

# DEVELOPMENT COMMITTEE

---

**Wednesday, 17 October 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 Monday, 15 October 2018**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Tuesday, 16 October  
2018**

**Contact for further enquiries:**

Antonella Burgio, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4881  
E-mail: [antonella.burgio@towerhamlets.gov.uk](mailto:antonella.burgio@towerhamlets.gov.uk)  
Web: <http://www.towerhamlets.gov.uk/committee>

Scan this code for  
an electronic  
agenda:



## Public Information

### **Attendance at meetings.**

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

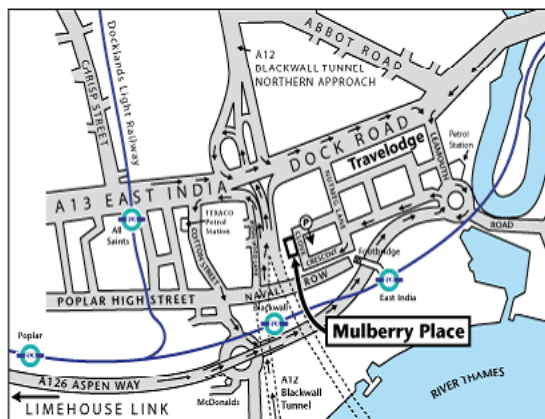
### **Audio/Visual recording of meetings.**

Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page

### **Mobile telephones**

Please switch your mobile telephone on to silent mode whilst in the meeting.

### **Access information for the Town Hall, Mulberry Place.**



Bus: Routes: D3, D6, D7, D8, 15, 108, and 115 all stop near the Town Hall.

Docklands Light Railway: Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

Tube: The closest tube stations are Canning Town and Canary Wharf .

Car Parking: There is limited visitor pay and

display parking at the Town Hall (free from 6pm)

If you are viewing this on line: ([http://www.towerhamlets.gov.uk/content\\_pages/contact\\_us.aspx](http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx))

### **Meeting access/special requirements.**

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda.



### **Fire alarm**

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

### **Electronic agendas reports and minutes.**

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, Apple and Android apps.



QR code for smart phone users

## **APOLOGIES FOR ABSENCE**

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

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

### **2. MINUTES OF THE PREVIOUS MEETING(S)**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 27 September 2018 – Document to Follow

### **3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 9 - 10)**

To RESOLVE that:

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

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>4. DEFERRED ITEMS</b>	<b>11 - 12</b>	
<b>5. PLANNING APPLICATIONS FOR DECISION</b>	<b>13 - 14</b>	
<b>5 .1 Caspian Wharf 39 - 75 Violet Road, London E3 3FW (PA/15/01846)</b>	<b>15 - 36</b>	<b>Bromley South</b>
<b>5 .2 Unit G1, Ground Floor, Block F, 15 Hanbury Street, London E1 6QR (PA/18/00459)</b>	<b>37 - 66</b>	<b>Spitalfields &amp; Banglatown</b>
<b>5 .3 5 Hollybush Place, London E2 9QX (PA/16/02713)</b>	<b>67 - 114</b>	<b>St Peter's</b>

#### **Next Meeting of the Development Committee**

Wednesday, 14 November 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

This page is intentionally left blank

# Agenda Item 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Further advice**

For further advice please contact:-

Asmat Hussain Corporate Director of Law Probitiy 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>

This page is intentionally left blank



## Guidance for Development Committee/Strategic Development Committee Meetings.

### Who can speak at Committee meetings?

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

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

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

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

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

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

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

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: [www.towerhamlets.gov.uk/committee](http://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><b>Deadlines.</b>                  To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages.                  Visit <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 Scan this code to view the Committee webpages.
<p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"> <li>• Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure).</li> <li>• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions).</li> <li>• Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions).</li> </ul>	 Council’s Constitution

# Agenda Item 4

<b>Committee:</b> Development	<b>Date:</b> 17 October 2018	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b>		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. DEFERRED ITEMS

There are no deferred applications are for consideration by the Committee.

## 3. PUBLIC SPEAKING ON DEFERRED ITEMS

- 3.1 Where 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.

## 4. RECOMMENDATION

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

---

**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

This page is intentionally left blank

# Agenda Item 5

<b>Committee:</b> Development	<b>Date:</b> 17 October 2018	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Place		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

## 3. ADVICE OF 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

<b>Committee:</b> Development	<b>Date:</b> 20 <sup>th</sup> June 2018	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
----------------------------------	--	--	----------------------------

<b>Report of:</b> Directorate of Place	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Kevin Crilly	<b>Ref No:</b> PA/15/01846
	<b>Ward:</b> Bromley South

## 1.0 APPLICATION DETAILS

<b>Location:</b>	Caspian Wharf 39 - 75 Violet Road, London E3 3FW.
<b>Existing Use:</b>	Residential (Class C3)
<b>Proposal:</b>	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, relocation of pedestrian gates on Ligurian Walk and reconfiguration and location of cycle parking and refuse storage within Voysey Square
<b>Drawings and documents:</b>	4D_1729_AP000 Rev 4D_1729_AP0011 4D_1729_AP026 RevB KMW_1616_AP003 KMW_1616_AP009B KMW_1616_AP021 KMW_1616_AP029A
	4D_1729_AP007 Rev E 4D_1729_AP0012 Rev B 4D_1729_AP028 Rev B KMW_1616_AP008A KMW_1616_AP020 KMW_1616_AP0027
<b>Applicant:</b>	Berkeley Homes (North East London Ltd)
<b>Ownership:</b>	Berkeley Homes (North East London Ltd)
<b>Historic Building:</b>	None
<b>Conservation Area:</b>	Adjacent to Limehouse Cut Conservation Area

## 2.0 BACKGROUND AND EXECUTIVE SUMMARY

- 2.1 This application was presented to the Council's Development Committee on 20<sup>th</sup> June 2018 with an officer recommendation to grant planning permission.
- 2.2 The Committee were minded to defer the application to allow the applicant and the Council to explore alternative pedestrian access arrangements to the canal side on Ligurian Walk. The applicant submitted revised plans proposing to retain a pedestrian gate in a revised location within the site along Ligurian Walk.
- 2.3 The Local Planning Authority has considered this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) in

addition to the London Plan (MALP 2016) as well as the National Planning Policy Framework.

- 2.4 The applicant seeks permission to erect a vehicular and pedestrian entrance gate at the main vehicular entrance to the Caspian Wharf development within Voysey Square. Permission is also sought to retain the unauthorised vehicular and pedestrian gates to Seven Sea Gardens. These gates would be set back 6m further than the existing gates in this location. Further works are proposed across the site to provide improved access including a new pedestrian gate between Voysey Square and Bow Enterprise Park, the relocation of the unauthorised pedestrian gates at the entrance to Ligurian Walk and the creation of pedestrian access through the undercroft between Voysey Square and Seven Seas Gardens.
- 2.5 The main material planning considerations for members to consider are; whether the proposed works would provide appropriate improvements to the security of the site whilst not creating a gated community; or compromising on public access to the canalside walkway and the wider Limehouse Cut which is contrary to national, regional and local planning policies.
- 2.6 Officers accept that a number of residents have expressed concerns about the anti-social behaviour levels within, and surrounding, the Caspian wharf development. Following discussions between officers and the applicant the proposal has been revised and offers improved security through the addition of vehicular gates to Voysey Square whilst improving public access through the addition of a pedestrian gate between Voysey Square and the neighbouring Bow Enterprise Development and the relocation of the gates to Ligurian Walk within the site. The proposal is considered to provide sufficient security whilst also improving public access through the site and along the canal and to the blue ribbon network.

### **3.0 RECOMMENDATION**

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

#### **Conditions**

##### Compliance conditions

1. Permission valid for 3 years;
2. Development in accordance with approved plans;

##### Prior to commencement conditions

3. Access Strategy, including hours each of the gates are open during daylight hours

### **3.1 Informative**

That the Corporate Director of Place is given delegated authority to impose the following conditions and informative (or add or remove conditions acting within normal delegated authority) in relation to planning permission.

### **4.0 PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 4.1 The applicant seeks permission to erect a vehicular and pedestrian entrance gate at the main vehicular entrance to the Caspian Wharf development within Voysey



Square Permission is also sought to retain the unauthorised vehicular and pedestrian gates to Seven Sea Gardens. These gates would be set back 6m further than the existing gates in this location. Further works are proposed across the site to provide improved access including a new pedestrian gate between Voysey Square and Bow Enterprise Park, the relocation of the pedestrian gates at the entrance to Ligurian Walk to a location within the site allowing unimpeded public access to the canal side. Further works include the creation of pedestrian access through the undercroft between Voysey Square and Seven Seas Gardens.

- 4.2 The proposed entrance gates to Voysey Square and Seven Seas Garden would measure 8.3m in width and 3m in height. Both sets of gates will be set back 6 metres from the highway.

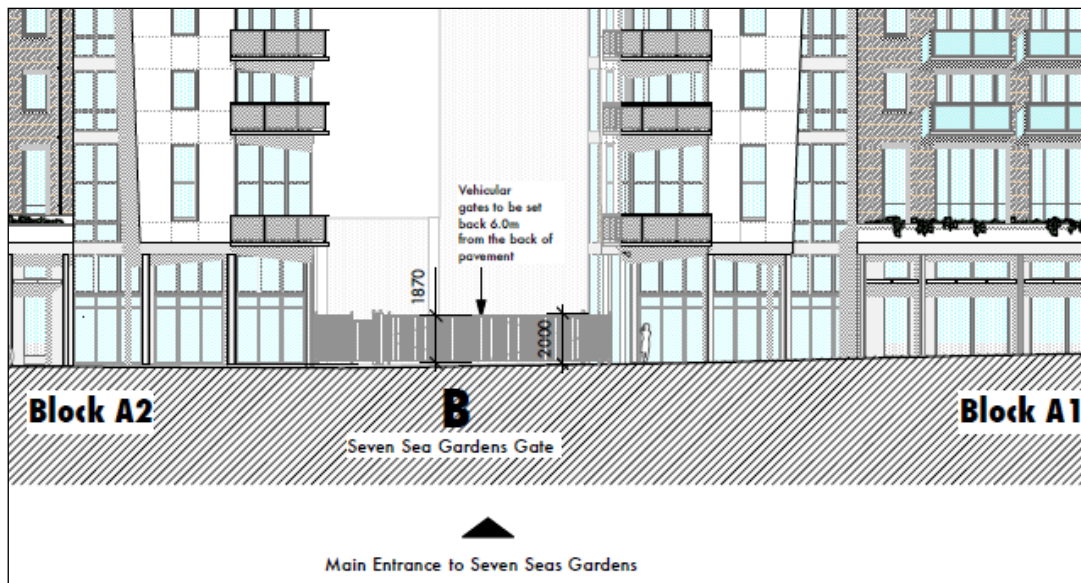


Figure 1 – Gates to Seven Sea Gardens

- 4.3 Vehicular access will be through a double gate opening inwards and pedestrian access will be through two single gates either side of the vehicular gate.

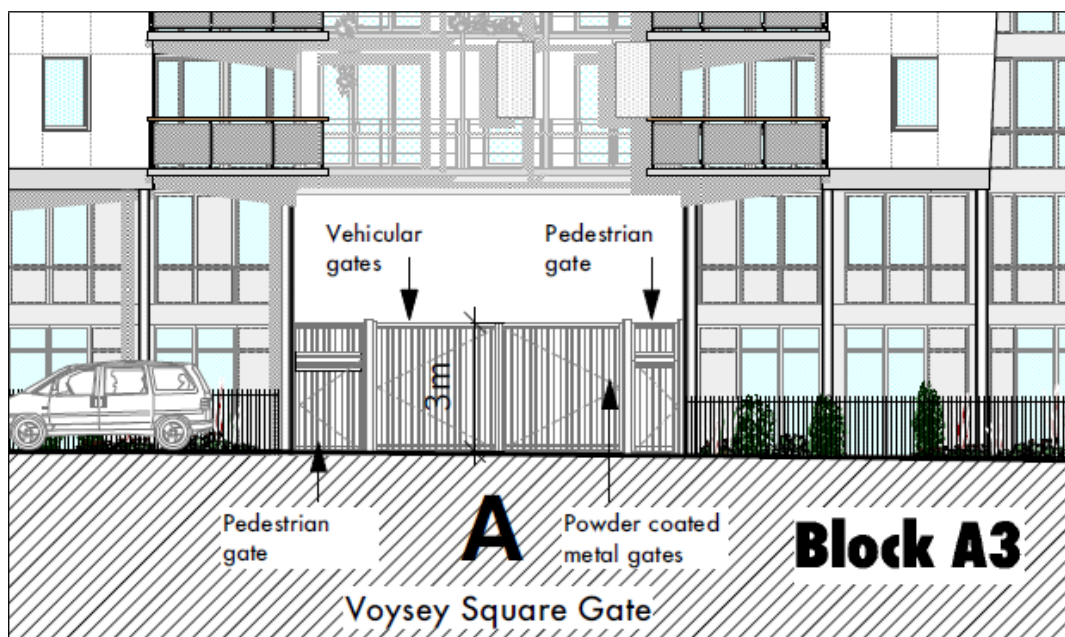


Figure 2 – Gates to Voysey Square

4.4 The proposal has been revised since it was presented to the Development Committee on 20<sup>th</sup> June 2018 and now includes the retention of pedestrian gates to Ligurian Walk but in a revised location within the site. Figure 3 below shows the location of the existing unauthorised gates and the proposed revised location of the gates.

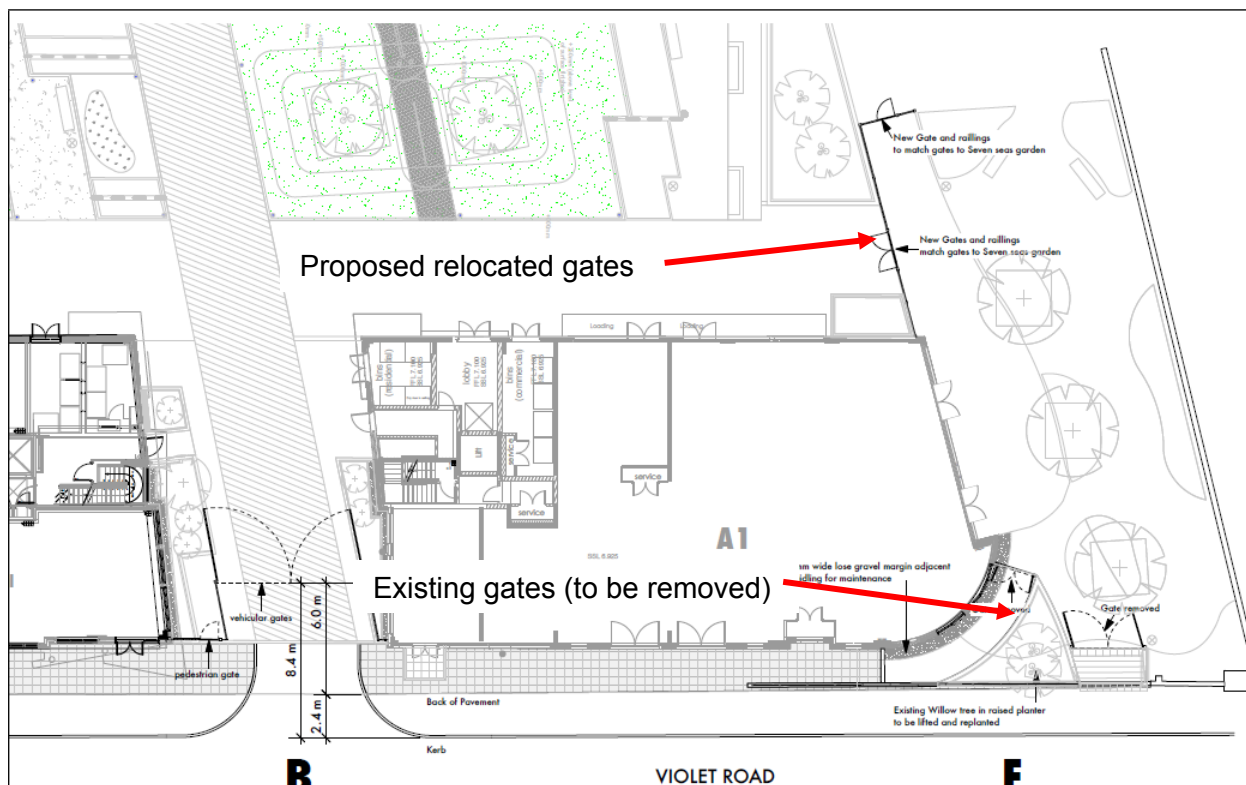


Figure 3- Ligurian Walk Gates

### Site and Surroundings

4.5 The application relates to the Caspian Wharf development, which is a mixed use development with commercial units located at ground floor along Violet Road and residential units located above and also enclosing the two residential squares at Seven Seas Gardens and Voysey Square.

4.6 The Caspian Wharf development on the eastern side of Violet Road benefits from two vehicular and pedestrian entrances facing on to Violet Road. This includes the gate proposed under this application, which is the main vehicle access point and also the set of gates directly opposite Yeo Street which is an emergency vehicle access point. In addition a further canalside walkway access point is available to the south of the Caspian Wharf site along the canalside path (Ligurian Walk) which currently has unauthorised gated access. From officers investigations it appears these pedestrian gates are open on occasions during the day however there does not appear to be a consistent closing/opening time for these gates and there have been numerous occasions where it has been noted that these gates have been closed during the day. In addition, the gating of the emergency vehicle access point is also contrary to Schedule L of the Section 106 Agreement which forms part of the original planning permission for the site (PA/05/01647 and varied under PA/08/01763) which clearly demonstrate on 'plan 2' that the gates are to be permanently removed.

- 4.7 The application site is not located in close proximity to any listed buildings; however, the site does lie to the north of the Limehouse Cut Conservation Area with the southern boundary of the Caspian Wharf development and the canalside walkway being located on the boundary of this conservation area.

### **Planning History**

- 4.8 There is a vast amount of planning history for the application site; however, the most relevant has been detailed below:
- 4.9 Caspian Wharf development site is effectively divided into two separate planning permissions for a) Sites A and B; and b) Sites C and D and following permissions are relevant.

#### Site A and B

- 4.10 PA/05/01647 (Parent Permission) for Site A and B - planning permission was first granted on 03/05/2007 for the redevelopment of site to provide buildings of between 4 & 9 storeys and of 13 storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canalside walkway and servicing. This permission was implemented.
- 4.11 PA/07/03049 (Varied Permission) – The planning permission PA/05/01647 was subsequently varied by this permission which was approved 30/05/08.

The amendments secured by this permission related to changes to the wording of the conditions which identified triggers for Site A and B. The application required a new permission to be issued and therefore PA/07/03049 is the varied permission for Sites A and B.

- 4.12 PA/11/00097 (Implemented Permission) – The Planning permission PA/07/3049 was further varied by this permission which was approved 21/07/11.

This permission secured minor amendments to the parent permission and therefore required a new planning permission to be issued and therefore becomes the Implemented Permission for Sites A and B.

#### Sites C and D

- 4.13 PA/07/2706 (Parent Permission) – Redevelopment to provide buildings of between four and eleven storeys (38.95 metres AOD) for mixed use purposes including 142 residential units, Class A1,A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated works including car parking and cycle parking, roof terraces, landscaping and servicing was granted on 18/07/2008
- 4.14 PA/07/2762 (Varied Permission) - Planning permission was granted on 29/08/2008 for the redevelopment of site to provide buildings of between four (11.8 metres) and eleven storeys (32.2 metres) for mixed uses purposes including 191 residential units Class A1, A2, A3 and B1 uses with associated basement and ground level car parking and cycle parking, roof terraces, children's play area, landscaping, access and servicing.

This was a similar proposal to PA07/02706 however included semi private amenity areas within PA/05/01647 scheme to include basement parking for the proposal.

- 4.15 PA/08/01763 (Implemented Permission) – The planning permission PA/07/02762 was subsequently varied by this permission which was approved 29/01/2009.

The Implemented Permission altered access to the basement to allow affordable housing to be delivered at earlier phase however in general, the proposal was identical to PA/07/2762

- 4.16 The Section 106 Agreement for this permission is relevant which secured the obligation to remove gates along Violet Road frontage shown on the approved plans.
- 4.17 PA/14/02934 - Retrospective application for the erection of entry gates between block A1 and A2, fronting Violet Road. Withdrawn 23/02/2015
- 4.18 PA/14/01762 & PA/14/02059 - Erection of entry gates at the main vehicular access fronting Violet Road.

Presented to Development Committee on 17/12/2014

*On a vote of six in favour of this proposal and one against, the Committee were minded to defer the application for further information on the enforcement action and investigation in respect of the canal side access and the unlawful gates within the development and also for consultation with the applicant about other alternatives measures to minimise anti-social behaviour within the Caspian Wharf development site.*

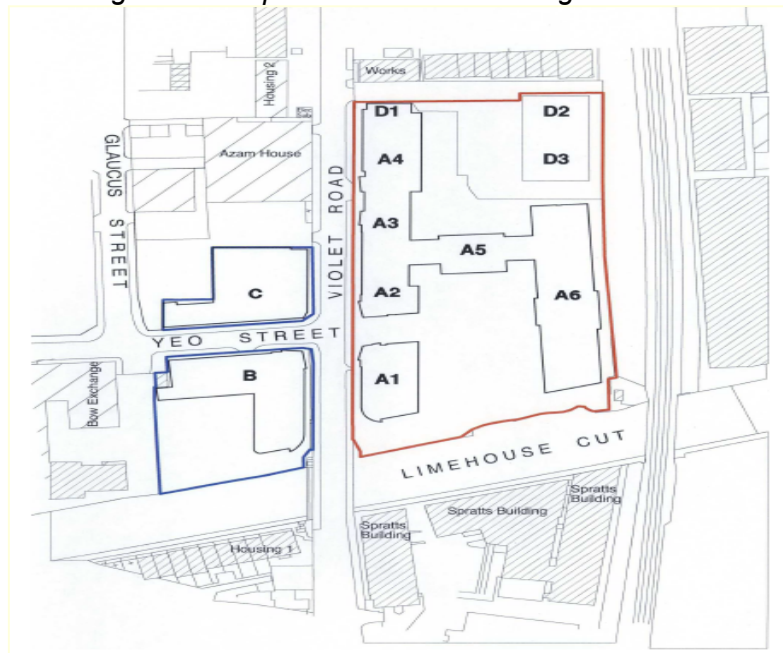
- 4.19 PA/15/01846 - Erection of a vehicular and pedestrian gate at Voysey Square, instalment of a gated link through Block A3, retention of a vehicular and pedestrian gate located at Seven Seas Gardens, relocation of pedestrian gates on Ligurian Walk and reconfiguration and location of cycle parking and refuse storage within Voysey Square.

This current application was presented to the Council's Development Committee on 20<sup>th</sup> June 2018 with an officer recommendation to grant planning permission.

