

DEVELOPMENT COMMITTEE

Thursday, 23 August 2018 at 6.30 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

This meeting is open to the public to attend

Members:

Chair: Councillor Abdul Mukit MBE
Vice Chair : Councillor John Pierce
Councillor Ruhul Amin, Councillor Mufeedah Bustin, Councillor Peter Golds, Councillor
Gabriela Salva Macallan and Councillor Helal Uddin

Substitutes:

Councillor Dipa Das, Councillor Bex White, Councillor Andrew Wood and Councillor
Kyrsten Perry

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 21 August 2018**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 22
August 2018**

Contact for further enquiries:

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1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4881
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Web: <http://www.towerhamlets.gov.uk/committee>

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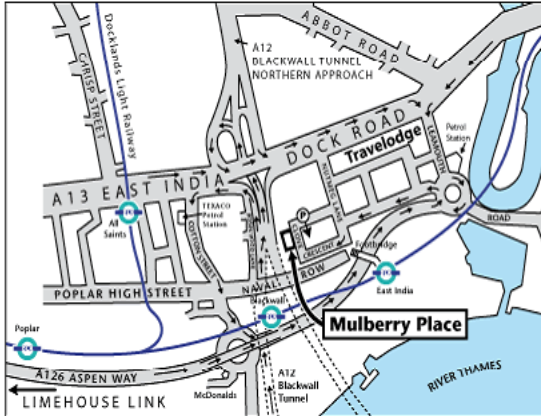
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8) 1

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 MEETINGS (Pages 9 - 22)

To confirm as a correct record the minutes of the meeting of the Development Committee meetings held on 20 June and 19 July 2018.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 23 - 24)

		PAGE NUMBER	WARD(S) AFFECTED
4. DEFERRED ITEMS		25 - 26	
4 .1	Lamb Court, 69 Narrow Street, London, E14 8EJ. (PA/18/00074)	27 - 50	Limehouse
5. PLANNING APPLICATIONS FOR DECISION		51 - 52	
5 .1	Jolles House, Bromley High Street, Blue Anchor Public House, 67 Bromley High Street and 67A Bromley High Street, London, E3. (PA/17/03015)	53 - 94	Bromley North
5 .2	Raine House, 16 Raine Street, London, E1W 3RL (PA/18/01477 and PA/18/01478)	95 - 106	St Katharine's & Wapping
5 .3	Dean Swift Public House, 2-6 Deancross Street, London, E1 2QA (PA/18/00472)	107 - 124	Shadwell

Next Meeting of the Development Committee

Thursday, 27 September 2018 at 6.30 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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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:-

Asmat Hussain Corporate Director of Law Probity and Governance and 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 6.32 P.M. ON WEDNESDAY, 20 JUNE 2018

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

Members Present:

Councillor Abdul Mukit MBE (Chair)
Councillor John Pierce (Vice-Chair)
Councillor Ruhul Amin
Councillor Mufeedah Bustin
Councillor Gabriela Salva Macallan
Councillor Helal Uddin

Other Councillors Present:

Councillor Andrew Wood (Ward Councillor, Canary Wharf) for item 7.1
Councillor Danny Hassell (ward Councillor, Bromley South) for item 7.2

Others Present:

Imran Rahman representing the applicant for item 7.1
Saima Nashren representing the applicant for item 7.1
Daniel Palman representing the applicant for item 7.2

Apologies:

Councillor Peter Golds

Officers Present:

Kevin Crilly	– (Planning Officer, Place)
Victoria Olonisaye-Collins	– (Planning Officer, Place)
Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Paul Buckenham	– (Development Manager, Planning Services, Place)
Antonella Burgio	– (Democratic Services)
Zoe Folley	– (Committee Officer, Governance)

1. ELECTION OF VICE-CHAIR FOR THE COMMITTEE FOR 2018/19.

It was proposed by Councillor Helal Uddin and on a vote **RESOLVED**

That Councillor John Pierce be elected Vice-Chair of the Development Committee for the Municipal Year 2018/2019

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Helal Uddin declared a non-prejudicial interest in respect of item 7.2 in that he was a Ward Councillor in the Ward affected by the application.

3. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 18th April 2018 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

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

5. DEFERRED ITEMS

Nil items.

6. DEVELOPMENT COMMITTEE'S TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF FUTURE MEETINGS

RESOLVED

That the Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings be noted as set out in Appendices 1, 2 and 3 to the report.

7. PLANNING APPLICATIONS FOR DECISION

7.1 111-113 MELLISH STREET, LONDON E14 8PJ (PA/18/00424)

An update report was tabled.

Paul Buckenham (Development Manager Planning Services) introduced the application for the retention of the single storey modular building for a temporary period for continued non-residential use (falling within use class D1). Officers were recommending that the application was refused permission for the reasons set out in section 3.1 of the report.

The Chair then invited registered speakers to address the Committee.

The Committee first heard representations in favour of the Officer recommendation to refuse the application from Councillor Woods, the Ward Councillor, on the basis that:

- The application was misleading in regard to the primary use of the building which, he asserted, was that of a faith building rather than that of a community facility and public space. Additionally the use of speakers at Friday prayers and during Ramadan caused noise nuisance.
- The quality of the premises was detrimental to the amenity of the area in that the building was not of quality material and did not enhance visual amenity.
- There were other suitable facilities in the vicinity which the occupying organisation might otherwise use to deliver their projects.
- The permission granted was temporary; should it be renewed, it would prevent the redevelopment of the space.
- The circumstances associated with the renewal of permission were complex.

The Committee asked questions of the Ward Councillor and noted the following responses:

- There had been no enforcement to address issues raised relating to the activities at the premises. However the matter had been taken up via Member Enquiries, many times with Planning Officers and CEO; the outcomes of these enquiries had not resulted in enforcement action.
- The primary use of the premises had not been properly reported.

The Committee then heard representations against the officer recommendation from two registered speakers. They addressed the Committee on behalf of the applicant and presented the following arguments:

- The organisation occupying the premises provided activities which all in the community were able to access.
- Faith and non-faith activities were provided at the venue.
- The premises had been maintained by the occupant.

The Committee asked questions of these speakers and noted the following responses:

- The premises were used for a range of community and faith activities including women's activities.
- Enforcement issues relating to noise had been addressed by the occupant.
- The applicant was in dialogue with the Local Authority regarding compensation for the loss of community facility that would occur once the temporary permission had lapsed.

The Committee then heard from the Planning officer, Victoria Olonisaye-Collins who advised Members on the technical elements of the key features of the application. The planning officer presentation summarised key aspects of their report to the committee and highlighted the National Planning Policy Guidance (NPPG) approach to temporary planning permissions.

On a vote of 0 in favour and 6 against the Officer recommendation, the Committee did not agree the Officer recommendation to refuse temporary planning permission.

Accordingly, Councillor John Pierce proposed, and the Chair seconded a motion that the Officer recommendation to refuse planning permission be not accepted (for the reasons set out below) and on a vote of 6 in favour, 0 against it was agreed that the Officer recommendation to refuse planning permission be not accepted.

The Committee, having considered all of the written and verbal information, were minded to oppose the officer recommendation and that there were exceptional circumstances to depart from National Planning Policy Guidance on the continued granting of temporary permissions. Members came to this view since the actions of the Council as both planning authority and land owner, in not progressing arrangements for an alternative provision for the applicant had created uncertainty around the continued provision of community facilities. The Committee noted the range of services offered which provided a community resource in the area and the importance to the community of permitting these to continue while permanent proposals are brought forward. The Committee noted there had been no material change in circumstances since the granting of the previous temporary permission.

RESOLVED:

That the Officer recommendation to refuse planning permission be **NOT ACCEPTED** at 111-113 Mellish Street, London E14 8PJ (PA/18/00424) for:

- Retention of the single storey modular building for a temporary period of 18 months for continued non-residential use (falling within use class D1).

The Committee was minded to overturn the recommendation and grant a temporary permission because there was a demonstrable need for a community facility (class D1 use) as evidenced by the level of support for the application and there had not been a material change in circumstances relating to the site or the visual impact of the buildings, since the last

temporary permission which was granted in 2016. Taken together this was an example of where it would be appropriate to grant a further temporary consent in the context of the NPPF and NPPG guidance on granting temporary permissions.

In accordance with Development Procedural Rules, Councillor Pierce put forward an alternative proposal that the application for Retention of the single storey modular building for a temporary period of 18 months for continued non-residential use (falling within use class D1) **BE GRANTED**. The proposal was seconded and on a vote of 6 in favour and 0 against it was

RESOLVED:

- That the application for Retention of the single storey modular building for a temporary period of 18 months for continued non-residential use (falling within use class D1) **BE GRANTED temporary planning permission for 18 months.**

The Committee, took account the following, in reaching their decision:

- The NPPF and NPPG guidance on granting temporary permissions.
- That proposals for the redevelopment of the site were not sufficiently advanced
- The representations of the Ward Councillor
- The representations of applicants representatives
- That in this case the Council was both the Planning Authority and Owner
- That there had been no material change in circumstances since the granting of the previous permission, particularly in respect of the impact on townscape and visual amenity.

The Committee also came to a view that, given the above factors, services to the community would suffer and that a temporary permission was justified to allow these services to continue while proposals for alternative permanent accommodation for the organisation occupying the premises are brought forward.

7.2 CASPIAN WHARF 39 - 75 VIOLET ROAD, LONDON E3 3FW. (PA/15/01846)

An update report was tabled.

Paul Buckenham (Development Manager , Planning Services) introduced the application for the erection of a vehicular and pedestrian gate at Voysey Square, instalment of a gated link through Block A3, retention of a vehicular and pedestrian gate located at Seven Seas Gardens, removal of pedestrian gates on Ligurian Walk and reconfiguration and location of cycle parking and refuse storage within Voysey Square. Officers were recommending that the application was granted permission.

The Committee noted that a late application to speak, from Ward Councillor

Hassell, had been accepted by the Chair since in his view it offered the Committee a better consideration of the advantages and disadvantages of the application and would assist the Committee to achieve a better informed decision. The applicant had been informed of the late speaker request and the Chair's decision and also wished to make a representation.

The Chair invited the registered speakers to address the Committee.

The Committee first heard representations From Councillor Hassell. He contended that, while he was not opposed to the application since it addressed crime issues in the area of the application, he had concerns that the proposal included retaining open access at Ligurian Walk where issues of antisocial behaviour had existed for some time. Councillor Hassell informed the Committee that recently he had attended a neighbourhood meeting organised by the applicant and discussed these concerns with the agent. Subsequent to this, the applicant had informed him of an amended proposal to *“erect pedestrian and vehicular gates at Voysey Square, install a gated link through Block A3, retain vehicular and pedestrian gates at Seven Seas Gardens, remove pedestrian gates on Ligurian Walk and reconfigure the location of cycle parking and refuse storage within Voysey Square”*(??) this proposal was tabled at the meeting and subsequently published as an update report.

Responding to a question from the Committee, Councillor Hassell advised that the removal of pedestrian gates on Ligurian Walk was to allow public access to the nature reserve and canal side and to comply with the Council's Policy on access to leisure areas.

The Committee then received a representation from the applicant's representative. He addressed the Committee informing Members that:

- The application wished to meet the joint objectives of allowing public access to leisure areas while addressing antisocial behaviour and criminal activity.
- Following a neighbourhood meeting, he had met again with Councillor Hassell to discuss a further amendment to the application, namely a proposal to install gates at Seven Seas Garden, which may address some of the issues raised by residents.

Responding to Members' questions the Committee was also informed that

- Other security proposals included CCTV and a concierge.
- There had been a fall in complaints made to the Police in 2016/17 because the gates at Ligurian Walk were locked overnight.

The Committee then heard from the Planning officer, Kevin Crilly who advised Members on the technical elements of the key features of the application as published in the agenda. The planning officer's presentation highlighted the main aspects of their report to the Committee.

The Committee reflected that the revised proposal referred to by both speakers had been placed before Members at the meeting and there had

been no formal submission of amended plans, officer appraisal of the proposal nor consultation; this would be expected under normal procedures.

Accordingly, Councillor John Pierce proposed and it was seconded that the application be deferred to allow further negotiations and formal submission of the proposed amendments and on a vote of 6 in favour, 0 against it was

RESOLVED:

That the application at Caspian Wharf 39 - 75 Violet Road, London E3 3FW. (PA/15/01846) for:

- Erection of a vehicular and pedestrian gate at Voysey Square, instalment of a gated link through Block A3, retention of a vehicular and pedestrian gate located at Seven Seas Gardens, removal of pedestrian gates on Ligurian Walk and reconfiguration and location of cycle parking and refuse storage within Voysey Square

BE DEFERRED for further negotiations and formal submission and consideration of the proposed amendments.

8. OTHER PLANNING MATTERS

Nil items

8.1 Update Report

This report contained two updates on the applications considered at the meeting and was published as a supplement post-meeting.

The meeting ended at 8.00 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.40 P.M. ON THURSDAY, 19 JULY 2018

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

Members Present:

Councillor Abdul Mukit MBE (Chair)
Councillor John Pierce
Councillor Ruhul Amin
Councillor Gabriela Salva Macallan
Councillor Helal Uddin
Councillor Peter Golds

Other Councillors Present:

Councillor James King, speaking against the application (Lamb Court)
Councillor Kyrsten Perry speaking in support of the application (Claire Place)

Officers Present:

Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Nasser Farooq	– (Team Leader, Planning Services, Place)
Amanda Helliwell	– (Legal Services, Governance)
Hoa Vong	– (Planning Officer, Place)
Antonella Burgio	– (Democratic Services)

Apologies:

Councillor Mufedah Bustin

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were made

2. MINUTES OF THE PREVIOUS MEETING(S) - TO FOLLOW

For administrative reasons it was not possible to present the minutes for approval. The Committee therefore agreed that the minutes be deferred for approval at the following meeting.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** to note the following recommendations and procedures:

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

4. PLANNING APPLICATIONS FOR DECISION

4.1 Lamb Court, 69 Narrow Street, London, E14 8EJ. (PA/18/00074)

An update report was tabled.

During the consideration of the item, the Committee heard from the following registered speakers Councillor James King, Ms L Carr and Mr P Patel spoke against the application which was recommended for approval. Mr Peter Camp representing the applicant spoke in support of the application.

Jerry Bell (Area Planning Manager (East) Planning Services) introduced the report which concerned an application for the erection of a four-storey building comprising a reception and concierge area on the ground floor and three residential units above.

The Chair then invited registered speakers to address the Committee

Residents speaking in objection asserted that there were several concerns relating to the proposed development:

- the Lamb Court Management Company, which acted on behalf of residents, had not been consulted about the proposal for a concierge with full-time manager
- the tabled update report was inaccurate in that it did not accurately represent the impact of the development on residents' access to fire escape routes at ground floor level, this caused concern around fire safety as not all of the routes indicated provided exit at ground floor level this would affect emergency egress from existing residential units

- there were concerns around loss of privacy as the proposed units would cause the bedrooms of existing properties to be overlooked. The proposed screens would not successfully remedy this
- environmental concerns arising from the proposal to remove six mature trees and replace these with young trees. It was argued that the loss of the mature trees would not be compensated equally by their replacement with immature trees

Councillor King, in addition to these concerns argued that

- the development did not propose any provision of social housing as required under Council policy
- by excluding such provision the proposal does not incorporate diversity or social inclusion in its design
- it did not identify with its neighbourhood as prescribed in S3.9 of the London Plan, nor did it provide evidence of social cohesion as prescribed by Infrastructure Levy DC1
- the proposed development was detrimental to the local environment

In response to Members' questions the speakers offered the following additional information on areas of concern:

Ecological Matters

The removal of four mature trees and their replacement with four immature trees did not offer equivalent replacement since it would take 30 years for the environment currently provided by the mature trees to be restored. This position was argued on the basis that:

- Tower Hamlets was one of 13 London boroughs with poorest air quality
- according to studies, maple trees provide the best outcomes in terms of air purification
- the trees were accessible to residents of the development and to those of Albert Mews as this formed a public walkway

Consultation

The Committee was informed that residents had for many years sought to secure an amenity for a part-time caretaker. Recently the freeholder had indicated that there might be some amenity but no information had been provided in writing. Enquiries from Lamb Court Management Company for written details had not been responded to however a planning application had been submitted without notice. Additionally, at the time of the original development certain planning conditions had not been fulfilled such as the completion of Albert Lock and some issues around water leakage is still persisted at present.

Safety

Fire safety concerns centred around the existing building buildings which had been designed in an open horseshoe arrangement; residents safest route for escape was to the first floor garden which was presently not enclosed. However should the development taken place the addition of the Concierge would create a barrier to escape at ground floor level. Residents felt this was

a pertinent matter in the context of recent fire safety concerns created by the Grenfell Tower fire.

Appearance

A Member of the Committee (referencing page 22 of the agenda) noted that the diagrams submitted in the report did not accurately represent the development and felt that this matter affected the Committee's ability to make an informed decision. Additionally it was asserted that the illustrations presented to the Committee at the meeting by officers which showed the scale and materials of the proposed development was not, as claimed by the applicant, harmonious with the existing development.

The Committee then heard from Mr Camp representing the applicant who spoke in support of the proposed development. He outlined the revisions that had been proposed which were intended to address the areas of concern. In summary the revisions were:

- changes to the design of the roof to align with the ridge of the existing terrace houses,
- development to be consistent with the proportions and materials of the existing development,
- existing fire escapes will be maintained and fire hydrants sited,
- the right of way in Albert Mews maintained,
- six trees removed and two replaced with new field maples which are to be ground-planted; additionally there would be increased planting in the development and installation of bird and bat nesting boxes.

The revised design would have no impact on the amenities of existing daylight or privacy since the design had been revised and balcony boundaries would be obscured to a level of 1.8 m. Consultations with residents were presently being undertaken indirectly via the Lamb Court Management Company. It was proposed that the ground floor space/concierge area would be operated by the management company at a peppercorn rent. The applicant had agreed to terms that a proportion of the proceeds from the sales would be used to fund services / activities in the concierge area. The development would cause no impediment to existing fire escapes.

Responding to members questions the following matters were clarified:

- there had been no direct correspondence with residents, all correspondence had been undertaken via the property management company the applicant believed that this group would liaise with residents.
- Mr Camp had been directed by the land owner to deal with the property management company.
- the meeting on 13 March 2018 to discuss objections been attended by neither the applicant nor the agent but by the planning officer and by residents
- concerning the design, the Committee was informed that the concierge had formed part of the original proposal and the intention was that Lamb Court Management Company would be offered unfettered use of the concierge at a peppercorn rent

- in relation to residents' concerns on biodiversity the Committee was informed that there was unobstructed access around Albert Mews and in this area there was facility to plant trees and accommodate growth
- the additional information circulated in the update report had been submitted two days prior to the meeting as a request had been made by Building Regulation to produce plans of fire escapes
- it was intended that a lump sum would be provided to the Lamb Court Management Company upon completion of the development but this sum had yet to be determined

Mr H Vong, Planning Officer presented technical report which outlined the salient features of the development including revisions from the original proposal. The Committee then questioned the Planning Officer on matters relating to the issues which had been raised by the objectors.

Having concluded the discussion of the Chair moved that the Committee proceed to vote on the proposal.

Accordingly Councillor John Pierce proposed and Councillor Ruhul Amin seconded a motion and on a vote of two in favour, three against and one abstention in respect of the officer recommendation, the Committee did NOT AGREE the officer recommendation that planning permission be granted for the reasons set out below.

The Committee was minded to overturn the recommendation and refused permission because there were concerns relating to the following matters:

- the proposed development would not be in keeping with the conservation area, it was felt that the appearance of the building would differ significantly from existing properties
- the construction of the concierge would cause a public right of way to be lost
- the proposed development would encroach on other's houses and cause loss of privacy
- the loss of mature trees and their replacement those with younger specimens would cause detrimental environmental impact in terms of air quality and biodiversity.

Councillor John Pierce proposed and Councillor Ruhul Amin seconded an alternative proposal that the application be refused and on a vote of three in favour, zero against and three abstentions the application was refused.

RESOLVED

That the officer recommendation to grant planning permission for the erection of a four-storey building comprising 1x1b unit and 2x2b units above the proposed reception and concierge area on the ground floor be refused.

Reasons for Refusal

Conservation area

the proposed development by virtue of its design and materials would be out of keeping with other developments in the conservation area

Public right of way

the proposal for a concierge conflicts with the free flow of pedestrians

Loss of amenity

they would be lack of privacy for existing occupiers due to overlooking of the residential to dwellings by the balconies of the proposed developments

Environment and biodiversity

the loss of mature trees and replacement with immature trees negatively impacts air quality and biodiversity.

4.2 Entrance To Claire Place Between 46 and 48, Tiller Road, London E14 (PA/17/02781)

An update report was tabled.

During the consideration of the item, the Committee heard from the following registered speakers. Councillor Kyrsten Perry, Mr L Tanswell, a local resident and Ms C Apcar, representing the applicant spoke in support of the application. No persons had registered to speak against the application.

Jerry Bell (Area Planning Manager (East) Planning Services) introduced the report which concerned an application for the installation of automated vehicular and pedestrian entrance gates at the vehicular entrance to Claire Place

The Chair then invited registered speakers to address the Committee

Councillor Perry, Ward Councillor for Canary Wharf spoke in support of the application to install gates at the entrance to the development setting out the following reasons:

- the area was known to have crime and antisocial behaviour problems
- incidents of illegal parking, threatened violence, aggressive behaviour and antisocial behaviour in the private development were increasing, leading residents to feel terrorised in their own homes
- installation of gates would help address these escalating issues
- Claire Place was not a thorough fare and the gates would not impact traffic in the area

Mr Tanswell and Ms Apcar, each addressed the meeting setting out their arguments for the approval of the application. They contended that:

- the application was located in a private development which was wholly residential and did not form part of a thoroughfare, in fact the gates at

the rear of the development in Caravel Close caused the development to be secluded except for the entrance at Tiller Road

- the development contained a number of secluded zones which, which did not design out crime but created un-overlooked zones which non-residents were able to access from the main entrance to Claire Place These areas were used for illegal activity such as drugs and Police had been called on a number of occasions
- residents received threatening behaviour from drivers of illegally parked cars
- the proposal to install the gates would establish a sense of place for residents without affecting other areas in the vicinity.
- Police recognise the benefits of the gates in terms of addressing issues of crime and antisocial behaviour in the development. Additionally, elsewhere other such applications had been permitted on appeal
- the activities of non-residents in regard to antisocial behaviour and illegal parking was causing significant negative impacts on the quality of life of residents

Responding to Members' questions the following additional information was provided:

- the design of the development, narrow paths and small roads leading to garages, offered opportunities for unauthorised parking causing obstruction to residents' properties and for antisocial behaviour.
- residents that addressed drivers of illegally parked cars were met with abuse and threats
- there were escalating incidents of antisocial behaviour and criminal activities. Police were aware of the ongoing issues and it was asserted that issues of antisocial behaviour or illegal parking were taking place daily
- the application for the installation of gates was supported by the Tower Hamlets Safer Neighbourhood Teams
- there were other developments nearby which were gated to control these same types of issue
- previous measures such as installation of gates at the garage area in Caravel Close and pedestrian gates at the entrance to gardens and at the end of walkways had in part addressed issues on the development however the main access into the development remained open to all. It was felt that the gates would resolve these issues as they will provide a method of controlling access into the development.

