

# Development Committee



## Agenda

**Thursday, 14 January 2021 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, 12 January 2021**

The deadline for submitting information for the update report is Noon  
**Wednesday, 13 January 2021**

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

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

## Development Committee

Thursday, 14 January 2021

6.00 p.m.

### APOLOGIES FOR ABSENCE

#### 1. **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS (Pages 7 - 8)**

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 9 - 14)**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 10<sup>th</sup> December 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.

		PAGE NUMBER	WARD(S) AFFECTED
<b>4.</b>	<b>DEFERRED ITEMS</b>		
	There are none		
<b>5.</b>	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>19 - 24</b>	
<b>5 .1</b>	<b>24 Lockesfield Place, London, E14 3AH (PA/20/02107)</b>	<b>25 - 42</b>	<b>Island Gardens</b>
	Proposal:		
	Proposed single storey rear extension		
	Recommendation:		
	Grant planning permission, subject to conditions		
<b>5 .2</b>	<b>Armoury House, 7 Gunmakers Lane, London (PA/20/01914)</b>	<b>43 - 82</b>	<b>Bow East</b>
	Proposal:		
	Two storeys extension above the existing building with three self-contained flats, cycle parking storages and new bins storage for new residences and associated landscaping work in the external areas.		
	Recommendation:		
	Grant planning permission with conditions		
<b>5 .3</b>	<b>114 - 150 Hackney Road, London, E2 7QL (PA/20/00034)</b>	<b>83 - 174</b>	<b>Weavers</b>
	Proposal:		
	Mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four to eight storeys above a shared basement, to contain a maximum 9 residential units (Class C3) up to 10,739m <sup>2</sup> (GIA) hotel floor space (Class C1) up to 3,529m <sup>2</sup> (GIA) employment floorspace (Class B1), up to 358m <sup>2</sup> (GIA) flexible office and retail floorspace at ground level (Class A1, A2, A3 and B1) and provision of Public House (Class A4) along with associated landscaping and public realm improvements, cycle parking provision, plant and storage.		
	Recommendation:		
	Grant planning permission subject to conditions and s106 agreement		





## 6. OTHER PLANNING MATTERS

None

**Next Meeting of the Development Committee**  
Thursday, 11 February 2021 at 6.00 p.m.



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# 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 6.10 P.M. ON THURSDAY, 10 DECEMBER 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 Gabriela Salva Macallan

**Officers Present:**

Adam Garcia	– (Principal Planning Officer, West Area Team Place)
Gareth Gwynne	– (Area Planning Manager (West), Planning Services, Place)
Siddhartha Jha	– (Principal Planning Lawyer, Governance, Legal Services)
Simon Westmorland	– (West Area Team Leader, Planning Services Place)
Zoe Folley	– (Democratic Services Officer, Committees, Governance)

**Apologies:**

None

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

There were none

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

The Committee **RESOLVED**

1. That the unrestricted minutes of the meeting of the Committee held on 5th November 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**

NONE

### **5. PLANNING APPLICATIONS FOR DECISION**

#### **5.1 319-337 Petrol Station, Cambridge Heath Road, London, E2 9LH (PA/20/01124)**

Update report was tabled

Gareth Gwynne introduced the application for demolition of the existing petrol filling station and associated retail store and erection of a four to six-storey building for a 157-bedroom hotel and ground floor/basement office use together with ancillary landscaping, servicing and cycle parking. He also highlighted issues in the update report.

Adam Garcia presented the application providing an overview of the site, including the current use. Public consultation had been undertaken and the main objections were noted around the application resulting in an over provision of hotel use, potential residential use for the site and amenity issues.

The Committee noted the following:

- In land use terms, the policy provided no protection for the petrol station, and in principal the hotel led use complied with policy. In addition, it was not considered that the proposal would create an oversupply of hotels in the area or compromise the housing supply, based on the site location and the size of the hotel.

- The design would respond well to the local area, and sought to re – establish the historic building line on Cambridge Heath Road. Details of the design were noted including the transitions in building heights, the proposed materials, providing visual interest. It would constitute a high quality design.
- In heritage terms, the scheme would respond positively/enhance the setting of the Bethnal Green Gardens Conservation Area, as well as the heritage assets and the Public House.
- It was considered that the neighbouring properties would be unaffected in terms of amenity impacts.
- The hotel rooms would have a good outlook.
- The proposals had been designed to minimise overlooking to residential developments and would result in limited impacts to sense of enclosure.
- Cycle parking plans were in line with policy
- The development would be car free with one accessible bay.
- A servicing yard was proposed. A Stage 1 Safety Audit had been submitted for this new access route, and accepted by highway officers.
- Planning obligations had been secured.
- Officers were recommending that the planning permission was granted

The Chair invited the registered speakers to address the Committee.

Irfan Hussain, Hassan Hoque and Councillor Gabriela Salva-Macallan, a ward Councillor spoke in objection to the application.

Concerns were expressed about:

- Developer's consultation with local people particularly during the early lockdown period, given the nature of the proposal. (change of use)
- Oversupply of hotels in the area/lack of demand for additional hotels
- Evidence submitted by the objectors showed that the site could accommodate a residential development. This option should instead be taken forward given the need for housing/oversupply of hotels
- Concerns over the design. This needed to be given further consideration.
- Servicing issues.

Mike Ibbott spoke in support of the application, highlighting the following issues:

- That the applicant had worked with the Council over many years to develop the application.
- That the proposed land use met the key tests and satisfied the criteria in policy for the provision of a hotel use.
- The need for a new hotel in the area. Bethnal Green had a relatively modest number of hotels in the local area. The concerns about the oversupply related to the wider Whitechapel area.
- The difficulties in providing a residential use on site, due to the site constraints and proximity to late night premises. This would be in conflict with the Agent of change policy.



- That the proposal would be in keeping with the character of the Bethnal Green area, that had a 'civic character'.
- The other benefits of the scheme included the creation of employment, biodiversity enhancements and a secure by design accreditation.
- The applicant had done their best to consult with residents during the lockdown period and details of their consultation with residents and businesses were noted.

#### Committee questions:

The Committee asked a number of questions of Officers and the registered speakers summarised below.

- The Committee asked questions about alternative uses for the site, particularly a residential development.
- It was noted that the applicant had looked at the possibility of providing a residential development at the pre -application stage with Officers. However, given the concerns around the standard of accommodation (due the site constraints), as well as the need to optimise the development potential of the site, the applicant had opted to deliver a hotel led scheme.
- Officers also expressed doubt about the suitability of the site for a large scale residential development with respect to delivering the appropriate quality of amenity for future residents due to a number of factors. These included: the site's proximity to late night premises, the site being bound to the west by the railway and a busy road on its eastern edge, the need to provide outdoor amenity and play space and this liable to be provided at roof level which is not a satisfactory arrangement.
- Officers have had due regard for the objections, and the proposed alternative residential scheme and the study submitted. However due to the issues outlined above, Officers considered that the plans were not appropriate.
- It was also possible that a residential development may put businesses at risk of more noise complaints from occupants of the residential development than occupants of a hotel given the transient population of a hotel. This could impact on the businesses and cause a conflict with Agent of Change policy.
- The objectors considered that a residential development would have a higher noise threshold.
- Councillor Gabriela Salva-Macallan considered that these impacts could be addressed by conditions. For a number of reasons (oversupply of hotels in the area, the design) the site was unsuitable for the proposed use.
- Regarding the supply of hotels in the area, the policy does not set any specific limits on the number of hotels in an area, instead this should be measured on its impacts.
- The Committee must assess the application before them on its merits with reference to the Development Plan, as opposed to comparing it with the idea of other possible schemes that are not before them for determination. On this basis, the application was deemed by Officers

as acceptable, and complied with policy given the factors outlined above.

- The site is not allocated for housing nor does it have a current planning permission for a residential development. As such, officers did not consider that it would compromise the Council's ability to meet the housing targets.
- The Committee also briefly discussed the key differences between this site, (regarding the delivery of a residential scheme) and the nearby residential scheme at the Bethnal Green Mission Church given the quality of the residential housing and the community benefits on that site.
- It was also noted that consultation had been carried out with residents in the usual way in accordance with requirements.
- Regarding the green walls, the Council's Biodiversity Officer had reviewed the proposals and the biodiversity enhancements. They were satisfied with the conditions requiring their prior approval of the plans.
- The strategy for minimising carbon dioxide emissions was in compliance with policy requirements.
- Contributions had been secured for apprenticeships as set out in the heads of terms for the section 106
- The applicant's representative estimated that the development should deliver at least 60 new jobs.
- Officers also provided confirmation of the status of the new use classes as detailed in the report. The Hotel uses continued to fall under Use Class C1 and the ground floor/basement office use would fall under the Use Class E in the new order.

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

1. That planning permission is **GRANTED** at 319-337 Petrol Station, Cambridge Heath Road, London, E2 9LH for the following development
  - 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.

Subject to:

2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report
3. That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the matters set out in the Committee report and the update report.

## 5.2 24 Lockesfield Place, London, E14 3AH (PA/20/02107)

Item withdrawn from the agenda

**6. OTHER PLANNING MATTERS**

None

The meeting ended at 7.40 p.m.

Chair, Councillor Abdul Mukit MBE  
Development Committee



## DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

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

#### Who can speak at Committee meetings?

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

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

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters.  This includes: an agent or spokesperson.  Members of the public in support	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"><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.

<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'.	 Scan this code to view the Committee webpages.
<b>The Rules of Procedures for the Committee are as follows:</b> <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>	 Council's Constitution

## **Public Information – ‘Accessing and Participating in Remote’ Meetings**

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

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

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

### **Publication of Agenda papers and meeting start time.**

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

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

### **How can I watch the Committee meeting?**

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

### **How can I register to speak?**

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

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

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

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

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

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

## Microsoft Teams:

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

## Procedure at the Committee meeting.

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

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

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

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

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

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





## DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

### Advice on Planning Applications for Decision

#### 1. INTRODUCTION

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

#### 2. FURTHER INFORMATION

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

#### 2.3 ADVICE OF CORPORATE DIRECTOR, GOVERNANCE

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

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

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

#### The Local Development Plan and Other Material Considerations

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

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

- 3.4 The Planning Officer's report for each application directs Members to those parts of the Development Plan which are material to each planning application, and to other material considerations. National Policy as set out in the National Planning Policy Framework 2019 (**NPPF**) and the Government's online Planning Practice Guidance (PPG) are both material considerations.
- 3.5 One such consideration is emerging planning policy such as the Council's Local 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.



### 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- 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>

### EXECUTIVE SUMMARY

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

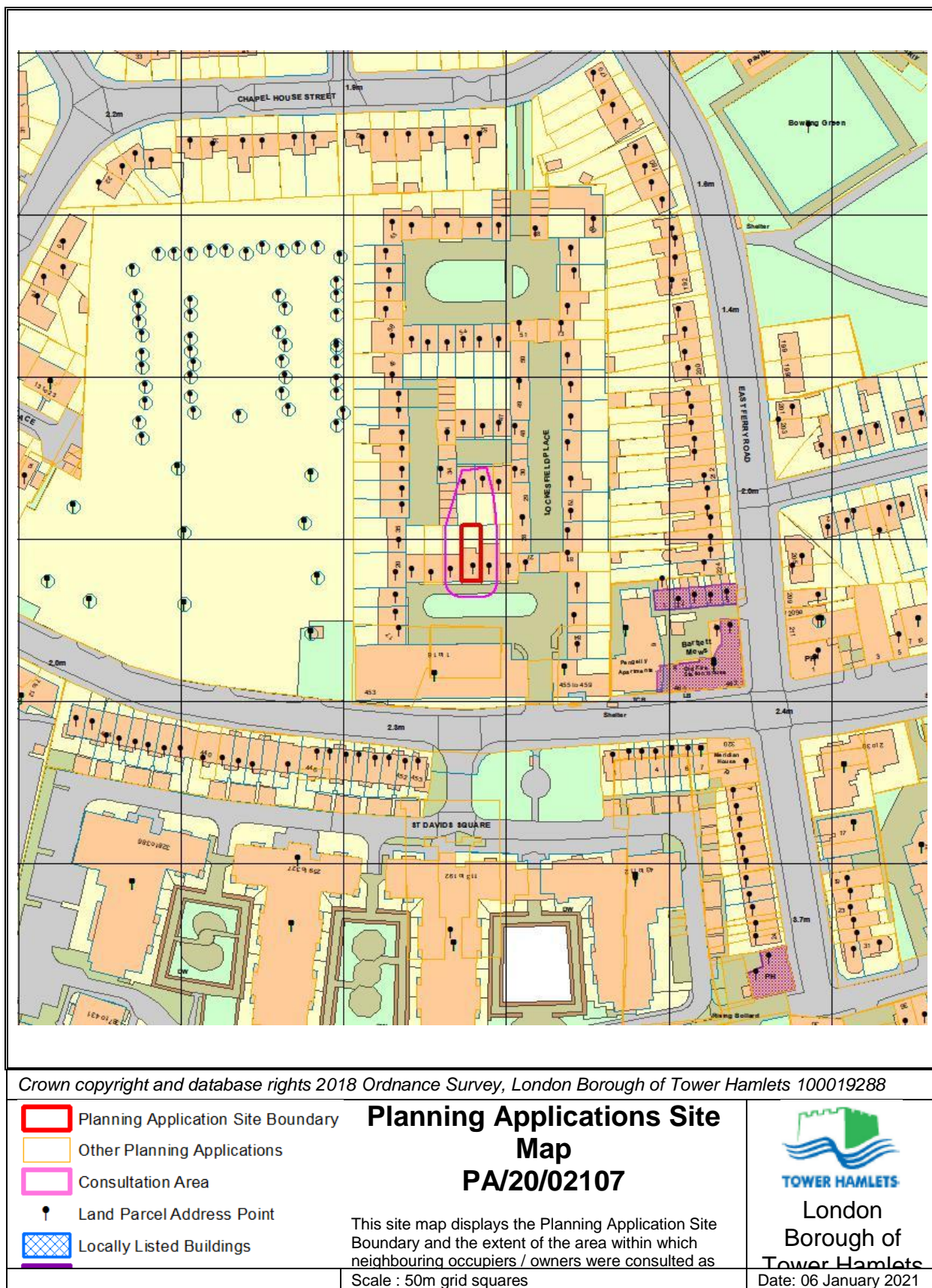
This application has been considered against the Council's approved planning policies contained within the Tower Hamlets Local Plan 2031 (January 2020) as well as the London Plan (2016), the National Planning Policy Framework and all other material considerations. Officers have also considered the application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

The proposal is 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:**





**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 property is located within 'Lockesfield Place', which is a development of properties comprising of 21 flats, 5 maisonettes and 65 houses.
- 1.2 The site is not located within a conservation area and the property is neither listed nor locally 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 a 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.



**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 single-family 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 46 letters of objection were received. The issues raised are summarised below:
- Concern that the property is currently used as a House of Multiple Occupation (hereafter HMO)
  - Concern that the property will be used as an HMO, with a greater floorspace to accommodate more people; and the impacts that will arise, including:
    - Increased traffic and pressure on parking
    - Noise and disturbance during construction and operation
    - Increased pressure on physical infrastructure such as drainage and water systems
    - Increased pressure on social facilities such as schools
    - A greater level of anti- social behaviour
    - The large number of HMO's in Lockesfield Place has already, and will further, change its character
    - There are already 2 HMO's in the subject terrace, at numbers 22 and 26
    - Loss of another single-family dwelling
    - Lack of financial contributions to mitigate the above impacts
  - Poor visual appearance of the extension; and the cumulative visual impact of extensions in the estate
  - 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, 7.6; TH S.DH1.

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

Amenity - TH D.DH8

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

6.4 The 'Publication London Plan' has been sent to the Secretary of State for his consideration. The Secretary of State has up to 6 weeks to decide whether he is content for the Mayor to formally publish the Publication London Plan. The policies contained in the Publication London Plan, that are not subject to a direction of the Secretary of State, currently carry significant weight.

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:

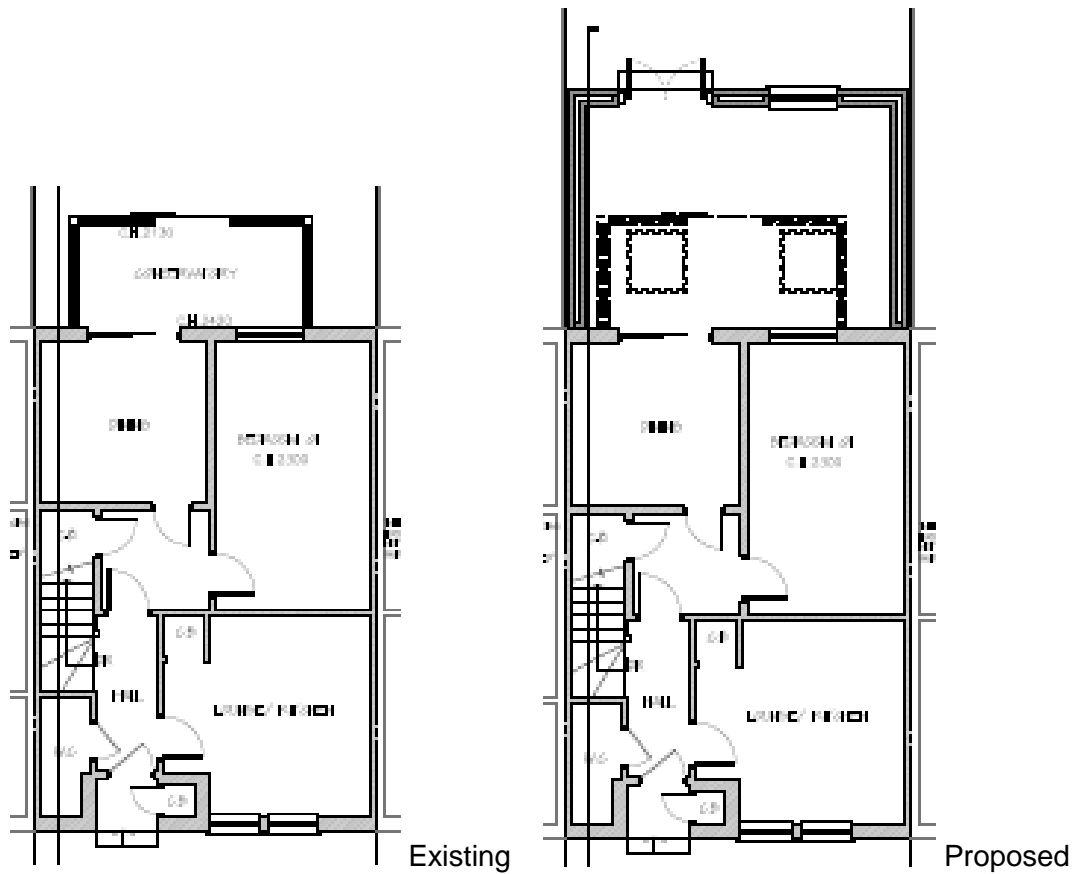
- i. Land Use
- ii. Design and Appearance
- iii. Neighbouring Residential Amenity

### **Land Use**

- 7.2 This application has received a significant number of objections, from occupiers of the Lockesfield Place estate. It is understood, from the comments received, that residents are concerned that the property is currently used as an HMO and that, as proposed and with the extension in place, the property would be occupied by a larger number of people, which may lead to an increase in anti- social behaviour, noise and disturbance and pressure on parking, amenities and services. Residents note that there are a number of existing HMO's in the estate and they are concerned that this has changed its character and reduced the number of available single-family houses.
- 7.3 Whilst the LPA recognises that there are a number of existing HMO's within the estate, the LPA has found no evidence that the property the subject of this application is an HMO. All HMO's in Tower Hamlets must have a licence, issued by the councils Environmental Health Team. The subject property does not have an HMO licence, nor has it had one in the past. In addition, the applicant has confirmed that it is a single-family dwelling house. As an extension to a single-family dwelling house, impacts of the additional floorspace on services and infrastructure are not relevant here.
- 7.4 The following paragraphs explain the status of HMO's within planning law and policy, in order to address the residents' concerns. HMO's are split into 2 distinct groups. Small HMO's (use class C4) are occupied by between 3 and 6 people. Large HMO's (use class 'sui generis') are occupied by more than 6 people.
- 7.5 Prior to 1<sup>st</sup> January 2021, the conversion of a single-family house into a small HMO's did not require planning permission, because it was a nationally set 'permitted development right'. On January 1<sup>st</sup> 2021, Tower Hamlets brought into force an 'Article 4 Direction', which removed this particular permitted development right. Planning permission is, as such, now required, to convert a single dwelling house into a small HMO. This is a 'Borough wide' Direction, which recognises the benefit of a more attentive management of HMO's and allows for the formal assessment of possible adverse amenity impacts by the LPA. The conversion of a single-family dwelling house into a large HMO's, for more than 6 people, also requires planning permission.
- 7.6 So, whilst the concerns of the residents have been recognised and addressed through the Borough- wide approach to HMO's, they are not directly relevant, nor material, to this application. If the applicant, or another person, wishes to convert the single-family dwelling house the subject of this application, into a small HMO, they must first gain permission through the formal application process.
- 7.7 The proposal raises no land use concerns.

### **Design and Appearance**

- 7.8 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.
- 7.9 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**

7.10 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**

- 7.11 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.
- 7.12 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.
- 7.13 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**

- 7.14 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.
- 7.15 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.
- 7.16 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,
- 7.17 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.
- 7.18 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.
- 7.19 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.
- 7.20 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.
- 7.21 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.



