

DEVELOPMENT COMMITTEE

Thursday, 9 April 2015 at 7.00 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open to the public to attend.

Members:

Chair: Councillor Sirajul Islam
Vice Chair : Councillor Marc Francis
Councillor Shiria Khatun, Councillor Suluk Ahmed, Councillor Gulam Kibria Choudhury,
Councillor Shah Alam and Councillor Chris Chapman

Deputies:

Councillor Rajib Ahmed, Councillor Asma Begum, Councillor Andrew Cregan, Councillor
Craig Aston, Councillor Andrew Wood, Councillor Julia Dockerill and Councillor Md.
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[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 7 April 2015**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 8 April
2015**

Contact for further enquiries:

Zoe Folley, Democratic Services,
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Web: <http://www.towerhamlets.gov.uk/committee>

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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)

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.

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 18)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 11th March 2015.

3. 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.

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 19 - 22)

To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

5. DEFERRED ITEMS

None.

PAGE NUMBER	WARD(S) AFFECTED
23 - 24	

6.	PLANNING APPLICATIONS FOR DECISION	25 - 26	
6 .1	281-285 Bethnal Green Road, E2 6AH (PA/14/03424)	27 - 62	Weavers

Recommendation:

Demolition of existing buildings and redevelopment of the site to provide a residential led mixed use development, comprising the retention of the existing façade to the Bethnal Green Road frontage, erection of two five-storey buildings (with basement) to provide 21 dwellings and 130 sqm of commercial space falling within use classes A1, A2, B1, D1 and/or D2, plus cycle parking, refuse/recycling facilities and access together with communal and private amenity space.

Proposal:

That the Committee resolve to GRANT planning permission subject to Any direction by The London Mayor, the prior completion of a legal agreement to secure the planning, obligations, conditions and informatives set out in the Committee report.

6 .2	Footway Adjacent to Ansell House on Mile End Road, E1 (PA/15/00117)	63 - 74	Stepney Green
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Proposal:

Relocation of an existing Barclays Cycle Hire Docking Station comprising of a maximum of 44 docking points by 45m to the east as a consequence of the proposed Cycle Superhighway 2 Upgrade Works.

Recommendation:

That the Committee resolve to GRANT planning permission subject to the conditions set out in the Committee report.

7. OTHER PLANNING MATTERS

None.

Next Meeting of the Development Committee

Thursday, 14 May 2015 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 1

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:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

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 7.30 P.M. ON WEDNESDAY, 11 MARCH 2015

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

Members Present:

Councillor Sirajul Islam (Chair)
Councillor Marc Francis
Councillor Shiria Khatun
Councillor Suluk Ahmed
Councillor Shah Alam
Councillor Chris Chapman

Other Councillors Present:

Councillor Andrew Cregan
Councillor Andrew Wood

Apologies:

Councillor Gulam Kibria Choudhury

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Christopher Hunt	– (Senior Planning Lawyer, Directorate Law, Probity and Governance)
Tim Ross	– (Deputy Team Leader - Pre-application Team, Development and Renewal)
Shahara Ali-Hempstead	– (Planning Officer, Development and Renewal)
Brett McAllister	– (Planning Officer, Development and Renewal)
Jane Jin	– (Deputy Team Leader, Development and Renewal)
Andrew Hargreaves	– (Borough Conservation Officer, Development and Renewal)
Jen Pepper	– (Affordable Housing Programme Manager, Development and Renewal)
Pat Watson	– (Head of Building Development, Resources, Education Social Care and Wellbeing)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillor Shah Alam declared an interest in agenda items 6.1, Land Between St Pauls Way and Masjid Lane, including Linton House, Printon house and the Burdett Estate Community Centre, St Pauls Way, E3 (PA/14/02618) and 6.2 Burdett Community Square, Land off Masjid Lane, St Pauls Way, London E14 (PA/14/03243). This was on the basis that the application sites were in the Councillor's ward.

Councillor Marc Francis declared an interest in agenda item 6.5, 598 Roman Road and land at rear of 596 Roman Road London, E3 2RW (PA/14/01567). This was on the basis that the application site was in the Councillor's ward.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 11th February 2015 be agreed as a correct record and signed by the Chair.

In response to a question about item 6.2 Silwex House, Quaker Street, London, E1 6NS (PA/14/01897), it was reported that Officers had met with the Applicant to discuss the design of the scheme and pending consideration of the design issues, it was anticipated that the application could be brought back to the next meeting of the Committee.

3. 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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee noted the procedure for hearing objections and meeting guidance.

5. DEFERRED ITEMS**5.1 Land at rear of 81-147 Candy Street And Wendon Street, London, E3 (PA/14/00623)**

It was reported that the application had been withdrawn from the agenda for further discussions between the Council, the applicant and the London Legacy Development Corporation about the impact on Candy Street of their work to replace the bridge at Crown Close.

It was explained that since agenda publication, the LLDC had provided further information about their work and it was important that this information was considered by the Applicant, Officers and the LLDC before it came back to the Committee.

6. PLANNING APPLICATIONS FOR DECISION**6.1 Land Between St Pauls Way and Masjid Lane, including Linton House, Printon house and the Burdett Estate Community Centre, St Pauls Way, E3 (PA/14/02618)**

Update Report Tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application and also application 6.2. Burdett Community Square, Land off Masjid Lane, St Pauls Way, London E14 (PA/14/03243). It was reported that the items would be considered together given the relationship between the two applications. However there would be separate votes on the applications and that they should be considered on their own planning merits.

The Chair then invited registered speakers to address the Committee.

Juned Miah and Azad Miah spoke in objection to item 6.1. The speakers drew attention to the large number of objections to the application including a petition with over 500 signatures and over 200 pro forma letters. Their main issue was with Poplar Harca and the TH Mayor and the lack of engagement with the community over the scheme. Many letters had been sent to them requesting that they listen to the concerns. Yet to date, this they had not done so and the promised further meeting between the two sides had not been arranged. The application should be refused until the two sides had discussed the issue and found a solution given the strength of local feeling. Information about the impact of the scheme had been sent to Committee Members by the objectors.

The speakers also expressed concern about the impact of the development on the well-established local community. It would fundamentally change the character of the area due to its scale and location at the heart of the community. They also felt that the scheme would lead to overdevelopment of the area given the density of the area (including schools), the lack of community facilities, the loss of green space at the site and the impact on neighbouring amenity. They also expressed concern about the quality of the open space in terms of location and quality of the play equipment.

The speakers questioned the need for a further school at this site, in addition to the recently expanded Stebon Primary School, given the lack of educational facilities for other age groups. The speakers noted the need for education facilities in the Borough but felt that in view of the issues, another site should be found.

In response to questions from Councillors, the speakers explained their concerns about the lack of consultation in further detail. Residents had attended a meeting with the Applicant and the Mayor where it was agreed that a further meeting was to be arranged but this had not happened. The speakers also clarified the nature of their objections around overdevelopment and expressed concern about the noise impact from the school as many residents worked shift work. Mr Azad Miah stated that he was mainly concerned with the impact of the scale of the scheme on the community rather than the impact on the housing mix.

In relation to item 6.2, the speakers explained that their main concern was with Poplar Harca and their failure to consult residents on the plans and previous schemes. This second application was an afterthought to mitigate the impact of the first application showing that that application was flawed. Concern was also expressed about the quality of the space in terms of poor location and whether the community space would be open to the public. The St Paul's Way School had a track record of not honouring their pledge to allow public access to community facilities. So it was feared that the same thing would happen here. In response to questions from Members, concern was expressed about the loss of access route to the estate and the lack of proposed child play equipment for the proposal.

Neal Hunt (Applicant's agent) and Graham Price (St Paul's Way Trust) spoke in support of item 6.1. They drew attention to St Paul's Way regeneration scheme and the works already delivered under this. Similar mixed used schemes had been approved in other Boroughs. The concept would allow the scheme to be delivered earlier than a new build school. All existing tenants would be rehoused with the same rights. The scheme would result in an increase in family size affordable units by habitable room and significantly expand the capacity of the Mosque.

They also explained the make up of St Paul's Way Trust partnership and the merits of through schools in terms of academic performance. They gave specific examples of how the proposed through school would improve performance. It was necessary that the proposed school should be close to the St Paul's Way secondary school to safeguard entry to the school in view

of the admissions criteria. There were no plans to deviate from the entrance criteria. The applicant had engaged extensively with the community on the plans and had engaged with parents at an early stage over a number of years and places had been allocated to students from the Burdett Estate. They also explained the nature of the new community facilities, the measures to protect overlooking from the residential units and to minimise the noise impact from the school.

In response to questions from Councillors, it was clarified that the applicant had held meetings with the community at the St Paul's Way Centre and had not refused to meet objectors. They had taken on board the concerns of residents, particularly about the need for open space. It was pointed out that the plans at 6.2 stemmed from such discussions. This was why the scheme was developed after this application.

In response to further questions, the speakers confirmed the housing mix in the new scheme compared to the existing development.. The Trust were working closely with the Stebon Primary to manage the relationship between the proposed school and that school. Such measures would include staggering entry times to the schools.

They also noted the concerns about the community use of the school facilities. Steps were being taken to address this

Turning to item 6.2, it was reported that the scheme sought to provide good quality open space to address residents concerns regarding 6.1. The play space would be equipped with play equipment. The Applicant would work with the residents in delivering the proposal and to address ASB. The open space would be maintained to the highest possible standard. In response to questions from Councillors, it was stated that the plans should held address ASB in the area. The parking on site would be replaced.

The representatives also estimated the value of the proposal as a financial contribution and apologised for past mistakes regarding the timing of the works to the Community Centre and the Stebon school. Steps were taken to mitigate this.

Tim Ross (Planning Officer, Development and Renewal) presented the detailed report and the update for items 6.1 and 6.2 that were both stand alone applications and should be considered on their own planning merits. In relation to 6.1, he explained the site location, the existing use of the site including the location of Stebon Primary and the housing mix of Linton and Printon House. He also described the layout of the scheme, the proposed school and nursery, the play area, the facilities that would be open to the community for use and the appearance of the new Mosque. He also described the servicing and refuse collection arrangements, the proposed car parking and cycle parking.

It was considered that the height, scale and appearance of the scheme was acceptable and would enhance the area. Details of this was explained. The density fell within the London Plan density range.

The scheme would deliver good quality private and affordable housing and there would be an uplift of affordable housing by habitable room. This included a number of large family houses. The impact on neighbouring amenity was acceptable and generally complied with policy. The impact on the properties most adversely affected in terms of sun light and day light was explained. Consultation had been carried out and the issues raised in objection were noted. In view of the merits of the scheme, Officers recommended that the scheme was granted planning permission.

In relation to item 6.2, Members were advised of the key features of the application, including current use of the site, the nature of the proposed open space and the plans to improve the permeability of the site. They also received a summary of the outcome of the consultation. In view of the merits of the scheme, Officers were recommending that the scheme was granted.

In response to Members questions, Officers referred to the level of planning contributions. According to the viability testing, the maximum amount had been secured. A contribution for education had not been sought as the plans sought to provide a school. The new school would be funded by government grant. Other schools coming forward would be funded by s106 contributions. The plans would provide much needed larger affordable units and accordingly to housing colleagues, there was a particular need for such accommodation in this area and for the new intermediate units. Jen Pepper (LBTH Affordable Housing Programmes Manager) was present to answer questions about the housing plans. She also gave an update on progress with rehousing the existing tenants of Linton and Printon House.

Whilst there would be a net loss of social housing, it was considered that the scheme satisfied the policy tests for assessing such applications where they are part of an estate regeneration programme and there were exceptional circumstances (provision of a new school and larger Mosque) that justified such a loss. Officer drew attention to the policy tests set out in the report.

In response to further questions, Pat Watson (LBTH, Head of Building Development Resources) explained the need for a new school given that the Stebon Primary school had already reached maximum capacity following expansion. The evidence showed that this was a great deal of demand for school places in this area. It was required by condition that a Travel Plan be submitted and this could deal with any impact on the highway from the schools. It was also reported that there would be a canopy around the play areas of the school and aspects of the residential buildings would be set back to prevent overlooking. Consideration could be given to further measures to restrict noise from the proposal such as restricting the opening hours of the ball court.

There had been door stop consultations with the occupants of Linton and Printon House, presentations to the Burdett Estate Board and regular updates in the Burdett Estate Newsletter. Consultations events were held in summer 2014 with a good turn out and the feedback from the proposals was mixed. A Statement of Community Involvement had been submitted for the scheme that

detailed the consultation. Officers summarised the concerns raised in the Burdett Estate Board letter dated 9th March which were summarised in the Committee report

The Committee felt that Poplar Harca needed to take on board the concerns of the residents and work closely with them in delivering the scheme if granted to address any concerns.

The applicant had met with the management for the Mosque to discuss the plans for the Mosque. The Applicant explained that the terms of the new lease mirrored those in the existing agreement. It was also reported that it would be subject to periodic review with the intention of granting a lifetime lease and that the current management would continue to run the facility. This would be secured under the legal agreement.

On a vote of 4 in favour and 3 against with the Chair using a casting vote in favour, the Committee **RESOLVED**:

1. That planning permission be **GRANTED** at Land Between St Pauls Way and Masjid Lane, including Linton House, Printon house and the Burdett Estate Community Centre, St Pauls Way, E3 for the demolition of Linton House, Printon House, the Burdett Community Centre building and Mosque to facilitate the redevelopment of the site to create a two-form entry primary school and nursery (Use Class D1), a two storey Mosque (Use Class D1) and 3 residential blocks ranging between 4 and 8 storeys to provide 109 new dwellings (10x studio, 40x 1 bed, 31x 2 bed, 22x 3 bed, and 6x 4 bed), a new ball court, children's play space, amenity space and cycle parking

Subject to:

2. The prior completion (within three months) of a legal agreement to secure the planning obligations set out in the Committee report and the Update report.
3. That the Corporate Director Development & Renewal and the Service Head (Legal Services) are delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the matters set out in the Committee report and the Update Report.
5. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

6.2 **Burdett Community Square, Land off Masjid Lane, St Pauls Way, London E14 (PA/14/03243)**

Update Report Tabled.

For details of the discussion, see above minute.

Officers proposed additional conditions to the application regarding the management of the open space which was agreed by the Committee.