The Committee noted that unauthorised parking was an enforcement issue and queried if this had been pursued. Objectors informed Members that enforcement had not been used since issues of concern not only related to illegal parking but also burglaries and threatening behaviours. Additionally they argued that parking tickets were known to be an ineffective deterrent.

Mr H Vong, Planning Officer, presented technical report which outlined the technical elements and key features of the application. He highlighted the Council's policy on gated developments, and NPPG para 58 – 69 which requires local and neighbourhood plans to develop robust and comprehensive

policies based on objectives for the future of the area and an understanding and evaluation of its defining characteristics concerning good design. He also informed Members that the reported levels of criminality were insufficient to justify departing from the Council's policy not to support gated communities.

Responding to Members' questions the Committee noted:

- that concerning the Council's performance at appeal relating to applications for gated access to premises, prior to 2010 the Council lost a number of appeals because of evidence of crime and antisocial behaviour
- the application under consideration was in an area known to be a hotspot of antisocial behaviour and crime, additionally the access via Caravel Close had been gated to reduce antisocial behaviour.
- the site of the proposed gates would not obstruct a thoroughfare
- the purpose of the application was to provide a means to address issues of unauthorised parking and serious crime such as the threat of gun crime that was reported at the meeting
- the previously installed pedestrian gates around the site were kept locked
- one of the reasons for officers' recommendation to refuse the application at the previous Council meeting on [x] was that installation of gates would result in congestion at peak times on Tiller Road. The applicant's representative advised that the design incorporated automatic opening for residents' vehicles.
- the imposition of a condition around prevention of congestion on the highway might mitigate the impacts of the gates on traffic in Tiller Road.
- the options to reduce congestion were that the gates remain open during 'peak hours' namely 7AM - 10AM and 3PM -7PM or that sensors be installed which triggered automatic opening upon approach by residents' vehicles.

Having discussed the matters at issue, the Committee moved to vote on the application.

The Chair proposed and Councillor Ruhul Amin seconded and on a vote of two in favour and four against the Committee DID NOT ACCEPT the officer recommendation to refuse permission for the installation of automated vehicular and pedestrian access gates at the vehicular entrance to Claire Place between 46 and 48 Tiller Road London E14.

The Committee was minded to overturn the officer recommendation and grant permission on the following grounds:

1. the seriousness of clients and antisocial behaviour reported outweighed the recommendation for refusal based on criteria that the gates would create unacceptable levels of segregation, the gates' design and that they will have an impact on congestion on the surrounding highways

2. the area's note have high levels of crime and antisocial behaviour
3. there are other gated developments in the vicinity which have been installed as a measure to control crime and antisocial behaviour

In accordance with Development Procedural Rules, Councillor Pierce moved and Councillor Ruhul Amin seconded an alternative proposal that the application for the Installation of automated vehicular and pedestrian entrance gates at the vehicular entrance to Claire Place BE GRANTED with the following conditions:

- That the gates be installed within 3 years of the grant of permission
- The development take place in accordance with the approved plan
- The gates to operate in accordance with the details provided within the application

On a vote of 5 in favour and 0 against and with one abstention, it was

RESOLVED:

That the application for Installation of automated vehicular and pedestrian entrance gates at the vehicular entrance to Claire Place, 46 – 48 Tiller Road London E14 **BE GRANTED WITH CONDITIONS.**

- That the gates be installed within 3 years of the grant of permission
- The development take place in accordance with the approved plan
- The gates to operate in accordance with the details provided within the application

At the request of Councillor Gold it was recorded that although he supported the proposal in principle he abstained from the vote because of road safety concerns.

4.3 Update Report for Items 4.1 and 4.2

RESOLVED

That the tabled updates be noted.

The meeting ended at 8.53 p.m.

Chair, Councillor Abdul Mukit MBE
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. Members of the public in support	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection. It shall be at the discretion of the applicant to allocate these supporting time slots.

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

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

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

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

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under Council Constitution, Part.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.</p> <p>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.</p> <p>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 4

Committee: Development	Date: 23 August 2018	Classification: Unrestricted	
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
19 July 2018	PA/18/00074	Lamb Court, 69 Narrow Street, London, E14 8EJ	Erection of a 4 storey building comprising 1 x 1b unit and 2 x 2b units above the proposed Reception and Concierge Area on the ground floor.	Committee indicated that it was minded to go against officer's recommendation and that decision could be contrary to the development plan. A supplementary report is therefore necessary

3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred applications are for consideration by the Committee. The original reports along with any update reports are attached.
- PA/18/00074, Erection of a 4 storey building comprising 1 x 1b unit and 2 x 2b units above the proposed Reception and Concierge Area on the ground floor, Lamb Court, 69 Narrow Street, London, E14 8EJ
- 3.2 The following deferred applications are reported on the "Planning Applications for Decision" part of the agenda:
- None
- 3.3 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

4. PUBLIC SPEAKING

- 4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

- 5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

Agenda Item 4.1

Committee: Development	Date: 23rd August 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Applications for Planning Permission
	Ref No: PA/18/00074
Case Officer: Hoa Vong	Ward: Limehouse

1. **APPLICATION DETAILS**

Location: Lamb Court, 69 Narrow Street, London, E14 8EJ

Proposal: Erection of a 4 storey building comprising 1 x 1b unit and 2 x 2b units above the proposed Reception and Concierge Area on the ground floor.

2. **Background**

2.1 This application for planning permission was considered by the Development Committee on 19th July 2018. A copy of the original report is appended.

2.2 At the committee members were minded NOT TO ACCEPT officer recommendation and were minded to REFUSE planning permission for the following reasons:

1. Loss of biodiversity;
2. Impact on access;
3. Impact on the Narrow Street Conservation Area and,
4. Impact on neighbouring amenity

2.3 This report has been prepared to discuss the implications of the reasons for refusal and to discuss any further information provided by the applicant following the committee.

3. **CONSIDERATION OF THE COMMITTEE'S REASONS FOR REFUSAL**

3.1. The following section of the report looks at each of the concerns raised by committee members in more detail.

Loss of biodiversity

3.2. Six category B trees would be felled as part of the proposed development. The trees would be replaced on a like for like basis as stated in the Tree Survey Report and Arboricultural Impact Assessment. In addition to this, additional biodiversity enhancements such as bat and bird boxes and planting are also proposed.



Fig 1 Location of proposed maple trees

- 3.3. The proposal would therefore not result in the loss of biodiversity and due to the additional bat and bird boxes and planting it is considered that the proposal would result in a net biodiversity gain.
- 3.4. Consequently, it falls to the Committee as decision makers to determine whether the proposal would result in a net loss of biodiversity. Officers consider that the proposal would result in a net biodiversity gain and this takes on board specialist advice from the Councils Biodiversity Officer. Therefore, officers feel this reason for refusal may not be successful at appeal.

Impact on access

- 3.5. Members were minded to refuse the application due to the impact on access along Albert Mews.
- 3.6. Albert Mews currently provides pedestrian access to Lamb Court via Northey Street to the north and Narrow Street to the south. Access to Lamb Court via Albert Mews is

restricted by a gate situated in between Nos. 12 and 14, of which residents require a passcode to gain entry.

- 3.7. The proposed development does not propose any structures or impact any rights of way on Albert Mews. Pedestrian access would therefore remain unfettered along Albert Mews as is the existing relationship.

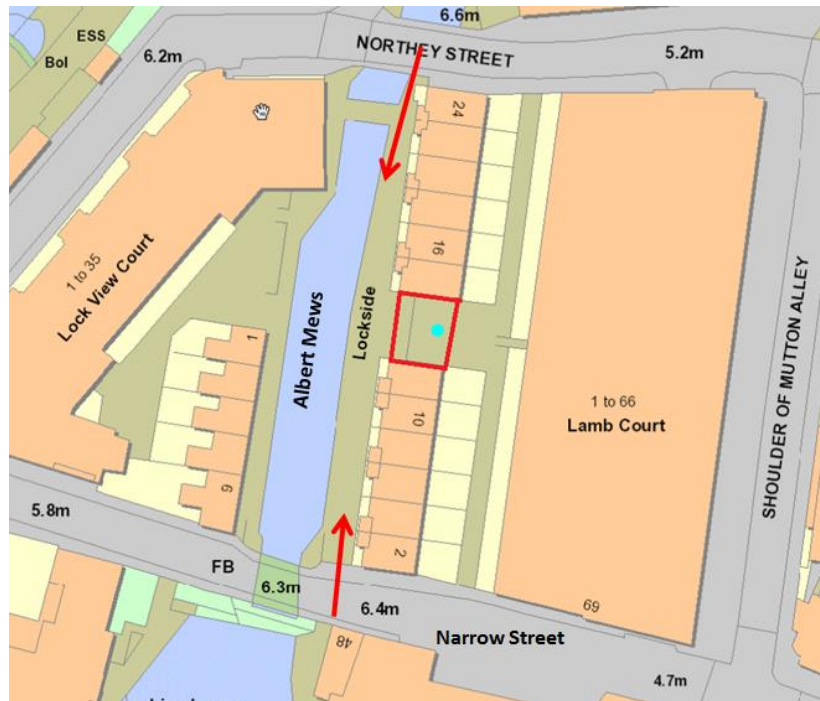


Fig 2 Access from Albert Mews

- 3.8. As previously stated pedestrian access into Lamb Court from Albert Mews is currently restricted by a gate situated in between Nos. 12 and 14, of which residents require a passcode to gain entry. The proposed scheme does not change that situation and therefore the level of public access into the development remains the same.
- 3.9. It is proposed that there would be a ground floor concierge during the day and passcode access during the evenings. Access into Lamb Court from Albert Mews would therefore require either a passcode or entry via a managed concierge. This is similar to the existing relationship in which residents would walk along Albert Mews before gaining access to Lamb Court via a gated passcode entry system.
- 3.10. The proposed development would therefore not result in limited or restricted access to Lamb Court. Access along Albert Mews would also not be impacted. Therefore, officers feel this reason for refusal would be difficult to defend at appeal.

Impact on the Narrow Street Conservation Area

- 3.11. Members were minded to refuse the application due to the impact of the design of the proposed development on the setting of the conservation area. More specifically it was considered that the design was unsympathetic to the character of the conservation area and did not successfully replicate the appearance of the adjacent buildings on Albert Mews.

- 3.12. Officers consider this to be a valid planning reason to reject the proposal and therefore feel it can be defended at appeal.

Impact on neighbouring amenity

- 3.13. Separation distances between the properties the adjacent properties on Lamb Court and Lock View Court exceed 18m. This distance is considered sufficient to mitigate any significant overlooking impact and loss of privacy.

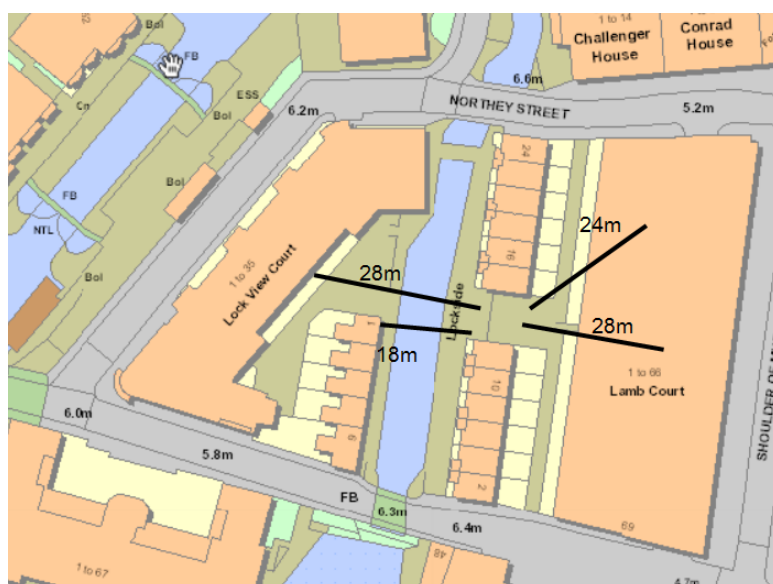


Fig 4 Separation distances

- 3.14. Concerns have been raised regarding overlooking from the balconies on the front with Nos. 12 and 14. This has been addressed by incorporating screening to the side which will be obscure glazed.



Fig 5 Privacy screens and relationship to neighbouring windows at Nos.12 and 14

- 3.15. As the building does not project past the existing building lines or neighbouring windows, it is not considered that there would be a material impact on sunlight/daylight or overshadowing.
- 3.16. Consequently, it falls to the Committee as decision makers to determine whether the proposal would result in a significant enough impact on neighbouring amenity to warrant a reason for refusal. Officers consider that the separation distances and incorporation of screening to balconies are sufficient to mitigate the impact upon neighbouring amenity and therefore the likelihood of successfully defending this reason at appeal is limited.

4.0 PROPOSED REASON'S FOR REFUSAL

- 4.1. The Committee is invited to take account of the above information before coming to a final decision.
- 4.2. If the Committee remains minded to refuse planning permission, the following reasons are provided based on the discussion at the previous committee meeting.
1. *The proposed development would result in a net loss of biodiversity. As such the proposal fails to accord with Policy SP04 of the Tower Hamlets Core Strategy and Policy DM11 of the Tower Hamlets Managing Development Document.*
 2. *The proposed development would restrict access to Lamb Court and Albert Mews. As such the proposal fails to accord with policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2016), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.*
 3. *The proposed development due to its height, massing and design would fail to preserve or enhance the character and appearance of the Narrow Street Conservation Area and result in significant harm to the character of the streetscene. As such, the proposal fails to accord with policies 7.4, 7.6 and 7.8 of the London Plan (2016), policies SP10 and SP12 of the Adopted Core Strategy (2010), DM24 and DM27 of the Managing Development Document.*
 4. *The proposed development would result in an unacceptable level of overlooking and loss of privacy. As such the proposal fails to accord with SP10 of the Adopted Core Strategy (2010) and DM25 of the Managing Development Document (2013).*

5.0 IMPLICATIONS OF THE DECISION

- 5.1 The officer recommendation has been to grant planning permission but it is the Committee's prerogative to disagree with that recommendation if there are clear planning reasons for doing so. In coming to an alternative view the Committee has to take into account the provisions of the development plan, any other relevant policies and relevant material considerations.

- 5.2 If planning permission is refused, there are a number of routes that the applicant could pursue: Appeal to the Secretary of State. An appeal would be determined by an independent Inspector appointed by the Secretary of State. Whilst officers have recommended approval, any appeal would be vigorously defended on behalf of the Council.
- 5.3 To pursue an alternative scheme. The applicant could commence pre-application discussions on an amended scheme that seeks to address the reasons for refusal and submit a fresh planning application.

Financial implications - award of costs

- 5.4 The applicant could submit an appeal to the Secretary of State. Appeals are determined by independent Planning Inspectors appointed by the Secretary of State. Appellants may also submit an application for an award of costs against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”

- 5.5 Whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour” as set out above.
- 5.6 Whatever the outcome, officers would seek to defend any subsequent appeal.

6.0 RECOMMENDATION

- 6.1 Officers recommendation remains to **GRANT PLANNING PERMISSION**, subject to conditions as listed within the original committee report.
- 6.2 In the event that the Committee resolve not to accept the recommendation and are minded to refuse planning permission, suggested reasons are set out in paragraph 4.2.

Committee: Development Committee	Date: 19 th July 2018	Classification: Unrestricted
Report of: Director of Place		Title: Applications for Planning Permission
Case Officer: Hoa Vong		Ref No: PA/18/00074
		Ward: Limehouse

1.0 APPLICATION DETAILS

Location:	Lamb Court, 69 Narrow Street, London, E14 8EJ
Proposal:	Erection of a 4 storey building comprising 1 x 1b unit and 2 x 2b units above the proposed Reception and Concierge Area on the ground floor.
Drawings and documents:	<p><u>Documents and Reports</u></p> <p>Design and Access statement; Floodrisk assessment; Ecological Assessment; Historic Environment Assessment; Pre-determination investigation report; Tree Survey Report and Arboricultural Impact Assessment; Site Survey plan Existing.</p> <p><u>Plans and Drawings</u></p> <p>1209-10B; 1209-11B; 1209-12C; 1209-13D; 1209-14B; 1209-15B; 1209-16B; 1209.00; 1209.01; 1209.02; 1209.03; 1209.04 (north); 1209.04 (South); 1209.10A; 1209.14B; 1209.15B; 1209.16B; 1209.19; 1209.20; 1209.21; 1209.23 1209.SK.08; 1209.SK.09; Fire Plans Proposed and P-101 P1.</p>
Ownership/applicant:	Secure Reversions Ltd
Historic Building:	No listed buildings on site.
Conservation Area:	Narrow Street Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan 2016 and the National Planning Policy Framework.

- 2.2 This report considers an application for the erection of a 4 storey building comprising A Reception and Concierge Area on the ground floor and 1 x 1b unit and 2 x 2b units on floors one to three.
- 2.3 74 letters of objection have been received. As such the application has been referred to the Council's Development Committee.
- 2.4 The objections received regarding impact on the conservation area, design, amenity, access, fire safety and biodiversity have been adequately addressed and are further detailed in this report.
- 2.5 The proposed design of the building is considered to be acceptable in terms of scale, mass, and form. The extension would be subservient to the original terrace and integrate well with the character of the conservation area.
- 2.6 The proposal includes the loss of six existing category B maple trees which are to be replaced as part of the proposal. With the introduction of a native tree, shrub planting and the addition bird and bat boxes, there will be a net gain of biodiversity.
- 2.7 With appropriate separation distances, the proposal would not have an unduly detrimental impact on the amenity of any adjoining occupiers or that of the public realm and is therefore acceptable in amenity terms.
- 2.8 Overall, it is considered that the proposal would be in accordance with the National Planning Policy Framework and would comply with the provisions of the Local Development Plan. Having examined all the material planning considerations it should be approved.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission.

Conditions

- (a) Three year time limit (*Compliance*)
- (b) Development to be carried out in accordance with the approved plans (*Compliance*)
- (c) Full details of the proposed facing materials to be used for the extension (*pre-commencement*)
- (d) 24 Hour ground access for Lamb Court Residents (*Compliance*)
- (e) Obscure glazed side screening to the balconies (*prior to occupation*)
- (f) Construction management plan (*pre-commencement*)
- (g) Car free agreement (*pre-commencement*)
- (h) Full arboricultural and tree protection plan (*pre-commencement*)
- (i) Details of biodiversity enhancements including details of 6 additional trees (*pre-commencement*)
- (j) Archaeology Written scheme of investigation (*pre-commencement*)

Informative

- 3.2 The sprinklers should comply with BS 9251:2014 or BSEN 12845.
- 3.3 The dry risers should comply with latest Approved Building Regulations Document B.

4.0 SITE AND SURROUNDS

- 4.1. The application site is rectangular in shape and measures 9.7m wide and 14.2m deep. It is currently used as an access to Lambs Court and is gated. There are also 6 maple trees on site. The site is accessed by Narrow Street, Shoulder of Mutton Alley and Northey Street. The area currently serves as access within the development that can only be accessed by residents with a fob key and leads to an internal courtyard/access way that is in the centre of the Lamb Court development.



Photograph showing the application site.

- 4.2. On either side of the plot are residential terraces that are three storeys with pitched roofs and front bays at first floor with Juliette balconies. The terraces on either side are slightly different heights. The terrace to the south is lower, as shown in the following photograph.



- 4.3. The site sits within the Narrow Street Conservation Area. The existing buildings as part of Lamb Court were constructed in the 1980s and are considered to preserve the surrounding the surrounding character. This is particularly true when compared to many of the listed buildings along Narrow Street that also front the Thames.



- 4.4. The application site is also within flood zones 2 and 3 and an archaeological priority zone.

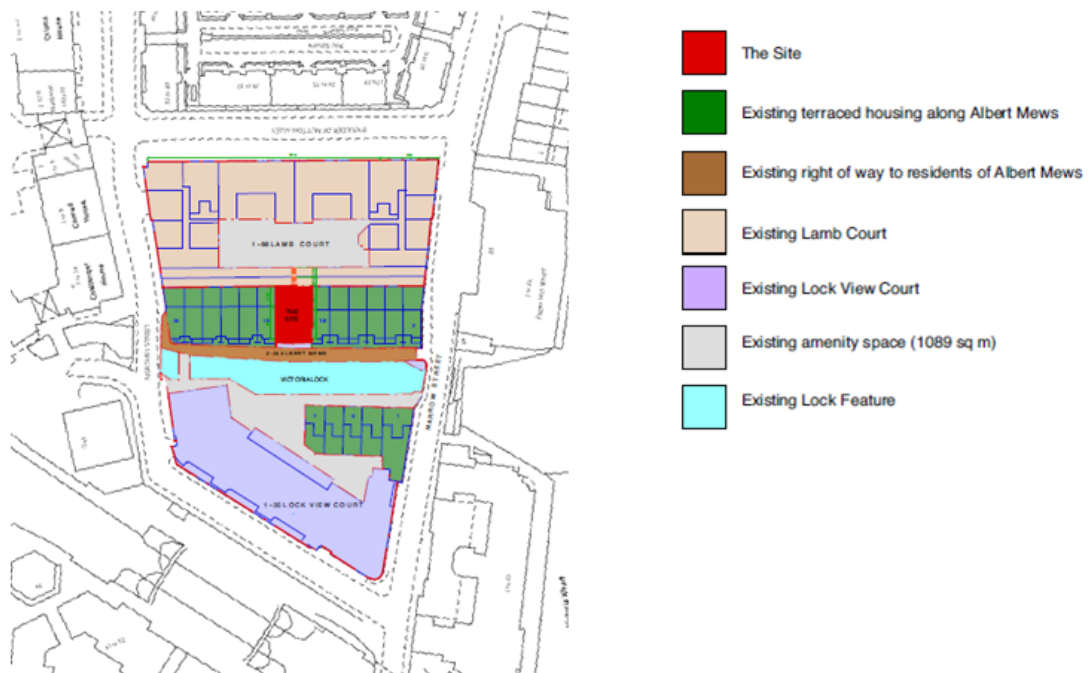


Fig. 1 Site Location Plan

5.0 RELEVANT PLANNING HISTORY

Pre-application

PF/15/002233- Proposal for 3 additional units comprising 1 x 1 bedroom and 2 x 2 bedroom.

