

STRATEGIC DEVELOPMENT COMMITTEE

Monday, 8 July 2019 at 6.30 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open to the public to attend.

Members:

Chair: Councillor John Pierce

Vice Chair : Councillor Abdul Mukit MBE

Councillor Kevin Brady, Councillor Val Whitehead, Councillor Zenith Rahman, Councillor Rabina Khan, Councillor Sabina Akhtar and Councillor Tarik Khan

Substitutes:

Councillor Dipa Das, Councillor Dan Tomlinson and Councillor Leema Qureshi

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Thursday, 4 July 2019**

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

The deadline for submitting material for the update report is **Noon Friday, 5 July 2019**

Contact for further enquiries:

Zoe Folley, Democratic Services,

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

Tel: 020 7364 4877

E-mail: Zoe.Folley@towerhamlets.gov.uk

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

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Public Information

Attendance at meetings.

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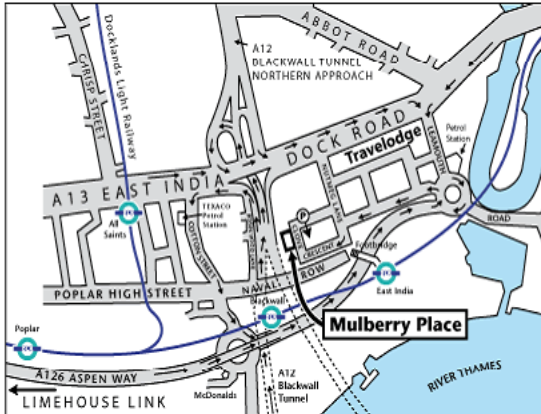
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Mobile telephones

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Meeting access/special requirements.

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QR code for smart phone users

APOLOGIES FOR ABSENCE

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

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

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 9 - 14)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 19 June 2019.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 15 - 16)

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 Strategic Development Committee.

PAGE NUMBER	WARD(S) AFFECTED
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4. DEFERRED ITEMS

There are no items.

5.	PLANNING APPLICATIONS FOR DECISION	17 - 22	
5 .1	Mile End East Estate, Mile End, London E3 PA/17/02373	23 - 60	Mile End

Proposal:

Construction of 2-storey roof extensions to Buttermere House, Coniston House, Derwent House, Windermere House and Loweswater House; residential conversion of ground level garages to Windermere House and Wentworth Mews; infill units to Levels 1-4 of Windermere House to provide a total of 142 new dwellings; access and servicing including car parking spaces for disabled motorists; cycle parking spaces and incidental works.

Recommendation:

Grant planning permission with conditions and planning obligations

Next Meeting of the Strategic Development Committee

Wednesday, 4 September 2019 at 6.30 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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 STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON WEDNESDAY, 19 JUNE 2019

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

Members Present:

Councillor John Pierce (Chair)
Councillor Kevin Brady
Councillor Val Whitehead
Councillor Zenith Rahman
Councillor Rabina Khan
Councillor Sabina Akhtar
Councillor Tarik Khan

Other Councillors Present:

None

Apologies:

Councillor Abdul Mukit MBE

Officers Present:

Solomon Agutu	(Interim Team Leader Planning, Legal Services, Governance)
Paul Buckenham	(Development Manager, Planning Services, Place)
Gareth Gwynne	(Area Planning Manager (West), Planning Services, Place)
Max Smith	(Team Leader, Planning and Building Control)
Zoe Folley	(Committee Officer, Governance)

1. ELECTION OF VICE-CHAIR FOR THE COMMITTEE FOR 2019/20

It was proposed by Councillor Kevin Brady and seconded by Councillor Tarik Khan and **RESOLVED**

That Councillor Abdul Mukit MBE be elected Vice-Chair of the Strategic Development Committee for the Municipal Year 2019/2020

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of interest.

3. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Strategic Development Committee held on 9th May 2019 and the extraordinary meeting held on 14th May 2019 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

- 1) 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 the meeting guidance.

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

Paul Buckenham (Planning Services) presented the report drawing attention to the proposed amendments to the Terms of Reference as set out in paragraph 3.2 of the Committee report. The revised terms of reference would be presented to Full Council for adoption.

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

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

6. DEFERRED ITEMS

There are no items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Site At 3-11 Goulston Street And 4-6 And 16-22 Middlesex Street, Middlesex Street, London (PA/18/01544)

Update report tabled.

Paul Buckenham (Planning Services) introduced the application for the demolition of existing substation and construction of a part 8/16/24 storey building to primarily accommodate student accommodation with associated communal space including: incubator space and exhibition space, cycle parking and public realm works.

Max Smith (Planning Services) presented the report, describing the site location and the key features of the application, in particular the layout, the views of the proposal, the incubator space and the exhibition centre. There had been two rounds of consultations (the first on the original application and the second on the revised application). The issues raised around the height and scale of the development, the proposed land use, the amenity issues amongst other issues were noted.

The Committee were advised that:

- In land use terms the proposal complied with policy given the site's location in the Central Activities Zone and was scheduled to fall within the Preferred Office Location in the emerging Local Plan. The proposals would deliver a number of affordable student accommodation and commercial units. Details of this were noted, as set out in the Committee report.
- Overall, the plans were considered to deliver a reasonable offer in terms of the student accommodation and would not lead to an oversupply of student accommodation in the area.
- The site had an excellent PTAL rating and contributions had been secured for up to two on – street disabled parking bays. The proposal also included cycle parking space.
- In design and heritage terms, it was considered that the revised design, would be more in keeping with the surrounding area and provided a appropriate response to the area.
- There would be no harmful impacts on amenity.
- There would be clauses in the s106 agreement to preserve the archaeology on site in situ.
- Other benefits of the proposal included the delivery of public realm works to facilitate permeability.

In view of the merits of the application, Officers were recommending that it was granted planning permission.

Committee's Questions

- Members sought clarity in respect of the sunlight and daylight assessment of the Relay Building. In response, Officers provided assurances that the assessment was sound. Given that the properties at the lower floor would experience very low impacts, it followed that those on the upper floors would experience even less of an impact.
- Regarding the affordability of the student accommodation and the allocation process, Officers outlined the eligibility criteria in the London Plan SPG, and provided assurances about their affordability. Details of the nomination agreement would be set out in the s106 agreement. It was also confirmed that this would include a requirement for a late stage review of the affordable housing. However it was expected that the proposal should be built out quickly, so it was unlikely this could yield any additional accommodation.
- The Committee also asked questions about use of the incubator space and its affordability to small businesses. Officers confirmed that, despite the reductions in its size, it should provide good quality work space, at peppercorn rent, with the potential to accommodate a broad range of businesses. It was considered that, along with the provision of the affordable commercial space, this was a good benefit of the application.
- The Committee asked questions about the accessibility of the exhibition space to the public. The Committee expressed support for this and for measures to ensure that it remained a theatre space for the lifetime of the development.
- It was noted that details of the management arrangements would be set out in the s106 agreement. Officers would recommend that this included conditions securing public access to the site and preserving its use as a theatre.
- With the permission of the Chair, a representative of Historic England addressed the meeting, highlighting the heritage value of the site and the measures to preserve the heritage benefits and cultural offering.
- The Committee also asked questions about the landscaping and the public realm proposals. They were keen to ensure that they were of a high quality and reflected the green spaces illustrated in the Committee presentation.
- Officers drew attention to the conditions in the report covering this and confirmed they would take on board the Committee's views in agreeing this condition.
- Members also discussed the supply of student accommodation in the area and progress in meeting the targets for such housing. They also discussed the merits of providing housing on the site.
- Officers advised of the lack of student accommodation in the immediate area. Given this along with the PTAL rating and the land use issues - including the problems with providing general housing on the site, Officers considered that the site was suitable for a student development. The site had been vacant for a long time so, this would provide an opportunity to bring it back into use.

- It was also noted the proposal would contribute to the Council's housing targets and London wide student accommodation targets.
- It was also noted that there were a number of tall buildings near the development and it would be located in a Tall Buildings Cluster.
- Regarding air quality issues, it was noted that the Council's Air Quality Officer had reviewed the proposals and considered that from an air quality view point, it was acceptable subject to the mitigation measures.
- The Committee also asked questions about the shortfall of cycle parking spaces and sought assurances about this. In response, Officers advised that this was an 'on balance decision' taking into account the evidence about the low take up of cycle parking. However, the use of the cycle spaces would be monitored , via the Travel Plan, and if demand increased, a proportion of the communal space could be converted to provide additional cycle spaces.

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

1. That subject to any direction by the Mayor of London, conditional Planning permission be **GRANTED** at Site At 3-11 Goulston Street And 4-6 And 16-22 Middlesex Street, Middlesex Street, London for
 - Demolition of existing substation and construction of a part 8/16/24 storey building with basement, including 913 rooms of purpose built student accommodation (sui generis); 430sqm of exhibition space (Use Class D1); 120sqm of incubator floorspace and 1380sqm of office space (Use Class B1) at ground, first, second and third floor levels; together with cycle parking; landscaping and public realm improvements, (PA/18/01544) SUBJECT TO
2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report
3. That the Corporate Director of Place is delegated the power to negotiate the legal agreement and to agree the section 106 legal agreement and any subsequent Rent and Nominations Agreement and Highway 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.
4. That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the matters set out in the Committee report

The meeting ended at 8.15 p.m.
Chair, Councillor John Pierce
Strategic Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair's discretion. The procedure for considering applications for decision shall be as follows:

Note: there is normally no further public speaking on deferred items or other planning matters



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

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

How can I find out about a decision?

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

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

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'.	 Scan this code to view the Committee webpages.
The Rules of Procedures for the Committee are as follows: <ul style="list-style-type: none">• Development Committee Procedural Rules - Part 4.8 of the Council's Constitution (Rules of Procedure).• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council's Constitution (Responsibility for Functions).• Terms of Reference for the Development Committee - Part 3.3.4 of the Council's Constitution (Responsibility for Functions).	 Council's Constitution



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.

¹ The 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 relevant Agenda Item.

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/17/02373
Site	Mile End East Estate, Mile End, London E3
Ward	Mile End
Proposal	Construction of 2-storey roof extensions to Buttermere House, Coniston House, Derwent House, Windermere House and Loweswater House; residential conversion of ground level garages to Windermere House and Wentworth Mews; infill units to Levels 1-4 of Windermere House to provide a total of 142 new dwellings; access and servicing including car parking spaces for disabled motorists; cycle parking spaces and incidental works.
Summary Recommendation	Grant planning permission with conditions and planning obligations
Applicant	EastendHomes
Architect	Ian Ritchie Architects
Case Officer	Kevin Crilly
Key dates	<ul style="list-style-type: none">- Application registered as valid on 13/06/2018- Public consultation finished on 28/07/2018- Revised Landscaping and Playspace Strategy 14/03/2019

EXECUTIVE SUMMARY

The proposal represents the second phase of regeneration of the estate following on from the first phase which was approved by the Strategic Development Committee in December 2009 and which is now largely complete.

