

# Development Committee



## Agenda

**Thursday, 10 December 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, 8 December 2020**

The deadline for submitting information for the update report is Noon  
**Wednesday, 9 December 2020**

**Contact for further enquiries:**

Zoe Folley, Democratic Services, [zoe.folley@towerhamlets.gov.uk](mailto: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](https://www.towerhamlets.gov.uk/lgnl/planning_and_building_control/planning_applications/planning_applications.aspx)

### Electronic agendas reports and minutes.

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Agendas are available on the Modern.Gov, Windows, iPad and Android apps.

## Development Committee

Thursday, 10 December 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 form 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 - 14)**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 5<sup>th</sup> November 2020

#### 3. **RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 15 - 18)**

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**

**19 - 24**

**5 .1 319-337 Petrol Station, Cambridge Heath Road,  
London, E2 9LH (PA/20/01124)**

**25 - 56**

**St Peter's**

Proposal

Demolition of existing petrol filling station and associated retail store and erection of a four to six-storey building (7,036m<sup>2</sup> GEA) for a 157-bedroom hotel (6,458m<sup>2</sup>) and ground floor/basement office use (578m<sup>2</sup> GEA), together with ancillary landscaping, servicing and cycle parking.

Recommendation:

Grant Planning Permission subject to conditions and legal agreement

**5 .2 24 Lockesfield Place, London, E14 3AH (PA/20/02107)**

**57 - 72**

**Island  
Gardens**

Proposal:

Proposed single storey rear extension

Recommendation:

Grant planning permission, subject to conditions

**6. OTHER PLANNING MATTERS**

There are none

**Next Meeting of the Development Committee**  
Thursday, 14 January 2021 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, 5 NOVEMBER 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 Leema Qureshi

**Other Councillors Present:**

Councillor David Edgar

**Officers Present:**

Paul Buckenham	– (Development Manager, Planning Services, Place)
Victoria Coelho	– (Planning Officer, Place)
Siddhartha Jha	– (Principal Planning Lawyer, Governance, Legal Services)
Rikki Weir	– (Principal Planning Officer, Place)
Zoe Folley	– (Democratic Services Officer, Committees, Governance)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS**

There were no declarations of interest.

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

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 17<sup>th</sup> September 2020 be agreed as a correct record and signed by the Chair.

### 3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

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

### 4. DEFERRED ITEMS

There were none

### 5. PLANNING APPLICATIONS FOR DECISION

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

Update report was tabled

Paul Buckenham introduced the application for the demolition of the existing office and job centre building and the erection of building of up to 8 storeys comprising 84 residential units. He also highlighted the key issues in the update report.

Victoria Coelho presented the application, explaining the site context and the key features of the proposals. Consultation had been carried out and 10 objections were received. The key issues raised related to the height, loss of light and overshadowing, increased traffic and the impact on biodiversity of the canal.

In terms of the assessment, it was noted that:

- The loss of the current office space and the provision of a residential development, was acceptable and justified given the poor quality of the existing office space and the relocation of the job centre building. It was considered that the benefits of the proposal outweighed the benefits of continued employment use.
- The scheme provides 37% affordable housing by habitable room, (increased from 19%) with a 69/31 tenure split. This allowed for the scheme to be considered eligible for the fast track route.



- The standard of accommodation is considered to be high, in terms of the internal spaces, the private and communal amenity space. The scheme can accommodate the majority of child play space within the communal amenity space. Whilst the provision marginally fell short of policy when combined with the communal space requirements, the proximity of nearby parks can accommodate play space for 12+ years
- The height, massing and design are considered to appropriately respond to the local context, due to amongst other things the varied building heights. It would relate well and would integrate well with the area. The enhanced pedestrian link was welcomed.
- The daylight and sunlight, assessment had been independently assessed. This found that the impact on neighbouring properties would be acceptable for an urban setting. The properties would continue to receive acceptable levels of daylight and sunlight including the properties that would experience a material reduction in light. In terms of the concerns around overlooking, it was recommended that privacy screening to the roof terrace, adjacent to Aspen Court, be secured by condition.
- Biodiversity enhancements would be secured by condition. The Environment Agency were satisfied that the applicant had satisfied the requirements regarding flood defence subject to the conditions.
- Car and cycle parking and servicing are considered to be acceptable.
- Financial contributions had been secured and the scheme would be liable for both the Mayor of London's and the Borough's Community Infrastructure Levy.
- Officers recommend the proposed development be granted planning permission.

The Chair invited the registered speakers to address the Committee.

Tufyal Choudhury, a local resident of Coalmakers Wharf , spoke in objection to the application. Whilst not objecting to the principle of redeveloping the site, he expressed concerns about:

- The scale and height of the development. It would be out of keeping with the area given the surrounding buildings were lower in height.
- The major impacts on sunlight and daylight, from the height of the 8 storey building, particularly affecting ground and first floor properties.
- Strength of local objections amongst the TRA.
- Lack of engagement with residents by the developers.
- That the 8 and 6 storey buildings should be reversed or more evenly spread across the development. 6 storey buildings would be sufficient.

Councillor David Edgar, ward Councillor, also expressed concerns about the application on behalf of local residents. Whilst noting the need for more housing and affordable housing, he expressed concerns about:

- Scale and prominence of the 8 storey building near the canal given the nearby buildings were lower.
- Impact of the 6 storey building on Dod Street. It would have more of an impact than the existing buildings.
- Impact on neighbouring amenity.
- Public access to the canal link. Would this be maintained?

Simon Marks spoke in support of the application. He advised that the principle of residential accommodation had already been established by the previous permission. The redevelopment for office use was no longer viable. The scheme would deliver a number of substantial benefits. This included: new affordable homes, improved public realm, that would enhance the appearance of the area. The density met the tests in policy and the site had good transport links. The impact on daylight and sunlight would be negligible. The massing and height of the buildings had been designed to minimise any impacts of the scheme and respect the local context. The number of affordable housing had been increased.

#### Committee's questions:

In response to the presentation, the Committee asked questions of the Officers and the registered speakers and the following points were noted:

- Officers advised that public access to the pedestrian link would be secured in the s106.
- Regarding the lack of 4 bed affordable units, it was noted that the application had been amended to increase the level of 3 bed units in response to concerns. The housing mix was considered to be reasonable and to provide an acceptable number of family units.
- Whether the development would be open plan. It was reported that whilst not specifically designed as such, the proposals had been designed in accordance with and met London Plan standards.
- That prior approval had been granted for residential development with no affordable homes. This should carry little weight. This application should be considered on its own merits.
- The increase in affordable housing, from 19% (requiring the submission of a viability assessment) to 37%, which met policy. The application now qualified for the fast track route and a viability assessment would no longer need to be submitted.
- The viability assessment, (submitted with the original scheme) had been assessed. This found the offer of 19% affordable housing (with a surplus of £0.29m payment in - lieu) to be the viable position. Officers had worked to increase the level of affordable housing.
- Details of the sunlight and daylight impacts including the impact on rooms that did not comply with policy. The properties would retain

adequate levels of sunlight and daylight. So overall the impact would be moderate.

- In response to questions, Tufyal Choudhury confirmed that the main issues from his point of view related to the size and height of the development

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

1. That, subject to any direction by the Mayor of London, planning permission is **GRANTED** at 13-15 Dod Street for
  - 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. (PA/20/00123)
2. Subject to the prior completion of a legal agreement to secure the planning obligations set out in the report
3. 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.
4. That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the matters set out in the committee report,

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

Update report was tabled

Paul Buckenham introduced the application for the redevelopment of site to provide buildings ranging in height from 5-7 storeys, comprising a residential led scheme with commercial uses at ground floor. He also highlighted the issues raised in the update report.

Rikki Weir presented the application, explaining the site location and the surrounding area. He also advised that the scheme had been amended following negotiations. Public consultation had been undertaken with 11 objections and 1 in support. The main issues raised related to the impact on the neighbouring area, residential amenity and protection of The Old Rose public house. The application had been brought to the Committee due to size of the development rather than number of objections.

In terms of the assessment, the following points were noted:

- In land use terms, the loss of the drive-thru restaurant and petrol filling station to provide new housing and commercial uses, complied with policy.

- The housing mix comprised, 35% affordable housing at 70/30 tenure split of affordable rented and intermediate housing. There would be a slight under provision of family sized rented affordable accommodation. Taking into account the overall housing offer and wider benefits of the scheme, the housing offer was considered to acceptable.
- The accommodation would be of a high standard in terms of internal and external amenity and access to play space.
- Details of the height, massing and design of the proposed development including images from the surrounding area. It was considered to be of a high quality design and would appropriately respond to the local context.
- The surrounding area including a number of listed buildings, principally St George in the East Church (Grade I), Tobacco Dock (Grade I) and Pennington Street Warehouses (Grade II).
- The proposal would result in less than substantial harm to designated heritage assets including listed buildings and the conservation area, and The Old Rose public house, described as a non-designated heritage asset, at the lower end of this scale. It was considered that the proposals met the planning balance tests in policy and that the public benefits would outweigh harm.
- The proposal would adversely impact upon the daylight and sunlight to some habitable rooms of residential buildings (Chi Buildings and Orchid Apartments) on the north side of The Highway. The impacts have been quantified and carefully assessed and the retained levels of amenity to neighbouring units were considered to be acceptable on balance in this urban context. Details of these impacts were reported and that the Council's sunlight and daylight expert was on hand to answer any questions from Members.
- Other benefits of the scheme were noted. These included: public realm and pedestrian crossing improvements, measures to protect the operation of The Old Rose public house and surrounding night time venues, and a range of contributions, including Community Infrastructure Levy contributions.
- In highway terms, the proposals included - a car-free agreement (apart from the provision of Blue Badge accessible car parking spaces within the development) and adequate cycle parking for all uses.
- Officers recommend the proposed development be granted planning permission, subject to conditions and supporting legal agreement.

The Chair invited the registered speakers to address the Committee.

Christian Lalli expressed objections about the following issues:

- The size, scale and height of the development. It would be out of character with the area and would overpower the street scene.
- Harm to amenity arising from this, in terms of increased sense of enclosure, loss of light to properties at Orchid Apartments. The south facing balconies would suffer a significant loss of outlook

- Close proximity of the development to neighbouring properties, leading to loss of privacy and intrusive impacts.

Ben Kelway spoke in support of the application, highlighting the benefits of the development, including the provision of good quality new homes with affordable housing at a 70/30 tenure split with affordable rented and intermediate housing. Other benefits included - four flexible commercial units, to contribute to the local economy and create new jobs, and the reinstatement and refurbishment of The Old Rose public house. In design terms, the application seeks to provide a high quality scheme, that respected heritage assets and the town scape. The impact on amenity had been fully assessed and the proposal would be compatible with the local area.

#### Committee's questions:

In response to questions, Officers advised of the approach to bringing the public house back into use. All of the floor space would be brought back into use and the plans include a pub garden. It would also be separate from the new commercial units. The planning obligations included a deed of easement to protect the use of the public house with regard to the surrounding uses and also conditions to protect amenity.

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

1. That, planning permission is **GRANTED** at 102-126 and 128 The Highway, London, E1W 2BX for:
  - 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). (PA/19/00559)
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

#### **6. OTHER PLANNING MATTERS**

None

The meeting ended at 7.30 p.m.  
Chair, Councillor Abdul Mukit MBE  
Development Committee

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## DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

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

#### Who can speak at Committee meetings?

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

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

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

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

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

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

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

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) under [Council Constitution, Part 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><b>Deadlines.</b>                  To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages.                  Visit <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"> <li>• Development Committee Procedural Rules – Part C of the Council’s Constitution Section 35 Appendix B.</li> <li>• Terms of Reference for the Development Committee - Part B of the Council’s Constitution Section 19 (7).</li> </ul>	 <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

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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 Plan<sup>1</sup> and the Mayor of London's New London Plan<sup>2</sup>. 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.