- 7.22 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

- 7.23 The application site being situated within Flood Risk Zone 2.
- 7.24 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**

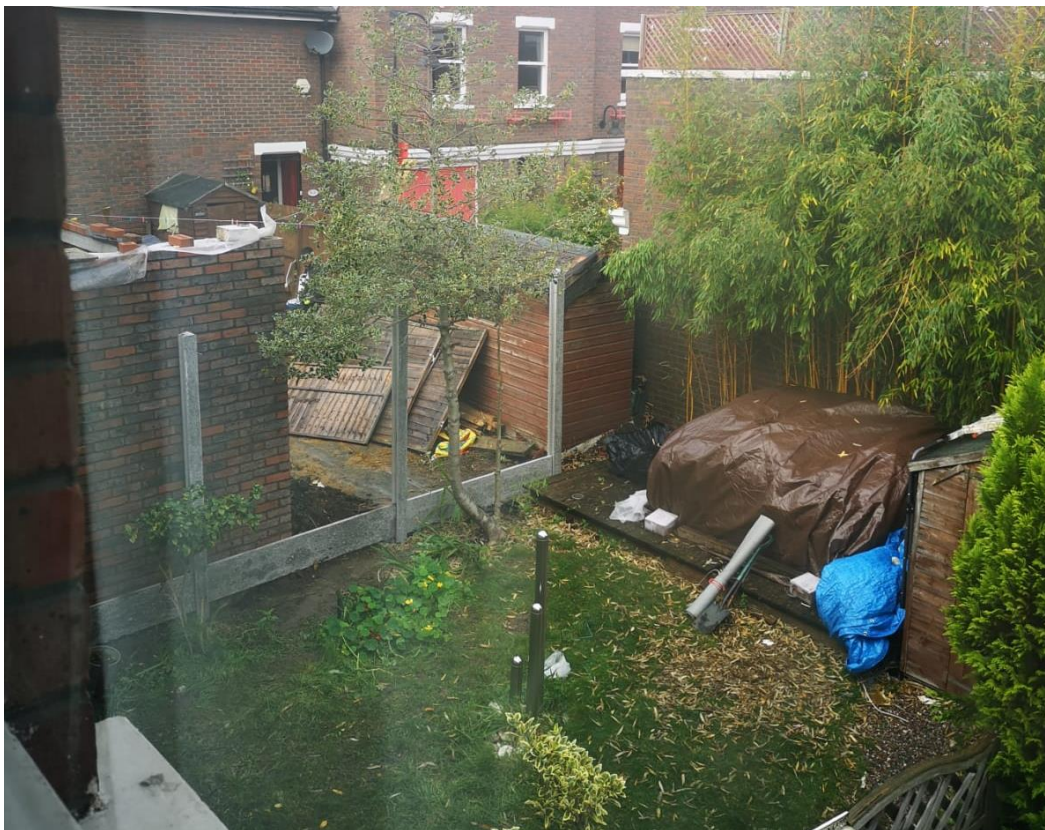
- Householder Flood Risk Assessment

## **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



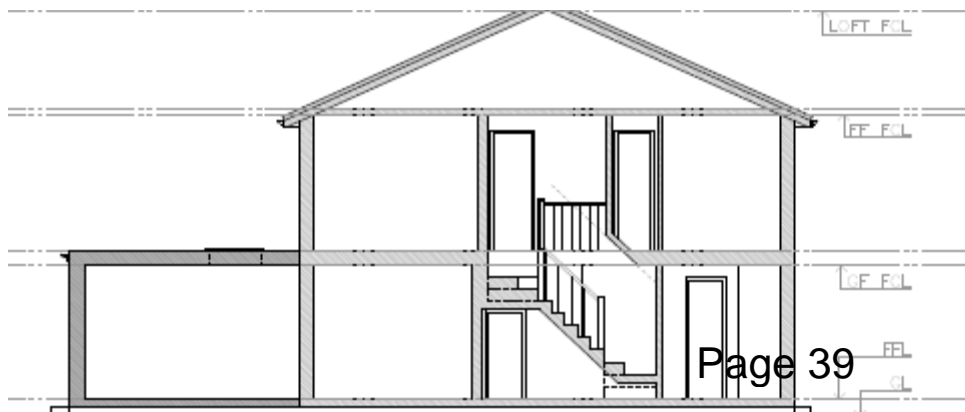
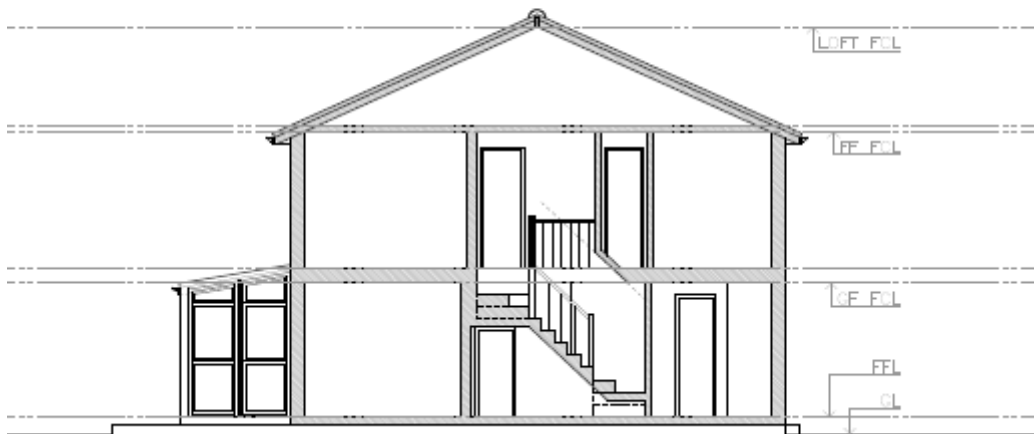
Existing and proposed rear elevation



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





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## DEVELOPMENT COMMITTEE

14 January 2021

Report of the Corporate Director of Place

Classification: Unrestricted

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### Application for Planning Permission

*[click here for case file](#)*

<b>Reference</b>	PA/20/01914
<b>Site</b>	Armoury House, 7 Gunmakers Lane, London, E3
<b>Ward</b>	Bow East
<b>Proposal</b>	Two storeys extension above the existing building with three self-contained flats, cycle parking storages and new bins storage for new residences and associated landscaping work in the external areas.
<b>Recommendation</b>	Grant planning permission with conditions
<b>Applicant</b>	Avon Ground Rents Limited
<b>Architect</b>	Brooks Murray Architects
<b>Case Officer</b>	Katie Cooke
<b>Key dates</b>	<ul style="list-style-type: none"><li>- Application registered as valid on 09/09/20</li><li>- 1<sup>st</sup> round of public consultation finished on 15/10/20</li><li>- A further round of consultation was carried out for a 2 weeks period, as a result of additional information provided and finished on 7/12/20</li></ul>

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### EXECUTIVE SUMMARY

The report considers an application for a two-storey extension to an existing residential building of 3 storeys to provide three additional flats. Officers have considered the particular circumstances of this application against the provisions of the Development Plan and other material considerations as set out in this report and recommend approval of planning permission.

The report sets out that the scheme would provide additional residential accommodation within a well considered design that is consistent with the architectural quality and design standards achieved within the locality.

Height, massing and design has been proposed to minimise the impact on the surrounding streetscene and would appropriately respond to local context, safeguarding the character and appearance of nearby heritage assets.

In terms of heritage impacts, officers consider that the proposals would have a minimal impact on the character and appearance of the Victoria Park Conservation Area and settings of the nearby heritage assets. On balance, officers consider that the planning benefits outweigh the limited harm in this case as the proposal would provide 3 new homes which would assist in contributing to the borough's housing targets, 1 of which being family sized dwelling which the borough currently lacks.

The proposed residential dwellings would be acceptable in terms of standard of accommodation and would have an acceptable amenity impact to neighbouring residential properties. All 3 units would have their own private amenity space in line with policy and would be dual aspect.

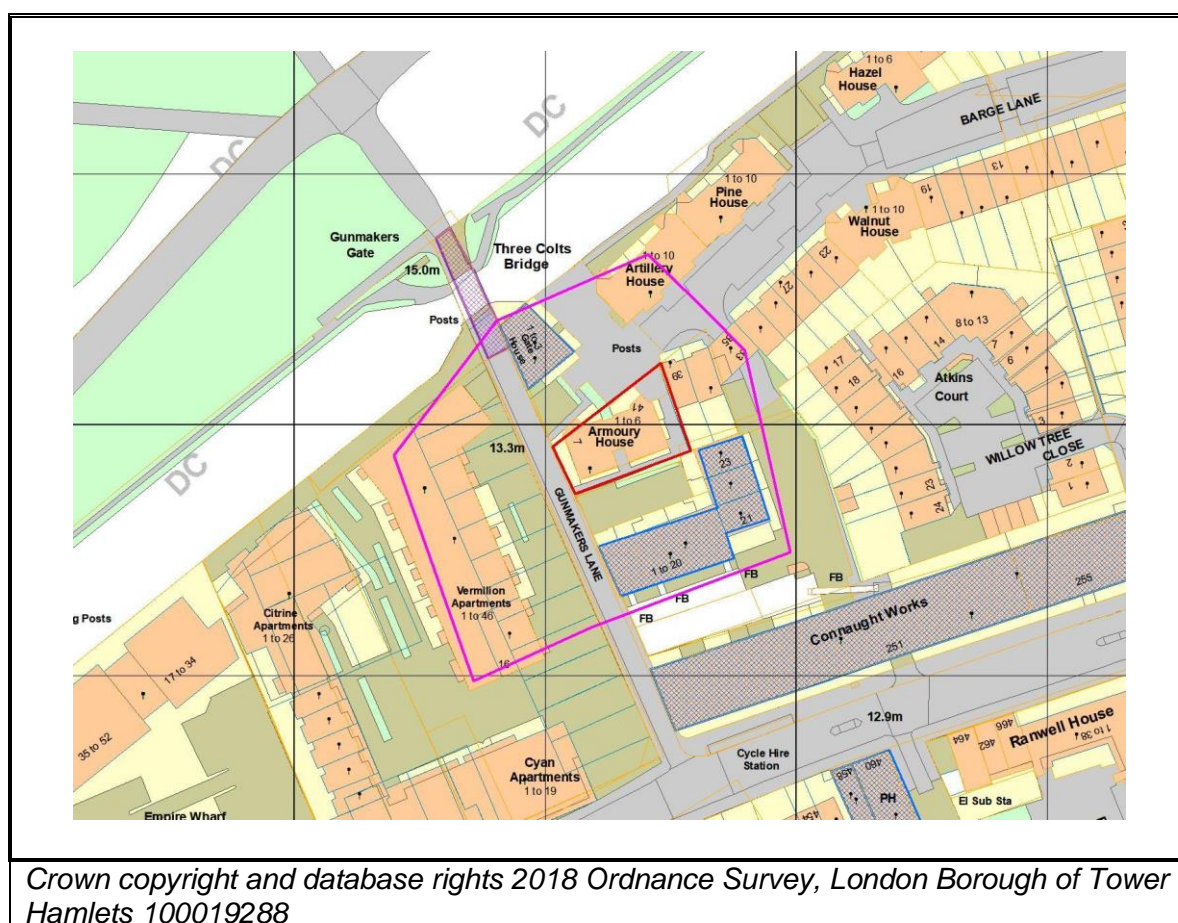
Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.








The scheme would be liable to both the Mayor of London's and the Borough's community infrastructure levy.

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

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

#### **SITE PLAN:**



 Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings	<b>Planning Applications Site Map PA/20/1914</b>  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	 <b>TOWER HAMLETS</b> London Borough of Tower Hamlets
	Scale : 50m grid squares	Date: 14 Jan 2021

## 1. SITE AND SURROUNDINGS

- 1.1 The application site is located on the eastern side of Gunmakers Lane.
- 1.2 The existing site comprises a 3-storey residential building containing 6 x 2 bed self-contained flats.
- 1.3 The site is in a primarily residential area, immediately south of Victoria Park and the Hertford Union Canal.
- 1.4 The surrounding area is characterised by converted industrial buildings and new residential developments, largely with traditional masonry construction and pitched roofs.
- 1.5 To the north of the site, at the end of Gunmakers Lane crossing the canal, is the grade II\* listed Three Colts Bridge. Just to the south of the bridge (and to the north of the application site) is the locally listed Gate House comprising 4 storeys.
- 1.6 The extended Albany Works complex to the south of the site is locally listed. The building is 6 floors above ground (with a lower ground level, totalling a 7 storey building).
- 1.7 On the western side of Gunmakers Lane lies the residential development known as Gun Wharf comprising 3 to 4 storeys.
- 1.8 In terms of policy designations, the application site is located within the Victoria Park Conservation Area. Whilst the application site is not listed, there are a number of locally listed buildings surrounding the site (namely Albany Works. Gate House and former Connaught Works).
- 1.9 Relevant photographs of the application site and neighbouring development are included below.

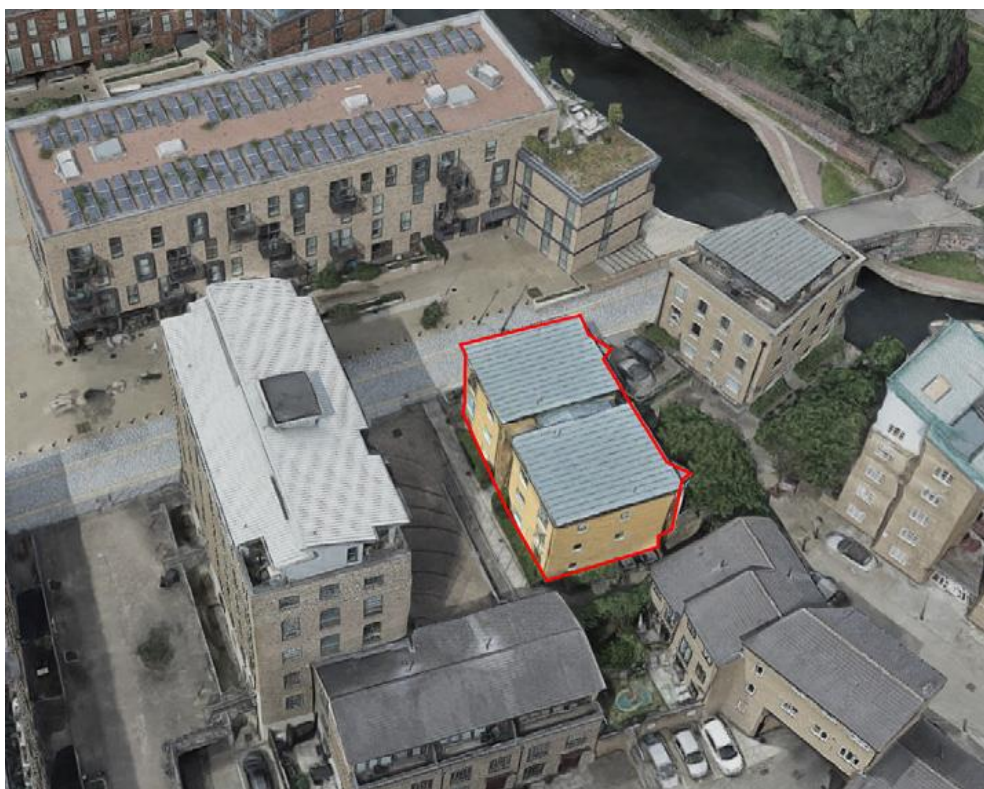


Figure 1: Site and surrounding buildings

## 2. PROPOSAL

2.1 The proposed development and the evolution of the design are described in detail within the applicant's Design and Access Statement. In brief, the application is for:

- Two storeys extension above the existing building to accommodate three self-contained flats, cycle parking storages and new bins storage for new residences and associated landscaping work in the external areas.

2.2 The scheme would be 'car free' for incoming residents. A total of 18 cycle parking spaces would be provided to serve all the units (existing and proposed).

2.3 The architecture of the scheme would be in keeping with the existing and surrounding buildings and respecting the character of the conservation area, with detailing and a material palette centred on the use of robust materials such as zinc cladding and glazing. Further selected plans and images of the proposed development are set out in Appendix 2.

2.4 Amended plans have been received over the course of the application and these largely relate to:

- Revised cycle arrangement
- Daylight/sunlight analysis (45-degree test)
- Revised private amenity space
- Heritage Statement received 22/10/20
- Revised daylight and sunlight report (due to amended NSL information received in respect of Albany Works) (dated 19.11.20)
- Updated daylight and sunlight report (dated 3/12/20) to correct a typo in paragraph 4.2.2
- Daylight and sunlight assessment (within development). Dated 17.12.20



### 3. RELEVANT PLANNING HISTORY

#### Application Site

- 3.1 PA/01/1161 - Construction of a three-storey building comprising 6no. two-bedroom flats to Block 4 – Approved on 13.8.01.

#### Gate House

- 3.2 PA/00/710 – Demolition of entire building. Conservation Area Consent Approved 14.02.01
- 3.3 PA/00/01461 – Redevelopment by the erection of a 4-storey building to provide 3 flats. Approved on 14.02.01

#### Phase 3A, Monteith Estate, Old Ford Road

- 3.4 PA/99/01344 - The erection of 19 dwellinghouses and 46 flats, the change of use and extension of Albany Works to provide 14 flats and 3 dwellinghouses and the construction of associated roads and accesses. Approved 18/08/00

#### Albany Works

- 3.5 PA/02/00582 - Erection of fourth and fifth floor additions and conversion of existing building to provide 20no. self-contained flats and three houses, together with landscaping and basement level car parking. – Approved 09/09/02
- 3.6 PA/03/00889 - Variation of the planning permission dated 9th September 2002 (Ref: PA/02/0582), to allow amendments to the approved scheme, including changes to the design and profile of the proposed fifth floor (roof) addition, alterations to the window arrangements and external elevations, and to the internal layouts of the approved dwellings. Approved 01/10/03

#### Former Connaught Works

- 3.7 PA/01/01030 - Conversion and extension, including alterations to roof and horizontal partitioning to create additional floorspace to provide 62 self-contained flats with 9 car parking spaces together with alterations to elevations. Approved 13/01/05

#### The Gun Wharf

- 3.8 PA/14/00131- Application under s.96A of the Town and Country Planning Act for a Non-Material amendment to Planning Permission PA/12/00326, dated 26/09/2012 to remove soldier course to Block B parapet; to include commercial entrance canopy to Block B; and three residential entrance canopies on the third floor of Block D. - Approved 19/02/14
- 3.9 PA/12/326 – An application under s73 of the Town and Country Planning Act 1990 to:
- a) seek minor amendments by varying condition 24; and
  - b) vary conditions 8 and 17 (energy strategy)

of the planning permission dated 30th July 2009, ref PA/09/00326 [Demolition of existing buildings occupying the site and redevelopment to provide four buildings of between three and four-storeys providing 110 sq.m commercial floorspace (A1, A3, B1, D1 uses) and 121 x studio, one, two three and five bedroom residential units (C3), plus associated car parking and cycle parking, public space and landscaped amenity space]

Minor amendment: to relocate the substation; re-arrangement of refuse storage areas; reduce height of the buildings; minor alteration to the dwelling mix; and other minor alterations to the layout of the buildings associated with the buildability of the development.

Approved 26/09/12

- 3.10 PA/09/00326 - Demolition of existing buildings occupying the site and redevelopment to provide four buildings of between three and four-storeys providing 110 sq.m commercial floorspace (A1, A3, B1, D1 uses) and 121 x studio, one, two three and five bedroom residential units (C3), plus associated car parking and cycle parking, public space and landscaped amenity space. Approved 30/07/09
- 3.11 PA/09/02542 - Demolition of existing buildings and construction of four buildings between three and four storeys to provide 110 sqm commercial floor space (Use Classes A1, A3, B1 and D1) and 121 residential units comprising seven studio flats, 48 x one bedroom, 47 x two bedroom, 14 x three bedroom and 5 x five bedroom units, plus associated car and cycle parking, landscaped amenity space and public space. (Application A) - Refused 08/03/10 and dismissed at appeal ref: APP/E5900/A/10/2127467 on 30/09/10.
- 3.12 PA/08/01000 - Demolition of existing buildings and redevelopment to provide four buildings of between three and six storeys providing 252 sq m commercial floorspace (Use Classes A1,A3, B1 and D1) and 139 residential units plus car and cycle parking, public space and landscaped amenity space.– Refused 24/11/08
- 3.13 PA/08/01001 – Demolition of existing buildings. – Conservation Area Consent Approved 24/11/08

#### Pre-application

- 3.14 Officers engaged with the applicant at pre-application stage under pre-application reference PF/20/00128. The proposal under consideration is the same to the proposal as per pre-application stage.

### **4. PUBLICITY AND ENGAGEMENT**

- 4.1 Following the receipt of the application, the Council notified nearby owners/occupiers by post and by site notices. A press advert was also published in a local newspaper.
- 4.2 A total of 56 objections were received. The key issues raised in the objection letters received as part of the first consultation are as follows (and have been addressed within the committee report):

#### Design

- The development does not respect the local context and street pattern
- The scale and proportions of the buildings does not sit well in the surrounding area
- Overdevelopment and overcrowding
- The new structure will be out of proportion with other buildings in the neighbourhood.
- It will stick out and dominate in an unsympathetic way.
- Armoury House will be much taller than the Barge Lane houses, Gate House, Albany Works houses/annex, Connaught Works and Gun Wharf.
- A clad upper floor is not in keeping with the area.
- Disabled access – not inclusive

#### Conservation

- The proposed building extension will damage the appearance and character of Victoria Park Conservation Area.
- The Victoria Park Conservation Area Appraisal emphasises the importance of views from within the park; the additional storeys would alter and obstruct views from the park towards Gunmakers Lane and the locally listed Albany Works
- Not in line with Victoria Park Conservation Area Character Statement
- An extension to Armoury House will block the view of this important and locally listed building from the park (a point made in the Victoria Park Conservation Area Planning Document).
- The submitted Heritage Statement is incorrect

#### Amenity

- Construction would harm amenity of residents
- Additional storeys would block of light to surrounding residents and canal
- No provided amenity space
- Inappropriate/insufficient waste proposed
- Unacceptable overlooking into adjacent properties
- Unacceptable daylight/sunlight impacts
- Right of light will be affected by this extension
- Inaccurate daylight/sunlight assessment
- Inaccurate 45 degree test undertaken by applicant
- Increase in noise pollution

#### Highways & Waste

- Proposed cycle storage is already on site from a previous application
- Cycle and waste storage is already at capacity

#### Other

- Misleading information contained within documents
- The previous planning decision on PA/09/02543 and subsequent appeal E5900/A/10/2127467 rejected a proposed fifth storey at Gun Wharf, serving as a test case in this specific location.
- Devalue properties
- Structural problems/issues
- Avon Estates (the company proposing the extension) acquired the freehold from Clarion Housing Association in 2018. The leaseholders were never offered the opportunity to purchase the freehold.



- There has been no consultation made by the developer Avon to the leaseholders of Armoury House.
- The company that manages this build does not maintain and upkeep the building or the grounds around this building so adding buildings work and more people into the mix will make this even more of an eye sore and effect the environment.
- Fire safety
- No wheelchair accessible facilities, i.e lifts
- No affordable units provided
- Security - The proposals open a gate currently only available for cleaning and maintenance access to the rear of Albany and creates a new publicly accessible walkway.

4.3 As part of the second consultation on the additional information received, 40 objections were received (29 of these objections were by same people who objected in the first consultation). The new comments related to the following:

- Revised DLSL report lacks easily obtainable inputs such as topographical survey, confirmation of rood datum and room layouts;
- Concerns on the overbearing impact the development will have and concerned that the lack of rigour in the data analysis;
- DLSL survey not based on correct information;
- Inaccuracies of the DLSL and Heritage Reports have not been rectified;
- Concerned that the developers have not attempted to assess the extension from within their property.
- Purchased a nearby property in the summer and this application did not appear in their search

## **5. CONSULTEES**

### **LBTH Design**

5.1 No objection. The applicant provided details of the materials as part of the planning application therefore no conditions are required in respect of design.

### **LBTH Conservation**

5.2 The impact of the change to the historic setting would have limited harm.

### **LBTH Refuse**

5.3 No objections.

### **LBTH Highways**

5.4 Initial concerns regarding cycle parking and requested a further 2 spaces be provided (totalling 18), which the applicant has included in addition to removing the hangar cycle spaces and providing sheltered, secure Sheffield stands.

5.5 No objection subject to a construction management plan in addition to a permit -free condition being attached.

#### **LBTH Biodiversity**

5.6 The biodiversity officer requested a preliminary bat roost assessment be carried out prior to determination in order to assess the likelihood of roosting bats. This has been undertaken and concluded that no bats are present.

