

Development Committee



Agenda

Thursday, 5 November 2020 6.00 p.m.

Online 'Virtual' Meeting -

<https://towerhamlets.public-i.tv/core/portal/home>

Chair:

Councillor Abdul Mukit MBE

Vice Chair:

Councillor John Pierce

Members:

Councillor Sufia Alam, Councillor Kahar Chowdhury, Councillor Dipa Das, Councillor Leema Qureshi and 1 Vacancy

Substitute Members:

Councillor Kevin Brady, Councillor Mufeedah Bustin and Councillor Sabina Akhtar

(The quorum for the Committee is 3)

The deadline for registering to speak is **4pm Tuesday, 3 November 2020**

The deadline for submitting information for the update report is Noon
Wednesday, 4 November 2020

Contact for further enquiries:

Zoe Folley, Democratic Services, zoe.folley@towerhamlets.gov.uk 020 7364 4877 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
<http://www.towerhamlets.gov.uk/committee>



Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.
<http://towerhamlets.public-i.tv/core/portal/home>

View Planning application documents here:

https://www.towerhamlets.gov.uk/lgnl/planning_and_building_control/planning_applications/planning_applications.aspx

Electronic agendas reports and minutes.	
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Development Committee

Thursday, 5 November 2020

6.00 p.m.

APOLOGIES FOR ABSENCE

1. **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS (Pages 5 - 6)**

Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately it's the Members' responsibility to declare any interests and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

2. **MINUTES OF THE PREVIOUS MEETING(S) (Pages 7 - 12)**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 8th October 2020

3. **RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 13 - 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 Development Committee and meeting guidance.

4. DEFERRED ITEMS

There are none.

5. PLANNING APPLICATIONS FOR DECISION

17 - 22

5.1 13-15 Dod Street (PA/20/00123)

23 - 68

Mile End

Proposal

Demolition of the existing office and job centre building.
Erection of building of up to 8 storeys comprising 84 residential units (Use Class C3) with basement car parking, associated hard and soft landscaping and infrastructure works.

Recommendation:

Grant planning permission with conditions and planning obligations.

5.2 102-126 and 128 The Highway, London, E1W 2BX (PA/19/00559)

69 - 128

**St
Katharine's
& Wapping**

Proposal:

Demolition of existing petrol filling station (sui generis use class) and drive-through restaurant (A3 use class) and redevelopment of site to provide buildings ranging in height from 5-7 storeys, comprising 80 residential dwellings (C3 use class) and 574sqm (GIA) commercial floorspace (flexible A1/A2/A3/A4/B1/D1/D2 use classes) plus associated servicing, parking and refuse stores, amenity space and public realm enhancement. Refurbishment of existing public house (302sqm).

Recommendation:

Approve planning permission subject to conditions and a legal agreement

6. OTHER PLANNING MATTERS

There are none

Next Meeting of the Development Committee
Thursday, 10 December 2020 at 6.00 p.m.



Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Asmat Hussain, Corporate Director, Governance and Monitoring Officer,
Tel: 0207 364 4800.

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	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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	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— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
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	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.00 P.M. ON THURSDAY, 8 OCTOBER 2020

ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)

Members Present:

Councillor Abdul Mukit MBE (Chair)
Councillor John Pierce (Vice-Chair)
Councillor Sufia Alam
Councillor Kahar Chowdhury
Councillor Dipa Das
Councillor Sabina Akhtar (Substitute for Councillor Leema Qureshi)

Other Councillors Present:

Councillor Andrew Wood

Officers Present:

Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Siddhartha Jha	– (Principal Planning Lawyer, Governance, Legal Services)
Sally Fraser	– (Team Leader (East), Planning Services, Place)
Nelupa Malik	– (Planning Officer, Place)
Zoe Folley	– (Democratic Services Officer, Committees, Governance)

Apologies:

Councillor Leema Qureshi

1. ELECTION OF VICE-CHAIR FOR THE COMMITTEE FOR 2020/21.

It was proposed by Councillor Abdul Mukit, seconded by Councillor Sabina Akhtar and **RESOLVED:**

1. That Councillor John Pierce be appointed Vice-Chair of the Development Committee for the Municipal Year 2020/2021

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no declarations of interest.

3. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

1. That the unrestricted minutes of the meeting of the Committee held on 17th September 2020 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:

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

5. DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS

RESOLVED

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

6. DEFERRED ITEMS**6.1 Brunton Wharf Estate, Salmon Lane, London, E14**

Update report was tabled.

Jerry Bell introduced the application for the construction of a part-four and part-nine storey building comprising 32 x Class C3 residential dwellings, hard and soft landscaping works, security enhancements, and the re-opening of an existing undercroft parking structure.

This application was considered by the Development Committee on 17th September 2020. At that meeting, the Committee discussed: the removal of the security gates from the food garden plans; the adequacy of the proposed

CCTV and the acceptability of the altered refuse and recycling arrangements. The Committee also discussed fire access to Caledonia House, with the development in place. The application was deferred by the Committee for a site visit to enable Members to better understand the issues. Further representations had been received and these were set out in the report and update.

Sally Fraser (Planning Services) presented the application addressing the matters raised at the site visits and providing a brief overview of the proposal.

The following issues were discussed:

- It was recommended that the gate on the parameter of the food garden be reinstated and this be secured by condition. To ensure this, it was proposed that an additional condition be added requiring details of a Management Plan relating to the fencing and the security gate to the Food Garden.
- The condition to ensure the site was secure by design, particularly the measures to ensure that the CCTV is linked to the borough's network.
- The proposed recycling and refuse arrangements.
- The fire access issues. The Fire Authority had initially raised no objections. The Fire Authority had subsequently notified the Council that they required more time to consider the access arrangements. Details of the new arrangements were noted that had been developed in consultation with the Fire Authority. It was emphasised that details of the arrangements must be agreed and signed off by the Fire Authority before the planning permission was issued.

Committee's Questions:

In response to questions, the following issues were discussed:

- The reinstatement of the fob accessed gates to the food garden. It was felt that an exception to the policy could be made in this case to justify this.
- The Committee supported this on the basis that the garden was publicly accessible. It was also emphasised that it should be of a good quality in terms of its appearance. Details of its design can be specified in the Management Plan.
- Members discussed the reinstatement of other gates but were generally opposed to this.
- Regarding the fire access plans, Officer outlined the information in the update report. It was confirmed the plans had been designed in consultation with the Fire Authority.
- Officers also provided further assurances about the condition requiring the Fire Authority's approval of the plans before the permission could be implemented, and that the plans would be amended as necessary to ensure they met requirements.

On a vote of 4 in favour and 0 against the Committee **RESOLVED:**

1. That, planning permission is **GRANTED** at Brunton Wharf Estate, Salmon Lane, London, E14 for
 - Construction of a part-four and part-nine storey building comprising 32 x Class C3 residential dwellings, hard and soft landscaping works, security enhancements, and the re-opening of an existing undercroft parking structure.
2. Subject to the prior completion of a legal agreement to secure the planning obligations set out in the Committee report
3. Subject to the planning conditions set out in the Committee report and update report including an additional condition requiring details of a Management Plan relating to the fencing and the secure gate to the Food Garden.

7. PLANNING APPLICATIONS FOR DECISION

7.1 13-15 Dod Street, London (PA/20/00123)

Application withdrawn from the agenda.

7.2 Southern Grove Lodge, 58-60 Southern Grove, London, E3 4PN (PA/20/00788)

Jerry Bell introduced the application for demolition of 1980s office building (including annex connection to Southern Grove Lodge) and construction of a part-4, part-5, part-6 storey Class C3 residential apartment block.

Nelupa Malik (Planning Services) presented the report advising of the application site and surrounds. The site lay in the Tower Hamlets Cemetery Conservation Area. Whilst not listed, the Building B (Southern Grove Lodge Building) was considered to be a non - designated heritage asset. Public consultation had been undertaken at the pre application and post submission stage. In response to the statutory consultation, 1 representation had been received in support and 3 in objection and the issues raised were noted.

The following issues were noted:

- Whilst the proposal would result in a net loss of employment floor space, this can be considered acceptable and in line with policy given the underutilised nature of the existing use. It was also considered that the merits of the scheme outweighed this.
- Details of the housing mix, including the deviations from policy and comprises in housing standards relating to Block B (due to the building restraints). On balance, this could be considered acceptable given the merits of this approach in terms of delivering affordable housing and the public benefits of the application.

- That the level of affordable housing broadly complied with policy and the scheme was eligible for the fast track route.
- That the level of communal amenity space and dedicated children's play area met requirements.
- That the character and appearance of both Southern Grove Lodge and the Tower Hamlets Conservation Area will be enhanced as a result of the proposals.
- A number of neighbouring properties would experience impacts as detailed in the report and the presentation. However, there were mitigating factors that accounted for this. Overall, the proposal should ensure they maintained good levels of amenity in terms of daylight, sunlight, overshadowing, outlook and sense of enclosure including the closest development.
- The proposal would be 'car free' with the exception of 5 blue badge spaces. Cycle parking would also be provided in accordance with policy
- The proposal incorporates sustainability and biodiversity enhancements.
- Details of the financial and non - financial obligations.

Officers were recommending that the proposed development is granted planning permission, subject to conditions.

The Chair invited the registered speakers to address the Committee.

Councillor Andrew Wood considered that the proposals should be rejected, on the basis that it was too small and the lack of affordable housing. A taller building providing more housing could have been provided on site given the site's good transport link and that there were many taller developments nearby.

Tim Waters spoke in support of the application. He noted the development potential of the site, but also the need to provide a development that responded to the local setting and preserved neighbouring amenity, which this development sought to do. The applicant had listened to residents concerns and as a result had made amendments to increase separation distances. The merits of the proposals included: new dwellings including affordable housing, which exceeded policy. The tenure mix complied with policy with an above standard level of 4 bed units. The standard of accommodation at Block A would be high, providing a contrast with the Southern Grove Lodge building. Officers found the scheme to be acceptable and there were no technical issues.

Committee's Questions

In response to the presentation, the Committee asked a number of questions to the Officers and the registered speakers. The following issues were discussed:

- Members asked about the decision to locate the private dwellings in the heritage building, and the lack of affordable units in Block B

- The Committee also asked about the possibility of providing a taller development with more affordable housing and less one bed units.
- In response, the applicant's agent advised of the building constraints. It was considered that the scheme should seek to respect the fabric of the building internally and externally, rather than developing it from shell and core. Consequently, these issues had influenced the design
- Given the constraints, only a limited number of units could be accommodated in the Southern Grove Lodge building whilst preserving the historic features. Officers also advised that it would have been very difficult to provide more family sized and affordable units in this building and this would not have been viable. This was in contrast to Block A that allowed for the provision of such housing.
- The plans would enable the provision of the maximum amount of affordable housing that could be delivered on site. The policy targets for affordable housing had been met. All of the units met internal accommodation standards.
- The level of private units were required on viability grounds.
- The applicant's representative considered that any increase in the height may affect neighbouring amenity.
- The housing mix broadly complied with policy.
- The intermediate housing would be at London Living Rent Levels.
- The affordable housing would be allocated by the Housing register.
- That most of the open space would be open to the public but a small section would be gated.

On a vote of 6 in favour and 0 against the Committee **RESOLVED**:

1. That, planning permission is **GRANTED** at Southern Grove Lodge, 58-60 Southern Grove, London, E3 4PN for
 - Demolition of 1980s office building (including annex connection to Southern Grove Lodge) and construction of a part-4, part-5, part-6 storey Class C3 residential apartment block (to provide 42 units of affordable housing); change of use/conversion/refurbishment (including installation of replacement roofs/rooflights and windows) of Southern Grove Lodge into Class C3 residential use (to provide 36 private for sale units); provision of associated amenity areas, cycle and car parking (in the form of 5 x accessible parking bays), refuse/recycling stores and landscaping(PA/20/00788)
2. Subject to the conditions set out in the Committee report

The meeting ended at 8.15 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee



DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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

Public Information – ‘Accessing and Participating in Remote’ Meetings

The meeting is due to be held as a ‘remote meeting’ through the Microsoft Teams app in accordance with:

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, allowing for remote Committee Meetings.

The following guidance provides details about the operation of the virtual Strategic and Development Committee Meetings.

Publication of Agenda papers and meeting start time.

Electronic copies of the Committee agenda will be published on the Council’s Website on the relevant Committee pages at least five clear working days before the meeting. In the event of a technical difficulty, the meeting arrangements may need to be altered at short notice (such as a delay in the start time). Where possible any changes will be publicised on the website.

A link to the electronic planning file can be found on the top of the Committee report. Should you require any further information or assistance with accessing the files, you are advised to contact the Planning Case Officer.

How can I watch the Committee meeting?

Except when an exempt item is under discussion, the meeting will be broadcast live for public viewing via our Webcasting portal <https://towerhamlets.public-i.tv/core/portal/home>. Details of the broadcasting arrangements will be published on the agenda front sheet. The meeting will also be available for viewing after the meeting. Physical Attendance at the Town Hall is not possible at this time

How can I register to speak?

Members of the public and Councillors may address the meeting in accordance with the Development Committee Procedure Rules. (Details of the process are set out on the above guidance). Please note however, that it may not usually be possible to arrange for additional speaking rights and late requests to speak, particularly those received during or shortly before a meeting.

Should you wish to address the Committee, please contact the Democratic Services Officer to register to speak by the deadline, who will assist you to join the meeting. It is recommended that you supply the Officer with a copy of your representation in case you lose connection. You may address the Meeting via Teams. You have the option of joining through a video link or audio.

(Please note that if you participate at the meeting, you must be able to hear and be heard by the other participants attending remotely).

Where participation through video or audio tools is not possible, please contact the Democratic Services officer by the deadline to discuss the option of:

- Submitting a written statement to be read out at the meeting.

You may also wish to consider whether you could be represented by a Ward Councillor or another spokesperson.

Microsoft Teams:

This is a Microsoft Teams Event. If you are using a Laptop or PC or a mobile device, you may join via the website. Should you require assistance please contact the relevant Democratic Services Officer who will be able to assist you further.

Procedure at the Committee meeting.

Participants (contributors) in the virtual meeting are expected to log in to the meeting in advance of the start time of the meeting, as set out in the guidance that will be provided by the Democratic Services Officer, when you register to speak. This is in order to check the connection. You will be expected to confirm your identity before the meeting starts.

The Chair will formally open the meeting and will introduce themselves and every participant. The Chair will then set out the expected meeting etiquette, including the following:

- When speaking for the first time, participants should state their full name before making a comment.
- To only speak at the invitation of the Chair.
- The method for indicating how to speak.
- If referring to a specific page of the agenda pack, you should mention the page number.
- All participants microphones must be muted when not speaking.
- Where necessary, participants may switch off their cameras when not speaking to save bandwidth.
- Participants **must alert** the Chair/Democratic Services Officer if they experience technical difficulties, particularly a loss of connection, or if they need to leave the meeting, as soon as possible. Where a key participant experiences a loss of connection, the Chair may adjourn the meeting until such a time the participant can re-join the meeting. A key participant is defined as a participant whose continuing contribution to the meeting is vital to allow a decision to be made.

The Chair, following consultation with Democratic Services and the Legal Advisor, may adjourn the virtual meeting for any reason should they consider that it is not appropriate to proceed.

The format for considering each planning application shall, as far as possible, follow the usual format for Strategic and Development Committee Meetings, as detailed below.

- Officers will introduce the item with a brief description, and mention any update report that has been published.
- Officers will present the application supported by a presentation
- Any objectors that have registered to speak to address the Committee.
- The applicant or any supporters that have registered to speak to address the Committee.
- Committee and Non Committee Members that have registered to speak to address the Committee.
- The Committee may ask points of clarification of each speaker.
- The Committee will consider the item (Questions and Debate)
- Voting. At the end of the item, the Chair will ask the Committee to vote on the item. The Chair will ensure that all Members are clear on the recommendations, have heard all of the presentation and submissions. The Chair will conduct a roll call vote, asking each Committee Member to indicate their vote, (for, against, or abstain) Other voting methods may be used at the Chair's discretion
- The Democratic Services Officer will record the votes and confirm the results to the Chair.



DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Advice on Planning Applications for Decision

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

2.3 ADVICE OF CORPORATE DIRECTOR, GOVERNANCE

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

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

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

The Local Development Plan and Other Material Considerations

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

- The Tower Hamlets Core Strategy Development Plan Document 2025 adopted in 2010; and
- The Managing Development Document adopted in 2013.

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

Local Finance Considerations

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

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

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

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

Listed Buildings and Conservation Areas

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

Trees and Natural Environment

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

Crime and Disorder

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

Transport Strategy

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

Equalities and Human Rights

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

Environmental Impact Assessment

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

Third Party Representations

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

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

Daylight, Sunlight and Overshadowing

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

General comments

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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



DEVELOPMENT COMMITTEE

5th November 2020

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/20/00123
Site	13-15 Dod Street, London
Ward	Mile End
Proposal	Demolition of the existing office and job centre building. Erection of building of up to 8 storeys comprising 84 residential units (Use Class C3) with basement car parking, associated hard and soft landscaping and infrastructure works.

Summary Recommendation Grant planning permission with conditions and planning obligations.

Applicant Telereal Investment Properties Limited

Architect/agent Collado Collins Architects/ Montague Evans

Case Officer Victoria Coelho

Key dates

- Application registered as valid on 17/01/2020
- Amendments received 12/10/2020
- Affordable housing offer revised on 16/10/2020
- Public consultation finished on 27/10/2020

EXECUTIVE SUMMARY

The proposed development comprises the erection of a residential building of two blocks, six storeys fronting Dod Street and 8 storey fronting the Limehouse Cut linked by a four storey block. The development would provide 84 residential units.

The existing building on site provides office accommodation associated with a Job Centre, the loss of which has been justified on the basis that the current office accommodation is unsuitable for continued employment use, and the benefits of the provision of residential accommodation in this location outweigh the benefits of continued employment use.

The scheme provides 37% affordable housing by habitable room, including a variety of unit typologies across both tenures. The accommodation is considered to be of a high standard, providing good floor to ceiling heights, internal spaces and private and communal amenity space. There are no northern single aspect units, and the units which are single aspect, will benefit from views across the Limehouse Cut.

The height, massing and design are considered to appropriately respond to the local context. The building is considered to deliver high quality design which would positively contribute to the area, whilst preserving the character and appearance of the adjoining Limehouse Cut Conservation Area. The demolition of the existing, unattractive building and erection of a building of a greater quality will enhance the setting of the attractive warehouse buildings adjacent to the site. In addition, the scheme enhances the public realm and provides an enhanced and generous access to the Limehouse Cut.

The development would not have an unduly detrimental impact on the character and appearance of the Limehouse Cut (including the conservation area, flood risk and water quality or biodiversity subject to the securing of floating ecosystems in the Limehouse Cut, improvements to the Limehouse Cut towpath and improvements to local signage way finding through conditions and a legal agreement. The improvements to the pedestrian access to the Limehouse Cut are a significant benefit.

In terms of daylight and sunlight, the proposal does not result in any unacceptably significant material reductions to sunlight and daylight levels in reference of the BRE Guide to existing properties, and provides good daylight and sunlight within the development.

Car and cycle parking and servicing are considered to be acceptable and submission of a Travel Plan and Servicing and Delivery Plan would be secured by conditions.

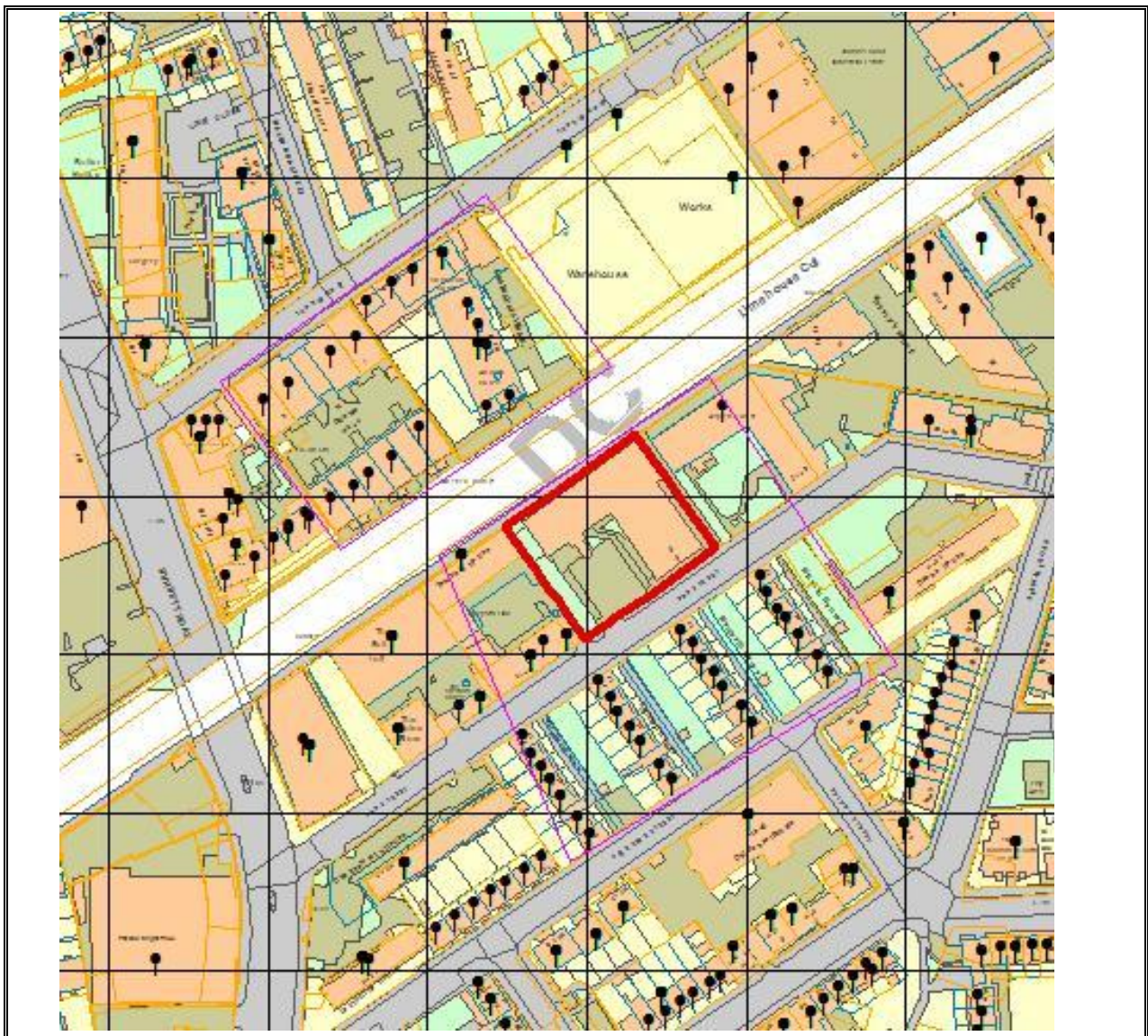
A strategy for minimising carbon dioxide emissions from the development is in compliance with policy requirements. A carbon off setting contribution will be secured via a legal agreement.

The scheme would be liable for both the Mayor of London's and the Borough's Community Infrastructure Levy. In addition, it would provide a necessary and reasonable planning obligation to local employment and training.








This application has been considered against the Council's approved planning policies contained in the London Borough of the Tower Hamlets Local Plan 2031 (January 2020) as well as the London Plan (2016), the National Planning Policy Framework and all other material considerations. Officers have also considered the application against the Draft London Plan (2019) as this carries substantial weight.

Officers recommend the proposed development be granted planning permission..

SITE PLAN



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<ul style="list-style-type: none">  Planning Application Site Bound:  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings 	<p>Planning Applications Site Map PA/19/01760</p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were</p>	 <p>TOWER HAMLETS London Borough of Tower Hamlets</p>
	<p>Scale : 50m grid squares</p>	<p>Date: 27 October 2020</p>

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises the Job Centre and commercial office building (Use Class B1) to the north side of Dod Street, bound to the north by the Limehouse Cut.
- 1.2 The site comprises two buildings, a single storey (double height) Job Centre building fronting Dod Street and a three storey office building adjacent to the Cut. It is understood that the Department for Work Pensions intend to vacate the site and relocate their services within the Borough.
- 1.3 The site is bound on three sides by the Limehouse Cut Conservation Area although does not form part of the designation. To the east of the site is a low rise later living home and to the west a number of attractive Victorian warehouse buildings.
- 1.4 The site is within the designations of; CIL Residential Zone 2; Flood Risk Zone 2 The site is adjacent to the Limehouse Cut which is designated as Metropolitan Open Land, a Site of Importance for Nature Conservation, part of the Limehouse Cut Conservation Area and as a main River. The flood defence associated with the Cut, runs along the northern boundary of the site.



Figure 1 Ariel view of the site.



Figure 2. Map of Conservation Area. Site in blue.

2. PROPOSAL

- 2.1 The proposals comprise the demolition of the existing building, and the erection of a residential development comprising 84 residential units. The building would be of two blocks, with a four storey link. The blocks would be of 6 storeys fronting Dod Street and 8 storeys front the Limehouse Cut. A landscaped courtyard will be provided within the site between the two blocks, as well as an improved pedestrian link from Dod Street to the Limehouse Cut and wider public realm improvements. The existing building benefits from a basement, which is to be retained.
- 2.2 The scheme will provide 27 affordable homes which represents a 37% affordable housing contribution by habitable room.

3. RELEVANT PLANNING HISTORY

3.1 PA/19/01935 – Prior Approval Granted 01/11/2019

Application for Prior Approval under Part 3 Class O of the Town and Country Planning (General Permitted Development Order) 2015 for the change of use from Offices (Use Class B1a) to 35 residential units (Use Class C3).

4. PUBLICITY AND ENGAGEMENT

4.1 The scheme has been developed in light of extensive pre-application discussions held with officers at LBTH since mid 2019.

4.2 As detailed in the submitted Statement of Community Involvement (SCI), the applicant has engaged with neighbouring occupiers and stakeholders. Along side public exhibitions, the applicant has engaged directly with Aspen Court Care Home. The approach to community consultation is outlined in the SCI whereby letters were issued to residential properties, as well as a freephone telephone enquiry line and postal feedback.

4.3 Neighbouring owner/occupiers were notified by post, in total 135 letters were sent. Additional neighbour letters were sent on 24/02/2020 after comments were raised advising that properties within Burdett Wharf had not received notification of the application.

4.4 3 site notices were displayed in the immediate vicinity of the site on 29/01/2020 and a press advert published on 30/01/2020.

4.5 A total of 10 representations were received, from residents living in Ancora House, Coalmakers Wharf (Thomas Road), Chaldron Court (Thomas Road), Menteth House (Dod Street), Paisley Court (Dod Street) and Aspen Court Care Home. Objections have also been received from the Burdett Wharf Tenants and Residents Association.

4.6 In summary, the following issues were raised:

- The height of the development is not appropriate in terms of the Limehouse Cut Conservation Area. The development should not exceed 5 storeys which is the height of the neighbouring building.
- Amenity impacts on nearby residential developments, including loss of light as a result of the height of the development. In addition, the views that existing surrounding occupiers benefit from will be obscured.
- Amenity impacts on the adjoining later living home (Aspen Court Care Home) including insufficient separating distance between residential windows and amenity spaces, direct overlooking into the amenity spaces.
- The development does not provide enough separation from the canal or sufficient biodiversity improvements.
- Additional residential units will result in road traffic congestions and result in overpopulation which could not be supported by the existing infrastructure.
- Construction impacts, including disruption to residents from road/pavement blockage, restriction of the canal path during works, construction vehicles, parking pressures and noise.
- The development would lead to an increase in anti-social behaviour, which there is not the capacity to police, through creation of shadowed spaces.