The determination of this application has been referred to the Strategic Development Committee by the Corporate Director of Place due to the unique strategic implications of the case, including the potential for this proposal to be a precedent for future estate regeneration schemes across the borough, the number of existing residential buildings included within the development site and the proposal's wider implications for place-making and access to play-space and amenity space for residents across the estate.

The proposed development would deliver 142 additional residential units principally through erection of roof extensions to the existing public housing estate and would include improvements to communal amenity and child playspace. The proposal does not involve any substantial demolition works and would not necessitate displacement of existing residents.

The current development (Option 1 'baseline') would deliver 49.5% affordable housing by habitable room, with a tenure split of 73% affordable rent to 27% intermediate, providing: 41

affordable rent units at 50/50 split between Tower Hamlets Living Rent and London Affordable Rent, and 15 intermediate units either Shared Ownership or London Living Rent.

At 49.5% affordable housing the proposed development is in compliance with the Development Plan, being significantly in excess of the minimum affordable housing threshold of 35%. Delivery of 49.5% affordable housing, in particular at the Council's preferred tenure split, represents a very substantial public benefit which should be given significant weight in favour of the proposal.

EastendHomes applied to the Mayor of London for grant funding of further intermediate affordable housing (London Living Rent) – Option 2 'with grant' would deliver 78.4% affordable housing by habitable room, with a tenure split of 46% affordable rent to 54% intermediate, providing: 41 affordable rent units at 50/50 split between Tower Hamlets Living Rent and London Affordable Rent, and 58 intermediate London Living Rent units.

The 78.4% affordable housing offer is contingent on the grant decision of the Mayor of London, the outcome of which cannot be guaranteed. Nonetheless, the applicant has agreed to commit to a planning obligation to deliver the 78.4%, should the Mayor's decision be positive. As such the possibility of delivery of 78.4% is a material planning consideration of some weight in favour of the proposal, potentially increasing the public benefits of the scheme.

The detailed design of the proposed roof extensions has been revised following discussions with the Council's Borough Urban Design Officer in order to refine the design and reduce the perceived massing where appropriate. The revised design would complement the existing buildings in terms of design and materiality and would not result in any adverse townscape or heritage impacts.

Following extensive discussions between the applicant and officers, a revised playspace and amenity space strategy was submitted which proposes substantial improvements to the quality of the play and amenity spaces across the estate. The revised proposals would deliver high quality residential accommodation with sufficient play space and communal amenity to meet the needs of both existing and new residents.

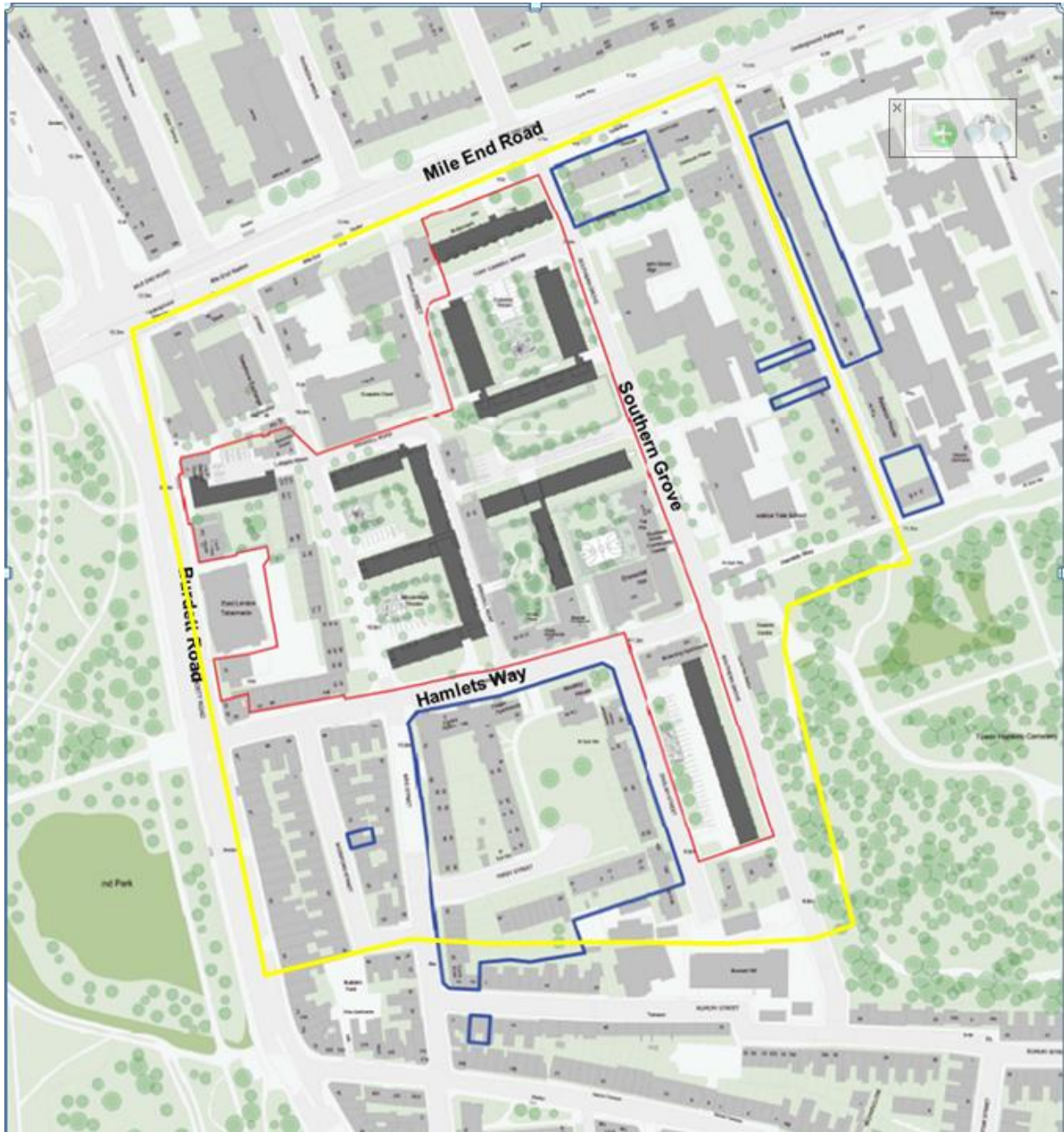
The daylight results indicate that out of the 2390 windows tested, 2011 have been identified to satisfy the BRE guidelines, representing a total of 84.1% of windows. In excess of 92% of the existing surrounding properties would continue to adhere to the BRE guidelines with respect of sunlight. In absolute numerical terms, the impacts that exceed the guidelines would range in magnitude from minor to major adverse; however, in most instances the impact is exacerbated by the presence of existing obstructions – either projecting balconies or recessed walkways, and because the majority of affected properties are dual aspect in most instances the daylight and sunlight to the main living spaces would not be significantly affected.

The residual daylight and sunlight to the properties on and around the estate would remain good for an urban location and officers consider that any breaches of the BRE guidelines are justified by the public benefits of the scheme including the delivery of substantial quantum of new housing including a very substantial proportion of affordable housing.

The proposals would be car free and would not result in unacceptable parking stress or stress on local transport infrastructure and the public transport network.

1. SITE AND SURROUNDINGS

- 1.1 The application site forms part of the Eric and Treby Estate and occupies an area of approximately 3.8 hectares. The site is bounded to the north by Mile End Road, to the west by Burdett Road, to the south by Hamlets Way and to the east by Southern Grove. The estate is predominantly residential however there is a large number of commercial uses in the vicinity, mostly within the Mile End Neighbourhood Centre, with retail uses clustering along Mile End Road and Burdett Road but also on Hamlets Way.



- - Public consultation boundary
- - Application site boundary
- - EastendHomes ownership outside the application site
- - Buildings subject to proposed works

- 1.2 In terms of building heights the surrounding area is characterised by a mix of Victorian and post war architecture ranging in height from 2 to 8 storeys with two taller towers at Ennerdale House (18 storeys) and Beckley House (11 storeys) within the immediate vicinity.
- 1.3 The application site itself is characterised by a mixture of post war housing constructed in the 1960's and 70's with the addition of infill development approved under application PA/09/02065 and constructed as part of the first phase of estate regeneration.
- 1.4 The site is not located within a conservation area but is located adjacent to the Tower Hamlets Cemetery Conservation Area to the south and east and the Ropery Street Conservation Area to the south. To the north of the site, across Mile End Road, is the Tredegar Square Conservation Area. There are no listed buildings within the site or within the immediate vicinity, save for the listed terraces on the northern side of Mile End Road, within the Tredegar Square Conservation Area.
- 1.5 The nearby Mile End Park and Tower Hamlets Cemetery Park are designated as Publicly Accessible Open Space and Sites of Importance for Nature Conservation (SINC). The Council's Green Grid runs along Hamlets Way and Southern Grove, linking the green spaces of Mile End Park, Tower Hamlets Cemetery Park and Tredegar Square.
- 1.6 The site is well served by public transport and benefits from PTAL rating of 6a/6b ("Excellent"). Mile End Underground Station is located to the north, served by the Central, District and Hammersmith & City lines. A number of bus routes serve Mile End Road and Burdett Road travelling to The City, Stratford, Canning Town, Islington, Hackney, Fish Island, and the Isle of Dogs.