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

<sup>2</sup> 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 *“duty .....to 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

10/12/2020

Report of the Corporate Director of Place

Classification: Unrestricted

### Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA/20/01124
<b>Site</b>	319-337 Petrol Station, Cambridge Heath Road, London, E2 9LH
<b>Ward</b>	St. Peters
<b>Proposal</b>	Demolition of existing petrol filling station and associated retail store and erection of a four to six-storey building (7,036m <sup>2</sup> GEA) for a 157-bedroom hotel (6,458m <sup>2</sup> ) and ground floor/basement office use (578m <sup>2</sup> GEA), together with ancillary landscaping, servicing and cycle parking.
<b>Summary Recommendation</b>	Grant Planning Permission subject to conditions and legal agreement
<b>Applicant</b>	Trevellyan Developments Ltd
<b>Architect/agent</b>	TP Bennett
<b>Case Officer</b>	Adam Garcia
<b>Key dates</b>	Application validated 09/06/2020 Public consultation finished on 30/11/2020

### EXECUTIVE SUMMARY

In land use terms the proposed development is appropriate in this location and would not undermine the borough's supply of land for housing.

The proposed development would respond appropriately to the positive aspects of the local context, re-establishing the historic building line on Cambridge Heath Road and providing a visually interesting, well detailed and proportional addition to the street and local area. The scheme would enhance the setting of the Bethnal Green Gardens Conservation Area, and the setting of other heritage assets.

The proposal would provide cycle parking in line with policy, which is accessible, safe and secure. A service yard is provided to the rear of the site, accessed via Nant Street and would facilitate relevant servicing activities.

A strategy for minimising carbon dioxide emissions is in compliance with policy requirements. Biodiversity enhancements are also proposed with relevant conditions recommended to secure these benefits.

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

## SITE PLAN



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

- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

### Planning Applications Site Map PA/20/01124

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



London  
Borough of  
Tower Hamlets

Scale: 50m grid squares

Date: 01 December  
2020

## **1 SITE AND SURROUNDINGS**

- 1.1 The application site is an active Petrol Filling Station (PFS) located on the west side of Cambridge Heath Road. The site is located at the junction with Old Ford Road, to the east. Immediately to the west of the site is the main line railway viaduct (equivalent to two-storeys plus overhead wires) with arches below in mixed-use. Beyond the railway viaduct, to the west, are residential properties.
- 1.2 To the south of the PFS is a 90-room hotel known as the 'East London Hotel'. Immediately adjacent and to the south of the East London Hotel is a mixed-use scheme by the Bethnal Green Mission Church. This development is a 6-storey building comprising church and community facilities, an ancillary "Vicarage" unit, and 14 open market units. Bethnal Green Gardens is beyond with Bethnal Green Underground approximately 140m to the south of application site.
- 1.3 Immediately opposite the application site, to the east, is the Victoria & Albert (V&A) Museum of Childhood. This is a mid-19th century Grade II\* Listed building. The setting of the museum includes Bethnal Green Gardens, immediately to its south.
- 1.4 Immediately to the north of the application site is a three-storey building comprising a Public House called 'The Dundee Arms'. This is at the beginning of a terrace of properties of predominantly two and three stories in height.
- 1.5 To the north-east of the site around Old Ford Road are a number of buildings of note, including York Hall (Grade II Listed) a boxing and events venue, 'The Terrace', 1 to 5, and 17 to 21 (including St Margaret's House, Old Ford Road (both Grade II Listed)
- 1.6 The application site is on the border of (outside) the Bethnal Green Gardens Conservation area, which is located immediately to the east and south of the site. The site is not within a designated town or district retail centre.
- 1.7 The designated Bethnal Green district centre is approximately 140m to the south, the Roman Road west district centre is approximately 340m to the south-east.
- 1.8 The site has a public transport accessibility level (PTAL) of 6b (excellent). Numerous bus routes, and the Bethnal Green underground and main line stations are nearby.

## **2. PROPOSAL**

- 2.1 The application proposes to demolish the existing PFS and associated retail store and construct a four to six storey building to provide a 157-bedroom hotel, a ground floor and basement office use together with ancillary landscaping, servicing and cycle parking.
- 2.2 The main entrance to the hotel will be on Nant Street with a secondary access from Cambridge Heath Road, and with service access via Nant Street on the south west corner of the site.
- 2.3 Much of the ground floor will comprise the hotel reception and associated lounge, together with a workspace area and ancillary cafe/restaurant. There will be a small number of rooms to the rear of the ground floor and at basement level, facing west. The basement also includes all hotel back-of-house operations, plus a small guest fitness room and cycle parking for guests and employees (accessed via a dedicated service lift).
- 2.4 All upper floors will comprise hotel guest rooms. The fifth floor will include a small guest terrace on the south west corner of the building. Plant areas are located on roofs at different levels.

- 2.5 The proposal includes an associated space to be used either as an office use. This is approached by an entrance at the northern end of the Cambridge Heath Road facade with the bulk of the space at basement level. There are generous openings at ground floor level to provide daylight to this basement space.

Figure 1: View looking south on Cambridge Heath Road



Figure 2: Proposed front elevation



### 3 RELEVANT PLANNING HISTORY

#### Application site

- 3.1 **PA/09/02512:** Display of two illuminated fascia signs, one illuminated fascia sign (on eastern elevation of shop), two non-illuminated poster signs and one illuminated pole sign. Permitted: 07/01/2010
- 3.2 **PA/09/01021:** Erection of a single storey extension to the north end of the petrol station shop, to provide storage and a customer toilet. Permitted: 10/08/2009

- 3.3 **PA/08/02252:** Alterations / upgrading of existing petrol filling station to provide new pump islands, extended canopy, underground fuel tanks, replacement car wash, parking and services. Permitted: 10/03/2009

### **Neighbouring sites**

#### East London Hotel

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

- 3.5 **PA/12/00263:** Demolition of existing 3 - storey building and re-development of site by construction of a new 5 - storey building with basement and lower ground floor levels to provide 80 bedroom hotel (Use Class C1) with associated rear servicing bay. Permitted: 19/12/2012

#### Bethnal Green Mission Church

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

#### V&A Museum of Childhood

- 3.7 **PA/04/00189 & PA/04/00190:** Demolition of the existing single-storey entrance front and temporary ramp. Excavation of a new basement in front of the building and construction above it of a new, larger entrance building. New accommodation would provide entrance area, gallery and toilets. Re-design of forecourt to provide ramped access. Permitted: 04/11/2004

## **4 PUBLICITY AND ENGAGEMENT**

- 4.1 A total of 15 planning notification letters were sent to nearby properties as detailed on the attached site plan.
- 4.2 A site notice was displayed around the application site on 18/06/2020.
- 4.3 A press notice was advertised on 18/06/2020.
- 4.4 The number of representations received in response to notification and publicity of the application is as follows:
- 4.5 28 letters of representation have been received

### **Objections**

- 4.6 27 letters of objection highlighting the following material planning considerations:
- Land use – the loss of the petrol station is well-used and will inconvenience current users.
  - Land use – the application fails to meet policy D.TC6. The assessment of overconcentration within the planning application appears to demonstrate a high level of hotel rooms within the surrounding area however this is not reported clearly. In total,

Table A and B of Appendix 3 identify a total of 2,657 rooms within the local area. This is a significant provision and results in an overconcentration of hotels rooms in the area and means that it does not comply with criteria (b) of Policy D.TC6.

- Land use – the adopted London Plan identifies an annual housing target of 3,931 new homes. The draft London Plan identifies a change in the target to 3,511 homes a year. There has been an under delivery of housing in LBTH in recent years and this site is suitable for residential use. As such, a residential scheme should be pursued which includes family housing and affordable housing. This would be able to meet internal noise criterion and as such would be a viable land use component considering the adjacent existing businesses.
- Public consultation – the applicant’s consultation was not meaningful and did not provide sufficient time for members of the public to comment.
- Design and heritage – the new development is in a sensitive location in terms of heritage assets. The design fails to respond appropriately to this sensitive context and is poor quality. The new building is overbearing and will detract from the importance of the museum opposite.
- Agent of change – The proposals do not identify uses within the local area that will impact upon the amenity of hotel customers in terms of noise and disturbance. A further Noise Impact Assessment should be provided to ensure hotel residents would not be disturbed by lawful commercial activity. Conditions should be imposed requiring all the hotel windows are fixed shut/ designed so external noise is not transmitted into the hotel rooms.
- Agent of change – A condition should be imposed that ensures the windows remain closes to achieve the BS 8233 criterion noise levels in habitable rooms.
- Servicing - The proposed servicing will take place within the proposed service yard accessed via Nant Street. As only one service vehicle can access Nant Street and the service yard at any one time, this will affect existing operators who use this road for deliveries. Deliveries should therefore be coordinated with existing operators to ensure the existing operations are adversely affected. The applicant should prepare a delivery/servicing plan demonstrating that they have agreed the provisions of the plan with the existing operators. If the road is blocked by new servicing vehicles, then drivers servicing the existing businesses have no space to stop/deliver. This could result in the closure of existing businesses.
- Construction management – there are concerns that the construction of the hotel will harm the operation of existing businesses. Nant Street is too narrow for large lorries and for two vehicles to pass safely. If construction vehicles have to stop on this road then neighbouring business’s deliveries will not be able to access the road.
- Construction management – a fully detailed CMP should be secured by condition that accounts for the management of noise, vibration, dust/fumes, transport and lighting impacts).

## **Support**

4.7 1 letter of support highlighting the following material planning considerations:

- The proposal would create a more attractive streetscape
- The proposals would improve/widen Nant Street making it safer for pedestrians.

- The proposal would result in jobs and attract visitors to the area.

## **5 CONSULTATION RESPONSES**

### **INTERNAL CONSULTEES**

#### **LBTH Planning Policy**

- 5.1 Comments are incorporated within the 'Land use' section of this report.

#### **LBTH Health Impact Assessment Officer**

- 5.2 The HIA identifies key design features supporting health and is more explicit on which features will be secured through design or to be secured through S106/planning obligations. As such, the HIA is acceptable.

#### **LBTH Environmental Health – Contaminated Land**

- 5.3 No objection subject to the following conditions being imposed:
1. A scheme identifying the extent of contamination
  2. Remediation strategy to be carried out prior to occupation
  3. A verification report to demonstrate effective implementation of the remediation strategy.

#### **LBTH Environmental Health – Air Quality**

- 5.4 No objection. The Air Quality Report provided is acceptable. The air quality neutral assessment for building emissions is satisfactory. The proposed site is in an area of high nitrogen dioxide level. The mitigation proposed for this is a bespoke mechanical ventilation system. It is recommended that ventilation intakes should be located where pollutant concentrations are predicted to be below the NO<sub>2</sub> objective level. It is noted that a kitchen extraction system is proposed as part of the development. Full details of the ventilation system have not been included and as such will be secured by an appropriate condition.

#### **LBTH Environmental Health – Odour Control**

- 5.5 As per the above Air Quality comments, a condition is recommended that would provide full details of the proposed ventilation system.

#### **LBTH Environmental Health – Noise**

- 5.6 There are no concerns regarding the efficiency of the building to provide a quiet and restful environment for guests. Similarly, the external roof terrace space provided, though adjacent to the railway will have the option of a glazed retractable roof. The report does not have details of the expected glazing, system for air circulation or the associated plant requires. No potentially sensitive noise receptors have been identified with the building directly opposite in Nant Street is a similar building with no opening windows or external areas to the north side. However, the Dundee Arms is at the same end of the site as the proposed 5th floor roof top plant.
- 5.7 The following conditions are recommended: Restrictions on demolition and construction activity/plant noise level to be lower than background noise level.

#### **LBTH Biodiversity**

- 5.8 No objections to the proposals subject to appropriate planning conditions

### **LBTH Place Shaping**

- 5.9 Comments are incorporated within the 'Design' and 'Heritage' sections of this report.

### **LBTH Transportation and Highways**

- 5.10 Comments are incorporated within the 'Transport and Servicing' section of this report.

### **LBTH Energy Efficiency/Sustainability**

- 5.11 Comments are incorporate within the 'Environment' section of this report.

