DEV1, DEV27, DEV30 and DEV37 of the Unitary Development Plan (1998), Policies DM24 and DM27 of the Managing Development DPD (Submission Version 2012 with modifications), Policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007) and government guidance set out in Section 12 of the National Planning Policy

Framework (2012). These policies and government guidance seek to ensure that development is well designed and that it preserves or enhances the character and appearance of the Borough's Conservation Areas.

2. The proposal makes efficient use of the site and provides an increase in the supply of housing. As such, the proposal would accord with Policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (submission version 2012) which seek to ensure the use of land is appropriately optimised.
3. The layout and size of the proposed residential units accords with the requirements of Policy 3.5 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development DPD (Submission version 2012 with modifications) and the Housing Supplementary Planning Guidance - London (2012). These policies seek to ensure that all new housing developments have adequate provision of internal space in order to provide an appropriate living environment.
4. It is considered that the overall provision of amenity space is adequate and is in accordance with Policy SP02 of the Council's adopted Core Strategy (2010), saved Policy HSG16 of the Unitary Development Plan (1998), Policy DM4 of the Managing Development DPD Submission version 2012 and Policy HSG7 of the Interim Planning Guidance (2007). These policies require adequate provision of housing amenity space for new homes.
5. The proposal does not result in any unduly detrimental impacts in terms of privacy, overlooking, sunlight and daylight or sense of enclosure for existing or future residents. As such, the proposal would accord with Policy SP10 of the Core Strategy (2010), saved policies DEV2 and DEV50 of the Council's Unitary Development Plan (1998), policy DM25 of the Managing Development DPD (Submission Version 2012 with modifications) and Policies DEV1 and DEV10 in the Interim Planning Guidance (2007), which seek to protect residential amenity.
6. Subject to a condition, the proposal includes adequate provision of secure cycle parking facilities, in accordance with the requirements of policy DM22 of the Managing Development DPD (Submission Version 2012 with modifications), Policy DEV16 of the Interim Planning Guidance (2007) and Policy 6.9 of the London Plan (2011). These policies promote sustainable forms of transport and seek to ensure that development proposals include adequate provision of secure cycle parking facilities.
7. The development would be secured as car free and as such it complies with policies 6.1 and 6.13 of the London Plan (2011), policy SP09 of the Adopted Core Strategy (2010) and policy DM22 of the Managing Development DPD (Submission Version 2012 with modifications). These policies seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.
8. Subject to a condition, the proposal includes adequate facilities for the storage of waste and recyclables, in accordance with saved Policies DEV55 and DEV56 of the Unitary Development Plan (1998), policy DM14 of the Managing Development DPD (Submission Version 2012 with modifications), Policy DEV15 of the Interim Planning Guidance (2007) and Policy 5.17 of the London Plan (2011).

### **3.0 RECOMMENDATION FOR FULL PLANNING PERMISSION**

3.1 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

#### **3.2 Conditions on Planning Permission**

- (1) Time Limit (Three Years)
- (2) Development to be built in accordance with approved plans
- (3) Full details of facing materials to be used for the development
- (4) Section 106 no on-street parking permits
- (5) Refuse
- (6) Cycle parking provision
- (7) Restriction on the hours of construction (8am - 6pm Monday to Friday and 8am - 1pm Saturday only)
- (8) Construction Management Plan
- (9) Highways

Any other conditions(s) considered necessary by the Corporate Director  
Development & Renewal

#### **3.3 Informative on Planning Permission**

- (1) CIL
- (2) Contact Building Control

### **4.0 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS FOR LISTED BUILDING CONSENT**

4.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission Version 2012 with modifications), the London Plan 2011 and the National Planning Policy Framework and has found that:

1. Subject to conditions requiring the submission of materials, the proposed roof extension, is sympathetic to the fabric of the Grade II Listed building and will preserve the appearance and character of the Fournier Street/Brick Lane Conservation Area in line with the National Planning Policy Framework (2012), policies 7.4, 7.6 and 7.8 of the London Plan (2011), policy SP10 of the Core Strategy (2010), saved policies DEV1, DEV9, DEV27, DEV31 and DEV37 of the Unitary Development Plan (1998), policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007), and policies DM24 and DM27 of the Managing Development DPD (submission version 2012). These policies aim to ensure that development is of high quality design, positively responds to its setting, and preserves the architectural quality and setting of borough's heritage assets.

## **5.0 RECOMMENDATION FOR LISTED BUILDING CONSENT**

- 5.1 That the Committee resolve to GRANT listed building consent subject to the following conditions and informatives:

### **5.2 Conditions on Listed Building Consent**

- (1) Time Limit (Three Years)
- (2) Development to be built in accordance with approved plans
- (3) Full details of facing materials to be used for the development

Any other conditions(s) considered necessary by the Corporate Director  
Development & Renewal

## **6.0 PROPOSAL AND LOCATION DETAILS**

### **The Proposal**

- 6.1 The applicant is seeking planning permission for the demolition of existing hipped roof to Block E and replacement with new mansard roof to provide 2 x 1 bedroom flats and 1 x 2 bedroom flat including raising the stairwells and associated works to refuse and cycle stores.

### **Site and Surroundings**

- 6.2 The proposal relates to a three storey residential building known as block E within Bath House complex. The entire Bath House complex is bounded by Ramsey Street to the north and east and Cheshire Street runs south. The west elevation faces the rear of properties along Hereford Street. The application site lies on the corner of the eastern end of Ramsey Street close to the junction with Cheshire Street. The application site faces a residential block of maisonettes consisting of 3 double storeys. The site lies within the Fournier Street/Brick Lane Conservation Area and consists of several Grade II listed buildings.
- 6.3 The Bath House complex is made up of 7 blocks of solely residential units and 1 block consisting of a boxing club with residential units below. Within the site there are a number of Grade II Listed buildings with the others being listed within the curtilage of a Grade II Listed Building. The complex was first developed in the early 1990's into a 47 residential units; a further 3 were added in 2009. Block E was built in the first stage of the development in the 1990's and is attached to block D which was part of the original Bath House.
- 6.4 The area surrounding the application site is predominantly residential in character. The surrounding built form within Bath House is made up of buildings which are mostly low rise, 2/3 storeys; however, the local area consists of buildings about four to six storeys in height.

### **Planning History**

- 6.5 **PF/12/00030:** Creation of a mansard roof extension to facilitate the creation of three one bedroom units. Pre Application Closed 21/05/2012

**PA/09/02033:** Submission of details pursuant to condition 2 (further details) of listed

building consent dated 1 April 2008, reference TH12285/PA/07/01974. Permitted 02/11/2009

**PA/09/01643:** Submission of details pursuant to conditions 3 (bin store) and 6 (construction management plan) of Council's planning permission dated 1 April 2008, reference: TH12285/PA/07/01973. Permitted 02/11/2009

**PA/07/01974:** Works in connection with conversion of part of basement to provide 4 flats (2x2 bedroom and 2x1 bedroom) and associated works including 2 new lightwells and relocation of bin store. Permitted 01/04/2008

**PA/07/01973:** Conversion of part of basement to provide 4 flats (2x2 bedroom and 2x1 bedroom) with associated works including 2 new lightwells and relocation of bin store.(Additional information received). Permitted 01/04/2008

### **Enforcement**

**ENF/12/00382:** Breaches of conditions of PA/07/01973 and PA/07/01974 (detailing of bin store, windows, paintwork and finishing). On-going enquiry

**ENF/09/00352:** Breach of conditions 5 (noise insulation) and 6 (construction management plan) of planning permission PA/07/01973 dated 1st of April 2008 of LBTH. Case closed

## **7.0 POLICY FRAMEWORK**

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

### **7.2 The London Plan Spatial Development Strategy for Greater London (July 2011)**

Policies	3.3	Increasing housing supply
	3.4	Optimising housing potential
	3.5	Quality and Design of Housing Development
	3.8	Housing Choice
	3.9	Mixed and Balanced communities
	5.1	Climate change mitigation
	5.2	Minimising carbon dioxide emissions
	5.3	Sustainable design and construction
	5.5	Decentralised energy networks
	5.6	Decentralised energy in developments
	5.7	Renewable Energy
	5.13	Sustainable Drainage
	5.17	Waste Capacity
	6.5	Funding Cross rail and other strategic transport
	6.9	Cycling
	6.10	Walking
	6.13	Parking
	7.1	Buildings London Neighbourhoods and community
	7.2	An Inclusive environment
	7.3	Designing out Crime
	7.4	Local character

7.6	Architecture
7.8	Heritage Assets and Archaeology

### 7.3 Adopted Core Strategy 2025 Development Plan Document (September 2010)

Strategic Objectives	SO7 – SO9	Urban Living for everyone
	SO10	Creating Healthy and Liveable Neighbourhoods
	SO14	Dealing with waste
	SO19	Making connected places
	SO21	Creating attractive and safe streets and spaces
	SO23	Creating Distinct and durable places
	SO24	Working towards a zero carbon borough
	SO25	Delivering Place making
Policies	SP02	Urban Living for Everyone
	SP05	Dealing with waste
	SP09	Creating attractive and safe streets and places
	SP10	Creating Distinct and Durable Places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Successful Place making

### 7.4 Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV6	Energy Efficiency
	DEV9	Control of Minor Works
	DEV12	Provision of landscaping within new developments
	DEV30	Roof storeys within conservation areas
	DEV50	Noise
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	HSG7	Dwelling Mix and Type
	HSG13	Housing Space Standards
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the road network
	T21	Pedestrian needs in new developments
	T21	Pedestrian needs in new developments

### 7.5 Managing Development Plan Document (Submission Version 2012 with modifications)

Policies	DM3	Delivering Homes
	DM4	Housing Standards and amenity
	DM8	Community infrastructure
	DM9	Improving air quality
	DM13	Sustainable drainage
	DM14	Managing Waste
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM24	Place Sensitive Design



DM25	Amenity
DM27	Heritage and the Historic Environment

## 7.6 Interim Planning Guidance for the purposes of Development Control (October 2007)

Policies	DEV1	Amenity
	DEV2	Character and Design
	DEV4	Safety and security
	DEV6	Energy efficiency and renewable energy
	DEV5	Sustainable design
	DEV10	Disturbance from noise pollution
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes
	DEV19	Parking for motor vehicles
	CON1	Conservation Areas
	CON2	Conservation Areas
	HSG2	Housing Mix
	HSG7	Housing Amenity Space

## 7.7 Government Planning Policy Guidance/Statements

NPPF 2012 National Planning Policy Framework

## 7.8 Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

- Healthy Communities
- Safe and Supportive Communities

## 7.9 Supplementary Planning Guidance/Documents

Housing Supplementary Planning Guidance - London (2012).  
Fournier Street/Brick Lane Conservation Area Appraisal

## 8.0 CONSULTATION RESPONSE

### 8.1 LBTH Transportation & Highways

- The subject site is located in an area of good public transport accessibility (PTAL 4)*
- Highways is satisfied with the provision of 15 secure cycle storage spaces for the proposed new flats and some of the existing flats.*

*If planning permission is granted please include the following:*

- A S106 car and permit free agreement is to be secured.*
- Section 278 Agreement of the Highways Act 1980 to secure the cost for any damage caused to the public highway*
- The footway and carriageway on the surrounding highway must not be blocked during the construction and maintenance of the proposal.*
- No skips or construction materials shall be kept on the footway or carriageway on the surrounding highway at any time.*
- All construction vehicles must only load/unload/park at locations and within the times permitted by existing on-street restrictions*

(Officer comment: Conditions/Informatives will be imposed to ensure LBTH Transportation and Highways requirements are secured.)

## **8.2 LBTH Waste Management**

*Waste storage capacity is not sufficient. Please follow the following guidelines. This site would require 7080L of refuse capacity and 3260L of recycling capacity based on total number of existing units (51) and additional proposed units (3).*

(Officer comment: The waste storage arrangements will be dealt with in the refuse section of the report.)

## **8.3 The Spitalfields Historic Buildings Trust**

No comments received

## **8.4 The Spitalfields Society**

No comments received

## **8.5 English Heritage**

Application should be determined in accordance with local specialist advice

## **9.0 LOCAL REPRESENTATION**

9.1 193 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application was publicised on site by way of a site notice. Thirty-three separate representations in objection were received from neighbours and local groups in response to notification and publicity of the application. The following concerns were raised in the letters of objection to the scheme:

### Representation Comments

#### 9.2 Amenity

- The construction works will result in significant disruption for residents, dust and noise, health and safety issues and overall amenity;

(Officer comment: A condition will be imposed to restrict hours of construction. Furthermore, it should be noted that the any disruption/inconvenience arising from the proposal would be for a temporary period only and will be limited to the duration of the proposed works. A condition will also be imposed to submit a construction management plan.)

- Loss of sunlight and daylight to flats and the courtyard
- Loss of privacy

(Officer comment: The matters regarding loss of sunlight, daylight and privacy will be

addressed in the amenity section of this report).

### 9.3 Design

- The mansard roof would harm the character and appearance of the Grade II Listed building
- The mansard roof would not be beneficial to the streetscape of Ramsey Street
- Does not complement heritage views from inside the courtyard
- Overdevelopment
- The view of the chimney stack (heritage asset) from the public realm would be restricted

(Officer comment: The proposed roof extension is sensitively designed and would represent an appropriate addition to the building. Furthermore, materials will be conditioned to secure a high quality appearance and finishes.)

### 9.4 Waste

- There is no recycling currently on site
- The bin store is insufficient

(Officer comment: The matters regarding waste and recycling will be addressed in the waste and recycling section of this report).

### 9.5 Transport

- Cycle parking is currently insufficient on the site
- Car parking is currently overcrowded

(Officer comment: The matters regarding cycle parking will be addressed in the Transport and Highways section of this report).

## **OTHER**

- 9.6 A number of possible inaccuracies or misrepresentations in the planning application have been highlighted in the representations received.

These are as follows;

- There are 10 cycle parking spaces currently on the site not as 25 as stated on the application.
- Applicant name stated on the application form is Verbella Ltd is incorrect
- There is currently no recycling on the site however it is stated that there is on the application form
- Block E is not a listed building, it is listed within the curtilage of a listed building
- The application form states there will be no alterations to the internal areas of block E however the ceilings of the stairwells will have to be removed to access the additional floor
- Materials – the existing doors and windows are timber not powder coated aluminium
- Tree in the courtyard is considered by residents an important part of the local landscape character however it is not listed in section of the application
- Roofs and chimney have been drawn inaccurately on plans
- There are 51 flats within bath House not 47

- There is no reference to the four flats created in the basement in 2007
- Proposed extensions are not obscured by the tree
- Courtyard is not in shade for most of the day
- Block E is not the only building that defines the courtyards, blocks C,D and F also play a defining role
- Shadow diagram is inaccurate
- Certificate B was filled out incorrectly as the notice to the owners was dated the 21st September 2012 not 19<sup>th</sup> September 2012 as stated on the form

(Officer comment: These reported inaccuracies have been noted and discussed with the applicant. Any email has been received by the officer correcting a number of mistakes made on the application form. None of these issues would have a significant impact on the overall application.)

9.7 The following issues were raised in representations but it is considered that they should not be attributed any real weight in the determination of the application:

- Loss of views from existing flats
- Removal of private attic space from top floor flats
- Loss of top floor status of the existing flats
- Current enforcement and building regulation issues
- Problems in relation to the quality of works previously done by the freeholder
- The development provides no social or environmental benefits
- The proposal will have a detrimental impact on the major works to the building carried out by the leaseholders at a cost of over £100,000
- Plants grown on balcony would die
- Loss of value to flats
- Car park damage last time
- Construction management plan not adhered to last time

(Officer response: The matters raised relate to tenant and landlord issues and other non-material planning considerations and it is considered that they should not be attributed any significant weight in the determination of the application )

## **10.0 MATERIAL PLANNING CONSIDERATIONS**

10.1 The main planning issues raised by the application that the committee must consider are:

- § Land Use
- § Housing
- § Design
- § Amenity
- § Transportation and Highways
- § Localism Act

### **Principle of Development**

#### **Land Use**

10.2 Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework, Strategic Objectives 7, 8 and 9 of the Council's Core Strategy (2010) and policy 3.1 of the London Plan,

which gives Boroughs targets for increasing the supply of housing.

- 10.3 An important mechanism for achieving the strategic housing objectives outlined in the London Plan is set out in Policies 3.3 and 3.4, which seeks to encourage council's to maximise the development of sites to ensure targets are achieved where feasible.
- 10.4 Policy SP02 of the Core Strategy (2010) sets out the borough's overall target for delivery of 43,275 new homes (2,885 a year) between 2010 and 2025. Policy DM3 in the Managing Development DPD (Submission Version 2012 with modifications) sets out more detailed guidance of how development can help to deliver new homes for existing and future residents of the borough.
- 10.5 The residential use of the site is already established and therefore the principle of additional residential units would be acceptable in land use terms.

### **Housing**

- 10.6 London Plan Policy 3.8 encourages new residential proposals to incorporate housing choice. Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. This is reflected in Policy SP02 of the Core Strategy (2010), Policy DM3 of the Managing Development DPD (Submission Version 2012 with modifications) and Policy HSG2 of the Interim Planning Guidance (2007), which seeks to promote housing choice.
- 10.7 The proposal is for the creation of a mansard extension on the building to create 2 one bedroom and 1 two bedroom residential units.
- 10.8 Whilst it is noted that the mix of flats fails to deliver any family units, officers have taken into account that the proposed flats are on the third floor of the block without a lift. It is therefore considered that it is not an ideal location for family sized units and the mix of flats is acceptable.

### Housing Quality and Residential Space

- 10.9 London Plan Policy 3.5 seeks to ensure that the design and quality of new housing proposals are of the highest standard internally and externally and in relation to the wider environment. Part C of the Policy states that new dwellings should generally conform to specified dwelling space standards, have adequately sized rooms and efficient layouts. Housing Supplementary Planning Guidance - London (2012).sets out further guidance on the implementation of these policies.
- 10.10 Policy SP02 of the Core Strategy (2010) seeks to ensure that new housing has adequate provision of internal space standards in line with the Housing Supplementary Planning Guidance - London (2012). The policy aims are reiterated in Policy DM4 in the Managing Development DPD (Submission Version 2012 with modifications).
- 10.11 The proposed 1 bed flats measure 43 and 46sq metres and the 2 bed flat measures 64sq metres, the London Plan states that minimum space standard for a 1 person flat is 37sq metres and a 2 bed 3 person flat is 61sq metres. As such the proposed units all meet the minimum space standard requirements and it is envisaged that the layout and design of units would be of a high standard internally and each of the flats are dual aspect and will benefit from good natural lighting. As such the proposal

would accord with policy 3.5 of the London Plan 2011 and Policy DM4 in the Managing Development DPD (Submission Version 2012 with modifications) and Housing Supplementary Planning Guidance - London (2012).

## **Design**

- 10.12 Good design is central to all objectives of the London Plan. Policy 7.1 in particular sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to optimising the housing potential of sites, the quality of new housing provision, designing out crime, local character, public realm, architecture and heritage assets. These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 10.13 Section 72(1) of the Listed Buildings & Conservation Areas Act (1990) gives the Local Planning Authority a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and safeguarding the special architectural and historic fabric of listed buildings.
- 10.14 Saved policy DEV 27 of the UDP states that applications for minor alterations in a Conservation Area will be considered having regard to the effect that such alterations will have on the building in question, the group of buildings, the street or Conservation Area and also the probable effect that a number of such applications would have.
- 10.15 Saved policy DEV 30 of the UDP states that within Conservation Areas additional roof storeys may be allowed except:
- (1) Where they would harm the appearance and character of terraces or groups of building where the existing roofline is of predominantly uniform character, and
  - (2) On buildings where the roof construction is unsuitable for roof extensions.
- 10.16 Adopted Core Strategy policy SP10 and policy DM24 of the emerging Managing Development DPD (Submission Version 2012 with modifications) state that the Council will protect and enhance the borough's heritage assets and their settings including Conservation Areas. The Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. This will be achieved through ensuring development respects its local context and townscape, including the character, bulk and scale of the surrounding area.
- 10.17 The application site is within an area where the adjoining buildings vary in heights and form, and the immediate context is predominantly residential with some mixed use pockets. Buildings within the immediate locality incorporate a variety of architectural styles.
- 10.18 The application building was built in the 1990's and is three storeys high. It was designed in a traditional style to complement the Grade II Listed Building it adjoins and currently has a shallow pitched roof with a parapet wall around it.
- 10.19 The applicant proposes a mansard roof addition to this building. The initial proposal was for a flat topped mansard however after discussions with LBTH Conservation and

Design it was decided that a traditional double pitched mansard would be most appropriate for the site in context with the Grade II Listed Building, and revised drawings were submitted.

- 10.20 The existing parapet around the roof will be retained and the proposed roof will extend 2.2m higher than the existing roof. It will be constructed with a timber frame, faced in natural slate, with traditional lead dormers and timber sash windows to match those existing. The fenestration will mirror that of the floors below.
- 10.21 The existing roof was constructed with the rest of the building in 1990's. It is not considered particularly successful in architectural terms, and protrudes above the existing parapet wall. The proposed mansard roof is of traditional form and gives the building more pleasing proportions. The mansard slopes away from the main block D and is lower in height than the gable ends which ensures it appears subsidiary. The mansard roof will still be significantly lower than the listed chimney stack and longer views of the chimney would not be obstructed.
- 10.22 The proposal also includes the extension of the existing stairwells for access to the proposed units. The stairwells will be significantly lower than the height of the mansard roof and will help incorporate the extension into the existing building. The extension to the stairwell will not protrude further out into the courtyard and will be finished in white render to match the existing stairwell.
- 10.23 Given the sympathetic design approach, the local context, the proposal would respond well within the local context and would not appear visually overbearing at street level. Subject to conditions to ensure a high quality materials and finishes, the proposal would preserve the character and appearance of the Grade II Listed Building and the Fournier Street/Brick Lane Conservation Area, in accordance with Policy SP10 of the Council's adopted Core Strategy (2010), saved Policies DEV1, DEV27, DEV30 and DEV37 of the Unitary Development Plan (1998), Policies DM24 and DM27 of the Managing Development DPD (Submission Version 2012 with modifications), Policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development is well designed and that it preserves or enhances the character and appearance of the Borough's Conservation Areas.

### **Amenity**

- 10.24 Policy SP10 (4) of the adopted Core Strategy (2010), Policy DM25 in the Managing Development DPD (Submission Version 2012 with modifications), policies DEV2 and DEV50 of the UDP (1998) and Policy DEV10 of the Interim Planning Guidance (2007), seek to ensure that developments protect and where possible improve the amenity of existing and future residents which includes visual privacy, overshadowing, outlook, noise and vibration levels.

### Privacy/ Overlooking

- 10.25 Saved UDP Policy DEV2 and policy DM25 of the Managing Development DPD (Submission Version 2012 with modifications) requires new developments to be designed to ensure that there is no unduly detrimental reduction in privacy for existing and future occupiers. Given that the proposed windows are directly above the existing windows on the floor below, it is considered that the proposal does not introduce any further impact on the privacy or overlooking of existing residents within neighbouring blocks.

### Sunlight and Daylight

- 10.26 Given the location of the proposal above the existing residential block E, the angle of the pitch on the mansard roof and the separating distance between block C (12.5m), block F (5m) and Repton Boys Club (10m), the most affected residents will be in block F. It is recognised that the residents in this block may have a slight reduction in sunlight however this would be very minimal. The shadowing diagram shows that due to the existing parapet wall which is being contained there would only be a very small loss of sunlight to the courtyard area and none to the flats windows of Repton Boys Club. It is considered that on balance, there would not be a significant loss in sunlight/daylight than that already exists. It is therefore considered that the proposed development would accord with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of daylight and sunlight.
- 10.27 The proposal does not result in any unduly detrimental impacts in terms of privacy, overlooking, sunlight and daylight or sense of enclosure for existing or future residents. As such, the proposal would accord with Policy SP10 of the Core Strategy (2010), saved policies DEV2 and DEV50 of the Council's Unitary Development Plan (1998), policy DM25 of the Managing Development DPD (Submission Version 2012 with modifications) and Policies DEV1 and DEV10 in the Interim Planning Guidance (2007), which seek to protect residential amenity.

### Private Amenity Space

- 10.28 Saved UDP policy HSG16 requires that new development should make adequate provision for amenity space, this is re-affirmed in IPG Policy HSG7.
- 10.29 Policy DM4 of the Managing Development: DPD Submission Version 2012 (with modification) specifically advises that applicants seek to provide a minimum of 5 sq. m of private outdoor space for 1-2 person dwellings and an extra 1 sq. m should be provided for each additional occupant.
- 10.30 The Bath House site already has a very well cared for and useful shared amenity space for existing residents. No balconies/terraces have been proposed for this development as they would have a negative impact on the appearance of the development. Officers are satisfied that the existing facilities would serve any new occupants and residents adequately in terms of private amenity spaces.
- 10.31 The proposed flats are all provided with amenity space in the form of shared gardens and courtyard. As such the proposal would accord with save policy HSG16 of the Unitary Development Plan (1998), Policy DM4 in the Managing Development: DPD (Submission Version 2012 with modification) and Policy HSG7 of the Interim Planning Guidance (2007) These policies seek to ensure that high quality, useable amenity spaces are incorporated into new developments. These policies seek to ensure that high quality, useable amenity spaces are incorporated into new developments.

### Refuse

- 10.32 Policy 5.17 of the London Plan, Policy DM14 of the Managing Development DPD (Submission Version, 2012), Policy SP05 of the Core Strategy (2010), Saved Policies DEV55 and DEV56 of the UDP (1998) and Policy DEV15 of the Interim Planning Guidance (2007) require developments to make suitable waste and recycling provision within developments.



- 10.33 As mentioned in the in the objections the waste storage arrangements on site are not as the approved details (PA/09/01643). A larger area for refuse storage was built currently containing four refuse bins instead of three and a separate area of general storage adjacent to it. This has been discussed with the applicant and it was agreed that whole area of storage will be used solely for refuse storage with additional bins for general refuse and separate bins for recycling provided. Further details have been received showing that seven bins for general refuse and four bins for recycling will be provided in this area. It is therefore considered that the increased provision of waste storage is more than sufficient to meet the need of the additional three units in the proposal. A condition will ensure that the waste storage provisions will be provided prior to the occupation of the flats.
- 10.34 Subject to a condition it is considered that the proposal is acceptable in terms of refuse storage and collection, which accords with saved policy DEV55 of the Unitary Development Plan (1998), Policy DM14 of Managing Development: Development Plan Document (Submission Version 2012 with modifications) and policy DEV15 of the Interim Planning Guidance (2007) which requires waste and recycling facilities to be adequate to service the site.

### **Transportation and Highways**

#### Access and Car Parking

- 10.35 Policy 6.9 of the London Plan (2011), policy SP09 of the Core Strategy (2010), Policies DM22 and DM23 in the Managing Development DPD (submission version 2012), and policy DEV19 in the Interim Planning Guidance (2007) seek to facilitate more walking and cycling as part of new developments and create a safer environment for cyclists.
- 10.36 LBTH Transport and Highways have commented that the subject site is located in an area of good public transport accessibility (PTAL 4) therefore, as already agreed with the applicant, the development shall be subject to a section 106 car free agreement for the residential units to promote sustainable modes of transportation and prevent future occupiers from applying for on-street parking permit. Highways have no objections subject to the relevant conditions.

#### Cycle Parking

- 10.37 London Plan (2011) Policies 6.1 and 6.9 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.
- 10.38 Policy SP09 of the Core Strategy (2010), Policies DM22 and DM23 in the Managing Development DPD (Submission Version 2012 with modifications) and policy DEV16 of the Interim Planning Guidance (2007) re-affirms this aim and also emphasises the need to provide better facilities and a safer environment for cyclists.
- 10.39 Representations have raised the issue of lack of cycle parking in the Bath House complex. Originally the development of 47 flats did not provide any cycle parking spaces. With the additional flats created under planning application PA/07/01973 a cycle store was created in the basement. A site visit to the property showed that this store did exist but was smaller than shown on the plans. It is the officer's opinion that the store is still adequate for the cycle storage requirements of the four basement flats created under planning application PA/07/01973. It should be noted that the site

currently has 10 additional cycle spaces that were not a requirement of any planning application. The new development is only be required to provide an extra 1 cycle space per dwelling, a total of 3 additional spaces. The applicant has agreed to provide an additional 5 cycle parking spaces as part of this proposal. These will be located on the north wall of block E

- 10.40 Highways are satisfied with the provision of 5 secure cycle storage spaces for the proposed new flats and to reduce some of the demand from the existing flats.

### **11.0 Localism Act (amendment to S70(2) of the TCPA 1990)**

- 11.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

- 11.2 In dealing with such an application the authority shall have regard to:

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

- 11.3 Section 70(4) defines “*local finance consideration*” as:

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

- 11.4 In this context “grants” might include:

- a) Great Britain Building Fund: the £400m “Get Britain Building” Fund and government-backed mortgage indemnity guarantee scheme to allow house buyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

- 11.5 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

- 11.6 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012.

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

rolling six year period.

- 11.8 Using the Department for Communities and Local Government's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £4,286 within the first year and a total of 25,719

## **12.0 ANY OTHER ISSUES**

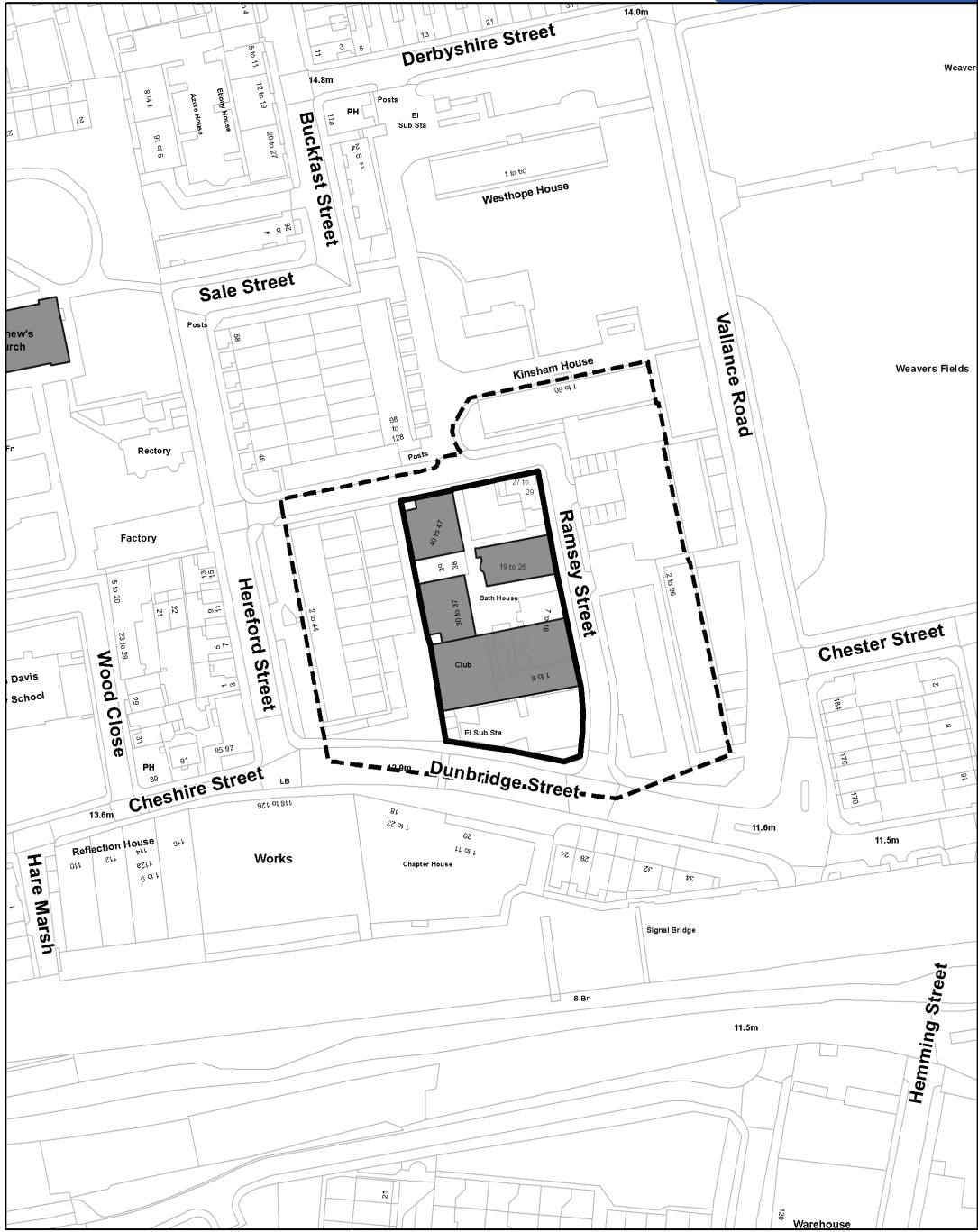
- 12.1 Following the publication of the London Mayor's Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to a scheme of this size is £5,355.00 which is based on the gross internal area of the proposed development.

## **13.0 CONCLUSION**

- 13.1 All other relevant policies and considerations have been taken into account. Planning Permission and Listed Building Consent should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

## **SITE MAP**

Planning Application Site Map PA/12/02632

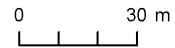


Planning Application Site Boundary

Locally Listed Buildings

Consultation Area

Statutory Listed Buildings



1:1,500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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# Agenda Item 7.3

<b>Committee:</b> Development	<b>Date:</b> 11April, 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 7.3
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application, Conservation Area Consent and Listed Building Consent
<b>Case Officer:</b> Mary O'Shaughnessy	<b>Ref No:</b> PA/11/03371- 3372 - 3373 <b>Ward:</b> Bow West

## 1. APPLICATION DETAILS

**Location:** Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London

**Existing Use:  
Proposal:**

Demolition of existing buildings to facilitate the redevelopment of the site to provide three buildings ranging in height from 3 - 6 storeys including Block A (part 3 part 4 storeys to the north of the Hertford Union Canal), Block B (6 Storeys to the south of the Hertford Union Canal) and Block C (4 storeys to the south of the Hertford Union Canal) to provide 34 residential units comprising 10 x 1 bedroom, 15 x 2 bedroom, 4 x 3 bedroom and 5 x 4 bedroom houses, 74.8 square metres of commercial floor space to be used as either Use Class A1, A2, A3,B1 or D1, including provision of one accessible parking space, cycle parking, public and private amenity space and associated works.

**Drawing Nos:**

A1-01 REV01 (Site context plan)  
A1-10 REV01 (Ground floor plan)  
A1-11 REV01 (First floor plan)  
A1-12 REV01 (Second floor plan)  
A1-13 REV01 (Third floor plan)  
A1-14 REV01 (Fourth floor plan)  
A1-15 REV01 (Fifth floor plan)  
A1-20 REV01 (Building 'A' typical floor plans)  
A1-21 REV01 (Building 'B' typical floor plans)  
A1-22 REV01 (Building 'C' typical floor plans)  
A1-81 REV01 (Proposed site sections)  
A1-82 REV01 (Proposed site elevations)  
A1-91 REV01 (Proposed Building 'A' external elevations)  
A1-92 REV01 (Proposed Building 'B' external elevations)  
A1-93 REV01 (Proposed Building 'C' external elevations)  
A2-05 REV01 (Existing site plan)  
A2-10 REV01 (Demolition site plan)  
A2-81 REV01 (Existing site conditions)  
A2-82 REV01 (Existing site elevations)  
A4-01 REV01 (Proposed external envelope details)  
A4-02 REV01 (Proposed external envelope details)  
2011-1129-AT-007 (Entry & Exit Manoeuvreuseing a 7.9m Pumping Appliance)

**Documents:**

- Design and Access Statement, Reference: L2853/DS1004, dated October 2011, prepared by Lewis and Hickey.
- Planning and Impact Statement, dated October

- 2011, prepared by Dalton Warner Davis.
- Bow Wharf Heritage Assessment, prepared by Dalton Warner Davis.
- Air Quality Assessment, dated 14 September 2011, prepared by SKM Enviros.
- Extended Phase 1 Habitat Survey – Bat Habitat Suitability Assessment, Reference: H2OURB-BOWWHA-3385, dated July 2011, prepared by Ecosulis.
- The Code for Sustainable Homes – Strategic Report, Version 4, dated 3 October 2011, prepared by EcoConsulting (UK) Ltd.
- Energy Report – Bow Wharf – Version 8, dated 4 October 2011, prepared by EcoConsulting.
- Asbestos Survey Report, Reference: TM0088/1, prepared by Chemtest onsite.
- Transport Statement, October 2011, prepared by TTP Consulting.
- Statement of Community Involvement, October 2011, prepared by Quatro.
- Daylight/Sunlight Report, dated 12 October 2011, prepared by GVA Schatunowski Brooks.
- Geotechnical and Geoenvironmental Report, Report No. 36398-01, prepared by STATS Limited.
- Bow Wharf Proposed fire-fighting access to new residential accommodation, Issue 4, Document Reference: MT13753R, dated 10 October 2012, prepared by Exova Warringtonfire.
- Introduction to the Landscape Proposals, prepared by Outerspace.

<b>Applicant:</b>	H2O Urban (NO.2 LPP)
<b>Ownership:</b>	Canal and River Trust (formerly British Waterways)
<b>Historic Building:</b>	Stop Lock Bridge – Grade II Listed 2 Warehouses within the Bow Wharf Complex are locally listed - Former British Waterways Warehouse (3 storeys) Former Glue Factory (2 storeys)
<b>Conservation Area:</b>	Regents Canal Conservation Area (formerly within Victoria Park Conservation Area)

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

### Full Planning Permission – PA/11/03371

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Managing Development - Development Plan Document (Submission version May 2012) and modifications, Interim Planning Guidance (2007), adopted supplementary planning guidance and documents, the London Plan 2011 and the National Planning Policy Framework and has found that:
- 2.2 The proposal is in line with the Mayor of London and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3.4 of the London Plan (2011), strategic policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development - Development Plan Document (Submission version 2012) and modifications which seeks to ensure the use of land is appropriately optimised.

- 2.3 On balance, the proposed redevelopment of the site which includes the loss of employment floor space to provide a residential led mixed use development including some flexible floor space is considered acceptable. Given, the existing employment floor space is outmoded and has been vacant; its loss would be considered acceptable in this instance. Furthermore, the loss of employment floor space would be partially offset by the provision of a new commercial unit. Finally, the principle of a residential led development in this location is considered acceptable and would not compromise the function of the Bow Wharf Complex which offers a range of flexible commercial floor space. As such, the proposal accords with policies 4.1, 4.2 and 4.3 of the London Plan 2011, strategic policies SP02 and SP06, Core Strategy Development Plan Document 2010, saved policies DEV3, EMP1, EMP3, S7 and ART6 of the Unitary Development Plan 1998 and policies DM1, DM2, DM3 and DM15 of the Managing Development - Development Plan Document(Submission version 2012) and modifications. These policies seek to encourage economic development.
- 2.4 The proposal provides an acceptable amount of affordable housing and mix of units, in light of the viability of the scheme. As such, the proposal is in line with policies 3.8, 3.10, 3.11, 3.12, 3.13 of the London Plan 2011, strategic policy SP02 of the Core Strategy Development Plan Document 2010 and policy DM3 of Managing Development - Development Plan Document(Submission version 2012) and modifications which seek to ensure that new developments offer a range of housing choices.
- 2.5 On balance the proposal provides acceptable residential space standards and layout. As such, the scheme is in line with policy 3.5 of the London Plan 2011, strategic policy SP02 of the Core Strategy Development Plan Document 2010 and policy DM4 of the Managing Development - Development Plan Document(Submission version May 2012) and modifications which seek to provide an acceptable standard of residential accommodation.
- 2.6 On balance the proposal provides an acceptable amount of amenity space including private amenity space in the form of balconies and a new public open space in the form of a piazza adjacent to the existing tow path. This is in line with policies 3.6 and 7.18 of the London Plan 2011, strategic policies SP02 and SP04 of the Core Strategy Development Plan Document 2010, policies DM4 and DM10 of the Managing Development - Development Plan Document(Submission version May 2012) and modifications which seek to improve amenity and liveability for residents and protect existing and secure the delivery of new public open space
- 2.7 The design, appearance, height, scale, bulk, massing and layout of the proposal are considered to be acceptable. The proposed design and appearance has been developed taking account of the industrial heritage of the Bow Wharf site including the setting of the Regents Canal Conservation Area and the Grade II Listed Stop Lock Bridge. Furthermore, the proposed bulk, scale and massing is in keeping with the scale of development within the local and wider area. This is in accordance with policies 7.1, 7.4, 7.6, 7.8 and 7.9 of the London Plan 2011, strategic policy SP10 of the adopted Core Strategy 2010, saved policy DEV1 and DEV37 of the Unitary Development Plan 1998, policies DM24 and DM27 of the Managing Development - Development Plan Document(Submission version May 2012) and modifications and policy DEV2 the Interim Planning Guidance (2007). These policies seek to ensure high quality design within the borough whilst respecting the special architectural and historic interest of listed buildings and ensuring new development preserves or enhances the character and appearance of conservation areas.
- 2.8 The proposal would not give rise to any unduly detrimental impacts in terms of privacy, overlooking, outlook, sense of enclosure, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future occupiers. As such, the

proposal is considered to satisfy the relevant criteria of policy SP10 of the Core Strategy Development Plan Document 2010, saved policy DEV2 of the Unitary Development Plan 1998, policy DM25 of the Managing Development - Development Plan Document (Submission version May 2012) and modifications which seek to protect residential amenity.