2. PROPOSAL

- 2.1 The application seeks full planning permission for the provision of 142 units of new residential accommodation across the estate. The development would consist of:
 - The construction of 2 storey roof extensions to Buttermere House, Coniston House, Derwent House, Windermere House and Loweswater House
 - The residential conversion of ground level garages to Windermere House and Wentworth Mews
 - The construction of residential infill units to Levels 1-4 of Windermere House
 - Landscaping, play space and public realm improvements
 - 251 new cycle parking spaces

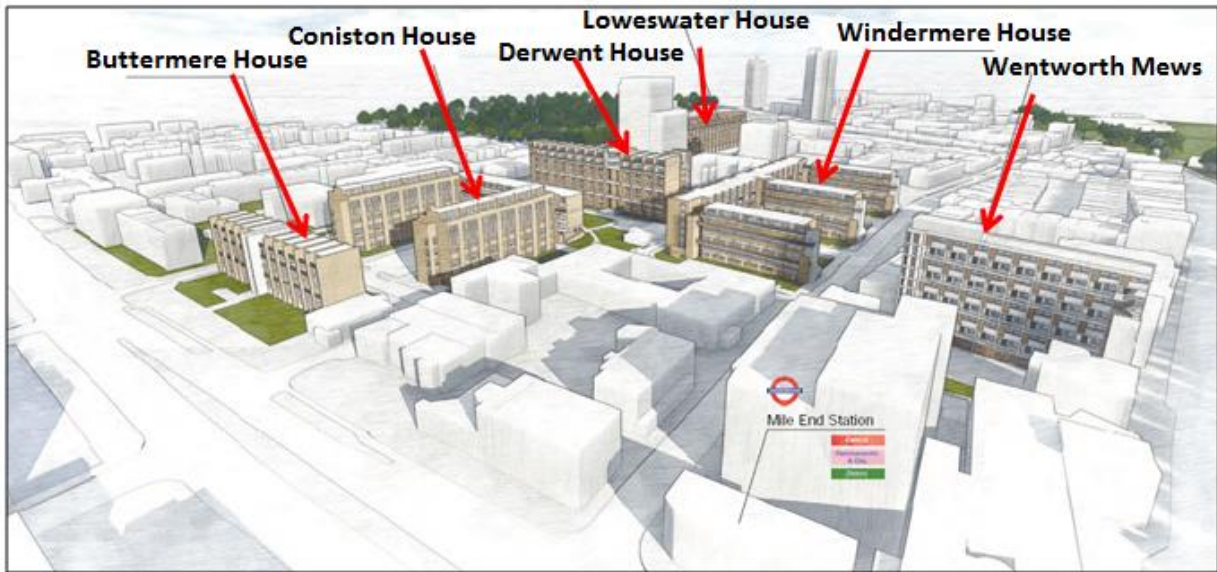


Figure 2 – Birds Eye view looking south-east

- 2.2 Ownership of the Mile End East Estate was transferred by the Council to EastendHomes in 2005. Since then, as part of a programme of improvement to bring the estate up to Decent Homes Plus Standards, the estate has been extensively refurbished and partially redeveloped pursuant to planning permission PA/09/02065.
- 2.3 The current proposal represents the 2nd phase of regeneration of the estate and is intended to provide new affordable rented housing and intermediate housing that would be cross subsidised by new private market housing and potentially part funded by a grant from the Mayor of London.
- 2.4 Option 1 'baseline' affordable housing offer would comprise 49.5% by habitable rooms with a tenure split of 73% affordable rent and 27% intermediate housing with an equal split between Tower Hamlets Living Rent and London Affordable Rent properties within the affordable rented tenure. The 142 units of residential accommodation would be delivered in the following mix:

		Affordable Housing						Market Housing		
		Social/Affordable Rented			Intermediate					
Unit Size	Total Units	Units	As a %	Policy Target %	Units	As a %	Policy Target %	Units	As a %	Policy Target %
Studio	16	0	0	0%	0	0%	0%	16	61%	50%
1 Bed	41	3	7.3%	30%	2	14%	25%	36		
2 Bed	57	21	51.2%	25%	5	33%	50%	32	37%	30%
3 Bed	28	17	41.5%	30%	8	53%	25%	2	2%	20%
4 Bed	0	0	0%	15%	0		/	0		/
Total	142	41	100%	100%	15	100%	100%	86	100%	100%

Table 1 - Proposed dwelling and tenure mix (Option 1)

- 2.5 Option 2 'with grant' affordable housing offer would comprise 78.4% by habitable rooms with a tenure split of 46% affordable rent and 54% intermediate housing with an equal split between

Tower Hamlets Living Rent and London Affordable Rent properties within the affordable rented tenure. The 142 units of residential accommodation would be delivered in the following mix:

		Affordable Housing						Market Housing		
		Social/Affordable Rented			Intermediate					
Unit Size	Total Units	Units	As a %	Policy Target %	Units	As a %	Policy Target %	Units	As a %	Policy Target %
Studio	16	0	0	0%	0	0%	0%	16	74.4%	50%
1 Bed	41	3	7.3%	30%	22	37.9%	25%	16		
2 Bed	57	21	51.2%	25%	27	46.6%	50%	10	23.3%	30%
3 Bed	28	17	41.5%	30%	9	15.5%	25%	1	2.3%	20%
4 Bed	0	0	0%	15%	0		/	0		/
Total	142	41	100%	100%	58	100%	100%	43	100%	100%

Table 2 - Proposed dwelling and tenure mix (Option 2)

2.6 The massing of the proposed 2-storey roof extensions to Buttermere House, Coniston House, Derwent House, Windermere House and Loweswater House, the residential infill units to Levels 1-4 of Windermere House and the residential conversion of ground level garages to Windermere House and Wentworth Mews have been developed to fit within the context of the adjacent developments. The buildings share a common architectural theme and would all be faced in predominantly traditional materials, including yellow London stock brick.

2.7 In terms of landscaping and child playspace the applicant has submitted a comprehensive strategy for improving and expanding the child playspace across the site to benefit both existing and new residents. The scheme includes upgrading of existing spaces, the addition of a variety of new play equipment and providing additional playspace for all age groups.

3. RELEVANT PLANNING HISTORY

3.1 PA/09/02065 - Regeneration of Eric and Treby Estate comprising the refurbishment of existing buildings, the demolition of 14 bed-sit units at 1-14 Brookesley Street and the erection of buildings between 1 and 7 storeys to provide 179 residential units (comprising: 19 x studio, 61 x 1 bed, 52 x 2 bed, 38 x 3 bed and 9 x 5 bed), two new community buildings of 310sq.m and 150sq.m, a new housing management office of 365sq.m and 251sq.m of commercial space and the introduction of an estate wide landscape improvement scheme.

3.2 This revised scheme was approved by the Strategic Development Committee on 15th December 2009. The scheme has been implemented and largely completed with the exception of three of the amenity spaces, Space 2 - Coniston, Space 5 - Wentworth South, and Space 6 - English Street (Figure 3), which have been retained as site compounds in order to complete the estate refurbishment.

4. PUBLICITY AND ENGAGEMENT

4.1 The applicant carried out public consultation prior to submission of the application in May 2017 through knocking on residents doors and conducting one to one interviews. Two public exhibitions were held in early July 2017. For full details please refer to the applicant's Statement of Community Involvement available on the planning register.

- 4.2 Following the receipt and validation of the application, in June 2018 the Council sent 976 consultation letters to nearby owners/occupiers and displayed site notices. A press advert was also published in a local newspaper.
- 4.3 A total of 19 representations were received from residents including 18 letters of objection and a petition in objection with 17 signatories.
- 4.4 The following issues have been raised in objection:
- Impact on the structural stability of the buildings
 - Impact on existing residents from construction works
 - Proposal constitutes overdevelopment of the site
 - Converted garages would create poor quality accommodation
 - Impact on light and overshadowing to neighbouring properties
 - Increase in parking demand
 - Increase in noise and disturbance from additional residents
 - Impact on waste collection
 - Additional storeys would be out of character with the design of the buildings
 - Detrimental to views from neighbouring conservation area
 - Impact on existing services including health and education

5. CONSULTATION RESPONSES

Metropolitan Police – Crime Prevention

- 5.1 No objection. Secured by Design measures should be secured by condition.

Thames Water

- 5.2 No objections subject to conditions.

Transport for London

- 5.3 Cycle parking is in accordance with London Plan policies.
- 5.4 No additional parking is proposed for the new units which accords with policy. There is a requirement to provide accessible parking.
- 5.5 Construction – no information on the construction routing or methodology has been provided in support of the application and the Council may wish to secure a Construction Logistics Plan.
- 5.6 Subject to conditions the proposal would not result in an unacceptable impact to the Transport for London Road Network (TLRN), the Strategic Road Network (SRN) or London's public transport network.

LBTH Environmental Health

Noise & Vibration

- 5.7 No objection subject to conditions requiring mechanical ventilation to Buttermere House and Wentworth House.

Air Quality

- 5.8 No objection subject to conditions in relation to construction dust and emissions.

Contaminated Land

- 5.9 No objection, subject to standard conditions.

LBTH Transportation & Highways

- 5.10 3% of accessible parking (5 spaces) must be made available on site from the outset and a parking management plan showing where the remaining 7% (10 spaces) can be provided is required. The proposal should be secured as 'car free'.

LBTH Waste

- 5.11 Details of waste capacity and waste collection should be provided within the waste management plan. The continued use of rubbish chutes for refuse would disincentivise recycling as the residents would find it easier to place all waste items into the chutes.

Other consultees

- 5.12 The following were consulted but did not comment:
- Environment Agency

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 Core Strategy 2010 (SP)
- Tower Hamlets Managing Development Document 2013 (DM)

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

Housing - LP3.3 -3.13, SP02, DM3, DM4
(affordable housing, unit mix, density, play space, housing quality)

Design - LP7.1-7.8, LP7.18, SP09, SP10, SP12, DM10, DM23, DM24, DM26, DM27
(layout, massing, building heights, materials, public realm, heritage)

Amenity - LP7.6, LP7.15, SP03, SP10, DM25
(privacy, outlook, daylight and sunlight, construction impacts)

Transport - LP6.1, LP6.3, LP6.9, LP6.10, LP6.13, LP6.14, SP05, SP09, DM14, DM20, DM21, DM22
(sustainable transport, highway safety, car and cycle parking, waste, servicing)

Environment - LP3.2, LP5.1 - 5.15, LP5.21, LP7.14, LP7.19, LP7.21, SP03, SP04, SP11, DM9, DM11, DM13, DM29, DM30
(biodiversity, energy efficiency, air quality, drainage, contaminated land)

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

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LP Housing SPG (updated 2017)
- LP Affordable Housing and Viability SPG (2017)
- LP Draft New London Plan (2018)
- LBTH Employment Land Review (2016)
- LBTH Planning Obligations SPD (2016)
- LBTH Draft Local Plan (2019)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Housing
- iii. Design & Heritage
- iv. Neighbour Amenity
- v. Transport
- vi. Environment
- vii. Infrastructure
- viii. Local Finance Considerations
- ix. Equalities and Human Rights

Land Use

Housing

7.2 Delivering new housing is a key priority both locally and nationally. Development Plan policy seeks to alleviate the current and projected housing shortage within London through provision of an annual average of 42,000 net new homes. The minimum ten year target for Tower Hamlets, for years 2015-2025 is set at 39,314 with an annual monitoring target of 3,931. As identified by the Council's Strategic Housing Market Assessment underpinning the Development Plan, the borough has a particularly pressing need for affordable accommodation.