5.7 Officers raises no objection subject to a condition securing details of the biodiverse roof.

#### **LBTH Daylight and Sunlight**

5.8 No objection

#### **LBTH Noise**

5.9 No objection subject to condition

#### **LBTH Air Quality**

5.10 No objection subject to a CEMP condition

#### **English Heritage**

5.11 No objection

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

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

6.2 In this case the Development Plan comprises:

- The London Plan 2016 (LP)
- Tower Hamlets Local Plan 2031 Managing Growth and Sharing the Benefits (2020)

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

Housing            LP3.3, 3.13, D.DH7, S.H1, D.H2, D.H3  
(unit mix, housing quality)

Design            LP7.1-7.8, S.DH1, S.DH3, D.DH2  
(layout, massing, materials, public realm, heritage)

Amenity            LP7.6, LP7.15, D.DH8, D.ES9  
(privacy, outlook, daylight and sunlight, construction impacts)

Transport            LP6.9, LP6.13, D.MW3, D.TR2, D.TR3, D.TR4, S.TR1

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

- National Planning Policy Framework (2019)

- National Planning Practice Guidance (updated 2019)
- Victoria Park Conservation Area Character Appraisal (2016)

## **Emerging Policy**

- 6.5 The Mayor of London's Draft New London Plan with Consolidated Suggested Changes was published in July 2019. The Examination in Public (EiP) 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 EiP, incorporates all of the Mayor's suggested changes following the EiP and an 'Intend 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.

Relevant draft London Plan policies:

- D4 – Delivering good design
- D6 – Housing standards
- HC1 – Heritage

## **7. PLANNING ASSESSMENT**

- 7.1 The key issues raised by the proposed development are:

- Land Use
- Design & Heritage
- Neighbour Amenity
- Transport & Waste
- Environment
- Local Finance Considerations
- Equalities and Human Rights

### **Land Use**

- 7.2 The proposal seeks the construction of 3 new flats, including 2x2 bed flats and 1x3 bed flat. As the existing use on site is residential, no objections are raised in terms of land use.
- 7.3 The proposed residential use is supported as a contribution to the borough's housing targets which responds to an identified need as set out in policy S.H1 of the local plan.
- 7.4 This is considered in more detail in the housing section of this report.

### **Design**

- 7.5 Local Plan (2020) policies S.DH3 and S.DH1 call for high-quality designed schemes that reflect local context and character and provide attractive, safe and accessible places that safeguard and where possible enhance the setting of heritage assets.
- 7.6 Namely policy S.DH1 seeks to ensure development is appropriate in terms of scale, mass, bulk, building and roof lines, design details and use of materials.
- 7.7 In addition, policy S.DH3 seeks to ensure extensions do not have an adverse impact on the character of the conservation. It also aims to ensure that proposals do not negatively impact the design and heritage of the host building, nearby buildings and the conservation area and

that the development reflects the character of its location in order to preserve and enhance the conservation area.

#### Scale, height, mass

- 7.8 The proposed development marks a 2 storey increase in building height when compared to the existing structure of 3 storeys; however it is noted the surrounding and adjacent developments are of a similar scale and does not exceed 7 storeys in height. Officers have given careful consideration to the acceptability of this in the context of the character and appearance of the surrounding area and the conservation area setting. Consideration has also been given to the amenity impacts of this which are discussed in paragraphs 7.66-7.108 of this report.
- 7.9 Objections have been received in relation to the scale of the proposed extension, which consider that most buildings in the area are between 2 and 4 storeys and that the new structure will be out of proportion with other buildings in the neighbourhood, standing out and dominating in an unsympathetic way. These concerns have been considered below.
- 7.10 The area around the site includes buildings of different heights, with several buildings higher than the existing Armoury House (Albany Works is 6 storeys above ground level and a lower ground level, Artillery House is 5 storeys. Gate House and Vermilion Apartments are 4 storeys). Therefore, the proposed extended building resulting 5 storeys would not be out of scale in its context. It should also be noted that the proposed top floor will be set back from the existing façades, further reducing its visual appearance and massing.
- 7.11 Officers are satisfied that the proposed height range marks an appropriate response to the surrounding building heights.
- 7.12 The overall increase in height is not considered to adversely impact upon the setting of the conservation area with buildings in the vicinity being of a similar scale. Furthermore, the adjacent building at the Albany Works (which also falls within the conservation area and is locally listed) has a similar sloped roof design and it is considered that the proposed development would be in keeping with the neighbouring development.
- 7.13 Given the high standards of design and architectural quality, the proposals would be considered not to have significant impact on the setting of the conservation areas.
- 7.14 For the reasons outlined above, the proposed development is considered to be acceptable with regards to height, scale and massing and appropriate within the context of the conservation area.

#### Appearance & Materials

- 7.15 The existing buildings reflect the past character of the area and in recognition of the surrounding context the applicant has adopted an architectural that is in keeping with the character of the host building for the roof top extension.
- 7.16 Officers have given regard to the detailed design of the proposed extension and consider it to be well-proportioned with appropriate massing.
- 7.17 The rational behind the proposal is to extend in the same way as the Albany Works building was extended; matching brick for the first additional level, and a lightweight set-back structure comprised of red zinc cladding for the second.
- 7.18 The roof will slope as it does now, single pitch as most of the surrounding buildings.

- 7.19 The existing building has a distinct rhythm and symmetrical composition. The north elevation has two white rendered bays with Juliette balconies. These will be roofed and used for terraces for the new flats.
- 7.20 The proposed materials are considered to result in an acceptable aesthetic. The proposed balustrade will also match that of the existing. Details of the materials were provided as part of the application submission and therefore a compliance condition would be recommended.
- 7.21 The proposal is simple in its design. The proportions together with the proposed fenestration pattern results in a strong sense of horizontal and vertical articulation which largely follows the rhythm of that which exists.

#### Layouts

- 7.22 The proposed units will be dual aspect and would meet the minimum standards set out in the Department for Communities and Local Governments, Technical housing standards (2015). This is discussed in further detail within the Housing section of this report.
- 7.23 As such, the proposed layouts are considered acceptable by officers.

#### Objections in addition to layout and design

- 7.24 In addition to objections regarding general unacceptability of the proposed design, officers received the following objections:

1. Concerns that no wheelchair accessible facilities, (i.e lifts) being provided

*(Officer Comment: Officers note that the GLA's Housing SPG (2016) sets out that LPAs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. However, in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents.*

*In this case, given that the proposal is a two-storey extension on the existing building footprint, it would cause practical difficulties without having to create additional bulk to the building to accommodate the lift.)*

2. Fire safety

*(Officer comment: This relates to Building Regulations and would be assessed by the Council's Building Control Team).*

3. Security - The proposals open a gate currently only available for cleaning and maintenance access to the rear of Albany and creates a new publicly accessible walkway.

*(Officer comment: The proposals do not include any changes to the existing gates or walkways)*

## Design Conclusions

- 7.25 In terms of overall design, the development is well considered, appropriately detailed and would allow a development of suitable mass and scale for the site's location.
- 7.26 The suite of materials and the sympathetic design ensure there is suitable reference to the history of the surrounding area, whilst also ensuring a high quality, modern design approach. The design of the buildings effectively meets Development Plan policy considerations and would make a positive contribution to the surrounds.

## **Heritage**

- 7.27 Policy S.DH3 of the Local Plan (2020), policy 7.8 of the London Plan (2016) and policy HC1 of the New Draft London Plan (2019) require development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 7.28 Detailed Government policy on Planning and the Historic Environment is provided in the NPPF.
- 7.29 The NPPF paras. 190 and 194 require local authorities to identify and assess the significance of heritage assets that may be affected by a proposal including development affecting the setting of a heritage asset. Any harm to, loss of the significance of the heritage asset including from development within its setting requires clear and convincing justification.
- 7.30 Paragraph 197 of the NPPF states that '*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*'. This is demonstrated below.
- 7.31 Whilst the site itself is not listed; it is in close proximity to the Grade II\* listed Three Colt Bridge and other locally listed buildings. Albany Works and Connaught Works to the south and Gate House to the north are all indented on the Council's GIS map as being locally listed historic buildings.
- 7.32 It is important to note that during the assessment of this planning application it has come to the Council's attention that there is an anomaly over the status of the locally listing designation of Gate House. The Council's interactive proposals map identifies the property as being locally listed, however the table of listing does not include this. Notwithstanding this, as noted in the planning history section of this report, the original building was demolished and planning permission granted (ref: PA.00.1461) for a replacement.
- 7.33 Officers are unable to find a record of it being removed from the local list, however given that it has been demolished and rebuilt in a modern style, the Council's conservation officer has confirmed that it could not be locally listed in its current state as it would not meet any of the criteria for inclusion.
- 7.34 The Council's conservation team will address this designation as part of the next review of the locally listed buildings within the borough.
- 7.35 Below is a map showing the site and its relationship to the surrounding heritage assets.



*Key: Hatched area = Victoria Park conservation area*

Figure 2: Site and heritage assets

- 7.36 The Tower Hamlets Local List identifies locally important heritage assets that are valued by the local community. These are known as ‘non-designated heritage assets’ and include buildings, a structure or feature, which whilst not statutorily listed by the Secretary of State for its national importance, is felt by the council to be of local importance due to its architectural, historical and townscape significance.
- 7.37 Buildings are added to the local list in recognition of their value as irreplaceable historic assets which contribute to the quality of the local environment by enhancing the street scene and sustaining a sense of distinctiveness.
- 7.38 The purpose of the Local List is to ensure that care is taken over decisions affecting the future of these buildings, structures or features, and that their special status is taken fully into account. Alterations should respect the particular character and interest of the heritage asset, and any works carried out should use appropriate materials and retain any features of architectural or historic interest.
- 7.39 Whilst Albany Works is not a statutorily listed building, it is recognised by the Council as being of local architectural, historical and townscape significance.
- 7.40 Notwithstanding this, planning permission was granted for Albany Works (planning reference: PA/02/00582 & PA/03/00889) in 2002 for an ‘erection of fourth and fifth floor additions and conversion of existing building to provide 20no. self-contained flats and three houses, together with landscaping and basement level car parking.’ This demonstrates the original building has been altered and extended over the years and does not remain in its original form.

- 7.41 Planning applications within the context of heritage assets must consider the possible effect of the proposed alterations on the setting of nearby heritage assets and the desirability of preserving or enhancing the character of the conservation area.
- 7.42 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'local planning authorities in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority (...) shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'
- 7.43 Officers are of the view that the proposals would have no impact on the setting of either the Grade II\* listed Three Colt Bridge or the locally listed Connaught Works given their distance from the site.
- 7.44 With regards to the impact to the setting of the Albany Works building, officers consider the impact of the proposals would be minor. For example, the northern 'wing' of Armoury House (3 storeys) is lower than the main east-west part of the building (7 storeys). This lower wing is similar in scale to the existing Armoury House (3 storeys). By extending Armoury House, this will alter the relationship of the existing heights between the 3 buildings. However, officers consider that the impact would not damage the setting of the locally listed building. As noted previously, Albany Works has been subject to an upper level extension which alters the original structure. Whilst there would be an increase in height, the proposed two storey extension seeks to provide a similar rooftop design to Albany Works. It should also be noted that the materials would be to match and complement that of the existing Armoury House.
- 7.45 As a result of Albany Works being extended vertically since its original erection and given that the original Gate House building was demolished and planning permission granted in 2001 for a new building which has now been constructed, the impacts of the proposed extension at Armoury House is considered to be acceptable in a heritage context given that the original form of these surrounding buildings have been altered since their original design and build.
- 7.46 Whilst officers acknowledge that the proposals would have limited impact on the setting of the conservation area and surrounding locally listed buildings, this is considered to be outweighed by a number of planning benefits, including the provision of family sized dwelling and 3 residential units which meet policy requirements in terms of unit sizes and private amenity space.
- 7.47 In terms of the surrounding heights, Albany Works is 6 storeys (with a lower ground level), Gate House is 4 and Artillery House is 5 storeys. As such, the proposed 2 storey extension (totalling a 5-storey building) is considered to be in keeping with the character of this immediate surrounding area, and thus not having a significant impact on the setting of the conservation area.
- 7.48 With the proposed upper extension, Armoury House would remain subservient to Albany Works as it would be 2 storeys lower (or 1 storey lower if discounting the below ground level of Albany Works). This is illustrated in the contextual elevations below,



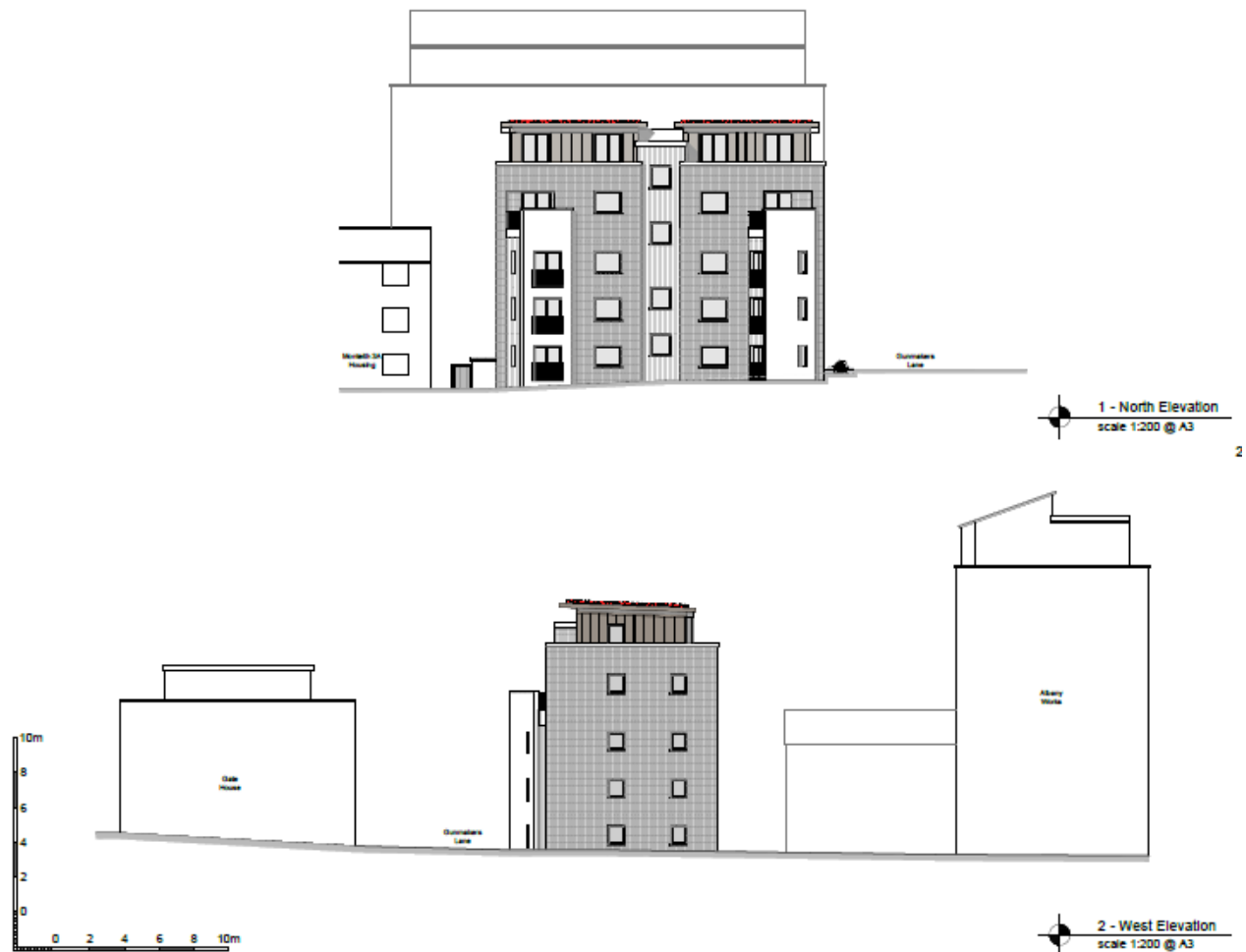


Figure 3: Contextual elevations showing the proposals against Albany Works to the south and Gate House to the north

- 7.49 The Victoria Park Conservation Area Character Appraisal acknowledges that *'the landscaping of the park creates several vistas along the axes of the park (...). Many streets and buildings in the area are oriented towards the park, creating local views of the parklands.'*
- 7.50 A number of objections were received which raised concerns that the proposed extension would impact on the views of Albany Works from Victoria Park. However it is considered that the Gate House is the principle building that is seen from Victoria Park looking towards Albany Works. The proposed upper extension would have a minor impact and would not drastically alter the existing views.
- 7.51 The image below shows the existing view from Three Colt Bridge from inside Victoria Park, with Artillery House on the left and Gate House in the foreground.



Figure 4: A view from Victoria Park towards the site

- 7.52 Objections were also received to point out that the proposed 5<sup>th</sup> storey extension to Gun Wharf development was rejected both by Tower Hamlets PA/09/02543 and later by The Planning Inspectorate APP/E5900/A/10/2127467/NWF. It was decided that the extension for Gun Wharf would detract from the Old Ford streetscape and would neither preserve the character and appearance of the Conservation Area nor the settings of Victoria Park and the Three Colts Bridge. The objections noted that Gun Wharf 5<sup>th</sup> storey extension was rejected in 2010 because of height/density and a clad upper floor was seen as inappropriate for the conservation area and that such reason for refusal should be given to this application.
- 7.53 The Inspector, in her appeal decision for the Gun Wharf listed 2 main issues of the appeal. Firstly, whether adequate affordable housing was proposed and secondly, the effect of the proposal on the character and appearance of Old Ford Road and Victoria Park Conservation Area as well as the settings of Victoria Park and Three Colts Bridge.
- 7.54 The Inspector concluded that the appeal be dismissed on the basis that the proposed development did not provide affordable housing in line with planning policy and that the proposed development would detract from the Old Ford Road streetscape and would fail to preserve the appearance of the conservation area and the settings of Victoria Park and the Three Colts Bridge due to the materiality of the 5<sup>th</sup> storey being metal clad. It is important to note that the appeal was not solely in relation to design and conservation issues, rather the delivery of affordable housing also.

- 7.55 When comparing the application site to that of the appeal site, it is important to note that both have different site contexts and locations. For example, as noted in paragraph 16 of the appeal decision, the appeal site is separated from Victoria Park by the Hertford Union Canal to the north and Old Ford Road to the south with Gunmakers Lane running along the eastern boundary. As such, the area of the appeal site is much larger and prominent than that of the application site. The application site is located to the south of Gate House (which fronts the canal) and to the north of Albany Works with Gunmakers Lane to the west.
- 7.56 Paragraph 19 of the appeal decision recognises that the proposed metal clad 5<sup>th</sup> storey would be visible from Old Ford Road and St Stephens Road. Reference is also made to the clad upper floor at Albany Works and notes it as being 'degrading' and appears as a 'lightweight add on' which in the inspectors view 'detracts from the robust, heavy and solid commercial character of the building.'
- 7.57 However, whilst the inspector made her observation about the design of the upper clad floor at Albany Works, this had already been approved by officers. Furthermore, whilst the inspector didn't support it, the proposed 5<sup>th</sup> storey which was subject to the appeal, covered a much larger building area than the proposed application roof extension and was situated in a much more prominent location. These factors combined would have led to a more harmful impact on the setting of the Victoria Park conservation area.
- 7.58 Officers note the inspector's comments in relation to the roof extension to Albany Works, however the proposed site is not located on a corner and would therefore not form a 'prominent corner piece' on the edge of the conservation area, rather it is located between buildings of a similar height. In addition, the materials used for the clad roof addition at Armoury House would not be the same as the light grey at Albany Works, rather it would be a dark red zinc clad to match that of the existing roof. As such, officers consider the clad roof extension to be acceptable.
- 7.59 Whilst it is accepted that the appeal decision can be seen as relatable, each planning application is dealt with on a case by case. Officers consider that the proposed design of the proposal sits well within the context and the Gun Wharf appeal decision was not solely related to the principle of a 5 storey height in this location.
- 7.60 Further objections related to there being no social housing provided as part of the application. Reference has been made to the Victoria Park Conservation Area Character Appraisal document which states that '*economic reasons alone will not in themselves justify the demolition or alteration of a building in a Conservation Area*'.
- 7.61 In terms of planning policy, Policy S.H1 of the Tower Hamlets Local Plan (2020) relates to meeting local housing needs. Of relevance is paragraph 2 a (ii) of this policy which requires the provision of affordable housing contributions on sites providing 2 to 9 new residential units. However, this part of the policy relies on a Planning Obligation SPD to be adopted (it is anticipated to be adopted early 2021) which sets out how affordable housing contributions can be secured. As such, there is no requirement to provide any affordable housing as part of this application at the time of this report.
- 7.62 Further objections have been received in response to the submitted Heritage Statement. Concerns are had in respect of the accuracy of this report and its content.
- 7.63 The main points of objection to the Heritage Statement relate to the following (an officer response has been included below each point in italic):

1: No mention of Social Housing

*(Officer comment: regarding the affordable housing, the proposal falls below the minimum threshold as set out in Policy S.H1 of the Tower Hamlets Local Plan (2020) and therefore is not required to be provided as the policy remains to be adopted.)*

## 2: Change of a Historical Setting

*(Officer comment: Regarding changes to heritage setting: as stated in the heritage statement “there would be a minor change to the setting of the Albany Works building which adjoins Armoury House to the south”, however officers consider the change would not be damaging to the setting of the locally listed building)*

3: Loss of Heritage - an extension to Armoury House would alter the setting of a popular painting by Albert Turpin, as shown below, deeming it unrecognisable.



Photo 5: Gunmakers Lane by Albert Turpin, East London Group c.1930 to

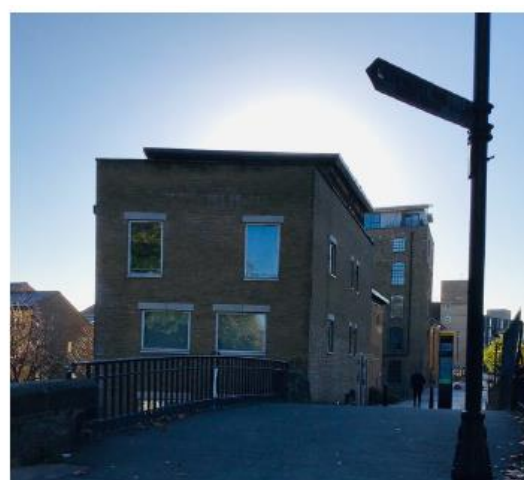


Photo 6: Photo taken at the same point on Gunmakers Lane, Nov 2020

Figure 5: Images from objection

*(Officer comment: As noted in the planning history section of this report, the original building of Gate House was demolished and planning permission was granted for a replacement in 2001 (as shown in photo 6 above), therefore this building/vista painted in c.1930 no longer exists and has not existed for some time.)*

4: The Heritage Statement states that Albany Works is a 7-storey building. This is incorrect. Albany Works is 5 stories from ground level. The top floor is a modern extension. Therefore, the original fabric of the building is only 4 stories. The extension of Armoury House will completely block the view of Albany Works from Victoria Park, Three Colts Bridge,

*(Officer comment: The statement “Albany Works is a 7-storey building” is in fact correct. The building is composed by six floors in the brick-built part of the building and one floor roof extension – so seven storeys in total. Officers would consider that the report would be inaccurate if it stated that the original fabric of the building is only 4 storeys. The lowest floor is below road level but is still a storey, the ground floor is also a storey.*

*Officers do not agree that the addition of two storeys to Armoury House will completely block the view of Albany Works from the lane, the bridge and the park as suggested in the*

*objection. The end elevation of the works and part of the north side elevation will remain visible from all these viewpoints (as shown in figure 7 and 8 in the Heritage Statement). The view of Albany Works from the canal is already largely blocked by the 5-storey block of modern flats Artillery House.)*

5. The original fabric of Albany Works was 5 storeys with a pitched roof. A 6<sup>th</sup> modern style clad storey was added in 2002, replacing the pitched roof. The 5th storey was not added, but possibly somewhat increased in height. It is thus a bit misleading to state that Albany Works has been extended with 2 additional storeys as suggested in the report. Both Planning Officers and The Planning Inspectorate have since detailed that the 6<sup>th</sup> storey was a mistake. Albany Works should thus not be seen as a justification for extending upwards.