- 2.9 Transport matters, including parking, access and servicing, are acceptable and in line with strategic policies SP08 and SP09 of the Core Strategy Development Plan Document 2010, saved policies T16 and T19 of the Unitary Development Plan 1998, policy DM20 and DM22 of the Managing Development - Development Plan Document (Submission version May 2012) and modifications which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.10 The development, through the provision of renewables would result in a satisfactory reduction in carbon emissions and also seeks to secure the code for sustainable homes level 4 which is in accordance with the energy hierarchy within the London Plan 2011 (policies 5.1 to 5.7), strategic policy SP11 of the Core Strategy Development Plan Document 2011 and, and policy DM29 of the Managing Development - Development Plan Document (Submission version May 2012) and modifications, which seek to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.
- 2.11 Contributions have been secured towards the provision of affordable housing, education, community facilities, health, sustainable transport, employment and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy Regulations 2010; strategic policy SP02 and SP13 of the Core Strategy Development Plan Document 2010; saved policy DEV4 of the Council's Unitary Development Plan 1998; and the London Borough of Tower Hamlets Planning Obligations Supplementary Planning Document (2011) which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

#### **Conservation Area Application – PA/11/03372**

- 2.12 The proposed demolition works and proposed redevelopment is considered to preserve the character and appearance of the Regents Canal Conservation Area and would not cause significant harm to the setting of the Grade II Listed Stop Lock Bridge. The design, appearance and position of the proposed development would be acceptable and would not harm the significance of the heritage assets in accordance with National Planning Policy Framework, strategic policy SP10 of the Core Strategy 2010, saved policies DEV1, DEV28, DEV30 and DEV37 of the adopted Unitary Development Plan 1998 and policies DM24 and DM27 of the Managing Development - Development Plan Document (Submission version May 2012) and modifications. These policies seek to ensure appropriate design within the Borough which respects the local context and preserves the character and appearance of local conservation areas and the setting of listed buildings.

#### **Listed Building Application – PA/11/03372**

- 2.13 The proposed repair and alterations to the Grade II Listed Stop Lock Bridge are considered acceptable and would not adversely impact on the character, fabric or identity of the heritage asset which accords with the National Planning Policy Framework, strategic policy SP10 of the Core Strategy 2010, saved policies DEV1 and DEV37 of the Unitary Development Plan 1998 and policies DM24 and DM27 of the Managing Development - Development Plan Document (Submission Version May 2012) and modifications which seek to ensure that proposals protect the character and fabric of heritage assets and preserve the character and appearance of conservation areas.



### 3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission, listed building consent and conservation area consent subject to:

A. The prior completion of a **legal agreement** to secure the following planning obligations:

#### **Financial Contributions**

- a) A contribution **£105,065** towards education.
- b) A contribution of **£3,837** towards employment, skills, training and enterprise initiatives.
- c) A contribution of **£23,101** towards community facilities.
- d) A contribution of **£574** sustainable transport.
- e) A contribution of **£28,368** towards Health.
- f) A contribution of **£3218 (2%)** towards s.106 monitoring fee.

#### **Non- Financial Contributions**

- g) **29%** affordable housing by habitable room comprising 10 affordable rent residential units in building C and 3 shared ownership units in building B.
- h) The completion of a **car-free agreement**.
- i) **Access to employment** initiatives for construction through 20% of non-technical total construction jobs to be advertised through the Council's job brokerage service.
- j) An expectation that 20% of total value of contracts which procure goods and services are to be to be achieved using firms located within the borough.
- k) Any other obligation(s) considered necessary by the Corporate Director Development and Renewal.

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions for Full Planning Permission – PA/11/03371**

##### **Compliance Conditions**

1. Time limit – Five Years.
2. Compliance with plans - Development in accordance with the approved schedule of drawings and documents.
3. Hours of Operation of Commercial Unit.
4. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
5. Residential accommodation - compliance with Life Time Homes and 10% Wheel Chair Accessible.
6. Compliance with energy strategy.
7. No servicing from Old Ford Road.
8. Compliance with Arboriculture report and tree protection plan/measures.
9. D1 use restricted.

##### **Pre-Commencement Conditions**

10. No works shall commence until conservation area consent has been sought for the demolition of part of the chalet unit and the demolition works carried out.
11. No development shall commence until post completion testing of the fire access route has been carried out in conjunction with the Local Fire Authority.
12. Construction Management Plan including details of use of water for transportation of materials and waste during demolition and construction phases.
13. Contaminated Land.
14. Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water.
15. Survey of the condition of the waterway wall and a method statement and schedule of work.
16. Full details of protection measures for listed bridge during construction.
17. S278.
18. Full details of scheme of lighting for the development demonstrating the lighting would have no adverse impact on biodiversity of the site and would result in a safe and secure development.
19. Full details of secure by design measures including details of lighting and CCTV.
20. Full details of hard and soft landscaping for the access route from Old Ford Road including details of how pedestrian safety would be prioritised and details of weight restriction measures for the Stop Lock Bridge.
21. Full details of hard and soft landscaping for the development as a whole to include planting and other measures to enhance biodiversity and high quality materials appropriate for the conservation area setting.
22. Full details of replacement trees to include Adler Trees.
23. Full details of specification and samples of all facing materials.
24. Full details of specification, samples and detailed design (including drawings at scale 1:20 of all balconies).
25. Full details of specification and detailed design (including drawings at scale 1:20 (plus sections) of detailed design of shop front to be installed prior to completion of development.
26. Full details of specification of stands and drawings at scale 1:20 of detailed layout. Stands to be Sheffield stands or similar.
27. Code for Sustainable Homes for residential units.
28. BREAAAM for commercial unit.
29. Full details of noise mitigation measures for proposed residential units.
30. Compliance with soft demolition techniques and timings with regard to protected species (bats and black red starts).
31. Biodiversity enhancement report and plan to include details of bird and bat boxes and enhancement to canal walls.
32. Full details of ventilation and extraction if required for commercial unit.

#### **Prior to Occupation Conditions**

33. Post-completion noise testing for residential units.
34. Full details of Delivery and Service Plan (SSP) including details of refuse and recycling management plan.
35. Secured by Design Assessment.
36. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives**

1. Associated S106.
2. Associated Conservation Area Consent and Listed Building Consent.

3. Compliance with Environmental Health Legislation.
4. Compliance with Building Regulations.

#### **Conditions for Conservation Area Consent – PA/11/03372**

1. Time limit – Five Years.
2. No works shall commence until conservation area consent has been sought for the demolition of part of the chalet unit and the demolition works carried out.
3. No demolition works shall be carried out until a contract is in place for the redevelopment of the site.
4. Any access to or from the towpath, closures of the towpath or scaffolding oversailing the Canal & River Trust's land or water during the construction must be agreed in writing with the Canal & River Trust before development commences.
5. The applicant/developer should refer to the current Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained, and liaise with the Trust's Third Party Work's Engineer: <http://canalrivertrust.org.uk/about-us/for-businesses/undertaking-works-on-our-property>.

#### **Informatives for Conservation Area Consent – PA/11/03372**

1. Associated S106.
2. Associated Full Planning Permission and Listed Building Consent.
3. Compliance with Environmental Health Legislation.
4. Compliance with Building Regulations.

#### **Conditions for Listed Building Consent – PA/11/03373**

1. Time limit – Five Years.
2. Detailed drawings at scale 1:20 including sections where necessary of replacement wall including a method statement of how existing materials of merit such as coping stone will be retained and reused and schedule of works.
3. Detailed method statement for repair and painting of railings.
4. Dull details of weight restriction measures.

#### **Informatives for Listed Building Consent – PA/11/03373**

1. Associated Full Planning Permission and Conservation Area Consent.

- 3.3 That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

## **4. PROPOSAL AND LOCATION DETAILS**

### **Background**

- 4.1 The Council refused planning permission on the 4 August 2009 (PA/09/00766) for the "*Demolition of existing buildings and redevelopment to provide two buildings of between four and eight storeys comprising 50 (13 x 1 bed, 31 x 2 beds and 6 x 3 beds) residential units and 322 square metres of commercial floorspace (Use Classes A1, A2, A3 or A4) including parking, loading, cycle parking, public amenity space and associated development*".
- 4.2 A subsequent appeal by way of a Hearing was dismissed on the 2 November 2010 and the

Inspector considered that the main issues were the “*effect of the proposal on the character and appearance of the surroundings and the Regent’s Canal Conservation Area (CA), and whether the scheme would make satisfactory provision for affordable housing and family housing*”. The appeal was dismissed on the grounds that the proposal would neither preserve nor enhance the character or appearance of the Conservation area because the form and scale of the proposed development “*would dominate existing buildings at Bow Wharf and Royal Victor Place which have been carefully developed to reinforce the historic canalside character.*”

- 4.3 An application for Conservation Area Consent was also submitted for (PA/09/00767) “*Demolition of existing buildings in association with redevelopment of the site for mixed commercial and residential use*”, this was also dismissed given an acceptable redevelopment had not been agreed.
- 4.4 Following the appeal decision the applicant entered into pre-application discussions with planning officers and urban design officers in order to develop a scheme which addressed both the council’s reasons for refusals and the planning inspectorate. Applications were submitted in December 2011 and officers prepared reports to be presented to the Development Committee in March 2012 recommending approval. However, the item was removed from the agenda because of a late objection from London Fire Brigade. The applicant has been working with London Fire Brigade and planning officers in order to overcome this objection and these concerns have now been addressed which is discussed in detail within the main body of this report.

### **Proposal**

- 4.5 Planning permission is sought for the demolition of the existing buildings on site and the redevelopment to provide three new buildings on the site. Building A located on the north side of the Hertford Union Canal would rise from three to four storeys. Buildings B and C would be located on the south side of the Hertford Union Canal and would be six and four storeys in height.
- 4.6 Building A would be located on the north west side of the canal junction and comprises a part three part four storey block (including roof space accommodation) comprising 11 units ( 4 x 1 bed and 2 x 2 bed flats 5 x 4 bedroom three storey town houses).
- 4.7 Building B, located on the south east side of the canal is the largest part of the proposal and comprises a six storey building (also with roof space accommodation) comprising 16 residential units (5 x 1 bed and 11 x 2 bed flats), including 2 wheelchair accessible units.
- 4.8 Building C would comprise a four storey block that includes the proposed commercial use on the ground floor with seven flats on the upper floors, comprising 1 x 1 bed, 2 x 2 bed and 4 x 3 bed flats including the 2 wheelchair accessible units.
- 4.9 The proposal would be residential led and would provide 34 new flats and homes comprising a mix of 5 x 4 bedroom houses, 10 x 1 bedroom flats, 15 x 2 bedroom flats and 4 x 3 bedroom flats.
- 4.10 The proposal also includes the provision of a commercial unit measuring 74.8 square metres which would be located at the ground floor level of building C. This would have a flexible permission including Use Classes A1, A2, A3, B1 and D1.
- 4.11 The proposal would include the creation of new public piazza, together with associated works including landscaping, highway improvements, cycle parking, servicing and plant. The proposal would be a car free development.

- 4.12 The conservation area application seeks permission for the demolition of two unlisted buildings including a former warehouse building to the north of the canal and a single storey building at the southern boundary of the site.
- 4.13 Listed building consent is also sought for repair and improvement works to the grade II listed Stop Lock Bridge.

### **Site and Surroundings**

- 4.14 The application site is located on the western side of Grove Road adjacent to the junction with Old Ford Road. The site comprises the western most part of the Bow Wharf complex, an enclosed group of buildings with mixed uses including Class A1, A2, A3, B1 and D2. It is bounded by Grove Road to the east, the Hertford Union Canal to the north, the Grand Union Canal (Regents Canal) to the west and Wennington Road and Gardens, to the south.
- 4.15 The application site covers an area of approximately .24 hectares and comprises two separated plots of land that lie north and south of the Hertford Union Canal at its junction with the Regents Canal. The northern plot comprises a vacant single storey warehouse building that adjoins the towpath that runs along the northern boundary of the Hertford Union Canal. The southern part of the site largely comprises an open plot of land that is used as a car park. A single storey building extends along the southern boundary of the site and this used to accommodate businesses.
- 4.16 Vehicular access to both parts of the site is via the narrow access road from Old Ford Road which leads to the 'Stop Lock Bridge' which is a Grade II Listed structure. Vehicular access is also possible from Grove Road. Access to the site by foot is via the main entrance of the Bow Wharf Complex from Grove Road, from the narrow access road from Old Ford Road and from the canal towpaths.
- 4.17 The appeal site is located within the newly designated Regents Canal Conservation Area (October 2008). It previously was located within the Victoria Park Conservation Area.
- 4.18 The proposed designation protects the special character of the banks of the Regent's Canal and specific canal features such as the locks, bridges, wharves, moorings and towpath all of which are evident within the appeal site.
- 4.19 The application site falls within an area of the Regents Canal which is considered to open in nature with Wennington Gardens to the south and Victoria Park to the north.
- 4.20 Adjoining the eastern boundary of the site are two locally listed buildings which make up the Bow Wharf Complex. The former British Waterways Warehouse rises to three storeys and is included on the Councils list of local buildings of architectural or historic interest. The former Glue Factory is also locally listed and is a large two storey former industrial building. Within the development there are also low rise pavilion style buildings.
- 4.21 Directly to the north of the Hertford Canal is Royal Victor Place which is a residential development which fronts the canal and rises from two to three storeys. To the north of Royal Victor Place, is a row of Grade II listed residential properties which face Victoria Park and are three storeys in height.
- 4.22 To the west of the site on the opposite side of the Regents Canal is the Cranbrook Estate with buildings adjacent to the Canal rising to four storeys. From the junction of the Regents Canal with Roman Road to the junction with Old Ford Road to the north and within Victoria Park the nature of the canal is clearly identified by its open nature and low scale

development.

## Planning History

### 4.23 The following planning decisions are relevant to the application:

Application Site – Given the scale of the site there is a lengthy planning history. Only the most relevant permissions are mentioned here.

- BW/93/37 Victoria Park Wharf and Park Wharf (now known as Bow Wharf) – the Local Planning Authority (LPA) **granted** planning permission, 18 November 1993 for the *“Change of use from industrial use to a Canalside arts and crafts village comprising mixed B1 and retail use with artist studios and ancillary music workshop and two restaurants. Provision of ‘Pavilion’ retail units, external alterations to existing buildings, boundary treatment and landscaping together with car parking.”*
- BW/94/62 Victoria Park Wharf and Park Wharf (now known as Bow Wharf) –the LPA granted planning permission on 20 March 1995 for the *“Removal of Condition 1, limiting the use of site for 5 years, imposed on planning permission granted on 18th November 1993 (Ref. No. TH.668/BW/93/97).”*
- APP/E5900/A/0 4/1159432, 1159733 & 1159434 Bow Wharf –The LPA **refused** full planning permission, conservation area consent and listed building consent on 26<sup>th</sup> July 2004 and these three & consents listed below were the subject of a public inquiry. The appeal was dismissed by the Planning Inspectorate on 31<sup>st</sup> May 2005.
- PA/02/951 The LPA **refused** full planning permission on the 26 July 2004 for the *“Demolition of existing buildings and redevelopment of the site to provide a part four and part five storey development (with mezzanine), comprising the provision of 9no. Class B1 units and 32no. Residential units, together with the erection of new first floor level pedestrian footbridge over the canal.”*
- PA/02/952 The LPA **refused** conservation area consent on the 26 July 2004 for the *“Demolition of a single storey warehouse on the north side of Hertford Union Canal and demolition of a single storey cottage on the boundary of Wennington Park to allow for construction of 9no. Class B1 units and 32no. Residential units.”*
- PA/03/293 The LPA **refused** listed building consent on the 26 July 2004 for the *“Reinforcement and restoration works to the existing bridge.”*
- APP/E5900/A/1 0/2121940 Bow Wharf – The LPA **refused** full planning permission on 4 August 2008 and this consent along with the conservation area consent listed below were the subject of a hearing. The appeal was dismissed by the Planning Inspectorate on 2 November 2010.
- PA/09/00766 The LPA refused full planning permission on the 4 August 2008 for the *“Demolition of existing buildings and redevelopment to provide two buildings of between four and eight storeys comprising 50 (13 x 1 bed, 31 x 2 beds and 6 x 3 beds) residential units and 322 square metres of commercial floorspace (Use Classes A1, A2, A3 or A4) including parking, loading, cycle parking, public amenity space and associated development.”*
- PA/09/00767 The LPA successfully defended at appeal an application for conservation area consent for the *“Demolition of existing buildings in association with redevelopment of site for mixed commercial and residential use.”*

## 5. POLICY FRAMEWORK

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

### **Spatial Development Strategy for Greater London (London Plan) (2011) (LP)**

- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people’s play and informal recreation facilities
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private and mixed use schemes
- 3.13 Affordable housing thresholds
- 4.1 Developing London’s economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy network
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.7 Better streets and surface transport
- 6.8 Coaches
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion

6.12	Road network capacity
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.7	Location and design of tall and large buildings
7.8	Heritage assets and archaeology
7.9	Heritage-led regeneration
7.13	Safety, security and resilience to emergency
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.18	Protecting local open space and addressing deficiency
7.19	Biodiversity and access to nature
7.24	Blue Ribbon Network
7.25	Increasing the Blue Ribbon Network for passengers and tourism
7.26	Increasing the use of the Blue Ribbon Network for freight transport
7.27	Blue Ribbon Network: supporting infrastructure and recreational use
7.28	Restoration of the Blue Ribbon Network
7.30	London's canals and other rivers and waterspaces
8.2	Planning Obligations
8.3	Community Infrastructure Levy

#### **Core Strategy Development Plan Document (September 2010) (CS)**

SP01	Refocusing on our town centres
SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP04	Creating a green and blue grid
SP05	Dealing with waste
SP06	Delivering successful employment hubs
SP08	Making connected places
SP09	Creating attractive and safe streets
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking and (LAP 5 & 6 – Bow)

#### **Unitary Development Plan 1998 (as saved September 2007) (UDP)**

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV12	Provision of Landscaping in Development
DEV13	Design of Landscaping Schemes
DEV15	Retention / Replacement of Mature Trees
DEV27	Demolition in Conservation Areas
DEV37	Listed Buildings
DEV46	Protection of Waterway Corridors
DEV48	Strategic Riverside Walkways and New Development
DEV50	Noise
DEV51	Soil Tests



DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Development Affecting Nature Conservation Areas
DEV63	Designation of Green Chains
DEV64	Strategic Riverside Walkway Designation
DEV65	Protection of Existing Walkways
EMP1	Encouraging New Employment Uses
EMP8	Encouraging Small Business Growth
T7	The Road Hierarchy
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrian Needs in New Development
T26	Use of the Waterways for Freight
S7	Consideration of Development of Special Uses
S10	Requirements for New Shopfront Proposals
S11	Use of Open Grills
OS1	Reservation of Sites
OS6	Designation of Metropolitan Open Land
OS9	Children's Play Space
ART6	Definition and Purpose
U2	Development in areas at Risk from Flooding
U3	Flood Protection Measures

**Managing Development Development Plan Document (submission version May 2012) with modifications (MD DPD)**

DM1	Development within the town centre hierarchy
DM2	Protecting local shops
DM3	Delivery homes
DM4	Housing standards and amenity space
DM9	Improving air quality
DM10	Delivering open space
DM11	Living buildings and biodiversity
DM12	Water spaces
DM13	Sustainable drainage
DM14	Managing waste
DM15	Local job creation and investment
DM20	Supporting a sustainable transport network
DM21	Sustainable transportation of freight
DM22	Parking
DM23	Streets and the public realm
DM24	Place-sensitive design
DM25	Amenity
DM26	Building heights
DM27	Heritage and the built environment
DM29	Achieving a zero carbon borough and addressing climate change
DM30	Contaminated land

**Interim Planning Guidance for the purposes of Development Control (2007) (IPG)**

DEV1	Amenity
DEV2	Character and Design
DEV3	Accessible and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency and Renewable Energy

DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycle Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV21	Flood Risk Management
DEV22	Contaminated Land
EE2	Redevelopment /Change of Use of Employment Sites
RT5	Evening and Night-time Economy
HSG1	Determining Residential Density
OSN1	Metropolitan Open Land
OSN2	Open Space
OSN3	Blue Ribbon Network and the Thames Policy Area
CON1	Listed Buildings
CON2	Conservation Areas
U1	Utilities

#### **Supplementary Planning Guidance/Documents**

Riverside Walkways (1998)  
 Shop Front Design (1998)  
 Canalside Development (1998)  
 Landscape Requirements (1998)  
 Designing Out Crime (2002)  
 LBTH Planning Obligations Supplementary Planning Document(2012) (PO SPD)  
 Regents Canal Conservation Area Appraisal (2009) (RCCAA)

#### **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (2012) (NPPF)

#### **Community Plan**

The following Community Plan objectives relate to the application:

- A great place to live
- A healthy and supportive community
- A safe and cohesive community
- A prosperous community

### **6. CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

#### **LBTH Biodiversity Officer**

6.3 Although there is little of biodiversity interest on the application site itself, this is a key location for enhancing biodiversity. It lies at the junction of the two canals, both of which are

part of a Site of Metropolitan Importance for nature conservation. The Hertford Union Canal is also a key green corridor, linking the Grand Union Canal system, and Victoria and Mile End Parks, with the Lee Valley.

- 6.4 The Extended Phase 1 survey report does not address potential impacts of the development on the biodiversity of the canals. There is likely to be a minor adverse impact through shading, particularly of the Hertford Union Canal by building B, a 6-storey building on its southern side. The shading impact is not likely to be serious enough to constitute a reason for refusal of planning permission, but it does increase the importance of maximising biodiversity provision within the development.
- 6.5 The canals are important feeding areas and commuting routes for bats. Some species of bats avoid light, so there is a potential adverse impact from lighting the development, both during construction and after the buildings are occupied. Lighting should be designed to avoid light spillage over the canals. The removal of the proposed lighting on the south side of the canal (wall lights on building B and the lamp post), and use of directional light on building A to ensure lighting of only the tow-path, might be a way to resolve this issue.

**[Officer Comment:** Full details of external lighting for the development would be controlled via condition and seek to ensure there would be no light spillage onto the canal. If this is not possible further bat surveys would be required to establish if the types of bats roosting and using the flight path are affected by lighting ahead of agreeing a scheme of lighting for the site.]

- 6.6 The Extended Phase 1 Survey report identifies a small possibility that the existing buildings could be used occasionally for roosting by small numbers of bats. It is also possible that black redstarts could use them for nesting. To ensure no breach of protected species legislation, the buildings should be demolished during the winter (November to March inclusive). If this is not possible, soft demolition techniques with an ecologist present, as recommended in the Extended Phase 1 report, should be used. Additionally, black redstart surveys should be undertaken immediately before demolition if this is to take place between May and July inclusive. If black redstarts are found to be nesting on site, demolition of the building they are nesting in would have to be delayed until the young have fledged. This should be secured by condition.

**[Officer Comment:** The above matters would be controlled via condition as requested.]

- 6.7 Opportunities to incorporate biodiversity into the development are limited, particularly as Conservation Area considerations appear to rule out green roofs. In this respect, the landscape strip along the south side of the Hertford Union Canal is crucial. The planting scheme for the canalside strip needs to be completely re-thought to consist of locally-native species appropriate to the location.
- 6.8 An amended planting plan was submitted for review and the Biodiversity Officer has advised that he is broadly satisfied given it's a vast improvement over the original proposals and would include night-flowering plants which would attract moths and hence also be good for bats.

**[Officer Comment:** The applicant has provided an amended planting plan which addresses the Biodiversity Officer's concerns. Full details of landscaping to ensure the enhancement of biodiversity would be controlled via condition.]

- 6.9 Other possible ecological enhancements include incorporating bird and bat boxes into the new buildings (as recommended in the Extended Phase 1 report) and enhancing the canal walls. While this section of the Hertford Union is too narrow to allow rafts or baskets to

support marginal and emergent vegetation, British Waterways has apparently recently designed and approved methods of enhancing vertical canal walls without using up much space. This should be explored.

**[Officer Comment:** The provision of bird and bat boxes would be secured via condition. Where possible other types of biodiversity enhancement would be encouraged through the landscaping condition.]

#### **LBTH Sustainable Development Team**

- 6.10 Original comments provided raised concern about the proposed energy strategy. Following detailed discussions with the applicant and the submission of further information the sustainable development team are comfortable that the proposals offer an appropriate response to the adopted and emerging policy requirements.
- 6.11 Whilst the proposed energy strategy falls short of the requirements of emerging Policy DM29 of the MD DPD (which seeks a 35% reduction in CO2 emissions) the anticipated CO2 savings are in accordance with policy 5.2 of the LP and the applicant has demonstrated the CO2 savings have been maximised through energy efficiency measures and the integration of renewable energy technologies.
- 6.12 The applicant has provided a robust justification for the omission of a CHP and a communal gas system is also not considered feasible due to the scale of the development and site constraints (including the Hertford Union Canal).
- 6.13 Therefore, the CO2 savings proposed for this development are considered acceptable in this specific instance. The applicant has proposed to achieve a Code for Sustainable Homes Level 4 rating for all units which is also supported by Sustainable Development Team. The energy strategy (including the additional information) and Code for Sustainable Homes level 4 should be secured through appropriate conditions.

**[Officer Comment:** The above matters would be secured via condition as requested.]

#### **LBTH Development Design and Conservation**

- 6.14 The Urban Design Officer advised that following detailed discussion with the case officer no further objections to raise.
- 6.15 The Conservation Officer has advised the demolition proposed on the site has been accepted by the inspector and they do not propose to comment upon this further.
- 6.16 With regard to the Stop Lock Bridge, the works proposed include the resurfacing of the bridge with a resin bonded gravel, the removal of paintwork on the abutment (Hertford Union Canal Side), the demolition of the wall on the north-west side and its replacement with new section of wall and railings.
- 6.17 The repair of the surface with resin bonded gravel is to be welcomed as it allows the existing concrete within the structure to remain. In terms of the other works these are acceptable in principle. However, the current drawings provide insufficient detail of the proposed new section of wall and railings. It will be important that the wall matches existing originals in terms of the details. It is suggested that they be conditioned. The removal of paintwork could also usefully be conditioned.

**[Officer Comment:** Full details of the replacement wall will be controlled via condition as requested. Given, the principle of reinstating the wall is acceptable. Officers, consider

sufficient information has been provided at this stage and the final detail of the wall can be controlled via condition.]

### **LBTH Crime Prevention Officer**

6.18 Detailed discussion and site meetings took place between the Crime Prevention Officer and they have requested that the details be secured via planning condition.

- Lighting and CCTV would be required and the CCTV would need to be monitored through the management of the site. This is specifically required for the undercroft to Building C and the entrance to Building B. Clear signage explaining that people are being recorded via CCTV will also improve security here.
- Metal railings need to be robust and non-climbable and should only be accessible through a secure fob for residents only. Specifically in relating to Building A and Building B.

Other general Secure by Design Requirements (SBD) Tower Hamlets include:

- No Trades Buttons
- Laminated glass 6.4 mm to outer pane
- Letterboxes either in individual doors or in a bank in lobby (not outside through wall)
- Lockable window restrictors to all accessible windows
- All low defensive wall/railings to be designed so they cannot be sat upon
- All boundary walls/fences to be 2.4 meters high
- All external lighting to be photo-electric/dusk to dawn
- Internal lighting same unless no natural light in corridor in which case 50/50 scheme photo electric and detector

These standards are specific to crime problems/concerns in Tower Hamlets. All other SBD standards are shown at [www.securedbydesign.com](http://www.securedbydesign.com).

**[Officer Comment:** A lighting plan and CCTV plan would be secured as part of the landscaping condition. However, a balance between harm to biodiversity and secure by design requirements would need to be struck in assessing the final details of lighting for the development. Finally, a secure by design statement would be secured via condition. It is noted that the applicant has agreed to these recommendations. ]

### **LBTH Waste Management**

6.19 The Planning Application details that all refuse and recycling collections at the Bow Wharf Development will be managed privately by British Waterways (now the Canal and River Trust). As LBTH will not be collecting from this site, no objections have been raised to the planning application. It must however be noted that should the managing agents revert to LBTH collections for their domestic waste, LBTH are not in a capacity to collect compacted waste and other arrangements will need to be discussed.

6.20 Also for in case of future LBTH collections, the commercial units should have adequate storage for waste, segregated from residential units. Access to bin stores must be without hindrance from bollards, trees, parking bays or dropped kerb.

6.21 Capacity of bin stores should meet our Waste Planning Guidelines for both recycling and refuse. The wheeling distance from bin stores to collection vehicles should be less than 10 metres.

**[Officer Comment:** A waste and recycling management plan for both the residential and commercial users would be controlled via condition. This would also ensure sufficient

capacity and separate waste storage for different users.]

### **LBTH Housing**

- 6.22 Following an independent review of the applicant's viability toolkit, it has been established that the scheme cannot deliver more than 29% affordable housing. This is below the Council's minimum requirement of 35%, however policy does allow for viability to be considered.
- 6.23 The affordable element is split 83%:17% in favour of affordable rented, this is outside the Council's policy target of SP02 (4) 70%:30% split.
- 6.24 The unit mix within the affordable rented proposes 14% of one beds against a target of 30%, 29% of two beds against our target 25%, 57% of three beds against our target of 30%. The scheme proposes no four or five within this tenure type. Overall our SP02 target requires 45% affordable family housing within so we would find the higher provision of three beds acceptable.
- 6.25 Within the intermediate the applicant proposes to deliver 50% one beds against our target of 25%, 50% of two beds against our target of 50%. There is no provision of family units within the tenure type.
- 6.26 The applicant is proposing to deliver the rented element at Affordable rent. We need to see the rent assumptions to ensure they are in line with the parameters set by POD for that area.
- 6.27 This offer has undergone independent viability testing and on balance we would be supportive.

**[Officer Comment:** The applicant has confirmed that the rent levels would be in line with the parameters set by POD for that area.]

### **LBTH Environmental Health**

#### General

- 6.28 Premises must comply with relevant statutory requirements including the Housing Act 2004, or comply with relevant Building Regulations.

**[Officer Comment:** The applicant would be advised of the need to comply with relevant Environmental Health legislation via an informative.]

#### Noise and Vibration

- 6.29 The proposed development shall comply with the Tower Hamlets Construction Policy, the Control of Pollution Act 1974 and BS 5228: 2009 (Code of practice for noise and vibration control on construction sites) in order to ensure prevention of noise and dust nuisance and the infringement of the nuisance provisions set out in the Environmental Protection Act 1990. The applicant must also ensure that when construction begins that work is carried out only during the following hours: 8am- 6pm Monday to Friday. 8am – 1pm Saturdays. No working allowed on Sundays and Public Holidays.

**[Officer Comment:** Hours of construction and a Construction Management Plan (CMP) would be secured via condition.]

- 6.30 The application lacks any reference to the impact and implication of noise. An acoustic report examining the noise impact on the proposed development must be submitted to this department. The report shall demonstrate how noise exposure would be mitigated to ensure

that the development satisfies the design requirements of BS8233: 1999 (Sound Insulation and Noise Reduction for Buildings: (noise within premises and from adjacent premises)) and Approved Document E (ADE) of Building Regulation 2003 (Resistance to the Passage of Sound).

**[Officer Comment:** The site is not located directly adjacent to a busy road way or other noise source which would preclude the introduction of residential accommodation. Notwithstanding, details of noise insulation to ensure all residential units would comply would be secured via condition. The Environmental Health Officer has confirmed the use of conditions would be acceptable in this instance.]

- 6.31 The application proposes A3 use for part of the development in relation to commercial use. This would require separate planning application in particular to address the potential noise and smell nuisance that may result from the operation of an A3 premises. Planning for any A3 premises should therefore be considered separately and Environmental Health be consulted on such applications to ensure that specific requirements for 'high level' kitchen extract systems and effective noise abatement measures (via the submission of Noise Survey pursuant to BS4142:1997) are satisfactorily met.

**[Officer Comment:** The application seeks permission for a commercial unit which could be used for a range of uses including Use Class A3. It is noted that if an A3 use were to operate from the commercial unit full details of ventilation and extraction equipment would be required and this matter would be controlled via condition. An indicative location for a flue running internally within the building adjacent to the stair core has been proposed. If it were not possible to agree the siting and location of the necessary equipment the condition would not be discharged and an A3 use could not be commenced. Officers consider through the application of a condition requiring such details there is sufficient control to manage any potential impacts. The Environmental Health Officer has confirmed their agreement with this approach.]

#### Contaminated Land

- 6.32 The Environmental Protection Section is in possession of a report submitted in support of planning application PA/11/03371 for the development of the above site.
- 6.33 The document presents the results of intrusive investigation works that were undertaken at the site that revealed a hot spot of contamination above the assessment criteria. The Environmental Health Officer is in agreement with the recommendations contained within the report for remedial action via breaking the pathways and the importation of geochemically suitable soils in areas of soft landscaping. A condition is required on this application to ensure the developer carries out the outstanding works.

**[Officer Comment:** This matter would be controlled via condition as requested.]

#### **LBTH Highways**

##### Parking

- 6.34 The development proposals incorporate a single on-site disabled parking space which is welcomed. Other than this space the development is to be entirely car-free and this approach is also welcomed. In line with the Highway comments related to PA/09/00766, any future planning permission should be subject to a S106 car and permit free agreement.

##### Cycle Parking

- 6.35 It is stated within the submitted Transport Statement that a total of 38 cycle parking spaces in association with the residential units and a further 2 cycle parking spaces in connection with the commercial land use. Whilst this level of provision is supported, there is no information

outlining the type of stand to be utilised or demonstrating that the minimum number of stands can be accommodated in the areas shown. It is unusual for bin and bicycle storage areas to be shared as the Applicant currently proposes.

**[Officer Comment:** Full details of cycle and bin storage would be secured via condition. The applicant would be advised via an informative of the need to use a Sheffield stand or similar. Colleagues in Waste management have not raised an objection to the proposed bin storage.]

#### Servicing Arrangements

- 6.36 It is acknowledged that the proposed commercial unit (approximately 74.8 square metres sqm) is unlikely to generate large volumes of servicing trips. As identified in the submitted Transport Statement, the development proposals include provision for an area of hard standing adjacent to the proposed commercial unit which can be used by a transit van sized vehicle for the purposes of servicing. It is also possible for the proposed commercial unit to utilise the same servicing arrangements as the existing units on the site whereby vehicles can park in a designated area within the adjacent Bow Wharf car park and then transport the goods to the proposed commercial unit.
- 6.37 A Service Management Plan should be secured via condition to control the servicing (locations, size of vehicle using the area of hard standing, frequency of servicing movements and times during which servicing can take place). The Applicant is advised to avoid service vehicle movements along the access road during peak times of pedestrian and cyclist movement.

#### Refuse Arrangements

- 6.38 Comments pertaining to the suitability of the proposals for the storage and collection of waste should be obtained from the Waste Management team. Refuse collection activities will also have to be managed as part of the Delivery and Servicing Management Plan.

#### Other Comments

- 6.39 If the Case Officer is minded to grant Planning Permission, then Highways will seek a contribution towards public realm/highway improvement works. As identified in the previous Highway comments and within the Transport Statement submitted in support of the current application, works are required at the site access junction onto Old Ford Road and these are to be included as part of a S278 agreement. It is suggested that to review if any further measures be introduced within the site to secure improved/safe passage for pedestrians and cyclists along the access road. There do not appear to be any visibility splays for the site access junction onto Old Ford Road.

**[Officer Comment:** The Borough Highway Officer has confirmed that given this is an existing access route the main aim is to ensure this is improved. Whilst visibility splays would have informed the scale of work required by the S278 they are not essential in this instance subject to a s278 agreement being secured. As part of the hard and soft landscaping works which would be controlled via condition full details of measures to ensure this access route is a safe environment for all would be secured.]

#### Conclusions

- 6.40 In principle Highways have no objections, however further information is required regarding the cycle parking prior to a decision being reached on the application.
- 6.41 If planning permission is granted, please include the following:
- The Applicant is to enter into a S106 car and permit free agreement.
  - A Delivery and Servicing Management Plan is to be secured via condition.



- A Construction Management Plan is to be secured via condition.
- A condition requiring all private forecourt/areas to be drained within the site and not into the Public Highway should be included in any future planning permission. Details to be submitted to and approved by LBTH.
- A condition requiring a S278 agreement should be included.
- Footway and surrounding highway not be blocked during construction.
- All construction vehicles to comply with on-street restrictions.

**[Officer Comment:** These matters have been secured where appropriate, as detailed above.]

6.42 Following, the submission of amended access information to address London Fire Brigade Comments, the Borough Highway Officer advised that regarding revisions to the scheme in they have no further comments.

#### **LBTH Tree Officer**

6.43 Subject to suitable replacement trees which should include Adler no objection has been raised to the removal of existing trees.

**[Officer Comment:** This would be controlled via condition.]

#### **Olympic Delivery Authority (ODA)**

6.44 To date no comments have been received.

#### **Canal and River Trust (formerly British Waterways)**

6.45 The Canal and River Trust (formerly British Waterways) is a development partner in the joint venture development company H2O Urban, which has submitted these applications.

6.46 They note that the Environment Agency (EA) have requested by way of condition the need for a 5 metre buffer zone to the canal edge which they object to.

**[Officer Comment:** The EA, have confirmed via email that the purpose of the condition is to secure the existing landscaped strip is maintained and managed to promote Biodiversity. As such, a five metre buffer is not required.]

6.47 In recent comments received dated 20 November 2012, the Canal and River Trust, in their statutory capacity, have advised that they raise no objection to the proposals for the following reasons:

- Waterspace as the starting point for the design process;
- Full public access to the water's edges part of an integrated public realm, to include improvements to the towpath and accesses for cyclists and pedestrians;
- Active ground floor uses that integrate with and respond to the waterside to create a unique and vibrant waterfront;
- Visual and physical links to open up the site to the water's edge; and
- Safe and enjoyable waterfront with natural surveillance and sensitive lighting.

6.48 They request the following conditions and informatives should planning permission be granted:

#### **Conditions**

- Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water.

- Full details of landscaping.
- Full details of any lighting and CCTV.
- Survey of the condition of the waterway wall and a method statement and schedule of works.

#### Informatives

- Any access to or from the towpath, closures of the towpath or scaffolding oversailing the Canal & River Trust's land or water during the construction must be agreed in writing with the Canal & River Trust before development commences.
- The applicant/developer should refer to the current Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained, and liaise with the Trust's Third Party Work's Engineer: <http://canalrivertrust.org.uk/about-us/for-businesses/undertaking-works-on-our-property>.

**[Officer Comment:** These matters have been secured where appropriate, as detailed above.]

#### English Heritage

- 6.49 Comments with relation to the Full Planning Application (PA/11/03371), Conservation Area Consent Application (PA/11/03372) and Listed Building Application (PA/11/03373) advise that the applications should be determined in accordance with national and local policy guidance and on the basis of LBTH specialist conservation advice.

#### Environment Agency (EA)

- 6.50 The proposed development would only be acceptable if the following condition requiring the provision and management of a buffer zone along the Hertford Union Canal is imposed on any planning permission granted.
- 6.51 The EA initially advised that the buffer zone would need to be a minimum of five metres, however, have subsequently confirmed the purpose of the condition is to secure the existing landscaped strip and secure details of how it would be maintained and managed to promote Biodiversity.
- 6.52 Comments are also provided regarding light spill onto the canal and biodiversity enhancement.

**[Officer Comment:** The Canal and River Trust (British Waterways) objected to this condition however, following further comments from the EA it is evident that the existing landscaped strip which would be maintained would be a sufficient buffer zone. The detailed management of this strip to enhance biodiversity would be controlled via condition.]

#### Tower Hamlets Primary Care Trust (PCT)

- 6.53 They have sought a financial contribution of £393,151 which includes a capital contribution of £54,126 and a revenue contribution of £339,027.

**[Officer Comment:** Full details of how the financial contributions have been agreed are discussed within section eight of this report.]

#### Inland Waterways Association

- 6.54 To date no comments have been received.

### **Canalside Consultee Committee**

6.55 To date no comments have been received.

### **Thames Water**

6.56 To date no comments have been received.

### **London Fire and Emergency Planning**

6.57 Via letter dated 6 March 2012 the Fire Safety Officer stated that *“it has been identified that the requirements for fire appliance access and egress has not been satisfied.”*

**[Officer Comment:** Following the receipt of these comments the application was withdrawn from the March 2012 Committee agenda to allow the applicant to resolve this issue. Subsequently a site visit was organised on 2May 2012. During this site visit a fire engine accessed the site via the proposed route and the concerns of the Fire Safety Officer were discussed in detail.

6.58 Via letter dated 16 May 2012 the Fire Safety Officer stated that *“with reference to the recent site visit made to the above-mentioned site location a practical fire appliance access and egress trail was undertaken. I confirm that the process was considered to be conclusive that even under ideal circumstances access was not satisfactorily attained. The requirements of approved document B5 of Approved Document B could not be satisfied.”*

**[Officer Comment:** Following receipt of these comments the applicant explored options to overcome the concerns. Whilst, the engine had been able to access the application site from the Grove Road entrance during the May 2site visit the main issues included the level of obstruction along the route which meant that access was at a very slow pace. The applicant submitted amended drawings showing the proposal to demolish part of the first chalet and also provided further tracking.]