- 5.1. The principle development was considered to be acceptable subject to a number of design amendments, which the applicant has complied with.

6.0 POLICY FRAMEWORK

- 6.1 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:

6.2 Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance

6.3 London Plan 2016

- 2.9 - Inner London
- 3.9 - Mixed and balanced communities
- 6.3 - Assessing effects of development on transport capacity
- 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

6.4 Core Strategy 2010

- SP02 - Urban living for everyone
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP12 - Delivering placemaking

6.5 Managing Development Document 2013

- DM20 – Supporting a sustainable transport network
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 – Amenity
- DM27 - Heritage and the historic environment

6.6 Supplementary Planning Documents

Narrow Street Conservation Area Character Appraisal (2007)

6.7 Tower Hamlets Community Plan objectives

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

6.8 On Wednesday 28 February 2018, the new Local Plan was submitted to the Secretary of State for the Ministry of Housing, Communities and Local Government to undergo a public examination. This is the final stage in the process of preparing the plan and will involve an independent examination of the plan that tests its content and how it has been prepared.

6.9 As the Local Plan has reached an advanced stage, decision makers can now attach more weight to its policies in the determination of planning applications.

6.10 The draft NPPF and London Plan are also material considerations.

7.0 CONSULTATION RESPONSE

7.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

7.2 The following were consulted regarding the application:

External Consultees

London Fire and Emergency Planning Authority

7.3 Concerns were raised regarding Pump appliance access and water supplies. The proposal should conform with the requirements of part B5 of approved document B.

7.4 These issues have been addressed as detailed in the main section of the report.

Canal and River Trust

7.5 No objections

Environment Agency

7.6 No objections subject to the proposal being carried out in accordance with the measures detailed in the submitted flood risk assessment including evacuation measures, finished floor levels and flood resilience.

Port of London Authority

7.7 No objections

Historic England Archaeology

7.9 No Objections subject to securing a written scheme of investigation by condition.

Internal Consultees

Tree officer

- 7.10 No objections as the 6 maple trees to be removed will be replaced.

Biodiversity

- 7.11 No objections subject to conditions regarding nesting birds and biodiversity enhancements.

Highways

- 7.12 No objections subject to a permit free agreements. All cycle facilities are to be retained and maintained for their permitted use only for the life of the development. Unrestricted access to pedestrians (as currently exists) must be maintained through the proposed concierge unit at all times.

Waste

- 7.13 No objections. Concerns were raised over the trolleying distance however it should be noted that this is an existing relationship and the proposed waste strategy ties in with the existing waste arrangements for Lamb Court.

8.0 LOCAL REPRESENTATION

- 8.1 128 letters were sent to neighbouring properties. A site notice was also displayed outside the application site and the proposal was advertised online.

- 8.2 A meeting was held on the 13th March with three local residents, and council officers. The meeting was held to discuss objections raised by residents regarding design, conservation, fire safety, trees, wildlife, amenity and construction. The consultation was relayed to the applicant and the proposal was amended in order to address these concerns.

- 8.3 As a result of amendments to the proposal neighbour consultation for a period of 14 days was carried out. The following responses have been received in total (original consultation plus through amendments):

No of individual responses:	Objecting:	74
	Supporting:	0
	Comment:	1

No of petitions received: 0

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

Design and impact on the conservation area

- Roof addition not sympathetic to the conservation area
- Overall design not sympathetic to the conservation area
- Too bulky and tall

Fire Safety and Access

- Proposal blocks a potential fire exit
- Pump appliance access and water supplies for the fire service have not been addressed
- The current site provides a right of way for residents of The Albert Mews

Biodiversity and Trees

- Loss of trees
- Impact on local wildlife
- Loss of open space

Amenity

- Impact on light to windows
- Overlooking
- Noise disturbance
- Dust, noise and pollution during construction

9.0 MATERIAL PLANNING CONSIDERATIONS

9.1 The main application has been assessed against all relevant policies under the following report headings:

1. Land use
2. Design and impact on heritage assets
3. Impact on Neighbouring amenity
4. Highways and Transport
5. Waste
6. Biodiversity
7. Floodrisk
8. Access

Land Use

- 9.2 The provision of housing is a policy objective at a national, London-wide and local level. NPPF Paragraph 50 supports the delivery of a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, Inclusive and mixed communities. Local Plan Core Strategy Policy SPO2 (2.a) requires new housing development to optimise the use of land. London Plan Policy 3.4 'Optimising Housing Potential' sets out that planning decisions need to take account of local context. Local Plan Strategic Objective 23 promotes a Borough of well designed, sustainable and robust buildings that contribute and enrich the local environment and contribute to the overall quality of life.
- 9.3 The proposal seeks planning permission the construction of a 4 storey building to provide 1 x 1b unit and 2 x 2b units.
- 9.4 Objections have been raised from residents regarding the use of this land as an open space. Whilst there are 6 maple trees on site, this area of land is not designated as any form of open space and is used as pedestrian access to the car park located in Lambs Court. As discussed in the main section of the report any amenity value

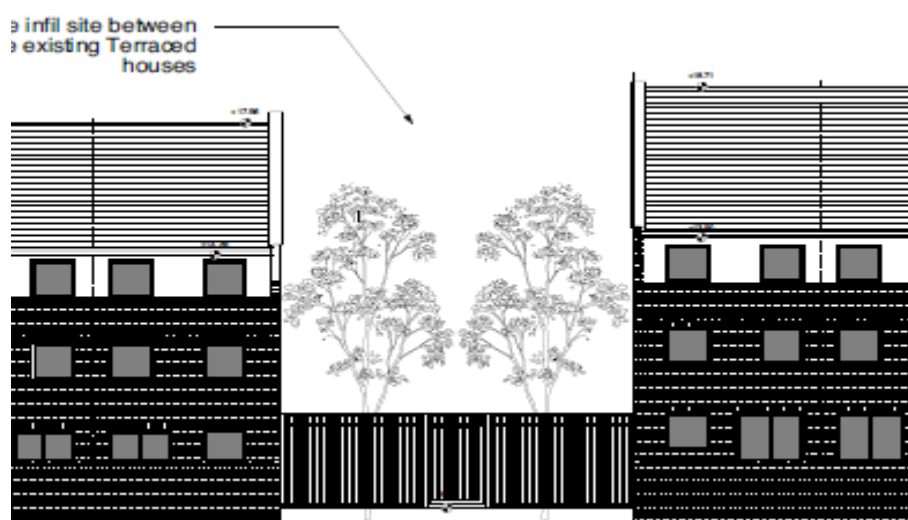
provided by the trees is re-provided, together with other biodiversity enhancements. Access will also remain as existing. The site also has some visual value in creating a gap between the two terraces, however this is limited.

- 9.5 In light of this and the above policies which seek to maximise the provision of housing, it is considered that the principle of the development is acceptable.

Design and impact on heritage assets

- 9.6 The design of the proposed development has been significantly amended by the applicant during the application process, and has been designed in a manner so as not to appear overly dominant nor significantly impact upon the character of the conservation area, whilst also respecting the proportions of the existing terrace.

- 9.7 The following is a plan showing the existing streetscene.



- 9.8 This has been achieved by maintaining a 4 storey height as well as stepping down in roofline with No. 14. In addition to this the building line is maintained and detailing such as the render band at 2nd floor level, matching fenestration and materials are used. The retention of these features ensures that the building mass is sympathetic to the existing character of the conservation area and adjoining terrace.
- 9.9 It is noted that there are a number of features which do not replicate the exact design of the adjoining properties however design policies seek a site specific response which enhance and better reveal the significance of place and heritage assets rather than impose a particular design or style.
- 9.10 In this case, the proposed development has been designed as a “linking block” in recognition of its mid- terrace location and consistency of design of the adjoining terrace. This avoids a pastiche of the existing 1980s terrace and given the existing and proposed use of the site as an entrance to the properties to the rear of Lambs Court, also provides a stronger sense of arrival.
- 9.11 The following photograph shows the existing streetscene elevation.



Fig. 3 Proposed front and rear elevations

- 9.12 As a result, features which do not replicate the original Lambs Court design are considered to be acceptable due to the overall comprehensive design approach, in which the roof extension forms part of a central brick gable and hits the ground floor with a fully glazed entrance. This is in contrast to previous applications for front facing dormer extensions which would have resulted in a piecemeal development of the properties in the area.
- 9.13 The proposed development is visible from limited views and does not obscure any views of significant heritage assets in the area. The impact on the wider conservation area is therefore limited.
- 9.14 Access will remain as existing from Albert Mews. Residents will be given secure 24-hour access which will be secured by condition. Access arrangements are fully detailed in the below sections.
- 9.15 In summary the height and massing of the proposed development is considered to be acceptable. The design approach, given the characteristics of the site and its use is also considered to be appropriate.

Impact on neighbouring amenity

- 9.16 Separation distances between the properties of 12m with Lamb Court and 18m with Lock View Court. Whilst this is not in line with the 18m as recommended in guidance, it should be noted that this is an existing relationship with the properties on Lamb Court and its replication is therefore accepted.
- 9.17 Concerns have been raised regarding overlooking from the balconies on the front. This has been addressed by incorporating screening to the side which will be obscure glazed and secured by condition; this approach can be seen within the vicinity of the site.
- 9.18 As the building does not project past the existing building lines or neighbouring windows, it is not considered that there would be an impact on sunlight/ daylight or overshadowing.
- 9.19 The proposed development is therefore considered to be acceptable with regards to impact on neighbouring amenity.

Standard of accommodation

- 9.20 As shown in the following tables, all units would meet the London Plan internal standards. The amenity space is provided in the form of two separate balconies which is considered to be acceptable.

Dwelling Type	GIA (m ²) Required	GIA Provided
1b/2p	50	52.56
2b/4p	70	70.93

Table showing floorspace requirements

Dwelling Type	Amenity (m ²) Required	Amenity Provided
1b/2p	5	2.84 x 2 = 5.68m ²
2b/4p	7	3.75 x 2 = 7.14m ²

Table showing amenity space requirements

- 9.21 The proposed development is considered acceptable with regards to the standard of accommodation.

Highways and Transport

- 9.22 No objections have been raised by highways officers subject the applicant entering into a permit free agreement.
- 9.23 Five new safe and secure cycle spaces will be provided and located at the rear of the new reception area. A condition will be imposed requiring all cycle facilities to be retained and maintained for the proposed development for the life of the development.

Waste

- 9.24 Communal refuse and recycling storage is already provided for the residents of Lambs Court within the existing large block to the east of the site, as shown on the drawings 1209.10A
- 9.25 The proposal is that any new residential accommodation as a result of the proposed development would be able to use the existing provisions within Lambs Court. Waste officers have reviewed the application and have no objections to the increased provision.
- 9.26 Concerns have been raised regarding the trolleying distance from properties to the stores which are over 30m. This is however an accepted and existing arrangement in Lambs Court. In addition to this, moving the bins stores closer to the development would result in a distance of greater than 10m with regards to collection distance for Council refuse trucks.
- 9.27 Given that the proposal meets the waste requirements in all other regards and the existing arrangement, the location of the waste storage is considered to be acceptable.

Biodiversity

- 9.28 All six Category B trees within the proposed development site will be removed to facilitate the proposed development.
- 9.29 The trees were categorised following the guidance of BS5837:2012, and therefore trees and groups were objectively assigned a quality category to identify their likely value within any future development of the site. There are 4 groups with category A trees being of high value and Category U trees being at risk of collapse.
- 9.30 Trees of moderate value (Cat B) including those that do not qualify as Category A due to impaired condition and/or those that collectively have higher value than they would as individuals.
- 9.31 One tree just beyond the site boundary (T7) will be retained, with suitable protection and impact avoidance measures to be implemented to prevent impact to this tree.
- 9.32 To mitigate the loss of six field maple trees from the site, a total of six new, heavy standard maple trees will be provided on the site post-development. Figure 3 in Appendix 4 of the arboricultural assessment shows the proposed locations for these trees. They will consist of two to the west of the property to retain the view of greenery to properties opposite the canal, two within the grounds of the new building, in the same locations as two of the removed trees, and two adjacent to steps to the east of the building, in line with two rows of other field maples.
- 9.33 It was considered that this would largely mitigate for any loss of amenity and will provide equal ecological value on maturity as the existing trees. Some additional planting will be undertaken on the western side of the building including shrubs and herbaceous plants which will further add to the soft landscaping of the site.
- 9.34 With regards to further biodiversity enhancement, the site is considered to have a low biodiversity values which is accepted.
- 9.35 Despite this the following enhancement measures have been proposed:
- The addition of native tree and shrub planting

- The addition of at least three bat boxes,
- three bird boxes

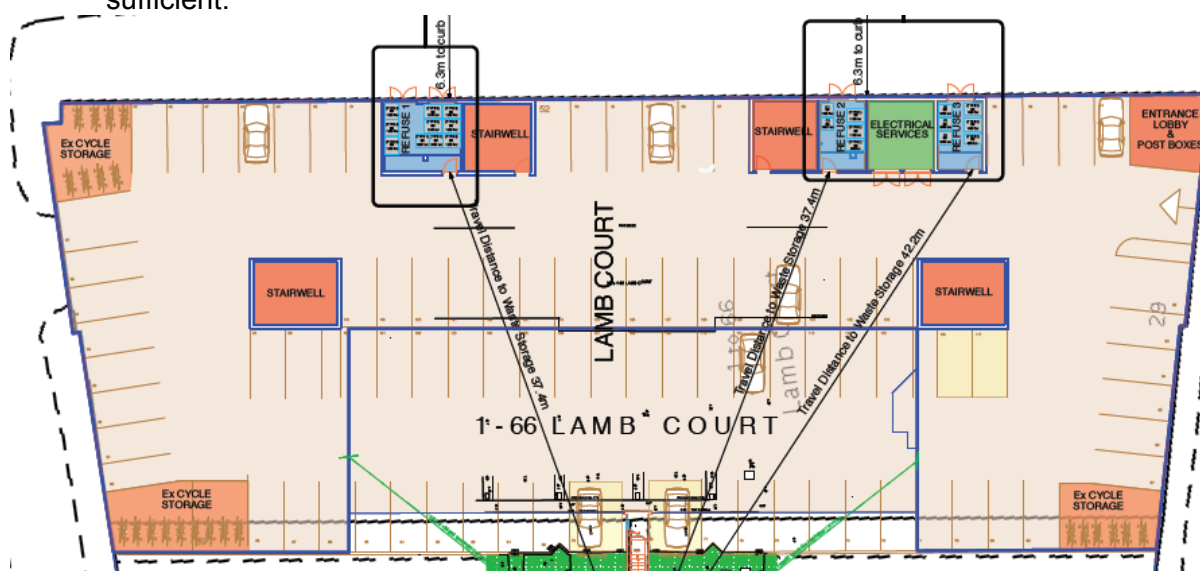
9.36 Tree and biodiversity officers have raised no objections and the above will be secured by condition

9.37 The proposed development is therefore considered to be acceptable in terms of biodiversity.

Floodrisk

9.38 The site is located within Flood Zone 3 and is protected to a very high standard by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance in any year.

9.39 In addition measures set out in the flood risk assessment regarding evacuation measures, finished floor levels and flood resilience measures are considered sufficient.



Plan showing waste location

Access

9.40 Access to and from Lamb Court will continue to be via the existing access along Albert Mews, as well as the other access points into the development as a whole.

9.41 It is proposed that a full time manager will oversee the reception area during normal working hours providing access to Lamb Court residents. Out of normal working hours residents of Lamb Court will be able to access the two fire doors on each side of the reception area with a security access code, which is presently used on site at the moment to access the metal security gate.

9.42 Drawing 1209.SK.10B shows that the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level). This has been reviewed by the London Fire department who has no objections however has requested that the location of the dry risers conform to the latest approved Building Regulations Document B.

- 9.43 In addition to this, the applicant has committed to a sprinkler system will be incorporated into the scheme during its construction in accordance with BS 9251:2014 (or BS EN 12845).
- 9.44 A condition will be attached to the application securing 24 hour access to residents of Lambs Court.
- 9.45 In light of this the proposed development is considered to be acceptable with regards to access.

10.0 Human Rights Considerations

- 10.1 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:
- 10.2 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 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".
- 10.3 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.
- 10.4 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.
- 10.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

- 10.6 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.

11.0 EQUALITIES ACT CONSIDERATIONS

- 11.1 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.

12.0 CONCLUSION

- 12.1 All other relevant policies and considerations have been taken into account. Planning permission should be approved subject to conditions set out in this report.

Appendix 1 SITE MAP

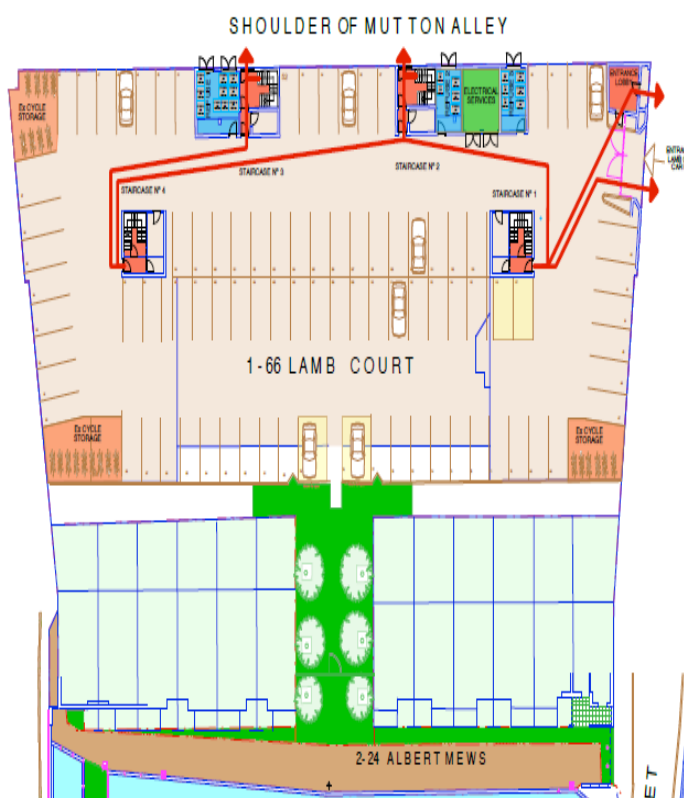


ADDENDUM REPORT, DEVELOPMENT COMMITTEE. 19TH JULY 2018

Agenda item no	Reference no	Location	Proposal / Title
4.1	PA/18/00074	Lamb Court, 69 Narrow Street, London, E14 8EJ	Erection of a 4 storey building comprising 1 x 1b unit and 2 x 2b units above the proposed Reception and Concierge Area on the ground floor.

1.0 ADDITIONAL INFORMATION

- 1.1 The Council has received additional information regarding existing fire access for the residents of Lamb Court.
- 1.2 As shown in the below drawing there are 4 ground floor exits. 2 of which exit on to the Shoulder of Mutton Alley and 1 from Narrow Street



- 1.3 The proposed development impacts only access to Albert Mews. However 24 hour access for residents will be secured by condition for residents with either a concierge or a security code.
- 1.4 Sprinklers will also be installed and the proposal will comply with the relevant fire safety guidelines. It should be noted that the London Fire Authority have reviewed the application and have raised not objections.

2 RECOMMENDATION

- 2.1 Officer recommendation is to **GRANT** planning permission.

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Agenda Item 5

Committee: Development	Date:	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Place Originating Officer: Owen Whalley		Title: Planning Applications for Decision 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 2016
 - 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 the Planning Practice Guidance.
- 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

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:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 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 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 5.1

Committee: Development Committee	Date: 23 rd August 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Kevin Crilly	Ref No: PA/17/03015 - Full Planning Permission
	Ward: Bromley North

1. APPLICATION DETAILS

Location:	Jolles House, Bromley High Street, Blue Anchor Public House, 67 Bromley High Street and 67A Bromley High Street, London, E3.
Existing Use:	Residential (Use Class C3) and Public House (Use Class C4)
Proposal:	Demolition of existing Jolles House and vacant Blue Anchor public house and Affordable housing led redevelopment comprising two linked 6 storey residential buildings comprising x64 affordable units and x6 private units; with associated landscaping and play provision enhancements.
Drawing and documents:	<p>Drawings:</p> <p>242_PL_001_Site Location Plan 242_PL_002_Existing Site Plan 242_PL_003_Existing Site Sections 242_PL_004_Existing Site Elevations E-E and F-F 242_PL_005_Existing Site Elevations G-G and H-H</p> <p>242_PL_100A_Proposed Site Plan 242_PL_101A_Ground Floor Plan – Proposed 242_PL_102A_Typical Floor Plan - 1st- 4th – Proposed 242_PL_103A_Upper Floor Plan – Proposed 242_PL_104A_Roof Plan – Proposed 242_PL_300A_Proposed Site Elevations E-E and F-F 242_PL_301A_Proposed Site Elevations G-G and H-H 242_PL_302A_Proposed Elevations E-E-and F-F 242_PL_303A_Proposed Elevations G-G and H-H 242_PL_304A_Proposed Elevations J-J and K-K 242_PL_305A_Proposed Elevations L-L and M-M 242_PL_400A_Flat Type 001 - 2B4P 242_PL_401A_Flat Type 002 - 2B3P 242_PL_403A_Flat Type 003 - 2B3P 242_PL_404A_Flat Type 004 - 1B2P 242_PL_405A_Flat Type 005 - 1B1P 242_PL_406A_Flat Type 006 - 2B3P 242_PL_408A_Flat Type 007 - 3B5P 242_PL_409A_Flat Type 008 - 2B4P 242_PL_410A_Flat Type 009 - 3B5P 242_PL_412A_Flat Type 010 - 4B6P 242_PL_413A_Flat Type 011 - 2B4P 242_PL_415a_Flat Type 012 - 1B2P</p>

FHA-683-L-101 P5
FHA-683-L-201 P4
FHA-683-L-301 P4

Applicant: Poplar Harca

Ownership: Poplar Harca

Historic Building: None

Conservation Area: None

2. EXECUTIVE SUMMARY

- 2.1. The current application has been assessed against the development plan for the area that comprises the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010, the Managing Development Document 2013 & Adopted Policies Map), the National Planning Policy Framework (NPPF, 2018), the National Planning Practice Guidance (NPPG), and relevant supplementary planning documents including the Mayor's '*Housing*' SPG 2016, and the Building Research Establishment's handbook – '*Site layout planning for daylight and sunlight: a guide to good practice.*'
- 2.2. The application site includes a three storey residential building and a derelict Public House. Both buildings are currently vacant and unallocated in the Local Plan.
- 2.3. The existing Jolles House residential building is of limited architectural merit and its demolition and replacement with a quality residential development is supported. The Blue Anchor Public House has been renovated and altered over time and has limited historic fabric remaining. The demolition of the pub is considered acceptable given the benefits of the proposed scheme and the quality of the replacement buildings.
- 2.4. The proposed redevelopment of this site for 70 residential units optimises the development potential of the site. As such, the development complies with policy 3.4 of the London Plan (2016), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development which seeks to ensure the use of land is appropriately optimised.
- 2.5. The development would provide an acceptable mix of housing types and tenure including the provision of 96% affordable housing with 28% rented, 66% intermediate and 6% private sale. The proportion of affordable housing is supported and would complement the range of accommodation provided within the area.
- 2.6. The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver quality homes in a sustainable location. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.7. The density of the scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no unduly detrimental impacts upon the amenity of neighbouring occupants in terms of loss

of light, overshadowing, loss of privacy or increased sense of enclosure. The quality accommodation provided, along with high quality external amenity spaces would create an acceptable living environment for the future occupiers of the site.

