

DEVELOPMENT COMMITTEE

Thursday, 12 March 2020 at 7.00 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 Dan Tomlinson

1 Vacancy, Councillor John Pierce, Councillor Mufeedah Bustin, Councillor Dipa Das and Councillor Leema Qureshi

Substitutes:

Councillor Sabina Akhtar, Councillor Kevin Brady and Councillor Rajib Ahmed

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 10 March 2020**

Please contact the Officer below to register. The speaking procedures are attached

The deadline for submitting material for the update report is **Noon Wednesday, 11 March 2020**

Contact for further enquiries:

David Knight, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4651

E-mail: david.knight@walthamforest.gov.uk

Web: <http://www.towerhamlets.gov.uk/committee>

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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 (Pages 9 - 18)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 14th November, 2019.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 19 - 20)

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.

	PAGE NUMBER	WARD(S) AFFECTED
4. DEFERRED ITEMS		
5. PLANNING APPLICATIONS FOR DECISION	21 - 26	
5 .1 North and South Passage, Iron Mongers Place, E14	27 - 48	Island Gardens
5 .2 Brune House, Bell Lane & Carter House, Brune Street & Bernard House, Toynbee Street, London E1	49 - 72	Spitalfields & Banglatown
5 .3 De Paul House, 628-634 Commercial Road, London, E14 7HS	73 - 130	Limehouse
6. OTHER PLANNING MATTERS		

Next Meeting of the Development Committee

Thursday, 16 April 2020 at 6.30 p.m. to be held in the Council Chamber, 1st Floor,
Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

Asmat Hussain Corporate Director of Governance and Monitoring Officer, Telephone Number:
020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 14 NOVEMBER 2019

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

Members Present:

Councillor Abdul Mukit MBE (Chair)
Councillor Dan Tomlinson (Vice-Chair) (Up to and including Item 5.1 and as Registered Speaker for Item 5.2 only)
Councillor John Pierce
Councillor Dipa Das
Councillor Leema Qureshi
Councillor Kevin Brady (Substitute for Councillor Dan Tomlinson – Item 5.2 only)
Councillor Rajib Ahmed (Substitute for Councillor Mufeedah Bustin)

Other Councillors Present:

Councillor Ehtasham Haque (As registered speaker for Item 5.1 only)
Councillor Shah Ameen (As registered speaker for Item 5.1 only)
Councillor Rachel Blake (As registered speaker for Item 5.2 only)

Officers Present:

Solomon Agutu	– (Interim Team Leader Planning, Legal Services, Governance)
Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Katie Cooke	– (Planning Officer, Development and Renewal)
Christina Gawne	– (Team Leader East, secondment)
Gareth Gwynne	– (Area Planning Manager (West), Planning Services, Place)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Rajib Ahmed declared a non-pecuniary interest in respect of item 5.1 stating that he had received representations from the applicant and objectors, that he knew some objectors and may know a member of the applicant's team, and that he had visited the Whitechapel Bell Foundry during his time as Speaker of the Council.

Councillors Ehtasham Haque and Shah Ameen (in attendance as registered speakers against the application) both declared non-pecuniary interests in respect of item 5.1 stating that they had campaigned against the application.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 10 October 2019 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

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

4. DEFERRED ITEMS

There were no deferred items.

5. PLANNING APPLICATIONS FOR DECISION

5.1 The Bell Foundry, 32-34 Whitechapel Road, 2 Fieldgate Street and land to the rear, London, E1 1EW PA/19/00008 (FPP) and PA/19/00009 (LBC)

The Legal adviser notified committee that there had been a written request copied to all Members of the Committee to postpone the meeting. The Legal Adviser read a letter from the Monitoring Officer explaining why the request could not be agreed.

An update report was tabled.

Jerry Bell introduced the application for Part retention of B2 land use (foundry) and internal alterations and refurbishment of listed building to provide new workshops/workspaces (B1 land use) and cafe (A3 land use) at ground floor. External alterations to listed building to raise roof of hayloft building and create new link building. Demolition of unlisted 1980s building and wall to the rear. Erection of building along Plumbers Row and Fieldgate Street with hotel (C1 use) with ancillary members and guest uses in part 5, 6 and 7 storeys with x2 levels of basement, with restaurant/bar (A3/4 uses) at ground and mezzanine level and additional workspace (B1 use) on ground and first floors. Roof plant, pool, photovoltaics, waste storage, cycle parking, public realm improvements and associated works.

Mr Bell reminded the Committee that this report comprised two applications: one for planning permission and one for listed building consent.

Christina Gawne (Planning Services) presented the report describing the nature of the site and the surrounding area, and the outcome of the consultation, resulting in the receipt by the Council of 802 representations of which 8 were supporting comments; 782 were objecting comments and 5 were no position comments. Ms Gawne advised the Council had also received 2 objecting petitions: one containing 274 signatures and one containing 2278 signatures. Ms Gawne summarised the points raised by both those supporting and objecting to the application (including the 2 petitions).

Ms Gawne briefly summarised officers' assessment of the option to pursue a Compulsory Purchase Order (CPO) of the site, as this had been raised during the consultation. Officers conclude the site does not meet the tests for a CPO.

Ms Gawne briefly summarised the results of the assessments relating to:

- Land use;
- Affordable workspace, public access and education;
- New hotel design;
- Heritage, including archaeological assessments;
- Neighbour amenity;
- Transport;
- Environment; and
- Planning obligations.

Officers considered that the applications complied with the NPPF, the adopted Development Plan and emerging plan policy and so permission should be granted.

The Chair invited the registered speakers to address the Committee.

Mr Adam Lowe informed the Committee that he was addressing it on behalf of the UK Historic Buildings Preservation Trust (UKHBPT). Mr Lowe informed the Committee that the Trust had developed an alternative vision for the site which it believed was more appropriate than the application in front of the Committee. Mr Lowe summarised that alternative vision, including the additional benefits the Trust believed it would bring to the site, the local area and Borough residents.

Ms Sufia Alam addressed the Committee. Ms Alam felt the proposed development would undermine community pride in the local area. She asked the developer to work in partnership with the local community to develop an alternative planning application that would protect and restore community pride.

Councillor Ehtasham Haque addressed the Committee. Councillor Haque felt the proposed application presented substantial harm to the site which was not justified by the proposed benefits. He felt a working bell foundry could exist

alongside a new hotel, confined to the rear (non-listed) section only. He commended the alternative vision for the site as proposed by UKHBPT.

Councillor Shah Ameen addressed the Committee. Councillor Ameen told the Committee that he felt the proposed development damaged heritage, and delivered no benefits to the site or to local residents. He believed that there was greater potential for the site and that an alternative proposal, such as that proposed by UKHBPT, could provide more benefits.

Mr Will Burgess addressed the Committee on behalf of the applicant. Mr Burgess told the Committee that the applicant had worked closely with the former Whitechapel Bell Foundry Limited owners in developing their proposal. The applicant had conducted a wide-ranging consultation. The proposal included substantial public access provision. Mr Burgess summarised the proposed uses of the listed building area of the site and the benefits the applicant felt it would bring to the local area, including art provision and workspaces, apprenticeships and access to historical features. Mr Burgess stressed at the hotel was to be entirely located in the non-listed section of the site.

Ms Kelly Ryder addressed the Committee on behalf of the applicant. Ms Ryder informed the Committee that the application had been amended substantially to respond to the concerns raised by officers and by the public following extensive consultation. Ms Ryder stressed that the proposed development represented the best way to protect the site, which otherwise would be vulnerable to deterioration/disrepair and or alternative uses within the same use class. The proposals for the listed part of the site would reflect the heritage uses, including the founding of Whitechapel bells by the Whitechapel Bell Foundry Ltd. The benefits proposed as part of the application, including those to be secured through financial contributions, are extensive and go beyond the Council's policy requirements. Ms Ryder added that Historic England had agreed that the proposals provide appropriate heritage protection and asked the Committee to note that there had been no objections regarding impact on neighbouring properties.

Questions to Officers

In response to questions from the Committee, officers:

- Officers advised that Historic England support the proposals, agree with the assessment of 'less than substantial harm' and consider the proposals are a conservation led approach.
- Provided further details on their assessment regarding optimal viable use.
- Provided further detail on alternative permitted land uses under the existing B2 classification. It was noted that there is no specific bell-making land use classification.
- Provided further detail of the affordable workspace and apprenticeship opportunities proposed to be secured through the Section 106 agreement.
- Provided further detail on the proposed public access arrangements and heritage strategy.

- Provided detail to support their assessment that harm to the site as a result of the development is less than substantial.
- Provided guidance to the Committee on the appropriate level of consideration it could give to:
 - the alternative proposals put forward by UKHBPT.
 - proposals for Whitechapel Bell-making on the site as part of the application.

Questions to Objectors

In response to questions from the Committee, objectors:

- Explained that they feel the application presents substantial harm to the site which cannot be mitigated under the current proposals.
- Provided further detail to support their assessment of substantial harm.
- Provided additional detail regarding the UKHBPT alternative proposals. Officers also provided additional detail of their meetings and discussions with UKHBPT. Officers expressed concern regarding the deliverability of the proposals. They noted that a business plan had been provided by UKHBPT, but felt it lacked sufficient detail. A full planning application had not been submitted by the Trust.

Questions to Applicants team

In response to questions from the Committee, the applicant's representatives:

- Provided further detail to support their assessment that harm to the site as a result of the development is less than substantial.
- Provided further detail on past and current arrangements for public access to the site.

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

1. That subject to any direction by the Mayor of London, conditional planning permission and listed building consent is **GRANTED** subject to the prior completion of a legal agreement to secure the planning obligations set out in paragraphs 8.2 and 8.3 of the report.
2. That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
3. That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the matters set out in paragraph 8.5 of the report.

For the avoidance of doubt the planning officer asked the Committee to confirm that their vote was for both Planning Consent as well as Listed Building Consent. This was agreed.

5.2 William Brinson Centre, 3-5 Arnold Road, London, E3 4NT (PA/16/02789)

At this point in the meeting, Councillor Dan Tomlinson left the meeting and was replaced by Councillor Kevin Brady.

An update report was tabled.

Jerry Bell introduced the application for Demolition of existing building, construction of an 8 storey building and a 6 storey building to provide 62 affordable dwellings (affordable housing tenure) and 398 sq.m B1 floorspace with amenity space, access, cycle parking, landscaping and associated works. Mr Bell provided a summary of the history of the application, including the events that led up to the Judicial Review and the quashing of the Committee's previous decision to approve. Solomon Agutu, the Committee's legal advisor, provided further details of the Judicial Review. Messrs Bell and Agutu stressed that the application before the Committee was unchanged from that previously considered.

Katie Cooke (Planning Services) presented the report describing the nature of the site and the surrounding area, public transport connectivity and the outcome of the consultation, resulting in the receipt by the Council of 42 individual letters of objection; 4 petitions against (with a total of 311 signatures) and 1 letter of support. Ms Cooke summarised the key issues raised in consultation responses.

Ms Cooke briefly summarised the results of the assessments relating to:

- Land use;
- Heritage (including conservation areas);
- Highways;
- Daylight and sunlight (supported by Mr Gareth Owens);

Ms Cooke then highlighted selected planning obligations to be secured by Condition.

Officers considered that the application, complied with policy so should be granted.

The Chair invited the registered speakers to address the Committee.

Melanie Rainbird addressed the Committee. Ms Rainbird advised that the residents of the nearby Tomlins Grove properties have concerns over sunlight and daylight issues arising from the development:

- Residents have commissioned independent expert advice on the Council's daylight and sunlight assessment. The expert advice has yet to be produced and their request to defer the application until the advice is ready was refused.
- Neighbouring properties would be severely affected and losses are above those in BRE guidelines and should be considered against policy.
- Documents supplied by objectors were included in the report for the previous, September 2019 Development Committee (when the

application was deferred) but excluded from the report for tonight's meeting.

- The proposed building is out of scale with the local area. Residents would like to see revised proposals with a lower height, to lessen loss of daylight.
- Residents feel the decision should be deferred until their concerns have been fully considered.

Alistair Baker addressed the Committee. Mr Baker told the Committee he believed this application was contrary to Council policy in three main areas: height, density and amenity play space for children. Mr Baker provided further detail to support this assertion, including extracts from the London Plan, the Local Plan, and English Heritage. Regarding the height of the proposed development, Mr Baker stated that claims in the officer's report of nearby 10 storey neighbouring buildings are factually incorrect.

Councillor Dan Tomlinson addressed the Committee. Councillor Tomlinson:

- Expressed concerns with the street scene of Arnold Road at present and asked that if the Committee were minded to approve the application, it ensure that appropriate conditions were put in place to improve the street scene before residents can move in.
- Expressed concerns with the height of the building and daylight sunlight losses which he felt were outside of guidelines. He urged the Committee to consider whether this loss amounted to unacceptable material loss.
- Asked the Committee to note that daylight/sunlight experts had questioned the accuracy of some information in the officer's report.
- Asked the Committee to consider the risks of challenge to a decision to approve and encouraged it to defer the matter if it felt the information before it was unsatisfactory.

Councillor Rachel Blake, Deputy Mayor and Cabinet Member for Planning, Air Quality and Tackling Poverty, addressed the Committee on behalf of the applicant. Councillor Blake:

- Stressed that the scale of housing need in Tower Hamlets is severe and justified the scale of the proposed development.
- Encouraged the Committee to ask detailed questions regarding daylight and sunlight analysis.

Yasmin Ali, Principal Project Manager, addressed the Committee on behalf of the applicant. Ms Ali:

- Provided details of the different accommodation types and how the proposal would help to meet the Council's ambition to increase the supply of housing.
- Summarised a range of additional benefits arising from the development, beyond the supply of housing.
- Outlined plans to deliver improvements in the Arnold Road street scene, including those proposed to be secured through planning conditions.

Aiden Cosgrove, Daylight and Sunlight Consultant, addressed the Committee on behalf of the applicant. Mr Cosgrove provided further detail on the daylight and sunlight assessment and offered advice to the Committee on the appropriate interpretation of the Building Research Establishment (BRE) guidelines. Mr Cosgrove advised the Committee that, whilst analysis suggests the application contains a high level of adherence to guidelines, a degree of flexibility is appropriate when applying them.

Dorian Crone, Heritage and Design Consultant, addressed the Committee on behalf of the applicant. Mr Crone provided further details relating to the heritage assessment of the existing site, including separation from local conservation areas. Mr Crone concluded that the impact on heritage is considered minimal, to positive, compared to existing site.

Questions to Officers

In response to questions from the Committee, officers:

- Provided guidance on ways of interpreting the BRE daylight sunlight guidance and explained how the technical assessment might translate into actual experience of those affected. Officers stressed that the Committee must decide whether the application presents an unacceptable material deterioration to daylight and sunlight levels.
- Explained the rationale for inclusion of a gated element (including door entry system) in the design.
- Provided further detail on the technicalities which prevent the ability of the Committee to require a Section 106 agreement on the development and how this would be mitigated by the imposition of conditions.
- Provided further detail of the assessment of open space provision and how the proximity of nearby open spaces factored into this assessment.
- Explained they were satisfied that consultation on the application had been undertaken in accordance with the Council's Statement of Community Involvement.
- Provided further detail to support their assessment of the appropriateness of the building design and appearance.

Questions to Objectors

In response to questions from the Committee, objectors:

- Expressed concern that errors had been found in the daylight and sunlight assessment previously considered by the Committee on this application and stressed that, without independent analysis, the Committee could not be certain that the revised assessments did not also contain errors.
- Questioned why improvements to the street scene of Arnold Road had yet to be realised by the Council, despite the application being first proposed several years ago.

Questions to Applicants team

In response to questions from the Committee, the applicant's representatives:

- Provided rationale for the proposed height of the building. The applicant explained that they feel the proposed height provides the optimisation of the site without adversely impacting neighbours.
- Provided an update on actions to date to improve the street scene of Arnold Road, including discussions with the Council's Public Realm Team and neighbouring commercial businesses.
- Provided a brief summary of the scale of housing need in the borough and why they felt the application represented a welcome step toward meeting that demand.

On a vote of 6 in favour none against, the Committee **RESOLVED**:

1. That subject to any direction by the Mayor of London, conditional planning permission is **GRANTED** subject to the planning conditions and informatives set out in paragraphs 8.2 to 8.5 of the report.

6. OTHER PLANNING MATTERS

There were no other planning matters.

The meeting ended at 9.45 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee

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DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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



DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Advice on Planning Applications for Decision

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

2.3 ADVICE OF CORPORATE DIRECTOR, GOVERNANCE

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

- the provisions of the Development Plan, so far as material to the application;
- any local finance considerations, so far as material to the application; and
- to any other material considerations.

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

The Local Development Plan and Other Material Considerations

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

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

Local Finance Considerations

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

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

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

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

Listed Buildings and Conservation Areas

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

Trees and Natural Environment

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

Crime and Disorder

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

Transport Strategy

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

Equalities and Human Rights

- 3.21 Section 149 of the Equality Act 2010 (Public Sector Equality Duty) (**Equality Act**) provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.22 The protected characteristics set out in Section 4 of the Equality Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Equality Act.
- 3.23 The Human Rights Act 1998, sets out the basic rights of every person together with the limitations placed on these rights in the public interest. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

Environmental Impact Assessment

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

Third Party Representations

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

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

Daylight, Sunlight and Overshadowing

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

General comments

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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



Application for Planning Permission

[click here for case file](#)

Reference	PA/19/02040
Site	North and South Passage, Ironmongers Place, London, E14
Ward	Island Gardens
Proposal	Variation of condition 4 of planning permission PA/13/01547 dated 10/10/2013, for the installation of new gates and barriers to a private footpath in a private housing development. Variation to allow the gates to remain permanently locked.
Summary Recommendation	Refuse planning permission
Applicant	Westferry Road Management Company Ltd.
Architect	The JTS Partnership
Case Officer	Matthew Wong
Key dates	<ul style="list-style-type: none">- Application registered as valid on 19/09/2019- Letters sent to neighbours on 30/09/2019.- Site visit on 12 November 2019.

EXECUTIVE SUMMARY

The application site is a north/ south walkway which runs between Westferry Road and Sherwood Gardens in the Isle of Dogs.

Application PA/13/01547 granted permission for the installation of gates and barriers within the walkway and this permission was implemented. Condition 4 of the permission required that the gates remain unlocked at all times.

The current proposal seeks to vary condition 4 of that planning permission, to allow the gates to be locked and pedestrian access along the walkway to be stopped.

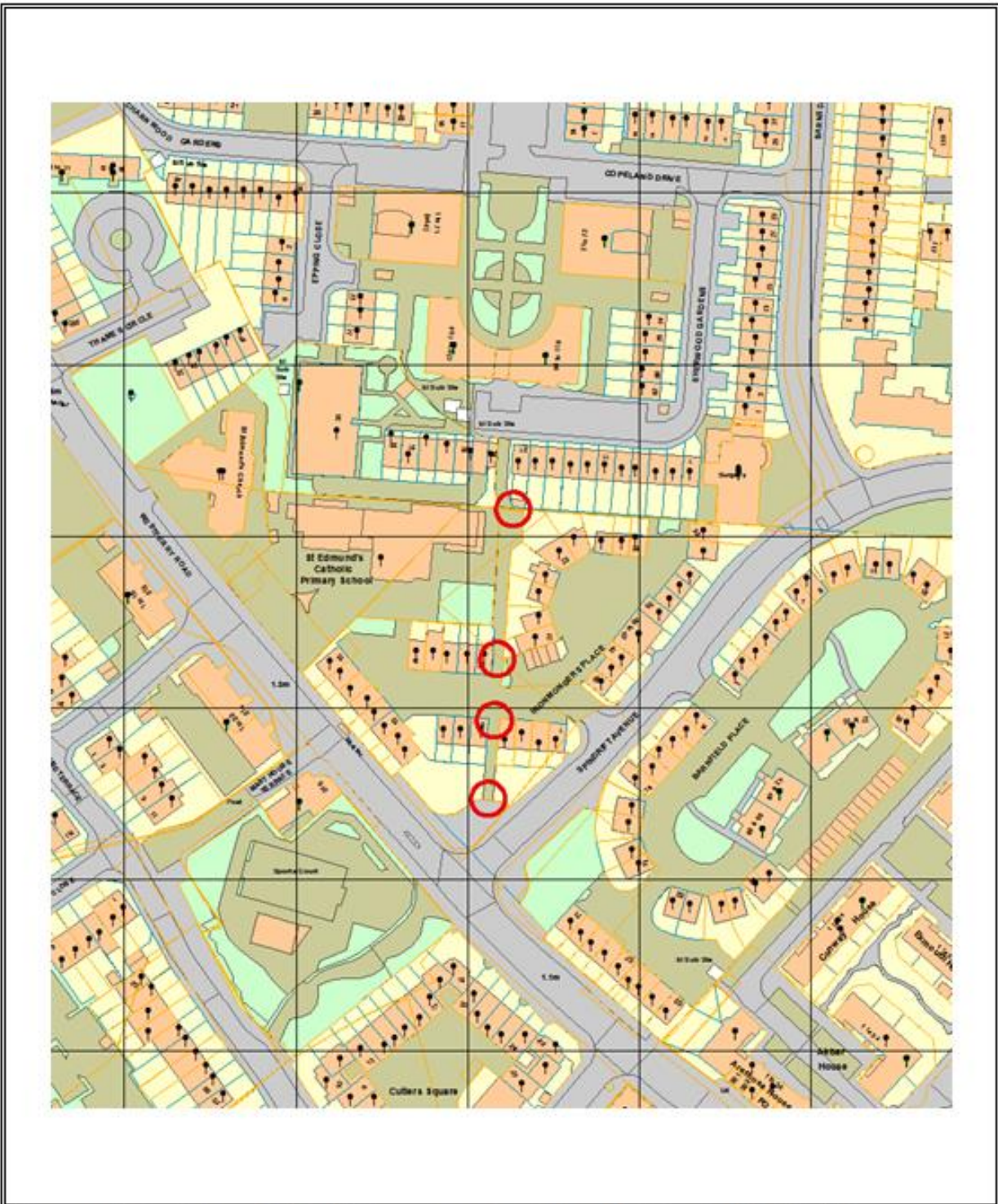
Officers recommend refusal of the proposal. The application is reported to the Development Committee because there have been than 20 individual representations in support of the development.

This application has been considered against the Council's approved planning policies contained in the London Borough of the Tower Hamlets Local Plan 2031 (January 2020) as well as the London Plan (2016), the National Planning Policy Framework and all other material considerations.








We have also considered the application against the Draft London Plan (2019) as this carries substantial weight.

The proposal is considered to be unacceptable as it would result in the loss of a safe, convenient and traffic free access way, which would disadvantage those less able pedestrians, would provoke less sustainable transport choices and would lead to the creation of underused spaces which may result in antisocial behaviour and a lack of social cohesion, contrary to policies D.DH2, S.DH1, D.DH8 and S.TR1 of the Tower Hamlets Local Plan (2020).

SITE PLAN



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<ul style="list-style-type: none">  Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings 	<p style="text-align: center;">Planning Applications Site Map PA/19/02040</p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	 <p style="text-align: center;">TOWER HAMLETS London Borough of Tower Hamlets</p>
	<p>Scale : 50m grid squares</p>	<p>Date: 21 February 2020</p>

AERIAL VIEW OF THE SITE



1. SITE AND SURROUNDINGS

- 1.1 The application site relates to a walkway within the Ironmongers Place development, which is located to the south-west of the Isle of Dogs. The development was approved through PA/86/00686 on 15/10/1986 by the London Docklands Development Corporation (LDDC) as a private residential scheme.
- 1.2 The walkway has a north/ south orientation. At its northerly most point, it is accessed from Sherwood Gardens. It then runs southwards and opens out onto Ironmongers Place, which dissects the path. It then continues southwards from Ironmongers Place and opens out at the corner of Spindrif Avenue and Westferry Road. There are as such two distinct sections of the path, to the north and to the south of Ironmongers place.
- 1.3 In 2013, planning permission was granted for the construction of two gates and two sets of barriers within the walkways (ref PA/13/01547). This permission was duly implemented and two gates were installed, one at the northern end adjacent to Sherwood Gardens and another at the southern end adjacent to Spindrif Avenue. The gates are approximately 1750mm - 1800mm high and comprise of brick piers at either end with fixed, metal infill panels containing vertical posts. Condition 4 of the consent required that the gates remain unlocked at all times.
- 1.4 Two sets of physical barriers have also been constructed within the walkways, in locations immediately to the north and south of Ironmongers Place. The barriers do not close off access to the passages, rather they act as physical obstacles to ensure cyclists and those on vehicles have to dismount before traversing through.
- 1.5 Approximately 500 metres to the east of the site is the Mudchute Docklands Light Railway Station. The site is not located within a conservation area, nor are there any locally or statutorily listed buildings within the surrounding area. The site is within the Isle of Dogs and South Poplar Opportunity Area.
- 1.6 The predominant land use within the immediate surrounding area is residential, however to the west of the site is the St Edmund's Catholic Primary School and the Saint Edmunds Church. The main arterial road through the Isle of Dogs is Westferry Road which is located to the south of the development site. On the southern side of Westferry Road is the Mudchute Concrete Skatepark. Westferry Road contains a number of commercial and retail uses.
- 1.7 The walkway is protected through a Section 106 Agreement which was entered into on 15/10/1986 between the owner of the site, the Council and the LDDC. The agreement gives specific reference to the passage and its formal adoption as a walkway, under Section 35 of the Highways Act 1980. Clause 4 of the agreement states that the Walkway (passage) must remain open to the public at all times unless with the written agreement with the Council. The Agreement also states that the walkway must remain accessible by all and shall permit easy passage by wheelchairs.

2. PROPOSAL

- 2.1 The applicant seeks to amend condition 4 pursuant to permission PA/13/01547.
- 2.2 Condition 4 of that consent reads:

"The proposed gates hereby approved must not be locked at any time.

Reason: In order to ensure the proposed development is accessible to all users in accordance with policy SP10 of the adopted Core Strategy (2010) and policy DM24 of the Managing Development Document (2013)."

2.3 The applicant seeks to vary condition 4 in order that both gates may be permanently locked (or locked at the discretion of the applicant). The effect of the change would be that the walkways could not be accessed either from Spindrift Avenue or from Sherwood Gardens.

2.4 It is the applicants' submission that locking the gates is necessary firstly, to prevent antisocial behaviour within the walkways and secondly, because the walkways are in a state of disrepair and should be shut while they are repaired.

3. RELEVANT PLANNING HISTORY

Planning Applications:

3.1 PA/13/01547: Planning Permission granted on 10/10/2013 for the Installation of new gates and barriers to a private footpath in private housing development.

Enforcement:

3.2 ENF/19/00136: Complaint received in 2018 that the gates to either end of the walkway had been locked. A Compliance Officer attended the site and observed that Condition 4 of PA/17/01547 had been breached. A breach of condition notice was served on 17 May 2019. On hold awaiting the outcome of this application.

4. PUBLICITY AND ENGAGEMENT

4.1 Upon validation of the application, the Council sent consultation letters to 21 nearby occupiers on 30th September 2019.

4.2 In support of the proposal to lock the gates, 22 letters have been received. The reasons for support can be summarised as follows:

- There are issues with criminal activity and anti-social behaviour within the passageway.
- The locking of the gates would help provide a secure and safe environment.
- The locking of the gates would assist in reducing amenity concerns relating to litter and noise.

4.3 Objecting to the proposal to lock the gates, a petition containing 53 signatories has been received. The reason for objection can be summarised as follows:

- The passageway provides useful access to local schools, amenities and reduces walking time.
- The use of the passageway assists accessibility for the elderly, infirm, disabled and people with young children.
- The level of anti-social behaviour does not necessitate the passageway being locked.