- Electric Vehicle Chargers should be provided for all parking spaces to future proof the development.

4.7 It is noted that one comment received indicated generally in favour of increasing housing provision in London and that the redesign of the building from pre-application to reduce the height is well-received in terms of mitigating daylight and sunlight impacts.

4.8 A number of the responses received suggested that the scheme should provide further high quality landscaped public amenity space, services for existing residents such as cafes, health centres, sports facilities and a new footbridge across the canal.

4.9 Reconsultation was carried out by letter for a period of 14 days on 13/10/2020 upon receipt of amended tenure plans and affordable housing information. No additional consultation responses were received.

5. CONSULTATION RESPONSES

EXTERNAL CONSULTEES

Canal and Rivers Trust

5.1 The Canal and Rivers Trust requested an assessment of the impact of the development on daylight and sunlight reaching the Limehouse Cut Canal, including it's towpath before they were able to provide a substantive response.

5.2 Officers requested the above from the applicant. This information was provided and the Canal and Rivers Trust reconsulted.

5.3 In response, the Canal and Rivers Trust require conditions and developers contributions to address the impact of the development on the character and appearance of the Limehouse Cut (including the Conservation Area), flood risk and water quality, biodiversity, construction and use of the Limehouse Cut as a sustainable transport route.

5.4 The contributions required include floating ecosystems in the Limehouse Cut, improvements to the Limehouse Cut towpath and improvements to local signage and way finding.

5.5 Officers recommend the requests are secured by conditions and a S106 legal agreement.

Crime Prevention Design Advisor

5.6 A condition is recommended to require the development to achieve a Certificate of Compliance to a Secured by Design Scheme.

5.7 Officers recommend a condition to secure the above.

Environment Agency

5.9 The Environment Agency raised objection to the proposals as submitted on the following grounds:

- Encroachment; the building sits more than 1m riverward of the existing building which would restrict essential maintenance and emergency access to the flood defences.
- The proposals would have a structural dependence on the flood defence which is not acceptable.
- The applicant has failed to demonstrate the flood defence has a residual life equal or greater than that of the development.

- The applicant has failed to include details of how and when the flood defences are going to be raised to the TE2100 levels of 6.1m AOD to ensure that they will continue to protect the proposed development from flooding.
- A lack of information has been submitted on the proposed drainage strategy.

5.10 In response to the objections raised, the applicant has engaged with the Environment Agency to resolve their concerns. The basement level of the development has been set back from the flood defence to maintain the building line as existing, with the upper floors cantilevered over the flood defence whilst maintaining structural independence.

5.11 In terms of access and maintenance the Environment Agency are satisfied that with the provision of a setback at basement level, and the provision of double access doors within the basement that in the case of emergency, access could be provided to the flood defence for maintenance and repair.

5.12 With regards to the raising of the flood defence and its residual life, the applicant has submitted further information to demonstrate how the defence will be raised to the required levels and has made a commitment to carry out the required works.

5.13 Following reconsultation with the Environment Agency, they raise no objection to the proposals subject to conditions.

Historic England (Archaeology)

5.14 It is advised that the development could cause harm to archaeological remain and field evaluation is needed to determine appropriate mitigation. A two stage archaeological condition could provide an acceptable safeguard.

5.15 Officers recommend a condition to secure the submission of a written scheme of investigation prior to an demolition and if heritage assets of archaeological interest are identified, the submission of a further written scheme of investigation.

Port of London Authority

5.16 The Port of London Authority raise no in principle objection to the development. It is requested that a Construction Logistics Plan and Delivery Servicing Plan are secured by condition which shoe consideration of the use of nearby waterways, and should maximise water transport for bulk materials during demolition and construction phases.

Officers recommend a condition to secure details of the above.

Thames Water

5.17 Thames Water raise no objection. A condition is recommended to require the submission of a piling method statement prior to commencement of works.

5.18 Officers recommend a condition to secure details of the above.

Transport for London

5.19 The proposals to widen and improve the quality of the public footpath from Dod Street to the Limehouse Cut are welcomed.

5.20 The development is largely car-free with the exception of 9No. Blue Badge Spaces within the basement. This is within the London Plan standards. The quantum of long and short stay cycle parking complies with the London Plan policies. Further information is required in regards to the exact dimensions of the cycle parking spaces. The access arrangements for long-stay

cycle parking require sharing access with blue badge and delivery vehicles and appear convoluted requiring navigation of more than two sets of doors to access the internal lift and external exit. Long stay cycle parking arrangements should therefore be reconsidered.

- 5.21 A delivery and servicing plan and construction logistics plan should be secured prior to commencement of works on site.
- 5.22 A travel plan should be secured by condition to support sustainable and active travel.
- 5.23 Officers recommend a condition to secure further cycle parking details, a delivery and servicing plan and construction logistics plan and a travel plan.

INTERNAL CONSULTEES

LBTH Air Quality

- 5.24 The air quality assessment should contain an air quality neutral assessment, at the moment it doesn't. Major developments must demonstrate neutrality according to the relevant approved methodology published by the Mayor which supports the London Plan 'Air Quality Neutral Planning Support Update: GLA 80371' (2014) (or any more recent guidance)
- 5.25 There is no objection to the application subject to receiving an updated AQ report which includes an acceptable air quality neutral assessment. Construction plant and machinery and dust control measures should be secured via condition.
- 5.26 Officer recommend that an air quality neutral assessment is secured by condition, as well as construction plant and machinery and dust control details.

LBTH Biodiversity

- 5.27 Biodiversity requested, in addition to the desk based ecology assessment submitted, a proper preliminary ecological assessment including an assessment of the potential for the existing building to support bat roosts, before the application is determined. This was due to the sites location adjacent to the Limehouse Cut, which is known to be used by commuting and foraging bats.
- 5.28 The ecological assessment found negligible potential for bat roosts in the existing buildings. The application site is immediately adjacent to the Limehouse Cut. The canals in the borough are known to be used by foraging and commuting bats. Any significant increase in light spill onto the canal could have adverse impacts on bats, but no external lighting is proposed along the edge of the site nearest the canal. The loss of existing vegetation will be a very minor adverse impact on biodiversity.
- 5.29 Officers recommend that details of further biodiversity enhancements are secured via condition.

LBTH Employment and Enterprise

- 5.30 Proposed employment/enterprise contributions at construction phase:
The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Economic Development Service will support the developer in achieving this target through providing suitable candidates through the Workpath Job Brokerage Service.

To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. The Economic Development Service will support the developer to achieve their target through

ensuring they work closely with the council's Enterprise team to access the approved list of local businesses.

The Council will seek to secure a financial contribution of £31,372 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

Proposed employment/enterprise contributions at end-use phase:

There is no end use obligations

LBTH Energy Efficiency/Sustainability

- 5.31 The submitted Energy Statement (Cudd Bentley – December 2019) sets out the proposals to reduce energy demand through energy efficiency measures and renewable energy technologies (including 29.24kWp Photovoltaic array and Air Source Heat Pumps) and deliver the following CO2 emissions:

Baseline – 88.21 tonnes CO2 per annum

Proposed Scheme – 40.30 tonnes CO2 per annum

The total on-site site wide CO2 emission reduction is anticipated to be 54.31% against the building regulation baseline utilising SAP 10 carbon factors.

The proposals are for a 47.90 tonnes/CO2 reduction in on-site emissions and would result in a carbon offsetting contribution of £114,855 to offset the remaining 40.30 tonnes CO2 and achieve net zero carbon. It is recommended that a post construction energy assessment be submitted, including the 'as built' calculations to demonstrate the anticipated savings have been delivered on-site. This calculation has been based on the SAP10 carbon factors and using the recommended GLA carbon price of £95 per tonne for a 30 year period.

Officers recommend a condition to require the submission of a post construction energy assessment. A carbon offsetting payment will be secured through the S106 legal agreement.

LBTH Environmental Health (Contaminated Land)

- 5.32 Contaminated land officers raise no objection, subject to standard conditions.

- 5.33 The recommended conditions will be imposed on consent.

LBTH Environmental Health (Noise)

- 5.34 The acoustic report that has been submitted is satisfactory. A condition is recommended to require the submission of sound insulation and ventilation strategy prior to commencement of the development and a compliance condition to ensure that any services, plant or equipment are a level at least 10 dB below the lowest representative existing background noise level.

LBTH Housing

Initial comments

- 5.35 LBTH Housing initially commented on the application and stated that the applicant is proposing 86 residential units and 16 affordable housing units which equates to 21% by

habitable room. All affordable units (ref. Financial Viability Appraisal (FVA) and Planning Statement para 5.49) are proposed as intermediate shared ownership housing.

There are no affordable rented units within this scheme. The policy requirement is 1B (25%), 2B (30%), 3B (30%) and 4B (15%). We will await the outcome of the FVA.

Intermediate

The applicant is proposing 16 intermediate shared ownership units. The breakdown of the proposed unit mix is 1B2P 5no (31%), 2B4P 9no (56%) and 3B5P 2no (13%). The policy requirement is 1B (15%), 2B (40%), 3B+ (45%). We will await the outcome of the FVA.

Market

With regard to the market housing mix the applicant is providing 1B 37no (53%), 2B 33no (47%) and 3B+ 0no. The applicant does not meet policy which is 1B (30%), 2B (50%) and 3B+ (20%).

Follow up comments

- 5.36 Following the receipt of a revised affordable housing offer and tenure split, LBTH Housing commented the following:

The applicant has revised the affordable rented unit mix, the intermediate and private tenures have remained the same as per our previous comments on 02.10.20. The applicant is providing 84 units in total which is a reduction of 2 units from the previous scheme. The overall affordable housing offer is 29% per habitable room and has retained the same affordable rent:intermediate split of 73:27. The applicant has increased the 3B units in the affordable rented tenure by consolidating the 2B units on the first and second floor. As a reminder this application is subject to a FVA.

- Affordable rented

With regard to the affordable rented element of the scheme the applicant is providing 1B-3no (21%), 2B-3no (21%), 3B-8no (57%) and 4B-0no (0%). The policy requirement is 1B (25%), 2B (30%), 3B (30%) and 4B (15%). There is an underprovision of 1B and 2B units and a significant overprovision of 3B units which is an increase of 44%. Although the unit mix does not completely reflect policy we acknowledge the FVA and the previous affordable housing offer and this new proposal provides a better unit mix and on balance is acceptable.

It is noted that there is only 1 lift to the affordable rented unit core. It is suggested as per good design practice an extra lift be added to support the increased level of family units to the proposal. The applicant outlined the site constraints and that the units are not on the top floor but on level 01 and 02.

Wheelchair units

- 5.37 The policy requirement for wheelchair housing is 10%. The development is proposing 86 units and 10% of this total is 8.6. As outlined in the FVA the applicant is providing 8 wheelchair accessible units.
- 5.38 Please can the applicant provide:
- Tenure type floorplans
 - Wheelchair unit schedule and for each unit to clearly show the tenure type and is it fully accessible as per Part M4(3)

LBTH Transportation & Highways

Car Parking

- 5.39 Further details are required for the proposed car park including dimensions of bays and width/gradient of access ramp, how it will be managed and how servicing vehicles will access for deliveries. A condition will be required ensuring that all parking associated with this development will be restricted for the use of Blue badge holders who are resident within the development.

Servicing

- 5.40 Further details required in terms of servicing and how delivered will be able to take place from the basement.

Cycle Parking

- 5.41 The proposed cycle parking numbers marginally exceeds the minimum standards. The application proposes 5 Sheffield stands (for up to 10 cycles), whilst this is welcomed, LBTH Highways would wish to see a greater provision to ensure that adapted / larger cycles can be accommodated. This is in order to promote inclusivity.
- 5.42 Detailed, scale drawings are required showing all of the cycle storage types and locking mechanisms. Detailed information of the cycling strategy is required, this will need to include (but not limited to):
- What is the access route to the residential core(s) from the cycle stores?
 - What is the access arrangement to the cycle stores - from the public highway? Including door widths, corridor widths, lift dimensions, etc...
- 5.43 All cycle parking provision must adhere to the London Design Guide Standards.

Highway Issues and Other

- 5.44 The crossover as shown on both the existing and proposed plans is incorrect. It shows that there is a shared access with the neighbouring property on the west of the site.
- 5.45 Additionally, the existing crossover would need to be reduced in width if the only vehicle access is to the basement. This will form part of a S278 agreement along with other potential works.
- 5.46 As this is proposed to be a car free development we request that a CPZ permit free agreement is secured via S106 (or other legal means as determined by the case officer).
- 5.47 A full and robust Construction Management Plan is required to be secured via condition. This will need to be submitted to LBTH prior to commencement of ANY works but once a Principal Contractor has been appointed. All phases of demolition and construction will need to be considered and detailed.
- 5.48 A framework Servicing strategy is required now and a full Site Management Plan will be required as a condition.

LBTH Waste

Bin Stores

- 5.49 The bin store is required to be designed in accordance with the latest British Standard BS5906 and Waste management in buildings – Code of practice and Building Regulations 2000, Part H6.
- 5.50 Ensuring the bin store is large enough to store all containers with at least 150mm distance between each container and that the width of the door is large enough with catches or stays. The bin store must also be step free.

Waste Capacity

- 5.51 The applicant is required to provide details of the waste capacity required for this proposed development per each waste stream.

5.52 Waste Collection Service

- 5.53 The applicant is required to provide information where the waste collections vehicle will park to load and unload this proposed development. Currently there are residential bays outside this proposed development.

Dropped Kerb

- 5.54 The applicant is required to provide dropped kerb minimum 1.2 meters wide at the locations of where the waste collection vehicles will service the waste in the case where there are stepped surfaces or no existing dropped kerb.

Internal Storage

- 5.55 All residential units are required to be provided with internal waste storage preferably within the kitchen units with the following capacity:

Refuse – 40 litres

Recycling – 40 litres

Food waste – 23 litres

- 5.56 Waste Policy and Development requires the above point to be addressed before we can be supportive of the application.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

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

6.2 In this case the Development Plan comprises:

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

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

Housing - (*standard of accommodation, amenity, playspace*)

- Local Plan policies – S.H1, D.H2, D.H3
- London Plan policies – LP3.3-9, LP3.10-13, LP3.14-15

Land Use - (*residential, loss of office*)

- Local Plan policies - S.SG1, D.EMP3
- London Plan policies – LP3.14, LP4.2

Design and Heritage - (*layout, townscape, massing, heights and appearance, materials, heritage*)

- Local Plan policies - S.DH1, D.H2, S.DH3, D.DH4, D.DH6
- London Plan policies – LP7.1 - 7.8

Amenity - (*privacy, outlook, daylight and sunlight, noise, construction impacts*)

- Local Plan policies - D.DH8
- London Plan policies – LP7.6, LP 7.14, LP7.15

Transport - (*sustainable transport, highway safety, car and cycle parking, servicing*)

- Local Plan policies - S.TR1, D.TR2, D.TR3 D.TR4
- London Plan policies – LP 6.1, LP6.3, LP6.5- LP6.13

Environment - (*energy efficiency, air quality, odour, noise, waste, biodiversity, flooding and drainage, Thames Water and contaminated land*)

- Local Plan policies – S.SG2, D.SG3, S.ES1, D.ES7, D.ES2, D.ES9, D.ES3, D.ES4, D.ES5, D.ES7, D.ES8
- London Plan policies – LP3.2, LP5.1 - 5.15, LP5.21, LP7.14, LP7.19, LP7.21,

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)
- Historic England Heritage Supplementary Guidance (Various)
- GLA Shaping Neighbourhoods: Play and Informal Recreation SPG (2012)
- LBTH Planning Obligations SPD (2016)
- Limehouse Cut Conservation Area Character Appraisal and Management Guidelines (2011)

- 6.5 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 Planning Obligations SPD (2016)

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

- 7.2 Tower Hamlets Local Plan Policy S.H1 outlines the need for the Borough to secure the delivery of 58,965 new homes across the Borough between 2016 and 2031, which equates to 3,931 new homes each year. Draft New London Plan Policy H1 also places a strategic expectation that the Borough will need to deliver 35,110 as a 10-year housing target (annualised to 3,511 per year) between 2019/20 and 2028/29.

Redevelopment of existing employment floorspace

- 7.3 The existing site comprises a B1 use, and as such is defined as an employment use. Local Plan Policy D.EMP3 resist the loss of active and viable employment floor space. The site is not within a designated employment location and as such part 2 of the policy is relevant.
- 7.4 The policy states that development should not result in the loss of viable employment floorspace except where active marketing over a continuous period of 24 months has been provided, or where it has been demonstrated that the site is genuinely unsuitable for continued employment use due to its condition, reasonable options for restoring the site to employment use are unviable and the benefits of the alternative use would outweigh the benefits of employment use.
- 7.5 The office buildings on site are currently occupied by the Job Centre Plus and the Department for Work and Pensions. The current occupiers are due to vacate the site and relocate their services to Mansell Street, E1. The applicant has not provided any marketing evidence however a report has been undertaken to evaluate the existing condition of the office accommodation. The report concludes that in its current state, the office accommodation is unsuitable, compromised office space and this is further compounded by its location within a predominately residential area and by comparison to other office accommodation within the borough the low levels of public transport accessibility.

7.6 The conclusion of the report submitted demonstrates that the existing building is not desirable or viable for continued employment use, consistent with the requirements of policy D.EMP3. The benefits of the alternative use of the site for housing, and given the site is not located within an employment location, outweighs the loss of the office floorspace in this instance. The loss of the office use is acceptable in this instance, and complies with the relevant policies as mentioned.

Housing

7.7 Tower Hamlets Local Plan Policy S.H1 outlines the need for the Borough to secure the delivery of 58,965 new homes across the Borough between 2016 and 2031, which to 3,931 new homes each year. Draft New London Plan Policy H1 also places a strategic expectation that the Borough will need to deliver 35,110 as a 10-year housing target (annualised to 3,511 per year) between 2019/20 and 2028/29.

Housing Mix

7.8 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy D.H2, as detailed in the above section, also seeks to secure a mixture of small and large housing and Policy D.H3. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2017).

7.9 The table below details the overall proposed mix of the scheme:

Tenure	1-bed (2 hab room)	2-bed (3-hab room)	3-bed (4 hab room)	4-bed	Total
Market	30	27	0	0	57
Affordable	3	6	8	0	17
Intermediate	4	6	0	0	10
Total	37	39	8	0	84

Affordable Housing

7.10 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.

7.11 Draft New London Plan Policy H6 outlines the threshold approach to affordable housing for housing schemes greater than 10 units. The policy sets the threshold level of affordable housing at 35%. Applications not meeting the 35% threshold are not eligible for the Fast Track Route, and will be viability tested with early and late stage reviews secured by way of legal agreement subsequent to consent.

7.12 Council Local Plan Policy D.H2 sets the requirements of affordable housing provision within developments in the Borough, in terms of quantum, standard and provision. Development

within the Borough is required to provide 35% affordable housing by habitable room, with a tenure split of 70:30 in favour of affordable rented units within this offering.

- 7.13 The application provides the following contribution towards affordable housing on the site, across both intermediate (shared ownership) and affordable rented products:

Tenure	1-bed (2 hab room)	2-bed (3 hab room)	3-bed (4 hab room)	Total
Affordable Rent	3 (6hr)	6 (18hr)	8 (32hr)	17 (56hr)
Intermediate	4 (8hr)	6 (18hr)	0	10 (26hr)
Total	7	12	8	27 (82hr)

- 7.14 Of the total 84units within the scheme, 27 are affordable, with an overall affordable housing contribution of 37% by habitable room at a tenure split of 69:31 in favour of affordable rent.
- 7.15 As submitted, the scheme proposed 21% affordable housing all in the intermediate tenure. Which fell short of the overall contribution required to meet the policy test of 35% of Policy D.H2 as well as failing to comply with the tenure split of 70:30 as outlined within the same policy. In addition, the scheme fell short of draft New London Plan policy H6 also requiring 35% affordable housing. Given this starting position the undertaking of a Financial Viability Appraisal on submission to meet both policy tests was required.
- 7.16 In considering the affordable housing mix, the applicant submitted financial viability appraisals of the scheme in line with the above London and Local Plan policies due to the initial non-compliant provision of affordable housing and failure to deliver a policy compliant mix.
- 7.17 The submitted Financial Viability Appraisal (FVA) prepared by Montagu Evans, and independently reviewed by BNP Paribas post-submission, concluded that the affordable housing provision of 19% together with a surplus of £0.29m for payment in-lieu was the viable position for the proposed development. Even more concerning, the affordable housing proposal did not include any affordable rented units. Officers did not support the proposed affordable housing provision of this level which is significantly lower than the required minimum of 35% and was considered not to have maximised the affordable housing on site.
- 7.18 In response, the applicant has taken a commercial decision to increase their affordable housing provision from 21% by hab room to 37% by hab room. In addition, the number of affordable rented units proposed has increased from 0, to 17. Officers support the provision of a policy compliant affordable housing offer. An, early stage viability review will be secured to ensure the viability of the scheme can be revisited to ensure maximum reasonable affordable housing provision can be secured.
- 7.19 Part 3 of D.H2 sets out the expected housing mix within the three residential tenures expected within large scale developments, as detailed below. This policy seeks to ensure a mixture of small and large housing types, including family homes, based on the Council's most up to date Strategic Housing Market Assessment (2017).

	Market	Intermediate	Affordable rented
1 bed	30%	15%	25%
2 bed	50%	40%	30%
3 bed	20%	45%	30%
4 bed			15%

Figure 3 : Housing mix targets (Policy D.H2)

7.20 The table below compares the affordable housing schedule within the scheme against the preferred mix within Local Plan Policy D.H2:

Tenure	1-bed	2-bed	3-bed	4-bed	Total
Affordable Rent	3 (17%)	6 (35%)	8 (47%)	0	17
	-8%	+5%	+ 17%	- 15%	
Intermediate	4 (40%)	6 (60%)	0		10
	+25%	+20%	-45%		

7.21 The development does not represent a compliant housing mix across both tenures. Within the affordable rented product, there is a marginal over provision of 2 bedrooms units, with an under provision of larger family sized units and 1 bedroom units. However, on the basis that there is a reasonable provision overall of family sized units, and considering the viability constraints of the site, the unit mix in the affordable tenure is acceptable.

7.22 In contrast, the intermediate product significantly under provides on 1 bedroom units, and no family sized units are provided in this tenure. It is however noted that the revised affordable housing offer represents a 69:31ratio skewed towards affordable rented units, considerably closer to the policy split of 70:30 outlined in Policy D.H2 when compared with the initial offer supported by the FVA that proposed no affordable rented units. Furthermore, the prioritisation of larger family units, including a wheelchair unit in the affordable rented tenure is particularly favourable.

Wheelchair Accessible Housing

7.23 Policy 3.8 of the London Plan and Policy D.H3 require that 10% of all new housing is designed to meet housing standard M4(3) for wheelchair accessibility, with the remainder of dwelling built to be accessible and adaptable dwellings in line with housing standard M4(2). 9 wheelchair accessible homes are proposed which amounts to approximately 10% of the total units. Of this total, 3 are delivered within the affordable housing and the remaining 6 are within the market units.

- 7.24 The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Nine secure disabled accessible car parking spaces would be provided within the existing basement which is accessed from Dod Street.

Quality of Residential Accommodation

- 7.25 GLA's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "*fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime*". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 7.26 Policy D.H3 of the Tower Hamlets Local Plan require that all new residential units must meet the minimum standards prescribed within the London Plan, with particular regard for 2.5m minimum floor to ceiling heights and the provision of 10% wheelchair housing. The policy also highlights the requirement that affordable housing not be of a distinguishable difference in quality.
- 7.27 All of the proposed units meet the London Plan Space Standards with a number exceed the minimum requirements. All units have appropriate floor-to-ceiling heights in line with the 2.5m standard outlined within the GLA's Housing SPG. No floor would have more than 8 units per core, again in accordance with the SPG.
- 7.28 With regard to the affordable housing, all of the units meet the London Plan standards and is indistinguishable in both access and arrangement to that of the market housing.
- 7.29 As confirmed by Environmental Health Officers, the new residential units will not be subjected to unacceptable noise or air quality conditions. Conditions will be placed on consent to ensure that new accommodation is constructed to appropriate British Standards with regard to acoustic insulation, while a further submission with regards to an air quality assessment submission will be conditioned on consent.

Daylight, Sunlight & Overshadowing

- 7.30 Policy D.DH8 requires the protection of the amenity of future residents and occupants by ensuring adequate levels of daylight and sunlight for new residential developments. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 7.31 The primary method of assessment of new build accommodation is through calculating the average daylight factor (ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 7.32 The applicant has submitted a Daylight and Sunlight Assessment of the scheme, undertaken by Consil, in support of the application. The Assessment has been independently reviewed on behalf of the Council.

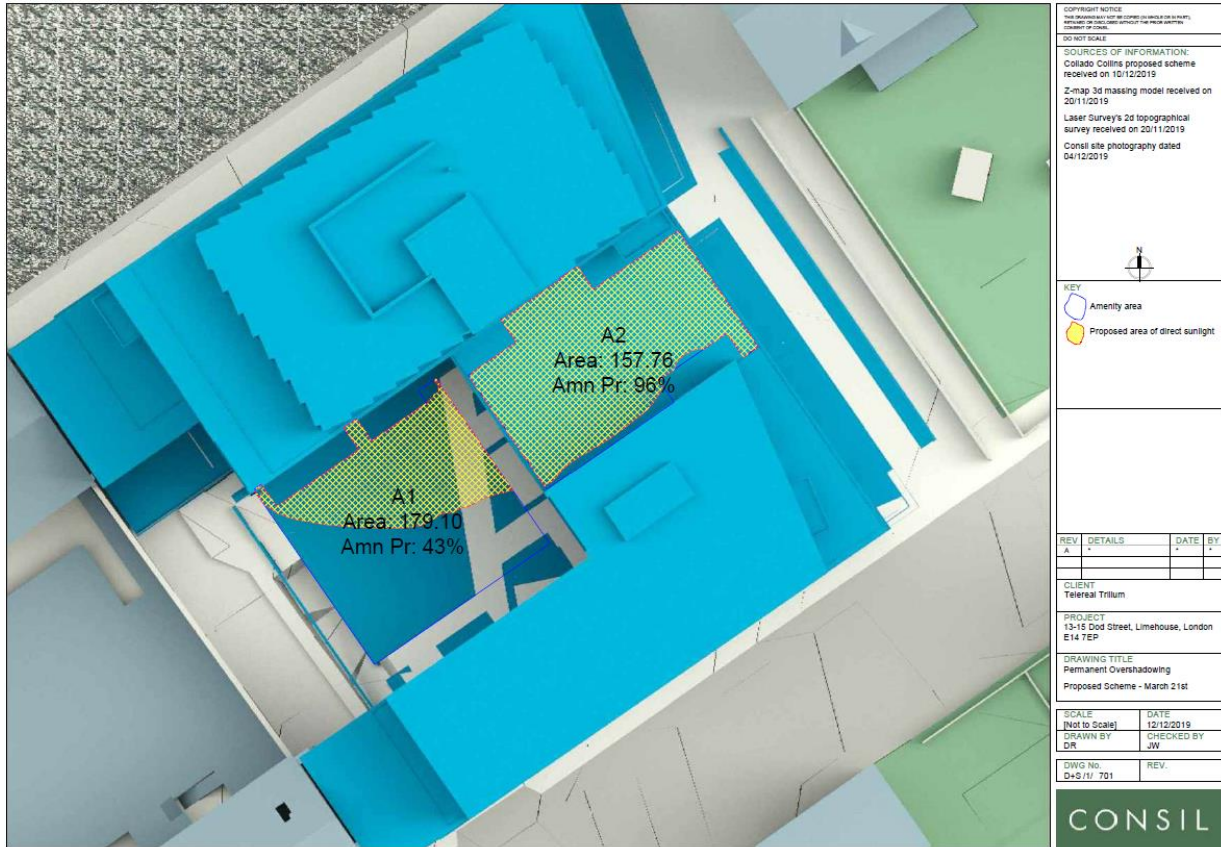
Daylight

- 7.33 Of the proposed 222 rooms assessed, 184 (83%) will meet the recommended BRE guidelines for average daylight factor (ADF). All 132 bedrooms within the scheme would meet the 1% target value. 3 of the 4 (75%) living rooms tested would meet the 1.5% target value. 2 of the 4 (50%) kitchens and 47 of the 82 (57%) LKDs tested would meet the 2% target value. If we take the lower target value of 1.5% for LKDs, 64 (78%) would comply.