- 2.8. To the north of the site across Bow Road is the Fairfield Road Conservation Area. Which includes the grade II* listed St Marys Church. To the west of the site on Stroudley Walk is the grade II listed former Rose and Crown public house building. The proposed development will preserve the setting of these heritage assets.
- 2.9. Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.10. The scheme would meet the required financial and non-financial contributions.

3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:

A. The prior completion of a **Section 106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £19,042.80 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £2000 (£500 per each substantial Head of Terms) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions **£21,042.80**

Non-financial contributions

- a) Delivery of 96% Affordable Housing comprising of 66% intermediate units 28% rented units, and 6% private
 - b) Car and permit free agreement
 - c) Wheelchair accessible bays and maintaining as wheelchair accessible bays as and when required
 - d) 3 construction phase apprenticeships
 - e) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
 - f) Implementation and monitoring of the carbon emission reductions (Energy Strategy);
- 3.2. That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
 - 3.3. That the Corporate Director of Place is delegated authority to recommend the following conditions and informatives in relation to the following matters:
 - 3.4. Any other conditions considered necessary by the Corporate Director of Place

Compliance' Conditions –

- a) Compliance with plans

- b) 3 year time limit for implementation
- c) Withdrawal of permitted development rights for painting of brickwork and erection of fences & gates
- d) Compliance with energy and sustainability strategies
- e) Noise insulation standards for residential units and noise limits for plant
- f) Provision and retention of wheelchair accessible parking spaces, electric vehicle charging points
- g) Inclusive access standards for residential units, provision of lifts

Pre-commencement –

- h) Construction Management Plan including working hours restrictions and other measures to protect amenity and minimise noise & air pollution
- i) Land contamination remediation
- j) Details of surface water drainage & SUDs
- k) Details of biodiversity measures
- l) Archaeological Investigation works

Pre-superstructure -

- m) Samples of all facing materials
- n) Details of landscaping including soft & hard landscaping, street furniture & play equipment, gates & fences, lighting, wayfinding, visitor cycle parking, security measures and inclusive access provisions
- o) Details of cycle parking
- p) Details of waste storage facilities
- q) Details of Secured by Design measures
- r) Details of wheelchair accessible units

Prior to occupation –

- s) Delivery & Servicing Plan, Waste Management Plan (in consultation with TfL)
- t) Details of highway works (S278 agreement)

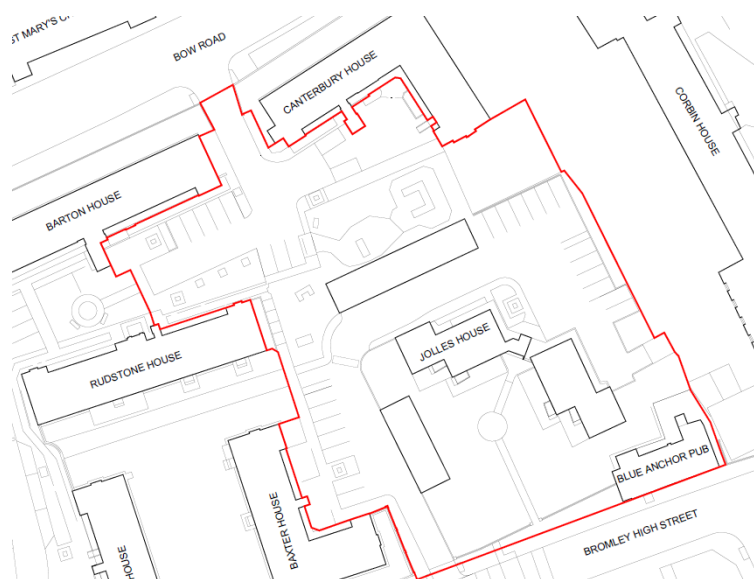
Informatives

1. Subject to s106 agreement
 2. CIL liable
 3. Thames Water informatives
- 3.5. Any other conditions or informatives as considered necessary by the Corporate Director of Place.
- 3.6. Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework and the provisions of the Development Plan. There are no other material considerations which would indicate that the proposal should be refused. The officer recommendation to the Committee is that permission should be granted.

4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

Proposal

- 4.1. The applicant is seeking planning permission for the redevelopment of the site including the demolition of the existing vacant Jolles House residential building and Blue Anchor public house to be replaced by two residential blocks (block A and B) up to 6 storeys in height to provide 70 new residential units. The following is a site location plan. The area within the red line also covers the extent of landscaping works associated within this application.



- 4.2. Of the 70 residential units 64 would be affordable and 6 private sale. The provision is set out in the table below as well as the mix by tenure.

	Number of units	%	Habitable Rooms	%
London Affordable Rent	13	18.5%	57	28%
Intermediate	51	73%	137	66%
Private Sale	6	8.5%	13	6%
TOTAL	70	100%	207	100%

Number and Percentage of units and habitable rooms by tenure

	Studio	1 bed	2 bed	3 bed	4 bed
London Affordable Rent	0	1	3	8	1
Intermediate	0	18	32	1	0
Private Sale	4	1	1	0	0
TOTAL	4	20	36	9	1
Total as %	5.7%	28.5%	51.4%	12.8%	1.4%

Dwelling numbers and mix by tenure

- 4.3. The two blocks would be located in a T shape with the building A fronting Bromley High Street and building B located within the site to the north perpendicular to

building A and enclosing the redesigned central courtyard. The following is the application site with the proposed buildings.

- 4.4. Communal amenity space, play space for all age groups and publicly accessible open space would be provided on site. The details of the amenity space proposed are included in the amenity section of this report.
- 4.5. The proposal would provide 5 wheelchair accessible homes and two wheelchair adaptable homes. Four of the wheelchair accessible units would be affordable rent with one wheelchair accessible unit being shared ownership. The two wheelchair adaptable units would be shared ownership units.

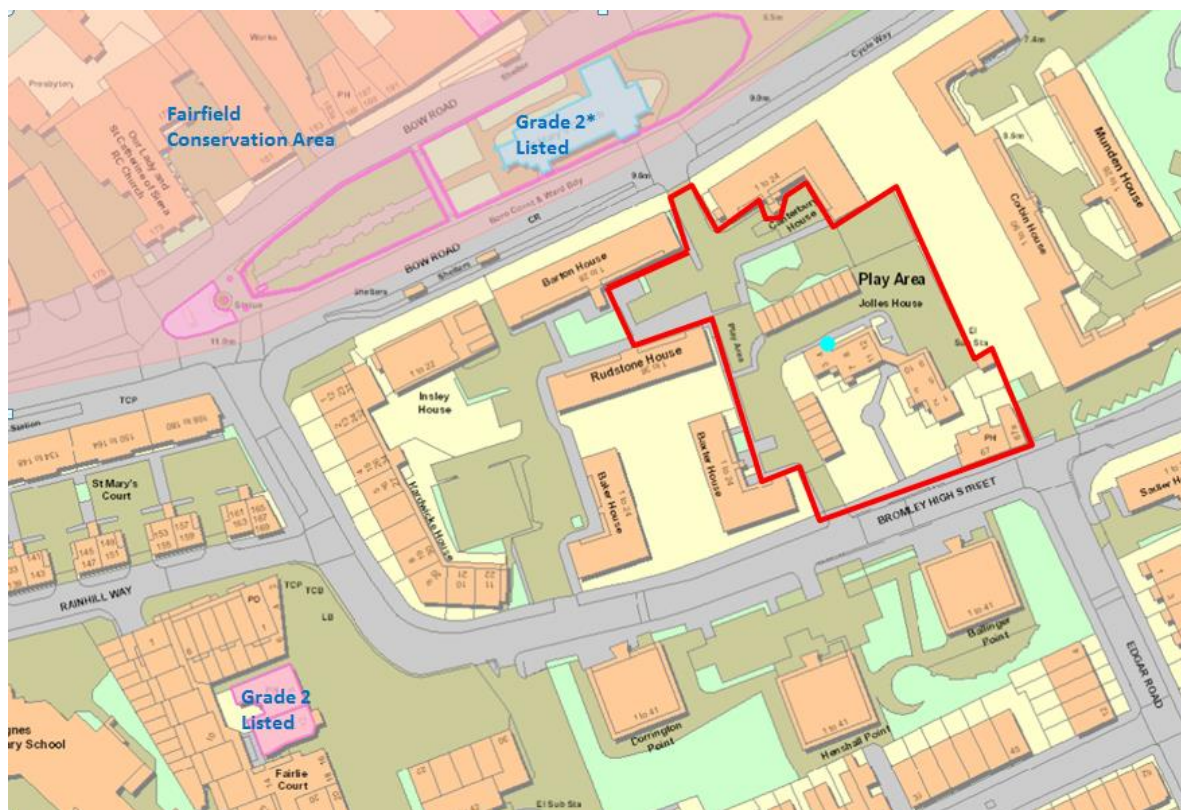
Site and Surroundings

- 4.6. The site itself extends to approximately 0.45 hectares and fronts Bromley High Street to the south and is surrounded on each of the other sides by residential buildings of between 4 and 5 storeys. To the east of the site is Corbin House, to the north is Canterbury House and to the west is Baxter House and Rudstone House. The aerial view below shows the existing buildings and the surrounding built context.



- 4.7. The site is currently occupied by Jolles House which contains 12 flats all of which are currently vacant and the unoccupied Blue Anchor public house. Of the existing flats 5 are private owned flats and 7 are affordable rented units. The external space within the site is currently dominated by garages and car parking with a basketball court located adjacent to Canterbury House.
- 4.8. The site is not located within a conservation area but is located adjacent to the Fairfield Road Conservation Area to the north. The site is also located in an area of archaeological importance. To the north of the site is the grade II star listed St

Marys Church. To the west of the site on Stroudley Walk is the grade II listed Rose and Crown public house building.



- 4.9. The surrounding buildings are predominantly four and five storey residential brick blocks with three taller 11 storey towers located to the south side of Bromley High Street.

Relevant Planning History

- 4.10. The following planning decisions are relevant to the application

Blue Anchor Public House

PA/85/00571 - Change of use of site 67a to games area for public house and installation of new shopfront to public house. Granted 03/02/1986

5. POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of this application must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:
- 5.3. **Government Planning Policy Guidance/Statements**
 National Planning Policy Framework (2018) (NPPF)
 National Planning Policy Guidance (NPPG)

5.4. **Spatial Development Strategy for Greater London - London Plan 2016 (MALP)**

Policies

- 2.1 London
- 2.9 Inner London
- 3.1 Ensuring equal life chances for all
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

5.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods

- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

5.6. **Managing Development Document (adopted April 2013) (MDD)**

- DM0 Delivering Sustainable Development
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM20 Supporting a Sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building heights
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

5.7. **Supplementary Planning Documents include**

- Planning Obligations SPD (September 2016)
- CIL Charging Schedule (April 2015)
- Sustainable Design and Construction SPG (April 2014)
- Shaping Neighbourhoods: Character and Context (June 2014)
- Housing Supplementary Planning Guidance (March 2016)
- Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
- SPG: Planning for Equality and Diversity in London (October 2007)
- SPG: Accessible London: Achieving an Inclusive Environment (April 2004)
- Affordable Housing and Viability Supplementary Planning Guidance (2017)

5.8. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

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

CONSULTATION RESPONSE

5.9. The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5.10. The following were consulted regarding the application:

LBTH Environmental Health – Contaminated Land

5.11. No objection subject to conditions

LBTH Refuse

- 5.12. Full details of bin capacity are required. Concerns are raised with regards to the carrying distances from residents which appear to be more than the recommended 30m in some instances.
- 5.13. *Officer comments – These comments are addressed in the waste section of this report*

LBTH Transportation and Highways

- 5.14. The application site sits within an area of excellent public transport accessibility, with a rating of 6a. We would expect a development in such a location to be car free. The applicant however is proposing to re-provision 22 car park spaces and include an additional 7 spaces (29 in total) for accessible bays.
- 5.15. On the proposed layout there is concern that one of the disabled bays (No 16) has its safety zone contained within one of the car park aisles where vehicles are expected to turn. This is not very safe and needs to be reconsidered.
- 5.16. It is proposed to provide the minimum numbers of cycle storage required by the current London Plan. The draft London Plan currently in consultation would require more. However, due to the nature of the development and the number of family units proposed we would expect the applicant to exceed the minimum numbers and encourage cycling as a sustainable alternative to cars rather than propose unnecessary car parking.
- 5.17. A 'Permit Free' agreement as outlined above in regards to on street parking permits; All accessible parking bays are to be retained and maintained for their approved use only by registered blue badge holder only for the life of the development; All cycle storage facilities to be retained and maintained for their approved use only for the life of the development;
- 5.18. The applicant is required to enter into a s278 agreement with the local highway authorities and agree to fund a scheme of highway, including changes to vehicular access) works to be agreed with the highway authorities.
- 5.19. The applicant is required to submit for approval a Service Management Plan detailing how servicing of the development will be safely and efficiently carried out. This must be approved prior to occupation.
- 5.20. The applicant is required to submit for approval a demolition and construction Management Plan detailing how the works will be carried out safely and efficiently whilst minimising the effect on public highway users. We will expect all vehicle movement to be restricted to within the site boundary and not rely on the public highway.
- 5.21. *Officer comments: The re-provision of parking spaces is in relation to residents from the wider estate who already hold a parking permit. The number of spaces have been reduced since submission. The cycle parking has also been revised.*

LBTH Air Quality

- 5.22. No comment

LBTH Energy Efficiency

- 5.23. The submitted energy report is acceptable and there is no requirement for a financial contribution towards carbon reduction

Secure By Design

5.24. No comment

London Fire Authority

5.25. The pump appliance and water supplies appear adequate. The use of sprinklers is recommended for new developments

Greater London Archaeological Advisory Service (GLASS)

5.26. A condition for archaeological fieldwork and any subsequent mitigation to be added to any forthcoming consent to satisfy GLAAS' requirements.

Thames Water

5.27. No objection subject to conditions

6. LOCAL REPRESENTATION

Applicants own consultation

6.1. The application is supported by a Statement of Community Involvement that explains a consultation programme was undertaken with local residents who were given a chance to ask questions and provide feedback.

6.2. A public exhibition was held on 6th July 2017 at Corbin House adjacent to the site and the applicant met with the Bow Bridge Estate Board on 13th June 2017 and 6th September 2017. Residents were notified of the meeting by way of a leaflet drop to neighbouring properties.

Statutory Consultation

6.3. A total of 456 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice and advertised in the local press. A further re-consultation took place on 11/06/2018 to consider the amendments to the scheme.

6.4. Six letters of representation were received in objection.

6.5. The following issues were raised in representations.

- Loss of light to neighbouring properties
- Loss of open space
- Too many trees proposed become overbearing when they grow bigger
- Loss of the Blue Anchor Pub opposed
- No definition of what affordable housing means.

6.6. The material planning considerations have been addressed in the report below.

7. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use

- Design
- Housing
- Amenity Space and Public Open Space
- Neighbouring Amenity
- Highways and Transportation
- Waste
- Energy and Sustainability
- Environmental Considerations (biodiversity, noise and vibration, air quality, contaminated land, flood and health)
- Impact on Local Infrastructure and facilities, Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

Land use

- 7.2. This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.
- 7.3. At a national level, the National Planning Policy Framework (NPPF 2018) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 7.4. London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) state that the Mayor is seeking the maximum provision of additional housing in London.
- 7.5. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025. The draft New London Plan proposes that Tower Hamlets should provide 35,110 homes between 2019 and 2029.
- 7.6. The site is unallocated and the proposed development would provide 70 residential units of a range of much needed new homes on this underutilised site, contributing towards the regeneration and revitalisation of this part of the borough.
- 7.7. The increase in residential density on site is therefore considered acceptable in principle, subject to the assessment of the relevant planning considerations discussed later in this report.

Density / Quantum of Development

- 7.8. Policies 3.4 of the London Plan (MALP 2016) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.

- 7.9. The London Plan (policy 3.4 and table 3.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 7.10. The site is situated in a location which has public transport accessibility PTAL rating of 6a, which indicates very good accessibility to public transport. There is access to several public transport nodes within a short walking distance to the site and good interchange options.
- 7.11. The proposed density would be 460 habitable per hectare based on 207 habitable rooms; this is within the London Plan's recommended guidelines which suggest between 200 and 700 hrph.
- 7.12. Officers consider that the proposal would optimise the development potential of the site given the character and height of the surrounding built context.

Demolition and loss of the Blue Anchor Public House

- 7.13. The Greater London Archaeological Advisory Service (GLASS) in their initial consultation response requested a building assessment for the Blue Anchor Public House which it considered was an undesignated heritage asset.
- 7.14. The applicant submitted a building study which acknowledged the building as a 19th Century public house but noted the extensive works that have been undertaken which have eroded the majority of the original features. The assessment concludes with the view that it is considered that *'the building is not exceptional on either historic or architectural grounds to the extent that it would be difficult to justify its designation as a Listed Building or even Locally Listed Building'*



- 7.15. GLASS were re-consulted and were in agreement with the conclusions of the building assessment.
- 7.16. It is officers view therefore that the public house is of limited architectural and historic merit and its loss is acceptable given the benefits of the proposed scheme in the form of the high level of affordable housing and the high quality building and

amenity spaces proposed would outweigh any harm resulting from the loss of the Blue Anchor public house.

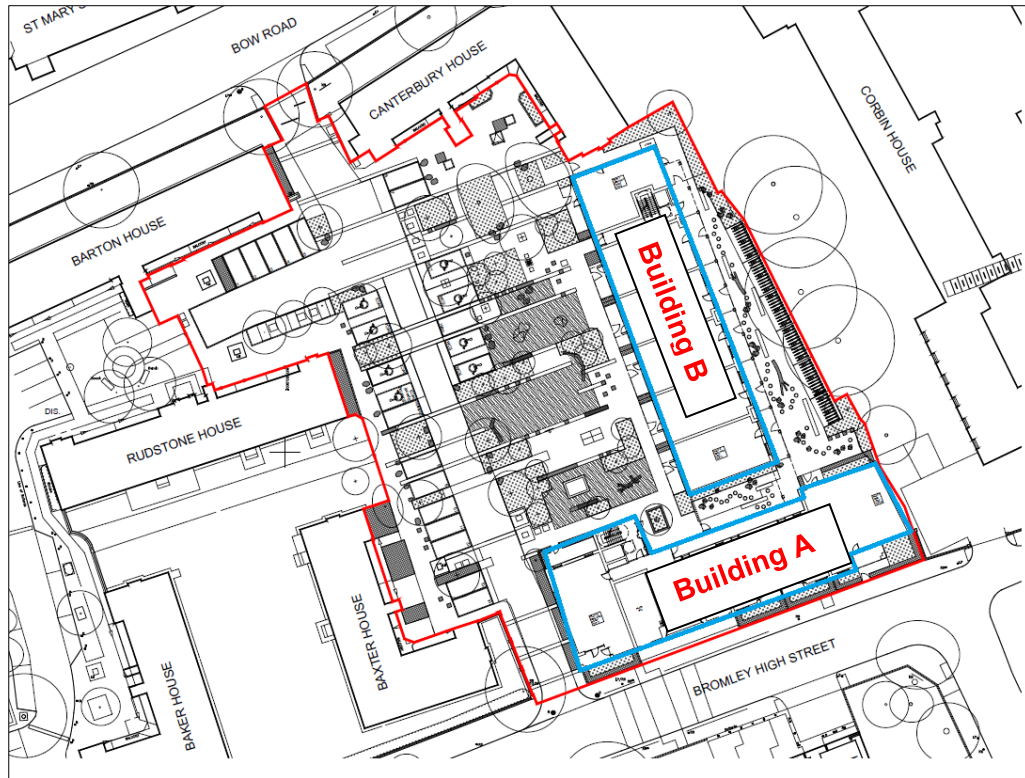
- 7.17. The existing Jolles House residential building is of limited architectural merit and its demolition and replacement with a quality residential development is welcome.
- 7.18. In terms of the loss of the A4 use the applicant has provided marketing details to demonstrate that there has been a sustained attempt to market the property as an A4 use. This marketing campaign was undertaken from June 2016 to July 2017. The applicant has detailed a number of methods used to market the property widely and a number of incentives used to encourage prospective tenants including rent free periods and stepped rental levels. Prospective tenants were dissuaded due to the financial investment needed to renovate the property. The pub was last in operation in 2015.
- 7.19. Officers are satisfied that the applicants were unable to let the property as an A4 unit and have submitted sufficient evidence to demonstrate this. It should be noted that there are two existing public houses, the Bow Bells and The Little Driver located within 0.2 miles (5 minutes walk) of the site.
- 7.20. Given the above it is officer's view that the loss of the vacant public house would be acceptable in the instance. The applicant has demonstrated that there is no viable commercial interest in the A4 use and the benefits of the proposed scheme in the form of the substantial affordable housing element and the improved amenity space would outweigh any harm from the loss of the vacant public house.