The Committee were minded to defer the application to allow the applicant and the Council to explore alternative pedestrian access arrangements to the canal side on Ligurian Walk. The applicant submitted revised plans proposing to retain a pedestrian gate in a revised location within the site within Ligurian Walk

4.20 Figures 4 below details the sites and blocks referred to in the site history above

Figure 4. Caspian Wharf site showing blocks.



## 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 2012 (NPPF)  
National Planning Practice Guidance (NPPG)

### 5.3 London Plan (2016)

- 2.18 - Green infrastructure: the network of open and green spaces
- 3.9 - Mixed and balanced communities
- 6.3 - Assessing effects of development on transport capacity
- 7.1 - Lifetime Neighbourhoods
- 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
- 7.14 - Improving air quality
- 7.27 - Blue ribbon network: supporting infrastructure and recreational use

### 5.4 Tower Hamlets Core Strategy 2010

- SP04 - Creating a green and blue grid
- SP09 - Creating attractive and safe streets and spaces

- SP10 - Creating Distinct and Durable Places
- SP12 - Delivering placemaking

## 5.5 Managing Development Document 2013

- DM12 - Water spaces
- DM20 – Supporting a sustainable transport network
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environment

## 5.6 Supplementary Planning Documents

Limehouse Cut Conservation Area Character Appraisal

## 5.7 Emerging Policy

The weight given to the emerging Local Plan 'Tower Hamlets 2031: Managing Growth and Sharing the Benefits', the Draft New London Plan and the Draft National Planning Policy Framework is currently limited given that the documents have not yet been subject to Examination in Public.

## 6.0 CONSULTATION RESPONSE

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

### **LBTH Transportation & Highways**

- 6.3 The applicant has submitted a revised application. This includes changes to the proposed vehicle gates and cycle storage. The gates are now sufficiently set back to allow a vehicle to sit fully off the public highway and are acceptable.
- 6.4 It is proposed that there is no loss of cycle parking over the consented scheme and 190 spaces are proposed. It appears that cycle theft is still being reported and although the gating may reduce this the thefts are taking place from the existing cycle stores. The applicant has not proposed any further security measures to prevent this
- 6.5 It would appear that the applicant is still proposing to cut off public access to the canalside side. In terms of permeability this should be resisted and the public should continue to be allowed access to the canalside rather than this area being made a private amenity.
- 6.6 Officer comment: *The application has been amended to remove the pedestrian gates to Ligurian Walk. Full details of the cycle and waste storage including 1:20 drawings of cycle stands will be secured by condition*

### **Crime Prevention Officer**

- 6.7 The Metropolitan Police welcome the addition of further gates at Voysey Square but cannot support the removal of the pedestrian gates adjacent to the canal and Gym.

- 6.8 Removal of the pedestrian gates in this isolated aspect of the development will undermine the developments successful security strategy which has delivered a 50% reduction in reported crime over the last two years.
- 6.9 The lack of any alternative to the removal of these pedestrian gates will place staff, local business and homes under enhanced risk of crime and disorder. With no alternative mitigation offered to reassure police or residents that this location will not become a crime generator once the changes have been made.
- 6.10 Officer comment: The objections of the crime prevention officer are acknowledged however no evidence has been provided which identify this development as being a particularly high crime area. Officers are of the view that the introduction of gates as a method of crime prevention should only be employed in exceptional circumstances where the benefits of creating a secure environment outweigh the harm from creating a gated development, restricting access to the blue ribbon network and reducing permeability.

### **Canal and River Trust**

- 6.11 No objections to the application

## **7.0 LOCAL REPRESENTATION**

- 7.1 A total of 705 neighbours letters were sent to neighbours and interested parties.
- 7.2 Since the submission of the application in July 2015 a number of amendments have been made to the proposal following discussions between Council officers and the applicant. The consultation responses have been separated into three sections to acknowledge the changes to the proposed scheme and the different issues that have arose as a result of these changes.
- 7.3 The number of representations received in response to notification and publicity of initial version of the application in July 2015 is as follows:

No of individual responses:	letters: 30 letters of support
	1 letter in objection
	Petition: 175 signatures in support

- 7.4 The following comments were raised in relation to supporting the proposal:
- The installation of an entrance gate will prevent anti-social behaviour and enhance the security of the flats. Examples of ASB include; people making excessive noise (particularly late at night), garage and bike theft and gangs hanging around
  - The undercroft and immediately surrounding roads suffer from congestion with cars blocking the main entrance and restricting access to the basement parking. Many of these individuals are uncooperative toward residents. This action has resulted in accidents caused by illegally parked cars and dangerous car movements.
  - The proposed gates will improve the amenity of the site and will make the area quieter in general

- The proposed gates will improve the safety of the area and also the safety of young children using the play area
- The installation of the gates will improve the flora and fauna and improve the wildlife habitats
- The introduction of gates to Voysey Square will improve security for cars and bicycles within the development.

7.5 The revised proposal included improved access between Bow Enterprise Park, improved access between Voysey Square and Seven Seas Gardens and the removal of the pedestrian gates to Ligurian Walk

7.6 The number of representations received in response to notification and publicity of initial version of the application in February 2018 are as follows:

No of individual responses:	Letter: 18 letters in objection 1 letter in support
-----------------------------	--

7.7 The following comments were raised in objection to the proposal:

- Removing the pedestrian gates will greatly increase anti-social behaviour.
- There are many other examples of gated developments within the borough and along the canalside.
- It seems unnecessarily inconvenient for users of the underground car park who will now have to open the Voysey Square gates as well as the existing car park gates.
- Integration with the wider community and public access is fine, but as a resident, that should not be at the expense of my safety around the estate.
- Part of this proposal is to remove the pedestrian gates at Ligurian Walk. I am opposed to this as it would allow unrestricted access to the Caspian Wharf estate. It would render the gates at Seven Sea Gardens meaningless as there would be unrestricted access via Ligurian Walk.
- There are significant number of other developments in the close neighbourhood that can enjoy 24 hrs gated protection incl. the council's newly built own estate at Watts Grove which includes a publicly financed playground that the general public don't have access to.

7.8 The number of representations received in response to notification and publicity of revised version of the application in July 2018 are as follows:

No of individual responses:	Letter: 61 letters in objection
-----------------------------	---------------------------------

7.9 The following comments were raised in objection to the proposal:

- Relocating the pedestrian gates will greatly increase anti-social behaviour.
- Maintenance costs
- Noise and nuisance from public accessing the area



- There are significant number of other developments in the close neighbourhood that can enjoy 24 hrs gated protection.
- Residents were sold the flats with gated access
- Potential damage to the wildlife area along the canal

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

1. Design
2. Transportation
3. Amenity
4. Conclusion

### **Design**

8.2 According to paragraph 56 of the NPPF the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

8.3 Policy 7.1 and 7.4 of the London Plan states that development should promote a good quality environment, provide a character that is easy to understand and relate to and have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Development should also improve an areas visual or physical connection with natural features.

8.4 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.

8.5 The Council's Managing Development Document DM23 (3) states that development will be required to improve safety and security without compromising good design and inclusive environments. Furthermore, policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development.

8.6 Entrance gates such as those proposed within this application would not be considered good placemaking or urban design and would not be considered an enhancement to the character and setting of the property or the wider streetscene. However, given the gates would be set back 6m from the street frontage, and improved pedestrian access is proposed both from the neighbouring Bow Enterprise Development and along the Canal at Ligurian Walk the addition of the vehicle gates is considered by officers to be acceptable from a design perspective in this instance.

### Accessibility/Permeability

8.7 According to paragraph 69 of the NPPF the planning system can play an important role in facilitating social interaction and inclusive communities. Paragraph 73 states that access to high quality open spaces and the opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. In

paragraph 75 it is stated that all opportunities for the protection and enhancement of public rights of way and access should be taken in both the formation of planning policy and in planning decisions.

- 8.8 Policy 3.9 of the London Plan states that development should foster social diversity, repress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbours. Policies 7.1 – 7.5 sets out that development should interface appropriately with its surroundings, improve access to the blue ribbon network and open space, be inclusive and welcoming with no disabling barriers and be designed so that everyone can use them without undue separation. Policy 7.27 states that development should protect and improve existing access points to the blue ribbon network.
- 8.9 The Council's Core Strategy policy SP04 (4E) seeks to improve the accessibility to and along waterspaces to maximise usability and promote these places for cultural, recreational and leisure activities. Policy SP09 (2C) states that the Council will not support developments that create gated communities which restrict pedestrian movement. Policy SP10 (4) states that the Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.10 The Council's Managing Development Document policy DM12 (3) states that development within or adjacent to the Blue Ribbon Network will need to identify how it will improve the quality of the water space and provide increased opportunities for access, public use and interaction with the water space. Policy DM23 (1A, 1E & 1F) seeks to ensure that development should be well connected with the surrounding area and should be easily accessible for all people by; improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities; incorporating the principles of inclusive design; and ensuring development and the public realm are comfortable and useable. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.
- 8.11 The photograph below shows the existing gates to Seven Seas Gardens which would be retained and set back 6m from the street.



### **Existing gates to Seven Seas Gardens**

- 8.12 The proposed application would restrict access to the site through the installation of gates to Voysey Square and the retention of the gates to Seven Seas Gardens. This is generally not supported by Local Plan policy and would be considered poor urban design. However, the application proposes to create improved access between the neighbouring Bow Enterprise residential development and Caspian Wharf as well as between Voysey Square and Seven Seas gardens, and additionally improving the public access along the canalside at Ligurian Walk. Given the improvements to the access proposed throughout the site, it is officer's view that on balance, the addition of gates to the Violet Road entrances would be acceptable in this instance.
- 8.13 The photograph below shows the entrance to Voysey Square. The application proposes installing both vehicle and pedestrian gates to this entrance which will provide improved secure access to Voysey Square residential properties and to the car park



**Entrance to Voysey Square**

### Secure by Design

- 8.14 The application has been submitted to address concerns raised by residents that unrestricted access is the cause for anti-social behaviour and incidents of crime at the application site.
- 8.15 According to paragraph 69 of the NPPF the planning system should encourage safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 8.16 Policy 7.3 of the London Plan (2016) seeks to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime does not undermine the quality of life or cohesion. This policy also highlights that developments should reduce opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.

- 8.17 The Council's Core Strategy policy SP09 (2C) states that gated communities will not be supported. The supporting text for policy SP09 highlights evidence from the Urban Design Compendium 2 dated 2007 which states that a high quality urban environment and layout can help deliver social benefits, including civic pride, increased connectivity, social cohesion, reduced fears of crime and improved health and well-being. The supporting text goes on to state that a poor quality public realm can have severe negative effects on communities.
- 8.18 The Council's Managing Development Document DM23 (3) states that development will be required to improve safety and security without compromising good design and inclusive environments. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.
- 8.19 The development as proposed has been designed following extensive discussions between officers and the applicant and seeks to improve security for residents by limiting access to the car park entrance within Voysey Square whilst also limiting the barriers to movement and comply with Development Management policy DM23 by providing public access to the canal side and the blue ribbon network and improve connections between Caspian Wharf and the neighbouring development at Bow Enterprise Park.
- 8.20 The photograph below shows the unauthorised pedestrian gates to Ligurian Walk which are proposed to be relocated as part of this application to improve public access to the canal side and the blue ribbon network whilst still providing security for residents.



**Unauthorised pedestrian gates to Ligurian Walk**

- 8.21 It is acknowledged that a number of residents from within Caspian Wharf have objected to the relocation of the pedestrian gates adjacent to the canal on Ligurian Walk primarily due to concerns over anti-social behaviour. Whilst these concerns are noted it is officers view that the presence of on-site security and a 24 hour concierge service as well as CCTV in this area would be sufficient to manage any anti-social concerns. Furthermore, the addition of the vehicular gates to Voysey Square would

improve security and limit access to the car park. It is noted from the crime log submitted with the application (Appendix 1) that a significant number of the logged incidents involved access to this car park area.

8.22 Whilst the anti-social behaviour and crime concerns of residents are acknowledged it is necessary to balance these concerns against the original intentions for the site and the wider public access in particularly along the canal side and to the blue ribbon network. As can be seen from the image in figure 5 and 6, which are taken from the original landscape strategy for the site, whilst there is no direct route through to the remainder of the canalside, the intention for this area along Ligurian Walk was to provide enhanced amenity space which would be open and accessible to the public. The relocation of the unauthorised pedestrian gates would create a more open and welcoming access to this space. It is officer's view that this compromise would go some way to achieving this vision and would in part counter balance the barriers created by the addition of the vehicular gates to the two entrances to the development on Violet Road.

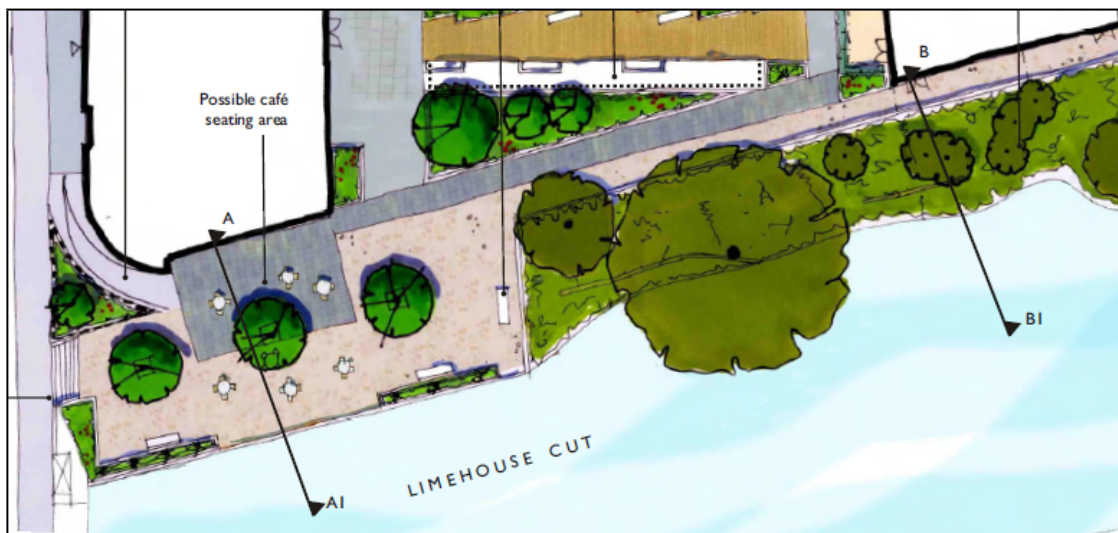


Figure 5 – Landscape Plan- Ligurian Walk – Canal side

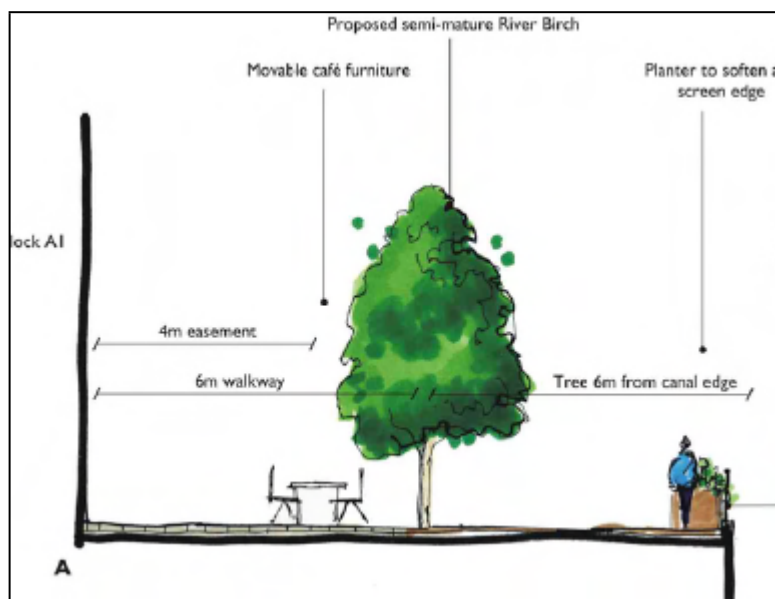


Figure 6 – Section A-A1 - Ligurian Walk – Canal side section

- 8.23 Members should note that an agreement exists between the developer and the Council (set out in the original s.106) in terms of maintaining an unrestricted public access route through the Caspian Wharf development to the canalside walkway and beyond.
- 8.24 Considering the above, officers conclude that, on balance, the erection of the vehicular gates to the Violet Road entrances, the relocation of the unauthorised gates along Ligurian Walk and the creation of access between the Bow Enterprise Development and Caspian Wharf would both improve security for residents of the development whilst providing improved access for members of the public to the blue ribbon network and to the canal side walkway.

### **Amenity**

- 8.25 According to paragraph 17 of the NPPF local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.26 Policy 7.14 of the London Plan states that local planning authorities should put in place strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.
- 8.27 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution.
- 8.28 The Council's Managing Development Document policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development.
- 8.29 The Council's policies (see Core Strategy SP10 and Managing Development Document DM25) seek to protect, and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.30 It is noted that the proposed gate to Voysey Square will be directly below and adjacent to habitable rooms. Given that the undercroft is currently used for vehicular and pedestrian access in the existing situation, introducing a gate in this location is unlikely to cause a significant detrimental impact on neighbouring amenity.
- 8.31 It is not thought that the relocation of the pedestrian gates to Ligurian Walk would cause a significant detrimental impact on neighbouring amenity given this would be adjacent to the existing ground floor gym and not directly adjacent to any ground floor residential units.

### **Highways and Transportation**

- 8.32 According to paragraphs 32 and 35 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.

- 8.33 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.
- 8.34 The Council's Core Strategy policy SP09 (3) states that the Council will not support development which has an adverse impact on the safety and capacity of the road network.
- 8.35 The Council's Managing Development Document policy DM20 (2) states that development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network.
- 8.36 The proposed gates are sited on private highway within the Caspian Wharf development which is set back from the boundary with the public highway. LBTH Highways and Transportation department have not objected to the proposal as there is sufficient set back from the boundary with the public highway so that vehicles can wait within the boundary of the private road before entering the estate. It is considered that the proposal accords with policy on both safety and capacity grounds.

### **Conclusion**

- 8.37 Officers acknowledge the existing anti-social behaviour issues on site that cause harm to some residents of the Caspian Wharf development. The addition of the vehicle gates to Voysey Square will improve security and limit access to the car park and cycle storage in this area. The concerns raised by residents with regards anti-social behaviour in relation to the removal of the gates to Ligurian Walk are also acknowledged and the application has been revised to include additional pedestrian gates within the site to alleviate these concerns whilst also providing public access to the canal side. The amended scheme including additional pedestrian gates within Liguarian Walk together with the existing CCTV, security, and the 24hr concierge is considered sufficient to manage the anti-social behaviour concerns.

## **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.

9.6 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.

## **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 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.

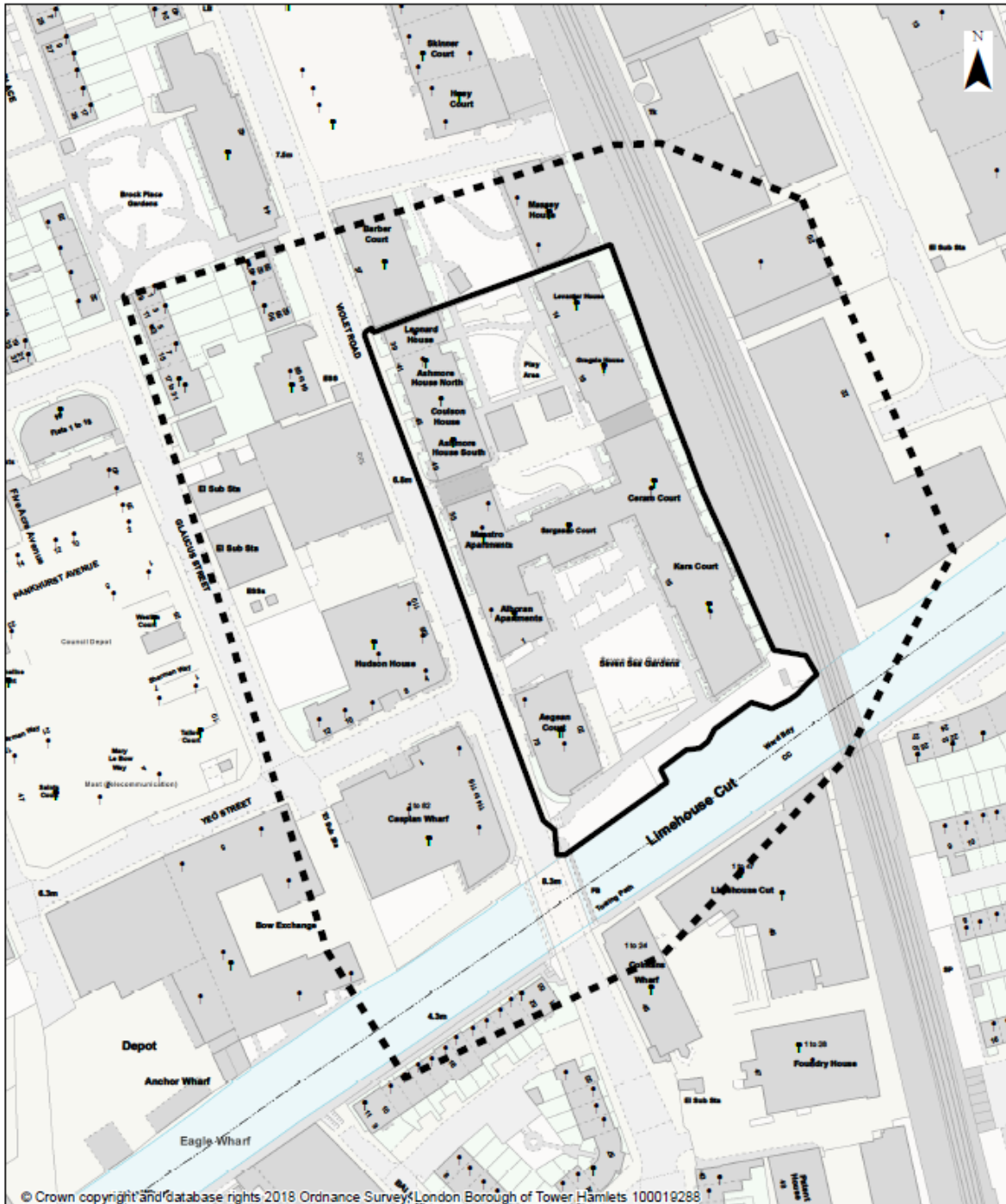


10.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

## **11.0 CONCLUSION**


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

# 12.0 SITE MAP



© Crown copyright and database rights 2018 Ordnance Survey/London Borough of Tower Hamlets 100019288