7.3 Given the above, the principle of intensification of housing use within the estate is supported in policy terms.

Housing

Affordable Housing

7.4 Development Plan policies call for a range of housing choices, to support mixed and balanced communities and requires the 'maximum reasonable amount' of affordable housing to be provided, with the Council's policy seeking a minimum of 35%. London Plan policy favours a tenure split of 60% affordable rent to 40% intermediate, whereas the Council's current and emerging policy favours a tenure split of 70% affordable rent to 30% intermediate.

7.5 The current development (Option 1 'baseline') would deliver 49.5% affordable housing by habitable room, with a tenure split of 73% affordable rent to 27% intermediate, providing: 41

affordable rent units at 50/50 split between Tower Hamlets Living Rent and London Affordable Rent, and 15 intermediate units either Shared Ownership or London Living Rent.

- 7.6 At 49.5% affordable housing the proposed development is in compliance with the Development Plan, being significantly in excess of the minimum threshold of 35%. Delivery of 49.5% affordable housing, in particular at the Council's preferred tenure split, represents a very substantial public benefit of the scheme which should be given significant weight in determination of the application.
- 7.7 The proposed rented affordable homes would be located across the majority of the buildings. The table below shows the location of all the affordable units.

Building	Affordable rented units	Intermediate units
Coniston House	9	0
Derwent House	14	5
Loweswater House	1	0
Windemere House	14	10
Wentworth Mews	3	0

Table 3 – Location of Affordable Units (Option 1)

- 7.8 EastendHomes applied to the Mayor of London for grant funding of further intermediate affordable housing (London Living Rent) – Option 2 'with grant' would deliver 78.4% affordable housing by habitable room, with a tenure split of 46% affordable rent to 54% intermediate, providing: 41 affordable rent units at 50/50 split between Tower Hamlets Living Rent and London Affordable Rent, and 58 intermediate London Living Rent units.
- 7.9 The 78.4% affordable housing offer is contingent on the grant decision of the Mayor of London, the outcome of which cannot be guaranteed. Nonetheless, the applicant has agreed to commit to a planning obligation to deliver the 78.4%, should the Mayor's decision be positive. As such the possibility of delivery of 78.4% is a material planning consideration of some weight in favour of the proposal, potentially increasing the public benefits of the scheme.
- 7.10 The proposed rented affordable homes would be located across the majority of the buildings. The table below shows the location of all the affordable units if grant funding is awarded.

Building	Affordable rented units	Intermediate units
Coniston House	9	0
Derwent House	14	6
Loweswater House	1	16
Windemere House	14	36
Wentworth Mews	3	0

Table 4 – Location of Affordable Units (Option 2)

- 7.11 In line with London Plan policy and the Mayor of London's Affordable Housing and Viability SPG the application meets the 35% threshold requirements to be considered a 'fast track' application and therefore the viability of the scheme is not considered as part of this recommendation. The stock transfer of the estate from the Council to EastendHomes took place prior to the adoption of the SPG and thus the estate is not considered to constitute 'public land' for the purpose of the SPG.

Dwelling Mix

- 7.12 Development Plan policies require a mix of housing, with DM Policy DM3 calling for a preferred unit mix of 1, 2, 3 and 4-bed homes. The following table sets this out in detail, alongside the Council's preferred mix.

		Affordable Housing						Market Housing		
		Social/Affordable Rented			Intermediate					
Unit Size	Total Units	Units	As a %	Policy Target %	Units	As a %	Policy Target %	Units	As a %	Policy Target %
Studio	16	0	0	0%	0	0%	0%	16	60%	50%
1 Bed	41	3	7%	30%	2	14%	25%	36		
2 Bed	57	21	51%	25%	5	33%	50%	32	37%	30%
3 Bed	28	17	42%	30%	8	53%	25%	2	3%	20%
4 Bed	0	0	0%	15%	0		/	0		/
Total	142	41	100%	100%	15	100%	100%	86	100%	100%

Table 5 - Proposed dwelling and tenure mix (Option 1)

- 7.13 In the Option 1 'baseline' scenario, the proposed tenure mix within the affordable rented portion would provide a higher proportion of 2 bed rented units, a smaller proportion of 1 bed units and slightly less family size units than the policy target, however this is acceptable given that this option would deliver significantly in excess of the 35% minimum affordable housing target.
- 7.14 Within the intermediate tenure the development would provide less 1 and 2 bed units than the policy target with a larger proportion of 3 bed units.
- 7.15 In the private market tenure the development would provide a larger proportion of 1 and 2 bed units and less 3 bed units than the policy target.
- 7.16 Whilst the unit mix falls short of the Council's target the development does provide significant proportion of affordable rent units overall including 42% family units. Given the development overall would providing 49.5% affordable housing, significantly in excess of 35%, and in particular is at the Council's preferred tenure split, the proposed mix is considered on balance acceptable. The shortfalls of the private and intermediate unit mix are acceptable, given the preference for affordable rented housing and the fact that market housing would be cross-subsidising the delivery of affordable housing.

		Affordable Housing						Market Housing		
		Social/Affordable Rented			Intermediate					
Unit Size	Total Units	Units	As a %	Policy Target	Units	As a %	Policy Target	Units	As a %	Policy Target

				%			%			%
Studio	16	0	0	0%	0	0%	0%	16	74.4%	50%
1 Bed	41	3	7.3%	30%	22	37.9%	25%	16		
2 Bed	57	21	51.2%	25%	27	46.6%	50%	10	23.3%	30%
3 Bed	28	17	41.5%	30%	9	15.5%	25%	1	2.3%	20%
4 Bed	0	0	0%	15%	0		/	0		/
Total	142	41	100%	100%	58	100%	100%	43	100%	100%

Table 6 - Proposed dwelling and tenure mix (Option 2)

- 7.17 In Option 2 'with grant' the social/affordable rented mix remains the same as in Option 1 'baseline' however the intermediate and private housing mix become significantly skewed due to the transfer of a high proportion of one and two bed units from private to intermediate tenure. Whilst one three-bed unit is transferred to intermediate, the changes overall have the effect of significantly reducing the proportion of family units in the intermediate tenure which in Option 1 was overprovided. Provision of family accommodation within private tenure remains deficient.
- 7.18 Overall, and on balance, given that the provision of intermediate housing is an additional potential benefit of the scheme contingent on grant funding, and that the market housing cross-subsidises delivery of affordable housing, it is considered that the Option 2 dwelling and tenure mix are acceptable.

Accessible Housing

- 7.19 Development Plan policies require 90% of new housing to meet Building Regulations 2010 (2015 version) requirement M4(2) 'accessible and adaptable dwellings,' and 10% to meet requirement M4(3) 'wheelchair user dwellings' i.e. designed to be wheelchair accessible or easily adaptable.
- 7.20 All proposed homes would meet the 'accessible and adaptable dwellings' standard and 14 of the homes (10%) meet the 'wheelchair user dwellings' standard. All 14 units would be within the affordable rented within a mixture of 2 and 3 bed units.
- 7.21 11 of the 14 proposed wheelchair accessible homes would be located on ground floor of buildings and would provide step free access from the street.
- 7.22 It is recommended that a planning obligation secures the approval of 1:50 details and fit-out of the proposed 'wheelchair user dwellings'.

Quality of Residential Accommodation

- 7.23 Development Plan policies require new dwellings to be of a high standard. This includes requirements to meet minimum floorspace and private amenity space standards, provide appropriate noise insulation, air quality, privacy & outlook, and daylight/sunlight.

Housing Standards and Guidance

- 7.24 All of the proposed homes would meet the relevant floorspace and amenity standards, and would have a reasonable layout with a minimum floor to ceiling height of 2.4m. Following discussions with the applicant, a condition has also been attached to require that at least 75% of net internal area of the flats would have 2.5m of floor to ceiling height, to meet best practice and as strongly encouraged by the Housing SPG.

- 7.25 The proposal would include renovated entrances to all the residential blocks with the addition of three new entrances and lift cores to Windermere House.
- 7.26 Of the 142 units 110 (77%) would be dual aspect with 32 single aspect units. This is considered to be a reasonable level of dual aspect units given the constraints of the site and the orientation of the existing buildings. All of the single aspect units would be located within the roof extensions to the eastern and western wing of Coniston House. In line with Housing SPG guidance, none of the single aspect units would be north facing and all units would benefit from good outlook east and west as well as good levels of daylight and sunlight. All of the single aspect units would be one bedroom.

Noise & Vibration

- 7.27 The applicant's noise report notes that residents at Buttermere House and Wentworth Mews when opening the windows would be exposed to traffic noise, from Mile End Road and Burdett Road respectively, exceeding the recommended internal noise levels by significant amounts. The Council's Noise Officer has recommended a condition requiring mechanical ventilation to these units to limit the potential impact from noise by allowing the residents to keep the windows closed when a quieter living environment is required.

Air Quality

- 7.28 The Air Quality Assessment submitted with the application concludes that residents would be unlikely to be exposed to harmful levels of pollution once the development is complete and no specific mitigation measures are required. The Council's Air Quality Officer has recommended a condition in relation to dust and emissions during the construction phase. Subject to the recommended conditions this is considered acceptable. While not required to meet air quality guidelines, Buttermere House and Wentworth Mews residents would also benefit from an improvement to their air quality that would be provided by the mechanical ventilation required to mitigate noise impacts.

Privacy & Outlook

- 7.29 The proposed new units created through the roof extensions would not create any privacy issues for the new residential occupiers. The new units would enjoy a similar level of outlook and distance from neighbouring properties as the existing units on the lower floors. The new garage conversions would include defensible space in front of the new units to improve privacy with the main living spaces of these dual aspect units overlooking the central amenity space rather than the street.

Daylight, Sunlight & Overshadowing

- 7.30 The application is supported by a Daylight and Sunlight Report. This report has been reviewed on behalf of the Council by Ansty Horne Consultants.
- 7.31 The applicants' Report sets out the findings of an assessment of daylight of the proposed homes using Average Daylight Factor (ADF) and Daylight Distribution (DD). This finds that 442 of the 466 rooms tested (94%) comply with guidance in relation to ADF and 429 rooms (92%) fully comply with guidance in relation to DD. Of the 24 rooms which would not meet the BRE guidance on ADF 20 would be kitchens and would be only marginally below the BRE guidance. This is considered to be a high level of compliance and daylighting to the new units would be good overall.
- 7.32 The applicants' Report also sets out findings of an assessment of sunlight of windows facing south, using Annual Probable Sunlight Hours (APSH). This shows that of the 85 rooms tested, 76 (89%) comply with the BRE guidelines. Again this is considered to be a high level of compliance and is considered acceptable.