Design

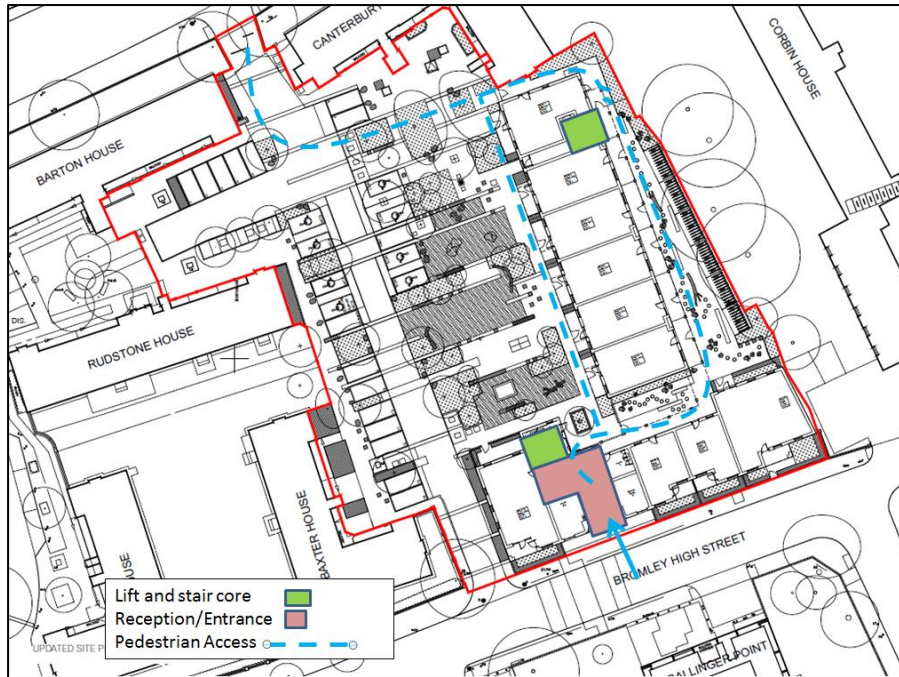
Policies

- 7.21. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 7.22. National Planning Practice Guidance sets out seven qualities a well-designed new or changing place should exhibit:-
- be functional;
 - support mixed uses and tenures;
 - Include successful public spaces;
 - be adaptable and resilient;
 - have a distinctive character;
 - be attractive; and
 - encourage ease of movement
- 7.23. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 7.24. Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

- 7.25. The application proposes the redevelopment of the site to provide 70 new residential units within two 6 storey buildings. The first building would front Bromley High Street with the second building located to the north within the site creating a T shaped footprint enclosing the landscaped square which will form a central focal point within the wider estate. The drawing below shows the footprint of the buildings outlined in blue within the context of the wider site.



- 7.26. The main entrance to the residential units would be from Bromley High through the building reception. The buildings each have an access core including stairs and a lift. Each access core services less than 8 residential units.
- 7.27. The map below shows the location of the two stair cores, the main entrance and reception area and the main pedestrian access routes through the site.



7.28. The below elevations show the proposed buildings in the context of existing surrounding development.



7.29. The CGI below shows an aerial view of the site with the two proposed buildings sitting comfortably within the surrounding built context.



Proposed CGI

- 7.30. The building heights respond to the local context and broadly match the heights of the surrounding residential buildings within the wider Bow Bridge Estate. The proposed building fronting Bromley High Street helps to create a more defined street frontage with the pedestrian entrance to the development from Bromley High Street activating this frontage. The CGI below shows how the new building will address Bromley High Street.



- 7.31. The buildings would be clad in brick with two different type of bricks utilised across the buildings. Brick detailing at ground floor level and around the communal Bromley High Street entrance will provide a solid plinth base for the building facing

the High Street and a clearly defined entrance. The detailing has evolved though input from the officers and the amount of proposed brick detailing has increased to the benefit of the appearance of the building.

- 7.32. The buildings form a border enclosing the redesigned central courtyard. The CGI below shows a view across the courtyard towards the western elevation of building B and the rear elevation of building A. The redesigned courtyard will provide enhanced amenity and child playspace for the new residential buildings and the surrounding existing residential buildings.



- 7.33. The proposed built form, siting, mass and bulk is considered to be an appropriate response to the scale of neighbouring existing developments with improved landscaping located at the centre of the proposed development.
- 7.34. In summary, the proposed materials complement the neighbouring residential developments and ensure the proposed buildings integrate within the surrounding built context. The materials will also be secured by way of condition to ensure the quality of materials is maintained.
- 7.35. The applicant has engaged with the secured by design officer and it is proposed that windows and doors meet the secured by design standards. A condition is recommended to ensure this is implemented. All ground floor units are protected by private amenity space and planted defensible space.
- 7.36. It is therefore considered that the proposal would result in a scheme that would be very well connected to its surroundings and would provide a development that can be used safely and easily. The proposal is considered to comply with policy 7.2 of the London Plan (2016), Policy SP10 of the CS and Policy DM23 of the MDD.

Heritage

- 7.37. Policies in Chapter 7 of the London Plan (2016 as amended) and policies SP10 and SP12 of the CS and Policies DM24, DM26 and DM27 of the MDD seek to

protect and enhance the character, appearance and setting of heritage assets and the historic environment.

- 7.38. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 184 – 202 of the NPPF.
- 7.39. This section of the report considers the implications for the application in respect of the setting of both conservation areas along with any other assets that may be impacted.
- 7.40. The application site is located to the south of the Fairfield Road Conservation Area and proposal would not be visible from distant views from within the conservation area. There are two nearby listed buildings, to the north the grade II star listed St Marys Church and to the west the grade II Rose and Crown pub building
- 7.41. The proposed buildings would be constructed from brick and designed to respond to the surrounding context, both in terms of scale and design. The materials and design would be of high quality and it is considered that the proposals would not have significant impact on the setting of this conservation area or the nearby listed buildings given the separation distance between the sites.
- 7.42. It is therefore considered that proposals would preserve both the character and appearance of the Fairfield Road Conservation Area and the neighbouring listed buildings and would accord with the relevant Development Plan and NPPF policies in this respect.

Housing

- 7.43. The NPPF identifies as a core planning principle the need to encourage the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.44. The application proposes 70 residential units (Use Class C3) units at the application site). Tower Hamlets annual monitoring target as set out in the London Plan 2016 (MALP) is 3,931 and the emerging London Plan sets a target of 3,511 annually.
- 7.45. Policy 3.3 of the London Plan seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 7.46. The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

Affordable Housing

- 7.47. The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out SP02 (3a) of the Core Strategy. The London Plan also emphasise that development should not be constrained by planning obligations. Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing "negotiations on sites should

take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.

- 7.48. Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). The preamble in 4.4 states that “given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%.”
- 7.49. Managing Development Document Policy DM3 (3) states ‘Development should maximise the delivery of affordable housing on-site’.
- 7.50. The scheme provides a total of 64 affordable housing units. The provision of 96% affordable housing exceeds the local plan policy target of between 35-50% and as such, is supported by officers.
- 7.51. The applicant is able to provide this level of affordable housing due to grant funding from the GLA in relation to the Intermediate units.
- 7.52. In terms of the tenure split within the affordable element, this would be at a ratio of 30:70 between affordable rented and intermediate. It is acknowledged that this is not in line with the Councils policy for a tenure split of 70:30 in favour of socially rented. This figure is somewhat skewed due to the grant funding which is specifically for intermediate housing which has allowed for a much larger intermediate offering and an overall affordable offering of 96%
- 7.53. The applicant has provided an illustrative example below of a policy compliant scheme in terms of the affordable tenure split with 35% affordable units and the additional intermediate housing as private sale. This highlights how the grant funding for the intermediate units has resulted in the affordable tenure split which is not in liner with policy.

Illustrative Tenure Split and Accommodation Mix
07-Aug-18

Ownership	Type	Units	Hab rooms	%age	
Private	Studio	4	8	7.7	
	1 bed	19	38	36.5	
	2 bed	29	87	55.8	
	3 bed	0	0	0.0	Family Units
	4 bed	0	0	0.0	
	5 bed	0	0	0.0	
Total new sale		52	133	100.0	64.3%
Affordable/Social Rented	studio	0	0	0.0	
	1 bed	1	2	7.7	
	2 bed	3	9	23.1	
	3 bed	8	40	61.5	Family Units
	4 bed	1	6	7.7	
	5 bed	0	0	0.0	
Total affordable rent		13	57	72.2%	69.2%
Intermediate	Studio	0	0	0.0	
	1 bed	0	0	0.0	
	2 bed	4	12	80.0	
	3 bed	1	5	20.0	Family Units
	4 bed	0	0	0.0	
	5 bed	0	0	0.0	
total intermediate		5	17	27.8%	
Total new affordable		18	74		35.7%
Total new build		70	207		
<i>minus loss of sale units</i>		<i>-7</i>	<i>-16</i>		
Net private		45	117		65.0%
<i>minus loss of affordable units</i>		<i>-5</i>	<i>-11</i>		
Net affordable		13	63		35.0%
Net total		58	180		

- 7.54. Given that the 96% affordable scheme is only possible due to the grant funding on the intermediate units the conflict with the Council's affordable tenure policy is considered acceptable by officers in this instance.
- 7.55. A conventional scheme where the tenure mix would normally be 65% private and 35% affordable would yield 13 affordable rented units. The current proposal would also yields affordable rented units, and together with the additional intermediate units secured through grant funding would deliver more affordable units overall than a conventional tenure mix.

Housing Mix

- 7.56. Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable homes for rent to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes.
- 7.57. The following table below compares the proposed target mix against policy requirements:

Unit size	Affordable Rented			Intermediate			Private		
	Units	%	Target	Units	%	Target	Units	%	Target
Studio	-	-	-	-	-	-	4	66.6	-
1 bed	1	7.7	30%	18	35.3	25%	1	16.7	50%
2 bed	3	23.1	25%	32	62.7	50%	1	16.7	30%
3 bed	8	61.5	30%	1	2	25%	-	-	20%
4 bed	1	7.7	15%	-	-		-	-	

7.58. Within the affordable rented tenure, 69% of units would be delivered as family sized although the majority of the family units would be three-bed. There would be one four-bed unit which would be below the Council's policy requirements, an under-provision of one-beds and a broadly policy compliant provision of two-beds. Given that the overall target for family sized units is in excess of the policy requirements the proposed mix of affordable accommodation is considered to be acceptable in this instance.

7.59. The intermediate accommodation would include an overprovision of both one and two bed units and an under-provision of three bed units. This is considered acceptable.

7.60. In relation to private units, there would be 4 studio apartments, one 1 bed and one 2 bed which would represent 67%, 16.5% and 16.5% respectively. This would be an under-provision of larger private units and an overprovision of smaller units however given the limited number of private units on site and the number of smaller intermediate units being provided through grant funding it is considered that this would be an acceptable compromise to mallow for maximising the number of the affordable units.

7.61. On balance, whilst there is some conflict with policy targets, the scheme overall provides a balance of different unit sizes which contributes favourably to the mix of units across tenures within the borough as a whole and the mix as proposed contributes to the viability of the scheme to ensure that provision of affordable housing and in particular family housing is prioritised and maximised.

Wheelchair Accessible Housing and Lifetime Homes Standard

7.62. Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

7.63. Seven wheelchair homes are proposed on the ground floor of blocks A and B, with 4 for London Affordable rent suitable for wheelchair applicants and 3 for intermediate tenure being easily adaptable homes.

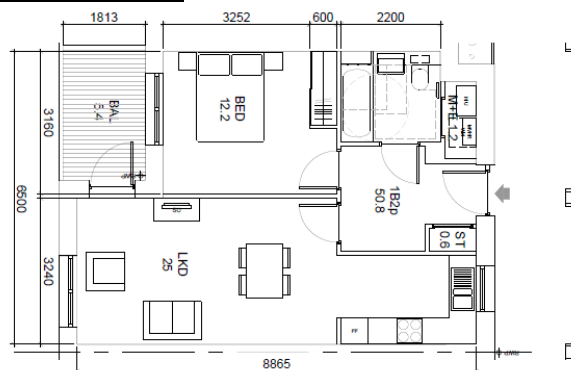
7.64. This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Seven disabled accessible car parking space would be provided within the central courtyard.

Quality of residential accommodation

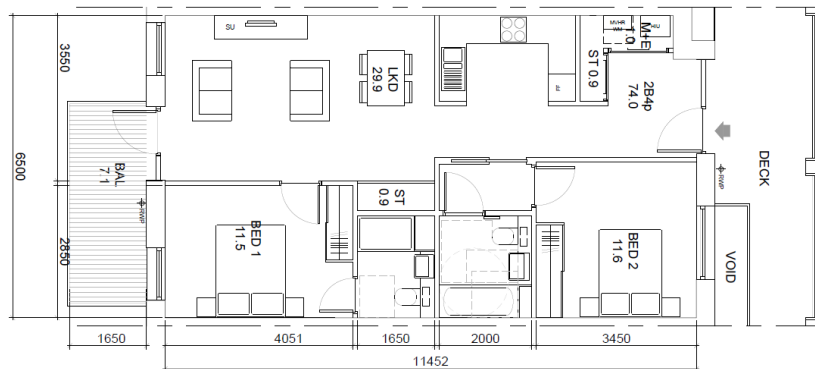
- 7.65. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02 (6) and SP10 (4) of the CS which supports high quality well-designed developments.
- 7.66. Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 7.67. All of the proposed flats meet or exceed the London Plan minimum internal space standards and the Nationally Described Space Standards. The minimum floor-to-ceiling height also exceeds 2.5m which is in accordance with relevant policy and guidance.
- 7.68. All units would be dual aspect with two internal cores serving a maximum of 6 residential units in each block which would comply with the recommended 8 flats per core and accord with the objectives of the London Mayor’s Housing SPG. There is also an external decked walkway connecting the two blocks allowing access to both blocks from the central Bromley High Street entrance.
- 7.69. The proposed residential units have been appropriately designed given the constraints on site. The relationship has been managed well with the adjoining residential buildings at Corbin House, Canterbury House and Baxter House. The proposal would have adequate separation distances between habitable room windows of the existing developments (27m away from Corbin House and 20m away from Canterbury House) and the proposed development.
- 7.70. Subject to conditions, it is considered that the proposed development would provide high quality residential accommodation for future occupants in accordance with London Plan policy 3.5 and policies SP02(6) and SP10(4) of the CS.
- 7.71. The floorplans below show the typical layout for the one and two bed flats.

Typical floor plans

Block A – 1 bed 2 Person Flat



Block B – 2 bed 4 Person Flat



Internal Daylight and Sunlight

- 7.72. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the surrounding existing and future occupants of new developments.
- 7.73. The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."
- 7.74. Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 7.75. For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 7.76. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.

- 7.77. The applicant submitted a Daylight & Sunlight report which has been reviewed by an independent consultant appointed by the Council. Within the initial assessment 63% of habitable rooms met the BRE guidelines. During further discussions between officers and the applicant some design changes were proposed to improve the daylight to these units. A further daylight assessment was undertaken and the development improved with 151 of 207 (73%) habitable windows within the development meeting BRE guidelines.
- 7.78. The majority of the windows affected which are below BRE guidelines are bedroom windows. Although the development has some low levels of daylight to some windows overall it is officers view that the development as a whole provides a good quality of accommodation and is considered reasonable for an urban development.
- 7.79. In terms of sunlight to habitable rooms 87% of habitable windows would receive the recommended level of sunlight which is considered reasonable for an urban development.
- 7.80. The Council's daylight consultant has reviewed the report and is broadly satisfied with the methodology used. However, the consultant has stated that the daylight assessment has not considered the existing trees located between the proposed building and Corbin House and the figures for windows on this elevation may not reflect the true conditions. This is noted, however given the design, siting and design with the majority of flats being dual aspect, this is on balance considered acceptable.
- 7.81. The impact on neighbouring sites is considered in detail under the impact on neighbouring amenity section below.

Communal amenity space and play space

- 7.82. For all major developments, there are three forms of amenity space required: private amenity space, communal amenity space, and child play space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied. As part of this application, the applicant approach has been to include the existing residential blocks within the calculations as they will also rely on this space.

7.83. The following plan shows the allocation of amenity spaces within the proposal.



Map showing location of playspace and communal open space



Private Amenity Space

- 7.84. Private amenity space requirements are a set of figures which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 7.85. Individual residential units will each have a dedicated private amenity space provided through ground floor terraces and upper floor balconies and terraces which meets the Council's policy requirements. On Block A, inset balconies and terraces will face south over Bromley High Street whilst the Block B balconies

project over the landscaped courtyard. The latter provides both views for the residents and informal supervision of children playing in the courtyard below.

Communal Amenity Space

- 7.86. Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 110sqm.
- 7.87. Paragraph 4.7 of the Managing Development Document states '*communal amenity space should be overlooked, and support a range of activities including space for relaxation, gardening, urban agriculture and opportunities to promote biodiversity and ecology*'
- 7.88. The proposal would provide approximately 334sqm of communal amenity space which is in excess of the 244sqm required for both the existing residential units and the proposed new Jolles House development. The communal amenity space is located within the central square of the site adjacent to the child playspace.
- 7.89. Given the above, the quantum and quality of the communal amenity space is therefore considered acceptable.

Child play space

- 7.90. Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents.
- 7.91. The scheme is predicted to contain 27 children split across the different age group (0-15 years of age) using the GLA child yield calculations as per the LBTH Planning Obligations SPG. The following is a breakdown of the expected number of children per age group:
- Under 5 years 10
 - 5-11 years 10
 - Over 12 years 7
- 7.92. In accordance with London Plan Guidance a total of 265sqm of play space is required for all three age groups. When taking into account the existing residential blocks a total of 763sqm of playspace is required to accommodate the new residential units and the provision of the existing playspace. The applicant proposes to include 1013sqm of playspace with sufficient playspace provided for all age groups.
- 7.93. The proposed child play provision is significantly in excess of the minimum requirements by approximately 250sq.m. The indicative landscaping proposals included in the Design and Access Addendum submitted with the application envisage that the majority of play space would be provided within the central courtyard. The doorstep playspace has been split into two sections, one adjacent to Canterbury House and the other within the rear space of the new Jolles House

building B. This allows residents from all the buildings easier access to doorstep play.

- 7.94. In terms of the proposed play equipment the applicant has proposed a well distributed, varied and high quality play facilities including a basketball hoop to replace the existing basketball area within the central courtyard. A condition is recommended requiring details of the play equipment to be submitted for approval to ensure the quality of this offering is maintained with specific reference to the installation of the basketball hoop.
- 7.95. Overall, the proposed communal amenity and play space areas would be acceptable, in accordance with the aforementioned policies. A condition would be included to secure the details of landscaping and play facilities.

Neighbouring Amenity

- 7.96. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

Privacy

- 7.97. It is not considered that any loss of privacy or overlooking would occur as a result of the proposed habitable windows given the separation distances which range from approximately 20metres to 27metres away from habitable windows of the existing residential developments within the immediate vicinity of application site.
- 7.98. Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances will exist between the proposed new buildings and existing facing buildings on neighbouring sites.
- 7.99. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

Daylight, Sunlight and Overshadowing

- 7.100. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 7.101. Surrounding the application site exist a number of residential properties which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council, these are discussed below.

Daylight and Sunlight

- 7.102. A technical study of the impacts upon daylight and sunlight has been submitted with the application and updated during the course of the application which looks at the development on the neighbouring properties using both an empty site and the previous substation on site as the baseline.

- 7.103. For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.
- 7.104. However, as outlined above, officers consider the appropriate assessment is to calculate whether the habitable rooms in these buildings will be left with above minimum levels of daylight for their current use rather than necessarily maintaining most of the daylight that they currently receive.
- 7.105. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 7.106. Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight).
- 7.107. The applicant has submitted a daylight and sunlight study and an addendum which assesses the impact of the development on existing properties surrounding the development site. The study makes an assessment of a number of surrounding properties namely, Baxter House, Barton House, Canterbury, Corbin House, Rudstone House and Ballinger Point. The plan below shows the location of the neighbouring properties in relation to the proposed development.



7.108. Additional daylight and sunlight analysis was undertaken to assess the daylight and sunlight to Baxter House, Barton House and Canterbury House with the balconies above the windows removed to ascertain how much of the impact to these properties is a result of their design (with balconies) and how much is a result of the proposed development.

7.109. The following paragraphs discuss the impact to each of the buildings outlined above.

Baxter House

7.110. The following table shows the percentage loss of VSC for Baxter House.

% loss of VSC	Proposal	Balconies Omitted
0-20%	19	28
20-29%	0	5
30-39%	4	0
40+	10	0

7.111. From the table it is clear 14 windows will see a noticeable reduction of daylight as a result of the proposal this impact is considered a moderate to major adverse impact on the daylight to these properties.

7.112. However, when a comparative test with the balconies being omitted this falls to just 5 which are all within the typically described minor adverse range. Of these five windows the loss of VSC would only be marginally outside the BRE guidelines and would retain VSC of 76-79% of the existing VSC.

7.113. All windows within Baxter House would be within BRE guidelines for annual probable sunlight hours (APSH).

7.114. The test with the balconies omitted demonstrates, this blocks daylight is already restricted by overhanging balconies and as such, it has an increased reliance on the application site.

Barton House

7.115. The following table shows the percentage loss of VSC for Barton House.

% loss of VSC	Proposal	Balconies Omitted
0-20%	34	40
20-29%	6	0
30-39%	0	0
40+	0	0

7.116. From the above table it is clear the impact from the proposal is very minor with just 6 windows failing. When undertaking a similar exercise as Baxter House with the balconies omitted, it is noted none would fail.