- 7.34 Where the recommended ADF target values are not met, the rooms are commonly located behind recessed balconies or have overhanging balconies above, both of which hinder the access of light. This is particularly true of room R7 on the first floor and room R6 on the second floor, both LKDs, which have the lowest ADF values at 0.38% and 0.53% respectively.
- 7.35
- 7.36 In addition, where a room does fall below the guidelines, other rooms within the unit generally meet or exceed their recommended target value.
- 7.37 On balance, the daylight results to the proposed units to be in line with a proposed scheme of this size and in an urban location such as this.

Sunlight

- 7.38 The report submitted by the applicant has tested all windows for sunlight, regardless of orientation. Of the 222 rooms that have been tested, 83 (37%) will comply with the BRE guidelines for APSH and 102 (46%) will receive the recommended 5% during the winter months. All 4 living rooms would meet the guidelines.
- 7.39 Of the 139 rooms that do not comply for APSH, 80 are bedrooms, 57 are living/kitchen/diners and 2 are kitchen/diners. The rooms that do not meet the guidelines have windows that are typically northeast or north-west facing and/or are set behind recessed balconies. This means that rooms will receive little or no sunlight in some cases, however the transgressions are balanced against the quality of the private amenity space that it provided. Where rooms do face 90° of due south the sunlight results are generally good.
- 7.40 On balance, taking in to account the amenity space provision, the sunlight levels received by the residential units are acceptable and would provide a reasonable standard of accommodation in this regard.
- 7.41 *Overshadowing/Amenity Spaces*
- 7.42 The overshadowing results demonstrate that on 21 March amenity area A2 would fully comply with the recommended 2 hours of sun to 50% of its area. Amenity area A1 falls below at 43%. The below image shows the location of the amenity spaces, with area A1 located at ground floor level within the central courtyard and A2 located on the roof of the four storey link,



7.43 Consil have carried out an additional overshadowing assessment on 21 June to demonstrate the maximum sunlight achievable in summer.

7.44 This demonstrates that both amenity areas would receive 2 hours of sun to 100% of their area. On balance, and considering the proposed units also benefit from private amenity in the form of balconies, it is considered that the sunlight to the proposed communal amenity spaces to be acceptable.

Communal Amenity Space & Play Space

7.45 Private amenity space requirements are determined by the predicted number of occupants of a dwelling. Policy D.H3 of the Tower Hamlets Local Plan sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm. The proposal provides private amenity space, in the form of balconies and terraces to all of the flats would comply with the above quantitative standards.

7.46 Part 5c and d of D.H3 requires communal amenity space and child play space for all developments with ten or more units. The communal amenity space requirement for this development is 126sqm. The child play space requirement is 10sqm per child as determined by the Tower Hamlets Child Yield Calculator.

7.47 The development proposes a total quantum of 399sqm of communal amenity space and child play space combined in the form of a landscaped areas with a courtyard in the centre of the

site between the two residential blocks and a roof terrace to the link building. The quantum of the provision would comply with the minimum requirement.

7.48 In using the Tower Hamlets Child Yield Calculator, the below requirements for child play provision are generated:

Age Group	Quantity	Area Required (sqm)
Years 0 – 4	12	122
Years 5 – 11	9	94
Years 12 – 18	8	77
Total	29 children	294sqm

7.49 As detailed above the development is predicted to yield 29 children and therefore 294sqm of child play space is required, split across the different age groups set out in the GLA’s Play and Informal Recreation SPG (2012).

7.50 In total, the development provides 399sqm of communal landscapes areas, in which the required play space will be accommodated. It is envisaged that the play provision would be provided on the central courtyard and as such it is recommended that full details of the play spaces are secured via condition.

7.51 It is noted that the provision will fall short of the required area when combined with the communal amenity space requirements. The shortfall will be approximately 20sqm. Whilst this is regrettable, given that the overall amenity space provision both private and communal will be of a high quality, the quantum of space provided in this instance is acceptable.

7.52 Furthermore, the site is within 75m of Bartlett Park, and 800m of Mile End Park, which provide an additional off-site provision of play space for those in the 12+ age range.



Figure 4 : Ariel view including communal amenity space

Design & Heritage

- 7.53 Development Plan policies require 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.
- 7.54 Policy S.DH3 of the Local Plan (2020), policy 7.8 of the London Plan (2016) and policy HC1 of the New Draft London Plan (2019) require development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 7.55 The NPPF paras. 190 and 194 require local authorities to identify and assess the significance of heritage assets that may be affected by a proposal including development affecting the setting of a heritage asset. Any harm to, loss of the significance of the heritage asset including from development within its setting requires clear and convincing justification.
- 7.56 The site is located at the north of Dod Street, and is immediately adjacent to the Limehouse Cut Conservation area on its other three sides. Limehouse Cut is immediately adjacent to the north. There is a pedestrian link to the east of the site between Dod Street and Limehouse Cut. To the west is a fine three-and-half-storey high-ceiling brick warehouse.
- 7.57 The buildings along Dod Street are predominantly three to six storeys high, with two six-storey blocks at both ends of the street, stepping down to three- or four-storey buildings immediately adjacent to the site. The existing buildings opposite Dod Street have flank or poorly defined frontage. Therefore, it is supported that development on this site should reinstate street frontage and reinforce street activity.

Heritage and Conservation

- 7.58 Although not within a Conservation Area, the site is bound on three sides by the Limehouse Cut Conservation Area. Due regard is given to the relationship between the proposed development and the setting of the Conservation Area given the Conservation Area boundary runs along the north, east and west boundaries.
- 7.59 Of particular note is the widening and improvement of the pedestrian link which forms part of the Conservation Area. The Conservation Area Appraisal notes that 'where new development is proposed, proper consideration should be given to the opportunities to frame the waterspace, central to the character of the Conservation Area, and optimise views of it. This element of the scheme will enhance the character and appearance of the Conservation Area.
- 7.60 Overall, the proposals would not result in any harm or loss of significance to the heritage asset or its setting in compliance with the requirements of local and national policy relating to heritage assets.

Layout

- 7.61 The ground floor layout provides one main entrance lobby facing Dod Street and another entrance facing the widened publicly accessible pedestrian link at the east side, which is fully supported.
- 7.62 The Design and Conservation Officer raises concerns with regards to the two ground floor units facing Dod Street which are considered to be overly exposed as no defensible space is provided. This is due to reasons driven by the continuity of building lines along the streetscape and the relationship with the adjacent buildings.
- 7.63 It is recommended that details are secured via condition regarding how the boundary treatment is provided to mitigate the privacy issues for the ground floor windows facing Dod Street and for the private amenity arranged along the widened public pedestrian link.

Townscape, Massing and Heights

- 7.64 The scheme proposes a c-shaped layout with a communal courtyard and a significant set back from the eastern boundary to provide a more generous and inviting pedestrian pathway linking Dod Street and Limehouse Cut. It has two taller volumes, facing Dod Street and Limehouse Cut respectively, which are connected by additional lower volumes which provides a coherent height to the immediately adjacent warehouse to the east.
- 7.65 On the canal side, there are two towers (of nine storeys and eleven storeys respectively) at the junction of the canal and the main road, Burdett Road. On the same side (south) of the canal adjacent to the development site, the buildings are predominantly two to four storeys stepping up to a seven storey building at the corner turning which leads to Stainsby Road. On the north side of the canal, the building heights are varied, from four-storeys to new developments featuring a seven-storey flank facade with an additional set-back floor on top.
- 7.66 The proposed massing and heights of 8 storeys to the Limehouse Cut and 6 storeys to Dod Street are considered to be appropriate for the site context. While the proposed heights of the two taller volumes are slightly more prominent than the adjacent rooflines of the streetscape, they are justified as a prominent corner by providing a generous and inviting pedestrian link from Dod Street to the canal side. To Dod Street the scheme relates well to the immediately adjacent warehouse, to provide a coherent roofline, which strengthens the harmonious streetscape, and also respects the hierarchy of stepped down building heights. In addition, the scheme by virtue of its design will preserve and enhance the character and appearance of the adjoining Conservation Area.



Figure 5 : Ariel view

Appearance & Materials

- 7.67 The proposed elevation design appears to apply an approach that incorporates a grid frame with a recessed infill of brickwork, in addition to the arch features facing Dod Street. The concept of which is supported by the Design and Conservation Officer in principle. The special featuring of arches to the Dod Street that respond to the adjacent warehouse is welcomed.
- 7.68 Full details regarding the composition, proportion and sub-division of the grid, infill brickwork, arch and opening elements, will be conditioned, in order to clarify their relationships in terms of architectural articulations and visual effects, including 'robustness' or 'depth', recess, window reveal, sub-division, gap and change of materials.
- 7.69 In order to ensure that the top floor set back level does not appear crude and industrial, full details of the proposed materials, including details of the design features including the metal cladding and 'wave' will be secured via condition.



Figure 6 – Dod Street approach (East)

Landscaping & Public Realm

- 7.70 As reference above, the proposals include significant improvements to the existing pedestrian link between Dod Street and the Limehouse Cut. The building line of the proposed development is set back from the existing building line and boundary with the link to provide a greater area of space which in turn opens up the pathway. The below images demonstrate how views to and from the Limehouse Cut will be improved.
- 7.71 Full details of hard and soft landscaping within the development will be secured by condition, as well as a number of improvements to the Limehouse Cut including signage and wayfinding for pedestrians to further ensure that the development contributes to the character and appearance of the Limehouse Cut Conservation Area.



Figure 7 – Dod Street to Limehouse Cut Pedestrian Link (Dod Street)



Figure 8 – Dod Street to Limehouse Cut Pedestrian Link (Limehouse Cut)

Archaeology

- 7.72 Development plan policies require measures to identify record, protect, and where appropriate present the site's archaeology. Although the site does not lie within an Archaeological Priority Area but virtue of the size of the scheme it has been referred to the Greater London Archaeological Advisory Service (GLAAS) for comment.
- 7.73 GLAAS have identified that remains of eighteenth and nineteenth century industry that developed along the Limehouse Cut may be preserved at the site. Early mapping shows that the area was occupied by rope walkers and later a cabinet makers. The underlying geology of Kempton Park Gravels and Langley Silts has a high potential for early prehistoric remains.
- 7.74 GLASS consider that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. It is concluded that given the nature of the development, and that the basement is existing, and the constraints of the site, a condition could provide an acceptable safeguard.
- 7.75 A condition is recommended to secure firstly, evaluation to clarify the nature and extent of surviving remains, following by, if necessary, a full investigation.

Neighbour Amenity

- 7.76 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not creating allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions through policy D.DH8 of the Tower Hamlets Local Plan.

Daylight and Sunlight

- 7.77 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011)
- 7.78 The submitted daylight/sunlight assessment does not set significance criteria against the assessment results. The assessment has been independently reviewed by Delva Patman Redler who consider that whilst significance criteria are more appropriate for an environmental statement, the following significance criteria should be used against the results in the application of VSC where VSC is reduced to less than 27%, to NSL, and to APSH where APSH is reduced to less than 25% and/or less than 5% in the winter months.
- 7.79 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 7.80 Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight).

The daylight and sunlight impacts of the development has been assessed in the report prepared by Consil. This report has been independently reviewed on behalf of the Council. The results of which are discussed below. The report identified 6 neighbouring residential properties surrounding the site that are likely to experience a material reduction in daylight and sunlight from the proposed development. These are:

- Aspen Court
- Minchin House
- Menteath House

- Trendell House
- Paisley Court & Ripon Court
- Ancora House & Chaldran Court



Figure Surrounding building tested by Consil

Trendell House

- 7.81 Of the 24 windows assessment for VSC, 23 comply with BRE Guidelines. The window that falls below the recommended target value serves a ground floor bedroom window on the flank elevation facing the site. This window experiences a 23% reduction from the existing figure, a minor adverse impact.
- 7.82 For NSL, all rooms in Trendell House fully comply with the guidelines. Overall, the impact on this property is negligible.

Paisley Court and Ripon Court

- 7.83 Of the 61 windows assessed for VSC, 59 comply with the BRE guidelines. The 1 window that falls below at Paisley Court serves a room alongside 2 other windows. The BRE guide suggest taking a mean VSC figure in this instance, which equates to a reduction of 15.6% from the existing figure, which meets the guidelines.

- 7.84 The 1 window in Ripon Court that falls below the guidelines already experiences a low existing VSC figure of 2.37% so any reduction from the would be exaggerated. The actual reduction of 1.38% VSC is not considered to be material.
- 7.85 The NSL for these buildings results in 37 of the 39 rooms tested would comply with BRE guidelines. The 2 rooms that fall below ae located within Paisley Court and experiences a 23% and 27% reduction from the existing figures, which is a minor adverse impact.
- 7.86 Overall, the impacts on Paisley and Ripon Court are minor adverse.
- 7.87 *Ancora House and Chaldron Court*
- 7.88 Of the 125 windows assessed for VSC, 116 comply with the BRE guidelines. Of the 9 windows that fall below, 7 would experience minor adverse impacts, 1 would experiences a moderate adverse impact and 1 would experience a major adverse impact.
- 7.89 For NSL, all rooms tested would fully comply with the guidelines. Overall, the impact on Ancora House and Chaldron Court are minor adverse.

Neighbouring Sunlight

- 7.90 The windows that face 90 degrees of due south within all neighbouring properties have been asses for sunlight. The results demonstrate that all windows will meet the recommended BRE guidelines for Annual Probable Sunlight Hours (APSH). The impact of the proposed scheme in sunlight terms is therefore negligible.

Neighbouring Overshadowing

- 7.91 An overshadowing analysis for the neighbouring amenity spaces within Aspen Court, Ancora House and Chaldron Court have been undertaken.
- 7.92 The results demonstrate that all amenity areas considered will received the recommended 2 hours of sunlight to at least 50% of their area when the development is complete. The impact on shadowing is therefore considered to be negligible.

Privacy and Overlooking

- 7.94 In terms of overlooking, the most sensitive closest residential building to the site is the adjoining later living home (Aspen Court Care Home) which lies to the east of the site. The application site and Aspen Court are separated by the pedestrian link between Dod Street and the Limehouse Cut, the proposed scheme would see a separating distance of 10m.
- 7.95 The adjoining Aspen Court is an L-shaped building with courtyard that occupies the western corner adjacent to the pedestrian route. The courtyard is recreational space for the residents. The proposed building would flank this courtyard with residential windows up to fourth floor level, as well as with the roof terrace proposed to link building.
- 7.96 The proposals would result in a degree of increased overlooking to the adjoining site compared to the existing situation. However, by virtue of the separating distance between the two, this would not result in an unduly detrimental impact on amenity. It is recommended that details of privacy screening to the roof terrace are secured by condition, to mitigate against any perceived sense of overlooking when the terrace is in use.
- 7.97 With regards to the residential buildings to the west of the site, no residential widows are proposed on the boundary ground to fourth floor level, at fifth floor and above a sufficient set back is provided to reduce potential overlooking. Again, it is recommended that details of privacy screening to the outdoor amenity space, namely a fourth floor level and above are secured via condition.

Summary

- 7.98 Officers have outlined any potential adverse impacts on neighbours and are satisfied that these are not significant to warrant refusal, taking into consideration the public benefits of the scheme such as the provision of new housing and enhanced public realm. For the reasons above, the proposed development would be acceptable in terms of its impact on neighbouring amenity and would comply with policy D.DH8.

Noise & Vibration

- 7.99 Council's Environmental Health Officers have reviewed the accompanying acoustic report and consider the report to be satisfactory. Conditions are recommended to require full details of each buildings sound insulation and ventilation strategy prior to commencement and for new fixed building services plant and equipment to be designed to at least 10dB below the lowest existing background noise.

Construction Impacts

- 7.100 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 will control working hours and require the approval and implementation of Construction Environmental Management and Logistics Plan.

Transport

- 7.101 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

- 7.102 The proposals utilise the existing sites basement which has ramp access from Dod Street. Vehicles and Cycle will access the basement via the ramp where the car and cycle parking is located.
- 7.103 In terms of pedestrians, the ground floor layout provides one main entrance lobby facing Dod Street and another entrance facing the widened pedestrian link at the east side. The widening of the pedestrian link is welcomed in terms of pedestrian movement.

Deliveries & Servicing

- 7.104 The delivery and servicing strategy for the scheme includes the provision of a commercial vehicle parking space in the basement, which is of a size which can accommodate vehicles (large vans) seen delivering to existing properties along Dod Street.
- 7.105 This space would be provided for delivery drivers on a booking system managed by the on-site facilities management team.
- 7.106 Officers recommend securing a full detailed delivering and servicing plan via condition.

Car Parking

- 7.107 The development would be 'car free' with the exception of nine disabled car parking spaces provided within the existing basement. This is in line with policy D.TR3 of the Local Plan (2020).
- 7.108 Draft New London Plan Policy T6.1G requires that 3% of units have access to a blue badge bay within the site boundary from the onset of the development, and with the potential for this to increase by an additional 7% as needs require it. The application provides 10% blue badge spaces in line with the 10% of wheelchair accessible units that are provided within the development, this is given that the existing basement offers car parking spaces which the applicant has utilised as part of the proposals.
- 7.109 The provision of 10% electric charging points to the accessible spaces would be required and secured by condition.
- 7.110 The development remains car free within the exception of blue badge space, which will be secured through S106 legal agreement to the consent.

Cycle Parking and Facilities

- 7.111 The proposals provide 162 long stay cycle parking spaces in the form of two separate cycle stores within the basement, including 10 spaces provided in Sheffield stands. The provision exceeds the minimum standards set out in the Local Plan and the London Plan which is welcomed.
- 7.112 Final details of cycle parking ensuring this meets London Cycle Design Standards (LCDS) would be secured by condition. Overall, the proposed cycle storage is considered to be acceptable subject to the submission of the details secured by condition
- 7.113 Travel Plan
- 7.114 In line with the recommendation of Transport for London, a Travel Plan will be secured via condition and monitored via S106 agreement.

Environment

Energy & Environmental Sustainability

- 7.115 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2016 and the Tower Hamlets Local Plan (D.ES7) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 7.116 Policy SI2 of the emerging London Plan requires major development to be net zero-carbon. This means reducing carbon dioxide emissions from construction and operation, and minimising both annual and peak energy demand in accordance with the following energy hierarchy.
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green)

- 7.117 Policy D.ES7 includes the requirement for non-residential developments to be zero carbon with a minimum of 45% reduction in regulated carbon dioxide with the remainder to be offset with cash payment in lieu.
- 7.118 The CO2 emission reduction is anticipated to be 54.31% against the building regulation baseline which is compliant with policy requirements. The proposals are for a 47.90 tonnes/CO2 reduction in on-site emissions and would result in a carbon offsetting contribution of £114,855 to offset the remaining 40.30 tonnes CO2 and achieve net zero carbon. It is recommended that a post construction energy assessment be submitted, including the 'as built' calculations to demonstrate the anticipated savings have been delivered on-site. This calculation has been based on the SAP10 carbon factors and using the recommended GLA carbon price of £95 per tonne for a 30 year period.
- 7.119 Subject to appropriate Conditions securing the energy proposals and the CO2 emission reduction shortfall being met through a carbon offsetting contribution, the proposals are in accordance with adopted policies for CO2 emission reductions.

Air Quality

- 7.120 Policy D.ES2 of the Local Plan (2020) and policy 7.14 of the London Plan (2016) require major developments to be accompanied by an assessment which demonstrates that the proposed uses are acceptable and show how development would prevent or reduce air pollution.
- 7.121 The application is accompanied by an Air Quality Assessment which seeks to demonstrate compliance with Development Plan policies. Environmental Health Officers consider the balance of the assessment acceptable; however note that an air quality neutral assessment has not been made.
- 7.122 As such, the officer advises that a condition must be imposed on the consent requiring an addendum assessment which includes an air quality neutral assessment and also consider assessment of construction dust impacts.
- 7.123 The air quality officer also requests further conditions and an informative which require environmental details of construction phase and construction dust control.

Waste

- 7.124 Policy D.MW3 of the Local Plan (2020) requires adequate refuse and recycling storage alongside and combined with appropriate management and collection arrangements.
- 7.125 The LBTH Waste Team have reviewed the proposal and are satisfied that subject to securing the details of bin storage size and servicing arrangements by condition the proposal is acceptable. The provision of a dropped kerb to allow for waste collection will be secured through a legal agreement,

Biodiversity

- 7.126 Policy D.ES3 of the Local Plan (2020) and policy 7.19 of the London Plan (2016) seek to safeguard and where possible enhance biodiversity value and contribute towards the Local Biodiversity Action Plan (LBAP).
The application site consists largely of existing buildings and hard surfaces, with only small amounts of amenity grassland and ornamental shrubbery. The ecological assessment found negligible potential for bat roosts in the existing buildings. The application site is immediately adjacent to the Limehouse Cut. The canals in the borough are known to be used by foraging and commuting bats. Any significant increase in light spill onto the canal could have adverse impacts on bats, but no external lighting is proposed along the edge of the site nearest the canal. The loss of existing vegetation will be a very minor adverse impact on biodiversity.

- 7.127 Policy D.ES3 requires biodiversity gains from developments. The Design & Access Statement indicates green and brown roofs, as well as areas of ornamental planting on roof terraces. The green/brown roofs should be biodiverse roofs designed in accordance with best practice guidance published by Buglife, not sedum roofs which are of very limited biodiversity value. Ornamental planting would be of biodiversity value if it includes a good range of nectar-rich plants.
- 7.128 Other biodiversity enhancements which would be appropriate here include the installation of bat boxes and nest boxes for birds such as house sparrow, house martin and swift. These would contribute to targets in the Local Biodiversity Action Plan. Full details of biodiversity enhancements will be secured through condition.

Flood Risk & Drainage

- 7.129 Local Plan policies D.ES4 and D.ES5 seek to manage flood risk and encourage the use of Sustainable Urban Drainage within new developments. Policy D.OWS4 requires development adjacent to the borough's water spaces to demonstrate no loss or covering of the waterspace, no adverse impacts including biodiversity, amenity and character, enhancement of the ecological, biodiversity and aesthetic quality of the water space and it must provide suitable setbacks from the water space edges to mitigate flood risk and to allow riverside walkways and canal towpaths.
- 7.130 The existing building line of the site, is setback by 3m from the boundary wall between the site and the Limehouse Cut which is a formal Tidal Flood Defence. The proposed development at basement level would maintain this set back, with the upper storeys encroaching towards the line of the flood defence, although they would be structurally independent of it. The Environment Agency are satisfied, on the basis that the development is structurally independent of the flood defence, and double doors are provided within the basement to allow for access to the flood defence in emergency situations, that the development would continue to allow for adequate space for inspections, maintenance and repair.
- 7.131 In accordance with the Environmental Agencies TE2100 Plan, the flood defences will be to be raised by a level of 6.1mAOD to ensure that they will continue to protect the proposed development from flooding for the lifetime of the development. The flood risk assessment submitted demonstrates that it is feasible to raise the height of the flood defence to 5.6m AOD by 2065 and 6.1m AOD by 2100 as this falls within the lifetime of the development.

Land Contamination

- 7.132 The application has been reviewed by the Council's Environmental Health Land Contamination officer and subject to standard conditions, the proposals are acceptable from a land contamination perspective and any contamination that is identified can be satisfactorily dealt with.

Infrastructure Impact

- 7.133 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £815,400 and Mayor of London CIL of approximately £326,169. It is important to note that these figures are approximate. This will likely change given indexation is linked to the date planning permission is granted.
- 7.134 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.

7.135 Furthermore, a new homes bonus will be applied; however at present the figure has not been calculated.

7.136 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD, as follows:

- £31,372.00 towards construction phase employment skills training
- £114,855 toward carbon emission off-setting.

Human Rights & Equalities

7.137 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.

7.138 The proposed new residential accommodation meets inclusive design standards and 9 of the new homes will be wheelchair accessible, 9 within the affordable tenures, and 9 disabled car parking spaces provided. These standards would benefit future residents, including disabled people. The proposed affordable housing would be of particular benefit to groups that are socially/economically disadvantaged. It is also considered that the application has undergone the appropriate level of consultation with the public and Council consultees.

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

8. RECOMMENDATION

8.1 That subject to any direction by the Mayor of London, **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

8.2 Financial obligations

- a. £31,372 towards end-user phase employment skills training
- b. £114,855 toward carbon emission off-setting
- c. £500 monitoring fee per heads of term

8.3 Non-financial obligations:

- a. Affordable housing (37% by habitable room)
 - 17 units at Tower Hamlets Living Rent
 - 10 units as Shared Ownership
 - Early Stage Review
 - Details and implementation of Tower Hamlets Living Rent 'wheelchair accessible' dwellings (to M4 (3)(2)(b) standard)
- b. Access to employment
 - 20% local procurement
 - 20% local labour in construction
- c. Transport matters:
 - Car Free development
 - Residential Travel Plan

- S278 Agreement
- Public access through the pedestrian link from Dod Street to Limehouse Cut

d. Compliance with Considerate Constructors Scheme

- 8.4 That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
- 8.5 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

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:

Pre-commencement

4. Submission of piling method statement.
5. Submission of air quality neutral assessment.
6. Submission of Construction Environmental Management Plan and Construction Logistics Plan
7. Details of Land Contamination Remediation if found
8. Details of biodiversity enhancements including floating ecosystems in the Limehouse Cut, improvements to the Limehouse Cut towpath and improvements to local signage and way finding.
9. Details of external facing materials and architectural detailing.
10. Details of privacy screening to northern elevation at fourth floor level.
11. Submission of Communal Amenity and Play Management Plan
12. Details of hard and soft landscaping of all public realm and open spaces including details relating to play equipment, street furniture and lighting
13. Play space details
14. Details of cycle parking in the basement including access arrangements and signage.
15. Details of waste storage and management plan
16. Submission of Surface water - Drainage Strategy
17. Disabled Car parking
18. Electric vehicle charging points
19. Submission of Delivery, Servicing and Waste Management Plan

20. Inclusive Access
21. Plant and Machinery
22. Details of Water Efficiency Measures
23. Details of Insulation and Overheating
24. Submission of an archaeology written scheme of investigation.

Occupation

25. Submission of Secured by Design compliance certificate.
26. Submission of contamination verification report
27. Submission of post construction energy assessment.