### **LBTH Sustainable Urban Drainage**

- 5.12 No objections to the surface water drainage scheme as proposed and subject to relevant conditions.

## **EXTERNAL CONSULTEES**

### **Transport for London – Land Use Planning**

- 5.13 The site enjoys an excellent PTAL rating of 6, therefore it welcomes that no on-street parking would be provided for this site with an exception of one disabled bay on Nant Street.
- 5.14 With comparison to the site's existing PHF use, the proposed hotel would result in a lesser number of vehicular trips.
- 5.15 Due to lack of coach facility to be provided, TfL seeks that the Council impose restriction preventing the hotel from accepting coach parties.
- 5.16 The provision of pick up/ drop off bay on Cambridge Health Road is broadly supported; its final design should be subject to Road Safety Audit and be approved by the Council.
- 5.17 It is proposed that servicing will be undertaken from Nant Street, a Delivery & Servicing Plan for the site must be secured by condition and shall regulate and co-ordinate the use of the loading area, including that all vehicles must enter/ exit Nant Street in forward gear and the implementation of a booking system for the loading area.
- 5.18 It is proposed to provide 15 long stay and 5 short stay cycle parking for the proposal; the applicant shall confirm the proposed level of provision would confirm to the Intend to Publish London Plan cycle parking standards. Evidence shall also be provided to demonstrate that the cycle access design and facility will comply with the London Cycle Design Standards (LCDS); alongside with the provision of the shower and changing facilities for staff/ employees for the hotel and commercial units.
- 5.19 A construction logistics plan (CLP) shall be provided and be secured by condition. The Plan shall be produced fully in line with TfL's CLP guidance to regulate construction logistics activities, vehicles movements and safety. The applicant shall also commit to employ suppliers/ contractors whom have achieved Silver level membership grade of the Fleet Operator Recognition Scheme (FORS) to ensure high standards of operational safety and efficiency.
- 5.20 Network Rail must be consulted over the proposal's impact to the rail line in close vicinity of the site.
- 5.21 The Council shall secure appropriate improvements/ contribution toward local walking/ cycling/ public realm improvement from the proposal, in line with London Plan policy T2 'Healthy Streets'.



### **Metropolitan Police (Designing Out Crime Office)**

- 5.22 A condition should be imposed to ensure that the development shall achieve a Certificate of Compliance to a Secured by Design scheme.

### **Historic England Inspector of Historic Buildings**

- 5.23 On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation advisers, as relevant.

### **Historic England Greater London Archaeological Advice Service**

- 5.24 A condition is recommended that requires a Stage 1 Written Scheme of Investigation to be provided prior to demolition and development.

### **Thames Water**

- 5.25 There will be sufficient foul and surface water capacity in our sewerage network to serve the development.

### **Network Rail**

- 5.26 No objections subject to relevant informatives.

## **6 RELEVANT PLANNING POLICIES AND DOCUMENTS**

### **Adopted policy**

- 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 The NPPF (2019), which the Development Plan needs to be in accordance with, sets out the Government's planning policies for England and how these should be applied and provides a framework within which locally prepared plans for housing and other development can be produced.
- 6.3 The purpose of the planning system is to contribute to the achievement of sustainable development which has the following three overarching objectives: economic, social and environmental.
- 6.4 The adopted Development Plan comprises:
- The London Plan (2016, LP) and
  - Tower Hamlets Local Plan 2031, "The Local Plan", (adopted January 2020)
- 6.5 The key adopted Development Plan policies relevant to the determination of this proposal are:
- Land Use - (*principle, residential, employment*)
- Local Plan policies – S.SG1, S.SG2, S.EMP1, D.EMP2, D.TC6
  - London Plan policies –LP2.9, LP4.1-4.5
- Design and Heritage - (*layout, townscape, massing, heights and appearance, materials, heritage*)
- Local Plan policies - S.DH1, D.DH2, 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,

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

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- National Design Guidance (2019)
- GLA City Fringe Opportunity Area Planning Framework (2015)
- Historic England Heritage Supplementary Guidance (Various)
- LBTH Planning Obligations SPD (2016)
- Bethnal Green Gardens Conservation Area Appraisal and Management Guidelines (2009)

### **Emerging policy**

6.7 The Mayor of London's Draft New London Plan with Consolidated Suggested Changes was published in July 2019. The Examination in Public took place in January 2019. Generally, the weight carried by the emerging policies within the Draft New London Plan is considered significant as the document has been subject to Examination in Public (EiP), incorporates all of the Mayor's suggested changes following the EiP and an 'Intent to Publish' was made by the Mayor of London. However, some policies in the Draft New London Plan are subject to Secretary of State directions made on 13/03/2020, these policies are considered to 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.

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

Land Use

- Draft New London Plan policies – GG1, GG5, SD1, D1, E1-E3, E10

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

- Draft New London Plan policies – D2-9,

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

- Draft New London Plan policies – D13.

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

- Draft New London Plan policies – T1, T2, T3, T4, T5, T6, T6.1, T6.4, T6.5, T7, T9

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

- Draft New London Plan policies – SI2, SI3, SI12, SI13, G6

## **7 PLANNING ASSESSMENT**

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Design
- iii. Heritage
- iv. Neighbouring Amenity
- v. Transport and Servicing
- vi. Environment
- vii. Human Rights and Equalities

### **LAND USE**

#### **Changes to the Use Classes Order**

7.2 On 21 July 2020 the Government announced a number of changes to the planning system which came into force on 1<sup>st</sup> 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.

7.3 The new 'E' use class effectively amalgamates a number of previously disparate use classes into this new use. In the context of the Application Proposals, the previously existing B1 and D2 would fall within the E class.

7.4 Statutory Instrument no. 757 does however stipulate transition arrangements for planning applications submitted prior to the 1<sup>st</sup> September 2020, such as the Application Proposals. These transition arrangements state that such applications should be determined with reference to the Use Classes as existing *prior* to 1<sup>st</sup> September. 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 1<sup>st</sup> September 2020, at a point when the new statutory instrument has come into effect.

7.5 Nevertheless, whilst the Application Proposals should be assessed and determined in accordance with the transitional arrangements (as per the following analysis), the new legislation still amounts to a relevant material consideration. That is, it is relevant to note the legislative context against which the Application Proposals would be considered in the event that they were re-submitted after 1<sup>st</sup> September 2020. However, whilst material, officers would afford them limited weight in the determination of the Application Proposals given the transitional arrangements in place while further noting that Statutory Instrument No. 757 is subject to legal challenge.

7.6 It is noted that the new E class would not affect the main use proposed by this application which is a hotel. Hotel uses continue to fall under Use Class C1. The ground floor/basement office use would fall under Use Class E within the new order.

#### **Spatial designations**

7.7 In the Local Plan, the site is located within:

- City Fringe Sub-Area
- Green Grid Buffer Zones
- Archaeological Priority Area

### **Place vision**

- 7.8 The site sits in the City Fringe Sub Area. Relevant aspects of the vision for this area are:
- Ensuring Whitechapel, Cambridge Heath, Shoreditch, Spitalfields and Aldgate will all have a more diverse mix of commercial, cultural, leisure, tourism and night-time activities. It will be a place for new affordable and flexible employment spaces.
  - To protect and enhance the area’s heritage assets and improve the historic character of the individual places.
  - To improve and enhance legibility, permeability and connectivity within, to and from the area, whilst enhancing and improving green grid links.
  - Strengthen the role and function of the area’s distinctive and varied town centres to provide a choice of cultural, leisure and retail activities, and;
  - Create new open spaces (including pocket parks and strategic open space) and improve links to existing publicly accessible open space.

### **Assessment**

#### Loss of existing petrol filling station

- 7.9 The existing use of the site is sui generis involving the sale of fuel and related services. There is no policy protection for PFSs and as such there is no in principle objection to its loss. Policy D.EMP3 of the Local Plan resists the net loss of employment floorspace outside designated employment areas. The application proposal involves an uplift in employee numbers in both the hotel and the proposed office use. The Employment Density Guide (November 2015) suggests a mid-scale hotel would have 1 FTE member of staff per 3 beds – i.e. 52 for this 157-bed hotel and an office use 1 FTE/12m<sup>2</sup> (48 FTE). As such, the proposal would result in a total of between 58 and 100 FTE employees. The loss of the petrol filling station is therefore acceptable.

#### Proposed hotel use

- 7.10 The proposals seek to deliver 157 hotel bedrooms.
- 7.11 As noted in paragraph 7.7 the Site falls within City Fringe Sub-Area. The Local Plan’s vision for this area notes that: “Whitechapel, Cambridge Heath, Shoreditch, Spitalfields and Aldgate will all have a more diverse mix of commercial, cultural, leisure, tourism and night-time activities.”
- 7.12 Policy 4.5 of the London Plan (2016) supports London’s visitor economy, seeking to achieve 40000 net additional hotel bedrooms by 2036 in appropriate locations including within opportunity areas where there is good public transport access to central London.
- 7.13 Policy E10 of the Intend to Publish London Plan sets wider aims to promote leisure development across London, noting a requirement for 58000 additional bedrooms by 2041.
- 7.14 Policy D.TC6 of the Local Plan states the following:

1. Development of visitor accommodation will be supported in locations within the Central Activities Zone, Canary Wharf Major Centre, Tower Hamlets Activity Areas and District Centres (as shown on the Policies Map) or along primary routes where adjacent to transport interchanges, providing:

- a. the size, scale and nature of the proposal is proportionate to its location
- b. it does not create an over-concentration of such accommodation, taking account of other proposals and unimplemented consents in the local area
- c. it does not compromise the supply of land for new homes (in accordance with our housing trajectory) or jobs and our ability to meet the borough's housing and employment targets, and
- d. the applicant can demonstrate adequate access and servicing arrangements appropriate to the scale, nature and location of the proposal.

7.15 The site is located on a major transport route and is approximately 150m north of Bethnal Green underground station and 400m south of Cambridge Heath Overground Station. The PTAL rating is 6b which is the highest level of public transport accessibility. As such, the principle of visitor accommodation is supported meeting policy test a.

7.16 A hotel supply and demand assessment has been submitted. The assessment notes that there is a concentration of visitor accommodation in the western edge of the borough but fewer as one travels further east. There are indeed several hotels within 500m of the application site providing some 644 beds in total. A study has also been undertaken of visitor accommodation in the development pipeline within the western part of the borough (up to 2km from the application site). This shows that there are 1596 hotel rooms within the development pipeline.

7.17 In assessing whether there would be an over-concentration of hotel accommodation, it is important to make clear that the Local Plan sets no upper limit on the number of hotels/rooms but states they should be of a 'size that reflects their surrounding built environment and reflects the function of the location within town centres or employment areas' (supporting text 11.44). The proposal would result in an additional 157-bedroom hotel. There are similar sized hotels in the immediate area such as the East London Hotel (161 rooms) and Travelodge Bethnal Green (131-rooms) in addition to a number of smaller hotels.

7.18 Based on the proposed size of the hotel, and the application site's location in what may be described as the civic centre of Bethnal Green, located opposite the Museum of Childhood, in very close proximity to both York Hall and St Margaret's Centre and Bethnal Green Gardens, the East End Hotel and the Bethnal Green Mission, means the hotel would not be out of character with its surrounding built environment. As such, the proposal is not considered to create an over-concentration of such accommodation meeting policy test b.

7.19 There have been a number of objections received that contend that the site would be more suited to accommodate a residential-led scheme and that the borough has failed to meet its housing targets over the past 3 years. Policy test c relates to the borough's supply of land for new homes as set out with the housing trajectory.

7.20 Policy S.H1 of the Local Plan states, in part 1(b) that the borough will secure the delivery of at least 58,965 new homes across the borough (equating to at least 3,931 new homes per year) between 2016 and 2031. This will be achieved through ensuring development does not undermine the supply of self-contained housing - in particular family homes. Supporting text 9.15 states that development for non-self-contained units will not be supported where it utilises land identified for self-contained housing through a current planning permission, or through the borough's development plan. It is recognised that other policies in this plan identify suitable

locations for other land uses. Developments of other land uses, where supported by policy and/or site allocations, are not considered to undermine the supply of self-contained units.