Canterbury House

7.117. The following table shows the percentage loss of VSC for Canterbury House.

% loss of VSC	Proposal	Balconies Omitted
0-20%	47	68
20-29%	8	2
30-39%	9	0
40+	6	0

- 7.118. Within Barton House and Canterbury House all the windows would be within the BRE guidelines for daylight and sunlight when assessed with the balconies removed.
- 7.119. The results above demonstrate that the design of the existing buildings at Baxter House, Barton House and Canterbury House and in particular the overhanging balconies are a significant contributing factor in the loss of daylight and sunlight when assessing the impact of the proposed building.
- 7.120. In relation to Baxter, Barton and Canterbury House the Councils consultant has advised that *“The additional calculations show that with the design of the neighbouring buildings taken into context, the impact of the development could be considered as relatively reasonable. There are still results which would be outside the BRE guidelines, but they would be close to them in all cases.”*
- 7.121. Overall, having considered the applicants daylight/sunlight assessment and the Councils independent review officers consider the resulting daylight conditions to these properties to be acceptable.

Rudstone House

- 7.122. All the windows within Rudstone House would receive more 80% of existing VSC levels and would be within BRE guidelines. With regards APSH all windows would receive APSH within BRE guidelines.

Corbin House

- 7.123. Within Corbin House there would be a noticeable loss of VSC to 54 windows. This is shown in the following table.

% loss of VSC	Proposal
0-20%	85
20-29%	36
30-39%	18
40+	0
Total	139

- 7.124. The Council's independent Daylight Consultant suggested that the design of Corbin House is itself an obstruction resulting in the building being more dependent on sunlight from across the site. A mirror image assessment was suggested to set alternative VSC targets for windows on Corbin House.
- 7.125. When the impact of the proposed development was assessed against these alternative VSC targets 77 windows would have a VSC which met the target value while the remaining 62 windows would be very close to meeting the target value.

- 7.126. From these results it is officers view that although the proposed building would impact on the daylight received within Corbin House this impact is considered reasonable when assessed against the mirror image alternative VSC targets. Windows which would receive a VSC below the target value would only be marginally below the target value. Given the urban context of the site, in particular the distances, site layouts and massing of buildings within the estate, the impact is considered acceptable.
- 7.127. For APSH five windows of the 134 assessed within Corbin House would be below the target value albeit these would all be marginally below the target value. This too is considered acceptable.

Bollinger Point

- 7.128. This is a 10 storey tower to the south of the site. Within this building the impact is focussed on the lower floors where there would be marginal daylight losses for 2 windows on the first and 2 windows on the second floor. These are within the 20% tolerance of BRE for VSC. There would be no loss of sunlight as the development lies to the north of Bollinger Point

Conclusion

- 7.129. Overall, it is considered, there will be an adverse impact on some neighbouring properties. However, when taking into account the proposed design, height, massing and layout of the proposal broadly follows the pattern of the existing estate, the resulting levels of daylight overall are considered acceptable, and given the regenerative benefits of the proposal including much needed housing, the proposed impacts can be considered acceptable in this instance.

Visual amenity / sense of enclosure

- 7.130. Given the location and separation distance of surrounding facing residential properties, the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of loss of outlook and sense of enclosure.
- 7.131. In conclusion, it is considered that there would be no unduly detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

Highways and Transportation

Policy Context

- 7.132. The NPPF and Policy 6.1 of the London Plan (MALP 2016) seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 7.133. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

- 7.134. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

Site context and proposal

- 7.135. The site has an excellent public transport accessibility level (PTAL) of 6a. The site can currently be accessed via Bromley High Street and from Bow Road.
- 7.136. Policies 6.13 of the London Plan and policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 7.137. There is existing parking on site for 47 cars some of which are used by permit holders from within the wider estate. Poplar Harca have reviewed the parking requirements for existing residents and have established that a large proportion of these parking spaces are no longer required. The revised layouts allow for 14 resident spaces, a contractor space and a visitor space plus the 7 wheelchair spaces for the new development. This is an overall reduction of 50% from the existing 47 spaces. The new residential units would be parking permit free and this would be secured through the section 106 agreement.

Cycling

- 7.138. The applicant has proposed a total of 116 cycle parking spaces for the residents of the scheme within and is located in the courtyard area for Blocks A and B and along the north-south route for Block C.
- 7.139. The covered cycle parking is provided meets the London Plan requirement, for 116 spaces with a two tier system (50% Sheffield stands). This is now located within the secure landscaped gardens.
- 7.140. The details of the proposed cycle stands (with reference to the London Cycling Design Standards (LCDS)) will be secured by condition.

Construction Traffic

- 7.141. Should the application be approved, the impact on the road network from construction traffic would be controlled by way of a condition requiring the submission and approval of Construction Management Plan. This plan will need to consider other nearby developments as well as the nearby primary school.

Waste, Servicing and deliveries

- 7.142. Waste collection from the development would use the existing URS system on the estate. Additional URS bins are proposed in a number of locations within the site.
- 7.143. It is acknowledged that some of the URS bins would be located slightly beyond the 30m guidance from residential units. It is officer's view that this is acceptable in this instance to prevent the creation of additional access routes for refuse collection which would impact on the size and quality of the amenity space. The URS bins would still be located on or near pedestrian routes out of the site.
- 7.144. Access for servicing and deliveries will be from the northern Bow Road entrance to the site which will become a pedestrian only entrance with a parking area at the entrance to facilitate deliveries and servicing for the site.

Energy & Sustainability

- 7.145. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The climate change policies as set out in Chapter 5 of the London Plan, policy SP11 of the Core Strategy and the Managing Development Document policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 7.146. The submitted proposals have followed the energy hierarchy of be lean, be clean & be green and seek to minimise CO₂ emissions through the implementation of energy efficiency measures and a CHP system.
- 7.147. The CO₂ emission reductions are anticipated to be at 47.9% against the Building Regulations 2013, exceeding the 45% policy target. There would therefore be no financial payment required for carbon offsetting.

Environmental Considerations

Landscaping and Biodiversity

- 7.148. Core Strategy SP04 is concerned with 'Creating a green and blue grid.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs and green terraces whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 addresses 'Living buildings and biodiversity.' Policy DM11-1 requires developments to provide elements of a 'living buildings' which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.
- 7.149. The application site includes a number of trees, a few of which will be lost, as well as shrubbery and amenity grassland. The Council's Biodiversity officer has advised that this will provide some wildlife habitat, the loss of which would be a very minor adverse impact on biodiversity. Furthermore the landscape strategy proposes 20 additional new trees are planted as part of the landscape improvements across the site.
- 7.150. Policy DM11 requires biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP). The landscape proposals have clearly been strongly influenced by the desire to enhance biodiversity, and contain several features which will make significant contributions to LBAP objectives.
- 7.151. The majority of the roof area of the new buildings (about 540 square metres) is proposed to be biodiverse "brown". Provided this is designed in accordance with best practice guidance published by Buglife, this would be a significant biodiversity enhancement.
- 7.152. Features in the ground-level landscaping which will contribute to LBAP targets include 68 metres of mixed native hedge, 45 square metres of wildflower meadow, and nectar-rich ornamental planting.
- 7.153. A condition has been recommended requiring full details of biodiversity enhancements to be approved by the Council before work commences. Overall,

the proposed green roof, replacement trees and landscaping will ensure a significant net gain in biodiversity.

Noise

- 7.154. Chapter 15 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 7.155. Policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD 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.
- 7.156. Suitable conditions have been included to deal with noise insulation within the completed development and in relation to any new plant and extract systems.

Air Quality

- 7.157. Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.
- 7.158. The borough is designated an Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods.
- 7.159. The air quality assessment shows that the development will have a negligible impact on the local air quality and that the development meets the air quality neutral requirements.
- 7.160. The construction assessment is acceptable and any relevant dust and emissions mitigation must be included in a Construction Environmental Management Plan, along with a program for dust monitoring. All on site non road mobile machinery must comply with the GLA's emission limits for Non Road Mobile Machinery.
- 7.161. Subject to safeguarding conditions, it is considered that the impacts on air quality are acceptable and any impacts would be outweighed by the regeneration benefits that the development would bring to the area.
- 7.162. As such, the proposal is generally in keeping Policy 7.14 of the London Plan, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution.

Demolition and Construction Noise and Vibration

- 7.163. The potential adverse effects from construction noise and vibration levels can be minimised by the mitigation methods such as heightened boundary hoarding with good acoustic qualities, liaison with occupants of the adjacent properties, establishment of noise and vibration action levels, periodic monitoring of noise and vibration levels and the switching off of plant and equipment when not in use which would be employed to ensure that the noise levels are acceptable.

- 7.164. The nearest residential developments to be considered are the developments at Corbin House, Canterbury House, Baxter House and Rudstone House. Construction works are likely to include activities that would increase noise and vibration levels. The submission of a construction management plan and environmental plan via condition would therefore be required to manage the noise and vibration impacts on the neighbouring properties and ensure that all works are carried out in accordance with contemporary best practice.
- 7.165. Should planning permission be granted there would also be conditions controlling the hours of construction (Monday – Friday 08:00 – 06:00, Saturdays 08:00 – 13:00 and no work on Sundays and Bank Holidays).
- 7.166. Subject to safeguarding conditions, officers consider that the proposed development would therefore not result in the creation of unacceptable levels of noise and vibration during construction in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Contaminated Land

- 7.167. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a Geo-Technical Report which assesses the likely contamination of the site.
- 7.168. The Council's Environmental Health Officer has reviewed the documentation, and advises that subject to conditions to ensure that appropriate mitigation measures are in place there are no objections on the grounds of contaminated land issues. Relevant conditions would be included on any planning permission if granted.

Flood Risk and Water Resources

- 7.169. The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 7.170. The site is located in Flood Zone 1 and is less than one hectare in area. The annual risk of flooding is less than 1 in 1000 (0.1%) chance in any year and means that the site is within a low risk area.
- 7.171. The application is supported by a Flood Risk Assessment (FRA) and surface water drainage strategy to assess run off and discharge rates from the site. The Flood Risk Appendixes demonstrates the development will not increase the risk or severity flooding elsewhere.
- 7.172. In relation to surface water run-off, there is no objection to the proposal subject to a condition to ensure SUD's are secured by way of condition.
- 7.173. In summary, subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Health Considerations

- 7.174. Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.

7.175. Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.

7.176. Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

- a) Working with NHS Tower Hamlets to improve healthy and active lifestyles.
- b) Providing high-quality walking and cycling routes.
- c) Providing excellent access to leisure and recreation facilities.
- d) Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- e) Promoting and supporting local food-growing and urban agriculture.

7.177. As detailed in the previous section, the proposed development would promote sustainable modes of transport, improve permeability through the site, provide communal amenity space and provide sufficient play space for children. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Site of Archaeological Importance

7.178. The site is located within an area of archaeological importance. The applicant submitted a desk based study which was assessed by the Greater London Archaeological Advisory Service who recommended conditions requiring a scheme of investigation is undertaken as part of the development works. A condition to this effect has been recommended as part of this application.

Impact upon local infrastructure / facilities

7.179. Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation.

7.180. The NPPF requires that planning obligations must be:

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

7.181. Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

7.182. The applicant has agreed to meet the entire financial contributions as set out in the s106 SPD in relation to:

- Enterprise and Employment Skills and Training;
- Monitoring contribution

7.183. The applicant has also offered 96% affordable housing scheme with tenure split within the affordable element of 30:70 between affordable rented and intermediate.

7.184. The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme) and residential travel plans.

7.185. The financial contributions offered by the applicant are summarised in the following table:

Heads	Planning obligation financial contribution
Employment, Skills, Construction Phase Skills and Training	£19,042.80
Monitoring	£2000
Total	£21, 042.80

7.186. All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and CIL Regulations tests.

OTHER

Financial Considerations

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

7.187. Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

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

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

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

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

7.190. These are material planning considerations when determining planning applications or planning appeals.

7.191. As regards Community Infrastructure Levy considerations, Members are reminded that the London Mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved.

7.192. It is estimated that the development would be liable for Tower Hamlets CIL at approximately £163,065 and Mayor of London CIL at approximately £163,065. However, given the proposed housing is mostly affordable housing, it is likely that the actual CIL liability would be significantly lower due to the relief that would be available.

- 7.193. 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 un-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.
- 7.194. Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £122,418 in the first year and a total payment of £734,506 over 6 years.

Human Rights Considerations

- 7.195. 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:-
- 7.196. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 7.197. 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.
- 7.198. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 7.199. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

- 7.200. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.201. 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.
- 7.202. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

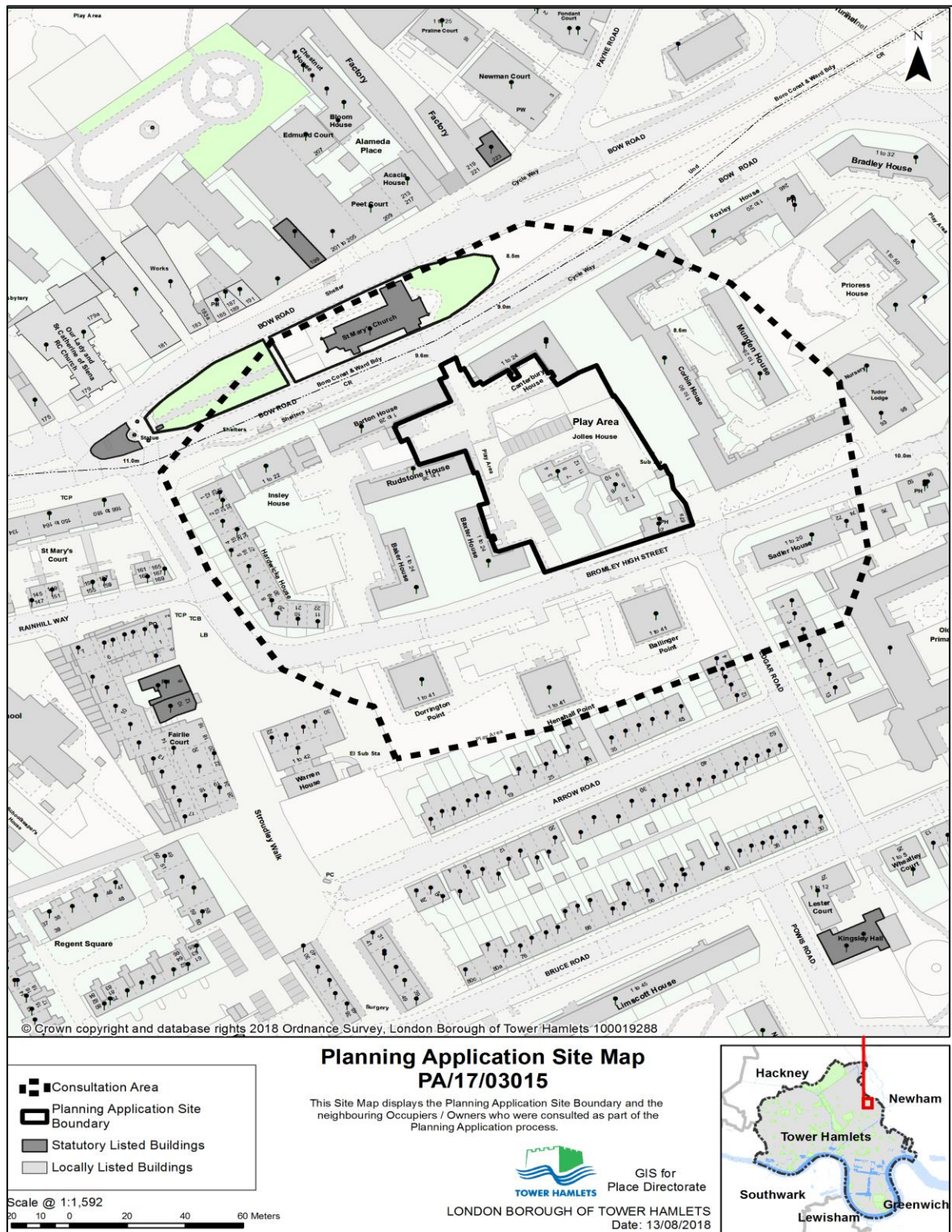
Equalities Act Considerations

- 7.203. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.204. The provision of residential units, within the development meets the standards set in the relevant regulations on accessibility. In addition, all of the residential units would comply with Part M 4(2). and 10% would comply with Part M 4(3) and be wheelchair accessible and adaptable. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.
- 7.205. The proposed development would be considered to have no adverse impacts upon equality and social cohesion.

8.0 Conclusion

- 8.1 All other relevant policies and considerations have been taken into account. Planning Permission should be **GRANTED** for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

Appendix A – Site consultation boundary



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Agenda Item 5.2

Committee: Development Committee	Date: 23 rd August 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal Case Officer: Hamdee Yusuf	Title: Planning Permission and Listed Building Consent Ref No: PA/18/01477 and PA/18/01478 Ward: St. Katherine's & Wapping
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1. APPLICATION DETAILS

Location: Raine House, 16 Raine Street, London, E1W 3RL

Existing Use: D1 Community Centre (ground floor) and dance school (1st floor)

Proposal: Refurbishment and reconfiguration of existing community facility. No change of use is proposed.

Drawing and documents: 1464_00_10; 1464_00_100; 1464_00_101;
1464_00_102; 1464_00_130; 1464_00_131;
1464_00_160; 1464_00_161; 1464_00_162;
1464_00_163; 1464_00_164; 1464_00_10;
1464_00_200 A2; 1464_00_201 A2; 1464_00_202 A1;
1464_00_230; 1464_00_231 A2; 1464_00_260 A2;
1464_00_261; 1464_00_262; 1464_00_263;
1464_00_264; 1464_24_400; 1464_31_500;
1464_31_501; 1464_31_900; 1464_31_901;
1464_31_902; 1464_32_500; 1464_33_400;
1464_35_100; 1464_35_101; 1464_35_200;
1464_35_201; 1464_72_400; 1464_72_401;
1464_72_402; 1464_72_403; Clarifications and
Amendments – Point 1_Revision B.

Applicant: London Borough of Tower Hamlets
Ownership: London Borough of Tower Hamlets

Historic Building: Grade II* Listed Building
Conservation Area: None.

2. EXECUTIVE SUMMARY

- 2.1 This report considers planning and listed building applications for works associated with the refurbishment of the Grade II* listed Raine House.
- 2.2. 25 letters of objection have been received, principally relating to the relocation refurbishment of the main hall and the relocation of the bar within it.

- 2.3. Whilst the objections are noted, it is considered that the proposed refurbishment works have been sensitively designed to preserve the special character and fabric of the building, subject to conditions.

3. RECOMMENDATION

3.1 Recommendation 1:

That the Committee resolve to **GRANT** Planning Permission subject to the conditions as set out below.

1. Time limit
2. Completion in accordance with approved drawings.

3.2 Recommendation 2:

That the Committee resolve to **GRANT** Listed Building Consent subject to conditions as set out below.

1. Time Limit.
2. Completion in accordance with approved drawings.
3. Notwithstanding the plans hereby approved all new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.
4. Notwithstanding the plans hereby approved full details of all new doors (internal and external) shall be submitted to and approved by the Local Planning Authority prior to the relevant part of the works commencing on site.
5. Notwithstanding the plans hereby approved full details of all service runs shall be submitted to and approved by the Local Planning Authority prior to the relevant part of the works commencing on site.

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 Raine House is Grade II* listed and was built in 1719. The building was originally built and opened as a school by Henry Raine, but the school closed in the nineteenth century. The building has since been used for various community uses. The School Master's House adjoins the main building to the east, with a large extension to the western side of the main building, dating from the 1980s. The site is adjacent to the Grade I listed Church of St Peter, with the area of public open space known as Raines Mansions, between them. The house retains very few historic features internally.
- 4.2. At present, the ground floor of the building is used as a community centre and the 1st floor and a dance studio. The building is not located in a conservation area and is not subject to any other designations.



Image of front elevation of Raine House

Proposal

- 4.3. The works of refurbishment to the community centre include the following:

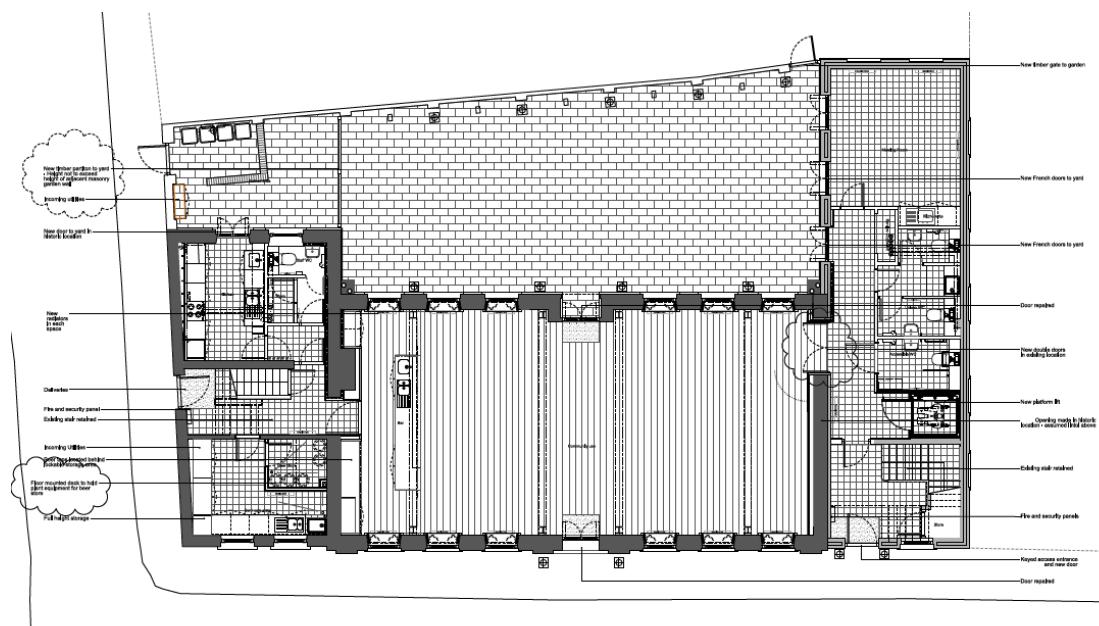
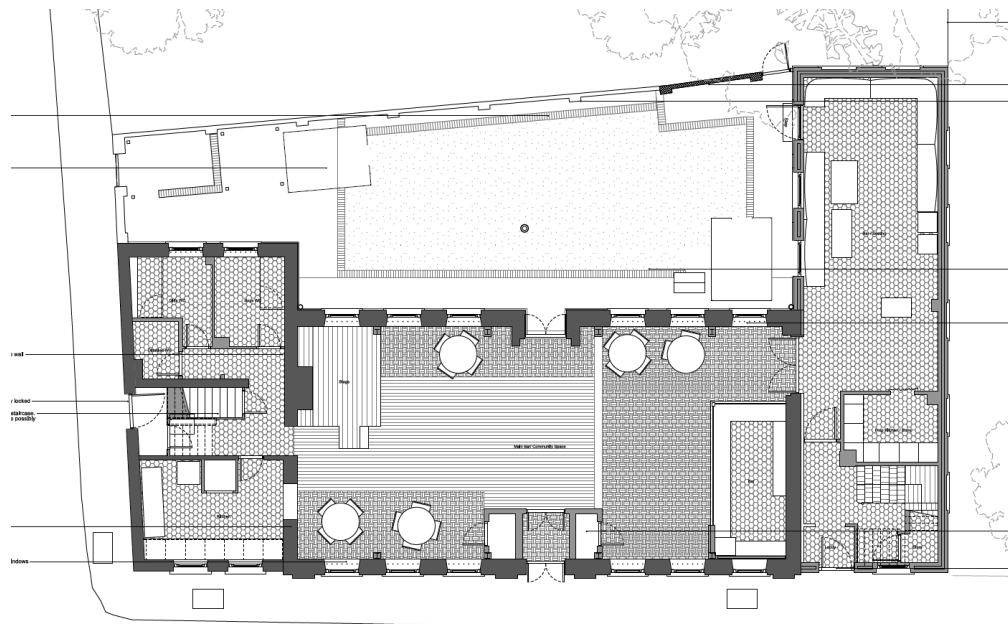
External

- Replacement doors, including two sets of French doors to the rear yard, a new door to the front elevation and the creation of a new doorway opening in a historic location to the rear.
- The repair and refurbishment of all existing windows.
- Replacement roof tiles to match where necessary.
- The reinstatement of an original chimney in brick.
- New felt roof and extract ventilation
- New timber refuse enclosure.