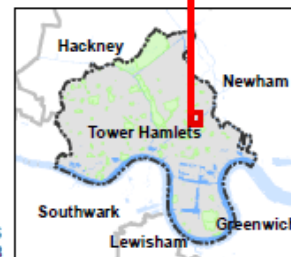
-  Consultation Area
-  Planning Application Site Boundary
-  Statutory Listed Buildings
-  Locally Listed Buildings

Scale @ 1:1,436  


## Planning Application Site Map PA/15/01846

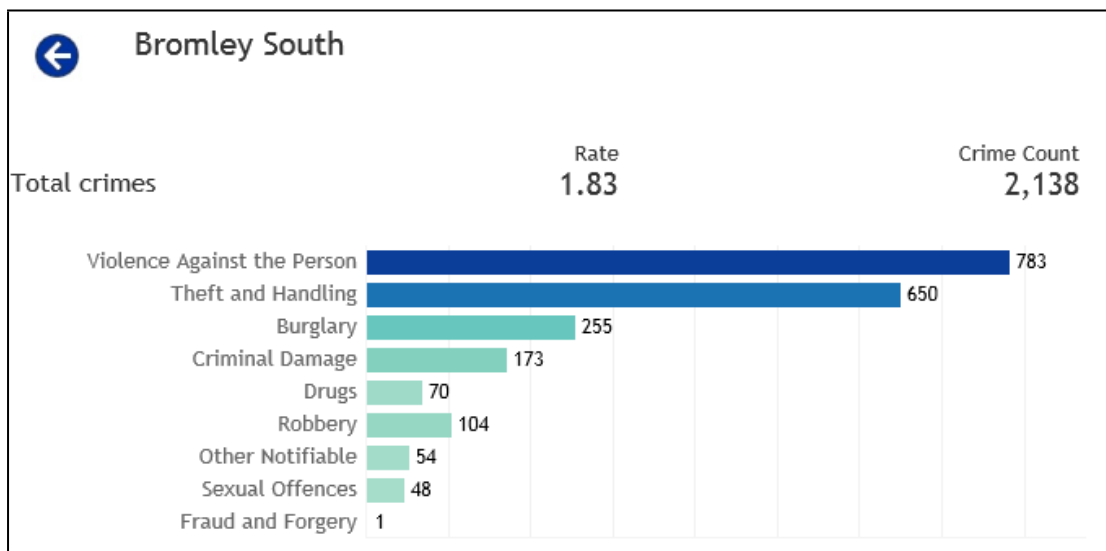
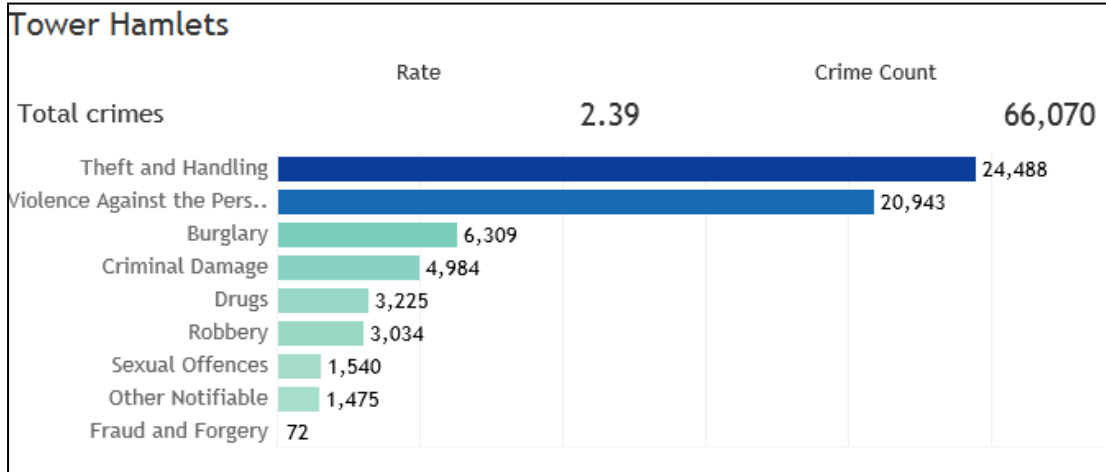
This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

 GIS for Place Directorate  
 LONDON BOROUGH OF TOWER HAMLETS  
 Date: 06/06/2018



## Appendix 1 – Crime Figures

### Total Crime rate April 2016 – April 2018



### Recorded crime for Caspian Wharf in particular

**Total Crimes from 2017 - 2018 = 9**

**1 x Residential burglary**

**2x Criminal damage**

**1 x Public order**

**3x malicious communications**

**1 x Domestic incident**

**Total Crimes from 2016 - 2017 = 18**

**2 x Sexual assault female**

**1 x Actual Bodily Harm**

**1x Common Assault**

**3 x Commercial Burglary**

**1 x Criminal damage**

**7 x Theft of or theft from a motor vehicle**

**1 x Theft of cycle**

**1 x malicious communications**

# Agenda Item 5.2

<b>Committee:</b> Development Committee	<b>Date:</b> 17 October 2018	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
---	---------------------------------	--	----------------------------

<b>Report of:</b> Corporate Director of Place	<b>Title:</b> Full Planning Permission
<b>Case Officer:</b> Adam Garcia	<b>Ref No:</b> PA/18/00459
	<b>Ward:</b> Spitalfields and Banglatown

## 1. APPLICATION DETAILS

<b>Location:</b>	Unit G1, Ground Floor, Block F, 15 Hanbury Street, London E1 6QR
<b>Existing use:</b>	Sui Generis (Car Park)
<b>Proposal:</b>	Use of part of ground floor as a market on Saturdays, trading between the hours of 10.30am - 6pm (extension to existing Sunday market).
<b>Ownership/Applicant:</b>	Zeloof LLP
<b>Historic building:</b>	N/A
<b>Conservation area:</b>	Brick Lane and Fournier Street
<b>Approved Drawings And Documents</b>	Refer to Appendix 2

## 2. EXECUTIVE SUMMARY

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) in addition to the London Plan (2016) as well as the National Planning Policy Framework (2018) and all other material planning considerations.
- 2.2 The application seeks consent to use part of the ground floor as a market on Saturdays, trading between the hours of 10:30am – 6.00pm. This is in effect an extension of opening hours to the existing Sunday market.
- 2.3 The main material planning considerations for Members to consider are whether the use would have an acceptable impact on the neighbouring amenities of residents.
- 2.4 Officers acknowledge that a large number of residents have made written representation to the application expressing their concerns about the levels of anti-social behaviour within the surrounding area and expressing concerns the scheme would accentuate the level of anti-social behaviour in the locality.

However officers are satisfied that subject to imposition of relevant planning conditions the direct impacts of the scheme upon local residents can be adequately mitigated.

- 2.5 The scheme involves no physical alterations to the exterior appearance of the host building or the site more generally, as such presents no urban design or heritage issues.
- 2.6 The Borough Highways and Transportation Team raise no objection to the scheme from a vehicular servicing perspective or from pedestrian safety concern in respect to congestion on the surrounding pavements. The additional visitors to the Saturday Upmarket would not result in a material impact upon the comfort levels of pedestrians along Hanbury Street, compared to the current Sunday levels.
- 2.7 In conclusion, officers support the scheme in the absence of evidence any amenity issues arising from the scheme cannot be mitigated against or need to be considered in the context of the general level of commercial and visitor activity associated with the Brick Lane Town Centre and City Fringe activity Area.

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to **APPROVE** planning permission subject to conditions as set out below.
  1. Three year time limit.
  2. Compliance with approved plans and documents
  3. Limit on hours of operation
  4. Limits on music and amplified noise
  5. Visitor management strategy
  6. Provision of accessible customer toilets
  7. Secure by design
  8. Cycle parking
  9. Delivery and service management plan
  10. Waste management plan
- 3.2 Financial obligations
  1. A contribution of £15,000 towards a study to be carried out of the current operation of Hanbury Street between Commercial Street and Brick Lane. This would feed into wider Borough commissioned Brick Lane pedestrianisation study currently undertaken by the local highway authority.

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

#### **Site and surroundings**

- 4.1 The application site lies at the southern end of the former Truman's Brewery. The former Truman's Brewery site as a whole has been converted into a variety of uses including retail uses, cafes/restaurants, offices, bars, employment workshops and exhibition spaces. Block F is a warehouse

building of 2-4 storeys and is bounded by Hanbury Street to the south, Brick Lane to the east, Ely's Yard to the west and Dray Walk to the north. Ely's Yard and Dray's Walk are pedestrian spaces and walking routes in the ownership and control of the applicant. The application site (Unit G1) occupies most of the southern half of the ground floor of Block F and has a glazed frontage on both the Hanbury Street and Brick Lane elevations. It excludes the DF Mexico restaurant, YMC shop and Nude Espresso coffee shop which all face Hanbury Street. The application site also excludes the retail unit which faces Ely's Yard. The service area for the application site is under the applicant's ownership and control and is located off the public highway in Ely's Yard with the vehicular entrance to Ely's Yard gained from Hanbury Street, controlled by a lifting barrier and staffed by an attendant.

- 4.2 The wider neighbourhood is home to a mix of uses, with Spitalfields Market located to the west of the site, whilst ground floor frontages along Commercial Street typically include a mix of retail and business uses, often with residential or (B1) office uses on the upper floors of the buildings.
- 4.3 The application site lies within the Brick Lane District Town Centre, within the City Fringe Activity Area, as designated in the Council's adopted Managing Development Document (2013) and within the Mayor of London's designated City Fringe Planning Framework Opportunity Area. The site is also situated adjacent to, although outside of, the eastern boundary of the Central Activities Zone, as designated in the London Plan (2016).
- 4.4 The Brick Lane District Centre is characterised by a large number of smaller retail shops, cafes, numerous restaurants, bars and hot food takeaways.
- 4.4 The site lies within the Brick Lane and Fournier Street Conservation Area, which was designated in July 1969 as 'Fournier Street' and then extended in 1978 and again in 1998, when its name was changed to reflect Brick Lane's contribution to the character of the area. It is one of the largest conservation areas in Tower Hamlets, running along Brick Lane from Bethnal Green Road in the north down to Whitechapel in the south. Opposite the application site on the south side of Hanbury Street is a terrace containing 5 Grade II listed buildings including No 18 Hanbury Street occupying the street corner with Wilkes Street.

### **Proposal**

- 4.5 The proposal involves the addition of a Saturday market at Unit G1 on the ground floor of Block F, of the former Truman's Brewery. The existing use of the space as a (Monday to Friday) weekday car park will continue. The site already has planning consent (since 2005) to operate as a market on a Sunday.
- 4.6 The proposed operating times for the market on the Saturday are:
  - Stallholders set up: 09:00 – 10:30
  - Trading: 10:30 – 18:00
  - Stallholders removal: 18:00 – 20:00
- 4.7 The stalls for the market would be set out on a Friday afternoon/evening (with setting out occurring no later than 19:30). The assembled market stalls would

be stored during the week within a designated section of Unit G1, thereby minimising any potential noise disturbance to neighbours. The market stalls would be left assembled throughout the week. The stalls would be returned to their designated storage area no later than 20:00 on Sundays.

## **5. RELEVANT PLANNING HISTORY**

### **Application site**

- 5.1 PA/05/00498: Retention of use as a market on Sundays only, between the hours of 10.00am to 6.00pm. Permitted: 06/11/2006
- 5.2 PA/05/00609: Creation of an additional exit on the ground floor of Block F opening onto Hanbury Street and alteration to ground floor window. Permitted: 15/06/2005
- 5.3 PA/09/00178: Extension of use as a market from Sundays only to seven days a week, between the hours of 10.00am to 6.00pm. Refused: 30/03/2009.

### **106 Commercial Street**

- 5.4 PA/16/03535: Conversion of building (class A1/B8 ) to fine dining food market (Class A3). Refused: 16/06/2017. Appeal dismissed following public inquiry: 10/08/2018

## **6. POLICY FRAMEWORK**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of planning applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### **6.3 Government Planning Policy**

National Planning Policy Framework (2018)  
Planning Practice Guidance

### **6.4 London Plan (MALP 2016)**

2.13 Opportunity Areas and Intensification Areas  
4.1 Developing London’s economy  
4.7 Retail and town centre development  
4.8 Supporting a successful and diverse retail sector  
5.17 Waste capacity  
6.3 Assessing effects of development on transport capacity  
6.9 Cycling  
6.10 Walking  
7.2 An inclusive environment  
7.3 Designing out crime  
7.4 Local character  
7.5 Public realm



## 6.5 **Tower Hamlets Core Strategy 2010**

SPO1 Refocusing on our town centres  
SP02 Urban living for everyone  
SP03 Creating healthy and liveable neighbourhoods  
SP05 Dealing with waste  
SP06 Delivering successful employment hubs  
SP09 Creating attractive and safe streets and spaces  
SP10 Creating distinct and durable Places  
SP12 Delivering placemaking

LAP 1&2 – Spitalfields

## 6.6 **Tower Hamlets Managing Development Document 2013**

DM1 Development within the town centre hierarchy  
DM2 Local shops  
DM14 Managing Waste  
DM15 Local job creation and investment  
DM16 Office Locations  
DM20 Supporting a sustainable transport network  
DM22 Parking  
DM23 Streets and the public realm  
DM24 Place-sensitive design  
DM25 Amenity  
DM27 Heritage and the historic environment

## 6.7 **Supplementary Planning Documents**

Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)  
City Fringe Opportunity Area Planning Framework, GLA (Adopted December 2015)

### **Emerging Planning Policies**

## 6.8 **The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits**

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 completed its process of examination by the 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.

### **Draft New London Plan**

- 6.11 Statutory public consultation on the draft London Plan commenced on the 1<sup>st</sup> of December 2017 and closed on 2nd March 2018. The draft London Plan has been submitted to the Secretary of State for examination. 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.

## **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:

### **Internal Consultees**

#### **LBTH Transportation and Highways**

- 7.2 No objection subject to the recommended conditions and S106 agreement securing a contribution to the Brick Lane pedestrianisation study.

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

- 7.3 No objection subject to applying the relevant planning conditions.

#### **LBTH Environmental Health (Noise Team)**

- 7.4 No objection subject to applying the sought planning conditions.

### **External Consultees**

#### **Metropolitan Police – Designing out Crime**

- 7.5 It is recommended that secure by design accreditation is sought by way of a condition

#### **Spitalfields Community Group**

- 7.6 *“Spitalfields Community Group (SCG) wishes to object to the application by the Old Truman Brewery for a Saturday market on the Ground Floor of Block F on Hanbury Street in addition to the current Sunday market in that space. SCG was set up in 2011 to foster a sense of community in our mixed use residential area, recognising that residents face significant pressures from the number of visitors to our area, both during the day and at night.*

*Our members and other residents in this area, notably those on Hanbury and Wilkes St, already experience significant loss of amenity due to the number of visitors to the Old Truman Brewery. Their lives are blighted by noise, litter, and ASB. These visitors sit on residential doorsteps to eat and drink, often leaving their rubbish there afterwards. In addition, there is significant noise*

*pollution in the form of busking, drunkenness and market traders unloading and reloading their wares. Our members only respite from this is Saturday, when a relative calm descends on their streets. To allow Saturday trading would be to deny even this respite.*

We urge you to reject this application.”

#### **Spitalfields Joint Planning Group**

7.7 No comments received.

#### **Spitalfields Neighbourhood Planning Forum**

7.8 No comments received.

#### **Woodsear and Hanbury Residents Association**

7.9 No comments received.

### **8. LOCAL REPRESENTATION**

8.1 A total of 113 planning notification letters were sent to nearby properties as detailed on the attached site plan on 14/03/2018. A further 373 letters were sent to a wider catchment of neighbours on 03/04/2018. A site notice was erected on Hanbury Street on 16/03/2018 and a press notice was advertised on 22/03/2018

8.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses:

47 letters of representation  
15 in support  
32 in objection

8.3 The comments raised in objection to the proposal can be summarised as follows:

- The existing Sunday market is too busy which causes crowding on Hanbury Street and Brick Lane. This blocks pedestrian walkways
- The market is unfair competition for curry restaurants on Brick Lane
- Congestion and pollution of the highway network
- Increases in noise from visitors
- Increase in noise from traders loading and unloading vehicles.
- Increase in large crowds
- Increase in litter on the surrounding streets. Existing waste is already left on streets from customers who visit the market on Sundays. This litter also attracts vermin.
- Increase in anti-social behaviour
- Insufficient onsite facilities for the number of visitors to the site
- Deliveries to and from the site compromise the safety of pedestrians
- Traders parking vehicles

8.4 The comments raised in support of the scheme can be summarised as follows:

- There are other markets which operate on a Saturday and thus the continuation of Upmarket would complement these.
- Additional jobs to the area for market traders and staff
- Proposed lockers would benefit traders on both Saturday and Sunday
- The market would be a better offer for the street rather than a dead space on Saturdays
- The market would continue to bring visitors to the area.
- The management of the market will reduce congestion on Sundays as lockers will ensure that market equipment can be stored.

## **9. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Amenity
3. Highways and Transportation

### **9.2 Land Use**

#### *Loss of existing car park (sui generis) on Saturdays*

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

9.2.2 These economic, social and environmental goals should be sought jointly and simultaneously. The framework 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.

9.2.3 In line with the National Planning Policy Framework, the London Plan policies 2.15 and 4.7 require new uses in town centres to support the vitality and viability of the centre; Accommodate economic growth through intensification and selective expansion in appropriate locations; Support and enhance the competitiveness, quality and diversity of town centres retail, leisure, arts and culture, other consumer and public services; Be of a scale related to the size, role and function of the centre, and be easily accessible to public transport.

9.2.4 The space is currently used as a car park on Saturdays. Supporting text 22.1 to policy DM22 of the Managing Development Document (2013) states that

the London Plan seeks an appropriate balance between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. This approach is reiterated by Core Strategy Spatial Policy 09(4), which promotes car-free development to minimise on-site and off-site car parking provision and help address issues of congestion and air pollution.

- 9.2.5 The site is located in an area of excellent public transport accessibility (PTAL 6b), which is the highest level of accessibility. The loss of the existing car park in order to make way for a market is not considered to have an adverse effect on the accessibility of the site due to this and would contribute to more sustainable modes of transport to the site. Furthermore the loss of cars parking in the area will help in addressing issues of congestion and associated pollution which, around Commercial Street to which Hanbury Street adjoins, is an ongoing issue with regards to pedestrian safety.

*Proposed market (use class A1)*

- 9.2.6 The site is located within the Brick Lane District Centre. Policy 4.8(e) of the London Plan (2016) makes specific reference to markets within designated Town Centres, specifically that these should be supported due to their positive contribution to such areas. This is supported by the Town Centres Supplementary Planning Guidance (2014) which emphasises the contribution markets make can lead to them being tourist attractions of national significance.
- 9.2.7 Policy SP01 of the Core Strategy (2010) states that street markets should be focused in town centres. This is supported by DM1 of the Managing Development Document (2013) which states that A1 uses will be protected as a priority within town centres
- 9.2.8 Policy DM1 of the Managing Development Document (2013) protects A1 uses as a priority. Part 7 states that development within town centres will be supported where it does not adversely affect their function. The plans submitted show that the floorspace is adequate for the proposed use.
- 9.2.9 Overall, the extension of the existing A1 use class, which is in operation on Sundays, and loss of a day of car parking is considered to support the aims and objectives of the aforementioned town centre policies. The use would complement the town centre and surrounding commercial economy cluster of Brick Lane/Shoreditch.

### **9.3 Amenity**

- 9.3.1 According to the NPPF local planning authorities should always seek to secure high quality design and a high standard of amenity for all existing and future users of land and buildings.
- 9.3.2 Policy 7.14 of the London Plan states that local planning authorities should put in place strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.
- 9.3.3 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight); and

uses design and construction techniques to reduce the impact of noise and air pollution.

- 9.3.4 The Council's Managing Development Document policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development during the life and construction of the development.
- 9.3.5 The Council's policies (see Core Strategy SP10 and Managing Development Document DM25) seek to protect, and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.

#### *Noise*

- 9.3.6 The NPPF states that planning policies and decisions should aim to avoid noise that gives rise to significant adverse impacts on health and quality of life as a result of new development. They should seek to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions. It is recognised that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
- 9.3.7 The market proposal is already operating on site on Sundays. However officers requested an acoustic assessment at pre-application stage to assess that levels of breakout noise are acceptable from the proposal.
- 9.3.8 The assessment concludes that the acoustic impact of both the existing Sunday market and the proposed Saturday market on surrounding sensitive receptors would be marginal. The submitted noise assessment has been reviewed by the council's environmental health (noise) team who have confirmed that the assessment is reasonable in its parameters and the conclusions the report reaches. There is an identified potential noise breakout issue associated with the setting up of the stalls inside the building. To address this issue the hours of set up and moving of the stalls back into their storage area after the market closes for trading within the building would be controlled by planning condition.

#### *Anti-social behaviour*

- 9.3.9 Policy 7.3 of the London Plan (2016) seeks to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime does not undermine the quality of life or cohesion. This policy also highlights that developments should reduce opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
- 9.3.10 The Council's Managing Development Document DM23 (3) states that development will be required to improve safety and security without compromising good design and inclusive environments.

- 9.3.11 The Metropolitan Police's local designing out crime officer has provided comments in relation to the proposal. The crime prevention officer has not raised concerns in relation to the proposal including any threat of an increase in anti-social behaviour arising from the proposal. The Secure by Design has provided useful comments in relation to the design of the storage lockers, cycle storage, existing glazing and existing locks. As such they have recommended that secured by design accreditation is sought. This would be conditioned accordingly, if planning permission is granted.
- 9.3.12 Objectors to the scheme have commented that there is a high level of anti-social behaviour occurring around the site. A number of objectors have attached photographs of the neighbouring streets and residents with exemplars of existing anti-social behaviour problems in the locality.
- 9.3.13 Officers do observe that there is evidence of a level of criminal activity recorded around the host property a product of the inner city location and a high number of visitors to the area. However, there is no evidence provided by the Metropolitan Police to attribute the general level of criminal activity to the operation of the current market that operates on Sunday.
- 9.3.14 Whilst it is recognised there could be potential for some anti-social behaviour arising from the operation of the market, officers are satisfied these undesired outcomes would be limited in scope when viewed against the backdrop of overall degree of anti-social behaviour that occurs within the area. Furthermore, within the confines of this application, the applicant has outlined a series of steps that would be undertaken on-site to manage visitors and adherence to these measures would be controlled by a planning condition in respect of provision of a management plan.
- 9.3.15 It needs to be noted that the closure time of the venue is 18:00pm; as such this is not proposed as a late night market and thus will avoid the anti-social behaviour associated with the evening and night time economy.
- 9.3.16 To conclude, officers are satisfied the proposed use on a Saturday would not cumulatively accentuate in any significant degree to existing anti-social behavioural issues in the locality. In drawing this conclusion officers have had regard to:
- a) the operation of the existing market on the application site on Sundays;
  - b) the comments received by the Metropolitan Police Crime Prevention Design officer on the proposal,;
  - c) the hours of operation of the market limited would be to daytime hours
  - d) the measures the applicant has put in place to minimise potential 'spill out' anti-social behaviour that might otherwise be associated with proposal and, secured by condition, including improved access to toilets facilities for customers of the market within the wider former Truman's Brewery site.
- 9.3.16 Finally with regard to the recent Appeal decision at 106 Commercial Street (refer to Paragraph 7.4 of this report) as a material consideration to this application it is worth noting whilst the applicant's appeal was dismissed (on grounds of heritage implications of the roofing material to the conservation area and provision of accessible public toilets) the Planning Inspector did not uphold the reasons of refusal with respect to living conditions of nearby

occupiers with specific regard to noise and anti- social disturbance or in respect of the reason of refusal relating to adverse impact upon the safety and capacity of the surrounding footways and street network.