6.59 Via letter dated 13 November 2012 the Fire Safety Officer advised that *“I attach the new proposal for access which I am satisfied that the Fire Authority can now move ahead with provided that we are able to conduct, as before, the physical test to ensure that the revised plan can be proved. We recommend that this is undertaken as soon as practicable.”*

**[Officer Comment:** Following receipt of these comments officers confirmed with the Fire Safety Officer that it would be necessary to assess the proposals based on the submitted tracking drawings given it would be unreasonable to require partial demolition of a building ahead of the grant of any consents for the future redevelopment of another part of the site. It was noted that should planning permission be granted a Grampian condition would be attached to any permission requiring the necessary demolition works to be completed first. It is also noted that should following the demolition of part of the chalet that the Fire Brigade are still not satisfied with access arrangements they could still take action under their legislation.]

6.60 Final comments were received via email dated 9 January 2013 stating that *“I note at this time that you are proposing to demolish part of the building adjacent to the fire path to allow Fire Appliance access in the event of an emergency and improve the current arrangement. However, this will not happen until a later date. While the current proposal is acceptable subject to this building being partially demolished it should be noted that the Fire Authority will consider enforcement action should following construction access not meet our requirements.”*

**[Officer Comment:** Given, the Fire Safety Officer has noted that they are satisfied with the current proposal would be acceptable subject to the partial demolition of one of the chalet buildings officers consider that sufficient information has been submitted to assess this application. Should planning permission be granted a grampian condition would secure the demolition of part of the chalet building before any further works could be carried out. Furthermore, the condition would securer require a post demolition fire appliance access test to be carried out in conjunction with the Fire Safety Officer.]

#### **Lee Valley Regional Park Authority**

- 6.61 Following a review of the documents the Authority has no comments to make regarding this application.

#### **Greater London Industrial Archaeology Society (GLIAS)**

##### Comments on the Full Planning Application (PA/11/03371) and Conservation Area Application (PA/11/03372)

- 6.62 It is noted that the proposed scheme is of a lower density than the previous scheme but they still consider the scheme is too large so as to damage the special existing character of the site for the following reason.
- 6.63 The 3-storey former warehouse is one of the most distinctive buildings on the canals of east London. The proposed Building B would overpower it by its relative height, white its tiers of projecting balconies and crude mansard dormers would dominate the scene and distract from the warehouse's qualities. They suggest the building should be reduced by two storeys.
- 6.64 The present wharf has a feel of open space that supports the open character of views from Stop Lock Bridge. This would be lost, because of the scale of Building B. The proposed landscaped piazza would be tiny and would not offer mitigation.
- 6.65 The listed Stop Lock Bridge is an important surviving example of this type of cast iron bridge. It was not designed for heavy vehicles, so the northern access road carried a 3-tonne weight limit. Concern is expressed about the impact of the anticipated increase in traffic accessing the development over the bridge would have on this designated heritage asset. They request carefully designed physical width restriction measures at the beginning and end of the bridge to prevent all but the smallest vehicles passing over it.

**[Officer Comment:** It is noted that the applicant has agreed to install necessary weight restriction measures and this would be managed via **condition**.]

- 6.66 The narrows in the canal to the east of the Stop Lock Bridge is the 'stop lock' that was historically an important feature of this canal junction. Two lock gates are still there (under the water) although they are in a bad state of repair. It is requested that a condition be attached securing the repair of the stop lock gate.

**[Officer Comment:** The applicant has advised that the Canal and River Trust (formerly British Waterways) are looking into replacing the stop lock gates around the canal system as a standalone project. Restoration is outside the scope of this application and it is noted that the gates are not within the red line boundary for the application. GLIAS welcome that they will be restored and the applicant confirmed, this would be programmed to take place in 2013.

Detailed comments regarding design, impact on the conservation area and listed bridge are discussed within the main body of this report.]

Comments on Listed Building Application (PA/11/03373)

- 6.67 They welcome that the proposed approach to works to the bridge which would comprise re-surfacing with a resin bound surface dressing on and adjacent to the bridge. It is noted that the listed bridge should be a separate focal point from the proposed landmark tree given the bridge already provides a fitting landscape to announce the junction of the canals. Notwithstanding, the comments in the landscape plan, it is not considered that there is a conflict between keeping the parapet wall and having a second focus on the tree.

Replacement Wall

- 6.68 They have raised an objection to the proposed replacement of the north-eastern parapet wall by a railing. Furthermore, the present ungainly Fletton-brick wall should be replaced by one in London stock bricks to match the other corners. If a suitable piece of grit stone cannot be found to make the coping, the one simulated in artificial stone may be acceptable.

[**Officer Comment:** The applicant amended drawings to take account of these concerns.]

- 6.69 Following the review of amended drawings relating to the replacement brick wall a detailed exchange of emails took place which set out the exact detail required for the replacement wall and the concern that this is not at this stage fully reflected in the submitted drawings.

[**Officer Comment:** Whilst, the concerns of GLIAS are noted, officers consider that this level of detail could be secured via condition. Detailed drawings at scale 1:20 and or 1:50 would be required to show how the detail of the replacement wall matches and picks up on the detailing of the existing wall. Samples would also be required. GLIAS would be consulted as part of the discharge of condition.]

Weight Restriction

- 6.70 Comments regarding the need for width restriction measures such as bollards and masonry (which would need to be suitably designed) have been provided as part of the main application comments.

[**Officer Comment:**It is noted that the applicant has agreed to install necessary weight restriction measures and this would be managed via condition. Detailed comments regarding the works to the listed bridge are discussed within the main body of this report.]

## 7. LOCAL REPRESENTATION

- 7.1 Consultation on this application included two rounds of consultation. The first round of consultation took place in November 2011. Following the receipt of amended drawings relating to fire access a second round of consultation was carried out in October 2012.

- 7.2 A total of 298 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	81	Objecting:	80	Supporting:	01
		(including	36	Pro	
		Forma Letters)			
No of petitions received:	1	objecting containing	152	signatories	
		0 supporting			

7.3 The following local groups/societies made representations:

- East End Waterways Group
- 36 Pro Forma letters of objection were received from the residents of Velletri and St. Gilles House.

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

7.5 One letter of support was received which set out that they support the scheme which would be an efficient use of land. The development would promote vitality and viability of the Bow Wharf complex and the area generally. It appears that thought has gone into the design in relation to the surrounding designated heritage assets. In order to address concerns about access request improvements of the access arrangements including looking at lighting along the canal.

7.6 The following concerns were raised in the letters of objection to the scheme.

7.7 Conservation and Design

- Concern about demolition of existing buildings.
- The design, height and bulk of proposed blocks A, B, and C would be detrimental to the character and appearance of the Regent's Canal Conservation Area (failing to respect its open nature), the setting of the two locally listed industrial buildings and the setting of the Grade-II-listed Stop Lock Bridge.
- The 1901 Warehouse is one of the few surviving historic canal side warehouses in this area and is an example of a 'layby warehouse' and should remain the dominant and most visible building on the site.
- Concern about impact on views from Roman Road, Grove Road and Victoria Park and loss of visual amenity.
- Concern about principle of inset balconies along the eastern elevation of Building C which are directly adjacent to the tow path.
- Concern about principle of projecting balconies as used in Building B and C which would be alien to the industrial aesthetic and would impact upon the character and appearance of the conservation area setting and the Grade II Listed Stop Lock Bridge.
- Concern about maintaining historic open spaces in this part of the Conservation Area which was mentioned in the previous Inspector's Decision.
- Concern the current proposals do not address previous Inspector's comments.
- Suggest Building A should be replaced with a westward continuation of the existing three storey houses.
- Suggest Building B should be reduced in height by two stories.
- Suggest Building B's projecting balconies are reduced in length and width to reflect the pattern of the glazed loading doorways of the adapted 1901 warehouse.
- Suggest Building C, is shortened (which allows Fire Access from Wennington Green) and reduced in height to three stories.
- Limited benefit of new piazza due to size and furthermore it offers limited relief between buildings unlike the Cranbrook Estate which was sensitive arrangement of buildings with open spaces between them.
- Concern that the development is too modern looking and includes too much aluminium.

**[Officer Comment:** Please refer to the design section of the report which includes a full discussion of these matters. With regard to the suggested alternative scheme officers have assessed the merits of the application as submitted.]

7.8 Stop Lock Bridge

- Initially, concern was raised about the level of information provided for the listed building application.

**[Officer Comment:** During the assessment of the application further information was requested from the applicant which was provided which more fully details the scale and type of works proposed to the listed Stop Lock Bridge.]

- Concern about loss of wall and its replacement with railings, however, note amended drawings have been received and seek confirmation.

**[Officer Comment:** Amended drawings have been received and the resident was contacted and made aware of this both formally as part of re-consultation and informally over the phone.]

- Welcome that metal railing is being retained and painted black.
- Concern about impact of construction on the listed bridge and that post development the weight restriction would not be observed.

**[Officer Comment:** Please refer to the listed building section of the report which includes a full discussion of these matters.]

#### 7.9 Highways

- Concern about the impact of a car free and that in reality residents would secure parking permits.
- Concern about impact further housing would have on already congested buses and tubes in the local area.
- Concern about increased congestion on the roads and along the access route from Old Ford Road.
- Concern about increased congestion of cyclists on the canal tow path because this would be a car free development.
- Concern about safety of access route from Old Ford Road for pedestrians and cyclists.
- Concern about lack of visitor car parking.
- Concern about the impact of an increased number of deliveries on the surrounding highway network.

**[Officer Comment:** Please refer to the highways section of the report which includes a full discussion of these matters.]

#### 7.10 Fire Access

- Concern about safety of residents and others as a result of existing fire access routes.
- Concern that fire engines would access the site over the Stop Lock Bridge (which has occurred previously) and could cause damage given they exceed the weight limit.
- Suggest access is from Wennington Green instead.

**[Officer Comment:** Please refer to the Fire Access comments within section seven and to section eight of the report where this matter is discussed in full.]

#### 7.11 Amenity

- Residents of the Cranbrook Estate would suffer from loss of visual amenity of the established conservation views.
- Residents of Velletri House would suffer from loss of privacy and increased overlooking from the new development.
- Concern about loss of light to Twig Folly House.
- Concern about loss of daylight to Palmerston Court.
- Concern about outlook for residents of Royal Victor Place caused by Building A.
- Loss of sunlight to Royal Victor Place.
- Concern about increase in noise and pollution in the general area during construction

and works taking place on Saturday mornings.

- Concern about increased noise and pollution after the development is complete. Concern that noise carries more because of the canal and the situation would be exacerbated by residents using their balconies.
- Concern about inconvenience caused during construction works.

**[Officer Comment:** Please refer to the amenity section of the report which includes a full discussion of these matters.]

#### 7.12 Biodiversity

- Concern about loss of mature trees.
- Concern about impact of overshadowing of the canal (which forms part of the Blue Ribbon Network) and the impact this would have on local flora and fauna.
- Concern about loss of flora and fauna.
- Concern about impact of light pollution on bats that nest within the vicinity.

**[Officer Comment:** These matters are addressed in full within section seven of the report as part of the Tree Officer and Biodiversity Officer's comments and within the main body of the report.]

#### 7.13 General

- Concern about overdevelopment and increased density of the site.
- Concern about increased demand on utilities including water, sewers, telecoms, health, education, policing, fire brigade, rubbish collection and anti-social behaviour caused by over development and increased density.
- No further capacity for new homes in Tower Hamlets.
- Concern about the increased density and the negative impacts this would have included increased anti-social behaviour,

**[Officer Comment:** Please refer to the density section of the report which includes a full discussion of these matters. With regard to anti-social behaviour early consultation has been carried out the Crime Prevention Officer to ensure where possible this development would meet Secure by Design Standards (which would be secured via condition).]

- Concern about level of affordable housing at 12% which is below policy requirement of 35% and housing mix including lack of family homes.

**[Officer Comment:** Please refer to the housing section of the report which includes a full discussion of these matters.]

- The site is designated for Arts and Crafts and concern about allowing the principle of residential. Would prefer the site to be used for Arts and Crafts.

**[Officer Comment:** Please refer to the land use section of the report which includes a full discussion of these matters.]

- Concern that the commercial space would not be rented quickly and would remain vacant.

**[Officer Comment:** Officers note that there is a risk that when residential development comes forward that the commercial units may not be let as quickly. This is why the applicant has applied for a flexible permission which allows for a wide variety of users to take up the unit.]

- Concern about the type of retail user and that they could potentially detract from the village feel.

**[Officer Comment:** The unit would be less than 100 square metres which is considered to of a size and scale suitable for local shopping parades and out of town centre locations.]



- Exiting problem with rising debris in the canal which will be worsened.  
[**Officer Comment:** The Canal and River Trust have confirmed that any issues with debris should be reported to them and that their maintenance team deal with any issues. They note that this site would be managed by a management company who would be able to deal with any issues that arise.]

- Concern about failure to use renewable energy.  
[**Officer Comment:** The renewable energy proposals are discussed in detail within the main body of the report.]

- Request that conservation area consent should not be granted until a suitable redevelopment scheme has been agreed.

[**Officer Comment:** This is noted.]

7.14 The following issues were raised in representations, but they are not material to the determination of the application:

- Loss of views

[**Officer Comment:** It is noted that the loss of a private view is not a material planning consideration.]

- Impact on value of properties

[**Officer Comment:** It is noted that this is not a material planning consideration.]

7.15 The following procedural issues were raised in representations, and are addressed below:

- Officers note that five on line comments were received which do not relate to the application. The content is mostly political in nature. Given, the comments do not refer to the application in question, or include names and addresses; these comments have not been included.

- Comments relating to a listed building application to replacement the existing water pipe on the Stop Lock Bridge (PA/11/01950) are noted. This was granted listed building consent under delegated powers. It is noted that this application was separate from the current proposals.

- Residents of Old Ford Road consider it remiss that letters were not sent to them.

[**Officer Comment:** It is noted that the listed properties (numbers 236-256) were sent letters which are located directly to the north of the site. Properties further to the east along Old Ford Road were not sent letters. It is considered that the level of consultation was sufficient and exceeded both statutory requirements and the Statement of Community Involvement.]

- Comments were received outlining that they thought the public consultation was insufficient.

[**Officer Comment:** As noted at paragraph 7.1 two rounds of consultation were carried out for this application which included sending letters to local residents, erecting site notices and advertising the application in the local press. The scale of statutory consultation accords with statutory requirements and the Councils Statement of Community Involvement. It is noted that public consultation was carried out by the applicant ahead of submission. However, consultation at this stage is encouraged and not a requirement.]

## 8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Land Use
2. Housing
3. Impact on Designated Heritage Assets
4. Character and Design
5. Amenity
6. Highways
7. Energy
8. Biodiversity
9. Energy & Sustainability
10. Biodiversity and the Green Grid
11. Contamination
12. Health Considerations
13. Section 106 Agreement
14. Localism Act (amendment to S70(2) of the TCPA 1990)
15. Human Rights Considerations
16. Equality Act Considerations

### **Land Use**

- 8.1 At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.
- 8.2 Delivering housing is a key priority both nationally and locally and this is acknowledged within the NPPF, Strategic Objectives 7, 8 and 9 of the CS and policy 3.1 of the LP which gives Boroughs targets for increasing the number of housing units.
- 8.3 Strategic policy SP02 of the CS sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025. The policy also sets out where this new housing will be delivered and identifies the Bow area as having potential for high growth.
- 8.4 The site does not have an allocation in the saved UDP nor the MD DPD. Taking this into account, and given the surrounding area is predominantly residential in character, it is considered that this development would be an acceptable use of previously developed land and would be in accordance with the above planning policies.
- 8.5 Strategic policy SP01 of the CS seeks to promote areas outside of town centres as places that support and assist in the creation of sustainable communities. This will be achieved by promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.
- 8.6 The application site is designated for Leisure, Recreation, Arts/Craft, Retail and Water Recreation in the adopted UDP. This designation has not been carried forward by the adopted CS or the emerging MD DPD. Officers consider that the more recently adopted CS carries more weight and that the designation within the UDP is now out of date. However, this does not preclude that the proposal could not include uses which would be associated with leisure, recreation, arts/crafts, retail nor prohibit the use of the surrounding canal for water recreation.
- 8.7 Finally, it is noted that the principle of a residential led re-development of the site has not been in dispute as part of the assessment of either of the previous applications which were refused. The Inspector's decision letter dated 31 May 2005 concluded that "*it would be reasonable to allow a variation from the current designation, to allow proposed unrestricted B1 use, particularly as this would not preclude the original uses that were envisaged for this site.*" Furthermore, the Inspector stated in his decision letter dated 2 November 2010 that "*I*

*accept that the appeal site is identified in planning policy as a development opportunity.*”As such, the principle of a residential led re-development of the site is considered acceptable and accords with national, regional and local policy.

- 8.9 Strategic policy SP06 of the CS and policies EMP1 and EMP8 of the UDP seek to maximise and deliver investment and job creation within the borough. This includes supporting the provision of a range and mix of employment uses and spaces in the borough by retaining, promoting and encouraging flexible workspace in town centre, edge-of-town and main street locations and encouraging and retaining the provision of units (of approximately 250 square metres or less) suitable for small and medium enterprises (SMEs).
- 8.10 Policy DM2 of the MD DPD, seeks to protect local shops and sets out criteria for the assessment of new retail uses outside of town centres.
- 8.11 Policy DM15 of the MD DPD resists the loss of active and viable employment uses unless it can be shown through a marketing exercise that the site has been vacant for approximately 12 months or that the site is unsuitable for continued employment use.
- 8.12 The site currently provides 85 square metres of Office floor space (B1) and 581 square metres of storage and distribution floor space (B8). The total amount of employment floor space is 666 square metres. The wider Bow Wharf Complex provides a mix of uses including A1, A2, A3, A4, B1 and D2 uses. The application proposes the redevelopment of the western part of the site to provide a mixed use scheme. The proposal includes the provision of one commercial unit which would be approximately 74.8 square metres and located at the ground floor of Building C. Consent is sought for a flexible use of this unit comprising retail (A1) or financial services (A2), restaurant (A3), office (B1), or non-residential institution (D1).
- 8.13 The northern part of the site is largely occupied by a vacant warehouse measuring approximately 581 square metres which was previously used as a brick store (B8). The brick store has been vacant for at least ten years and has been removed from the ratings list. The applicant notes this is because the Ratings Office agreed that the property would be uneconomic for repair due to the lack of demand. Marketing was undertaken however it was not possible to find occupiers for the store. Currell Commercial, who have acted as Agents for the properties have advised via letter dated 30 September 2011 that the lack of interest in the warehouse building *“is because the commercial space ... is not practical for a modern day occupier [and]the buildings suffer from restricted access and a lack of prominence”*. They also note the difficulty of servicing the warehouse building.
- 8.14 The majority of the southern part of the site is laid out as hard standing and used for informal car parking. Along the southern boundary of the site are a row of single storey work units (approximately 85 square metres) which have been vacant since April 2010. These units have been marketed without success.
- 8.15 The applicant proposes the creation of a flexible commercial unit measuring 74.6 square metres. This would mean the net loss of 597.4 square metres of commercial floor space. With reference to policy DM15 of the MD DPD the applicant has demonstrated that the employment floor space has been vacant for more than a year, has been marketed and due to its condition and location is no longer fit for purpose. As such, the loss of the existing employment floor space is considered acceptable.
- 8.16 The wider Bow Wharf Complex has a wide range of commercial uses and it is considered that the principle of a flexible commercial use would be acceptable. An active use adjacent to the canal would serve to activate the canal-side and could bring new customers into the wider complex. If an office use (A2/B2) or a non-residential institution use (D1) were to be

secured than it is noted that active shop fronts would need to be maintained. Furthermore, a condition would be attached to the permission to restrict the type of D1 uses allowed. This condition is required given an educational use or a community use would have a higher level of activity associated with the use which would need to be fully assessed as part of separate application.

- 8.17 Given, the proposed unit is small in scale and is in keeping with the scale of the smaller commercial units within the wider complex it would not affect the vitality and viability of nearby town centres (Roman Road East and West District Centres)
- 8.18 The principle of a residential led mixed use re-development of the site is considered acceptable. This is a largely residential location and given the justification for the loss of the employment floor space the principle of residential is considered acceptable.
- 8.19 In conclusion, the proposed loss of employment floor space is acceptable given the length of time the units have been vacant, actively marketed and the fact they are no longer fit for purpose. Moreover, the principle of a residential led mixed use re-development of the western part of the Bow Wharf site is considered acceptable. The proposed commercial unit would contribute to activity along the canal and is of a scale which is in keeping with the wider complex.

### **Density**

- 8.20 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of LP Policies 3.4 of the LP and strategic objection SO7 and strategic policy SP02 of the CS seek to ensure new housing developments optimise the use of land by associating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location. Table 3.2 of policy 3.4 of the LP provides guidelines on density taking account of accessibility and setting. Policy HSG1 of the IPG also seeks to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.21 The site has an average Public Transport Accessibility Level (PTAL) (3). For urban sites with a PTAL range of between 2 and 3, table 3.2 of the LP, suggests a density of between 200-450 habitable rooms per hectare. The proposed density would be 456 habitable rooms per hectare (Net site area), which is only marginally higher than the recommended standard.
- 8.22 In the simplest of numerical terms, the proposed density would appear to suggest a slight overdevelopment of the site. However, the intent of the LP and the IPG is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.
- 8.23 It is important to note that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential development. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the LP and Policy SP02 of the CS which seek to ensure the use of land is appropriately optimised in order to create sustainable places.
- 8.24 It is noted local residents are concerned about the impact of any new development coming forward. However, it is noted that the impact of the development has been carefully considered to limit any adverse impacts through the use of conditions and through the provision of financial contributions to be used to delivery infrastructure in the surrounding area. To conclude, the density of development is considered acceptable in this location.

## Housing

- 8.25 Policy 3.3 of the LP seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 8.26 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.
- 8.27 The application proposes 34 new residential units (Use Class C3) within three blocks.

### Affordable Housing:

- 8.28 Policies 3.10, 3.11 and 3.12 of the LP define Affordable Housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.
- 8.29 Policy SP02 of CS seeks to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.30 As detailed in table 1 below, the proposal provides 29% affordable housing provision by habitable room, or 10 units.
- 8.31 Table 1: Affordable Housing Provision

Unit Type	Affordable Housing				Market Housing		Total	
	Affordable Rent		Intermediate		Unit	Hab. Rm.	Unit	Hab. Rm.
	Unit	Hab. Rm.	Unit	Hab. Rm.				
1 bed flat	1	2	1	2	8	16	10	20
2 bed flat	2	6	2	6	11	33	15	45
3 bed flat	4	16	0	0	0	0	4	16
4 bed house	0	0	0	0	5	30	5	30
<b>Total</b>	<b>7</b>	<b>24</b>	<b>3</b>	<b>8</b>	<b>24</b>	<b>79</b>	<b>34</b>	<b>111</b>

- 8.32 The application as submitted proposed 14% affordable housing by habitable room which equated to four units. The was supported by a viability appraisal which sought to demonstrate that the provision of a policy compliant level of affordable housing (35%) and financial contributions in line with the S106 SPD would not be viable.
- 8.33 The submitted viability appraisal was independently assessed on behalf of the Council by DVS who advised that the development could support a higher level of affordable housing. The main area of disagreement related to the benchmark value for the land and construction costs.
- 8.34 Following detailed negotiations and sensitivity testing of different options it was established

that the scheme could provide 29% affordable housing by habitable room and financial contributions of £164,163 (the detail of which is discussed in full later in this report). This is the maximum reasonable amount of affordable housing and planning contributions whilst ensuring the scheme can be delivered and is viable. On balance, the provision of 29% affordable housing by habitable room is considered acceptable and accords with policy.

Housing Tenure:

- 8.35 With regard to the tenure of housing, the application proposes a mix of affordable rent (POD levels) and intermediate rent.
- 8.36 Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.
- 8.37 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. Home Buy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.
- 8.38 In respect of policy DM3 of the MD DPD, it is considered that in this instance the provision of affordable rent product is justified in light of the viability issues discussed above. As part of the independent review of the applicant’s viability toolkit, options to provide the units as social rented accommodation were fully investigated; however it was found that the change in tenure provision would render the scheme unviable and undeliverable. It is noted that the Council’s Housing team are supportive of the provision of affordable housing.
- 8.39 The affordable element is split 75:25 in favour of affordable rented, this is broadly in line with the Council’s policy target of 70:30, as set out in the strategic policy SP02 of the CS.
- 8.40 The scheme proposes to deliver the Affordable Rents, with rent levels in line with research POD undertook for the Council to ensure affordability. The LBTH Housing team supports this approach. The applicants rent levels shown below are inclusive of service charges.
- 8.41 Table 2: Affordable Rent Levels (POD) for E3

	1 bed (pw)	2 bed (pw)	3 bed (pw)	4 bed (pw)
Proposed development POD levels/E4 POD rent levels	£169.85 (inc. service charge)	£198.32 (inc. service charge)	£218.76 (inc. service charge)	£250.01 (inc. service charge)
Social Target Rents (for comparison Only)	£157.57 (including estimated £30 service charges)	£165.06 (including estimated £30 service charges)	£172.57 (including estimated £30 service charges)	£180.07 (including estimated £30 service charges)

Housing Mix:

- 8.42 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 8.43 Strategic policy SP02 of the CS also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.

- 8.44 Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of 3 bedrooms and above.
- 8.45 Policy DM3 (part 7) of the MD DPD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009). Table three shows the proposed housing and tenure mix.

TABLE OVER PAGE

8.46 Table 3: Housing Mix

		Affordable Housing						Private Housing		
		Affordable Rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	<i>LBTH target %</i>	Unit	%	<i>LBTH target %</i>	Unit	%	<i>LBTH target %</i>
1bed	10	1	14%	30%	1	25%	25%	8	33%	50%
2bed	15	2	29%	25%	2	75%	50%	11	46%	30%
3bed	4	4	57%	30%	0	0%	25%	0	21%	20%
4bed	5	0	0%	15%	0			5		
5bed	0	0			0			0		
<b>Total</b>	<b>34</b>	<b>7</b>	<b>100%</b>	<b>100</b>	<b>11</b>	<b>100%</b>	<b>100</b>	<b>24</b>	<b>100%</b>	<b>100</b>

- 8.47 Though there is an under provision of one beds within the affordable rented tenure, this is considered acceptable as it would lead to an above target provision of much needed family accommodation, providing a 57% provision against a 45% target, including 3 bed flats.
- 8.48 Within the intermediate tenure, there is an under provision of family housing, and an over provision of two beds and a policy compliant provision of one beds. However, this is offset by an over provision of family housing within the affordable rent tenure.

- 8.49 Within the market tenure there is an under provision of one beds which is offset by an over provision of two beds. The level of private family housing is broadly policy compliant.
- 8.50 With regard to the housing mix, on balance given that the proportion of family housing within the affordable rented tenures exceeds targets and within the intermediate and private tenure is broadly policy compliant, officers consider the housing mix acceptable.
- 8.51 On balance, it is considered that the proposal would provide an acceptable mix of housing and contributes towards delivering mixed and balanced communities across the wider area. Furthermore, the provision of 29% on site affordable housing is welcomed. Therefore, on balance, it is considered that the application provides an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the MD DPD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

### **Housing Layout and Amenity Space Provision:**

#### Housing Layout and Private Amenity Space:

- 8.52 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5, the Mayor's Housing Design Guide, MD DPD policy DM4 and saved UDP policy HSG13 requires new development to make adequate provision of internal residential space.
- 8.53 Policy DM4 also sets out standards for new housing developments with relation to private amenity space. These standards are in line with the Mayor's Housing Design Guide, recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant.
- 8.54 The proposed development is designed to the Housing Design Guide standards and therefore is acceptable in terms of internal space standards. Furthermore, each residential unit within the proposed development provides private amenity space in accordance with the housing design guide and policy requirements, in the form of balconies and gardens.

#### Communal Amenity Space and Child Play Space:

- 8.55 For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 34 units the minimum communal amenity space required would be 74sqm. The scheme does not include the provision of any communal amenity space.
- 8.56 Policy 3.6 of the LP saved policy OS9 of the UDP, strategic policy SP02 of the CS and policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' (which sets a benchmark of 10 sq.m of useable child play space per child).
- 8.57 Using the Tower Hamlets SPG child yield calculations, the overall development is anticipated to accommodate 13 children and accordingly the development should provide a minimum of 133 sq.m of play space in accordance with the LP and MD DPD's standard of 10sq.m per child. The application is not proposing any child play space.
- 8.58 The LP allows for the provision of appropriate and accessible facilities within 400 metres for 5-11 year olds and within 800 metres for 12 – 15 year olds. There is child play area located within Wennington Green which forms part of Mile End Park directly to the south of the site and various opportunities for play within Victoria Park to the north of the site.



- 8.59 The proposal does include the provision of a public piazza between building B and C which would include tables and chairs for a potential café use. The creation of this public piazza adjacent to the canal tow path would contribute to tow paths and to the activity within the wider Bow Wharf site. Priority in this instance has been given to the creation of a public piazza accessible to all over amenity space which would be restricted to use of the residents of the development.
- 8.60 It is noted that the site is located within in easy walking distance of public open space and child play space which would mitigate the impact of the lack of provision of on-site facilities. Consideration is also given to the provision of a public piazza between buildings B and C which would contribute to the public realm within the area and would provide on-site opportunities for recreational space. Because of the sites location priority in this instance has been given to creating public spaces between the buildings which are accessible to members of the public. Consideration has also been given to the fact that all of the new residential units include private amenity space in accordance with policy requirements. Finally, it is noted that the lack of on-site provision of play space and communal space has not previously been included as a reason for refusal of the scheme nor has this been included by either of the Planning Inspectors.

Wheelchair Housing and Lifetime Homes Standards:

- 8.61 Policy 3.8 of the LP and strategic policy SP02 of the CS require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.62 Across the development, 4 residential units are proposed to be provided as wheelchair accessible which is 11.76% of all units and accords with Council policy. The units are to be distributed across the intermediate and affordable rent tenures which is supported by LBTH housing. The level of provision exceeds policy standards and is considered acceptable. If planning permission is granted a condition would be attached to ensure that the 4 wheelchair accessible units are delivered within the scheme.

**Impact on Designated Heritage Assets**

Policy Context:

- 8.63 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that the local planning authority shall 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.
- 8.64 With regards to applications within conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.65 Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:
- *“desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and*
  - *the desirability of new development making a positive contribution to local character and distinctiveness.”*

- 8.66 Guidance at paragraph 132 states that any consideration of the harm or loss requires clear and convincing justification as well as an assessment of the impact of the proposal on the significance of the designated heritage asset and establish if it would lead to substantial harm or loss (advice at paragraph 133) or less than substantial harm (advice at paragraph 134).
- 8.67 PPS5 Practice Guide also provides guidance and clarification to the principles of assessing the impact of the development proposals on heritage assets.
- 8.68 Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at part 2 of the policy that the borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the boroughs heritage assets, their setting and their significance.
- 8.69 Policy DM27 part 2 of the MD DPD applies when assessing the proposed alterations to the Grade II Listed Stop Lock Bridge. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.
- 8.70 Policy DEV28 of the UDP and policy DM27 (3) of the MD DPD provide criteria for the assessment of proposals for demolition within a conservation area. Applications for demolition will be assessed on:
- “a. the significance of the asset, architecturally, historically and contextually;  
b. the condition of the asset and estimated costs of its repair and maintenance in relation to its significance and demolition, and to the value derived from its continued use;  
c. the adequacy of efforts made to retain the asset in use; and  
d. the merits of any alternative proposal for the site.”*
- Designated Heritage Assets:
- 8.71 The Stop Lock Bridge is Grade II Listed and is a designated heritage asset and an important example of industrial heritage.
- 8.72 The English Heritage listing description for the bridge states that it dates from 1830 and that the bridge is of interest for its cast iron construction and for forming a significant feature at this late Georgian canal junction. The listing description describes the cast iron work as follows:-  
*“Cast iron span comprising seven arched, moulded beams with latticed deck plates between. Two tie-rods run through the span, which rests on brick abutments.”*
- 8.73 Bow Wharf and the Grade II listed ‘Stop Lock Bridge’ form part of the western end of the Regents Canal Conservation Area. The Conservation Area Appraisal advises that these important designated heritage assets have been included in the conservation area designation to protect the historic junction of the two canals and the setting of the listed bridge.
- 8.74 It continues to provide the following description of the bridge and it’s setting:  
*“This iron bridge was built C1830 over the entrance to the Hertford Union Canal to serve as a towing and accommodation bridge. Stone ramps up to the west part of the iron bridge take the Regent’s Canal towpath over the Hertford Union Canal; whilst the wider east part provided vehicular access from Old Ford Road (via a granite stoneway) to land on the south side of the canal which is now part of Bow Wharf.”*

- 8.75 The application site was originally located within the Victoria Park Conservation which was designated in March 1977. In 2008, following public consultation, the Victoria Park Conservation Area was amended and a new Conservation Area named Regents Canal Conservation Area was designated. The site is located in the Regents Canal Conservation Area.
- 8.76 Within the Bow Wharf complex to the east of the application site, the former British Waterways Building which is locally listed is approximately three storeys in height. It is noted that this is an industrial building. There is a second locally listed building within the Bow Wharf Complex which is similar in scale however it is located towards Grove Road.
- Principle of alterations to Grade II Listed Stop Lock Bridge – Listed Building Application:
- 8.77 The applicant is proposing minor alterations to the Stop Lock Bridge which include painting the existing railings black (existing colour), applying a new light-grey resin bound gravel to the surface of the bridge, erection of a new 1.1 metre high brick wall with a grit stone coping and London Stock Brick to match the existing bridge wall.
- 8.78 It is noted that during the course of the application the proposed removal of the existing brick wall to the south of the bridge and its replacement with railings was removed to address concerns raised by officers, GLIAS and local residents.
- 8.79 The proposed repair works which include the addition of a resin bonded gravel to the existing concrete are considered acceptable given it would allow the existing concrete within the structure to remain. This would ensure that the structural integrity of the bridge and its important industrial features would be retained and limit any potential damage.
- 8.80 The original proposal involved the replacement of a wall adjacent to the bridge with railings which was not supported and amended drawings were submitted to address concerns. As such, the principle of the replacement of the existing wall with a new wall to match the existing better preserved walls adjacent to the bridge are considered acceptable. It is noted that GLIAS have requested that the final detail of the design of the new wall be submitted now. However, planning officers and the conservation and design officer both agree that this matter can be satisfactorily agreed via condition. This would include submitting detailed drawings at scale 1:20, a schedule of works, a method statement showing how existing important features such as the coping stone would be retained and reused and samples of the proposed materials to be used. GLIAS would be consulted on this condition.
- 8.81 With regard to the repair and repainting of the railings this would also be controlled via condition and would include a method statement for these works.
- 8.82 It is noted that GLIAS and local residents are concerned about damage to the Stop Lock Bridge which has a three tonne weight limit. The introduction of bollards has been suggested to ensure that larger vehicles would not use this access route.
- 8.83 A Construction Management Plan (CMP) would be controlled via condition and through this it would be possible to ensure that no breach of the weight limit would occur. A condition would also be sought seeking details of the protective measures required for the bridge during the difference stages of construction.
- 8.84 On completion of the development, it is proposed that servicing would occur from Grove Road utilising the exiting servicing arrangements used by the existing commercial units. The development is proposing one relatively small unit which it would not be anticipated would give rise to a large number of servicing trips. Notwithstanding, this would be controlled via condition restricting any servicing from Old Ford Road.

- 8.85 Finally, the development only includes one accessible car parking space and the car is within the weight limit allowed for the bridge.
- 8.86 The applicant has agreed to a condition setting out in detail the measures which would be used to ensure the weight limit would be adhered to.
- 8.87 To conclude, the proposed repair and alterations to the Grade II Listed Stop Lock Bridge are considered acceptable and would not adversely impact on the character, fabric or identity of the designated heritage asset which accords policy.

Principle of demolition – Conservation Area Consent:

- 8.88 The proposal includes the demolition of two buildings. Firstly, a small scale single storey rendered office building with a concrete slate tiled pitched roof and a brick gable located in the southern part of the site just to the north of Wennington Green.
- 8.89 The second building is a much larger structure that is in the north west bank of the Hertford Union Canal. It is brick built with pitch corrugated roofs and steel trusses and has an area of 586 sq.m and appears to date from the 1950's.
- 8.90 With regard to the criteria found within policy DM27 of the MD DPD, it is considered that these buildings have no architectural quality and are in state of disrepair. It is considered that these designated heritage assets have limited significance.
- 8.91 It is noted that the demolition was accepted in principle in the previous scheme given neither of these buildings contribute to the setting of the conservation area. The planning inspector concurred with this opinion at the appeal raising no objection to the demotion of the buildings provided that they were replaced with an acceptable development.
- 8.92 To conclude, the loss of these buildings would not result in substantial harm to the conservation area given the lack of significance of the buildings by merit of their lack of architectural quality and current state of repair. The proposed demolition would accord with policy given officers are supporting the redevelopment proposals.

**Design**

Policy Context:

- 8.93 Chapter 7 of the LP places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.
- 8.94 Policy SP10 of the CS and DM23 and DM24 of the MD DPD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials.
- 8.95 The detailed policy discussion with regard to the listed building application and conservation area consent application also applies to the assessment of the redevelopment proposals. This includes assessing how the proposed development would affect the setting of the Grade II Listed Stop Lock Bridge and whether development would preserve or enhance the character and appearance of the Regents Canal Conservation Area and heritage assets such as the two locally listed buildings.

Proposal and Assessment:

- 8.96 The site is split into two segments by the Hertford Union canal linked by the Grade II listed Stop Lock Bridge. The site currently houses a redundant building to the north of Hertford Canal. South, of the Hertford Canal, the site is currently used as a car park and has single storey structures.
- 8.97 The proposed development is for the erection of three buildings. Building A would be between three and four storeys in height and would be located to the north of the Hertford Union Canal. It would be directly adjacent to Royal Victor Place which runs east of Building A and is between two and three storeys in height. Royal Victor Place is set back from the canal tow path and gives this stretch of the canal a very domestic scale. To the north of building A, is a row of Grade II Listed residential buildings which are three storeys in height, and face Old Ford Road and Victoria Park.
- 8.98 Buildings B and C would be located in the southern part of the site. Building B would rise to six storeys and building C would be rise to four storeys. Within the Bow Wharf complex to the east of the site, the former British Waterways Building which is locally listed is approximately three storeys in height. It is noted that this is an industrial building. There is a second locally listed building within the Bow Wharf Complex which is similar in scale however it is located towards Grove Road.
- 8.99 The site is located at the narrowest section of the Hertford Union canal. There is a difference in level between the two sides of the canal which are linked by the Grade II listed bridge.
- 8.100 Officers consider that the narrow width of the canals, the difference in level between the banks and the important junction between the two canals which is marked by the Grade II listed Stop Lock Bridge makes the spatial quality of this stretch of the canal distinct.
- 8.101 The wider context of the site is characterised by Wennington Gardens to the south which is open in nature and Victoria Park to the north. On the opposite side of the Regents Canal is the Cranbrook Estate. This is a series of buildings which rise from four stories to thirteen. It is noted that the larger scale development is set back from the Regents Canal.
- 8.102 The proposal includes a new public piazza to the south of Hertford Canal.

Comparison with the 2009 and 2002 refused schemes:

- 8.103 It is noted that the site has a complex planning history included two schemes which have been previously refused and successfully defended at appeal. Officers now consider that the applicant has presented a scheme which successfully addresses previous reasons for refusal and the Inspector's comments. Table four presents a brief comparison of the three schemes.

8.104 Table 4: Comparison between schemes

2002 Application	2009 Application	Current Application
<b>Proposal</b>		
Erection of two buildings between four and five storeys height to provide 9 Class B1 units and 32 Residential units.	Erection of two buildings between four and eight storeys in height to provide 322 square meters of commercial floor space and 50 residential units.	Erection of three buildings between three and six storeys to provide 76 square metres of commercial floor space and 34 residential units.