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

1. That planning permission be **GRANTED** at Burdett Community Square, Land off Masjid Lane, St Pauls Way, London E14 for the demolition of a block of seven domestic garages and the introduction of a new publicly accessible open space incorporating a landscaped garden area, revised car parking layout, additional tree planting and improved boundary treatment,

Subject to:

2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the matters set out in the Committee report and the update report and the following conditions:
 - Landscaping Management and Maintenance Plan for the open space.
 - Completion of a legal agreement or unilateral undertaking to secure public access to the open space in perpetuity.

6.3 **95 New Road, London, E1 1HH (PA/14/02772)**

Paul Buckenham (Development Manager, Development and Renewal) introduced the application and the update.

Shahara Ali-Hempstead, (Planning Officer) presented the detailed report explaining the site location, appearance of the scheme and the issues raised in consultation that were addressed in the committee report.

Whilst mindful of the steps to restrict A3 uses along New Road to prevent overconcentration of such uses, it was not felt that the proposal would add to the concentration of such uses as it only sought to extent the existing use. It was also considered that the loss of the retail unit was acceptable given the proximity of the site to a number of retail units. The scale, mass and appearance of the extension was acceptable and would be in keeping with the character and appearance of the conservation area. The proposal would retain and re-introduce original features and a traditional style shop front would be installed. There were measures to protect residential amenity and the impact on highways would be acceptable given the good PTLA rating for the

site and lack of on street parking spaces on New Road. Whilst the proposed housing mix did not meet planning policy, the quality of the residential accommodation exceeded minimum standards and responded to the size constraints of the site. Given the merits of the scheme, Officers were recommended that it was granted planning permission.

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

1. That planning permission be **GRANTED** at 95 New Road, London, E1 1HH for change of use of the basement to restaurant A3 use, retention of ground floor restaurant use and addition of a 3rd floor to create 3 x studio flats
2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.

6.4 The Forge, 397 & 411 Westferry Road, London, E14 3AE (PA/14/02753 and PA/14/02754)

Update Report Tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application and the update.

Mohan Chandegra, Tom Ridge and Councillors Andrew Wood and Andrew Cregan (ward Councillor) spoke in objection to the application. They objected to the harm to the Grade 11 listed warehouse and the Conservation Area from the proposed changes in view of its historic value as the last remaining iron ship building forge in London. In particular, they expressed concern at the internal divisions and the plans to install a new external door for the retail unit. It was questioned why this additional door was needed in view of the harm it would cause to the building? Consideration should be given to use of the existing entrance as an alternative. It was requested that the building should be leased as a single space in accordance with the 2007 planning permission granted for the building. History Boards should also be put up for the building.

They also objected to the impact on the Post Office as a result of the proposal. The scheme would undermine the viability of the facility by removing the subsidy derived from the adjacent shop, if this had to close due to a dilution in trade. Many local residents trusted and relied on the Post Office and it had been there for many years.

It was also felt that there was a lack of parking on Westferry Road for a retail store, especially for delivery vehicles. The delivery vehicles would obstruct traffic along the highway, which would be very dangerous. If granted there should be conditions limiting the size of the delivery vehicles and that only one delivery vehicle should be allowed to be there at any time. In response to this, Officers felt that a planning condition restricting use of the public highway could not be enforced.

In response to questions from Councillors, the speakers noted the support for a commercial unit at the site but on balance felt that the harm caused to the building would outweigh this along with the other concerns. They also explained in further detail their concerns about the internal divisions and the proposed new external access to cater for the requirements of the retail unit.

David Brown (Applicants Agent) spoke in support of the scheme, highlighting the results of the marketing exercise that supported the scheme. The Applicant had worked hard to address the concerns with the previously refused scheme. The report showed that the scale and appearance of the scheme was acceptable and it would improve the viability of the Town Centre. The Council's Conservation Officer, Transport for London and Highways had no concerns about the impact on the scheme. The scheme would bring the longstanding vacant building back into use, whilst protecting the special features of the listed building. In view of the merits, it was recommended that the scheme should be granted planning permission.

Brett McAllister, (Planning Officer, Development and Renewal) presented the detailed report explaining the planning history for the site, the site location, surrounds, the outcome of the local consultation and the issues raised. He also explained the main features of the listed building and referred to the Town Centre policies that supported the location of such uses at the edge of town centres where appropriate.

The building had been vacant for a number of years and the evidence from the marking assessment, that had been independently reviewed, showed that there was a lack of demand for the current warehouse type use but there was a demand for the proposed use. The impact study also showed that the proposal would preserve the character of the listed building and the public benefits of the scheme would outweigh the less than substantial harm to the building. Many of the changes would be reversible.

Details of the main changes were explained including the proposed new access point, the requirements under the Listed Building Consent, the plans to relocate car parking spaces and the measures to improve the servicing arrangements compared to the previous scheme. LBTH Highways had no concerns about the scheme.

A noise impact assessment had been submitted and Officers were satisfied with this subject to the conditions. There were conditions restricting the hours of operation and that a Site Management Plan be submitted amongst other matters. Officers were recommending that the application was granted permission.

In response, Members asked questions about:

- The need for the new entrance for the retail unit given the concerns about the impact on the listed building.
- The suitability of the existing entrance as an alternative entrance for the retail unit to minimise the impact on the building.

- The impact of the proposal on the internal features and how such features would be safeguarded.
- The proximity of the scheme to the Town Centre given that the policy appeared to direct retail uses to Town Centre locations. It was feared that the proposal could undermine the viability of the Town Centre given the location.
- Whether the units could be divided into smaller office units
- Whether the proposed commercial units could be provided in other emerging schemes.

Some concern was also expressed about the marking exercise to justify the change of use. It was questioned whether more could have been done to bring the warehouse back into use without the changes. It was commented that the only justification appeared to be that the building had been vacant for so long.

In response, Officers clarified that the scheme sought to provide separate uses, so separate entrances were required. The Council's Conservation Officer had considered these proposals and was of the view that they were the most sensible option to minimise the impact on the listed building. The submitted marketing material showed that due to the large floor plates, amongst other issues, there was a lack of demand for the building in its current use. No consideration had been given to dividing down the proposed office space further and competition from the office space in Canary Wharf should be taken into account. There would be strict conditions to manage any internal installations under the Listed Building Consent and any further changes to the building would require further planning consent.

It was considered that the land use was acceptable taking into account two key factors - that it would bring the disused building back into use and the policy in the Core Strategy that supported the development of local shops at the edge of Town Centres where there was a demonstrable need.

The Committee should consider this proposal on its planning merits rather than any opportunities to deliver the scheme as part of another residential scheme in the area that could not be guaranteed.

On a vote of 5 in favour and 1 against, the Committee **RESOLVED:**

That the application for Full Planning Permission and Listed Building Consent at The Forge, 397 & 411 Westferry Road, London, E14 3AE be **DEFERRED** for the following proposal to enable a site visit to be held to fully explore the impact of the proposal on the The Forge including the impact of the proposed external accesses and the internal changes.

- Change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394m² and net sales area (gross internal) of 277m²;
- Change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services,

restaurants and cafes, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1a, D1 and D2 with gross internal floor area 275.71m²;

- The remainder of the ground floor would be for office use split into 3 units (Use Class B1a)
- 297.17m² GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a)
- Internal and external changes and maintenance to the Forge to facilitate the change of use to retail convenience store including new customer access to the north west elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance;

6.5 598 Roman Road and land at rear of 596 Roman Road London, E3 2RW (PA/14/01567)

Councillor Shiria Khatun left the meeting before the consideration of this item.

Update Report Tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application and the update.

Jane Jin, (Planning Officer, Development and Renewal) presented the detailed report explaining the site and surrounds, the existing use of the site, the outcome of the consultation as detailed in the committee report. She also explained the key changes to the application, the appearance and layout of the scheme, the housing mix, the measures to protect privacy and the impact on the highway given the car free agreement. In view of the merits of the scheme, Officers were recommending that the application was granted planning permission.

In response, the Committee praised Officers for taking on the views of the Roman Road Town Centre Partnership and for negotiating the improvements to the scheme

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

That Planning Permission be **GRANTED** at 598 Roman Road and land at rear of 596 Roman Road London, E3 2RW for:

- Change of use of part of rear ground floor retail area and conversion to refuse storage area, creation of new entrance doorway to upper floor flats, erection of ground and 2nd floor rear extension associated with the creation of 2 x 2 bed flat at first and second floors;

- Formation of new residential access point from Hewison Street and provision of associated cycle parking and refuse disposal arrangement at rear of No.'s 596-598 Roman Road
- Replacement roof slates on the front elevation of 598 Roman Road.

Subject to the conditions and informatives set out in the Committee report:

Councillor Suluk Ahmed did not vote on this item having not been present throughout the consideration of the item.

7. OTHER PLANNING MATTERS

7.1 St Pauls Primary School, Wellclose Square, London E1 8HY (PA/14/01181)

Application withdrawn from the agenda.

This was because the school was owned by the London Diocesan Board for Schools not LBTH. Therefore, the application could be dealt with under delegated powers.

The meeting ended at 11.15 p.m.

Chair, Councillor Sirajul Islam
Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under Council Constitution, Part.4.8, Development Committee Procedural Rules.

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none">• Development Committee Procedural Rules - Part 4.8 of the Council's Constitution (Rules of Procedure).• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council's Constitution (Responsibility for Functions).• Terms of Reference for the Development Committee - Part 3.3.4 of the Council's Constitution (Responsibility for Functions).	 <p>Council's Constitution</p>

Agenda Item 6

Committee: Development	Date: 9 th April 2015	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): 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 HEAD OF 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 London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 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 and any other material 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.

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:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

- 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 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.
- 3.7 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.
- 3.8 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 the relevant Agenda Item.

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: Development	Date: 9 th April 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Adam Hussain	Ref No: PA/14/03424 (Full Planning Application)
	Ward: Weavers

1. APPLICATION DETAILS

Location: 281-285 Bethnal Green Road, E2 6AH

Existing Use: Clothing Distributor (Use Class B8)

Proposal: Demolition of existing buildings and redevelopment of the site to provide a residential led mixed use development, comprising the retention of the existing façade to the Bethnal Green Road frontage, erection of two five-storey buildings (with basement) to provide 21 dwellings and 130 sqm of commercial space falling within use classes A1, A2, B1, D1 and/or D2, plus cycle parking, refuse/recycling facilities and access together with communal and private amenity space.

Drawings and documents: List of Plans:

Existing:

1441(PL)020
1441(PL)021
1441(PL)030
1441(PL)002
1441(PL)003
1441(PL)004

Proposed

1441(PL)100 Rev A
1441(PL)101 Rev B
1441(PL)102 Rev A
1441(PL)103 Rev A
1441(PL)104
1441(PL)105 Rev A
1441(PL)106 Rev A
1441(PL)111 Rev A
1441(PL)112 Rev B
1441(PL)113 Rev A
114(PL)114 Rev A
114(PL)115 Rev A

114(PL)116
114(PL)117 Rev A
114(PL)118
114(PL)119
114(PL)120
114(PL)121 Rev A
114(PL)122
114(PL)123 Rev A
114(PL)200 Rev A
114(PL)201 Rev A
114(PL)202 Rev A
114(PL)203 Rev A
114(PL)204 Rev A
114(PL)205 Rev A
114(PL)210 Rev A
114(PL)211 Rev A
114(PL)212 Rev A
114(PL)213 Rev A
114(PL)300 Rev A

Documents:

- Design and Access Statement
- Planning Statement
- Daylight and Sunlight Study
- Transport Statement
- Noise Report
- Energy & Sustainability Reports
- Marketing Report
- Land Contamination Report
- Question of Listing Report
- Structural Method Statement Report

Applicant: Bethnal Green Innovations Ltd.
Ownership: Mr & Mrs Frankle, 281-285 Bethnal Green Road, E2
Historic Building: None.
Conservation Area: None.

2. EXECUTIVE SUMMARY

- 2.1 The report considers an application for full planning permission for part-demolition of the existing building, and construction of two five-storey buildings fronting Bethnal Green Road and Florida Street respectively. The proposal includes retention of the façade of the existing building, incorporated into the design of the Bethnal Green Road building. The proposal would provide a total of 21 dwellings, including 5 affordable units, as well as 130sq.m of flexible (use class A1/A2/B1/D1/D2) floorspace.

- 2.2 Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The development would result in the provision of 30% affordable housing.
- 2.4 The residential quality of the scheme would be good. The proposal would include two family sized affordable rented units with generous sized amenity spaces. All of the proposed units would meet or exceed floorspace and layout standards, and overall will exceed minimum amenity standards including a communal courtyard in the centre of the development. All of the dwellings would meet Code of Sustainable Homes and Lifetime Homes standards and 10% would be provided as wheelchair accessible.
- 2.5 The report explains that the existing building is a former picturehouse constructed in 1913, and remodelled in an Art Deco style in the late 1930s. Since the 1970s it has been in use as a warehouse by Frankle Trimmings, a fashion distributor. An application for Statutorily Listing this building was turned down by English Heritage in August 2014. The report explains that in retaining the front façade, and incorporating it into the proposed design, the proposal retains the elements of the existing building of most significance and reinstates lost features.
- 2.6 The report explains that the proposal would be acceptable in terms of height, scale, design and appearance and would deliver good quality homes in a sustainable location.
- 2.7 The amenity impact of the development would be acceptable, in terms of overshadowing/ loss of light, overlooking/ loss of privacy or loss of outlook/ sense of enclosure. Subject to appropriate conditions, noise and vibration during construction will be mitigated to avoid disturbance to neighbouring residential properties.
- 2.4 The proposal would be acceptable with regard to highway and transportation matters, including access and servicing.
- 2.9 The scheme would meet the full reasonable planning obligations, in addition to payment of Borough CIL.

3. RECOMMENDATION

- 3.1 That the Development Committee resolve to **GRANT** planning permission subject to:
 - A. Any **direction** by **The London Mayor**
 - B. The prior completion of a **legal agreement** to secure the following planning obligations:
- 3.2 Financial Obligations:
 - (a) A contribution of £9,900 towards carbon reduction.
 - (b) A contribution of £5,839 towards providing employment & training skills for local residents.

Total: £15,739

3.3 Non-Financial Obligations:

(a) 30% affordable housing, by habitable room (5 units) within the B-Block on Florida Street:

- 65% affordable rent, at Borough rent levels for E2. (3 units).
- 35% intermediate. (2 units).