- 7.21 The site is not located within a site allocation, nor does it have a current planning permission for a residential development. As such, the proposals would not compromise the ability of the council to meet its housing targets, and complies with policy test c.
- 7.22 Servicing and access are dealt with in the 'Transport and servicing' section of this report. The assessment in this section demonstrates that policy test d is met.

#### Proposed office use

- 7.23 The scheme seeks to deliver an office use (578m2 GEA) across ground and basement floor levels.
- 7.24 Policy D.EMP2 of the Local Plan states that, in part 2, outside of the locations cited in Part 1, new employment space will be directed to town centres and accessible locations along major transport routes. A major transport route is considered to include the borough's A roads, of which Cambridge Heath Road is one (A107). Furthermore, the site is located in an area of the highest transport accessibility, with a PTAL of 6b. As such, the proposed office use is acceptable.

#### **DESIGN**

- 7.25 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.

#### **Height, scale and massing**

- 7.26 The existing site is a petrol station. As such, its built form is low lying, when compared with the pair of buildings to the south (6 storeys in height) and the Dundee Arms Public House to the north (3 storeys). An opportunity is therefore presented to create a building of transitional height.
- 7.27 The proposed development is predominantly 6 storeys in height (in its southern portion) and then steps down to part 5, part 4 storeys where it meets the Dundee Arms to the north. The building is considered to respond well to building heights at both the southern and northern ends of the site and coherently repairs the gap which currently exists in the townscape street frontage. It is worth noting that the site was historically occupied by two-storey terraced properties prior to bomb damage in the Second World War.
- 7.28 It is considered that this transition responds well to its surrounds and does not appear overly dominant in the streetscene. The scale of the development suits its surroundings, is proportionate to the area's role and function.

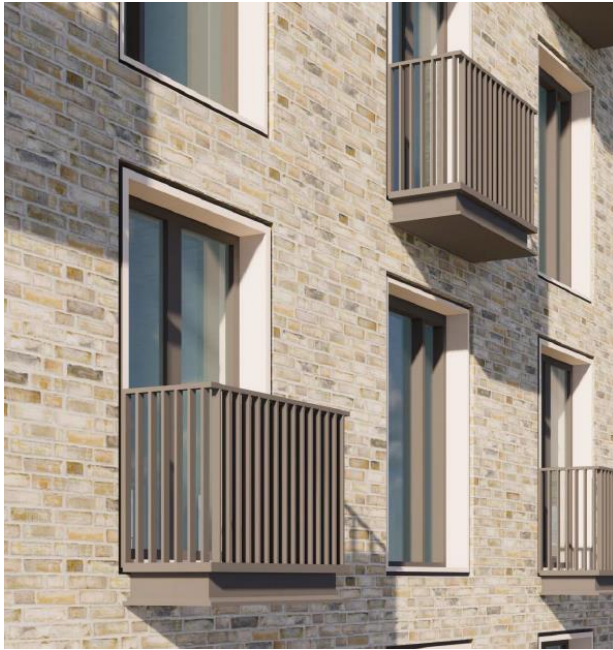
**Figure 3: Aerial view**



### **Appearance and materials**

- 7.29 The application is accompanied with visual illustrations of the proposed development. The design provides a positive response to the immediate area and builds upon the positive features of this part of Cambridge Heath Road. The main visitor hotel entrance is accessed from Nant Street, activating the approach to the Paradise Row eateries to the rear. The footway is also widened to increase pedestrian comfort levels which shall be adopted as public highway.
- 7.30 The facade is expressed in three sections: the tallest to the south, with two narrower sections in the middle and to the north as the building steps down. Varying materials and the subtle differing fenestration break the façade down further. This design choice mediates between the larger block to the south (Bethnal Green Mission Church and East London Hotel) and the domestic rhythm of the street from the Dundee Arms Public House northwards.
- 7.31 The proposal is predominantly a brick building, reflecting the predominance of brick in the local townscape. This is complemented with stone at street level which provides a robust base. The use of a grey metal clad roof provides articulation above the parapet line to the Cambridge Heath Road elevations when viewed from street level, a contemporary take on the slate or pitched roofs and dormers throughout older properties nearby. The deep window reveals, recessed channels, Juliet and projecting balconies provide articulation and visual interest to the facades in addition to the green walls.

**Figure 4: Facade detailing**



- 7.32 Overall, the proposed development would make a positive contribution to the local character of the area, consistent with the context of the site and its surroundings and in accordance with policy objectives for high-quality design.

#### **Safety and security**

- 7.33 It is noted that Metropolitan Police raised no objections in principle but have requested further information to be secured via a condition requiring the development to complete Secure by Design certification prior to the commencement of superstructure works.

#### **Inclusive design**

- 7.34 The proposal includes 16 wheelchair accessible bedrooms (10%), in accordance with Policy 4.5 of the London Plan (2016) and E10 H(1) of the Intend to Publish London Plan.
- 7.35 The proposed development will provide 1 accessible car parking space. This is discussed in more detail within the 'Transportation and servicing' section of this report.
- 7.36 Overall, the proposal would result in a scheme that would be well connected to its surroundings and would provide hotel accommodation that can be used safely and easily and with dignity for all regardless of disability, age, gender, ethnicity or economic circumstances in accordance with policy.

#### **Design conclusion**

- 7.37 To conclude, the proposal would respond appropriately to the positive aspects of the local context, re-introduce the building line on Cambridge Heath Road, is visually interesting, well detailed, proportional and designs out opportunities for crime. As such, the proposal is compliant with the Development Plan in this regard.



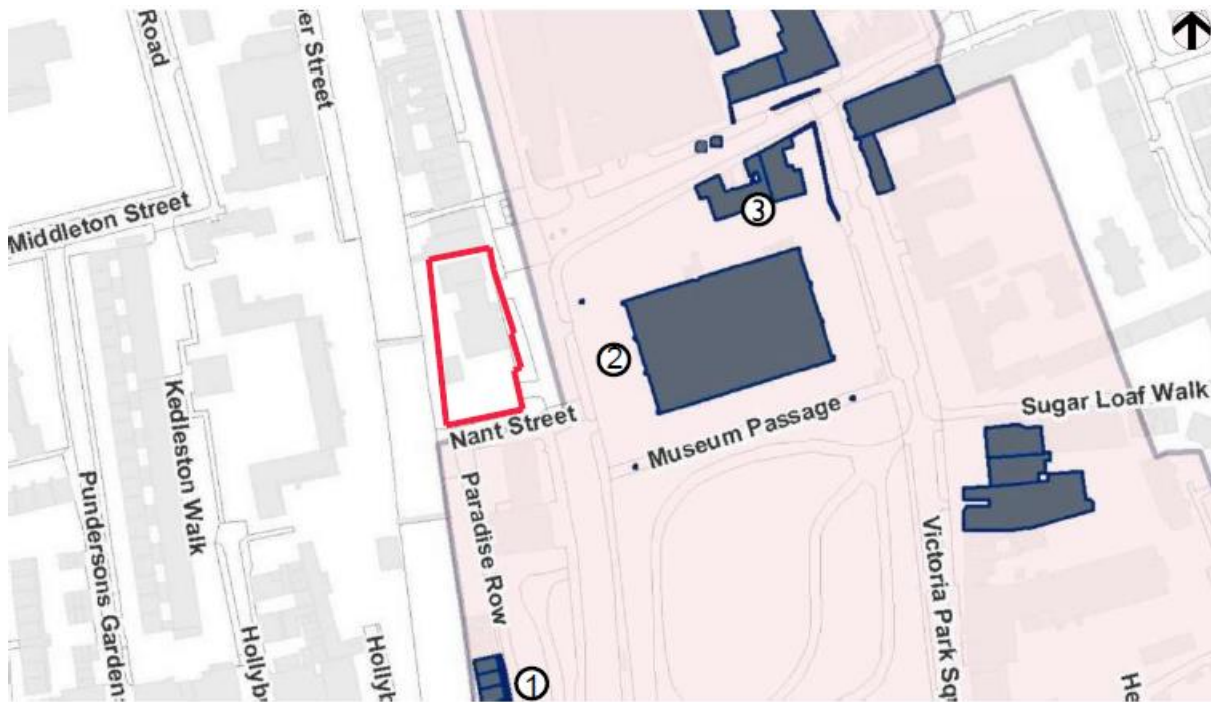
## HERITAGE

- 7.38 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.

### Heritage context

- 7.39 The designated heritage assets that are located around the site are set out on the below map.

Figure 5: Map of designated heritage assets



1. Paradise Row (Grade II)
2. V&A Museum of Childhood (Grade II\*)
3. The Terrace (Grade II).

### Designated heritage assets

#### Conservation Area

- 7.40 The Bethnal Green Gardens Conservation Area Character Appraisal and Management Guidelines (2009) describes the application site:

*The petrol station at 319-329 is outside the Conservation Area boundary, but is mentioned here because this site is an essential part of the setting of the Grade II\* listed Bethnal Green Museum, being opposite it, and options for enhancing this site should be investigated.*

- 7.41 Taking the above into consideration, the existing site currently makes a negative contribution to the setting of the Conservation Area and the Grade II\* listed museum. This is demonstrated in figure 6, below.

- 7.42 As described within the 'Design' section of this report, the building is considered to respond well to building heights at both the southern and northern ends of the site and effectively fills the gap which currently exists in the street frontage. The stepped height of the building and varying façade treatment splits the building into 3 masses, serving the breakdown its presence in the streetscene.
- 7.43 When viewed looking south down Cambridge Heath Road, with the application site on the right and the V&A Museum of Childhood on the left, the development would not interfere with the setting of the museum within the Conservation Area. This is because the development would serve to fill this gap which is currently occupied by the austere petrol station and its associated facilities. The building line would be reinstated and the height of the proposed building, responds sensitively to its neighbours at both its southern and northern ends means that it does not draw one's eye away from the setting of the museum and its grounds which maintain their prominence within the conservation area.

**Figure 6: View of the application site looking south down Cambridge Heath Road**



- 7.44 When viewed east from Old Ford Road, which is much narrower than Cambridge Heath Road and flanked with listed buildings either side, there is a clear line of sight to the application site. As one gets closer to Cambridge Heath Road the application site and the existing East London Hotel becomes evident within the wider backdrop of this view. The proposed development, with its subservient height, scale and massing, would complement the buildings in the foreground of this view.

**Figure 7: View of the application site from Old Ford Road**



- 7.45 When viewed from within Bethnal Green Gardens, there are very limited views of the existing site. The visibility of the proposed development is very similar to that of the East London Hotel and Bethnal Green Mission Church and as such would incur a minor impact.
- 7.46 When viewed looking north up Cambridge Heath Road, with the application site on the left and the V&A Museum of Childhood on the right, it is important to note that the East London Hotel and Bethnal Green Mission Church are within the Conservation Area and the application site is not. The proposed development would be no taller than these buildings and its massing and form allows for a natural addition to the streetscene. It is difficult to view the museum and the site together unless one is on the eastern side of the road. As with the view looking south, the proposals would not interfere with important views within the conservation area.

**Figure 8: View looking north on Cambridge Heath Road**



- 7.47 When viewed northwards on Paradise Row, which includes a terrace of listed houses and southern elevation of the Bethnal Green Mission Church that face onto Paradise Gardens, there is a gap at the end of Paradise Row with the site just visible. The proposed development would be clearly subservient to the massing of the Mission Church. The impact would be minor, and the framing of Paradise Gardens preserved, given the perspective of the view and distance of the proposed development.
- 7.48 The existing site, although sparse in its built form, does not contribute positively to one's appreciation of the adjacent Bethnal Green Gardens Conservation Area. Its status within the Bethnal Green Conservation Area Character Appraisal and Management Guidelines (2009) indicates that the site's relationship, specifically with the Grade II\* listed V&A Museum of Childhood within the conservation area boundary, could be improved. The proposals would improve the relationship of this site by responding appropriately to positive aspects of the local context, re-introducing the building line on Cambridge Heath Road and through well detailed and considered design. Views from within the conservation area have been discussed above, and the impacts of the proposed development's presence within these views is overall considered to be positive. As such, the proposed development would enhance the character or appearance of the conservation area.