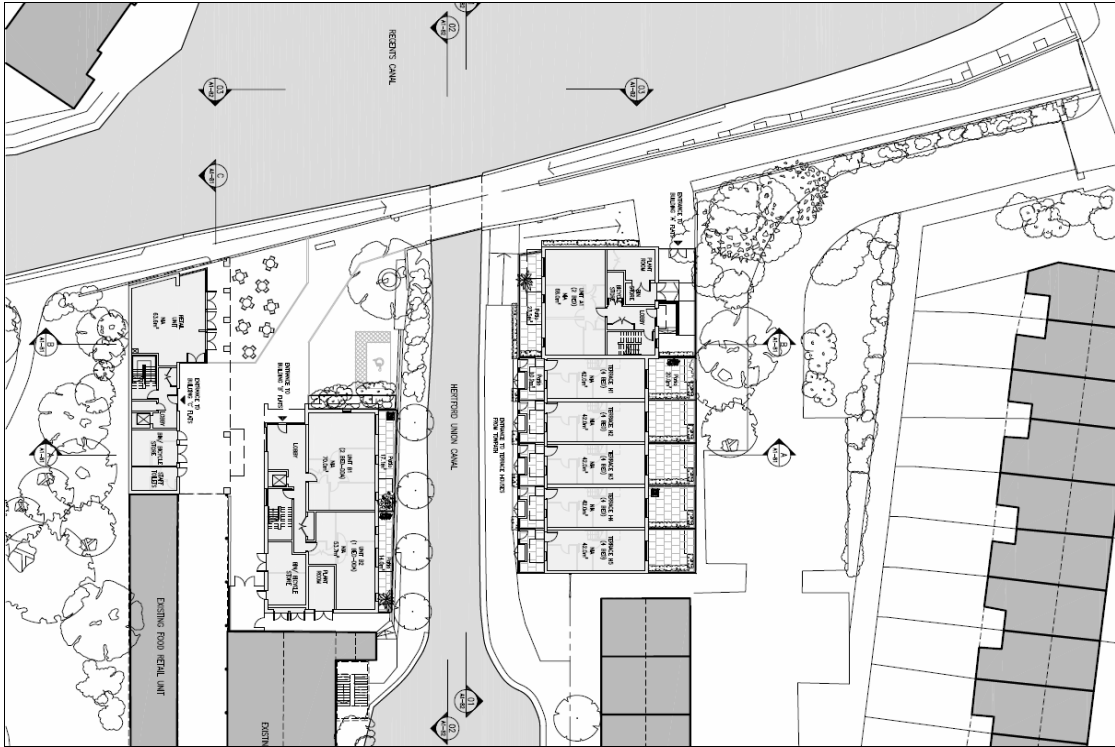
<b>Layout</b>		
<p>The proposal compromised five blocks (A, B, C, D and E) as detailed by the indicative layout plan below.</p> <p>The buildings to the north of the Hertford Union Canal comprised of block A and block B.</p> <p>Within the southern site, block C and D were located directly to the south of the Hertford Union Canal and to the west of the locally listed building. Block E was located adjacent to WenningtonGardens to the south.</p> <p>This layout included a new bridge linking the northern and southern parts of the site.</p>	<p>Building one to the north of the Hertford Union canal was located adjacent to the canal tow path with limited defensible space in front of the residential properties.</p> <p>Building two within the southern part of the site was set back from the Hertford Union canal creating a public piazza.</p> <p>See layout plan at figure 2 below.</p>	<p>Building A to the north of the Hertford Union canal is located adjacent to the canal tow path and includes defensible space.</p> <p>Building B and C are located within the southern part of the site and are set back from the Hertford Union Canal creating a public piazza along the boundary with the tow path of the Grand Union Canal.</p> <p>Building B extends from the existing locally listed British Waterways Warehouse.</p> <p>Building C, is located to the north of Wennington Green and extends towards the Canal tow path.</p>
<b>Height</b>		
<p>Block A was four storeys in height and block B rose to five storeys at the junction with the canals.</p> <p>Blocks D, C and E were five storeys in height.</p>	<p>Building one ranged in height from four to five storeys adjacent to the junction between the two canals.</p> <p>Building two ranged between five to eight storeys.</p>	<p>Building A ranges from three to four storeys adjacent to the junction between the two canals.</p> <p>Building B would be six storeys in height.</p> <p>Building C would be four storeys in height.</p>

Figure 1: Indicative layout of 2002 Scheme Figure 2: Indicative layout of 2009 Scheme



FIGURE 3 OVER PAGE

Figure 3: Layout of current proposal



**Building A:**

- 8.105 The massing of Building A has been carefully considered in light of previous Inspector comments and taking account of the designated heritage assets which include the Stop Lock Bridge and the character and appearance of the Regents Canal Conservation area at this important junction of the two canals. Through out the pre-application discussions various options were explored with regard to development of this plot in order to ensure the scale of development responded to the level change which occurs at this important junction. By reducing the massing of the town houses it is considered they respond to the domestic scale of Royal Victor Place and do not appear as an overbearing addition to the canal tow path. Furthermore, the addition of defensible space ensures there is a transition between the public and private spaces.
- 8.106 Building A rises to four storeys as it terminates adjacent to the Stop Lock Bridge. The massing of Building A has been carefully considered at this point and the building appears as three storeys from the stop lock bridge and as four storeys from the lower canal tow path. This takes account of the change of level which occurs at this point. The design of building A includes pitched roofs which picks up on the treatment of Royal Victor Place and also the wider Bow Wharf complex. Building A would be a brick building and high quality materials would be required to ensure that the building preserves the character and appearance of the conservation area.
- 8.107 The Planning Inspector commenting on the 2002 scheme noted that:
 

*“a development of this height, so close to the narrowest part of the canal would bring about a dramatic change to the townscape of the area and I am concerned that it would have an overbearing and detrimental effect on the setting of the listed bridge and detract from the quite and low-key ambience of the tow path... I am not persuaded that the area next to the listed bridge is the right location for a development of this considerable mass and dominance.”*
- 8.108 The Planning Inspector comment on the 2009 scheme noted that:



*“The scale of development would dominate existing buildings at Bow Wharf and Royal Victor Place which have been carefully developed to reinforce the historic canal side character”*

8.109 Officers, consider that the reduction in height of Building A to a part three part four storey building successfully addresses the important setting of the junction of the two canals and the setting of the Grade II Listed Bridge. In local views from Grove Road and from the Cranbrook Estate the development no longer appears as an overbearing addition which would dominate the view.

Building B and C:

8.110 The massing and scale of development for the southern part of the site have been carefully considered in order to ensure that they address the previous concerns raised. The 2009 scheme proposed a modern render eight storey block which dominated views and failed to preserve or enhance the character and appearance of the conservation area nor the setting of the Stop Lock Bridge.

8.111 During pre-application discussions various options were explored to establish how the layout and massing of the southern part of the site could be developed to ensure these important designated heritage assets were respected. This resulted in the proposal to include two buildings as opposed to one.

8.112 Building B would be six storeys in height and extends from the existing three storey locally listed warehouse. The reduction in height at this location and the fact that the building location is set away from the stop lock bridge ensures its setting is protected. The creation of the public piazza allows breathing space between the buildings which furthermore protects the setting of the listed bridge.

8.113 Building B, has been designed to respond to the industrial vernacular of the locally listed British Waterways Warehouse by picking up details such as pitched roofs and through the use of brick. It is noted that the massing of this building is greater than the locally listed warehouse which is of concern for local residents given views of the locally listed warehouse would be obstructed. Currently, the gable of the warehouse is viewed from the west and there are views through the trees of the northern elevation of the warehouse from the opposite side of the canal tow path. This view would in fact be maintained. As such, the main impact would be from the west because building B would obstruct the view of the gable of the building. However, officers consider that the massing of the building responds to the scale of the locally listed warehouse and the loss of views of the gable would be required in order to allow any development to come forward. The more important views of the southern elevation would not be affected. On balance officers consider that protecting the view of the gable of the locally listed building would be outweighed in this instance by the need to ensure that the Grade II Listed Stop Lock Bridge is protected and the overall setting of the conservation area.

8.114 Building B incorporates protruding balconies and officers have considered the design merit of the balconies and if alternatives could be explored. However, should the balconies be removed future residents would not have private amenity space. It would not be possible to provide winter balconies without affecting the internal space standards. Considering the amenity requirements of future residents the provision of balconies are required.

8.115 It is noted that this is a new development which seeks to preserve the character of the Regents Canal Conservation Area by including elements of the industrial vernacular of the canal side location in the detailed design of the building. This results in a modern residential building which preserves the character and appearance of the conservation area through the detailed design. This has included the use of pitched roofs and brick amongst

other things.

- 8.116 The intention was not to provide a pastiche building which seeks to faithfully replica the existing locally listed warehouse. Instead, the new building should be identified as a modern addition which is a residential building. The balance of how much the new building responds to the existing warehouse has been carefully discussed and officers consider that building B is a successful response and the inclusion of protruding balconies would be acceptable. The provision of balconies does not detract from the overall design of the proposed Building B and it is noted that balconies are features found in many riparian developments around Tower Hamlets and London. The detailed design of the balconies would be controlled via condition in order to ensure they are of a high quality design.
- 8.117 Building C, would be a four storey building and is located at the southern boundary with Wennington Green. The building would also have a boundary adjacent to the canal tow path which runs north south. The massing of this building at four storeys is considered acceptable and in keeping with the scale of development within the complex.
- 8.118 Concern has been raised about the siting of this building directly adjacent to the canal tow path and the impact this would have on the open character of the conservation area. The building layout is broadly similar to the existing building on the site albeit there is an increase in massing and scale. However, the massing of Building C has been kept at four storeys in order to ensure the building would not be an overbearing addition when viewed from the park to the south. This was one of the failings of the previous scheme given the eight storey building when viewed from the south appeared as a dominant addition. However, by splitting the massing into two smaller buildings which respond to the layout of the complex officers considered that this would be a successful design response both in terms of scale and layout.
- 8.119 With regard to the green grid the canal tow path provides a clear link between the open spaces along its length. Furthermore, the creation of a public piazza ensures that there is space between the buildings and through carefully hard and soft landscaping this piazza could contribute to the green and blue grid.
- 8.120 By merit, of the low scale of building C at four storeys, officers do not consider it would detract from the open character of the conservation area or affect the aims of the green and blue grid.
- 8.121 This building includes winter balconies along the western elevation directly adjacent to the canal tow path. It is not considered that the use of winter balconies would be an unacceptable design treatment adjacent to the canal. The fact the balconies form part of the main building envelope is welcome.
- 8.122 With regard to materials all three buildings would be brick which would be welcome. The final success of this scheme would rely on the provision of high quality materials for the both the buildings and the landscaped public piazza. With regard to the piazza, proposals currently include concrete sets which would not be acceptable. However, this matter would be controlled via condition to ensure high quality materials which respect the conservation area setting are used.
- 8.123 In conclusion officers have carefully considered the proposed development taking account of previous decisions and considered that the design, bulk, scale and massing are acceptable and in keeping with the scale of development within the surrounding area. The development would protect the setting of the listed bridge and would preserve the character and appearance of the conservation area.

## Amenity

- 8.124 Part 4 a and b of policy SP10 of the CS, saved policy DEV2 of the UDP and policy DM25 of the MD DPD seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or have a material deterioration of daylight and sunlight conditions.
- 8.125 The nearest residential properties to Building A would be number 1 Royal Victor Place which forms part of a terrace of 10 houses with further mix of houses and flats continuing along the terrace.
- 8.126 To the northwest of Building A, there is a row of terraced properties which front Old Ford Road – numbers 236- 256. The shortest separation distance between this group of buildings and the boundary of the development site would be approximately 29.6 metres. Further, east of this terrace is Palmerston Court which has a separation distance of approximately 40 metres from the boundary of the development site.
- 8.127 To the southwest of the development on the opposite side of the canal is the Cranbrook Estate the nearest building to the development site would be Twig Folly House which over 18 metres from the boundary of the development site where building C would be located. Bridge Wharf which is to the northwest of has a separation distance of approximately over 40 metres from the boundary of Building A.

### Daylight, Sunlight and Overshadowing:

- 8.128 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice - Second Edition' (2011).
- 8.129 In respect of daylight, there are three methods of calculating the level of daylight received known as Vertical Sky Component (VSC), No Sky Line (NSL) and Average Daylight Factor (ADF). BRE guidance sets out that the first test applied should be VSC and if this fails consideration of the NSL test may also be taken into account.
- 8.130 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.131 In respect of sunlight, BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.132 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *"it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March"*.
- 8.133 A Daylight and Sunlight Report has been submitted as part of the application documents. The main residential property within the vicinity of the site is Royal Victor Place. Numbers 1 – 3 were tested and the Daylight and Sunlight Report demonstrates that all windows save one at ground floor level retain in excess of 27% VSC which accords with guidance. Given, there is only one failure and this is to a window which serves a dwelling house with dual aspect on balance the impact on daylighting to existing residents is considered acceptable.

- 8.134 With regard to the proposed development all of the rooms would receive acceptable levels of daylight and sunlight and accord with BRE guidance.
- 8.135 It is noted that other residents are also concerned about the impact of the proposed development with regard to loss of daylight and sunlight. However, by merit of the separation distances of these properties all of which are over 18 metres away from the development site there would be no impact.

Sense of Enclosure, Outlook, Privacy and Overlooking:

- 8.136 Focusing first on Royal Victor Place which is the nearest residential property to Building A, it is not considered that there would be an adverse impact with regard to sense of enclosure or outlook given the proposed building A is a continuation of the terrace with windows facing in east and west. Furthermore, the massing of building A at three storeys would not result in an overbearing relationship to 1 Royal Victor Place which is a two storey property.
- 8.137 With regard to privacy and overlooking, it is not considered that the proposed development would result in a loss of privacy or increase in overlooking for existing residents of Royal Victor Place. The separation distance from the location of building B to 1 Royal Victor Place would be approximately 21 metres which exceeds the recommendation of policy which recommends a minimum separation distance of 18 metres to protect residential amenity. It is noted that Building B would have balconies along this elevation however, given the separation distance which exceeds the minimum guidance officers do not consider that this would result in an adverse impact on the amenity of existing residents.
- 8.138 With regard to residents who have concerns about overlooking and loss of privacy located in Twig Folly House on the opposite side of the canal, officers do not consider that there would be an adverse impact on their amenity by merit of the separation distance which exceeds the minimum guidance of 18 metres. Concern has also been raised about the inset balconies proposed for Building C, however, officers do not consider there would be material loss of privacy or increase in overlooking by merit of the separation distance.
- 8.139 With regard to the proposed residential units, the standard of amenity would be acceptable. The scheme has been carefully designed to ensure that there would be no direct overlooking between habitable windows.

Noise and Vibration:

- 8.140 Residents have raised concern about the impact of the proposed development with regard to noise. This relates to noise during construction and the perceived impact from an increase in noise once the development would be completed from both the new residents and the commercial unit.
- 8.141 Firstly, with regard to noise during construction this matter is controlled by environmental health legislation which restricts the hours of construction to between 8 am – 6pm Monday – Friday and 8am – 1pm on Saturdays. Given, the level of concern of residents this could be attached as a condition to the planning permission as well.
- 8.142 With regard to the proposed commercial unit, it is noted that the hours of operation would be controlled via condition. It is proposed to allowing trading from 7am – 10pm on any day. The outdoor seating area would be restricted to 7am – 9pm on any day. It is noted that residents have raised concern about noise travelling across the canal and that they have previously had issues with other evening and night time uses within the Bow Wharf complex. However, officers, consider by managing the hours of operation to restrict late evening operation that this would manage the level of impact.

- 8.143 Finally, in line with Environment Health requirements the details of any plant and ventilation equipment for this use would be controlled via condition.
- 8.144 With regard to proposed residential units a report setting out how the development would have be acceptable with regard to noise insulation and post completion testing would be required via condition.
- 8.145 To conclude, the proposed development would not give rise to any unduly detrimental impacts in terms of privacy, overlooking, outlook, sense of enclosure, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future occupiers which accords with policy.

### **Transport, Connectivity and Accessibility**

- 8.146 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.147 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the MD DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.148 The site has an average public transport accessibility level (PTAL) of 3 (1 being poor and 6 being excellent). The application is supported by a Transport Statement (October 2011, prepared by TTP Consulting). The Borough Highway Officer is in support of the application as set out within section six of this report.

#### Car Parking:

- 8.149 Policies 6.13 of the London Plan, saved policy T16 of the UDP, strategic policy SP09 of the CS and policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.150 The most up to date parking standards are found within Appendix 2 of the MD DPD. Parking standards are based on the PTAL of a given site. This application has proposed no onsite car parking aside from one accessible space which accords with policy. Vehicular access would be from Old Ford Road. It is recommended that the development would be secured as permit free to prevent future residents from securing parking permits for the local area. This would be secured via the s106 agreement.

#### Provision for Cyclists:

- 8.151 In accordance with cycle parking requirements, 38 cycle parking spaces have been provided in various storage areas around the site. This provision includes visitor parking to serve the development. The proposal therefore complies with London Plan policy 6.13.

#### Servicing, Deliveries and Waste:

- 8.152 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing.
- 8.153 The scale of the proposed commercial unit is such that it is not expected to generate a significant numbers of delivery movements. Notwithstanding, the design of the public

piazza is such that it would allow sufficient turning space for a transit van adjacent to the accessible parking space. Furthermore, the existing servicing bay within the Bow Wharf Complex could also be used and goods trollyed to the new commercial unit. All servicing would be from Grove Road in order to avoid use of the Stop Lock Bridge which has a weight limit. This would be secured via condition. Furthermore, a Delivery and Service Plan (DSP) would be secured via condition.

- 8.154 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the development.
- 8.155 Notwithstanding the above, the scheme shows adequate storage facilities on site to serve the proposed development and outlines a feasible strategy for the collection of waste from Grove Road. Waste would be stored in the allocated waste and recycling stores within each building and moved on collection day to the storage area in the Bow Wharf Complex. This would be managed by the management company and would ensure that no refuse truck would be accessing the site using the Stop Lock Bridge.

Fire Access:

- 8.156 Fire access to the proposed development would be from Grove Road. Detailed discussions and site visits have taken place with the Fire Brigade and the applicant as detailed in section six of this report. In order to address the concerns of the Fire Brigade regarding the speed at which a fire appliance could access the site it is proposed to demolish part of one of the exiting chalets. This would be controlled via a Grampian condition which would prevent any works commencing until the demolition works have taken place.
- 8.157 Furthermore, a condition would require post completion testing of the route which would ensure the Fire Brigade are satisfied that they can access the site in a safe and timely manner. The timing for this condition would also be prior to the commencement of any works on site.
- 8.158 It is noted that the final comments from the Fire Officer stated that:  
*“While the current proposal is acceptable subject to this building being partially demolished it should be noted that the Fire Authority will consider enforcement action should following construction access not meet our requirements.”*
- 8.159 To conclude, officers consider that sufficient information has been provided to allow the assessment of this application. Through the use of planning conditions and the ability of the Fire Authority to use their own legislation there is sufficient control to ensure that prior to the commencement of any works that an access route that meets the requirements of the Fire Authority is provided.

Public Transport Improvements:

- 8.160 It has been identified that the improvement of the access from Old Ford Road has been required. It has been agreed with the Borough Highway Officer that this would be secured via a S278 agreement which would be secured via condition. As part of the detailed landscaping scheme for the development full details and specification of the treatment of the access route from Old Ford Road and how this would ensure pedestrian safety would be secured via condition.

Other:

- 8.161 Locally residents have raised concern about the impact of the proposed development on capacity on the surrounding highway network, buses and tubes. The application has been supported by a Transport Statement which has been assessed by the Borough Highway Officer. This assessment demonstrates that the proposed development subject to the

development being secured as permit free and conditions securing s278 works that the proposed development would not have an adverse impact on the surrounding highway network. Additionally, it is not considered that the proposed 34 new units would result in an unduly detrimental impact upon local public transport infrastructure.

- 8.162 To conclude, the proposed development is considered acceptable with regard to highway's impacts and accords with policy.

### **Energy & Sustainability**

- 8.163 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.

- 8.164 The London Plan sets out the Mayor of London's energy hierarchy which is to:

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

- 8.165 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

- 8.166 The applicant has provided a robust justification for the omission of a CHP and a communal gas system is also not considered feasible due to the scale of the development and site constraints (including the Hertford Union Canal).

- 8.167 Whilst the proposed energy strategy falls short of the requirements of emerging Policy DM29 of the MD DPD (which seeks a 35% reduction in CO2 emissions) the anticipated CO2 savings are in accordance with policy 5.2 of the LP and the applicant has demonstrated the CO2 savings have been maximised through energy efficiency measures and the integration of renewable energy technologies such as photovoltaics.

- 8.168 Therefore, the CO2 savings proposed for this development are considered acceptable in this specific instance. The applicant has proposed to achieve a Code for Sustainable Homes Level 4 rating for all units which is also supported by Sustainable Development Team. The energy strategy (including the additional information) and Code for Sustainable Homes level 4 would be secured through appropriate conditions.

### **Biodiversity and the Green Grid**

- 8.169 In terms of policy designations within the CS, UDP and MD DP; the canals from part of a green and blue grid and the canal is designated as a Site of Importance for Nature Conservation (SINC). Wennington Green is also within the SINC designation. The site also forms part of the Blue Ribbon Network.

- 8.170 The application has been supported by an Extended Phase 1 Habitat Survey Bat Habitat Suitability Assessment, prepared by Ecosulis and an Arboriculture Report prepared by DPA.

- 8.171 Policy 7.19 of the LP, strategic policy SP04 of the CS and DM11 of the MD DPD seek to wherever possible ensure that development, makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value this should be protected and development which would cause damage to SINC's or harm to protected species will not be supported unless the social or economic

benefits of the development clearly outweigh the loss of biodiversity.

- 8.172 Strategic policy SP04 also sets out the Council's vision to create a high quality well connected and sustainable nature environment of green and blue spaces that are rich in biodiversity and promote active and healthy lifestyles.
- 8.173 Policy 7.24 of the LP sets out the strategic vision of the Blue Ribbon Network which should contribute to the overall quality and sustainability of London by prioritising the use of waterspace and land alongside it safely for water related purposes. Policy 7.27 seeks to support infrastructure and recreation use by amongst other aims protecting existing access points and enhancing where possible, increasing habitat value and protecting the open character of the Blue Ribbon Network.
- 8.174 Policy DM12 of the MD DPD provides guidance for development adjacent to the Blue Ribbon Network. Firstly development should not have an adverse impact. Secondly, with regard to design and layout development should provide appropriate setbacks from the water space edges. Finally, development should identify how it will improve the quality of the water space and provide increased opportunities for access, public use and integration with the water space.
- 8.175 The Borough Biodiversity Officer has advised that although there is little of biodiversity interest on the application site itself, this is a key location for enhancing biodiversity. It lies at the junction of the two canals, both of which are designated as a SINC and a site of Metropolitan importance for nature conservation. The Hertford Union Canal is also a key green corridor, linking the Grand Union Canal system, and Victoria and Mile End Parks, with the Lee Valley.
- 8.176 Due to the fact that canals are importing feeding areas and communing routes for bats and some species avoid light careful consideration will need to be given to the lighting of the development. Full details of external lighting for the development would be controlled via condition and seek to ensure there would be no light spillage onto the canal. If this is not possible further bat surveys would be required to establish if the type of bats roosting and using the flight path are affected by lighting ahead of agreeing a scheme of lighting for the site.
- 8.177 The Extended Phase 1 Survey report identifies a small possibility that the existing buildings could be used occasionally for roosting by small numbers of bats. It is also possible that black redstarts could use them for nesting. To ensure no breach of protected species legislation, the Borough Biodiversity Officer has advised that the buildings should be demolished during the winter (November to March inclusive). If this is not possible, soft demolition techniques with an ecologist present, as recommended in the Extended Phase 1 report, should be used. Additionally, black redstart surveys should be undertaken immediately before demolition if this is to take place between May and July inclusive. If black redstarts are found to be nesting on site, demolition of the building they are nesting in would have to be delayed until the young have fledged. This would be secured by condition.
- 8.178 The Biodiversity Officer has noted that opportunities to incorporate biodiversity into the development are limited, particularly given the design development of the scheme has been informed by the Conservation Area location and uses pitched roofs which limits the potential for green or brown roofs. Further enhancements include the provision of bird and bad boxes and enhancement to the canal wall which would be secured via condition.
- 8.179 Consequently, the landscape strip along the south side of the Hertford Union Canal is crucial. Following comments by the Biodiversity Officer, the planting scheme has been



amended to take account of his comments. The Environment Agency, have also sought the retention of this area of landscaping which would act as a buffer zone. This would be controlled via condition.

- 8.180 The removal of existing trees within the site have been considered by the Borough Tree Officer who has raised no objections aside from ensuring replacement trees would include Alders which would be controlled via condition.
- 8.181 Residents concerns regarding biodiversity and protection of existing flora and fauna have been addressed through careful consideration of the proposals by the relevant technical officers and through the use of appropriate conditions.
- 8.182 To conclude, with regard to biodiversity subject to suitable conditions the biodiversity value of the site has where possible been enhanced and no protected species would be harmed in accordance with policy.
- 8.183 As discussed within the design section of this report the proposed layout and design of the development has been carefully developed. The proposal which includes three buildings allows for the creation of a public piazza. This will serve to enhance the exiting tow paths and provide further breathing space for activity at this important junction of the canals. High quality materials would be required for the public piazza which should preserve the character of the Conservation Area and this would be controlled via condition.
- 8.184 To conclude, the development has been carefully developed to respect its location adjacent to the Blue Ribbon Network. The provision of a new public piazza would be a benefit for the network and would enhance accessibility of the canal tow paths which accords with policy.

### **Contamination**

- 8.185 In accordance with the requirements of the NPPF, saved UDP policy DEV51 and policy DM30 of the MD DPD.
- 8.186 In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which would ensure that the necessary remedial action will be carried out. This would include the need for importing soil for areas of soft landscaping. This would include post completion testing.

### **Health Considerations**

- 8.187 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 8.188 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.189 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.

- Promoting and supporting local food-growing and urban agriculture.
- 8.190 The applicant has agreed to financial contributions towards leisure, community facilities and health care provision within the Borough.
- 8.191 The application will also propose a new public piazza within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.
- 8.192 It is therefore considered that the financial contribution towards healthcare and community facilities and leisure will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

### **Section 106 Agreement**

- 8.193 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.194 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.195 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.196 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
- Affordable Housing
  - Employment, Skills, Training and Enterprise
  - Community Facilities
  - Education

The Borough's other priorities include:

- Public Realm
  - Health
  - Sustainable Transport
  - Environmental Sustainability
- 8.197 This application is supported by a viability toolkit which detailed the viability of the development proposal through interrogation of the affordable housing provision and the planning obligations required to mitigate the impacts of this development proposal. The viability appraisal has established that it is not viable for the proposal to deliver more than 29% affordable housing alongside a contribution of £164,163 of planning obligations.
- 8.198 The toolkit provides an assessment of the viability of the development by comparing the Residual Value against the Existing Use Value (or a policy compliant Alternative Use

value), in broad terms, if the Residual Value equals or exceeds the Existing Use Value, a scheme can be considered as viable, as the requirements of paragraph 173 of the NPPF for competitive returns to the developer and the landowner have been satisfied. In summary, the Toolkit compares the potential revenue from a site with the potential costs of development. In estimating the potential revenue, the income from selling dwellings in the market and the income from producing specific forms of affordable housing are considered and in testing the developments costs matters such as build costs, financing costs, developers profit, sales and marketing costs are considered.

- 8.199 Based on the Council's s106 SPD, the viability of the proposal and the need to mitigate against the impacts of the development, LBTH Officers sought to deliver 29% on-site affordable housing and deliver an offer of £164,163 of financial contributions.
- 8.200 The s106 SPD requirement would be for £313,226 in financial contributions. The proposed offer of £164,163 would be 54% of the full contribution. The monies have been allocated according to the priorities within the s106 SPD.
- 8.201 It is noted that no public realm contribution has been sought. This is because the development provides a public piazza and is advantageously located adjacent to two large parks (Victoria Park and Mile End Park). The public realm contributions have instead been allocated to Education which is a priority for the borough. This was agreed at the Planning Contributions Overview Panel (PCOP) who have supported the recommendations of officers with regard to affordable housing and financial contributions.
- 8.202 The obligations can be summarised as follows:

#### Financial Obligations

- Education: £105,065
- Enterprise & Employment: £3,837
- Community Facilities: £23,101
- Health: £28,368
- Sustainable Transport: £574
- Monitoring & Implementation 2% of total (£3218)

#### Non-Financial Obligations

- 29% affordable housing
- Access to employment initiatives
- Permit free agreement
- Code of Construction Practice
- Public access

- 8.203 The applicant has demonstrated through the submission of a viability assessment that there is no additional provision to deliver further affordable housing or financial contributions without reducing the level of S106 that could be secured. The Council has independently reviewed the submitted viability assessment and concludes that the maximum reasonable amount of affordable housing which can be delivered on this site is 29% by habitable room and the maximum reasonable amount of financial contributions which can be delivered is £164,163. It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas aside from public realm which is justified by merit of the location of the site between two major parks.

#### **Localism Act (amendment to S70(2) of the TCPA 1990)**

- 8.204 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local

planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

8.205 In dealing with such an application the authority shall have regard to:

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

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

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

8.207 In this context "grants" might include the new homes bonus and payment of the community infrastructure levy.

8.208 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

8.209 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor's Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to a scheme of this size is £88,620 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 29% affordable housing and will therefore qualify for social housing relief on a proportion of this sum.

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

8.211 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £60,012 within the first year and a total of £360,70 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

### **Human Rights Considerations**

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

8.213 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human

Rights Act 1998. Various Convention rights are likely to be relevant, including:-

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

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

8.215 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

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

8.217 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

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

8.219 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

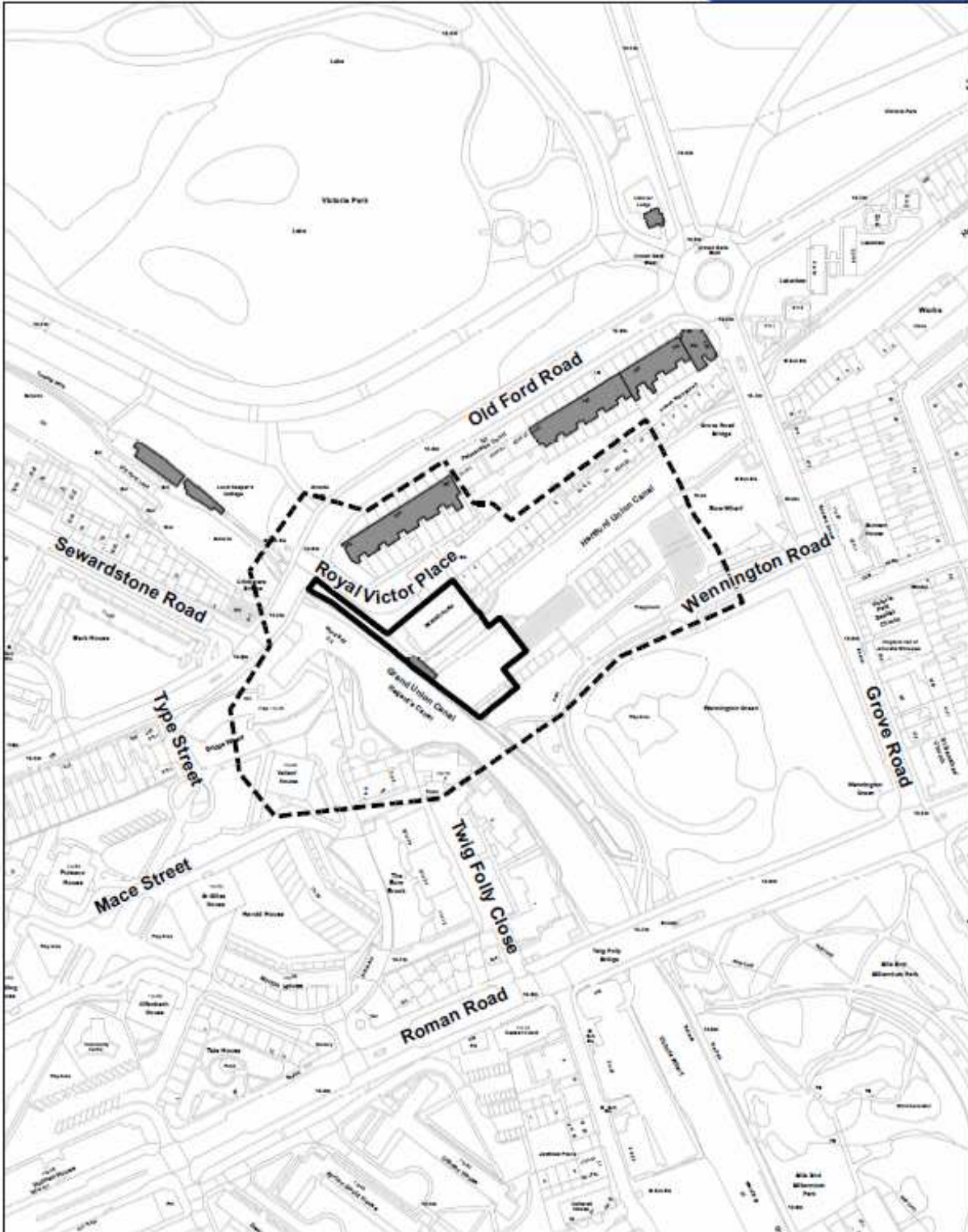
8.220 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard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

1. eliminate discrimination, harassment, victimisation and any other conduct that is

- prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.221 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 8.222 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.223 The community related contributions (which will be accessible by all), such as the new public piazza, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 8.224 The contributions to affordable housing support community wellbeing and social cohesion.


### **Conclusions**


- 8.225 All other relevant policies and considerations have been taken into account. PLANNING PERMISSION, LISTED BUILDING CONSENT and CONSERVATION AREA CONSENT should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



 Planning Application Site Boundary

 Locally Listed Buildings

 Consultation Area

 Statutory Listed Buildings

0 30 m



1:2,500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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# Agenda Item 7.4

<b>Committee:</b> Development Committee	<b>Date:</b> 11 <sup>th</sup> April 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.4
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Piotr Lanoszka		<b>Ref No:</b> PA/12/03357	
		<b>Ward(s):</b> Bethnal Green South	

## 1. APPLICATION DETAILS

- Location:** 69-89 Mile End Road, London E1 4UJ
- Existing Use:** Vacant retail
- Proposal:** Change of use at first floor from retail (Use Class A1) to a 24 hour gym (Use Class D2) and external alterations including new access door to Mile End Road and installation of rooftop servicing plant.
- Drawing No's:**
- E1.103-A Location Plan
  - E1.102-A Front Elevation as Existing
  - E1.001-A Floor Plans as Existing
  - P.102-A Front Elevation as Proposed
  - P.103-A Floor Plans as Proposed
- Documents:**
- Design and Access Statement rev A
  - Operation Note
  - Acoustic Appraisal ref AS7157.121107.R1
  - Acoustic Appraisal ref AS7392.130314.L1
  - Letter from CMA Planning dated 28/03/2013
- Applicant:** Reydon Ltd
- Owner:** As above
- Historic Building:** Undesignated, adjoins a number of Grade II listed buildings
- Conservation Area:** Stepney Green Conservation Area

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Core Strategy 2010, the Managing Development Plan Document (Submission Version May 2012) with modifications, Interim Planning Guidance (October 2007), associated supplementary planning guidance, the London Plan and National Planning Policy Framework 2012 and has found that:

- With regards to land use matters, it is considered that the proposed location is appropriate, that the use will positively contribute to creation of healthy, liveable and sustainable neighbourhoods and that the vitality and viability of adjoining town centres would not be undermined. As such, the proposed change of use of retail floorspace (Use Class A1) to a gym (Use Class D2) is in accordance with the National Planning Policy Framework (2012), policies 2.9, 3.2, 3.16, 3.19, 4.7, 4.8 and

7.1 of the London Plan (2011), saved policy S5 of the Unitary Development Plan (1998), policies SP01 and SP03 and strategic objectives SO4, SO5 and SO10 of the Core Strategy (2010), policy RT3 of the Interim Planning Guidance (2007), and policies DM01, DM02 and DM08 of the Managing Development: Development Plan Document (Submission Version May 2012 with modifications).

- Subject to conditions 5, 6, 7, 8, 9, 10 and 12, the operation of the proposed 24 hour gym will not lead to an unacceptable impact on the amenity of adjoining occupiers or the general amenity of the public realm in accordance with the National Planning Framework, policies 3.2 and 7.3 of the London Plan (2011), policies SP03 and SP10 of the Core Strategy (2010), saved policies DEV2 and DEV50 of the Unitary Development Plan (1998), policy DEV1 and DEV10 of the Interim Planning Guidance (2007) and policy DM25 of the Managing Development: Development Plan Document (Submission Version May 2012 with modifications). These policies seek to ensure protection of the amenity of surrounding existing and future residents and building occupants as well as that of the public realm.
- Subject to conditions 3, 4, 7, 8 and 9, the proposal is satisfactory in terms of design, use of materials and detailed execution, and will relate sympathetically to the fabric of the host building and preserve the appearance and character of the Stepney Green Conservation Area. The setting of adjoining Grade II listed buildings will not be adversely affected. The proposal will also provide inclusive access and maintain a safe environment. This is in accordance with the National Planning Policy Framework (2012), policies 7.2, 7.3, 7.4, 7.6 and 7.8 of the London Plan (2011), policies SP09 and SP10 of the Core Strategy (2010), saved policies DEV1, DEV9, DEV27, S10 and S11 of the Unitary Development Plan (1998), policies DEV2, DEV3, DEV4 CON1 and CON2 of the Interim Planning Guidance (2007), and policies DM23, DM24 and DM27 of the Managing Development DPD (Submission Version May 2012 with modifications). These policies aim to ensure that development is of high quality design, positively responds to its setting and preserves the architectural quality and setting of borough's heritage assets. Additionally, development is required to be appropriately designed with regards to inclusive access, safety and security.
- Subject to conditions 5, 11, 12 and 13, with reference to transport matters including access, deliveries, servicing and cycle parking, the proposed change of use is acceptable and accords with the National Planning Policy Framework, policies 6.3, 6.9 and 6.13 of the London Plan (2011), saved policy T16 of the Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DEV16, DEV17 and DEV19 of the Interim Planning Guidance (2007), and policies DM20 and DM22 of the Managing Development: Development Plan Document (Submission Version May 2012 with modifications). These policies seek to ensure safe and efficient operation of the borough's transport network and to promote sustainable transport.

### 3. RECOMMENDATION

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

3.2 That the Corporate Director of Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### Conditions:

1. Time Limit 3 years.
2. Compliance with approved plans and documents.
3. Materials and finishes to match existing.
4. Samples of all external facing materials and full details of shopfronts, entrances and screening.

5. Use class restriction - no other uses within use class D2.
6. Opening 24 hours:
  - classes and events only between the hours of 08:00 - 22:00,
  - access to non-members only between the hours of 08:00 - 20:00.
7. Full details of means of screening of the rear and side fenestration at 1<sup>st</sup> floor level. Rear and side fenestration at 1<sup>st</sup> floor level to be obscured in perpetuity.
8. Full details of proposed servicing plant and sound attenuation measures followed by post-installation acoustic testing.
9. Full details of proposed external and internal security measures including CCTV and controlled entry system.
10. Submission of a Facility Management Plan including but not restricted to:
  - safety and security measures,
  - membership policies,
  - personnel and customer code of conduct,
  - minimum staffing,
  - emergency procedures,
  - any other measures to reduce amenity impact.
11. Full details of cycle parking in line with current standards.
12. Use of Mile End Road entrance only (except for emergencies and servicing).
13. In all marketing information, occupier to promote sustainable modes of transport only and not refer to availability of any motor vehicle parking spaces in the vicinity.
14. Full details of sustainability measures
15. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### **Informatives**

- 1) Advertisement consent application required for signage
- 2) Section 278 required for works to highway.
- 3) Applicant advised to contact LBTH Building Control team.
- 4) No blocking of surrounding highway and carriageway.
- 5) No skips or construction materials shall be kept on the footway or carriageway.
- 6) Servicing for the site should be carried out in accordance with existing on-street parking stopping restrictions.

## **4. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The applicant seeks to change the use of the first floor from retail (Use Class A1) to a 24 hour gym (Use Class D2). To facilitate these changes a new entrance is proposed in the Mile End Road frontage and a rooftop servicing plant area at 3<sup>rd</sup> floor level.
- 4.2 The application also proposes the creation of a new Mile End Road entrance for the existing 2<sup>nd</sup> floor conferencing and banqueting suite.

### **Site and Surroundings**

- 4.3 The application relates to 2043sqm of vacant retail floorspace within the first floor of the former Wickhams Department Store. The site is located on the corner of Mile End Road and Cleveland Way with the main entrance and retail frontage facing Mile End Road and the delivery and emergency access from Cleveland Way. Mile End Road (A11) forms part of the Transport for London Road Network, while Cleveland Way is a local adopted highway. The ground floor of the site remains in retail use (Use Class A1) - two of the three units are currently occupied by a supermarket (Tesco) and a fashion retailer (Sports Direct). The second floor operates as a conferencing and banqueting suite (The Waterlily, Use Class D2) while the 3<sup>rd</sup> floor is occupied by serviced offices (Use Class B1).

- 4.5 The site forms part of the Stepney Green Conservation Area and adjoins a significant number of Grade II Listed buildings as shown in Figure 1 below. The site itself is not a designated or a statutory heritage asset, nevertheless it is considered to be of significant heritage value to the borough and in particular to the townscape of the Stepney Green Conservation Area.