#### **9.4 Highways and Transportation**

9.4.1 The NPPF and Policy 6.1 of the London Plan (2016) seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 of the London Plan (2016) requires transport demand generated by new development to be within the relative capacity of the existing highway network. Policy 6.13 of the London Plan (2016) states that developments need to take into account business delivery and servicing. This is also reiterated in policy DM20 of the Managing Development Document (2013) which requires Transport Assessments submitted with a development scheme to assess adequate regard has been made for servicing and for safe vehicular movements associated with this.

9.4.2 Policies SP08, SP09 of the Core Strategy (2010) and DM20 of the Managing Development Document (2013) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

9.4.3 The applicant has submitted a Transport Statement and General Statement of Servicing Arrangements relating to the wider Truman Brewery site.

##### *Pedestrian Access*

9.4.4 Access for customers would be provided from existing access points used for the Sunday market. These front Hanbury Street, Brick Lane and Ely's Yard. Ely's Yard provides level access to the market.

##### *Trip Generation and Pedestrian Comfort*

9.4.5 Policy SP09(3) of the Core Strategy (2010) seeks to ensure new development has no adverse impact on the safety and capacity of the road network.

9.4.6 Concerns have been raised that the proposal would result in an increase in both pedestrian numbers and trip generation due to increased numbers of visitors to former Truman's Brewery on Saturdays. The site has excellent accessibility to public transport (PTAL 6b) and it is considered that many of the users of the site would travel to and from the site via public transport. There is a greater frequency of public transport provision on a Saturday compared to Sunday. Due to the scale of the operation it is not considered that the volume of those who might use taxis would result in any significant trip generation impact from use of taxis or impact on the road capacity of Hanbury Street. Based upon the conclusion of the transport statement submitted it is estimated pedestrian flows on Hanbury Street and Brick Lane would be less than the current Sunday pedestrian flows and would be acceptable.

9.4.7 With regards to pedestrian use of pavements, it is acknowledged that there is footway congestion on the northern footway along Hanbury Street between the entrance to Ely's Yard and Corbet Place and upon the opposite footway



on the southern side of Hanbury Street. The pedestrian comfort levels in this location are affected by the overall width of the pavement and the intrusive presence of street furniture, such as bollards and lampposts, which reduce the effective width of footway.

- 9.4.8 Whilst improving this pedestrian comfort should generally be sought, it is not considered that the impact on pedestrian comfort levels upon Hanbury Street or Brick Lane would provide reasonable justification for the refusal of planning permission. There is a pre-existing level of pedestrian congestion in the area at weekends that has resulted in some minor issues. However the latest five years Personal Injury Accident (PIA) data for Hanbury Street, between the Ely's Yard and Commercial Street reveals only one PIA was recorded in this area. The accident involved two vehicles colliding with each other resulting in slight injuries and therefore is not related to pedestrian movements along the street or crossings. It should also be noted that the accident occurred at 2:40am. There have been no highway safety accidents recorded as a result of pedestrians stepping into the carriageway due to narrow footways in this location.
- 9.4.9 It is expected that this scheme would aggravate pedestrian congestion to some degree, however not significantly enough for the Borough Transportation and Highways Team, acting in its capacity as the highway authority to these streets to warrant an objection to the proposal. The levels of congestion on Saturdays, resulting from the opening market on Saturday would not meet or exceed the existing congestion levels on the pavement currently experienced on a Sunday. The Borough Transportation and Highways Team conclude the proposed operation of the market on Saturdays would not result in any significant effect on the local highway network nor would it be detrimental to the safety of users of the local street network.
- 9.4.10 The LBTH Transportation and Highways team have requested, as a way to mitigate some of the cumulative impacts of this development, and the former Truman's Brewery Site as a whole (all under the ownership of the applicant), that the applicant pay for a study to be carried out of the current operation of Hanbury Street between Commercial Street and Brick Lane. This will feed into the wider Brick Lane pedestrianisation study currently undertaken by the Highway Authority. Based on the results the Highway Authority will take necessary actions to mitigate any identified adverse congestion impacts. The provisions of this agreement will be secured via a section 106 agreement.

#### *Cycle Parking*

- 9.4.11 The NPPF, policies 6.1 and 6.9 of the London Plan (2016), policy SP09 (4) of the Core Strategy (2011) and policies DM20 and DM22 of the Managing Development document (2013) seeks to ensure development proposals promote sustainable modes of transport and accessibility, and reduce the need to travel by car.
- 9.4.12 The scheme is required to provide 32-50 cycle spaces for the proposal. The applicant has provided an indicative area to which cycle parking could be located however the number of spaces has not been detailed.
- 9.4.13 The cycle parking in the area is heavily parked and it is considered particularly important that the site be able to provide the appropriate level of

cycle parking within the site and area. The provision and details will be secured via condition and retained thereafter.

#### *Servicing and Delivery*

- 9.4.14 Servicing and deliveries are proposed to fall in line with the existing general servicing arrangements within the former Truman Brewery site. Ely's Yard, which falls within the site ownership, and would provide sufficient space to accommodate traders servicing requirements. Vehicles will be able to enter this space in a forward gear from Hanbury Street, unload equipment and then exit in a forward gear to Quaker Street.
- 9.4.15 A condition requiring details of servicing and deliveries will be requested prior to the commencement of the use; this would include details of the frequency of the deliveries, consolidation of those deliveries, management of distribution of goods within the site and routing of vehicles. The details provided of the frequency of deliveries within the applicant's Transport Assessment have been reviewed by the Borough's Highway Team and do not give cause for concern in respect of capacity of Ely's Yard or upon the free flow of traffic upon the surrounding road network

#### *Waste and Refuse*

- 9.4.16 As with servicing and delivery, waste collection will fall in line with general waste arrangements within the former Truman's Brewery site. Waste collection vehicles will move waste from the site to a refuse area located east of Brick Lane and to the rear of the existing Backyard Market site.
- 9.4.17 Were the scheme consented the number of refuse collections would need to be closely managed. A waste strategy would be conditioned to secure the number, frequency and hours of collection of waste to minimise impacts on the highways network and upon surrounding residents..

### **9.5 Financial Considerations**

#### Section 70(2) of the TCPA 1990 (as amended)

- 9.5.1 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.

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

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

9.5.3 These can be material planning considerations when determining planning applications or planning appeals.

9.5.4 As regards Community Infrastructure Levy considerations, the scheme would not constitute an uplift in floorspace and as such would not be liable for CIL contributions. On this basis it is not a material consideration.

## **9.6 Human Rights Considerations**

9.6.1 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.

9.6.2 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".

9.6.3 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.

9.6.4 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.

9.6.5 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.

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

9.6.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights

protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

9.6.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

## **9.7 Equalities Act Considerations**

9.7.1 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 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.

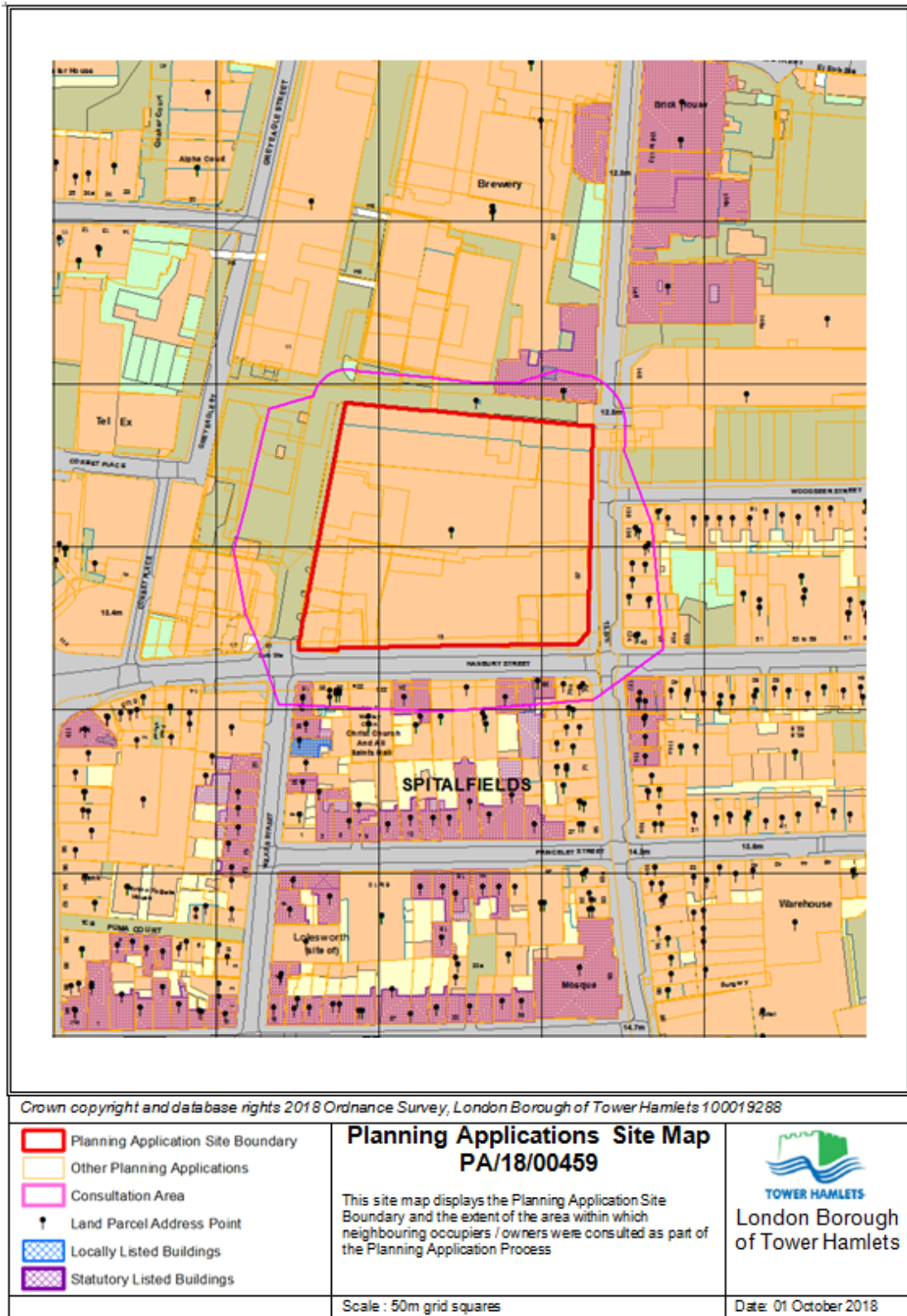
9.7.2 It is considered that the proposed development would not conflict with any of the above considerations.

9.7.3 In light of the above, officers are satisfied that the proposed development would not adversely impact equality or social cohesion.

## **10.0 Conclusion**

All relevant policies and material considerations have been considered. It is concluded that planning permission should be **GRANTED** for the reasons set out in this report.

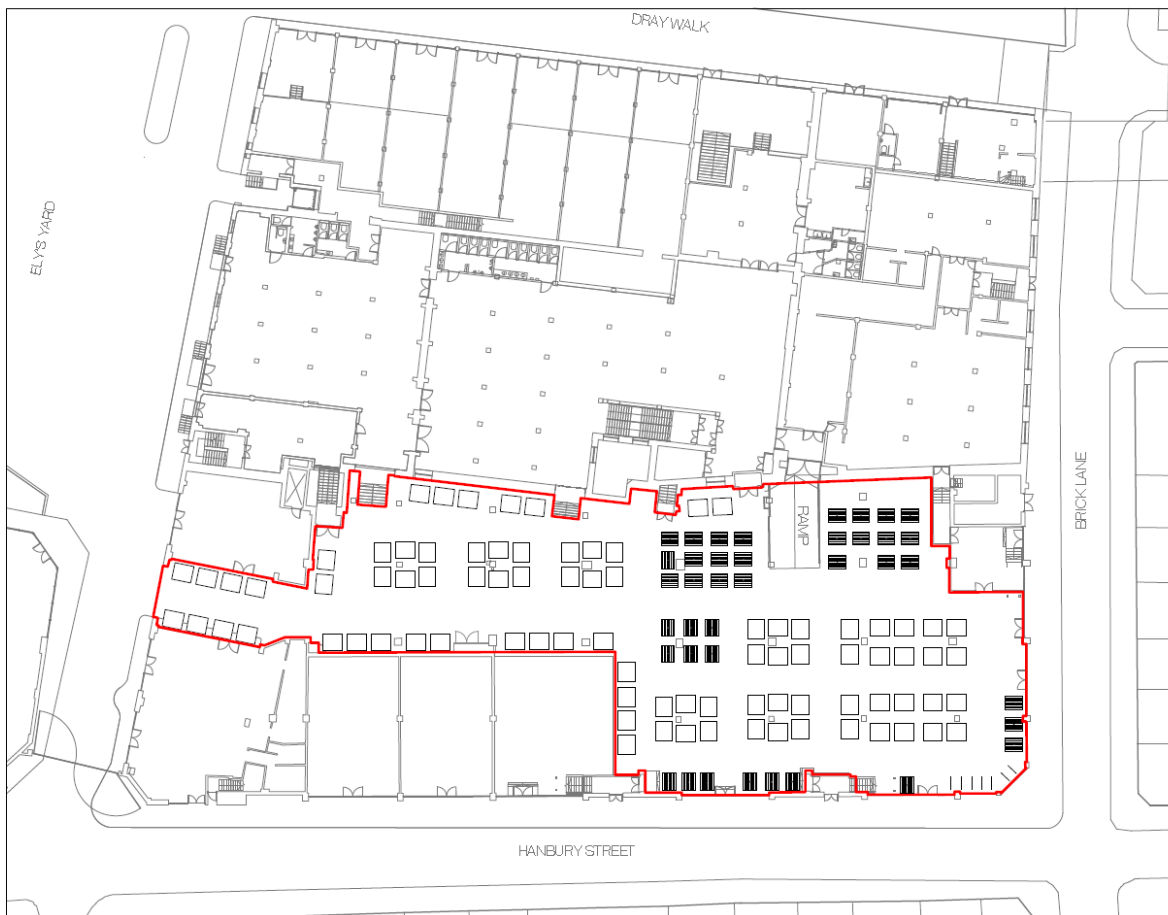
# Appendix 1: SITE MAP



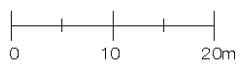
## **Appendix 2: DRAWINGS AND SUPPORTING DOCUMENTS**

- Cover Letter by First Plan Ltd. dated 21<sup>st</sup> February 2018
- Transport Statement by i-Transport dated 2<sup>nd</sup> March 2017
- Transport Statement (Addendum) by i-Transport dated 22<sup>nd</sup> December 2017
- General Statement of Servicing Arrangements by Truman Brewery Markets dated 5<sup>th</sup> June 2018
- Saturday Market Management Plan by Truman Brewery Markets dated 5<sup>th</sup> June 2018
- G1-18-003A – Indicative Proposed Ground Floor Layout
- G1-18-001 – Site Plan
- G1-18-002 – Existing Ground Floor Layout
- G1-18-004 – Servicing Plan
- G1-18-005 – Indicative Cycle Parking
- G1-18-006 – Stall Storage Area
- G1-18-007 – Storage Lockers Area
- G1-18-008 – Storage Lockers Elevation
- G1-18-009 – Refuse Plan
- G1-18-010 – Toilet Plan

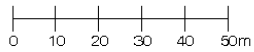
### Appendix 3: RELEVANT PLANS



SCALE 1:500 at A4

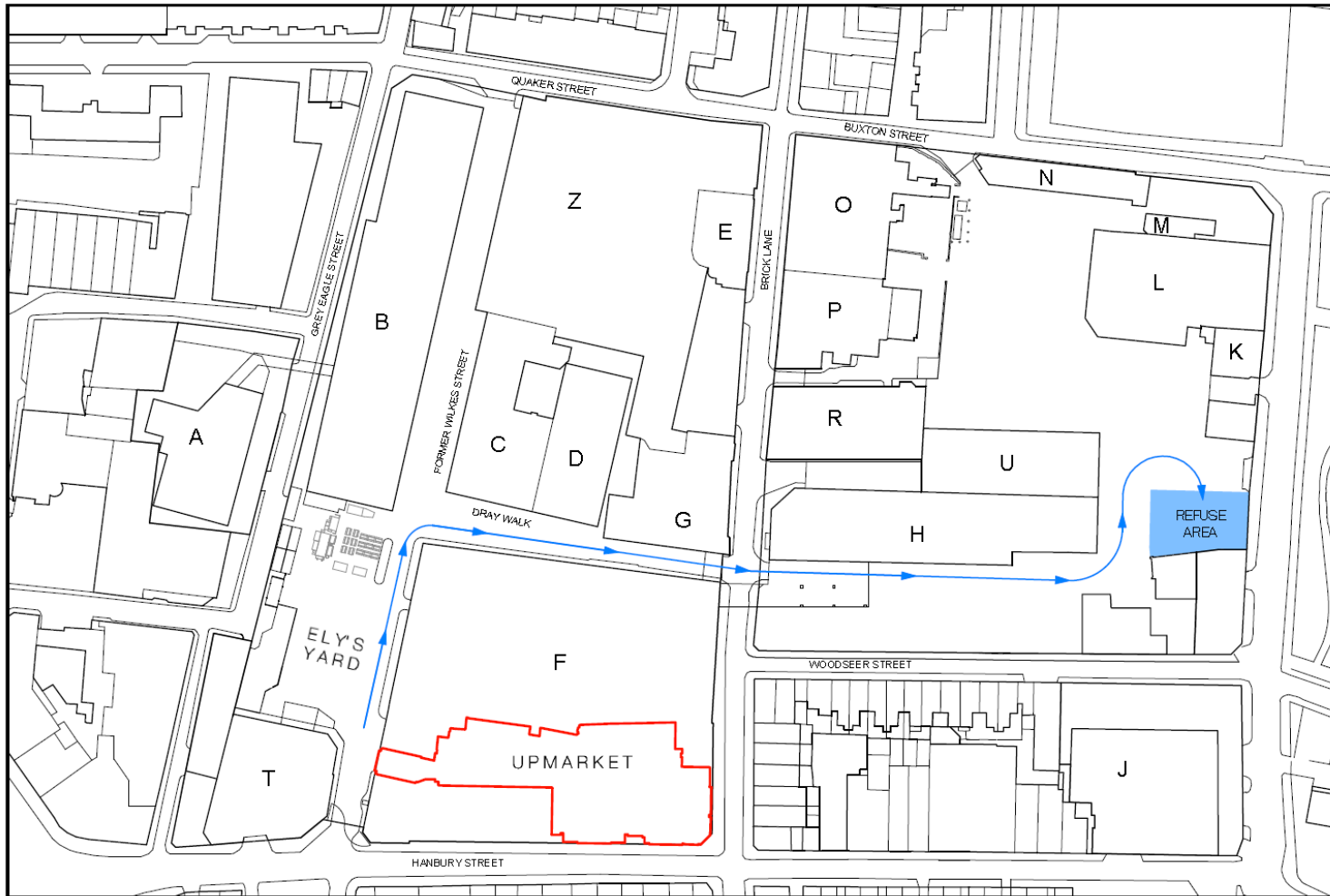


G1, F BLOCK, SATURDAY MARKET  
INDICATIVE PROPOSED GROUND FLOOR LAYOUT  
Drawing ref: G1-18-003A

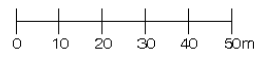


G1, F BLOCK, SATURDAY MARKET  
SERVICING PLAN  
Drawing ref: G1-18-004  
SCALE 1:1250 at A4



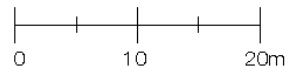


G1, F BLOCK, SATURDAY MARKET  
REFUSE PLAN  
Drawing ref: G1-18-009  
SCALE 1:1250 at A4





SCALE 1:500 at A4



G1, F BLOCK, SATURDAY MARKET  
TOILET PLAN  
Drawing ref: G1-18-010



SCALE 1:500 at A4

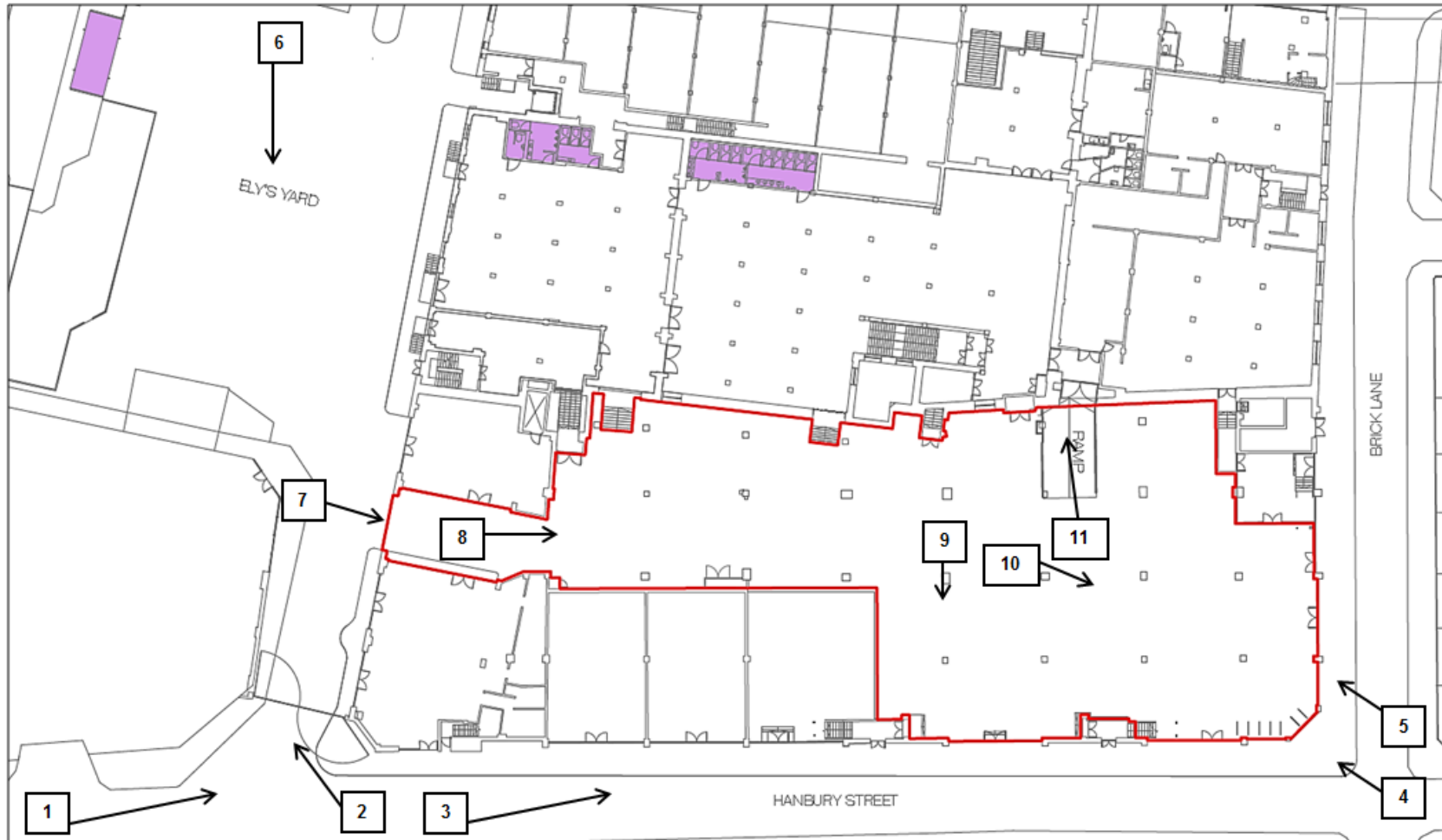


G1, BLOCK F, SATURDAY MARKET  
STALL STORAGE AREA

0 5 10m

Drawing ref: G1-18-006

Appendix 4: PHOTO ORIENTATION MAP



View 1



View 2



View 3



View 4



View 5



View 6



View 7



View 8





View 9



View 10



View 11



# Agenda Item 5.3

<b>Committee:</b> Development Committee	<b>Date:</b> 17 <sup>th</sup> October 2018	<b>Classification:</b> Unrestricted
<b>Report of:</b> Director of Place	<b>Title:</b> Applications for Planning Permission	
<b>Case Officer:</b> Rikki Weir	<b>Ref No:</b> PA/16/02713	
	<b>Ward:</b> St Peter's	