(b) Employment and Training Strategy including access to employment (20% Local Procurement; 20% Local Labour in Construction).

(c) On-street parking permit free development.

(d) Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.

3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

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

3.6 **CONDITIONS & INFORMATIVES on FULL PLANNING PERMISSION**

3.3 'Compliance' Conditions

1. Time Limit 3 years
2. Compliance with plans and documents
3. Hours of construction
4. Hours of operation for outdoor area
5. Hours of operation for covered seating area/ retractable roof
6. Obscure glazing on windows
7. No impact piling without consultation with Thames Water
8. Cycle parking to be provided prior to occupation
9. Refuse store to be provided prior to occupation
10. Lifetime Homes Standards
11. Secure By Design
12. S278 Agreement

3.7 'Prior to commencement' Conditions

13. Construction Management Plan
14. Scheme of Highways Works (S.278)
15. Schedule of conditions survey for London Underground
16. Contaminated Land
17. Submission of details and samples of all facing materials including windows, balustrades and screening
18. Landscaping and boundary treatment details including detail of biodiverse roofs
19. Details of Wheelchair Units
20. Car-free agreement
21. Details of sound insulation

3.8 Prior to Occupation

22. Schedule of conditions survey for London underground post completion
23. Opening hours of commercial units.
24. Post completion Noise testing

3.9 Within 3 months of Occupation

25. Code for Sustainable Homes Level 4 Post-completion certificate

3.10 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

3.11 Informative

1. Compliance with Environmental Health Legislation
2. Compliance with Building Regulations
3. S278

4. **SITE AND SURROUNDINGS**

4.1 The application site (0.0775ha) stretches the depth of this urban block, with a frontage on Bethnal Green Road, and the southern side of Florida Street. The site is occupied by a single-storey building covering the full footprint of the site, in use as a warehouse and distribution centre (use class B8) for the company Frankle Trimmings.

4.2 The building was constructed in 1913, designed by architect Philip Tree, as an entertainment venue with a stage showing films and musicals. It went through some alterations in the 1920s, followed by a more comprehensive remodelling in 1938/39 by George Coles, in the Art Deco style. At this time it became known as the Rex Cinema. In the late 1940s the site was in use as a bingo hall, and since the 1970s has been owned and occupied by Frankle Trimmings. The front elevation has a central in-curving section with horizontal ribs and a tower comprised of multiple sections. Formerly the tower was taller and had a neon sign bearing the name of the cinema. The building also previously included a projecting canopy.

4.3 Fronting Bethnal Green Road the site adjoins nos. 287-289 Bethnal Green Road, to the east. This is a three-storey terrace plus mansard roof, with commercial units at ground floor and flats above. A first floor roof terrace is located to the rear. To the west, the site adjoins 277-279 Bethnal Green Road. These are three-storey properties with commercial at ground floor level and office accommodation on upper floors. To the rear these properties have single-storey extensions occupying the rear yards.

4.4 Florida Street is quieter in character, a predominantly residential area. Adjoining the site to the east is a part two/part five storey development of residential and live/work units, called 'Florida Studios'. To the west, approximately midway through the site is a three storey residential development, 'Carly Mews', facing southwards. Behind this development, adjacent to the application site, are the rear gardens of 36-40 Florida Street. This is a four-storey residential block on the corner of Florida and Roberta Street. Directly opposite the application site is the flank wall of an eleven-storey residential block, Johnson House, which is located on the eastern side of Roberta

Street. Approximately 60m, to the north-east, is a public park, and Weaver's Fields park is approximately 120m to the south-east. To the east, on the corner of Florida Street and Squirries Street is Bethnal Green Health Centre.

- 4.5 The site is not within a conservation area and the existing building is not locally or statutorily listed.
- 4.6 Bethnal Green town centre is approximately 60m to the east. The site's public transport accessibility level is 6a this reflects its proximity to the Shoreditch High Street Overground Station, Bethnal Green National Rail, and Bethnal Green Underground Station. Business and visitor parking bays are in front of the site on Bethnal Green Road and resident parking bays are on Florida Street.
- 4.7 Site is within the GLA's City Fringe boundary – outside the core growth area but within the wider hinterland.

5 RELEVANT PLANNING HISTORY

- 5.1 **PA/76/00334:** Change of use from bingo hall to wholesale warehouse and showroom, including creation of rear vehicular access. Permitted 7/10/1976.
- 5.2 **BG/91/00154:** Conversion of rear store to form a garage for two cars, including new shutter doors and cross-over to Florida Street. Permitted 22/08/1991.

6 DETAILS OF THE PROPOSED DEVELOPMENT

- 6.1 This application proposes redevelopment of the site, comprises part-demolition of existing buildings with retention of the front façade, construction of 2 x five-storey buildings, fronting Bethnal Green Road and Florida Street respectively, providing 21 dwellings and 130sq.m of commercial floorspace (flexible use class A1/A2/B1/D1/D2). The site would provide a central courtyard providing communal amenity space to the proposed residential units.
- 6.2 The Bethnal Green Road building is referred to from hereon as 'Block A'. The ground and first floor of this block incorporates the retained façade of the existing building. As existing, the ground floor and part of the first floor follow the front building line of the site. The elevations are altered with the introduction of new fenestration, providing shopfronts and residential entrances at ground floor level, and residential windows at first floor. The retained first floor has a central curved element which would be fenestrated with folding doors. On upper floors, as with the existing first floor, the development is set back by up to 3m, with the fourth floor behind a proposed parapet, set back a further 2.5m.
- 6.3 The footprint of block A is approximately 250sq.m. At ground floor level the development would provide 2 x commercial units measuring 84.5sq.m and 46sq.m each. These would have individual shopfronts separated by a central residential entrance leading to a central corridor providing stairwell and lift access to upper floors, and leading to the communal courtyard to the rear of this block. On upper floors residential units would be dual aspect. There would be two units each on the first to third floors, with external balconies of approximately 8sq.m to 9sq.m. At fourth floor there would be one residential unit with a terrace of approximately 18sq.m.

- 6.4 'Block B' fronting Florida Street would be a four-storey building, with an in-set fifth floor. It would measure a maximum of 14.5m high, 17m wide (full-width of the plot), and 14.5m deep. This would be a wholly residential block, with 14 units comprising affordable rent, intermediate and market tenures. 10 of the 14 residential units would be dual-aspect, with no north facing single-aspect. Private amenity would be provided in the form of balconies ranging from 6sq.m to 13.5sq.m. The block also includes two family duplex units over ground and lower ground, with private courtyard amenity of 25sq.m and 50sq.m.
- 6.5 The detailed design of the elevations of the development take cues from the art deco era of the existing building. The Bethnal Green Road frontage proposes a white through colour render, and a horizontal emphasis to the fenestration on each floor. The building retains the central curved section at first floor with its outer elements extending to the front of the building. The existing fin-like tower, extended in height, serves as the central feature to the elevation. The application proposes referencing the name of the former cinema, 'The Rex', with signage to the central fin and on a new projecting canopy at ground floor level. A ceramic glazed brickwork is proposed to the base of the proposed shopfront. Decorative metalwork, proposed as an art deco motif, would feature as the residential entrance gate and as balustrading at first floor.
- 6.6 On Florida Street the primary material is a white or cream brick, over first to third floors. The recessed ground floor level with front boundary wall is finished in a ceramic brick. On upper floors the glazing is set within horizontal projecting frames with glazing units set next to glazed mosaic tiles. Fronting the stairwell over four floors is a glazed frontage overlaid with a galvanised steel screen in an art deco design. The inset fifth floor is finished with a metal panel cladding and detailed with a green enamel soffit.
- 6.7 The development would be constructed to Code for Sustainable Homes Level 4 and Lifetime Homes Standards. 10% (2 units) of the proposed dwellings, being two affordable rent units, would be wheelchair adaptable.
- 6.8 Amendments during application
- Affordable Housing Increased from 19% to 30%.
 - Affordable Rent size mix changed from 1 x 1-bed, 1 x 2-bed & 1 x 3-bed, to 1 x 2-bed & 2 x 3-bed.
 - Depth of lower ground floor private gardens increased from 2.4m and 7.2m to 4m and 7.5m.
 - Design and location of cycle store amended.
 - Proposed A4 (drinking establishments) use omitted from commercial units.
 - Proposed rear outdoor space for commercial unit omitted.
 - Amendments to balconies and obscure glazing of flank windows, Block B.

7 POLICY FRAMEWORK

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of applications must be made in accordance with the plan unless material considerations indicate otherwise.

- 7.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:
- 7.3 Government Planning Policy
 NPPF - National Planning Policy Framework (2012)
 NPPG- National Planning Policy Guidance (2014)
- 7.4 Spatial Development Strategy for Greater London - London Plan 2011
Further Alterations to the London Plan (FALP) 2015
 2.10 Central Activities Zone (Strategic Priorities)
 2.11 Central Activities Zone (Strategic Functions)
 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 Recreational Facilities
 3.8 Housing Choices
 3.9 Mixed and Balanced Communities
 3.10 Definition of Affordable Housing
 3.11 Affordable Housing Targets
 3.12 Negotiating Affordable Housing
 3.13 Affordable Housing Thresholds
 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
 6.2 Providing Public Transport Capacity and Safeguarding Land for Transport
 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

- 7.5 Tower Hamlets Adopted Core Strategy 2010
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
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

7.6 Managing Development Documents 2013

- DM1 Development within the Town Centre Hierarchy
DM2 Local Shops
DM3 Delivering Homes
DM4 Housing Standards and Amenity Space
DM11 Living Buildings and Biodiversity
DM13 Sustainable Drainage
DM14 Managing Waste
DM15 Local Job Creation and Investment
DM20 Supporting a Sustainable Transport Network
DM21 Sustainable Transportation of Freight
DM22 Parking
DM23 Streets and 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

7.7 Supplementary Planning Documents

- LBTH Planning Obligations SPD
GLA City Fringe Opportunity Area Planning Framework

8.0 CONSULTATION RESPONSE

- 8.1 The following were consulted with regard to the application. Responses are summarised below. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 10 of this report which addresses the various material planning considerations but where appropriate, comment is also made in response to specific issues raised as part of the consultation process.

External Consultees

London Underground

- 8.2 The submitted plan shows the alignment of the Central Line underground in relation to the application site. Though we have no objection in principle to the above planning application there are a number of constraints on the redevelopment of a site situated close to underground tunnels and infrastructure. Therefore it will need to be demonstrated to the satisfaction of LUL engineers that: i) the development will not have a detrimental effect on LUL tunnels and structures either in the short or long term, ii) the design must be such that the loading imposed on our tunnels or

structures is not increased or removed, iii) we offer no right of support to the development or land. Therefore, we request the grant of planning permission be subject to a pre-commencement condition as proposed.

(Officer comment: Proposed condition will be added to permission)

Thames Water

- 8.3 Recommend a number of conditions and informatives relating to drainage and foundation piling methods.

(Officer comment: conditions and informatives to be added to permission)

Secured by Design Officer

- 8.4 Satisfied with proposed detail, including second security door.

(Officer comment: Secure by design features to be secured by condition).

London Fire and Emergency Planning Authority

- 8.5 No comments received.

English Heritage

- 8.6 No comment. Do not require consultation.

Transport for London

- 8.7 Not a TfL Highway, do not intend to comment.

Internal Consultees

Housing Strategy

- 8.8 The applicant's initial offer was a 19% quantum of affordable housing, this fell well below the Council's minimum requirement of 35%. The applicant had cited scheme viability constraints. The applicant's viability toolkit was subsequently reviewed independently. The review concluded that the scheme could actually deliver a 30% quantum of affordable housing. The applicant has accepted the outcome of the toolkit review and is now proposing to deliver the 30% quantum of affordable housing, in line with the independent review.

- 8.9 The tenure split within the affordable is 65:35 in favour of rented. This falls between 70:30 Council target and 60:40 London Plan target and is therefore acceptable in this instance.

- 8.10 The applicant will need to confirm that the rented units will come forward in line with Borough Framework Rent levels which for the E2 postcode, inclusive of service charges must not exceed:

1 bed £209
2 bed £240
3 bed £276
4 bed £303

(Officer comment: These rent levels are confirmed and will be secured within the legal agreement).

- 8.11 The tenure mix within the rented units is 33% two beds against a policy target of 25% and 67% three beds against a policy target of 30%. There is no provision of 1 beds. However we note that the sum total of rented is just 3 units and accept the offer of the two 3 bed units.
- 8.12 The mix within the intermediate is for 50% two beds against a target of 50% and 50% three beds and larger against a target of 25%. There is no provision of intermediate one beds, however we appreciate that there are only 2 intermediate units in total.
- 8.13 The 3 bed plus units are designed with a second w/c, this is welcomed. The rented 3 bed units are designed with separate kitchen / living room arrangements, this is welcomed.
- 8.14 All of the units exceed the Council's minimum space standards. A Preferred Registered Provider (RP) of affordable housing has also reviewed the scheme design and has confirmed interest in taking on the affordable units.
- 8.15 The applicant should ensure that the balconies comply with the Council's standards (which match those set by the London Plan), that is balconies should be a minimum 5sqm for a 1 to 2 person dwelling and then an extra 1sqm for each additional occupant i.e. for a 3 bed 5 person unit the minimum balcony size will need to be 8sqm. Furthermore, balconies and other external spaces should have a minimum width of 1500mm.
- 8.16 The applicant has identified two rented units as wheelchair accessible, this represents 10% of the overall scheme which matches the Council's policy target. Housing requests a condition that the applicant submits scale 1:50 plans of the rented wheelchair unit types. A disabled parking space for the wheelchairs units should also be provided.
- (Officer comment: These matters are discussed under the 'Housing' heading within the 'Material Considerations' section of the report. A condition on details of wheelchair units is included, and one on-street disabled parking bay is proposed on Florida Street, to be secured through the applicant's s278 agreement)*

Environmental Health - Contamination

- 8.17 The site has been identified as containing potential contaminants and as such a strategy for dealing with the contamination is requested by condition.
- (Officer Comment: Suggested condition to be added to permission)*

Environmental Health - Noise and Vibration

- 8.18 The proposed development will experience high levels of noise from local road traffic along the Bethnal Green Road. The NPSE (Noise Policy Statement for England) would also consider that this site falls within a SOAEL, as the environment here will have significantly adverse effects on the health and the quality of life for any future occupants.
- 8.19 The design of the development is also an important factor at this location as many of the habitable rooms will overlook a major road. Whilst we would not object to the development, our recommendation would be that the design is reviewed carefully.