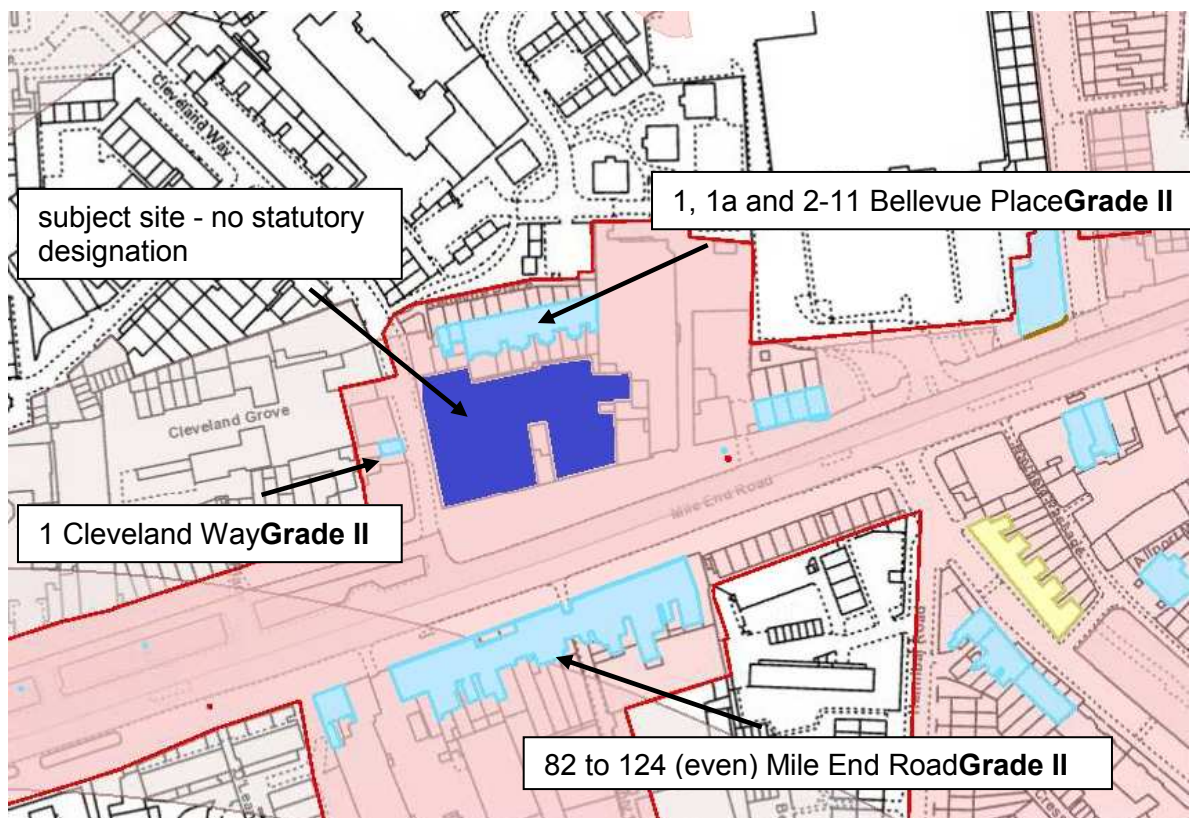


Figure 1 - Extent of the Stepney Green Conservation Area with Listed Buildings

- 4.6 The site is designated as part of an Arts, Culture and Entertainment (ACE) Area in the UDP 1998. The site does not carry any other spatial policy designations but is considered to be located within an edge of town centre location for both the Whitechapel District Town Centre - located 250m to the west, and the Stepney Green Neighbourhood Town Centre - located 280m to the east of the application site.
- 4.7 Abutting to the east of the site is the Al Huda Cultural Centre and Mosque and the Genesis Cinema. 120m to the east is the AnchorRetailPark while to the west of the site and on the opposite side of Mile End Road are located parades of shops. Immediately to the north, the site is abutted by rear gardens of the residential terrace of Bellevue Place and the flats at 14 and 16 Cleveland Way.
- 4.8 The surrounding townscape is mixed-use, inner-city in character with retail and town centre uses located along a commercial spine formed by Mile End Road and with residential development located along the side streets. Retail and town centre uses stretch without significant interruption the whole distance from Aldgate to Mile End and traverse the boundaries of the designated town centres. The patterns and intensity of activity and

pedestrian footfall decrease as distance from town centres increases.

### **Relevant Planning and Enforcement History**

4.9 The following section lists the relevant planning and enforcement history for the application site.

#### Planning History

4.10 PA/08/02274

On 17 February 2009 planning permission was granted for refurbishment, alterations works and change of use of former department store to provide retail at basement, ground and first floors, conference suites/banqueting hall at second floor and offices at third floor together with the creation of a new escalator lobby in yard at rear of number 81 Mile End Road.

4.11 PA/09/02515

On 22 January 2010 planning permission was granted for installation of three roof mounted air conditioning units and one roof mounted condenser units.

4.12 PA/09/01386

On 14 April 2010 variation of condition 2 of planning permission PA/08/02274 was permitted to extend opening hours of retail units on site to 07:00 hours -23:00 hours Mondays to Sundays with no restriction on staff occupying the property after closing.

4.13 PA/10/0053

On 28 July 2010 planning permission was refused for change of use of part of third floor from office (Use Class B1) to educational use for training purposes (Use Class D1).

#### Enforcement History

4.16 ENF/09/00515

Enforcement proceedings with regards to non-compliance with condition 3 (D2 opening hours), condition 4 (cycle storage), condition 5 (acoustics), condition 6 (service management plan), condition 7 (sound limiter), condition 10 (use of Cleveland Wayentrance), condition 11 (servicing hours) and condition 12 (rear servicing area) of planning permission ref PA/09/001386 dated 14 April 2010.

For further details please refer to LBTH Enforcement comments within the Consultation Response section of this report.

## **5. POLICY FRAMEWORK**

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

### **Unitary Development Plan 1998 (as saved September 2007)**

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV9	Control of Minor Works
	DEV27	Small Scale Proposals in Conservation Areas
	DEV50	Noise

DEV55	Development and Waste Disposal
T16	Traffic Priorities for New Development
S5	Changes of Use in Other Parades and Isolated Shops
S10	New Shopfront Proposals
S11	Use of Open Grills
ART6	Arts, Culture and Entertainment (ACE) Areas

### **Core Strategy adopted 2010**

Strategic Objectives:	SO3	Achieving wider sustainability
	SO4	Refocusing on our town centres
	SO5	Refocusing on our town centres
	SO10	Creating healthy and liveable neighbourhoods
	SO16	Delivering successful employment hubs
	SO20	Creating Attractive and Safe Streets and Spaces
	SO21	Creating Attractive and Safe Streets and Spaces
	SO22	Creating Distinct and Durable Places
	SO23	Creating Distinct and Durable Places
	SO25	Delivering Placemaking
Spatial Policies:	SP01	Refocusing on our town centres
	SP03	Creating healthy and liveable neighbourhoods
	SP09	Creating Attractive and Safe Streets and Spaces
	SP10	Creating Distinct and Durable Places
	SP12	Delivering Placemaking

### **Managing Development DPD(Submission Version2012) with alterations.**

Policies	DM1	Development within the town centre hierarchy
	DM2	Local shops
	DM8	Community infrastructure
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and the public realm
	DM24	Place sensitive design
	DM25	Amenity
DM27	Heritage and the historic environment	

### **Interim Planning Guidance for the purposes of Development Control (October 2007)**

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV10	Disturbance from Noise Pollution
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	RT3	Shopping Provision outside of Town Centres
	CON1	Listed Buildings
	CON2	Conservation Areas

### **Supplementary Planning Guidance/Documents**

Draft Town Centres SPG (January 2013)  
 PPS5: Planning for the Historic Environment Practice Guide (June 2012)  
 LBTH Shopfronts SPG (1998)  
 LBTH Stepney Green Conservation Area Character Appraisal

## **Spatial Development Strategy for Greater London (London Plan) 2011**

Policies:	2.9	Inner London
	2.15	Town Centres
	3.1	Ensuring equal life chances for all
	3.2	Improving health and addressing health inequalities
	3.16	Protection and enhancement of social infrastructure
	3.19	Sports facilities
	4.7	Retail and town centre development
	4.8	Supporting a successful and diverse retail sector
	6.3	Assessing effects of development on transport capacity
	6.9	Cycling
	6.13	Parking
	7.1	Building London's neighbourhoods and communities
	7.2	An inclusive environment
	7.3	Designing out crime
	7.4	Local character
	7.5	Public realm
	7.6	Architecture
	7.8	Heritage assets and archaeology

### **Government Planning Policy Guidance/Statements**

NPPF          National Planning Policy Framework

In particular: - The presumption in favour of sustainable development  
- Core planning principles  
- Building a strong, competitive economy  
- Ensuring the vitality of town centres  
- Promoting sustainable transport  
- Requiring good design  
- Promoting healthy communities  
- Conserving and enhancing the natural environment  
- Conserving and enhancing the historic environment  
- Determining applications  
- Planning conditions and obligations

### **Community Plan**

The following Community Plan objectives relate to the application:

A better place for living safely  
A better place for living well  
A better place for creating and sharing prosperity  
A better place for learning, achievement and leisure

## **6. CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

### **LBTH Development Design and Conservation**

6.2 No objection subject to details of shop fronts and entrances and details of plant enclosure being reserved by condition.

(Officer Comment: A suitable condition will be imposed should permission be granted)

### **LBTH Environmental Health - Noise and vibration**

- 6.3 We have had a number of noise and vibration transference issues with the use of gyms adjoining premises for other use including residential/commercial development, which is primarily caused by the impact of gym equipment coming into contact with the building fabric. In order for EH to be satisfied that the use of gym at 69-89 Mile End Rd will not cause noise and vibration transference likely to cause a statutory nuisance under the EPA 1990, the developer would be required to carry out a noise assessment survey and submit this to EH demonstrating that the Dntw and the Lntw values are in compliance with British Standards and Building Regulations. The Noise report will also need to carry out a BS4142 Noise Survey to demonstrate that any Plant and Equipment used including fans, condenser units, compressors, grilles and ventilation units do not cause a nuisance and the noise levels do not exceed 10dB below the background noise levels. EH will then undertake a post completion testing to verify the results.

(Officer Comment: A suitable condition will be imposed should permission be granted)

### **LBTH Transportation & Highways**

- 6.4 While Highways have no objections to the principle of this change of use, an objection has to be raised with regards to proposed cycle parking provision.
- 6.5 The applicant has proposed to use the existing cycle parking stands outside the entrance. These are already in use and the introduction of the gym is likely to result in increased demand. The minimum requirement as per the London Plan and LBTH policy is 1 space per 10 staff and 1 space per 20 peak period visitors. 15 equivalent full time staff is proposed but the applicant has not stated the expected level of peak time visitors or the quantity of existing on-street cycle stands (Google Streetview appears to show 8 spaces). The applicant is expected to submit details of cycle parking provision in accordance with the aforementioned policy. It should be noted that LBTH's preferred cycle parking stand is the Sheffield type stand, one of which can fully secure two bicycles.

(Officer Comment: Conditions will be imposed to require details of on-site and/or off-site cycling parking to be submitted in line with LBTH and London Plan standards and to require promotion of only sustainable modes of travel should permission be granted)

### **Transport for London**

- 6.6 The applicant has proposed to utilise the existing cycle parking facility outside the site; TfL considers that an additional facility may be required to ensure capacity is maintained. Therefore TfL requests the applicant to confirm details of the peak capacity of the proposal. Upon receiving such information, TfL shall decide whether the applicant would be required to enter into a S278 Agreement under Highways Act 1980 with TfL to provide additional cycle parking facilities outside the premises. Otherwise, cycle parking facilities shall be provided on site in accordance with the current London Plan standards, which is 1 per 110 staff & 1 per 20 peak period visitors.
- 6.7 The footway and carriageway A11 Mile End Road must not be blocked during the construction and maintenance of the proposal. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.
- 6.8 No skip/ construction materials shall be kept on the footway or carriageway of A11 Mile End Road at any time.



- 6.9 Servicing for the site should be carried out in accordance with existing on-street parking stopping restrictions.

(Officer Comment: Conditions will be imposed to require details of on-site and/or off-site cycling parking to be submitted in line with LBTH and London Plan standards. Requested informatives will also be included should permission be granted)

#### **LBTH Building Control**

- 6.10 No comments received.

#### **London Fire and Emergency Planning Authority (London Fire Brigade)**

- 6.11 From planning criteria, the Brigade has no concerns as the issues of our access and water supplies are already in place for this building. Other issues may arise when a statutory building control consultation is received.

#### **LBTH Metropolitan Police Crime Prevention Officer**

- 6.12 No objection in principle. Please ensure that the doors/glass/access control systems being installed are of a good standard, and that CCTV is properly monitored and recorded in line with the Data Protection Act. I would point out that some gyms can become a place for drug sales, and therefore the toilet facilities should be designed to reduce the chance of this happening (sealed cisterns/blue lighting etc), with CCTV covering the entrances to/from the toilets, and checked regularly by staff.

(Officer Comment: Conditions will be imposed to require details of CCTV and security measures as well as submission of a bespoke management plan for the facility should permission be granted)

#### **LBTH Planning Policy**

- 6.13 No objection in principle subject to submission of marketing evidence.
- 6.14 Given the A1 unit's location outside of a designated town centre boundary, Policy DM2 (Local Shops) in the emerging Managing Development DPD (2012) will be relevant in this case. DM2 states that any development resulting in the loss of local A1 shops, outside of town centres, will only be supported where:
- a) the shop is within a 300m walking distance of the nearest alternative local shops
  - b) the shop has been vacant for more than a period of 12 months and robust evidence is provided of efforts made to market the shop unit over that period at an appropriate rent
  - c) there is no viable prospect of a retail use on the site
- 6.15 Given that this proposal is for the change of use to a gym (D2 use), Spatial Policy 03 in the adopted Core Strategy (2010) is also relevant. This encourages supporting opportunities for healthy and active lifestyles, including providing excellent access to high quality leisure and recreation facilities in the borough. Policy DM8 in the Managing Development DPD states that new health and leisure facilities should be located in or at the edge of town centres. Given that the site is located on the edge of both Whitechapel and Stepney Green town centres; this requirement of policy DM8 has been satisfied.
- 6.16 (Officer Comment: The applicant has submitted evidence of marketing of the floorspace. Issues raised are addressed further in the Land Use section of this report)

#### **LBTH Communities, Localities & Culture - Strategy**

- 6.17 Planning obligations contributions will not be applicable to the application in line with the Planning obligations supplementary planning document.

#### **LBTH Sustainability Officer**

- 6.18 The applicant should provide details of the sustainability initiatives integrated into the scheme and details of the energy systems proposed to deliver the space heating and hot water requirements of the development. For all schemes we will be looking for the applicant to demonstrate CO2 emission reductions in accordance with managing development policy DM29.

(Officer Comment: A condition will be imposed to required details of sustainability measures)

#### **LBTH Planning Enforcement**

- 6.19 No objection raised, however planning enforcement have an open case for various breaches of planning control at this site.
- 6.20 A breach of condition notice was served in response to an on-going failure to comply with conditions of planning permission, ref: PA/09/01386 which related among other things to the permitted hours of the 2<sup>nd</sup> floor of the property, sound limiters which need to be submitted to and approved by the Council and then installed and to ensure the proper access and servicing arrangements of the site are adhered to.
- 6.21 The premises was prosecuted in the Magistrates Court in August 2011 and fined £8315 in relation to 16 reported offences related to this breach of condition notice.
- 6.22 Planning enforcement are also aware that roller shutters and a shopfront have been installed at the site without planning permission and that the Carmel Unit has been partially demolished.
- 6.23 The planning enforcement team recently went through a transitional period but a new team is now in place so the intention is to continue to investigate and monitor the aforementioned breaches and look to take further action if it is considered expedient to do so.

#### **LBTH Town Centre Coordinator**

- 6.24 No objection raised. A gym can be considered to contribute to the creation of sustainable communities by providing support to the social facilities and is in conformity with SP03(5b) of the core Strategy

### **7. LOCAL REPRESENTATION**

- 7.1 A total of 65 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised by way of a site notice outside the application site and a press advert in the East End Life newspaper.

The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No. of individual responses: 12 against

No. of petitions received: 1 against containing 25 signatures

#### **Objections Received**

- 7.2 Two objections were received from local amenity groups representing adjoining residential occupiers. Objections were raised with regards to noise and disturbance likely to result from the proposed servicing plant, the use itself, excessive opening hours and from users arriving and leaving.
- 7.3 The 25 petitioners object to a 24 hours gym on grounds of detriment to local residents resulting from increased levels of noise and nuisance in the area.

The following issues were raised in the 8 objection letters from adjoining residents:

7.4 Amenity

- noise and nuisance resulting from use itself
- noise and nuisance resulting from hours of operation
- noise and nuisance resulting from comings and goings
- noise and nuisance resulting from servicing plant
- principle of a 24 hours use in a residential area
- light pollution
- cumulative impact

(Officer Comment: The above issues are discussed in depth within Material Planning Considerations in the 'Amenity' section)

7.5 Biodiversity

- impact of noise on wildlife within adjoining gardens

(Officer Comment: It is considered that no adverse impact will result subject to imposition of adequate noise and light pollution attenuation measures secured by condition)

7.6 Highways

- increase in car traffic
- increase in parking stress
- impact resulting from deliveries and servicing
- insufficient provision of cycle parking

(Officer Comment: The above issues are discussed in depth within Material Planning Considerations in the 'Highways' section)

Other

- 7.7 A number of individual objection letters refers to non-compliance with planning conditions by the operator of the banqueting and conferencing venue located on the 2<sup>nd</sup> floor of the application premises as well as unauthorised alteration and demolition works to the shopfronts and the general fabric of the heritage asset. There is an on-going enforcement investigation in relation to the issues raised. Please refer to LBTH Enforcement response above.
- 7.8 A number of objectors also suggest imposition of various conditions to limit the externalities arising from the development. These are noted and will be addressed within relevant sub-sections of the Material Planning Considerations part of this report.
- 7.9 Objections were also raised with regards to impact on property values. This is not considered to be a material planning consideration.
- 7.10 One objection on land use grounds has been received from another gym operator in the borough. The letter opposes the development on the basis of non-compliance with Paragraph 24 of the National Planning Policy Framework which requires Local Planning Authorities to

sequentially test applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Paragraph 24 expresses preference to town centre location of town centre uses.

(Officer Comment: It is considered that as the development is in accordance with an up-to-date Local Plan no sequential testing is necessary. Additionally the edge of town centre site already contains active retail and banqueting 'town centre' uses and the floorspace in question already benefits from planning permission for retail use. The specific use as a gym is also intrinsically local by nature and as such does not pose a threat to vitality and viability of adjoining designated town centres. Land use matters are considered in depth within the 'Land Use' section of the Material Planning Considerations part of this report.)

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 The application has been fully considered against all relevant policies under the following report headings:

1. Land-use
2. Amenity
3. Design and Heritage
4. Highways

### **Land-use**

8.2 The main land use considerations with regards to the application are loss of retail floorspace and the principle of introduction of a sports facility.

8.3 The site has been designated as part of an Arts, Culture and Entertainment (ACE) Area in the Unitary Development Plan 1998. The site carries no other spatial designations but is considered to be located within an edge of town centre location for both the Whitechapel District Town Centre - located 250m to the west, and the Stepney Green Neighbourhood Town Centre - located 280m to the east of the application site.

8.4 Following grant of planning permission PA/08/02274 dated 17 February 2009, the lawful use of the first floor floorspace to which this application relates is retail (Use Class A1). The first floor has however remained unoccupied despite extensive marketing of the premises since July 2008 as described in the letter from the applicant's property consultant.

8.5 The ground floor of the site remains in retail use (Use Class A1) - two of the three units are currently occupied by a supermarket (Tesco) and a fashion retailer (Sports Direct). The second floor operates as a conferencing and banqueting suite (The Waterlily, Use Class D2) while the 3<sup>rd</sup> floor is occupied by serviced offices (Use Class B1)

### Loss of retail floorspace

8.6 Policy 4.8 of the London Plan, S5 of the UDP, RT3 of the IPG and DM02 of the MD DPD seek to resist loss of retail floorspace in locations outside designated town centres where this would lead to a reduction in local shopping provision and detrimental impact on the ability of local people to access basic goods and services. A number of specific tests is introduced by policy DM02 which supports development resulting in loss of A1 shops only where the shop is within a 300m walking distance of the nearest alternative, has been vacant for more than 12 months and evidence of marketing is provided, and where there is no viable prospect of a retail use on site taking into consideration the future need for provision of local shops as part of a sustainable neighbourhood.

8.7 As such, no objection is raised with regards to change of use of the retail floorspace as a

significant amount of active retail floorspace remains on the ground floor of the premises and within adjoining local shop parades, the floorspace has been actively marketed since July 2008 with no significant interest from retail occupiers, and because there is no likely prospect of the floorspace being used for retail purposes in the near future. The Waterlily Centre's intention to bring the former Wickhams Department Store to its original use has not been realised due to the lack of interest from providers of comparison retail. The fact that the floorspace is located at first floor level, no car parking is available and the footfall on this part of the Mile End Road is limited contribute to the unsuitability of the upper floors for comparison retail which, in general, has much larger catchment areas than convenience retail and is more appropriate within the core areas of District and Major Town Centres.

#### Introduction of a gym use

- 8.8 The National Planning Policy Framework, policies 2.9, 3.2, 3.16, 3.19 and 7.1 of the London Plan, and policy SP03 of the Core Strategy support development of sports facilities in order to aid creation of healthy, liveable and sustainable neighbourhoods by way of improving access to a range of sport facilities. Accessible sport facilities form an important part of the social infrastructure and play a significant role in ensuring local people have the opportunity to lead active lifestyles and participate in community activities, which can have positive outcomes for physical and mental health, and social cohesion.
- 8.9 The National Planning Policy Framework, policies 3.16 and 4.7 of the London Plan, SP01 of the Core Strategy and DM8 of the MD DPD seek to locate gyms within town centre and edge of town centre locations within easy reach by walking, cycling and public transport. This is because town centre and edge of town centre locations are most accessible but also because gyms are considered a use which through generation of activity and footfall can contribute to the vitality and viability of the borough's town centres and commercial areas.
- 8.10 In considering the suitability of this location for a gym, of particular relevance are the strategic objectives SO4 and SO5, and the policy SP01 of the Council's Core Strategy. The policies aim to create a hierarchy of interconnected, vibrant and inclusive town centres that function as hubs for retail, commercial, leisure, civic and residential uses. Scale and type of uses should be proportionate to the town centre hierarchy, accessibility and footfall. Mixed uses are generally to be promoted for edge of town centre locations and along main streets.
- 8.11 As described within the Site and Surroundings section of this report the site is located within an edge of town centre location which benefits from relatively high footfall and high accessibility. It is part of a continuous spine of commercial and town centre uses along the A11 corridor, adjoins a cinema, mosque and community centre, a banqueting and conference venue, and a significant number of retail premises. The proposed use will thus sit comfortably within the context of the site and due to its predominantly local catchment area characteristic of most gyms, will support rather than undermine the viability and vitality of adjoining designated town centres of Whitechapel and Stepney Green.
- 8.12 In addition, the introduction of a viable active use to a vacant unit will contribute to the provision of employment - the applicant indicates an equivalent of 15 full-time employees on site, as well as an increase in activity and footfall which will benefit adjoining retail uses.
- 8.13 Overall, with regards to land use matters, officers are satisfied that the proposed location is appropriate, the use will positively contribute to the creation of healthy, liveable and sustainable neighbourhoods and that the vitality and viability of adjoining town centres would not be undermined. As such, the proposed change of use of retail floorspace (Use Class A1) to a gym (Use Class D2) is in accordance with the National Planning Policy Framework (2012), policies 2.9, 3.2, 3.16, 3.19, 4.7, 4.8 and 7.1 of the London Plan (2011), saved policy S5 of the Unitary Development Plan (1998), policies SP01 and SP03 and strategic objectives SO4, SO5 and SO10 of the Core Strategy (2010), policy RT3 of the Interim Planning Guidance (2007), and policies DM01, DM02 and DM08 of the Managing Development:

## **Amenity**

- 8.14 The National Planning Policy Framework identifies sustainable development as the main purpose of the planning system and specifies three main dimensions: the economic, social and environmental. These roles are mutually dependant and should not be undertaken in insolation. Of particular relevance to the protection of amenity as part of sustainable development are Paragraphs 123 and 125 of the NPPF which require planning to:
- avoid adverse impacts on health and quality of life which could arise from noise
  - mitigate and reduce other amenity impacts, including through the use of conditions
  - limit the impact of light pollution on local amenity
- 8.15 The Council's relevant policies are DEV2 of the UDP, DEV1 of the IPG, DM25 of the MD DPD and SP10 of the Core Strategy. These 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 surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 8.16 Further to the general amenity policies listed above, policies DEV50 of the UDP, DEV10 of the IPG and SP03(2) of the Core Strategy specifically aim to minimise and mitigate the impact of noise through design and planning controls including through imposition of conditions. This is especially relevant for evening and night time uses. Additionally, policy SP01(2c) aims to avoid overconcentration of evening and night time economy uses in areas where they would have a detrimental impact on local people and land uses.
- 8.17 Policy 3.2 of the London Plan acknowledges the impact of the environment on health of the population and requires new developments to be designed, constructed and managed in ways that improve health and promote healthy lifestyles. Policy 7.3 aims to ensure creation of safe and secure environments where crime and disorder and the fear of crime do not undermine quality of life. This policy also acknowledges that daytime and managed night time uses can positively contribute to safety of an area through creation of a level of natural surveillance resulting from the activity generated in and around the site.
- 8.18 As shown in Figure 2 below, the residential properties which are most likely to be affected by the proposal are:
- the terrace at Bellevue Place with rear gardens abutting the rear wall of the site,
  - flats at 14 and 16 Cleveland Way also abutting to the rear but exposed to noise and disturbance from both the rear and the Cleveland Way elevation
  - flats on the opposite side of Cleveland Way

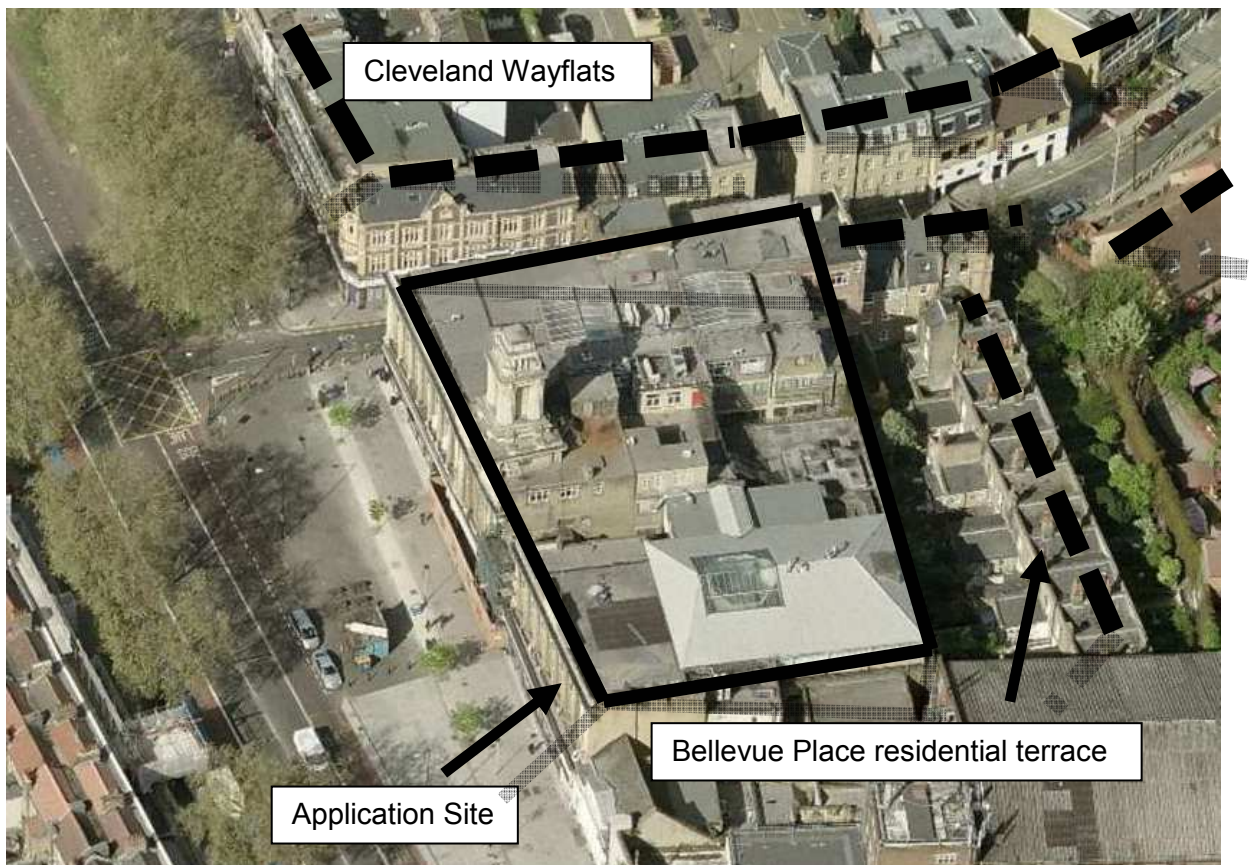


Fig. 2 application site with adjoining residential properties (dashed line)

- 8.19 Three distinct soundscapes can be identified along with three corresponding areas of activity. These are as follows:
- 8.20 Mile End Road is dominated by noise from intensive car traffic and that generated by moderate to high pedestrian footfall and activity. The intensity of noise pollution from traffic reduces outside peak hours and at night-time but remains relatively high at all times. Pedestrian activity varies throughout the day and to an extent lasts well into the evening but substantially reduces at night time. Overall, pedestrian activity reflects the inner city mixed use character of the main road. There is a relatively high amount of light pollution arising from highway, public realm and commercial lighting.
- 8.21 Cleveland Way has a similar noise climate close to its junction with Mile End Road but noise pollution significantly reduces further away from the junction. Being a local road, vehicular traffic is also significantly smaller. Pedestrian activity is substantially smaller and restricted to mostly daytime due to the residential nature of the area to the north of the Mile End Road
- 8.22 Bellevue Place, due to the surrounding built form, is considerably shielded from the noise pollution resulting from traffic and pedestrian activity originating from Mile End Road. Light pollution is also significantly lower and mostly restricted to that emanating from the application site. The character and pattern of activity within Bellevue Place is entirely residential.
- 8.23 These three areas exhibit different levels of sensitivity to noise and light pollution. Due to high background pollution properties facing Mile End Road are not likely to be significantly affected, with moderate impact on properties on the western side of Cleveland Way and likely high sensitivity to noise and light pollution in Bellevue Place and at 14-16 Cleveland Way.
- 8.24 The relatively low background noise levels make the properties along Bellevue Place and flats at 14-16 Cleveland Way, that have windows at rear, significantly more sensitive to noise and light disturbance which might arise from within the application site.

Disturbance from comings and goings

- 8.25 With regards to disturbance form comings and goings associated with the use, especially at night time, residents of Bellevue Place will not be affected due to physical separation while residents of properties on Mile End Road will be affected to a lesser degree due to the higher background noise levels arising from existing vehicular traffic and pedestrian activity. The highest impact is likely to be experienced by residents of Cleveland Way who live further away from the site where the background noise levels are lower - nonetheless Cleveland way is likely to be used much less intensively for pedestrian access than the main transport and activity corridor of Mile End Road.
- 8.26 The supermarket located within the ground floor of the application site currently operates between 07:00 - 23:00 all week with no restriction on staff occupying the premises after the closing time. The conferencing and banqueting suite on the 2<sup>nd</sup> floor is restricted by an existing planning condition to operate within 08:00 - 22:30 Monday - Saturday and 10:00 - 20:00 Sundays and Bank Holidays with all staff and patrons required to vacate the premises within 30min of the closing time.
- 8.27 While no formal planning restrictions affect prayer times at the adjoining Mosque it is understood that prayers would not normally last past 23:00. The opening times of the adjoining cinema are also not restricted but last screenings normally take place at about 9pm with customers leaving between 23:00-24:00.
- 8.28 The highest concentration of evening use and activity in the vicinity is on Fridays and Saturdays when the banqueting suite hosts events and the cinema attracts a bigger audience.
- 8.29 The existing evening and night time soundscapes, especially these of Cleveland Way and Bellevue Place, are currently significantly affected by the operation of the conferencing and banqueting suite located on the 2<sup>nd</sup> floor of the application premises. A large number of these negative externalities relates to non-compliance with planning conditions imposed on the original consent and the non-implementation of the Mile End Road entrance. It is considered that in the assessment of the night time impact of the use a likelihood of reduction in background disturbance levels during events at the Waterlily should be taken into account.
- 8.30 Figure 4, below, outlines expected visitor numbers throughout a 24 hour period. This estimate is based on comparable existing operations within the operator's group of gyms. The estimated number of visitors is approximately 1000 spread throughout a 24 hour period. The Operation Note submitted with the application outlines that on average 9.29% of visits are made between 10pm and 6am which in this instance is likely to be approximately 90 individuals. Peak usage is expected to be at lunchtime 12:00-14:00 and later afternoon or early evening 16:00-20:00. Between 20:00 and 8:00 the gym will be accessible to members only. It is noted that it is not likely for visitors to arrive in groups with the likely pattern of arrivals and departures being fairly evenly spread out.

Time	Usage	Expected number of users
00:01 to 06:00	5.39%	53
06:01 to 12:00	24.36%	240
12:01 to 18:00	35.94%	354
18:01 to 00:00	34.31%	338

Figure 4 - Operator's estimate of visitor numbers

- 8.31 The projected visitors numbers are not considered significant when compared to the capacity of the adjoining cinema which is advertised at 575 people at a time, banqueting suite 1000+ and the capacity of the Mosque which is estimated to be around 300-400. It is noted that plans for the expansion of the Mosque include a capacity likely to reach 700.
- 8.32 Even though the applicant does not envisage organising classes at the facility, it is not



considered that an outright restriction on classes and events would meet the tests outlined in the paragraph 206 of the National Planning Policy Framework. A condition will be imposed to restrict classes to 08:00 - 22:00 only in order to reduce the potential for evening and night time disturbance resulting from groups of people arriving or leaving the premises.

- 8.33 It is noted that safety and security measures are likely to significantly reduce the likelihood and/or intensity of nuisance caused by people arriving or leaving the premises. The proposal incorporates a number of security features including a secure entry system utilising secure entry pods and requiring personal identification numbers, staffing and extensive CCTV coverage. As noted, between the hours of 20:00 and 8:00 the gym will be accessible only to members.
- 8.34 In order to reduce any possibility of antisocial behaviour and other adverse amenity impacts resulting from uncontrolled or unsupervised access a bespoke Facility Management Plan will be secured by condition and retained in perpetuity. The Facility Management Plan shall detail all safety and security measures, membership policies, personnel and customer code of conduct, minimum night-time staffing, management and emergency procedures. This is considered necessary to prevent adverse amenity and safety impacts resulting from 24 hour operation. The LBTH / Metropolitan Police Crime Prevention Officer will be consulted on the Plan.
- 8.35 As noted above, the new entrance is to be located in the centre of the Mile End Road frontage. The entrance will also serve the conferencing and banqueting venue on the 2<sup>nd</sup> floor of the application site which will result in significant reduction in disruption to residents of Cleveland Way and Bellevue Place. Exclusive use of Mile End Road entrance except in emergency and for servicing will be secured by condition.
- 8.36 The D2 'Assembly and Leisure' Use Class, among others, allows the following uses: Cinemas, Dance and Concert Halls, Sport Halls, Bingo Halls, Casinos and other Leisure Uses such as conferencing and banqueting suites. The amenity and highways impact of most of the other uses within the D2 Use Class is considered to be disproportionately higher than that of a gym. It is therefore considered necessary to impose a condition restricting the use of the 1<sup>st</sup> floor to a gym and no other use within the D2 Use Class.
- 8.37 As such, with regards to disruption from comings and goings, it is considered that, subject to the above conditions, the use will not result in disruption to the amenity of adjoining residential occupiers or that of the public realm.

#### Disturbance resulting from operation of the gym and associated servicing plant

- 8.38 A background noise survey has been conducted by the applicant with regards to the servicing plant to be installed as well as the general impact of the use. The lowest measured night-time background noise level was 38dB L(A90,15min) thus in accordance with advice received from the Council's Environmental Health Officer, the noise level generated by plant and activity at the gym should not exceed 28dB(A) at the nearest residential windows. This is 10dB lower than the lowest measured level and will be secured by condition with post-implementation levels tested for compliance by the Council's Environmental Health Officers.

The most likely measures which will be employed by the applicant to achieve the above target include:

- 8.39 Plant: acoustic screening, use of internal ventilation units and installation of duct-mounted attenuators.
- 8.40 General activity: blocking up of the windows at rear, sealing shut of windows in the Mile End and Cleveland Way elevations, installation of secondary glazing, laying out of protective matting throughout the gym, restrictions on volume of amplified music and careful location of

gym equipment which is likely to generate highest noise and/or vibration.

- 8.41 A meeting between the applicant's agent, the planning case officer and a number of local residents took place on the 26<sup>th</sup> of March where residents stressed their concern with regards to the intended positioning of the servicing plant at 2<sup>nd</sup> floor level at rear. On the 28<sup>th</sup> of March a letter from the applicant's agent has been received which confirms that following consultation with residents it is now the applicant's intention to position the plant further away from adjoining residential properties - within the roof area, above the 3<sup>rd</sup> floor level.
- 8.42 Details of plant as well as all noise and vibration attenuation measures will be reserved by condition together with post-implementation testing and retention in perpetuity in order to satisfy the background noise criteria listed above.
- 8.43 Due to the 1<sup>st</sup> floor windows at rear being blocked up the properties at Bellevue Place will not be affected by light pollution. To protect the amenity of adjoining residents, a condition will be imposed to limit the amount of light pollution from the side elevation (facing Cleveland Way) by requiring the windows to be permanently obstructed.
- 8.44 Overall, the officers are confident that any adverse amenity impact resulting from proposed change of use from retail to a gym can be successfully controlled through imposition of conditions. No unacceptable impact will therefore occur. Additionally, the new entrance within the Mile End Road frontage will reduce the disturbance caused by the existing 2<sup>nd</sup> floor banqueting and conferencing venue.
- 8.45 As such, subject to conditions 5, 6, 7, 8, 9, 10 and 12, operation of the proposed 24 hour gym will not lead to an unacceptable impact on the amenity of adjoining occupiers or the general amenity of the public realm in accordance with the National Planning Framework, policies 3.2 and 7.3 of the London Plan (2011), policies SP03 and SP10 of the Core Strategy (1010), saved policies DEV2 and DEV50 of the Unitary Development Plan (1998), policy DEV1 and DEV10 of the Interim Planning Guidance (2007) and policy DM25 of the Managing Development: Development Plan Document (Submission Version May 2012 with modifications). These policies seek to ensure protection of the amenity of surrounding existing and future residents and building occupants as well as that of the public realm.

### **Design and Heritage**

- 8.46 When determining applications affecting Listed Buildings or their setting, Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, require that special regard should be paid to the desirability of preserving the heritage assets or their setting. A similar duty is placed with respect of the appearance and character of Conservation Areas by Section 72 of the above mentioned Act.
- 8.47 The National Planning Policy Framework emphasizes the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its preservation, extent of loss or damage as result of development and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset requires clear and convincing justification.
- 8.48 The relevant London Plan policies are policies 7.4, 7.6 and 7.8 which broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. More specifically, any development affecting a heritage asset and its setting should conserve the asset's significance, by being sympathetic in form, scale, materials and architectural detail.
- 8.49 The Council's Core Strategy strategic objective SO22 aims to "Protect, celebrate and improve

access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views”. This is to be realised through strategic policy SP10 which aims to protect and enhance borough’s Conservation Areas and Statutory Listed Buildings and to preserve or enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual distinctive character and context. Policy SP10 also sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.

- 8.50 Preservation of listed buildings and their setting is specifically supported by policy CON1 of the Interim Planning Guidance and policy DM27 of the Managing Development DPD. Any adverse impact on the character, fabric or identity of the listed building is to be resisted.
- 8.51 The Council’s general design criteria are set out in saved policy DEV1 of the Unitary Development Plan, policy DEV2 of the Interim Planning Guidance, and policy DM24 of the Managing Development DPD. These policies aim to ensure that development is designed to the highest quality standards and is sensitive to and enhances the local character and setting of the development by respecting the design details and elements, scale, height, mass, bulk and form of adjoining development, building plot sizes, plot coverage and street patterns, building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements in the vicinity. Development is also required to utilise high quality building materials and finishes.
- 8.52 Specific to this proposal are saved policies DEV9, DEV27, S10 and S11 of the Unitary Development Plan (1998). These policies seek to resist development which would adversely affect the elevation of any building or the visual integrity of the streetscene, require for cumulative effects of minor alterations to be taken into account in assessing impact of any proposal and introduce the following specific criteria for shopfronts: the design and scale of shopfronts should be consistent with the character of the host building, constructed from materials which are appropriate to the location including traditional materials in conservation areas. Additionally, security shutters should be located internally and not obscure visibility of the retail unit or entrance. These policy considerations are broadly supported by more recent and less prescriptive Local Development Framework policy SP09 in the Council’s adopted Core Strategy and policies DM23, DM24 and DM27 of the Managing Development DPD which currently undergoes the adoption process.
- 8.53 The most significant impact of the proposal on the character and appearance of the Stepney Green Conservation Area, the integrity of the host undesignated heritage asset and the setting of the adjoining Grade II buildings will be by way of provision of new shopfront and entrances to the central part of the ground floor frontage facing Mile End Road.
- 8.54 The proposed entrances are located centrally, below the tower. This arrangement will ensure legibility and improve wayfinding.
- 8.55 The proposed design is broadly in line with that of the adjoining units and of an appropriate scale. The detailed design and materials will be conditioned to reflect the high quality traditional shopfront in the Cleveland Way elevation.
- 8.56 The application proposes no changes to the external appearance of the building at 1<sup>st</sup> floor level while additional plant and an acoustic screen will be added at rooftop level. Details of the screen will be reserved by condition, while the screen will be visible only from a number of properties within Bellevue Place and from no publicly accessible area.
- 8.57 Policy 7.2 of the London Plan, DEV1 of the UDP, DEV3 of the IPG and DM23 of the Managing Development DPD require development to provide inclusive access to members of the public.