8.7 Informatives

1. Permission subject to legal agreement.
2. Development is CIL liable.
3. Thames Water – proximity to assets.
4. Requirement for Environmental Permit

APPENDIX 1 – Drawing Schedule

Drawings

Existing - Site Location Plan E0-001 P2
 Existing - Site Plan E1-001 P2
 Existing - Demolition plan E1-100 P2
 Existing - Context Section E2-100 P2
 Existing - Context Elevation E3-100 P2

Proposed - Site Plan P1 -001 P2
 Proposed - Block Basement plan P1 -099 P3
 Proposed - Ground Floor Plan P1 - 100 P2
 Proposed - First Floor Plan P1 - 101 P3
 Proposed - Second Floor Plan P1-102 P3
 Proposed - Third Floor Plan P1 - 103 P3
 Proposed - Fourth Floor Plan P1 - 104 P2
 Proposed - Fifth Floor Plan P1 - 105 P2
 Proposed - Sixth Floor Plan P1 - 106 P2
 Proposed - Seventh Floor Plan P1 - 107 P2
 Proposed - Roof Plan P1 - 108 P2
 Proposed - Detailed Basement Plan P1 - 199 P3
 Proposed - Detailed Ground Floor Plan P1-200 P2
 Proposed - Detailed First Floor Plan P1-201 P2
 Proposed - Detailed Second Floor Plan P1-202 P2
 Proposed - Detailed Third Floor Plan P1-203 P2
 Proposed - Detailed Fourth Floor Plan P1-204 P2
 Proposed - Detailed Fifth Floor Plan P1-205 P2
 Proposed - Detailed Sixth Floor Plan P1-206 P2
 Proposed - Detailed Seventh Floor Plan P1-207 P2

Proposed - Tenure Plan - Ground Floor P1-300 P3
Proposed - Tenure Plan - First Floor P1-301 P3
Proposed - Tenure Plan - Second Floor P1-302 P3
Proposed - Tenure Plan - Third Floor P1-303 P3
Proposed - Tenure Plan - Fourth Floor P1-304 P3
Proposed - Tenure Plan - Fifth Floor P1-305 P3
Proposed - Tenure Plan - Sixth Floor P1-306 P3
Proposed - Tenure Plan - Seventh Floor P1-307 P3

Proposed - Context Section P2-100 P2
Proposed - Detailed Section AA P2-200 P3
Proposed - Detailed Section BB P2-201 P3
Proposed - Context Elevations P3-100 P3
Proposed - Detailed Elevation - Dod Street P3-200 P3
Proposed - Detailed Elevation - Limehouse Cut P3-201 P2
Proposed - Detailed Elevation - Side Elevation P3-202 P2
Proposed Typical Flat Layouts P4-100 P2
Proposed M4(3) Flat Layouts P4-101 P2
Proposed M4(3) Flat Layouts P4-102 P2
Proposed Detailed basement plan with indicative dims P4-200 P2
Proposed Waste Strategy P4-300 P1

Submission documents

CONSIL Daylight and Sunlight Report December 2019
Collado Collins Design and Access Statement January 2020
RPS Heritage, Townscape & Visual Impact Assessment December 2019
Montagu Evans Planning Statement January 2020
Sharps Redmore Acoustic Report November 2020
REC Air Quality Assessment December 2019
Cudd Bentley Energy Statement December 2019
Cudd Bentley Mechanical, Electrical and Public Health Design December 2019
Scott White and Hookins Phase 1 Desktop and Utilities Study December 2019
BECG Statement of Community Involvement December 2019
Montagu Evans Financial Viability Assessment January 2020

Post Submission documents

Delva Patman Redler Review of Daylight and Sunlight Report March 2020
RPS Ecological Appraisal April 2020
RPS Framework Delivery And Servicing Management Plan June 2020
RPS Transport Technical Note June 2020
Scott White and Hookins Flood Risk Assessment July 2020
BNP Parabis Review of Viability Assessment February 2020
Montagu Evans Response to Viability Review March 2020
BNP Parabis Review of Viability Assessment March 2020
Montagu Evans Response to Viability Review June 2020
BNP Parabis Response to Viability Assessment July 2020
Consil Letter to Applicant dated 12th October 2020
Dwelling Schedule Revision P5 20th October 2020

APPENDIX 2 Plans and Elevations

Figure 1 – Proposed basement plan

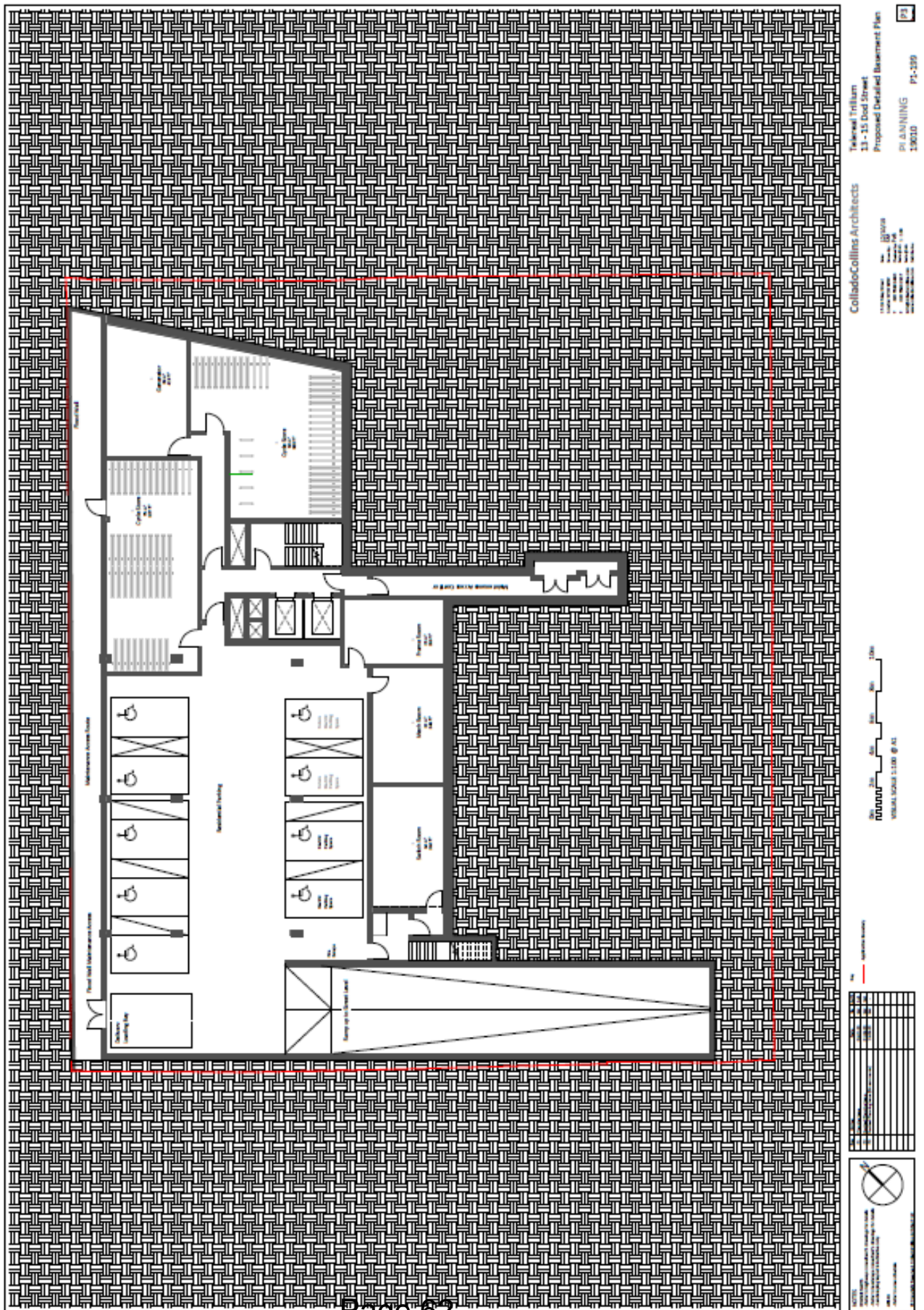


Figure 2 – Proposed Section A-A

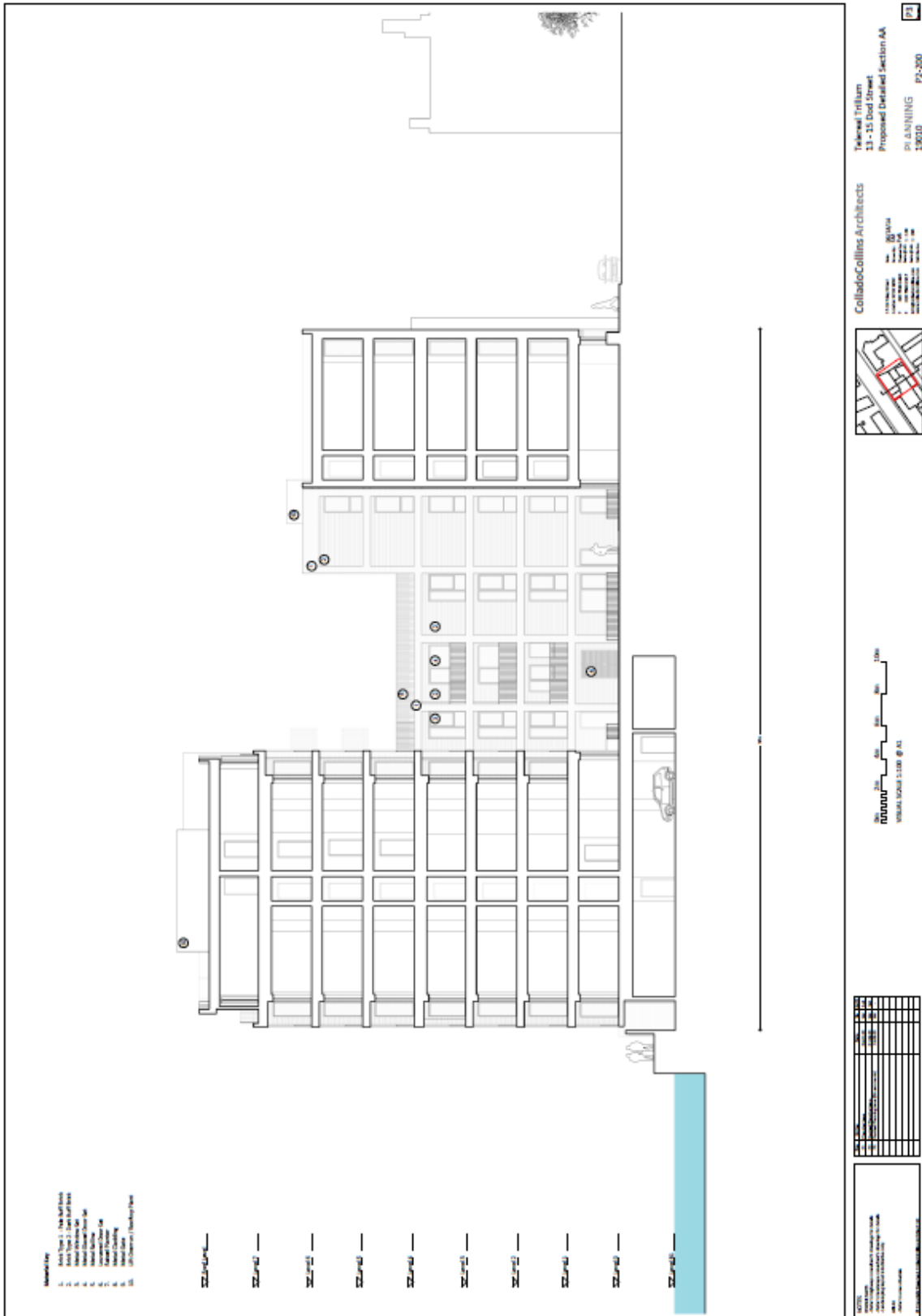


Figure 3 – Proposed Ground Floor Plan

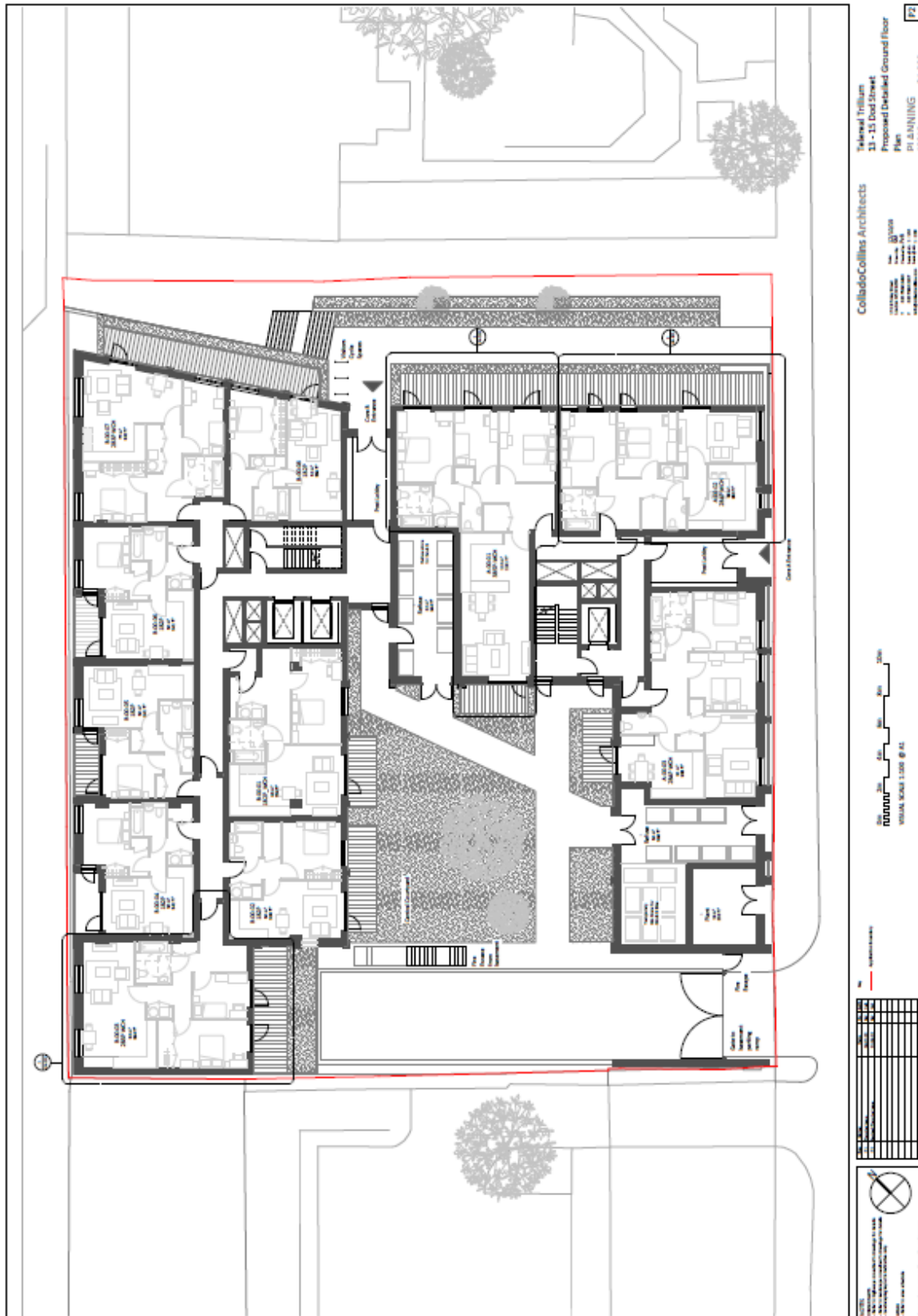


Figure 4 – Proposed 4th Floor Plan

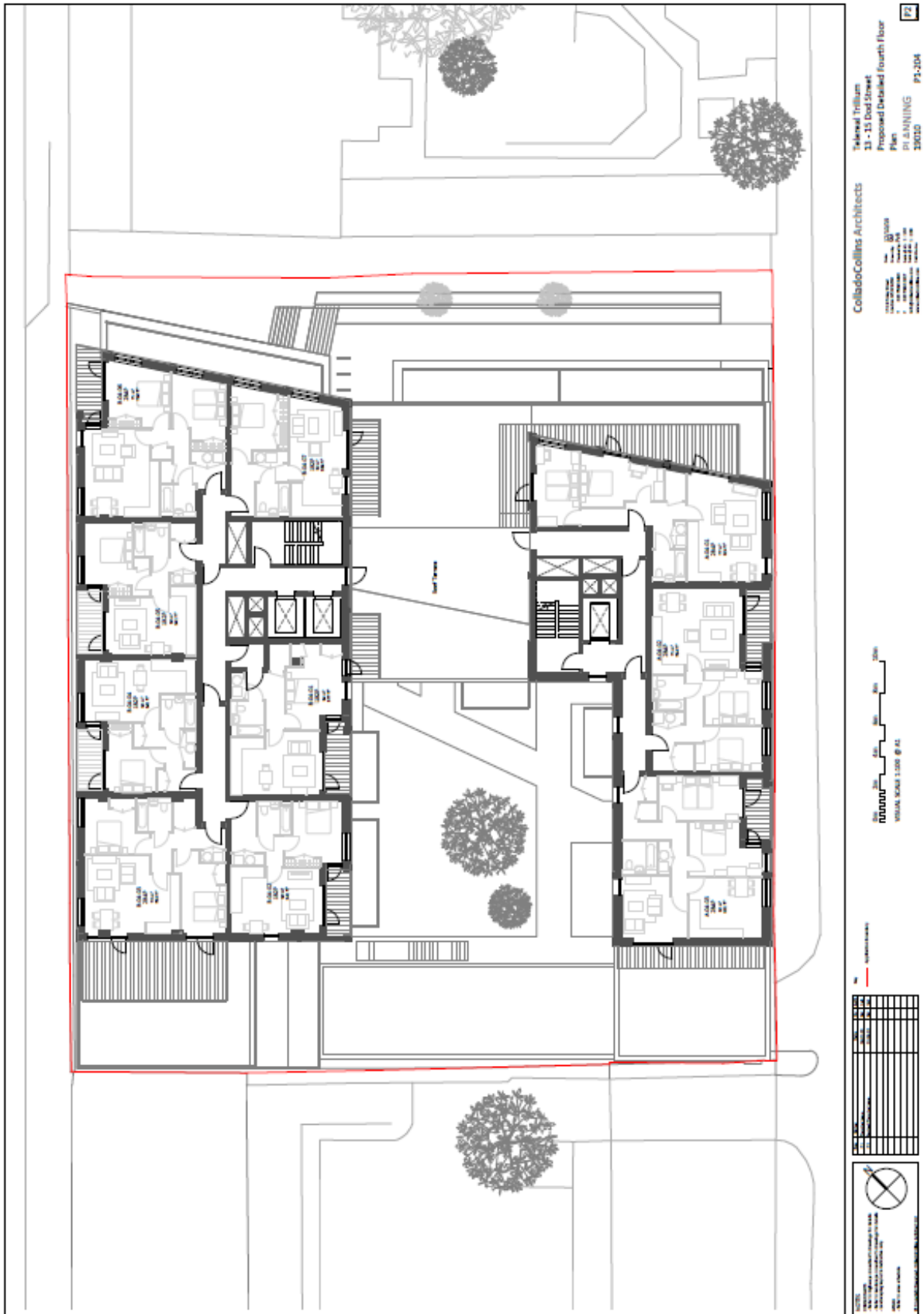


Figure 5 – Proposed Elevation (Dod Street)



Material Key

- 1. Brick Type 1 - Red Buff Brick
- 2. Brick Type 2 - Dark Buff Brick
- 3. Metal Window Sill
- 4. Metal Window Header
- 5. Metal Jamb
- 6. Insulated Door Sill
- 7. Metal Door Sill
- 8. Metal Cladding
- 9. Metal Gate
- 10. Glass / Polycarbonate

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	12/12/2018
2	REVISION	12/12/2018
3	REVISION	12/12/2018

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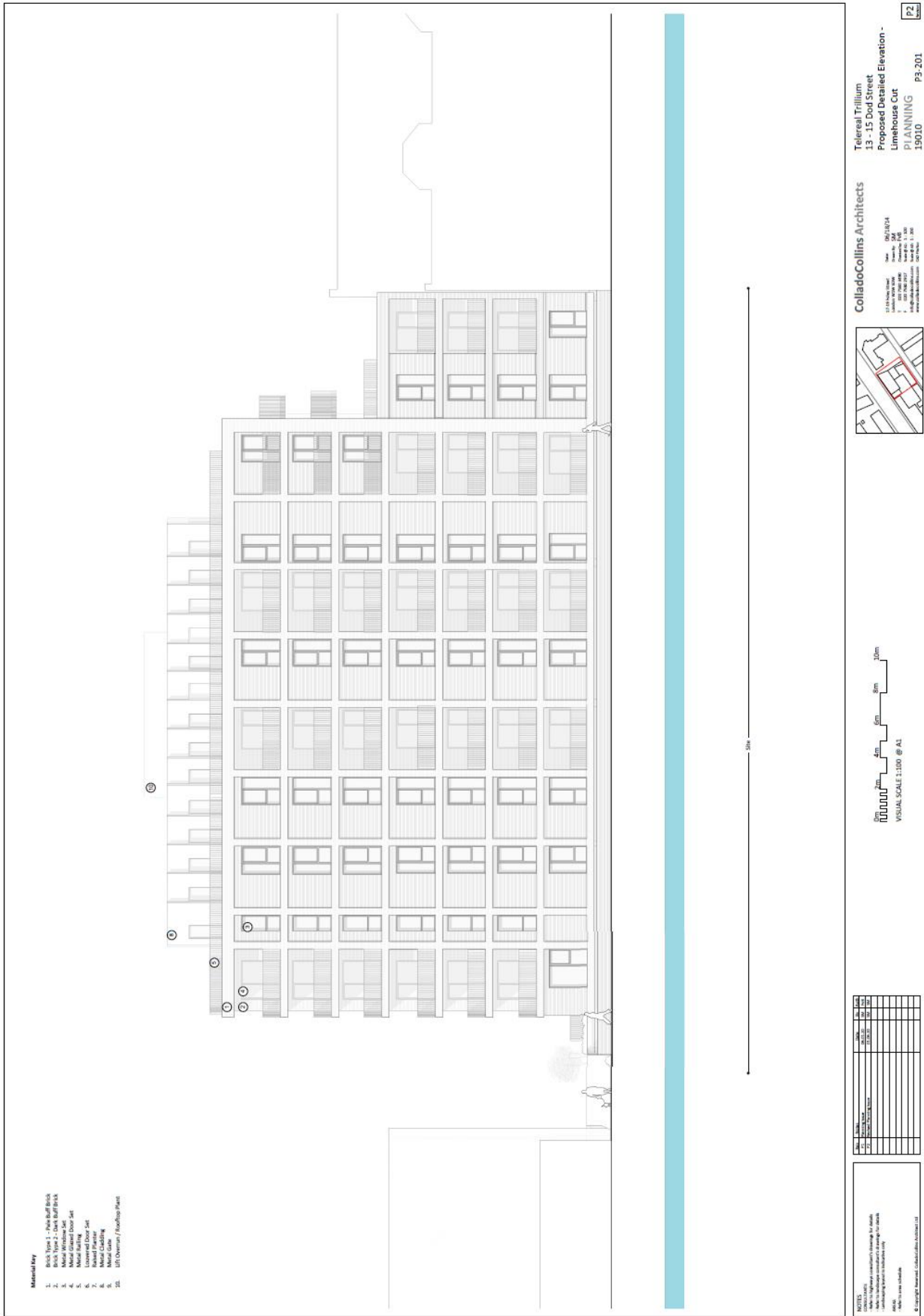


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Telereal Trillium
 13 - 15 Dod Street
 Proposed Detailed Elevation - Dod
 Street
 PLANNING
 19010

P3

Figure 6 – Proposed Elevation (Limehouse Cut)



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Application for Planning Permission

[click here for case file](#)

Reference	PA/19/00559
Site	102-126 and 128 The Highway, London, E1W 2BX
Ward	St Katharine's and Wapping
Proposal	Demolition of existing petrol filling station (sui generis use class) and drive-through restaurant (A3 use class) and redevelopment of site to provide buildings ranging in height from 5-7 storeys, comprising 80 residential dwellings (C3 use class) and 574sqm (GIA) commercial floorspace (flexible A1/A2/A3/A4/B1/D1/D2 use classes) plus associated servicing, parking and refuse stores, amenity space and public realm enhancement. Refurbishment of existing public house (302sqm).
Summary Recommendation	Approve planning permission subject to conditions and a legal agreement.
Applicant	Marley Holdings Ltd
Architect / Agent	Stockwool / Lichfields
Case Officer	Rikki Weir
Key dates	<ul style="list-style-type: none">- Application registered as valid on 12/03/2019- Letters sent to neighbours on 21/03/2019- Reconsultation (amended plans and documents) on 22/05/2020

EXECUTIVE SUMMARY

The application site contains a petrol filling station and single storey ancillary retail structure, a single storey drive-thru restaurant and a 3 storey public house. The public house, The Old Rose, is located within the St George in the East Conservation Area, however the remainder of the site sits outside the conservation area.

The proposed development comprises the erection of a 7 storey building facing The Highway falling to 5 storeys adjacent to The Old Rose and along Chigwell Hill, which slopes down to the south. The proposal provides 80 residential units as well as 574sqm of flexible commercial space (A1/A2/A3/A4/B1/D1/D2 use classes) at ground floor facing The Highway and reuse of the public house (302sqm).

In land use terms, the loss of the drive-thru restaurant and petrol filling station are considered to be acceptable and would contribute to policy aims of reducing local car movements. The provision of new housing including a variety of unit typologies and 35% affordable housing at

70/30 tenure split (affordable rented/intermediate) with affordable rented provision at 50/50 (London Affordable Rent/Tower Hamlets Affordable Rent) is considered to be a significant public benefit. Residential dwellings would provide a good standard of internal accommodation and generous private and communal amenity space and child play space.

The height, massing and design of the proposed development would appropriately respond to the local context. The detailed architecture is considered to be of high quality. The refurbishment and reuse of The Old Rose public house is considered to be a significant heritage benefit. The development is considered to preserve the character and appearance of the St George in the East Conservation Area, as well as preserving the setting or any features of special architectural or historic interest of nearby listed buildings, principally St George in the East Church (Grade I), Tobacco Dock (Grade I) and Pennington Street Warehouses (Grade II).

The proposal would impact upon the daylight and sunlight to some habitable rooms of 7-9 storey residential buildings (Chi Buildings and Orchid Apartments) on the north side of The Highway. The impacts have been quantified and carefully assessed and are considered to be acceptable on balance in this urban context.

The scheme would be car-free apart from the provision of Blue Badge accessible car parking spaces within the development. Adequate cycle parking for all uses is proposed. Transport implications are considered to be acceptable subject to conditions and legal obligations.

A strategy for minimising carbon emissions from the development is in compliance with policy requirements. Biodiversity enhancements are proposed which are considered sufficient to meet policy requirements, providing a net gain and enhanced urban greening.