- 8.20 If the site is to be used, a high degree of sound insulation will be required to meet the council's standards. LBTH's requirement is the previously defined "good" standard of BS8233, especially at night-time. The building should also incorporate a high degree of sound insulation between any residential and commercial areas. We would recommend a sound insulation performance of at least 55 dB between any residential premises and commercial areas.
- 8.21 Other conflicts of use are likely to occur at this development between the residential areas and any commercial cooking activities, boiler rooms, extract systems, required air-conditioning and ventilation. Also the use of any other mechanical and electrical plant; servicing and delivery issues may also cause conflicting noise issues.
- 8.22 Any kitchen extract plant must meet the Defra guidance for noise and odour. Any required construction, demolition and delivery (lorry) noise impacts should be fully taken into consideration in a construction environmental management plan (CEMP). This should also take into consideration the council's own code of construction practice and working hours.
(Officer comment: These matters are discussed under the 'Standard of Residential Accommodation' heading within the 'Material Considerations' section of the report. A condition on the construction management plan is included).
- LBTH Transportation & Highways
- 8.23 Highways require issues related to cycle spaces and refuse area to be resolved before the planning permission is granted.
- 8.24 CAR PARKING:
Highways require a section 106 'car and permit' free agreement for this development as it is located in excellent PTAL area (PTAL 6a).
(Officer comment: Included within the proposed Section 106 obligations)
- 8.25 CYCLE SPACES:
Highways object to the proposed cycle parking design. There are numbers of spaces are not accessible and spaces are too tight. Therefore, the applicant is required to revise the drawings especially the curved section.
- 8.26 Moreover, the applicant is required to provide separate cycle parking facility for staff and visitors. The applicant is required to follow our guidelines to provide appropriate number of cycle spaces.
- 8.27 In addition, Highways prefer all cycle facility to be on the ground floor or have step free access. Therefore, the applicant is required to provide further information why these spaces cannot be provided on the ground floor.
(Officer comment: The proposed cycle store has been amended. This remains at lower ground floor level, but has omitted curved layout and staircase, and includes a cycle ramp so cycles need not be lifted. To supplement the lower ground store the proposal also includes 4 cycle spaces at ground floor level. This is considered acceptable and is discussed under the 'Transport and Access' heading within the 'Material Considerations' section of the report).
- 8.28 REFUSE FACILITY:
There is no provision for on-site refuse storage has been identified in the proposed plan for residential and non-residential units. The applicant has stated that "Refuse stores are located on ground floor level to the rear of the ground floor commercial units". However, Highways is unable to locate dedicated refuse storage. Highways

will object to any proposal to store bins on public highways. Therefore, Highways would expect waste colleagues to comment on this further.

(Officer comment: Applicants have provided additional information confirming ground floor waste storage, acceptable to waste strategy officers).

8.29 DOOR:

The applicant is required provide details of the door opening outward towards Florida Street.

(Officer comment: Applicants have provided information confirming no outward opening doors on Florida Street are proposed).

8.30 CONDITION TO BE ATTACHED:

-Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development. The applicant is required to consult Wajid Majid to discuss the highway's improvement work required for this development and agree a S278 agreement.

(Officer comment: condition to be attached).

8.31 The applicant is required to Contributions towards the street scene and built environment within the Weavers area in addition to the street scene adjacent to the proposed development secured via the Section 106 process.

(Officer comment: This application is being considered under the Borough CIL regime, as such the proposed contributions would not be required. This is considered within the 'Section 106 and Borough CIL' heading within the 'Material Considerations' section of the report).

8.32 The applicant is required to submit a Construction Management Plan (CMP) to the local planning authority and receive written approval for the CMP.

(Officer comment :condition to be included).

LBTH Waste Policy and Development

8.33 Following provision of further information there is no objection to the proposed waste provision.

Energy Efficiency Team

8.34 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures including high efficiency gas boilers and MHVR and renewable energy technologies (15.5kWp / 81.6m2 PV array). The CO2 emission reductions proposed are supported and would result in a circa 28.6% reduction against the Building Regulations 2013.

8.35 Based on the current proposals there is a shortfall to policy DM29 requirements by 5.5 tonnes of regulated CO2. The Energy strategy identifies the requirement to meet the shortfall through a carbon offset payment and this approach is supported for the development.

8.36 For the proposed scheme it is recommended that a figure of **£9,900** is sought for carbon offset projects as identified in the submitted Energy Statement.

8.36 In terms of sustainability, the submitted Code for Sustainable Homes pre-assessment demonstrates how the development is currently designed to achieve Code level 4

rating with a score of 72.81. This is supported and this should be secured via an appropriately worded Condition with the final certificates being submitted to the council within 3 months of occupation.

(Officer Note: Conditions on Code for Sustainable Homes and PV panels included. Carbon off-set amount included in planning obligations).

8.37 The Cinema Theatre Association (CTA)

In the view of the CTA, English Heritage's inspection of the building was hampered by the difficulty of accessing surviving heritage features in the interior. CTA notes that application does try to retain key features of the façade, which is welcome. But we object to granting permission on the grounds that: 1. Insufficient consideration has been given to the possibility of a mixed-use scheme including a cinema, which would be appropriate in an improving area; integrity of the retained façade is undermined by the insertion of windows into its curved element; façade with its curved element and vertical fin should be kept separate from the block behind, not attached as proposed.

(Officer Note: This is considered under the 'Land Use' and 'Heritage, Design and Appearance' headings within the 'Material Considerations' section of the report).

8.38 East End Preservation Society

Building was not considered eligible for national listing; however, this does not detract from the local and social importance of historic buildings, and East End Preservation Society would strongly recommend that the application building be included on any local list produced by Tower Hamlets. Application does not adequately explore the potential for re-use of the building including uses that would incorporate distinctive and historic features. Concerns around insertion of features into façade.

(Officer Note: This is considered under the 'Land Use' and 'Heritage, Design and Appearance' headings within the 'Material Considerations' section of the report).

9. LOCAL REPRESENTATION

Statutory Consultation

9.1 Two site notices were displayed on 2nd January 2015. The proposal was advertised in the press on 12th January 2015. A total of 237 neighbouring addresses were notified in writing. 8 letters of objection have been received as well as one petition with 14 signatories. Objections from the following associations were received: Cinema Theatre Association and East End Preservation Society. The comments from these associations have been summarised in the consultees response section above.

9.2 For completeness, all issues raised in the neighbour objection letters and petition are summarised below.

9.3 The objections raised the following matters:

1) Loss of privacy/overlooking

(Officer Note: This is considered under the 'Neighbouring Amenity' heading within the 'Material Considerations' section of the report)

2) Increased sense of enclosure of adjoining properties

(Officer Note: This is considered under the 'Neighbouring Amenity' heading within the 'Material Considerations' section of the report)

3) Loss of light to adjoining apartments and gardens

(Officer Note: This is considered under the 'Neighbouring Amenity' heading within the 'Material Considerations' section of the report)

- 4) Increased pressure on stretched local services
(Officer Note: The density of the development, transport impacts, and financial contributions to Infrastructure through the Borough's Community Infrastructure Levy are addressed in the 'Material Considerations' section of this report)
- 5) Concerns related to proposed A4 drinking establishment use, increased noise, unsavoury behaviour, disruption from increased traffic.
(Officer Note: This is considered under the 'Neighbouring Amenity' heading within the 'Material Considerations' section of the report.)
- 6) Overdensity
(Officer Note: This is considered under the 'Housing' heading within the 'Material Considerations' section of the report).
- 7) Proposed height unacceptable
(Officer Note: This is considered under the "Heritage, Design and Appearance" heading within the 'Material Considerations' section of the report).
- 8) Loss of existing building of historic significance
(Officer Note: This is considered under the 'Heritage, Design and Appearance' heading within the 'Material Considerations' section of the report).
- 9) Proposed 'Art deco' design does not fit in with surrounding area
(Officer Note: This is considered under the 'Heritage, Design and Appearance' heading within the 'Material Considerations' section of the report.)

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised are as follows:

1. Land Use
2. Heritage, Design and Appearance
3. Housing
4. Residential Amenity
5. Transport and Access
6. Sustainability, Energy efficiency & Climate Change
7. Planning Obligations & CIL
8. Localism Act (amendment to S70 (2) of the TCPA 1990)
9. Human Rights Considerations
10. Equality Act Considerations
11. Conclusion

Land Use

10.2 Paragraph 7 of the National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic

environment. These economic, social and environmental goals should be sought jointly and simultaneously.

- 10.3 The application site carries no site-specific policy designations but is located approximately 60m, from the Bethnal Green Road town centre, to the east. The site is occupied by a part single/part two-storey building used by an existing fashion warehouse and distribution business (use class B8).
- 10.4 The site is located within the boundary of the City Fringe/Tech City 'OAPF' which is a supplementary London Plan document that is currently in draft form. The document aims to encourage an increase in employment floorspace in order to support the tech city industry which is growing around Old Street/Shoreditch. The site itself is located within a 'hinterland area' where some employment floorspace may be appropriate but proposals are likely to be more residential in nature. It suggests that consideration should still be given to supporting leisure and retail uses'. This application is considered to meet the objectives of this document.

Loss of the existing employment use

- 10.5 Core Strategy policy S016 (Delivering successful employment hubs) 'supports the growth of existing and future businesses in accessible and appropriate locations'. It aims to deliver a range of employment uses, sites and types in the most appropriate location for that particular use. Office, workspace and commercial uses to be located in accessible locations, close to other similar uses, to public transport and a wider support network of shops and services, while also providing for industrial land in appropriate locations.
- 10.6 Managing Development Document DM15 (local job creation and investment) states that the upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition.
- 10.7 In this case, the existing business, Frankle Trimmings Ltd. have been the owner occupiers for approximately 35 years. A marketing report from Stirling Ackroyd Chartered Surveyors accompanies the planning application. This document explains that the existing business began looking for new occupiers to replace them due to their now largely internet based operation making much of the storage space surplus to requirement. The owners are also looking for premises nearer the major road networks.
- 10.8 The submitted report sets out that the owners themselves carried out an informal marketing exercise during 2012. Stirling Ackroyd were then instructed to fully market the property, in March 2013. This included particulars distributed to 150 commercial & industrial agents, marketing on websites, and erection of 'All Enquiries/To Let' board on site. This exercise was carried out for a year, and there were no offers from potential tenants. Criticisms of the existing building included the physical state of the building, lack of decent sized service yard, poor layout and lack of natural light, location far away from major motorways.
- 10.9 Officers are satisfied that evidence of marketing for 12 months has been reasonably demonstrated, and in the circumstances set out above, the loss of the existing

warehouse use is considered acceptable in principle, in accordance with policy DM15.

Proposed land uses

- 10.10 The predominant land use of the proposed development is residential. Policy SP02 of the Core Strategy (2010) states that the Council will seek 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. SP02.b. identifies Bethnal Green as an area where delivery of new housing will be targeted. In this context, the provision of new housing in this location is acceptable in principle, and in accordance with the Council's objectives of the delivery of new housing.
- 10.11 The secondary use on this site is two commercial units, (use classes A1/A2 B1/D1/D2) fronting Bethnal Green Road. The site is located outside the Bethnal Green Road town centre boundary, approximately 60m to the east. However, it is part of an established retail frontage along Bethnal Green Road, comprising primarily small scale shop and food outlets. Managing Development Document (2013) policy DM2.2 (Local Shops) states that local shops outside a town centre will be supported where there is a local need, are of an appropriate scale, do not detract from the character of the area, and do not undermine nearby town centres. Paragraph 2.3 of the supporting text to this policy states that a shop which is local in nature is considered to have a gross floorspace of no more than 100sq.m.
- 10.12 In this context, with units of 46sq.m and 84sq.m respectively, the proposed commercial units are considered complementary to the existing local shop provision. They should ensure an active ground floor frontage to the development, in keeping with the character of shop provision along this parade. On the Florida street frontage residential uses are provided at ground floor, with front doors onto the street. This is appropriate in this residential location, distinct from the commercial ground floor character of Bethnal Green Road.
- 10.13 Objections from the Cinema Theatre Association and East End Preservation Society state that insufficient consideration has been given to a mixed-use scheme including a cinema. However, there is no policy requirement for such a use on this site.

Heritage, Design and Appearance

- 10.14 The NPPF (2012) highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development. Chapter 7 of the London Plan (2011) 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.
- 10.15 Core Strategy (2010) policy SP10.4. states that the Council will 'ensure that buildings and neighbourhoods [will] promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Managing Development Document (2013) policy DM24 states that development will be required to be designed to the highest quality standards, incorporating principles of good design, including, ensuring design is sensitive to and enhances local character and setting, ensuring the use of high quality materials and finishes, and protecting features of positive value within the site.

- 10.16 As a whole the borough has a substantial number of identified heritage assets, consisting of 50 conservation areas, approximately 2000 listed buildings, and 700 locally listed buildings. The existing building whilst distinctive in its appearance, and a unique design in this part of Bethnal Green Road, is not within a conservation area, nor is it Statutorily or Locally listed.
- 10.17 In 2014 the question of inclusion of the building on the statutory List of Buildings of Special Architectural or Historic Significance was considered formally by English Heritage. English Heritage's assessment and conclusions are set out in their report issued in August 2014, which concluded the building does not meet the criteria for statutory listing.
- 10.18 The English Heritage report provides an analysis of the existing building in architectural and historic terms. The building was built in 1913 as 'Smart's Picture Palace', in a neo-classical renaissance style, including a central domed tower. In 1938 the building was extensively remodelled in an art deco design. This redesign included replacing the central tower, inserting the curved first floor section, and a projecting entrance canopy. Since this time, and during the 35 years of its use as a warehouse the state of the building and original features have changed. None of the external features related to the 1913 construction remain. From the 1938 remodelling the projecting canopy is gone, and new windows and doors inserted. Also the central tower has been reduced in size. Internally a structural steel mezzanine floor has been inserted, providing office accommodation. The foyer retains no original fittings, and there is no evidence the auditorium's original wall decoration survives.
- 10.19 This assessment is in the context that given the number of cinemas built (about 4,000), for pre-1914 cinemas, completeness is important, and that a surviving exterior with particularly good decoration and a fine canopy may be enough to make the building listable. For later cinemas architectural quality and the extent of alteration are key considerations. In this context, given the extent of alterations to the building and the difficulty in reversing these, English Heritage concluded the building does not meet the criteria for listing.
- 10.20 Although not a designated heritage asset, there is some interest of the building as represented by the remaining façade, which was originally designed by George Cole, and the building is different in its design and appearance from surrounding properties. In this respect the building may be considered as a non-designated heritage asset. Paragraph 135 of the NPPF (2012) states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
- 10.21 As the English Heritage research shows the building has been substantially altered and many of the original features of both the 1913 picturehouse and the 1938 alterations have been lost. Officers have worked with the applicants to retain those elements of the art deco façade which remain, reinstate features that have been lost, and to build on this character in the alterations required to support the proposed residential use of the site behind. The alterations will include the introduction of new entrance doors and shop fronts to the ground floor, a new canopy and new taller tower reflecting the essential art deco character of the original George Cole elevations.