Communal Amenity Space & Play Space

- 7.33 Development Plan policies require provision of children's play space (10sqm per child). The GLA's child yield calculator estimates that the development of 142 new homes would require a total of 632sqm of additional playable space broken down into 291sqm of under 5-year-old play space (46%), 215sqm of 6 to 11-year-old dedicated play space (34%), and 126sqm of 12+ play space (20%).
- 7.34 Since the submission of the application and following discussions with officers the applicant has submitted a Play Strategy which proposes a comprehensive enhancement plan which includes the completion of the play spaces already approved within the application site under the phase 1 development (PA/09/02065), enhancing several of the existing play facilities through the replacement and upgrading of equipment, and the introduction of new play facilities and equipment to accommodate the proposed additional homes.

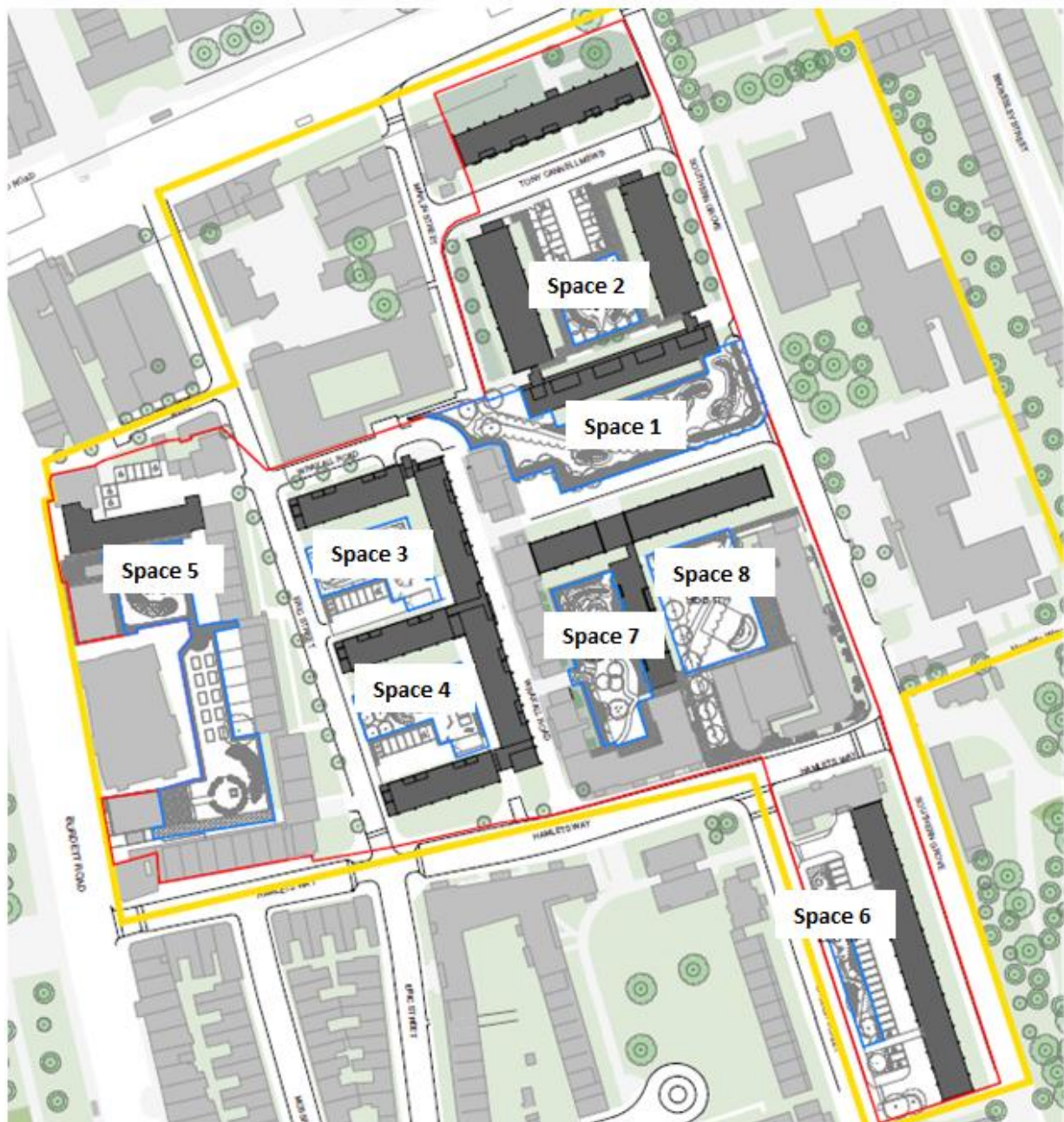


Figure 3 – Location of play spaces

- 7.35 The existing playspace provision requirements for the site include 941sqm of playspace across all age groups. With the addition of 142 residential units there is a requirement for an additional 632sqm of playspace. The site should therefore accommodate 1573sqm of dedicated playspace to accommodate both existing and proposed residents.
- 7.36 The table below details the overall play provision that would be delivered as part of the strategy. As demonstrated below the quantum of playspace provided would exceed the policy requirements.

Age Band	Area Required (sq.m.)	Area Provided (sq.m.)	Difference (sq.m.)
0 - 5	705	1,503	+ 798
6 - 11	535	1,584	+ 1,049
12+	333	1,271	+ 938
Totals	1,573	4,358	+ 2,785

Table 7 – child play space provision



Figure 4 – CGI showing one of the improved play spaces

- 7.37 The play space strategy includes improvements and expansion to 8 different spaces across the site and includes the addition of improved play equipment to accommodate all age groups. The delivery and maintenance of these spaces is of importance to ensure they are available and attractive for residents to use and conditions are therefore recommended to ensure these improvements are delivered and the quality of the play spaces maintained.

Density

- 7.38 Development Plan policy requires development to '*optimise*' housing output taking account of public transport accessibility, local context and character and design principles, and for proposals which compromise this policy to be resisted. Policy LP3.4 provides a '*Sustainable residential quality density matrix*' for differing locations based on character and PTAL. The site

has an urban character and a PTAL of 6. For such sites, the matrix provides an indicative density of 200-700 habitable rooms per hectare (45 to 260 units per hectare).

- 7.39 The site measures 3.8ha and currently contains 1610 habitable rooms (549 residential) units resulting in existing density of 405 habitable rooms per hectare. With the additional 380 habitable rooms proposed there would be a total of 1990 habitable rooms within the site boundary. This results in a density of 524 habitable rooms per hectare which fits comfortably within the density range suggested by policy. As such, and with reference to the other aspects and impacts of the development as described elsewhere within this report, the proposed estate intensification makes an optimal use of this highly accessible site and does not result in overdevelopment.

Design & Heritage

- 7.40 Development Plan policies call for high-quality designed schemes that reflect local context and character and provide attractive, safe and accessible places that safeguard and where possible enhance the setting of heritage assets.
- 7.41 The existing buildings share a common aesthetic, constructed from London Yellow Stock brick however each building has its own character. The proposed roof extensions respond to the character of each building to create a distinct addition while maintaining a coherent and integrated architectural language across the estate.

Buttermere House

- 7.42 Buttermere House is located on the south side of Mile End Road. The existing building is four storeys in height and the proposal is for the addition of a two storey extension to create 11 new residential units.
- 7.43 The roof extension would be constructed in Yellow Stock brick to match the existing building with the slanted brick pillars at the upper level to reference the pitched roof design of the historic houses on the opposite side of Mile End Road. The elevations would be predominantly glazed including backpainted and translucent glass, integrated to the host building through extension of London stock brick columns and gables. The proposal includes a new central glazed access core which would provide improved access and a new lift for both existing and new residents.



Figure 5 – CGI view across Mile End Road showing Buttermere House

Coniston House

- 7.44 Coniston House is located south of Buttermere House within the estate, bounded by Southern Grove to the east and Maplin Street to the west. The four storey building is arranged in a U shape around a central amenity space. The proposal is for a two storey roof extension to provide 41 new residential units.
- 7.45 The roof extension has been designed to complement the existing fenestration on the lower levels with brick pillars and predominantly glazed elevations including backpainted glass panelling. Recessed terraces at both levels have been included to add further variation to the elevation. Four new communal entrances are proposed at the corners of the development to provide new lifts and step free access to all units.



Figure 6 – CGI views of Coniston House

Derwent House

- 7.46 Derwent House is located south of Coniston House on the north side of Hamlets Way. The four to six storey building is arranged in a T shape and overlooks existing amenity spaces on both sides. The proposal is for an infill to create 3 new units and the addition of a two storey extension to create a further 17 units.
- 7.47 The extension has been designed to reflect the existing vertical emphasis of the building extending the existing brick pillars framing the glazed bays. The existing communal entrances on the northern façade would be renovated to provide improved security and a second lift.



Figure 7 – View of south elevation of Derwent House

7.48 Loweswater House

7.49 Loweswater House is located south of Derwent House. The seven storey linear block has garages at ground floor level and residential units above.

7.50 The proposal is for a two storey roof extension to provide 16 residential units as well as the conversion of a property management office to provide 1 additional unit.

7.51 The extension is again in keeping with the existing building and would be constructed from materials to match the existing building. The proposal would include glazed elevations and recessed balconies at the upper level. The two communal entrances would be upgraded with new firefighting lifts installed and additional security.



Figure 8 – Proposed west façade of two storey extension to Loweswater House

7.52 Windermere House

- 7.53 Windermere House is located south of Mile End Station with Wraxall Road to the north and west, Eric Street to the east and Hamlets Way to the south. The existing building is five storeys in height with garages at ground floor level and residential units above.
- 7.54 The proposal is for ground floor garage redevelopment to provide 8 fully accessible units, 4 infill units within the disused central circulation void and a two storey roof extension to provide 38 additional units.
- 7.55 The garage conversions include recessed windows and entrance to provide defensible space from the pedestrian walkway and would be dual aspect. The roof level extension continues the trend of extending the brick pillars with recessed balconies and glazed elevations. Three new communal entrances on Eric Street would provide new lift provision to all units.