Listed buildings

### *V&A Museum of Childhood*

- 7.49 As set out above, the museum sits in a garden setting and is surrounded by many mature trees. The important views of the museum with the application site in frame are seen north and south on Cambridge Heath Road.
- 7.50 The proposed development would see the removal of the PFS, its associated shop and ancillary equipment and re-introduction of the building line. The development would respond to neighbouring buildings in terms of height and massing and not draw one's attention away from the away from the setting of the museum and its grounds. The development would not negatively interfere with the setting of the museum, nor would it detract from its significance including any heritage significance derived from its setting.

### *The Terrace, Priory/Church, Old Ford Road and York Hall*

- 7.51 There are a group of listed buildings and related structures within the northern part of the Conservation Area. As noted when assessing views within the Conservation Area, Old Ford Road is narrow when compared to Cambridge Heath Road. The setting of these buildings is impaired by the existing petrol station. The proposed development, with its well-considered design, height and massing would complement the buildings in the foreground of this view.

### *Paradise Row*

- 7.52 The terraces in Paradise Row have a group value and their setting is predominantly defined by Paradise Gardens. The site would only be visible when looking north on Paradise Row however, as the proposed development would be set behind the Bethnal Green Mission Church, which faces into the open space, it is not considered that their setting or significance is compromised.

### *Other listed buildings*

- 7.53 There are a number of other listed buildings and structures around the site. However, as there is no inter-visibility between these heritage assets and the application site there would be no changes resulting from the proposals.

## **Non-designated heritage assets**

### Locally listed buildings

- 7.54 The only locally listed building affected by the proposed development would be the Dundee Arms Public House, located directly adjacent to the site's northern boundary. The pub has an exposed flank wall facing into the application site.
- 7.55 The proposed development would cover the flank wall, which does not contribute to the historic value of the pub. Within this part of the proposal, the building is a storey higher. The Public House's setting is experienced in an urban context and is prominent when compared to the application site in its existing state. The difference in height would clearly affect the setting of the public house as it would result in an adjacent building of increased height. However, the proposal would see the removal of negative aspects of the site, namely the buildings and ancillary equipment associated with the Petrol Filling Station use which do not positively contribute to the Public House's existing setting.

- 7.56 The application proposals, which involve a stepped approach to the building's height mediates between the height of the Public House and the larger urban block of buildings to the south (Bethnal Green Mission Church and East London Hotel). This, combined with the attention paid to the handling of the facades would not adversely impact the setting of the building, allowing continued visibility of the chimney on the boundary and appreciation of the historic front façade. Overall, the proposed development is not considered to detract from the pub's historic value.

### **Archaeology**

- 7.57 The site is located within an archaeological priority area. The Greater London Archaeological Advice Service have commented on the proposals, stating that the southern half of the site is unlikely to preserve remains as a result of the insertion and removal of underground fuel tanks in recent decades. Under the northern half however, where modern impact has been much less, there is potential for preservation of buried remains.
- 7.58 As such, GLAAS recommend that archaeological investigation of the northern half of the site would be appropriate in connection with any planning consent. This work would be with the aim of understanding and recording remains of the mapped buildings, uncovering any evidence of the origins of Bethnal Green and also offsetting the impact on any other, unexpected remains. This is recommended to be secured by condition.

### **Heritage conclusion**

- 7.59 The proposed development would deliver a well-considered design that is appropriate in terms of mass, scale, form and architectural detailing. It would enhance the setting of the Bethnal Green Gardens Conservation Area, and the setting of other heritage assets.
- 7.60 The proposals therefore comply with policy 7.8 of the London Plan, HC1 of the Intend to Publish London Plan and policies S.DH3, D.DH4, and S.DH5 of the Local Plan, the relevant paragraphs of the NPPF (2019), and the statutory duties set out in The Planning (Listed Buildings and Conservation Areas) Act 1990.

### **NEIGHBOURING AMENITY**

- 7.61 Development Plan policies seek to protect neighbouring amenity by safeguarding privacy and ensuring acceptable outlook. Development must also not result in an unacceptable material deterioration of the daylight and sunlight conditions of surrounding development. Nor should the development result in an unacceptable level of overshadowing to surrounding open space and private outdoor space. The levels of artificial light, odour, noise, fume or dust pollution during the construction and life of the development must also be assessed.

### **Daylight and sunlight**

#### Policy and guidance

- 7.62 Policy D.DH8 of the Local Plan 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).
- 7.63 The nearest residential receptor to the site is the mixed use development, with residential on the upper floors at the Bethnal Green Mission Church and the post-war block of flats on the other side of the railway tracks at Hollybush Gardens (west). Both of these developments are

set at a sufficient distance and behind other built structures as to be considered unaffected by the application proposals in daylight, sunlight and overshadowing terms.

### **Overlooking and outlook**

- 7.64 As the application is for a hotel, there is no policy requirement to ensure that such developments have windows with outlook akin to residential developments. However, the outlook of the majority of the new hotel rooms would be reasonable considering that many have good views across Cambridge Heath Road and Nant Street.
- 7.65 In terms of overlooking, the proposed development is designed so that windows are either facing over Cambridge Heath Road (eastern outlook), over the railway viaduct (western outlook) or south to the adjacent East London Hotel. As such, the proposals do not incur an unreasonable level of overlooking to any residential developments or other uses which may be deemed sensitive.
- 7.66 Overall, the outlook of neighbouring residential properties is maintained by the proposals and no unacceptable instances of overlooking would be incurred.

### **Sense of enclosure**

- 7.67 The proposed development is orientated parallel to the street, and at the rear to the railway viaduct. In terms of height, the proposal would be no taller than the East London Hotel to the south. There are no habitable rooms (i.e. within residential properties) in close enough proximity to have their sense of enclosure unreasonably affected by the proposals.
- 7.68 Overall, the proposed development would cause limited impacts to sense of enclosure and would be acceptable.

### **Noise and vibration**

#### Noise arising from the development

- 7.69 Council Environmental Health Officers have reviewed the submitted material. They have concluded that the completed development would not have any unacceptable impacts on neighbouring amenity from noise and vibration.
- 7.70 Nonetheless, officers have requested that a condition is added that limits the noise levels of fixed building services/plant equipment for the non-residential uses and for a compliance condition relating to restrictions on demolition and construction. These conditions will be attached to any forthcoming consent.

#### Agent of change

- 7.71 Policy D12 of the Intend to Publish London Plan places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses, on the 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.
- 7.72 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.

- 7.73 The proposal comprises a hotel and office use. The proposed uses are not considered to constitute a 'noise-sensitive development'. Noise sensitive development is not strictly defined by policy, as all applications should be taken on a case-by-case basis however, supporting text 3.12.2 to Policy D12 states that '*...where new developments are proposed close to existing noise generating uses, for example, applicants will need to design them in a more sensitive way to protect the new occupiers, such as residents, businesses, schools and religious institutions, from noise and other impacts*' and supporting text 14.69 to policy D.ES9 states that '*There have been a number of examples across London of longstanding entertainment venues closing or becoming at risk of closure due to a combination of factors, including noise complaints from new residents and venues being purchased for redevelopment (particularly for housing)*'.
- 7.74 The proposal is not considered to constitute noise sensitive development. This is because a hotel use, by its very nature, is not one that offers a level of permanence to its users akin to say, a residential development, school or workplace. Although the proposed balconies are calculated to exceed the upper guideline noise levels recommended for habitable rooms, these are not required by planning policy to make hotel rooms acceptable. As such, it is considered that the proposal is satisfactory in this regard.

### **Construction impacts**

- 7.75 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan 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 AND SERVICING**

- 7.76 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.

#### **Cycle parking**

- 7.77 The proposed cycle parking meets the minimum requirements of policy T5 of the Intend to Publish London Plan. The basement cycle store provides for access by non-standard cycles (via the service lift and widened lift lobby from Nant Street) for the hotel use. Additional visitor parking has been provided for the office use adjoining the TfL bike hire hub, along with a bike maintenance point. For the office use, a cycle store is provided at ground floor level, accessed from Cambridge Heath Road.

#### **Car parking**

- 7.78 The application proposes to be car-free which is acceptable for the use classes and location of the development. One accessible bay is proposed on Nant Street. The applicant accepts that this will not be available solely for the proposed use as it will be located on the public highway and as such would be available to all blue badge holders.
- 7.79 The LBTH Transportation and Highways team have reviewed the proposals and stated that, although it is preferred that a blue-badge space should be provide for each use, in consideration of the space constraints of the site this would not be possible in this instance. As such, the proposal is acceptable in these terms.

#### **Servicing and deliveries**

- 7.80 In terms of servicing for the hotel, it is proposed that a service yard is provided to the rear of the site, accessed via Nant Street. This location will require vehicles to reverse into the yard using the junction of Nant Street and Paradise Row. As this is a new access onto the highway, a Stage 1 Safety Audit has been submitted and accepted by highways officers.
- 7.81 In terms of servicing for the office, it is proposed that this will take place from Cambridge Heath Road. However, given the use, the frequency is likely to be very low at around 1 vehicle trip per day.
- 7.82 A draft Delivery and Servicing Plan (DSP) has been submitted however at this stage where the occupiers are unknown it is not considered appropriate to develop specific targets for the DSP at this stage. As such, highways officers recommend that a condition requiring a full DSP is provided prior to occupation of the development. Upon submission of a detailed DSP, the Transportation and Highways team will ensure that the plan shall avoid conflicts with other uses nearby. Once the site is operational and servicing and delivery surveys of the fully occupied development have taken place a series of targets can be set to provide a benchmark for the effectiveness of the plan.

### **Additional matters**

- 7.83 In addition to the above, conditions are recommended to secure a Travel Plan, Demolition and Construction Management Plan and a S278 agreement providing an agreed scheme of highways works funded by the applicant.

### **Summary**

- 7.84 Subject to the above conditions it is considered the proposal would be acceptable in terms of supporting sustainable modes of transport, and will have no unacceptable impacts on the safety or capacity of the highways network, in accordance with policies S.TR1, D.TR2, D.TR3 and D.TR4 of the Local Plan (2020) and policies 6.1, 6.3, 6.8-6.13 of the London Plan (2016).

## **ENVIRONMENT**

### **Energy and sustainability**

- 7.85 At a national level, the National Planning Policy Framework (2019) 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.

#### Energy

- 7.86 In general, the energy strategy proposals follow the energy hierarchy. The scheme is proposing Air Source Heat Pumps (ASHP) and Photovoltaics (PV), electrical based systems that can take advantage of the decarbonised grid in the future.
- 7.87 It should be recognised that there is a greater focus on carbon emissions across the Borough following the LBTH Climate Emergency declaration in 2019. In April 2020 the Council adopted its net zero carbon plan. Carbon emissions and how development schemes are responding to the LBTH climate emergency are likely to be key considerations at strategic decisions making meetings moving forward. It is therefore essential that all development schemes play their part in delivering as close to zero carbon on-site to minimise future retrofit requirements and meet the on-site zero carbon requirements of the Climate Change Act 2008 (as amended).



- 7.88 Policy D.ES7 of the Local Plan requires zero carbon emission development to be achieved through a minimum 45% reduction in regulated carbon dioxide emissions on-site, and the remaining regulated carbon dioxide emissions to 100%, to be off-set through a cash in lieu contribution. This is applicable to all developments. To note, we would seek a carbon offsetting figure of £95 per tonne for all residual emissions.
- 7.89 The submitted Energy Statement (Rev 03 – 29/05/20) sets out the proposals to reduce energy demand through energy efficiency measures and renewable energy technologies (including 32kWp Photovoltaic array and Air Source Heat Pumps) and deliver the following CO2 emissions:
- Baseline – 317 tonnes CO2 per annum
  - Proposed Scheme – 189 tonnes CO2 per annum
- 7.90 The total on-site site wide CO2 emission reduction is anticipated to be 59% against the building regulation baseline utilising the SAP10 carbon factors.
- 7.91 The proposals are for a 189 tonnes/CO2 reduction in on-site emissions and would result in a carbon offsetting contribution of £364,800 to offset the remaining 128 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.