Internal

- The refurbishment of the main club room area, including the removal of the existing bar and the construction of a replacement bar.
- The installation of a platform lift connecting the floors.
- New radiators and service runs throughout
- The removal of existing internal partitions to the 1st floor.
- New sprung floors to the 1st floor studios.

- 4.4. Amended plans have deleted from the scheme various aspects originally proposed, including three rooflights intended for the front elevation, the creation of a corridor around the northern side of the 1st floor studio and a proposal to relocate a doorway connecting the west wing to the main part of the building.



5 RELEVANT PLANNING HISTORY

5.1 None.

6. POLICY FRAMEWORK

- 6.1 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:

6.2 Government Planning Policy

National Planning Policy Framework 2018
Planning Practice Guidance

6.3 London Plan (MALP 2016)

- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology

6.4 Tower Hamlets Core Strategy 2010

- SP02 - Urban living for everyone
- SP10 - Creating Distinct and Durable Places
- SP12 - Delivering placemaking

6.5 Managing Development Document 2013

- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environment

6.6. Tower Hamlets Community Plan objectives

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

- 6.7. Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and will close on 2nd March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on ‘A City for All Londoners’ which took place in Autumn/Winter 2016.

- 6.8 The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however the weight given to it is a matter for the decision maker.

- 6.9 The Council are in the process of finalising the new Local Plan which, once adopted, will be the key strategic document to guide and manage development in the borough until 2031.

- 6.10 Statutory public consultation on the ‘Regulation 19’ version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning

Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

7. CONSULTATION

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

External Consultees

Historic England

- 7.2 Historic England has considered the information received and do not wish to offer any further comment on this occasion.

Internal Consultees

LBTH Conservation and Design Officer

- 7.3. Amended plans have addressed all concerns raised, except that which could be dealt with in the conditions set out above.

8. LOCAL CONSULTATION

- 8.1 A total of 203 planning notification letters were sent to nearby properties as detailed on the attached site plan. Site notices were erected on A site notice was erected on 19/07/2018 and a press notice was advertised on 26/06/2018. 25 letters of objection have been received, these have been summarised below:

- The existing bar should stay where it is.
- The bar has been a focal point for the Wapping Community for 45 years to meet and socialise. To take this away would be very upsetting.
- The size of the bar is insufficient and the kitchen is too small.
- It is a brilliant bar and is run by good people.
- The refurbishment has not been discussed with current users.
- Tea bar not needed. Previous one years ago was not successful.
- Generations have been coming to this club for years. As they have aged, it has become even more important in their lives.
- The social club would become a white elephant like Christian Street.
- The refurbishment is a waste of money.
- Raines House is one of the last East End Community Centre social clubs left.
- The men like to stand at the existing bar with their pints.

- The club is used by a lot of OAPs. They have supported Raines Club for 45 years and would be lost without it.

9. MATERIAL PLANNING CONSIDERATIONS

- 9.1. The main issue for Members' to consider is whether the proposed works are appropriate in this respect of their impact on the character and special interest of the Grade II* Listed Building.

Impact on Special Architectural and Historic Character of the Listed Building.

- 9.2. London Plan Policy 7.8 requires development to identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate and requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 9.3. Adopted CS Policy SP10 seeks to protect and enhance the boroughs Heritage Assets and policy DM27 of the Managing Development Document seeks to ensure development, does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting; is appropriate in terms of design, scale, form, detailing and materials in its local context and that it enhances or better reveals the significance of the asset or its setting.
- 9.4. External works: As amended, changes to the exterior of the building would be very limited in scope. The new door to the rear of the school master's houses is considered acceptable as the applicant has demonstrated that it would replace a door opening that was in this location historically. The replacement door to the front elevation of the modern (western) wing would be of a suitable design and appear visually subordinate to the main entrance to Raine House.
- 9.5. The repairs and refurbishment of the windows and roof are welcomed subject to the retention of as much of the original slate roofing as possible. This would be secured by condition. The reinstatement of the previously existing chimney and the rooftop extraction equipment are considered acceptable. As the height of the timber enclosure to the refuse store would be below that of the boundary wall, it is not considered that there would be any harm to the setting of the Listed Building from this feature.
- 9.6. Internal works: The proposed removal of modern additions from the main building, including the bar, the stage, the second set of entrance doors and cupboards and the partitions at 1st floor level is acceptable as these do not contribute to the significance of the listed building.
- 9.7. This also applies to the internal works to the School Master's House (eastern wing), with the rationalisation of partitions and improved legibility of the original plan form allowing a greater appreciation of its historic character.
- 9.8. The proposed internal alterations to the western wing are considered acceptable in principle as this part of the building is not historic and will have no impact on the original plan form of the building. This wing is considered an appropriate location for the new platform lift as no historic fabric would be affected.

- 9.10. Overall, it is considered that the works would have a positive impact on the character of the Grade II* listed building. In line with s66 of the Planning (Listed Building and Conservation Areas) Act the development preserves the special architectural interest of the listed building, according with the aforementioned planning policies.

Response to objections

- 9.11. There has been a great deal of interest in the proposed works from existing users of the hall. A particular concern raised in the impact of the works on the main hall, with the existing bar removed and a new one constructed at the opposite end of the space.
- 9.12. These concerns are noted, and it is acknowledged that there will be different views on the appearance of the main hall. However, since the use of the building would be retained as existing, and the alterations serve to preserve the historic character and special interest of the building, it is not considered that an objection to the revised layout of the hall, or the size or location of the bar, could be sustained in planning terms.

10.0 Human Rights 1998

- 10.1 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:
- 10.2 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 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 of Human Rights 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".
- 10.3 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.

- 10.4 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.5 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.

11.0 Equality Act 2010

- 11.1 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:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2 It is considered the proposed development would not conflict with any of the above considerations. In particular, the installation of a platform lift would improve disabled access to the premises.

12 CONCLUSION

- 12.1 The works are considered to preserve the special historical and architectural character and appearance of the Grade II* Listed Building. As such, the works accords with the aims of Sections 7 and 12 of the NPPF, policy 7.8 of the London Plan, policy SP10 of the CS, policy DM27 of the MDD, which seek to ensure works to listed structures preserve features of special historic and architectural interest.
- 12.2 All other relevant policies and considerations have been taken into account. Planning Permission and Listed Building Consent should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections as set out in the RECOMMENDATION at the beginning of this report.

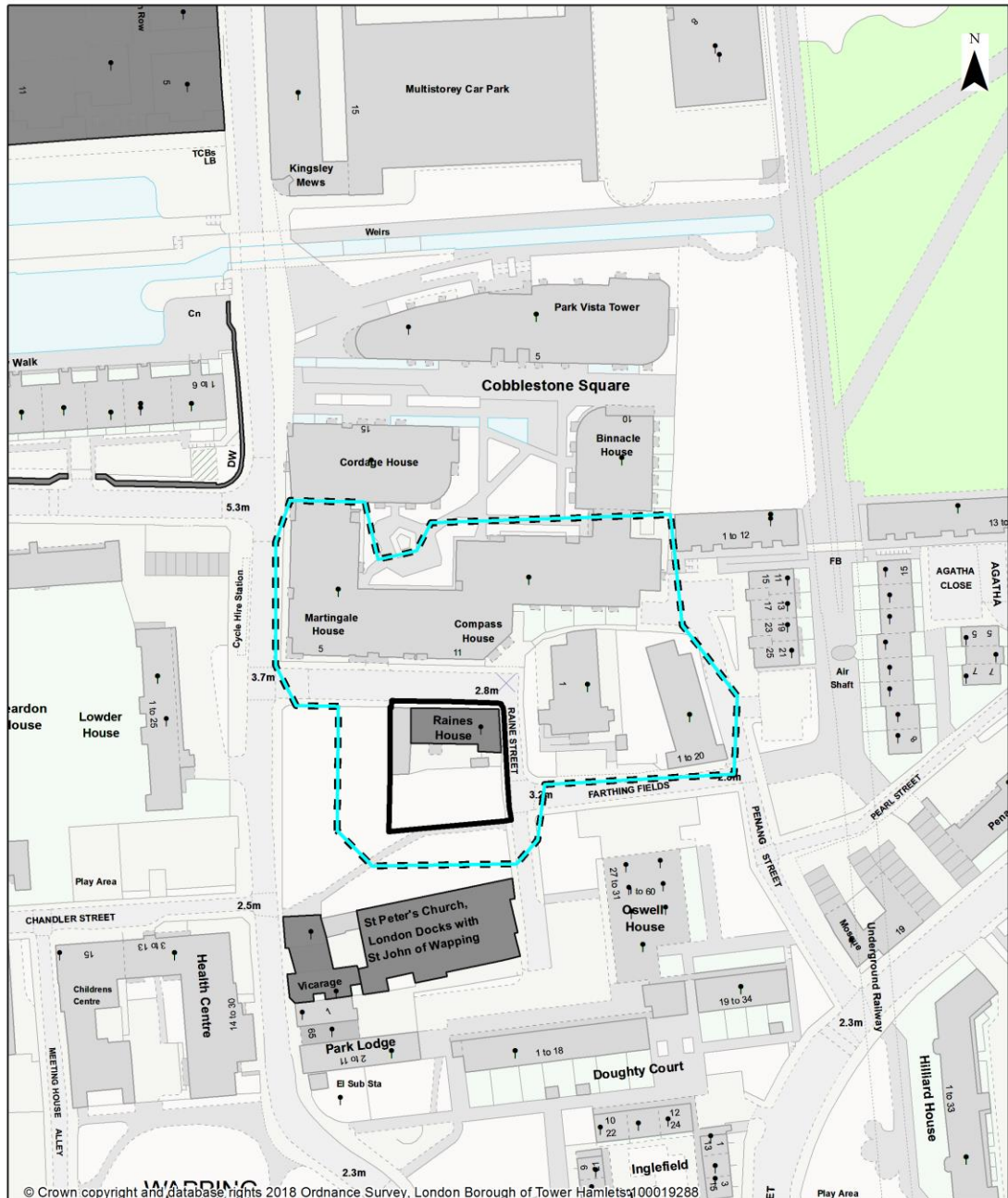


Current view of the main hall's interior.



Visualisation of the proposed hall interior and bar.

Appendix 1 SITE MAP



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- Consultation Area
- Planning Application Site Boundary
- Statutory Listed Buildings
- Locally Listed Buildings

Scale @ 1:1,147
10 5 0 10 20 30 Meters

Planning Application Site Map PA/18/01477

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



GIS for
Place Directorate
LONDON BOROUGH OF TOWER HAMLETS
Date: 13/08/2018



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Agenda Item 5.3

Committee: Development Committee	Date: 23 rd August 2018	Classification: Unrestricted
Report of: Director of Place		Title: Applications for Planning Permission
Case Officer: Daria Halip		Ref No: PA/18/00472
		Ward: Shadwell

1.0 APPLICATION DETAILS

Location: Dean Swift Public House, 2-6 Deancross Street, London, E1 2QA

Existing Use: Public House (use class A4)

Proposal: Demolition of existing building and redevelopment of site for mixed use purposes. Erection of six storey building comprising of 7 x residential apartments and non-residential floorspace at ground and basement floor (Use Class A4 / D1 / B1). Cycle parking and associated works.

Drawings:

TP(00)00 P2	TP(00)02 P3
TP(00)01 P2	TP(10)00 P3
TP(10)51 P1	TP(10)01 P3
TP(10)52 P1	TP(10)02 P3
TP(10)53 P1	TP(10)03 P3
TP(11)51 P1	TP(10)04 P3
TP(11)52 P1	TP(10)B1 P3
TP(11)53 P1	TP(10)RF P3
TP(11)54 P1	TP(10)11 P2
TP(12)51 P2	TP(10)12 P2
TP(12)52 P2	TP(10)13 P2
	TP(10)14 P2
	TP(11)01 P2
	TP(11)02 P2
	TP(11)03 P2
	TP(11)04 P2
	TP(12)01 P4
	TP(12)02 P4
	TP(12)03 P4
	TP(12)04 P4
	AM(10)00 P4
	AM(10)01 P3
	AM(10)02 P3
	AM(10)03 P3
	AM(10)04 P3
	AM(10)B1 P4
	AM(10)R F P3

Documents: Noise impact assessment
Statement of community involvement
Planning Statement including Heritage Statement

Ownership/applicant: ENSCO 864 Ltd

Historic Building: The building has been identified for local listing

Conservation Area: Not in a conservation area.

Commercial Road Conservation area is located approximately 18m east of the site

2.0 EXECUTIVE SUMMARY

- 2.1 This report considers the application for the demolition of a public house to replace it with a five storey building in mixed use; flexible space at ground and basement level (use class A4/ D1/ B1) and residential (use class C3) on the upper floors.
- 2.2 Seven residential apartments are proposed on the upper floors: 4x 1bed units, 2x 2bed units, and 1x3 bed units.
- 2.3 The proposed development is considered to be contrary to policy in terms of land use, design, amenity and provision of refuse storage facilities.
- 2.4 All other policies have been considered and the development found compliant.
- 2.5 The proposed development was part of a pre-application discussion. The Council advised the applicant then that 'the loss of the public house is generally not supported' by the Council's policies. The Council also made observations on the overall poor design of the proposed building and refuse storage, suggestions which have not been carefully considered at the application submission stage. This is discussed in section 8 of this report.
- 2.6 A petition containing 56 signatures has been received in favour of the application.
- 2.7 Given the level of support for the proposal against officers' recommendation, under the Council's Constitution, the application is required to be referred to the Council's Development Committee for determination.
- 2.8 Officers are recommending refusal based on the principle of land use, poor design, public amenity and inadequate provision of refuse facilities, in accordance with the Council's Core Strategy 2010, Managing Development Document 2013, the emerging Local Plan and London Plan 2016.

3.0 RECOMMENDATION

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

Loss of community asset

1. The proposed development, on account of the loss of the existing public house and the poor quality of the replacement commercial unit, would result in the loss of a community asset for which no satisfactory justification has been presented. The development therefore fails to address the policy requirements under policy DM8(2)(3) of the Council's Managing Development Document 2013 and policy D.CF4 of the Council's Emerging Local Plan as well as Policy 4.8 of the London Plan (2016).

Design

2. The proposed development, on account of its bulk, scale, detailed design, height, proportions, inactive ground floor frontage, plot coverage and the loss of the existing building, would result in a development of poor overall design quality, with a cramped layout that fails to respond sensitively to site constraints or its wider context. As such, the development fails to meet the policy requirements under policy DM24 in the Council's Managing Development Document 2013 and policy SP10 Creating distinct and durable places of the Core Strategy (2010).

Standard of accommodation

3. Two of the proposed residential units fail to meet the minimum internal floor space requirements, resulting in a cramped and poor quality standard of accommodation, contrary to the policy requirements under policy DM4 in the Managing Development Document 2013.

Impact on neighbouring amenity

4. The proposal, on account of its position 7 metres away from bedroom windows to three flats at number 298 Commercial Road, would introduce unacceptable loss of privacy, unreasonable levels of overlooking, and significant loss of light and outlook, to the detriment of the amenities of the occupiers of those flats. The scheme is therefore contrary to policy DM25 of the Council's Managing Development Document 2013 and policy SP10 of the Core Strategy 2010.

4.0 PROPOSAL AND LOCATION DETAILS

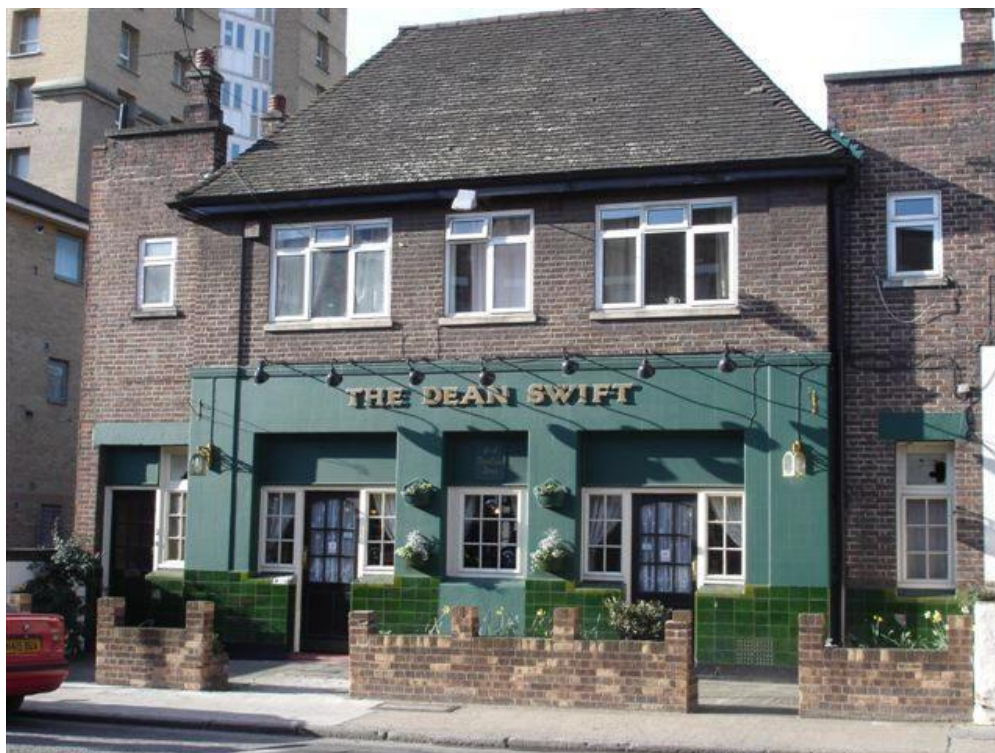
Site and Surroundings

- 4.1. The application site is a two storey building which operates as a pub. It is located to the west of Deancross Street and close to the junction with Commercial Road to the north.
- 4.2. The application site is adjacent to two residential blocks of flats to the north and south, car parking for the residential tower block known as Winterton House, to the west and Deancross Street to the east. The local area is primarily residential in character with few local corner shops serving the local community. Watney Market town centre is located in close proximity to the north and west of the application site. Immediately opposite to the east is the boundary of the Commercial Road Conservation Area and the Grade II listed terraces at 300-334 Commercial Road.



Existing Site Plan

- 4.3. The building is not listed and sits outside the conservation area, however it is proposed for local listing as recognition to its positive contribution to the character of the locality and settings of the Commercial Road Conservation Area.
- 4.4. There are no other policy designations at this site.



The Existing Public House

Proposal

- 4.5. Demolition of existing public house and redevelopment of site for mixed use purposes. The development would comprise the erection of six storey building comprising of seven residential apartments and non-residential floorspace at ground and basement floor level for mixed uses including drinking establishments, (use class A4/ D1/ B1). An image of the proposal is shown below.



A view of the proposed front elevation from the street

Relevant planning history

- 4.6. Pre- application advice: PF/17/00103 Demolition of existing building and redevelopment of site for residential purposes. Erection of five storey building comprising of nine apartments
- 4.7. The principle of the loss of the pub was not supported at the pre-application stage, unless robust evidence could be provided to demonstrate that the unit is unviable to operate as a public house. Where a replacement facility is proposed, this should be of an appropriate standard to a pub use.
- 4.8. Other key issues raised in respect of the proposed scheme included the overall height, detailed design, amenity, cycle parking and refuse store.

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

National Planning Policy Framework 2018
National Planning Practice Guidance

5.3 London Plan FALP 2016

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 3.1 - Ensuring equal life chances for all
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 5.3 - Sustainable design and construction
- 5.18 - Construction, excavation and demolition waste
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London's neighbourhoods and communities
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.8 - Heritage assets and archaeology

5.4 Core Strategy 2010

- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP05 - Dealing with waste
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places

5.5 Managing Development Document 2013

- DM0 - Delivering Sustainable Development
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM8 - Community infrastructure
- DM14 - Managing Waste
- DM20 - Supporting a sustainable transport network
- DM22 - Parking
- DM23 - Streets and the public realm
- DM24 - Place sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environments

5.6 Supplementary Planning Guidance/Documents and Other Documents

- Commercial Road Conservation Area Character Appraisal (2007)
- Pubs in Tower Hamlets – An evidence base study (April 2017)

5.7 Tower Hamlets Community Plan objectives

- A Great Place to Live

- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

- 5.8 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and will close on 2nd March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016.
- 5.9 The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however the weight given to it is a matter for the decision maker.
- 5.10 The Council are in the process of finalising the new Local Plan which, once adopted, will be the key strategic document to guide and manage development in the borough until 2031.
- 5.12 Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

6.0 CONSULTATION RESPONSE

- 6.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.
- 6.2 The following were consulted regarding the application:

External Consultees

Transport for London (TfL)

- 6.3 No objection provided a construction management plan is secured by way of condition.