5. CONSULTATION RESPONSES

LBTH Transportation and Highways:

5.1 Objection to the proposal to lock the gates. There is no justification for the proposal which would prevent public pedestrian access to the walkways, which are public rights of way under Section 35 of the Highways Act 1980. Any proposal to close off the walkways would, in

addition to planning permission, require a stopping up order and an amendment to the original S106. The maintenance issues are a matter for the applicant to address.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

6.1 On the 15th January 2020, Tower Hamlets Council voted to formally adopt our new Local Plan 'Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits'. The policies contained therein now carry full weight.

6.2 Planning decisions must be taken in accordance with relevant policies in the Development Plan, unless there are material considerations which indicate otherwise.

The Development Plan documents relevant to the determination of this application comprise:

- The London Plan (March 2016)
- Tower Hamlets Local Plan 2031 (January 2020)

6.3 The key Development Plan policies relevant to the proposal are:

Amenity (Noise and Disturbance)

London Plan: 7.6

TH Local Plan: S.DH1, D.DH2, D.DH8

Transport (Cycle Parking, Sustainable Travel, Waste and Servicing)

London Plan: 6.3

TH Local Plan: D.TR2, S.TR1

6.4 The new draft London Plan

On the 9th of December, the Mayor published his 'intend to publish' version of the London Plan. This version of the Plan is now being considered by the Secretary of State, who may, on or before 16th March 2020, issue a direction to the GLA to amend the Plan if required. The Plan cannot be published (adopted) until any such direction has been addressed. It is anticipated therefore that the final Plan will be published circa April 2020. The policies in this emerging document, given its advanced stage, carry substantial weight.

6.5 The key emerging London Plan policies relevant to the determination of this application are:

Amenity & Inclusive Design D3, D5

Transport T5, T6

Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- The Isle of Dogs and South Poplar Opportunity Area Planning Framework (2019)

7. PLANNING ASSESSMENT

7.1 It should be noted firstly that no physical alterations are proposed either to the gates themselves, or to the barriers within the walkways. As such, the assessment below focuses on the considerations relating to the proposed locking of the two gates.

- 7.2 It should also be noted here that the Officers' recommendation is to Refuse Planning Permission. The following paragraphs will explain how the proposal fails to comply with relevant National, Regional and Local Planning Policies.
- 7.3 The key issues raised by the proposed development are:
- i. Accessibility and Connectivity
 - ii. Anti-Social Behaviour
 - iii. Equalities and Human Rights

Accessibility and Connectivity

- 7.4 Paragraph 29 of the NPPF states that people should be given a real choice about how they travel and that transport related policies should always favour sustainable modes of transport wherever possible.
- 7.5 Local Plan Policy D.DH2 (Attractive streets, spaces and public realm) states that development is required to improve and enhance connectivity, permeability and legibility, ensuring a well-connected, joined up and easily accessible street network and wider network of public spaces. It notes that this shall be achieved through maintaining existing public routes and incorporating the principles of 'secured by design'. It also notes the importance of maintaining pedestrian desire lines and resisting the creation of gated communities to promote social cohesion.
- 7.6 Policy S.DH1 (High quality design) seeks to ensure that spaces are designed to be convenient for wheelchair users, elderly people with reduced mobility and families with young children.
- 7.7 The locking of the two gates would result in the loss of a key traffic free pedestrian and cycle north/ south route on the Isle of Dogs. It should be noted the walkway actually connects with a further pedestrian route, which continues north from Spindrifft Avenue. The loss of these routes would mean that walkers and cyclists would have to use longer, trafficked routes to get to their destination. This would disadvantage those more vulnerable sections of society who are less able to walk longer distances including the elderly, those with prams and disabled persons. Removing the most direct and accessible route would also result in a generally less pleasant and less appealing pedestrian journey, potentially persuading people to make less sustainable transport choices.
- 7.8 The application site has a PTAL rating of 2, in light of the site's limited access to London's public transport network. The passage provides important links from the wider area to the Westferry Road area and beyond. Westferry Road is the key arterial road through the Isle of Dogs where most of the area's commercial and retail facilities are located. The passage currently presents as the most direct and efficient way of travel from the northern end of the subject site through to Westferry Road. This further highlights the need for public access routes, specifically pedestrian and cycle links to be maintained in this location.
- 7.9 In relation to 'Secured by Design', it should also be noted that, even with both gates locked as proposed, it would still be possible to walk both north and south along the walkways, from Ironmongers Place, almost to the end of each walkway until the locked gates are encountered. To come upon a locked gate at the end of an alleyway would not make for a safe or secure pedestrian environment, contrary to Local Plan policy D.DH2.
- 7.10 The proposal would also be contrary to Local Plan policy S.DH1 in that it would produce the perception of a 'gated community' to the detriment of social cohesion. This policy also provides reference to designing out concealment points and leftover spaces.

- 7.11 In addition, it has been noted earlier in this report that the walkway has been adopted as a public walkway pursuant to Section 35 of the Highways Act 1980 and given effect through a Section 106 Agreement. Council's Highways and Transportation team object to the locking of the gates given its allocation as a public walkway and the benefits it provides to the local community.
- 7.12 To summarise, the proposal would acceptably undermine the safe, convenient and accessible movement of pedestrians and cycles within this part of the Isle of Dogs. It would lead to less sustainable transport choices and an unacceptable impact on the safety of persons using the walkways, contrary to policies D.DH2 and S.DH1 of the Local Plan policies.

Anti-Social Behaviour

- 7.13 Development is required to protect and where possible enhance or increase the extent of the amenity of existing occupants.
- 7.14 Part B of para 91 of the NPPF states that decisions should ensure that communities are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.
- 7.15 Local Plan policy D.DH2 relates to how development should be designed and managed to ensure a reduction in anti-social behaviour. The policy seeks to ensure 'secure by design' principles are incorporated into schemes to improve safety and the perception of safety for pedestrians and other users.
- 7.16 The applicant contends that the walkways contain anti social behaviour and that neighbouring residents are subject to undue noise and disturbance due to people 'loitering' within the walkways. Residents have also raised concerns in this regard. The applicant considered that locking of the gates would reduce occurrences of anti-social behaviour and crime within and around the subject passageway.
- 7.17 To support the applicant's contention, a 'Crime Statistics' Report has been submitted, which indicates levels of crime in and around the site from the period of October 2016 to October 2019. Graphs have been included which show levels of crime over three periods of time – firstly from before the gates were locked between October '16 and January '18, secondly while the gates were (unlawfully) locked between Feb '18 and May '19 and thirdly after June '19, when the gates were unlocked. The Report concludes that incidences of crime were greater prior to Feb '18, before the gates were locked. It is also noted however, that the results appears to indicate no real increase in crime since Enforcement Action was taken and the gates were once again unlocked.
- 7.18 To better understand the potential correlation between the impact the locking and unlocking of the gates had on instances of crime, a review has been undertaken of the crime statistics of the wider Island Gardens Precinct during the same dates. As per the below table, there was a similar overall reduction in crime across the surrounding area when compared to the areas specified within the submitted report:

Dates:	Total Crime:
October 2016 – January 2018 (gates unlocked)	1439
February 2018 – May 2019 (gates locked)	1342

[Source: www.police.uk](http://www.police.uk)

- 7.19 Given the similarities in the overall crime rate reduction across the whole Island Gardens Precinct and that of the Ironmongers Development, the reduction in crime in and around the subject development during 2018 and May 2019 cannot be directly attributed to the locking of the gates. The wider Island Gardens area experienced a general reduction in crime during the same dates, suggesting there were alternative causes. It therefore cannot be accurately ascertained that the proposed locking of the gates would cause a reduction in anti-social behaviour.
- 7.20 To the contrary, as described in the 'Connectivity' section above, it is considered that locking the gates may in fact lead to an increase in antisocial behaviour within the walkways, given that they would still be accessible from Ironmongers Place but not used regularly and properly as pedestrian thoroughfares. Any attempt to reduce anti-social behaviour should be consistent with planning policies which encourage activated areas, natural and passive surveillance. These methods would assist in reducing anti-social behaviour whilst also ensuring socially connected communities.

8 Conclusion

- 8.1 It is considered that locking the gates would have a neutral or harmful impact on the residential amenities of the neighbouring occupiers by way of noise and disturbance caused by users of the walkway, in that the walkways would become concealed and underused spaces with little passive surveillance, contrary to Local Plan policy D.DH2.
- 8.2 In addition, the proposal would result in an unacceptable loss of a safe, traffic free and accessible pedestrian and cycle route, which would disadvantage those less able and would provoke less sustainable transport choices, contrary to Local Plan policies D.DH2 and S.DH1.

9 Human Rights & Equalities

- 9.1 From a human rights and equality standpoint, the proposal raises concern in relation to the potential impacts on those with disabilities or physical impairments. As the gates are proposed to be locked, access through and around the development area would be encumbered.
- 9.2 Disability is a protected characteristic under the Equality Act 2010 and public authorities have an equality duty to integrate consideration of equality and good relations into its decision making processes. The proposed development has the potential to result in adverse impacts upon equality and social cohesion and this has not been adequately addressed through the application.

10 RECOMMENDATION

That the proposed variation of Condition 4 from Planning Permission PA/13/01547 is recommended for refusal the following reason:

The proposed locking of the gates at the northern and southern ends of the walkway would result in an unacceptable loss of a safe, convenient and traffic free access way, which would disadvantage those less able pedestrians, would provoke less sustainable transport choices and would lead to the creation of underused spaces which may provoke antisocial behaviour and a lack of social cohesion, contrary to policies D.DH2, S.DH1, D.DH8 and S.TR1 of the Tower Hamlets Local Plan (2020).

Appendix 1 – List of drawings

Drawings:

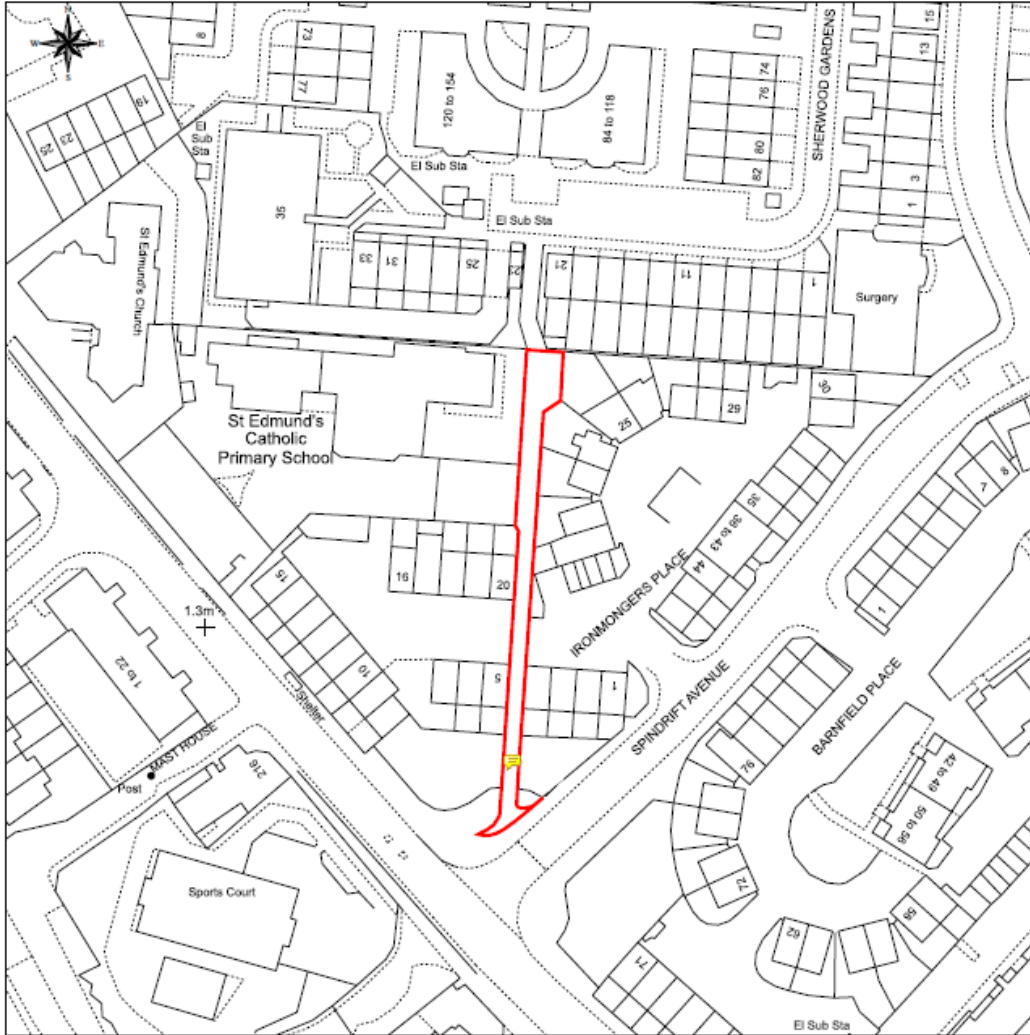
- 9060/103-00
- 101
- 100
- sDNA/264/100 rev a
- sDNA/264/201 rev a
- sDNA/264/202 rev a
- sDNA/264/203 rev a
- sDNA/264/204 rev a

Documents:

- Risk Assessment Dated 8th Jan '18
- 'Crime Statistics ref HMG//9060
- Letter ref HMG/mac/9060 dated 20/1/20
- Cover Letter dated 19th sept '19

Appendix 2 – Selected Plans and Elevations

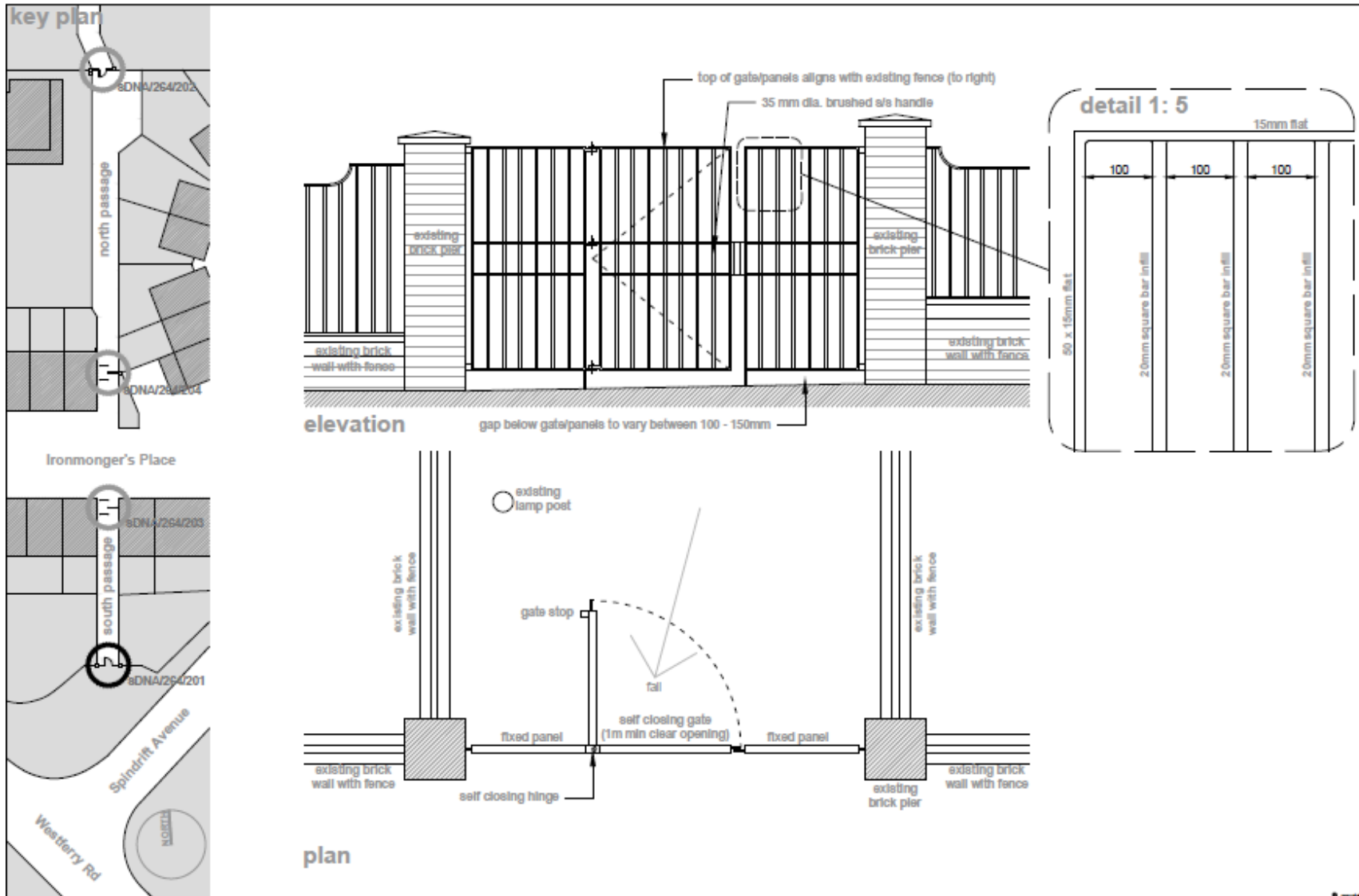
Existing Location Plan:



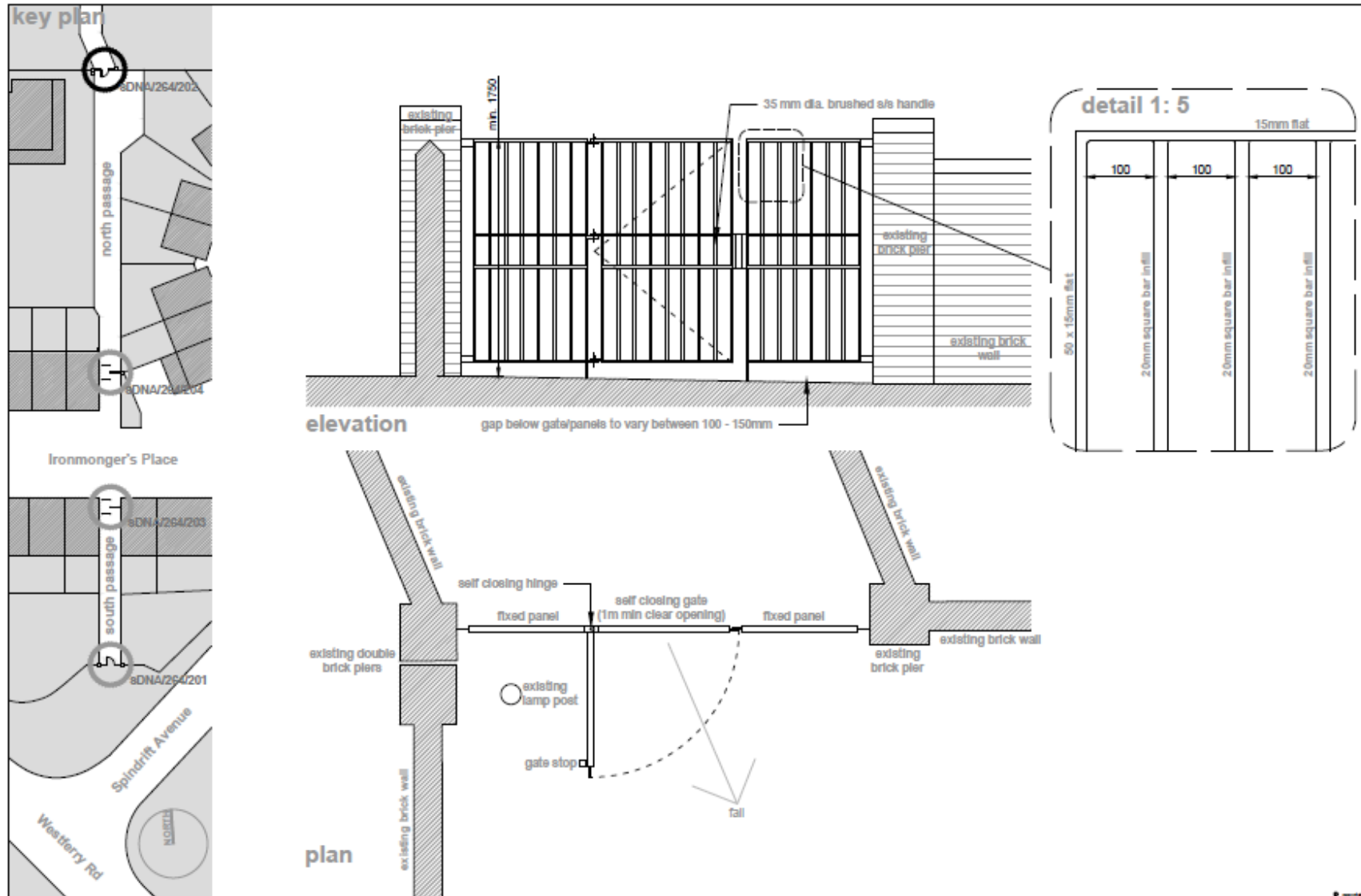
Proposed Plan:



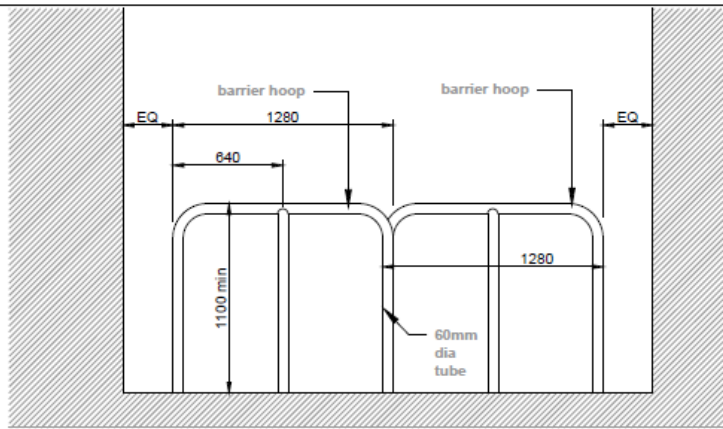
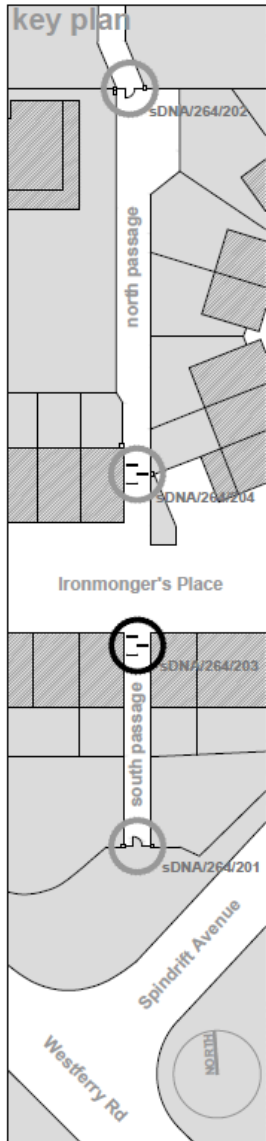
Existing gates at the southern end of passage:



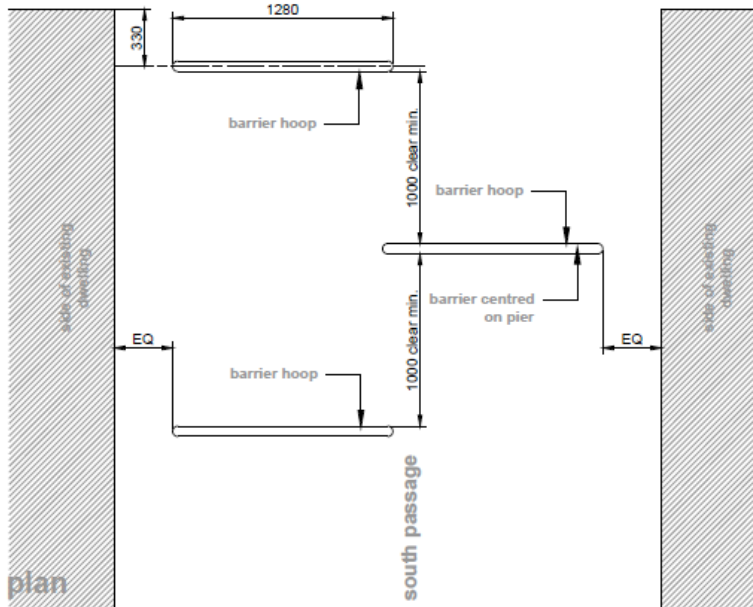
Existing gates at the northern end of passage:



Existing barriers located towards the vehicular road of Ironmongers place within the passageway:



elevation



plan

Appendix 3 – Site Photos

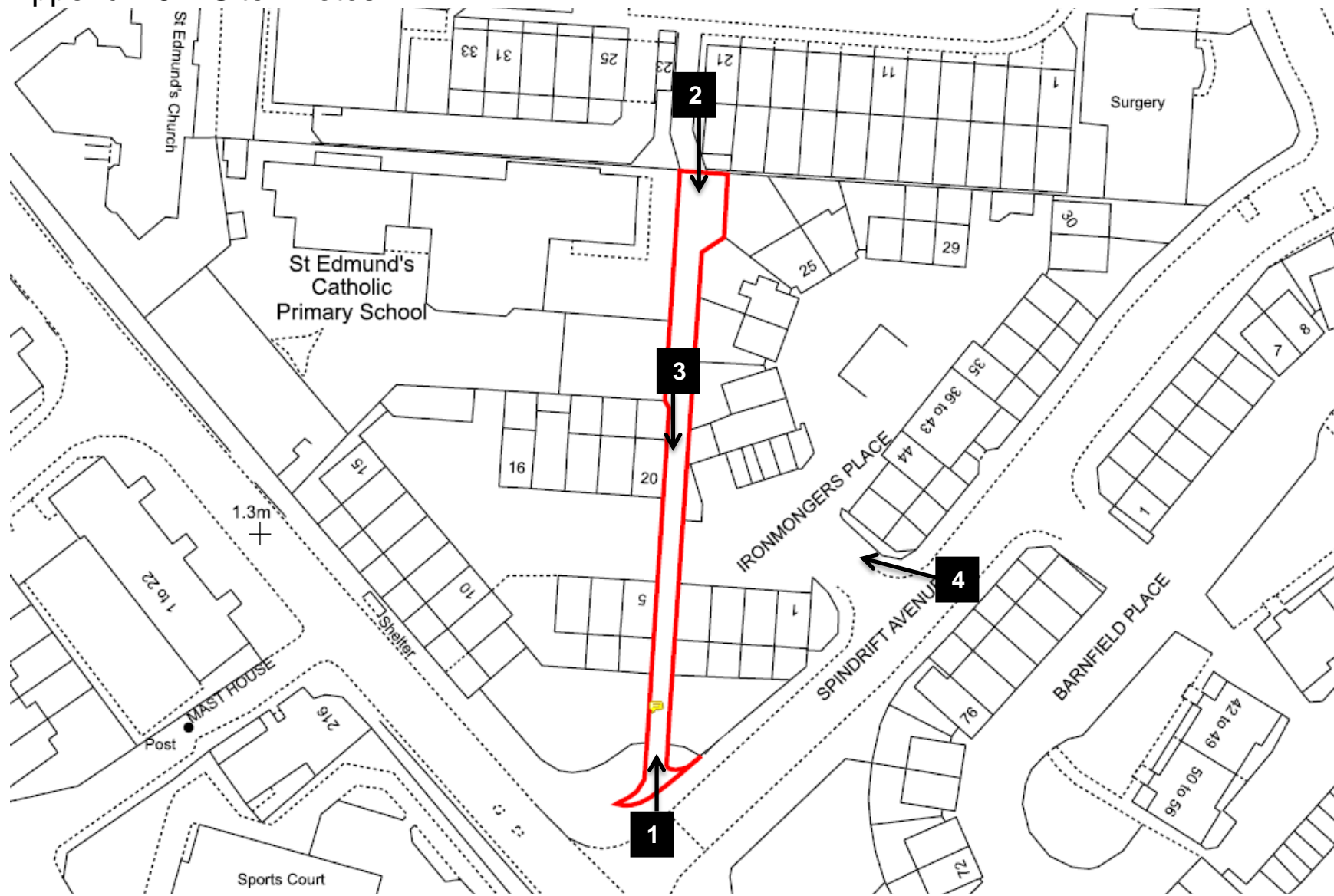


Photo 1 – Looking north at the approved gates at the southern entrance of the passage:



Photo 2 – Looking south at the approved gates located at the northern end of the passage:



Photo 3 – Looking south at the approved barriers located within the passage:



Photo 4 – Looking west from Spindriff Avenue towards the vehicular entrance of the Ironmongers Place Development:



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Application for Planning Permission

[click here for case file](#)

Reference	PA/19/02849
Site	Brune House, Bell Lane & Carter House, Brune Street & Bernard House, Toynbee Street, London E1
Ward	Spitalfields and Banglatown
Proposal	<p>Brune Street: Installation of conservation style iron vehicle gate (height 1,800 mm); Replacement of existing railing with 'conservation style' iron railing resulting in additional 600 mm height (height 1,800 mm); Replacement of existing double gate with 'conservation style' iron gate (height as existing).</p> <p>Toynbee Street: Replacement of existing single swing arm gate with 'conservation style' iron vehicular and pedestrian gate (height 1,800 mm); Replacement of x3 porous and staggered boundary fences with single 'conservation style' iron pedestrian gate (1,800 mm). (Application is a re-submission with additional information provided)</p>
Summary Recommendation	Refuse Planning Permission
Applicant	EastEnd Homes Ltd
Architect/agent	Ingleton Wood
Case Officer	Kathleen Ly
Key dates	<ul style="list-style-type: none">- Application registered as valid on 20 December 2019- Public consultation finished on 13 February 2020- Site inspection 27 February 2020

EXECUTIVE SUMMARY

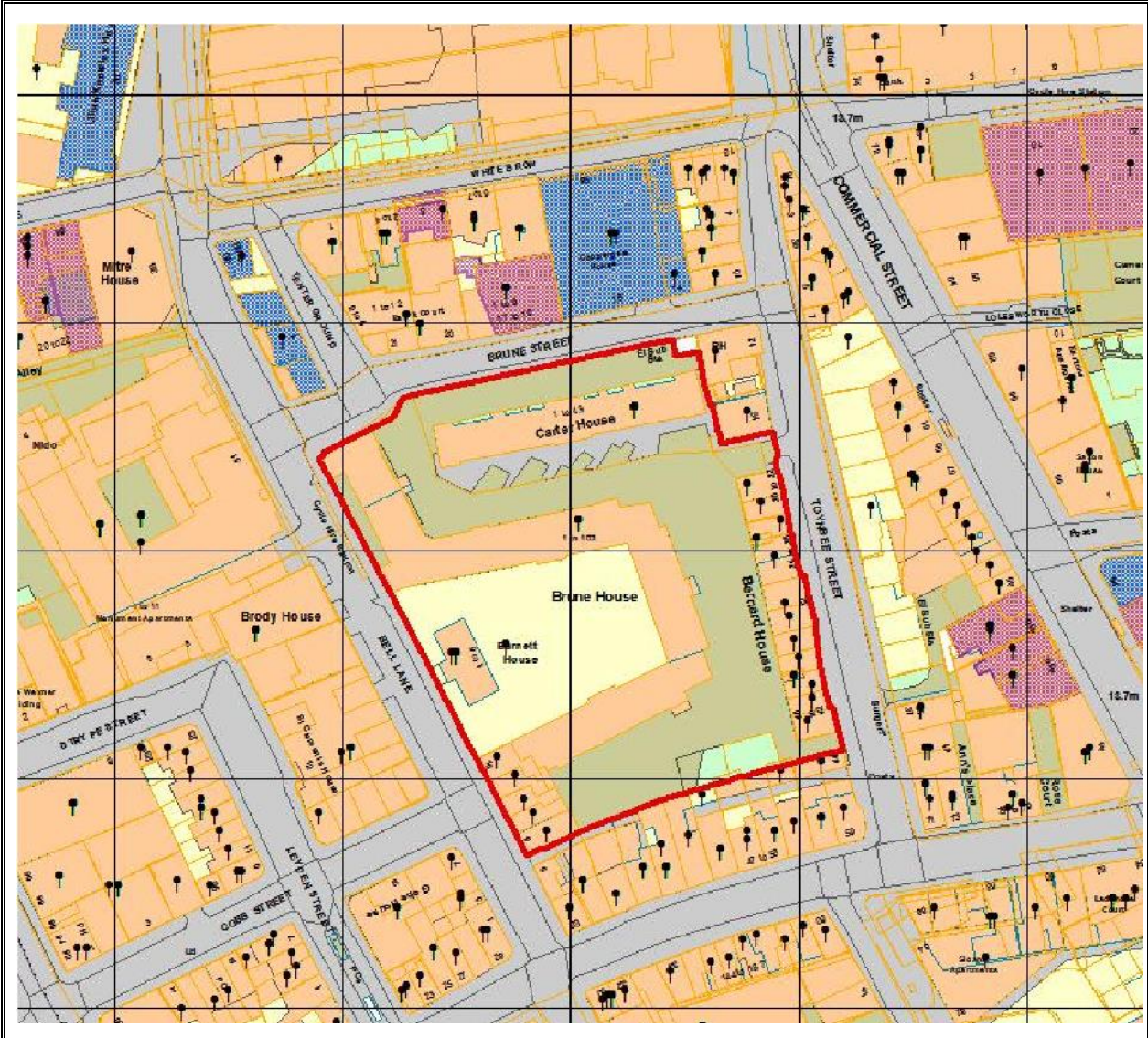
The application seeks approval for the replacement of the existing 1200mm railings and addition of gates to a height of 1800mm along the northern and eastern boundaries of the Holland Estate.

This application is reported to the Development Committee as more than 20 individual representations supporting the development have been received.

This application has been assessed against planning policies contained in the London Borough of the Tower Hamlets Local Plan 2031 (January 2020), the London Plan (2016), and the National Planning Policy Framework. The application has also been considered against the Draft London Plan (2019) as this carries substantial weight.

The proposal would result in an incongruous form of development that will neither preserve nor enhance the local streetscape nor maintain the positive character and appearance of the conservation areas. The increase in height to the railings and addition of vehicle and pedestrian gates will result in a gated community, unnecessarily segregating the estate from the public realm. This would negatively affect the social integration of the area and be contrary to the promotion of mixed and balanced communities. Accordingly, the proposal is not considered to be acceptable in policy terms and is not supported.

SITE PLAN



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

<ul style="list-style-type: none"> Planning Application Site Bound Other Planning Applications Consultation Area Land Parcel Address Point Locally Listed Buildings Statutory Listed Buildings 	<p>Planning Applications Site Map PA/19/02849</p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>
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TOWER HAMLETS

London
Borough of
Tower Hamlets

Scale : 50m grid squares

Date: 04 March 2020

1. SITE AND SURROUNDINGS

- 1.1 The subject site relates to the Holland Estate, a residential development bounded by Brune Street to the north, Toynbee Street to the east, Bell Lane to the west and Wentworth Street to the south. The estate comprises Carter House, Brune House, Bernard House, and Barnett House which range between three to five storeys in height. This estate was built in the early 1900s by the London County Council (LCC) which consist a total of 163 flats. During the Second World War, many parts of the area were severely damaged by bombs and consequently rebuilt. The estate has been under management by East End Homes since 2006.
- 1.2 The immediate surrounding area consists predominantly of residential dwellings; however there are a variety of commercial uses within the wider area.
- 1.3 The site is located in the Central Activity Zone, partly lies within the Wentworth Street Conservation Area and is located in the Archaeological Priority Area. To the north of the site is the Artillery Passage Conservation Area and to the east is the City Fringe Activity Area.
- 1.4 The former Soup Kitchen for the Jewish Poor is directly adjacent to the site. This is a distinctive Grade II listed brick building with a terracotta frontage at ground floor level.
- 1.5 The application relates to the eastern and northern boundaries of the estate. The boundaries currently consist of existing railings and gates to a height of 1200mm; one 1800mm high vehicular gate on Brune Street; and two 1800mm high railings on Toynbee Street. The western boundary on Bell Lane consists of brick plinth and railings; whilst the southern boundary on Wentworth Street consists of commercial properties with no direct access into the estate.

2. PROPOSAL

- 2.1 The application seeks approval for the following works:
- 2.2 Brune Street (north boundary): Replacement of the existing 1200mm railings with iron railings to a height of 1800mm; replacement of the existing 1800mm high double gate with an iron gate of the same height; and the addition of an entirely new pedestrian gate to a height of 1800mm.
- 2.3 Toynbee Street (eastern boundary): Replacement of the existing 1200mm railings with iron railings to a height of 1800mm; replacement of the existing vehicle gate with an iron gate to a height of 1800mm; and the addition of two entirely new pedestrian gates to the height of 1800mm.

3. RELEVANT PLANNING HISTORY

- 3.1 PA/19/01520 - Installation and replacement of various gates, railings and fences along Brune Street and Toynbee Street. The application was refused 16th October 2019 for the following reasons:
 - The proposed increase in the height, reduction in the width between the railings and the prominent location fronting the street would result in an incongruous form of development that would negatively impact the local street network, promoting development which would not be socially inclusive cohesive or connective.
 - The proposal would neither preserve nor enhance the appearance of the Wentworth Street Conservation Area and is contrary to policies DM23, DM24 and DM27 of the Managing Development Document, policy SP10 of the Core Strategy (2010) and policies S.DH1, S.DH3, D.DH2 of the Tower Hamlets 2031: Managing Growth and Sharing the Benefits (2019 revision).

- 3.2 PA/14/00106 - Erection of 3No. Bicycle shelters in parking areas serving Brune House and Carter House. Planning permission granted 14th April 2014
- 3.3 PA/08/02347 – Full planning permission for the refurbishment of the retained existing dwellings on Holland Estate, the replacement of 43 (13 x one bed flats, 9 x two bed flats, 18 x three bed flats and 3 x four bed flats) totalling 143 habitable rooms within Ladbroke House, Bradbury House, Evershed House and Denning point; the erection of 209 new residential units containing studio, 1, 2, 3, 4 and 5 bedrooms, provision of a new community centre (use class D1) of 644sq.m. and a new Eastend Homes local housing office and head office of 1,078sq.m. (use class B1) and 6 new retail units providing some 1,490sq.m. comprising use classes A1, A2 and A3 and the introduction of an Estate wide landscaping scheme. Planning permission granted 1 April 2010.

4. PUBLICITY AND ENGAGEMENT

- 4.1 Following the receipt of the application, the Council notified 297 nearby owners/occupiers by post, erected a site notice and provided an advertisement in the local newspaper on 23rd January 2020.
- 4.2 A total of 31 representations from members of the public were received plus a petition of 81 signatures. 30 individual representations were in support of the application, with 29 of these using a template response. The petition was also in support of the application. The reasons the application is supported are summarised below:
- a) Existing fencing was installed as a temporary measure as it is believed the estate previously incorporated a higher boundary fence. The proposed fencing would be more appropriate to the period buildings than the existing modern fencing.
 - b) The estate is not a public thoroughfare. There are currently signs indicating the routes are for private access only.
 - c) There are high levels of anti-social behaviour and criminal activity within the estate.
 - d) During the housing stock transfer, the installation of the high fencing was agreed between East End Homes and Tower Hamlets.
 - e) The new fencing would improve the quality of life for residents in terms of safety and security.
- 4.3 One representation was received which objects to the proposal in relation to its impact on the local street network, its effect on social inclusiveness, and its impact on the Wentworth Street Conservation Area.

5. CONSULTATION RESPONSES

Internal Consultees

LBTH Design and Conservation

- 5.1 The proposal is not supported given the increase in height, reduction in the width between the rails and prominent location of the fence fronting the street. The proposal would result in an incongruous form of development which would negatively impact the local street network and would not be socially inclusive, cohesive or connective. Additionally, the design of the gates are more of a modern approach and is not considered to be in keeping with the estate.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

- 6.1 On the 15th January 2020, Tower Hamlets Council adopted its new Local Plan 'Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits'. The policies contained therein now carry full weight.
- 6.2 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.
- 6.3 In this case the Development Plan comprises:
- The London Plan (2016)
 - Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits (2020)

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

<u>Design and Conservation</u>	London Plan ((LP) 7.3 An Inclusive Environment); LP7.4 (Local Character); LP7.5 (Public Realm) LP7.6 Architecture; LP7.8 (Heritage Assets and Archaeology S.DH1 (Delivering High Quality Design); D.DH2 (Attractive Streets, spaces and public realm); S.DH3 (Heritage and the historic environment)
<u>Amenity</u>	LP3.9 (Mixed and Balanced Communities); LP7.2 Designing out Crime); LP7.3 (An Inclusive Environment); LP7.6 (Architecture) D.DH2; D.DH8 (Amenity)

Emerging Policy

6.5 On the 9th of December, the Mayor published his 'intend to publish' version of the London Plan. This version of the Plan is now being considered by the Secretary of State, who is set to notify the GLA on or before 16th March 2020 in respect to the decision to issue a direction to the GLA to amend the Plan if required. The Plan cannot be published (adopted) until any such direction has been addressed. The policies in this emerging document, given its advanced stage carries substantial weight.

6.6 The key emerging London Plan policies relevant to the proposal are:

Design and Amenity D5 (Inclusive Design); D8 (Public Realm)

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

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- Wentworth Street Conservation Area Character Appraisals and Management Guidelines (2007)
- Artillery Passage Conservation Area Character Appraisals and Management Guidelines (2007)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Design and Conservation
- ii. Accessible and Inclusive Communities
- iii. Anti-Social Behaviour
- iv. Other Matters
- v. Equalities and Human Rights

Design and Conservation

- 7.2 Paragraph 190 of the NPPF highlights the importance of identifying and assessing the particular significance of any heritage asset and/or setting that may be affected by the proposal. Paragraph 192 ensures that new development enhances and sustains the significance of heritage assets and positively contributes to the local character and distinctiveness.
- 7.3 Policies 7.4 and 7.6 of the London Plan (2016) encourage buildings, streets and open spaces to enhance, activate and appropriately define the public realm. Similarly, Policy S.DH1 of Tower Hamlets Local Plan 2031 (2020) seeks to ensure that design is sensitive to and enhances the local character and setting of the development.
- 7.4 Policy 7.8 of the London Plan and Policy S.DH3 seeks to protect and enhance the borough's heritage assets and retain elements which contribute to the significance of the building and/or area. Development should be sympathetic in form, scale, materials and architectural detail to the heritage asset and/or setting.
- 7.5 The application proposes the replacement of the existing boundary railings and existing gates alongside the proposed introduction of new gates. The existing railings and gates are 1200mm high, three of which are to a height of 1800mm. The application seeks approval for the replacement and addition of railings and gates to a height of 1800mm.
- 7.6 The railings and gates are proposed to be located on the northern and eastern boundaries, which run along Brune Street and Toynbee Street. The railings on Brune Street will extend for the majority of the northern boundary. The existing views along Brune Street are currently open and transparent as the existing 1200mm railings is not considered to be a dominant feature and is not imposing to the streetscape.
- 7.7 However the proposed increase in height together with the prominent location of the railings and gates would cause significant visual impact on the local streetscape and conservation areas including being imposing upon street views to the Grade II listed Jewish soup kitchen. Proximate to the site is the Artillery Passage Conservation Area which is located directly to the north on Brune Street. The proposed railings and gates on Brune Street would not be in keeping with the character or appearance of this conservation area and its impacts have not been appropriately addressed within the application.
- 7.8 The railings and gates would incorporate square posts and square infill bars incorporating dimensions which are larger than the existing railings. Whilst it is acknowledged that the spacing between the bars would be comparable to the existing railings, the larger posts and bars would contribute to its imposing additional impact on the streetscape, particularly when considered in conjunction with the proposed one third increase in height (1200mm to 1800mm). The Wentworth Street Conservation Area Character Appraisals and Management stipulate that the estate was built in the early 1900s. As such, the use of brick piers, plinths and elegant curves would traditionally be seen on buildings of this period, as seen on Bell Lane (western boundary). However the proposal includes square posts and square bars which

are a more modern approach. The design approach would therefore not be in keeping with the style and period of the existing buildings on the site or of design character of the estate more generally.

- 7.9 The applicant has advised that this boundary railing was originally 1800mm high, given the existence of other 1800mm high railing on site. This is not considered sufficient to demonstrate the original height and cannot be validated.
- 7.10 Overall, the proposed design would not relate well to the surrounding streetscape which would harm the character and appearance of the Wentworth Street Conservation Area and adjacent Artillery Passage Conservation Area.

Accessible and Inclusive Communities

- 7.11 Paragraph 108 of the NPPF seeks to ensure safe and suitable access to the site can be achieved for all users. Policies 7.1 and 7.2 of the London Plan (2016) aim to achieve the highest standards of accessible and inclusive design to improve people's access to social and community infrastructure. Similarly, Policy 7.5 of the London Plan (2016) requires public spaces to be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.
- 7.12 There are currently three opened entrances into the estate on Brune Street. Two pedestrian openings provide direct access to Carter House, whilst the vehicle opening provides access into the internal car park and the rest of the estate. The pedestrian and vehicle openings on Toynbee Street currently provide access into the estate, which leads out onto Brune Street. The proposal would enclose all five access points and replace the existing 1200mm railing with an 1800mm high railing and locked gates.
- 7.13 The proposed pedestrian access gates would restrict movement within the estate and surrounding area. This is contrary to policy which encourages development to increase and maintain well-connected areas. Enclosing all access points will limit the number of connections available when moving from one point to the other, and thus impacting upon the pedestrian connectivity to the wider street network.
- 7.14 The applicant and received public comments identify the site as a private estate where public access is restricted. However the erection of the 1800mm high railing and gates would create a hostile and enclosed environment, unnecessarily segregating the estate from the public realm. This would result in the estate becoming a 'gated community' where accessing the site would only be possible via a key code or intercom. London Plan Policy 3.9 and Policy D.DH2 of the Local Plan seek to resist the creation of gated communities which do not promote socially inclusive and cohesive neighbourhoods or connectivity between places. The enclosing of the estate would negatively affect the social integration of the area and be contrary to allowing mixed and balanced communities.

Anti-Social Behaviour

- 7.15 Paragraph 91 of the NPPF and Policy 7.3 of the London Plan (2016) seek to create safe, secure and appropriately accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion.
- 7.16 Policy 7.2 of the London Plan (2016) aims to achieve the highest standards of accessible and inclusive design and ensures development can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances. Development should be convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment.

- 7.17 Policy D.DH2 of the Tower Hamlets Local Plan 2031 (2020) aims to improve and enhance connectivity, permeability and legibility across the borough, ensuring a well-connected, joined-up and easily accessible street network and wider network of public spaces. Development should be designed to create more connected and cohesive communities which can alleviate opportunities for anti-social behaviour.
- 7.18 As raised by the applicant and through public comments, there is an increasing level of anti-social behaviour within and around the estate. This is supported by submitted crime statistics obtained from police.uk which details reported crime between August and October 2019. The information provided aims to link this crime rate with the unrestricted access by the public into the estate.
- 7.19 Notwithstanding these acknowledged issues of crime and anti-social behaviour, it has not been evidenced that that enclosing of the estate would result in a reduction to the crime rate. The reasons for anti-social behaviour and criminal behaviour are understood more generally to be multi-dimensional and complex and tackling these issues need to be addressed by a variety of social interventions as opposed to a recourse to a physical intervention that results in a gated community that for reasons set out elsewhere in the report create issues of social segregation, impaired connectivity in addition detrimental impacts on the appearance and character of two conservation areas.
- 7.20 Whilst it is acknowledged that the purpose intended for the gates and railing is to improve the quality of life for residents in terms of safety and security, this is contrary to Council's policies which encourage socially connected communities. Alternative methods to alleviate anti-social behaviour should be sought which could include activating areas to provide natural and passive surveillance.

Other Matters

- 7.21 The applicant and comments received from the public have referred to the proposal as part of refurbishment works that were agreed during the transfer of land between Tower Hamlets Council and EastendHomes. Supporting documents which include the development agreement and leaseholder consultation document have been submitted. The development agreement refers to the obligations to carry out the qualifying works which include the refurbishment of the estate.
- 7.22 Page 12 of the consultation document refers to the improvement of entrances to reduce anti-social behaviour, to exclude intruders and enhance the appearance of the block. However, the document at pages 13 and 14 provides that these improvements would be subject to further resident consultation, planning approval and the development of new homes for rent and sale. As such, the submitted information does not warrant or justify the approval of the proposal as any planning proposal is subject to a formal assessment and is considered on its merits.

Conclusion

- 7.23 The proposal would restrict movement and access, does not incorporate the principles of inclusive design and is not sensitive to nor enhance the local streetscape and conservation areas.
- 7.24 In light of the above, the proposal does not comply with planning policies and as such, it is recommended that the application is refused.

Human Rights & Equalities

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

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

8. RECOMMENDATION

8.1 Planning permission is REFUSED.

APPENDIX 1 – List of Plans for Refusal

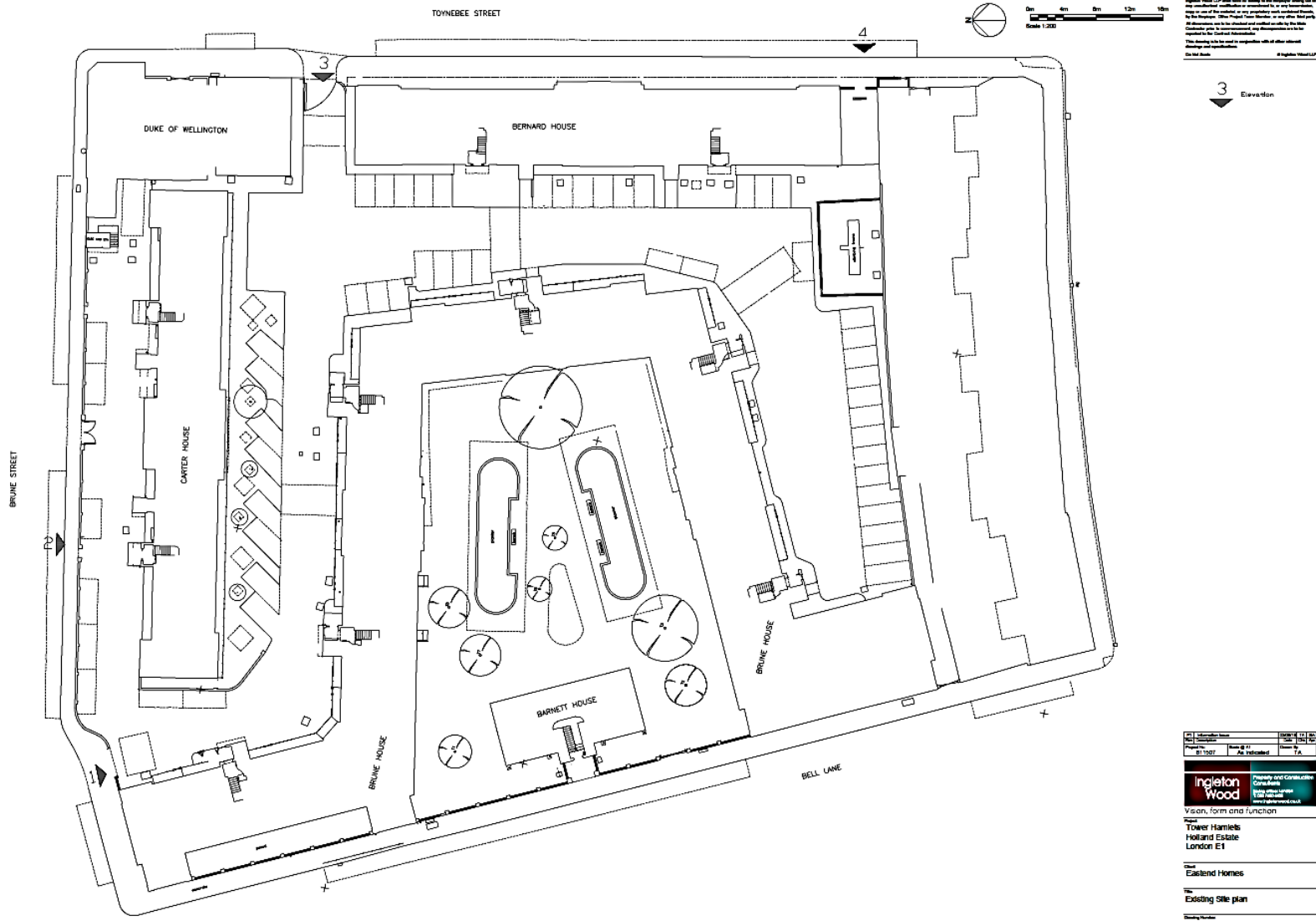
Schedule of Drawings

- 811507 IWD XX XX DR A 2003 REV P01 - Location Plan
- 811507 IWD XX XX DR A 2004 REV P01 - Existing Site Plan
- 811507 IWD XX XX DR A 2005 REV P01 - Existing Elevation Plan
- 811507-IWD-XX-00-DR-E-5100 REV. P1 - Proposed site plan
- 811507 IWD XX XX DR A 2002 REV P01 - Proposed Elevation Plan

APPENDIX 2

Selection of plans

Figure 1 – Existing Site Plan



Client	Eastland Homes	Project No.	811507-BWD-XX-DR-A-2004
Project	Tower Hamlets	Phase	Information
Location	Holland Estate	Scale	P01
			
Vision, form and function Tower Hamlets Holland Estate London E1			
Eastland Homes			
Existing Site plan			
811507-BWD-XX-DR-A-2004			
Scale	Information	Page	P01