*(Officer comment: Officers acknowledge that the existing height of the building was 6 storeys (including the lower ground level) as part of planning permission with the Council's reference PA/02/00582, however the 6<sup>th</sup> floor appears to have been increased in height and the 7<sup>th</sup> floor added as part of planning permission with the Council's reference PA/03/00889. Notwithstanding the details of the 2002 planning permission, the current height of Albany Works stands at 7 storeys, therefore the current planning application for Armoury House is being assessed on the current context of the surrounding buildings.)*

- 7.64 Officers consider that the proposals would have a minimal impact on the character and appearance of the Victoria Park conservation areas and settings of the surrounding heritage assets.
- 7.65 On balance, it is the view of officers that the planning benefits outweigh the limited harm in this case as the proposal would provide 3 new homes which would assist in contributing to the borough's housing targets 1 of which being family sized dwelling which the borough currently lacks. Also, all 3 units would have their own private amenity space in line with policy, they would be dual aspect and would exceed the minimum floor areas required. The proposals accord with relevant Development Plan and NPPF policies in this respect.

### **Neighbour Amenity**

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

### **Privacy, Outlook, Overlooking**

- 7.67 Local Plan Policy D.DH8 requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.
- 7.68 As shown in the figure below, the separation distance from the application site to Albany Works is 13.8m, to 39 Barge Lane is 3m and to Gate House to the north is 10.3m. Whilst these distances involved are below the 18m guideline, this is not uncommon within the locality and is reflective of the street pattern in the area. Furthermore, in the case of Armoury House, this represents an existing situation as the proposed extension is built within the footprint of



the existing structure. Also, the windows have been designed to follow the fenestration pattern of the floors below the development and would not introduce overlooking beyond that which currently exists.



Figure 6: Separation distances

- 7.69 It should also be noted that the top floor addition (5<sup>th</sup> floor) would be set back by a further 1.5m on all sides as a result of a private terrace.
- 7.70 Objections have been received regarding direct overlooking to the existing flats, namely those of adjacent Albany Works. The closest physical relationship would exist between the existing building and 23 Albany Works and 39 Barge Lane to the east of the site. Whilst officers note the distance between Armoury House and 39 Barge Lane is 3m, there are no windows on the eastern elevation of 39 Barge Lane, thus preventing any overlooking. Furthermore the orientation of the application site to 23 Albany Works is oblique, therefore no negligible overlooking would exist.

#### Daylight & Sunlight

- 7.71 The impact to the neighbouring properties daylight/sunlight conditions was a key consideration of the application. A number of residential properties surrounding the site have been tested as part of the application.
- 7.72 Policy D.DH8 requires consideration of two questions, which regards to the impact of a proposed development on the daylight and sunlight conditions on existing surrounding developments:- (i) whether or not it would result in “material deterioration” of these conditions and (ii) whether or not such deterioration would be “unacceptable”. D.DH8 (8.88) states that in applying D.DH8.1(c) “the Council will seek to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development. The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight” The policy further states that assessing the impact of the development is to follow the methodology set out in the BRE guide

- 7.73 The accepted guidance for assessing daylight and sunlight to neighbouring is the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 7.74 The following properties have been tested for daylight and sunlight based on land use and proximity to the site.
- 1 to 10 Artillery House,
  - 1 to 20, 22 & 23 Albany Works,
  - 1 to 3 Gate House,
  - 1 to 46 Vermilion House and
  - 37 & 39 Barge Lane.
- 7.75 The applicant has submitted a Daylight and Sunlight Assessment of the scheme, undertaken by Right of Light Consulting, in support of the application. The Assessment has been reviewed by officers and found to be acceptable.
- 7.76 Since submitting the planning application, the applicant's daylight and sunlight consultant, Right of Light Consulting, was able to obtain more accurate floor plans with respect to 1-20 Albany Works and therefore updated the daylight distribution figures. This revised daylight and sunlight report (Dated 19<sup>th</sup> November 2020) was submitted to the Local Planning Authority on 23<sup>rd</sup> November 2020.
- 7.77 A further updated version of the report (dated 3.12.20) was submitted to the Council on 3<sup>rd</sup> December 2020 correcting a typo which was made in paragraph 4.2.2. The paragraph previously stated that window 7 of 1-10 Albany Works has a loss of 30% in respect of NSL, but there is no window 7 of Albany Works, this was corrected with window 48 which is a bedroom.
- 7.78 Officers did not re-consult on the correction of this typo as the results remained correct in terms of the impact of window 48 within Appendix 2 of 19<sup>th</sup> November and 2<sup>nd</sup> December versions of the Daylight and Sunlight Assessment.

#### Daylight Tests

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

#### Summary (Figure 20) of BRE guidelines:

- 7.80 *"If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 250 to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This will be the case if either:*
- *The VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*
  - *The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."*
- 7.81 There is another daylight test known as the Average Daylight Factor (hereafter referred to as ADF) that is primarily designed for assessing daylight within proposed buildings. The BRE

guidelines outline at Appendix F where it is appropriate to use the ADF test to existing buildings but, in the majority of cases, it is not an appropriate assessment for neighbouring properties. Therefore, this report does not outline any further explanation for ADF below as it is not needed in this instance.

- 7.82 Appendix I – Environmental Impact Assessment of ‘Site Layout Planning for Daylight and Sunlight’ (2011) outlines how loss of skylight or sunlight would translate in to a negligible, Minor Adverse Moderate Adverse or Major Adverse effect. There is no guidance for the numerical guidelines used to categorise windows/rooms as “Minor, “Moderate or Major”. The numerical guidelines have been formalised by LBTH and are used by reputable Daylight & Sunlight consultants. The bandings have been used for EIA assessments for LBTH.

#### Vertical Sky Component (VSC)

- 7.83 VSC is assessed at the centre point of the window and looks at the angle of obstruction caused by the proposed development. The maximum value is 40% VSC for a completely unobstructed vertical wall (this will be achieved in a rural setting). The first BRE guideline target for VSC is to achieve 27% VSC or more. If this is not met, the reduction in light should not exceed 20% of the former VSC light levels (the BRE guidelines mention retaining 0.8 times the former value of light, which is the same as a reduction in light of no greater than 20%). If these two criteria are met, the window would satisfy the BRE guidelines.
- 7.84 There is no definitive categorisation for impacts that exceed BRE guidelines, however the following significance criteria banding was used when summarising the overall daylight and sunlight effects to the surrounding buildings;

VSC Result	Significance Criteria
Reduction of under 20% or in the case of VSC retained VSC at 27% or more	Negligible
Reduction of 20% or more but under 30%	Minor Adverse
Reduction of 30% or more but under 40%	Moderate Adverse
Reduction of 40% or more	Major Adverse

#### No Sky Line (NSL)

- 7.85 The NSL test reviews daylight within the room and shows the points in the room that can and cannot see the sky. The test is taken at the working plane which is 850mm above the floor level in houses. If the reduction in light is less than 20% (the BRE guidelines mention retaining 0.8 times the former value of light previously received which is the same as a reduction in light no greater than 20%), the said room would meet the BRE guidelines.
- 7.86 There is no definitive categorisation for impacts that exceed BRE guidelines, however the following significance criteria banding was used when summarising the overall daylight and sunlight effects to the surrounding buildings;

NSL Result	Significance Criteria
Reduction of under 20% or in the case of VSC retained VSC at 27% or more	Negligible
Reduction of 20% or more but under 30%	Minor Adverse
Reduction of 30% or more but under 40%	Moderate Adverse
Reduction of 40% or more	Major Adverse



### *Daylight – Vertical Sky Component (VSC) and No Sky Line (NSL)*

#### Vertical Sky Component

- 7.87 VSC is a metric that determines the amount of light falling on a particular point, in this case, on the centre point of the window. The calculations for VSC do not take into account window size, room dimensions or the properties of the window itself.
- 7.88 Of the 146 windows tested for VSC all windows with a requirement for daylight passed.

#### Daylight Distribution

- 7.89 NSL assesses where daylight falls within the room at the working plane (850mm above floor level in houses), Daylight distribution assessment is only recommended by the BRE Report where room layouts are known.
- 7.90 Right of Light Consulting undertook the Daylight Distribution test where room layouts are known. All rooms with a requirement for daylight pass the daylight distribution test with the exception of window 48 at 1 to 20 Albany Works.
- 7.91 Right of Light Consulting noted the following mitigating factors. Firstly, the result is marginal with a before/after ratio of 0.7 against the BRE target of 0.8. Secondly, the window serves a bedroom. Whilst under the BRE guide a universal test is applied to all room types, the BRE guide explains that daylight in bedrooms is less important than in other habitable rooms such as kitchens and living rooms. Officers have reviewed the results and considered that the impact is minor adverse.

### Sunlight - Annual Probable Sunlight Hours (APSH)

- 7.92 The BRE guidelines recommend sunlight tests be carried out to windows which face 90 degrees of due south (windows which fall outside this do not need to be tested). The main requirement for sunlight is in living rooms and conservatories. The targets under the BRE guidelines require a south facing window to receive 25% of Annual Probable Sunlight Hours (APSH) with at least 5% of these sunlight hours being in the winter months. If these first levels of criteria are not met, the aim would be to ensure the reduction in light is less than 20% (the BRE guidelines mention retaining 0.8 times the former value of light previously received which is the same as a reduction in light no greater than 20%).
- 7.93 The sunlight targets are outlined in the summary box at paragraph 3.2.11 of 'Site Layout Planning for Daylight and Sunlight' (2011). This text is directly quoted below:
- 7.94 *"If a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:*
- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable 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 received over the whole year greater than 4% of annual probable sunlight hours.”*

7.95 There is no definitive categorisation for impacts that exceed BRE guidelines, however the following significance criteria banding was used when summarising the overall daylight and sunlight effects to the surrounding buildings;

APSH Results	Significance Criteria
Achieves at least 25% APSH for annual sunlight hours with 5% APSH in the winter months or reduction in light is no greater than 20% of the existing condition (meets the BRE Guidelines)	Negligible
Reduction of 20% or more but under 30%	Minor Adverse
Reduction of 30% or more but under 40%	Moderate Adverse
Reduction of 40% or more	Major Adverse

7.96 All windows that face within 90 degrees of due south were tested for direct sunlight. All windows with a requirement for sunlight pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

7.97 As such, the sunlight levels received by the residential units are acceptable and would provide a reasonable standard of accommodation in this regard.

#### *Overshadowing/Amenity Spaces*

7.98 All gardens and open spaces tested meet the BRE recommendations.

7.99 In light of the above, it is considered that the sunlight to the proposed communal amenity spaces to be acceptable.

#### *Objections*

7.100 Officer responses to key representations made in relation to the daylight/sunlight information are included in Appendix 3 of this report.

#### *Overall*

7.101 Overall, the development shows full compliance with the guidelines in terms of sunlight with only 1 window failing to comply with the BRE recommendations in terms of daylight distribution test (of which being window 48 at 1 to 20 Albany Works). These findings have also been confirmed by the Councils internal review by the daylight and sunlight officer.

7.102 Having regard to this, it is noted that Part 1(d) of Policy D.DH8 of The Tower Hamlets Local Plan 2031 (Managing Growth and Sharing the Benefits) requires that new developments should not result in an unacceptable material deterioration of the daylighting conditions of surrounding development including habitable rooms of residential dwellings. The Mayor of London's Housing SPG also states that the standards should be applied flexibly, providing that proposals still achieve satisfactory levels of residential amenity and avoid unacceptable harm.

7.103 In assessing the proposals against the above policy context, and with only 1 window (window 48 at 1 to 20 Albany Works) having a minor adverse impact in terms of daylight distribution, the proposed development is considered acceptable in terms of daylight and sunlight by virtue

of there being no unacceptable material deterioration in the existing surrounding daylighting condition.

- 7.104 Furthermore, whilst there was 1 window falling short of the BRE guidelines, the wider benefits of the proposed development, for example, providing 3 new residential units which will help towards meeting the housing targets for the borough, one of which being a family sized unit, would outweigh this transgression.

#### Noise & Vibration

- 7.105 Policy 7.15 of the London Plan (2016), and Local Plan Policies D.DH8 and D.ES9 and seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 7.106 The proposal seeks the introduction of residential development on the site. It is not considered that the proposed residential land use would give rise to an unacceptable noise impact. Both the scale and nature of the use is akin to existing neighbouring development and is therefore considered to be compatible.
- 7.107 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. Objections have been received regarding the noise of construction works and ongoing works as a result of the proposed development of the site. To ensure that the construction activity impact could be managed, a condition requiring a Construction Environmental Management Plan will be secured in which the developer would have to comply with the current best practice standards (British Standards) and the Plan in which they get approval for. A construction hours of the development is also proposed to be conditioned.
- 7.108 Regarding a Construction Environmental Management Plan, the highway's officer noted that due to the location of this site being narrow with double yellow lines on both sides of the road, the applicant is required to provide a CMP as a pre-commencement condition to ensure there is minimal impact to pedestrians, vehicles and to the public highway from the construction of this proposed development.

#### **Housing**

##### Housing Mix

- 7.109 Considering the size of the development that would provide 3 new self-contained flats the proposed housing mix is acceptable
- 7.110 The proposal includes 2 x 2b3p flats and 1x3b5p flat and the larger family size unit is welcomed. All units exceed the minimum floorspace requirements as per policy DH3 of the Local Plan (2020) and would provide private amenity space in line with planning policy. therefore acceptable.

##### Standard of proposed accommodation

- 7.111 GLA's Housing SPG aims to ensure that housing is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document provides advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 7.112 All proposed dwellings accord with required internal space standards and external amenity space standards, as discussed below.

- 7.113 The proposed residential units are compliant with the relevant space standards. Each of the dwellings provide integrated storage space, unit 3 provides internal storage space of 3.7sqm which exceeds the technical housing standards of 2.5sqm for a 3b5p unit. Units 1+2 both comprise a storage area of 2sqm which is in line with required 2sqm.
- 7.114 It is noted that unit 3 would benefit from private amenity space (45sqm) which exceeds that of policy D..H3 of the local plan (2020) Units 1 and 2 provide recessed private balconies at 6sqm of private amenity space, in line with the policy requirement.
- 7.115 In terms of communal space, policy D.H3 requires a communal amenity space for developments of 10 units or more. Whilst the proposal is to add three units to the existing building, the current existing building do not benefit from an identifiable communal space, however the occupiers of the building have other public realm and benefits including access along the southern side of the Canal.
- 7.116 It should also be noted that the site is within close proximity to Victoria Park and Hertford Union Canal and this together with the suitable private amenity space provision for each flat is considered to be satisfactory.

#### Daylight and Sunlight for the new residential dwellings

- 7.117 Policy D.DH8 requires the protection of the amenity of future residents and occupants by ensuring adequate levels of daylight and sunlight for new residential developments. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). The primary method of assessment of new build accommodation is through calculating the average daylight factor (ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 7.118 Further guidance is provided with regard to sunlight, with the BRE guidance stating that in general, a dwelling which has a particular requirement for sunlight will appear reasonable sunlight if at least one main window faces within 90 degrees due south and the centre of one window to a main living room can receive 25% annual probably sunlight hours (APSH), including at least 5% annual probably sunlight hours in the winter months (WPSH) between 21 Sept and 21 March
- 7.119 The applicant has provided an internal daylight and sunlight assessment, undertaken by Right of Light Consulting.
- 7.120 In relation to daylight, the ADF was used, which is a measure of the amount of daylight in an interior and is dependent on the room and window dimensions, the reflectance of the interior surfaces and the type of glass, together with any obstructions outside.
- 7.121 The submitted results indicate that all of habitable rooms would meet or exceed the relevant ADF value. The proposed accommodation would therefore provide good access to daylight for the future residents.
- 7.122 In relation to sunlight, the BRE guidance uses the Annual Probable Sunlight hours (APSH) that windows facing within 90 degrees due south should receive. Windows that aren't within the aforementioned parameters are not assessed in relation to sunlight. The guidance recommends that relevant windows should receive at least 25% of the total available sunlight, including at least 5% during winter periods.
- 7.123 The submitted results confirm that all living rooms have at least one window which passes both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

## **Transport**

- 7.124 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.

### Car parking and access

- 7.125 Owing to the good transport links, the development would remain car free development within the exception of existing blue badge spaces, which will be secured through S106 legal agreement. There are no additional on-site car parking spaces proposed as part of this development.

### Delivery, servicing and refuse

- 7.126 The proposal seeks to accommodate a new bin store location for both the existing and new units in order to facilitate the necessary cycle parking (as discussed below). The applicant has confirmed that there is no change in the collection point of the bins.
- 7.127 The proposals include 2x660l bins for general refuse, 1x770l bin for recycling and 1x240l bin for food waste.
- 7.128 Objections have been received from residents stating that no waste details have been provided, that the stores are already beyond maximum capacity and that an increase in flats would cause further strain on the arrangement. However, as discussed above the proposal provide suitable bin storage and capacity to accommodate new residential units.
- 7.129 Highways and waste officers have also reviewed the application and are satisfied that the proposed new bin store would provide the necessary capacity as outlined in the Local Plan. However, a condition shall be attached requiring the applicant to provide a waste management plan should planning permission be granted.

### Cycle parking

- 7.130 Initially, the applicant proposed 16 cycle parking spaces in two areas. The first area consisted of 10 cycle parking spaces and the second area consisted of 6 cycle parking spaces. The highway's officer recommended that the applicant provided space for 2 more cycles in line with policy and that all residential cycle parking spaces are weatherproof and sheltered.
- 7.131 Also, as part of the initial proposals, cycle hangars were proposed as space was restricted. These were not supported by officers. The applicant subsequently revised the cycle parking and in order to accommodate secure cycle stores for 18 bikes. In order to accommodate the additional 2 cycle spaces, the applicant has relocated the bin stores and combined the provision for the existing and proposed units. The cycle parking now includes 7 covered and secured Sheffield stands to the east side of the building, and an additional 2 stands at the front of the site. It should be noted that the additional cycle parking provision is for all the existing units in the building and the proposed building where previously there were no provision for cycle parking for the existing flats.

### Conclusion

- 7.132 The proposal would not have an adverse impact to the highway network and it would enhance and promote sustainable mode of transport through the provision of onsite cycle parking provision. Conditions will be secured for a car-free agreement to prevent the occupiers of the new residential flats requesting on-street permits and a submission and approval of a Construction Management Plan, to manage the construction impacts during the build. Subject to these conditions and as outlined the proposal is acceptable in terms of transport and highways considerations.

## Environment

### Landscaping & Biodiversity

- 7.133 The existing site has limited ecological value and the site is not suitable for bats. There will be no significant impacts on biodiversity as a result of the proposal.
- 7.134 The Council's biodiversity officer has given consideration to the Preliminary Roost Assessment (PRA) submitted by the applicant and confirmed that there is negligible bat roost potential. There will therefore be no significant adverse impacts on biodiversity.
- 7.135 Officers are satisfied that the proposal would not give rise to significant impact upon biodiversity.

### Enhancements

- 7.136 The proposals include two areas of extensive green roof, totalling about 66 square metres. No details of what type of green roof is proposed, however the council's biodiversity officer has stipulated that this should be a biodiverse roof, designed in line with best practice guidance published by Buglife. That would contribute to a LBAP target. As such, a condition shall be attached requiring details of the biodiverse roof.
- 7.137 Subject to the conditions, the proposed development is considered to be acceptable in this regard.

## Human Rights & Equalities

- 7.138 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.139 The proposed development would not result in adverse impacts upon equality or social cohesion.

## 8. RECOMMENDATION

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

### **Financial obligations:**

- 8.2 With regards to the Community Infrastructure Levy considerations, the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) and Mayor of London CIL.