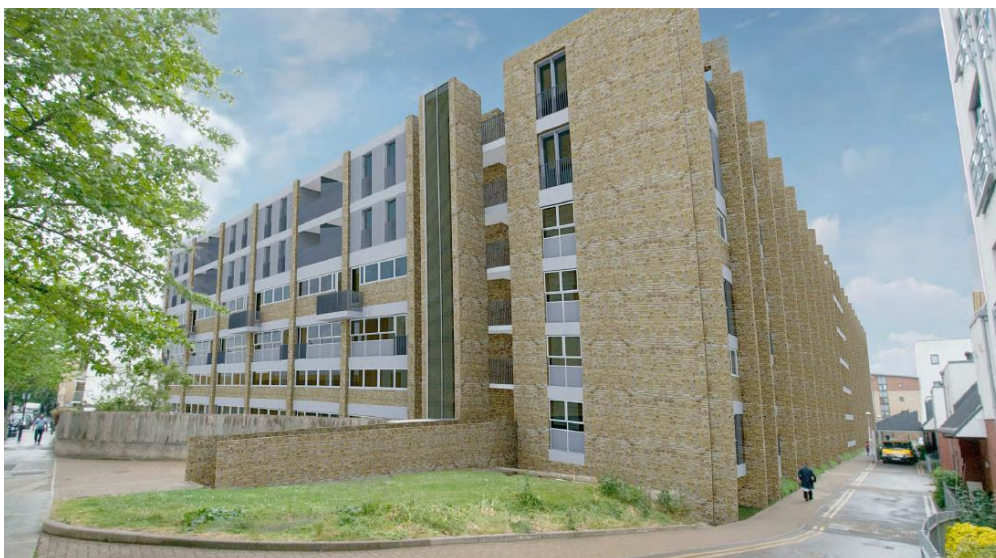


Figure 9 – View of south elevation of Windermere House

Wentworth Mews

- 7.56 Wentworth Mews is an existing nine storey linear residential block located between Burdett Road to the west and Eric Street to the east. The existing building consists of garage units at ground floor level with residential above.
- 7.57 The proposal is for the conversion of the ground floor garages to provide 3 fully accessible units. The garage conversions include recessed windows and entrance to provide defensible space from the pedestrian walkway and would be dual aspect.

Height and Massing

- 7.58 There are a mixture of building heights and typology with the vicinity of the application site. The proposed additional two storey extensions would not appear overly dominant or be out of character with the surroundings. The design of the extensions ensures that they would blend well with the existing buildings on the estate.

Conclusion

- 7.59 Officers consider that the design of the extensions would be sympathetic to the existing buildings and subject to securing details of materials and architectural detailing by condition; the proposed extensions represent good quality design.

Built Heritage

- 7.60 Development Plan policies call for development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 7.61 Whilst the proposals would result in an increase in scale of the existing buildings in the area adjoining the Tower Hamlets Cemetery and the Ropery Conservation Area, the immediate built context consist of a mixture of building heights including Wentworth House which is eight storeys and two taller towers at Ennerdale House and Beckley House. The design and materiality of the roof extensions would help integrate the roof extensions with the existing buildings and would be in keeping with the character of the estate.
- 7.62 The proposals would not result in any harm to the setting of the neighbouring conservation areas given the surrounding built context, the design of the extensions and the relatively modest increase in height proposed to the existing buildings.

Safety & Security

- 7.63 The proposed design would ensure a positive relationship with existing residential properties. The development includes improvements to communal entrances including secure access and CCTV which would be beneficial to both existing and future residents of the estate.
- 7.64 The conversion of the garages at ground floor level of Windermere and Wentworth House would have a particularly positive contribution to safety and security within the estate by providing active frontages and passive surveillance in areas previously not well overlooked.
- 7.65 The Metropolitan Police Design Advisor has requested that Secured by Design accreditation be achieved and it is recommended that a 'Gold' standard is secured by condition.

Neighbour Amenity

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

Privacy & Overlooking

- 7.67 In terms of neighbouring privacy the roof level extensions would result in similar levels of overlooking as already occurs between the existing buildings. The majority of these would be greater than the distance of 18m suggested by supporting text to policy DM25 and would not significantly alter or harm the privacy of existing residents. The infill extensions at Windermere House would include angled windows to the bedrooms to prevent direct overlooking to adjacent neighbouring windows. The infill units at Derwent House would result in some increase in overlooking to existing neighbouring windows however this is acceptable because this would be limited by the angled relationship between the windows and would be limited to bedroom windows. The ground floor garage conversions would not create any additional overlooking for neighbouring residents.

Outlook and sense of enclosure

- 7.68 The proposed additional massing at two storeys across each of the buildings would result in a relatively modest increase in height to the existing buildings. Given the layout of the estate and the distance between the buildings it is not considered that this increase in height would result in an overbearing appearance or inappropriate sense of enclosure.

Daylight, Sunlight & Overshadowing

- 7.69 There is no industry-standard categorisation for impacts that exceed BRE guidelines. However, for Vertical Sky Component (VSC), No Sky Line (NSL) and Annual Probably Sunlight Hours (APSH), 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%
- 7.70 The BRE guidelines require that daylight impacts are assessed with reference to both Vertical Sky Component and No Sky Line - otherwise known as Daylight Distribution (DD). Officers and the appointed independent consultants had regard to both VSC and NSL/DD in arriving at their conclusions as summarised in Table 9 further below.
- 7.71 The applicants' Daylight and Sunlight Report identifies the following likely daylight impacts:

Property	Windows tested	Negligible impact (<20% VSC loss or VSC above 27%)	Minor adverse impact (20%- 30% VSC loss)	Moderate adverse impact (30%- 40% VSC loss)	Major adverse impact (>40% VSC loss)
Loweswater House	240	240	0	0	0
Buttermere House	150	119	18	11	2
Coniston House	321	296	20	5	0
Derwent House	224	187	19	13	5
Wentworth Mews	136	136	0	0	0

Property	Windows tested	Negligible impact ($<20\%$ VSC loss or VSC above 27%)	Minor adverse impact (20%- 30% VSC loss)	Moderate adverse impact (30%- 40% VSC loss)	Major adverse impact ($>40\%$ VSC loss)
Winderemere House	366	366	54	22	19
Erick Street	136	136	2	7	22
Wraxall Street	24	24	4	8	0
Maplin Street	54	54	27	5	0
English Street	76	76	0	0	36
Hamlets Way Tower	340	340	4	7	0
Rushton Walk Tower	192	192	6	0	0
Hamlets Way Houses	28	28	0	0	0
Site 9 Land Adjacent To Erick Street	23	21	2	09	0
Site 15 106-128 Hamlets Way	79	67	9	3	0
Site 12 Land Adjacent To Beckley House, English Street	20	14	0	4	2
Site 11 Land Adjacent To Loweswater House Hamlets Way	43	41	2	0	0
Site 2b Derwent House, Hamlets Way	56	29	7	6	14
Site 2a Land Adjacent To Derwent House, Hamlets Way	52	38	4	1	9
Total	2390	2011	178	92	109

Table 8: Summary of the applicants' Daylight & Sunlight Report

- 7.72 The applicants' Daylight and Sunlight Report has been independently reviewed on behalf of the Council by Ansty Horne consultants. Ansty Horne reviewed the scope, methodology, text and conclusions of the applicants' report. Their review finds that the applicants' assessment has been carried out appropriately.

Daylight.

- 7.73 The table below summarises and assesses the impact to those windows likely to experience a greater than negligible daylight impact.

Property	Daylight Impact	Further Detail
Buttermere House	Minor – Major	All windows impacted are located within inset balconies or external walkways and the majority have other windows serving the rooms impacted
Coniston House	Minor – Moderate	5 windows with moderate adverse impact are below existing walkways and serve kitchens. The majority of the minor impacted windows would receive VSC levels only marginally below the BRE recommended level
Derwent House	Minor – Major	The majority of the windows impacted would be below existing balconies. 4 windows adjacent to the infill development would experience minor adverse loss but would still receive between 18% and 22% VSC which is considered reasonable.
Winderemere House	Minor – Major	The majority of windows which would receive a minor to moderate adverse impact would still receive reasonable VSC levels above 20%. Those windows which have a major impact are located below external walkways and balconies which already restrict the daylight
Erick Street	Minor – Major	All windows impacted are below existing external walkways which impact on existing levels of light. The windows impacted would be to kitchens and not main living spaces.
Wraxall Street	Minor – Moderate	The majority of the windows impacted are not habitable rooms. A small number of kitchen windows which have a minor or moderate impact would still receive a reasonable level of daylight above 20% VSC
Maplin Street	Minor – Moderate	The majority of the windows impacted would experience a minor adverse impact but would still receive VSC levels above 20% which is considered reasonable for an urban environment
English Street	Major	All windows impacted are below existing external walkways which impact on existing levels of light. The windows impacted would be to kitchens and not main living spaces.

Hamlets Way Tower	Minor – Moderate	The majority of the windows impacted would experience a minor adverse impact but would still receive VSC levels above 20% which is considered reasonable for an urban environment
Rushton Walk Tower	Minor	All windows impacted would receive VSC levels only marginally below BRE guidance.
Site 9 Land Adjacent To Erick Street	Minor	Two windows impacted both of which are located below existing balconies which impacts on existing light. The actual loss is small.
Site 15 106-128 Hamlets Way	Minor – Moderate	A number of the windows are below existing projecting balconies and the actual impact from the development is small. Other windows with a minor impact would be to bedrooms and not main living spaces.
Site 12 Land Adjacent To Beckley House, English Street	Moderate - Major	The 6 windows are all located below existing projecting balconies which impact on the existing light levels. The actual loss from the development would be small
Site 2b Derwent House, Hamlets Way	Minor – Major	The majority of windows impacted are below existing external walkways which impact on existing levels of light.
Site 2a Land Adjacent To Derwent House, Hamlets Way	Minor – Major	The majority of the windows on the northern elevation which have a moderate to major impact benefit from additional windows on the western elevation to the same living space.

Table 9: Summary of likely daylight Impacts

Sunlight

- 7.74 The sunlight assessment demonstrates that in excess of 92% of the existing surrounding properties would continue to adhere to the BRE guidelines. The sunlight results demonstrate that overall the impacts would be negligible to the following buildings
- Loweswater House,
 - Buttermere House,
 - Coniston House,
 - Derwent House,
 - Wentoworth Mews,
 - Winderemere House,
 - Wraxall Street,
 - Hamlets Way Tower,
 - Rushton Walk Tower,
 - Site 9 Land Adjacent to Erick Street,
 - Site 15 106-128 Hamlets Way,
 - Site 12 Land Adjacent to Loweswater House,
 - Site 11 Land Adjacent to Loweswater House

– and Site 2b Derwent House

- 7.75 The property identified as ‘Site 2a Land Adjacent to Derwent House’ would experience reductions and have a major adverse impact. The majority of the 11 windows which have a major impact are within the internal courtyard elevation and are already restricted by existing surrounding taller buildings. Overall given the scale and nature of the development the sunlight impacts would be limited with the majority of windows (92%) experiencing a negligible impact.

Overshadowing

- 7.76 The overshadowing assessment demonstrates that of the 23 amenity spaces tested 19 would experience a negligible impact whilst three of the communal amenity spaces adjacent to Coniston House and one space adjacent to Buttermere House would experience minor adverse impacts. Given that the vast majority of the amenity spaces would meet the BRE guidance and the impact on the four identified areas would be limited this is considered to be acceptable within the context of the overall development. Tower Hamlets Cemetery Park would not experience significant overshadowing.