Figure 2 – Proposed Site Plan

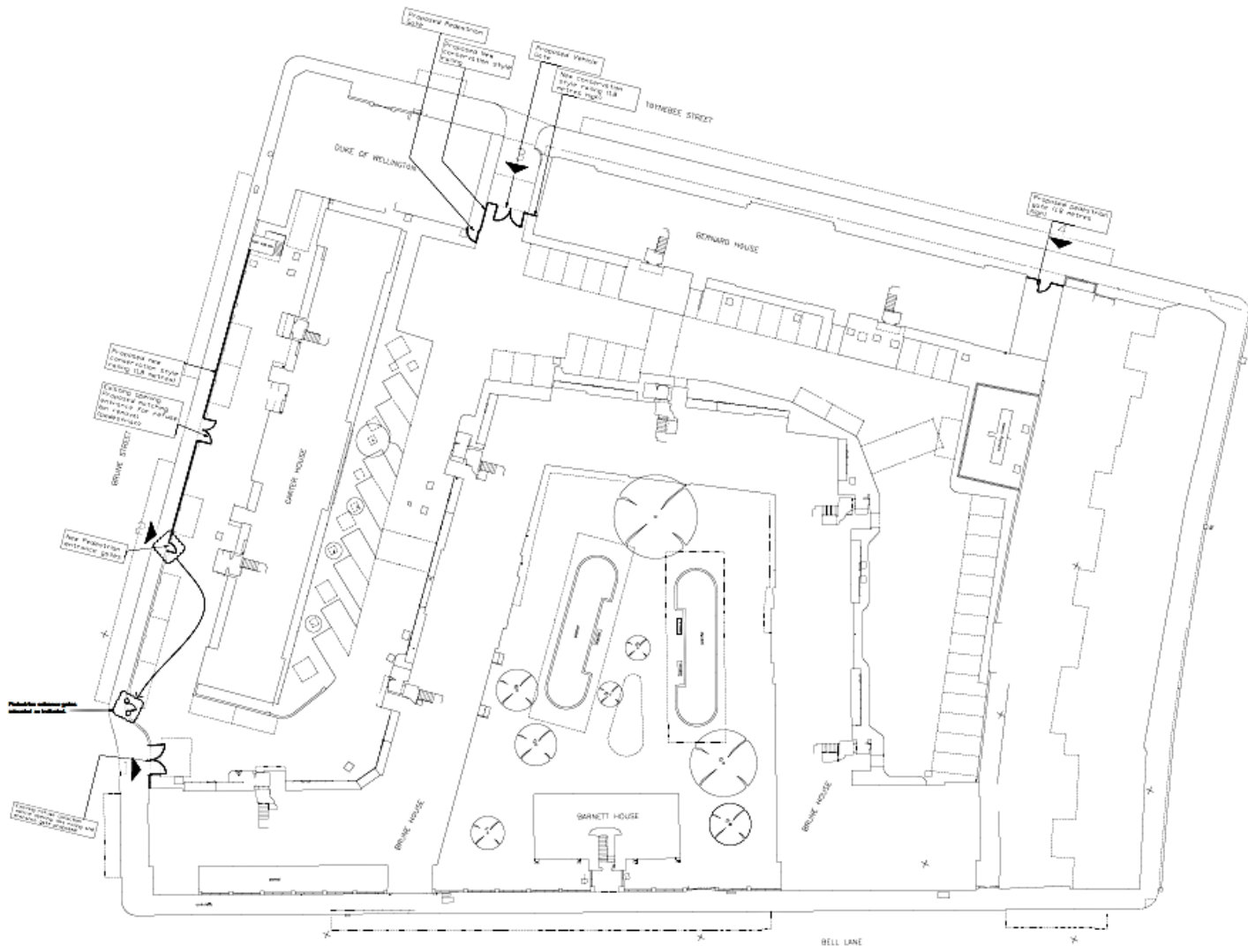
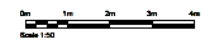


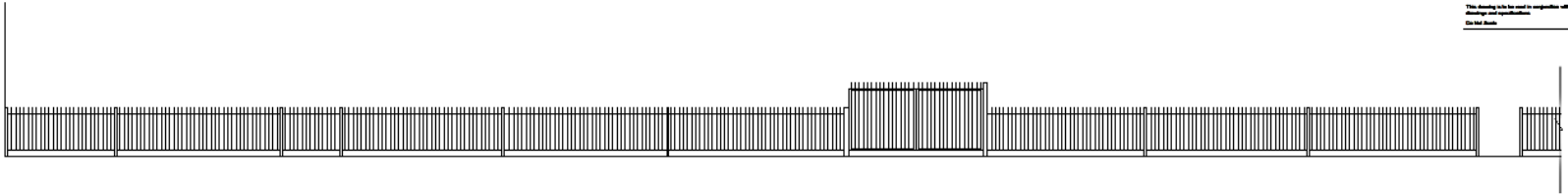
Figure 3 – Existing Elevations



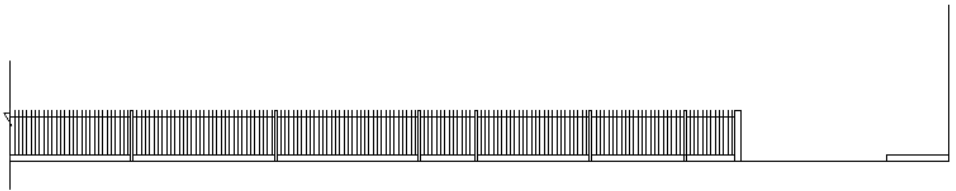
Ingleton Wood LLP and its Associates are not liable for the design, construction or use of any building or structure or any part thereof, or any professional work, or any other work, by the Engineer, Other Project Team Members, or any other third party, if the design, construction or use of any building or structure or any other work, or any other work, is not in accordance with the design, construction or use of any building or structure or any other work, or any other work, as approved by the Council or other relevant authority and specifications.

This drawing shall be used in conjunction with all other relevant drawings and specifications.

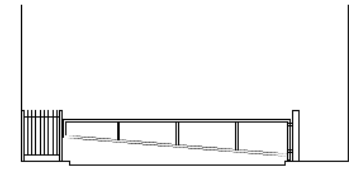
Do Not Scale © Ingleton Wood LLP



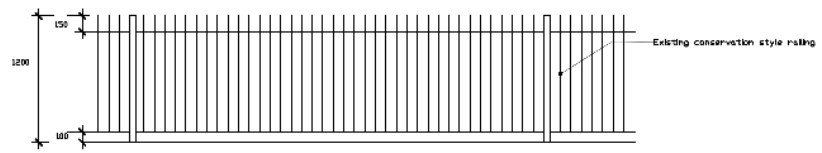
Existing Elevation 2
Brune Street



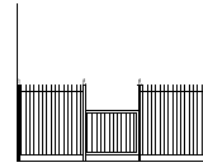
Existing Elevation 1
Brune Street



Elevation 3
Toynebee Street



Existing Typical
Detailed Elevation
1:20



Existing Elevation 4
Toynebee Street

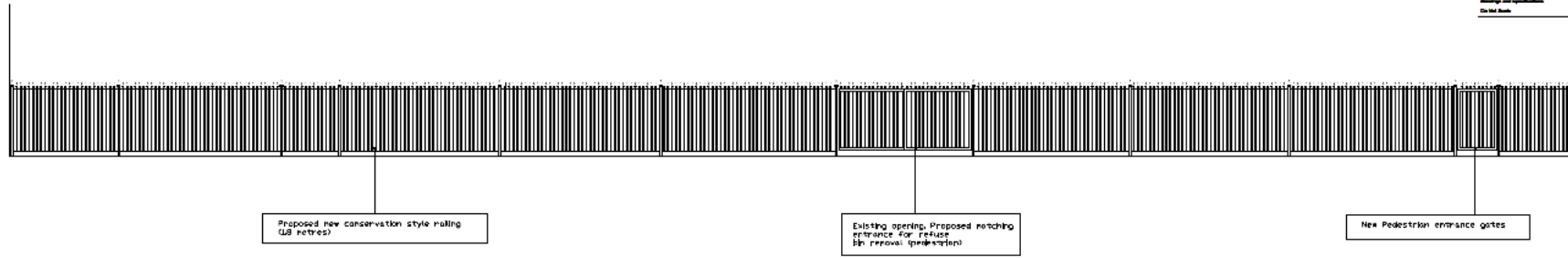
Project Name	811507-XX-XX-DR-A-2005
Client	Eastend Homes
Project No.	811507
Issue No.	01
Issue Date	12/11/10
Author	As indicated
Drawn by	T.A.

Ingleton Wood
 Planning and Construction
 Consultancy
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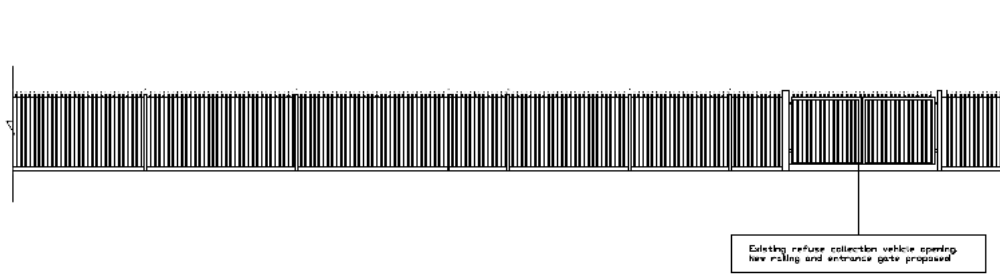
Figure 4 – Proposed Elevations



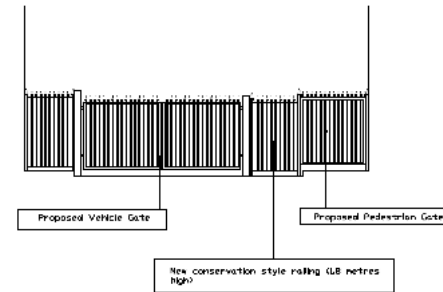
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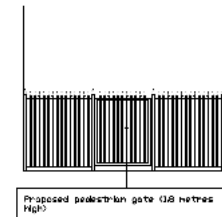
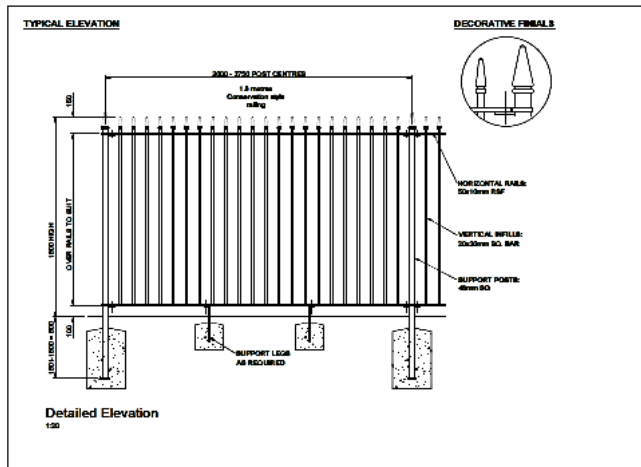
Proposed Elevation 2
Brune Street



Proposed Elevation 1
Brune Street



Proposed Elevation 3
Toynebee Street



Proposed Elevation 4
Toynebee Street

Client	Information	Sheet	14 of 14
Rev	01	Date	10/01/20
Project	E11507	Drawn by	As indicated
		Checked by	TA



Project
Tower Hamlets
Holland Estate
London E1

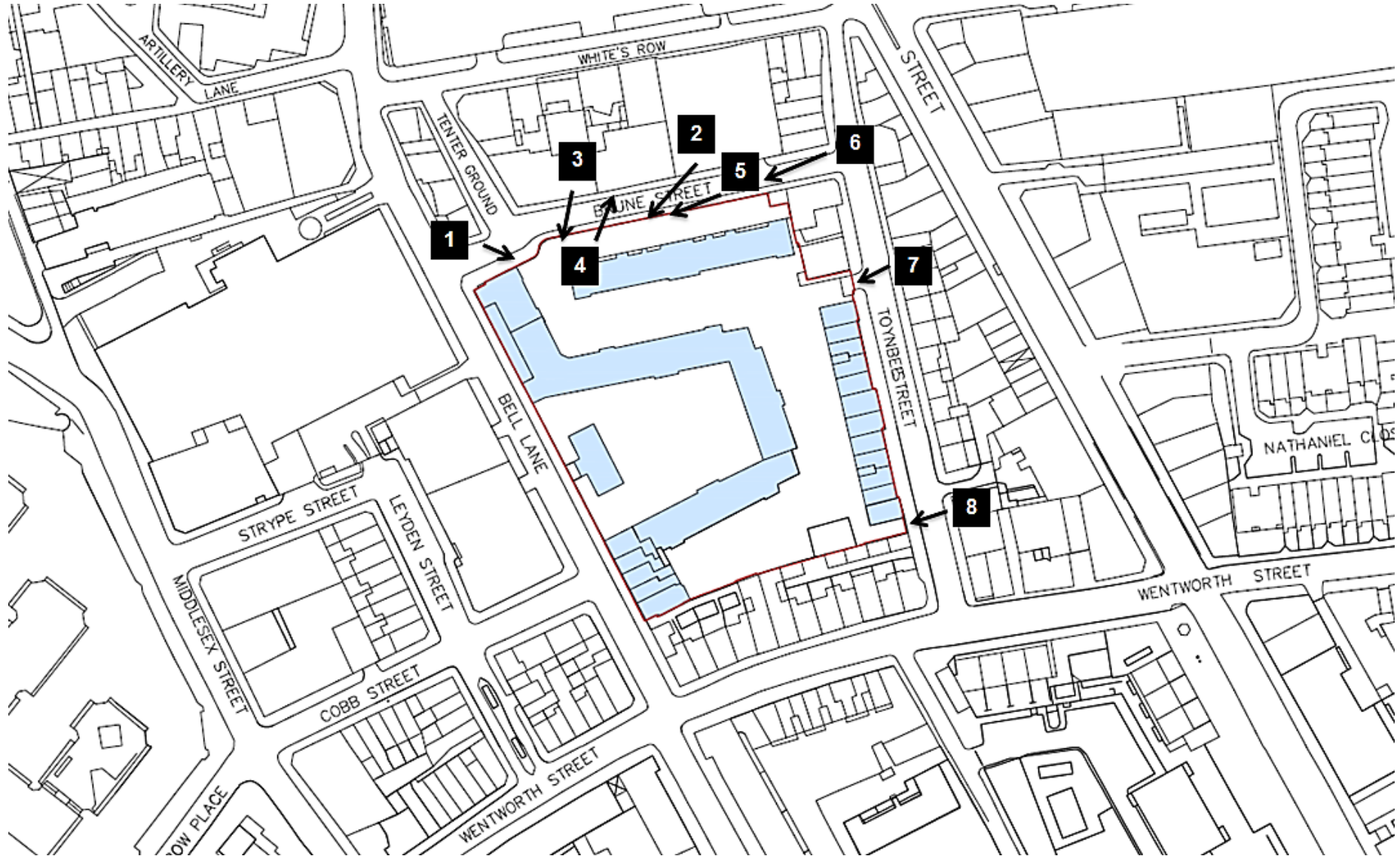
Client
Eastend Homes

Title
Proposed Elevations

Drawing Number	811507-4WD-XX-DR-A-2002
Date	10/01/20
Sheet	S2
Information	Information
Page	P01

APPENDIX 3

Photo Orientation Map



View 1: Looking south at the vehicular access on Brune Street



View 2: Looking south at the on Brune Street



View 3: Looking south at the estate on Brune Street



View 4: Looking north at the Grade II Listed building on Brune Street



View 5: Looking west on Brune Street



View 6: Looking west on Brune Street



View 7: Looking west at the vehicular access on Toynbee Street



View 8: Looking west at the pedestrian access on Toynbee Street





Application for Planning Permission

[click here for case file](#)

Reference	PA/19/00804
Site	De Paul House, 628-634 Commercial Road, London, E14 7HS
Ward	Limehouse
Proposal	Demolition of existing building and erection of a building of seven storeys, inclusive of two set back floors, plus a lower ground floor to provide 109 rooms for short-term hostel and HMO accommodation. (amended description)
Summary Recommendation	Refuse planning permission
Applicant	Wayview Limited
Architect/agent	Rapleys
Case Officer	Aleksandra Milentijevic
Key dates	<ul style="list-style-type: none">- Application registered as valid on 26/04/2019- Public consultation started on 27/04/2019- Significant amendments received on 17/10/2019- 14 days re-consultation started on 30/10/2019- Financial viability assessment received on 20/12/2019

EXECUTIVE SUMMARY

The proposed development seeks to replace the existing 52-bedroom hostel with a 109-bedroom mix of hostel and housing in multiple occupation (HMO). Out of the total number of the proposed rooms, 25 would be associated with the hostel use situated on the lower ground and ground floor levels. Additionally, 84 rooms are proposed to be provided for a long-term residential accommodation in the form of HMO (housing with shared facilities). This will consist of residents having exclusive use of their ensuite bedrooms whilst sharing communal facilities that include living, kitchen, dining and amenity spaces. Some of the bedrooms on the fifth and sixth floors would have private balconies.

The existing hostel has the capacity to accommodate 263 occupants in a number of 2 and 3 bed rooms and multi-bed dormitories. The applicant is proposing a total number of 185 occupants in the currently proposed scheme to be apportioned as follows: 41 in hostel rooms and 144 in the shared living accommodation. Officers have identified a number of issues associated with the proposed land use. These include the lack of justification for the need of the HMO use, its unaffordability and lack of effective management arrangements. The proposal also fails to provide appropriate affordable housing contributions as required by planning policy.

Notwithstanding that the proposed HMO use is not supported in principle, the quality of the proposed HMO accommodation is not considered to be acceptable given the proposal's failure to provide sufficient communal amenity space for the future residents and adequately lit communal indoor amenity spaces.

The existing building is predominantly three storeys along Commercial Road with a staircase enclosure on the north-eastern corner which reaches four storeys. At the rear, the building steps down to two and one storey with a concrete boundary wall. The existing building has limited value in terms of its external appearance and its replacement with an appropriately designed building is acceptable in principle.

The proposed building would be seven storeys in height with the two top floors set back on all sides. The scale, height and massing of the proposed development are considered to be excessive and the top floors would be characterised by a poor fenestration pattern. As such, the proposed building would have a harmful impact on the character and appearance of the St Anne's Church conservation area, in which the application site also lies. Further, the applicant has not submitted an archaeology assessment as required by planning policy.

The proposal would further fail to provide an adequate amount of cycle parking linked to the HMO use. In addition, the proposed cycle storage would comprise of a shared space within a general storage area which lacks a clear and obvious purpose. This is considered unacceptable in principle due to the safety concerns and likely obstructions.

Whilst on-street servicing has been previously agreed and as such is considered acceptable in principle, the proposal has not provided an adequate delivery and servicing strategy that would ensure that adverse impact on the transport network would be mitigated. The applicant has also not provided sufficient information to satisfy the policy requirement that the proposed development would incorporate sufficient waste storage capacity to cater for the future occupiers, there are also concerns about the placement of the disabled car parking space. The refuse would be collected via an on-street platform lift, however, the proposal failed to provide adequate details to ensure that the waste management and collection can be successfully achieved.

The application site is in an area of a particularly low air quality. The applicant has failed to submit an air quality assessment to demonstrate that the proposal would achieve the air quality neutral standard and has also not submitted sufficient information to satisfy the relevant requirements contained in the energy and sustainable policies.

Overall, it is considered that the proposed development does not constitute sustainable development as required by the NPPF. It would fail to comply with the relevant policies in terms of land use, quality of the proposed accommodation, design and heritage, highways, waste, and environmental matters. Accordingly, the proposal would fail to secure the relevant financial and non-financial contributions.

Officers recommend the proposed development be refused planning permission.

SITE PLAN

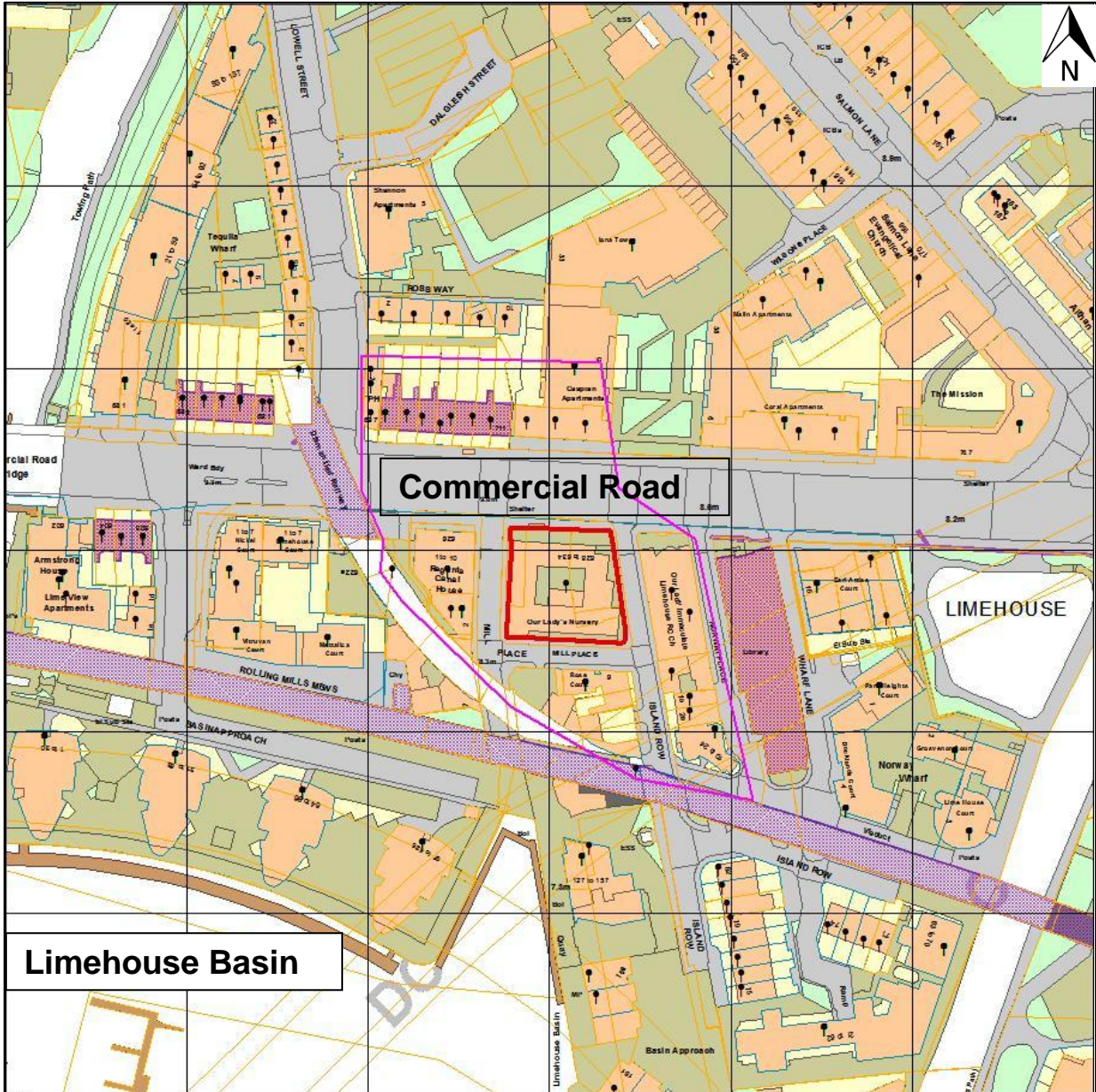


Figure One: Site Plan

The application site is shown above outlined in red. The consultation boundary is outlined in pink and buildings shaded in pink are statutorily listed.

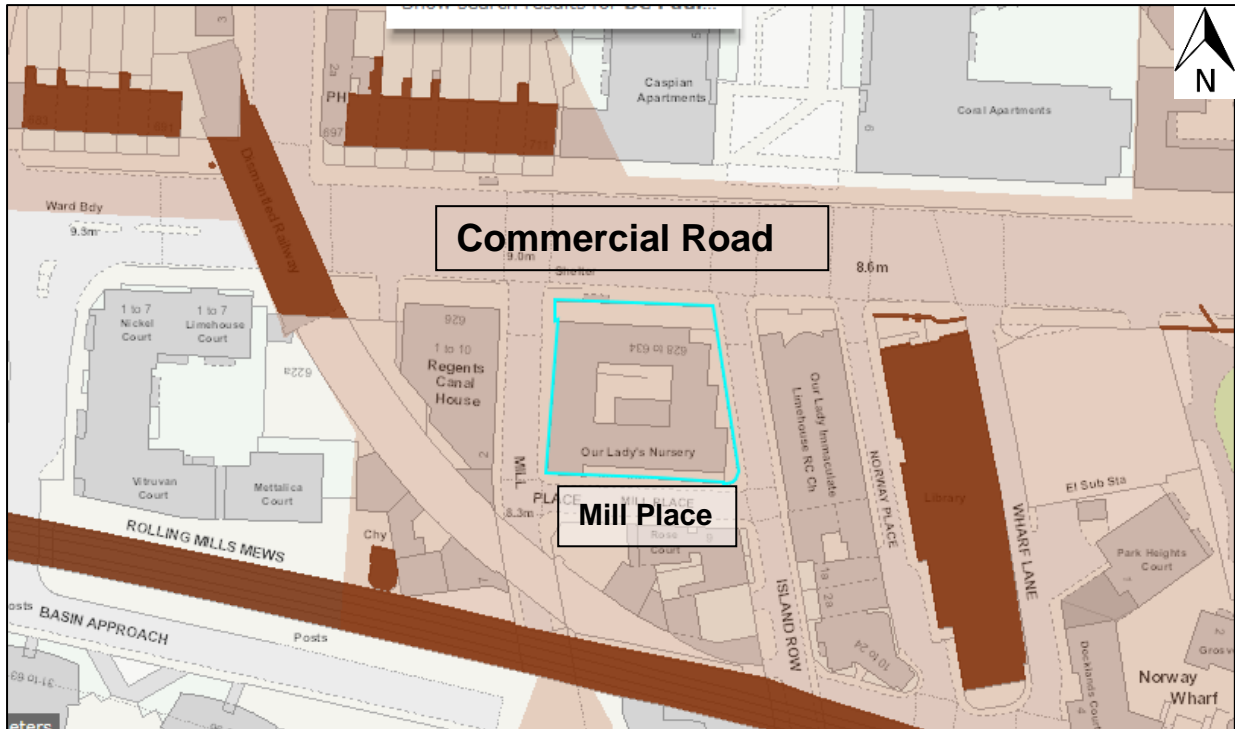


Figure Two: Conservation Area Plan

The application site is outlined in blue and the St Anne's Conservation Area is shaded. The buildings shaded with dark brown are statutorily listed buildings.

1. SITE AND SURROUNDINGS

- 1.1 The application is approximately 0.09 hectares in size and is located on the south side of Commercial Road. Mill Place is to the south and west and Island Row is to the east.
- 1.2 The site comprises of one existing building which is 3 storeys in height to the front but rises to 4 due to a stair overrun on its north-eastern corner. The building steps down to 2 storeys and a single storey with a concrete boundary wall at the rear. The site has an established hostel land use (Sui Generis Use Class) comprising 52 bedrooms. The surrounding area is predominantly residential in character, but includes a mix of other uses including commercial uses, and leisure and educational uses further to the west.
- 1.3 The site is not listed but does lie within the St Anne's Church conservation area and is also within an Archaeological Priority Area (Tier 2). Our Lady Immaculate and St Frederick Roman Catholic Church is situated immediately to the east of the site and is a non-designated heritage asset due to being a local landmark.
- 1.4 The application site is surrounded by a number of other heritage assets. Adjacent to the Church to the east is the grade II listed Limehouse District Library with its gate piers and iron railings. The railway viaduct further to the south is grade II listed, as well as the railway bridge on Commercial Road situated to the north-west of the site. Georgian terraces on the opposite side of Commercial Road are also grade II listed.
- 1.5 The application site is situated in an area of very good public transport facilities and has a PTAL of 5, 1 being (very poor) and being 6b (excellent). Limehouse Station is situated within 400m of the site to the west and offers connections to the City of London via Docklands Light Railway and c2c trains to the Essex Coast. There are a number of bus routes along Commercial Road offering connections to Central and East London.
- 1.6 In terms of other planning designations, the application site sits in an area of particularly low air quality while the whole of the borough falls within an Air Quality Management Area. The site is also part of the Green Grid buffer zone.
- 1.7 The site is also within the Central Sub-Area and the Limehouse Neighbourhood Planning Area.