### **8.3 Planning Conditions**

#### Compliance conditions

1. Permission valid for 3 years
2. Development in accordance with approved plans
3. Hours of construction
4. Restriction on hours of delivery
5. Cycle parking

#### Prior to commencement of development conditions

6. Construction Environmental Management Plan
7. Details of noise and sound insulation plan

Prior to completion of superstructure works conditions

8. Waste Management Strategy
9. Car Free development
10. S278 Agreement
11. Biodiversity enhancements including details of biodiverse roof

## **APPENDIX 1**

List of documents and plans for approval

### **EXISTING DRAWINGS**

EXISTING SITE PLAN	1244.11.040
EXISTING LOCATION PLAN	1244.11.001 REV B
EXISTING GROUND FLOOR + ROOF PLAN	1244.11.010 REV A
EXISTING FIRST AND SECOND FLOOR PLAN	1244.11.011
EXISTING ELEVATIONS	1244.11.020 REV A
EXISTING CONTEXT ELEVATION	1244.11.023
EXISTING SECTIONS	1244.11.030

### **PROPOSED DRAWINGS**

PROPOSED SITE PLAN	1244.11.400 REV C
PROPOSED FLOOR PLANS	1244.11.100 REV G
PROPOSED ROOF PLAN	1244.11.101 REV C
PROPOSED SOUTH AND EAST ELEVATIONS	1244.11.200 REV E
PROPOSED NORTH ELEVATION	1244.11.201 REV E
PROPOSED WEST ELEVATION	1244.11.202 REV E
PROPOSED CONTEXT ELEVATION	1244.11.203 REV A
PROPOSED SECTIONS	1244.11.300 REV D
45 DEGREE DIAGRAM	1244.11 - SK01 A

### **DOCUMENTS**

Design & Access Statement, Rev A prepared by Brooks Murray, dated August 2020

Preliminary Roost Assessment, Version 001, dated 06.11.20 prepared by aLyne Ecology

Daylight and Sunlight to Neighbouring Buildings, by Right of Light Consulting, dated 3<sup>rd</sup> December 2020

## APPENDIX 2

### Selection of plans and images

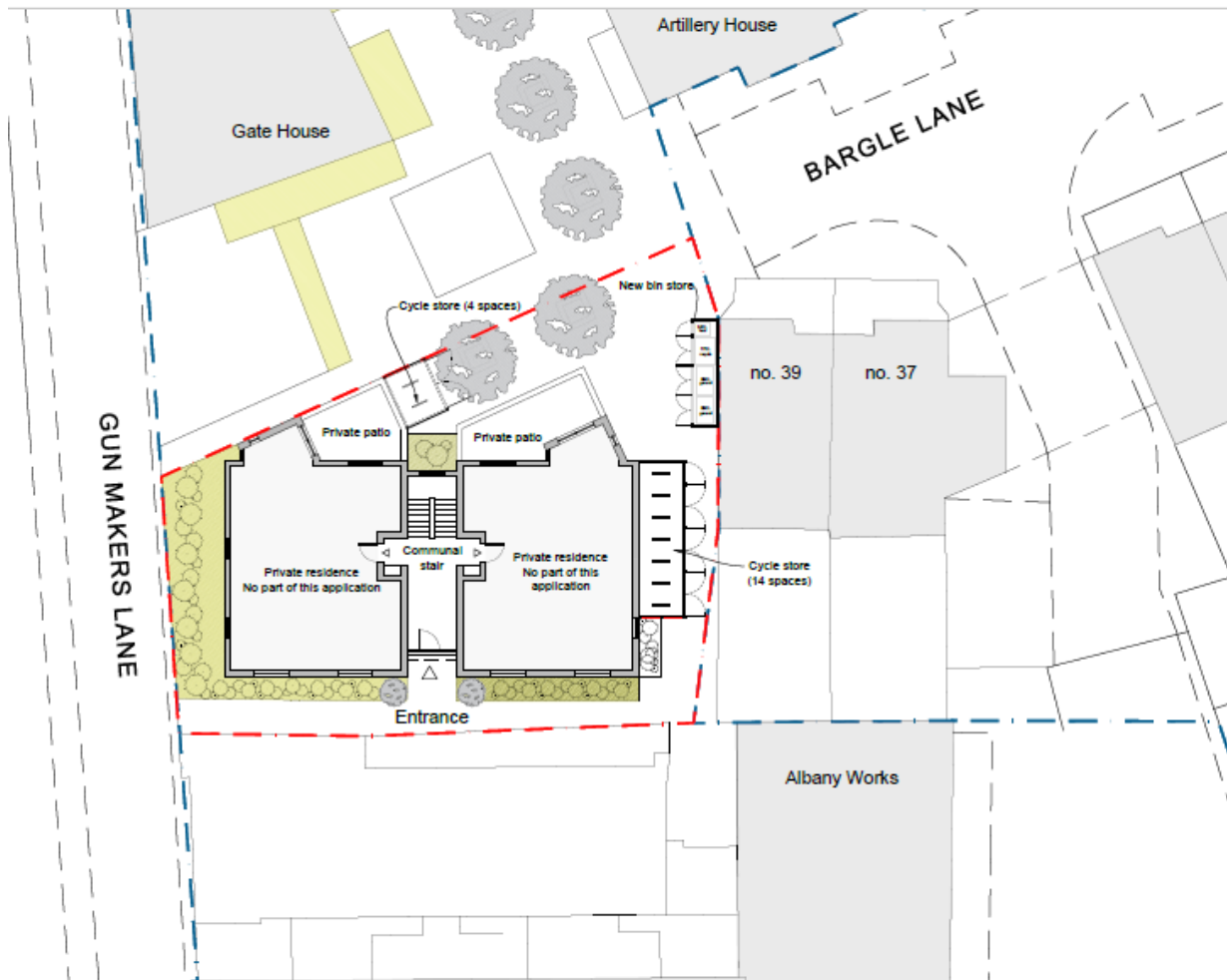


Figure 1: Proposed site location plan



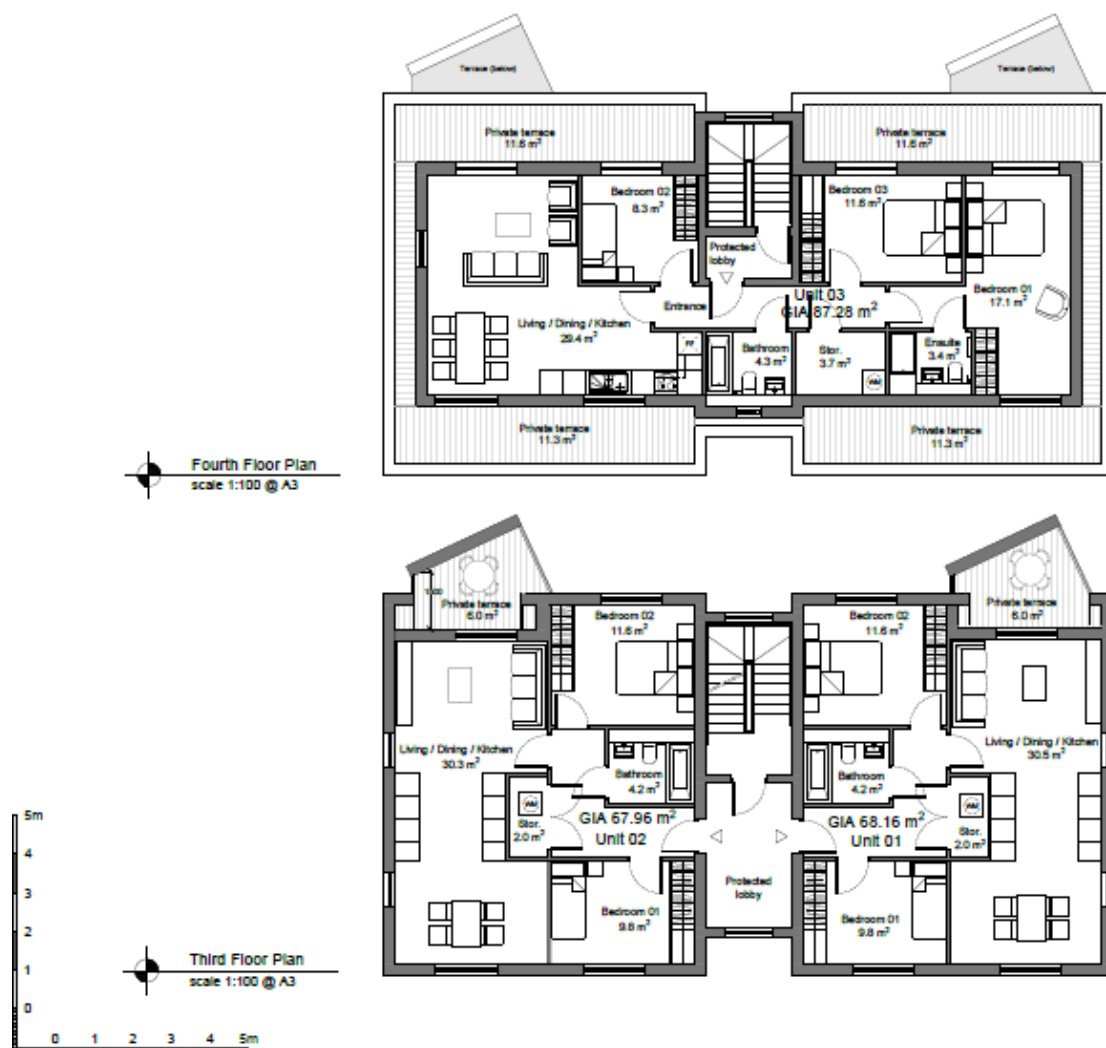


Figure 2: Proposed Floor Plans

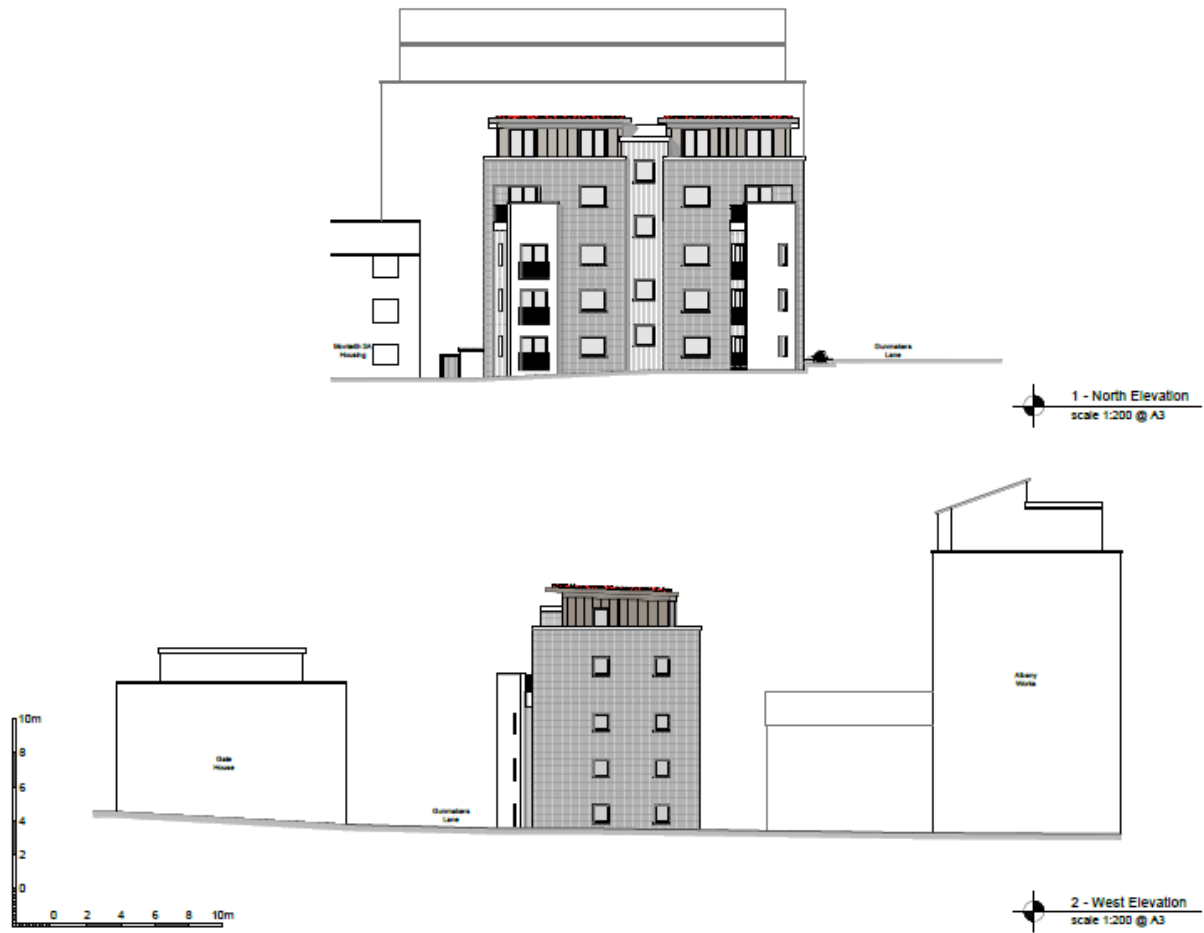


Figure 3: Contextual elevations showing the proposals against Albany Works to the south and Gate House to the north



Figure 4: Proposed south and east elevation



Figure 5: The site from Gunmakers Lane looking south east with Albany Works to the south



Figure 6: A view looking down Gunmakers lane from the south end of Three Colt Bridge

## APPENDIX 3 – DAYLIGHT AND SUNLIGHT RESULTS

### Objection responses

Given the technical nature of the issues raised in concern in relation to daylight and sunlight, further clarification was sought by the applicant's daylight sunlight consultant (Right of Light Consulting) which has also been verified by the Council's daylight sunlight officer.

#### First round of consultation

<b>Objector point:</b>	The applicant as part of their submission included a 45-degree assessment. Objections were received contesting the accuracy of the original document submitted.
<b>Officer comment:</b>	<i>The applicant since updated the 45-degree assessment as shown on the updated version (drawing ref: 1244.11 - SK01 Rev A). It has been viewed by the officers, including the Council's daylight and sunlight officer who has raised no concerns over this. It is important to note that the 45-degree angle test is a basic test to assess how extensions perpendicular to a window would affect daylight. It is a useful rule of thumb test to get a feel for how daylight would be affected, mostly on rear extensions to terrace type housing. However, it is superseded by a technical assessment where VSC, NSL and APSH tests are carried out. The applicant provided a more accurate and detailed daylight and sunlight report as part of the submission.</i>

<b>Objector point:</b>	Loss to windows 23-30, 31-38 and 40 - 45 close to 20% loss of light / and accuracy of modelling and therefore results.
<b>Officer comment:</b>	<i>Officers acknowledge that many of the windows are close to a 20% loss of light which would not meet the BRE Guidelines. However, the fact is the windows mentioned by the objector all meet the BRE guidelines. It has been mentioned that the report is not based on topographical survey etc. so the results may not be as accurate. The model is more approximate as if the model was built from topographical survey and / or laser scan, photogrammetry data it would be more accurate; this may result in a window decreasing from say 0.81 value to 0.79 which would take it from just meeting the BRE to slightly not meeting the BRE. This fractional loss would not be perceptible when standing in the room or by the window. If it was the case that some of these windows decreased to below 0.8, they would be classed as Minor Adverse and this is unlikely to be viewed as "serious harm to our amenity" as the objector says. Officers look at the scheme on balance and if it was the case that if a more accurate survey was used, results could differ marginally and it is likely the application would still be recommended for approval as the results show that at worst, windows with 0.81, or 0.82 former values may fall below the BRE threshold to say 0.79 or 0.78 times their former value. The guidelines are guidelines and should not be used as a simple binary pass / fail test - this is not their intention.</i>

<b>Objector point:</b>	A further objection in relation to the daylight and sunlight assessment was that there hasn't been a full assessment undertaken
<b>Officer comment:</b>	<i>This is incorrect as a full Daylight and Sunlight assessment has been completed by Right of Light Consulting based on the various numerical tests laid down in the BRE guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2nd Edition' by P J Littlefair</i>



	<i>2011. The results of the full assessment dated 19 November 2020 show that all of the neighbouring property windows tested pass the relevant BRE daylight (with the exception of window 48 of 1-20 Albany Works falling just short of the daylight distribution test) and sunlight tests. The development also passes the BRE overshadowing to gardens and open spaces test.</i>
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<b>Objector point:</b>	The Daylight and Sunlight report is based on an OS map which does not provide datums and therefore the lower ground floor level of Albany Works has not been properly taken into account.
<b>Officer comment:</b>	<i>Right of Light Consulting have confirmed that in addition to the OS map, historical drawings from previous planning applications and drawings found online have also been sourced to calculate the relative heights of the surrounding neighbouring properties. Where such information is not available, brick counts have been made. Whilst this is not as accurate as a model built on topographical survey or laser scan data, it is still an acceptable enough level to gain daylight and sunlight results.</i>

<b>Objector point:</b>	Objections relating to Right of Light were received
<b>Officer comment:</b>	<i>Right of Light is not a planning matter.</i>

<b>Objector point:</b>	No assessment of the room layouts has been made.
<b>Officer comment:</b>	<p><i>The BRE guide states that where room layouts are known, the impact on the daylighting distribution can be found by plotting the 'no sky line' in each of the main rooms.</i></p> <p><i>Right of Light Consulting have confirmed that application of the test is not a requirement of the BRE guide where room layouts are not known. In this instance not all of the neighbouring property room layouts were available. Right of Light Consulting don't endorse the practice of applying the test based on assumed room layouts, because the test is very sensitive to the size and layout of the room and the results are likely to be misleading. LBTH does not endorse this approach and neither do RICS (Royal Institution of Chartered Surveyors) as outlined in their document: RICS Professional Guidance, UK – GN 96/2012 – Daylighting and sunlighting 1st edition, guidance note.</i></p> <p><i>RICS state in their 2012 document: "As a minimum, and subject to any limitations relating to a client instruction, surveyors should undertake searches of the local authority's planning portal to establish existing or proposed room layouts of neighbouring properties if they are available. This will ensure a robust approach and enable the surveyor to produce reliable information for daylight distribution analysis, or if average daylight factor (ADF) tests are appropriate"</i></p>

In formulating the officer response to objections received, the case officer had shared the objections with the applicant's daylight and sunlight consultant, Right of Light Consulting, who provided a response (dated 8.10.20) which have been used for formulating the officer

response as well as comments from the Council's daylight and sunlight officer. In response to the Right of Light Consulting letter, further objections to the responses provided were received as set out below.

<b>Objector point:</b>	In relation to Paragraph 2 of Right of Light Consulting's letter, the objector raised concern that 'the survey did not seem to contain the correct dimensions. The distance between the buildings is actually 13 metres and not 18 metres. The model really should clarify the accuracy of these dimensions especially when the impact of certain properties is close to failing to meet the minimum standards'.
<b>Officer comment:</b>	<i>Right of Light Consulting have confirmed that they have not stated in any document that the proposal is 18m away from any neighbouring property. An objector had previously stated that they were 18 metres away. Right of Light Consulting mentioned this in their response letter only because they could not reference specific properties as these were not given due to data protection. Furthermore, the architects have confirmed that they have not stated or assumed that the distance between the two buildings is 18 meters. Drawings are to scale and it can be measured that the distance between the two buildings is 13.7m.</i>

<b>Objector point:</b>	With reference to paragraph 3 of the same letter, the objector states that 'original planning drawings and brick counts is not a reliable method of determining dimensions, especially given the age of Albany Works (early 1900s) where construction tolerances were less reliable than the ones used in modern construction. This should be of concern to anyone reviewing the accuracy of the document. We would also draw the Officer's attention to the recent updates provided by Brooks Murry Architects on the 45-degree angle drawing. This demonstrates that the developer has, since the initial application, carried out further surveys to validate their assumptions including confirming that some of the original assumptions were inaccurate'.
<b>Officer comment:</b>	<i>Officer comment: Rights of Light Consulting have confirmed that they have checked their model against the recent survey completed by Brooks Murray and can confirm that the height of the lower ground floor of Albany Works has been correctly modelled, including the internal level being 300mm lower than the external.</i>

<b>Objector point:</b>	In relation to paragraph 4, the objector raised concerns that 'the Developer owns Albany works and the surrounding affected properties and would have access to the room layouts and any Licence to Alter deeds that may have been implemented since the original construction. We understand that the layouts on the ground and lower ground flats are the same layouts as the ones built in 2004. Therefore we do not think that it is appropriate for ROL Consultants to dismiss this requirement when it is clear they can access the relevant information. Again, given the marginal pass/fail of the daylight test, it would seem prudent that the layouts are included in an updated Daylight and Sunlight report.'
<b>Officer comment:</b>	<i>Rights of Light Consulting have stated in their response that there are 2 elements to the BRE recommendations for daylight. Firstly, the vertical sky component (VSC) test, which calculates the amount of skylight that reaches a neighbouring window. The Daylight Sunlight report demonstrates that all of the neighbouring windows meet the VSC test. Second, is the daylight distribution test. Given that the neighbouring windows meet the VSC test, it is very likely that the neighbouring windows also meet the daylight distribution test, no matter what the internal layouts are. In any event, we now note with the benefit of the plans that all of the rooms at the</i>

	<p>lower ground floor which face directly onto the proposal are bedrooms. Whilst under the BRE guide a universal test is applied to all room types, the BRE guide explains in section 2.2.8 that daylight in bedrooms is less important than in other habitable rooms such as kitchens and living rooms.</p> <p>Officers acknowledge Rights of Light Consulting's response and agree that bedrooms have a lesser requirement for daylight than living rooms and kitchens. However, officers are of the view that it should not be assumed that rooms would meet the NSL test if they meet the VSC test as this cannot be guaranteed.</p> <p>Notwithstanding this, Rights of Light Consulting have since updated the daylight distribution test for the Albany Works properties which was received by the council on 19/11/20 (and a further updated version on 3/12/20 correcting a typo in paragraph 4.2.2 which previously incorrectly referred to window 7 of Albany Works instead of window 48), with updated floor plans that they had received further information on.</p>
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Objections – 2<sup>nd</sup> round of consultation (in response to the updated Daylight and Sunlight Report, dated 19.11.20)

<b>Objector point:</b>	<p>'Since the initial application, the developer has commissioned further surveys to qualify their assumptions. The inaccuracies of the original reports have not been rectified. The lower ground floor of Albany Works has not been considered in their height assessment. The daylight and sunlight reports were undertaken earlier in the year when the sun doesn't reach the North side of Albany Works. From May to September I have full sunlight in my property during the afternoon and early evening. The extension would block the light to my North West facing property.'</p>
<b>Officer comment:</b>	<p>Officer comment: If the main living room is north facing, it would not be tested for sunlight, just daylight which include the VSC and NSL test. The daylight tests in the BRE account for throughout year both when it high in the sky (summer) and low in the sky (winter).</p> <p>With regard to the height assessment, officers assume the objector is referring to the test as outlined in the bubble chart in Figure 1, page 10 of the BRE Guidelines. This test is superseded as more detailed VSC, NSL and APSH tests have been undertaken.</p>

<b>Objector point:</b>	<p>'Albany Works was built between 1888 and 1891. Original planning drawings and brick counts are not a reliable method of determining dimensions.'</p>
<b>Officer comment:</b>	<p>Brick counting is a method of building 3D models, but laser scan would be preferred. As the results are favourable with the vast majority of windows and rooms meeting the BRE guidelines, this model is likely sufficient.</p>

<b>Objector point:</b>	<p>'I am concerned that the developers have not attempted to assess the extension from within my property. Especially as they are the freeholder.'</p>
<b>Officer comment:</b>	<p>There is insufficient detail provided for officers to comment on individual extensions.</p>



<b>Objector point:</b>	<p>'The report is still based on Brooks Murray drawings which do not present the ridge height of the top floor which does not give confidence the results portrayed are accurate.</p> <p>The 45-degree angle diagram dated Oct 2020 has not been included within the assessment nor have an update site survey information to confirm the heights between Armoury and Albany Work with the basis still the OS map which doesn't include the height differential between Gunmaker's Lane and the lower ground floor of Albany Works.'</p>
<b>Officer comment:</b>	<p><i>The model has been built from OS data and brick counting, whilst not the preferred laser scan/photogrammetry method, it is not a wholly unacceptable way to build a 3D model for daylight and sunlight analysis.</i></p> <p><i>The 45-degree line test (which was carried out wrong previously) is superseded by VSC, NSL tests.</i></p>

<b>Objector point:</b>	'The report confirms that window 7 of Albany Works has failed, however, there is no window 7 on the Albany Works elevation'
<b>Officer comment:</b>	<i>The applicant has confirmed that this was a typo in the report which they corrected and resubmitted on 3/12/20. The window should have referred to 48 and not 7.</i>

<b>Objector point:</b>	<p>'Using the proposed ration analysis there is the following windows are within 2% of failing the test:</p> <p>23 Albany Works: window 15  1 to 20 Albany Works: window 26  Window 27  Window 28  Window 34  Window 35  Window 36  Window 37  Window 46  Window 47  Window 48  Window 49  1 to 3 Gate House: Window 121'</p>
<b>Officer comment:</b>	<i>Windows within 2% of failing BRE test is irrelevant as windows meets the BRE guidelines. As outlined above, if the model was built from laser scan survey data, it is possible some of the 0.82 results may fall just below 0.8 target, but results between 0.7 to 0.8 would still be classed as Minor Adverse. The word "failing" needs to be used carefully as the BRE Guidelines are guidance, not a binary "pass" of "fail" test.</i>

**Application for Planning Permission**[click here for case file](#)

<b>Reference</b>	PA/20/00034
<b>Site</b>	114 – 150 Hackney Road, London, E2 7QL
<b>Ward</b>	Weavers
<b>Proposal</b>	Mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four to eight storeys above a shared basement, to contain a maximum 9 residential units (Class C3) up to 10,739m <sup>2</sup> (GIA) hotel floor space (Class C1) up to 3,529m <sup>2</sup> (GIA) employment floorspace (Class B1), up to 358m <sup>2</sup> (GIA) flexible office and retail floorspace at ground level (Class A1, A2, A3 and B1) and provision of Public House (Class A4) along with associated landscaping and public realm improvements, cycle parking provision, plant and storage.
<b>Recommendation</b>	Grant planning permission subject to conditions and s106 agreement
<b>Applicant</b>	Tower Hackney Developments Limited
<b>Architect/agent</b>	Buckley Yeoman Architects/ Montagu Evans
<b>Case Officer</b>	Daria Halip
<b>Key dates</b>	<ul style="list-style-type: none"><li>- Application registered as valid on 06/01/2020</li><li>- Public consultation finished on 07/05/2020</li></ul>

**EXECUTIVE SUMMARY**

Officers have considered the particular circumstances of this application against the provisions of the development plan and other material considerations including the Equalities Act 2010 as set out in this report and recommend approval of planning permission.