### Sustainability

- 7.92 Policy D.ES7 of the Local Plan states ‘*All new non-residential development over 500 square metres floorspace (gross) are expected to meet or exceed BREEAM ‘excellent’ rating*’. The submission documentation includes a BREEAM pre-assessment which demonstrates the scheme is currently designed to achieve a BREEAM Excellent rating with a score of 71%. This is supported and is recommended to be secured via Condition for the Final BREEAM certificate to be submitted post completion.

### Summary and securing the proposals

- 7.93 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 £364,800 to deliver a policy compliant net zero carbon development.
- 7.94 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.
- 7.95 It is recommended that the proposals are secured through appropriate conditions and planning obligations to deliver:
- S106 - Carbon Offsetting contribution of £364,800 to offset all the residual emissions (Reason: Local Plan Policy D.ES7 requires all schemes to achieve net zero carbon with all residual emissions offset through a carbon offsetting contribution)
  - 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 Certificate to demonstrate an Excellent rated building has been delivered (Reason: Local Plan Policy D.ES7 requires all schemes >500m2 to achieve BREEAM Excellent)

7.96 In conclusion it is considered that the application would deliver sufficient carbon savings through both the energy hierarchy and via the financial obligations required to ensure the scheme meets the zero carbon targets for all development, as set by Policy S12 of the Intend to Publish London Plan, and policy D.ES7 of the Local Plan.

### **Air quality**

7.97 Policy D.ES2 of the Local Plan 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.

7.98 The Council's Environmental Health (Air Quality) team have reviewed the submitted Air Quality Assessment and concluded it is acceptable. The proposed site is located in an area of high nitrogen dioxide level. As such, the application proposes a bespoke mechanical ventilation system as mitigation.

7.99 Conditions are recommended that secure details of the ventilation system including where ventilation intakes are located to ensure pollutant concentrations are predicted to be below the NO2 objective level in addition to extraction details for kitchens.

7.100 Overall, the scheme would accord with policy D.ES2 of the Local Plan and policy 7.14 of the London Plan (2016).

### **Waste**

7.101 Policy D.MW3 of the Local Plan requires adequate refuse and recycling storage alongside and combined with appropriate management and collection arrangements.

7.102 Refuse storage is provided at the rear of the site and will have a direct opening onto the servicing yard for ease of collection. Details of the bin storage size and servicing arrangements are recommended to be secured by condition.

### **Biodiversity**

7.103 Policy D.ES3 of the Local Plan 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).

7.104 The Council's Biodiversity Officer has reviewed the proposals. A 42sqm intensive biodiverse roof is proposed on the 3<sup>rd</sup> floor roof adjacent to the Dundee Arms Public House. The proposed biodiverse roof would contribute to LBAP targets as required by policy.

7.105 Two green walls are proposed. One is located on the façade adjacent to the Dundee Arms Public House (eastern elevation) and the other facing the East London Hotel (south facing). Rainwater harvesting is proposed for irrigation purposes.

7.106 The above biodiversity enhancements will be secured by condition prior to the commencement of above ground works.

### **Flood risk and drainage**

- 7.107 Local Plan policies D.ES4 and D.ES5 seek to manage flood risk and encourage the use of Sustainable Urban Drainage within new developments.
- 7.108 The Council's Sustainable Urban Drainage Officer has commented on the proposals and have no adverse comments in relation to flood risk and drainage. A compliance condition is recommended to secure the discharge rates as set out within the submitted documentation.
- 7.109 Subject to conditions the proposal would be acceptable with regards to surface water runoff and drainage.

### **Land contamination**

- 7.110 The Council's Environmental Health (Contaminated Land) officer has reviewed the Assessment and recommends planning conditions to ensure that contaminated land is properly treated and made safe prior to development.

### **INFRASTRUCTURE IMPACT**

- 7.111 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £1,213,594.90 (exclusive of indexation) and Mayor of London CIL of approximately £381,654.64 (exclusive of indexation). These figures are indicative only and have been estimated using the most up to date available information on floorspace and would be subject to indexation.
- 7.112 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.
- 7.113 The applicant has agreed to meet all the financial contributions that are sought by the Council's Planning Obligations SPD which are as follows:
- £26,176.00 towards construction phase employment skills training
  - £32,028.00 towards end-user phase employment skills training
  - £364,800.00 towards carbon off-setting

### **HUMAN RIGHTS & EQUALITIES**

- 7.114 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. Officers are satisfied that the proposed development would not result in adverse impacts upon equality or social cohesion.

### **CONCLUSION**

- 7.115 Officers assessed the proposed development against the relevant Development Plan Policies, having regard to the consultation responses received and other material considerations. Taking all into account, the proposed development is considered to be acceptable and it is recommended that planning permission is granted, subject to the planning conditions and obligations set out in this report.

## 8 RECOMMENDATION

- 8.1 That **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations

### Financial Obligations

- a. £26,176.00 towards construction phase employment skills training
- b. £32,028.00 towards end-user phase employment skills training
- c. £364,800.00 towards carbon off-setting
- d. £500 per heads of term

### Non-Financial Obligations

- a. Economic incentives
  - i. Access to employment
  - ii. 20% local procurement
  - iii. 20% local labour in construction
  - iv. 3 construction phase apprenticeships
  - v. 3 end-user phase apprenticeships
- b. Transport matters:
  - i. S278 Agreement
- c. Compliance with Considerate Constructors Scheme

- 8.2 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

### Planning Conditions

- 8.3 The conditions apply to each phase of the proposed development, insofar as they are relevant to that phase.

8.4 Compliance:

1. Permission valid for 3 years;
2. Development in accordance with approved plans;
3. Restrictions on demolition and construction activities (including hours of working)
4. Cycle parking;
5. No coach bookings
6. Provision of 16 wheelchair accessible units;
7. Plant noise;
8. Hotel bedroom noise;
9. Energy strategy
10. Disabled car parking space with active electric charging provision
11. PD restrictions – telecommunications equipment
12. Surface water drainage scheme

8.5 Pre-commencement:

13. Waste strategy and management
14. Demolition, Construction Environmental Management and Logistics Plan (Including Dust and Emissions Management Plan)
15. Land contamination remediation and mitigation
16. Archaeological investigation;

8.6 Pre-superstructure works:

17. Biodiversity enhancements
18. Detailed design drawings and external facing materials including samples
19. Landscaping details (including maintenance regime for green walls)
20. Secure by Design Accreditation

8.7 Prior to occupation:

21. Land contamination verification report
22. Details of extraction, ventilation and external plant equipment
23. Full delivery, servicing and management plan
24. Travel Plan
25. BREEAM 'Excellent'
26. Submission of post completion verification report including as built calculations (SBEM) to demonstrate the reduction in CO2 emissions have been delivered on site

8.8 Informatives:

1. Permission subject to legal agreement.
2. Development is CIL liable.
3. Basement works to be agreed with Highways structures team
4. Servicing to comply with parking restrictions
5. Network Rail's Asset Protection Engineer must be contacted prior to any construction and demolition works

## APPENDIX 1 – LIST OF DOCUMENTS FOR APPROVAL

<b>Drawings</b>	
<b>Drawing No</b>	<b>Title</b>
A11383 F0001 Rev I1	Site location plan
A11383 Z0100 Rev I1	Demolition plan
A11383 F0150 Rev I1	Existing site plan
A11383 F0250 Rev I1	Existing site elevations
A11383 F0200 Rev I1	Existing contextual sections A-A C-C
A11383 F0201 Rev I1	Existing contextual sections B-B D-D
A11383 D0001 Rev I1	Proposed site plan
A11383 D0099 Rev I4	Proposed basement
A11383 D0100 Rev I4	Proposed GF
A11383 D0101 Rev I2	Proposed 1F
A11383 D0102 Rev I2	Proposed 2F
A11383 D0103 Rev I2	Proposed 3F
A11383 D0104 Rev I2	Proposed 4F
A11383 D0105 Rev I2	Proposed 5F
A11383 D0106 Rev I2	Proposed roof
A11383 D0200 Rev I3	Proposed elevation A-A (east)
A11383 D0201 Rev I3	Proposed elevation B-B (south)
A11383 D0202 Rev I3	Proposed elevation C-C (west)
A11383 D0203 Rev I3	Proposed elevation D-D (north)
A11383 D0204 Rev I3	Proposed contextual sections AA CC
A11383 D0205 Rev I2	Proposed contextual sections BB DD
A11383 D0300 Rev I2	Proposed section A-A
A11383 D0301 Rev I2	Proposed section B-B

<b>Documents</b>	
<b>Document</b>	<b>Author</b>
Design and Access Statement	TP Bennett
Planning and Heritage Statement	TP Bennett
Transport Statement	PMA
Outline Delivery and Service Management Plan	PMA
Travel Plan	PMA
Construction Management Plan	TT Construction Solutions
Energy Statement	WMEboom/DesignCO2
BREEAM Pre-Assessment Framework	WMEboom
Flood Risk Assessment	Robert West
Surface Water Drainage Proforma	Robert West
Phase 1 Geo-Environmental Desk Study Preliminary Risk Assessment	Subadra
Environmental Noise Assessment	Entran
Air Quality Assessment	WMEboom

Ecology Report	Wild Frontier Ecology
Archaeological Desk-based Assessment	CgMs
Fire Strategy Overview	MLM
Rapid HIA	TP Bennett
Statement of Community Involvement	TP Bennett

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## Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA/20/02107
<b>Site</b>	24 Lockesfield Place, London, E14 3AH
<b>Ward</b>	Island Gardens
<b>Proposal</b>	Proposed single storey rear extension
<b>Summary Recommendation</b>	Grant planning permission, subject to conditions
<b>Applicant</b>	Mr D Patel
<b>Architect/agent</b>	Mr Ravi Handa
<b>Case Officer</b>	Eleanor Downton
<b>Key dates</b>	<ul style="list-style-type: none"><li>• Application registered as valid- 02/10/2020</li><li>• Site Notice erected- 16/10/2020</li><li>• Public consultation ended- 06/11/2020</li><li>• Site visit conducted- 13/11/2020</li></ul>