2. PROPOSAL

- 7.1 The proposal seeks to demolish the existing building on site and to provide a seven storey building with a basement to accommodate a mix of hostel use and large houses in multiple occupation (HMO) accommodation. A total of 109 rooms are proposed which would generate 185 occupants.
- 7.2 The proposal originally proposed 31 hostel bedrooms on the lower ground and ground floor levels and 78 HMO rooms on the upper floors. The revised accommodation schedule dated 17th October 2019 includes the provision of 25 hostel rooms on the lower ground and ground floor levels and 84 HMO rooms on the upper floors. In total, the revised proposal results in a maximum capacity total of 41 hostel occupants and 144 occupants associated with the HMO use.
- 2.1 The proposed seven storey building would occupy the majority of the application site. A large lightwell is proposed to the front of the site which continues through the glass landing along the building's entrance. Another lightwell of a smaller scale is proposed at the rear of the site. To the east of the site a triangular pavement area under the applicant's ownership would

provide space for refuse storage, cycle lifts and a single wheelchair accessible car parking space.

- 2.2 The proposed building is of a geometrically regular shape. The two top floors are set back on all sides; the highest floor includes corner setbacks. The proposed fenestration includes floor to ceiling windows arranged in a regular fenestration pattern across the majority of the building however the two setback floors do not follow the same pattern.
- 2.3 The proposed building would be finished in London multi-stock brick on floors ground to fourth and rain-screen cladding on the two top floors. A glass balustrade is proposed along the parapet level of the sixth and seventh floor balconies. All windows would be made of aluminium frames.
- 2.4 The proposed building would be accessed on Commercial Road via steps which continue onto the glass landing entrance into the building. The ground floor comprises of the reception area, kitchen and dining areas, six single bed hostel rooms and seven double bed hostel rooms. The basement includes three single bed hostel rooms, nine double bed hostel rooms and the servicing area which includes the following: luggage room, cycle and general storage, waste storage for hostel and HMO use arranged in separate areas, gym and a cinema room.
- 2.5 Proposed floors 1-4 comprise of four single bed HMO rooms, fifteen double bed HMO rooms and one communal room. Floors 2-4 include a protruding balcony fronting onto Commercial Road which is contained within the site's red line boundary. Five single bed HMO rooms and three double bed HMO rooms are proposed on the fifth floor which is set back from the floors below. The setback space provides private terraces for the fifth floor rooms in addition to one communal area on the floor. Three single bed HMO rooms, three double bed HMO rooms and one communal amenity space are provided on the sixth floor. Four corner terraces serve as private amenity space for three double bed rooms and one single.



Figure Three: CGI of the proposed development

The image above shows the proposed development fronting onto Commercial Road and its surrounding area. The building to the right of the application site is Regent's Canal House and the building to the left with a tower is Our Lady Immaculate and St Frederick Roman Catholic Church. Further to the left is the Grade II listed Limehouse District Library.

3. RELEVANT PLANNING HISTORY

3.1 The application site was subject to previous planning applications which sought to extend the existing hostel building and redevelop the site. Relevant planning history in the surrounding area has also been included.

Application site

3.2 Temporary planning permission under reference PA/00/01481 was granted on 21st January 2002 for the retention of use as a hostel for the occupation of homeless persons (retrospective application).

3.3 Planning permission under references PA/04/00062 and PA/04/00426 were submitted for the demolition of former hostel and redevelopment to provide an eight storey building comprising 58 residential units and 195sqm of commercial space on the ground floor. The two applications were withdrawn.

3.4 Planning application under reference PA/05/01822 was granted on 14th August 2006 for the removal of condition 1 of planning permission ref PA/00/01481. The removal of condition 1 allowed the continued use of the property as a hostel.

3.5 Planning permission under reference PA/11/02318 was granted on 25th June 2012 for the refurbishment and extension to the existing hostel building to increase the height to between three and five storeys with set-back upper floors to provide an additional 33 rooms (resulting in an increase from 41 to 74 rooms) with associated improvements to communal areas, elevations and landscaping, together with provision of enhanced refuse / recycling storage, cycle storage and motorcycle parking.

3.6 Planning permission under reference PA/15/01882 was refused on 13th July 2017 (delegated decision) for the demolition of existing building and erection of a building up to six storeys plus basement for use as short term accommodation (100 rooms). The planning application was refused for the following reasons:

- Failure to demonstrate the need for additional hostel accommodation
- Visual intrusion and harm caused to the St Anne's Church conservation area as a result of the proposed height, bulk and detailed design
- Adverse impact on residential amenities in terms of loss of outlook and unneighbourly sense of enclosure
- Failure to demonstrate adequate servicing and delivery arrangements and the provision of an off-street blue badge spaces
- Absence and failure of demonstrating an air quality neutral assessment

Surrounding area

767-785 Commercial Road, London, E14 7HG

3.7 Planning permission under reference PA/16/03657 was granted on 29th March 2019 for the demolition of 785 Commercial Road (behind retained façade) and 767 Commercial Road and

mixed-use redevelopment of site to accommodate 2,459sqm of Class B1(a) office space within restored Sailmaker's Warehouse, 134-room sui generis communal living accommodation and associated facilities on east and west sites, and 272dqm of Class B1(a) office space and 9 no. self-contained Class C3 residential flats on the corner site of 767 Commercial Road.

4. PUBLICITY AND ENGAGEMENT

4.1 The applicant engaged in pre-application discussions with the Council in 2018. The applicant did not submit a Statement of Community Involvement or Consultation with this application, as such there is no evidence submitted to demonstrate the applicant's engagement on the proposal with the local community.

4.2 The Council notified the local community about the proposed development by:

- sending neighbour letters on 27th April 2019;
- advertising the application in the local press on 2nd May 2019; and
- putting up a site notice in front of the site on Commercial Road on 22nd May 2019.

4.3 Following the receipt of additional information in October 2019, the Council re-consulted on the application on 30th October 2019.

4.4 A total of 76 representations were received.

4.5 In total, 36 individual representations were received in objection to the proposed development. An objection from a Member was also received along with two petitions (one with 41 signatures and one with 27 signatures (all from local residents)) Objections were received from residents living in Regent's Canal House (Commercial Road), properties along the northern side of Commercial Road including Caspian Apartments, apartment blocks, properties along Island Row, Grosvenor Court adjacent to the Limehouse Cut Canal (Wharf Lane) and from the adjacent church.

4.6 The objectors raised the following concerns:

- Poor management, breach of planning conditions and noting negative online reviews of the current hostel
- Anti-social behaviour (ASB) and crime issues in the current hostel
- Concerns over the proposed land use and whether it comprises a traditional hostel use
- Concerns over the proposed use being a hotel and continued provision for the most vulnerable people
- No justification for the proposed short-term accommodation
- Lack of affordable housing provision
- No clear management for the proposed development
- Impact on social cohesion from the increased transient population
- Overdevelopment of the site
- Lack of any public benefits

- Failure of the proposed development to address reasons for refusal of the previous planning application (PA/15/01882)
- Location of the wheelchair units and difficulty during potential evacuation
- Harm to the character and appearance of the St Anne's Church conservation area, Lowell Street conservation area, and Our Lady Immaculate Church
- Insensitive design to the local character of the area
- Impact on the amenity of the surrounding residential properties, in particular loss of daylight and sunlight, loss of privacy, outlook and view; dust, pollution and traffic impacts during the construction stage
- The cumulative effect of other construction works in the area
- The risk of increased ASB and noise in the area
- Provision of substandard short-term accommodation on the lower ground floor
- Insufficient outdoor space for the proposed development
- Impact on the capacity and safety of the surrounding transport network including the DLR, on-street car parking, pick-ups/drop offs, servicing and deliveries
- Insufficient waste facilities and management
- Environmental impact including the creation of a wind tunnel, increase in noise and air pollution
- Impact on the infrastructure
- Consultation issues including no consultation carried out to Island Row residents, 14 days timescales, late receipt of the consultation letter, communication language (only English) and lack of bilingual site notice
- No consultation carried out by the applicant
- Incorrect information presented by the applicant
- Issues over previous Committee decisions not respecting residents' opinion

Officer comment: The application underwent the necessary consultation processes as required by the adopted Statement of Community Involvement.

4.7 37 letters of support were received from residents living in apartment blocks (Aithan, Cheadle, Elland and Britley Houses) on Copenhagen Place, properties and apartment blocks (Ashpark, Midhurst and Newdigate Houses) along Norbiton and Carbis Roads. These were collated and sent to the Council in one pack by the applicant. The supporters stated that the application is in need of regeneration and the old hostel should be replaced with modern accommodation. Particular comments were made to the following:

- Provision of accommodation for tourists on a moderate budget
- Provision of short-term co-living spaces for people on shorter contracts and medium-term tourists not being able to rent a flat in the area
- Transport accessibility

- Increase in height resulting in the decrease in occupants
- Positive impact of the ground floor café on the street scene.

5. CONSULTATION RESPONSES

External consultees

Crime Prevention Design Officer (Metropolitan Police)

5.1 There are a number of areas of concern that need mitigation on the site. These include the following:

- Lower ground courtyard – this area is vulnerable to attack and appropriate levels of glazing and construction of the light well to offer no hand or foot holds should be achieved
- Luggage rooms – robust construction needed
- Lower ground bin store – CCTV coverage required
- Lower ground cycle store – access controlled required and appropriate doorset
- Ground floor light well boundary treatment – 1.5m high and made of glass or laminate to frustrate climbing
- Reception area – lobby should be a secure space with robust doorsets subject to access control; protection of staff members by appropriately designing work station with a fall back room; CCTV coverage of the reception; appropriate outer and second doorset required
- All external doorsets to be CCTV covered and each lift lobby doorset to use a certified doorset
- Suitable privacy panel for balconies and roof terraces

5.2 A pre-occupational condition was suggested to require the developer to engage with both the police and the local authority to achieve 'Secured by Design' accreditation/status.

5.3 A number of general recommendations were made in relation to external lighting, windows, communal mail provision, residential apartment entrance doors, fire release buttons / break glass / green mushroom push to exit control, bin stores and CCTV.

5.4 A number of general recommendations in relation to the design of public realm were provided. This includes external furniture, clear legible signage, exterior visitor cycle stands, planers design and limiting blank façades.

Crossrail Safeguarding

5.5 Application is within the Crossrail limits. The detailed design of the proposed development needs to take account of the construction of Crossrail.

5.6 Conditions were recommended for additional information to be submitted regarding foundation design, noise, vibration and settlement, concurrent working and transmitted groundbourne noise and vibration.

Docklands Light Railway

5.7 No comments received.

Environment Agency

5.8 No comments received.

Greater London Archaeology Advisory Service (GLAAS)

5.9 The application site is situated in a Tier 2 Archaeological Priority Area. There is evidence that Ratcliffe/ Limehouse was the site of a Roman settlement, being sited on the contemporary Roman route now called The Highway and based on spot finds made in the general area. The site is also marked as a Congregationalist chapel on the First Edition OS map, which raises the prospect of human remains being present.

5.10 A desk-based archaeological assessment of the site is required in order to inform a planning decision. The proposed lower ground floor suggests a bulk groundworks impact on any buried remains and the impact from any existing basement is not clear.

Historic England

5.11 No comments to make.

London Fire and Emergency Planning Authority

5.12 No comments received.

Thames Water Authority

5.13 No objections in terms of waste overall. No objections to following the sequential approach to the disposal of surface water. Suggested the installation of a positive pumped device (or equivalent reflecting technological advances) to avoid risk of backflow at a later date. An informative for groundwater risk management permit should be applied.

5.14 No objections in terms of water. An informative for minimum pressure in the design of the development should be applied.

Transport for London

5.15 There should be no impact on the footway and carriageway on Commercial Road during any works on the site. No general car parking, one blue badge parking space and proposed cycle parking is in accordance with the draft London Plan. TfL requests the blue badge space to be delivered with the inclusion of an electric vehicle charging point. TfL agrees the C1 (hotel) standard is the appropriate standard to be applied to this proposal. TfL requests cycle parking to be in accordance with the London Cycling Design Standards.

5.16 TfL requests a Delivery and Servicing Plan and a detailed Construction Logistics Plan to be secured by condition.

Internal consultees

LBTH Biodiversity Officer

5.17 The application consists largely of existing building and hard surfaces. A preliminary bat roost assessment should be provided before the application is determined given the proximity to the basin. If no bat roosts are present, there will be no significant impacts on biodiversity.

5.18 The proposals include a limited amount of planting at ground level and on the building; however, no details are provided. The inclusion of a green roof should be explored. Other

appropriate biodiversity enhancements include bat boxes and nest boxes for sparrows, swifts and house martins; these should be secured via condition.

LBTH Design and Conservation

- 5.19 As stated in the reasons for refusal for application PA/15/01882, a building of six storeys and above is not appropriate. This stance still remains, seven storeys is not appropriate in this location. The building is visually intrusive, detrimental to the character and appearance of the St Anne's Church conservation area and the nearby listed buildings.
- 5.20 The existing building is modest in scale and this allows the massing of the Church to be fully appreciated in views into the conservation area. There is a preference to retain a building of this scale. Any proposal should be subordinate in height and mass to the Our Lady Immaculate Roman Catholic Church and the adjacent listed library.
- 5.21 The height of the building, particularly the upper set back floors, and the building mass fail to allow the tower to be read as the most prominent tall and standalone feature in the townscape. This impacts the character and distinctiveness of this area of the conservation area. The sensitivity concerns the impact of the building on the grouping of the significant public building and their prominence in the conservation area.
- 5.22 The original building line was level with the Church and pulling the building forward is not acceptable due to the impact on the Church. In addition, the stepping forward creates a pinch point in the public realm to the north east of the site. Pulling the building line to the existing partially addresses this concern.
- 5.23 The building has been dropped so that the ground floor is lower than the street level. More public areas such as communal facilities should be orientated to face Commercial Road.
- 5.24 Overall, the proposal represents overdevelopment. In addition, the building has a generic boxy appearance and lacks any design detailing.

LBTH Energy Efficiency Unit & Sustainability Officer

- 5.25 The proposals are anticipated to achieve a 44% reduction in emissions against the baseline. However, the submitted energy strategy is based on Part L 2013 calculations. This is not supported as the scheme should be assessed following the GLA Energy Assessment guidance and recommendations for the use of SAP10 carbon factors.
- 5.26 The applicant is proposing a CHP to supply the development; however, given the scale of the development and CO2 emissions (in light of grid decarbonisation) and air quality issues, this is not considered suitable. The applicant should undertake a review of the energy proposals utilising the revised carbon factors of SAP10. Alternative low carbon heating methods (e.g. heat pumps) should be investigated and the currently proposal strategy should be revised.

LBTH Environmental Health Team

- 5.27 An air quality assessment demonstrating the development to be at least air neutral should be secured via a pre-commencement condition. The applicant should also submit details of how dust and emissions during the construction phase is to be controlled.
- 5.28 A pre-commencement condition should be secured to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developer.
- 5.29 Premises must comply with relevant statutory requirements including the Housing Act 2004, or comply with relevant Building Regulations. Any odour nuisance from the premises may be subject to action under relevant legislation including the Environmental Protection Act 1990.

LBTH Housing Strategy Group

- 5.30 The applicant needs to confirm and clearly demonstrate whether the HMO units would be affordable for people on low incomes. Should they not be able to demonstrate that they will be affordable, they would be required to meet the Council's standard affordable housing requirements. At least 10% of all units, across tenures, should be wheelchair accessible, with fully adaptable as required in the rented tenure. Further information is required.

LBTH Occupational Therapist

- 5.31 No comments on this type of accommodation.

LBTH Parking Services

- 5.32 The removal of one of the three bays to introduce a loading bay of 8m (to operate 24 hrs for deliveries and waste collection) on Island Row can be accepted as the developer would provide an off-street disabled parking space. The other two resident parking spaces on Island Row including the existing disabled space should be retained in their original positions.
- 5.33 The removal of the parking bay on Mill Place (southern section) may cause issues to the egress for vehicles from the yard on the south side. The extension of the parking bay on Mill Place (western section) may cause further constriction for swept paths and possible turning issues to the off-street car park entrance nearest Commercial Road. It is recommended to keep this section as it is at present.
- 5.34 It is not clear how refuse would be collected with a parking bay between the refuse lift. The proposed development would require all the current yellow lines surrounding the site to be converted to double yellow lines.

LBTH Transportation & Highways

- 5.35 In the past, on street servicing has been agreed and on some occasions objected to. Servicing can only take place in areas where legally permitted and the area proposed is subject to waiting and loading restrictions currently which prevents loading at certain times. The applicant has not covered this in their strategy. The applicant has no jurisdiction over the use of public highway which in terms of service use can be used by anybody legally loading / unloading where allowed and so space may not be available for vehicles servicing this development. There are also concerns over the 9m refuse vehicles accessing the site and causing a potential safety issue by overhanging the footway.
- 5.36 The proposed development should be secured as 'Permit free'. There are concerns over the location of the proposed disabled bay. Large cars would be unable to turn out of the bay. Further details are required regarding the additional sight line and stage 1 road safety audit.
- 5.37 Cycle parking is proposed in the basement and this exceeds the numbers required for a hotel use as accepted by TfL. Access to cycle store is unclear; it is stated that it will be by lift but this is shown inconsistently in documents. It appears as this could be a platform lift which raises concerns over security.
- 5.38 The basement plans also show the cycle store doubles up as a 'general store'. This is unacceptable from a security point of view. The applicant is required to provide for larger / adapted cycles to provide inclusivity within the cycle provision. All access including lifts, doors and aisles must be to the London Cycle Design Standards and these details should be provided prior to the application being determined and not left to condition. Clarification is required with regards the visitor cycle parking as this appears to be outside the site boundary and on public highway. The Transport Statement says that staff cycle parking is also proposed and this will require washing / changing facilities which are not indicated on the plans.

- 5.39 The applicant has provided trip generation based on surveys carried out on a Liverpool hostel 10 years ago. This data is too old to use and it is not clear why direct data from surveys carried out at the existing development could not be used. It would appear that this has been done for the servicing demand.
- 5.40 Any construction work or changes to the basement be proposed adjacent to public highway will require the submission of details for approval in principal and a full technical assessment to the Council's Highway Structures Group. The applicant should be informed that this process is separate to the planning process and the granting of any planning permission does not guarantee acceptance of the basement proposals by the highway authority.

LBTH Viability Team

- 5.41 The submitted Financial Viability Assessment found that the scheme is unable to viably provide a policy-compliant 35% affordable housing offer, demonstrating a deficit of £6.88 million. The applicant also modelled a 0% affordable (i.e. all-private) scheme and found this to also be unviable at a similar deficit of £6.29 million; however, the report states that the scheme is still commercially viable for the applicant for which no robust justification has been provided.
- 5.42 Further queries and concerns raised relate to the applicant's assumptions to their appraisal inputs. This includes the Existing Use Value of £8m and the methodology behind this, particularly the income, occupancy, and capitalisation rate adopted.

LBTH Waste Policy and Development

- 5.43 The applicant's waste capacity appears to be lower than the current Council's guidelines. The applicant may use the British Standard 5906 document for waste capacity for the hostel and administrative element of the development. The applicant is required to ensure residential and commercial bins are stored separately. The applicant is required to provide bulky waste store separate from bins to avoid issues around obstruction of bins.
- 5.44 The swept path analysis appears to show the waste collection vehicles over run the footway. The applicant is required to address how the waste collection vehicles can safely access to service the proposed development. The applicant is required to provide a dropped kerb of 1.2m wide at the kerbside where there are no suitable dropped kerbs or shared surfaces where the waste collection vehicles will service the proposed development.
- 5.45 Bin stores are required to be accessed directly from the public highway. The waste collection operatives are not required to access the development to collect bins. The applicant is required to address the issue of what happens in the case the refuse lift is out of order.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

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

6.2 In this case the Development Plan comprises:

- The London Plan 2016 (LP)
- Tower Hamlets Local Plan 2031 (TH)

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

Land Use – LP3.3, LP3.8, LP3.9; TH S.H1, TH D.H7

(housing, shared living accommodation)

Design – LP7.1, LP7.2, LP7.3, LP7.4, LP7.5, LP7.6; TH S.DH1, TH D.DH2

(layout, townscape, appearance, public realm, safety)

Heritage – LP7.8; TH S.DH3, TH D.DH4

(historic environment)

Housing – LP3.5; TH S.H1, TH D.H2, TH D.H3, TH D.H7

(housing quality)

Amenity – LP7.6; TH D.DH8

(privacy, outlook, daylight and sunlight, noise, construction impacts)

Transport – LP6.9, LP6.10, LP6.13; TH S.TR1, TH D.TR2, TH D.TR3, TH D.TR4

(sustainable transport, highway safety and capacity, car and cycle parking, servicing)

Waste – LP5.17; TH D.MW3

(waste capacity and collection)

Environment – LP5.2, LP5.3, LP5.18, LP7.14, LP7.15, LP7.19; TH S.ES1, TH D.ES2, TH D.ES3, TH D.ES5, TH D.ES7, TH D.ES8, TH D.ES9

(air quality, biodiversity, contaminated land, energy efficiency and sustainability, sustainable drainage)

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

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LP Affordable Housing and Viability SPG (2017)

- LP Draft New London Plan (2018)
- LBTH Planning Obligations SPD (2016)
- St Anne's Church Conservation Area Character Appraisal and Management Guidelines (2007)
- Building Research Establishment (BRE) "Site layout planning for daylight and sunlight: a guide to good practice" (2011)

6.5 Historic England's guidance documents relevant to the proposal are:

- Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (2008)
- The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (2017)
- Managing Significance in Decision-Taking in the Historic Environment Good Practice Planning Advice Note 2 (2015)
- Conservation Area Designation, Appraisal and Management – Historic England Advice Note 1 (2016)
- Making Changes to Heritage Assets, Historic England Advice Note 2 (2015)

6.6 On the 9th of December, the Mayor of London published his 'intend to publish' version of the London Plan. This version of the Plan is now being considered by the Secretary of State, who may, on or before 16th March 2020, issue a direction to the GLA to amend the Plan if required. The Plan cannot be published (adopted) until any such direction has been addressed. It is anticipated therefore that the final Plan will be published circa April 2020. The policies in this emerging document, given its advanced stage, carry substantial weight.

6.7 The key emerging development plan policies contained in the draft New London Plan relevant to the determination of this proposal are:

Land Use – H1, H4, H16 (previously H18)

(housing, shared living accommodation)

Design – D3, D4, D5, D8, D11

(layout, scale, public realm, safety)

Heritage – HC1

(historic environment)

Housing – H6

(housing quality)

Transport – T5, T6, T6.1, T7

(car and cycle parking, servicing)

Environment – G6, SI1, SI2, SI13

(air quality, biodiversity, energy efficiency and sustainability, sustainable drainage)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Housing & Quality of accommodation
- iii. Design & Heritage
- iv. Neighbour Amenity
- v. Transport
- vi. Environment
- vii. Infrastructure Impact
- viii. Equalities and Human Rights

LAND USE

Proposal

- 7.2 The application site has a lawful use as a hostel (Sui Generis Use Class). Whilst planning permission PA/00/01481 only allowed for a temporary use of the property as a hostel, subsequent permissions confirmed the continued lawful use of the site as a hostel. The existing 52 hostel rooms are a mixture of 2 and 3 bed rooms and multi-bed dormitories with a max total of 263 occupants.
- 7.3 In terms of the proposed development, the revised accommodation schedule dated 17th October 2019 includes the provision of 25 hostel rooms of the lower ground and ground floor with a total number of 41 occupants and 84 HMO rooms on the upper floors 1-6 with a total number of occupants of 144.
- 7.4 The proposed hostel and HMO uses would be under single management. The applicant's Building Management Plan (BMP) states that short-term leases would be up to three months for the hostel use and 12 months Assured Shorthold tenancies for the HMO use. The proposed HMO use is not a traditional HMO i.e. not a single dwellinghouse with multiple people occupying it, but rather is a large scale HMO (akin to co-living as referred to by the applicant in their BMP) which provides bedrooms and communal spaces and other supporting services like laundry, cinema room etc.
- 7.5 The proposal seeks to introduce a long-term HMO residential use; however, the applicant disagrees with Council officers regarding which policies in the Development Plan apply to this use. The Planning Statement submitted by the applicant in April 2019 states that draft New London Plan policy H18 (now H16 in the latest draft and hereafter referred to as such) is relevant to the scheme.
- 7.6 However, a further supporting letter submitted in October 2019, prior to the adoption of the new Local Plan, stated:
- That there is no adopted policy for affordable housing and HMO uses;
 - Emerging policy D.H7(c) from the Council's draft Local Plan does not apply to this proposal – "*we are low cost housing, so no affordable housing is required*"; and

- Emerging policy H16 from the Draft London Plan (July 2019 update) relates to large-scale shared living (co-living). *“It is clear from paragraph 4.18.1 that this policy does not relate to HMO and therefore does not apply to this proposal.”*

7.7 Officers disagree and this is assessed further below.

Planning policy

- 7.8 London Plan policy 4.5 seeks to ensure that new visitor accommodation is in appropriate locations.
- 7.9 Local Plan policy D.TC6 supports developments of visitor accommodation in locations within the Central Activities Zone, Canary Wharf Major Centre, Tower Hamlets Activity Areas and District Centres or along primary routes where adjacent to transport interchanges.
- 7.10 London Plan policy 3.8 seeks to ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.
- 7.11 Local Plan policy S.H1 seeks to achieve the housing target of 3,931 new homes per year across the borough by ensuring that development does not undermine the supply of self-contained housing – in particularly family homes.
- 7.12 Local Plan policy D.H7 sets out the policy approach towards housing with shared facilities (inclusive of HMOs) and states that they will be supported where they meet an identified need and can be secured as a long-term addition to the supply of low cost housing, or otherwise provide an appropriate amount of affordable housing. In addition, housing with shared facilities should be situated in an area of high transport accessibility and are subject to the relevant housing space standards in policies D.H3 and D.DH8. This is a borough specific policy that is not captured within the current London Plan.
- 7.13 Furthermore, Local Plan policy D.H7 states that the proposed rent levels of this type of accommodation would be assessed to ensure that this type of accommodation provides housing with shared facilities for people with low incomes. Where proposals would not meet the housing needs of those on low incomes, development will be required to meet the affordable housing requirements as outlined in policy S.H1 and D.H2 which require a mix of unit sizes in accordance with the local housing need.
- 7.14 Draft New London Plan policy H16 lists a set of criteria to be considered when assessing planning applications for large-scale purpose-built shared living which generally includes at least 50 units and should be of acceptable quality, well-managed and integrated into their surroundings.
- 7.15 The Mayor of London’s response to main matters¹ at the examination of the draft New London Plan states that *‘The reference to 50 units is indicative to assist decision makers in identifying developments where policy is applicable, given the that there is no formal planning definition for LSPBSL [large-scale purpose-built shared living]’*. The response further states that *‘It is also important to differentiate between LSPBSL developments from more traditional large-scale houses of multiple occupation that do not provide services to residents’*.
- 7.16 The draft New London Plan policy particularly states that this type of accommodation is seen as providing an alternative to traditional flat shares and includes additional services and

¹ https://www.london.gov.uk/sites/default/files/mayor_of_london_-_m33_large_scale_living.pdf

facilities, such as room cleaning, bed linen, on-site gym and concierge services. The policy states that tenancies should be for a minimum of three months to ensure large-scale purpose-built shared living developments do not effectively operate as a hostel. In addition, the policy requires a financial contribution towards affordable housing however the Local Plan policy, as stated above, goes further than this and requires on-site affordable housing contributions.

- 7.17 Given that the proposed HMO use is for more than 50 units and would include supporting services i.e. amenities such as on-site gym and cinema rooms, both the emerging New London Plan policy H16 and Local Plan policy D.H7 would be applicable to the proposal. Policy D.H7 incorporates traditional HMO proposals and modern co-living/large scale HMOs/shared accommodation.
- 7.18 Whilst it should be acknowledged that the terms large-scale HMO and shared living accommodation can be used interchangeably, for the purposes of clarity and consistency with the consultation and submission documents, the proposed long-term residential use would be referred to as HMO. The relevant planning policies have been listed above.