This scheme is for the redevelopment of the site that involves part demolition, part retention, part extension of existing buildings, set alongside the erection of new buildings and erection of vertical extensions upon existing retained buildings with the scheme ranging between four to eight storeys in height.

The mixed use hotel led redevelopment of the site also includes provision of B1 office space, provision of mixed use A1/ A3/ B1 space, provision of 9 new homes and the re-provision of a Public House to serve as a late night venue for the LGBT+ community to replace the loss of the Joiners Arms (A4 Use Class) Public House.

In 2018, planning consent was granted for an office led redevelopment of the site which also involved the provision of 9 new homes, flexible retail space at ground floor and re-provision of the A4 public house on site.

In terms of architectural approach, arrangement of massing, the scheme largely follows the approach taken with the extant office consent in terms of the way which it would retain,

restore and make alterations to existing built fabric of heritage merit, likewise in terms of the design approach taken to the handling of the new build elements including the treatment of the vertical extensions set over retained and remodelled existing facades.

In terms of neighbour's residential amenity, a comparison has been undertaken between the current scheme and the extant planning permission within the amenity section of this report. In summary the reported results in terms of daylight/ sunlight impacts are comparable with those associated with the extant planning permission with only a few in number causing additional adverse impacts. As with the extant planning consent the identified adverse daylight/ sunlight impacts are considered on balance to be justified when weighed against the overall public benefits of the scheme. Through use of appropriate design mitigation measures secured by planning conditions the scheme would not result in any material privacy or overlooking issues.

The overall height and scale would also be broadly comparable to the extant planning permission with some minor reduction in massing set alongside a modest increase in the maximum heights to achieve 8 storeys where the extant consent is of 7 storeys with the additional storey achieved principally through a reduced floor to ceiling height for the hotel operation compared to the consented office scheme. The maximum parapet height to the tallest component of the scheme would rise an additional 46cm in height compared to the extant scheme, however an additional screened roof plant (set back from the parapet edge) would raise the tallest element of the scheme by 2.21 metres compared to the extant consent to a height of 27.51m from the surrounding street ground height level.

The application site is located within the Hackney Road Conservation Area. The Conservation and Design Officer is satisfied the scheme in design and heritage terms is of comparable merit to the extant consent and that the harm identified to the Hackney Road Conservation Area would be at the lower end of less than substantial harm in respect of the assessment against relevant Local Plan and London Plan policies pertaining to protection of heritage assets, Chapter 16 of NPPF and the statutory test set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The decision maker in determining applications is required to apply great weight to avoiding harm to heritage assets. However as in this instance where harm is identified as less than substantial to a designated heritage asset, paragraph 196 of the NPPF requires that the harm should be weighed against the public benefits of the proposal. The public benefits resulting from the implementation of the proposal are considered to outweigh the identified lower end of less than substantial harm to the Hackney Road Conservation Area. The public benefits test is detailed at paragraphs 7.99 to 7.109 of this report below and secured through the legal agreement accompanying the application.

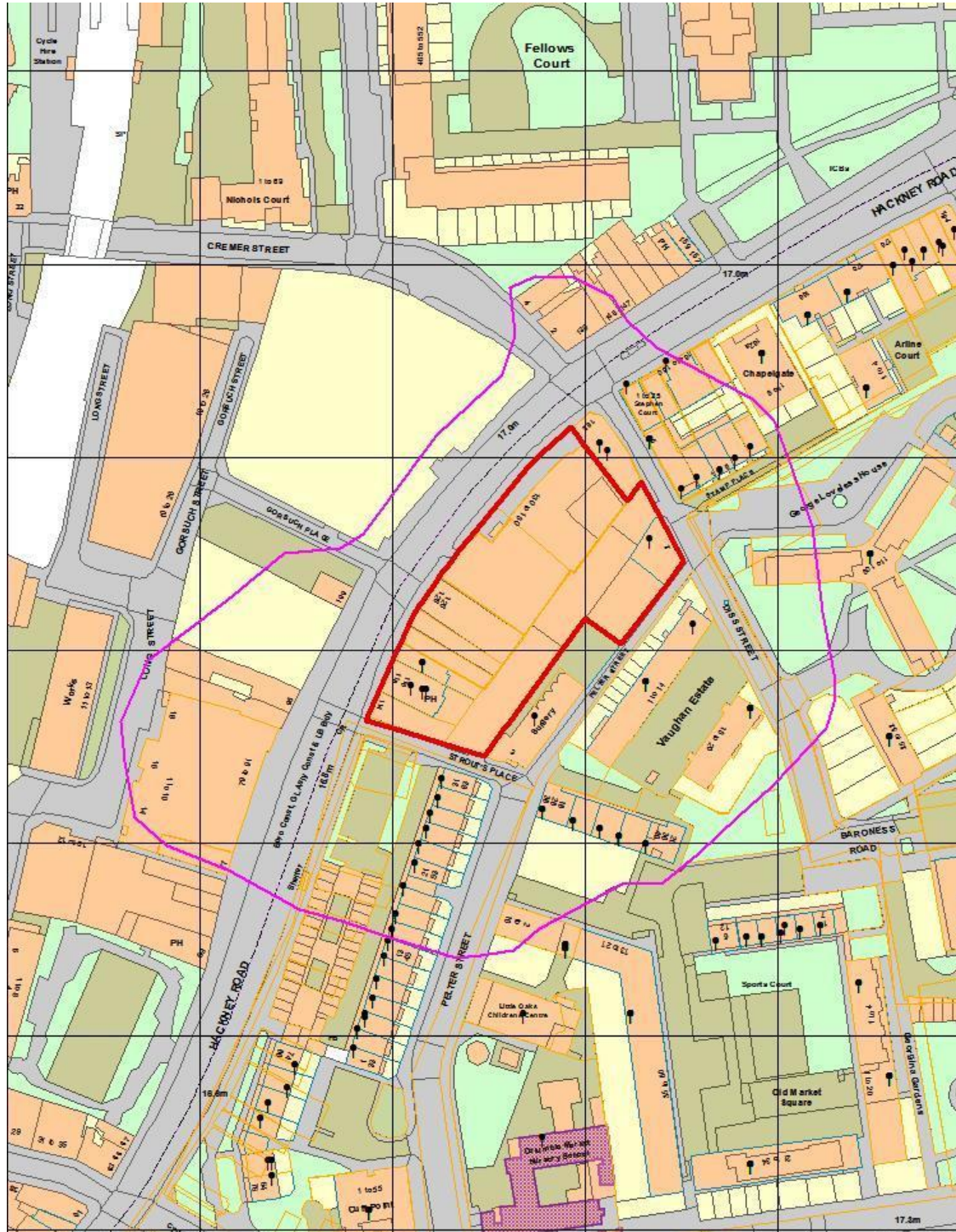
The vacant Joiners Arms Public House is recognised as a community infrastructure facility. The proposed re-provision of a new Public House (A4) meets the both requirements of Policy D.CF2 with respect of protection of community infrastructure and D.CF4 protection of Public House and would promote equality of opportunity pursuant to the Equalities Act with a planning obligation to secure a first right of refusal upon the lease of the A4 unit to a LGBT+ operator.

The scheme is estimated to deliver over 434 FTE jobs circa 312 jobs from the B1 office space, 91 plus with the hotel and no less than 31 from the flexible use commercial spaces.


The introduction of the hotel use comes with a scheme specific package of s106 obligations in relation to employment for local residents including a training programme, career progression programme, employment skills training contribution, promotion of a training graduate programme directed to local residents.

During construction phase the applicant has agreed to a set of wide ranging bespoke obligations employment and training package including working with local schools and HE colleges and providing opportunities for young people to make site visits to the application site to experience first-hand the range of profession working within the construction industry.





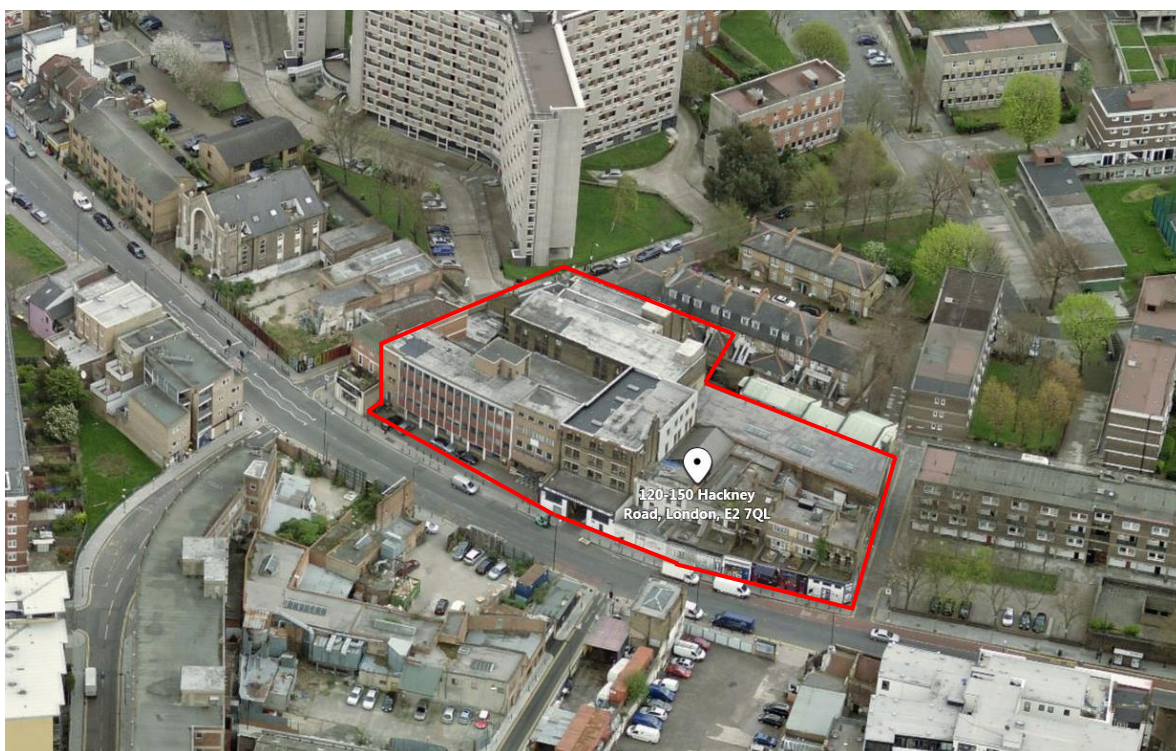
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<ul style="list-style-type: none"> <li><span style="border: 2px solid red; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Planning Application Site Boundary</li> <li><span style="border: 2px solid orange; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Other Planning Applications</li> <li><span style="border: 2px solid pink; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Consultation Area</li> <li><span style="display: inline-block; width: 0; height: 0; border-left: 5px solid transparent; border-right: 5px solid transparent; border-bottom: 8px solid black; margin-right: 5px;"></span> Land Parcel Address Point</li> <li><span style="background: repeating-linear-gradient(45deg, transparent, transparent 2px, blue 2px, blue 4px); border: 1px solid blue; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Locally Listed Buildings</li> <li><span style="background: repeating-linear-gradient(45deg, transparent, transparent 2px, purple 2px, purple 4px); border: 1px solid purple; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Statutory Listed Buildings</li> </ul>	<p style="text-align: center;"><b>Planning Applications Site Map</b> <b>PA/20/00034</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 part of the Planning Application Process</p> <p>Scale : 50m grid squares</p>	 <p style="text-align: center;"><b>TOWER HAMLETS</b> London Borough of Tower Hamlets</p>
		<p>Date: 05 January</p>

## **1. SITE AND SURROUNDINGS**

- 1.1 The application site is an urban block formed of 12 distinct individual buildings that range in scale and architectural language. No 152 Hackney Road and no 3 Strouts Place is also in the same urban block but does not fall within the red line of the application site. The existing buildings that form the urban block and contained in the planning application include 114 to 150 Hackney Road and can be read as such:
- 114-128 Hackney Road, warehouse space including a framing shop (use class A1) fronting onto Hackney Road.
  - 116-118 Hackney Road, former Joiners Arms Public House (A4 use class) LGBTQ+ venue
  - 126-128 Hackney Road (also known as DJ Simons building), former furniture warehouse
  - 130-150 Hackney Road the largest building fronting Hackney Road that contains the office space for the D J Simons operation that spreads across the bulk of the application site.
- 1.2 The application site is mainly occupied as commercial warehouse (use class B8), owned by D&J Simons & Sons, a manufacturer and supplier of furniture and framing industry, founded in 1900. It also houses a former framing shop (use class A1) and a former public house (use class A4).
- 1.3 The subject buildings bear architectural and historical value, and this is recognised by the entire block's inclusion in the Hackney Road Conservation Area. There are no listed buildings on site, nor in the immediate vicinity of the site. The site falls within Shoreditch Archaeological Priority Area.
- 1.4 The former public house is a well-known LGBTQ+ venue which closed in 2015.
- 1.5 The urban block is bounded by Hackney Road to the north west, Diss Street to the east, Pelter Street to the south east and Strouts Place to the south west.





- 1.6 The total site area within the red line boundary amounts to 3,300sqm, with a combined existing floor area (for all existing floors) of 9,197sqm GIA.
- 1.7 Hackney Road is a primary road (forms part of the A1208) is heavily trafficked and the road serves at its midpoint (in the carriageway) as the borough boundary to London Borough of Hackney.
- 1.8 The Public Transport Accessibility Level (PTAL of the site is of 6a (namely very good public accessibility level within a PTAL a range of 0 to 6b). A number of buses connect the local area with the wider parts of the city; the closest rail service to the site is Hoxton Overground Station, approximately 4 minute walking distance north of the application site.
- 1.9 The prevailing building height along Hackney Road is three to four storeys although there are taller buildings notably in the form of local authority housing set behind the Hackney Road frontage that rises significantly (including the 11 storey George Loveless House).
- 1.10 It is notable immediately opposite the site on Hackney Road (falling within the London Borough of Hackney's own Hackney Road Conservation Area) is a recently completed development that rises to 7 storeys at the back of pavement. The building typologies are diverse in character some occupying historic small narrow plot with commercial types uses at ground level others being much larger in footprint serving only residential including parts of the Vaughan Estate that fronts Hackney Road to the south west of the application site.
- 1.11 The site is not in the Central Activity Zone (CAZ) or a designated retail town centre. The application site falls within the Mayor of London's City Fringe Opportunity Area.
- 1.12 The Joiner's Arms Public House in 2020 was designated as an Asset of Community Value (ACV) by the Borough submitted by the Friends of the Joiners Arms (FoJA). It was first designated as an ACV in March 2015. An ACV designation is not a planning designation but is capable of being a material planning consideration where a proposed development involves the loss of a designated ACV.

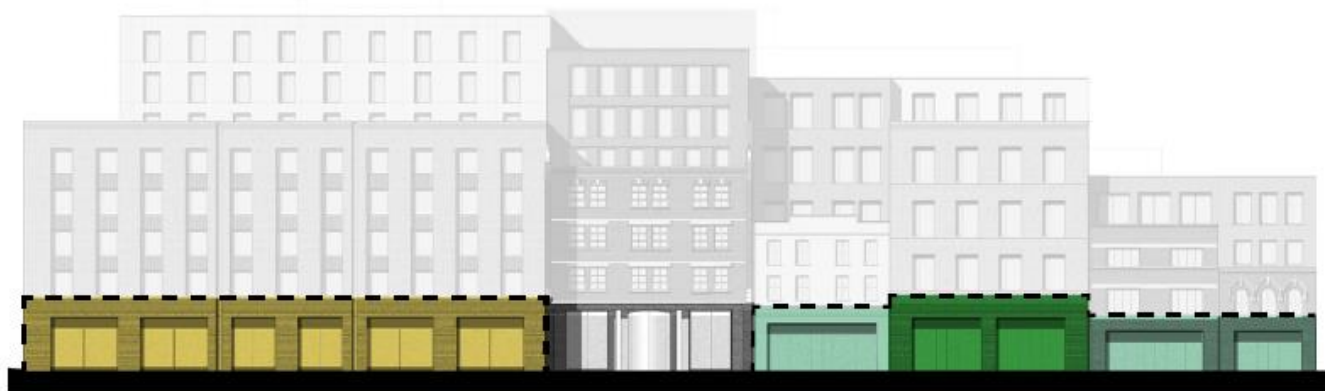
## 2. PROPOSAL

- 2.1 The application proposes to part demolish, part-retain and part-extend the existing buildings on site to create a mixed-use development. The proposal is for a hotel, commercial office space, 9 residential homes, flexible use retail/B1 space at ground floor and a Public House.

- 2.2 In land use terms the main difference between the extant planning permission and this new application lies primarily with the replacement of office space with hotel (C1 short stay accommodation). The hotel use would form the largest component of the scheme providing 273 guests bedrooms.
- 2.3 In terms of height the main changes from the extant office consent are:
- (a) In respect of the main roof parapet containing the new 8 storey hotel (at the Diss Street end of the site) it would rise an additional 80cm to a height of 24.8m from ground (41.8m AOD), plus some additional plant distributed across the roof taking that new building to a maximum 27.3m (44.08 AOD) height;
  - (b) The proposed new massing set above and to the rear of the main DJ Simonds Building that would rise to a maximum 27.51m from street level (44.51m AOD). The parapet height to this roof at 42.23m AOD would be 46cm taller than the extant consent, however the lift overrun and extensive roof plant would sit above that (set away from the edge of the building) rising to a maximum 44.51m (AOD), representing 2.21m greater height in total than the extant consent.
- 2.4 The general arrangement of the massing on site would be similar to the extant consent, as would be the external architectural treatment of the development.
- 2.5 The hotel element would be provided over nine floors including ground floor and basement. The hotel footprint would include the existing DJ Simons Building (upper floors) and new built element to the north end of the site wrapping around on Diss Street and Pelter Street. At ground floor the hotel would contain a bar/ restaurant area, open to hotel users as well as the wider public.
- 2.6 The office element of the scheme sits immediately adjacent to the hotel development and expands over five floors. The entrance to office accommodation also provides for a secondary entrance to the hotel.
- 2.7 The commercial retail element of the scheme is located at ground floor level fronting Hackney Road and includes three separate retail units. Two units would be of flexible office and retail space (use class B1/A1/A3) with the third unit secured as Public House. The unit in A4 use would be located adjacent to the footprint of the former Joiners Arms, a popular LGBT+ venue in the locality and will have a s106 obligation to enable a LGBT+ operated Public House to be maintained on site upon completion of the development.
- 2.8 The residential element is located on the southern end of the site facing onto Strout's Place and extends over three upper floors. The first two floors would be retained (rebuilt) as existing, and the third floor presented as a rooftop extension to the existing building below. 9 homes would be accommodated within including 3x 1 bedroom, 5x 2 bedroom and 1x 3bedroom. The residential homes would be accessed from Stouts Place via a secured residential courtyard.







#### Key

- Restaurant / bar (ancillary to the hotel)
- A4 space
- B1, A1-A4 space

**Figure 2 Proposed development showing the distribution of the proposed use classes**

- 2.9 As with the previous 2018 consent, the scheme would involve demolition of all existing single storey shopfronts facing Hackney Road. This demolition and setting back the proposed buildings provides an opportunity for a wider pavement as well as the formation of a service loading bay on Hackney Road to serve the development.
- 2.10 Servicing arrangements including refuse collection would be secured as previously approved under the extant planning permission and be primarily from Hackney Road.

### 3. RELEVANT PLANNING HISTORY

#### On-Site

- 3.1 **PA/17/00250** *"Mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four storeys to six storeys above a shared basement, to house a maximum of 9 residential units (class C3), 12600sqm (GEA) of employment floor space (class B1), 1340sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within use classes B1/A1-A4) and provision of Public House (Class A4), along with associated landscaping and public realm improvements, cycle parking provision, plant and storage."* Extant planning consent granted on 11<sup>th</sup> June 2018.

#### Pre-Application

- 3.2 **PF/19/00156** - [114-150 Hackney Road]. In 2019 pre-application advice sought for a hotel led mixed use redevelopment of the site including part demolition, part retention, part extension of existing building.
- 3.3 **PF/14/00159** [114-150 Hackney Road]. In 2014 began extended pre-application advice for comprehensive redevelopment of the site to provide circa 127 residential units and ground floor retail uses

#### Neighbouring Sites

- 3.4 **PA/2015/3455** [London Borough of Hackney] Former 95-107 Hackney Road *Demolition of all existing buildings and construction of three replacement buildings ranging in height from ground plus four storeys to ground plus eight storeys, above shared basement. Proposed mix of uses to include a maximum of 184 residential units (Class C3), 13,334 sqm (GIA) of employment floorspace (Use Class B1), and 4,243 sqm (GIA) of flexible commercial/retail space at basement and ground floor levels (falling within Use Classes A1-A4, and B1) which can comprise of more than 1,500 sqm (GIA) of A1 floorspace, no more*

*than 500 sqm (GIA) of A2 floorspace, no more than 1,500 sqm (GIA) of A3 floorspace, no more than 1,000 sqm (GIA) of A4 floorspace, and no more than 1,400 sqm (GIA) of B1 floorspace, along with associated landscaping and public realm improvements, parking provision, plant and storage, and other works incidental to the proposed development.*  
Approved on 27 April 2017

#### **4. PUBLICITY AND ENGAGEMENT**

- 4.1 The applicant held a public exhibition on 18<sup>th</sup> July 2019, over 1800 newsletters distributed locally to households, businesses and other interested groups. A total number of 13 residents attended the event with 1 written feedback form received. The applicant is also understood to have sought to make separate contact (after July 2019) to arrange a meeting with the Columbia Tenants Resident Association, although no actual meeting transpired.
- 4.2 Both before but notably post-submission of the application the applicant has engaged in a number of meetings with the Friends of the Joiners Arms and Greater London Authority, alongside officers of the Council, in relation to a number of matters including the arrangements for a meanwhile use space for an LGBT+ operator.
- 4.3 The Council undertook statutory public consultation on the planning application and in line with its Statement of Community Involvement with a total of 367 consultation letters issued to neighbours. 38 representation were received, of which 1 in favour of and 37 against the proposal.
- 4.4 A site notice was displayed outside the application site. A press notification was also issued on 16<sup>th</sup> April 2020.
- 4.5 The objections organised in topics can be summarised as follows:

##### Land use and related matters

- Hotel use not appropriate for an area predominantly residential area given the site is not in the CAZ, will result in transient population causing impact to residents and school nearby, in terms of noise and anti-social behaviour/
- Need for office in locality
- Insufficient infrastructure and services for this type of proposal
- Scheme would push night-time economy from Shoreditch along Hackney Road into residential area and result in associated crime/anti-social behaviour being pushed along Hackney Road
- Concern that this is a 'party hotel' and the impact to the community, especially given the location on edge of large social housing estates
- Enough hotels, bars and restaurants in the area already. 27 hotels nearby and within 1 mile radius there are 4000 new hotel rooms
- Smaller/boutique hotel could better provide for residents – weddings, music venue etc
- Affordable social housing should be provided
- Local businesses opportunities taken up by hotel provision

##### Design and Heritage

- Imposing overall mass and scale which is inappropriate in local context impacting negatively on special character of the area
- Double height of hotel element is inappropriate
- The original plans were much more sympathetic

- Proposal represents overdevelopment
- Brick façade is inappropriate and window sizes are not appropriate either
- Diss Street and Columbia Road should remain as much as is possible as originally intended.