- 8.58 The proposed entrances to both 1<sup>st</sup> and 2<sup>nd</sup> floors will be fully DDA compliant with level thresholds and stairs designed for the use of ambulant disabled. Both of the entrances will also incorporate lifts suitable for wheelchair users.
- 8.59 Policy 7.3 of the London Plan, DEV1 of the UDP, DEV4 of the IPG, SP09 of the Core Strategy and DM23 of the Managing Development DPD require development to be designed with safety and security in mind. Of relevance to this application are the following requirements: location of entrances in visible, safe and accessible locations, creation of opportunities for natural surveillance and avoidance of the creation of concealment points or areas suffering from lack of clear distinctions between public, semi-public and private spaces. Security measures should not compromise good design or prevent creation of inclusive environments.
- 8.60 The proposed entrances are located in a prominent location with clear sightlines and no nearby concealment points. The wide, well lit footway and clear separation between semi-public, private and public spaces will reduce opportunities for loitering and antisocial behaviour.
- 8.61 The proposal will also incorporate a number of security features including a secure entry system utilising secure entry pods, requiring personal identification numbers, staffing and extensive CCTV coverage. Full details, implementation and retention of safety and security measures will be secured by condition.
- 8.62 The LBTH / Metropolitan Police Crime Prevention Officer raise no objection to operation of a 24h gym but suggest a number of measures to reduce opportunity for substance abuse. The Officer will be consulted on details of safety and security measures and the facility management plan as requested by the abovementioned condition.
- 8.63 As such, subject to conditions 3, 4, 7, 8 and 9, the proposal is satisfactory in terms of design, use of materials and detailed execution, and will relate sympathetically to the fabric of the host building and preserve the appearance and character of the Stepney Green Conservation Area. The setting of adjoining Grade II listed buildings will not be adversely affected. The proposal will also provide inclusive access and maintain a safe environment. This is in accordance with the National Planning Policy Framework (2012), policies 7.2, 7.3, 7.4, 7.6 and 7.8 of the London Plan (2011), policies SP09 and SP10 of the Core Strategy (2010), saved policies DEV1, DEV9, DEV27, S10 and S11 of the Unitary Development Plan (1998), policies DEV2, DEV3, DEV4 CON1 and CON2 of the Interim Planning Guidance (2007), and policies DM23, DM24 and DM27 of the Managing Development DPD (submission version May 2012 with modifications). These policies aim to ensure that development is of high quality design, positively responds to its setting and preserves the architectural quality and setting of borough's heritage assets. Additionally, development is required to be appropriately designed with regards to inclusive access, safety and security.

## Highways

- 8.64 Policy 6.3 of the London Plan (2011) and SP09 of the Core Strategy (2010) aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by part 2 of policy DM20 of the Managing Development DPD (submission version May 2012 with modifications).
- 8.65 Saved policy T16 of the Unitary Development Plan (1998) requires that:  
*In considering development proposals account will be taken of the operational requirements of the proposed use, and the impact of the traffic that is likely to be generated. Considerations to be taken into account are:*
- 1) *danger or significant inconvenience to other road users including pedestrians and cyclists;*
  - 2) *obstruction of access for emergency service vehicles;*
  - 3) *detrimental impact on public transport operations; and*

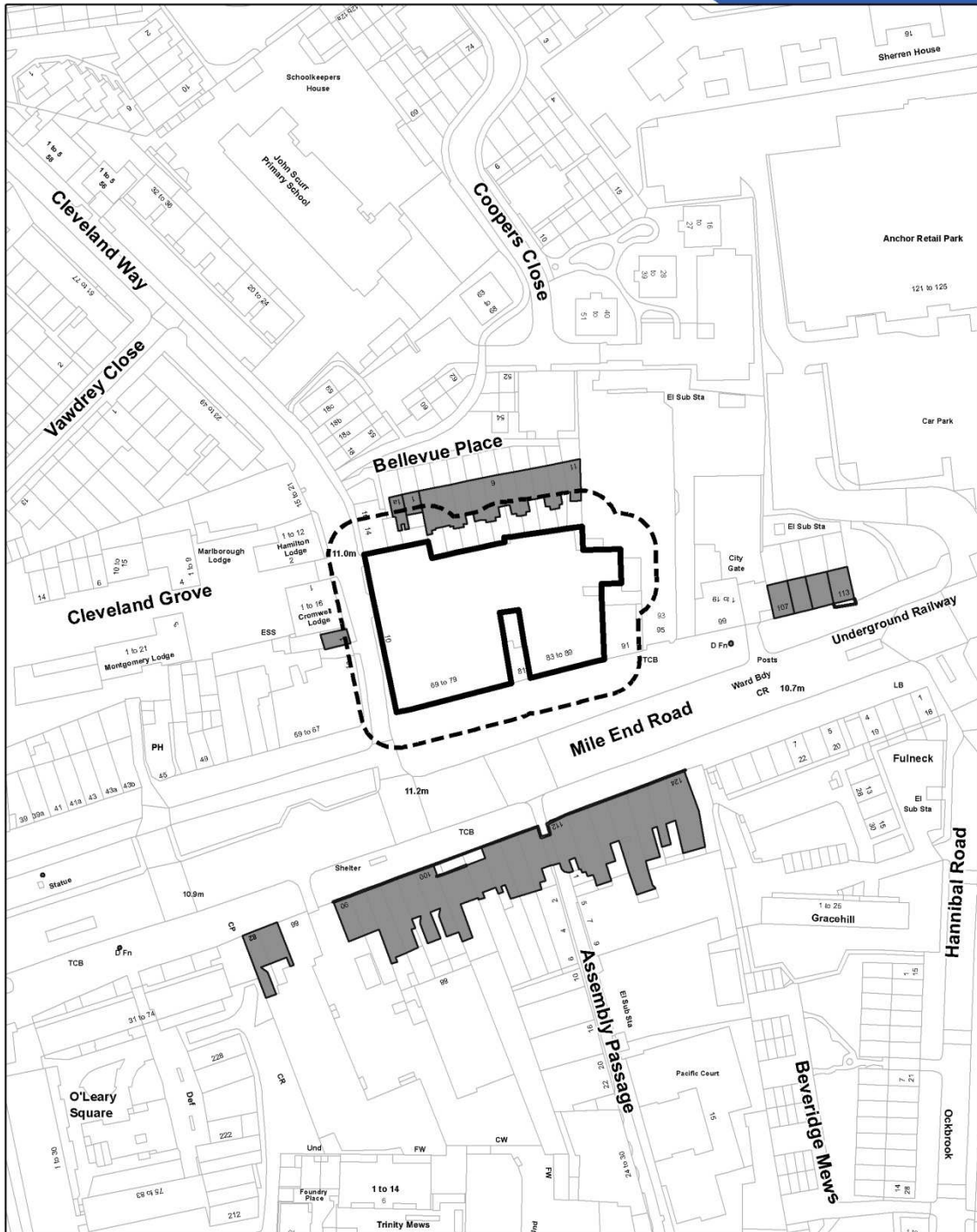
- 4) *obstruction of the movement of traffic on major roads; and*
- 5) *a deterioration in the environment of residential and other sensitive areas*

- 8.66 Policy DEV17 of the Interim Planning Guidance (2007) requires all development to include adequate space for servicing and appropriate circulation routes and specifies that development with inadequate servicing and circulation or development resulting in adverse impacts on highways safety will not be supported.
- 8.67 The site is located along Mile End Road (A11) forms part of the Transport for London Road Network, while Cleveland Way is a local adopted highway. The site enjoys excellent public transport accessibility with a PTAL rating of 5/6a and is located 360m away from the Stepney Green Station and 540m from the Whitechapel Station. Bus routes 25 and 205 stop outside the site. A Cycle Superhighway runs within the A11 corridor.
- 8.68 Change of use of the site from retail (Use Class A1) to a gym (Use Class A2) is not likely to generate car trips with majority of users most likely to walk and cycle or use local public transport services. Majority of trips are also likely to be undertaken as linked trips where users would use the gym on the way to/from home, work or other local services. This is due to the intrinsic local nature and catchment area of gyms and fitness facilities. The estimated peak times of activity also broadly correspond with peak public transport provision.
- 8.69 The access to the premises will be through a new main entrance to the building located in the centre of the Mile End Frontage. This area benefits from a considerable width of footway and high degree of separation from the A11 vehicular traffic. This entrance would also be used by the existing conferencing and banqueting suite access to which, by existing condition, is restricted to Mile End frontage only. A similar condition will be imposed on the gym use should permission be granted.
- 8.70 The applicant also proposes not to organise classes which would further reduce the highways impact by avoiding groups of people arriving at the same time. As the site is very accessible and well served by public transport it is not considered appropriate to secure this by condition.
- 8.71 In line with the Council's Highways Officer's comments, it is considered appropriate to further reduce the transport impact of the development by requiring the future occupier to only advertise sustainable modes of travel to the site and not to refer to availability of on street and off street car parking facilities in the vicinity. This will be secured by condition.
- 8.72 Along with general transport impacts, the proposed gym use has much lower delivery, servicing and waste collection requirements than retail uses.
- 8.73 The Council's Highways Officer and Transport of London raise no objection to the development subject to satisfactory provision of cycle parking in line with current policy standards.
- 8.74 In line with policy 6.3 of the London Plan and policy DM22 of the Managing Development DPD development is required to meet and preferably exceed the minimum standards for bicycle parking. For the proposed use 1 cycle space is required per 10 staff and 1 per 20 peak visitors. No car parking is proposed in line with policy DM22.
- 8.75 According to the estimated number of peak time visitors the use requires provision of minimum 10 cycle parking spaces for visitors and two for staff. It is not considered that use of the existing bike racks located within the footway outside the site is acceptable. Full details of the cycle parking to serve the development as well as implementation and retention of approved facilities prior to beginning of the gym use will be secured by condition should permission be granted.
- 8.76 As such, subject to conditions 8, 10 and 11, with reference transport matters including access,



deliveries, servicing and cycle parking, the proposed change of use is acceptable and accords with the National Planning Policy Framework, policies 6.3, 6.9 and 6.13 of the London Plan (2011), saved policy T16 of the Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DEV16, DEV17 and DEV19 of the Interim Planning Guidance (2007), and policies DM20 and DM22 of the Managing Development: Development Plan Document (Submission Version May 2012 with modifications). These policies seek to ensure safe and efficient operation of the borough's transport network and to promote sustainable transport.

## 9.0 **Conclusions**

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



-  Planning Application Site Boundary
-  Consultation Area

-  Locally Listed Buildings
-  Statutory Listed Buildings



1:1,500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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# Agenda Item 7.5

<b>Committee:</b> Development	<b>Date:</b> 11 <sup>th</sup> April 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.5
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Adam Williams		<b>Ref No:</b> PA/12/02045	
		<b>Ward(s):</b> Spitalfields and Banglatown	

## 1. APPLICATION DETAILS

**1.1 Location:** Site At 3-11 Goulston Street And 4-6 And 16-22 Middlesex Street, Middlesex Street, London E1

**Existing Use:** Vacant office and industrial building with the northern part of the site currently in use as a private car park at ground floor level.

**Proposal:** Demolition of the existing buildings and erection of a nine storey building to provide a 395 room hotel (Use Class C1), together with the creation of a new pedestrian route and other works incidental to the development.

**Drawing Nos / Documents:**

- IF 10-09-001 (Rev B);
- IF 10-09-002 (Rev B);
- IF 10-09-003 (Rev B);
- IF 10-09/100 (Rev A);
- IF 10-09/101 (Rev B);
- IF 10-09/102 (Rev B);
- IF 10-09/103 (Rev B);
- IF 10-09/104 (Rev A);
- IF 10-09/105 (Rev B);
- IF 10-09/106;
- IF 10-09-201;
- IF 10-09-202;
- IF 10-09-301 (Rev B);
- IF 10-09-302 (Rev B);
- IF 10-09-303 (Rev B);
- IF 10-09-304 (Rev B);
- IF 10-09-305 (Rev A);
- IF 10-09-306 (Rev A);
- IF 10-09-307 (Rev A);
- IF 10-09-308 (Rev A);
- IF 10-9-401;
- IF 10-9-402;
- IF 10-9-403;
- Figure 6A – Vehicle Swept Path Analysis Assuming Access to/from North via Middlesex Street, dated March 2013;
- Figure 6B – Vehicle Swept Path Analysis of 10m Rigid Vehicle, dated March 2013;
- Design and Access Statement, prepared by if...architecture, dated June 2012;
- Volume 1 – Planning Statement in Support of Proposed Development, dated June 2012;

- Volume 2 – Energy Strategy and Renewable Energy Report (Edition 4), prepared by Foreman Roberts, dated 28 June 2012;
- Volume 2 – BREEAM Pre-Assessment Report (Edition 2), prepared by Foreman Roberts, dated 28 June 2012;
- Volume 3 – Daylight and Sunlight Report, prepared by GIA, dated 28 June 2012;
- Additional Daylight and Sunlight Assessment, dated 27 February 2013;
- Artisan House Window Map;
- Volume 4 – Noise Assessment, prepared by Environmental Planning & Assessment Limited, dated June 2012;
- Volume 5 – Site Waste Management Plan, prepared by Environmental Planning & Assessment Limited, dated June 2012;
- Volume 7 – Transport Statement (Issue A01), prepared by Waterman Transport & Development Limited, dated 28 June 2012
- Volume 8 – Air Quality Assessment, prepared by Environmental Planning Assessment Limited, dated June 2012;
- Historic Environment Assessment (Issue 1), prepared by Museum of London Archaeology, dated 4 July 2012;
- Middlesex Street – Response to Policy Observations, dated 16 October 2012;
- Letter from Adrian Bunnis of CBRE, dated 16 November 2012;
- 3D Visualisation Photomontage;
- Email from Rory McManus of DP9, dated 28 February 2013;
- Email from Rory McManus of DP9, dated 15 March 2013;
- Email from Rory McManus of DP9, dated 27 March 2013.

**Applicant:** Cromlech Property Company Limited

**Owners:** Cromlech Property Company Limited

**Historic Building:** N/A

**Conservation Area:** Wentworth Street

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Local Development Framework Core Strategy (2010), London Borough of Tower Hamlets Unitary Development Plan (1998), the Managing Development Development Plan Document (Submission Version May 2012 with modifications), associated supplementary planning guidance, the London Plan (2011) and the National Planning Policy Framework (2012), and found that:
- 2.2 Sufficient evidence has been provided to justify the loss of employment floorspace in this instance, in accordance with the requirements of saved Policy EMP3 of the Unitary Development Plan (1998), Policy DM15(1) of the Managing Development DPD (Submission Version May 2012 with modifications) and Policy EE2 of the Interim Planning Guidance (2007). These policies seek to resist the loss of employment floorspace in the Borough unless it can be demonstrated that the floorspace in questions is unsuitable for continued employment use or is surplus to requirements.

- 2.3 The proposed hotel is an appropriate use within this location and accords with the requirements of Policy SP06 (4) of the Council's adopted Core Strategy (2010), Policy DM7 (1) of the Managing Development DPD (Submission Version May 2012 with modifications) and Policy 4.5 of the London Plan (2011). These policies seek to ensure that new hotel developments are appropriately located within the town centre hierarchy in areas with good access to public transport, with at least 10 per cent of rooms being wheelchair accessible, and not resulting in an overconcentration of hotel uses on the surrounding area, nor compromising the supply of land for new housing.
- 2.4 The proposed building incorporates good design principles and takes into account and respects the local character and setting of the development site and its surroundings in terms of scale, height, bulk, design details, materials and external finishes. The proposal therefore accords with the requirements of Policy SP10(4) of the Council's adopted Core Strategy (2010), saved Policy DEV1 of the Unitary Development Plan (1998) Policy DM24 of the Managing Development DPD (Submission Version May 2012 with modifications), Policy DEV2 of the Interim Planning Guidance (2007), and Policy 7.4 of the London Plan (2011).
- 2.5 The proposed building has been sensitively designed within the context of the historic built form and public realm and would preserve and enhance the setting of the Wentworth Street Conservation Area. The proposal therefore accords with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development DPD (Submission Version May 2012 with modifications), Policy CON2 of the Interim Planning Guidance (2007), Policy 7.8 of the London Plan (2011) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and preserve or enhance the character and appearance of the Borough's Conservation Areas.
- 2.6 The proposed hotel includes adequate means of accessible and inclusive access, in accordance with saved Policy DEV1 (4) of the Unitary Development Plan (1998), Policy DEV3 of the Interim Planning Guidance (2007) and Policy 7.2 of the London Plan (2011). These policies seek to ensure that development can be used safely, easily and with dignity by all persons regardless of disability, age, gender, ethnicity or economic circumstance.
- 2.7 Subject to condition, it is considered that the proposal would adequately protect both users of the development and neighbouring residents from undue noise disturbance. The proposal therefore accords with the requirements of Policy SP10(4) of the Council's adopted Core Strategy (2010), saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998), Policy DM25 of the Managing Development DPD (Submission Version May 2012 with modifications) and Policy DEV1 of the Interim Planning Guidance (2007). These policies require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm.
- 2.8 Subject to condition, it is considered that the proposed servicing arrangements for the hotel are satisfactory and would not significantly impact on the capacity or safety or the road network, which accords with the requirements of Policy SP09 (3) of the Council's adopted Core Strategy (2010), saved Policy T16 of the Unitary Development Plan (1998), Policy DM20 (2) of the Managing Development DPD (2012) and Policy DEV17 of the Interim Planning Guidance (2007).
- 2.9 Subject to condition, it is considered that the proposal includes adequate secure cycle parking facilities, in accordance with Policy DM22 (1) of the Managing Development DPD (Submission Version May 2012 with modifications), Policy DEV16 of the Interim Planning Guidance (2007) and Policy 6.9 of the London Plan (2011). These policies promote sustainable forms of transport and seek to ensure the developments include adequate provision of secure cycle parking facilities.

- 2.10 Subject to condition, it is considered that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with Policy SP05 (1) of the Council's adopted Core Strategy (2010), saved Policy DEV55 of the Unitary Development Plan (1998), Policy DM14 of the Managing Development DPD (Submission Version May 2012 with modifications) and Policy DEV15 of the Interim Planning Guidance (2007). These policies require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.
- 2.11 Subject to condition, it is considered that the proposed development would not adversely affect any buried archaeological remains, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010), saved Policy DEV43 of the Unitary Development Plan (1998), Policy DM27 of the Managing Development DPD (Submission Version May 2012 with modifications), Policy CON4 of the Interim Planning Guidance (2007) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

### 3. RECOMMENDATION

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

The prior completion of a **legal agreement** to secure the following planning obligations:

- (a). A contribution of £56,825 towards Employment and Skills Training
  - (b). A contribution of £4,335 towards Idea Stores, Libraries and Archives
  - (c). A contribution of £13,867 towards Leisure Facilities
  - (d). A contribution of £27,613 towards Public Open Space
  - (e). A contribution of £51,660 towards the Public Realm
  - (f). A contribution of £3,085 towards Monitoring
  - (g). A commitment to 20% local employment during construction phase and end user phase and procurement during the construction phase in accordance with the Planning Obligations SPD.
  - (h). A commitment to providing 1 apprenticeship per £1 million total project cost during the construction phase, and for the hotel operator to attend a meeting with LBTH Employment & Enterprise prior to occupation, and for the hotel operator to provide Skillsmatch with information on all non-technical hotel vacancies 72 hours prior to general release.
- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### Conditions

1. Time limit
2. Development to be carried out in accordance with the approved plans.
3. Details and samples of facing materials
4. Details of landscaping
5. Details of treatment of southern part of site
6. Development to be supplied by the CHP upon completion and prior to occupation
7. Development to accord with the submitted Energy Strategy and Renewable Energy Report
8. BREEAM Certificates demonstrating an 'Excellent' rating
9. Details of windows, doors and external lighting, to accord with SBD Design requirements
10. Details of glazing specification, to accord with BS 8233
11. Plant Noise Assessment, including current background noise survey
12. Servicing, Coach and Car Parking Management Plan

13. Updated Transport Statement
14. Details of disabled parking (2 spaces)
15. Details of cycle parking
16. Cycle parking facilities to be retained and maintained for the life of the development
17. Travel Plan
18. Hotel Waste Management Plan
19. Construction Environmental Management Plan
20. Details of the construction of the foul and surface drainage system
21. Details and method of piling and foundation design
22. Programme of archaeological mitigation
23. Land contamination scheme
24. Updated Air Quality Assessment
25. Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

#### **Informatives**

1. This development is to be read in conjunction with the S106 agreement.
2. The developer is to enter into a S278 agreement for works to the public highway.
3. The developer is to contact the Council's Building Control service.
4. Installation of petrol / oil interceptors in areas to be used by vehicles
5. Installation of fat traps
6. Thames Water minimum water pressure informative
7. Contact London Underground Infrastructure Protection
8. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

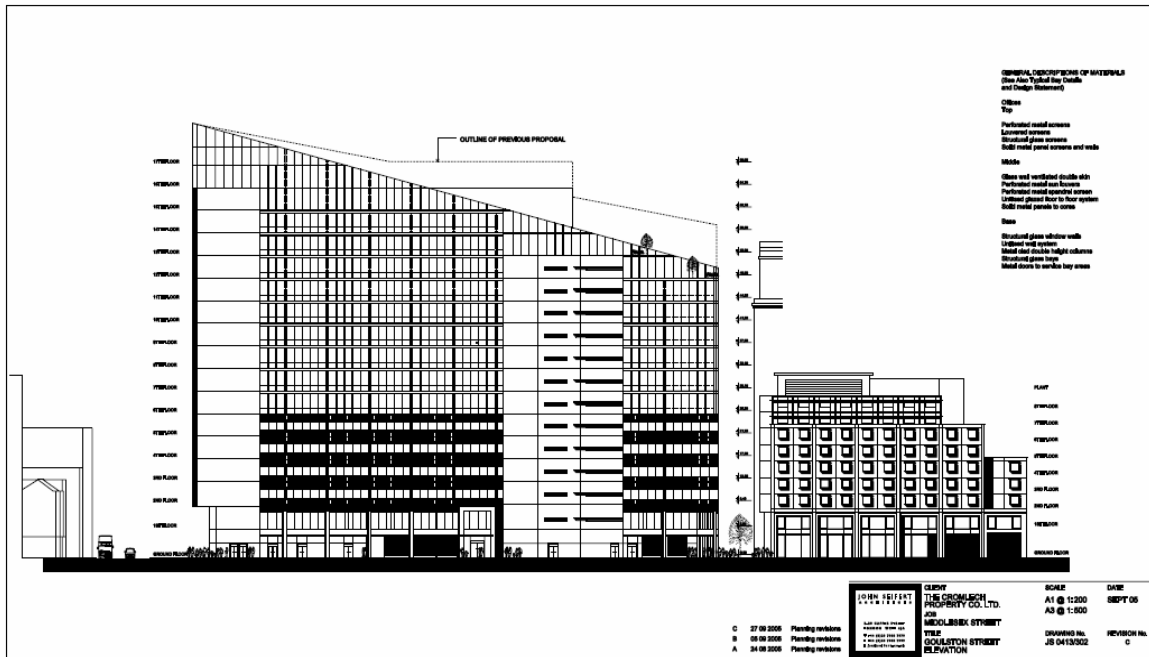
- 3.4 That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

#### **4. PROPOSAL AND LOCATION DETAILS**

##### **Background**

- 4.1 The application site was subject to a previous planning permission, granted on 13 June 2008, for the redevelopment of the site to provide a mixed use development comprising a 17 storey office building (providing 41,361 square metres of B1 office floorspace), an 8 storey plus plant room hotel building (providing 207 guest rooms and 15,002 square metres of C1 hotel floorspace), together with retail uses (872 square metres of A1-A4 floorspace), with ancillary car parking, servicing, landscaping and new vehicular access.
- 4.2 The previously approved scheme comprised two separate blocks, with the smaller hotel block located at the northern end of the site, whilst the larger office block spanned the central and southern sections of the site (see Figure 1). Prior to expiry of the three year consent for this scheme, the Council received an application for a new planning permission in order to extend the time limit for implementation (reference PA/11/01463), which remains undetermined. The previous consent is therefore still relevant, until such a time as the application is either determined or withdrawn by the applicant, although there is no permission in place.

Figure 1: Previously Approved Scheme, reference PA/05/00471



## Proposal

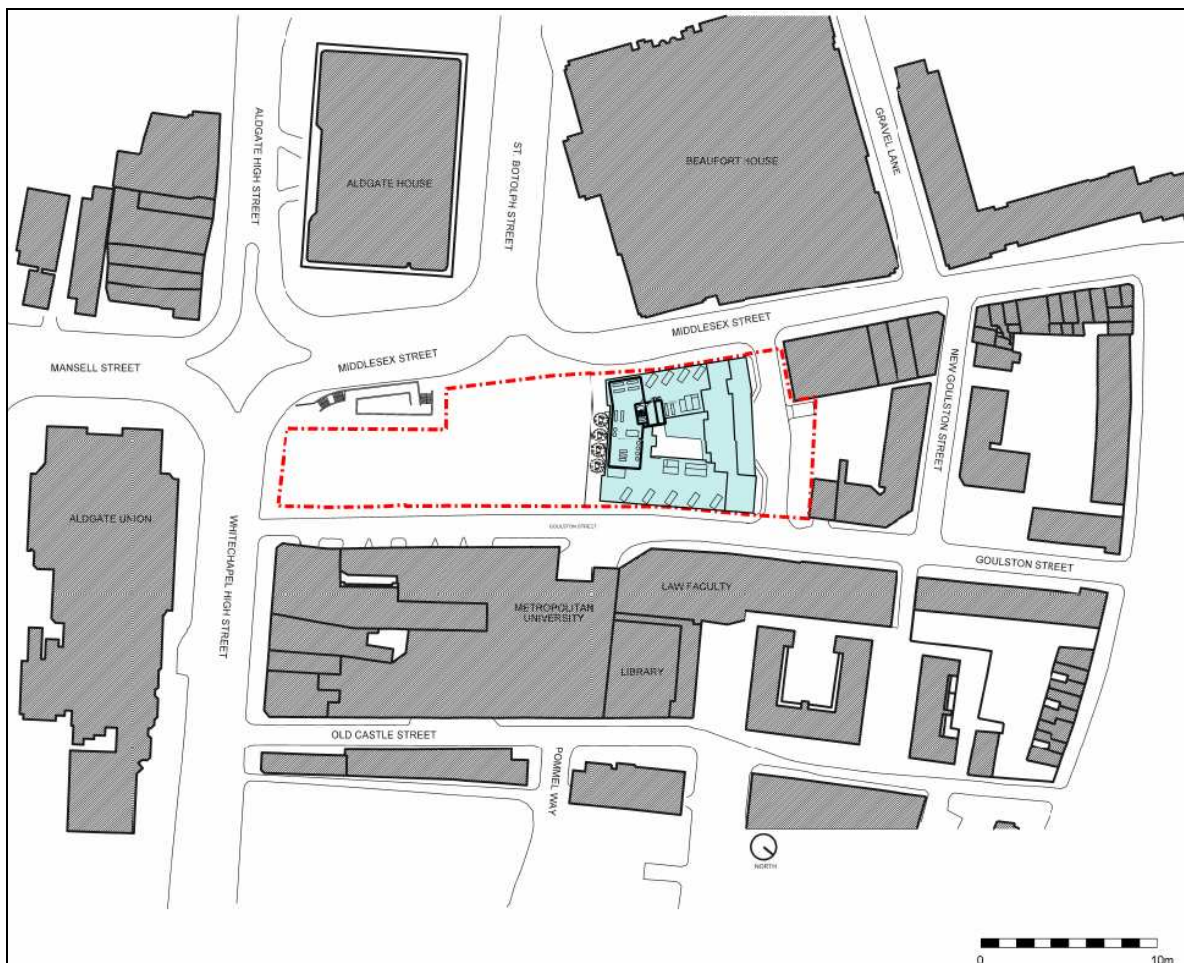
- 4.3 The current proposal is for the demolition of the existing vacant 1960s office and industrial building and erection of a new hotel building at the northern end of the site, which ranges from 6 to 9 storeys in height. The proposal also includes the introduction of a new east/west walkway through the middle of the site, providing a new pedestrian link between Goulston Street and Middlesex Street, which bound the east and west sides of the site respectively. The proposal would retain the existing private road located at the northern end of the site and includes the formation of a new service bay to enable off-street servicing and coach parking for the hotel.
- 4.4 The proposed hotel building is contemporary in its design and the lower floors are faced in reconstituted stone whilst the upper floors are faced in metal cladding panels. The façade of the building is punctuated by square set fenestration set in deep reveals and includes double-height glazed openings at ground floor level. The building design incorporates a number of active and passive energy efficiency measures, together with the use of a Combined Heat and Power (CHP) system and renewable energy generation systems in the form of a photovoltaic cell array located at roof level. With the exception of disabled parking, the proposed development would be 'car free' and includes provision of separate secure cycle parking facilities for guests and staff.
- 4.5 The hotel building proposed in the current application is comparable to that which was previously granted consent in 2008 under planning permission reference PA/05/00471. Specifically, the location, footprint, and mass of the hotel buildings are broadly similar and the formation of a new pedestrian walkway through the middle of the site and the use of the existing private road for servicing and coach parking are elements that feature in both schemes. However, whilst both buildings are eight storeys in height with additional plant rooms at roof level, the current proposals include a reduction in height from 32 metres to 27.5 metres by lowering the floor to ceiling heights throughout the building. In addition, the hotel bedrooms in current proposals are smaller than those in the previously consented

scheme, increasing the number of hotel bedrooms from 207 to 395.

### Site and Surroundings

- 4.6 The application site comprises a long, generally rectangular plot that is approximately 150 metres in length and 25 metres in width at its southern end, increasing to 50 metres in width at its northern end and covers an area of 0.506 hectares. The site can be broadly divided into thirds along its length, with the southern third of the site having previously been cleared, whilst the remaining two thirds of the site currently comprise a vacant office and industrial building that ranges from three to nine storeys in height. There is currently a private car park operating at the northern end of the site at ground floor level.
- 4.7 The site is bounded by the residential properties at Flats 1-18 Artisan House, 36 Middlesex Street, 13-21 Goulston Street (odd) and 1-10 New Goulston Street to the north, by the public highway at Goulston Street to the east, by the public highway at Whitechapel High Street to the south, and by the public highway at Middlesex Street to the west. Whitechapel High Street forms part of the Transport for London Road Network (TLRN), for which Transport for London are the relevant Highway Authority.
- 4.8 The site is located immediately adjacent to the borough boundary shared with the City of London, which runs up the centre of Middlesex Street along the western side of the site, whilst the south-west corner of the site is located adjacent to the Aldgate Gyratory. The site also lies to the south of the famous Petticoat Lane Market, which still takes place every day on Wentworth Street and the surrounding streets.

Figure 2: Site Location



- 4.9 The site and its surroundings include no Statutory Listed Buildings, although the north-west

corner of the site abuts the southernmost boundary of the Wentworth Street Conservation Area, which was designated in October 1989 and is defined on the west side by Middlesex Street, formerly known as Petticoat Lane and the site of the medieval market. The area's character as a mixed use residential and commercial area, and its association with the clothing industry, has endured for hundreds of years. The application site also lies within an Archaeological Priority Area, as designated in the Council's Managing Development DPD (Submission Version May 2012 with modifications).

- 4.10 The surrounding built form in Aldgate to the south and west of the site predominantly comprises large floorplate office buildings, whilst the application site is located immediately to the west of the London Metropolitan University campus at Calcutta House. The scale of buildings generally recedes to the north of east of the site, with the surrounding streets including buildings dating from the Victorian period and early 20<sup>th</sup> century that range from two to five storeys in height, together with more contemporary buildings of a comparable scale.
- 4.11 The application site is located within the Central Activities Zone (CAZ) as designated by the London Plan (2011), within the City Fringe Activity Area, as designated by the Council's adopted Core Strategy (2010) and Managing Development DPD (Submission Version May 2012 with modifications). The site is also located within the Aldgate Masterplan boundary and the City Fringe boundary as designated by the Interim Planning Guidance (2007).
- 4.12 The site lies outside of the Council's Aldgate Preferred Office Location (POL), as set out in the Managing Development DPD (Submission Version May 2012 with modifications), which is located immediately to the south of the application site, including land and buildings to the south of Whitechapel High Street. The surrounding area is mixed use in character, predominantly comprising commercial uses, whilst Whitechapel Road includes a range of retail type uses along the street frontages
- 4.13 The application site benefits from excellent access to public transport, being located a short distance from both Aldgate and Aldgate East Underground Stations, whilst Whitechapel Road to the south and east of the site is served by a number of bus routes. As a result the site has a Public Transport Accessibility Level (PTAL) of 6b, which is the highest possible rating for public transport accessibility on a scale of 1 to 6b.

### **Relevant Planning History**

- 4.14 PA/05/00364  
On 7 April 2005 the Council issued a **Scoping Opinion** on the information to be contained in an Environmental Impact Assessment to be submitted in respect of redevelopment to provide a mixed use commercial scheme including a 20 storey office building and a 272 room hotel.
- 4.15 PA/05/00471  
On 13 June 2008 planning permission was **granted** for the redevelopment to provide a mixed use development comprising a 17 storey office building rising to a maximum height of 76m (and providing 41,361sq.m office floorspace), 8 storey hotel plus plant room building (providing 207 guest rooms, and comprising 15,002sq.m floor space), together with 872sq.m of Class A1-A4 use (retail) floorspace, and ancillary car parking, servicing, landscaping and new vehicular access.
- 4.16 PA/10/00033  
On 3 March 2012 advertisement consent was **refused** for the installation of a total of six advertisement panels comprising four freestanding internally illuminated hoarding panels on the south and western part of the site including two wall mounted advertisement panels attached to west elevation of building at lower level plus associated background screens. The Council's decision was subject to an appeal, which was subsequently **dismissed** by the Planning Inspectorate.



#### 4.17 PA/10/00034

On 3 March 2012 advertisement consent was **refused** for the installation of two banner advertisements panels attached to south and west elevations of existing building at upper levels measuring approximately 20 metres (height) x 32.4 metres (width) and 20 metres (height) x 12.32 metres (width). The Council's decision was subject to an appeal, which was subsequently **dismissed** by the Planning Inspectorate.

#### 4.18 PA/10/02072

On 15 October 2012 the Council **granted** consent under Section 96A of the Town and Country Planning Act for a non-material amendment to planning permission PA/05/00471 dated 13/06/08: [Redevelopment to provide a mixed use development comprising a 17 storey office building rising to a maximum height of 76m (and providing 41,361sq.m office floorspace), 8 storey hotel plus plant room; building (providing 207 guest rooms, and comprising 15,002sq.m floorspace), together with 872m<sup>2</sup> of Class a1-a4 use (retail) floorspace, and ancillary car parking, servicing, landscaping and new vehicular access].

Amendments:

Non-Material Amendment to add two new planning conditions to Planning Permission PA/05/00471:

1. A condition to allow for a phased development between the office and hotel component; and
2. A condition detailing approved plan numbers.

#### 4.19 PA/10/02109

On 15 December 2012 an application for variation of conditions under section 73 of the Town and Country Planning Act 1990 (as amended) was **withdrawn** by the applicant, for variation of Conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 17, 18, 19 and 20 of planning permission PA/05/471 dated 13/06/08: [Redevelopment to provide a mixed use development comprising a 17 storey office building rising to a maximum height of 76m (and providing 41,361m<sup>2</sup> office floorspace), 8 storey hotel plus plant room; building (providing 207 guest rooms, and comprising 15,002m<sup>2</sup> floorspace), together with 872m<sup>2</sup> of Class a1-a4 use (retail) floorspace, and ancillary car parking, servicing, landscaping and new vehicular access], to allow for a phased development between office and hotel component of the proposed redevelopment of the site.

#### 4.20 PA/11/01463

An application was received in June 2011 but remains **undetermined** for a new planning permission to replace extant planning permission dated 13th June 2008, reference PA/05/00471 for redevelopment to provide a mixed use development comprising a 17 storey office building rising to a maximum height of 76m (and providing 41,361m<sup>2</sup> office floorspace), 8 storey hotel plus plant room; building (providing 207 guest rooms, and comprising 15,002m<sup>2</sup> floorspace), together with 872m<sup>2</sup> of Class a1-a4 use (retail) floorspace, and ancillary car parking, servicing, landscaping and new vehicular access. This application is accompanied by an updated Environmental Impact Assessment under the provisions of the Town & Country Planning (Environmental Impact Statement) Regulations 1999.

**Officer Comments:** *Whilst the three year time limit for planning permission PA/05/00471 has low lapsed, given that application PA/11/01463 was submitted prior to the expiry of the original consent and remains undetermined, the original consent therefore remains relevant until such a time as the application is either determined or withdrawn by the applicant.*

## 5. POLICY FRAMEWORK

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

**5.2 Government Planning Policy Guidance/Statements**

National Policy Planning Framework (2012)

**5.3 Spatial Development Strategy for Greater London (London Plan) 2011**

Proposals: Central Activities Zone

Policies:	Policy No.	Title
	2.10	Central Activities Zone (Strategic Priorities)
	2.11	Central Activities Zone (Strategic Functions)
	4.2	Offices
	4.5	London’s Visitor Infrastructure
	5.1	Climate Change Mitigation
	5.2	Minimising Carbon Dioxide Emissions
	5.3	Sustainable Design and Construction
	5.5	Decentralised Energy Networks
	5.6	Decentralised Energy in Development Proposals
	5.7	Renewable Energy
	5.8	Innovative Energy Technologies
	5.9	Overheating and Cooling
	5.13	Sustainable Drainage
	5.15	Water Use and Supplies
	5.17	Waste Capacity
	5.21	Contaminated Land
	6.3	Assessing Effects of Development on Transport Capacity
	6.8	Coaches
	6.9	Cycling
	6.10	Walking
	6.12	Road Network Capacity
	6.13	Parking
	7.1	Building London’s Neighbourhoods and Communities
	7.2	An Inclusive Environment
	7.3	Designing out Crime
	7.4	Local Character
	7.5	Public Realm
	7.6	Architecture
	7.8	Heritage Assets and Archaeology
	7.9	Heritage-led Regeneration
	7.13	Safety, Security and Resilience to Emergency
	7.14	Improving Air Quality
	7.15	Reducing Noise and Enhancing Soundscapes
	8.2	Planning Obligations

**5.4 Core Strategy Development Plan Document 2025 (adopted September 2010)**

Spatial Policies:	Policy No.	Title
	SP01	Refocusing on our Town Centres
	SP03	Creating Healthy and Liveable Neighbourhoods
	SP04	Creating a Green and Blue Grid
	SP05	Dealing with Waste
	SP06	Delivering Successful Employment Hubs
	SP09	Creating Attractive and Safe Streets and Spaces
	SP10	Creating Distinct and Durable Places
	SP11	Working Towards a Zero-carbon Borough
	SP13	Delivering and Implementation

**5.5 Unitary Development Plan 1998 (as saved September 2007)**

Proposals: Site 8 – Mixed Use Development (Schedule 2)  
Area of Archaeological Importance or Potential

Policies:	Policy No.	Title
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV50	Noise
	DEV51	Contaminated Land
	DEV55	Waste from New Development
	DEV56	Waste Recycling
	EMP1	Promoting Employment Growth
	EMP3	Change of Use of Redevelopment of Office Floorspace
	EMP8	Encouraging Small Business Growth
	T7	The Road Hierarchy
	T10	Strategic Traffic Management
	T16	Transport and Development
	T18	Pedestrians

**5.6 Managing Development Development Plan Document (Submission Version May 2012) with modifications(MD DPD)**

Development Management Policies:

Policy No.	Title
DM1	Development Within the Town Centre Hierarchy
DM7	Short Stay Accommodation
DM13	Sustainable Drainage
DM14	Managing Waste
DM15	Local Job Creation and Investment
DM16	Office Locations
DM20	Supporting a Sustainable Transport Network
DM21	Sustainable Transportation of Freight
DM22	Parking
DM23	Streets and Public Realm
DM24	Place-sensitive Design
DM25	Amenity
DM27	Heritage and the Historic Environment
DM29	Achieving a Zero-carbon Borough and Addressing Climate Change
DM30	Contaminated Land

**5.7 Interim Planning Guidance for the purposes of Development Control 2007 (IPG)**

Policies	Policy No.	Title
	IMP1	Planning Obligations
	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution

DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
EE2	Redevelopment/Change of Use of Employment Sites
CON2	Conservation Areas
CON4	Archaeology and Ancient Monuments

## 5.8 Supplementary Planning Guidance/ Other Relevant Documents

### **LBTH**

LBTH Planning Obligations Supplementary Planning Document (2012)

LBTH Aldgate Masterplan (2007)

LBTH Wentworth Street Conservation Area Character Appraisal and Management Guidelines (2007)

LBTH Designing Out Crime Supplementary Planning Guidance (2002)

LBTH Air Quality Action Plan (2003)

LBTH Clear Zone Plan 2010-2025 (2010)

### **Mayor of London**

Use of Planning Obligations in the Funding of Crossrail Supplementary Planning Guidance (2010)

Accessible Hotels in London (2010)

## 6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

The following were consulted regarding the application:

### **LBTH Cleansing Officer**

- 6.2 Based on our guidelines, the waste storage area is only sufficient if the collection takes place every day. So the planning permission can be granted on a condition that they set up a contract with the private waste management company with the appropriate frequency of collection. Frequency of collection recommended by the council is 7 times a week (every day). If the frequency of collection can't be met then more space needs to be separated to allow extra bin to fit in.