## 1.0 APPLICATION DETAILS

<b>Location:</b>	5 Hollybush Place, London E2 9QX
<b>Existing Use:</b>	Builders merchant (Sui Generis)
<b>Proposal:</b>	Demolition of existing buildings and redevelopment of the land to provide 55 residential units over two blocks comprising one 6 storey building (Building B) and one part 5 and part 7 storey building (Building A) and the provision of 1625 sqm (GIA) of commercial floorspace (Class B1) at lower ground and ground level, with raised podium and associated landscaping, access and cycle parking.
<b>Drawings and documents</b>	Refer to Appendix 2
<b>Applicant/Owner:</b>	Hollybush Partnership
<b>Historic Building:</b>	Nos 2 to 11 Paradise Row (Grade II listed)
<b>Conservation Area:</b>	Adjacent to Bethnal Green Gardens Conservation Area

## 2.0 EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) in addition to the London Plan MALP (2016) as well as the National Planning Policy Framework (2018) and all other material considerations.
- 2.2 It is considered that the proposed buildings would be of an appropriate scale, form and composition in relation to the surrounding built context and townscape. The buildings would be of a high quality design, provide a positive and distinctive

contribution to the local site context and would not adversely impact upon either strategic or local views.

- 2.3 The density of the scheme is consistent with the site context. There would be no unduly detrimental impacts upon the amenities of neighbouring building occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure which would be indicative of overdevelopment
- 2.4 The quality of residential accommodation for future occupiers is good, consistent with relevant planning policy providing adequate levels of external private amenity space to individual units. The quantum of both communal amenity space and communal play space exceeds the policy requirements set out in the Local Plan and London Plan and would create external spaces that provide for a good quality living environment for future occupiers of the site.
- 2.5 The development would provide a suitable bedroom and tenure split, as assessed against policy compliant provision of affordable housing (36.3% by habitable room) based upon a 70:30 split between rented tenure and intermediate units. Taking into account the viability constraints of the site, the development is maximising the affordable housing potential of the scheme. The rented units would be delivered 50:50 between London Affordable Rent and Tower Hamlets Living Rent in accordance with the Council's current preferred social rent mix.
- 2.6 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. It is considered that that vehicular movements would be decreased as compared to existing, with the loss of the existing builders' merchants.
- 2.7 The scheme provides a set of landscaping and biodiversity features which, set alongside the energy strategy would ensure that the development is environmentally sustainable.
- 2.8 The scheme would be liable to both the Mayor's and the borough's community infrastructure levy. In addition, it would provide necessary and reasonable planning obligations towards local employment and training.

### **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to **APPROVE** planning permission subject to conditions and informatives:
  - Three year time limit
  - Compliance with approved plans and documents
  - Wheelchair adaptable and wheelchair accessible dwellings
  - Provision of approved cycle storage
  - Compliance with Energy Statement (with further details)
  - Hours of construction
  - Communal amenity/child play space to be completed prior to occupation
  - Delivery and Service Management Plan
  - Scheme of Highway Improvement Works
  - Secure by Design accreditation

- Full details of hard and soft landscaping, including boundary treatment, play equipment and lighting
- Details of noise and vibration mitigation measures
- Noise insulation
- Noise from plant
- Air quality emission standards for boilers and CHP
- Mechanical ventilation
- Details of biodiversity mitigation measures including green roof
- Car Permit Free
- Wheelchair accessible car parking
- Samples and details of all facing materials
- Details of piling, all below ground works and mitigation of ground borne noise
- Surface Water Drainage Scheme
- Restrictions on demolition and construction activities
- Potential land contamination
- Details of boundary treatments
- Water efficiency

Pre-Commencement Conditions:

- Construction and Environment Management Plan

3.2 Securing contributions as follows:

3.3 Financial contributions:

- a) A contribution of **£30,000** towards improvements to the allotment to facilitate better utilisation of their site
- b) A contribution of **£21,180** towards employment, skills, training for construction job opportunities
- c) A contribution of **£45,581** towards the training and development of unemployed residents
- d) A contribution of **£109,920** towards carbon off-setting to zero carbon
- e) A contribution of **£3,000** towards monitoring (£500 per s106 HoT's) compliance with the legal agreement.

**Total - £210,181**

3.4 Non-financial contributions:

- a) Affordable housing (17 residential units)
- b) Section 278 highways improvements
- c) Access to employment
  - 20% Local Procurement
  - 20% Local Labour in Construction
  - 2 construction phase apprenticeships
- d) Car-permit free agreement
- e) Any other contributions considered necessary by the Corporate Director Of Place

3.5 Any other conditions considered necessary by the Corporate Director of Place

3.6 Informatives:

1. Thames Water – Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site.
2. Building Control
3. S.278
4. Fire & Emergency

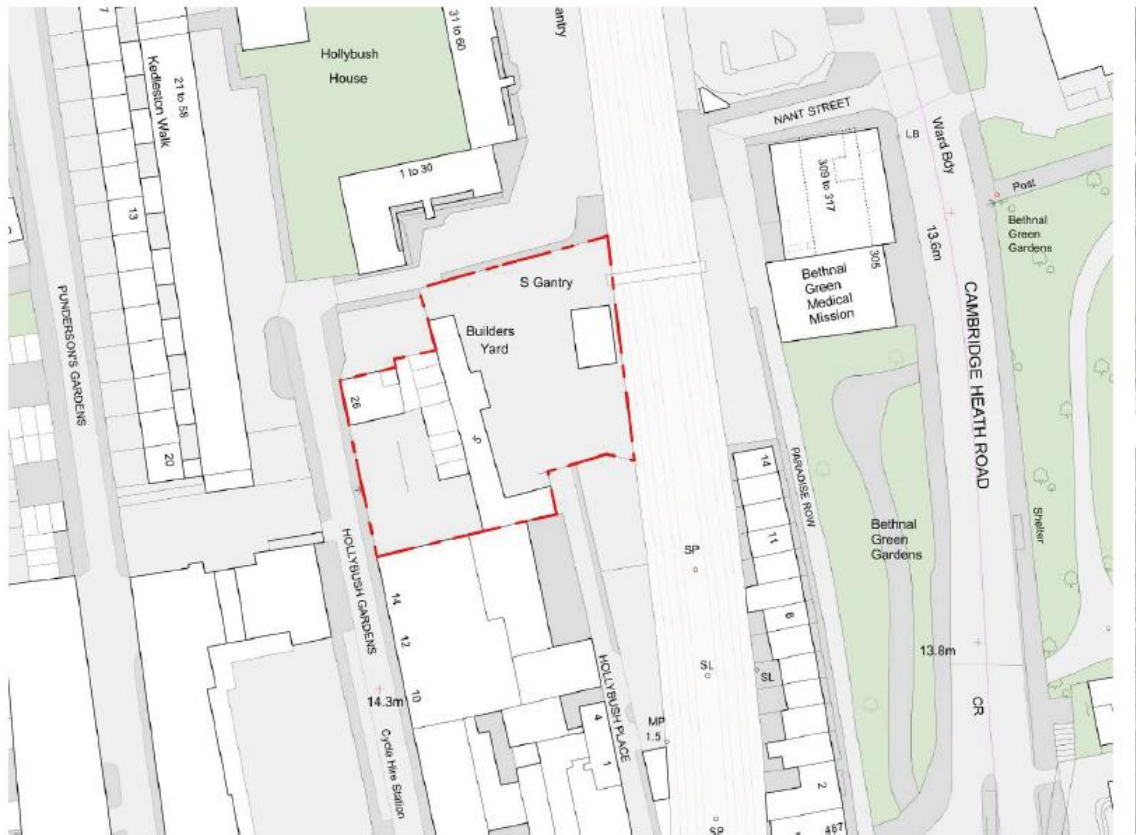
5. Footway and Carriageway
6. CIL
7. Designing out Crime

3.7 Any other informatives considered necessary by the Corporate Director of Place.

#### 4.0 PROPOSAL AND LOCATION DETAILS

##### Site and Surroundings

4.1 The site is located at the east of Hollybush Gardens and at the end (north) of Hollybush Place, which abuts the railway viaduct. The site is to the north of Bethnal Green tube station, along Bethnal Green Road



**Figure 1: Site map**

- 4.2 The site is currently occupied by buildings ranging up to two storeys with a number of other permanent structures. The site is utilised by Travis Perkins builders' merchants (Sui Generis use class). There are two access points into the site, one via Hollybush Place at the south-east corner and the other via Hollybush Gardens to the west, with the ability to drive through the site.
- 4.3 Hollybush Place is a narrow two-way street running north to south alongside the railway line and the railway arch entrances. The railway arches utilised by Travis Perkins, do not form part of the application site.
- 4.4 The site sits to the north of the Bethnal Green District Centre and to the west of the Bethnal Green Gardens Conservation area. The site abuts the railway line, on the other (east) side of which sits the row of Grade II listed terraced buildings (Nos 2-11

Paradise Row). The site sits within the Mayor of London's designated City Fringe Opportunity Area.

- 4.5 The area to the north and west of the site is predominantly residential, largely characterised by post-war flats and houses, with some large scale industrial buildings converted to residential use. Hollybush House to the north of the site is a five storey residential development. The surrounding neighbourhood also contains a mixture of commercial, leisure, retail and primary services mainly along Bethnal Green Road to the south. The industrial warehouse building to the south, BJ House, 10-14 Hollybush Gardens, is currently utilised as offices (B1).
- 4.6 The site benefits from excellent public transport accessibility (PTAL rating of 6a) and is in a highly sustainable location. Bethnal Green Underground Station is only 100m from the site, whilst Bethnal Green Overground Station and Cambridge Heath Overground Station are also within walking distance.

#### Proposal

- 4.7 The application proposal involves demolition of the existing builders' merchants buildings on site in order to create a mixed use redevelopment.
- 4.8.1 It is proposed to create 1625msq of flexible office (B1) workspace at basement and ground floor levels, with 55 residential units set above. The proposal comprises two blocks joined together by a ground floor level podium building. Building A is a part seven and part five storey building facing Hollybush Gardens to contain 20 residential units and Building B is a six storey building, adjacent to the railway containing 35 residential units.
- 4.9 The scheme would provide 5 intermediate units and 12 affordable/social rented residential units, which comprise a 36.3% affordable housing provision on site.
- 4.10 There would be two residential entrances to the site. For Building A on Hollybush Gardens, and for Building B at the end of Hollybush Place. The ground and lower ground floor commercial spaces have entrances on both Hollybush Gardens and through the site from Hollybush Place.



## Figure 2: Existing site viewed from Hollybush Gardens

### Amendments

- 4.11 During the course of the application the proposal has been amended, to include:
- Reduction in proposed residential units from 72 to 55;
  - Reduction in the bulk of Building A
  - Reduction in the height of Building B by one storey, decrease in massing and increased separation from the railway;
  - Increased number of accessible car parking bays;
  - Greater and improved detailing of the façade and choice of finish materials.
  - Removal of all single aspect units facing the railway.

### **Relevant Planning History**

#### On Site

- 4.12 PA/84/00200: Change of use to builders merchants (as extension to 16-26 Hollybush Gardens). Permitted – 17/12/1984.
- 4.13 PA/80/00162: Rebuilding of covered storage area. Permitted 27/02/1980.
- 4.14 PA/79/00146: Alterations and improvements to existing office accommodation. Permitted – 28/01/1980.
- 4.15 PA/79/00147: Erection of a portakabin for use as a temporary office. Permitted – 11/09/1979.
- 4.16 PA/70/00124: Extension to provide additional office and storage accommodation and the retention of two storage sheds. Permitted – 31/7/1970.
- 4.13 PA/53/00139: The erection of extensions to builder's merchants premises. Permitted – 08/09/1953.

#### Neighbouring Sites

- 4.15 *BJ House, 10-14 Hollybush Gardens*

PA/17/01732: Retention and refurbishment of the existing warehouse building fronting Hollybush Gardens, and addition of a ground plus six storey extension to the rear of the site to provide office accommodation (Use Class B1) with flexible retail space at ground level (Use Class A1/A3). Permitted – 19/12/2017.

- 4.16 *Bethnal Green Mission Church, 305 Cambridge Heath Road*

PA/14/03166: Demolition of existing four storey building, comprising a church and ancillary uses. Erection of new six storey building and basement, comprising church & community facilities and other ancillary facilities, including one ancillary residential unit (“the Vicarage”) along with 14 open market residential units. Permitted – 01/10/2015.



#### 4.17 313 Cambridge Heath Road

PA/14/01719: Proposed minor material amendment to planning permission dated 19/12/12, ref: PA/12/00623. The amendments include an increase in the number of guest rooms from 80 to 90, alterations to the shape and size of the rooms, relocation of rooms, revision to the size and positioning of the windows, installation of additional staircases, increase in floor height, replacement of railings with 1.1m high glass balustrade and construction in two tone brickwork. Permitted – 01/10/2014.

PA/13/02156: Application under s.73 of the Town and Country Planning Act for: a) a minor material amendment through a variation of condition no. 2 (approved plan numbers) to increase the building storey to 6 with the overall parapet height increased by 410mm, facade alterations and minor internal changes resulting in 91 apart-hotel rooms; and b) Variation of condition 23 (Use Class C1) to include apart-hotel to approved application ref: PA/12/00623, dated 19/12/2012. Permitted – 01/11/2013.

PA/12/00623: Demolition of existing 3 - storey building and re-development of site by construction of a new 5 - storey building with basement and lower ground floor levels to provide 80 bedroom hotel (Use Class C1) with associated rear servicing bay. Permitted – 19/12/2012.

## 5.0 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 development plan unless material considerations indicate otherwise.

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

### 5.3 Government Planning Policy

National Planning Policy Framework (2018)

### 5.4 London Plan MALP (2016)

- 3.2 – Improving Health and Addressing Health Inequalities
- 3.3 – Increasing Housing Supply
- 3.4 – Optimising Housing Potential
- 3.5 – Quality and Design of Housing Developments
- 3.6 – Children and Young People’s Play and Informal Recreation Facilities
- 3.8 – Housing Choice
- 3.9 – Mixed and Balanced Communities
- 3.10 – Definition of Affordable Housing
- 3.11 – Affordable Housing Targets
- 3.12 – Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 – Affordable Housing Thresholds
- 4.2 – Offices
- 4.3 – Mixed Use Development and Offices
- 5.1 – Climate Change Mitigation
- 5.2 – Minimising Carbon Dioxide Emissions

- 5.3 – Sustainable Design and Construction
- 5.4A – Electricity and Gas
- 5.5 – Decentralised Energy Networks
- 5.6 – Decentralised Energy in Development Proposals
- 5.7 – Renewable Energy
- 5.9 – Overheating and Cooling
- 5.10 – Urban Greening
- 5.11 – Green Roofs and Development Site Environs
- 5.13 – Sustainable Drainage
- 5.14 – Water Quality and Wastewater Infrastructure
- 5.15 – Water Use and Supplies
- 5.17 – Waste Capacity
- 5.21 – Contaminated Land
- 6.3 – Assessing the Effects of Development on Transport Capacity
- 6.7 – Streets and surface transport
- 6.9 – Cycling
- 6.10 – Walking
- 6.13 – Parking
- 7.1 – Lifetime Neighbourhoods
- 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 and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 7.1 – Biodiversity and Access to Nature
- 8.1 – Implementation
- 8.2 – Planning Obligations
- 8.3 – Community Infrastructure Levy

## 5.5 Core Strategy (2010)

- SP01 – Refocusing our Town Centres
- SP02 – Urban Living for Everyone
- SP05 – Dealing with Waste
- SP06 – Delivering Successful Employment Hubs
- SP09 – Creating Attractive and Safe Streets and Spaces
- SP10 – Creating Distinct and Durable Places
- SP11 – Working Towards a Zero-carbon Borough
- SP12 – Delivering Placemaking (Bethnal Green)
- SP13 – Planning Obligations

## 5.6 Managing Development Document (2013)

- DM0 – Delivering Sustainable Development
- DM3 – Delivering Homes
- DM4 – Housing Standards and Amenity Space
- DM9 – Improving Air Quality
- DM11 – Living Buildings and Biodiversity
- DM13 – Sustainable Drainage
- DM14 – Managing Waste
- DM15 – Local Job Creation and Investment

- DM16 – Office Locations
- DM20 – Supporting a Sustainable Transport Network
- DM21 – Sustainable Transport of Freight
- DM22 – Parking
- DM23 – Streets and the Public Realm
- DM24 – Place-sensitive Design
- DM25 – Amenity
- DM26 – Building Heights
- DM27 – Heritage and the Historic Environment
- DM29 – Achieving a Zero-carbon Borough and Addressing Climate Change
- DM30 – Contaminated Land and Development and Storage of Hazardous Substances

## 5.7 Supplementary Planning Guidance/Documents

- Bethnal Green Gardens Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)
- Planning Obligations SPD, LBTH (2016)
- Development Viability SPD, LBTH (2017)
- Housing SPG, GLA (2016)
- Shaping Neighbourhoods: Character and Context SPG, GLA (2014)
- Shaping Neighbourhoods: Play and Informal Recreation SPG, GLA (2012)
- Sustainable Design and Construction SPG, GLA (2014)
- Affordable Housing and Viability SPG, GLA (2017)
- City Fringe Opportunity Area Planning Framework, GLA (2015)
- Tower Hamlets Air Quality Action Plan, LBTH (2003)
- Clear Zone Plan – 2010-2025, LBTH (2010)
- Tower Hamlets Partnership Community Plan, LBTH (2015)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)

## 5.8 Emerging Planning Policies

### The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits

- 5.9 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 completed its process of examination by the 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.

### Draft New London Plan

- 5.10 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and closed on 2nd March 2018. The draft London Plan has been submitted to the Secretary of State for examination. 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.

## **CONSULTATION RESPONSE**

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

6.1 The following were consulted regarding the application:

### **LBTH Transportation and Highways**

6.2 Proposal should result in less vehicular movement throughout the area. There are no in principle concerns with regards to the proposal, subject to conditions related to a 'permit-free development', full details of cycle parking, changes to street parking layout and highways improvements, travel plan, deliveries and servicing plan, demolition and construction management plan.

### **LBTH Waste Policy**

6.3 Full details of waste and recycling storage and a management plan would be conditioned, subject to approval.

### **LBTH Sustainable Development**

6.4 The proposal sustainability mitigation measures would be acceptable and should be secured by condition along with further details. Initially raised concerns regarding the CHP which were alleviated after receiving further information.

6.5 A cost analysis of the proposals compared to a communal gas boiler is sought. Subject to approval, a condition would be added requiring a revisit to the energy strategy once detailed design has been completed and energy system contracts are looking to be finalised.

### **LBTH Biodiversity**

6.6 Biodiverse roofs would be a significant biodiversity enhancement, and would contribute to a LBAP target for new open mosaic habitat. A green roof would also increase the efficiency of the photovoltaics proposed for one of the roofs. The applicant should be requested to include biodiverse roofs designed following the best practice guidance published by Buglife. Details of biodiversity enhancements should be subject to a condition.

### **LBTH Contaminated Land**

6.7 Environmental Health Contaminated Land has reviewed the submitted information and considers there is a possibility for contaminated land to exist. A condition is recommended to ensure any contaminated land is appropriately dealt with. The suggested condition would be secured should planning permission be granted.

### **Borough appointed Noise Consultant**

- 6.8 The assessment satisfactorily deals with the vibration and noise expected on site subject to a vibration condition being attached to the permission.

#### **LBTH Air Quality**

- 6.9 The air quality assessment shows that the development will not result in any significant impacts on air quality. The Assessment 'assumes' that ultra Low NOx gas boilers (<40mg/Kwh) will be installed and no other energy generation is associated with the development, and has based the air quality neutral calculations on this assumption. Subject to approval, full details of boilers to be installed to be submitted.

#### **LBTH Employment and Enterprise**

- 6.10 No objections subject to financial contributions to support and/or provide training and skills need of local residents in accessing the job opportunities created through the construction phase of the development.

#### **LBTH Sustainable Urban Drainage Systems (SUDs) Officer**

- 6.11 The site is within Flood Zone 1 and has no significant risk of surface water flooding. The proposals are acceptable and comply with the London Plan Policy 5.13 and Local plan policy DM13. Development shall not commence until a detailed surface water drainage scheme for the site, based on the agreed 'SuDS report' has been submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the Drainage Report. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

#### **LBTH Affordable Housing**

- 6.12 Would prefer a more exact tenure mix in relation to Council targets but following amendments, it is considered that the mix is more policy compliant and that it meets the borough's requirements.

#### **External Consultees**

##### **Network Rail**

- 6.13 No objection.