#### Amenity

- Daylight/ sunlight impact to the nearby neighbours
- Overlooking to properties on Diss Street and Vaughan Estate and privacy issues
- Noise, pollution concerns once site is operational
- Impact on amenity during construction phase (noise, air, dust and pollution)

#### Transport/ Highways

- No parking provided as part of the development
- Parking and servicing strain (particularly onto Diss Street) now and in the future
- Poor relationship to public realm/less pedestrian friendly
- Disruption to pavement on Hackney Road to accommodate servicing bay
- The proposal including the hotel use will result in greater congestion and increase in vehicular movement and resultant air pollution.
- Construction concerns in terms of noise, pollution etc

#### Other

- No real public benefit to the locality including minimal employment opportunities
- Proposal does not reflect sustainable development
- No assessment made on the impacts to neighbouring residents' lives and health and wellbeing
- Boundary between Hackney and Tower Hamlets requires proper management
- Submitted documentation requires full interrogation by the council
- Inadequate and misleading public consultation by the developer
- Proposal will result in additional litter

#### Objections not material to determination of planning application

- Concern over impact on TfL revenue
- Local people being priced out of the area
- Rights of Light Issues

4.6 The majority of the letters of objection were received from residents living along Hackney Road, Diss Street and Pelter Street. An objection letter was also received from the Columbia Tenants and Residents Association.

4.7 The single letter of support received is from a representative for the GP surgery who supports the scheme and considers the proposal compatible with the ambitions of the

surgery to expand. Suggests a planning condition to secure obscure glazing to all windows overlooking the existing GP surgery on Strouts Place.

## **5. CONSULTATION RESPONSES**

### **Greater London Authority (GLA), including Transport for London**

5.1 The application is GLA referable in that the proposed development is over 30 meters in height (44.5m AOD top of plant) and amounts to more than 15,000sqm total floor space (15,833sqm proposed).

5.2 Stage 1 letter sets out that the GLA is overall supportive (as summarised below) of the proposal, although seek clarification on number of matters.

#### Principle of Development

5.3 The proposal for a mixed used development comprising a hotel, office, residential, public house and mixed commercial use on this site in an Opportunity Area is supported in line with London Plan and the Intend to Publish London Plan. Further info required on proposed affordable workspace and the proposed A4 Use, including providing a strategy (in line with paragraph 192 of NPPF) to provide a meanwhile use premises for the Joiners Arms and a permanent LGBT+ venue within the proposed development.

#### Housing

5.4 Satisfied with quality of amenity provided. Further information required on the affordable housing contribution.

#### Historic Environment & Urban Design

5.5 The proposed development is supported in terms of optimising site's capacity. The proposed demolition, extensions and alterations are considered to be sensitive and the additions to be of a high quality. The scheme would preserve the character of the conservation area and incur no harm to heritages assets. A fire strategy should be secured by condition.

#### Night-time economy and social infrastructure

5.6 The Joiners Arms is valued social infrastructure. The venue's late-night opening, free entry and its facilities of hosting a wide range of gay subcultures led it to establishing a unique reputation on the local community and as a valued social facility for a distinct part of the gay community. GLA strongly supports the re-provision of a A4 unit on-site serving and operated by the LGBT+ community. Further clarification sought on the long affordability of the venue and means of selecting a LGBT+ operator.

5.7 Paragraph 92 of the NPPF sets out that the unnecessary loss of valued social and community facilities and services should be avoided. The proposed development whilst it includes a re-provision of an A4 unit, the existing operator of the Joiners Arms was unable to operate from the venue since its closure and unable to continue to operate until the proposed A4 unit is completed. For this, GLA is strongly encouraging the applicant to work collaboratively with all relevant parties to secure a meanwhile space during the construction period to facilitate the operation of this cultural facility to continue. This should be secured prior to determination and captured within the s106 agreement.

5.8 Scheme needs to apply a set of planning conditions (as per the extant consent) to ensure schemes conforms with the necessary Agent of Change principles.

#### Highways and Transportation

5.9 Overall, supportive of the scheme however raised a number of concerns around:

- Insufficient information provided on short term cycling
- Cycle access route for the non-residential cycle storage shared with access for the loading bay on Diss Street is unsafe and inconvenient.

- The distance between the Diss Street cycle access and the basement floor cycle parking storage location is too far.
- Shower and changing facilities should be provided for both the office and hotel elements for workers whom commute to/ from site.
- Coach parking on site should be restricted through planning condition.
- Taxi pick up and drop off should take place on Diss Street, away from Hackney Road.
- Applicant should work with Council on the detail of the loading bay on Hackney Road to address TfL's initial concerns.

### **Friends of the Joiner's Arms (FoJA)**

- 5.10 FoJA set out they objected in writing to the previous proposal (on 31<sup>st</sup> March 2017 and 17<sup>th</sup> July 2017) and consider the points raised in those representations remain relevant to this application.
- 5.11 Once again FoJA note by way of relevant context the dramatic loss across the Borough and London of LGBT+ venues over recent years and the effect this has on the borough/London's cultural infrastructure from loss of employment opportunities, social activities, cultural production and appreciation of cultural output. The loss of cultural infrastructure jeopardises London's status as a city of diversity and has consequences in terms of safety and security with a rise in hate crime.
- 5.12 Express disappointment that the applicant has not commenced with the previous consent with the resultant outcome Joiners Arms remains in a state of disuse and dereliction and the absence of a replacement LGBT+ venue.
- 5.13 Consider the delay in commencing with the previous consent erodes the hope the developer will re-provide a venue on site. Seek a s106 financial obligation is made to FoJA from the developer for the provision of an off-site meanwhile use LGBT+ venue until such time as a LGBT+ venue is re-provided on-site. Seek the aforementioned financial obligation is triggered on granting of consent, as opposed to on commencement of development, mindful of the failure to implement the extant consent.
- 5.14 Seek the non-inclusion of a planning condition (imposed upon the extant consent) limiting the late-night opening of the Public House (until 4am) for a period of 12 months after opening. Consider the imposition of such a condition jeopardises the longevity of the night-time venue and fails to recognise Hackney Road already has a busy and well established night economy time. Consider the need for the Council to control hours of opening of the Public House by planning condition as unnecessary, as the Council has separate powers under its licensing authority powers to control the hours should the need arise.
- 5.15 Seek a new process (compared to the extant consent) for securing a LGBT+ operator within the *First Right of Refusal Schedule* in the Section 106, so that it provides greater clarity and greater local oversight and involvement in the process. Commends in this respect the content of a Memorandum of Understanding applied to a LGBT+ venue in LB of Southwark.
- 5.16 Increase the previously agreed fit out costs for the LGBT+ A4 venue in line with inflation.
- 5.17 Require the A4 to be marketed at an affordable rent with a rent cap to ensue long term affordability in line with paragraphs 6.3.2 and 6.3.4 of the Intend to Publish London Plan in relation to a policy relating to affordable workspace.
- 5.18 *Officer comment: The matters raised by FoJA are addressed elsewhere in the main body of this committee report. The request for the rent on the A4 Use to be set at an affordable rent (as opposed to a market rent) with reference to the Intend to Publish London Plan Policy E2 (Providing Suitable Business Space) and specifically supporting text paragraphs 6.3.2 and 6.3.4 to that policy is not considered applicable as that policy relates to B Use Class employment uses. As such it is not considered the imposition of this demand on the applicant can be justified in policy terms for a A4 Use.*

## **Historic England – Greater London Archaeology Advisory Service**

- 5.19 No objection, subject to imposition of relevant planning condition.

### **Historic England**

- 5.20 The scheme is similar to one for the same site that was approved in June 2018; the main revision is replacing the office space with hotel accommodation.
- 5.21 Historic England disappointed to not have been consulted on the previous scheme. Since the principle of development has already been agreed by your authority and the acceptability of height, scale and massing has been established Historic England recommends that you continue to work with your authority's conservation officers to ensure the scheme meets national and local [heritage] planning policy.

### **Metropolitan Police – Crime Prevention**

- 5.22 No objection, subject to Secure by Design condition.

### **Thames Water**

- 5.23 No objection, subject to conditions pertaining to piling, water main diversion, capacity, network reinforcement works, ground water discharge and run off control mechanisms as well informatives

### **LBTH Biodiversity**

- 5.24 Following the receipt of further information no objection raised subject to inclusion of the suggested planning conditions to secure biodiversity enhancements including biodiverse roofs, native planting, boxes for birds and replacement of 4 street trees.

### **5.25 LBTH Contaminated Land**

- 5.26 No objection, subject to standard mitigation condition

### **LBTH Environmental Health [Air quality]**

- 5.27 No objection to the proposal, subject to several planning conditions to be attached to the said decision notice, including on:
- Air quality – Mechanical Ventilation
  - Construction Environmental Management and Logistics Plan
  - Air Quality Standards for Boilers and CHP Units
  - Kitchen Extract Standards for Commercial Uses

### **LBTH Environmental Health [Noise]**

No objection. The noise conditions secured with the extant planning permission should be re-applied.

### **LBTH Energy Efficiency**

- 5.28 The proposals for CO2 emission reductions exceed the target for 46% reduction on-site. In order to support the scheme, the residual CO2 emissions should be offset through a carbon offsetting contribution of £619,560.
- 5.29 The following planning conditions should be secured with the application:
- Updated Energy Statement to include review of roof spaces to ensure the integration of PV panels has been maximised; how energy demand and carbon dioxide emissions post construction will be monitored annually, for at least five years; explaining how the site has been future-proofed to achieve zero-carbon on site emissions by 2050

- Submission of as built calculations to demonstrate the reduction in CO2 emissions have been delivered on site
- Submission of BREEAM Certificates to demonstrate Excellent rating has been achieved

### **LBTH Growth and Economic Development Division (G&ED)**

- 5.30 The G&ED Division welcomes the applicants commitment to providing economic benefits from this development scheme which go beyond the minimal formula based obligations (as set out in the LBTH Planning Obligations SPD) in relation to construction and end user phase obligations for employment, training and skills(including making well defined commitments to work with our schools and FE colleges). The applicant has made this demonstrable commitment through their agreement to establish future employment pathways with career progression for local residents and provide specific opportunities for individuals to gain end phase employment in the hotel for individuals who have identified learning difficulties
- 5.31 Additionally, the applicant has agreed to a planning obligation for workspace provision that exceeds our minimum policy requirements by agreeing to provide workspace for a period of 15 years (a 50% uplift on our policy position which seeks 10 years) with a 20% discount on commercial market rents (a 100% uplift on our policy position which seeks 10%).

### **LBTH Health Impact Assessment**

- 5.32 The submitted Rapid Health Impact Assessment (HIA) report could have benefited from more detail around opportunities to enhance access to open space and biodiversity enhancements however taken overall the submitted report is considered adequate.

### **LBTH Licensing**

- 5.33 The premises borders on an area of Shoreditch with high volume of bars bordering onto London Borough of Hackney and City of London of which residents in Tower Hamlets are suffering from public nuisance and antisocial behaviour from those customers coming to and from premises. The Licensing Authority proposes the following terminal hours for all licensable activities: a) 24 hours to hotel residents and their guests (limit of 4 guests per resident), b) Sunday to Thursday – midnight, with premises closing to non-residents and their guests at 00:30, c) Friday and Saturday – 01:00, with premises closing to non-residents and their guests at 01:30.
- 5.34 *Officers Note: Licensing of premises is governed by separate regulatory regime is not a matter for planning and possess separate and distinct criteria surrounding regard for neighbours amenity from that set with the planning regulatory framework.*

### **LBTH Surface Water Run Off - SUDS**

- 5.35 No objection, subject to a Surface Water Run Off Management plan to be submitted prior to commencement of development for LPAs approval. This element is secured by condition.

### **LBTH Transportation & Highways**

- 5.36 Following amendments and further information, no objection, subject to a series of planning conditions, obligations and s278 agreement to secure several highways improvement works, as detailed below.

#### **S106/s278 agreement**

- a. Disabled parking bay funded by the applicant
- b. Highways improvement works to Hackney Road and Strouts Place
- c. Car free agreement

- d. Secure land for adoption to achieve a continuous 2m strip of footway outside the application site on Hackney Road

Planning condition

- a. Travel plan
- b. Secure car free development for the residential element
- c. No hotel bookings coach parking
- d. Secure cycle parking arrangements
- e. Construction Management and Logistics Plan
- f. Demolition and Construction Management Plan
- g. Servicing and Delivery Management Plan
- h. Provision of 5% cycle parking spaces for larger bikes
- i. Service bay on Hackney Road to operate outside the hours of bus lane (10am to 4pm)
- j. No tables and chairs to be permitted on the adopted public highway outside the application site on Hackney Road

**LBTH Town Centre Team**

- 5.37 This development on Hackney Road has potential to help animate the street, add to the offer in retail units on the street and help attract more customers. To support recommendations in the Borough High Street & Town Centres (HS&TC) strategy, the HS&TC team requests that any proposed security shutters are open grill shutters and not solid metal as this will give a more 'open for business' feel to the street and help prevent graffiti with a preference for security shutters be hung inside the shop. The HS&TC team also request that sustainable practices be put in place to minimise issues on the street including: plans for food waste, space allocated for recyclables and appropriate waste solutions are taken into account in the development

**LBTH Waste**

- 5.38 No objection subject to application of relevant planning conditions.,



## 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 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. 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.
- 6.3 In this case the Development Plan comprises:
- The London Plan 2016 (LP)
  - Tower Hamlets Local Plan 2031, adopted 2020
- 6.4 The key development plan policies relevant to the proposal include:

<u>Land use</u>	<p>S.H1 Meeting housing needs</p> <p>D.H2 Affordable housing and housing mix</p> <p>D.EMP2 New employment space</p> <p>D.EMP3 Loss of employment space</p> <p>D.TC3 Retail outside our town centres</p> <p>D.TC5 Food, drink, entertainment and the night-time economy</p> <p>D.TC6 Short-stay accommodation</p> <p>D.CF4 Public House</p> <p>D.SG5 Developers Contributions</p> <p>LP2.13, LP3.3 – 3.9, 3.12, 3.14-3.15</p>
Provision of short stay accommodation, office use, public house and new housing	
<u>Design</u>	<p>S.DH1 Delivering High Quality Design</p> <p>D.DH2 Attractive streets, spaces and public realm</p> <p>S.DH3 Heritage and the historic environment</p> <p>D.H3 Housing Standard and Quality</p> <p>D.DH7 Density</p> <p>D.DH9 Shopfronts</p> <p>D.DH10 Advertisements, hoardings and signage</p> <p>LP7.1-7.9</p>
Layout, townscape, massing, heights, appearance, materials, heritage, shopfronts, public realm	
<u>Amenity</u>	<p>D.DH8 Amenity</p> <p>D.ES9 Noise and vibration</p> <p>LP7.6, LP7.14, LP7.15</p>
Privacy, outlook, daylight/ sunlight, noise, construction impacts	

<u>Highways/ servicing</u>	D.MW3 Waste collection facilities in new development S.TR1 Sustainable Travel D.TR2 Impacts on the transport network D.TR3 Parking and permit free D.TR4 Sustainable delivery and servicing LP5.16-5.18, LP6.1, LP6.3, LP6.8-6.13
Sustainable transport, highway safety, car and cycle parking, servicing, waste collection	
<u>Environment</u>	S.ES1 Protecting and enhancing our environment D.ES2 Air Quality D.ES3 Urban greening and biodiversity D.ES4 Floor Risk D.ES5 Sustainable drainage D.ES6 Sustainable water and wastewater management D.ES7 A zero carbon borough D.ES8 Contaminated land and storage D.ES10 Overheating D.ES5 Sustainable drainage LP3.2, LP5.1-5.15, LP5.21, LP7.14, LP7.19, LP7.21
Energy efficiency, air quality, odour, noise, waste, biodiversity, flooding and drainage, contaminated land	

6.5 Other policy and documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Design Guidance (2019)
- National Planning Practice Guidance (updated 2019)
- City Fringe Opportunity Area Planning Framework (2015)
- Mayor of London's Housing SPG (updated 2017)
- Mayor of London's Culture and the Night Time Economy (2017)
- LBTH Planning Obligations SPD (2016)
- London Borough of Tower Hamlets, Hackney Road Conservation Area Character Appraisal and Management Guidelines (November 2009)
- London Borough of Hackney, Hackney Road Conservation Area Appraisal (July 2009)
- Conservation Area Designation, Appraisal and Management, Historic England Good Practice Planning Advice Note 1 (2016)
- Managing Significance in Decision-Taking in the Historic Environment, Historic England Good Practice Planning Advice Note 2 (2015)
- The Setting of Heritage Assets, Historic England, Good Practice Planning Advice Note 3 (2015)
- Community Right to Bid: Non-statutory Advice Note for Local Authorities (Dept Communities and Local Government, October 2-12)
- GLA London Employment Sites Database (May 2017)
- LGBTQ+ Cultural Infrastructure in London: Night Venues, 2006–present” (published by UCL Urban Laboratory (2017))

## **Draft Policy and Guidance**

- Intend to Publish London Plan (December 2019) LP Draft New London Plan (2019)
- 2<sup>nd</sup> draft for public consultation LBTH Planning Obligations SPD (8 October 2020) and Small Sites Affordable Housing Calculator
- Mayor of London's draft Circular Economy Statement (October 2020)
- Mayor of London's draft Whole Life-Cycle Carbon Assessments Guidance (October 2020)

6.6 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.

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

Land use (short stay accommodation/ night time economy): E10, HC6. HC7

Housing: H1, H2, H3, H5, H6, H7, H8, H12

Design and Heritage: D1A+B, D2, D3, D4, D7, D8, D9, D10, D11, HC1

Amenity: D13

Transport: T1, T2, T3, T4, T5, T6, T6.1, T6.4, T6.5, T7, T9

Environment: SI2, SI3, SI12, SI13, G6

## **7. PLANNING ASSESSMENT**

7.1 The key issues raised by the proposed development are:

- i. Land Use (including residential amenity for future occupiers)
- ii. Heritage
- iii. Urban Design
- iv. Neighbour Amenity
- v. Transport
- vi. Environment
- vii. Equalities and Human Rights

### **Land Use**

7.2 There are approximately 8,656sqm of warehouse (B8 use) including ancillary office space, 106sqm of retail (A1) use space, 435sqm (A4) use space, and a single dwelling house (C3 unit) presently on site.

7.3 The redevelopment of the site would replace the existing uses with 10,739 sqm of hotel floorspace (C1 use), 3,530sqm of office space (B1 use), 358sqm of flexible commercial/ retail floorspace (B1/A1-A3 use), replacement of the existing A4 unit, and 842sqm of residential (C3) floor space (9 homes).

### **Loss of existing employment (B use class) space on site**

- 7.4 Paragraph 10.25 in the Local Plan defines employment as uses which fall within B1, B2 and B8 use class. Policy D.EMP3 of the Local Plan requires that where development seeks a net loss of viable employment floorspace outside of a designated employment locations either:
- (a) the site has been subject to robust marketing for 24 months at a reasonable market rate or;
  - (b) provides robust evidence that demonstrates the site is genuinely unsuitable for continued employment use due to its condition; reasonable options for restoring the site employment are unviable; and that benefits of alternative use would outweigh the benefits of retaining employment use on site.
- 7.5 Furthermore, policy 4.4 in the London Plan together with policy E4 and E7 in the Intend to Publish London Plan seek to protect the loss of industrial land, unless it had been demonstrated: that there is no reasonable prospect of the site being used for industrial and related purposes; the site has been allocated in the Local Plan for residential or mixed-use occupancy or for industrial, storage or distribution floorspace provided as part of mixed-use intensification.
- 7.6 The submitted Marketing Summary Report by Strettons states that due to the poor state of repair, lack of adequate off-street servicing and poor-quality internal accommodation, the existing buildings are no longer fit for purpose for a continued use for prospective industrial occupiers. The existing business on-site is already scheduled to relocate their operation to other premises in the north east part of London for operational reasons: notably from an officers perspective in relation to (a) difficulties accommodating deliveries from large vehicles on the current site (following the landowner disposing of the site they owned on the opposite north side of Hackney Road) and (b) a recognition significant elements the buildings are not in a good condition for sustainable on-going use, yet (c) not suited for wholesale demolition in recognition of their heritage value but with (d) refurbishment costs that would not sustain an existing warehouse/manufacturer type operation on site.
- 7.7 In terms of employment numbers, the B' Use class spaces on site presently employs 40-45 (FTE) people and the London Employment Sites Database 2017 indicates the proposed 3, 503sqm of high quality B1 office space within the scheme alone would provide opportunities for 312 (FTE) end operation jobs on site (at 11.3sqm GIA/ 1 FTE) and as such would represent a significant uplift in employment on site. Additional jobs would also be generated from the hotel, public house, and the two flexible use commercial spaces proposed on site.
- 7.8 The existing buildings do not lend themselves for a sustainable industrial use. Nevertheless, the extant consent demonstrates physically repurposing the site for B1 office based employment use is possible. Notwithstanding the proposed scheme would result in a significant quantitative loss of existing employment space, officers are satisfied scheme is consistent with Policy D.EMP3 (and the relevant industrial employment land use policies in the adopted and Intend to publish London Plan) given the scheme:-
- (i) brings the realistic prospect of a marked increase in (B Use Class) employment based jobs to the site;
  - (ii) offers a series of other significant public benefits;
  - (iii) offers a sustainable scheme that optimises the use of the site that is deliverable.
- It is also noted the GLA in their Stage 1 Report are satisfied in policy terms with the net reduction in employment space.
- 7.9 The proposal complies with policy D.EMP2 in the Local Plan, which requires a minimum 10% of new employment floorspace is provided as affordable workspace. The policy requires that the affordable workspace is secured for an at minimum 10 years at 10% discount of market rent. The applicant has agreed (secured by the s106) that the 10% of affordable workspace area provided on-site would be secured at a 20% discount of market rent for a period of 15 years. The applicant's local benchmark values conclude the affordable workspace would be let at £34.37 per square foot.