**Officer Comments:** If planning permission were to be granted it is recommended that a condition be included to require the submission for approval of a Hotel Waste Management Plan, to include details of the specific refuse and recyclables storage capacity at the site, together with confirmation that a contract has been entered into with a private waste management company and details of the frequency of collection. In the event that refuse cannot be collected on each day of the week, the Hotel Waste Management Plan must provide details of increased refuse storage capacity in order to meet the refuse storage requirements for the site given the anticipated frequency of collection.

### **LBTH Environmental Health (Noise & Vibration)**

- 6.3 The proposed plant noise/glazing specification conditions are acceptable. A Plant Noise Assessment with current background noise survey should be secured by condition.

**Officer Comments:** If planning permission were to be granted it is recommended that a detailed Plant Noise Assessment is secured by condition.

### **LBTH Environmental Health (Contaminated Land)**

- 6.4 No objections subject to the inclusion of a condition to ensure the developer carries out a site investigation to investigate and identify potential contamination.

***Officer Comments:** If planning permission were to be granted it is recommended that a condition be included to secure a scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.*

### **LBTH Environmental Health (Air Quality)**

- 6.5 There are some inconsistencies in the submitted Air Quality Assessment. If planning permission is granted, a condition should be included to require the submission of an updated Air Quality Assessment, to include modelling using current data, together with the input data for the proposed plant.

***Officer Comments:** If planning permission were to be granted, it is recommended that an updated Air Quality Assessment be secured by condition.*

### **LBTH Transportation & Highways**

- 6.6 The proposals are acceptable in Highways terms, subject to the following conditions:

- Submission of a revised Transport Statement incorporating the gyratory changes and their impacts - when the Gyratory final plans have been released. This revised Transport Statement should include details and plan(s) of the gyratory system, so that the latter scheme's impacts can be related to this development.
- Submission of a plan showing the location of a second on-site disabled space, with autotracks for both disabled spaces and vehicles using the bay opposite. The applicant is asked to place the second space either parallel or at right angles to the first bay (there may be a small loss of refuge space at the short end of the parallel space). This is because Highways requires a staff and a hotel guest space.
- Submission of detailed plans and specifications for both the guest and staff secure cycle parking facilities.
- Compliance condition for the on-site cycle storage spaces, disabled spaces and coach/loading spaces should be retained and maintained for their named purposes only. This is to ensure that these facilities remain for the life of the development.
- Submission of a Servicing, Coach and Car Parking Management Plan.
- Submission for Travel Plan

In addition to the above, a S278 informative should also be included to cover the removal of the redundant crossover on Goulston Street, together with improvements to the footway, the lay-by (if progressed) and other usual technical matters.

***Officer Comments:** It is recommended that the above conditions and informative be included if planning permission were to be granted.*

### **LBTH Senior Arboricultural Trees Officer**

- 6.7 No comments have been received.

### **LBTH Ecology Officer**

- 6.8 No comments have been received.

### **LBTH Enterprise & Employment**

- 6.9 Proposed employment/enterprise contributions at construction phase:

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in

achieving this target through providing suitable candidates through the Skillsmatch Construction Services. To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.

The Council will seek to secure a financial contribution of £28,619 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.

Proposed employment/enterprise contributions at end-use phase:

The council seeks a monetary contribution of £28,441 towards the training and development of unemployed residents in Tower Hamlets to access either:

- i) jobs within the hotel development in the end-phase
- ii) jobs or training within employment sectors relating to the final development

It is important that local employment is maximised through the end-user phase as the development will result in a loss of employment floor space (-4604sqm). In addition, there should be a commitment to the developer to providing apprenticeships during the construction phase, an introduction with the hotel operator prior to occupation, and to provide Skillsmatch with information on all non-technical hotel vacancies 72 hours prior to general release.

**Officer Comments:** *The above financial and non-financial contributions have been agreed with the applicant and will be secured through the S106.*

#### **LBTH Markets Team**

- 6.10 Middlesex Street is designated as a Market on Sunday only for its entire length between the hours of 9 am and 2 pm. The traders are usually clear by 5 pm and the area is then cleaned by Veolia. There is a road closure in place for this road so there will be no access for vehicles on Sundays during or after the development completion.

Goulston Street is designated as a market for its entire length Monday to Sunday. Monday to Friday the area is designated between the hours of 8 am and 4 pm.

On Sunday the market is designated the same as Middlesex Street.

Vehicular access for off-street servicing, coach parking and disabled parking for the hotel will only be available Monday to Saturday due to the road closures for the street market on Sundays and there may be vehicle access safety problems Monday to Friday due to the one way system in the area.

The Markets Team raise no objections subject to the inclusion of conditions to secure a Waste Management Plan, Servicing, Coach and Car Parking Plan and Construction Environmental Management Plan, to demonstrate that the development will not adversely impact on the market operation.

**Officer Comments:** *It is noted that road closures are in place on Sundays on both Middlesex Street and Goulston Street during the market trading period (9:00 to 14:00 hours) which would prevent servicing vehicles, coaches or cars accessing the service road at the northern end of the site, which can only be accessed (by vehicles) from Middlesex Street. It is further noted that the market set up period on Sunday morning and clear down period and subsequent street cleaning in the afternoon would further restrict vehicle movements on these streets outside of the road closure period. As such, servicing, coach parking and disabled parking for the hotel would not be available for an extended period during the day*

on Sundays.

*In addition, it is noted that Goulston Street is designated as a street market for its entire length from Monday to Saturday from 8:00 to 16:00 hours, although these are no road closures in place on these days. Market stalls are able to operate on designated pitches on the carriageway on Goulston Street, which are similar to on-street parking bays in terms of their size and location. It is noted that street market activity on Goulston Street during weekdays is predominantly located to the north of the site.*

*Two swept path analysis drawings have been submitted ('Figure 6A' and 'Figure 6B') which show that both a 10 metre long servicing vehicle and 12 metre long coach would be able to exit the service road onto Goulston Street and manoeuvre between the market stall and car parking bays on either side of the street. These drawings have been reviewed by LBTH Transportation & Highways and are considered to be acceptable in demonstrating that there is sufficient room for servicing vehicles and coaches to manoeuvre on Goulston Street when the on-street market bays and parking bays are occupied.*

*Whilst it is noted that the operation of the market and road closures on Sundays would prevent servicing, coach and car parking access during the morning and early afternoon, it is noted that servicing and parking would become available later in the afternoon after the clear down period and street cleaning had been completed. It is also noted that the LBTH Markets Team raise no objections to the proposal, subject to the inclusion of conditions to secure a Waste Management Plan, Servicing, Coach and Car Parking Plan and Construction Environmental Management Plan, to demonstrate that the development will not adversely impact on the market operation. It is therefore recommended that such conditions be included in planning permission were to be granted.*

#### **LBTH Communities, Localities & Culture (Strategy)**

- 6.11 The following financial contributions are required to mitigate the impacts of the development in accordance with the Council's Planning Obligations Supplementary Planning Document (2012): £4,335 is required towards Idea Stores, Libraries and Archives; £13,867 is required towards Leisure Facilities; £27,613 is required towards Public Open Space, and; £51,660 is required towards public realm improvements.

**Officer Comments:** *The applicant has agreed to provide the full required S106 contributions for the scheme.*

#### **City of London Corporation**

##### 6.12 Planning Department

The proposal will not have a detrimental impact on the City of London.

##### Transportation and Projects Division

Concerns are raised regarding the potential conflicts that could arise between the City of London public realm improvement works and the proposed development. In addition, queries are raised as to whether consideration has been given to the impact of longer international coaches accessing the site, whether the new pedestrian route is appropriate in terms of desire lines, and the possible impacts that the market will have on the development.

**Officer Comments:** *The above matters are addressed in Section 8 of this report.*

#### **Transport for London**

- 6.13 The provision of disabled parking is supported, although query whether 1 space is adequate.

The proposal fails to provide adequate coach parking to meet the requirements of London Plan Policy 6.13 (1 space per 50 rooms), although given the location of the site, and the type of hotel proposed, it is accepted that such amount is excessive. Clarification is therefore sought on how coach parking will be managed. The applicant should submit a full Travel

Plan for TfL's consideration.

TfL is satisfied that the proposed servicing arrangements will not impact on the TLRN. These arrangements should nevertheless be reflected in a Delivery and Service Plan (DSP) which, along with a Construction Logistics Plan (CLP), should be secured and enforced by planning condition.

**Officer Comments:** *If planning permission were to be granted, it is recommended that conditions be included to require details of 2 disabled car parking spaces, together with a Servicing, Coach and Car Parking Management Plan, and a Construction Environmental Management Plan. This is discussed further in Section 8 of this report.*

### **English Heritage**

6.14 No comments have been received.

### **English Heritage Archaeology**

6.15 The site lies within an Archaeological Priority Area as designated by the London Borough of Tower Hamlets. It lies just outside the City walls in an area used for human burials in the Roman period, which may be anticipated on the site depending on the degree of later truncation. The southern portion of the site was subject to an archaeological evaluation in 1999, when remains of a medieval chalk cellar were encountered. Of particular interest is the Boar's Head Inn that was converted into a Playhouse in the late 16th century, which is thought to be situated in the southern area. The evaluation did not identify any remains associated with the theatre within the trenches, but there is a possibility of contemporary features within the wider area. The proposed development may, therefore, affect remains of archaeological importance.

The archaeological position should be reserved by attaching a condition to any consent granted under this application to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development.

**Officer Comments:** *It is recommended that the above recommended archaeological condition be included if planning permission were to be granted.*

### **Thames Water Authority**

6.16 No objections, subject to the inclusion of conditions to secure a Piling Method Statement in order to ensure that the development does not adversely impact on local underground sewerage utility infrastructure.

Thames Water would recommend that petrol/oil interceptors be fitted in all car area used by vehicles, and also recommend the installation of a properly maintained fat trap on all catering establishments.

It is also recommended that an informative be included to advise the applicant to take into account Thames Water's minimum water pressure requirements in the design of the development.

**Officer Comments:** *If planning permission were to be granted, it is recommended that a condition be included to secure details and method of piling and foundation design. Officers also advise that the above recommendations regarding petrol/oil interceptors, fat traps and minimum water pressure requirements be included by way of informative.*

### **London Fire and Emergency Planning Authority**

6.17 No objections.

### **Environment Agency**



- 6.18 No objections, subject to the inclusion of conditions to secure the submission for approval of a statement of the method of working for the demolition and construction phases, details of the construction of the foul and surface drainage system, and details of piling and foundation design.

**Officer Comments:** *It is recommended that the above conditions be included if planning permission were to be granted.*

#### **Crossrail**

- 6.19 No comments have been received.

#### **EDF Energy Networks**

- 6.20 No comments have been received.

#### **Natural England**

- 6.21 No objections.

#### **National Grid**

- 6.22 No comments have been received.

#### **London Underground**

- 6.23 No objections subject to the inclusion of a condition to secure the detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent).

The applicant should also be advised by way of informative to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.

**Officer Comments:** *If planning permission were to be granted, it is recommended that the above condition and informative be included.*

#### **London Bus Services**

- 6.24 No comments have been received.

#### **20th Century Society**

- 6.25 No comments have been received.

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 568 planning notification letters were sent to nearby properties as detailed on the attached site plan, of which 370 properties are located within the Borough, whilst 198 properties are located within the City of London. A site notice was also displayed and the application was advertised in East End Life.

- 7.2 The total number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	2	Objecting:	1	Supporting:	1
No of petitions received:	0	objecting containing	0	signatories	
		0 supporting containing	0	signatories	

- 7.3 The following issues were raised in objection to the scheme.

- (a) The site abuts a Conservation Area with small scale Victorian buildings of independent shops below and elegant elevations above. The proposed building does not continue this tradition.
- (b) The area is predominantly residential with small retail units. The proposed building does not continue this tradition.
- (c) The proposed building is blank and uninteresting, similar to the Travel Lodge building in Harrow Place.
- (d) Buildings which have blank, solid or plate glass walls at ground level are pedestrian unfriendly. Buildings which have shops, cafes etc at ground level are pedestrian friendly and feel safer to walk in. This building would be unfriendly at ground level.
- (e) The view down Middlesex Street towards this rather cheap, tacky looking, oversized building is not in keeping with this part of the Street
- (f) Flats with shops below would be more appropriate

7.4 The following points were made in support to the scheme.

- (g) The proposed development will be a welcome improvement to a site that is currently subject to blight and will improve the overall amenity of the area. I also support the demolition of the whole site now, even prior to planning approval of the southern element.

**Officer Comments:** *The above points relate to the land use and design of the scheme, which are discussed in detail in Section 8 of this report.*

## 8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
- (a). Land Use
  - (b). Design
  - (c). Amenity
  - (d). Highways

### Land Use

#### Loss of Use Class B1 Employment Floorspace

- 8.2 Government guidance set out at paragraph 22 of the National Planning Policy Framework (2012) states where there is no reasonable prospect of a site being used for an allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Policy 4.2(A) of the London Plan (2011) encourages the renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility.
- 8.3 The application site is not located within a Preferred Office Location (POL) or Local Office Location (LOL), as designated in the Council's adopted Core Strategy (2010) and defined in the Managing Development DPD (Submission Version May 2012 with modifications). Policy DM15 of the Managing Development DPD (Submission Version May 2012 with modifications) seeks to resist the loss of active and viable employment uses on sites located outside of the POL and LOL, unless it can be shown that the site has been actively marketed

(for approximately 12 months) and that the site is unsuitable for continued employment use due to its location, accessibility, size and condition. This policy is further supported by Policy EMP3 of the Unitary Development Plan (1998) and Policy EE2 of the Interim Planning Guidance (2007), which seek to resist the loss of employment floorspace unless it can be demonstrated that it is no longer viable for continued employment use.

- 8.4 Approximately two thirds of the application site by area is taken up by Cromlech House, which is a purpose built office and industrial building that was erected in the late 1960s and ranges from three to nine storeys in height and comprises 15,500 square metres of office floorspace. With the exception of the northern part of the ground floor of the site, which is presently in use as a private car park, the building is currently vacant.
- 8.5 The proposal would result in the loss of 15,500 square metres of existing Use Class B1 office floorspace at the site, which the Council will normally seek to resist unless it can be shown that the floorspace in question is unsuitable for continued employment use due to its location, accessibility, size and condition, or that it has been marketed for office use at prevailing values for a prolonged period, or that there is a surplus of office floor space or unimplemented planning permissions for offices in the surrounding area. It is noted that the application site is not located within a designated Preferred Office Location or Local Office Location.
- 8.6 The application is accompanied by a report prepared by Adrian Bunnis of CBRE, dated 16 November 2012, which includes information on the current condition of the building and its subsequent unsuitability for refurbishment. The CBRE report states that the office accommodation at the site was constructed in the 1960s and dated in terms of its design and specification, with the floors being split into cellular office units with linoleum floor tiles, wall mounted perimeter heating and trunking, and suspended ceilings with a floor to ceiling height of 2.76 metres and floor to underside of ceiling height of 2.89 metres.
- 8.7 The report states that the building is in a dilapidated condition and has been vacant for 21 years. In addition, the floor and ceiling tiles have been identified as containing significant levels of asbestos and an investigation into this issue has been carried out and concluded that the cost of removing the contaminated materials would be approximately £365,000. Furthermore, the report states that the building's services are no longer functioning and would require complete replacement as they are beyond repair.
- 8.8 As such, the report concludes that the dilapidated condition and design limitations of the existing building, with particular regard to the limited floor to ceiling heights and industrial accommodation at first floor level, the floor plate of which renders it unsuitable for subdivision, together with the significant expenditure that would be required to refurbish the building coupled with the comparatively low financial returns through future office use, would exclude any refurbishment opportunity of the current building.

Figure 3: Photograph of Existing Building (South Elevation)



- 8.9 The report also includes an analysis of recent office supply and demand levels within Tower Hamlets, with particular regard to sites within the E1 postcode, within which the site is located. The report states that office take-up in E1 has been below trend for a number of years, which is largely due to a marked drop in demand from occupiers from banking and finance and technology, media, telecommunications (TMT) businesses, due to the credit crunch, tighter regulation and the on-going sovereign debt crisis in the Eurozone.
- 8.10 It is noted that the requirements of Policy DM15 of the Managing Development DPD (Submission Version May 2012 with modifications) include the submission of evidence that to demonstrate that vacant office floorspace has been marketed for office use at prevailing values for a prolonged period, which has not been provided in this instance. However, given the significant length of time that the building has been vacant together with its current dilapidated and contaminated state, Officers acknowledge that building is not suitable for future office use and as such the requirement for evidence of a recent marketing exercise in this instance would be both unduly onerous and contrary to government guidance set out at paragraph 22 of the NPPF (2012), which seeks to avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. As such, it is considered that the report is acceptable in terms of providing adequate justification for the loss of employment floorspace in this instance, in accordance with the Council's adopted and emerging policy requirements.
- 8.11 Taking into account the above, it is considered that sufficient evidence has been provided to justify the loss of employment floorspace in this instance, in accordance with the requirements of saved Policy EMP3 of the Unitary Development Plan (1998), Policy DM15 (1) of the Managing Development DPD (Submission Version May 2012 with modifications) and Policy EE2 of the Interim Planning Guidance (2007). These policies seek to resist the loss of employment floorspace in the Borough unless it can be demonstrated that the floorspace in questions is unsuitable for continued employment use or is surplus to requirements.

### Proposed Use Class C1 Hotel Use

- 8.12 The proposal is for the demolition of the existing office and industrial building and erection of a new nine storey building to provide 10,896 square metres of Use Class C1 hotel floorspace. The proposed hotel comprises a total of 395 guest rooms located at ground to seventh floor level together with ancillary hotel facilities, including a bar/café located at ground floor level.
- 8.13 The proposed hotel building would occupy the northern half of the site and the proposal includes the introduction of a new east/west pedestrian walkway through the site, located adjacent to the south elevation of the hotel building which will provide a new pedestrian route between Goulston Street to the east of the site and Middlesex Street to the west of the site. In addition, the proposal would retain the existing private road located at the northern end of the site, which is to be used for off-street servicing, coach parking and disabled parking.
- 8.14 Policy 4.5 of the London Plan (2011) and Policy SP06(4) of the Council's adopted Core Strategy (2010) seek to ensure that new hotel developments are sited in appropriate locations within the Borough, including the CAZ and City Fringe Activity Area, and benefit from good access to public transport. In addition, no less than 10 per cent of bedrooms are required to be wheelchair accessible. Policy 4.5 of the London Plan (2011) also includes Mayor's target for the delivery of new hotel accommodation within London, which is set at 40,000 net additional hotel bedrooms by 2031.
- 8.15 Policy DM7(1) of the Council's Managing Development DPD (Submission Version May 2012 with modifications) provides further detailed policy guidance for hotel developments, requiring hotels to be appropriate in size relative to their location, to serve a need for such accommodation, not to compromise the supply of land for new homes, not to create an over-concentration of hotels in a given area or harm residential amenity, and to benefit from adequate access for servicing, coach parking and vehicle setting down and picking up movements.
- 8.16 The application site, as part of the larger site benefiting from the extant planning permission identified above, is designated for 'mixed use development' in Schedule 2 of the Unitary Development Plan (1998). The application site lies within the CAZ and City Fringe Activity Area and benefits from excellent access to public transport, with a Public Transport Accessibility Level (PTAL) of 6b, on a scale of 1 to 6b, where 6b is excellent. As such, the application site is located in an area of the borough where hotel use is appropriate, in terms of both London Plan and local policy requirements. In addition, 10 per cent of the proposed guest bedrooms are designed to be wheelchair accessible (see the 'Design' section of this report), in accordance with Policy 4.5 of the London Plan (2011).
- 8.17 In terms of the potential for the scheme to compromise the supply of land for housing, it is noted that the existing dilapidated office and industrial building, by way of its design, layout and current condition would not lend itself to residential conversion (see paragraphs 8.5 and 8.6). It is further noted that the site is not designated for housing. In terms of the projected delivery of new housing over the plan period (up to 2025), it is anticipated that the Borough's housing targets will not only be met, but will be exceeded. For example, over the period 2017-2021 it is anticipated that 20,261 new homes will be achieved, whilst over the period 2021-2022 it is anticipated that 5,104 units will come forward, which is well in excess of the 2,885 annual target.
- 8.18 It is also noted that the site benefits from precedent for hotel use, as set by planning permission reference PA/05/00471, dated 13 June 2008, which granted consent for the erection of an eight storey hotel at the northern end of the site, comprising 15,002 square metres of C1 hotel floorspace (see paragraph 4.15). Therefore, in the absence of an extant consent for residential use on the site, it is considered that the proposed hotel development would not compromise the supply of land for new homes.

- 8.19 It is also considered that the proposed development would not result in any significant adverse impact on residential amenity, which is discussed further in paragraphs 8.48 to 8.83 of this report. In addition, the proposed servicing, coach parking and vehicle setting down and picking up movements are considered to be acceptable subject to condition, which is discussed further in paragraphs 8.84 to 8.93 of this report.
- 8.20 In term of the concentration of hotels in the surrounding area, Table 1 below provides a summary of both the existing and approved hotels located in the surrounding area:

Table 1: Existing and Approved Hotels in the Surrounding Area

<b>Address</b>	<b>No of Rooms</b>	<b>Distance from Site</b>	<b>Existing/Approved</b>
Ibis London City, 5 Commercial Street	348	100m to east	Existing
City Hotel, 12-20 Osborn Street	110	340m to east	Existing
Travelodge London Central Aldgate East Hotel, 6-13 Chamber Street	69	520m to south	Existing
15-17 Lemn Street	251	270m to south-east	Approved
Former Goodmans Fields	250	400m to south	Approved
Challenger House, 42 Adler Street	187	490m to east	Approved

- 8.21 From Table 1 it can be seen that there are three existing hotels located within 520 metres of the application site, which together provide a total of 527 hotel bedrooms. In addition, there are three extant planning consents for new hotels located within 490 metres of the application site, which if implemented would provide an additional 688 hotel bedrooms.
- 8.22 Given that application site is located within the CAZ and City Fringe Activity Area, which Policy 4.5 of the London Plan (2011) identifies as a suitable location for strategically important hotel provision, and given the scale of surrounding uses and the Mayor's target for the delivery of 40,000 net additional hotel bedrooms in London by 2031, it is not considered that the proposal would result in an over-concentration of hotels in the surrounding area.
- 8.23 Taking into account the above, it is considered that the proposed hotel is an appropriate use within this location and accords with the requirements of Policy SP06 (4) of the Council's adopted Core Strategy (2010), Policy DM7 (1) of the Managing Development DPD (Submission Version May 2012 with modifications) and Policy 4.5 of the London Plan (2011). These policies seek to ensure that new hotel developments are appropriately located within the town centre hierarchy in areas with good access to public transport, with at least 10 per cent of rooms being wheelchair accessible, and not resulting in an overconcentration of hotel uses on the surrounding area, nor compromising the supply of land for new housing.

## **Design**

### *Scale, Height, Mass, Bulk and Design*

- 8.24 Policy 7.6 of the London Plan (2011) states that buildings should be of the highest architectural quality and be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm. In addition, buildings should comprise details and materials that complement, not necessarily replicate, the local architectural character, whilst incorporating best practice in resource management and

climate change mitigation and adaptation, together with providing high quality indoor and outdoor spaces.

- 8.25 Policy SP10 of the Council's adopted Core Strategy (2010) seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, attractive, durable and well-integrated with their surrounds. Policy DM24 of the Managing Development DPD (Submission Version May 2012 with modifications) seeks to ensure that design is sensitive to and enhances the local character and setting of the development, taking into account: the surrounding scale, height, mass, bulk and form of the development; building plot sizes and street patterns; building lines and setbacks, rooflines and streetscape rhythm; design details and elements, and; the natural environment.
- 8.26 The proposal is for the demolition of the existing 1960s office and industrial building and the erection of a new hotel building at the northern end of the site. The proposed hotel building would have a footprint of approximately 1,600 square metres and would range from 6 storeys in height at its northern end to 8 storeys in height at its southern end, together with an additional roof storey comprising a plant enclosure located at the southern end of the roof. The proposed building comprises a single block that is broadly square in plan form and includes a central lightwell with a courtyard at ground floor level. The proposal would retain the existing private road located adjacent to the northern boundary of the site for servicing, coach parking and disabled car parking, and would also introduce a new east/west pedestrian walkway through the middle of the site, adjacent to the south elevation of the proposed building.
- 8.27 In terms of scale and height, it is noted that the existing building has a footprint of approximately 3,300 square metres and ranges from 3 to 9 storeys in height. In addition, the wider Aldgate area is home to a number of large floorplate office buildings, including Beaufort House, which is located immediately to the west of the application site on the opposite side of Middlesex Street, which has a footprint of approximately 5,800 square metres and rises to a maximum height of 11 storeys, together with Aldgate House, which is located immediately to the south-west of the site, which has a footprint of approximately 2,700 square metres and is 9 storeys in height.
- 8.28 The scale and height of surrounding buildings lessens to the north and east of the site, with the adjacent buildings to the north of the site being 4 storey terraces, whilst the adjacent London Metropolitan University campus to the east of the site ranges from 4 to 5 storeys in height. It is noted that the proposed hotel building will step down to 6 storeys in height at its northern end is set back a further 13 metres from the south (flank) elevation of the adjacent 4 storey building at 38 Middlesex Street. As such, it is considered that the proposed building, by way of its height, siting and stepped roofline, suitably responds to the scale of the surrounding built form and public realm.
- 8.29 The proposed building incorporates a contemporary architectural vernacular and high quality materials and finishes, with the façade of the building comprising two distinct elements. Specifically, the lower storeys of the building are faced in reconstituted stone with square set fenestration set within deep reveals set at regular intervals, together with double height glazing openings at ground floor level. The upper storeys of the building are faced in metal cladding panels of alternating hues, and on the north, east and west elevation, include off-set narrow fenestration set within deep reveals that align with the fenestration on the lower floors.

Figure 4: CGI Visualisation of the Proposed Building



- 8.30 The southern façade of the building includes a greater extent of metal cladding, which is to be used from 3rd floor to 7th floor level, with the guest bedroom windows on the upper floors being set at an angle behind a metal clad screens so as to prevent direct overlooking to the south, and thus not unduly constrain the future development potential of the remainder of the site. These windows are angled facing both south-eastwards and south-westwards, with the direction alternating between floors.
- 8.31 The proposals also include the introduction of a new east/west walkway through the middle of the site, providing a pedestrian link from the public highway on Goulston Street to the east to Middlesex Street to the west. The proposed walkway would incorporate hard landscaping together with the introduction of new trees. The walkway would improve permeability through the site and the introduction of trees would soften the appearance of the southern façade of the building at street level and would enhance the visual amenity of the area generally, which is supported.
- 8.32 Officers consider that the proposed development is of a high quality in terms of its architectural design, use of materials and that the building is appropriate within the context of the surrounding built form and public realm in terms of its scale, height and bulk. It should also be noted that the proposed development has been through the Council's formal pre-application procedure and the final design incorporates Officers' recommendations made at both the pre-application and application stages. As such, the design of the scheme is supported by the Council's Development Design and Conservation Officer.
- 8.33 Taking into account the above, it is considered that the proposed building incorporates good design principles and takes into account and respects the local character and setting of the development site and its surroundings in terms of scale, height, bulk, design details, materials and external finishes. The proposal therefore accords with the requirements of Policy SP10(4) of the Council's adopted Core Strategy (2010), saved Policy DEV1 of the

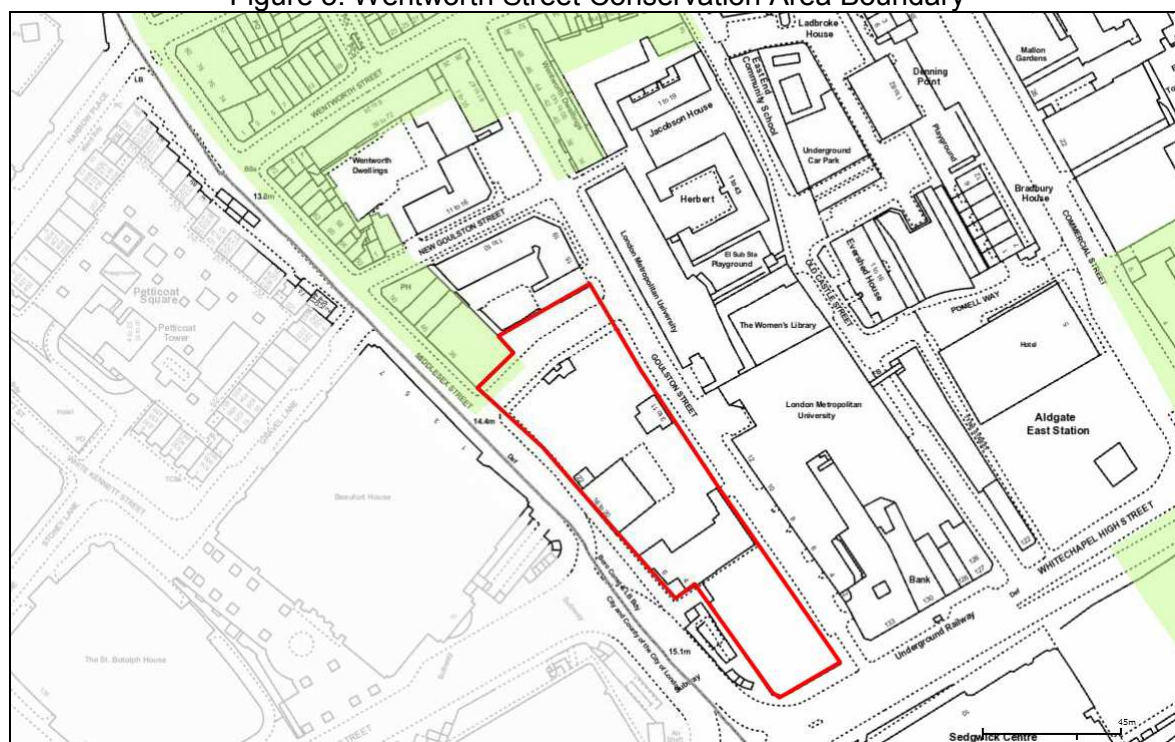


Unitary Development Plan (1998) Policy DM24 of the Managing Development DPD (Submission Version May 2012 with modifications), Policy DEV2 of the Interim Planning Guidance (2007), and Policy 7.4 of the London Plan (2011).

Impact on the Wentworth Street Conservation Area

- 8.34 The north-east corner of the application site abuts the southern boundary of the Wentworth Street Conservation Area (see Figure 5). The heart of Conservation Area is centred around Wentworth Street, which lies approximately 100 metres to the north of the application site, although the boundary of the Conservation Area specifically extends southwards down Middlesex Street to include the terrace at 36-48 Middlesex Street, and whilst the terrace is not listed, the buildings are considered to positively contribute to the character and appearance of the wider Conservation Area.

Figure 5: Wentworth Street Conservation Area Boundary



- 8.35 In order to address the disparity in height and scale between the proposed hotel building and the adjacent terrace, the proposed building steps down to 6 storeys in height at its northern end, which together with the 13 metre physical separation distance provided by the service road, provides a suitable transition in height and scale between the buildings. In addition, the design of the west elevation of the building incorporates design queues from the front elevation of the terrace, including the use of double-height glazed openings with a strong vertical rhythm. As such, Officers consider that the proposed building would not adversely affect the setting of the adjacent terrace or wider Wentworth Street Conservation Area in views along Middlesex Street.
- 8.36 Taking into account the above, it is considered that the proposed building has been sensitively designed within the context of the historic built form and public realm and would preserve and enhance the setting of the Wentworth Street Conservation Area. The proposal therefore accords with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development DPD (Submission Version May 2012 with modifications), Policy CON2 of the Interim Planning Guidance (2007), Policy 7.8 of the London Plan (2011) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and preserve or

enhance the character and appearance of the Borough's Conservation Areas.

*Treatment of the Southern (Cleared) Section of the Site*

- 8.37 The proposal involves the demolition of the existing building, the clearance the site and the erection of a new hotel building at the northern end of the site. As such, whilst the proposed hotel development solely relates to the northern end of the site, consideration must therefore be given to the treatment of the remainder of the site pending any future proposals its separate redevelopment.
- 8.38 Given the size of the southern part of the site, which has a perimeter of approximately 240 metres, the boundary treatment for this part of the site will form a prominent part of the surrounding streetscape. It is further noted that the neighbouring authority of City of London are intending to carry out a range of public realm improvements to the Aldgate Gyratory and surrounding environs. Therefore, in order to ensure that the southern part of the site is of satisfactory appearance in the event that this part of the site does not come forward for development in the immediate future, consideration must therefore be given to the design and appearance of the boundary treatment for this part of the site.
- 8.39 In their email dated 25 January 2013, Rory McManus of DP9 proposes that the boundary treatment for the southern part of the site include a form of themed hoarding, which could in turn include information on the historic background of the area, together with images. Mr McManus also confirms that the applicant would consent to the inclusion of a condition to secure details of the treatment of the southern part of the site.
- 8.40 As such, if planning permission were to be granted, it is recommended that a condition be included to require the submission for approval of full details of the treatment measures for the southern part of the site, including the hoarding line as well as the interior of the site.

*Accessibility and Inclusive Design*

- 8.41 Policy 4.5 of the London Plan (2011) requires 10 per cent of hotel bedrooms to be wheelchair accessible. The proposed hotel would provide a total of 395 bedrooms, of which 39 would be wheelchair accessible, which equates to 10 per cent of bedrooms and thus accords with Policy 4.5. The majority of the wheelchair bedrooms are located a short distance from the lift core. Within the reception and bar/café areas at ground floor level, induction loops are provided for those with hearing impairment. In addition, an accessible WC is provided at ground floor level adjacent to the bar/café area. Furthermore, all internal signage will include Braille as well as visual lettering and numbering.
- 8.42 In addition, the proposal incorporates further inclusive access measures, including a single, easily identifiable main entrance for guests that is accessed from the public highway on Middlesex Street, which utilises electronically operated sliding glazed doors, with the hotel reception desk located within clear site of the entrance. Horizontal circulation within the building includes corridors ranging from 1.5 metres to 1.8 metres in width passing points and level access is provided to all wheelchair bedrooms, whilst all internal doors have an effective width of 800mm, which accords with the standards set out in BS 8300:2009.
- 8.43 Taking into account the above, it is considered that the proposed hotel includes adequate means of accessible and inclusive access, in accordance with saved Policy DEV1(4) of the Unitary Development Plan (1998), Policy DEV3 of the Interim Planning Guidance (2007) and Policy 7.2 of the London Plan (2011). These policies seek to ensure that development can be used safely, easily and with dignity by all persons regardless of disability, age, gender, ethnicity or economic circumstance.

## Energy and Sustainability

- 8.44 At a national level, the National Planning Policy Framework (2012) sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2011), together Strategic Objective SO24 and Policy SP11 of the Council's adopted Core Strategy (2010) and Policy DM29 of the Council's Managing Development DPD (Submission Version May 2012 with modifications), require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.45 The London Plan (2011) sets out the Mayor's energy hierarchy, which is for development to be designed to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.46 Policy DM29 of the Council's Managing Development DPD (Submission Version May 2012 with modifications) includes the target to achieve a minimum 35% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all developments to achieve a minimum BREEAM Excellent rating.
- 8.47 Strategic Objective SO3 of the Council's adopted Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Policy SP11 of the Core Strategy (2010) requires all new developments to provide a reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.48 The current application is accompanied by an Energy Strategy and Renewable Energy Report, prepared by Foreman Roberts, which follows the Mayor's energy hierarchy as detailed above. The strategy shows that the development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The proposed development also includes the integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine as the lead source of hot-water and space heating requirements, which accords with Policy 5.6 of the London Plan (2011) and will also reduce energy demand and associated CO<sub>2</sub> emissions (Be Clean).
- 8.49 The current proposals for delivering the space heating and hot-water are considered to be acceptable. However, it is recommended that an appropriately worded condition be applied to any permission to ensure that the development is supplied by the CHP (~70kWe) upon completion and prior to occupation.
- 8.50 A ~8.22kWp photovoltaic array is proposed to provide a source of on-site renewable energy (Be Green). The technologies employed would result in a 0.6% carbon savings over the regulated energy baseline. Through overshadowing constraints of the roof space and the maximisation of the communal system to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO<sub>2</sub> emissions through renewable energy technologies is technically challenging and not feasible for all developments. Whilst the proposed development is not meeting the full requirements of Policy SP11 of the Council's adopted Core Strategy (2010), the Council's Sustainable Development Team support the application as the applicant has demonstrated that the design has followed the energy

hierarchy and sought to integrate renewable energy technologies where feasible.

- 8.51 The total anticipated CO2 savings from the development are 34.5%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The CO2 savings exceed the London Plan (2011) requirements and are only marginally short of the requirements of Policy DM29 of the Council's Managing Development DPD (Submission Version May 2012 with modifications). It is recommended that the strategy is secured by condition and delivered in accordance with the submitted Energy Strategy and Renewable Energy Report.
- 8.52 In terms of sustainability, the submitted information commits to achieving a BREEAM Excellent rating and a pre-assessment has been submitted to demonstrate how this level is deliverable. It is recommended that achievement of the excellent rating is secured through an appropriately worded condition with the final certificate submitted to the Council within 3 months of occupation. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan (2011) and Policy DM29 of the Council's Managing Development DPD (Submission Version May 2012 with modifications).

#### Safety and Security

- 8.53 The application has been assessed by the LBTH Crime Prevention Officer, who raises no objections to the proposal in principle and recommends that any planning permission include a condition to require the development to accord with the Council's Secured by Design requirements. It is therefore recommended that such a condition be included if planning permission were to be granted, which should require the submission for approval of details including the design and specification of windows, doors and external lighting.

#### **Amenity**

- 8.54 Policy SP10 (4) of the adopted Core Strategy (2010), saved Policy DEV2 of the Unitary Development Plan (1998) Policy DM25 of the Managing Development DPD (Submission Version May 2012 with modifications) and Policy DEV1 of the Interim Planning Guidance (2007) require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, outlook, privacy and a lack of disturbance through noise and vibration.

#### Daylight and Sunlight

- 8.55 Daylight is normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be no less than 20% of the former value, in order to ensure that sufficient light is still reaching windows. These figures should be read in conjunction with other factors, including NSL, which takes into account the distribution of daylight within the room, and figures should not exhibit a reduction beyond 20% of their former value.
- 8.56 Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.

- 8.57 It is noted that no letters of objection have been received from neighbouring residents on daylighting or sunlighting grounds.
- 8.58 The application is accompanied by a Daylight and Sunlight Report, prepared by GIA, which provides an assessment of the impacts of the proposed development on the daylighting and sunlighting conditions of nearby residential properties to the north and north-east of the site.

### **1-43 Herbert House**

- 8.59 Herbert House is a five storey block of flats located approximately 50 metres to the north-east of the proposed hotel building. The assessment has been carried out on windows and rooms on the south and west elevations of the building.

#### *Daylight*

- 8.60 The VSC and NSL results for all windows and habitable rooms show nominal impacts of less than 20%. As such, it is considered that the proposed development would not have any significant adverse impacts on the daylighting conditions within flats at Herbert House.

#### *Sunlight*

- 8.61 Of the 81 rooms in Herbert House that have been assessed, a total of 8 rooms would fail to meet BRE guidelines as they would suffer a reduction in APSH of more than 20% during the winter months, of which 3 rooms would suffer a reduction of 40% or more. It is noted that the impacts would be noticeably less over a full year, with only 3 rooms suffering a reduction in annual APSH of 20% or more.
- 8.62 It is also noted that all of the rooms that would suffer a material reduction in APSH face into the internal courtyard at the centre of Herbert House and as a result these receive very limited sunlight at the present time. As such, any small reduction in APSH would appear as a large reduction in percentage terms (e.g. a reduction of 1 APSH from 4 hours to 3 would be a 25% reduction, whilst a reduction from 20 hours to 19 hours would only be a 5% reduction). As such, Officers consider on balance that the sunlighting impacts on properties within Herbert House are not so significant so as to warrant refusal of planning permission on amenity grounds in this instance.

### **38-48 Middlesex Street (even)**

- 8.63 38-48 Middlesex Street is a four storey terrace that includes retail units at ground floor level and flats on the upper floors and is located to the north of the application site. This terrace includes Flats 1 to 18 Artisan House, which have the street address of 36 Middlesex Street and have been included in this assessment.

#### *Daylight*

- 8.64 The VSC and NSL results for all windows and habitable rooms show nominal impacts of less than 20%. As such, it is considered that the proposed development would not have any significant adverse impacts on the daylighting conditions within the flats at 46 Middlesex Street.

#### *Sunlight*

- 8.65 The affected windows at the rear of the building do not face within 90 degrees of due south and therefore receive no sunlight. A sunlight analysis is therefore not required.

### **1-10 New Goulston Street**

- 8.66 1-10 New Goulston Street is a four storey residential block located immediately to the north of the application site, which includes south facing windows that face towards the site.

#### *Daylight*

- 8.67 The VSC and NSL results for all windows and habitable rooms show nominal impacts of less than 20%. As such, it is considered that the proposed development would not have any significant adverse impacts on the daylighting conditions within the residential properties at 1-10 New Goulston Street.

#### *Sunlight*

- 8.68 Of the 16 rear facing habitable rooms, only 2 rooms would suffer a material reduction in APSH of over 20% during the winter months. However, it is noted that overall reduction in annual APSH would be less than 20% for all 16 habitable rooms. As such, whilst two habitable rooms within the building would suffer a perceptible reduction in sunlight as a result of the development, it is considered that these impacts would not be so severe as to have any significant adverse impacts on the amenity of the residential occupiers and thus should not warrant refusal of planning permission on amenity grounds in this instance.