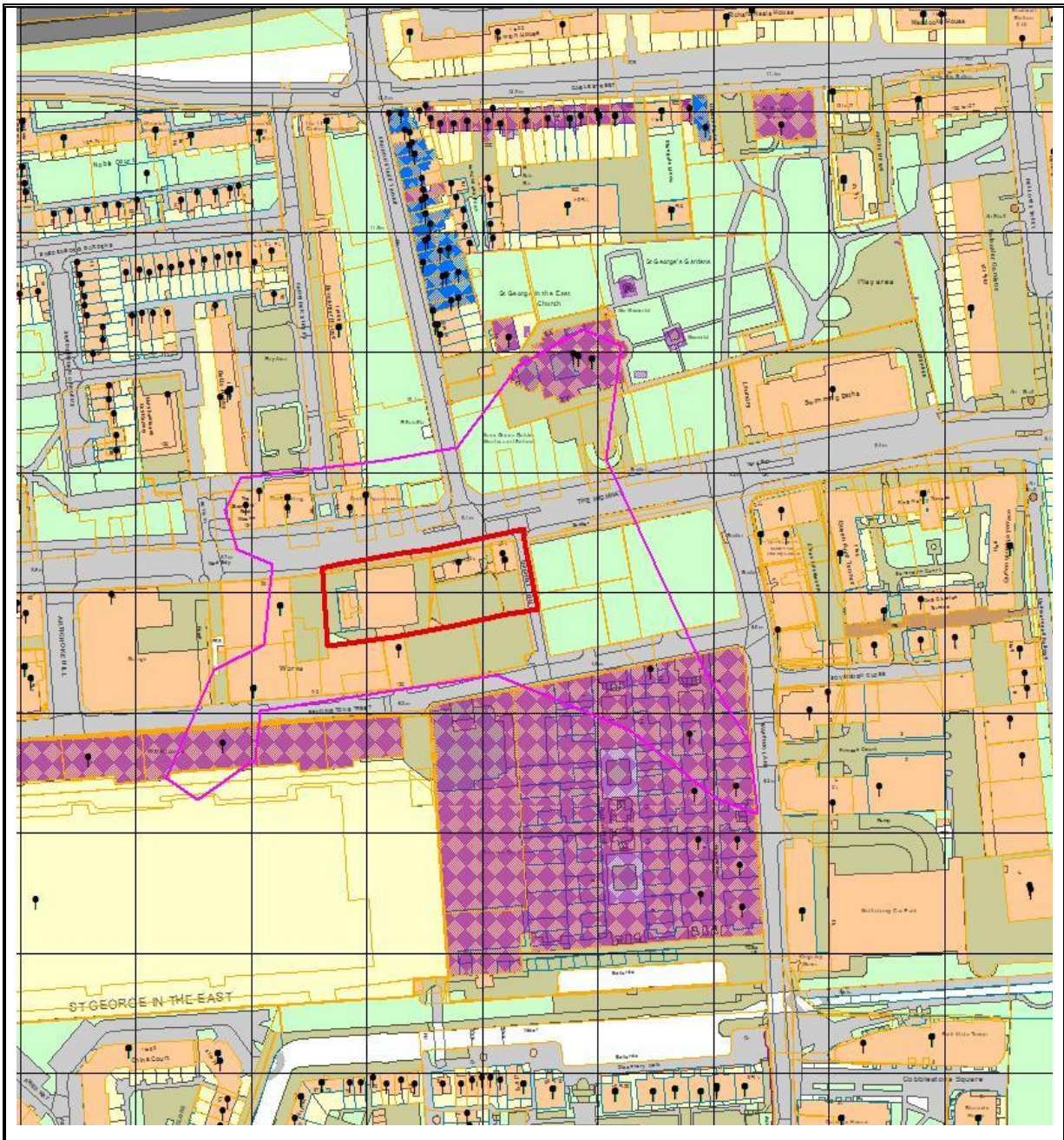
Officers consider that the proposal would constitute provision of a high quality, mixed use scheme and that this would contribute to the broader regeneration of the local area and provide a significant opportunity to enhance an underused site along The Highway.

The scheme would be liable for both the Mayor of London's and the Borough's Community Infrastructure Levy. In addition, the development would provide a necessary and reasonable planning obligations to local employment and training and carbon offsetting. Heads of Terms have been agreed and the officers recommendation is subject to a Section 106 legal agreement containing a number of financial and non-financial contributions that would provide further benefit to the community including an improved pedestrian crossing across The Highway towards Cannon Street Road.








This application has been assessed against the Council's approved planning policies contained in the London Borough of the Tower Hamlets Local Plan 2031 (adopted January 2020) as well as the London Plan (2016), the National Planning Policy Framework and all other material considerations. Officers have also considered the application against the Draft London Plan (2019) as this carries substantial weight.

Officers recommend the proposed development be granted planning permission, subject to conditions and supporting legal agreement.

SITE PLAN:



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<ul style="list-style-type: none">  Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings 	<p style="text-align: center;">Planning Applications Site Map PA/19/00559</p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	 <p style="text-align: center;">TOWER HAMLETS</p> <p style="text-align: center;">London Borough of Tower Hamlets</p>
	<p>Scale : 50m grid squares</p>	<p>Date: 27</p>

1. SITE AND SURROUNDINGS

- 1.1 The application site covers a land area of approximately 0.25ha and contains a petrol filling station to the west with associated single storey structures, a single storey drive-thru restaurant to the east along with a three storey public house which dates back to the early nineteenth century. The remainder of the site comprises of hardstanding areas for vehicular access/parking.
- 1.2 The site is bound; to the north by The Highway, a heavily trafficked arterial route; to the east by Chigwell Hill, a narrow, sloping cobbled road; to the south by a vacant site at 122-132 Pennington Street; and to the west by 100 The Highway, a two storey storage warehouse.

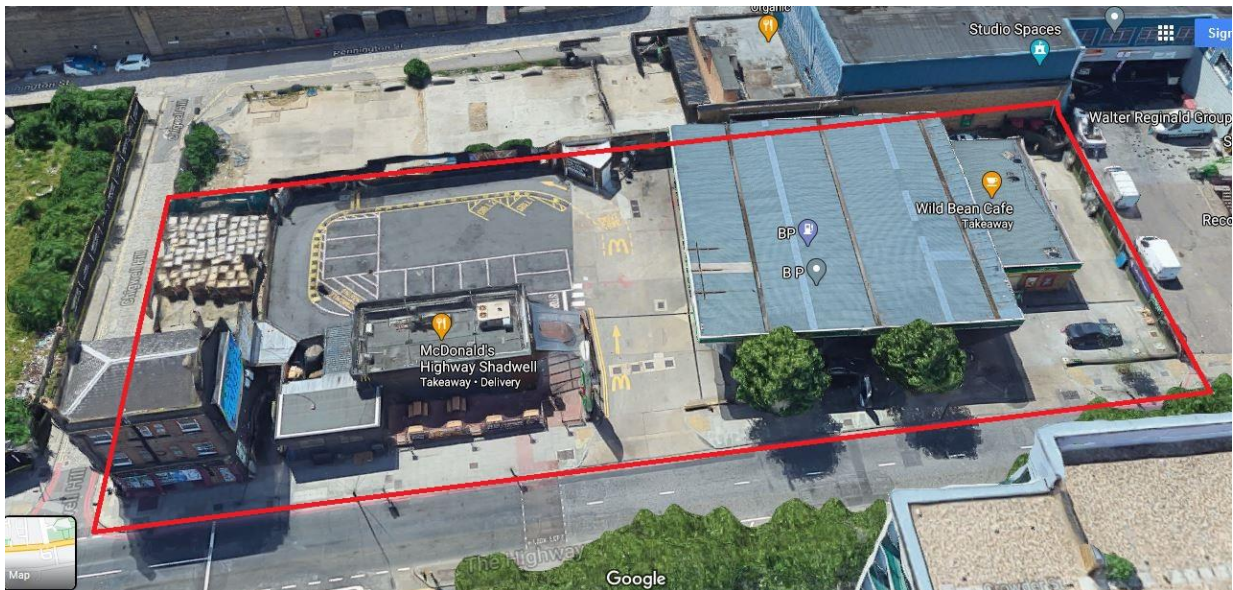


Figure 1: Bird's eye view of the site and surroundings from north (Google)

- 1.3 The existing site (shown in Figure 1 above) consists of approximately 134sqm retail space within the petrol station (A1 use class), 120sqm restaurant space (A3 use class) and 372sqm public house space (A4 use class) giving a total existing floorspace of 626sqm.
- 1.4 The Old Rose pub is located within the St George in the East Conservation Area which stretches to the north-west across The Highway. The remainder of the application site is not within the conservation area. The Grade I listed Church of St George in the East is to 60m to the north-east, the Grade I listed Tobacco Dock is 30m to the south, and the Grade II listed Pennington Street warehouses are 35m to the south-west.
- 1.5 In regards to Tower Hamlets Local Plan policy designations, the site is located within the City Fringe sub area, City Fringe Activity Area, Tier II Archaeological Priority Area (The Highway), Wapping Neighbourhood Planning Area, Green Grid Buffer Zone, and it is within an area of poor air quality (NO2 annual mean concentration greater than 60 ($\mu\text{g}/\text{m}^3$)). In regards to London Plan policy designations, the site is located within the City Fringe Opportunity Area.
- 1.6 In regards to nearby town centres, the Central Activities Zone and the Thomas More Neighbourhood Centre are approximately 460m to the south-west, the Wapping Lane Neighbourhood Centre is 430m to the south-east, and the Watney Market District Centre is 300m to the north-east. Shadwell Overground and DLR Station is 300m to the north-east and Wapping Overground Station is 550m to the south. The site has a Public Transport Accessibility Level (PTAL) of 5/4 which indicates a very good/good level of accessibility.



Figure 2: View of application site from the north-west on The Highway (Google)

- 1.7 The area has historically revolved around the docks with associated dock walls and buildings such as Tobacco Dock and Pennington Street warehouses still remaining. London Dock was the main dock in the local area until it was filled and became home to News International printworks. The land around London Dock was redeveloped in the 1980s with low and mid-rise housing. London Dock is currently undergoing redevelopment for housing led development.



Figure 3: View of application site from the north-east on The Highway (The Old Rose on the left) (Google)

2. PROPOSALS

2.1 Amended plans were received as part of the planning application process. The previous scheme consisted of predominantly 9 storey building on The Highway with setback 10 storey elements, which stepped down to 8 storeys on the corner with Chigwell Hill and The Old Rose public house. The originally submitted scheme consisted of 129 residential units and 930sqm flexible commercial floorspace.

Amended Scheme

2.2 The proposal involves the demolition of existing buildings and the construction of a new mixed-use building, providing 574sqm of flexible commercial space at ground floor and 80 self-contained residential units flats above. Public realm on The Highway and Chigwell Hill would be improved with increased footway and tree planting.

2.3 35% of the proposed flats would be affordable, with a tenure split of 70% affordable rented and 30% intermediate housing. The building would provide private amenity space in the form of balconies for all residential units. It would also provide approximately 210sqm of communal amenity space and 337sqm of child play space on-site. Residential units would be accessed via entrances on the The Highway and Chigwell Hill.

2.4 In terms of massing and design, the building would be 7 storeys on The Highway falling to 5 storeys adjacent to The Old Rose and 5 storeys sloping lower down Chigwell Hill. The elevations of the building are stepped and angled with balconies which sit entirely within the footprint of the buildings. Materials would be predominantly clay-facing brickwork of red and cream buff bricks..

2.5 A number of flexible commercial units would provide active facades onto The Highway as well as the refurbished public house. Cycle parking and waste storage for the residential units would be provided at ground floor level, accessed from the communal lobbies. Deliveries and Servicing for the commercial element of the scheme would take place on-site from a dedicated servicing area accessed from The Highway. The development would be 'car-free' with the exception of 8 accessible car parking bays located at ground floor level.

3. RELEVANT PLANNING HISTORY

Application Site:

3.1 PA/19/02374 – Replacement of existing single skin 159,060 litre underground fuel storage tanks with new 160,000 litre double skin underground fuel storage tanks to include interstitial leak monitoring. Permitted – 06/04/2020.

3.2 PA/11/00922 – Refurbishment of restaurant and patio area with alterations to elevations, including the installation of timber effect cladding to external walls, installation of a new canopy to west elevation and relocation of customer order display. Permitted – 10/06/2011.

3.3 PA/10/02526 – Erection of a fixed pergola to west elevation, installation of a glass balustrade and reconfiguration of patio area. Permitted – 04/01/2011.

3.4 PA/10/01334 – Refurbishment of restaurant and patio area, including changes to elevations and external walls and minor amendments to the existing parking layout. Permitted – 11/10/2010.

- 3.5 PA/09/00136 – Demolition of existing restaurant and erection of a new two storey restaurant and 'drive thru'. Permitted – 08/09/2009.
- 3.6 PA/01/01246 – Erection of a side extension to McDonalds drive-thru restaurant. Permitted – 27/11/2001.
- 3.7 WP/95/00073 – Erection of a single storey Drive Thru A3 hot food takeaway with ancillary storage, office, staff facilities and associated car parking. Permitted – 21/09/1995.
- 3.8 WP/88/00148 – Redevelopment comprising erection of new building for ground floor shop (Class A1 1987 use Classes Order) and business use (Class B1) and new petrol filling station and associated off-street car parking. Permitted – 08/12/1988.
- 3.9 WP/82/00133 – Alterations to existing building, erection of new steel canopy, 6 pump islands and the installation of a new underground storage tank. Permitted – 16/01/1983.
- 3.10 WP/82/00048 – Alterations to existing building, erection of a new steel canopy, 6 pump islands, installation of a new underground storage tank and associated services. Permitted – 02/08/1982.
- 3.11 PA/60/00910 – The erection of a petrol service station, workshops, showrooms and a caretakers flat. Permitted – 10/03/1961.
- 3.12 PA/51/01225 – The use of the vacant for the storage of tyres as shown on plan regd no. 12687. Refused – 09/01/1952.
- 3.13 PA/49/01662 – The use of the sites above for cooperage storage purposes. Permitted – 20/07/1949.

Pre-applications On-site

- 3.14 PF/18/00059 – Demolition of existing buildings to provide mixed use development comprising approx. 170 residential dwellings(C3), 1,400 sqm retail floor space (A1) with associated car parking and amenity space. Case closed – 05/04/2019.
- 3.15 PF/13/00135 – Proposal for mixed used scheme including 125 residential units, 244sqm leisure and 675sqm of commercial space. Case closed – 15/03/2017.

Neighbouring Sites:

134 to 140 Pennington Street & 130, 136 & 154 to 162 The Highway

- 3.16 PA/11/01278 – Redevelopment of the site to provide a 242 room hotel (class C1), 63 serviced apartments (sui-generis) and retail (class A1) building with publicly accessible courtyard together with provision of vehicular and pedestrian access. Permitted – 07/02/2012.

130-162 The Highway & Tobacco Dock

- 3.17 PA/99/00240 – Erection of a 7 storey building comprising a parking/loading/ servicing area at basement level plus 22 retail units at part lower ground/ground and first floor levels and a three star hotel occupying the rest of the building. No further action – 25/07/2000.
- 3.18 WP/96/00089 – Revised plans in respect to redevelopment of site by erection of a building comprising retail, multi-screen cinema, car park, leisure, storage and servicing with tunnel beneath Pennington Street to Tobacco Dock. Permitted – 27/03/1997.

Tobacco Dock

- 3.19 PA/97/00841 – Erection of a pedestrian bridge from Tobacco Dock to 132 Pennington Street and amendments to bridge already approved from 132 Pennington Street to site of 134 Pennington Street over Chigwell Hill. Permitted – 12/03/1998.
- 3.20 WP/94/00050 – Alterations and amendments to approved scheme T/93/141, for Factory shopping centre. Permitted – 20/04/1994.
- 3.21 WP/89/00234 – Erection and reconstruction of single storey warehouse buildings and use in conjunction with vaults beneath as retail, public toilets, management office, restaurant and plant; together with construction of multi-storey car park for 308 vehicles, refurbishment of tunnel under Wapping Lane and use for goods deliveries, erection of replica arch forming pedestrian access from separate vehicle and pedestrian means of access from tow path, formation of loading bay and separate vehicle and pedestrian means of access from Wapping Lane and Pennington Street, and landscaping of canal side; involving alterations and partial demolition of a listed building. Permitted – 21/05/1992.

122 – 132 Pennington Street

- 3.22 WP/96/00184 – Redevelopment by the erection of a building comprising 4585 sq. metres floorspace, for use as A1/A3/D2 (retail, restaurant, nightclub and leisure) with bridge link across Chigwell Hill. Permitted – 27/03/1997.
- 3.23 WP/94/00091 – Mixed development comprising of retail (A1), office (B1) and associated off-street parking (details as per previous expired approval TW/88/186) Permitted – 01/11/1994.
- 3.24 WP/88/00273 – Mixed development comprising retail (A1) offices(B1) & associated off street car parking - outline application. Permitted – 07/03/1989.

Unit 2, 110 Pennington Street

- 3.25 PA/99/00076 – Conversion of part (65%) of ground floor unit to wine bar/nightclub and new shop front. Permitted – 07/06/1999.

100 The Highway

- 3.26 WP/94/00109 – Erection of an additional storey to provide 23 self-contained flats. Appeal dismissed – 20/07/1995.

60 The Highway

- 3.27 PA/16/03549 – The demolition of the existing buildings and the construction of a building ranging from 7 to 16 storeys, comprising a replacement car showroom and vehicle servicing centre (sui generis) and associated parking, 152 residential units (Use Class C3) and amenity space. *Currently under consideration.*
- 3.28 PA/16/01049 – Demolition of existing buildings and construction of a new part 7/ part 8/ part 10/ part 11/ part 14 storey development to provide a replacement car showroom and servicing (use class sui generis) at ground and lower ground and 150 residential units (use class C3) on upper floors. Includes associated amenity space, cycle parking and refuse storage. No further action – 12/01/2017.
- 3.29 PA/15/00885 – Outline planning application for the demolition of existing buildings and the erection of a part 5, part 6, part 15 and part 19 storey building to include up to 230 residential units (Class C3), retail floorspace (Class A1), replacement car showroom (sui-generis) and associated parking, access and servicing arrangements (All matters reserved). Withdrawn – 27/04/2015.

4. PUBLICITY AND ENGAGEMENT

- 4.1 Upon validation of the application, the Council sent consultation letters to 173 nearby owners and occupiers on 21st March 2019. The application was advertised in the local press on 28th March 2019 and site notices were erected outside the site on 2nd April 2019. A total of 12 letters were received.
- 4.2 Following the receipt of amended plans and documents, further consultation was undertaken on 22nd May 2020 by way of neighbour letters. Full details of the representations received as part of the consultation exercises are detailed below.
- 4.3 A total of 12 letters of representation were received.
- 4.4 1 letter of support was received. Comments raised in support can be summarised as follows:
- Good to hear this hostile site will be redeveloped for much needed housing;
 - This underutilised part of the borough needs redeveloping;
 - Love that the proposal includes re-opening of the old pub and beer garden.
- 4.5 11 letters of objection to the proposal were received. Comments raised in objection can be summarised as follows:
- Scale and height of the building does not respect the existing local area, would harm the conservation area setting and the setting of heritage buildings in the area such as the Grade I listed Tobacco Dock and The Old Rose pub.;
 - Loss of the external beer garden of The Old Rose pub which is an integral part of the future viability of the public house especially with limited internal offering. No indication of where the kitchen ventilation and beer keg storage would be, intentionally undermining a future pub;
Officer's response: The pub would maintain the same floor area at basement, ground, first and second floor levels.
 - The Old Rose pub was once a vibrant pub and community hub until it was closed in 2011 and it is a heritage asset and one of the last remaining buildings on the Ratcliffe Highway and should be protected. A deed of easement should be added to ensure that future residents cannot complain about noise from the pub;
 - Conditions should be attached regarding internal /external alterations to the pub;
 - Addition of a mansard roof extension to the pub should be refused;
Officer's response: A mansard roof extension was not proposed as part of the full planning application; however this may have been shown in pre-application public consultation plans by the applicant.
 - Affordable homes are desperately needed along with a community centre, community café (accessible to local residents and those on low income), temporary supported housing for the homeless and space for social/psychiatric services;

Officer's response: Affordable housing has been proposed within the development. The site is not a Site Allocation where specific services are required by policy to be delivered. Flexible commercial uses are proposed which could potentially include community uses.

- Affordable housing and shared ownership proportion needs to be increased and managed strictly;
- Shared ownership homes should be sold back to the Housing Association and should not be rented out to non-family members;
- Private housing that is rented should have rent level controls. Planning contributions should only be spent on residents within 500m of the site;

Officer's response: Rent level controls for private housing do not fall under planning legislation.

- Removal of petrol station and restaurant detrimental to nearby elderly and disabled residents;
- Principle of redevelopment supported but assumptions on development parameters of the neighbouring Big Yellow site have not been arrived at through any discussion or engagement with Big Yellow;
- Future redevelopment potential of the neighbouring Big Yellow site should be taken into consideration and balconies to adjacent should be screened considering potential overlooking;

Officer's response: Balconies to adjacent to the neighbouring development have subsequently been screened.

- Height, scale and massing would result in a visually dominant and overpowering feature in the street scene and overdevelopment of the site;
- Scheme lacks articulation;
- Would result in increased sense of enclosure, mutual overlooking, loss of privacy, loss of outlook, loss of light which fails policy tests (particularly in terms of prejudicing the existing living conditions of occupiers) and BRE tests
- Tantamount to social cleansing of the ward;
- Lack of social and physical infrastructure in the locality. Any monies /funding as part of this scheme should be spent on amenities and facilities.
- Proposed commercial units shall be at sustainable rents so as not to lie vacant as empty units such as those opposite the site are a blight.

Officer's response: Rent controls for the commercial spaces are not within the remit of planning. The proposals were amended during the application process to reduce the

height, scale and massing, alter overall design and incorporate a pub garden. Other relevant planning issues are covered in section 7 of this report.

- 4.4 As detailed within the submitted Statement of Community Involvement (SCI), the applicant engaged with local residents with regards to the scheme by way of letter, to properties within a pre-defined area and by way of a public 'consultation session' for local residents on 27th November 2018. This consultation is satisfactory and complements the obligatory statutory notification undertaken by the Council.
- 4.5 The scheme has been developed in conjunction with extensive pre-application discussions held with officers at LBTH since 2013.

5. CONSULTATION RESPONSES

Internal consultees

LBTH Transportation and Highways

- 5.1 No objection to the proposal subject to conditions to secure the provision of a car free agreement; All accessible car parking spaces to be made available to all tenures and retained and maintained for their approved use only for the life of the development; All cycle parking / storage facilities to be retained and maintained for their approved use only for the life of the development; Details of the 5% larger cycle spaces, long term commercial cycle parking and short term cycle parking for all uses is provided; A full Service Management Plan to be submitted prior to occupation; The applicant will be required to enter into a s278 agreement with the highway authority and produce and agreed schedule of highway works which the applicant will fund; A robust construction management plan will be required for this site due to its location.
- 5.2 Following concerns on an inset servicing bay on Chigwell Hill reducing footway width, amendments were received to remove this. Appropriate vehicle tracking for refuse lorries was also provided. Measurements were shown that accessible car parking would be accessible by wheelchair through internal ground floor corridors. Concerned that a supermarket could occupy the commercial space and then servicing could be inadequate for that use.

Officer's response: A condition would be added to limit the size of commercial units to be amalgamated without planning permission in order to assess proposals for a potential supermarket.

LBTH Housing:

- 5.2 The applicant is providing 80 residential units. This includes a 35% affordable housing offer per habitable room which equates to 26 affordable units. Concerned with lack of intermediate family units. However taking into consideration the higher provision of 2 bed 4 person units, on balance the scheme is considered to meet general aims in regards to proceeding as Fast Track Viability.

LBTH Occupational Therapy:

- 5.3 Affordable accessible units were assessed and acceptable subject to full details to be secured by condition, subject to approval.

LBTH Health Impact Assessment:

- 5.4 Following amendments to the Health Impact Assessment, providing more information on playspace and social/affordable housing, the submission is deemed to be acceptable.

LBTH Heritage and Design:

- 5.5 Concerned that the pavement on The Highway is not wide enough to provide a more relaxing pedestrian movement experience with stronger green screening along the pedestrian-hostile Highway. Further to amendments reducing the height, scale and bulk of the development and tweaks to design, no objection subject to conditions securing full details and samples of external materials.

LBTH Regeneration:

- 5.6 Public benefits of the scheme are the pub and housing. Implications on surrounding development sites and potential wider masterplan need to be considered. Urban block could benefit from a break to improve permeability. The scheme is in several green grid buffer zones – so the site will have to contribute financially to green grid improvements. Also worth noting that the Council's Registry Office is moving to St George's Town Hall – so there will be more footfall

LBTH Waste Policy and Development:

- 5.7 Following amended refuse, servicing and waste strategy, considered to be acceptable.

LBTH Environmental Health (Pollution/Air Quality):

- 5.8 No objection, subject to conditions securing; ongoing maintenance regime for MVHR system; Demolition/Construction Environmental Management & Logistics Plan; NRMM emission compliance; air quality standards for boilers; kitchen extract standards for commercial uses.

LBTH Environmental Health (Noise/Vibration):

- 5.9 The noise report needs more work to sufficiently deal with the noise issues from the two night clubs and the pub. Unsure that the use of glazing would solve all the possible noise issues that may affect the operation of the clubs and deal with the agent of change issues.
- 5.10 The report appears to concentrate on overall noise levels in the area but doesn't take account of the possible intermittent noises associated with music outbreak or large numbers of people congregating outside at an entertainment venue or the possible outbreak of music noise. The issue is exacerbated by the licensing issues at Studio Spaces and the use of both indoor and outdoor areas. These issues need to be further covered and explained as it appears that they were missed from the original report. However it is considered these issues can be resolved via conditions and S106 depending on the license situation of Studio Spaces.

Officer's response: The outdoor area used by Studio Spaces is a temporary use which does not benefit from planning consent. Further details are provided in the main body of this report. Conditions and S106 clauses would be secured subject to approval in order to protect the use of the night venues.

LBTH Environmental Health (Contaminated Land):

- 5.10 No objections to the proposal subject to conditions relating to the submission of investigation and risk assessments for the site.

LBTH Biodiversity:

- 5.11 No objections subject to conditions securing full details of biodiversity mitigation and enhancement.
- 5.12 Following submission of a bat survey report, satisfied to proceed, subject to a condition securing a precautionary bat survey if works to the pub are not commenced by August 2021.

LBTH Arboriculture

- 5.13 Further to amendments received to type and location of trees, no objection.

LBTH Policy

- 5.14 Further to clarifications in regards to proposed A3, A4, D1 and D2 units, no objection.

LBTH Sustainable Urban Drainage

- 5.15 No objections subject to condition to secure a detailed drainage plan as outlined in the FRA and drainage statement restricting runoff up to 3.2 l/s.

LBTH Energy Efficiency:

- 5.16 No objection subject to a carbon off-setting contribution secured by S106 legal agreement to offset against the Council's zero carbon policy; conditions securing a zero carbon futureproofing statement; post construction energy note including 'as built' calculations; submission of a final BREEAM Certificate with 'Excellent' rating; Submission of final detailed specification of the PV array to demonstrate renewable energy generation on site has been maximised and PV integrated where compatible with proposed living roof.

LBTH Enterprise & Employment:

- 5.17 No objection subject to S106 legal agreement to secure financial contributions to support unemployed residents in construction phase and end-use phase, and non-financial contributions relating to procurement and apprenticeships.

External Consultees:

Thames Water:

- 5.18 No objections to the proposal subject to conditions requiring the submission of a Piling Method Statement and informatives.

Transport for London (TfL):

- 5.19 Following amendments and clarifications requested, subject to approval, conditions should be secured in regards to Delivery & Servicing Plan (DSP), Construction Management and Logistics Plan, Travel Plans and S278 agreement.
- 5.20 Cycle parking clarifications required on exact location of spaces. £250-300k contribution to be secured to improve pedestrian crossing outside the site.

Officer's response: A condition would be added to secure full details of all long and short stay residential and commercial cycle parking spaces. £250k contribution to be secured by S106 legal agreement, subject to approval.

Metropolitan Police (Designing Out Crime):

- 5.21 No objections to the proposal. Conditions required in relation to the Secure by Design compliance and standards.

Historic England

- 5.22 Further to amendments, reducing height, scale, bulk and massing, no further comments.

Historic England (Greater London Archaeological Advisory Service):

- 5.23 Further to amendments removing the basement level, pre-determination works no longer required. Pre-commencement conditions required for written schemes of investigation and details of foundation design and archaeological field investigation subject to approval.