Conclusion

- 7.77 The Mayor of London’s Housing SPG makes clear that standards should be applied flexibly, providing that proposals still achieve satisfactory levels of residential amenity and avoid unacceptable harm. The proposals would have negative impacts on daylight and sunlight enjoyed by the occupiers of a number of nearby homes when assessed against the BRE guidelines. However, officers consider that these impacts would be acceptable when weighed against the benefits that the scheme would deliver and that residents would be left with an acceptable level of daylight and sunlight and that their overall level residential amenity would be acceptable.

Noise & Vibration

- 7.78 The application is supported by a Noise Assessment. Subject to a recommended condition, noise from any proposed mechanical plant should be managed to acceptable levels and the proposals should not worsen the noise environment for existing residents.

Construction Impacts

- 7.79 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions are recommended to minimise these impacts. These would control working hours and require the approval and implementation of Construction Environmental Management Plan and a Construction Logistics Plan.
- 7.80 In terms of the construction of the roof extensions it is acknowledged that residents have raised concerns regarding the potential disturbance to existing residents during construction. The intention is to use a Hybrid Modular Construction method to limit the impact on existing residents. This would mean 90% of construction work is done off site, with panels craned into position minimising construction noise and impact on existing residents. This method would also reduce the construction timescales when compared to traditional construction methods by up to 50%. Whilst it is inevitable that there would be some disturbance to existing residents from construction activities the proposed method of construction and planning conditions would appropriately control the construction activities and limit the disruption.

Transport

- 7.81 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.

Vehicular, pedestrian and cycle access

- 7.82 Vehicular, pedestrian and cycle access would continue via existing roads that currently serve the estate.

Transport Network Capacity

- 7.83 As confirmed by Transport for London, the proposal would not result in an unacceptable impact to the Transport for London Road Network (TLRN), the Strategic Road Network (SRN) or London's public transport network.

Deliveries & Servicing

- 7.84 All deliveries and servicing activity would be undertaken via the existing internal roads and parking areas that currently serve the estate

Car Parking

- 7.85 It is not proposed to provide any additional car parking for the proposed residential units. The current site includes 78 car parking spaces 14 of which are disabled spaces. The proposal would be for a reduction in the number of on-street parking spaces to 76 with 22 of the spaces being disabled access. A condition is recommended requiring a parking management plan to ensure access for those residents that require disabled parking spaces. The new residential units would also be subject to a 'car free' planning obligation.
- 7.86 The garages at Wentworth Mews have been boarded up for a number of years now and as such their conversion would not result in any further increase in parking stress on the estate.

Cycle Parking and Facilities

- 7.87 251 additional secure cycle parking spaces are proposed across the site which is in line with policy requirements. A condition requiring the submission of details of cycle stores is recommended to ensure that they are appropriately designed and accessible to all residents.

Travel Planning

- 7.88 The application is supported by a Residential Travel Plan, setting out proposed measures to encourage sustainable travel. It is recommended that the approval and implementation of final Travel Plan is secured via s106 obligation.

Environment

Energy & Environmental Sustainability

- 7.89 The application is supported by an Energy Statement. This sets out how the proposed development addresses policy requirements to reduce the site's contribution to climate change by minimising the emissions of CO₂. The strategy is based on:
- Being Lean: The building fabric of the proposed development would be optimised to reduce heat loss in winter months and minimise heat gain in the summer months reducing the energy required to heat the development. (15.7% reduction)
 - Being Clean: The development cannot feasibly connect to district heat system given the nearest is almost 2km away and there are no further reductions proposed as part of being clean.

- Being Green: the provision of PVs (2000sqm array) on the roofs of six of the estate buildings. Savings from being green would amount to a 56% reduction in CO2

7.90 The above strategy is in accordance with relevant Development Plan policies and guidance. Together, the measures would achieve a 71.7% improvement over the Building Regulations 2010 (2013 version) standards. The Managing Development Document Policy DM29 requires major residential developments to achieve zero carbon (with at least 45% reduction achieved through on-site measures). The remaining regulated carbon emissions (to 100%) are to be offset through financial contribution. It is therefore recommended that, in accordance with policy and supporting guidance, a financial contribution of £112,500 towards carbon offsetting projects in the borough is secured.

Air Quality

7.91 Demolition and construction activities can cause dust and poor air quality. It is recommended that a Construction Environmental Management Plan is secured by way of a planning condition.

Waste

7.92 Development Plan policies require adequate refuse and recycling storage. The applicant has submitted a waste strategy which details the existing waste arrangements for the site and the proposed additional capacity that would be created through extending existing waste storage points and the addition of a number of new waste storage points across the site.

7.93 The proposed additional waste facilities would provide sufficient capacity for the additional residential units. It is acknowledged that the current waste chutes could potentially reduce recycling rates. As part of the Waste Management Plan required by condition the applicant would be required to provide a strategy to encourage residents to recycle. Given the existing waste infrastructure within the buildings it would not be feasible to restrict residents from using the existing waste chutes.

Biodiversity

7.94 Development Plan policies seek to safeguard and where possible enhance biodiversity value. The proposed development would involve the extension of existing buildings and the infill of existing garage spaces and would not impact on existing land of ecological value. Additional planting as part of the landscaping scheme would have a positive contribution towards the biodiversity of the estate. Details of planting and biodiversity improvements would be secured by condition. Due to the significant weight of biodiverse roofs such roofs have not been included to minimise any structural impact on the existing buildings on the estate.

7.95 The proposal would have no adverse effect on the ecological value of the Tower Hamlets Cemetery Park which is a Site of Importance for Nature Conservation.

7.96 Subject to the conditions listed above, the proposals would meet Development Plan requirements to provide a net benefit for biodiversity and are acceptable.

Flood Risk & Drainage

7.97 Development Plan policies seek to manage flood risk and encourage the use of Sustainable Urban Drainage.

7.98 The site is within Flood Risk Zone 1 and is not in a Critical Drainage Area. The proposed development would not increase impermeable surfaces and would not increase surface run-off. Given the site is within Flood Zone 1 (Low Risk) and the site is not within a notified Critical

Drainage Area, the main flood risks arising from the proposed development are surface water management and from the specification of foul sewage strategies.

- 7.99 The submitted Drainage Strategy establishes that the surface water runoff from the site would remain as the existing situation, due to the nature of the proposals: a refurbishment and upper levels extension of existing buildings with no changes in the amount and nature of the external permeable areas. Foul water discharge would increase as a result of the additional residential units, however Thames Water have confirmed that the public sewer network can cater for the additional flows. A condition is recommended requiring the submission of a surface water drainage strategy to demonstrate how the development would provide improvements in surface water drainage.
- 7.100 Thames Water has raised no objections, subject to the inclusion of appropriate conditions and informatives. These are generally secured by the recommended conditions and informatives. However, officers do not consider it necessary to include a condition requiring approval and implementation of water network upgrades/housing infrastructure phasing plan which is a commercial matter between the applicants and Thames Water.

Land Contamination

- 7.101 Subject to standard conditions, the proposals are acceptable from a land contamination perspective. If any contamination is identified during construction works it can be satisfactorily dealt with.

Infrastructure Impact

- 7.102 It is estimated that the proposed development (baseline option at 49.5% affordable housing) would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £173,110 (inclusive of social housing relief and exclusive of indexation) and Mayor of London CIL of approximately £296,760 (inclusive of social housing relief and exclusive of indexation). The CIL liability would be reduced if the Mayor of London awards grant funding for further affordable housing – this is because affordable housing floorspace is zero rated.
- 7.103 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.
- 7.104 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD, as follows:
- £38,712 towards construction phase employment skills training
 - £112,500 toward carbon emission off-setting

Local Finance Considerations

- 7.105 Assuming that the Council delivers its annual housing target of 3,931 units, the Council would be liable for a New Homes Bonus payment of approximately £24m over 4 years. Due to the introduction of a new threshold approach by the Government it is not possible to provide an exact amount of New Homes Bonus the proposed development would deliver; officers estimate that the proposal could deliver up to £1,023,976 over 4 years in the baseline scenario and £1,084,176 over 4 years if the Mayor of London awards grant funding for further affordable housing.

Human Rights & Equalities

- 7.106 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.
- 7.107 The proposal would not result in displacement of existing residents of the estate and subject to conditions would not have an undue effect on people with any of the protected characteristics. The Construction Environmental Management and Logistics Plan would seek to minimise disturbance to residents and neighbours with protected characteristics to address the issues posed by the fact that the elderly, disabled, pregnant or those with young children are more likely to be homebound or to spend larger proportion of the daytime at home and could thus be more significantly affected by disturbance from construction work.
- 7.108 The proposed provision of new homes and (subject to approval of details) public realm, communal open space and play space would meet inclusive design standards and 14 homes (over 10%) would be 'wheelchair accessible' with additional disabled car parking spaces provided. These standards would benefit existing and future residents, including disabled people, elderly people and parents/carers with children. The proposed affordable housing and construction stage apprenticeships would be of particular benefit to groups that are socially/economically disadvantaged.
- 7.109 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

- 8.1 That conditional planning permission is **GRANTED** subject to the prior completion of a legal agreement.
- 8.2 That the Corporate Director of Place is delegated the power to negotiate the legal agreement to cover the obligations listed in paragraphs 8.4-8.5 below and to add any other planning obligations as necessary. 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.
- 8.3 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the matters listed in paragraphs 8.6 and 8.7 below and to add any other conditions and informatives as necessary.

8.4 Financial obligations

- a. £38,712 towards construction phase employment skills training
- b. £112,500 toward carbon emission off-setting
- c. £2000 monitoring fee

Total financial contributions: £153,212

8.5 Non-financial obligations:

- a. Affordable housing
 - Option 1 'baseline' (49.5% by habitable room, including: 41 affordable rent units at 50/50 split between Tower Hamlets Living Rent and London Affordable Rent and 15 intermediate units either Shared Ownership or London Living Rent)

- Option 2 ‘with grant’ (78.4% by habitable room, including: 41 affordable rent units at 50/50 split between Tower Hamlets Living Rent and London Affordable Rent and 58 intermediate London Living Rent units)
 - Early Stage Viability Review if works do not commence within 2 years of decision
 - Details and implementation of ‘wheelchair accessible’ dwellings
- b. Access to employment
- Reasonable endeavours to achieve 20% local procurement
 - Reasonable endeavours to achieve 20% local labour in construction
 - 2 construction phase apprenticeships
- c. Transport matters:
- Car Free
 - Residential Travel Plan
 - Parking Management Strategy (including allocation of disabled parking and provision of further disabled parking should the need arise)
- d. Compliance with Considerate Constructors Scheme

8.6 Planning Conditions

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Restrictions on demolition and construction activities:
 - a. All works in accordance with Tower Hamlets Code of Construction Practice
 - b. Standard hours of construction and demolition;
 - c. Air quality standards for construction machinery;
 - d. Ground-borne vibration limits; and
 - e. Noise pollution limits.
4. Mechanical plant noise standards (subject to post completion verification).
5. Noise insulation standards for new residential units (subject to post completion verification).
6. Inclusive access standards for new residential units.
7. Air quality standards for boilers and any CHP units.
8. Procedure in the event land contamination is encountered.
9. Water consumption standards.
10. 2.5m floor to ceiling height shall be achieved for no less than 75% of net internal area.