- 10.22 Some of the neighbour objections address the changes to the existing building, and the impact on its character and appearance. The Cinema Theatre Association and East End Preservation Society have objected to the changes and recommended inclusion of the building on the Council's Local List. As addressed below, in the context of the assessment of the current state of the building, it is considered that the development retains those elements of the façade which are of most significance, and represents an appropriate design in this location. Whilst adding a building to the local list is an option open to the local planning authority Officers do not consider it justified or necessary in this case.
- 10.23 The proposed development seeks to retain a physical and architectural reference to the art deco history of the site, and overall this design language has informed the design of the development. This reference is most clear with the proposed Bethnal Green Road frontage of the development. This frontage includes retention of the existing building's façade, with alterations to provide new window openings. This is along with new upper floor elements increasing the height of development to four storeys, with an inset fifth floor. The development would retain, and increase to its original height, the central stepped tower. The development would also retain the first floor curved-in section, and reinstate the original projecting canopy.
- 10.24 In regards to height and scale, the proposed Bethnal Green Road frontage would sit approximately one storey higher than the adjacent building to the east, and approximately two storeys higher than the adjacent building to the west. Policy DM24 emphasizes design sensitive to local character and setting, taking into account surrounding scale and height, as well as roof lines and streetscape rhythm. In this case, the existing building forms a break in the terrace of 3/4 storey brick built development. The degree of change in scale with its neighbours is not considered excessive. Given the set back of upper floors by approximately 3m, the additional height should not overly dominate or compete with adjoining properties. In addition, the fourth floor has been detailed as an inset storey behind a parapet wall, reducing its presence. Given this context, the scale of development is considered appropriate in this location.
- 10.25 In regards to the detailed design of this frontage, the combination of the retained ground and first floor facades (with alterations) and the new upper floor elements are considered to be a convincing combination, overall providing a high-quality design. Officers consider this is achieved partly with the reinstatement of the original central tower, acting as a distinctive feature relevant to the 1930s era, and unifying the old and new elements of the building. It is noted that the new upper floor elements are simple in their design. They reinforce the horizontal emphasis of the building which is characteristic of an art deco approach, whilst the retained tower, curved first floor and projecting canopy provide original and visually interesting elements. Galvanised steel panels, in an art deco motif, along with signage referencing the former Rex cinema, are considered appropriate detailing.
- 10.26 In this respect the Bethnal Green Road frontage of the development is considered to appropriately retain the elements of most significance of the existing building, while providing an acceptable and well considered overall design.
- 10.27 To the north, the Florida Street frontage forms part of a residential area. There is a variety in building scale of surrounding properties. Florida Studios, adjoining to the east, has a two-storey frontage onto the street, with a further three-storey extension to the rear of the site. Further to the east, a part 4/part 5 storey development is under construction on the corner of Florida and Squirries Street. To the west, the

application site directly adjoins the rear gardens of 36-40 Florida Street, a 4-storey residential development. Directly opposite the site is the flank wall of Johnson House, an 11-storey residential block.

- 10.28 The scale of development on this frontage has changed during the course of pre-application discussions. Initially the applicants proposed a building of up to five storeys with an inset sixth floor. However, at application stage this has been reduced to a four-storey development with an inset fifth floor. This is considered an appropriate response to the surrounding scale of development. In contrast to the adjacent eleven-storey block opposite, it should help to reinforce the lower scale character along this street.
- 10.29 As with the Bethnal Green Road frontage, the Florida Street building maintains an art deco language to the design, most prominently from the horizontal emphasis of the fenestration. It also uses a steel art deco motif, found also on the Bethnal Green Road frontage, to provide a prominent decorative element to the elevation, and conceal the internal stairwell. It is overall simpler in its appearance than the frontage on Bethnal Green Road, however, this is considered appropriate given the quieter residential nature of Florida Street. The glazed brick at ground floor level provides an emphasised base to the building, which is considered to sit acceptably well with the upper floors. Overall, the building should sit comfortably in the streetscene whilst contributing successfully to good design and visual interest in this part of Florida Street.
- 10.30 The internal elevations of the development would form the background to the proposed communal amenity area, and would be visible to adjoining residents. These continue the references from the main elevations, including glazed brickwork to the development's ground floor level, glazed mosaic tiles on upper floors, and art deco motif steelwork (used for balcony balustrades). This should provide a broadly coherent design, reflective of the development's design approach overall, and an appropriate degree of visual interest.
- 10.31 In the context of the above, the proposal is considered compliant with NPPF (2012) paragraph 135, Core Strategy (2010) policy SP10 and Managing Development Document (2013) DM24 and DM27.

Housing

- 10.32 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development". Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.33 As mentioned in the Land Use section of the report, delivering new housing is a key priority both locally and nationally.

Residential Density

- 10.34 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy (2010) while reiterating the above

adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.

- 10.35 The application site measures approximately 0.0775ha and has a public transport accessibility level (PTAL) of 6a (excellent). In an 'urban' setting, with a PTAL between 5 and 6, policy 3.5 suggests a density of 200-700hr/ha. The proposed development would exceed this range at 851hr/ha. This is not considered excessively beyond the range. Given the high PTAL rating for this site, as well as its location at the edge of Bethnal Green town centre, a density around the very top of the density range would be appropriate.
- 10.36 It should be remembered that density serves as one measure of development. Paragraph 3.28 of the London Plan states that housing density is only "the start of planning housing development, not the end, [and] It is not appropriate to apply [Density] Table 3.2 mechanistically". To this end the report will address the impacts and benefits of the development, to assess its overall conformity with policy, and the appropriateness of the proposed development.

Affordable Housing

- 10.37 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.
- 10.38 The Strategic Housing Market Assessment (2009) identifies that there is an affordable homes shortfall of 2,700 homes per year. Additionally, current rates of over-occupation (over-crowding) are at 16.4%, significantly higher than the national average at 2.7%. The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability). Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social/affordable rent and 30% intermediate, whilst the London Plan seeks to secure a 60% social/affordable rent and 40% intermediate split.
- 10.39 The application was submitted with a proposed 20% affordable housing, by habitable room. This has been amended during the course of the application, increased to 30% affordable housing, as set out below.

Table 1: Affordable Housing Provision

Unit Type	Affordable Housing				Private Sale		Total	
	Affordable Rent		Intermediate					
	Unit	Hab. Rm.	Unit	Hab. Rm.	Unit	Hab. Rm.	Unit	Hab. Rm.
1-bed	0	0	0	0	5	10	5	10
2-bed	1	3	1	3	8	24	10	30
3-bed	2	10	1	4	3	12	6	25
Total	3	13	2	7	16	46	21	66

- 10.40 The planning application was accompanied by the applicant's financial viability statement setting out their appraisal of the maximum level of affordable housing the development could deliver. The Council's independent assessment found the development could deliver a greater level of affordable housing, up to a maximum of 30% by habitable room. The applicants accept this assessment and have increased the proposed level of affordable housing accordingly.
- 10.41 The affordable housing would be delivered on-site, within the Florida Street building. These would share access and cores with private units, located on upper floors. A registered provider has seen the proposed layout of the affordable units and expressed their interest to take on the affordable dwellings.
- 10.42 The tenure split would be 65% affordable rent and 35% intermediate, which falls directly between the Council's 70/30 and the London Plan's 60/40 targets, and is therefore acceptable. It is also confirmed that the affordable rent units will be let in accordance with the Borough's affordable rent levels for the E2 area.
- 10.43 Overall, the proposal meets policy targets and the overall tenure mix on site would assist in creation of a mixed and balanced community.

Dwelling Mix

- 10.44 In line with section 6 of the National Planning Policy Framework and London Plan 3.8, the Council's Core Strategy policy SP02 and policy DM3 of the Managing Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant targets and the breakdown of the proposed accommodation are shown in the table below.

Table 2: Residential Unit Mix

Unit Size	Affordable Rented			Intermediate			Private Sale		
	Units	%	Target	Units	%	Target	Units	%	Target
1 bed	0	0%	30%	0	0%	25%	5	31%	50
2 bed	1	33%	25%	1	50%	50%	8	50%	30
3 bed	2	67%	30%	1	50%	25%	3	19%	20
4 bed	0	0%	15%	0	0%	0%	0	0	

- 10.45 In regards to the affordable tenure, given the relatively small number of units involved in this case (3 affordable rent and 2 intermediate); percentage calculations of mix can be limited in their use. The affordable rent units would be predominantly 3-bedroom family units (67%), with a two-bedroom unit (33%). Given policy objectives on family accommodation, this is welcomed. The two intermediate units would be two and three bedroom dwellings. Overall this would mean the affordable units do not provide any 1-bedroom dwellings. Given the number of units involved this is considered appropriate, prioritising larger units.
- 10.46 The private tenure mix is a split between 1, 2 and 3-bedroom dwellings. The proposed mix varies from the target in terms of 1 and 2-bedroom units, with a larger proportion of 2-bedroom units. This is not considered detrimental and Officers are satisfied this should ensure a good mix of unit sizes in the development, contributing appropriately to policy objectives.
- 10.47 In accordance with Core Strategy (2010) SPO2 and Managing Development Document (2010), 10% of proposed units are required to be wheelchair accessible or adaptable for wheelchair users. All developments are also required to meet Lifetime Homes Standards. The proposal complies with this policy with two affordable rented wheelchair units. One is a family sized unit which is where the greatest need is. All units would meet Lifetime Homes Standards and this is secured by condition.

Standard of Residential Accommodation

- 10.48 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Policy DM25 seeks to protect amenity of future residents by ensuring there are not unacceptable impacts in terms of daylight, sunlight, outlook, privacy, noise and disturbance. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance to ensure that new units would be “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime”
- 10.49 The proposed affordable rent units would be located at ground and lower ground floor level of Block B where amendments have been secured during the course of the application. Ground floor level residential accommodation on Florida Street is supported in principle, being a predominantly residential location and contributing to the activity of the street. In addition a lower ground floor element can be supported where the scheme’s design can ensure it has a good standard of accommodation. At these levels the proposal provides 2 x 3-bedroom duplex units over ground and lower ground, and a 2-bedroom wheelchair unit at ground floor level.
- 10.50 Following concerns from Officers amendments have been secured during the course of the application to the accommodation at ground and lower ground floor level. This included removal of a proposed single aspect 1-bedroom unit. This was omitted from the proposal and the mix of affordable rent units changed to include an additional 3-bedroom unit. In addition, the proposed sunken terraces serving lower ground floor level were increased in depth from 2.2m to 4m. This provides improved outlook and daylight to these rooms, and a more generous amenity space.
- 10.51 Following the amendments the applicant’s submitted daylight assessment demonstrates that each of the 3 affordable rent units would have BRE compliant daylight levels to each of the living/dining rooms, and to 6 of the 8 bedrooms. The two remaining bedrooms fall below the BRE level, but to a small degree and are not

uncommon in an urban context. Following the above amendments two (nos 8 & 9) of the three units would be dual-aspect with their own front doors onto Florida Street. Following the enlargement of the terraces Unit 9 would have a lower ground living space opening onto a private amenity of approximately 25sq.m. Unit 10, which would be a south-facing single aspect unit over ground and lower-ground, would have a generous sized private amenity of approximately 50sq.m. In this respect Officers are satisfied that the units provide an acceptable standard of accommodation overall, including two family sized dwellings, with significant benefits in terms of private amenity provision.

- 10.52 Upper floor accommodation of Block B would be predominantly dual-aspect, with three south-facing single aspect units. All of the habitable rooms would comply with BRE daylight standards. All of the living rooms are south-facing, receiving sunlight during the day, with the majority of living room spaces meeting BRE targets. In this respect the standard of accommodation to upper floor units is acceptable.
- 10.53 Block A, fronting Bethnal Green Road, would provide 7 private sale residential units. These would be on upper floors, except for a single rear ground floor bedroom. They would all be dual-aspect units, and would exceed minimum floorspace standards. The submitted daylight and sunlight assessment demonstrates that each unit would meet minimum BRE daylight standards. Habitable rooms to the south, fronting Bethnal Green Road would all meet BRE sunlight standards.
- 10.54 In regard to privacy, separation distances between Blocks A and B would be between 14m and 16m, acceptable in an urban context of this nature.
- 10.55 In conclusion, the standard of accommodation for future occupiers should be acceptable, in accordance with policies SP02, DM4 and DM25.

Private and Communal Amenity Space

- 10.56 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 10.57 The private amenity space standard is set at a minimum of 5sq.m for 1-2 person dwellings with an extra 1sq.m for each additional occupant. All of the proposed residential units would have a private balcony or garden. These would all meet, and in some cases substantially exceed, minimum standards, except for two 3-bedroom units (1 intermediate and 1 market unit), at upper floors of Block B. These were proposed as a compliant 8sq.m balcony, but have been reduced to 6.5sq.m, to improve the relationship with neighbouring windows in respect of privacy (as set out in paragraph 10.68). This is considered a minor shortfall, and overall the development would significantly exceed the minimum policy requirement.
- 10.58 In addition to private amenity the scheme would provide communal amenity in the form of a landscaped courtyard. This would measure approximately 140sq.m, significantly in excess of the minimum 61sq.m required for this development.
- 10.59 In this context the development would provide a private and communal amenity space broadly in line with minimum standards and is acceptable in this context.