Greater London Authority (GLA):

- 5.24 Principle of development: Residential-led mixed use development supported in the City Fringe Opportunity Area. No adverse impact on nearby town centres from out-of-centre commercial floorspace. Re-provision of the pub strongly supported subject to details of above-pub dwellings.
- 5.25 Housing: 35.1% affordable housing proposed. Grant funding must be investigated before the proposal can be considered under the Fast Track Route. Further detail on the affordable rent levels and the intermediate rent product and income thresholds should be provided.
- 5.26 Urban design: A density management plan should be provided and the design of the affordable units must be revised to ensure parity in quality with private units. The applicant has not fully addressed the Agent of Change principle and should carry out a further noise assessment to assess the need for acoustic protection for the restored pub and surrounding noise generating uses.
- 5.27 Heritage: Less than substantial harm caused to the setting of the Grade I listed Church of St George in the East if London Dock development not completed. The harm is offset by the public benefits of housing and a restored historic pub.
- 5.28 Transport: Further information required on accident analysis, cycle parking numbers, disabled parking and electric vehicle charging points. The commercial cycle parking, Construction Logistics Plan and Delivery and Servicing Plan should be secured by condition. Highways works should be secured by S278 agreement and a full Travel Plan should be secured in the S106 agreement (paragraph 50-56).
- 5.29 Further information on inclusive design, energy, air quality, water, and urban greening is required.

Officer's response: Further to amendments to the development, reducing the height to under 30m, GLA have confirmed that the application is no longer to be treated as a referable application.

London Fire Brigade

- 5.30 No comments received.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

Development Plan

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

The Development Plan comprises:

- London Plan (2016)
- Tower Hamlets Local Plan 2031 (2020)

- 6.2 The key Development Plan policies relevant to the proposal are:

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

Design – LP7.1, LP7.2, LP7.3, LP7.4, LP7.5, LP7.6; TH S.DH1, TH D.DH2
(layout, townscape, appearance, public realm, safety)

Heritage – LP7.8; TH S.DH3, TH D.DH4
(historic environment)

Housing – LP3.5; TH S.H1, TH D.H2, TH D.H3, TH D.H7
(housing quality, unit mix)

Amenity – LP7.6; TH D.DH8
(privacy, outlook, daylight and sunlight, noise, construction impacts)

Transport – LP5.17; LP6.9, LP6.10, LP6.13; TH S.TR1, TH D.MW3TH D.TR2, TH D.TR3,
TH D.TR4
(sustainable transport, highway safety and capacity, car and cycle parking, servicing,
waste)

Environment – LP 5.2, LP 5.3, LP 5.18, LP 7.14, LP 7.15, LP 7.19; TH S.ES1, TH D.ES2,
TH D.ES3, TH D.ES5, TH D.ES7, TH D.ES8, TH D.ES9
(air quality, biodiversity, contaminated land, energy efficiency and sustainability,
sustainable drainage)

6.3 The new London Plan is currently in draft form. The weight carried by most emerging policies is substantial. Some policies are subject to Secretary of State Directions made on 13/03/2020 and these policies have only limited or moderate weight. The statutory presumption still applies to the London Plan 2016 up until the moment that the new plan is adopted.

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

Land Use – H1, H4, H16 (previously H18), E3
(housing, affordable workspace)

Design – D3, D4, D5, D8, D11
(layout, scale, public realm, safety)

Heritage – HC1
(historic environment)

Housing – H6, D6
(housing quality)

Transport – T5, T6, T6.1, T7, SI 7
(car and cycle parking, servicing, waste)

Environment – G1, G5, G6, G7, SI 1, SI 2, SI 3, SI 4, SI 13
(air quality, biodiversity, energy efficiency and sustainability, sustainable drainage)

Other policies and guidance

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

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- National Design Guide (2019)
- LBTH, Draft High Density Living SPD (2020)
- LBTH, Draft Planning Obligations SPD (2020)
- LBTH, Development Viability SPD (2017)
- LBTH, Planning Obligations SPD (2016)
- LBTH, St George in the East Conservation Area Character Appraisal and Management Guidelines (2009)
- Building Research Establishment (BRE) "Site layout planning for daylight and sunlight: a guide to good practice" (2011)
- GLA, Culture and Night-time Economy SPG (2017)
- GLA, Affordable Housing and Viability SPG (2017)
- GLA, Housing SPG (2016)
- GLA, City Fringe Opportunity Area Planning Framework (2015)
- GLA, Character and Context (2014)
- GLA, Shaping Neighbourhoods: Play and Informal Recreation SPG (2012)

7. PLANNING ASSESSMENT

The key issues raised by the proposed development are:

- i. Land Use
- ii. Housing
- iii. Design
- iv. Heritage
- v. Neighbouring Amenity
- vi. Night-time Economy
- vii. Transport and Servicing
- viii. Environment
- ix. Infrastructure Impact
- x. Planning Benefits
- xi. Equalities and Human Rights

LAND USE

7.1 The existing site consists of a petrol filling station with ancillary retail unit (BP), a drive-through restaurant (McDonalds) and The Old Rose public house. The proposal involves the loss of the petrol filling station and drive-thru restaurant.

Loss of Petrol Filling Station

- 7.2 A petrol station appears to have been on the site since the early 1960s. Petrol stations fall under sui generis use class and their loss is not resisted by planning policy. The thrust of Development Plan policies seek to reduce reliance on car travel in London. For the reasons above, the loss of the petrol filling station is considered to be acceptable in principle.

Loss of Drive-through Restaurant

- 7.3 A drive-through restaurant (A3 use class) appears to have been on the site since the mid-1990s. The proposed ground floor commercial uses are flexible and are therefore open to the inclusion of a restaurant. As above, Development Plan policies seek to reduce reliance on car travel in London. In light of the above, the loss of the drive-through restaurant is considered to be acceptable in principle.

Proposed Housing

- 7.4 London Plan Policy 3.3 seeks to ensure the pressing need for more homes in London is recognised by increasing the supply of housing. Policy 3.8 seeks to ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.
- 7.5 Draft London Plan Policy H1 sets out objectives to increase the supply of housing and sets out ten year targets to be achieved and in particular sets out a target of 66,000 new homes for London each year for at least 20 years.
- 7.6 Policy S.H1 seeks to achieve the housing target of 3,931 new homes per year across the borough. This is proposed to be achieved by ensuring that development does not undermine the supply of self-contained housing – in particularly family homes. Development is expected to contribute towards the creation of mixed and balanced communities. In light of the above, the proposed new housing would be supported in principle, subject to compliance with all other policy considerations.

Proposed Flexible Commercial Space

- 7.7 The proposal involves the provision of 587sqm commercial space (flexible A1/A2/A3/A4/B1/D1/D2 use classes) consisting of 4 ground floor units adjacent to the pub. This proposed space would help to replace the ancillary retail space (134sqm) within the petrol station and the drive-thru restaurant (120sqm). Policy D.TC3 states that new retail development will be subject to a sequential test where it would be outside of town centres.
- 7.8 Policy D.TC5 states that A3/A4 units are supported within the Tower Hamlets Activity Area. In regards to potential office (B1 use class) space, policy D.EMP2 states that new employment space will be supported within the Tower Hamlets Activity Area and accessible locations along major transport routes. Furthermore it is considered that the B1 space would contribute to integrated placemaking and have a reasonable prospect of occupancy.
- 7.9 In regards to potential A2 financial and professional services uses, policy D.TC4 states that outside of town centres these can be supported where they would be local in scale and with a reasonable prospect of being occupied. In regards to potential D2 use class entertainment venues, policy D.TC5 states that these can be supported within Tower Hamlets Activity Areas. In regards to potential D1 community uses, policy S.CF1 states that outside of town centres these must be easily accessible and with local up-to-date need demonstrated.

- 7.10 A sequential test has been provided within the Retail Impact Assessment to demonstrate that other sites have been considered. The assessment states that there is a specific market and locational need for the commercial floorspace to be provided within the application site. It goes on to detail that the facilities proposed can only be located at application site as they are intended to serve the new residents of the proposed development and the local catchment area. The analysis of potential alternative sites demonstrates that there are no available, suitable and viable sites that can accommodate the proposed commercial element of the development. As a result, the application site is the most sequentially preferable site to accommodate the proposed development.
- 7.11 Overall, policy S.TC1 states that within Tower Hamlets Activity Areas, a mix of uses which make a positive contribution to health and well-being are supported. In light of the above, the proposed ground floor commercial units are acceptable in principle and would result in an uplift of commercial space, which would also be flexible. LBTH Policy are satisfied with the approach taken overall. Each of the commercial units would be less than 200sqm and retail uses on the site would be acceptable subject to a condition restricting amalgamation of units so that no retail unit would be larger than 200sqm without planning consent.

Changes to Use Classes Order

- 7.12 On 21 July 2020 the Government announced a number of changes to the planning system which came into force on 1 September 2020. Of note to the application proposals, the introduction of Statutory Instrument no. 757 would see changes to the Town and Country Planning (Use Classes Order) and the creation of three new use classes, Class E, Class F1 and Class F2.
- 7.13 The new 'E' use class effectively amalgamates a number of previously disparate use classes into this new use. In the context of the application proposal, the previously existing A1, A2, A3, B1, D1 and D2 would fall within the E class. A4 would fall within the Sui Generis category.
- 7.14 Statutory Instrument no. 757 does however stipulate transition arrangements for planning applications submitted prior to the 1st September 2020, such as the application proposal. These transition arrangements state that such applications should be determined with reference to the Use Classes as existing prior to 1st September 2020. It is on this basis that officers have considered the application proposals with reference to the Use Classes Order as existing, even though the application is to be determined after 1st September 2020, at a point when the new statutory instrument has come into effect.
- 7.15 Nevertheless, whilst the application proposals should be assessed and determined in accordance with the transitional arrangements (as per the following analysis), in officers' view the new legislation still amounts to a relevant material consideration. That is, it is relevant to note the legislative context against which the proposals would be considered in the event that they were re-submitted after 1st September 2020. However, whilst material, officers would afford them very limited weight in the determination of the application given the transitional arrangements in place while further noting that Statutory Instrument No. 757 is subject to legal challenge.
- 7.16 It is noted that the new E class would give a high level of flexibility as to the proposed uses and operation of the site. This degree of flexibility may be desirable for the site, taking into consideration its location outside of a town centre, introducing new non-car-based commercial units to this busy arterial route.

Retention of Public House

- 7.17 It is understood that The Old Rose public house was closed in 2011. Records indicate that there has been a public house on the site since the early 19th century. The proposal involves the retention and refurbishment of the public house building and bringing it back into use as a drinking establishment. Public house use class currently falls under A4 (drinking establishment) for this application, however under recent use class amendments it would fall under Sui Generis use class, which would offer greater protection, ensuring that there would no longer be change of use permitted development rights.
- 7.18 Ancillary space is still available within the retained basement of the pub, with the main pub area at ground floor, restaurant space proposed at first floor and ancillary landlord accommodation at second floor level. The scheme has also been amended to include a pub garden to the rear. Historically there appears to have been a larger area to the rear but this seems to have also been used as a car park and storage. In principle the retained and refurbished public house is supported by policy D.CF4.

HOUSING

Unit Mix

- 7.18 Policy 3.8 of the London Plan states that new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy D.DH2 seeks to secure a mixture of small and large housing. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2017).
- 7.19 The table below details the mix of unit sizes proposed, as they apply to the market, affordable and intermediate tenured residential units:

Unit Size	Total Units	Affordable Housing						Market Housing		
		Social/Affordable Rented			Intermediate			Units	As a %	Policy Target %
		Units	As a %	Policy Target %	Units	As a %	Policy Target %	Units	As a %	Policy Target %
Studio	4	0	41.2%	25%	0	22.2%	10%	4	25.9%	30%
1 Bed	19	7			2			10		
2 Bed	39	3	17.7%	30%	7	77.8%	40%	29	53.7%	50%
3 Bed	16	5	29.4%	30%	0	0%	45%	11	20.4%	20%
4 Bed	2	2	11.8%	15%	0			0		
Total	80	17	100%	100%	9	100%	100%	54	100%	100%

Figure 4: Housing unit mix

- 7.20 As per Figure 4 above, there is broad compliance with the desired policy unit mix for market tenured units, however there are inconsistencies within the proposed affordable rent and intermediate tenured units when referenced against policy guidance. There is slight under provision of family rented units within the affordable tenure. There are no 3/4-bed units within the intermediate tenure with a policy requirement of 45% however there is an overprovision of 2-bed 4-person units which would provide the same occupancy as 3-bed 4-person units. It is accepted that family sized intermediate units would not meet affordability criteria in this case.

Affordable Housing

- 7.21 The scheme proposes 35% (by habitable room) affordable housing comprising 26 out of 80 units with a 70% affordable rented / 30% intermediate tenure split. In regards to affordable rented units, a 50/50 product split would be provided between the London Affordable Rent and the Tower Hamlets Living Rent products, in line with the Council's Local Plan. This would ensure an appropriate provision is made to support the need for housing amongst local residents with various options made available as part of the development.
- 7.22 Taking into account the generally acceptable housing unit mix as above, it is considered that the proposed affordable housing provision would generally meet the Council's aspirations and that the application can follow the 'fast track' route whereby a Financial Viability Assessment need not be submitted, as also agreed by LBTH Housing and LBTH Development Viability.

Quality of Residential Accommodation

Internal Space

- 7.23 Policy D.H3 of the Local Plan requires that new dwellings meet up-to-date space and accessibility standards prescribed within the London Plan with particular regard for minimum internal space standards for unit types, minimum floor to ceiling heights and the provision of 10% wheelchair accessible and adaptable housing. The policy also highlights the requirement that affordable housing should not be of a distinguishable difference in quality.
- 7.24 The 80 residential units would be located at mezzanine level and above within the Chigwell Hill building, and from first floor and above within The Highway building. All proposed units would meet or exceed minimum internal floor space standards in regards to floor area and floor-to-ceiling heights.
- 7.25 8 units (10%) would be Part M 4(3) wheelchair adaptable or accessible in accordance with Policy D.H3. 6 of these units would be affordable rented, which is welcomed. 6 of the wheelchair adaptable/accessible unit would be located at podium (first floor) level, with 1 each at second and third floor level. The remaining 72 units would comply with Part M 4(2) of the Building Regulations. Full details of wheelchair accessible and adaptable units would be secured by condition, subject to approval.
- 7.26 Market and Affordable units would be accessed from The Highway (core A and core B) as well as Chigwell Hill (core C). The Chigwell Hill building would only contain affordable rented units however there are also affordable and intermediate units within The Highway building. All units would be able to access via each entrance allowing a mixed and balanced community. Cores A and B would be provided with one lift and core C would have two lifts. Each core would also have access to its own refuse and cycle stores around building entrances. 3 units would have their front entrance facing the podium courtyard which would help to activate this central space.
- 7.27 In regards to outlook, 61% of residential units would benefit from dual aspect outlook. Importantly, none of the proposed single aspect units would be solely north-facing over The Highway. 73% of the affordable units would benefit from dual aspect outlook. The distance between windows on rear wings would be 18m which would not result in unacceptable overlooking. There would be some oblique overlooking possible across corners from rear wings to The Highway building however there would not be direct overlooking and screening is proposed to balcony areas.
- 7.28 Taking into consideration surrounding noise, the application site is located adjacent to a busy arterial vehicular highway and would also experience potential noise impacts from existing night venues to the south. The applicant has proposed mechanical ventilation as well as enhanced glazing in order to protect against surrounding noise sources. LBTH Noise Team

have assessed the submitted Noise Impact Assessment and are content that conditions can be applied, subject to approval in order to protect the amenity of future occupiers.

Internal Daylight and Sunlight

- 7.29 Policy D.DH8 requires the protection of the amenity of future residents and occupants by ensuring adequate levels of daylight and sunlight for new residential developments. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). The primary method of assessment of new build accommodation is through calculating the average daylight factor (ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 7.30 Further guidance is provided with regard to sunlight, with the BRE guidance stating that in general, a dwelling which has a particular requirement for sunlight will receive reasonable sunlight if at least one main window faces within 90 degrees due south and the centre of one window to a main living room can receive 25% annual probably sunlight hours (APSH), including at least 5% annual probably sunlight hours in the winter months (WPSH) between 21 Sept and 21 March
- 7.31 The applicant has provided a Daylight, Sunlight and Overshadowing Assessment (DSOA), undertaken by Lichfields. This has been reviewed by Delva Patman Redler on behalf of the Council.
- 7.32 The DSOA provides results for the new habitable rooms to be created within the proposed development. Results have been provided for VSC daylight, NSL daylight and ADF. The DSOA shows that 96% of the habitable rooms in the scheme would comply with the recommended minimum levels for ADF with many of those rooms that do not meet the standard falling only marginally falling below. Taking into consideration the possibility of the previously consented Pennington Street Hotel being built out across Chigwell Hill, 190 of the 242 rooms would still meet the recommended minimum levels of ADF, although that increases to 233 out of 242 rooms if the living room/kitchen/diner rooms are assessed against a standard of 1.5% ADF which the Council's consultant considers appropriate.
- 7.33 The worst affected rooms would be living room/kitchen/dining rooms (LKD) located close to the internal corners of the courtyard and with the kitchens at the rear of these rooms. 1 triple aspect outlook 3-bedroom affordable unit at ground floor would have an LKD as above. A dual aspect 2-bedroom intermediate unit at second floor level would also have an LKD as above. These large multiple use rooms result in lower overall ADF values, however it is likely the ADF to the living room area alone would be noticeably better. Separation of the living room area from the kitchen would likely result in kitchens which would not need to be assessed as habitable rooms. The results are also exacerbated by the windows to these rooms being set back behind recessed balconies, limiting sky visibility both from overhead and to the side.
- 7.34 The annual probable sunlight hours results would not be compliant with the BRE recommended minimum levels. APSH analysis shows that 32% of the rooms tested, regardless of orientation, will comply with BRE guidance. Of the south facing rooms, the analysis shows 43% of the 111 rooms tested will see full compliance with the guidance. The Council's daylight and sunlight consultant (Delva Patman Redler) agrees with the DSOA analysis in that it would be difficult to achieve better levels of sunlight for a building of this site density and shape with recessed balconies as external amenity space to living rooms.
- 7.35 The podium courtyard spaces have been assessed in regards to access to potential overshadowing and 96.2% of these spaces would receive sun on the ground for 2 hours, which would comply with BRE guidance which states a guideline of 50% for 2 hours.

Amenity Space & Child Play Space

- 7.36 In relation to communal amenity space, Policy D.H3 requires the provision of a minimum 50sqm for the first 10 units of a development and a further 1sqm for every additional unit. With the proposed 80 residential units, this equates to a minimum provision requirement of 120sqm across the development. Policy D.H3 requires major developments to provide a minimum of 10sqm of high quality play space for each child, calculated using the LBTH 'child yield' calculator. The proposal would provide communal amenity and play spaces at podium level and at the fourth floor roof level of the Chigwell Hill building with a total combined area of 493sqm (plan show in Appendix 2).
- 7.39 The development would generate a child yield of 34 total children, which requires a minimum 337sqm of play space according to the Tower Hamlets calculator. The play space would be located within the podium courtyard (267sqm) and at fourth floor level (70sqm) of the Chigwell Hill building, which could be accessed directly from all cores and tenures. Residents from both the market and affordable/intermediate tenured units would have shared access to all play and amenity spaces within the development. A condition would be applied to the development to ensure this. Excluding circulation spaces, approximately 337sqm child play space would be provided, which would satisfy the policy requirement.
- 7.40 Communal amenity space would be located within the podium courtyard (150sqm) and at fourth floor level of the Chigwell Hill building (60sqm). Excluding circulation spaces, approximately 210sqm would be provided which would be in excess of the policy requirement of 120sqm. Furthermore, 170sqm supplementary indoor communal space would be provided at podium level – the detailed use of this space would be subject to condition.
- 7.41 Indicative landscape drawings have been provided showing preliminary detail on the layout of communal and child play space areas. The spaces would be well overlooked with a good level of passive surveillance. Full details of play equipment specifications, landscaping and layout would be secured by condition, subject to approval.

Conclusion

- 7.42 Overall it is considered that the proposed development would provide a high standard of residential accommodation in compliance with the Development Plan.

HERITAGE AND DESIGN

- 7.43 Policy S.DH1 of the Local Plan (2020) requires developments to meet the highest standards of design, layout and construction which respects and positively responds to its context, townscape, landscape and public realm at different spatial scales. Developments should be of an appropriate scale, height, mass, bulk and form in its site and context. Policy S.DH3 requires that the significance of heritage assets are preserved in any development scheme.
- 7.44 Policy D.DH2 of the Local Plan (2020) requires development to contribute to improving and enhancing connectivity, permeability and legibility across the borough. Developments should optimise active frontages towards public streets and spaces, provide clear definition of building frontage and massing and allow connection and continuity of pedestrian desire lines at a human scale.
- 7.45 Chapter 7 of the London Plan sets out a range of policies seeking to ensure high quality living spaces. More specifically, policy 7.6 of the London Plan sets out that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. The highest quality materials and design should be incorporated. Policy 7.8 states that

development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Height, Scale and Massing

- 7.56 The application proposes the construction of a 7 storey (25.4m to 25.9m height from street level on The Highway) main building on The Highway. The height would stagger down to 5 storeys (20.9m height from street level on The Highway; 17.8m height from street level on Chigwell Hill) towards the 3 storey refurbished public house at the corner with Chigwell Hill. The scheme has significantly reduced from the originally submitted part 8, part 9 and part 10 storey proposal. The amended scheme is considered to be much more appropriate for the relationship with the retained pub at the corner within the conservation area and for the setting of the Grade I listed St George-in-the-East Church, identified as a local landmark where setting and views of which should be protected. The introduction of a 'gap' space as a garden area at the rear of the pub on Chigwell Hill also helps to mitigate the massing impact on the exiting low-rise pub building.
- 7.56 Figure 5 below shows surrounding existing massing. Chi Buildings and Orchid Apartments to the north of The Highway rise from 7 storeys to 9 storeys at their highest however their massing is broken up in the middle by a through-route and that development is not as wide as the application proposal. To the east is currently a large, empty plot of land at 134 to 140 Pennington Street & 130, 136 & 154 to 162 The Highway. There is an old consent on the land for a 4 to 8 storey hotel building which appears not to have been implemented but should be taken into consideration for indicative local heights.



Figure 5: Proposed massing in existing local context

- 7.57 As per Figure 5 above, there is an undeveloped plot of land to the south at 122-132 Pennington Street. This land has various expired consents relating to Tobacco Dock redevelopment. Currently it is referred to as 'Site 5' and is used as an outdoor drinking area. To the south-west and west is an L-shaped mixed use (various uses such as offices, light industrial, storage, photographic studios and nightclub) building which is 2 storeys on The Highway and 3 storeys at Pennington Street.
- 7.58 As Figure 6 below, consented massing of the London Dock development can be seen to the south-west, comprising towers of up to 25 storeys (shown on Figure 6 below). To the east can

be seen the hotel development consented on The Highway. It is unclear whether the consent has been implemented however the approved massing is a material consideration.

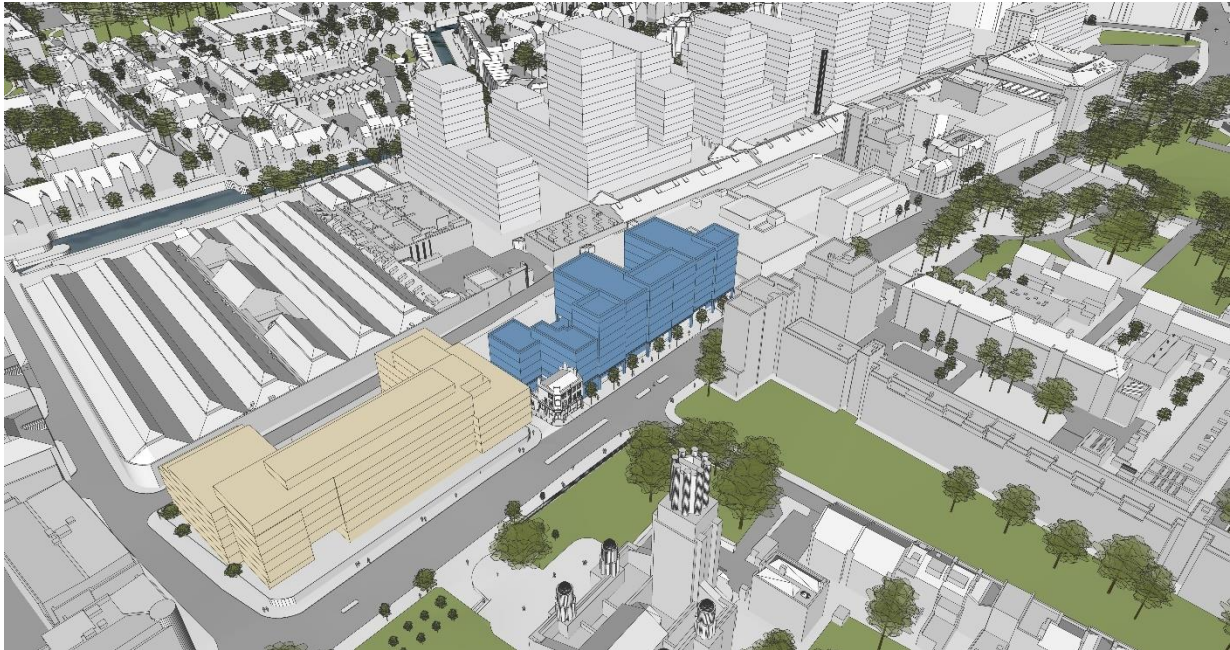


Figure 6: Proposed massing in consented local context

- 7.59 The height, scale and massing of the development is considered to be proportionate to the existing and emerging context of the surrounding area and would not be out of place in its setting.

Layout

- 7.60 In regards to ground floor layout and visual treatments, the development would contain predominantly active commercial frontages along with residential and servicing entrances to the north towards The Highway. There would be a residential entrance to Chigwell Hill along with some pub/pub garden facing and servicing frontage providing additional active frontage to this narrow under-surveilled route.
- 7.56 The proposal would involve a much improved public realm facing The Highway with the introduction of a continuous, new paved surface and provision of 8 trees in this location. The footway available would also be extended by way of a colonnade towards the active frontages which would be overhung by the development. Although it would be preferred for the building not to overhang in order to allow a more generous and open public realm towards The Highway, this is considered to be acceptable taking into consideration the main building line would still be set behind the pub along with the acceptable height, scale and massing as mentioned above.
- 7.57 The massing of the proposed development would follow an E-shaped form to allow landscaped courtyards for communal amenity and play space behind The Highway frontage building, whilst also respecting potential future neighbouring development potential to the south.



Figure 7: The Highway front elevation (originally submitted scheme in red outline)

Materials and Appearance

- 7.58 The main facing materials proposed are clay-facing brickwork of red and cream buff bricks. The elevation design and fenestration is considered to be rational, applying a symmetric approach of five main 7 storey 'bays' strengthened by the varied heights of parapets and the difference between set-backs and set-forwards. The vertical recessed gap between the seven-storey bay and the five story 'transitional volume' is appreciated.
- 7.59 The GRC coping and bandings, and the deep reveals of window openings / column elements/ horizontal sub-division elements, are welcomed. However, its success relies on the depth of the brickwork reveal around the columns or vertical elements, sub-divisions, and windows. 1:20 sections are required to demonstrate the details of both brickwork and GRC's 'robustness' and 'depth', opening reveals, brick coursing detail, plinth element, balcony, balustrade, soffit, parapet, entrances/ external doors and gates. PPC aluminium window systems and metal balustrades are also proposed.
- 7.60 The Old Rose public house is not a listed or locally listed building and so the internal fittings are not protected. However the external refurbishment has been confirmed and full details of external details and materials would be secured by condition, subject to approval.
- 7.61 Full details and samples of external materials would be secured by condition, subject to approval. Overall the materials and overall appearance of the building are considered to be consistent with guidance within the Development Plan.