##### **Metropolitan Police Crime Prevention Design Officer**

- 6.14 No objection to the scheme proceeding as outlined. Recommend that the scheme should by means of a condition achieve Secured by Design accreditation which would be formally acknowledged upon a final inspection once all works are complete.

#### **LOCAL REPRESENTATIONS**

- 7.1 A total of 322 neighbours letters were sent to neighbours and interested parties. A site notice was displayed outside the application site and the application was advertised in the press.
- 7.2 An amended proposal was received on 11 April 2017 and a further consultation was

undertaken with an additional site notice erected, press notice and neighbour letters sent. A further amended proposal was received on 10 August 2018 with an additional site notice erected, press notice and neighbour letters issued.

7.3 In addition, the freeholder has had held a consultation event with the residents and the current leaseholder.

7.4 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses: 11 letters in objection

2 letters in support

7.5 The issues raised by objectors can be summarised as follows:-

- Scheme increases the density of housing in the area, without adequate accommodation for the additional pressure put on local parking from visitors to the proposed flats;
- Blocks light to adjacent buildings which will create a sense of overdevelopment in the area;
- Will result in the loss of an active and viable employment use;
- Massing and overall size of the development is too large for this area;
- Will impact on the surrounding businesses, specifically in the arches along Hollybush Place;
- Will restrict or reduce the level of access currently received by those persons on Hollybush Place;
- Traffic, noise and dust will impact on those residents Hollybush Gardens and Hollybush Place
- Will impact on local services along with the preservation and maintenance of our cobbled roads;
- Will introduce balconies and terraces which will overlook surrounding properties, block our light and views and intrude on privacy;
- Will impact on the architectural heritage of the area being lost. The brick warehouses are characteristic of the area;
- Will affect the development on existing businesses and cause displacement.

The comments raised in support of the proposal can be summarised as follows:

- The area should become more densified to assist with housing and prices.

7.6 The loss of private views has also been raised in objection to the proposal. However impact of development on private views is not a material planning consideration. The proposal's impact on outlook is addressed in the amenity section.

7.7 Issues raised in local representations are as material, assessed in the following paragraphs.

## **MATERIAL PLANNING CONSIDERATIONS**

8.0 The full planning application has been assessed against all relevant policies under the following considerations:

9.0	Sustainable Development Principles
10.0	Land Use
11.0	Design and Impact on Adjacent Conservation Area
12.0	Quality of Residential Accommodation
13.0	Housing
14.0	Impact on Neighbouring Amenity
15.0	Transport and Servicing
16.0	Environmental Considerations
17.0	Local Finance Considerations
18.0	Human Rights Considerations
19.0	Equalities Act Considerations
20.0	Conclusion

## **Sustainable Development Principles**

- 9.0 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 9.1.1 Paragraph 7 of the NPPF highlights that the overarching objectives of sustainable development including widening the choice of high quality homes, improving the conditions in which people live and enjoy leisure and replacing poor design with better design. Furthermore, section 11 states that it is a core planning principle to efficiently reuse land which has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.

## **Land Use**

### Provision of Residential Space

- 10.0 The NPPF attaches great importance to significantly boosting the supply of new housing. LBTHs Core Strategy Policy SP02 seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. Infill development which meets an identified need and contributes to creating sustainable communities is supported.
- 10.1 The London Plan sets a revised minimum 10 year housing target of 39,314 between 2015 – 2025 (3,931 per year) for Tower Hamlets. The development proposes re-use of an existing underutilised, brownfield site, making the best use of land. This approach accords with the core principles of the NPPF, which encourages the re-use of previously developed land.
- 10.2 London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) describe the pressing need for more homes in London and how development should optimise housing output.
- 10.3 A residential re-development of the site is considered to be acceptable in principle,

subject to compliance with all other policy considerations.

#### Loss of Builders' Merchant and Provision of Office Space

- 10.4 The site is located in a highly sustainable location just outside of Bethnal Green District Centre. The site is not located within a designated employment area or a site designated as local industrial land. The existing site is 789sqm of commercial and employment space, occupied by one operational business, Travis Perkins, a builders' merchant, stated to employ up to 10 staff.
- 10.5 The existing use of the site is as a builders' merchant (Sui Generis use class). As a Sui Generis use, this does not fall under a specific use class. Therefore the use is not specifically protected as employment or industrial land in relevant planning policy as described below.
- 10.6 Policy SP06 seeks to enhance existing employment land including non-designated employment floorspace and particularly flexible workspace in town centre, edge of centre and main street locations. Policy DM15 states that 'upgrading and redevelopment of employment sites outside of spatial policy area will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown that the site has been actively marketed or that the site is unsuitable for continued employment use due to its location, viability, accessibility and condition.
- 10.7 Part 2 of DM15 states that development which is likely to impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere. The supporting text to DM15 states that employment uses include all uses within the B use classes. Builders' merchants do not fall within B use classes B1 (offices), B2 (General industrial) or B8 (storage or distribution), although they involve a mix of these uses alongside elements of retail (A1) use. As a Sui Generis use, a builders' merchants will always require planning permission to change to or from another use.
- 10.8 The existing use is most closely related to either B8 use (storage and distribution) which has an employment density of 1 per 70 sqm or B1c use (light industrial) which would have an employment of 1 per 47sqm. Even at the highest ratio, the site would only have the ability to provide for up to 16 employees.
- 10.9 The applicant has undertaken discussions with Travis Perkins in order to try to accommodate their use within the completed development, and has explored offering several other locations such as 3-33 Caroline Street, Limehouse and Ailsa Street, E14 in Poplar which could be a temporary or permanent site opportunities, should the business wish to relocate back to the host site.
- 10.10 The applicant has sought to incorporate the business back into the site but has been unable to gain meaningful engagement from the leaseholder to come to an appropriate agreement to either, incorporate the builders' merchant into the scheme or find suitable replacement accommodation for the existing business that would be displaced. However officers are satisfied the applicant has made a best endeavours bid to secure one of these sought outcomes.
- 10.11 The London Plan seeks the optimisation of the use of land, particularly in areas of high accessibility. In addition, the site is located in a predominately built up residential area. It is therefore considered that the site is not best suited to this type of business



which is underutilising a site and that could provide both greater employment density and housing opportunities.

- 10.12 Part 3 of DM15 states that new employment floor space will need to provide a range of flexible units including units less than 250 square metres and less than 100 square metres to meet the needs of Small and Medium Enterprises (SMEs).
- 10.13 The proposal seeks to create 1625sqm of B1 (office) floorspace, ensuring there is a 205% provision of employment floorspace compared to the existing commercial floor space. The proposed commercial use at the ground and lower ground floor level would provide employment opportunities on site above the existing employment levels provision. The office floorspace is designed to provide a range of units including those under both the 250sqm and 100sqm policy thresholds with an ability to divide floorspace into different sized units for new business start-ups.
- 10.14 In terms of employment density within the B1 use class, in comparing the lowest ratio being B1a (corporate) of 1 job per 13sqm, this would provide up to 115 FTE jobs and the highest being finance, of 1 per 10 and could provide up to 149 FTE jobs. It is acknowledged that this is based on a generalised assessment, and the units could be split into smaller units to provide for many different users and may not reach the full number given the divisions.
- 10.15 The proposal will provide an improved employment space provision, which will deliver an uplift in employment floorspace and an increase in employment job density and will retain an employment use on-site, in accordance with DM15.
- 10.16 As such, in light of the above, and having regard to policies SP06 and SP07 which seek to support a range and mix of employment uses and spaces within the borough and the employment and skills training of local residents, the proposed loss of the active employment use would be considered to accord with Policies SP06, SP07 and DM15. This is particularly so when giving consideration to the priority given to the delivery of new dwellings (particularly on underused brownfield sites) that is advocated by the Development Plan and the NPPF, and the promotion of mixed used developments at the Edge of town centres, as places that support and assist the creation of sustainable communities, in line with Policy SP01.

## **Design and Heritage**

- 11.0 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 state that *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”* and *“the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.
- 11.1 The implementation of this legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on listed buildings and conservation areas. These are considered in more detail below however, the emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation or enhancement of heritage assets should be given great weight in the consideration/determination of the application.
- 11.2 The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. The parts of this document relevant to ‘Heritage, Design and Appearance’ are Chapter 12

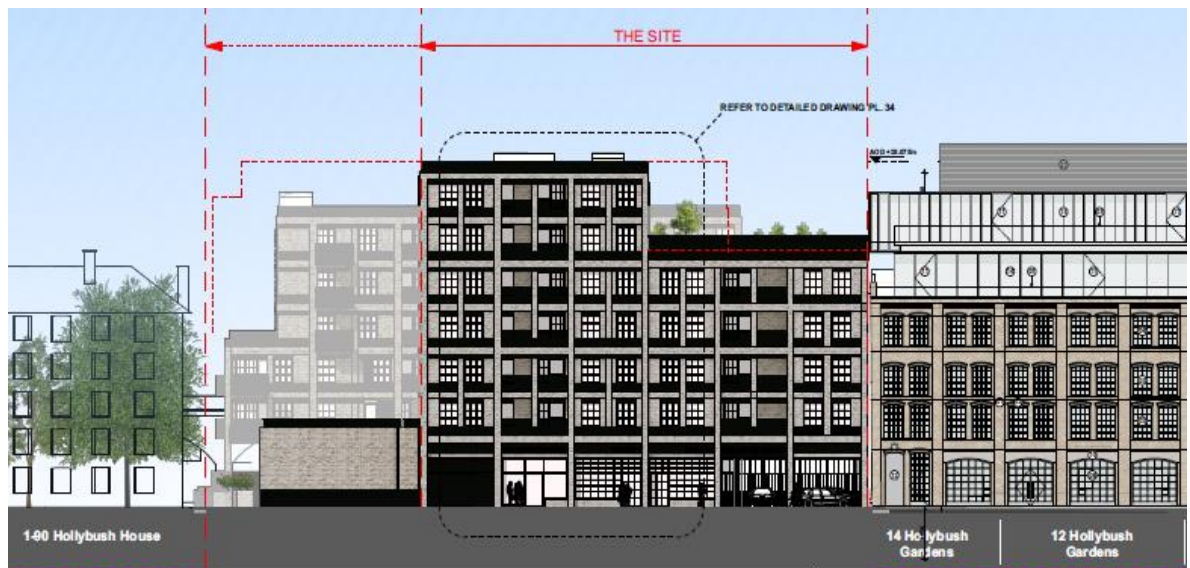
*'Achieving Well-designed Places'* and Chapter 16 *'Conserving and Enhancing the Historic Environment.'*

- 11.3 Chapter 12 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual and visually attractive buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 11.4 Paragraph 192 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
  - the desirability of new development making a positive contribution to local character and distinctiveness; and
  - opportunities to draw on the contribution made by the historic environment made by the historic environment to the character of a place.
- 11.5 Paragraph 189 of the NPPF provides that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. And Paragraph 190 provides that local authorities should assess the significance of any assets that may be affected. Paragraph 192 describes what should be taken into account in determining applications. In this case, the relevant designated heritage assets are the Bethnal Green Gardens Conservation Area and the listed terrace buildings on Paradise Row. The subject site is not listed and is not part of a Conservation Area. However, it is directly across the railway viaduct from a Grade II listed terrace on Paradise Row and it would sit within the background of the western-most part of the Bethnal Green Gardens Conservation Area.
- 11.6 The proposal consists of two blocks with an open podium level connecting them. Building A would front Hollybush Gardens at a scale of 4 to 7 storeys and Building B is adjacent to the railway at a height of 6 storeys (five with recessed top floor).

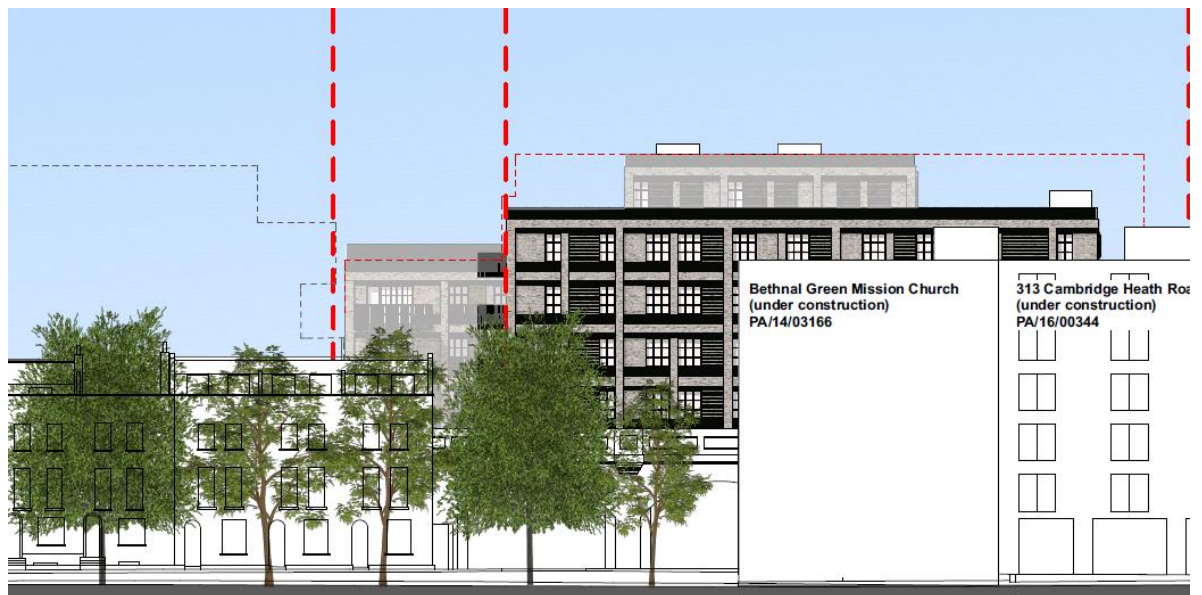
Bulk and Scale

- 11.7 Within the neighbouring Conservation Area, there is a generally a restrained scale combined with large areas of open space and, as such, the development will be seen in the backdrop of this. The 6 storey Building B would be viewed across the railway viaduct in the background to the recently completed 6 storey buildings on Cambridge Heath Road (Bethnal Green Mission Church and The East London Hotel). Building B is considered to sit comfortably amongst existing buildings across the railway viaduct, appearing sufficiently subservient in regards to bulk and scale when viewed from Cambridge Heath Road and from the Conservation Area and in respect of the view of the listed terrace on Paradise Row. Building A sits adjacent to an existing 4 storey converted warehouse (10-14 Hollybush Gardens) which has consent for an extension to 6 storeys plus plant. A 6 storey frontage of the converted warehouse City View House also sits on Hollybush Gardens in close proximity to Building A. It is considered that Building A, and the development overall, would sit comfortably within the prevailing pattern of built form in the locality.

- 11.8 The overall mass of the proposal has been well considered, the two buildings are separated by a generous courtyard area and ground floor podium building, centrally located within the site. This restrains the building footprint in each Building and reduces the overall perception of bulk.



**Figure 3: Proposed Building A west elevation from Hollybush Gardens**



**Figure 4: Proposed Building B view towards Paradise Row**

Design and materials

- 11.9 The proposed materials palette of grey variations of brick, contrasting with white mortar, Crittal type aluminium window frames and white steel balustrades for balconies is acceptable and in keeping with surrounding styles. The majority of the proposed building will be in brick, presenting a robust and solid appearance, consistent with other buildings in the vicinity, and a contemporary warehouse vernacular. The use of well-crafted steel balustrading to proposed balconies will add interest and variety, with a brick soldier course located below the steel balustrades expressing each balcony area. The parapets to the main roofs are also expressed

using vertically aligned soldier coursing, which is successful in crowning the building. The design approach to the principal Hollybush Place elevation combines slightly recessed window bays within a brick-faced grid to the main building plane. This, combined, with the fenestration pattern and proportions is varied and presents a visually attractive frontage to Hollybush Place.

- 11.10 The north-western and south-western elevations have not been activated by windows in order not to prejudice the potential of neighbouring sites. Both elevations have been articulated using an inset brick grid that reflects the fenestration pattern to the principal west elevation. This adds visual interest to these elevations without dominating the building. Overall the proposed materials palette is considered to be high quality whilst being sensitive to and enhancing local character.



**Figure 5: Building A treatment**

- 11.11 To Hollybush Gardens, the ground floor of Block A would present as a combination of a residential entrance, a vehicular access gate, 2 entrance doors to workspace units and 2 sets of refuse store door/vents. This ground floor area would be activated by natural surveillance from windows of the residential entrance and workspace units. Large openings are present to this ground floor elevation, along with brick piers and a vertical soldier course of brick for signage areas. Building B benefits from an entrance towards Hollybush Place with substantial glazing at ground floor level.
- 11.12 The podium building links Building A and Building B in-between at ground and lower ground floor levels. At roof/first floor level of the podium building is an outdoor communal amenity space, child play space and landscaped circulation area for the residential units. At ground floor and lower ground floor levels are the commercial spaces and areas ancillary to the residential units (servicing and storage). Residential units are located from first floor upwards.

- 11.13 Workspaces are accessed through the podium building and the internal courtyard, apart from one workspace unit would which help to activate the Hollybush Gardens elevation. The commercial entrances to the podium building/internal courtyard are connected via a series of walkways around voids which allow light to lower ground floor employment space. This layout can appear intricate; however it works in regards to the constrained and mixed use nature of the site and it would give the development a distinctive character of its own.
- 11.14 Overall the proposed mixed use development is considered to be designed to a high quality standard, incorporating accepted principles of good design. The height, bulk, scale and massing of the development is considered to be appropriate to its local setting, and the design and materials used for buildings are high quality and help to enhance local character. Conditions requiring all external materials to be approved will be added, subject to approval. In regards to nearby designated heritage assets, it is considered that the development would preserve the character and appearance of the Bethnal Green Gardens Conservation Area and relevant nearby listed buildings pursuant of the Listed Building and Conservation Areas Act 1990.



**Figure 6: View of podium building commercial entrance**

Secure by Design

- 11.16 LP Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.
- 11.17 In general, the proposed layout and mix of uses provides activity and natural surveillance at street level to Hollybush Gardens and Hollybush Place, substantially

increasing presence and activation of the site in comparison to the existing builders' merchants.

- 11.18 The Crime Prevention Officer at the Metropolitan Police had pointed out various minor amendments which would produce security improvements to the site. Subject to approval, a condition would be added for the scheme to achieve Secure by Design Accreditation.

## **Quality of Residential Accommodation**

### Internal space

- 12.0 The Mayor of London's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring they are "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.
- 12.1 All 55 residential units comply with nationally described internal space standards in regards to minimum gross floor areas and floor to ceiling heights (minimum 2.5m height). Furthermore no floor would have more than 8 units per core, in accordance with the Housing SPG. 6 wheelchair accessible and adaptable units are proposed and these are sufficiently oversized for extra circulation space and comprise more than the required 10% of units. The wheelchair units within the affordable provision would be built as adapted units.
- 12.2 Approximately 80% of the flats would be dual aspect and all of the flats would have balcony at a size which would be policy compliant. This is a high percentage given the constrained nature of the site. The single aspect units are east or west facing with the majority being one bedroom flats, where it is difficult to provide further outlook. There are no north-facing single aspect units.
- 12.3 Owing to the high proportion of dual aspect units on the site, a good level of outlook is achieved across the residential units. East-facing windows of Building B face over the railway and have 35m separation to the 6 storey buildings on Cambridge Heath Road. Some west-facing windows of Building B look towards the rear of Building A at proximity of 14m to non-habitable room spaces and 16m to habitable room windows. However windows facing between the 2 buildings are generally set at an angle to each other (rather than face head on) to avoid undue overlooking or lack of privacy. The affordable rented units in Building B facing Building A also at benefit from outlook towards the south or longer views across the railway, or to the north, which helps to mitigate against the less than 18m separation distance between the two proposed buildings.
- 12.4 Building A has an 18.7m separation to Kendlestone Walk flats.
- 12.5 To conclude, the scheme provides reasonable separation distances between the two residential buildings with thoughtful internal layouts and placing of windows to help address the separation distance of 18m. The scheme also provides good levels of outlook to units through provision of dual aspect units and separation distances to other built development either complies with 18m separation distances as detailed above or broadly replicates separation distances that exist between buildings along

Hollybush Gardens and surrounding streets.

- 12.6 The applicant has submitted an independent daylight and sunlight analysis regarding daylight and sunlight for the proposed residential units. The assessment was carried out for 19 no. dwellings representing a thorough cross section of dwelling types. All habitable rooms within these dwellings have been included in the assessment. The consented scheme to the south was included in the first assessment as a worst-case approach. The analysis results indicated that all habitable rooms assessed satisfy the recommendations set out by BRE guidance in regards to average daylight factor (ADF) targets for relevant room types.
- 12.6 In regards to potential mutual overlooking and privacy concerns, some degree of overlooking may occur from the office extension scheme consented to the south if this is built out as it would contain a glazed flank wall looking into the development site. However it is considered that given these views would be oblique and the office development would be primarily occupied during daytime hours, the relationship is acceptable in terms of privacy to future residential occupants. Some limited mutual overlooking could take place for the south-western corner windows of Building A towards upper levels of City View House. However this tight relationship would be limited in scope and the dual aspect nature of the residential units would help to alleviate this impact. Furthermore, the relationship is consistent with that which exists between BJ House and City View House.
- 12.7 For the reasons above, it is considered that the proposed residential units would benefit from satisfactory internal space, outlook, light and would not be unduly impacted in regards to privacy.

#### Amenity and Child Play Space

- 12.8 Policy DM4 sets out that a minimum of 5sqm private open space is required to be provided for 1-2 person dwellings with an extra 1sqm needed for each additional occupant. Balconies should have a minimum width/depth of 1.5m. The proposal provides a policy compliant amount of private open space in the form of balconies to 52 of the 55 residential units. For the remaining 3 residential units, additional internal space equivalent to the open space requirement is provided. The GLA's Housing SPG states that additional internal space, rather than private open space, can be provided in exceptional circumstances, taking into account site constraints. Upon that basis it is considered that the private open space provision is policy compliant.
- 12.9 Policy DM4 requires communal amenity space of 50sqm for the first 10 units plus a further 1sqm for every additional unit thereafter. Therefore the communal amenity space requirement for this development is 95sqm. 187sqm communal amenity space would be provided – 196% provision in relation to the policy requirement. This space would be split between the Building A roof terrace, a Building B terrace and space on the roof of the podium building.
- 12.10 In regards to child play space, the development is predicted to contain 19 children (using the GLA calculator) and 185sqm of child play space is required, split across the different age groups and unit types, as set out in the GLA's Play and Informal Recreation SPG and outlined in the table below. 236sqm play space would be provided – 128% provision in relation to the policy requirement. This space would be split between the Building A roof terrace and space on the roof of the podium building.