Child Play Space

- 10.60 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 advises that developments apply a benchmark of 10sq.m of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.
- 10.61 Using the LBTH child yield calculations, the development is anticipated to yield 7 children. (3 of 0-3 years old, 3 of 4-10 years old, and 1 of 11-15 years old). Accordingly 70sq.m would be required for all children on site. This would be provided for within the courtyard amenity. Together with the required quantum of communal amenity the total area required would be 131sq.m, which compares to the proposed 140sq.m.
- 10.62 Notwithstanding that the child playspace provision for all children is met in the development, it is also recognised that the London Mayor's SPG reasonably expects older children to be able to travel up to 400m and 800m from the site for recreation. In this case, Weavers Fields park is less than 200m from the site and would offer suitable recreation for older children. It is also noted that the two 3-bedroom affordable rent units (which alone contribute 3 children to the calculated yield for this development) would have generous sized private gardens of approximately 25sq.m and 50sq.m respectively.
- 10.63 The applicants submission shows the indicative landscaping and layout of the proposed courtyard amenity, and is considered to provide a good quality and useable space. Details on this would be secured by condition.
- 10.64 In this context the proposed child play space provision is considered in accordance with Council standards and acceptable in this respect.

Noise Impacts

- 10.65 Policy 7.15 of the London Plan (2011), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 10.66 The main source of noise impacts to future occupiers would be from traffic movements on Bethnal Green Road. The applicants have addressed this in a submitted Noise Assessment by DKN Acoustics. This reports the results of a noise assessment relating to the Bethnal Green Road façade. Based on these results a glazing specification is proposed to ensure the internal residential environment meets BS8233 (2014) standards.
- 10.67 This is in accordance with the advice of LBTH Environmental Health officers that the development should comply with BS8233. It is also recommended that sound insulation performance between the proposed ground floor commercial units and residential is achieved of at least 55dB.
- 10.68 Any future plant or extracts serving the ground floor commercial would require planning consent and noise and vibration impacts would be considered at that stage.

However, neither use class A3 (cafes and restaurants), A4 (drinking establishments), nor A5 (takeaways) are proposed as part of this development so it is not considered likely that this would be a future requirement.

- 10.69 LBTH Environmental Health has advised that the proposed external amenity spaces on the Bethnal Green Road frontage should comply with the BS8233 standard of 55dB. If this cannot be achieved enclosed winter gardens should be considered. The submitted noise report states that the noise levels in these locations would be approximately 64dB at daytime. Whilst this is above the 55dB standard, it is noted that the BS8233 guidance recognises that this level may not be achievable in all circumstances. Planning Officers consider that winter gardens are not an appropriate option in this case because they would unacceptably compromise the proposed design. It is noted that use of the balconies may not always be during daytime, when traffic is most frequent, and the amenity offered by the balcony spaces should be acceptable. It is also noted that each of the relevant dwellings in Block A are oversized by an average of 9sq.m, lessening the dependence on these spaces for amenity.
- 10.70 Whilst the noise report has been reviewed by the Environmental Health Officer, with no objection to the proposal, further testing would be required post completion. A condition should be secured for post completion assessment for Noise impacts, before residential occupation so as to ensure that future residents are protected from noise disturbance or nuisance.
- 10.71 Considering the site constraints, the proposals are generally in keeping with NPPF, Policy 7.15 of the London Plan (2011), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

Impact on Neighbouring Amenity

- 10.72 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 10.73 The application site is surrounded by residential properties to the east and west. To the east, on Bethnal Green Road, four-storey terraced properties nos. 287-291. To the east, on Florida Street, a part two-storey/part five storey development, referred to as Florida Studios. To the west, 271-279 Bethnal Green Road, Carly Mews, and 36-40 Florida Street.

Overlooking and Privacy

- 10.74 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view.
- 10.75 The layout of the development is such that the two proposed blocks face one another, with views towards neighbouring properties predominantly at an oblique angle. There would be a window to window relationship between the rear elevation of Block B and 287-291 Bethnal Green Road. This would have a separation distance

of approximately 15m, with the proposed rear balcony approximately 13m from the rear of no. 287-291. This would be less than the 18m guideline distance referenced by policy DM25. It is noted that at present these properties currently experience no overlooking or impact on privacy from the application site, given the low scale of the existing building. In this context impact in terms of overlooking would be increased. However, the proposed separation distances are not unusual for an urban context of this nature, and given the site specific context of this location, should be acceptable in this respect.

- 10.76 The flank elevation of 'Florida Studios' includes two windows facing immediately onto the application site. It is a general planning principle that flank facing windows, relying for light and outlook on a neighbouring site, should be avoided, in order to prevent prejudicing future development. In this context, these windows would be afforded little protection in terms of privacy. Notwithstanding this, the proposal has been amended to include mitigation to limit impact on these windows. This consists of setting proposed balconies at first and second floor away from the boundary by approximately 1.4m, and the erection of screening. This should prevent immediate views from the development into these windows and is considered acceptable.
- 10.77 Objections have been received regarding flank windows at the top floor of Block B and their impact on privacy at Florida Studios. These do not have a direct facing relationship with any adjoining properties and are not considered to have a significant impact on neighbouring privacy. In addition these have been obscure glazed and as secondary windows to living spaces, this is acceptable.

Outlook and Sense of Enclosure

- 10.78 As described above, the general layout of the development consists of two blocks fronting one another. As such, apart from the relationship of Block B with part of the rear of 287-291 Bethnal Green Road, described above, the proposal would not be located facing any adjoining properties.
- 10.79 Block A would match the depth of 287-291 Bethnal Green Road, to the east, so would have no impact there. Block A would extend beyond the rear elevation of 277-279 Bethnal Green Road, to the west, by approximately 11m. This would have the potential for an increased sense of enclosure to nos. 277-279. In this case the upper floors of the affected property are in commercial use, as offices. As such this is acceptable in this location.
- 10.80 At Florida Studios, to the east, habitable windows look out onto a large rooftop amenity space. The proposal would introduce a flank wall to the western edge of this space obstructing westerly views from this location. At present there is an unobstructed view in this direction over the application site as a result of its low scale, and this proposal would represent a change to this relationship. However, in respect of outlook and sense of enclosure, given the significant openness of the existing rooftop amenity, the impact in this respect should be acceptable.

Daylight and sunlight, overshadowing

- 10.81 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment of daylighting is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 80% times its former value.

- 10.82 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur, they should be less than 20% of the existing.
- 10.83 The BRE tests for sunlight relate primarily to living rooms. The assessment is carried out on windows within 90 degrees of due south. Levels are measured in terms of Annual Probable Sunlight Hours (APSH), which relates to long-term average of the total hours during a year in which sunlight reaches the unobstructed ground. The APSH assessment says that existing living room windows should receive at least 25% of APSH throughout the year, and 5% of APSH during the winter months, and the difference between the APSH should not be less than 0.8 times its former value.

271-279 Bethnal Green Road

- 10.84 Of the 23 windows surveyed 17 would have either a VSC of greater than 27% or a change of no less than 0.8 times its former value, therefore with no noticeable impact on daylight levels. Of the remaining 6 windows, 3 would have a change of no less than 0.7 times its former value. Whilst this falls below the BRE standard of 0.8, given the dense urban context of this site, this level is considered acceptable. The remaining 3 windows either serve bathrooms or are secondary windows. These windows face due north so are not assessed in terms of sunlight.

Carly Mews

- 10.85 A total of 25 dwellings were tested in respect of daylight and sunlight levels. All windows would meet BRE standards, and are acceptable.

36-40 Florida Street

- 10.86 A total of 5 windows adjacent to the application site were assessed in respect of daylight and sunlight levels. All windows would meet BRE standards, with no noticeable change.

Florida Studios

- 10.87 A total of 19 windows were assessed on both the north, south and flank elevations. Of these windows 8 have either a VSC level greater than 27% or 0.8 times its former value, and are acceptable. Of the remaining 11 windows 4 have a relative VSC level of between 0.61 and 0.76 its former value. However, when assessed further in respect of the No Sky Line test, each of the rooms served by these windows would maintain daylight levels of no less than 0.8 times their former value, and are acceptable. The remaining 7 windows are rooflights, for which the BRE tests do not apply. However, Officers have considered the relationship with the proposed development, and the orientation of the rooflights with a direct sky view, and are satisfied, as with other tested windows, the impact in terms of daylight should be acceptable. In regards to sunlight, seven windows within 90 degrees of due south were tested and comply with BRE standards in respect of APSH.

287-291 Bethnal Green Road

- 10.88 A total of 6 windows adjacent to the application site were assessed in terms of daylight. 2 of the windows, on the upper floor, passed the 25 degree line test and do not require further assessment. The remaining 4 windows have either a VSC of at least 27% or a change of no less than 0.8 times its former value, and are acceptable. As these windows are orientated due north an assessment of sunlight is not required.

Overshadowing of surrounding amenity spaces

- 10.89 The BRE standards advise that for an amenity space to appear adequately sunlit throughout the year, at least half the area should receive at least two hours of sunlight on 21 March. There are four amenity spaces within close proximity to the application site. These are roof gardens serving 287-291 Bethnal Green Road (A4), and Florida Studios (A3), as well as ground floor amenity spaces serving 36-40 Florida Street (A2) and the eleven-storey Johnson House (A1), to the north.
- 10.90 Amenity spaces A1, A2 and A3 would each receive the standard two hours of sunlight over 50% of the area. Amenity space A4, would receive two hours of sunlight over 48% of the area. This is marginally below the standard 50%. However, with the removal of the pitched roof of the existing building it is an improvement over the existing situation where only 31% of the area receives the standard 2 hours of sunlight.

Impact of Proposed Commercial Uses

- 10.91 As described above, Block A of the proposal would include 2 x commercial units at ground floor level. These would form part of the existing retail parade along this part of Bethnal Green Road. The applicants propose a flexible use of A1 (shops), A2 (financial and professional services), B1 (offices), D1 (non-residential institutions) and D2 (assembly & leisure).
- 10.92 In regards to noise and disturbance to residential properties, a number of the proposed uses, A1, A2, and B1 are not considered significant in terms of potential for disturbance. The most potential for impact on residential amenity would be some D1 and D2 uses, which can include places of worship and gymnasiums. The application was submitted with a rear terrace area to the commercial units, opening into the communal amenity area. This has been omitted from the scheme with the only accesses to the commercial units from the street frontage. It is also noted that these are small units, one of which is less than 50sq.m in size. In this context, with sound insulation to these units secured by condition, it is considered the proposed commercial units should not have a substantial impact on residential amenity.

Transport, Access and Servicing

- 10.93 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 10.94 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the

need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy (2010) states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met.

- 10.95 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport.
- 10.96 The site benefits from excellent access to public transport, being located within approximately 700m of Shoreditch High Street Overground, Bethnal Green National Rail, and Bethnal Green Underground. Bus nos. 8, 106, 254, 309, 388, D3 and D6 all serve Bethnal Green Road. The site has a Public Transport Accessibility Level of 6a.

Cycle Parking

- 10.97 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for residential development. In accordance with these standards, the application proposes 38 secure cycle spaces.
- 10.98 Transportation and Highways officers objected to the cycle storage as submitted. This was at lower ground floor level, accessed from the centre of the communal amenity area. The staircase to the cycle store was curved, as was the lower ground floor layout with the arrangement of cycle stands also curved. In addition to the objection from Transportation and Highways, Planning Officers objected to the proposed access in the centre of the communal amenity, impacting the usability of this space.
- 10.99 The amended arrangement relocates the bicycle store entrance to the eastern edge of the communal amenity. It removes curved elements from both the staircase and the lower-ground layout. It is generally preferable to have cycle storage at ground floor level. However, where a staircase incorporates a cycle ramp, so cycles need not be lifted, as proposed, a ground floor location is not considered necessary to make the storage acceptable. Notwithstanding this, the applicants have included 4 cycle spaces at ground floor level to supplement the main store. Overall, this secures an acceptable storage solution, and in its new location should not significantly affect the use of the communal amenity.

Car Parking

- 10.100 Core Strategy (2010) policy SP09 states that the Council will promote car-free developments and those schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to transport. Policy DM22 sets out the Council’s maximum parking levels in new developments. This proposal would be car-free. In a location with a PTAL of 6a, indicating excellent access to public transport, this is appropriate and in accordance with Council policy objectives of encouraging public transport use and reducing congestion.
- 10.101 The development would also be subject to a ‘car-free’ planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the

exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.

Servicing and Refuse Storage

- 10.102 Given the scale of the proposed commercial uses, the extent of servicing required is not considered to be substantial. Notwithstanding this, as with adjoining businesses, existing parking bays are available directly in front of the application site, on Bethnal Green Road.
- 10.103 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards.
- 10.104 The residential waste storage for the development would be located to the rear of Block A. The capacity would be in line with Council standards and the bins would be moved to the Florida Street frontage on collection day. Storage for commercial uses would be provided within each unit, with existing collections three times a day. The proposed waste storage is acceptable to waste strategy officers.

Sustainability and Environmental Consideration

Energy Efficiency and Sustainability Standards

- 10.105 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 10.106 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan 2011, Tower Hamlets Core Strategy (2010) policies SO24 and SP11 and the Managing Development Document (2013) policy Dm29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 10.107 In line with London Plan policy 5.6, the Core Strategy (2010) policy SP11 seeks to implement a network of decentralised heat and energy facilities that connect into a heat and power network. Policy DM29 requires development to either connect to, or demonstrate a potential connection to a decentralised energy system.
- 10.108 The Managing Development Document (2013) policy 29 includes the target for new developments to achieve a 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the Council have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is broadly equivalent.
- 10.109 The proposals have followed the London Plan energy hierarchy and seek to minimise carbon emissions through the implementation of energy efficiency measures including high efficiency gas boilers and photovoltaic panels. The carbon reductions would result in a circa 28.6% reduction against the Building Regulations 2013. As this is a shortfall of the 45% target a £9,900 carbon offset contribution is secured.
- 10.110 The residential element of the development has been designed to achieve a minimum Code for Sustainable Homes Level 4.

10.111 The proposed energy efficiency and sustainability measures are supported by the Council's Energy Efficiency and Sustainability section. Subject to relevant conditions to secure the above Energy and Sustainability strategy, it is considered the proposal complies with the relevant policies and that no further mitigation is required.

Biodiversity

10.112 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy (2010) and policy DM11 of the Managing Development Document seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve an overall increase in biodiversity.

10.113 On the advice of the Council's Biodiversity Officer a survey of the site's potential for bat roosting was carried out during the course of the application. This found no significant potential for bat roosting. The Council's Biodiversity Officer accepts the conclusion of this report and no further action is required.