Landscaping

- 7.62 Figure 8 below shows indicative landscaping within the podium and public realm. Preliminary landscape drawings for the podium (located at first floor level) and roof garden have been submitted to support the application and feature elements within the development as well as within the proposed public realm areas. Hard landscaping features include planters, pergolas, sporting/gym equipment, lounge and bench structures, play equipment, decked and turfed areas spread across the building's shared amenity areas and roof. Hard landscaping within the public realm areas to the north and west of the site includes high quality paving materials.
- 7.63 Areas of plantings with a mix of native trees and plants are proposed across the development and within the public realm. In regards to policy G5 of the Draft London Plan, the scheme would achieve an Urban Greening Factor score of 0.4 which would meet the policy aim for a predominantly residential development, ensuring a good level of urban greening within the

site. The submitted landscaping document makes mention of areas of artificial grass and greening however these would not be acceptable – natural greenery would be secured by condition, subject to approval.



Figure 8: Indicative landscaping within podium and public realm

7.64 Overall, the landscaping approach is supported and would ensure a high quality design response that would create attractive areas of public open space. Full details of landscaping, greening and play space would be secured by condition, subject to approval.

Density

7.65 The proposal would have; 240 habitable rooms; 80 units; be based in an Urban setting; benefit from a public transport accessibility (PTAL) range of 4-6; be on a site area of 0.29 hectares. The proposal would therefore have 3 hr/u and so the appropriate density ranges specified by policy 3.4 would be 200-700 hr/ha and 70-250 u/ha.

Policy 3.4 appropriate hr/ha	Proposal hr/ha	Proposal hr/ha (taking into account commercial)
200–700 hr/ha	827 hr/ha	960 hr/ha
Policy 3.4 appropriate u/ha	Proposal u/ha	Proposal u/ha (taking into account commercial)
70–260 u/ha	276 u/ha	320 u/ha

Figure 9: Density of proposed development

- 7.66 In accordance with the Mayor of London's Housing SPG, for calculating the density of vertically mixed use schemes, (i.e. where housing is on top of non-residential uses), the SPG states that it may be appropriate for the size of the site to be reduced by an amount that is equivalent to the proportion of total floorspace allocated to non-residential uses (both below and above ground, measured as GIA) before calculating residential density in the normal way. Accordingly the total floorspace for all uses is 6,608sqm, comprising 829sqm commercial floorspace and 5,779sqm residential floorspace. The proportion of commercial floorspace is therefore 12.5%. The appropriate site area to be calculated (reduced by 12.5%) would therefore be 0.25ha. The appeal scheme residential densities, taking into consideration commercial floorspace would therefore be 320 u/ha and 960 hr/ha, which are further away from the ranges specified as Figure 9 above shows.
- 7.67 Paragraph 1.3.51 of the Housing SPG states that in appropriate circumstances it may be acceptable for a particular scheme to exceed the ranges in the density matrix. To be supported, the Housing SPG states that schemes that would exceed the ranges in the matrix must be of a high design quality and should be tested against the following considerations:
- a. *The factors outlined in Policy 3.4 including local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;*
 - b. *the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;*
 - c. *the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with the housing quality standards set out in Part 2 of this SPG;*
 - d. *scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';*
 - e. *depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;*
 - f. *the residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location;*
 - g. *the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and*
 - h. *whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (eg. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).*
- 7.68 It is noted that the proposal exceeds the recommended residential density from policy 3.4 and whilst these figures are not to be applied mechanistically, it is important to be mindful of the need to be alert to the symptoms of overdevelopment flowing from high residential density. Taking into consideration the points above, it is considered that the exceedance of the density guidelines in this instance is not considered to warrant a reason for refusal, based on: the acceptable height, scale and massing in its local context; very good public transport

accessibility of the site; high quality of residential accommodation proposed; allowances of massing for neighbouring development potential; acceptable housing provision including policy compliant affordable housing; acceptable waste and cycle parking facilities proposed.

- 7.69 Further to the above, it is also a material consideration that the density matrix guidelines have been removed from the Draft London Plan in terms of the mechanistic calculations in favour of a more qualitative approach.

Heritage

- 7.70 Development Plan policies require proposals affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Policy S.DH3 requires development to protect and enhance the borough's conservation areas including their setting.

The Old Rose

- 7.71 The Old Rose public house is located within the St George in the East Conservation Area. Figure 9 shows the relationship between the proposed new buildings and the pub. The new buildings would step down to 5 storeys on The Highway to take account of The Old Rose. On Chigwell Hill, the pub garden setting is reintroduced. The pub previously had a pub garden shared with its own car park. The pub garden allows a gap and breathing space with the 5 storey block on Chigwell Hill.

- 7.72 The development proposes to refurbish the public house, which is considered to be a significant public benefit. It is understood that the pub has been closed since 2011 but a pub has been on the site since the early 19th century. Overall it is considered that there would be less than substantial harm caused by the larger build new development in such close proximity; however it is considered that the wide range of public benefits (identified in Heritage conclusion) of the development including bringing the pub back to use would outweigh any possible harm..

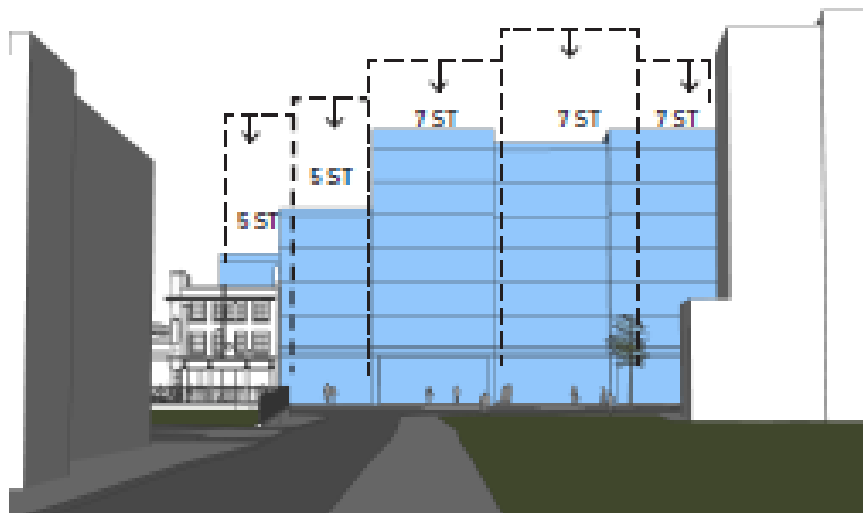


Figure 9: Relationship with The Old Rose from Cannon Street Road (originally submitted scheme in outline)

Grade I listed St George in the East

- 7.73 In regards to the Grade I listed Church of St George in the East, 60m to the north-west, the relationship with the proposed development is shown in Figure 10. The proposal would be

viewable in conjunction with the listed church from the church gardens however it would appear to be sufficiently subservient in this view.



Figure 10: Proposed view in relation to Church of St George in the East (without consented neighbouring massing to the east)

Grade I listed Tobacco Dock/Grade II listed Pennington Street Warehouses

7.74 In regards to the Grade I listed Tobacco Dock is 30m to the south and the Grade II listed Pennington Street warehouses, 35m to the south-west due to the current arrangement of underutilised and derelict land around the site, limited views of Tobacco Dock are available from The Highway across the petrol station forecourt. Any development on the site would be anticipated to remove these unexpected and limited views. There is also an undeveloped site behind the application site in-between with Tobacco Dock which would be likely to remove these views if it ever becomes developed.

7.75 Overall it is considered that the proposal would preserve surrounding listed buildings, their settings or any features of special architectural or historic interest which they possess in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conservation Area

7.76 In regards to its affect on the conservation area generally, the most significant impacts would be on The Old Rose public house and the Church of St George in the East, as already described above. Apart from The Old Rose, the remainder of the conservation area is located across The Highway to the north with ample separation.

7.77 It is considered that there would be less than substantial harm to the public house and the setting of the conservation area generally. Paragraph 196 of the NPPF states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

- 7.78 It is considered that public benefits of the scheme such as, regeneration of the site, policy compliant affordable housing provision, enhanced public realm, construction phase jobs, new flexible commercial space, end-user employment, and refurbishment and reopening of the public house would outweigh the less than substantial harm identified to any heritage assets. Overall it is considered that the proposed development would preserve the character and appearance of the conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

- 7.79 Further to the above, policy S.DH3 states that “any harm to the significance of a heritage asset must be justified having regard to the public benefits of the proposal.” The public benefits of the development (listed in the Planning Benefits section) are considered to be significant and to outweigh harm to the significance of heritage assets.

NEIGHBOURING RESIDENTIAL AMENITY

- 7.80 There are 2 residential buildings which may be affected by the proposed development. Chi Building and Orchid Apartments are both located across The Highway to the north.

Outlook, Sense of Enclosure and Overlooking

- 7.81 In regards to impacts on outlook, sense of enclosure and mutual overlooking, the proposed development would be located over 18m away from Chi Building and Orchid Apartments. These 9 storey residential buildings are located 22m to the north and north-west of the application site. 18m is considered by policy D.H8 to be an acceptable distance between facing habitable room windows therefore overlooking is not considered to be an issue for the development.
- 7.82 Although the proposal would have some impact on outlook and sense of enclosure, based on the application site being 22m away, separation distance is considered to be adequate. Furthermore it is considered that the low rise massing of the application site is not typical of such a dense, inner city location, evidenced by the heights of the residential buildings across The Highway. With such an accessible location within the City Fringe Opportunity Area, such low rise development would not be expected to be maintained in future development plans.

Daylight, Sunlight and Overshadowing

- 7.83 Policy D.DH8 seeks to ensure that development must not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development and must not result in an unacceptable level of overshadowing to surrounding open space and private outdoor space. Supporting text of the policy states that a daylight and sunlight assessment, following the most recent version of the Building Research Establishment (BRE) handbook ‘Site Layout Planning for Daylight and Sunlight’ (2011) (‘BRE handbook’)

Daylight and Sunlight

- 7.84 Chi Building and Orchid Apartments have been tested in relation to daylight, sunlight and overshadowing impacts and the results recorded in the submitted Daylight, Sunlight and Overshadowing Assessment (DSOA) conducted by Lichfields. This report have been independently reviewed on behalf of the Council by Delva Patman Redler.
- 7.85 The BRE handbook provides guidance on daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim *‘is to help rather than constrain the*

designer. The BRE handbook states that for calculating daylight to neighbouring properties affected by a proposed development, vertical sky component (VSC) and daylight distribution (NSL – no sky line) assessments are to be undertaken.

- 7.86 VSC is a daylight measure that represents the amount of visible sky that can be seen from the mid-point of a window, from over and around an obstruction in front of the window. That area of visible sky is expressed as a percentage of an unobstructed hemisphere of sky, and, therefore, represents the amount of daylight available for that particular window; however it does not take into account the number or sizes of windows to a room, room dimensions or the properties of the window itself.
- 7.87 The BRE handbook suggests that a window should retain at 27% VSC or retain at least 80% of the pre-development VSC value to ensure sufficient daylight is still reaching windows. The 27% VSC value is a target applied for all building typologies and urban environments.
- 7.88 There is no definitive categorisation for impacts that exceed BRE guidelines, however the following significance criteria banding was used when summarising the overall daylight and sunlight effects to the surrounding buildings;
- Negligible impact; 0-20% loss against existing
 - Minor adverse impact; 20-30% loss against existing
 - Moderate adverse impact; 30-40% loss against existing
 - Major adverse impact; Above 40% reduction
- 7.89 No-sky line (NSL) is a separate daylight measure assessing the distribution of diffuse daylight within a room, otherwise known as daylight distribution (DD). NSL assesses where daylight falls within the room at the working plane (850mm above floor level in houses). Daylight distribution assessment is only recommended by the BRE Report where room layouts are known however they can also be estimated. The NSL simply follows the division between those parts of a room that can receive some direct skylight from those that cannot. Where large parts of the working plane lie beyond the NSL, the internal natural lighting conditions will be poor regardless of the VSC value, and where there is significant movement in the position of the NSL contour following a development, the impact on internal amenity can be significant.
- 7.90 When comparing the NSL for existing buildings against that proposed following development, BRE guidelines state that if the NSL moves so that the area of the existing room which receives direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit.
- 7.91 Average daylight factor (ADF) is a measure of the adequacy of diffuse daylight within a room, and accounts for factors such as the size of a window in relation to the size of the room; the reflectance of the walls; and, the nature of the glazing and number of windows. A small room with a large window will be better illuminated by daylight compared to a large room with a small window, and the ADF measure accounts for this. ADF is most appropriately used to assess daylight levels for proposed residential units
- 7.92 BRE guidelines confirm that the acceptable minimum ADF target value depends on the room use. That is 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. In cases where one room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. Notwithstanding this, it could be considered that, in practice, the principal use of rooms designed as a 'living room/kitchen/dining room' is as a living room. Accordingly, it would be reasonable to apply a target of 1.5% to such rooms.
- 7.93 The BRE handbook states that for calculating sunlight to neighbouring properties affected by a proposed development, annual probable sunlight hours (APSH) is a measure of direct sunlight

that a given window may expect over a year period. The BRE handbook recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. The BRE handbook recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period.

Assessment

- 7.94 There are 2 residential properties around the site identified by the DSOA which could be impacted in regards to daylight and sunlight, by the proposed development.
- 7.95 A 3D computer model of the proposals and surrounding properties has been produced, and the assessment has been aided by online research and onsite observations. The model includes window locations and internal configurations. Assumptions have been made regarding the internal layouts of the rooms where plans were not available, as access was not requested to adjoining properties. It is noted that when an assessment has been based on estimations and assumptions, a tolerance should be applied as there is potential for inaccuracies to occur. Window maps have been also been supplied by the applicant which allows cross reference of the locations with the results for the Vertical Sky Component and Annual Probable Sunlight Hours tests.
- 7.96 The technical analysis within the applicant's report demonstrates that in relation to VSC daylight, windows within 2 neighbouring residential properties overlooking the site (shown on Figure 11 below) have been analysed:
- Chi Building
 - Orchid Apartments



Figure 11: Chi Building and Orchid Apartments (in blue) in relation to the proposed development (in green)

Chi Building

- 7.99 Chi Building is located approximately 22m to the north-west of the application site across The Highway. Chi Building has commercial use at ground level and residential units above rising to 9 storeys. Figure 12 below shows the general compliance with BRE guidelines for daylight and sunlight impacts.
- 7.100 In regards to impacts on daylight, results show that 39 of the 52 windows assessed would meet the BRE standard for reduction in VSC daylight. 12 of these would experience a major adverse impact and 4 would experience a moderate adverse impact. For NSL daylight, 38 of the 40 rooms would meet the BRE standard.
- 7.101 It is considered that the results for this building are affected by their own architectural design, where the worst affected rooms are set behind and beneath recessed balconies. It is therefore relevant that whilst there are moderate and major losses to VSC daylight, the NSL daylight results show that the windows will still have a good outlook. It should also be understood that a residential building should not significantly rely on daylight and sunlight from neighbouring sites, especially brownfield sites in Opportunity Areas, in order to deliver adequate quality of accommodation.
- 7.102 An alternative assessment with VSC tested on the face of the elevation, negating recessed balconies, does show a notable improvement in results does illustrates that having windows recessed does itself limit the daylight received. However, even if all windows were on the face of the elevation without recessed balconies, the scheme would not be fully compliant with the BRE recommended standards for VSC daylight.
- 7.103 The Council's consultant has reviewed the DSOA findings and considers that the impact on daylight to the Chi Building would be minor to moderate adverse on balance.

- 7.104 In regards to impacts on sunlight, results show that 33 of the 44 windows assessed would meet the BRE recommended reduction level. Where more noticeable reductions occur this, as with daylight impacts, these are exacerbated by the windows being behind recessed balconies, and where existing sunlight levels are already low as a result. The Council's consultant has reviewed the DSOA findings and considers that the impact on sunlight to the Chi Building would be minor to moderate adverse on balance.
- 7.105 Additional information providing detailed floor plans and analysis of the first, second and third floor levels has been provided. W6 and W7 at first, second and third floor levels would suffer major or moderate impacts to VSC. W6 at these three floors serves a single bedroom which would also fail BRE NSL guidelines. It should be taken into consideration that floor plans confirm that these 3-bedroom units benefit from dual aspect outlook and that W6 and W7 are self-hindered by overhanging balconies, and that they would contain a bedroom which would not be impacted by the development, along with the generally compliant NSL figures, it is considered that the retained amenity for worst impacted units within Chi Building would be acceptable.
- 7.106 Officers requested that a cumulative assessment was undertaken to show impacts on neighbouring residential units if the Pennington Street Hotel was also built out. The results do not show any significant additional impacts on neighbouring residential units if both developments were to be built out.
- 7.107 The submitted assessment demonstrates that the proposed development would adversely impact the daylighting and sunlighting conditions within this building and would result in some failures in BRE compliance. Taking into consideration the low-rise massing of the site has a significant bearing on Chi Building, the daylight and sunlight levels enjoyed by these properties are considered unusual for a City Fringe location which, coupled with their proximity to the carriageway and self-hampering effect of their architectural features, makes them potentially sensitive to any meaningful increase in massing at the site.
- 7.108 The proposed development is noticeably lower in height than Chi Building. Furthermore taking into consideration that there would be no significant impacts on outlook, sense of enclosure and overlooking, overall it is considered that the retained amenity for Chi Building would be acceptable on balance and that impacts on daylight and sunlight would not warrant refusal.

Address	VSC compliance	DD compliance	APSH compliance
Chi Building	39/52	38/40	33/44
Orchid Apartments	49/72	30/47	39/48
TOTALS	88/124 (71%)	68/87 (78%)	72/92 (78%)

Figure 12: Daylight and sunlight compliance of neighbouring residential blocks

Orchid Apartments

- 7.99 Orchid Apartments is located approximately 22m to the north of the application site, directly across The Highway. Orchid Apartments has commercial use at ground level and residential units above rising to 9 storeys. Figure 12 above shows the general compliance with BRE guidelines for daylight and sunlight impacts.
- 7.100 In regards to impacts on daylight, results show that 49 of the 72 windows would not meet the recommended BRE standard for VSC daylight. Of these 7 would experience a moderate adverse impact and 12 would experience a major adverse impact. 30 of the 47 rooms would meet the BRE standard for NSL daylight with 3 of these experiencing a moderate adverse impact and 12 experiencing a major adverse impact.

- 7.101 As with Chi Building, the fact that windows are set back by recessed balconies is considered to exacerbate the impact of the development but in this case there are also notable major impacts to daylight distribution to rooms not affected by balconies that are directly opposite the proposed development. The alternative assessment with VSC calculated on the face of the elevation, negating recessed balconies, does show improvements as would be expected but still does not show full compliance with the recommended BRE standards.
- 7.102 The Council's consultant has reviewed the DSOA findings and considers that the impact on daylight would be major adverse to one flat on each of the first and second floors facing the proposed development, and moderate adverse for the other flats assessed on first, second and third floors on balance. As with Chi Buildings, the impacts need to be understood in the context that a residential building should not significantly rely on daylight and sunlight from neighbouring sites, especially brownfield sites in Opportunity Areas, in order to deliver adequate quality of accommodation.
- 7.103 In regards to impacts on sunlight, results show that 39 of the 48 windows assessed would meet the BRE recommended reduction level. The impact is therefore considered to be negligible.
- 7.104 Additional information providing detailed floor plans and analysis of the first, second and third floor levels has been provided. Although the majority of windows facing the development for the six flats on these three floor levels would suffer major, moderate and minor adverse VSC, NSL and sunlight failures, floor plans indicate that these units benefit from either dual or triple aspect outlook and they all also contain habitable rooms which do not face and would not be impacted by the development. Furthermore floor plans confirm that some of the impacted windows are self-hindered by overhanging balconies.
- 7.105 Officers requested that a cumulative assessment was undertaken to show impacts on neighbouring residential units if the Pennington Street Hotel was also built out. The results do not show any significant additional impacts on neighbouring residential units if both developments were to be built out.
- 7.106 The submitted assessment demonstrates that the proposed development would adversely impact the daylighting and sunlighting conditions within this building and would result in some failures in BRE compliance. Taking into consideration the low-rise massing of the site has a significant bearing on Chi Building, the daylight and sunlight levels enjoyed by these properties are considered unusual for a City Fringe location which, coupled with their proximity to the carriageway and self-hampering effect of their architectural features, makes them potentially sensitive to any meaningful increase in massing at the site.
- 7.107 The proposed development is noticeably lower in height than Orchid Apartments. Furthermore taking into consideration that there would be no significant impacts on outlook, sense of enclosure and overlooking, overall it is considered that the retained amenity for Chi Building would be acceptable on balance and that impacts on daylight and sunlight would not warrant refusal.

Overshadowing

- 7.108 In relation to the potential overshadowing of gardens and open spaces, BRE guidance sets out that the centre of an existing area should receive at least two hours of sunlight on the 21st March. Outdoor amenity space for Orchid Apartments at the corner of The Highway and Cannon Street Road has been identified. Sun on the ground would reduce from 92% to 91% coverage for this public amenity space, which would be a negligible impact. Church gardens for St George in the East across Cannon Street Road have also been assessed and there would be no impact on this public amenity space. Overall the proposed development would not have significant overshadowing impacts on neighbouring amenity areas.

Conclusions on Daylight, Sunlight and Overshadowing

- 7.109 Policy D.DH8 requires that new developments should not result in an unacceptable material deterioration of the daylighting conditions of surrounding development including habitable rooms of residential dwellings. In assessing the proposals against the above policy context, the existing site conditions and location of the proposals are also of relevance. In this regard it should be noted that the application site currently only has low scaled structures and neighbouring sites, with a number of windows orientated towards or receiving daylight from the application site. It is therefore considered that any substantial above ground development on the application site would result in daylight and sunlight implications to surrounding properties.
- 7.110 It is also noted from the submitted assessment that contributing factors including existing balconies plays a significant role in the impacts of the proposed development on surrounding properties. It is also acknowledged that daylight and sunlight levels for buildings within an urban context are more likely to incur shortfalls.
- 7.111 Further to the above, it is noted that planning policies promote optimisation of underutilised sites and a variety of land uses. When taken in the context of the transgressions from BRE guidance, the wider benefits of the proposed development and the existing site conditions, it is considered that the proposed development would not result in an unacceptable impact on daylighting or sunlighting conditions to surrounding properties.

Impact on Potential Neighbouring Development Sites

- 7.124 The application site currently has vacant, undeveloped plots of land to the east and south. To the west and south-west is a low rise, mixed use warehouse building (Big Yellow Self-Storage) which has been subject to pre-application discussions in recent years. The layout of the proposed development has sought to respond to neighbouring development potential in not having windows within close proximity to boundaries to the west or south. Balconies with sides open to the west have also been provided with screening. The E-shaped massing and plot coverage also allows spacing and the ability to join to potential neighbouring development.
- 7.125 Within the DSOA, analysis of potential daylight and sunlight to sites to the west, east and south has been conducted. Diagrams have been provided which appear to show notional development massing of neighbouring sites and how adequate daylight and sunlight could still be achieved with careful design. The vacant site across Chigwell Hill gained consent for a hotel redevelopment (Pennington Street Hotel) although it is unclear if this is still extant. In the case that it is extant, the commercial use would not rely upon daylight and sunlight in the way that residential accommodation does. In any case, 48 of the 52 rooms facing the proposed development would meet the ADF standard. Overall it is not considered that the development would unduly hinder neighbouring development potential.

Noise and Vibration

- 7.126 The application is supported by a Noise Assessment. The report demonstrates that the scheme has been designed so that it appropriately responds to the immediate application site context. Subject to conditions requiring plant noise emissions to be below the Council's noise criterion, the completed proposed development would not give rise to significant effects in respect of operational noise and vibration to neighbours.

Construction Impacts

- 7.127 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 will control working hours and require the approval and implementation of Construction Environmental Management and Logistics Plan.

Summary

- 7.128 Overall, it is considered that the proposed development would not result in an unacceptable adverse impact on the surrounding area in terms of amenity impacts. Overall there would be compliance with policy D.DH8 which seeks to protect the amenity of existing buildings and their occupants.

NIGHT-TIME ECONOMY

- 7.129 The proposed development is located in close proximity to a number of night-time drinking and music venues. Figure 12 below shows the location of night-time venues in relation to the application site. Policy D12 'Agent of Change' of the Draft London Plan places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on proposed new noise-sensitive development, so that established noise and other nuisance generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.
- 7.130 Development proposals should manage noise and other potential nuisances by ensuring good design mitigates and minimises existing and potential nuisances; exploring mitigation measures early in the design stage, with necessary and appropriate provisions, including ongoing and future management of mitigation measures secured through planning obligations; and separating new noise sensitive development where possible from existing noise-generating businesses and uses through distance, screening, internal layout, sound-proofing, and insulation and other acoustic design measures.
- 7.131 Policy D.ES9 of the Local Plan states that where new noise-sensitive land uses are proposed in proximity to existing noise-generating uses, development is required to robustly demonstrate how conflict with existing uses will be avoided, through mitigation measures.



Figure 12: Application site (red line) with consented night-time venues (green starred) and venues operating without permission (red starred)

Local Venues

- 7.132 Studio Spaces/Club E1 at Unit 2, 110 Pennington Street is a 1,600 capacity night club. Planning consent for a nightclub in this location was granted in 1999 (PA/99/00076). This venue hosts regular club nights and live music events. This venue is located directly to the south and south-west of the application site. Previously this venue made use of outdoor space to the east of the application site fronting The Highway for break out, queuing and toilet facilities although it is understood that this was only a temporary, informal arrangement. The venue raises possible conflicts to the development in regards to the flow of guests moving to the venue, along with queuing and break out, on Pennington Street. Ground-borne noise transmission is also a potential issue.
- 7.133 To the south of the application site sits a vacant, undeveloped plot of land at 122-132 Pennington Street which also takes the corner with Chigwell Hill. Since the Covid-19 lockdown restrictions came into force, Club E1 has not been able to operate at Unit 2, 110 Pennington Street. In summer 2020, Club E1 started to use the neighbouring undeveloped land as an outdoors events space for food and drink with a capacity of 350 for seated guests known as Site 5. Site 5 has been operating without the benefit of planning consent although current Covid-19 planning legislation stipulates that temporary uses can operate for 56 days per year. It is unclear if the outdoor venue will continue to operate in the winter months. The venue has operated under temporary licensing and is in the process of applying for future licensing. As this venue is temporary and operating without the benefit of planning consent, it is not considered to fall under Agent of Change protection.
- 7.134 Tobacco Dock is a large, multi-purpose venue located to the south-east of the corner of Chigwell Hill and Pennington Street. This venue hosts a diverse range of events such as trade fairs, conferences, exhibitions, and large scale music events and club nights, with a maximum capacity of 10,000. It is not expected that noise would break out from the venue to the

application site, however on events days it would be expected that guests would flow down Chigwell Hill and Pennington Street around the application site, which would be a concern.

- 7.135 The Skylight Bar is a drinking establishment located on the roof (fifth floor) of Tobacco Dock car park to the south of the application site, located across Pennington Street. It is not expected that noise from the venue would be perceptible from the application site, however there would be a flow of guests towards the venue. This venue is currently operating without the benefit of planning consent, although a planning application has recently been lodged for its regularisation. The venue benefits from approved licensing.
- 7.136 Further to the night-time venues located outside of the application site, The Old Rose public house is proposed to be refurbished and reopened within the proposed development. The public house would be in close proximity to proposed residential units. The proposed pub garden to the rear would also be overlooked by some windows from affordable housing units within the Chigwell Hill building. LBTH Noise consider that it would be appropriate to condition the pub garden not to be used after 9pm, which would allow the amenity of neighbours to be maintained.