Internal Consultees

LBTH Highways Department

Car Parking

- 6.4 Highways require a section 106 'car and permit' free agreement for the residential element of the development as it is located in very good PTAL area (PTAL 6a).
- 6.5 No objection to cycle parking. The proposal would be policy compliant in terms of cycle parking provision
- 6.6 Details of deliveries and servicing commercial and residential unit to be provided for the Council's approval prior to determination.

LBTH Waste Policy and Development - Waste Management

- 6.7 The bin store is large enough to store all containers with at least 150mm distance between each container and that the width of the door is large enough with catches or stays. The bin store must also be step free. All bins must meet the British Standard EN 840 Waste Collection Service The applicant should ensure there is a dropped kerb from bin store to collection point that is within 10 meters trolleying distance if none exist. Internal Storage All residential units should be provided with internal waste storage preferably within the kitchen units with the following capacity: Refuse – 40 litres Recycling – 40 litres Food waste – 10 litres.

LBTH Design and Conservation

- 6.8 The loss of the pub is not supported. Whilst the building is not a designated asset, it is considered that it makes a positive contribution to the townscape character and the setting of the adjacent Commercial Road Conservation Area, and as such is considered to be a non-designated heritage asset. The building is being considered for local listing and as a consequence, the Council resists its loss.

The prevailing height in the locality is 2-4 storeys high. The proposal would introduce a five storey building; provision of commercial unit at ground floor which would normally be taller than a standard storey height would push the building considerably taller than the five storey being proposed. The completed building would have an incongruous and overbearing relationship to its neighbour, detrimental to the overall townscape at this location or the setting of the adjacent conservation area.

The proposal has a building footprint that covers the majority of the site. The extent of the plot coverage proposed is uncharacteristic of the local area; the proposed development leads to a cramped layout that fails to provide a sensitive response to its site constraints, and gives rise to concerns about the overdevelopment on site.

Symptoms of the overdevelopment of the site can be seen in the inability to accommodate refuse and recycling inside the building envelope, ground floor which is predominantly inactive, a rear building line which extends to edge of the site boundary, a courtyard that is inaccessible and the need for privacy screens within north facing windows to address privacy issues introduced by the development.

The introduction of contemporary building may in principle be supported. However, the current form proposed would result in a bulky and inelegant building that is poorly designed and detailed. Of particular concern are:

- the failure to create a building which references or positively responds to its context,
- the poor proportions of the which gives it a squat appearance,
- the poor proportions of the roof storey which gives the building a top heavy and bulky appearance,
- the entrance to the commercial/community use is meanly sized and lacks street presence,

- the northern elevation demonstrates a lack of clear design intent which is reflected in the lack of consistency in window alignment and the inconsistent application of materials such as glazed brick to the ground floor;
- the predominantly blank western elevation which offers little visual interest when viewed from the car park;
- lack of information about the design of the louvres which is intended to be applied to the bedroom windows onto the northern elevation. These are referenced in the submitted DAS but omitted on the plans. Their latter addition would change the appearance of this elevation.

7.0 LOCAL REPRESENTATION

Statutory notification

- 7.1 52 Letters were sent to occupiers of neighbouring properties. A site notices was displayed outside the application site. The following responses were received in relation to that scheme.

One petition received, containing 56 signatures in favour of the development:

- The development will provide urgently needed housing in Shadwell and Tower Hamlets, which is suffering a housing crisis. The proposal will deliver homes to rent and buy.
- It will include a ground floor space for use by the community either to retain the pub, or for a health centre or for office space for local businesses.

No individual responses were received either in support or objection to the application.

8.0 MATERIAL PLANNING CONSIDERATIONS

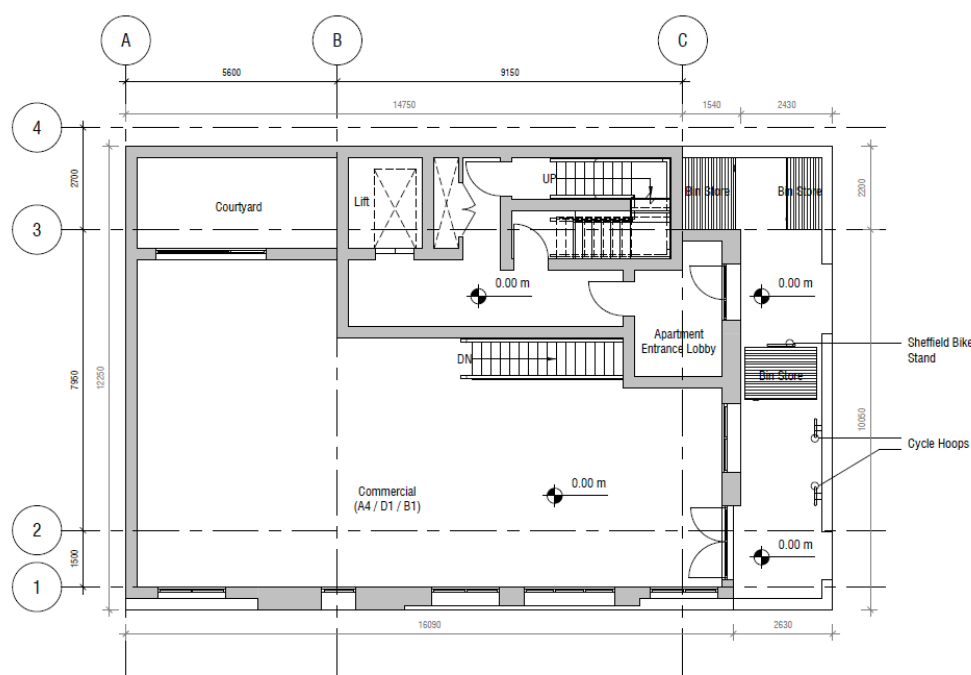
- 8.1 The main planning issues raised by the application that the Committee are requested to consider are:

- i. Land Use
- ii. Design
- iii. Amenity
- iv. Highways and Servicing

Land use

- 8.2 Paragraph 92 of the NPPF acknowledges the importance of community and social value of public houses.
- 8.3 Policy 4.8 of the London Plan and DM8 in the Council's Managing Development Document 2013 (MDD) refer to public houses as a community facility. These policies protect community facilities where they meet an identified need and the building is considered suitable for its use. Furthermore, the Council's emerging policy D.CF4 requires robust marketing evidence to be provided demonstrating that the public house has no prospect to further operate neither as a pub nor as an alternative community use. Where a public house is replaced or re-provided, adequate floorspace must be provided to ensure the continued viability of the public house.

- 8.4 The proposal seeks permission for the construction of a five storey building in mixed use with a flexible A4, D1, B1 use at basement and ground floor level and residential units on the upper floors (seven residential units).
- 8.5 The overall floor space occupied by the existing pub is 203sqm over the basement and ground floor with an additional 98sqm at first floor used as ancillary space including extensive garden space at the rear. The proposal would see the loss of the garden and allows for a reduced area of 155sqm of commercial space.
- 8.6 The submitted ground floor plan shows no indication of the bar area, appropriate seating, storage, toilets, kitchen with relevant equipment including the location of extraction flue, smoking area, etc. Furthermore, development is also has a limited active frontage, inappropriate for its intended use.



Proposed ground floor plan

- 8.7 The development seeks to meet the policy requirements through the re-provision of floorspace for pub use, but only as an option as (D1) community and office uses are also applied for. The layout is clearly shown to allow for a flexible use, however it would be insufficient to be practically let as a pub. It is likely that this space would remain empty or only implemented as office or (D1) community use were permission to be granted.. No marketing or other evidence has been presented to demonstrate that the existing pub does not remain viable. The proposal would therefore result in the loss of a community use contrary to policy DM8.
- 8.8 Notwithstanding the above, the principle of some housing provision on the site is supported in policy terms by NPPF Paragraph 50 and policy SP02 of the Council's Core Strategy 2010.

Design

- 8.9 The National Planning Policy Framework attaches great importance to the design of the built environment.

- 8.10 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.11 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 8.12 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and sensitive to the context of its surroundings. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.13 Height: The proposed five storey development would sit within an area where the prevailing height is of 2 to 4 storeys. The ground floor commercial use and the overly large roof storey results in a building that appears considerably taller than its neighbours. As such the development would be incongruous and overbearing, detrimental to the settings of the adjacent conservation area and overall character of the locality including the appearance of the building in its own right.
- 8.14 Plot coverage: The development has a building footprint that covers the majority of the site, in an attempt to maximise its development potential. This approach has led to a cramped layout that fails to provide a sensitive response to its site constraints due to overdevelopment of the site. Symptoms of the overdevelopment of the site can be seen in, a ground floor which is predominantly inactive, a rear building line which extends to the edge of the site boundary, a courtyard that is inaccessible and the need for privacy screens within north facing windows to address privacy issues introduced by the development.
- 8.15 Architectural detailing: The overall quality of the new development is poor. The proportions of the ground floor give it a squat appearance; its proportion, particularly the height, is not considered to be suitable for commercial or community use. The proportions of the roof top storey which is taller than the floor storeys below, gives the building a top heavy and bulky appearance. The entrance to the commercial/ community space at ground floor level is subdued and lacks street presence. The northern elevation demonstrates a lack of clear design intent which is reflected in the lack of consistency in window alignment and the inconsistent application of materials such as glazed brick to the ground floor. The predominantly blank western elevation offers little visual interest when viewed from the car park.

- 8.16 Whilst Deanswift Public House is not a designated heritage asset, it is considered to make a positive contribution to the townscape character and the setting of the adjacent Commercial Road Conservation Area, and as such, it is considered to be a non-designated heritage asset. Although it would be difficult for the Council to resist its demolition, any replacement building would be expected to be of a similarly high architectural quality. The proposed development falls demonstrably short on this measure.
- 8.17 For the reasons above, the proposed development would not result in a high quality building that would make a positive contribution to the locality, and as such, the development would be contrary to the above listed policies.

Standard of residential accommodation

- 8.18 London Plan 2016 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. Specific standards are provided by the Mayor of London Housing SPG to ensure that the 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.”
- 8.19 Five of the seven proposed units would meet the baseline internal floorspace standard. Two one bedroom flats would fall by approximately 3sqm under the minimum requirement in terms of internal floor space. The proposal fails to meet the policy requirements in terms of provision of minimum floor space and therefore unacceptable. The development would be new built and not a conversion of a pre-existing building where the development would have to work with the existing limitations on site. Although a minor shortfall, given the other issues identified with the development, this further demonstrates the lack of care that has gone into progressing the design. The resulting poor standard of these units constitutes a further reason for refusal.
- 8.20 All residential units meet the minimum standard provision of private amenity space.

Inclusive Access

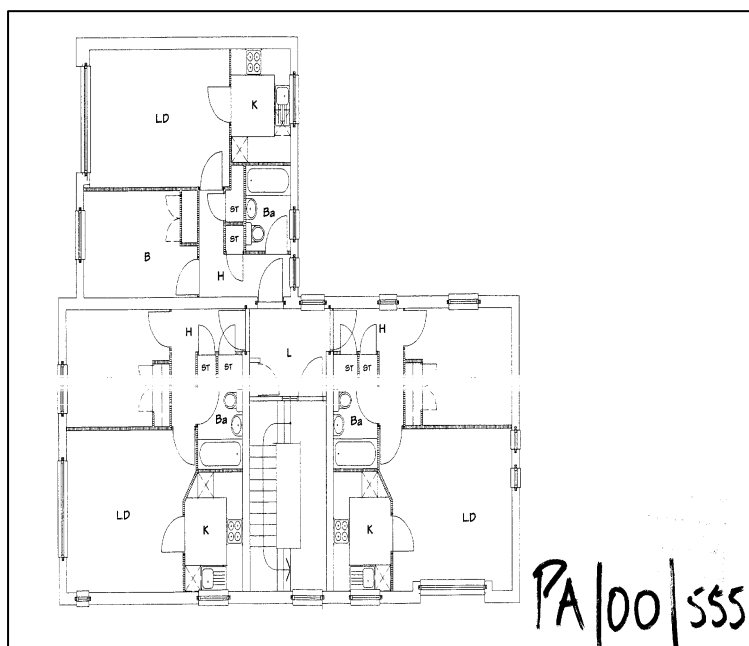
- 8.21 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.22 One bed flat located at first floor level is wheelchair accessible being 10% larger than the standard one bed units.

Amenity

Daylight/ Sunlight Impact - Residential

- 8.24 The closest residential address most likely to be impacted by the development is the block of flats at 298 Commercial Road, located to the north of the site and 10-14 Deancross Street to the south.

- 8.25 298 Commercial Road contains one bedroom flats, with three units laid out on each floor. The bedroom window serving one of these residential units on each floor is facing the proposed development.
- 8.26 A daylight/sunlight assessment has been submitted to support the application. In terms of the impact on 298 Commercial Road, the report relies on a 'mirror image' assessment with regard to the impact on daylight to demonstrate that there would not be significant harm. This uses a hypothetical development of the same scale as No.298 on the application site as a benchmark for calculating existing daylight levels. However, the BRE guidance notes that assessing daylight in this way is only appropriate where affected windows are very close to the boundary and rely excessively on 'borrowed' light. This is not considered to apply in this instance, as the affected windows have a reasonable set back from the boundary. Furthermore, it has not been established as to what scale of development on the application site would be appropriate in design terms.
- 8.27. It is considered therefore that the raw data for loss of light to No.298, which is also provided in the daylight/sunlight report, is more appropriate for assessing the amenity impact of the development. This indicates the loss of light that neighbours would actually experience were the development to proceed.
- 8.28. Using this data, the submitted Daylight/Sunlight Assessment indicates that these bedrooms (ref W1) at first, second and third floor at the rear of No.298 will be significantly impacted by the proposal, experiencing a drop in Vertical Sky Component VSC to 0.61, 0.64 and 0.7 respectively of their former values. The BRE Guideline set out that reduction of VSC to a window of 0.8 of its former value would be significant. . The bedrooms are however single aspect units, a factor which adds to the overall consideration when assessing the amount of daylight received by the existing residential units. Given that this degree of loss of light is clearly in excess of that defined as significant by the BRE guidance, and due to the lack of mitigating factors in favour of development, this is considered to be further grounds for refusal of the scheme. The daylight report indicates that the impact on 10-14 Deancross Street would be acceptable.



Typical floor layout at 298 Commercial Road

- 8.27 Assessments of loss of sunlight and overshadowing to the neighbouring open space have been provided by the Daylight/Sunlight report. These are within the parameters set out in the BRE guidance and are therefore considered acceptable.

Overshadowing

- 8.28 The rear courtyard would receive 33% of 2 hours of sunlight on the 21st March (BRE Guidance), significantly below the recommended BRE guideline (at least half of the amenity space should receive at least 2h of sunlight on 21st March).
- 8.29 The submitted Daylight Assessment indicates that the courtyard exists as a result of the step back introduced to address any overlooking issues to the neighbouring properties at 298 Commercial Road. Furthermore, the submitted Design and Access Statement (section 3.14.3) details that the courtyard could be potentially be used to locate the plant equipment for the non-residential unit. The applicant suggests that given that the courtyard does not meet the function of an outdoor space, the BRE Guidance is less relevant in this regard.
- 8.30 In line of the above, the courtyard is fundamentally redundant amenity space which could potentially result in plant storage, an element which introduces other amenity and design concerns, including noise, vibration and visual appearance, detrimental to the overall quality of the development.

Overlooking, loss of privacy and outlook

- 8.31 The proposal would sit at approximately 7m away fronting 298 Commercial Road, looking directly into the bedrooms of the neighbouring property facing south. The submitted Design and Access Statement indicates that the proposal could address this issue by introducing opaque glass fins to create privacy screens to these windows.
- 8.32 The submitted north elevation drawing contains no reference to the introduction of privacy screens to the relevant windows. These windows are single aspect bedroom windows, north facing; no information has been provided to demonstrate the efficiency of the privacy screens in retaining the overall daylight distribution internally, in line with the BRE standards.
- 8.33 In line of the above, it is considered that the proposal would introduce unacceptable levels of overlooking and loss of privacy. Even if loss of privacy could be mitigated successfully, the development would present an over-bearing impact and severely limit the outlook from the windows at 298 Commercial Road. The loss of daylight, overlooking and impact on outlook to flat at No.298 constitute further grounds for refusing permission as contrary to policy DM25 in the Council's Managing Development Document.

Transport, Access and Servicing

- 8.34 Overall, the proposal's likely highways and transport impact are considered to be acceptable by the Council's Transportation & Highways section, except refuse storage and servicing. The relevant issues are discussed below.

Cycle Parking

- 8.35 The development provides 12 secure cycle parking spaces located at basement level, in line with the policy requirements under policy DM22 of the MDD.

Car Parking

- 8.36 The development, were it to have been recommended for approval, would be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits.
- 8.37 No on street disabled accessible parking space is proposed. However this could have been resolved by way of condition were all other aspects of the scheme acceptable.

Servicing and Refuse Storage

Refuse storage

- 8.38 Waste at this location is collected weekly. The development would therefore be required to accommodate a week's worth of waste for both the residential development as well as the ground floor commercial unit.
- 8.39 The proposed bins are unaesthetically located at the front of the development, adjacent to the main entrance to both residential and commercial unit respectively.
- 8.40 The front courtyard of a pub development would normally be used as outdoor space by the pub users making it unsuitable for waste storage. The location of the waste bins adjacent to the entrance to both the commercial and residential units would cause disturbance to the residents and commercial space users in terms of visual blight, threat to public health and odour emanating from bins. This arrangement further undermines the design quality of the proposal, both in visual terms and regarding the viability of a pub use at ground floor level.

Servicing

- 8.41 No information has been provided on servicing arrangements for the proposed commercial unit. However, given the scale of development, it is likely that this could have been addressed by condition.

9.0 Human Rights Considerations

- 9.1 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:
- 9.2 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 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".

- 9.3 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.
- 9.4 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.
- 9.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

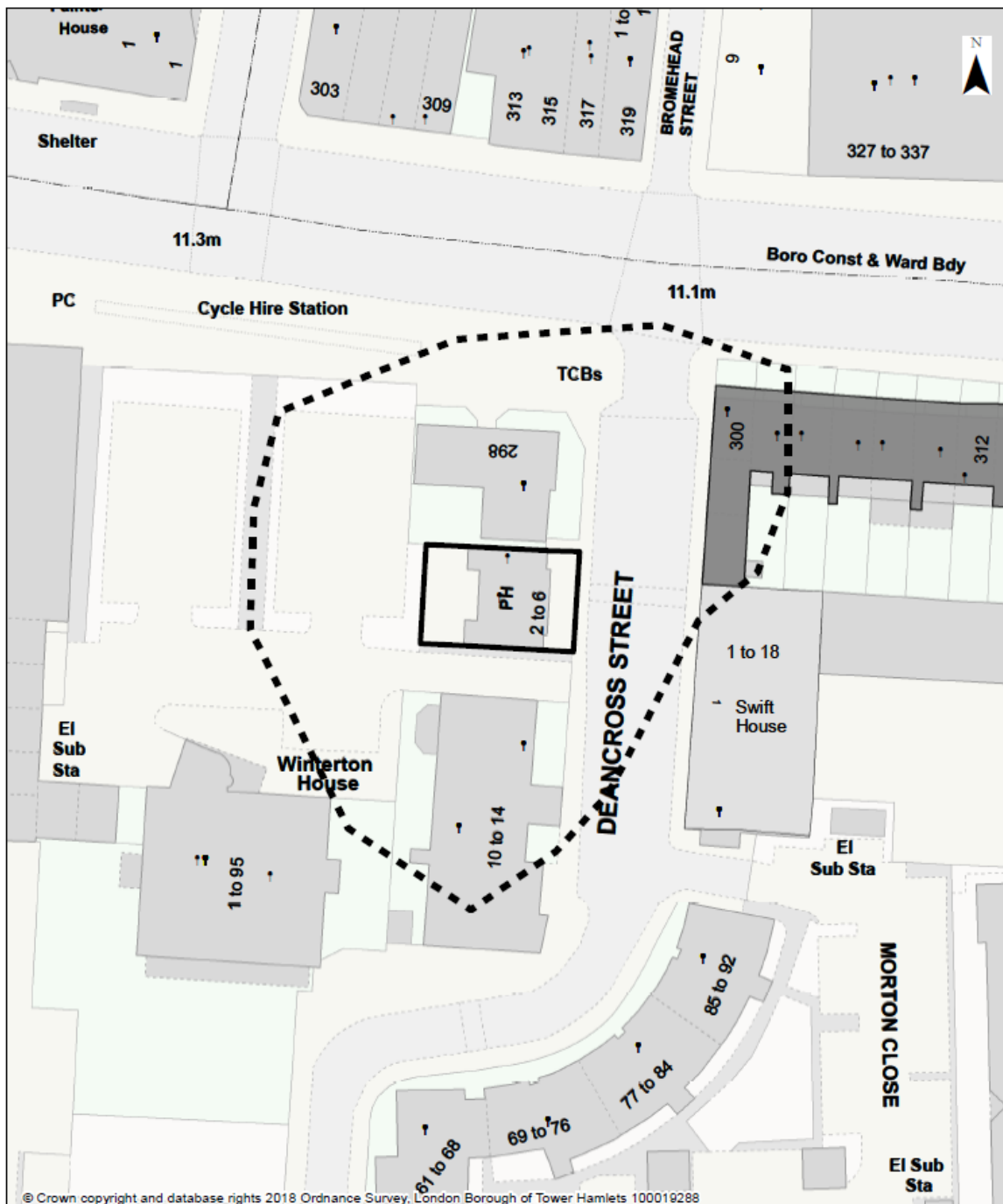
10.0 EQUALITIES ACT CONSIDERATIONS

- 10.1 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.
- 10.2. The Council considered the proposed development would not conflict with any of the above considerations. While, no on street disabled accessible parking space is proposed. Council holds that it may resolved by way of condition were all other aspects of the scheme acceptable

11.0 CONCLUSION

- 11.1 All other relevant policies and considerations have been taken into account. Planning permission should be REFUSED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report

Appendix 1 SITE MAP



Scale @ 1:600
 9 4.5 0 9 18 27 Meters

Planning Application Site Map PA/18/00472

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



LONDON BOROUGH OF TOWER HAMLETS
Date: 02/08/2018

GIS for
Place Directorate