10.114 The Biodiversity Officer identifies that the greatest contribution to biodiversity targets would be the roofs of the proposed development. It is advised that biodiverse green roofs would be most beneficial, and details of this should be reserved by condition.

Land Contamination

10.115 The site has been identified as having potential historic contamination. In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which will ensure the developer carries out a site investigation to investigate, identify and remediate potential contamination.

Flood Risk

10.116 The application site is not located within a flood risk zone.

Planning Obligations

10.117 Planning Obligations may be used to mitigate the impact of the development or to control certain aspects, such as affordable housing. The NPPF and Regulation 122 of CIL Regulations 2010 requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

10.118 In addition, Regulation 123 of the CIL Regulations 2010 requires that planning obligations may not be sought for items already listed in the Council's Regulation 123 list.

10.119 In this context, the Section 106 planning obligations for this development are:

Financial Obligations

- (a) A contribution of **£9,900** towards carbon reduction.
- (b) A contribution of **£5,839** towards employment and training skills for local residents. This is secured in relation to the construction phase of the development and is aimed at improving access to construction jobs for local residents.

Total £15,739

Non-Financial Obligations

- (a) Affordable Housing 30% by habitable room (5 units)
65% Affordable Rent at Borough Rent levels for E2 (3 units)
35% Intermediate Units (2 units).
- (b) Access to employment
20% Local Procurement
20% Local Labour in Construction
- (c) Car-free Agreement

10.120 The proposed contributions are considered in accordance with the CIL Regulations 2010 and appropriate in this case.

Local Finance Considerations

10.121 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:

10.122 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.

10.123 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.

10.124 In this context “grants” might include the New Homes Bonus.

10.125 These issues are material planning considerations when determining planning applications or planning appeals.

10.126 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 non-ring 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.

10.127 This application is subject to the Borough’s Community Infrastructure Levy (CIL), which came in to force for applications determined from 1st April 2015. This is a

standard charge, based on the net new floorspace of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule.

10.128 The estimated Borough CIL contribution for this development is **£182,495**. This is payable on commencement of the development, and the amount will be confirmed at that stage by the LBTH Infrastructure Planning Team.

The LBTH Borough CIL secures infrastructure contributions from development and can be spent by the Council on those infrastructure types set out in the Council's Regulation 123 list.

10.129 Members are reminded that that the London Mayoral CIL will be payable on this scheme. The likely CIL payment associated with this development would be **£34,000**.

Human Rights Considerations

10.130 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:-

10.131 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".

10.132 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.

10.133 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.

10.134 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.

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

10.136 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.

10.137 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

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

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

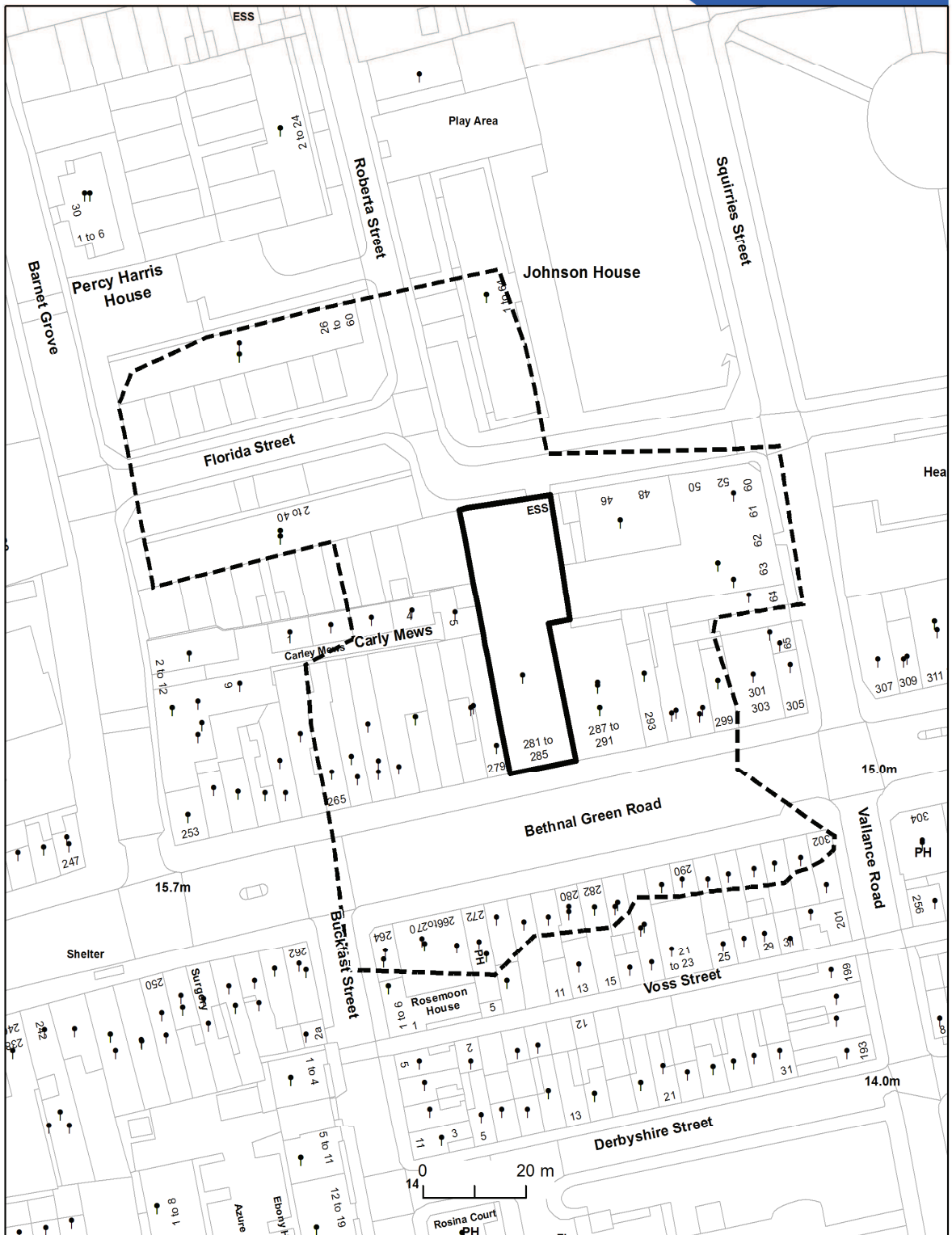
10.139 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

10.140 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

11 CONCLUSION

11.1 All other relevant policies and material considerations have been taken into account. Planning permission should be granted in accordance with the RECOMMENDATION section of this report.

Planning Application Site Map
PA/14/03424



- | | | | | | |
|--|------------------------------------|--|----------------------------|--|---------------------|
| | Planning Application Site Boundary | | Locally Listed Buildings | | Land Parcel Address |
| | Consultation Area | | Statutory Listed Buildings | | OSLine |

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 6.2

Committee: Development Committee	Date: 9 th April 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Esha Banwait	Ref No: PA/15/00117
	Ward: Stepney Green

1. APPLICATION DETAILS

Location:	Footway Adjacent to Ansell House on Mile End Road, E1
Existing Use:	Sui Generis
Proposal:	Relocation of an existing Barclays Cycle Hire Docking Station comprising of a maximum of 44 docking points by 45m to the east as a consequence of the proposed Cycle Superhighway 2 Upgrade Works.
Drawing and documents:	Drwg no. 610573 - Location Plan 2 Sidney Street; Tree Report Requirements; CHS_2_T; CHS_DP_03; 610573 – GA; TDE-FW-01-PL; TDE-FW-T-PL; 610573-EX; Planning, Design and Access Statement (January 2015)
Applicant:	Transport for London
Ownership:	Transport for London
Historic Building:	N/A
Conservation Area:	Stepney Green Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 This report considers an application for the proposed relocation of Barclays Cycle Hire Docking Station by approximately 75m to the east of its current location. This application results from Transport for London's Supercycle 2 Upgrade project and as part of this upgrade, the formation of a dedicated cycleway along Bow Road. This cycle route upgrade project has necessitated the relocation of a series of cycle hire docking stations between Aldgate to the west and Bow Roundabout to the east.
- 2.2 This application has attracted a total of 1 written objection and 1 petition containing 39 signatories. The main concerns raised by objectors relate to amenity impacts and anti-social behaviour. Careful consideration has been given to these concerns, as well as other material planning considerations.

2.3 As explained within the main report, the proposal is considered acceptable with relation the Development Plan.

3.0 RECOMMENDATION

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

3.2 Conditions on planning permission

(a) Three year time limit

(b) Development to be built in accordance with the approved plans

(c) In the event the cycle hire docking station becomes redundant, the station shall be removed as soon as is reasonably practical and the land on which the station is sited shall be restores to its original state, or to any other condition as may be agreed in writing with the local planning authority.

(d) The proposed development will accord with British Standards 3998 (2010) and 5837 (2012) with excavation in close proximity to tree root protection area hand dug.

3.4 Any other condition(s) considered necessary by the Corporate Director for Development & Renewal.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

4.1 The application site is on the southern footpath at the corner of Mile End Road and Sidney Street, outside Ansell House. Ansell House is a six storey residential building that is reasonably setback from the front property boundary. Ansell House extends approximately 149m in length parallel to Mile End Road. The site is located on the footpath that forms part of a major intersection of Mile End Road, Cambridge Heath Road, Sidney Street and Whitechapel Road, generally comprising a mixture of shops, offices (Use Class B1 and B2) and residential dwellings.

4.2 The application site does not contain a listed building, however it is located within the Stepney Green Conservation Area.

The Proposal

4.3 The application proposes the following:

(a) Relocation of an existing Barclays Cycle Hire Docking Station by approximately 75m south east of its current location on south pavement of Mile End Road outside the eastern block of Ansell House. The proposed relocation site will be located 160m east of the Mile End Road, Sidney Street, Whitechapel Road and Cambridge Heath Road junction.

(b) The cycle hire docking station will be a total 35m in length and will be setback 0.6m from the Ansell House property boundary (fence-line) located to the south. The cycle hire docking station will be setback 6.3m (maximum distance) from

the existing London Plane trees along the south pavement of Mile End Road in close proximity to the kerb line.

(c) The cycle hire docking station is split up in two parts, part one comprising a total of 12 docking points (total 9m in length) and part two comprising of a terminus and 32 docking points (total 26m in length). This is to avoid any interference with the existing entrances into the private courtyards located in the foreground of Ansell House. A separation distance of 5m on both sides of the entrance has been proposed.

(d) The cycle hire docking station will be 0.79m in height (maximum) and the terminus being the tallest element will be 2.4m (h) x 0.5m (w) comprising of a way-finding map and payment/registration functionality.

Background

4.8 This application has been submitted as a consequence of Transport for London's Cycle Superhighway 2 Upgrade project and as part of this upgrade the formation of a dedicated cycleway along Whitechapel Road, Bow Road and Mile End Road. This cycle route upgrade project has necessitated the relocation of a series of the Transport for London's Barclays Cycle Hire Docking Stations between Aldgate to the west and Bow Roundabout to the east.

4.9 The cycle hire scheme provides public access to bicycles for short trips and requires docking stations to be located strategically across central London to ensure comprehensive coverage. The scheme allows people to hire a bicycle from a docking station, use it as desired, and return it to either the same or another docking station.

4.10 In order to ensure that there is no disruption or reduction to the Cycle Hire service along this route, 10 sites are being bought forward to replace the sites which are to be lost or reduced as part of the proposed Cycle Superhighway 2 Upgrade.

Relevant Planning History

4.11 **PA/11/01417 (Original Permission):** Full planning permission for the installation of Barclays Cycle Hire Docking Station containing a maximum of 47 docking points for scheme cycles plus a terminal, permitted 28th July 2011.

5.0 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 Planning Policy Framework (March 2012) (NPPF)
- National Planning Practice Guidance (March 2014)

5.3 Spatial Development Strategy for Greater London – March 2015, Consolidated with alterations since 2011 (LP)

6.1: Strategic Approach to London's Transport

6.9: Cycling

- 7.4: Local Character
- 7.5: Public Realm
- 7.8: Heritage Assets and Archaeology

5.4 **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

Site Designations

Stepney Green Conservation Area

- SP08: Making Connected Places
- SP09: Creating Attractive and Safe Streets and Spaces
- SP10: Creating distinct and durable places

5.5 **Managing Development Document (adopted April 2013) (MDD)**

- DM20: Supporting a sustainable transport network
- DM23: Streets and the public realm.
- DM24: Place Sensitive Design
- DM25: Amenity
- DM27: Heritage and the historic environment

5.6 **Other Relevant Documents**

- The Stepney Green Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)
- Whitechapel Masterplan

CONSULTATION RESPONSE

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

5.8 The following were consulted regarding the application:

Internal Consultees

Highways and Transportation

5.9 No objections to the proposed works.

Design and Conservation

5.10 No objections.

Senior Aboriginal Trees Officer

5.11 No comments received.

External Consultees

Transport for London

5.12 No comments.

Neighbours Representations

- 5.13 A total of 238 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice. A total of 1 letter of representation and 1 petition containing 39 signatories were received objecting to the proposal.

Reasons for Objection:

- 5.14 The proposed relocation being in close proximity to the residents of Ansell House resulting in overlooking into the habitable rooms of dwellings in particular those located on ground floor.

[Officer's response: This is assessed in the material planning considerations section of the report under 'amenity'.]

- 5.15 Increase in noise level due to the proposed relocation of the cycle hire docking station to be situated in close proximity to the residential dwellings in Ansell House.

[Officer's response: This is assessed in the material planning considerations section of the report under 'amenity']

- 5.16 Consideration should be given for alternative locations to be situated closer to the kerbline or to the north pavement of Mile End Road in order to maximise the separation distance between the cycle hire docking station and the residents of Ansell House.

[Officer's response: Other potential relocation sites were considered before TfL settled on the proposed location. The Cambridge Heath Road and Whitechapel Road intersection to the west of the subject site, forms part of the Whitechapel Markets, and as a consequence limited physical space is available to accommodate a 44 docking point cycle hire station at that location. The pavement at the corner of the Cambridge Heath Road and Mile End Road is cluttered with services and street furniture, hence limited relocation opportunities were found along the north pavement of Mile End Road.