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## EXECUTIVE SUMMARY

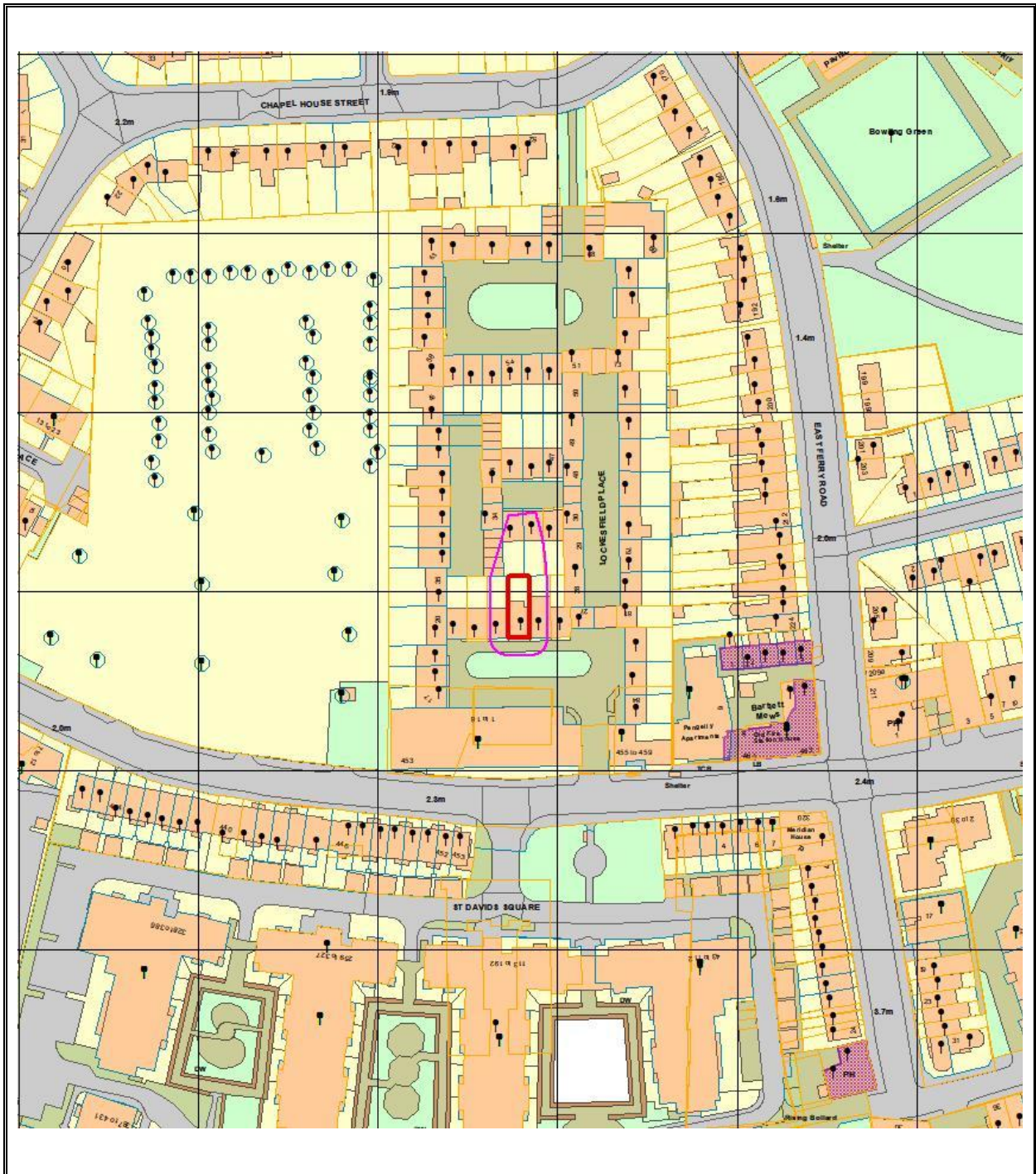
This report considers an application for a ground floor rear extension to an existing dwellinghouse within the Lockesfield Place Estate.

This application has been considered against the Council's approved planning policies contained within 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) which carries substantial weight.







The proposal is considered to be a well designed and subordinate addition, which responds well to the scale of development within the terrace and wider area. In addition, the extension, by virtue of its modest scale, would not unduly impact upon the residential amenities enjoyed by the neighbouring occupiers.

Officers recommend the proposed development be granted planning permission, subject to conditions.

**SITE PLAN:**



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

<ul style="list-style-type: none"> <li> Planning Application Site Boundary</li> <li> Other Planning Applications</li> <li> Consultation Area</li> <li> Land Parcel Address Point</li> <li> Locally Listed Buildings</li> </ul>	<p><b>Planning Applications Site Map</b>  <b>PA/20/02107</b></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</p> <p>Scale : 50m grid squares</p>	 <p><b>TOWER HAMLETS</b></p> <p>London Borough of Tower Hamlets</p> <p>Date: 01 December</p>
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**Figure 1: Aerial View of the Site**

## 1. SITE AND SURROUNDINGS

- 1.1 The application site contains a 2-storey, mid terrace, single family dwelling house and its rear garden. The site is located within the 'Lockesfield Place' development, which comprises of 21 flats, 5 maisonettes and 65 houses.
- 1.2 The site is not located within a conservation area and the property is neither locally nor statutorily listed. The Chapel House Conservation Area lies some 40m to the east.
- 1.3 The site is bound by 23 Lockesfield Place to the west, 25 Lockesfield Place to the east, 33 Lockesfield Place to the north and an internal communal courtyard to the south. The surrounding area comprises primarily of low scale residential dwellings, with some larger scale developments at Lockes Wharf to the south and Island Point to the west. There are some ground floor commercial uses along Westferry Road.
- 1.4 Properties within Lockesfield Place have been extended by way of single and 2 storey rear extensions over recent years. At least 12 such applications have been granted planning permission within the past 10 years.



**Figure 2: Rear elevation of the application site**

## 2. PROPOSAL

- 2.1 Full planning permission is sought for the erection of a ground floor rear extension, to provide additional living accommodation for the dwelling house.
- 2.2 The extension would cover the full width of the property. It would be 4m deep and 2.7m high, with a flat roof. The extension would be constructed in brick to match the existing property, with fenestration to match the existing in terms of material, size and style.

### 3. RELEVANT PLANNING HISTORY

#### Application Site:

- 3.1 PA/86/00681 (Lockesfield Place) : Residential Development comprising 21 flats, 5 maisonettes and 65 houses. Granted 28/04/1986.

#### Neighbouring Sites:

- 3.2 PA/20/01773 (26 Lockesfield Place) : Proposed double storey rear extension. Granted 19/10/2020.
- 3.3 PA/20/00632 (22 Lockesfield Place) : Proposed double storey rear extension. Granted 18/05/2020

### 4. PUBLICITY AND ENGAGEMENT

#### Statutory Consultees

- 4.1 A total of 56 letters were sent to neighbouring occupiers on 07/10/2020. A Site Notice was posted outside the application site on 16/10/2020.
- 4.2 A total of 45 letters of objection were received. The issues raised are summarised below :
- Impacts relating to the increased floorspace and the potential use of the property as a House of Multiple Occupation (hereafter HMO), including:
    - Increased traffic and highways safety
    - Noise and disturbance
    - Increased pressure on physical infrastructure such as drainage and water systems
    - Increased pressure on social facilities such as schools
    - Lack of financial contributions to mitigate the above impacts
  - Cumulative impact of the number of HMO's on the estate
  - Poor visual appearance of the extension
  - Potential loss of family sized home.
  - Loss of light to neighbouring properties.
  - Poor quality of accommodation.

*[Officer comment: The comments raised are addressed in the main body of the report].*

### 5. CONSULTATION RESPONSES:

The following were consulted regarding the application:

#### Contaminated Land

No relevant comments made

## 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 The Development Plan comprises:

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

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

Design - LP7.4, LP7.6; TH S.DH1.

(Layout, massing, building heights, design, materials)

Amenity - TH D.DH8

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

6.4 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 point that the new Plan is adopted.

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

Design D3, D4

(*layout, scale, design*)

Amenity D3

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

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

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)

## 7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Design and Appearance
- iii. Neighbouring Residential Amenity

### Land Use

7.2 The existing property is currently vacant. The applicant states that the property was last used as a single-family dwelling house. This application proposes extensions to the single-family dwelling house and the scheme is assessed on that basis. The proposal, as such, raises no land use concerns.

7.3 It is noted that a significant number of objections have been received from neighbouring occupiers, in relation to the potential use of the property as an HMO. Residents are

concerned that several properties in area have been converted into small HMO's and that this has led to increased noise and disturbance and pressure on infrastructure and services.

- 7.4 No change of use is proposed here. Should the applicant wish to use the property as a large HMO, for more than 6 people, planning permission would be required.
- 7.5 In relation to small HMO's (for 6 people or less), it is the case that currently, planning permission is not required to convert a dwelling house into small HMO. However, the council has confirmed that an article 4 direction to remove permitted development rights relating to changes of use from dwellings to small HMO's will come into force in the Borough on January 1<sup>st</sup> 2021. This is to afford greater protection to single family dwellings. From January 1st, planning permission will be required to convert a residential dwelling into a small HMO.
- 7.6 The proposal is acceptable in land use terms.

### Design and Appearance

- 7.7 Local Plan policy S.DH1 states that extensions must be of appropriate scale, mass, height and form. The architectural language should complement the immediate surroundings of the site and materials and finishes must be robust and of high quality.
- 7.8 The proposed ground floor rear extension would measure 4m deep and 2.7m high, with a flat roof profile. The extension would extend across the full width of the site, to the shared boundaries with number 25 to the east and 23 to the west.

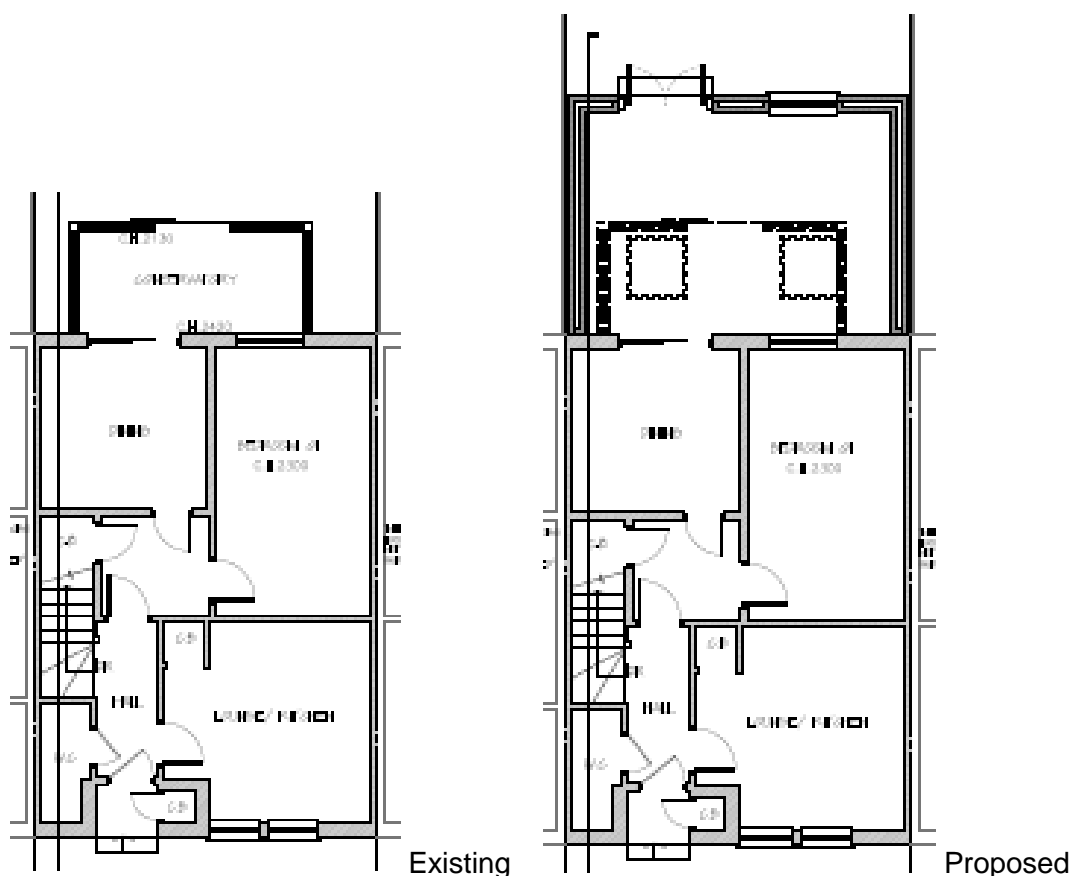


Figure 3: Existing and proposed ground floor plans

- 7.9 The subject property sits within a terrace of similarly designed properties. Figure 4 below shows the subject site outlined in red, with its existing conservatory extension. There is a larger conservatory at the adjoining property at number 25. Planning permission was granted in 2020 for 4m deep rear extensions at numbers 26 Lockesfield Place and 22 Lockesfield place, denoted by red crosses on the image below.