Assessment

- 7.19 The proposed redevelopment seeks to re-provide the hostel use on the site in a reduced capacity. Given that the principle of the hostel use has already been established, there are no objections to the re-provision of the hostel use.

Need

- 7.20 The Strategic Housing Market Assessment states that there has been increase in the number of sharing households. However, the applicant has not provided an assessment to demonstrate the need for this type of accommodation in the area. Whilst the application site is situated in an area of good access to public transport services, the lack of information indicates the applicant's failure to address policy D.H7 which requires housing with shared facilities to meet an identified need and as such contribute towards the borough's housing targets.
- 7.21 It should be noted that the applicant has not taken into consideration the approved scheme at 767-785 Commercial Road which would provide a similar type of shared accommodation. This application included an adequate assessment regarding need for this type of accommodation which the applicant should have taken into consideration in their own need assessment. The need provided through the approved proposal should have been included in the assessment to understand the actual need for this type of accommodation in the area.

Affordability

- 7.22 In accordance with policy D.H7, in order to provide affordable shared accommodation, the proposal would need to meet the housing needs of those on low incomes. According to the Strategic Housing Market Assessment (2017), this would include people with housing benefit support. The Local Housing Allowance (LHA) for the area in which the application site is situated (referred to as the Inner East London Broad Rental Market Area) equates to £108.30 per week/ £469.30 per month (February 2020) for shared accommodation rate² (single room). The local housing allowance is expected to increase in April 2020 and would be £110.14 per week/ £478.52 per month for shared accommodation.
- 7.23 The applicant submitted the rental prices per calendar month for the whole E14 postcode area which includes the areas of Poplar, Isle of Dogs, Limehouse, Canary Wharf, Blackwall and

² <https://lha-direct.voa.gov.uk/SearchResults.aspx?Postcode=e14%2b7hs&LHACategory=999&Month=2&Year=2020&SearchPageParameters=true>

Cubitt Town. This information is supported by the applicant's statement in the Building Management Plan that the strategy is to have rents at affordable rents below the current market rents.

- 7.24 The monthly rental price for the proposed HMO use would be £1,083. This significantly exceeds the monthly LHA figure. By comparison, a one bedroom flat on London Affordable Rent (2019/2020) is £155.13 per week / £672.23 per month, and Tower Hamlets Living Rent (2019/20) £197.18 per week / £854.45 per month.
- 7.25 As a result of the above comparison assessment, officers conclude that the proposed rental levels do not meet the need of people of low incomes and as such would not contribute towards meeting the borough's affordable housing need as required by policy D.H7. A further requirement of this policy, the proposal would be required to contribute towards the provision of affordable housing in accordance with policy D.H2 which requires a minimum of 35% and a 70/30 social/ intermediate split.
- 7.26 The applicant has submitted a Financial Viability Assessment (FVA) to justify the provision of 0% of affordable housing. An internal review of the FVA by officers in the Viability team found a fairly similar deficit for a policy compliant development providing 35% affordable housing (£6.88 million deficit) and for a modelled 0% affordable scheme (£6.29 million deficit).
- 7.27 The LBTH viability officer is of the opinion that the information presented is inaccurate or the scheme as proposed is not deliverable in reality.
- 7.28 In summary, the proposed accommodation cannot be secured as low cost housing given the high level of proposed rents and as there is no affordable housing contributions provided. The proposal also has not provided sufficient information to justify the lack of affordable housing. As such, the proposed development fails to comply with policy D.H7 which requires new HMOs to be secured as a long-term addition to the supply of low cost housing, or otherwise provide an appropriate amount of affordable housing. Accordingly, the proposal fails to comply with policies S.H1 and D.H2 which require the provision of a minimum of 35% affordable housing.

Management and services

- 7.29 A number of services would be provided to the building's occupiers such as laundry, cinema and gym. It should be noted that emerging New London Plan policy H16 promotes the provision of these facilities. However, concerns are raised in relation to the proposed use of these facilities as it is not clear from the submission documents if these would be available to all occupiers of the building, or if their use would be exclusive to the long-term occupiers.
- 7.30 Whilst the applicant has offered some information on the tenancies management, the BMP also states that short term use is envisaged on the lower floors with occasional medium-term use for upper floors. Officers are concerned about this lack of commitment to providing a long-term residential use in perpetuity.
- 7.31 Policy D.H7 requires that an assessment of amenity, specifically with regards to transport, are taken into consideration. The information presented in the submitted BMP does not appear to be sufficiently detailed. While this element is discussed in detail in the Transport section of this report, the applicant has failed to demonstrate through the management plan that it would ensure adequate deliveries and servicing arrangements, this could cause amenity impacts to neighbouring properties.
- 7.32 Officers consider that insufficient information has been presented to ensure effective management arrangements of the HMO accommodation on the site which is not acceptable and fails to accord with Local Plan policy D.H7 of the Tower Hamlets Local Plan 2031 (2020).

Conclusions

- 7.33 In summary, whilst the retained hostel use is acceptable the proposal fails to demonstrate the need and provide affordable housing contributions for the proposed HMO use as required by policy D.H7. In addition, the proposed development would constitute a poorly managed mix of hostel and HMO use on the site which is unacceptable and contrary to policy D.H7 which requires new HMOs to ensure that there is no unacceptable impact on the amenity and transport network in the surrounding area.

HOUSING & QUALITY OF ACCOMMODATION

Quality of accommodation

- 7.34 London Plan policy 3.5 and Local Plan policy D.H3 requires developments to incorporate requirements for accessibility, adaptability and minimum space standards. Emerging New London Plan policy H16 acknowledges that there are no minimum standards for communal and private areas of shared living accommodation. The policy, however, states that communal amenity spaces are important elements in ensuring that the quality of the overall residential amenity is acceptable given the generally small size of the private space in these developments.
- 7.35 Local Plan policy D.H7 states that HMO accommodation should comply with relevant standards and satisfy the housing space standards outlined in policy D.H3.
- 7.36 When assessing shared living accommodation, of particular importance is the set of amenity and room size standards adopted by the Council in October 2018³ (Environmental Health HMO guidance), it is noted that the standards set out in DH.3 do not relate to this type of HMO use, except for communal amenity space which requires 50sqm of communal amenity space for 10 or more residential units. The minimum room standards set out in the HMO guidance are as follows:

Number of occupiers	Minimum bedroom size for sleeping Kitchen facilities in a separate room [m ²]
One	8.5
Two	13

Table One: Council standard room sizes

- 7.37 According to the standards, a communal living room should be at least 13 m² for three people, plus 1 m² for every additional person. If dining facilities are combined with the living room, the room should be at least 14 m² for three people, plus 1 m² for every additional person. Kitchen facilities should be no more than one floor away from the letting. Where this is not practicable, a dining area of a size suitable for the number of occupiers should be provided on the same floor as, and close to, the kitchen satisfying the following standards:

³ https://www.towerhamlets.gov.uk/Documents/Housing/Housing-provision/Additional_licensing_scheme/Tower_Hamlets_Housing_Standards.pdf

Number of sharers	Kitchen size [m ²]
Up to 3	5.5
4-7	7.5
6-7	9.5
8-10	11.5

Table Two: kitchen size requirements

7.38 Whilst it should be acknowledged that the mentioned guidance is an environmental health document, rather than a planning standard, its adoption in October 2018 aimed to raise the housing standards in the private rented sector to ensure that privately managed properties provide appropriate living accommodation. As such, it is considered appropriate to use the guidance in the assessment of the shared living accommodation given that there are no planning standards at present. The HMO standards have been taken into consideration for the purposes of the assessment of a similar shared living proposal at 767-785 Commercial Road listed in the relevant planning history section of this report.

7.39 Planning policy does not provide details on the quality of the hostel accommodation.

Assessment

Space standards

7.40 The majority of the proposed shared living accommodation proposed room sizes of the shared living accommodation would satisfy the above minimum requirements for both single and double bedrooms. The smallest room sizes would be 12.6sqm for a single bedroom and 17.5sqm for a double bedroom.

7.41 All rooms on the fifth floor and four out of six rooms on the sixth floor would have private terraces. Given that the proposed type of accommodation does not represent self-contained traditional housing, it seems appropriate to provide private amenity spaces where feasible.

7.42 The table below represents an assessment of the provided communal areas against the HMO standards. The proposal would satisfy the minimum communal space standards for all occupiers; however, these would be provided on different floors. Whilst the guidance incorporates some flexibility for providing kitchen areas one floor away from the letting rooms, concerns are raised with regards to the living and dining areas not being sufficiently large on the letting floors as required by the standards.

Floor / No. of occupiers	Required space areas	Provided space areas
1 st floor/ 34 occupiers	42m2 kitchen 45m2 living and dining	28.5m2 kitchen/dining 33.1m2 lounge
2 nd floor/ 34 occupiers	42m2 kitchen 45m2 living and dining	28.5m2 kitchen/dining 33.1m2 lounge
3 rd floor/ 28 occupiers	34.5m2 kitchen	50.9m2 kitchen/dining

	39m2 living and dining	65.3m2 lounge
4 th floor/ 28 occupiers	34.5m2 kitchen 39m2 living and dining	50.9m2 kitchen/dining 65.3m2 lounge
5 th floor/ 11 occupiers	17m2 kitchen 22m2 living and dining	15.4m2 kitchen/dining 30.8m2 lounge
6 th floor/ 9 occupants	11.5m2 kitchen 20m2 living and dining	15.4m2 kitchen/dining 30.9 lounge
Total occupiers (floors 1-6) 144	181.5m2 total kitchen area 210m2 total living and dining area	189.6m2 total kitchen area 258.5sqm total living and dining area

Table Three: assessment of proposed scheme

- 7.43 In terms of communal outdoor amenity space, the proposed development would require a minimum of 124sqm in order to comply with the minimum standards as set out in policy D.H3.
- 7.44 The proposal would provide 65.3sqm of communal outdoor space in the form of a rooftop on the fifth floor. This would result in the provision of 0.78sqm for each room of the shared living accommodation and would fall short to provide the minimum requirement as stated above by 58.7m². As a comparison, the shared living accommodation at 767-785 Commercial Road included 310sqm of communal outdoor amenity spaces for 134 rooms. This resulted in an average of 2.3sqm per room and satisfied the minimum policy requirements.

Number of rooms	Required communal outdoor amenity space	Provided communal outdoor amenity space
84	125sqm	65.3sqm

- 7.45 As mentioned in the land use section, it appears that the hostel and shared living accommodation would have access to the same amenities on the site. As such, the provided indoor and outdoor communal amenity space would not be available solely to the long-term residents which would additionally put the pressure on the availability of this space.
- 7.46 Eight wheelchair accessible rooms would be provided for the shared living accommodation on south-western and south-eastern corners of the building on floors 1-4. It is accepted that the proposed provision satisfies the policy requirements of 10% for wheelchair accessible residential units.
- 7.47 As a result of the above assessment, officers consider that the proposed development would not provide a sufficient amount of communal amenity spaces. As such, the proposal fails to provide high quality living accommodation which is contrary to policy London Plan policy 3.5, and Local Plan (2016) policies D.H3 and D.H7 of the Tower Hamlets Local Plan 2031 (2020).

Daylight and sunlight

- 7.48 The BRE guidance on daylight and sunlight requires new developments to achieve the minimum Average Daylight Factor (ADF) of 2% or more for kitchens, 1.5% for living rooms and 1% for bedrooms.

- 7.49 The applicant subsequently provided the daylight and sunlight assessment for the proposed development itself, undertaken by Rapleys. Given the timing of the receipt of the subsequent assessment and the in principle objection to the development, this has not been reviewed by Council's external consultants, BRE. However, it has been assessed by internal officers.
- 7.50 The table below shows the levels of daylight and sunlight that the proposed shared living accommodation would achieve.

Floor	North facing windows	%	Satisfactory ASPH for remaining windows	%	Satisfactory ADF	%
Lower Ground	7 out of 14	50%	0 out of 7	0%	0 out of 14	0%
Ground	10 out of 20	50%	10 out of 10	100%	16 out of 20	80%
First	10 out of 18	56%	8 out of 8	100%	15 out of 18	83%
Second	10 out of 18	56%	8 out of 8	100%	16 out of 18	89%
Third	10 out of 18	56%	8 out of 8	100%	17 out of 18	94%
Fourth	10 out of 18	56%	8 out of 8	100%	18 out of 18	100%
Fifth	4 out of 9	44%	5 out of 5	100%	9 out of 9	100%
Sixth	3 out of 7	43%	4 out of 4	100%	7 out of 7	100%
Aggregate	64 out of 122	52%	51 out of 58	88%	98 out of 122	80%

Table Four: Table taken from the Applicant's Daylight and Sunlight Amenity (Internal) Report

- 7.51 Both living/kitchen/dining (LKD) windows on the first and second floors would fail to achieve the minimum ADF of 2%. Out of these, the south-facing LKD windows would achieve ADF close to 2% (1.75% - first floor and 1.94% - second floor); however, the north-facing LKD windows would achieve significantly less than 2% (0.81% - first floor and 0.95% - second floor). Similarly, the north facing LKD window on the third floor would achieve 1.07% against the 2% minimum ADF requirement.
- 7.52 The proposed LKD areas would serve as a primary social space for a number of occupiers. As such, it is considered that all of the communal spaces should meet the minimum ADF requirements. In light of this, the results therefore presented are unacceptable with regards to Local Plan policy D.DH8 which requires all new residential development to achieve adequate levels of daylight and sunlight.
- 7.53 In total, all bedrooms windows but one, situated on the first floor, would fail to achieve the minimum ADF target of 1%. However, it has been acknowledged that its ADF level of 0.94% would be fairly close to the minimum requirement.
- 7.54 With regards to sunlight, one sixth floor bedroom window would fail to achieve the minimum 25% of APSPH while one first floor and one fifth floor bedroom windows would fail to achieve the minimum 5% of APSPH in the winter months.
- 7.55 Overall, the daylight and sunlight compliance for bedrooms windows is considered acceptable on balance given that the application site is constrained by the existing surrounding

developments. However, given that the social spaces would serve a significant number of occupiers, it is considered that all spaces should meet the minimum daylight and sunlight requirements as promoted by the BRE's guidance.

Noise

- 7.56 Commercial Road is a very busy road with a significant amount of traffic that has the potential to create very high levels of noise and adversely impact the quality of the proposed accommodation. Also, the proximity to the DLR to the south of the site could have an adverse impact in terms of noise.
- 7.57 The applicant has not submitted the relevant information to demonstrate that the noise level within the proposed development would be acceptable and in accordance with the standards. However, the submitted Design & Access Statements states the applicant's commitment to provide the relevant acoustic details through a pre-commencement condition. Officers consider this to be appropriate and an acceptable scheme would include the relevant condition.

Summary

- 7.58 In summary, the proposal would fail to provide sufficient levels of communal outdoor amenity space. In addition, the communal indoor amenity spaces would fail to achieve the minimum daylight requirements. Based on the information presented and the assessment carried out by officers, it is considered that the proposed development would fail to achieve the required space standards and adequate daylight and sunlight conditions for the proposed accommodation. As such, the proposal is contrary to Local Plan policy D.H3, D.H7 and D.DH8 of the Tower Hamlets Local Plan 2031 (2020) which require all housing developments to meet space standards and provide adequate levels of daylight and sunlight.

DESIGN

- 7.59 Chapter 12 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities (paragraph 124).
- 7.60 London Plan policies 7.1 to 7.3 have strategic aims to ensure that neighbourhoods should have a good quality environment based on the lifetime neighbourhoods principles (7.1), that developments should achieve the highest standards of accessible and inclusive design (7.2), and that boroughs and others should seek to create safe, secure and appropriately accessible environments (7.3).
- 7.61 London Plan policy 7.4 'Local character' requires development to have regard to the form, function and structure of an area, and the scale, mass and orientation of surrounding buildings. Development should build on the positive elements that contribute to establishing an enhanced character for the future function of the area. Five assessment criteria are provided. Boroughs should consider the different characteristics of their area where character should be sustained, protected and enhanced through managed change.
- 7.62 London Plan policy 7.6 'Architecture' which states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.
- 7.63 Policy D1 of the draft New London Plan requires development to respond to local context, be of high quality, aim for high sustainability standards, respect, enhance and utilise heritage assets and features, maximise urban greening and achieve comfortable living environments.

- 7.64 Policies D3 and D7 of the draft New London Plan seeks to deliver an inclusive environment to meet the needs of all Londoners and to ensure a high quality public realm.
- 7.65 Policy S.DH1 'Delivering high quality design' states that '*Development is required to meet the highest standards of design, layout and construction which respects and positively responds to its context, townscape, landscape and public realm at different spatial scales, including the character and distinctiveness of the borough's 24 places ... and their features.*' To achieve this buildings must:
- be of an appropriate scale, height, mass, bulk and form in its site and context;
 - represent good urban design;
 - have regard to their immediate and wider surroundings etc.
- 7.66 Policy D.DH2 'Attractive streets, space and public realm' states that development is required to contribute to improving and enhancing connectivity, permeability and legibility across the borough, ensuring a well-connected, joined-up and easily accessible street network and wider network of public spaces through and that development should contribute positively to the public realm.

Assessment

Layout, public realm and landscaping

- 7.67 The position of the existing building steps back as the building gets closer to Commercial Road. The small area of open space to the front along Commercial Road appears to be used as an occasional car park. A proposed site plan is shown within Figure four below.
- 7.68 The originally submitted drawings indicated that the front of the proposed building was pushed forward onto Commercial Road further than the existing building. This was considered inappropriate due to the adverse impact to the neighbouring Church to the east. The applicant has revised the proposal to set back the front building line to an acceptable position.
- 7.69 The proposed building seeks to follow the existing building line to the south, west and north. To the east, the proposed building line seeks to regularise the existing step backs to Commercial Road. This arrangement results in more 'public realm' to the south-east part of the site; however, the created space would be used to accommodate a disabled car parking space with refuse and cycle lifts in the remaining part of the space. As such, Officers do not consider that this space would form public realm as it would be used for servicing purposes of the proposed development.
- 7.70 The proposed layout and building alignment would result in the creation of a pinch point in the north-eastern corner of the site (corner with Island Row) which is not acceptable given Commercial Road is a busy road with a high level of footfall. The existing building step backs towards the northern side of the site to provide more pedestrian space as they approach Commercial Road. The proposed building fails to enhance connectivity due to the poor layout arrangement.
- 7.71 The ground floor level, including the main entrance, is proposed below the street level. This would result in reduced visibility of the main entrance and a poor presence of the communal spaces along the streetscape. As such, the proposed development fails to provide natural surveillance and contribute to the creation of a lively and attractive street as required by policy. A discrepancy between the submitted information must be noted given that the CGI on page 33 of the Design and Access Statement appears to show the main entrance levelled with the street which is not the case.

- 7.72 Officers acknowledge that the proposed landscaping would have both design and environmental benefits, and in the case of an acceptable proposal, details would be secured via condition. However, as noted above the proposed 'public realm', would not function as such as would instead serve the servicing requirements of the proposed development. In addition, it is considered that the proposal misses the opportunity to provide public realm improvements along Commercial Road to enhance the permeability and streetscape views within the Conservation Area.
- 7.73 Overall, the site layout shows signs of over-development and does not comply with the above mentioned policies. The proposed 'public realm' areas which not serve as such and do not form part of a cohesive scheme design. As such, the proposal fails to incorporate good design principles and ensure optimal plot coverage.



Figure Four: Ground Floor Plan

The plan above shows the plot coverage and layout of the proposed development.

Townscape, Massing and Heights

- 7.74 The existing building in terms of its height and scale has a subservient relationship with the Our Lady Immaculate and St Frederick Roman Catholic Church, a non-designated heritage asset, and its tower situated immediately to the east of the site. The church completes a grouping of principal public buildings to the east which together form the prevailing character of the conservation area, including the Grade II listed Limehouse District Library.
- 7.75 The predominant height in the area varies from six storeys to three storeys. The residential block immediately adjacent to the west of the application site is six storeys and steps down to three storeys along its southern boundary. To the south, there is a part three part four storey residential building on the corner of Island Row and Mill Place.

- 7.76 To the east of the site along Island Row, the Our Lady Immaculate and St Frederick Roman Catholic Church has a predominant height of four storeys and immediately adjacent to its southern edge is the three storey Presbytery. Further along the eastern side of Island Row, there are three and four storey buildings. The grade II listed library to the east of the Church is three storeys in height.
- 7.77 On the opposite side of Commercial Road, the modern residential blocks are six storeys reaching twelve and fourteen storey in height further at the rear of the site. These properties are not within the conservation area and the higher elements have been placed away from the Commercial Road frontage and the conservation area.
- 7.78 At present, the existing building allows the Our Lady Immaculate and St Frederick Roman Catholic Church tower to form a key local landmark. In addition, the lower height provides breathing space and creates a deferential relationship that reinforces the visual prominence and importance of the church within its townscape and streetscape setting, which includes the wider conservation area and designated heritage assets.
- 7.79 The proposal is for a seven storey building which is two storeys taller than the consented scheme in 2012 (reference PA/11/02318) and taller than the previously refused scheme in 2017 (reference PA/15/01882, reason for refusal included height). The height of the proposed building at seven storeys, particularly the upper set back floors would be overly dominant on the townscape and streetscape. This would result in an incongruous relationship with the adjoining church which would no longer be the most prominent tall feature in the townscape.
- 7.80 The applicant's response to these design concerns includes comparisons of the building's height to the residential blocks across Commercial Road, over Mill Place and further afield. However, these are not considered to be as relevant given that the immediate surrounds of the application site represent a highly sensitive historic environment.
- 7.81 In summary, the proposed development is contrary to the above policies given it is not of an appropriate scale, height and massing. The proposal would result in adverse impacts on the townscape and streetscape in this part of Commercial Road. The impact of the proposed development on heritage assets is covered in the 'Heritage' section of this report.



Figure Five: CGI of the proposed development

The image above shows the proposed development fronting onto Commercial Road and its surrounding area. The building to the right of the application site is Regent's Canal House and the building to the left with a tower is Our Lady Immaculate and St Frederick Roman Catholic Church. Further to the left is the Grade II listed Limehouse District Library.

Appearance & Materials

- 7.82 Whilst the proposal falls short of addressing fundamental issues arising from the overall scale, bulk, height and massing, concerns were also raised about the overall appearance of the building. The proposed fenestration is considered excessive and does not respect the local character which is characterised by more rationalised window proportions. Also, the two set back floors fail to achieve consistency with the lower floors and as such they appear out of context and do not help to articulate the building's form.

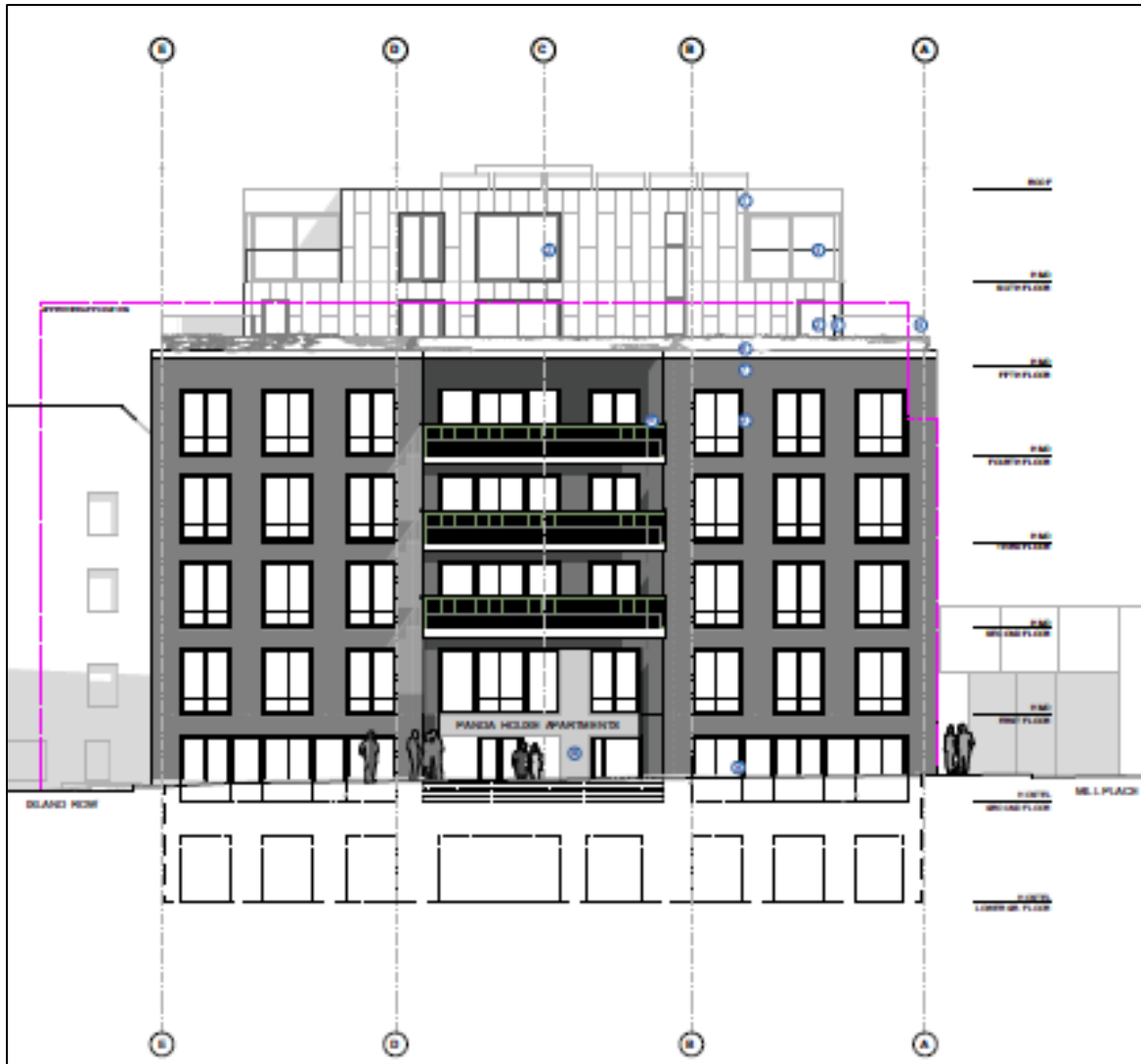


Figure Six: Proposed North Elevation (Commercial Road)

The drawing above shows the elevation along Commercial Road.

- 7.83 The proposed balconies along the central part of the northern elevation do articulate the proposed building form to some extent; however, officers raise concerns with regards to their usability. Given the high levels of air and noise pollution along Commercial Road, including potentially unusable balconies is not considered to be a good design principle. Air Quality and Noise are discussed in more detail elsewhere in this report.
- 7.84 With regards to materials, the proposed development incorporates a variety of materials including aluminium windows and metal balustrades, London multi-stock brick for the lower storeys and rain-screen cladding and glass balustrades for the two upper setback floors. Whilst there is no particular objection to the proposed materials, and samples would have been required via condition had the application been acceptable, it is considered that due to the incoherent fenestration pattern, the overall appearance of the building is also not of sufficient quality and therefore does not comply with the above mentioned policies.

Safety & Security

- 7.85 The crime prevention officer (Met Police) suggested a number of scheme specific amendments to ensure that the proposal incorporates the design principles to improve safety and perception of safety. In order to ensure that the suggested amendments have been

incorporated into the proposal, the Metropolitan Police suggested a pre-occupational condition.

- 7.86 The suggested amendments mainly relate to the access control measures which would have been secured via condition. Nonetheless, it should be noted that officers are not satisfied with the proposed floor arrangements which result in the ground floor below located below street level. This does not promote good passive surveillance or result in an active street frontage.