	Play Space required (sqm)	Play space provided (sqm)
Under 5	92.5	102
5-11	57.4	97
12+	35.2	37
Total	185	236

**Figure 7: Play space provision**

- 12.11 The 'sun hours on the ground' assessment shows that the proposed amenity spaces would exceed minimum standards set out in the BRE guidelines and would therefore be well sunlit. All three amenity spaces would receive more than 2 hours of sunlight over at least 50% of their area.
- 12.12 The proposed amenity spaces are accessible, secure and are well overlooked by the proposed development and would be accessible to all residents from all residential tenures. More specific details, such as, in regards to planting and play equipment would be appropriately secured by condition, subject to approval. The condition would also ensure a minimum of 185sqm of child play space is provided. The roof top amenity space was increased significantly in size during the course of the application to make the space much more useable and suitable for children of different age groups
- 12.13 The amenity space provision for the residential units are considered to be well-designed and generous in area, and well exceeding minimum policy space requirements. The play space would be accessible for all tenants from both buildings and there would be fob security arrangements in place in regards to access to residential areas. In addition, the development is in close proximity to a number of large outdoor spaces, including Museum Gardens (157m walking distance), Bethnal Green Garden (157m walking distance), Bethnal Green Nature Reserve (140m walking distance) and Weavers Fields (320m walking distance), and so future building occupants would enjoy sufficient amenity space.

#### Noise to Future Building Occupants

- 12.14 Policy DM4 seeks to ensure that developments provide an acceptable standard of accommodation and Policy DM25 and Appendix 2 of the MDD provide more detail on noise and vibration. LP Policy 7.15 specifically states new noise sensitive development should be separated from major noise sources such as rail through distance, internal layout or screening, as opposed to solely through sound insulation. Furthermore, where it is not possible to achieve physical separation, then any potential adverse impacts should be controlled and mitigated through the application of good acoustic design principles. The applicant has provided some detail regarding mitigation measures against railway noise and vibration.
- 12.15 Some of the proposed units would sit adjacent to a train line at a minimum distance of 6m metres with the railway line operating through the night. In addition to noise, the vibration from the train line needs to be considered for the future amenity of the occupiers. The applicant has submitted a noise assessment which has been reviewed by the Council's independent noise consultants. The scheme has subsequently been amended so that no balconies are facing the railway. Some other schemes in the borough have been approved with similar separation distances, such as at 58-64 Three Colts Lane (3m) and at 27-29 and 33 Caroline Street (6.5m).
- 12.16 Various mitigation measures are proposed such as a high performance external wall



construction together with high performance window and ventilation systems. The Council's independent noise consultant has concluded that the proposed design would provide for suitable internal noise levels, dealing with both external noise sources from the railway and internal noise source for each storey of the development. If planning permission is granted a planning condition would be imposed for additional vibration testing prior to superstructure works, in order to confirm that vibration levels received from the railway have been adequately dealt with in the final built out detailed design.

### Summary

- 12.17 Overall, taking into account internal space, private open space, communal amenity space, child play space, internal daylight and sunlight levels and potential future noise to building occupants, it is considered that the development would provide a high quality of residential accommodation.

### **Housing**

#### Affordable Housing

- 13.0 In line with section 5 of the NPPF, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.
- 13.1 The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 of the Core Strategy 2010 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 13.2 The scheme would provide 55 units (36.3% affordable habitable rooms). In regards to a breakdown of the affordable housing provision, Policy SP02 requires an overall strategic tenure split of 70% affordable/social rent and 30% intermediate. The proposed affordable homes breakdown would be 70.2% affordable/social rent and 29.8% intermediate, in line with policy. The affordable housing mix is shown in the table below.

	<b>Units</b>	<b>Unit Proportion (%)</b>	<b>Habitable rooms</b>	<b>Habitable rooms proportion (%)</b>
<b>Affordable Housing</b>	17	31	57	36.3
<b>Private Sale</b>	38	69	100	63.7
<b>Total</b>	55	100	157	100

**Figure 8: Affordable housing proportion**

- 13.3 When the scheme was first submitted, the number of overall units proposed was 72 and the affordable provision was 29.2% by units and 34.9% by habitable rooms. Thus, even with the reduction in proposed homes from 72 to 55, a greater proportion

of affordable housing has been secured. Furthermore the affordable/social rent units would be split 50/50 between London Affordable Rent (excluding service charge) and Tower Hamlets Living Rent (including service charge).

### Dwelling Mix

- 13.4 Policy DM3 states that development should provide a balance of housing types, including family homes in accordance with the breakdown of unit types set out within the most up-to-date housing needs assessment. The proposed tenure mix is shown below in relation to the Council's prescribed mix.

	<b>1 bedroom required</b>	<b>1 bedroom proposed</b>	<b>2 bedroom required</b>	<b>2 bedroom proposed</b>	<b>3+ required</b>	<b>3+ proposed</b>
<b>Private sale</b>	50	39.5	30	55.3	20	5.3
<b>Intermediate rent</b>	25	0	50	60	25	40
<b>Affordable rent</b>	30	25	25	33.3	45	41.7

**Figure 9: Tenure mix**

- 13.5 In regards to private sale units, there would be an overprovision of 2 bedroom units compared to 1 bedroom and family units. With intermediate units, no 1 bedroom flats are proposed; however the overprovision of 2 bedroom and family units is particularly welcomed. With regards to social/affordable rent units, these are broadly in line with the Council's prescribed mix.
- 13.6 It is considered that the tenure mix has been designed to maximise the viability of the scheme in order to provide an acceptable level of affordable housing. It is considered that although there is divergence from policy targets particularly in regards to the overprovision of 2 bedroom private units, having generally accorded with policy in the other tenures, it is considered that the housing mix is acceptable. It is considered that the provision of affordable housing has been maximised on site. The proposal meets relevant policy targets and the overall tenure mix on site would assist in the creation of a mixed and balanced community.

### Viability

- 13.7 The Mayor of London's Affordable Housing and Viability SPG introduces a 'threshold approach', whereby schemes meeting or exceeding 35 per cent affordable housing without public subsidy, provide affordable housing on-site, meet the specified tenure mix, and meet other planning requirements and obligations to the satisfaction of the LPA and the Mayor where relevant, are not required to submit viability information and can proceed through the 'Fast Track Route'. Such schemes will be subject to an early viability review, but this is only triggered if an agreed level of progress is not made within two years of planning permission being granted (or a timeframe agreed by the LPA and set out within the S106 agreement).
- 13.8 Following amendments to the scheme throughout the application process, in order to achieve more than 35% affordable housing on-site and a tenure mix which is acceptable in regards to the Council's prescribed mix, officers consider that this scheme can proceed through the 'Fast Track Route'.

### Density

- 13.9 LP Policy 3.4 and Policy SP02 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.
- 13.10 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.
- 13.11 The site has a PTAL rating of 6a (excellent) and is defined as being within an urban area. The London Plan sets out density ranges in Table 3.2 and Policy 3.4, which states that:
- "Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2."*
- 13.12 The application site is 0.205 hectares, the number of units proposed is 55, the number of habitable rooms proposed is 157 and so the site proposes 2.86 habitable rooms per unit. LP Policy 3.4 suggests that a density of 70-260 units per hectare, or 200-700 habitable rooms per hectare, is appropriate. The density of the scheme would be 268 units per hectare and 765 habitable rooms per hectare. After taking into account the proportion of vertically mixed non-residential floor space, the density of the scheme would be slightly greater.
- 13.13 The proposed density is above what the London Plan density matrix specifies. However as the London Plan sets out density assessments are not advised to be applied mechanistically and are —rather to be treated as a guide. Schemes with densities prescribed with the density matrix may be unacceptable based on excessive impacts on neighbouring amenity, not being within the prevailing pattern of built development and being out of scale and character with surroundings.
- 13.14 Overall it is considered that the scheme would not constitute overdevelopment for the reasons as the scheme would:
- Comprise of buildings of a height, scale and massing within the prevailing pattern of local development;
  - Preserve the setting of the Bethnal Green Gardens Conservation Area when viewed from within the conservation areas;
  - Preserve the setting of nearby Grade II listed terraces in Paradise Row;
  - Not result in excessive loss of sunlight or daylight for neighbouring homes and the new flats would have good access to daylight and sunlight;
  - Provide a good mix of unit sizes within the scheme;
  - Ensure a 'car-free' owing to the site's excellent accessibility to public transport with 2 disabled on-street car parking spaces provided. The development would not cause unacceptable traffic generation;
  - Be liable for the Mayoral and Tower Hamlets Community Infrastructure Levy, which will ensure the development contributes appropriately to the improvements to local social and physical infrastructure;
  - Ensure a high quality design, whilst developing an underutilised site close to conservation areas and replacing buildings that detracted from the quality of the built environment.

## Summary

- 13.15 During the application process, alterations have been implemented to maximise the social/affordable family housing provision to the satisfaction of this Council. Overall it is considered that the type and amount of housing proposed on site would be acceptable and in line with relevant policy considerations.

## **Neighbouring Amenity**

- 14.0 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution. The Council's Managing Development Document policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development during the life and construction of the development.

## Impact on Outlook, Privacy and Sense of Enclosure

- 14.1 In regards to properties on Hollybush Gardens, the south-western corner of Building A would be only 10.5m away from the north-eastern corner of City View House, a 6 storey building which appears to have residential units on upper floors. This separation distance would repeat the separation distance that already exists between City View House and BJ House and any privacy issues would be limited to 4 windows within City View House, which appear to be serve flats with dual aspect outlook, and as such, it is not considered to be out of character or unusual in its relationship to neighbouring developments located on Hollybush Gardens. In regards to the 4 storey residential block of flats at Kedleston Walk, the proposed building would be located 18.7m away, which is considered to be adequate separation in order to ensure that there would not be significant adverse impacts on outlook, privacy and sense of enclosure.
- 14.2 Hollybush House is a 5 storey residential block of flats and is situated between 17m and 18.4m from a flank wall of the proposed Building B. The development is also angled to the south-east of Hollybush House. Taking into consideration the separation distance and orientation of the development in regards to Hollybush House, it is considered that there would not be significant adverse impacts on outlook, privacy and sense of enclosure.
- 14.3 BJ House (10-14 Hollybush Gardens) is a 4 storey converted warehouse which is currently used as offices. This building would be directly adjacent to Building A; however there are no side windows for BJ House and the rear building line of Building A would be less deep than that of BJ House; as such, the relationship to this building and the scheme would be acceptable. The consented upward extension of BJ House (PA/17/01732) for office use would rise to 6 storeys plus plant level on top. The consented extension to BJ House would include some glazing to the flank, which would be set-in. Building A is proposed to rise above the eaves of the existing BJ House and would therefore impact on the consented glazed flank roof extension. It is considered that light and outlook would be adversely impacted to the neighbouring office and its flank glazing. However this building would be in use as offices which do not demand the same policy requirements for outlook and daylight as residential housing. Furthermore the offices at this level would be open plan and fully glazed on all sides and so they would be able to retain adequate workable light.

- 14.4 In conclusion, having regard to the heights of the two proposed buildings and their proximity to neighbouring buildings, overall it is not considered that the development would cause undue sense of enclosure, or impact on privacy or outlook.

#### Daylight and Sunlight

- 14.5 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 80% times its former value.
- 14.6 A daylight and sunlight report was submitted by the applicant and an external consultant was appointed by the Council to independently review and assess the applicant's submitted daylight/sunlight report. The Council's daylight consultant broadly agreed with the report in regards to the methodology and criteria assessed.

#### *Impact on Daylight*

- 14.7 In regards to daylight standards, it is considered that 17-14 Paradise Walk and 10-14 Hollybush Gardens would be only negligibly impacted by the development. It is considered that City View House, 13-20 Kendleston Walk and Hollybush House would be more impacted by the proposed development.
- 14.8 In terms of City View House, results show that four windows would experience reductions in VSC of more than 20% from existing with two experiencing reductions of more than 20% (minor adverse) and two experiencing reductions of more than 30% (moderate adverse). However, the retained NSL levels are very good. The impact on this property is considered to be negligible to minor adverse.
- 14.9 In terms of 13-20 Kendleston Walk, the VSC results for this property show failures of VSC standards on first, second and third floors. These are generally reductions of between 20% and 30% but with four windows on the second floor experiencing reductions of more than 40% (major adverse) from existing. These are, however, windows set back behind recessed balconies. The NSL results are generally compliant, or close to being compliant, except for those windows set back behind the recessed balconies. As the results for the windows that are in the external elevations are either compliant or within a minor adverse range, it is appropriate to consider the impact on this property as minor adverse.
- 14.10 As 13-20 Kendleston Walk is a relatively low level development, the applicant provided alternative assessment criteria, namely a mirror image modelling. The reductions in daylight that result, deploying the alternative is mirror image analysis are smaller than the primary analysis although the retained levels of daylight are the same. The Council's daylight consultant considered the mirror image modelling appropriate in this instance. Under the primary assessment model and the alternative mirror image assessment the impacts were concluded to be minor adverse.
- 14.11 In regards to Hollybush House, only the windows facing south and east on the L-shaped block nearest the application site have been tested, as windows on the other sides of the building would not be adversely impacted. The VSC results for Hollybush House show that there would be failures of daylight standards on all floors for windows facing the development. There would be a number of windows experiencing reductions of more than 40% from existing. There are also a substantial number of failures assessed

against the NSL standard. From the initial assessment, it is considered that the impact on Hollybush House windows facing the proposed development would be major adverse; however further assessment and analysis is detailed below.

- 14.12 The impacts on daylight to Hollybush House windows are compounded by the presence of overhanging gallery access balconies to the side nearest the proposed Building B, which are self-obstructing. Windows have been analysed without necessarily taking account of impacts on whole residential units. With the benefit of looking over indicative floor plans and internal/external flat photos, it is considered that residential units at Hollybush House would generally benefit from, at least, dual aspect outlook. The main habitable room windows, which would be living rooms and primary bedrooms, of Hollybush House are mainly located towards the north, facing over the communal garden, to the other side, away from the proposed development.
- 14.13 Hollybush House windows facing towards the proposed development would generally serve; small kitchens (that are not treated as habitable rooms for the purpose of daylight/sunlight analysis); some secondary bedrooms; hallways; and bathroom/toilets. Furthermore, as previously mentioned, these windows are obstructed by overhanging gallery access balconies and so they would already have lower levels of internal light.
- 14.14 An alternative analysis has been submitted, assessing a mirror image scheme, modelled on a building of the same size and shape of Hollybush House, being located on the development site. The aim of the mirror analysis is to illustrate that any development on the application site would have a greater than average impact on Hollybush House, given the existing low level built form and underutilised nature of the application site. The alternative analysis considers the impacts on daylight to Hollybush House to be moderate adverse. Furthermore an analysis which removes the self-obstructing balconies shows the impacts on daylight to Hollybush House to be moderate adverse. The latter analysis indicates that the balconies to Hollybush House may unfairly restrict otherwise appropriate development on the application site.
- 14.15 Officers consider that the impacts on daylight to neighbouring sites would be acceptable, especially taking into consideration the results of the alternative analyses (mirror image, and removing self-obstructing balconies of Hollybush House), the main habitable room windows of Hollybush House mainly being located to the other sides away from the proposed development, the proportion of secondary and non-habitable room windows of Hollybush House which would face the proposed development, and the dual aspect nature of residential units within Hollybush House.

#### *Impact on Sunlight*

- 14.16 The only neighbouring properties that need to be assessed for sunlight are those that have elevations facing the development that also face within 90° of due south. These would be 10-14 Paradise Walk and Hollybush House. 10-14 Paradise Walk is located across the railway viaduct and passes the 25° test and so officers are satisfied that sunlight standards would be met for these properties.
- 14.17 In regards to Hollybush House, for the primary analysis, there are failures of daylight standards on the ground, first and second floors with two failures on the third floor and overall it is considered that there would be a moderate adverse impact on sunlight. However it is considered that the sunlight to this elevation is clearly restricted by the overhanging gallery access balconies, particularly for the annual sunlight results where the sun is higher for most of the day, and also restricted by the projecting west wing of Hollybush House which limits the afternoon sun that can be received in any case.

- 14.18 As with the daylight impacts on Hollybush House, it is considered that main habitable room windows (such as living rooms, which have a greater requirement for light as they would be used for more of the day) would not be located to the elevation facing the development site. Furthermore, taking into account the alternative analysis that omits the balcony walkways, there is substantial compliance with just three windows on the ground floor not complying. Taken overall, there would be a minor adverse impact. Furthermore the mirror image baseline analysis shows that a development of the same size as Hollybush House on the application site would result in minor to moderate adverse impacts, and so it is considered that a modern re-use of the application site would be likely to generate, at least, similar impacts.
- 14.19 For the reasons above, officers consider that the impacts on sunlight would be acceptable.

#### *Overshadowing*

- 14.20 The daylight and sunlight report includes an overshadowing assessment to neighbouring amenity areas. The impacts to amenity spaces are limited to two spaces used as allotments. There are no reported impacts onto communal playspace or general use open space. The first allotment area is to the west of Hollybush House. The second allotment area is to the north-west of the proposed Building B.
- 14.21 The first, larger amenity space to the west of Hollybush House will retain all of its area receiving at least two hours of sunlight on 21 March and the BRE standard is therefore met. The second, smaller allotment area currently only receives adequate sunlight to approximately 30% of its area, whereas the proposal would result in approximately 22% of its area receiving adequate sunlight and, as such, there would be a minor adverse impact to this space. Amendments to the scheme have significantly reduced the impacts on this amenity space.
- 14.22 The overall direct sunlight impacts to the two allotment spaces are limited and accounts need to be given to the fact the site is located in an inner London urban context and the application site is presently underutilised and contains only two storey buildings and open yard space.
- 14.23 However mindful of the impacts, during the course of the application process, officers have both secured amendments to the scheme in order to reduce the impact on the smaller allotment and also secured a £30,000 contribution to enable improvements to the allotment to mitigate the direct impacts of the development upon the allotment. The improvement could take form of better utilisation and rationalisation of the allotment land and an opportunity to build a communal building to serve the needs of the allotment group. This financial contribution will be secured by section 106 agreement, subject to approval.
- 14.24 With the mitigation measures proposed, officers consider on balance that the overshadowing impacts would be acceptable.

#### Summary

- 14.25 Officers have outlined any potential adverse impacts on neighbours and are satisfied that these have been mitigated and are not significant to warrant refusal, especially taking into consideration the public benefits of scheme, such as the provision of new housing and affordable housing. For the reasons above, it is considered that the proposed development would be acceptable in terms of its impact on neighbouring amenity and would comply with Policy DM25.

## **Transport and Servicing**

- 15.0 According to paragraphs 108 and 110 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 15.1 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both corridor and local level are fully assessed. Development should not adversely affect safety on the transport network.
- 15.2 The site benefits from excellent public transport accessibility (PTAL 6a), therefore the proposed scheme is acceptable as a car-and-permit free agreement development, to prevent future occupants from parking on the existing road network – this would be secured by s106 agreement and condition. As such, the impact on the existing road network is considered to be minimal. This is in accordance with Policies SP09 and DM22.
- 15.3 In regards to accessible car parking bays, the London Plan specifies that the development should provide 8. 3 accessible spaces have been proposed and the Highways Officer has been satisfied based on proactive discussions throughout the process and the tight constraints of the site, with fitting in a loading bay and other servicing requirements, whilst also still maintaining vehicular access through the site.
- 15.4 It is considered that the replacement of the builders' merchants with the proposed mixed use development would result in less traffic using both Hollybush Gardens and Hollybush Place and remove many HGV movements from the junctions of these roads with Bethnal Green Road. This will help improve traffic flow and be beneficial to buses along Bethnal Green Road

### Cycle Parking

- 15.5 The proposal provides secure cycle parking at lower ground floor level in Building A (residential), Building B (residential) and the podium building (commercial) – these can be accessed via lifts. Visitor cycle parking is also proposed at ground floor level in the courtyard. The minimum London Plan and Council policy requirements have been met. Subject to approval, a condition will be attached requiring further details of the proposed cycle stores.

### Waste

- 15.6 LP Policy 5.17 requires all new developments to include suitable waste and recycling storage facilities. Policies SP05 and DM14 seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 15.7 Refuse and recycling is proposed to be stored in the ground floor with access from the street for Building A (residential, from Hollybush Gardens), for Building B (residential, from Hollybush Place) and for the commercial units (between commercial units 1 and 2, from the courtyard). It is also proposed to have a holding area along for refuse collection in the courtyard. It is proposed that all collections will take place along Hollybush Gardens and it is understood that this is how the waste for the two



residential developments at the north area are also collected.

- 15.8 Subject to approval, further information would be sought by condition to confirm the collection times and frequency and this will be way of waste management strategy.
- 15.9 The majority of the servicing from smaller vehicles can take place from within the site boundaries. The servicing from larger vehicles can take place on Hollybush Gardens as there is ability to turn within the area, at the estate to the north of the site and so the development should not pose a problem or result in the additional need for intricate vehicular movements.

#### Construction Management Plan

- 15.10 Policies SP09 and DM20 seek to ensure that new development has no unacceptable impacts on the capacity and safety of the transport network. It is recommended that due to the restricted nature of the site and the number of other developments in the area a demolition and construction plan is required in order to ensure public safety and ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the surrounding highway network.

#### Highways Improvements

- 15.11 The applicant will be required to enter into a S278 agreement with the highway authorities and agree a scheme of highway improvement works, especially with regards to where the courtyard adjoins Hollybush Place. Changes are proposed to the existing layout of car parking spaces on street. The applicant has agreed to cover the full costs of these works and these would be secured through a S278 agreement, set out in the Section 106 agreement. The highways group welcomed the fact that the applicant engaged with the Council, as highway authority, early to provide an acceptable highways solution.

### **Environmental Considerations**

#### Sustainability

- 16.0 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 NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 16.1 The climate change policies as set out in Chapter 5 of the London Plan MALP (2016), Policies SP11 and DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 16.2 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean)
  - Supply Energy Efficiently (Be Clean)
  - Use Renewable Energy (Be Green)
- 16.3 The Managing Development Document Policy DM29 includes the target to achieve a

minimum 50% reduction in CO2 emissions above the Building Regulations 2010 (circa 45% reduction against Building Regulations 2013) through the cumulative steps of the Energy Hierarchy.