The proposed location along the south pavement of Mile End Road outside the eastern block of Ansell House was chosen as the preferred location as it comprises of a wide footway where conflict with pedestrian flow can be avoided. Additionally, the proposed location was strategically chosen as it is setback from the existing series of London Plane trees planted along the southern pavement in order to avoid any impacts on the tree roots along with other underground service lines]

- 5.17 Increase in anti-social behaviour along the southern pavement of Mile End Road.

[Officer's response: This is assessed in the material planning considerations section of the report under 'crime'.]

- 5.18 Property devaluation due to the presence of a cycle hire docking station being located in close proximity to Ansell House.

[Officer's response: Property devaluation is not a material planning consideration]

- 5.19 Lack of consultation with the residents of Ansell House by TfL.

[**Officer's response:** Public Consultation was undertaken by London Borough of Tower Hamlets who is the responsible local planning authority for the planning permission sought for the proposed relocation works.]

6.0 MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design
- Amenity
- Highways
- Other issues

Land Use

6.2 The existing site comprises footpath, and the principle of the incorporation of cycle hire docking station in the vicinity has already been established with the existing cycle station to the north of Bow Road. The need to encourage cycling and other forms of transport is well understood in planning policy and is set out in Policy 6.9 of the London Plan, policy SP08 (2) of LBTH's adopted Core Strategy and policy DM20 of the Managing Development Document. Accordingly, it is considered that the introduction of a replacement Cycle Hire Docking Station in the proposed location is acceptable in land use terms.

Design

6.21 Policies DM23 and DM24 of the Managing Development Document seek to ensure that the development is sensitive to the local character and environment and provides for safe, secure and permeable environment. Additionally, DM27 seeks for development to protect and enhance the Borough's heritage assets, their setting and their significant as key elements of developing the sense of place of the borough's distinctive places.

6.22 The design and finishing materials of the docking station and terminal will remain unchanged, finished in grey and blue, as exhibited on all docking stations throughout the borough.

6.23 The docking station will 0.8m in height (maximum), a total of 35m in length, a maximum 2m in width and will be split into two parts. Part one comprising of 12 cycle docking points (9m in length) and part two comprising of 32 cycle docking points and one terminus (26m in length). The separation distance between both parts will be 12.7m in order to avoid any interference with the existing entrance into the private courtyard area of Ansell House.

6.24 It is noted that that proposed site is in close proximity to several London Planes planted along the kerb line of Mile End Road. The proposal does not involve the removal of any nearby trees and the excavation to the pavement will not exceed 45cm. The applicant has agreed that the works will be undertaken in compliance with British Standard 5837:2012. Based upon that standard there is no reason to suppose the works will adversely damage the root zone to any surrounding street trees.

- 6.25 Therefore, the main issue is whether the design of the docking station is appropriate, and whether the provision of additional street furniture results in a cluttered streetscape.
- 6.26 The proposed relocation site on the south pavement outside the eastern block of Ansell House is considerably wide (approximately 12.5m in width) compared to the existing site and is generally cleared of any street furniture or clutter. Having considered that the total width of the cycle hire docking station will not exceed 2m, the proposed relocation is not considered to impose undue clutter to this section of the pavement or streetscape.
- 6.27 Given the proposal involves a relocation of an existing cycle hire docking station, this element already forms part of the existing streetscape of the southern pavement of Mile End Road and the Stepney Green Conservation Area. Therefore, the proposal would appear as a congruous addition to the streetscape, and would not cause harm to the special character and appearance of the conservation area.
- 6.28 The proposal relocation generally accords with policy 6.9 of the London Plan and policies DM23, DM24 and DM27 of the Managing Development Document and is therefore not considered to result in street clutter or detrimentally alter the prevailing streetscene of Mile End Road.

Amenity

- 6.29 Policy SP10 of the adopted Core Strategy and policy DM25 of the Managing Development Document seek to protect residential amenity.
- 6.30 The Cycle Hire Docking Station is proposed to be relocated outside the eastern block of Ansell House which is a large residential property comprising of over a hundred flats that are located in close proximity to a major highways intersection. Although the existing site is already located outside the western block of Ansell House, the proposed relocation site abuts the Ansell house property boundary outside the eastern building block, placing the cycle hire docking station in closer proximity to the residents of Ansell House. The proposed relocation site will be setback 0.6m from the fence line of Ansell House which separates the private courtyard from the public realm.
- 6.31 The cycle hire docking station does not comprise of any significantly tall vertical structures as the majority of the structure will not exceed 0.8m in height. It is noted that the tallest element of the cycle hire docking station will be the terminus being 2.4m in height.
- 6.32 The layout of Ansell House is such that the majority of the building is setback at least 13m from the property boundary along with a landscaped private courtyard area in the foreground which creates a reasonable buffer from the public realm. A fence of approximately 2m in height runs along the northern perimeter of the property which will assist in screening the proposed cycle hire docking station to some extent.
- 6.33 However, it is noted that the part of the eastern building block is setback approximately 3m from the property boundary, and as a result would be separated from the proposal by approximately 3.6m. The northern elevation of this building block comprises two medium sized windows per floor which look onto the busy Mile End Road carriageway.

- 6.34 Considering the size of the windows located on the northern elevation of the eastern part of Ansell House, the presence of an approximately 2m tall fenceline and the total height and scale of the cycle hire docking station, levels of overlooking are not considered to be unduly detrimental. Furthermore, the docking station is within the public realm, where there is an existing expected level of activity as existing.
- 6.35 With regards to any anticipated light pollution, the TfL 'Cycle Hire' logo located on the top of a terminus will not be illuminated at any time. Additionally, the registration/payment screen, way-finding maps and information located on the terminus will only be illuminated on demand during poor light conditions. This level of illumination is anticipated to be similar to that at bus stops. Given the proposed low level and on-demand illumination there would be no significant impacts on neighbouring amenity.
- 6.36 Additionally, given that the application site is in proximity to a major highway intersection along Mile End Road, the streetscape and the setting of the application site is already affected by a degree of background motorised traffic noise transmitted along Mile End Road, it is not considered the operation of the docking station will give rise to any unduly detrimental amenity impact to residential neighbours.
- 6.37 The proposed cycle hire docking station is therefore considered acceptable in terms of neighbour amenity, in accordance with policies SP10 of the Core Strategy, and DM25 of the Managing Development Document.

Highways

- 6.38 No objection has been raised by Transport for London the highway authority for Mile End Road or by LBTH Highways Team.
- 6.39 The pavement exhibits relatively generous width in this location and it is therefore not considered the cycle hire docking station will impede upon the permeability and safe flow of pedestrians.
- 6.40 Given the setback of approximately 10m from the existing kerbline, the proposed location of the cycle hire docking station is unlikely to interfere with vehicle sightlines from the carriageway of Mile End Road.

Other Issues

Crime

- 6.41 One reason for objection from residents related to increasing anti-social behaviour as a consequence of the rollout of Cycle Hire Docking Stations along Mile End Road.
- 6.42 According to paragraph 69 of the NPPF, the planning system should encourage safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 6.43 Policies 7.3 of the London Plan, SP09 of the Core Strategy and DM23 of the Managing Development Document seek to create safe, secure and appropriately

accessible environments where crime and disorder and the fear of crime do not undermine quality of environments.

- 6.44 An investigation on recorded crimes has been undertaken by using crime statistics from the Metropolitan Police website for the Whitechapel boundary area (fig. 1) and Ansell House including the pavement area surrounding Ansell House (fig. 2) which represent the most recent statistics of reported crimes currently available (true of January 2015).



Figure 1: Crime map of the boundary area (Whitechapel Ward 2015) (taken from www.police.uk)

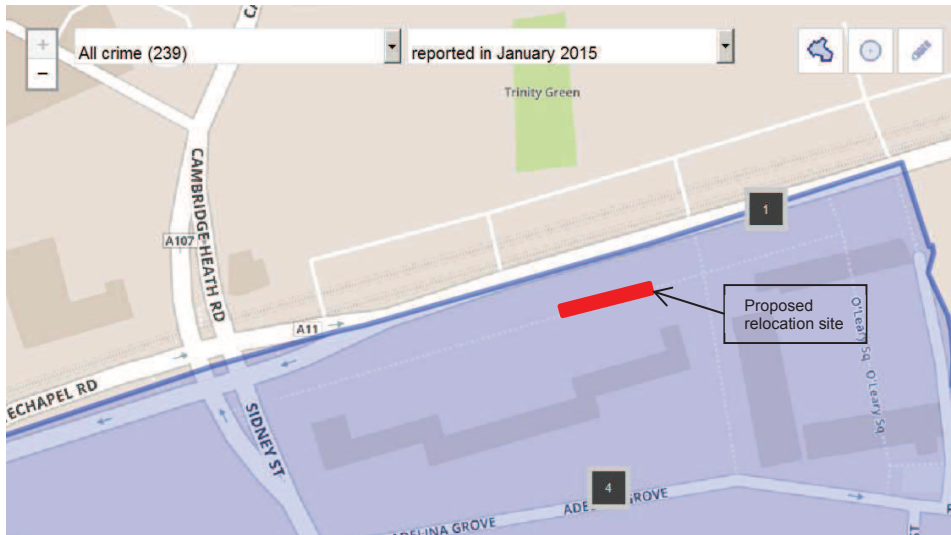


Figure 2: Crime map for application site – south pavement of Mile End Road outside Ansell House (taken from www.police.uk)

- 6.45 There are no crimes recorded specifically relating to the application site which involve the existing or the proposed location of the cycle hire docking station which forms part of this planning application.
- 6.46 Transport for London who are the responsible Highway Authority for the application site and the immediately surrounding area advised that there have been 5 reports of antisocial behaviour since the scheme began in July 2010. However, here is no

evidence of anti-social behaviour or criminal damage reported at the existing cycle docking station on the south pavement of Mile End Road outside Ansell House.

- 6.47 Having considered the proposed location, which is reasonably close to its current location, it is not considered that there is evidence to suggest that anti-social behaviour is likely to be present at the subject site. The site is well-lit, with significant natural surveillance, inherent with the site location on Mile End Road, and on that basis, it is not considered that the proposal gives rise to unacceptable crime-related concerns.

7.0 Human Rights Considerations

- 7.1 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:-

- 7.2 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 Conventions rights are likely to relevant including:

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

- 7.3 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.

- 7.4 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.

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

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

- 7.7 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.
- 7.8 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.

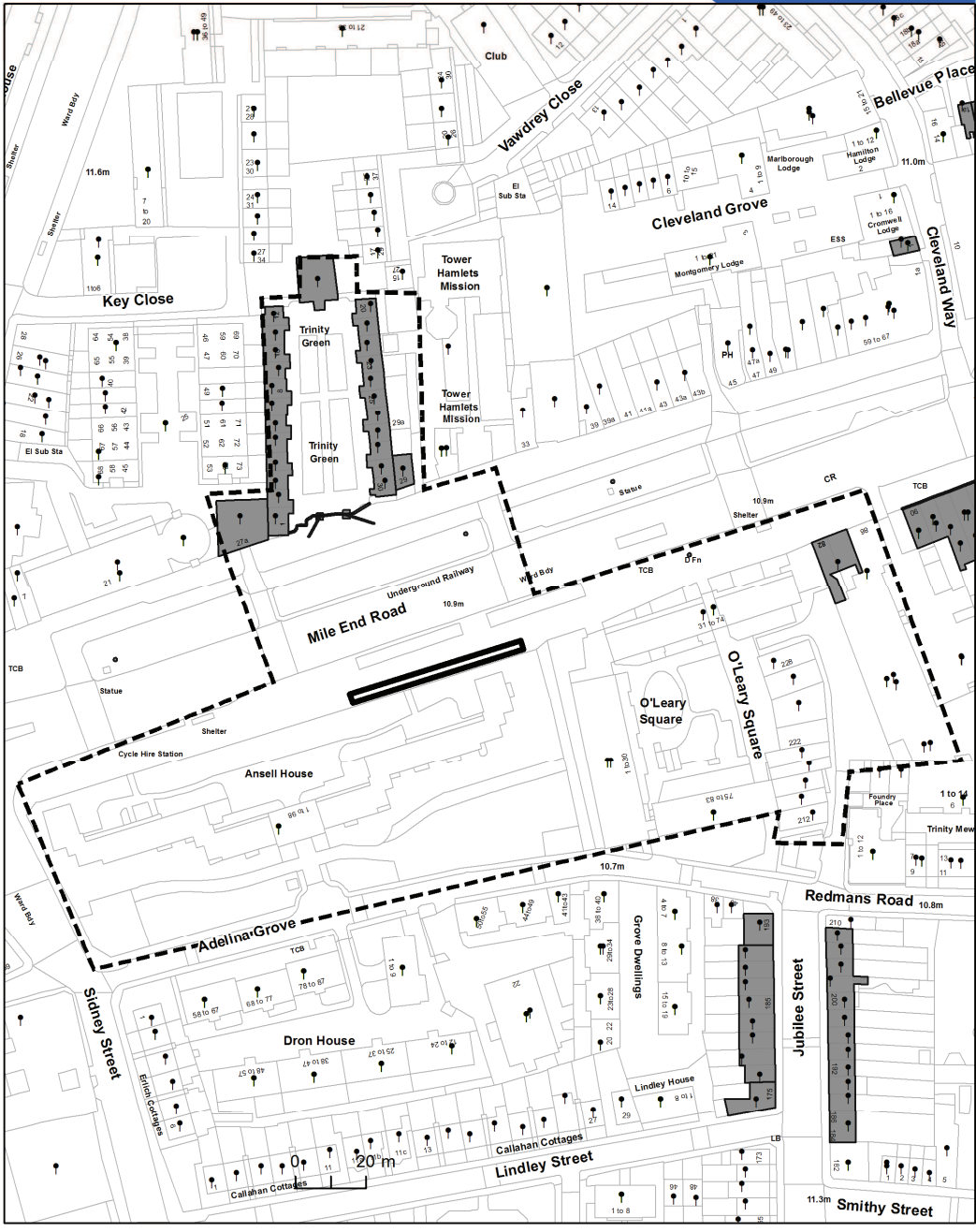
8.0 Equalities

- 8.1 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.
- 8.2 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.
- 8.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

Conclusion

- 8.4 All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map
PA/15/00117



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|------------------------------------|----------------------------|---------------------|
| Planning Application Site Boundary | Locally Listed Buildings | Land Parcel Address |
| Consultation Area | Statutory Listed Buildings | OSLine |

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