Summary

- 7.87 The existing building does not make a positive contribution to the character of the St Anne's Church conservation area however its current scale, massing and location allow the adjacent heritage assets to be read as important focal points of the Conservation Area. No objection is raised to the principle of replacing the existing building; however any replacement should provide a sympathetic response to the sensitive context of the application site which includes a predominant building height of 4 storeys, a conservation area and designated heritage assets. It should be noted that the previously refused six storey replacement building was not considered as an appropriate design response due to the harm caused to the heritage assets.
- 7.88 Officers consider that the proposed building does not provide an acceptable response to the existing context and local character due to its overbearing scale, height and massing, and the site layout does not follow principles of good urban design. In addition, there are concerns about the lack of high quality design detailing and the public realm offer. Therefore, the proposed development would not accord with chapter 12 of the NPPF (2019), London Plan (2016) policies 7.4 and 7.6, and Local Plan policies S.DH1 and D.DH2 of the Tower Hamlets Local Plan 2031 (2020) which seek to promote good design principles.

HERITAGE

- 7.89 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty with respect to listed buildings in exercise of planning functions:
- In considering whether to grant planning permission... for development which affects a listed building or its setting, 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.*
- 7.90 Chapter 16 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).
- 7.91 Paragraph 189 of the NPPF states that *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.'*
- 7.92 Paragraph 190 of the NPPF states *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*
- 7.93 Paragraph 193 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should*

be). *This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*'

- 7.94 As discussed further below, the Local Planning Authority considers the overall harm from the application to be 'less than substantial'. Paragraph 196 of the NPPF sets out that *'Where a development proposal lead to less than substantial harm to the significance of a designated heritage assets, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
- 7.95 Paragraph 197 of the NPPF relates to the non-designated heritage assets and states that *'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*.
- 7.96 The weight to be given to harm remains a matter of planning judgement for the Local Planning Authority and it is shown above that Paragraph 196 states that harm can be weighed in the balance against the public benefits of the proposal. The Planning Practice Guidance also now advises that within the less than substantial harm category, *'the extent of the harm may vary and should be clearly articulated'*. So whilst considerable weight should be attached to any less than substantial harm, it may still be affected by the extent of the harm.
- 7.97 Paragraph 200 also states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Local Planning Authorities should also look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance.
- 7.98 London Plan policy 7.8 states that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. This is continued in policy HC1 of the draft New London Plan which states that *'Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should seek to avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.'*
- 7.99 An applicable policy from the Local Plan is S.DH3 'Heritage and the historic environment' which states that developments must preserve historic assets in a manner appropriate to their significance (S.DH3(1)). Policy 2 also states that proposals that would affect the setting of a heritage asset will only be permitted where:
- a. they safeguard the significance of the heritage assets, including its setting, character, fabric or identity;
 - b. they are appropriate in terms of design, height, scale, form, detailing and materials in their local context;
 - c. they enhance or better reveal the significance of assets or their settings;
 - d. they preserve strategic and locally important views, as defined in Local Plan policy D.DH4;
 - e. in the case of a change of use from a use for which the building was originally designed, a thorough assessment of the practicability of retaining its existing use has been carried out outlining the wider public benefits of the proposed alternative use.

- 7.100 Local Plan policy S.DH3(3) states that applications affecting the significance of a heritage asset will be required to provide sufficient information to demonstrate how the proposal would contribute to the asset's conservation. Any harm to the significance of a heritage asset must be justified having regard to the public benefits of the proposal: whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset. Factors that will be considered can include:
- a. the significance of the asset, architecturally, historically and contextually;
 - b. the adequacy of efforts made to retain the asset in use; and
 - c. the merits of any alternative proposal for the site.
- 7.101 Local Plan policy S.DH3(4) states that substantial harm to or the total loss of significance of a designated heritage asset will only be supported where it is necessary to achieve substantial public benefits that outweigh that harm or loss. Statutory consultees do not consider that the proposal will result in substantial harm or loss; as such this policy does not apply.
- 7.102 Local Plan policy S.DH3(5) sets an expectation that alterations, extensions or changes of use, or development in the vicinity of listed buildings will have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.
- 7.103 Local Plan policy S.DH3(6) requires significant weight to be given to the protection and enhancement of the borough's conservation areas, including their setting.
- 7.104 Local Plan policy S.DH3(8) requires applications affecting the significance of the archaeology to provide sufficient information to demonstrate how the proposal would contribute to the asset's conservation.
- 7.105 A heritage asset is defined in the Glossary of the NPPF as '*A building, monument, site, place, area or landscape identified as having a degree of significant meriting consideration in planning decisions, because of its heritage interest*'. It includes designated heritage assets and assets identified by the local planning authority (including local listing). Historic England's advice Managing Significance in Decision-Taking in the Historic Environment states that '*Heritage assets include designated heritage assets and non-designated assets identified by the local planning authority as having a significance justifying consideration in a planning decision*'.
- 7.106 The setting of a heritage asset is defined in the Glossary of the NPPF as follows: '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and the surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*'.

Assessment

- 7.107 As stated in the St Anne's Church Conservation Area Appraisal and Management Guidelines (CAAMG), the prevailing character of the conservation area is defined by various buildings surrounding St Anne's Church (ecclesiastical grade I listed) which represents a focal point and visual marker in Limehouse. The area also illustrates the maritime history and strong industrial character associated with the viaducts and the Limehouse Cut dividing the area.
- 7.108 Along the southern side of Commercial Road, a number of principal public buildings frame the prominence and importance of St Anne's Church. This includes the Limehouse Town Hall

(grade II listed) and former British Sailors Society (grade II listed; also known as The Nelson's Wharf) on either side of Newell Street; the Limehouse District Library (grade II listed) situated between Wharf Lane and Norway Place, and Our Lady Immaculate and St Frederick Roman Catholic Church immediately adjacent to the library building. The south-eastern side of the conservation area is characterised by residential blocks of varying heights and a Victorian terrace along East India Dock Road.

- 7.109 Along the northern side of the conservation area, various grade II listed and non-listed buildings in a terrace that runs from 789-821 Commercial Road contribute to the appreciation of the conservation area with their varying facades and a staggered streetscape frontage which is of a predominant height of three storeys.
- 7.110 On the opposite side of St Anne's Church is the former ships chandler's workshop and sail loft known as the Former Caird and Rayner Premises (grade II listed). Along with the Limehouse Cut and grade II listed viaduct along the southern edge of the conservation area, these elements illustrate the area's rich industrial past.
- 7.111 As noted in the CAAMG, Our Lady Immaculate and St Frederick Roman Catholic Church is of particular importance as it completes this grouping of significant public buildings and is located directly adjacent to the application site which sits to the west. The church is of an Italianate inter-war style and its tower represents a landmark in the area given its height and prominent location on Commercial Road.
- 7.112 Limehouse District Library to the east of the church is two storeys in height. Whilst the stair enclosure of the existing application building reaches four storeys in its north-eastern corner which is adjacent to the church, the predominant height is three storeys. This arrangement allows for the Church and its tower to be appreciated in its entirety.
- 7.113 Given the Our Lady Immaculate and St Frederick Roman Catholic Church's notable mention in the CAAMG and its positive contribution to the character and appearance of the conservation area, it is considered to be a non-designated heritage asset in the conservation area. In accordance with planning policies, the impact on the church and the conservation area are afforded great weight and form part of a balanced decision as required by legislation.
- 7.114 The street elevation of the Our Lady Immaculate and St Frederick Roman Catholic Church consists of the flank semi-circular apse and a northeast tower. Three distinct sections of the tower can be defined: base (bottom), lantern (window) and pyramidal roof spire (top).
- 7.115 The highest part of the adjacent library and the existing building on the application site sit well below the lantern part. The low-scale nature of the existing buildings on each side of the Church ensure that its local landmark position is preserved.
- 7.116 The overall height of the proposed building would reach the top part of the tower's lantern section. In particular, the two setback floors would introduce the massing which would undermine the Church's strong presence along the townscape. This would disrupt the full appreciation of the church as an important focus in this particular location. As such, the Church would lose its landmark position which positively contributes to the character and appearance of the St Anne's Church conservation area by framing the public buildings that define the setting of the St Anne's Church.
- 7.117 In addition, the excessive scale, height and massing and poor fenestration pattern of the proposed development would have a harmful impact on the wider conservation area which is characterised by low-rise built environment that provide an appropriate context for the significance of the St Anne's Church.

7.118 As a result, it is considered that the proposal would cause harm to the conservation area and the heritage assets contained within it, albeit less than substantial. In accordance with the national planning policy, the identified harm should be weighed against the public benefits of the scheme.

Balancing harm and public benefits

7.119 The starting point for any proposal involving heritage assets is to 'do no harm' to the significance of the asset. Where harm would occur and this is found to be less than substantial, the harm can be balanced against the public benefits of the scheme as required by para 196 of the NPPF.

7.120 The applicant stated within their application documents that they believe there would be no harm to any heritage assets and as such has not undertaken a specific public benefit analysis with regards to para 196 of the NPPF. As set out above, officers disagree with this and attribute less than substantial harm to the proposal.

7.121 The public benefits arising from the proposed development would include:

- The replacement of the existing building which aside from its scale and massing, does not contribute positively to the conservation area;
- The provision of public realm along the eastern part of the site;
- The provision of a disabled wheelchair space on site and cycle parking;
- The provision of wheelchair accessible accommodation;
- Future landscaping and biodiversity upgrades;
- Uplift of new jobs on the site, including six full-time and two part-time jobs; and
- Employment and enterprise contributions.

7.122 Officers however attribute limited weight to the replacement of the existing building given the proposed development has not demonstrated that it would comply with policies that seek to preserve the environment, including air quality and energy efficiency and sustainability. Also, officers do not consider the proposed public realm along the eastern part of the site to be a public benefit given it would be used for servicing requirements of the scheme, therefore offering up limited public benefit. In addition, the proposed development is likely to have an adverse impact on the safety and capacity of the transport network given that the applicant failed to provide an appropriate strategy which would seek to mitigate any adverse impacts. This is discussed further below in the Transport section.

7.123 Officers also do not consider that the proposed mix of HMO and hostel uses on site to be a public benefit given there is no demonstrated need for this housing requirement, there is no affordable housing offer and as the quality of these facilities is lacking with regards to policy requirements. This also diminishes the public benefit of the proposed wheelchair units within the scheme.

7.124 Whilst the provision of a disabled wheelchair space on the site is welcomed, concerns have been raised in relation to its location and potential adverse impact on the surrounding transport network, discussed further below. In addition, the proposal would fail to provide appropriate accessibility and capacity arrangements for cycle and waste storage.

7.125 In summary, it is considered that the public benefits are extremely limited given the amount of issues that have been identified with the schemes. The public benefits therefore do not

outweigh the less than substantial harm caused to the St Anne's Church conservation area and the above noted heritage assets. As such, the proposed development fails to comply with paragraph 196 of the NPPF. Accordingly, the proposal also fails to satisfy the requirements of London Plan (2016) policy 7.8, and Local Plan policy S.DH3 of the Tower Hamlets Local Plan 2031 (2020) which require developments to preserve or, where appropriate, enhance the borough's designated and non-designated heritage assets.

Archaeology

- 7.126 The application site forms part of a Tier 2 Archaeological Priority Area which holds specific evidence indicating the presence or likely presence of heritage assets of archaeological interest. As noted by GLAAS, this includes a Roman settlement in the area and the prospect of human remains from a Congregationalist Chapel on the site as indicated on the First Edition OS map. GLAAS recommend further work is undertaken prior to determining the application.
- 7.127 Unfortunately, the Council did not consult GLAAS originally on the application and the above comments were received the week prior to this committee report being published and as such have not been shared with the applicant. Notwithstanding this, the applicant has failed to submit a desk-based assessment as required for all major applications within Archaeological Priority Zones. As such, it is considered that there is insufficient information to ensure policy S.DH3 is met.

NEIGHBOUR AMENITY

- 7.128 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not create unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions.

Daylight, Sunlight & Overshadowing

- 7.129 For daylight the tests are "Vertical Sky Component" (hereafter referred to VSC) which assesses daylight to the windows, and the "No Sky Line" test (hereafter referred to as NSL - also known as daylight distribution) which assesses daylight within the room. Both the VSC and NSL tests should be met to satisfy daylight according to the BRE guidelines as outlined in the Summary box (Figure 20) paragraph 2.2.21 of 'Site Layout Planning for Daylight and Sunlight' (2011). This text is directly quoted below. Summary (Figure 20) of BRE guidelines:

"If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This will be the case if either:

- The VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*
- The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."*

- 7.130 VSC is a metric that determines the amount of light falling on a particular point, in this case, on the centre point of the window. The calculations for VSC do not take into account window size, room dimensions or the properties of the window itself.
- 7.131 NSL assesses where daylight falls within the room at the working plane (850mm above floor level in houses), Daylight distribution assessment is only recommended by the BRE Report where room layouts are known.

- 7.132 The BRE guidelines recommend sunlight tests be carried out to windows which face 90 degrees of due south (windows which fall outside this do not need to be tested). The main requirement for sunlight is in living rooms and conservatories. The targets under the BRE guidelines require a south facing window to receive 25% of Annual Probable Sunlight Hours (APSH) with at least 5% of these sunlight hours being in the winter months.
- 7.133 The applicant has been submitted with a Daylight and Sunlight Assessment, by Right of Light Consulting, which included the result of the impact of the proposed scheme, as well as the impact of the consented scheme on the surrounding residential properties.
- 7.134 The submitted Daylight and Sunlight report has been reviewed by the Council's independent consultants, Building Research Establishment (BRE). The daylight and sunlight review provided a comparison between the consented scheme and current proposal. However, it should be noted that the consented scheme is not extant as it was never implemented.
- 7.135 There is no definitive categorisation for impacts that exceed BRE guidelines. However, for both VSC and ASPH, the Council consistently uses the following categories:
- Negligible: reduction less than 20% or retained VSC over 27%
 - Minor adverse: reduction of 20% - 29.9%
 - Moderate adverse: reduction of 30% - 39.9%
 - Major adverse: reduction greater than 40%
- 7.136 The applicant's Daylight and Sunlight Report identified the likely impacts which will be discussed site by site below. The Council's consultants considered the following properties to meet the BRE guidelines in all cases and as such they will not be discussed in detail:
- 1 Island Row – three storey Presbytery to the Our Lady Immaculate and St Frederick Roman Catholic Church adjoining the southern part of the Church, situated to the south-east of the application site;
 - 709 Commercial Road – three storey Georgian dwellinghouse to the north-west of the application site on the northern side of Commercial Road; and
 - 711 Commercial Road – end-terrace three storey Georgian dwellinghouse to the north-west of the application site on the northern side of Commercial Road
- 7.137 1 Mill Place, situated to the south-west of the application site, is commercial in nature and as such, the impact on this property has not been considered because it does not contain habitable windows and the impacts are less important. The loss of direct sunlight to the amenity area to the north on the other side of Commercial Road would not be unacceptable as it would continue to receive at least two hours on 21st March which is in accordance with the BRE's guidance.
- 7.138 The impact on the Our Lady Immaculate and St Frederick Roman Catholic Church has also been considered by the Council's consultants. Whilst it seems appropriate to consider that the stained glass window would require certain levels of daylight to be fully appreciate, it should be noted that these are not classified as habitable windows. In addition, the impact on the amenity of the Church in terms of daylight and sunlight would be similar to the impact of the consented scheme. As such, this is considered acceptable.

Regent's Canal House, 626 Commercial Road

- 7.139 626 Commercial Road, also known as Regent's Canal House, sits immediately to the west of the application site, on the opposite side of Mill Place. The property has an established

residential use and is six storeys in height; the sixth storey is slightly set back along the western, northern and eastern elevations. 77 windows were tested.

7.140 Some of the windows along the eastern elevation have been classified as secondary by the applicant in their daylight and sunlight assessment. BRE questioned this decision given that these windows appear to be of the same dimensions as the windows on the northern elevation. In the additional information submitted in the form of a letter dated 9 September 2019, the applicant agreed with the conclusion of the BRE report regarding the classification of these windows in that they are not secondary.

7.141 Of all of the windows in the assessment, 24 windows would not achieve the BRE guidelines for loss of daylight. As indicated in the table below for the currently proposed scheme, one third of the impacted windows would have minor adverse, one third moderate adverse and one third major adverse impact. For the consented scheme, this was five minor adverse, five moderate adverse and five major adverse impacts.

	Minor adverse	Moderate adverse	Major adverse
Consented scheme	5	5	5
Proposed scheme	8	8	8

Table Five: Comparison in the number of worst affected windows in terms of daylight losses

7.142 Six out of eight of the major adversely impacted windows are on the first floor and have a mitigating factor in the form of an overhang (the first two floors are cantilevered beneath the upper floors). The applicant has not re-analysed the windows without the overhangs; however, BRE conclude that the results would be expected to be similar to those on the ground and second floors on the same elevation, i.e. moderate to major adverse, but with a smaller relative loss. The other two major adverse windows are on the second floor and would have experienced a moderate adverse impact under the consented scheme and a major adverse impact with the proposed scheme.

7.143 Whilst the applicant has stated that the proposal would have a similar impact to the consented scheme for 626 Commercial Road, which was assessed as acceptable, this is not agreed by the Council's consultants. A similar impact would exist for the affected windows under the overhang; however, some of the windows which do not have any mitigating factors would have a larger impact. This includes windows 43 and 73 where the impact of the consented scheme is negligible and worsens to moderate adverse for the proposed scheme.

7.144 A total of 13 windows would fail to comply with the BRE guidelines for sunlight; this includes two windows with minor adverse, two windows with a moderate and eight windows with a major impact. Two minor adverse impact would be within the guidelines for annual APSH and outside for winter sunlight.

7.145 Six out of eight windows with a major adverse impact are under the overhang whilst the other two windows are deeply recessed into the building so that the shape of the building provides a substantial obstruction. Therefore, all of the major adverse impacts have mitigating factors.

7.146 The consented scheme would count one window with a moderate adverse impact and six with a major adverse impact. However, it appears that the proposed development is more similar to

the consented for sunlight as most of the windows would have mitigating factors or would retain the recommended annual APSH.

7.147 It has been acknowledged that the proposed development would lead to the major losses of daylighting and sunlighting conditions to the residential block. However, given that the majority of the worst affected windows at Regent’s Canal House would have a mitigating factor, it is considered that the adverse impact experienced would not be unacceptable.

Rose Court, 6 Mill Place

7.148 6 Mill Place, known as Rose Court, is a residential building situated immediately to the south of the application site, on the opposite side of Mill Place. The building is three storeys in height along its western part (reaching four storeys to the rear when including the excavated floor) and four storeys along the eastern part. 39 windows were tested.

7.149 Eleven windows would suffer losses of daylight outside the guidelines for both consented and proposed schemes. The table below indicates the difference between the two.

	Minor adverse	Moderate adverse	Major adverse
Consented scheme	2	4	5
Proposed scheme	3	/	8

Table Six: Comparison in the number of worst affected windows in terms of daylight losses

7.150 Whilst the identified minor adverse impacts would be similar to the consented scheme, the severity of the impact for moderate and major impacted window would vary between the two schemes. Three windows would experience an impact change from moderate to major adverse.

7.151 There is no requirement for the sunlight analysis as the relevant windows are north-facing. The changes of the daylight distribution had been analysed by the applicant. The impact would be similar for both consented and proposed schemes as the three of the worst results would be for bedrooms where daylight distribution is considered less important.

7.152 As a whole, it is considered that the proposed development would result in the material deterioration of the daylighting conditions to the residential units at 6 Mill Place. However, given that the majority of the worst affected windows serve bedrooms and non-habitable spaces, it is not considered that the impact would be unacceptable.

Caspian Apartments (713 Commercial Road)

7.153 Caspian Apartments, referred in the applicant’s report as 713 Commercial Road and the BRE’s report as 713, 715 and 717 Commercial Road, has an established address under 5 Salton Square. It is a six storey residential building situated immediately to the north of the application site. The top floor is slightly set back and its most western part is part three part four storeys in height. 51 windows were tested.

7.154 Four windows would be outside the guidelines for loss of daylight with minor adverse impact. However, these windows are all recessed into the building behind balconies. It is likely that these windows would be within the guidelines if the calculations were based on the balconies

being removed. As a comparison to the consented scheme, only one window would be marginally outside the guidelines.

7.155 One window, which was not been identified by the applicant, would have a loss of sunlight with a minor adverse impact. However, the existence of an overhang above this window creates a mitigating factor and without its contribution it is likely that the loss would be within the guidelines.

7.156 Overall, the proposed development would not result in the material deterioration of the daylighting and sunlighting conditions to the analysed habitable windows of the residential units in Caspian Apartment. As such, the indicated daylight and sunlight losses are acceptable.

Summary

7.157 In summary, the proposed development would result in the deterioration of the daylighting and sunlighting conditions to the surrounding residential properties. Regent's Canal House and Rose Court would be the worst affected properties. The assessment of the applicant's Daylight and Sunlight report indicates that the majority of the worst affected windows would have a mitigating factor. As such, the indicated losses would not result in an unacceptable material deterioration of the daylighting and sunlighting conditions to the surrounding residential properties, which is considered acceptable.

Privacy & Outlook

7.158 Local Plan policy D.DH8 promotes a distance of 18 metres between windows of habitable rooms. However, this figure is a guideline depending upon the design and layout of developments.

7.159 The separation distance between the application site and properties along northern side of Commercial Road significantly exceeds the 18m guideline which is considered acceptable.

7.160 The current distance between the Presbytery and the application site is approximately 16.4 m, however, with the incorporation of the proposed setback of the building line along this part of the proposed development, the distance would slightly exceed the 18m guideline. The separation distance between the proposed development and Regent's Canal House to the west and Rose Court to the south would be circa 9.5m.

7.161 Along the western elevation, the proposed development would rationalise the existing level of fenestration to some extent, albeit creating larger window openings. To the south, the level of fenestration would be significantly increased, both in terms of amount and size of openings.

7.162 The existing building is three storeys high along the western elevation and predominantly one and a half storey high along the southern elevation due to the existence of the concrete fence above the single storey part of the building.

7.163 The proposed building would increase the height of the existing building, especially along its southern elevation. This would lead to the increase in the level of overlooking between the application site and the neighbouring properties. Similarly, the level of outlook experienced by the surrounding properties would be worsened, particularly on the upper levels. However, given the existing site layout and current levels of overlooking, it is not considered that the proposed increase in height, which includes the setback of the two top floors, would constitute unreasonable deterioration of the residential amenity.

Noise & Vibration

- 7.164 The applicant has not submitted a noise assessment; however, it is not considered that the proposed development would lead to unacceptable levels of noise during the life of the development. Whilst it can be accepted that the proposed type of accommodation could at certain times lead to higher levels of noise due to the level of communal socialising that is likely to happen more often than for a traditional residential development, it is considered that this could have been dealt by a way of condition.
- 7.165 Similarly, relevant conditions would have been secured with regards to the demolition and construction works to ensure that the effects of noise and vibration during construction stage would be adequately mitigated.

Construction Impacts

- 7.166 Demolition and construction activities are likely to cause additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions would have been secured to minimise these impacts including the control of working hours and the approval and implementation of Construction Environmental Management Plan and a Construction Logistics Plan.

Summary

- 7.167 Overall, the proposed development would not have an unacceptable adverse impact on the surrounding area in terms of daylighting conditions to the residential block immediately to the west of the application site. Whilst the proposal would have an impact on the privacy and outlook of the surrounding properties, particularly on the upper levels, officers considered that the identified impact is not considered unacceptable and as such, would comply with policy D.DH8 which seeks to protect the amenity of existing buildings and their occupants.

TRANSPORT

- 7.168 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing. Development Plan policies also require developments to provide appropriate cycle parking. Policy T5 of the draft New London Plan sets out the minimum cycle parking standards which state that one cycle space (studio C3 standard) would be applicable to a room in large-scale purpose-built shared living.
- 7.169 All cycle parking should be designed in accordance with the London Cycling Design Standards which require high quality parking facilities for all cycle users that are fit-for-purpose, secure and well located.

Vehicular, pedestrian and cycle access

- 7.170 Vehicular access to the site from Commercial Road would occur through Mill Place (one way along its western section) and Island Row. The submitted tracking diagram for a 9m refuse vehicle (not a standard LBTH refuse vehicle which is 11m) would be very tight and would require the body of the vehicle to overhang the footway which is not acceptable and causes a potential safety issue. Whilst this might be the existing arrangement, the applicant has failed to provide information to justify the proposed arrangement and provide mitigation measures.
- 7.171 The relocation of the pedestrian access from the eastern side of the existing building to Commercial Road is supported. This creates a more pedestrian friendly environment along Commercial Road which at present appears to be characterised by occasional car parking.

- 7.172 The proposed cycle parking is situated on the basement level. The submitted documents do not show a clear and consistent strategy on how the cycle parking would be accessed. The floor plans show a cycle lift, however, the elevations do not show any lift enclosure. In addition, the submitted Transport and Planning Statements state that access to the cycle store would be via a lift through the main core of the building.
- 7.173 The proposal therefore fails to provide sufficient information but also fails to comply with policy. Adequate access to the proposed cycle parking is not provided and the proposed servicing arrangements could cause obstruction to the pedestrian movement and as such impact the safety of the surrounding transport network. As a result, the proposal fails to comply with London Plan (2016) policies 6.3 and 6.12, Local Plan policies S.TR1 and D.TR2 which require developments to assess the impact, be well-integrated into the surrounding transport network and not adversely impact it.

Deliveries & Servicing

- 7.174 The existing development is serviced on street. No objections were raised in principle to on-street servicing to previous redevelopments of the site on the basis that a bespoke delivery and servicing plan is secured to ensure that adverse impact would be appropriately mitigated. However, servicing on a public highway can only take place in areas where legally permitted and can be legally be used by anybody. As a result, the area may not be available for vehicles servicing the proposed development.
- 7.175 The applicant has failed to properly address how deliveries and servicing would take place to ensure that the proposal would have no unacceptable adverse impact on the surrounding transport network. This is unacceptable and is contrary to London Plan (2016) policies 6.3 and 6.12, and Local Plan policies S.TR1, D.TR2 and D.TR4 which require developments to assess and mitigate the impact the transport network through appropriate assessments and plans.

Car Parking

- 7.176 The applicant has stated that the proposed development would be 'car free' with the exception of one blue badge bay. This is considered acceptable in principle and would have been secured via legal agreement had the application been recommended for approval.
- 7.177 The LBTH highways officer has raised concerns with respect to the location and access into the proposed wheelchair bay which would require reversing from a public highway. The tracking diagram shows that a large car would not be able to turn out of the bay easily into Island Row. In addition, the on street parking bays would also impede the visibility of the bay.
- 7.178 As a result, the location of the proposed wheelchair car parking space is not acceptable and would likely have an adverse impact on the safety of the surrounding transport network. This is considered unacceptable and not in accordance with London Plan (2016) policies 6.3 and 6.12, and Local Plan policy S.TR1 and D.TR2 which require developments to be well-integrated into the surrounding transport network and not adversely impact it.

Cycle Parking and Facilities

- 7.179 Officers do not consider that the cycle parking standards should be based on C1 (hotel) use. As promoted by the emerging New London Plan policy, it is considered that C3 (residential) requirements would be relevant for the HMO element of the proposal. However, for the hostel use, it is considered acceptable to apply the C1 standard given the short-term nature of the use.
- 7.180 The proposal would generate the following need for cycle parking to be provided:
- Hostel use: 2 long-stay spaces and 1 short-stay space

- HMO use: 84 long-stay spaces and 3 short-stay spaces.