### **21 Goulston Street**

- 8.69 21 Goulston Street is a four storey residential property located immediately to the north of the application site, which includes south facing windows that face towards the site.

#### *Daylight*

- 8.70 The VSC and NSL results for all windows and habitable rooms show nominal impacts of less than 20%. As such, it is considered that the proposed development would not have any significant adverse impacts on the daylighting conditions within the residential property at 21 Goulston Street.

#### *Sunlight*

- 8.71 Of the 6 rear facing habitable rooms, only 1 room would suffer a material reduction in APSH of 23.1% in the winter months, although this room would suffer a lesser reduction in APSH of 13.6% when calculated across the whole year. However, given that the 1 APSH failure is only slightly over the 20% BRE guidance threshold, and given that the overall APSH reduction for this room over a year would be under 20%, it is considered that the proposed development would not have any significant adverse impacts on the sunlighting conditions within the residential property at 21 Goulston Street.

### **19 Goulston Street**

- 8.72 19 Goulston Street is a four storey residential property located immediately to the north of the application site.

#### *Daylight*

- 8.73 The VSC and NSL results for all windows and habitable rooms show nominal impacts of less than 20%. As such, it is considered that the proposed development would not have any significant impacts on the daylighting conditions of the residential property at 19 Goulston Street.

*Sunlight*

- 8.74 The APSH results for all 6 rear facing habitable show nominal impacts of less than 20% at any time of year. As such, it is considered that the proposed development would not have any significant adverse impacts on the sunlighting conditions within the residential property at 19 Goulston Street.

**15 Goulston Street**

- 8.75 15 Goulston Street is a four storey residential property located immediately to the north of the application site.

*Daylight*

- 8.76 The VSC and NSL results for all windows and habitable rooms show nominal impacts of less than 20%. As such, it is considered that the proposed development would not have any significant adverse impacts on the daylighting conditions within the residential property at 15 Goulston Street.

*Sunlight*

- 8.77 Of the 6 rear facing habitable rooms, only 1 room would suffer a material reduction in APSH of 20.0% in the winter months, although this room would suffer a lesser reduction in APSH of 5.9% when calculated across the whole year. However, given that the 1 APSH failure is at the 20% BRE guidance threshold, and given that the overall APSH reduction for this room over a year would be significantly under 20%, it is considered that the proposed development would not have any significant adverse impacts on the sunlighting conditions within the residential property at 15 Goulston Street.

**13 Goulston Street**

- 8.78 13 Goulston Street is a four storey residential property located immediately to the north of the application site.

*Daylight*

- 8.79 The VSC and NSL results for all windows and habitable rooms show nominal impacts of less than 20%. As such, it is considered that the proposed development would not have any significant adverse impacts on the daylighting conditions within the residential property at 13 Goulston Street.

*Sunlight*

- 8.80 Of the 9 rear and side facing habitable rooms, 5 would suffer a material loss of APSH of over 20% during the winter months, 3 of which would suffer a loss of over 40%. However, all 9 habitable rooms would suffer BRE compliant APSH reductions of under 20% when calculated over the entire year. It is noted that the worst affected rooms all currently receive very limited levels of sunlight during the winter months, which results in a more significant reduction in percentage terms for each cumulative hour of daylight lost (over the six month 'winter' period). As such, given that the annual loss of APSH to all 9 habitable rooms is BRE compliant, it is not considered that the impacts on the sunlighting conditions during the winter months is so severe so as to warrant refusal on planning permission on amenity grounds in this instance.

Noise Disturbance (Impact on the Development)

- 8.81 The application site is situated in a central location adjacent to the Aldgate Gyratory and Whitechapel High Street, which carry large volumes of vehicular traffic. LBTH Environmental Health note that the Council's noise maps identify the site as falling within Noise Exposure Category (NEC) 'B' and 'C'. As such, the impact of environmental noise on the development is a material planning consideration in this instance.
- 8.82 Given that the proposed development is a hotel, the Council will require the development to include adequate noise mitigation measures to ensure that guests staying at the hotel are not subject to undue noise disturbance. The application is accompanied by a Noise Assessment, which includes the results of background noise surveys carried out at various locations around the site in both 2005 and 2007. The Noise Assessment also notes that the background noise levels exceed the bedroom noise levels required by the hotel operator and confirm that suitable noise mitigation measures will therefore need to be incorporated into the development.
- 8.83 The submitted Noise Assessment has been assessed by LBTH Environmental Health, who advise that the glazing will be required to meet BS 8233 (Sound Insulation and Noise Reduction for Buildings) in order to adequately protect the buildings occupants from undue noise disturbance. In their email dated 18 December 2012, Rory McManus of DP9 confirms that the applicant would consent to the inclusion of a condition to require the glazing specification to meet the requirements of BS 8233. LBTH Environmental Health confirm that this is acceptable. As such, if planning permission were to be granted, it is recommended that a compliance condition be included to require the glazing of the development to meet the requirements of BS 8233.

Noise Disturbance (Impact on Neighbouring Residents)

- 8.84 The proposals include the installation of plant on the roof of the hotel at 8<sup>th</sup> floor level, including multiple air handling units, a generator and the Combined Heat and Power (CHP) system for the site, all of which will generate noise when in operation. The application site lies immediately to the south of a number residential properties, including Flats 1-18 Artisan House, 36 Middlesex Street, 13-21 Goulston Street (odd) and 1-10 New Goulston Street to the north of the site. As such, consideration must therefore be given to the potential noise impacts of the development on neighbouring residents.
- 8.85 It is noted that the technical specifications for the proposed plant have not yet been finalised and as such the application and submitted Noise Assessment do not include any data on the projected noise emissions from the plant. However, given that the plant would be located at roof level, at a height significantly above nearby sensitive receptors (i.e. residential windows), and given the prevailing environmental noise levels at the site (NEC 'B/C'), it is considered that the potential noise impacts of the development on neighbouring residents can be adequately mitigated by condition. Such a condition should require the submission for approval of a detailed Plant Noise Assessment, to include a new background noise survey and calculations to demonstrate that the noise generated by the development would be at least 10 decibels [dB (A)] below the lowest background noise level [LA90] when received at the nearest sensitive residential façade.
- 8.86 Taking into account the above, subject to condition, it is considered that the proposal would adequately protect both users of the development and neighbouring residents from undue noise disturbance. The proposal therefore accords with the requirements of Policy SP10(4) of the Council's adopted Core Strategy (2010), saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998), Policy DM25 of the Managing Development DPD (Submission Version May 2012 with modifications) and Policy DEV1 of the Interim Planning Guidance (2007). These policies require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as



well as protect the amenity of the surrounding public realm.

## Highways

### Coach Parking and Servicing

- 8.87 The application site presently includes a private road that runs along the northern edge of the site, which provides access to and from the public highway at Goulston Street to the east of the site and Middlesex Street to the west of the site. The current proposals seek to retain and alter the existing private road, including the formation of a new service bay located adjacent to the service entrance to the building on the north elevation. The proposed service bay would be used both for servicing and coach parking.
- 8.88 The application is accompanied by a Transport Statement, which anticipates that the maximum size of servicing vehicles accessing the site will usually be a 7.5 ton box van with a length of 8 metres; although it is acknowledged that the use of larger 10 metre long servicing vehicles may be required on occasion. The Transport Statement also includes a vehicle swept path analysis plan at Figure 6, which that demonstrates that there is adequate width on both the public highway and the private service road for a 12 metre long coach to enter the site from the west, travelling north on Middlesex Street, to stop at the service bay, and to exit the site to the east, travelling southwards on Goulston Street.
- 8.89 Transport for London state in their consultation response that the Policy 6.13 of the London Plan (2011) requires the provision of 1 coach parking space per 50 guest bedrooms for hotels. As such, the proposed hotel, which comprises 395 guest bedrooms, would require the provision of 7 or 8 coach parking spaces in order to meet the London Plan's parking standards. However, TfL further state that given the location of the site and the type of hotel proposed, it is accepted that such amount is excessive. As such, TfL seek further clarification on the number of coaches that are likely to use the hotel and how on-site coach parking will be managed. It should be noted that the Council's parking standards in the Managing Development DPD (Submission Version May 2012 with modifications) require a lesser provision of 1 coach parking space per 100 guest bedrooms.
- 8.90 In their email dated 5 October 2012, Rory McManus of DP9 responds to TfL's request for clarification, stating that the proposed hotel operator, Travelodge; have advised that they have no requirements for coach parking. Notwithstanding this, the Council has been advised that Travelodge intend to implement a coach parking management system whereby any coach would need to be booked to use the coach bay and that it could only park for a limited time to embark or disembark hotel guests. TfL confirms that it is satisfied that the development will not impact on the capacity of the public transport network nearby.
- 8.91 The proposal as originally submitted included the formation of a new taxi layby on Middlesex Street. However, Officers raised concerns over potential impacts on pedestrian movements as the layby would reduce the effective width of the footway and the layby was subsequently removed from the proposal. In their email dated 27 March 2013, Rory McManus of DP9 confirms that taxi drop-off and pick-ups could take place on the private service road, which would ensure that stopped taxis would not adversely impact on the movement of vehicles on the public highway, which is supported.
- 8.92 The application site lies to the south of the Wentworth Street (Petticoat Lane) street market and is noted that there are road closures are in place on Sundays on both Middlesex Street and Goulston Street during the market trading period (9:00 to 14:00 hours) which would prevent servicing vehicles, coaches or cars accessing the service road at the northern end of the site, which can only be accessed (by vehicles) from Middlesex Street. It is further noted that the market set up period on Sunday morning and clear down period and subsequent street cleaning in the afternoon would further restrict vehicle movements on these streets outside of the road closure period. As such, servicing, coach parking and disabled parking

for the hotel would not be available for an extended period during the day on Sundays.

- 8.93 However, limited servicing on Sundays would still be possible outside of market trading / road closure hours and given the limited servicing requirements for the proposed hotel, which is anticipated to require approximately 15 servicing / waste collection trips per week, it is considered that the operation of the street market and associated road closures on Sundays would not significantly impact on the servicing of the proposed hotel.
- 8.94 It is also noted that Goulston Street is designated as a street market for its entire length from Monday to Saturday from 8:00 to 16:00 hours, although these are no road closures in place on these days. Market stalls are able to operate on designated pitches on the carriageway on Goulston Street, which are similar to on-street parking bays in terms of their size and location. It is noted that street market activity on Goulston Street during weekdays is predominantly located to the north of the site.
- 8.95 The applicant has submitted swept path analysis drawings which show that both a 10 metre long servicing vehicle and 12 metre long coach would be able to exit the service road onto Goulston Street and manoeuvre between the market stall and car parking bays on either side of the street. As such, whilst it is acknowledged that the street market could increase pedestrian and vehicular movements around the application site on weekdays, it is considered that sufficient evidence has been provided to demonstrate that coaches and servicing vehicles can safely enter and exit the site and proceed along the adjoining streets.
- 8.96 Both LBTH Transportation & Highways and LBTH Markets Team have assessed the proposals raise no objections, subject to the inclusion of a condition to secure a Servicing, Coach and Car Parking Management Plan. The plan must detail how on-site servicing and parking will be managed within the context of the street market and associated Sunday road closures.
- 8.97 Subject to condition, it is considered that the proposed servicing arrangements for the hotel are satisfactory and would not significantly impact on the capacity or safety or the road network, which accords with the requirements of Policy SP09(3) of the Council's adopted Core Strategy (2010), saved Policy T16 of the Unitary Development Plan (1998), Policy DM20(2) of the Managing Development DPD (Submission Version May 2012 with modifications) and Policy DEV17 of the Interim Planning Guidance (2007).

#### Car Parking

- 8.98 The application site presently includes an off-street car parking area at the northern end of the site at ground floor level, which is currently operated as a private car park and can accommodate approximately 100 cars. With the exception of a single off-street disabled parking space, located adjacent to the northern boundary of the site and accessed via the private service road, the current proposals do not include any provision of car parking spaces for guests or staff.
- 8.99 Given the central location of the site, together with its excellent access to public transport, with a Public Transport Accessibility Level (PTAL) of 6b, Transport for London welcome the 'car free' nature of the proposed development. However, LBTH Transportation & Highways do not consider the provision of a single disabled car parking space sufficient for a development of this type and scale, which they advise should include no less than 2 disabled car parking spaces, with one space for guests and the other for staff.
- 8.100 In their email dated 25 January 2013, Rory McManus of DP9 notes that a second disabled car parking space could be accommodated on-site, positioned perpendicular to the originally proposed disabled space. Mr McManus also confirms that the applicant would consent to the inclusion of a condition to secure a second disabled car parking space. As such, if planning permission were to be granted, it is recommended that a condition be included to require the

submission for approval of details of disabled car parking provision, to include plans showing the location of two spaces, together with autotrack drawings for the disabled bays, to take into account vehicle movements when the servicing / coach parking bay is occupied.

#### Cycle Parking

- 8.101 The Council's cycle parking standards are set out in Appendix 2(1) of the Managing Development DPD (Submission Version May 2012 with modifications), which for Use Class C1 hotel use require the provision of 1 cycle space for every 10 staff and for every 15 guests.
- 8.102 The proposed hotel comprises 395 guest bedrooms and would employ 15 full-time staff and 42 part-time staff, with a total full-time equivalent of 36 staff. The proposal includes the provision of a total of 26 secure cycle parking spaces for guest, which equates to 1 space per 15 guest bedrooms, together with 5 secure cycle parking spaces for staff, which accords with the requirements of the Council's afore mentioned cycle parking standards.
- 8.103 The proposed guest cycle parking spaces would be provided in two separate locations adjacent to the south elevation of the building, positioned on the newly formed pedestrian walkway through the site, with 16 of the spaces being provided at the western end of the walkway, situated immediately adjacent to the main entrance to the hotel on Middlesex Street, whilst the remaining 10 spaces would be provided at the eastern end of the walkway, adjacent to the public highway on Goulston Street. All of the guest cycle parking stands would be covered, with possible design solutions for the cycle stands and shelters being shown on page 26 of the submitted Design and Access Statement.
- 8.104 The proposed staff cycle parking spaces would be located at the western end of the north elevation of the building, situated a short distance from the service entrance to the building. Secure cycle parking for staff would be provided in the form of fully enclosed cycle storage lockers, which include lockable roller shutters.
- 8.105 LBTH Transportation & Highways have assessed the proposed cycle parking arrangements and consider them to be acceptable, subject to the inclusion of a condition requiring the submission for approval of detailed plans and specifications for both the guest and staff cycle parking facilities, together with the inclusion of a compliance condition requiring the cycle parking facilities to be retained and maintained for use by guests and staff of the hotel for the life of the development. It is therefore recommended that such conditions be included if planning permission were to be granted.
- 8.106 Taking into account the above, subject to condition, it is considered that the proposal includes adequate secure cycle parking facilities, in accordance with Policy DM22(1) of the Managing Development DPD (Submission Version May 2012 with modifications), Policy DEV16 of the Interim Planning Guidance (2007) and Policy 6.9 of the London Plan (2011). These policies promote sustainable forms of transport and seek to ensure the developments include adequate provision of secure cycle parking facilities.

#### Waste and Recyclables Storage

- 8.107 The proposed hotel includes an integral refuse and recyclables storage room measuring approximately 21 square metres, located at the northern end of the ground floor of the building, adjacent to the servicing bay. The proposed refuse and recyclables storage arrangements have been assessed by the LBTH Cleansing Officer, who notes that the waste storage arrangements are sufficient on the basis that collection takes place every day (i.e. seven times a week).
- 8.108 As such, if planning permission were to be granted, it is recommended that a condition be included to require the submission for approval of a Hotel Waste Management Plan, to

include details of the specific refuse and recyclables storage capacity at the site, together with confirmation that a contract has been entered into with a private waste management company and details of the frequency of collection. Such details should be approved prior to first occupation of the hotel.

- 8.109 In addition, given that there are road closures on Middlesex Street and Goulston Street on Sundays for the market, the Hotel Waste Management Plan must demonstrate that waste collection can be carried out on Sundays outside of the hours that the adjacent roads will be closed, or provide details on the increased waste and recyclables storage capacity that would be needed to accommodate two days' worth of refuse.
- 8.110 Subject to condition, it is considered that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with Policy SP05 (1) of the Council's adopted Core Strategy (2010), saved Policy DEV55 of the Unitary Development Plan (1998), Policy DM14 of the Managing Development DPD (Submission Version May 2012 with modifications) and Policy DEV15 of the Interim Planning Guidance (2007). These policies require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.

#### Anticipated Public Realm Improvement Works to the Aldgate Gyratory

- 8.111 The City of London are currently preparing a new strategy for environmental and transportation improvements within the Aldgate area, which are anticipated to include alterations and enhancements to the footway, carriageway and wider public realm around the Aldgate Gyratory, including the area of the gyratory adjacent to the south-west corner of the application site.
- 8.112 Whilst limited information has been provided by the City of London on the detail of the proposed improvement works as the strategy has yet to be adopted, City of London have raised concerns regarding the potential conflicts between the public realm improvement works and the proposed hotel development, if both works were to be carried out at the same time. Such conflicts could include road closures on the Aldgate Gyratory and southern end of Middlesex Street, which would have notable implications for the movement of demolition and construction vehicles to and from the application site. Fundamentally, it is important to note that the potential conflicts would only occur if both projects were being built at the same time. As such, Officers consider that there is no inherent conflict between the proposed hotel and wider public realm improvement works.
- 8.113 As such, if planning permission were to be granted, it is recommended that a condition be included to require the submission for approval of a Construction Environmental Management Plan, which must provide details of alternate routes for construction vehicles in the event road closures would prevent access to the site from the Aldgate Gyratory via Middlesex Street.

#### **Other Issues**

##### Archaeological Impacts

- 8.114 The application site lies within an area of Archaeological Importance or Potential as designated in the Proposals Map of the Unitary Development Plan (1998) and an Archaeological Priority Area as designated in the Proposals Map of the Managing Development DPD (Submission Version May 2012 with modifications). Accordingly, the application is accompanied by a Historic Environment Assessment, prepared by the Museum of London Archaeology, which includes a desktop study of the topography and geology of the site, together with an overview of past archaeological investigations that have been carried out within the site. The report also includes an assessment of the archaeological

potential of the site and the likely impact that the proposed development would have on archaeological assets.

- 8.115 The application and submitted Historic Environment Assessment have been assessed by English Heritage Archaeology, who note that the site lies just outside the City walls in an area used for human burials in the Roman period, which may be anticipated on the site depending on the degree of later truncation. It is further noted that the southern portion of the site was subject to an archaeological evaluation in 1999, when remains of a medieval chalk cellar were encountered. Of particular note is the Boar's Head Inn, which was converted into a Playhouse in the late 16th century, which is thought to be situated in the southern area of the site, although the evaluation did not identify any remains associated with the theatre within the trenches, although there is a possibility of contemporary features within the wider area. English Heritage Archaeology conclude that the proposed development may, therefore, affect remains of archaeological importance
- 8.116 Accordingly, English Heritage Archaeology advise that any planning permission should include a condition to secure the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation, to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development or demolition works at the site.
- 8.117 Subject to condition, it is considered that the proposed development would not adversely affect any buried archaeological remains, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010), saved Policy DEV43 of the Unitary Development Plan (1998), Policy DM27 of the Managing Development DPD (Submission Version May 2012 with modifications), Policy CON4 of the Interim Planning Guidance (2007) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

#### Contaminated Land

- 8.118 The application site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. Accordingly, the application has been assessed by LBTH Environmental Health (Contaminated Land), who consider the proposal acceptable subject to a condition requiring the developer to submit for approval a scheme to identify the extent of the contamination at the site, together with the measures to be taken to avoid risk to the public, buildings and environment when the site is developed. As such, subject to condition, it is considered that the proposal is acceptable in land contamination terms.

#### Air Quality

- 8.119 Policy DM9 of the Managing Development DPD (Submission Version May 2012 with modifications) requires applications for major developments to be accompanied by an Air Quality Assessment to demonstrate how the development will prevent or reduce associated air pollution during construction or demolition. In addition, Policy DM9 requires development located in the Tower Hamlets Clear Zone to demonstrate consideration of the Clear Zone objectives. The application site lies within the Tower Hamlets Clear Zone.
- 8.120 The application is accompanied by an Air Quality Assessment, prepared by Environmental Planning & Assessment Limited, which has been assessed by LBTH Environmental Health (Air Quality), who note that the submitted Air Quality assessment uses out-dated 2009 data, which is not in line with technical guidance, which requires the use of current data. In addition, given that the technical specification for the proposed plant has not yet been finalised, the modelled data for the plant is not included. LBTH Environmental Health will also require dust deposition monitoring at key receptor points during the demolition and construction phase, which can be agreed within the Construction Environmental Management Plan.

8.121 If planning permission were to be granted, it is recommended that a condition be included to require the submission for approval of an updated Air Quality Assessment, to include current data and modelling for all proposed plant.

Local Financial Considerations

8.122 Policy SP13 of the Council's adopted Core Strategy (2010), saved Policy DEV4 of the Unitary Development Plan (1998) and Policy IMP1 of the Interim Planning Guidance (2007) state that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

8.123 The Community Infrastructure Levy Regulations 2010 state that any S106 planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

8.124 The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of the impacts on existing social infrastructure such as education, community facilities and health care and that appropriate infrastructure to facilitate the development are secured. It is noted that objections to the proposed development have been received on the grounds that the uplift in residential population at the site will put a strain on local social infrastructure. However, it is considered that such impacts are mitigated through the contributions outlined below.

8.125 The S106 obligations for the scheme have been calculated using the formulae set out in the Council's adopted Planning Obligations Supplementary Planning Document (2012). The total financial contribution sought amounts to £157,384, and details of the breakdown are provided below.

Employment and Enterprise

8.126 The developer will be required to exercise endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets.

8.127 To ensure local businesses benefit from this development the Council will seek to ensure that 20% goods and services procured during the construction phase are achieved by businesses in Tower Hamlets.

8.128 The Council will seek to secure a financial contribution of £28,384 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

8.129 The formulae for financial contributions towards construction phase skills and training is set out in the Council's Planning Obligations SPD (2012). The financial contributions for the current application have been calculated as follows:

$$\begin{array}{r} \text{Cost of Construction Training Placement (£2,605)} \\ \times \\ (\text{GIA of Development} \div 1000\text{sqm}) \\ = \\ \text{Required Financial Contribution} \end{array}$$

Thus

$$\begin{aligned} & 2,605 \\ & \times \\ & 10,896 \div 1,000 \\ & = \\ & \text{£28,384} \end{aligned}$$

- 8.130 The council seeks a monetary contribution of £28,441 towards the training and development of unemployed residents in Tower Hamlets to access either:
- i) jobs within the hotel development in the end-phase
  - ii) jobs or training within employment sectors relating to the final development

- 8.131 The formulae for financial contributions towards end-user phase skills and training is set out in the Council's Planning Obligations SPD (2012). The financial contributions for the current application have been calculated as follows:

$$\begin{aligned} & \text{Employee Yield of Development(1 employee per 2 bedrooms for 3 star hotels)} \\ & \times \\ & \text{Employees Resident in Tower Hamlets (14\%)} \\ & \times \\ & \text{Employees in Tower Hamlets Requiring Training and Support (38\%)} \\ & \times \\ & \text{Cost of Training and Support Per Person (£2,700)} \\ & = \\ & \text{Required Financial Contribution} \end{aligned}$$

Thus

$$\begin{aligned} & 198 \\ & \times \\ & 0.14 \\ & \times \\ & 0.38 \\ & \times \\ & 2,700 \\ & = \\ & \text{£28,441} \end{aligned}$$

- 8.132 It is important that local employment is maximised through the end-user phase as the development will result in a loss of employment floor space (-4604sqm). The Council will therefore require the developer to provide 1 apprentice per £1 million of the total project cost during the construction phase, and for the hotel operator to attend a meeting with LBTH Employment and Enterprise prior to occupation, and for the hotel operator to provide Skillsmatch with information on all non-technical hotel vacancies 72 hours prior to general release. The Council would expect that this would include roles such as receptionists, housekeeping, room attendants, bar/waiting staff, customer service and security. Monitoring of employment and enterprise obligations will be discussed and agreed with the developer prior to commencement of works.

- 8.133 The proposed heads of terms are:

Financial Contributions

- (a) Employment and Skills Training (£56,825)

- (b) Idea Stores, Libraries and Archives (£4,335)
- (c) Leisure Facilities (£13,867)
- (d) Public Open Space (£27,613)
- (e) Public Realm (£51,660)
- (f) Monitoring (£3,085)

Non-financial Contributions

- (g) Commitment to 20% local employment during construction and end user phase and procurement during the construction phase in accordance with the Planning Obligations SPD.
- (h) Commitment to providing 1 apprenticeship per £1 million total project cost during the construction phase, and for the hotel operator to attend a meeting with LBTH Employment and Enterprise prior to occupation, and for the hotel operator to provide Skillsmatch with information on all non-technical hotel vacancies 72 hours prior to general release.

8.134 It is considered that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

Localism Act (amendment to S70(2) of the TCPA 1990)

8.135 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

8.136 In dealing with such an application the authority shall have regard to:

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

8.137 Section 70(4) defines “local finance consideration” as:

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

8.138 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

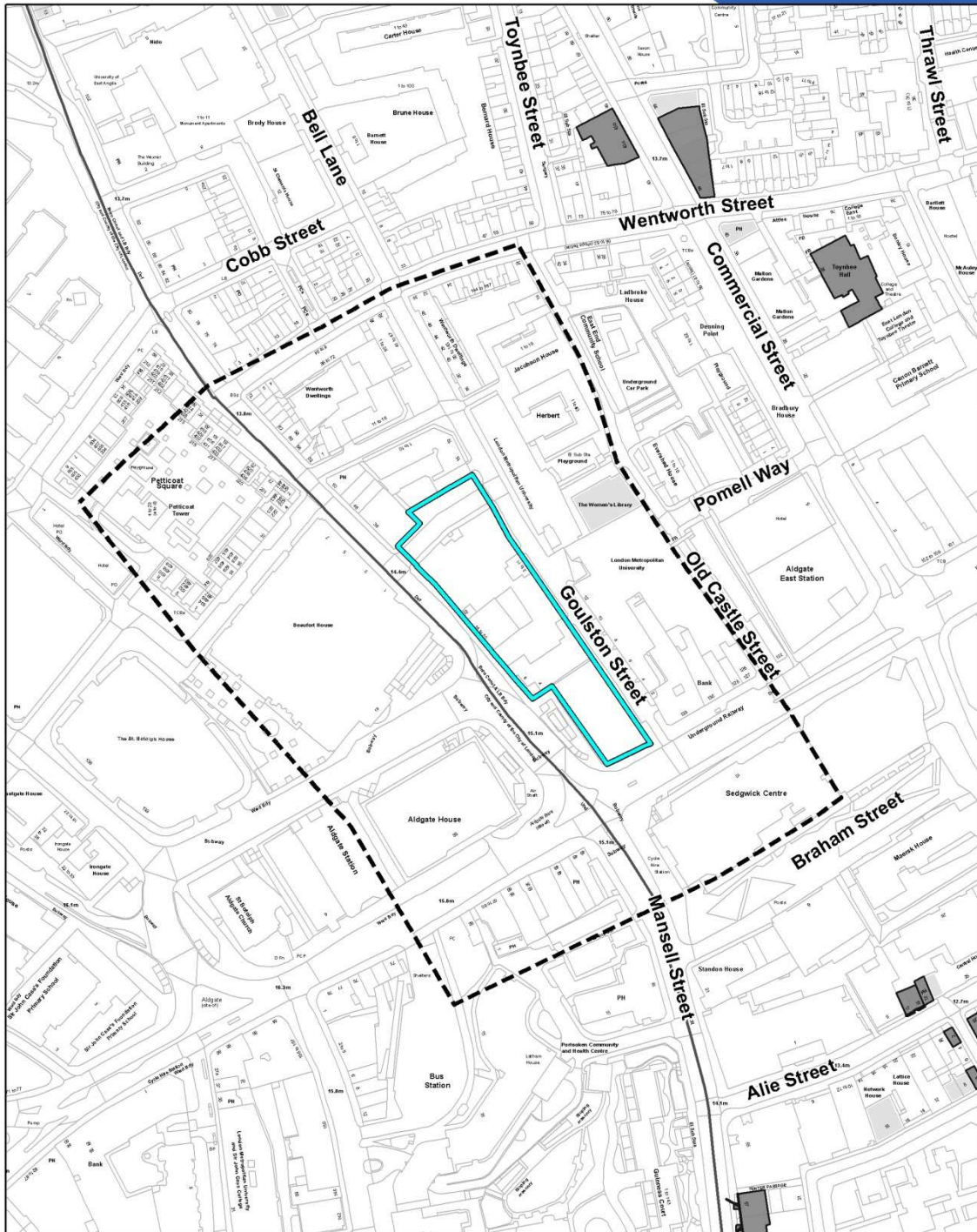
8.139 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The likely CIL payment associated with this development would be approximately £380,000. It is noted that this is only an initial estimation of the CIL charge at this stage. The amount of the CIL payment may change when planning permission is issued, and final calculations for the scheme are carried out and any applicable exemptions are taken into account. The Council will issue a CIL Liability Notice as soon as possible after a decision notice is issued.

**9.0 CONCLUSIONS**

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

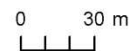


# Planning Application Site Map PA/12/02045



-  Planning Application Site Boundary
-  Consultation Area

-  Locally Listed Buildings
-  Statutory Listed Buildings



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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# Agenda Item 8

<b>Committee:</b> Development	<b>Date:</b> 11 <sup>th</sup> April 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 8
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Other Planning Matters	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. 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 are 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.

## 3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

## 4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8**

Brief Description of background papers:  
See individual reports

Tick if copy supplied for register:

Name and telephone no. of holder:  
See individual reports

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# Agenda Item 8.1

<b>Committee:</b> Development	<b>Date:</b> 11 April 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 8.1
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<b>Report of:</b> Corporate Director of Development and Renewal  <b>Case Officer:</b> Pete Smith	<b>Title:</b> Planning Appeals
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## 1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. It also provides information of appeals recently received by the Council, including the methods by which the cases are likely to be determined by the Planning Inspectorate.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

## 2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

## 3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

<b>Application No:</b>	<b>PA/12/02723</b>
<b>Site:</b>	<b>16 Milligan Street, London E14 8AU</b>
<b>Proposed Development:</b>	<b>Erection of a single storey and two storey rear extensions with remodelling existing floors to single dwelling.</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.2 This appeal property is a two storey end of terrace property, located in the Narrow Street Conservation Area and a crucial aspect of the appeal consideration was that the rear of the property is visible from Three Colt Street. The main issues in this appeal were the impact of the proposed extensions on

the character and appearance of the conservation area as well as on the amenities of the neighbour residential occupier of 14 Milligan Street (particularly in relation to visual impact).

3.3 The Planning Inspector concluded that in view of the scale and bulk of the extensions, the proposed development would have represented an incongruous addition, out of keeping with the unified form of the terrace. He felt that the extensions would not have preserved the character and appearance of the conservation area. He also concluded that the neighbouring occupiers would have experienced an increased sense of enclosure, especially when enjoying their rear garden.

3.4 The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/12/02726</b>
<b>Site:</b>	<b>1 Pump House Mews, Hopper Street, London E1</b>
<b>Site:</b>	<b>Erection of a second floor extension to a single dwelling house.</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

3.5 The main issues in this case were the impact of the development on the living conditions of residential properties on either side of the appeal premises (fronting Lemman Street and Hooper Street).

3.6 The Planning Inspector was concerned that in view of the height, bulk and design of the proposed additional storey, the proposed development would have dominated the outlook from neighbouring habitable rooms.

3.7 The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/12/01208</b>
<b>Site:</b>	<b>127 Lemman Street, London E1</b>
<b>Site:</b>	<b>Change of Use form A2 use to restaurant (Class A3).</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

3.8 The appeal premise is ground floor and basement accommodation, located at the base of a three storey terrace building and within an existing commercial parade. The Planning Inspector noted that out of the 13 commercial units in the terrace, 5 operated as cooked food outlets (Class A3). The main issue were therefore as follows

- Overconcentration of restaurant use – contrary to development plan policies
- The impact of the proposed development on the character of the area
- The impact of the proposed use of the amenities of neighbouring residential occupiers

- The impact of the development on the potential for smell nuisance
- 3.9 The Planning Inspector noted that a number of properties within the parade had residential accommodation above and whilst he acknowledged that the site is included within the identified Central Activities Zone and that Policy DM1 of the MD DPD encourages such uses, he also referred to the need to avoid overconcentration. He concluded that there was already an over-concentration and felt that further restaurant activity would add to the concentration of such uses. He also concluded that adding further restaurant activity in an area already experiencing over-concentration of such uses would not be in keeping with the general thrust of the Core Strategy Policy SP03 in supporting healthy lifestyles.
- 3.10 In terms of character and appearance, the Planning Inspector concluded that whilst the proposed galvanised flue would have presented a stark and utilitarian appearance and would have been a very prominent feature in relation to the rear elevation, he acknowledged that it was similar to other flues in the immediate vicinity and did not feel that it would have been detrimental to the prevailing residential character.
- 3.11 In terms of the living conditions of neighbouring residential occupiers, in terms of the potential noise and vibration caused by the ventilation system and the noise generated by users of the restaurant, the Planning Inspector concluded that these noise issues could be controlled through the use of conditions.
- 3.12 Finally, the Planning Inspector was concerned that there appeared to be no facilities for the on site storage of refuse and he was far from clear whether the imposition of condition could have resolve this problem.
- 3.13 The appeal was DISMISSED.
- 3.14 This is a worthwhile decision in terms of the overconcentration of A3/A5 units and the application of policy contained in the MD DPD.

<b>Application No:</b>	<b>PA/12/00957</b>
<b>Site:</b>	<b>74 Bow Road, London, E3</b>
<b>Site:</b>	<b>variation of Condition 3 relating to hours of use, to allow the restaurant to operate until 1am (Monday to Saturday) and midnight (Sunday).</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.15 The main issue in this case was the impact of the proposed extend hours on the amenities of neighbouring residential occupiers with particular reference to noise and disturbance.
- 3.16 Whilst the Planning Inspector acknowledged that the site was in an area where some noise and disturbance was to be expected, he was concerned that potential customers arriving at the premises late at night (potentially in cars) will be parking in neighbouring residential streets and he was concerned that levels of activity at this time of the night/early morning would have generated noise nuisance. He referred to car doors banging and the general manoeuvring of

vehicles.

3.17 The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/12/00234</b>
<b>Site:</b>	<b>5 Tarling Street, London, E1</b>
<b>Site:</b>	<b>Change of Use of a retail shop unit to a mixed restaurant/takeaway use (Class A3/A5).</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

3.18 This unit is located within Watney Market District Centre and within a Primary Shopping Frontage. The Planning Inspector referred to Policy DM1 of the MD DPD (Submission Version) and whilst the MD DPD may be subject to further revisions, he afforded the document weight as a material consideration.

3.19 He referred specifically to the requirements of Policy DM12 which states that A3/A5 uses will be acceptable in such centres where they meet criteria (including that there shall be at least two non A3/A4/A5 units between every new A3, A4 or A5 unit). The Planning Inspector noted that this would not have been the situation in respect of this appeal proposal and would have therefore been contrary to this emerging policy.

3.20 As regards the impact of the development on existing residential amenity, the Planning Inspector concluded that a further restaurant/take-away would have created unacceptable noise nuisance. Furthermore he was concerned about smell nuisance from the proposed electrostatic extractor system.

3.21 The appeal was therefore DIMISSED.

<b>Application No:</b>	<b>PA/12/0023</b>
<b>Site:</b>	<b>Ability Place, 37 Millharbour, London, E14</b>
<b>Site:</b>	<b>Two storey extension to existing building to accommodate 7 duplex apartments and private amenity space.</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (Development Committee)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

3.22 The main issue in this case was whether the proposed development would represent an appropriate design solution which would adequately protect the living conditions of occupiers of nearby dwellings.

3.23 This case was determined by Development Committee a few months ago and as Members may recall, involved the erection of a further two storeys on top of an existing communal roof-top garden and outdoor amenity space (proposed 15<sup>th</sup> and 16<sup>th</sup> floor). The roof-top amenity area comprises an accessible rooftop garden and a "brown roof", designed as a wildlife habitat.



- 3.24 Whilst the Planning Inspector acknowledged that the proposed new roof-top area (on top of the proposed duplex apartments) would have provided a larger area of accessible open space, he was not satisfied that the space would have provided an improved amenity area overall (especially with the loss of the “brown” roofs).
- 3.25 The Planning Inspector also commented on daylighting issues (even though this did not form part of the reason for refusal). Whilst he acknowledged that the adverse impacts in terms of daylight would have been below the limits which, in an urban environment, would have been considered unacceptable, he noted more substantial losses of daylight to some apartments at 13<sup>th</sup> and 14<sup>th</sup> floor levels. He noted the significant number of objections to daylight losses and he concluded that residents residing at higher levels of the Ability Place development should expect to receive good levels of natural daylight. Whilst he acknowledged that anticipated levels of light loss might not alone be a reason for refusal, he concluded that reductions in light (of varying degrees) added weight to the Council’s contention that the design of the appeal proposal represented over-development of the site, leading to harm to neighbouring residential occupiers.
- 3.26 Finally, the Planning Inspector was also concerned about the noise and disturbance caused to existing residents during the period of construction. Whilst he acknowledged that conditions could have been imposed to limit noise disturbance, he felt that construction noise, which would have been focussed around the enclosed courtyard, would have resulted in a considerable reduction in the quality of residential amenity. He was far from satisfied that the issue could have been adequately conditioned.
- 3.27 The appeal was DISMISSED.
- 3.28 This is a worthwhile decision and in some areas goes beyond the reasons for refusal. It draws specific attention to how one might wish to consider extensions to existing high density residential buildings, already challenged by outdoor amenity space standards, daylighting issues and nuisance that might be caused as a consequence of major construction in close proximity to existing residents of the block.

#### **4. NEW APPEALS**

- 4.1 The following appeals have been lodged with the Secretary of State following a decision by the local planning authority:

<b><i>Application Nos:</i></b>	<b><i>PA/12/01210/01209</i></b>
<b><i>Sites:</i></b>	<b><i>3-4 Vine Court, London, E1</i></b>
<b><i>Development</i></b>	<b><i>The demolition of remaining warehouse building (light industrial use) and the creation of a part 2 storey part 3 storey (above ground) terrace of 5 houses, including accommodation at lower ground floor.</i></b>
<b><i>Council Decision</i></b>	<b><i>REFUSE (delegated decision)</i></b>
<b><i>Start Dates</i></b>	<b><i>25 February 2013</i></b>
<b><i>Appeal Method</i></b>	<b><i>WRITTEN REPRESENTATION</i></b>

- 4.2 These applications for planning permission and conservation area consent as

refused on grounds of the failure of the proposed development to respect the character and appearance of the Mydle Street Conservation Area, whilst at the same time, provide substandard accommodation for further residential and impacting detrimentally on the amenities of neighbouring residential occupiers through increased sense of enclosure. The case was also refused on grounds of inadequate cycle parking opportunities. The demolition of the warehouse building was considered unacceptable in the absence of an replacement scheme with planning permission.

**Application No:** PA/12/02455  
**Sites:** 50 Coldharbour, London E14  
**Development:** Erection of a 2 storey rear extension and rood extensions  
**Council Decision:** REFUSE (delegated decision)  
**Start Date** 4 March 2013  
**Appeal Method** WRITTEN REPRESENTATIONS

- 4.3 The reason for refusal in this case was related to the failure of the proposed extension (in view of its height and scale) to respect the character and appearance of the Coldharbour Conservation Area and the detrimental impact on neighbouring residential occupiers in terms of daylight and increased enclosure.

**Application No:** ENF/12/00381  
**Sites:** 164 Upper North Street E14  
**Development:** Unauthorised use of property as a shisha smoking lounge  
**Council Decision:** INSTIGATE ENFORCEMENT ACTION (delegated decision)  
**Start Date** No start date  
**Appeal Method** WRITTEN REPRESENTATIONS

- 4.4 This operator has appeal against the notice arguing that there is no breach of planning control, that planning permission should be granted for the uses, that the time set aside to resolve the breach is too short and that the requirements of the notice are excessive. The Notice was served on the grounds that the use of the site as a shisha smoking lounge resulted in a loss of employment/commercial floorspace and was detrimental to the amenities of neighbours and the visual amenities of the area.

**Application No:** PA/12/02010  
**Sites:** Bridge Wharf – Old Ford Road, London  
**Development:** Erection of a 3 storey 4 bed house  
**Council Decision:** REFUSE PLANNING PERMISSION (delegated decision)  
**Start Date** 1<sup>st</sup> March 2013  
**Appeal Method** WRITTEN REPRESENTATIONS

- 4.5 As Members may recall, this site was the subject to a previous appeal which was dismissed by the Planning Inspectorate. This appeal is for a different proposal but raises similar issues. Planning permission was refused under delegated powers on grounds that the proposed development would be out of character with neighbouring buildings and the Victoria Park and Regents Canal Conservation Area and would result in the loss of open space and the harmful reduction of the on-site Willow tree, detrimental to its amenity value, viewed in

the context of existing conservation area character.

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