Pre-commencement

[The inclusion of the following pre-commencement conditions has been agreed in principle with the applicants subject to detailed wording].

11. Construction Environmental Management Plan and Construction Logistics Plan (in consultation with TfL):
 - a. Site manager’s contact details and complain procedure;
 - b. Dust and dirt control measures

- c. Measures to maintain the site in tidy condition, disposal of waste
- d. Recycling/disposition of waste from demolition and excavation
- e. Safe ingress and egress for construction vehicles;
- f. Numbers and timings of vehicle movements and access routes;
- g. Parking of vehicles for site operatives and visitors;
- h. Travel Plan for construction workers;
- i. Location and size of site offices, welfare and toilet facilities;
- j. Erection and maintenance of security hoardings;
- k. Measures to ensure that pedestrian and cycle access past the site is safe and not unduly obstructed;
- l. Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress; and
- m. Measures to minimise amenity impact on residents and in particular on residents with characteristics protected under the Equality Act.

Pre-superstructure works

- 12. Details and samples of external facing materials, architectural detailing.
- 13. Details of hard and soft landscaping of all public realm and open spaces including play equipment, street furniture and lighting.
- 14. Details of final surface water drainage strategy and resultant water run-off rate.
- 15. Details of final energy strategy to ensure CO2 emission savings of at least 71%.
- 16. Details of biodiversity improvement measures, including biodiverse roofs, bird and bat boxes.
- 17. Details of mechanical ventilation and air intake points for new dwellings within Buttermere House and Wentworth House.
- 18. Details of landscaping including biodiversity improvement measures.
- 19. Details of cycle storage.
- 20. Details of waste storage and Waste Management Plan.
- 21. Details of Secured by Design measures, aiming to achieve 'Gold' standard.
- 22. Details of any roof level PV array (roof plan and elevation).

8.7 Informatives

- 1. Permission subject to legal agreement.
- 2. Development is CIL liable.
- 3. Thames Water standard informative.

APPENDIX 1

Drawings

Existing Plans

01-001 R1	02-760 R0	02-300 R1	02-301 R1	02-302 R1
02-303 R1	02-304 R1	02-307 R1	02-720 R1	02-820 R1
02-400 R1	02-401 R1	02-402 R1	02-403 R1	02-404 R1
02-407 R1	02-730 R1	02-830 R1	02-500 R1	02-501 R1
02-502 R1	02-503 R1	02-504 R1	02-505 R1	02-508 R1
02-740 R1	02-840 R1	02-600 R1	02-601 R1	02-602 R1
02-603 R1	02-604 R1	02-605 R1	02-606 R1	02-609 R1
02-750 R1	02-850 R1	02-200 R1	02-201 R1	02-202 R1
02-203 R1	02-204 R1	02-207 R1	02-710 R1	02-810 R1
02-811 R1	02-100 R1	02-700 R1	02-800 R1	

Proposed Plans

04-760 R2	04-300 R5	04-301 R3	04-302 R3	04-303 R4
04-304 R3	04-305 R4	04-306 R3	04-307 R3	04-720 R4
04-721 R2	04-820 R2	04-920 R2	04-921 R2	04-400 R6
04-401 R5	04-402 R5	04-403 R5	04-404 R6	04-405 R6
04-407 R5	04-730 R6	04-731 R5	04-932 R4	04-930 R1
04-931 R1	04-500 R6	04-501 R4	04-502 R4	04-503 R5
04-504 R5	04-505 R5	04-506 R4	04-507 R3	04-508 R2
04-740 R5	04-741 R2	04-840 R4	04-940 R1	04-941 R1
04-600 R5	04-601 R4	04-602 R4	04-603 R4	04-604 R4
04-605 R4	04-606 R4	04-607 R5	04-608 R5	04-609 R4
04-750 R5	04-751 R3	04-850 R3	04-950 R1	04-951 R1
04-200 R6	04-201 R4	04-202 R4	04-203 R4	04-204 R4
04-205 R4	04-206 R5	04-207 R4	04-710 R4	04-711 R2
04-810 R4	04-811 R3	04-910 R1	04-911 R1	04-912 R1
04-913 R3	04-100 R3	04-700 R4	04-701 R1	04-800 R2
04-900 R1	04-952 R0	04-053 R0	04L01 R2	04-L02 R0

Documents

- Design and Access Statement February 2019, with revisions 28/06/2019
- Transport Assessment Version 4
- Residential Travel Plan February 2019
- Waste Management Strategy Revision 1
- Energy Statement 2017
- Statement of Community Involvement
- Acoustic planning report 2017
- Play Strategy April 2019
- Planning Statement
- Sustainability Strategy 2017

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APPENDIX 2

Selection of submitted drawings and visualisations



Buttermere House South Elevation – as existing



Buttermere House South Elevation – as proposed



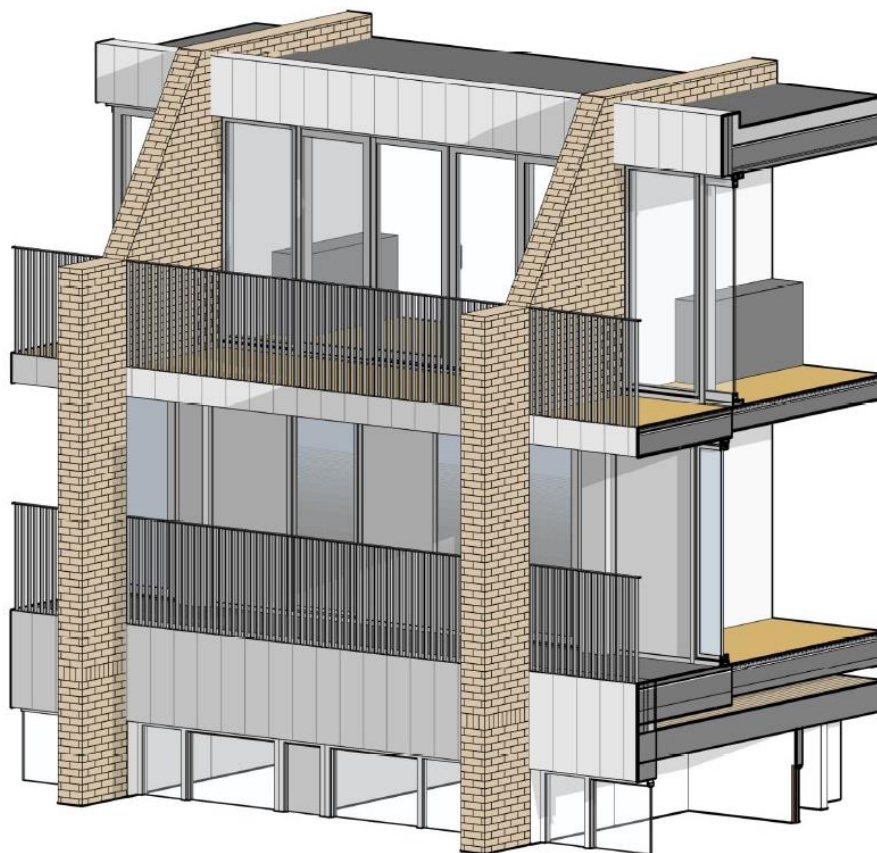
Buttermere House North Elevation – as existing



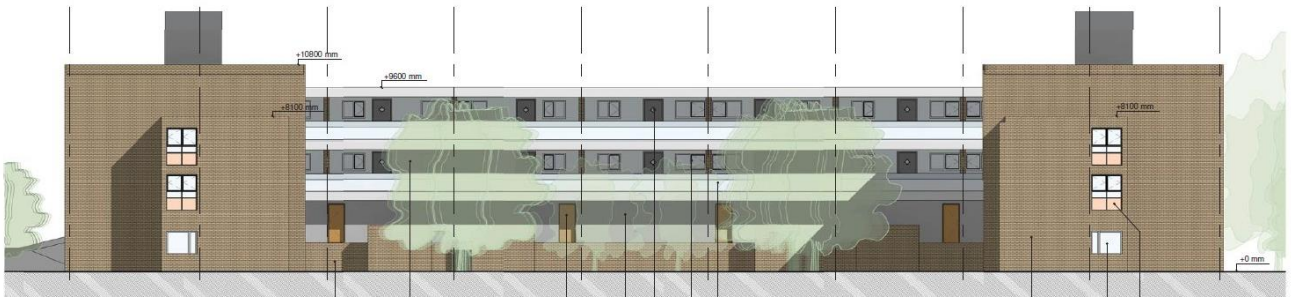
Buttermere House North Elevation – as proposed



Buttermere House South Facade – proposed isometric view



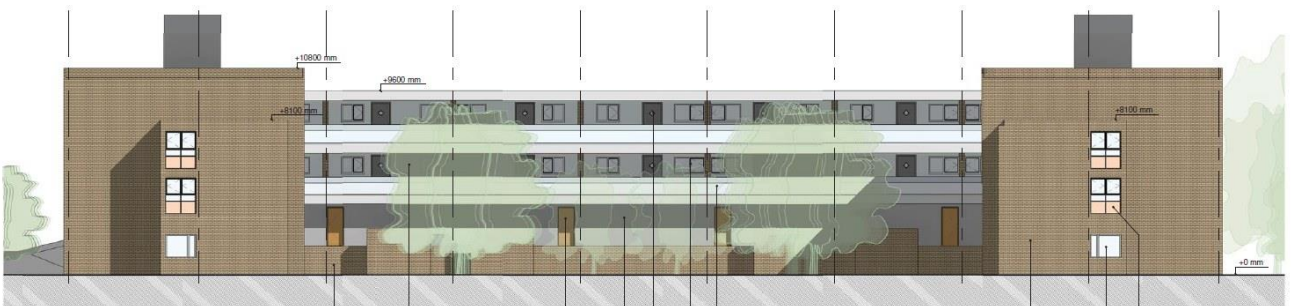
Buttermere House North Facade – proposed isometric view



Coniston House South Elevation – as existing



Coniston House South Elevation – as proposed



Coniston House North Elevation – as existing



Coniston House North Elevation – as proposed



Coniston House South Facade – proposed isometric view



Coniston House North Facade – proposed isometric view