**Figure 4: Rear elevation of the terrace**

- 7.10 The proposed rear extension is comparable in scale and mass to the recently approved extensions within the terrace and with the adjoining conservatory extension. In this way, the proposal would be in keeping with the prevailing character of the terrace. Its modest 2.7m height would ensure that it remains subordinate to the host property. It is an appropriately sized addition to this dwelling house.
- 7.11 The proposed materials would match those of the existing property. A condition is recommended to ensure that the exterior brickwork would match the existing, in terms of colour and texture. The position of the proposed sliding door and window would align with the existing windows on the first-floor rear elevation. The retention of the fenestration pattern is supported given the broad uniformity of windows within the broader estate.
- 7.12 In conclusion, the proposed single storey rear extension would appear as a modest addition to the existing dwellinghouse and the wider development. In addition, there would be no adverse impact on the street scene given the low visibility of the rear elevation. As such, given the scale, limited visibility and design, the proposed development would comply with policy S.DH1. It is acceptable in design and appearance terms.

### **Neighbouring Amenity**

- 7.13 Local Plan Policy D.DH8, in line with the principles of the National Planning Policy Framework, aims to protect the amenities of the neighbouring occupiers with regards to daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 7.14 The proposed rear extension would extend the full width of the property, to the shared boundaries with numbers 25 and 23 Lockesfield Place. An assessment of the impact of the proposal on the amenities of the occupiers of these properties follows.
- 7.15 In relation to number 25, this property has an existing rear conservatory extension. The proposed extension would project approximately 1m beyond this conservatory extension. Given this minimal projection, it is not considered that there would be any undue loss of daylight or sunlight to, or outlook from, the rear windows of that property, nor would there be



any undue sense of enclosure for the occupiers, as experienced from their home or garden, with the development in place,

- 7.16 In relation to number 23, the proposed extension would project 4m beyond the rear building line of that property. This depth is reflective of the pattern of extensions within the terrace this is not an unusual relationship. In addition, the height of the extension is modest at 2.7m, which is not significantly higher than a 2m high boundary fence.
- 7.17 Whilst neighbours' concerns with regards to daylight and sunlight are noted, the 2.7m height and 4m depth would have limited impact on the primary source of daylight and sunlight to the living spaces at the rear of number 23. In particular, the relatively low overall height of the proposed extension, would have a limited impact on the sunlight enjoyed by neighbouring occupants given the northern aspect of the properties along the terrace.
- 7.18 In light of the above, it is considered that there would be no undue loss of light to, or outlook from the rear windows of number 23, nor would there be any undue sense of enclosure as experienced from the occupiers' home or garden, with the development in place.
- 7.19 No windows are proposed on either flank elevation of the proposed extension and there would, as such, be no loss of privacy to the adjoining occupiers, with the development in place.
- 7.20 Neighbouring residents have raised concerns regarding the potential for increased noise, if additional people were to reside at the property. Whilst these concerns are noted, this application proposes extensions to a dwelling house and, as such, it cannot be anticipated that the proposal would give rise to any noise and disturbance, above normal domestic levels. Furthermore, as noted above, no application for a change of use has been submitted for this site.
- 7.21 As outlined above, due to the modest scale and mass of the extension, the proposal would have an acceptable impact on the amenity enjoyed by neighbouring occupiers, in compliance with policy D.DH8.

#### Other Issues

- 7.22 The application site being situated within Flood Risk Zone 2.
- 7.23 The floor levels of the extension would not go lower than that on the existing house and therefore it is considered that a development of this size would not pose a significant harm to flood risk.

### **8. HUMAN RIGHTS AND EQUALITIES**

- 8.1 In determining this application, the Council has had regard to the provisions of the Human Rights Act 1998.
- 8.2 This report has noted the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.3 The proposal does not raise any unique human rights or equality implications. The balance between individual rights and the wider public interest has been carefully considered and is considered acceptable.
- 8.4 The proposed development would not result in adverse impacts upon equality and social cohesion.

**9. RECOMMENDATION**

9.1 That **planning permission is GRANTED**, subject to following conditions:

Compliance –

1. Compliance with plans
2. 3-year time limit for implementation
3. Materials to match existing

## **APPENDIX 1**

### **LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL**

- Existing ground floor plans: DP2008 01 A
- Proposed ground floor plans: DP2008 02 A
- Existing and proposed elevations DP2008 03 A
- Existing and proposed side elevations DP2008 04 A
- Proposed and Proposed section DP2008 05 A
- Block and site plans BP01

#### **Other application documents**

- Householder Flood Risk Assessment

**APPENDIX 2**

**SELECTION OF APPLICATION PLANS AND IMAGES**



View the rear elevation of no.25 Lockesfield place



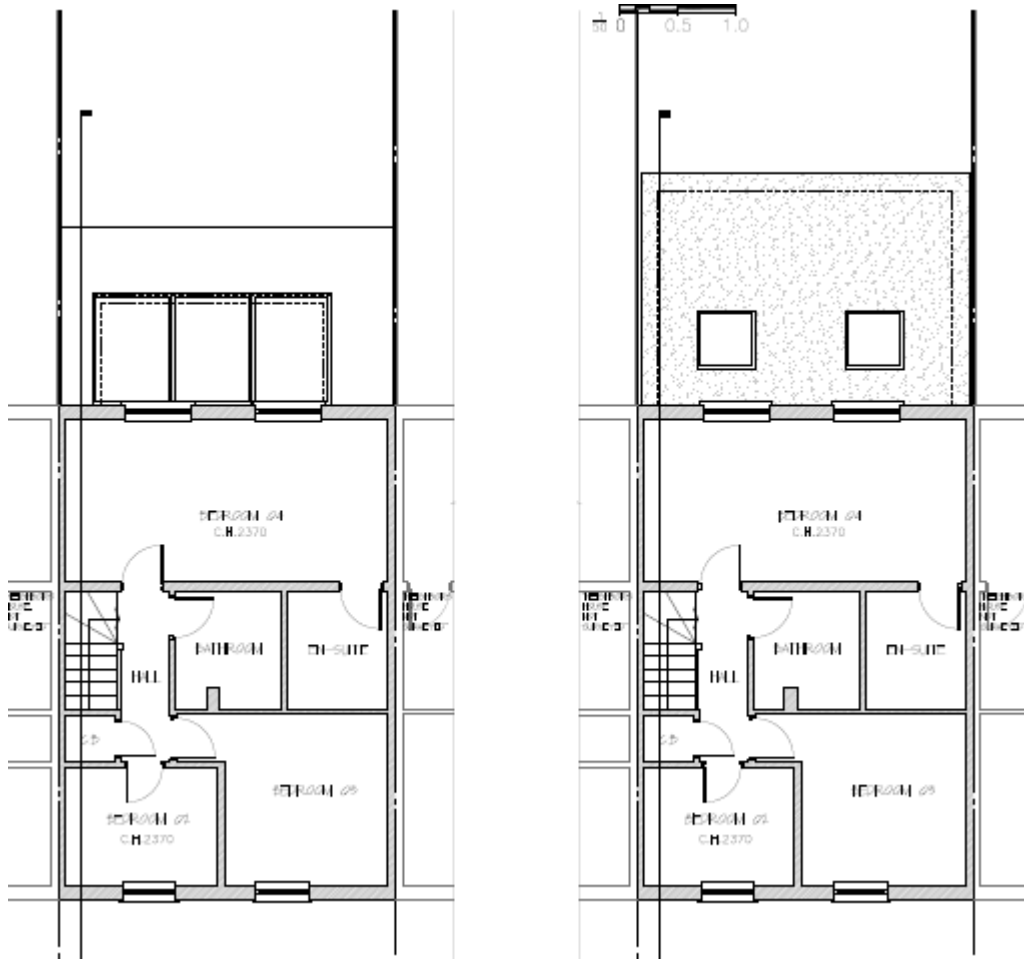
View towards the rear garden of no.23 Lockesfield place



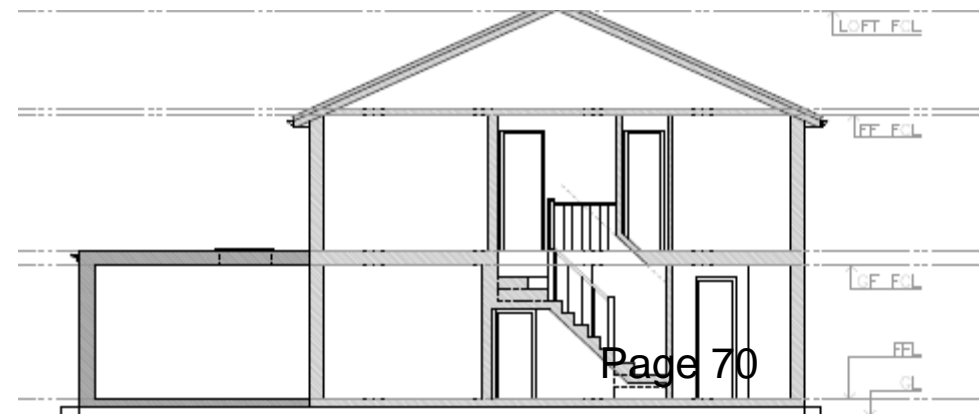
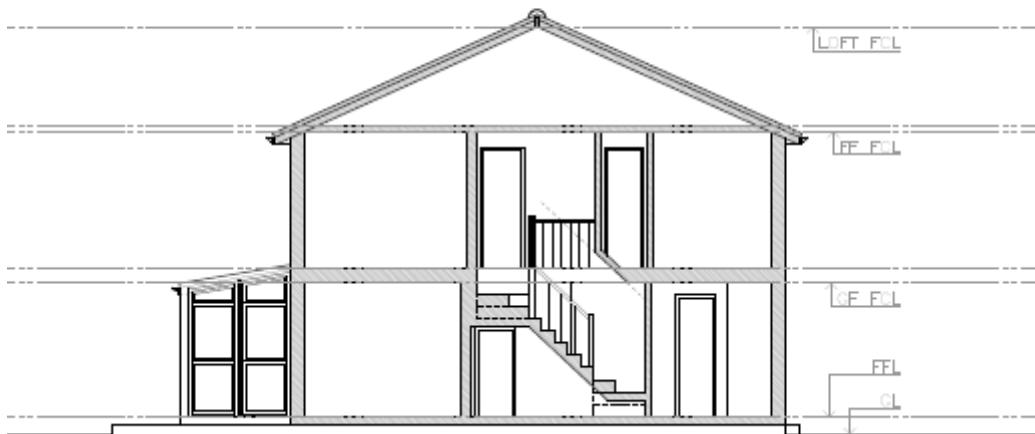
Existing and proposed rear elevation



Existing and proposed ground floor plans



Existing and proposed first floor plans



Existing section A-A

Proposed Section A-A



Town and Country Planning Act 1990 (as amended)

## PLANNING NOTICE

I give notice that following application for Full Planning Permission has been submitted to the London Borough of Tower Hamlets by Mr D Patel

**Application No:** PA/20/02107

**Location:** 24 Lockesfield Place, London, E14 3AH

**Proposal:** Proposed single storey rear extension

The application and supporting drawings may be viewed on-line at <https://development.towerhamlets.gov.uk> or via the quick reference (QR) code below. In line with the UK Government's general public health advice during the Covid-19 pandemic and specific advice to planning authorities, it will not be possible to view the application at the Town Hall. If you are unable to view the application via the internet, please contact the planning customer service team on 020 7364 5009 or e-mail [planning&building@towerhamlets.gov.uk](mailto:planning&building@towerhamlets.gov.uk)

Anyone who wishes to make representations can do so by submitting comments directly via the Council's website using the link above or QR code below, emailing [Development.Control@towerhamlets.gov.uk](mailto:Development.Control@towerhamlets.gov.uk) or writing to the Planning, Technical Support Team at the above address.

Please include the application number and your postal address in any correspondence. Comments on planning applications are public documents and we cannot keep your comments confidential. Personal information will not be disclosed.

As this is a householder application, in the event of an appeal against a refusal of planning permission, which is to be dealt with on the basis of representations in writing, any representations made about this application will be sent to the Secretary of State, and there will be no further opportunity to comment at appeal stage.

Representations must be made within 21 days of the date of this notice.

Paul Buckenham - Development Manager

Date of Notice:

16/10/20