Summary

- 7.124 Within the Noise Impact Assessment and following further discussions and a site visit within Studio Spaces, the applicant has proposed mitigation via building design such as enhanced glazing and mechanical ventilation for all residential windows. This would allow all residential windows to be closed to achieve adequate internal noise levels. Details of overheating mitigation would also need to be secured via condition, subject to approval in order to ensure that adequate internal conditions could be achieved if windows were to be closed.
- 7.125 The applicant has agreed to Deeds of Easements for The Old Rose, Studio Spaces and Tobacco Dock in order to ensure that they are able to operate without being under threat by complaints for their normal operations. LBTH Noise have assessed the noise mitigation measures and consider that further work needs to be done to ensure the best ways of protecting the amenity of future occupants alongside ensuring continued operation the night venues. LBTH Noise consider that this can be achieved through conditions and S106 legal clauses.

TRANSPORT AND SERVICING

- 7.126 Development Plan policies promote sustainable modes of travel and seek to limit car parking and car use to essential user needs. These policies also seek to secure safe and appropriate servicing arrangements to ensure developments are managed effectively and efficiently.

Car Parking

- 7.127 The applicant has committed to a 'car free' development with the exception of 8 accessible (blue badge) bays internally on the ground floor accessed from Chigwell Hill. The 'car free' nature of the proposal is considered acceptable given very good/good public transport accessibility of the site (PTAL 4/5). The provision of the development as 'car free' would need to be secured through a legal agreement. 1 accessible car parking bay is also proposed for the commercial uses.
- 7.128 All 8 of the proposed disabled accessible or adaptable residential units (6 affordable rent units and 2 market units) would be provided with an accessible car parking space. 6 disabled parking spaces are therefore provided for the affordable rent units and 2 spaces for the market units. Overall 10% of residential units have been provided with an accessible car parking

space, which is in excess of the minimum 3% provision in order to comply with Draft London Plan policy T5.

- 7.129 The accessible car parking bays and electric charging points would be secured by condition, subject to approval.

Servicing and Deliveries

- 7.130 The proposed servicing and delivery arrangements would be accessed from The Highway, to the north-east of the site. The service area would be located on the ground floor of the building and would cater for both the commercial and residential elements of the scheme. Submitted drawings and details demonstrate that relevant delivery, refuse and service vehicles would adequately manoeuvre in and out of the site. TfL is satisfied with the principle of the servicing strategy.

- 7.131 The applicant would need to enter into a S278 legal agreement with TfL to deliver the servicing access off The Highway. This would need to include a Road Safety Audit. The detailed design of the servicing access as a safe servicing access would need to be secured as a pre-commencement condition, subject to approval.

Public Realm

- 7.132 Trees are proposed to front the development on The Highway along with renewed pavements surrounding the site. 7 semi-mature Acer Columnar trees have been approved by TfL on The Highway. The detailed approval and delivery of the enhanced public realm including trees will need to be secured by S278 legal agreement with TfL.

Cycle Parking

- 7.133 The proposed long stay cycle parking spaces for both the residential (147 spaces) and commercial (11 spaces) units would be located on the ground floor of the building. Residential long stay cycle parking would be split into storage areas at ground floor from each of the 3 cores. Josta cycle parking is predominantly in proposed however 5% would be Sheffield accessible. Short-stay residential and commercial spaces (10 Sheffield stands) would be located externally within the public realm.

- 7.134 Cycle parking numbers are considered to satisfy Draft London Plan standards. Full details of long stay and short stay residential and commercial cycle parking would be secured by condition, subject to approval.

Trip Generation and Highways Safety

- 7.135 The submitted Transport Assessment has considered the total trip generation for both the residential and commercial portion of the development. TfL have requested a £250,000 contribution in order to upgrade the existing pedestrian crossing directly outside the site on The Highway junction with Cannon Street Road. This contribution is considered to be necessary to make the development acceptable, taking into account the increase in pedestrians generated by the proposals. The contribution has been accepted by the applicant and would be secured by S106 legal agreement, subject to approval. The upgraded pedestrian crossing on this harsh urban corridor is considered to be a significant public benefit.

Travel Planning

7.136 A full Residential and Commercial Travel Plan would need to be secured by condition, subject to approval.

Demolition and Construction Traffic

7.137 Should the application be approved, the impact on the road network from demolition and construction traffic would be controlled by way of conditions requiring the submission and approval of Demolition and Construction Management Plans. The Demolition and Construction Management Plan will need to consider the impact on pedestrians, cyclists and vehicles as well as fully considering the impact on other developments in close proximity.

ENVIRONMENT

Energy Efficiency

7.138 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2015 and the Tower Hamlets Local Plan (D.ES7) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

7.139 Policy SI2 of the emerging London Plan requires major development to be net zero-carbon. This means reducing carbon dioxide emissions from construction and operation, and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean);
- Use Renewable Energy (Be Green); and
- Monitor and report (Be Seen).

7.140 Policy D.ES7 includes the requirement for non-residential developments to be zero carbon with a minimum of 45% reduction in regulated carbon dioxide on-site with the remaining regulated carbon dioxide emissions to 100% to be offset with cash payment in lieu.

7.141 The submitted Energy Statement (XCO₂ – July 2020) sets out the proposals to reduce energy demand through energy efficiency measures and renewable energy technologies (including 11.25kWp Photovoltaic array and Air Source Heat Pumps) and deliver the following CO₂ emissions:

- Baseline – 113 tonnes CO₂ per annum
- Proposed Scheme – 58.1 tonnes CO₂ per annum

7.142 The total on-site site wide CO₂ emission reduction is anticipated to be 48.6% against the building regulation baseline utilising the SAP10 carbon factors.

7.143 The proposals are for a 55 tonnes/CO₂ reduction in on-site emissions and would result in a carbon offsetting contribution of £165,585 to offset the remaining 58.1 tonnes CO₂ and achieve net zero carbon. It is recommended that a post construction energy assessment be submitted, including the 'as built' calculations to demonstrate the anticipated savings have

been delivered on-site. This calculation has been based on the new SAP10 carbon factors and using the recommended GLA carbon price of £95 per tonne for a 30 year period.

7.144 The financial contribution would be included as a planning obligation in the related Section 106 legal agreement, subject to approval.

Sustainability

7.145 Policy D.ES7 states 'All new non-residential development over 500 square metres floorspace (gross) are expected to meet or exceed BREEAM 'excellent' rating'. The submitted Sustainability Statement (XCO2 – February 2019) identifies the scheme will achieve BREEAM Excellent. This is supported and would be secured via condition, subject to approval.

Summary and Securing the Proposals

7.146 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver CO2 emission reductions. The proposals meet the Local Plan target for anticipated on-site carbon emission reductions, however in order to support the scheme the residual CO2 emissions should be offset through a carbon offsetting contribution of £165,585 to deliver a policy compliant net zero carbon development.

7.147 Subject to appropriate conditions securing the energy proposals and the CO2 emission reduction shortfall being met through a carbon offsetting contribution, the proposals would be considered in accordance with adopted policies for CO2 emission reductions.

7.148 It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:

- S106 - Carbon Offsetting contribution of £165,585 to offset all the residual emissions
- Submission of final detailed specification of the PV array to demonstrate renewable energy generation on site has been maximised and PV integrated where compatible with proposed living roof
- Submission of post construction energy assessment including 'as built' calculations to demonstrate the reduction in CO2 emissions have been delivered on-site (Reason: Local Plan Policy D.ES7 requires all schemes to achieve net zero carbon with a minimum 45% reduction in CO2 emissions on site)
- Submission of Final BREEAM Final Certificates within 3 months of completion to demonstrate an Excellent rating has been delivered (Reason: Local Plan Policy D.ES7 requires all schemes to achieve BREEAM Excellent)
- Prior to commencement of development, a Zero Carbon Futureproofing statement shall be submitted to and approved in writing by the Local Planning Authority, setting out:
 - Proposals for how energy demand and carbon dioxide emissions post-construction will be monitored annually (for at least five years).
 - Proposals explaining how the site has been future-proofed to achieve zero-carbon on-site emissions by 2050.

Air Quality

7.149 Development Plan policies require major developments to be accompanied by assessments which demonstrates that the proposed uses are acceptable and show how development would prevent or reduce air pollution.

7.150 The application is accompanied by an Air Quality Assessment. The assessment concludes that the air quality impact from the development will be below the national air quality objective

levels. This has been reviewed by Council's Air Quality team and confirmed to be accurate. Conditions would be necessary to limit the impact on local air quality as a result of the construction phase of the development. This would be secured and monitored through a required Construction Management Plan.

Waste

- 7.151 Development Plan policies require adequate refuse and recycling storage alongside and combined with appropriate management and collection arrangements.
- 7.152 The LBTH Waste Team have reviewed the proposal and are satisfied that subject to securing the details of waste management plan by condition, the proposal would be acceptable.

Biodiversity

- 7.153 Development Plan policies seek to safeguard and provide for net gains for biodiversity. The application site consists entirely of existing buildings and hard surfaces, with just a bit of ruderal vegetation. The existing pub building was found to have moderate potential for bat roosts. This does not rule out the possibility of high-value roosts, especially as survey of the loft void was not possible. The Preliminary Ecological Appraisal (PEA) recommends two emergence/re-entry surveys should be undertaken of the pub building during May to August inclusive. This is in line with best practice guidance. Following a bat survey no bat roosts were found to be present, and there would be no significant impacts on biodiversity, subject to a precautionary bat survey to be undertaken if works have not begun on the pub by August 2021.
- 7.154 Policy D.ES3 requires developments to deliver net gains for biodiversity in line with the Local Biodiversity Action Plan (LBAP), as well as elements of a living building such as green roofs. The proposals include biodiverse green roofs. The hedge and shrub planting palette includes a range of nectar-rich shrubs and perennials, which would contribute to a LBAP target to increase forage for bees and other pollinators. The PEA recommends nest boxes for house sparrows and house martins. These, as well as bat boxes and nest boxes for swifts, would all be appropriate at this site and would contribute to LBAP targets. They could be built into the fabric of the new buildings (apart from the house martin boxes) or attached to the buildings after construction.
- 7.155 Biodiversity enhancements should be secured through a condition, subject to approval, to provide biodiverse roofs, landscaping to include a good diversity of nectar-rich plants to provide food for bumblebees and other pollinators for as much of the year as possible, trees, bat boxes and nest boxes for appropriate bird species, including house sparrow, and vertical planting. The agreed measures shall be implemented in full prior to the occupation of the development hereby approved.
- 7.156 Draft London Plan policy G5 states that predominantly residential developments should meet the 0.4 Urban Greening Factor score which assesses all surfaces in regards to the quality and proportion of greening proposed. The proposal would provide an UGF score of 0.4 in line with draft policy, important in this location taking into consideration the harsh urban environment and poor surrounding air quality.

Arboriculture

- 7.157 The proposal involves removal of 3 trees within the public realm on The Highway frontage. It is considered that the proposed replanting of 7 semi-mature street trees would mitigate the loss. These would provide a net gain of 4 trees, increase overall canopy cover and provide an immediate increase in CAVAT value. Further to this a hardy tree species has been chosen

with a dense, fastigate canopy which will require minimal ongoing pruning. This would help improve pollution mitigation along The Highway.

- 7.158 TfL have reviewed the public realm tree provision and are satisfied with the species proposed. TfL are concerned with the exact location and provision of proposed trees prior to the Stage 1 Road Safety Audit being undertaken should highway safety issues be raised through the Audit. Full details of the location and position of trees within the public realm, internal courtyard and pub garden would be secured by section 278 legal agreement, subject to approval.

Flood Risk & Drainage

- 7.159 Development Plan policies seek to manage flood risk and encourage the use of Sustainable Urban Drainage. The application site is located within Flood Zone 1. The application is supported by a Flood Risk Assessment and a Sustainable Urban Drainage Strategy.
- 7.160 The application is supported subject to a pre-commencement condition to ensure flood risk is not increased consisting of a detailed drainage plan as outlined in the FRA and drainage statement restricting runoff up to 3.2 l/s and should be submitted to the LPA before commencement of superstructure works should planning permission be granted. Thames Water have also requested a piling method statement as a condition, as well as informatives to be added, subject to approval.

Land Contamination

- 7.161 The application has been reviewed by the Council's Environmental Health Land Contamination officer and subject to standard conditions, the proposals are acceptable from a land contamination perspective and any contamination that is identified can be satisfactorily dealt with.

INFRASTRUCTURE IMPACT

- 7.162 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £1,135,793.16 and Mayor of London CIL of approximately £267,389.83. It is important to note that these figures are approximate. The final figures will be determined if approval for the application is granted.
- 7.163 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.
- 7.164 Assuming that the Council delivers its annual housing target of 3,931 units, the Council would be liable for a New Homes Bonus payment. 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.
- 7.165 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD, as follows:
- £250,000 towards upgrading the pedestrian crossing at The Highway/Cannon Street Road junction
 - £165,585 towards carbon off-setting

- £38,312.00 towards construction phase employment skills training
- £5,906.00 towards end-user phase employment skills training

PLANNING BENEFITS

7.166 The scheme would provide significant public benefits such as:

- 80 residential units
- 26 affordable residential units (35% by habitable room)
- Flexible commercial units with active frontages
- Refurbishment and reuse of public house
- New and enhanced public realm along The Highway and Chigwell Hill
- Upgraded pedestrian crossing at The Highway/Cannon Street Road junction
- Reduction in vehicular trip generation to the site
- Employment and skills training programme during construction.
- CIL contributions
- Significant construction spend in the local economy
- Significant additional visitor spend into the local economy each year.
- Business rate receipts each year for the commercial units.

8. HUMAN RIGHTS AND EQUALITIES

- 8.1 The proposal does not raise any unique human rights or equalities implications. Public objections have been received in regards to the loss of McDonalds restaurant having a negative impact on low income households and the elderly, however there is no policy protection which protects against this loss. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 8.2 The proposed provision of residential units meets inclusive design standards and over 10% of the new rooms would be wheelchair accessible or adaptable and a total of 8 accessible car parking spaces provided. These standards would benefit future occupants, employees and visitors, including disabled people, elderly people and parents/carers with children.
- 8.3 The proposed development would not result in adverse impacts upon equality or social cohesion.

9 RECOMMENDATION

- 9.1 That **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:
- 9.2 Financial Obligations
- £250,000 towards upgrading pedestrian crossing at The Highway/Cannon Street Road junction
 - £165,585 carbon offsetting obligation
 - £38,312 towards construction phase employment skills training
 - £5,906 towards end-user phase employment skills training

9.3 Non-Financial Obligations

- Access to employment
 - 20% local procurement
 - 20% local labour in construction
 - 2 construction phase apprenticeships

b. Transport

- Car Free Agreement
- Provision of 8 accessible car parking bays
- Residential and Workplace Travel Plans
- Highways improvement works (S278 legal agreement including Road Safety Audit)

c. Housing

- 35% affordable housing provision

d. Night-time Economy

- Deed of easement (The Old Rose, Studio Spaces, Tobacco Dock)

e. Code of Construction

10. **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:
4. Vegetation removal time periods
5. Tree protection
6. Gas boiler and CHP emissions
7. Commercial units opening hours
8. Public house garden opening hours
9. Public house use and garden protection
10. Commercial unit size restriction
11. No new plant, water tanks, air units
12. No roller shutters
13. No new plumbing, pipes, ductwork
14. Unobstructed glazing to ground floor frontages
15. Play and communal amenity space completion
16. Energy and efficiency standards and PV panel details
17. On-site accessible car parking details

Pre-Commencement

18. Construction environmental management and logistics plan
19. Piling method statement
20. Noise mitigation for residential units
21. Mechanical ventilation for residential units
22. Zero carbon future proofing details.
23. Air quality emission standards for boilers & CHP
24. Land contamination

25. Archaeological written scheme of investigation including details of archaeological field evaluation and foundation design
26. Precautionary bat emergence survey
27. Dust and emissions management plan

Pre-Superstructure Works

28. Details of hard and soft landscaping of all public realm and open spaces including details relating to play equipment, street furniture and lighting
29. Details of external facing materials and architectural detailing
30. Details of internal communal amenity space
31. Water efficiency for residential units
32. Accessible and adaptable residential unit details
33. Inclusive play and communal space access management plan
34. Cycle parking details
35. Tree planting
36. Shopfront and residential entrance details
37. Highway improvement works
38. SUDS
39. Secure by Design standards
40. Biodiversity mitigation and enhancements
41. Overheating strategy
42. Commercial units extraction details
43. Aerial/satellite details and revocation of PD rights

Pre-occupation

44. Car-free agreement
45. Accessible and adaptable residential unit marketing strategy
46. Deliveries, servicing and site waste management plan
47. Secure by Design accreditation
48. BREEAM Certificate 'Excellent'
49. Residential units post-completion noise verification
50. Plant post-installation noise verification
51. Street lighting integration feasibility

Informatives

1. Groundwater risk management permit
2. Designing out crime advice

Appendix 1 – List of drawings and documents

Drawings:

- 3433_PL(20)01 Rev A
- 3433_PL(20)02 Rev A
- 3433_PL(20)03 Rev A
- 3433_PL(20)100 Rev D
- 3433_PL(20)101 Rev E
- 3433_PL(20)102 Rev M
- 3433_PL(20)103 Rev J
- 3433_PL(20)104 Rev H
- 3433_PL(20)105 Rev F
- 3433_PL(20)106 Rev E
- 3433_PL(20)107 Rev E
- 3433_PL(20)108 Rev E
- 3433_PL(20)112 Rev D
- 3433_PL(20)602 Rev A
- 3433_PL(20)603 Rev A
- 3433_PL(20)402 Rev B

Documents:

- Design & Access Statement – Stockwool (October 2019)
- Planning Statement (including Affordable Housing Statement and draft S106 Heads of Terms) – Lichfields;
- Air Quality Assessment – NRG Consulting (October 2019)
- Energy Statement – XCO2 (October 2019)
- Drainage Strategy Report – Stilwell Partnership
- Heritage Impact Assessment – Lichfields
- Desk Based Archaeological Assessment – CgMs
- Biodiversity Survey & Report – RSK Group Limited
- Car Park Management Plan – Stilwell Partnership
- Travel Plan – Stilwell Partnership
- Landscape Design Statement – Standerwick Land Design (October 2019)
- Flood Risk Assessment – Stilwell Partnership
- Construction Logistics Framework – Stilwell Partnership
- Tree Survey/Arboricultural Report – Sharon Hosegood Associates
- Phase One Environmental Assessment and Groundwater Monitoring Report – Subadra
- Statement of Community Involvement – Your Shout
- Retail Assessment – Lichfields
- Economic Impact Assessment – Lichfields
- Sustainability Statement – XCO2 (October 2019)
- Townscape and Visual Impact Assessment – Lichfields
- Service and Waste Management Plan – Stilwell Partnership
- Transport Assessment – Stilwell Partnership
- Daylight, Sunlight and Overshadowing Assessment – Lichfields (October 2019)
- Noise Impact Assessment – Noise Solutions

Appendix 2 – Selected Plans and Elevations

Existing Site Plan:



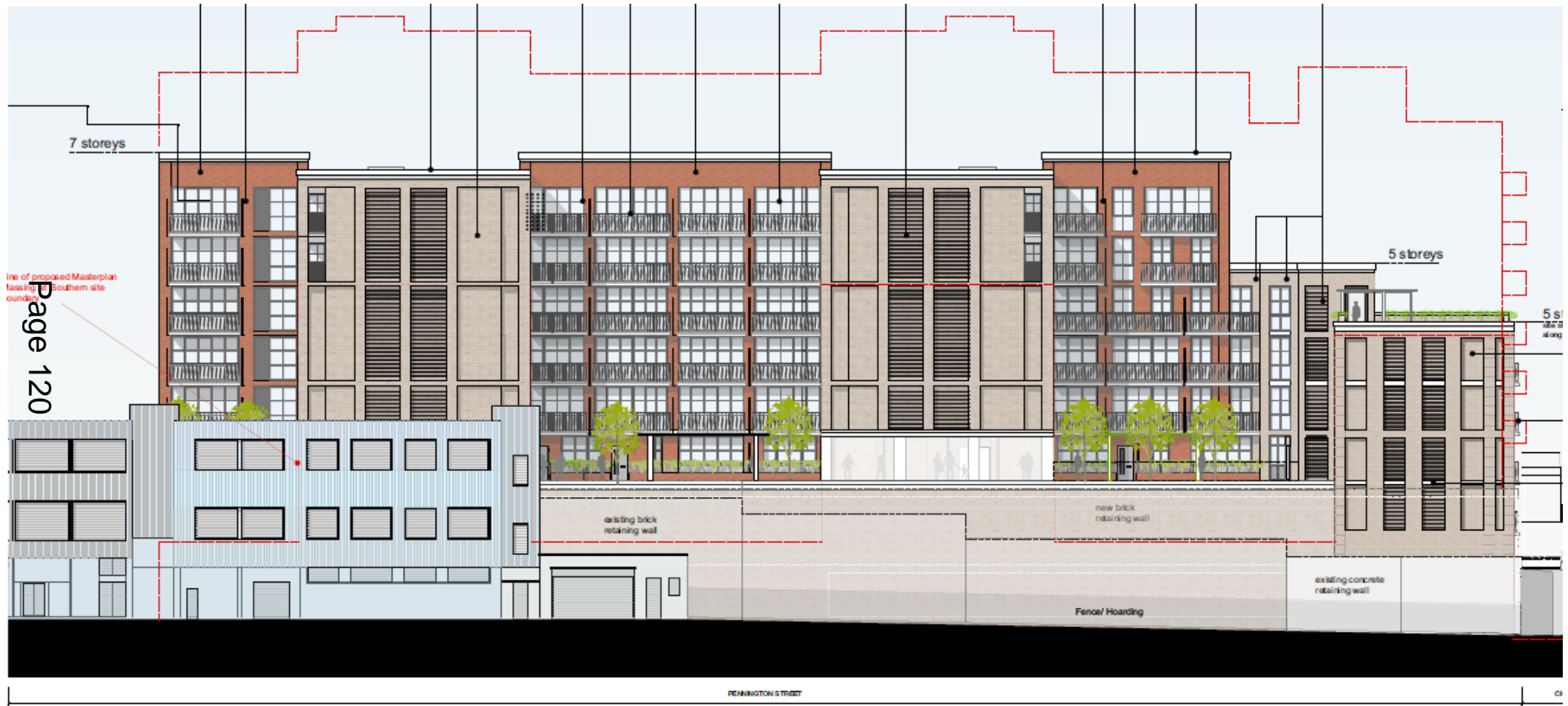
Proposed Ground Floor Plan:



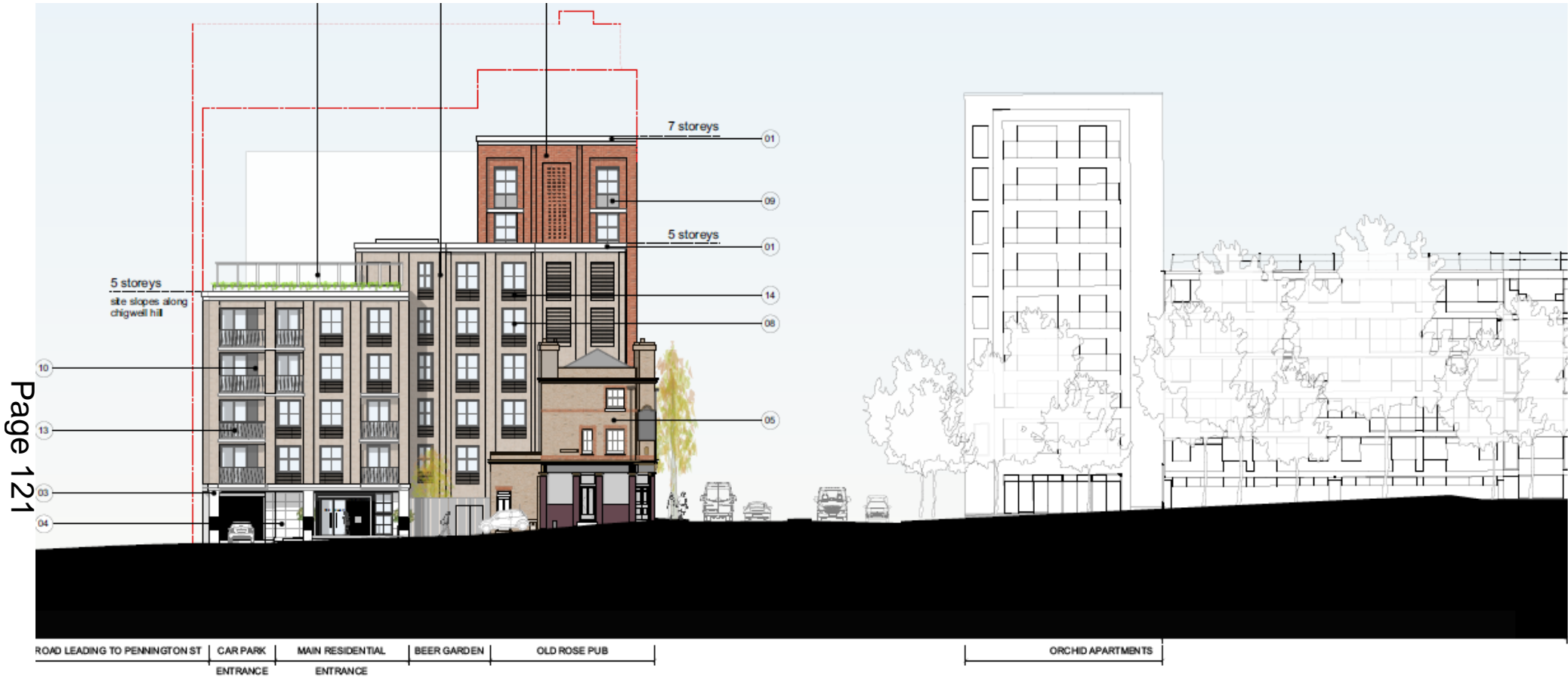
Proposed North Elevation:



Proposed South Elevation:



Proposed West Elevation:



Proposed East Elevation

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CROWDER ST

THE HIGHWAY




THE SITE / 802-88 THE HIGHWAY

Proposed Podium and Fifth Floor Play and Communal Space




THE HIGHWAY - PLAYSPACE REVISED



EXTERNAL PLAYSPACE IN PODIUM COURTYARDS & ON 5TH FLOOR TERRACE

-  0 - 4 YEAR OLDS = 131M2
-  5 - 11 YEAR OLDS = 107M2
-  12+ YEAR OLDS = 99M2
- TOTAL = 337

-  A 0-4 YEARS OLD = 70M2
-  B 5-11 YEARS OLD = 49M2
-  C 5-11 YEARS OLD = 62M2
-  D 0-4 YEARS OLD = 61M2
-  E 12+ YEARS OLD = 99M2

-  COMMUNAL AMENITY SPACE EXCLUDING PLAY. 494M2
-  INDOOR RESIDENTIAL AMENITY LOUNGE. BY PRE-ARRANGEMENT THIS AREA CAN BE HIRED BY RESIDENTS FOR FUNCTIONS, PARTIES AND CONFERENCES. 169M2
-  DEFENSIBLE PLANTING FOR PRIVACY



Photograph from North-West:



Photograph from Cannon Street Road Junction:



Photograph of Chigwell Hill looking South:



Photograph from Corner of Pennington Street and Chigwell Hill
(Looking over "Site 5"):



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