- 16.4 Policy DM 29 requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential to achieve BREEAM Excellent.
- 16.5 The applicant has submitted an Energy Statement produced by XCO2 which sets out the design has sought to reduce CO2 emissions through energy efficiency measures a CHP (10kWe) system and the integration of a PV array (33kWp). The current proposals seek to minimise CO2 emissions at each stage of the energy hierarchy as follows:
- Be Lean – 0.6% reduction
  - Be Clean – 22.7% reduction
  - Be Green – 23.6% reduction
- 16.6 The cumulative CO2 savings from these measures are proposed to be in accordance with the aspirational Policy DM29 and deliver a 46.8% reduction on-site with the provision of the remaining carbon emissions offset through the carbon offsetting procedures. The CO2 figures are:
- Baseline – 111.7 Tonnes/CO2/yr
  - Proposed design – 59.4 Tonnes/CO2/yr
  - Carbon offsetting payment to zero carbon – 59.4 (Tonnes/CO2/yr) x £1,800 = £106,920
- 16.7 In relation to the Be Clean proposals, the applicant is seeking to utilise a CHP led system is proposed to meet a portion of the heating demand. The current proposals have sought to implement energy efficiency measures, communal system and renewable energy technologies to deliver a 46.8% reduction in CO2 emission reductions. However, it is important for the applicant to demonstrate that the CHP is an appropriate system for this scale of development, which would be cost efficient for future residents. Subject to approval, a condition would be added requiring a revisit to the energy strategy once detailed design has been completed and energy system contracts are looking to be finalised. In addition, the plant room details, flue implications and a schematic of the energy system to demonstrate all elements of the development are linking to site wide system should be submitted via condition, subject to approval.
- 16.8 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 45% reduction in CO2 emissions. Whilst the proposals are demonstrating the development is policy DM29 compliant for CO2 emission reductions, it should be noted that use of electrical base systems has the potential to result in higher fuel bills for the residents.
- 16.9 Should the scheme be recommended for approval it is recommended that the proposals are secured through appropriate Conditions to deliver:
- Submission of 'As built' calculations to demonstrate the 45% reduction has been achieved;
  - Submission of PV array specification showing peak output (kWp) the 609m2

- array;
- Submission of communal heating details including flue implications, plant room layout plan and pipe routing schematic showing all uses within the development are served by the system;
- Delivery of BREEAM Excellent Development unless otherwise agreed in writing with LBTH.

### Air Quality

- 16.10 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 16.11 In this case, the applicant has submitted an Air Quality Assessment, which has been reviewed by the Council's Air Quality Officer. The air quality assessment shows that the development will not result in any significant impacts on air quality. The development is car free, which is welcomed. The development meets the air quality neutral assessment requirements. The assessment shows that the air quality objectives will not be exceeded at the site in the opening year and is therefore suitable for residential use without mitigation. The Assessment 'assumes' that ultra-Low NOx gas boilers (<40mg/Kwh) will be installed and no other energy generation is associated with the development, and has based the air quality neutral calculations on this assumption. Subject to approval, details of the boilers to be installed are to be submitted for approval
- 16.12 Occupiers of the development will be restricted from applying for on-street parking permits (other than disabled occupiers). Conditions have been imposed to control the demolition and construction process.
- 16.13 Future residents and users of the proposed development would be appropriately protected from existing poor air quality in the Borough and the new development satisfactorily minimises further contributions to existing concentrations of particulates and NO2 in accordance with the aforementioned policies.

### Biodiversity

- 16.14 Policy DM11 requires major developments to provide net gains for biodiversity in line with the Local Biodiversity Action Plan (LBAP). The proposals include soft landscaping at first floor podium and 5th floor terrace levels, which will be a gain in vegetation. The indicative planting palette includes a good range of nectar-rich flowers, which will contribute to a LBAP target to create more forage for bees and other pollinating insects. Proposed climbing plants on the 5th floor terrace will provide further nectar, including night-scented plants which could benefit bats, and potential nest sites for birds such as sparrows, contributing to further LBAP targets.
- 16.15 The flat roofs would be suitable for biodiverse green roofs, though it is not clear if these are proposed. Biodiverse roofs would be a significant biodiversity enhancement, and would contribute to a LBAP target for new open mosaic habitat. A green roof would also increase the efficiency of the photovoltaics proposed for one of the roofs. The applicant should be requested to include biodiverse roofs designed

following the best practice guidance published by Buglife.

- 16.16 The application site consists entirely of existing buildings and hard surfaces. The existing buildings are within 60 metres of suitable bat foraging habitat in the small parks to the east, and 130 metres of Bethnal Green Nature Reserve to the north, where bats are regularly seen. They are 19th century brick buildings with pitched roofs, likely to have roof voids. The age and complexity of the buildings, and location close to known bat foraging areas, increase the likelihood of bats roosting.
- 16.17 The bat roost survey found no signs of bats, but did find that the Travis Perkins shop has low potential for roosting bats. A follow-up emergence survey is therefore recommended. This would be conditioned along with other general biodiversity improvements such as landscaping, bat boxes, green roofs and climbing plants.

### **LOCAL FINANCE CONSIDERATIONS**

- 17.0 As noted above section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with a planning application a local planning 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.
- 17.1 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.
- 17.2 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor's Community Infrastructure Levy and would attract a New Homes Bonus. These financial considerations are material considerations and weigh in favour of the application.
- 17.3 It is estimated that the development would be liable for Tower Hamlets CIL and Mayor of London CIL. In addition, a total of New Homes Bonus payment would be accrued as a result of the development.

### **HUMAN RIGHTS CONSIDERATIONS**

- 18.0 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:
- 18.1 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".

18.2 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.

18.3 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.

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

18.5 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.

## **EQUALITIES ACT CONSIDERATIONS**

19.0 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:

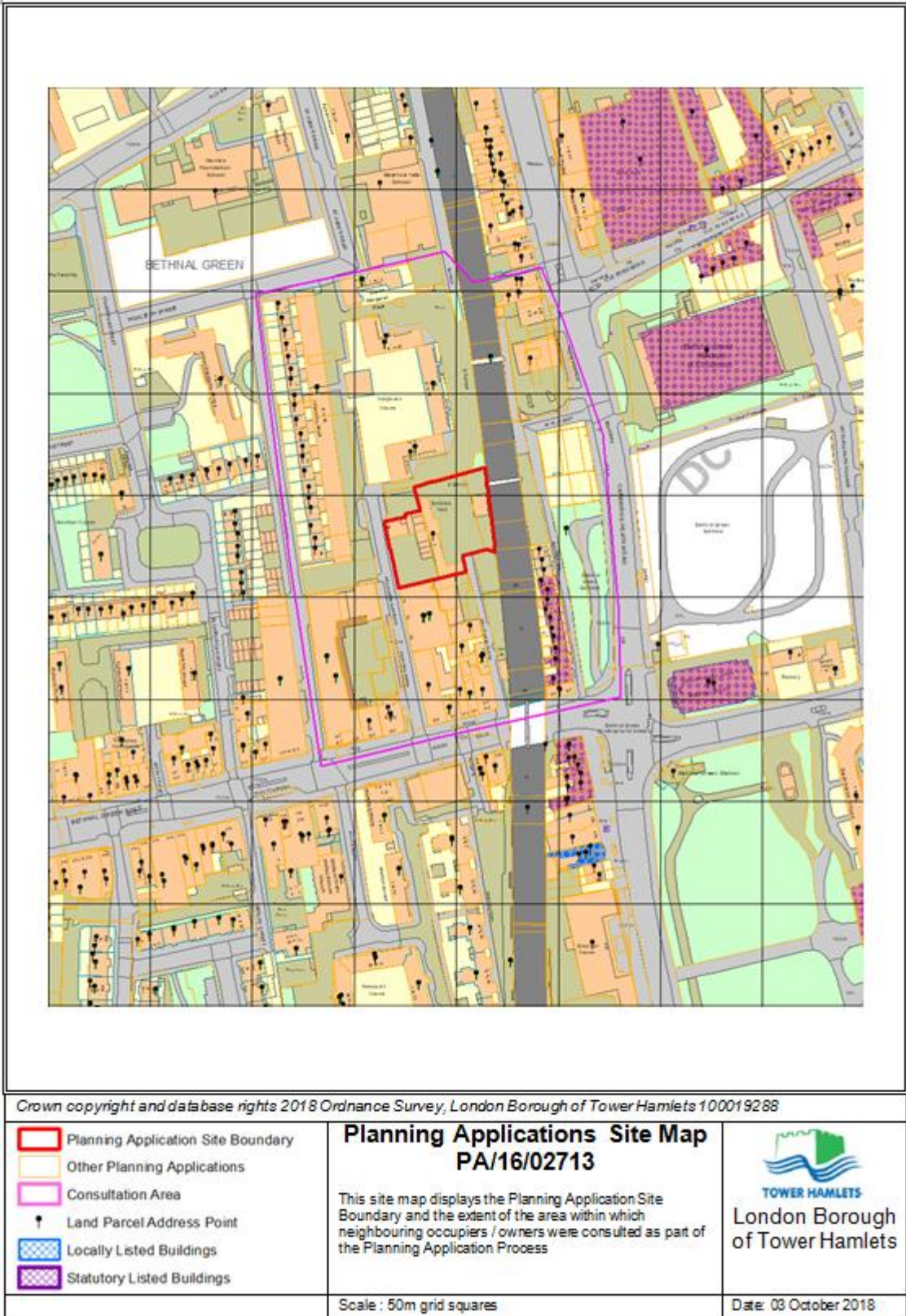
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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

- 19.1 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.
- 19.2 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

## **CONCLUSION**

- 20.0 All other relevant policies and considerations have been taken into account. Planning permission should be APPROVED subject to conditions and a legal agreement, for the reasons set out in this report.

**APPENDIX 1: SITE MAP**



## **APPENDIX 2: List of documents and plans for approval**

### **EXISTING DRAWINGS**

PL01, PL02, PL03, PL04, PL05, PL06.

### **PROPOSED DRAWINGS**

PL10\_C, PL11\_D, PL12\_F, PL13\_G, PL14\_F, PL15\_F, PL16\_F, PL17\_C, PL\_18, PL\_21C, PL\_22C, PL25, PL26, PL30\_C, PL31\_C, PL32\_C, PL33\_C, PL34\_C, PL34\_D, PL35\_C, PL36\_C, PL37\_C, PL38\_C, PL39\_C, PL40\_C, PL41\_B, PL500, PL501.

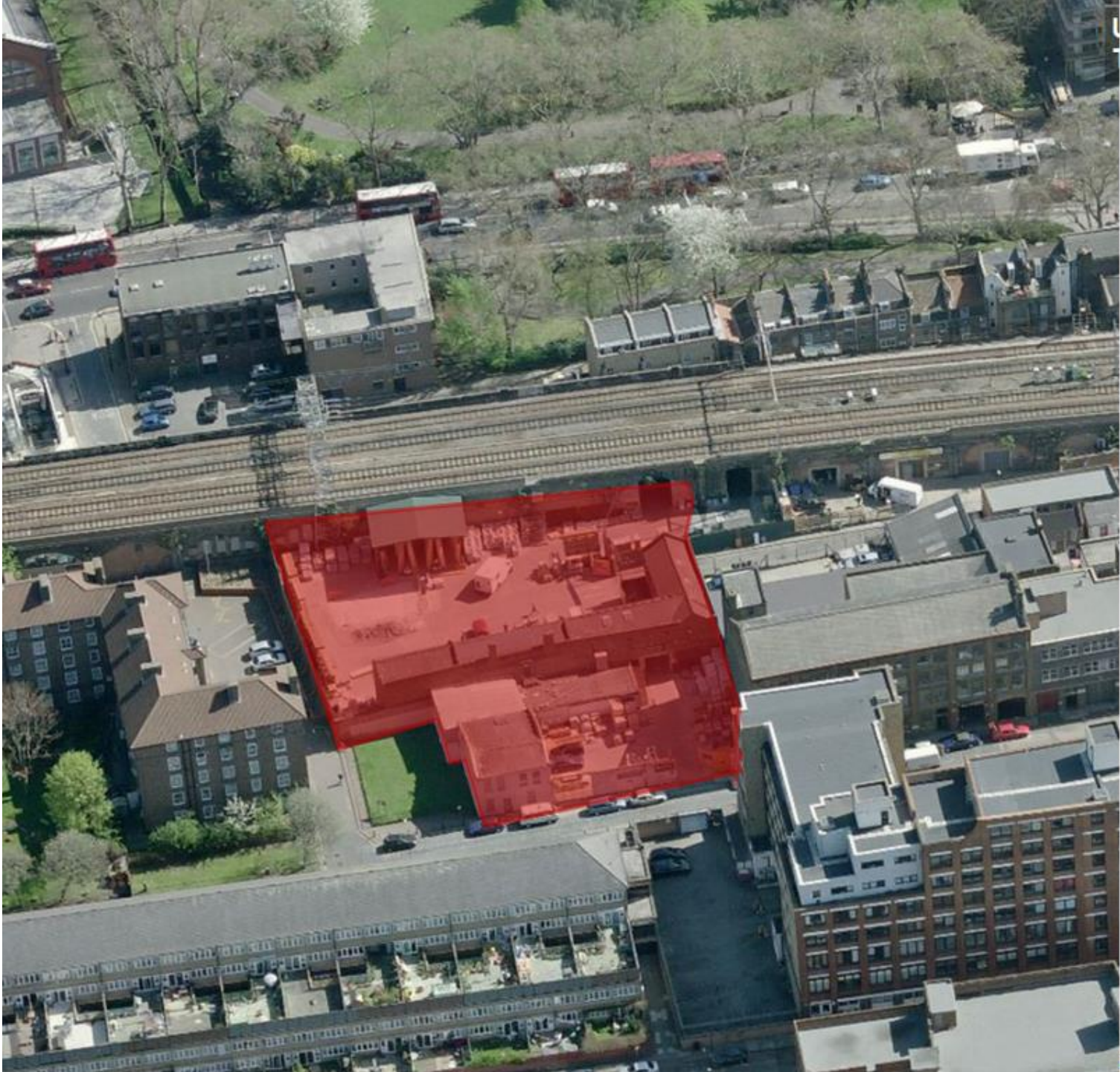
### **DOCUMENTS**

- Design & Access Statement (September 2016) prepared by Stockwool
- Appendix 2: Timber Yards and Builders Merchants (April 2017) prepared by Stockwool
- Appendix 3: Lower ground floor office space prepared by Stockwool
- Planning Statement (September 2016) prepared by RPS CgMS
- Addendum to Planning Statement (March 2017) prepared by RPS CgMS
- Heritage Statement (September 2016), prepared by Heritage Collective
- Additional Information prepared by Stockwool
- Affordable Housing Viability Statement (September 2016) prepared by James R Brown and Co Ltd
- Air Quality Report (September 2016) prepared by Aether
- Bat Roost Inspection (December 2016) prepared by Applied Ecology Ltd
- Contaminated Land Assessment (September 2016) prepared by SAS
- Drainage Strategy Report (August 2016) prepared by Heyne Tillett Steel
- Energy Statement (March 2017) prepared by XC02 Energy
- Framework Travel Plan (September 2016) prepared by WSP
- Landscape Design Statement (September 2016) prepared by Davis Landscape Architecture
- Post Submission Meeting Response (April 2018) prepared by Stockwool
- Railway Noise and Vibration Survey and Assessment (July 2017) prepared by AIRO
- Statement of Community Involvement (September 2016) prepared by Thorncliffe/You Shout
- Sustainability Statement (August 2016) prepared by XC02 Energy
- Schedule of Accommodation () Rev K
- Transport Assessment (August 2016) prepared by WSP
- Viability Report (April 2017) prepared by James R Brown and Co Ltd



**APPENDIX 3: Existing site photos**

**Aerial photograph of site (Site shaded in red)  
Photo looking east across site**





View looking north on Hollybush Place



View looking north on Hollybush Gardens



**View looking south from Hollybush House estate**

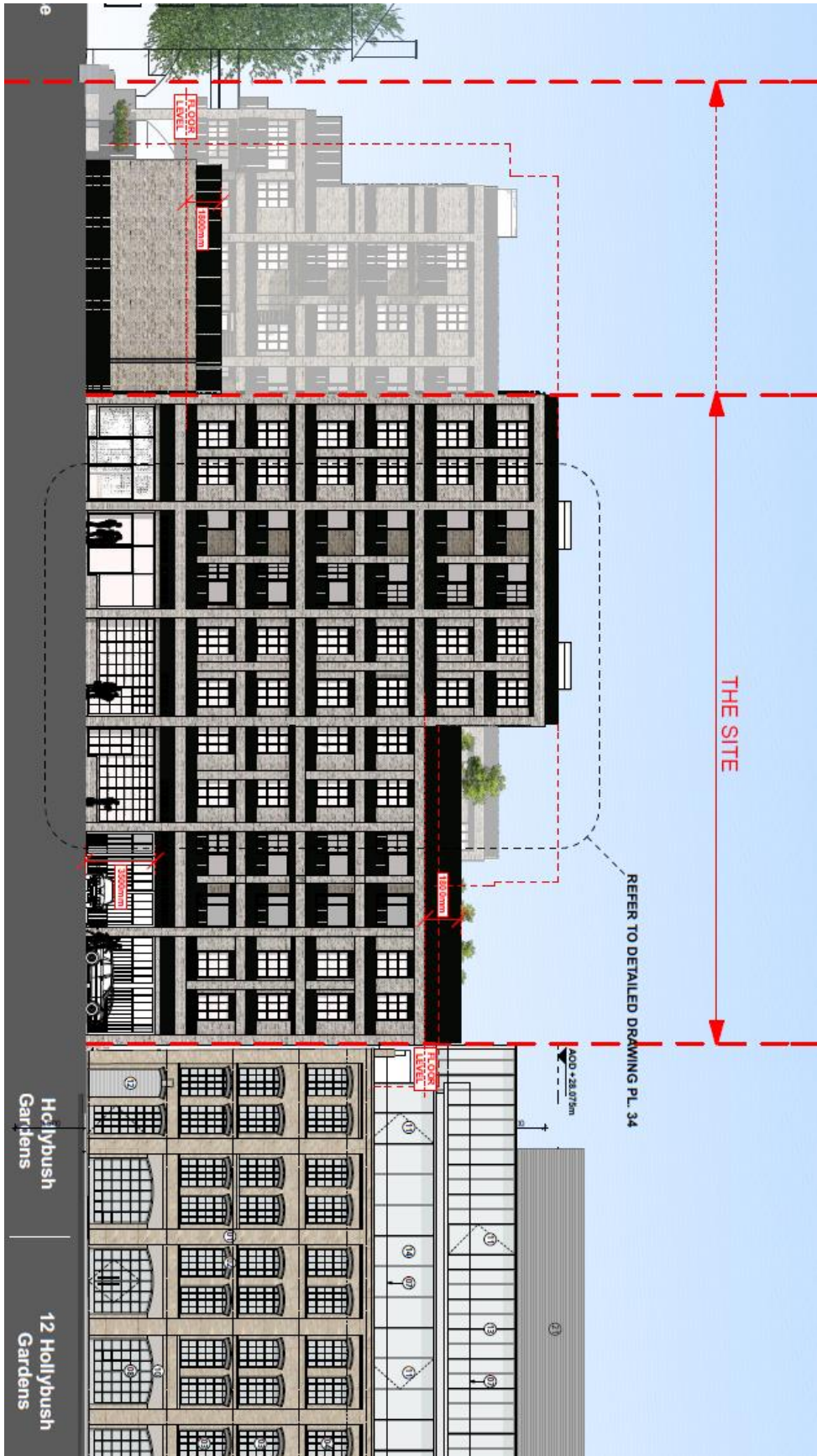


**View looking south from Hollybush Gardens**

**APPENDIX 4: Proposed images**



**Roof of podium building play space**



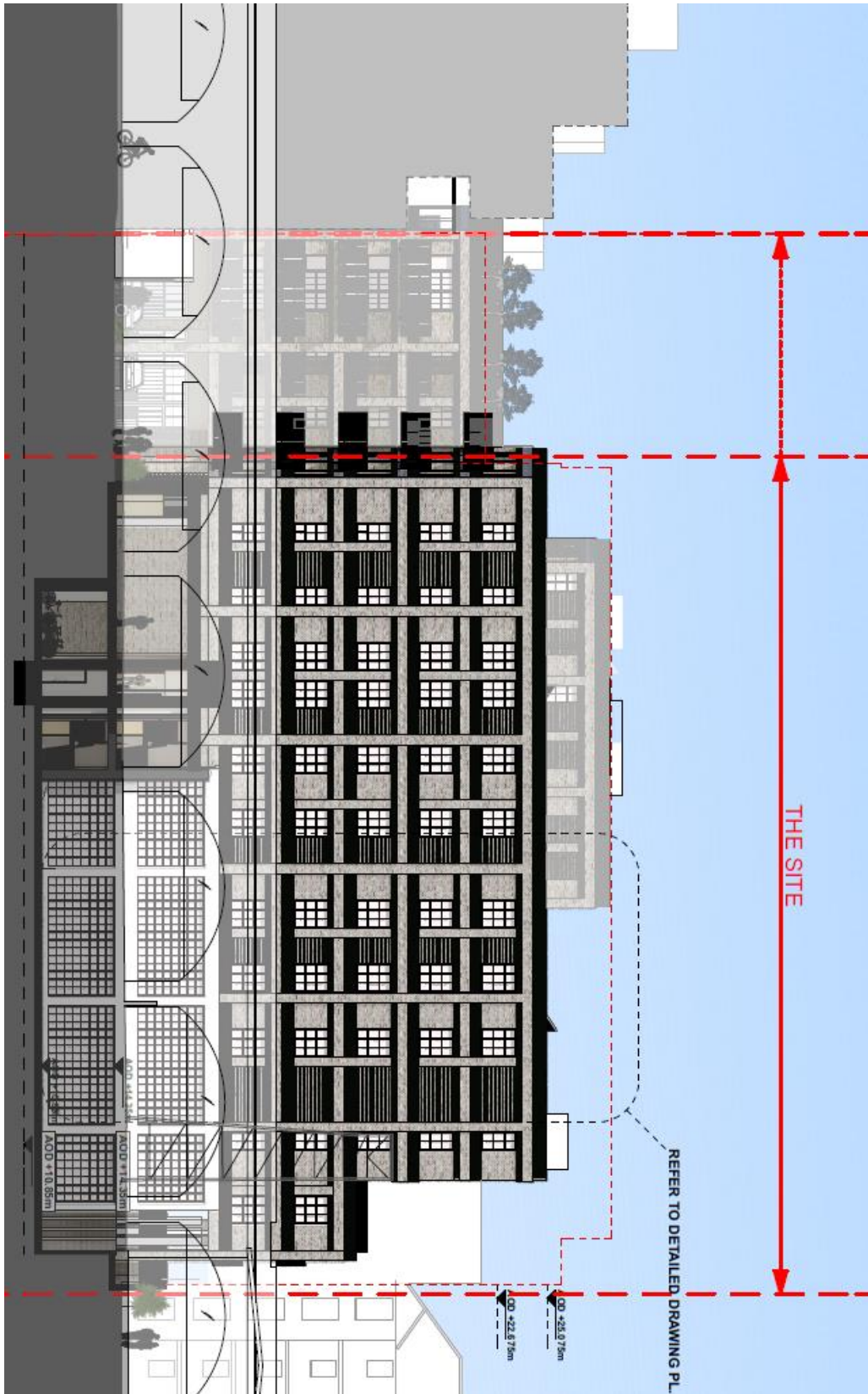
Building A Hollybush Gardens elevation



View from Hollybush Gardens



Rear of Building A



Building B fronting railway viaduct





**View to main commercial entrance in courtyard**

**APPENDIX 5: Surrounding properties tested for daylight/sunlight impacts**