- 7.181 A total of 12 cycle spaces have been provided in the lower ground floor and four spaces is proposed in the form of Sheffield stands. Evidently, the proposal significantly falls short to provide the required cycle spaces for the HMO element of the land use.
- 7.182 The proposed cycle storage basement also would be shared with general storage area which the applicant has not identified the purpose of. Its inclusion in the cycle storage area is considered unacceptable in principle from a security point of view. In addition, there are concerns around the potential obstruction of the proposed cycle spaces due to the shared storage area.
- 7.183 The Transport Statement states that the basement cycle storage includes staff cycle spaces. Whilst there might be scope to accept that the amount of staff cycle parking spaces could be provided on the basis of C1 use, the amount of proposed cycle spaces in total is not considered to be sufficient as explained above. In addition, the applicant has failed to consider the opportunity to provide changing and washing facilities for staff as required by emerging New London Plan policy T5.
- 7.184 Two Sheffield stands which would provide four short-stay (visitor) cycle spaces are proposed on the north-western corner of the site. Concerns are raised in relation to the location of the proposed two stands raises security issues given that the spaces would not be sufficiently overlooked to provide some degree of natural surveillance.
- 7.185 In summary, the proposal does not provide a sufficient level of cycle parking spaces as required by planning policy. In addition, the proposed location of the cycle storage is not considered acceptable. As such, the proposal fails to meet the policy requirements set out in policies 6.9 and 6.13 of the London Plan (2016) and D.TR3 of the Tower Hamlets Local Plan 2031 (2020), and London Cycling Design Standards which require developments to provide a sufficient amount of cycle parking to accommodate current demand and encourage further use over time, and ensure cycle spaces are of adequate design.

Trip generation

- 7.186 The applicant has provided trip generation based on surveys carried out on a Liverpool hostel 10 years ago. This is not up-to-date data and cannot be accepted as an appropriate comparison to the proposed development. Given the on-going use of the existing hostel use, officers question the purpose of not providing the up-to-date data for trip generation, as it has been done for the servicing demand.
- 7.187 Therefore, the applicant has failed to appropriately consider the number of trips that the proposed development is likely to experience. As such, the lack of the relevant information, including any necessary mitigation measures, indicates that the proposed development is contrary to London Plan (2016) policies 6.3 and 6.12, and Local Plan policy D.TR4 of the Tower Hamlets Local Plan 2031 (2020) which requires developments to demonstrate how these trips would be managed in order to ensure that there is no adverse impact on the transport network.

Travel Planning

- 7.188 The applicant has submitted a Travel Plan. No objections were raised to this element by the Council's highways officer. A full travel plan would have been secured if the application was recommended for approval.

Summary

- 7.189 Overall, the proposal fails to ensure that the operational needs of the proposed development would not have an adverse impact on the safety and capacity of the transport network. Insufficient information has been provided to ensure that the proposed wheelchair car parking space would not impact the safety of transport network along Island Row. In addition, insufficient Trip Generation data has been provided. The proposal also fails to provide an adequate quantum of cycle spaces. The proposed cycle storage does not meet policy requirements given some would be shared with general storage areas and it is also unclear with the application how the cycle parking would be accessed.
- 7.190 Therefore, the proposed development would not comply with London Plan (2016) policies 6.3, 6.9, 6.12 and 6.13 of the London Plan (2016) and Local Plan policies S.TR1, D.TR2, D.TR3 and D.TR4 of the Tower Hamlets Local Plan 2031 (2020).

ENVIRONMENT

Environmental Impact Assessment

- 7.191 The proposed development does not constitute an Environmental Impact Assessment (EIA) Development, in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 7.192 The environmental impacts of the proposal are discussed below according to the relevant topic areas.

Energy & Environmental Sustainability

- 7.193 The applicant has submitted an Energy and Sustainability Report (March 2019) which sets out how the applicant has sought to deliver carbon savings through energy efficiency measures, communal Combined Heat & Power (CHP) system and the integration of renewable energy technologies (PV array).
- 7.194 The proposals are anticipated to achieve a 44% reduction in carbon dioxide emissions against the baseline which is close to policy target of 45%. However, the submitted energy strategy is based on Part L 2013 calculations. This is not supported given that the GLA has been promoting the use of updated (SAP 10) carbon emission factors to assess the expected carbon performance of new developments.
- 7.195 Given the scale of the development and CO₂ emissions (in light of grid decarbonisation) and air quality issues, the use of a CHP to supply the development is not considered suitable.
- 7.196 The proposal therefore fails to demonstrate how it would meet the carbon dioxide emission reduction standards as based on the most up-to-date evidence. In addition, the use of the proposed energy system is not considered acceptable. As such, the proposal is not in accordance with policy 5.2 of the London Plan (2016) and D.ES7 of the Tower Hamlets Local Plan 2031 (2020) which requires developments to make the fullest contribution to minimising carbon dioxide emissions.

Air Quality

- 7.197 The Council's Environmental Health Air Quality Officer reviewed the application and suggested a pre-commencement condition to demonstrate how the proposal would achieve the air quality neutral standard.
- 7.198 It should be noted that the proposed development is situated within an area of substandard air quality. The applicant's Planning Statement states that the application site is not within or in

close proximity to an Air Quality Management Area; however, the whole of the borough falls within an Air Quality Management Area.

- 7.199 Given the particularly sensitive area in which the application site is situated, it is considered necessary to provide an air quality assessment during the application stage. As such, the application is lacking sufficient information to assess in relation to London Plan (2016) policy 7.14 and Local Plan policy D.ES2 which requires development to at least meet the 'air quality neutral' standard.

Waste

- 7.200 The proposed waste storage would be situated in the basement of the proposed building. Recycling and general bins are proposed in one area, while other storage would be shared with the cycle storage area.
- 7.201 In terms of capacity, the applicant has failed to address the policy requirements and demonstrate how it would incorporate sufficient waste storage and ensure that dry recyclables, organics and residual waste can be segregated. In terms of location, the proposal for a joint cycle and waste storage is not considered acceptable in principle given the level of obstruction that is likely to happen.
- 7.202 The proposed waste storage would be collected from the refuse platform lift situated adjacent to the public footway along the eastern side of the site. The applicant has not submitted sufficient information to explain how waste would be satisfactorily managed and collected with the adverse impact on this section of the highways.
- 7.203 The proposed development fails to demonstrate how it would provide sufficient waste storage capacity and effective management and collection of the waste which is contrary to London Plan (2016) policy 5.17 and Local Plan policy D.MW3 of the Tower Hamlets Local Plan 2031 (2020) which require all new developments to ensure capacity, collection and management of waste in a sustainable manner in line with the principles of the waste management hierarchy.

Biodiversity

- 7.204 The applicant submitted the findings of the preliminary bat roost assessment post submission which found negligible opportunities for roosting bats. As such, there would be no significant impact on biodiversity given the site is largely building and hard standing.
- 7.205 An acceptable scheme would have incorporated relevant conditions to secure and provide information regarding the proposed biodiversity enhancements and details of the proposed planting.

Drainage

- 7.206 The applicant has not submitted a Sustainable Urban Drainage Strategy; however, a condition would have been secured to ensure that the proposed development follows the sequential approach to the disposal of surface water and also to demonstrate what measures would be undertaken to minimise groundwater discharged into the public sewer, as suggested by the Thames Water Authority. As such, there are no objections to this part of the proposal.

Land Contamination

- 7.207 The application has been reviewed by the Council's Environmental Health Land Contamination Officer. Subject to securing a standard condition to ensure that any contamination identified can be satisfactorily dealt with, it was not considered that the redevelopment of the site would give rise to any other land contamination issues.

INFRASTRUCTURE IMPACT

- 7.208 The proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) and Mayor of London CIL payments. The figures will be provided in the update report.
- 7.209 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure. This would have included financial contributions towards construction phase and end use phase employment skills training.
- 7.210 In terms of non-financial contributions, the application would be required to exercise best endeavours to ensure that 20% of the construction phase workforce for the phase two works (new build) will be local residents of Tower Hamlets and to ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

HUMAN RIGHTS & EQUALITIES

- 7.211 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.212 Notwithstanding the numerous issues identified in the above sections of this report, the proposed access arrangements would meet inclusive designs standards. 10% of the both hostel and shared living accommodation would be wheelchair accessible. One blue badge site is included in the proposed development.
- 7.213 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

- 8.1 That subject to any direction by the Mayor of London, **planning permission is REFUSED** for the following reasons:
- 1) The proposed development fails to demonstrate the need for the proposed large-scale HMO use on the site. In addition, the proposal fails to provide affordable housing contributions. As a result, the proposal is contrary to Local Plan policies D.H2, D.H7 of the Tower Hamlets Local Plan 2031 (2020).
 - 2) The scale, height and massing of the proposed seven storey building would be overbearing to the local character of the area and as such would cause harm to the St Anne's Conservation Area. The site layout and scale of the proposed development fails to follow good design principles indicating the over-development of the site. The proposal fails to secure high quality design detailing. Also, the applicant has not submitted an archaeological assessment as required. As such, the proposal would be contrary to Chapters 12 and 16 of the National Planning Policy Framework (2019), London Plan (2016) policy 7.4 and 7.8 and Local Plan policies S.DH1, D.DH2 and S.DH3 of the Tower Hamlets Local Plan 2031 (2020) and the St Anne's Church Conservation Area Character Appraisal and Management Guidelines (2009).
 - 3) The proposed HMO accommodation would not provide adequately lit communal indoor amenity spaces. There would also be a lack of communal amenity space for future

occupiers of the proposed HMO accommodation. As such, the quality of the proposed shared living accommodation is not considered to be acceptable and in accordance with Chapter 12 of the National Planning Policy Framework (2019), policy 3.5 of the London Plan (2016) and S.H1, D.H2, D.H3, D.H7 and D.DH8 of the Tower Hamlets Local Plan 2031 (2020).

- 4) The proposal fails to ensure that the operational needs of the proposed development would not adversely impact the safety and capacity of the transport network. Insufficient information has been provided to ensure that the proposed wheelchair car parking space would not impact the safety of the transport network along Island Row. In addition, insufficient Trip Generation data has been provided and an adequate Servicing and Delivery Plan has not been provided. This is contrary to Chapter 9 of the National Planning Policy Framework (2019), London Plan (2016) policies 6.3, 6.9, 6.12 and 6.13 of the London Plan (2016) and Local Plan policies S.TR1, D.TR2, D.TR3 and D.TR4 of the Tower Hamlets Local Plan 2031 (2020).
- 5) The proposal has not provided a sufficient amount of cycle storage, and the storage that is provided would not meet policy requirements due to its location and accessibility, which contradicts Chapter 9 of the National Planning Policy Framework (2019), London Plan (2016) policies 6.9 and 6.13 and Local Plan policy D.TR3 of the Tower Hamlets Local Plan 2031 (2020). The proposal also fails to demonstrate that sufficient waste storage capacity, management and collection would be provided to satisfy the requirements of policy D.MW3 of the Tower Hamlets Local Plan 2031 (2020).
- 6) In the absence of sufficient information, including an air quality assessment and energy assessment based on the GLA's Energy Assessment guidance and recommendations for the use of SAP10 carbon factors, the proposed development would not be in accordance with Chapters 14 and 15 of the National Planning Policy Framework (2019), London Plan (2016) policies 5.2 and 7.14, and Local Plan policies D.ES1 and D.ES7 of the Tower Hamlets Local Plan 2031 (2020).
- 7) In the absence of the s106 agreement to provide the relevant financial and non-financial contributions to mitigate the impacts of the development, the proposal fails to comply with policy D.SG5 of the Tower Hamlets Local Plan 2031 (2020).

APPENDIX 1 – PLANS AND DOCUMENTS

Drawings

189-CDA-A-00-DR-A-00-0100	LOCATION PLAN
189-CDA-A-00-DR-A-00-0101 REV 01	SITE LOCATION PLAN
189-CDA-A-00-DR-A-05-1100 REV 03	TRANSPORT PLAN
189-CDA-A-01-DR-A-01-0111 REV 01	EXISTING FIRST FLOOR PLAN
189-CDA-A-02-DR-A-01-0112 REV 01	EXISTING SECOND FLOOR PLAN
189-CDA-A-B1-DR-A-01-0109 REV 01	LANDSCAPE
189-CDA-A-B1-DR-A-01-0110 REV 01	EXISTING GROUND FLOOR PLAN
189-CDA-A-XX-DR-A-01-0121 REV 01	EXISTING STREET ELEVATIONS
189-CDA-A-XX-DR-A-01-0122 REV 01	EXISTING COURTYARD ELEVATIONS
189-CDA-A2-00-DR-A-05-0100-REV 07	GROUND FLOOR PLAN
189-CDA-A2-01-DR-A-05-0101-REV 05	FIRST FLOOR PLAN
189-CDA-A2-02-DR-A-05-0102-REV 01	SECOND FLOOR PLAN
189-CDA-A2-05-DR-A-05-0104-REV 07	FIFTH FLOOR PLAN
189-CDA-A2-06-DR-A-05-0105-REV 07	SIXTH FLOOR PLAN
189-CDA-A2-07-DR-A-05-0106-REV 06	ROOF PLAN
189-CDA-A2-B1-DR-A-05-0099-REV 10	LOWER GROUND FLOOR PLAN
189-CDA-A2-XX-DR-A-05-0201-REV 06	NORTH ELEVATION
189-CDA-A2-XX-DR-A-05-0202-REV 06	EAST ELEVATION
189-CDA-A2-XX-DR-A-05-0203-REV 06	SOUTH ELEVATION
189-CDA-A2-XX-DR-A-05-0204-REV 06	WEST ELEVATION
189-CDA-A2-ZZ-DR-A-05-0103-REV 08	THIRD / FOURTH FLOOR PLAN
189-CDA-A2-ZZ-DR-A-05-0400-REV 05	SECTION A
189-CDA-AX-00-DR-A-05-0610 REV 02	EXISTING BASEMENT PLAN
189-CDA-XX-XX-DR-A-90-1000-REV 01	PROPOSED LANDSCAPING ISLAND ROW

Submission documents

Transport Statement by Interland Group dated April 2019
Travel Plan by Interland Group dated April 2019
Energy and Sustainability Report by MES Building Solutions dated March 2019
Demolition and Construction Management Plan by Rooms and Studios dated 18/03/2019
Delivery and Service Management Plan by Interland Group dated April 2019
Planning Statement by Rapleys dated 05/04/2019
Design and Access Statement by CREATE dated March 2019
Daylight and Sunlight Study by Right of Light Consulting dated 15/03/2019

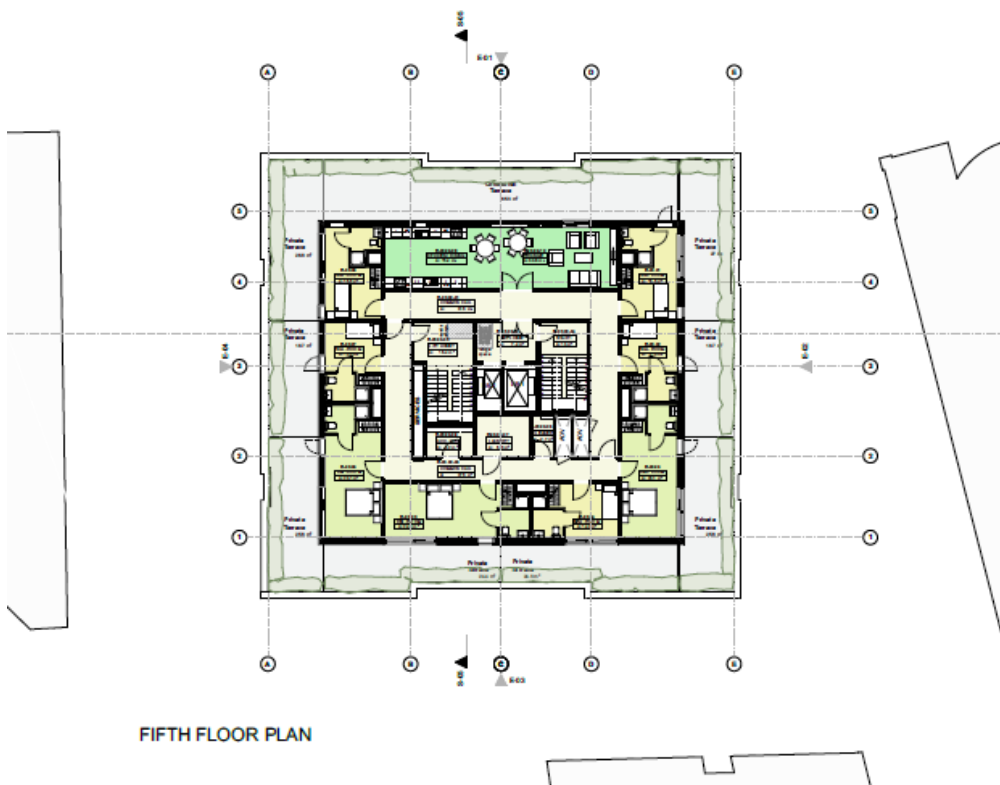
Post Submission documents (latest documents only)

Financial Viability Assessment by Rapleys dated 03/12/2019
Heritage Statement by KMHeritage dated September 2019
Daylight & Sunlight Amenity (Internal) by Rapleys dated September 2019
Accommodation schedule by CREATE dated 14/10/2019
Bat appraisal by Ecology Solutions dated 30/09/2019
Building Management Plan by Interland Group dated September 2019

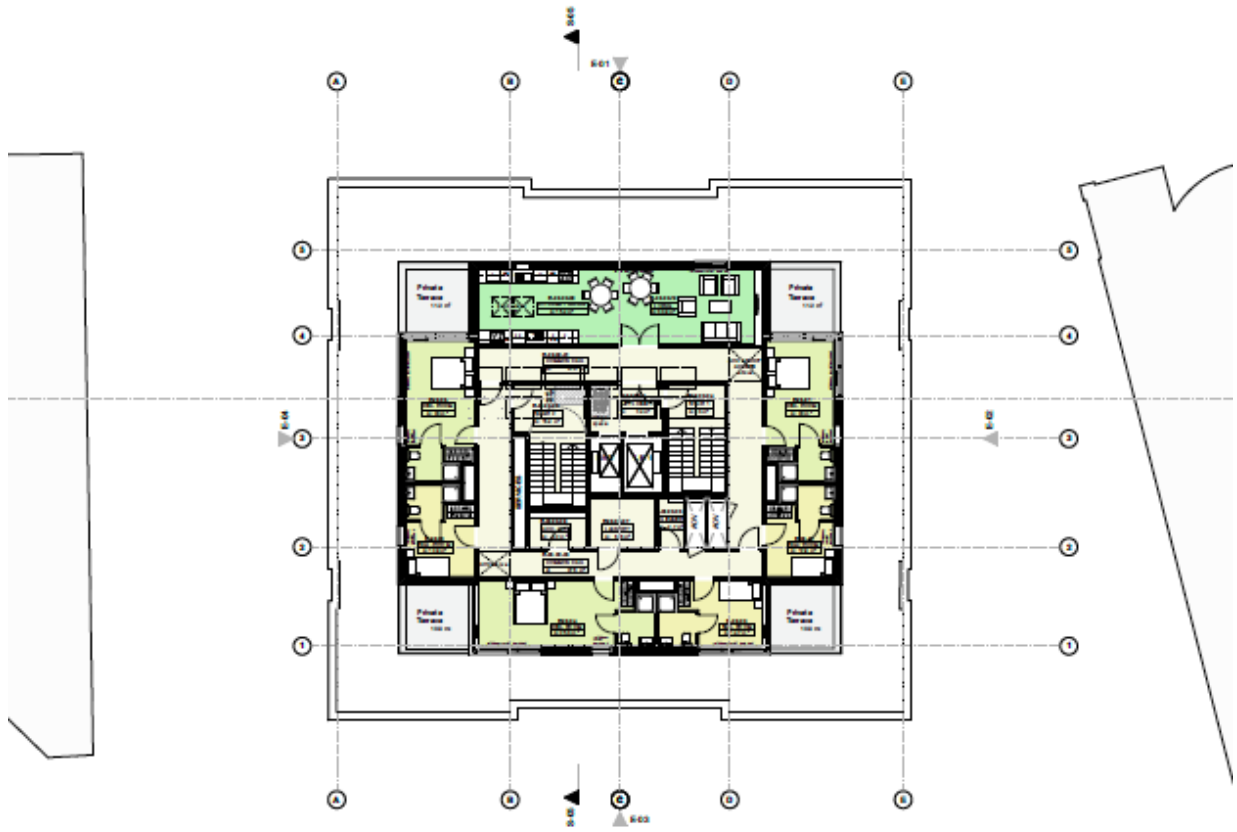
APPENDIX 2 - SELECTION OF PLANS, IMAGES AND CGIs



Proposed Ground floor plan



Proposed Fifth floor plan



SIXTH FLOOR PLAN

Proposed Sixth floor plan



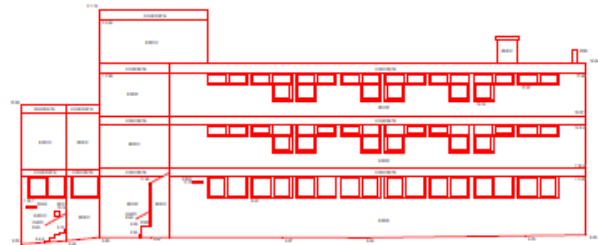
EXISTING WEST ELEVATION



EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION



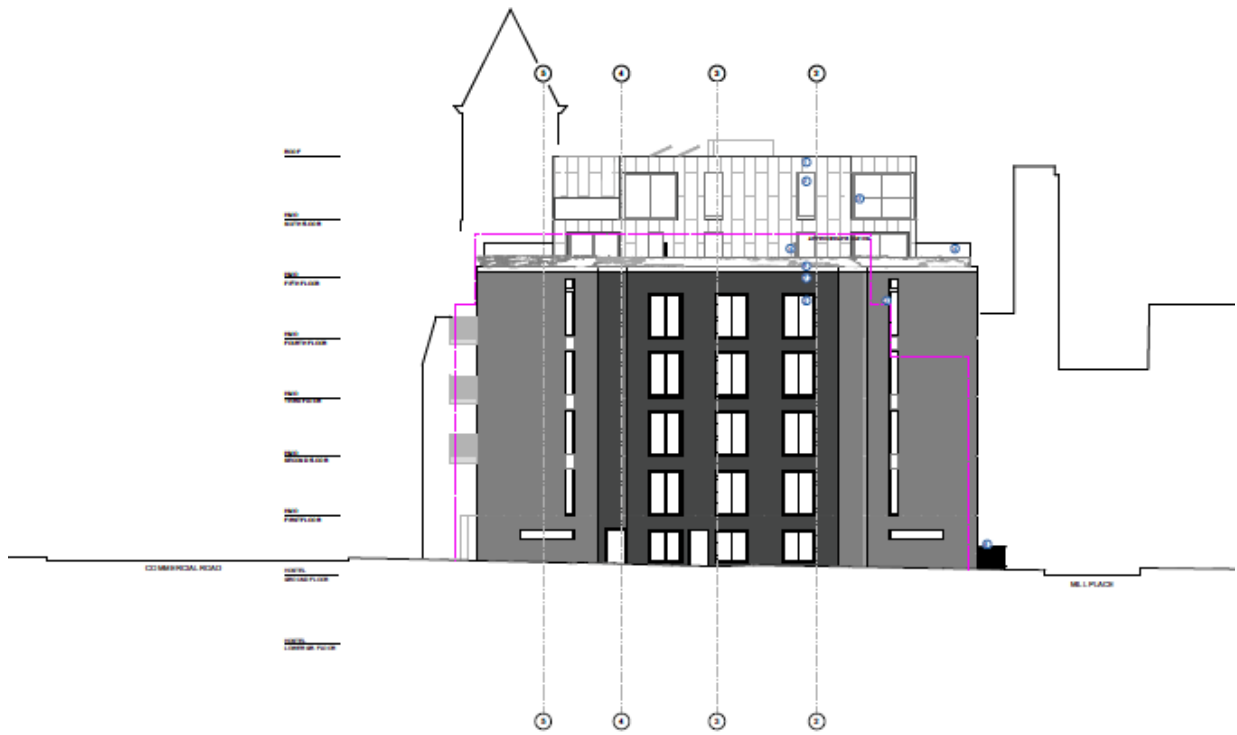
EXISTING NORTH ELEVATION

Existing elevations



NORTH (COMMERCIAL ROAD) ELEVATION

Proposed North elevation (fronting Commercial Road)

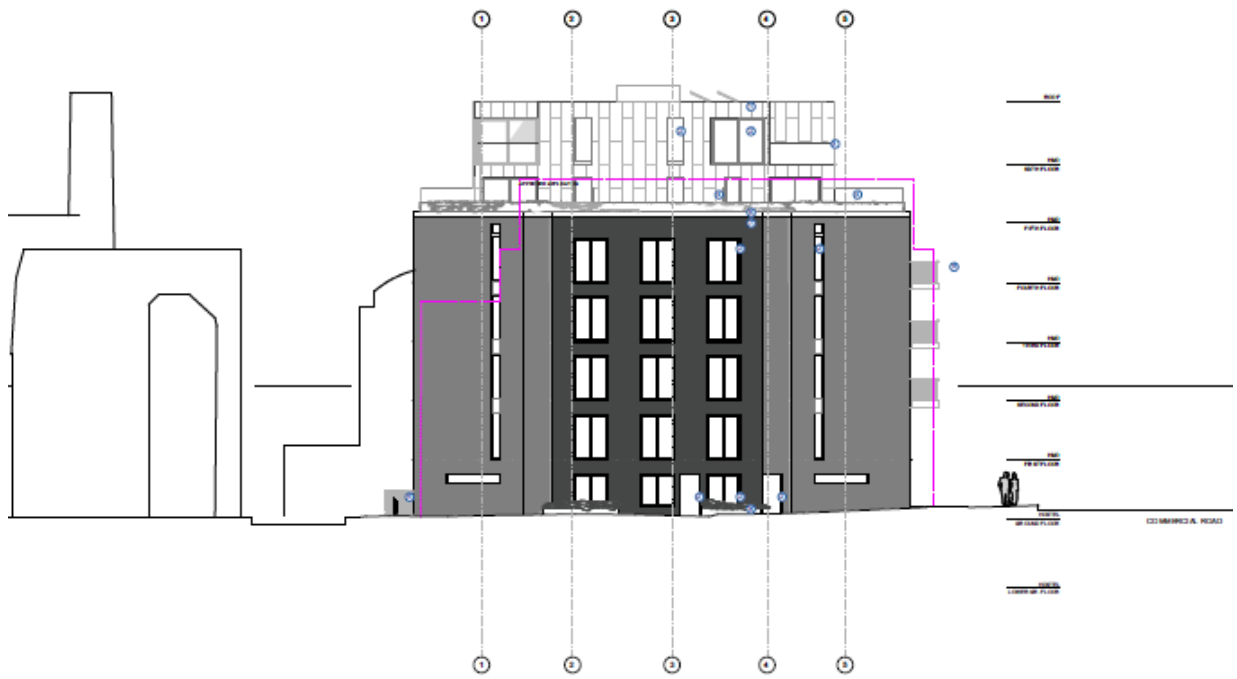


WEST (MILL PLACE) ELEVATION

Proposed West elevation (Mill Place)



Proposed South elevation (Mill Place)



EAST (ISLAND ROW) ELEVATION

Proposed East elevation (Island Row)



Existing photo of the site



CGI of the proposed development



CGI of the proposed entrance area, Page 33 of the Design and Access Statement

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