### Provision of Flexible Use A1to A3 and B1 Space

- 7.10 With regard to retail uses Local Plan Policy D.TC3 *Retail uses outside Town Centre* takes a sequential test approach and seeks to establish if the flexible use retail provision would be both local in nature and not cause harm to the vitality and viability of local centres seeking to limit the size of retail provision to under 200sq.m. These same described policy considerations in the Local Plan were in place with the extant consent that accepted the principle of additional flexible use retail/commercial spaces at ground floor use. The extant consent provided for 1,340sq.m whilst the current proposal proposed 328sq.m, in the form of two proposed units 134sq. and 194sq.m in area.
- 7.11 In this scheme the quantum of flexible use retail/commercial space offers is adjudged acceptable given the nearest retail centre is Columbia Road neighbourhood shopping centre. Columbia Road neighbourhood shopping centre does not typically suffer from retail vacancies rate (along with the Columbia Road street market). Furthermore, and material to the assessment of this application this neighbourhood centre attracts customers to a very bespoke retail offer which attracts visitors from afar and as such is not liable to be threatened by the provision of the retail units within this scheme. The same conclusion is reached by officers with respect to Brick Lane local retail centre which is located over 500m walking distance to the south of the site.
- 7.12 To conclude, Policy D.TC3 is met as set out above including with due consideration given to: the nature and health of Columbia Road retail centre; the extant consent; the reduction in retail space compared to that extant consent; given the site is located on a long established commercial thoroughfare within the City Fringe; and finally with regard to the Mayor of London City Fringe Opportunity Area document which acknowledges the need for a vibrant mix of land-uses within the City Fringe including retail, café and restaurant uses.

### **Provision of Housing and Quality of Residential Amenity**

- 7.13 The scheme replicates the extant consent in providing nine new residential homes to the same unit mix, same layout, and located within the same section of the application site.
- 7.14 An existing 3 bedroom home located at the eastern end of the application site along the Diss Street elevation would be lost as part of the development, as with the extant consent. This loss is considered acceptable in the context of optimising development on the site and given this loss would be offset by a net increase of 8 new homes comprising 3x 1bedroom, 5 x2bedroom and 1x 3bedroom flats including the provision of a wheelchair accessible unit
- 7.15 In land use policy terms the principle of residential development raises no issues on the site.
- 7.16 Officers are satisfied through extensive testing the site does not readily lend itself to be redeveloped as a more residential led development. The joint venture applicant sought a residential led redevelopment of the site. This was explored extensively during formal pre-app over a period of 21 months (starting in 2014) with various design iterations presented to officers however none proved tenable. The reasons for this were multiple and interrelated but notably surround seeking to optimise the scale of development on the site whilst simultaneously ensuring the scheme provided; good quality of residential amenity for future occupants (including usable external amenity space); safeguarding the amenity of local residents (including safeguarding privacy); and critically ensuring the design approach was heritage sensitive and able to secure retention of existing built fabric and contribute positively to the townscape character of the conservation area.
- 7.17 The unit mix proposed entails 33.3% 1 beds, 55.5% 2 beds and 11.1% 3 beds. The proposed mix would slightly overprovide one and two bedroom homes and underprovide larger family sized homes as assessed against the Local Plan targets. Officers recognise that the proposal bedroom mix evolved to respond to heritage constraints and amenity considerations. The bedroom mix position was accepted under the extant planning permission and is a material planning consideration when assessing this current proposal.

- 7.18 The residential element of the scheme would sit compact within the western end of the application site with its own separate access off Strout's Place. The new homes would benefit from a small communal private courtyard, leading off that would be the entrance to the stairs and lift to the flats plus a separate door of the courtyard to the refuse store and cycle storage room. All the homes would meet minimum space standards. All the homes would benefit from their own external units balconies that too conform with the minimum external private amenity space standards, bar two flats that would have balconies that fall marginally under the minimum space standard (by 0.6sq.m).
- 7.19 The orientation and siting of the proposed dwellings (set alongside appropriate noise insulation measures secured by planning condition) will ensure that the amenity of the future occupiers is protected with access to the units set away from the Hackney Road. All the new homes would benefit from having openable windows onto Strout's Place that have lower ambient noise levels and better air quality.

#### **Housing tenure and provision of a small sites in lieu affordable housing contribution**

- 7.20 As the scheme would provide nine new homes, as with the extant consent, and in line with the Local Plan there is no policy requirement for provision of affordable housing on-site and as such all the homes would be for sale under market tenure.
- 7.21 Notwithstanding the above, Part 2(ii) of Policy S.H1 in the Local Plan requires new developments to help address the affordable housing need of the Borough by providing an affordable housing contribution on sites that provide between 2 and 9 new residential units. The in lieu financial sum, required by this policy, to be determined against a Council published sliding scale target. The actual financial figure to be provided to be subject to viability test in instances where it not been offered in full for the Council to robustly test seeking to meet the contribution in full would risk the overall deliverability of the planning application scheme.
- 7.22 Since the adoption of the Local Plan in January 2020 the borough has not activated this policy requirement given the Council had not published and adopted a '*small sites commuted sum calculator*'.
- 7.23 However following the publication of 2<sup>nd</sup> *draft for consultation Planning Obligations SPD* and the associated publication of the small site calculator that sits behind this contribution in October 2020 (with adoption of the aforementioned Planning Obligations SPD scheduled for March 2021) officers having concluded it is appropriate to secure in this instance this policy led financial contribution and have done so in light of:
- (a) The policy requirement for financial contribution for small housing sites (under Part 2 of Policy S.H1) is in this instance being applied in unusual circumstances as it being applied within the context of a planning application scheme that is big enough to be treated as a *strategic application*, under the terms of reference of being a scheme referable to Mayor of London;
  - (b) The prospect the Planning Obligations SPD will be adopted in March 2020 before development commences;
  - (c) The need to undertake a public benefit test with this scheme in relation to Paragraph 196 of the NPPF.
- 7.25 In light of Part 2 of Policy S.H1 and given the applicant initially stated the scheme was not capable of viably making the financial contribution set by the *small sites calculator* (namely £559,513.15) the planning application was accompanied by a financial viability development appraisal prepared by DS2 consultants. The Council then appointed BNP Paribas to independently reviews the applicant's financial development working alongside the Borough's own internal Viability Team.
- 7.26 The Council's own viability team and its appointed viability consultants concluded based on a review of the DS2 prepared viability appraisal that the scheme could provide a surplus of £400,000, whilst the applicant's viability consultants retained the position of a £240,000

surplus. Whilst the applicant maintained the difference of opinion, in respect of the development surplus, to agree a common position and move on with the assessment of the proposal, the applicant agreed to a proposed payment of £400,000.

- 7.27 Officers are satisfied the proposed sum meets objectives of part 2(ii) of policy S.H1 with the proviso that £100,000 of the identified developer surplus is allocated for a meanwhile use in respect of a LGBT+ venue. An approach consistent with a policy justification set out at length by the GLA in their Stage 1 report, with the remaining £300,000 directed to the affordable housing contribution.

### **Provision of a hotel (C1 use)**

- 7.24 The scheme layout would provide up to 10,739 m<sup>2</sup> of hotel floorspace and include 273 visitor accommodation bedrooms.

#### *London Plan Policy*

- 7.25 London Plan (2016) Policy 4.5 'London's Visitor infrastructure' supports visitor accommodation and recognises the contribution it makes to supporting the economy and stimulating growth. The policy seeks to ensure visitor accommodation is in appropriate locations such as: town centres, in areas with good PTAL, the CAZ fringe, and near to major visitor attractions of regional or sub-regional importance. This is further reiterated in the policy E10 in the Intend to Publish London Plan.

- 7.26 The site is located within the core area of the City Fringe Opportunity Area Planning Framework (OAPF), where "*significant development capacity to accommodate new housing, commercial development and infrastructure (of all types), linked to existing or potential improvements in public transport connectivity and capacity*" is identified

#### *Local policy*

- 7.27 Policy D.TC6 states that 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 policy maps) 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 proposal and unimplemented consents in the local area
- c. It does not compromise the supply of land for new homes (in accordance with the Council's housing trajectory) or jobs and the Council's ability to meet the borough's housing and employment targets, and
- d. The applicant can demonstrate adequate access and servicing arrangements appropriate to scale, nature and location of the proposal.

### **Part D.TC6 – part a. analysis - location**

- 7.28 Whilst the application site sits outside any town centre designation and any Borough designated activity zone, the site does lie along a primary route (Hackney Road serves as an 'A' road route), is located within the City Fringe Opportunity Area, and is in close proximity to Hoxton Overground Station. As such the application is considered to meet the 'location criteria' for a hotel use set out under part (a) of Policy D.TC6. The site is located just under 300 metres from the eastern edge of the Mayor of London's Central Activity Zone (CAZ).

- 7.29 In terms of size, scale and nature of the proposed hotel being proportionate to its location, the number of bed spaces is recognised by officers including from planning policy team to be large given the site does not fall within the CAZ, nor a designated town centre and given the site lies within a conservation area. However, the extant planning permission is a material planning consideration for the site and the physical scale already accepted on this site,



which in turn has informed officer's opinion the size and scale of the hotel is proportionate and acceptable in this location.

#### Part D.TC6 – part b analysis - overconcentration

- 7.30 With respect to the second test of policy D.TC6, the application is required to ensure that it does not result in 'overconcentration' of short-stay accommodation in the locality. The policy does not provide guidance on how an assessment should be undertaken of 'overconcentration', however, it does note that the function and role of different short-stay accommodation include budget hotels, travellers' hotels and boutique accommodation.
- 7.31 In addressing this section of the policy, the applicant had submitted a supplementary planning note in which 21 visitor accommodation providers were identified within 1km radius from the application site. One km radius was agreed with officers as it would pick up the cluster of short-stay visitor accommodation in Shoreditch and towards Old Street, which fall within the CAZ, but exclude the hotels in the City of London which are not considered relevant to potential over concentration impacts posing amenity impacts to residents living at close quarter to this application site.
- 7.32 Officers note that one of the objection letters received included an updated map of the existing visitor accommodation within 1 mile radius, accounting for a total no of 27 hotels. However, this buffer picks up hotels as far as Liverpool Street and less relevant for the assessment of overconcentration in this instance. The adopted 1 km radius is considered to be a sufficient distance for the assessment of this application.
- 7.33 The main clusters of short stay accommodation identified are located to the south and south west of the site towards south Shoreditch and Old Street, which fall within the Central Activity Zone (CAZ).
- 7.34 Of the 21 identified short stay accommodation providers within 1km radius, five operate along the aparthotel model and one as a hostel, with the remainder of 15 operating as traditional hotels. 10 of the identified 21 short stay accommodation providers offer more than 100 rooms.
- 7.35 The nearest hotel to the application site is the Central Hoxton Shoreditch on Kingsland Road, (a three star) hotel located approximately 350 meters walk away. The actual travel to this hotel would require the user to navigate off the primary road it is located upon, walk past the entrance to Hoxton Overround Station then underneath the railway track. In practical terms, the separation distance combined with the arrangement of streets and public transport nodes means there is not likely to be any significant overlapping footfall from that hotel and this proposed hotel to create a general sense of over-concentration of visitor accommodation or related combined residential amenity issues.
- 7.36 Further to the south, the nearest short stay accommodation is Shoreditch Inn and Dictionary Hostel, both providing budget accommodation. Visitor activity associated with these two hotels are also liable to be directed towards the nightlife of south Shoreditch and Old Street areas and their respective London Underground and London Overground stations rather than result in many guests walking towards and in close proximity to 114-150 Hackney Road. As such officers again conclude these two hotels set along with the proposal would not contribute towards a cumulative overconcentration of visitor accommodation as the visitor draw will be in the main towards the night time economy of central London and the heart of Shoreditch as opposed to this section of Hackney Road.
- 7.37 The applicant has signed a lease to let the hotel premises to NYX. This hotel operator forms part of the Fattal hotel group and would provide (4\* or equivalent rating) visitor accommodation towards the upper end of the hotel market.
- 7.38 A number of objections were received expressing concerns over the prospect of other sites coming forward as visitor accommodation in the immediate area along Hackney Road. The applicant has carried out a site review of potential development sites within a 250m radius

and concluded there are few remaining substantial development opportunities in the local vicinity. Officers are very cautious what weight if any given can be given to these reviewing exercises undertaken by applicants however do independently conclude that there are no obvious development site in close adjacencies to the site with establish residential upon two sides of the site and new residential to the two other sides.

- 7.39 For the reasons set out above officers consider that the proposal would not result in overconcentration of such short stay accommodation at this location.

Part D.TC6 – part c analysis – supply of land for new homes

- 7.40 The third policy within D.TC6 (short stay accommodation) criteria test seeks to ensure that the proposed development does not compromise the supply of land for new homes or jobs and the Council's ability to meet the borough's housing and employment targets.

- 7.41 With respect to residential use, the site is not identified by the Council as a site for the delivery of a large quantum of housing as part of the exercise the Borough planning policy team needed to do in preparation of the Local Plan and ensuring a 5 year supply of housing.

- 7.42 Furthermore, and perhaps still more pertinent, prior to submission and consent being granted for the extant office-led consent, the developer for this current application entered into pre-application discussions with the local planning authority and as set earlier in this report led to a position where a residential led redevelopment of the site failed to be consistent with seeking to optimise the use of the site. Specifically, the pre-app discussions with offers drew out the challenge of optimising the quantum of development of the site through a residential led approach: whilst,

(a) simultaneously achieving both a good standard of residential accommodation for future occupants;

(b) protecting the amenity of residential neighbours (in particular with respect to privacy); and

(c) achieving a design that satisfactorily respected and incorporated the best built heritage features of the application site.

- 7.43 With respect to achieving more residential use on the site, a particular constraint is the approximately 43m depth of the plot that is simultaneously too deep to produce satisfactory residential layout within a singular residential block whilst a depth too narrow to provide residential accommodation within two residential block arrangements (one set fronting Hackney Road and another facing Pelter Street). Due to the difficulties of achieving resultant window to window habitable room privacy issues satisfactorily whilst simultaneously adequately addressing other site massing constraints.

- 7.44 Notwithstanding the above, the proposal replicates the extant consent and would provide 9 new homes on the southern part of the site which would count towards the Council's housing targets. Officers are of the opinion that there has been a reasonable balance struck between optimising the overall use through a hotel led development and providing new housing on site.

- 7.45 In summary, officers are satisfied that the site does not lend itself for a largely residential led development for the reasons outlined above.

Part D.TC6 – part d analysis – access and servicing arrangements

- 7.46 Finally, the fourth limb of policy D.TC6 seeks to ensure that a short stay accommodation proposal can secure adequate access and servicing arrangements appropriate to scale, nature and location of the proposal. This element is dealt with through the submitted transport assessment. Officers are satisfied that the appropriate servicing measurements for the mixed-use development proposed on site can be successfully secured by condition or planning obligation. These measures have been agreed with TfL and the council's own highway's department. Further detail is provided in the 'transport and highways' section of the report.

### Concluding remarks on hotel land use

- 7.47 In relation to the above policy matters, officers conclude the proposed hotel use is consistent with policy given the site fronts a primary road, is located within the designated City Fringe along a long established main thoroughfare street (historically flanked by commercially uses), with an excellent public transport (PTAL) rating, within 4 minute walking distance to Hoxton Overground Station. With regards to the scale of the hotel accommodation it is comparable in build envelope terms with the extant office consent. Officer conclude the scheme would not result in an overconcentration in visitor accommodation in relation to protecting residential amenity. Finally for the reasons set out at length above the scheme would not prejudice the council's housing delivery target as firstly the site is not identified for housing during preparation of the Local Plan and secondly as the applicant (a joint venture with Regal Homes) originally sought a residential led redevelopment of the site but following extended pre-application engagement with officers it emerged site is not readily capable of serving as a significant 'windfall' housing supply site whilst simultaneously optimising development of the site in a manner that sensitive to the heritage assets of the site.

### Employment and career opportunities

- 7.48 The applicant has committed within the application to the provision of 4\* (or equivalent) hotel rating on this site. This would be secured by means of the legal agreement were consent granted. The imaginative design and internal layout of the hotel taken alongside its secured hotel rating will mean the scheme would provide a higher level of employment compared to more budget level and apart-hotels (the latter have become a significant new pipeline of visitor accommodation in recent years).
- 7.49 It is estimated the hotel would provide circa 91 FTE jobs with at least 20% of those roles being in managerial or supervisory positions. Employment is anticipated to be within a diverse set of qualified trades and professions including front of house hospitality, alongside regular cleaning jobs, but also catering positions within the restaurant including the prospect of roles with meaningful career progression paths for local residents.
- 7.50 A fully drafted legal agreement has been prepared for this scheme that details a significant and bespoke to this application package of public benefits in the form of substantial employment offer to the local residents including hotel training programme, career progression, employment skills training contribution, the promotion of a graduate programme specifically to local residents, and the development of hotel operator local employment strategy. Were the NYX operator to not follow through on the lease agreement in place the Section 106 planning obligation relating to the hotel operation would remain in place unaffected and require a new hotel operator to take occupancy of the hotel space upon the same 4\* rating and deliver the same bespoke training and employment package secured within the fully drafted Section 106.
- 7.51 This application like all other planning application schemes needs to be adjudged on its individual merit against compliance with the relevant Local and London Plan policies, the NPPF and relevant statute. The extant planning permission however remains a material consideration in the determination of this present scheme. That stated the applicant has made known in the current uncertain economic climate there is an unwillingness to proceed with building out the extant consent on a speculative basis (i.e. without agreement in place with a main end user tenant to take up occupancy of the bulk of the office space) and hence they are bringing forward this planning application attracted by its adjudged deliverability (including its public benefits) given the applicant's confidence a hotel operator will take up tenancy/occupancy of the hotel space.

### **Quality of Visitor Accommodation**

- 7.52 Whilst there are no defined standard for hotel accommodation in planning policy terms officers regard overall the quality of the hotel accommodation will be good. Furthermore the heritage features of the hotel set alongside the food and beverage services at ground floor should place it in a good position to attract customers and with a level of service that should maximise both the number and range of employment opportunities associated with the hotel.

- 7.53 In total 13 of the of 273 guest rooms would be windowless. Officers recognise whilst this arrangement is not ideal, there is no policy requirement for windows within new hotel developments and their inclusion on this instance would allow for the hotel floor plates to be most effectively optimised.

#### **Re-provision of A4 Public House**

- 7.54 Local Plan Policy D.CF4 (Public Houses) concerns itself with protecting existing public houses stating that where such use is to be replaced or re-provided, adequate floorspace must be provided to ensure the continued viability of the public house. As such re-provision of a Public House on site raises no land use policy issues, given the vacant Joiners Arms Public House is on site.
- 7.55 The proposed A4 unit would be a replacement of the former Joiners Arms, an LGBT+ venue and a designated Asset of Community Value (ACV). The Public House closed in 2015. Setting aside the ancillary residential accommodation on the upper floors the Joiners Arms contains 192.5sqm of public house at ground floor for trading purposes and 91.2sqm of basement cellar space for storage of beer. The ancillary residential accommodation at first floor occupied 197sqm.
- 7.56 Similar to the extant planning permission, the proposed A4 would occupy 364sqm, all located on the ground floor, on a plot adjacent to the former Joiners Arms. The arrangement and quantum of floorspace for the A4 is sufficient to ensure the continued viability of the Public House and therefore complies with Policy D.CF4
- 7.57 The new Public House would be built out so its superstructure is structurally distinct from the new residential homes built within the scheme to avoid transfer of noise and vibration to the new residences; thereby being built consistent with the 'agent of change' principle, with an existing established night time economy use not mutually impeding the compatibility of any new residential use with the established late night use. An agent of change principle will similarly apply to the hotel and office accommodation in relation to the already established A4 land use.
- 7.58 A fit-out cost of £138,037 would be secured through the s106 agreement to ensure the loss of the existing Joiners Arms does not disadvantage or undermine the feasibility of a prospective LGBT+ operator from being able to readily fund and operate the re-provided Public House. Furthermore and importantly the fit out costs accord with agent of change principles and will ensure that the late-night venue is adequately fitted out to ensure noise breakout is contained such that it limits any noise emanating from the new Public House to both new residents within the scheme, but also to safeguard amenity to neighbouring residents.
- 7.59 In addition to what had been secured with the extant planning permission, the following are being secured with this submission:
- i. 18-month rent free period for the lease at the beginning of the tenancy
  - ii. Provision of up to £100,00 to help meet fit out and set up costs for an off-site meanwhile use whilst the A4 consent is delivered on site. The meanwhile use space to serve the identified need for a space to serve in LGBT+ community in the absence of the Joiner Arms and its replacement on site being open
- 7.60 The release of the meanwhile financial contribution is premised on an understanding Transport for London or another wing or partner of the GLA working with the GLA Culture Unit would separately co-assist in facilitating the FoJA or another LGBT+ operator in the provision of a meanwhile use by helping to secure a space benefiting from an appropriately low rent or preferably a peppercorn rent.

- 7.61 This meanwhile use obligation has been strongly advocated by the GLA in their Stage 1 response and subsequent discussions the GLA had with Council planning officers, representatives from the FoJA and Regal Homes. In planning policy terms, the GLA Stage 1 Report sets out the planning policy justification for this obligation with reference to Paragraph 92 of the NPPF to guard against the unnecessary loss of valued social and community facilities guard against the unnecessary loss of valued facilities and services, *“particularly where this would reduce the community’s ability to meet its day-to-day needs”*.
- 7.62 The applicant has agreed to this planning obligation and it is set out in the completed draft legal agreement which has already been prepared (which is attached as an appendix to this report), should the scheme gain a resolution to grant.

### **Land Uses and implication of recent legislative changes to use class order**

- 7.63 On 21 July 2020 the Government announced a number of changes to the planning system which came into force on 1 September 2020. Of note to the application proposals, the introduction of Statutory Instrument no. 757 would see changes to the Town and Country Planning (Use Classes Order) and the creation of three new use classes, Class E, Class F1 and Class F2.
- 7.64 The new ‘E’ use class effectively amalgamates a number of previously disparate use classes into this new use. In the context of the application proposal, the previously existing A1, A2, A3 and B1 would fall within the E class. A4 would fall within the Sui Generis category.
- 7.65 Statutory Instrument no. 757 does however stipulate transition arrangements for planning applications submitted prior to the 1st September 2020, such as the application proposal. These transition arrangements state that such applications should be determined with reference to the Use Classes as existing prior to 1st September 2020. It is on this basis that officers have considered the application proposals with reference to the Use Classes Order as existing, even though the application is to be determined after 1st September 2020, at a point when the new statutory instrument has come into effect.
- 7.66 Nevertheless, whilst the application proposals shall be assessed and determined with consideration of the new ‘E’ Class and the transitional arrangements there is a need to protect a number of important development plan objectives that are effected by the introduction of new E Use Class. To this end, should a resolution to grant be provided, a series of planning conditions will be imposed to secure long term the proposed mix of employment spaces and flexible use commercial spaces within the scheme.

### **Heritage**

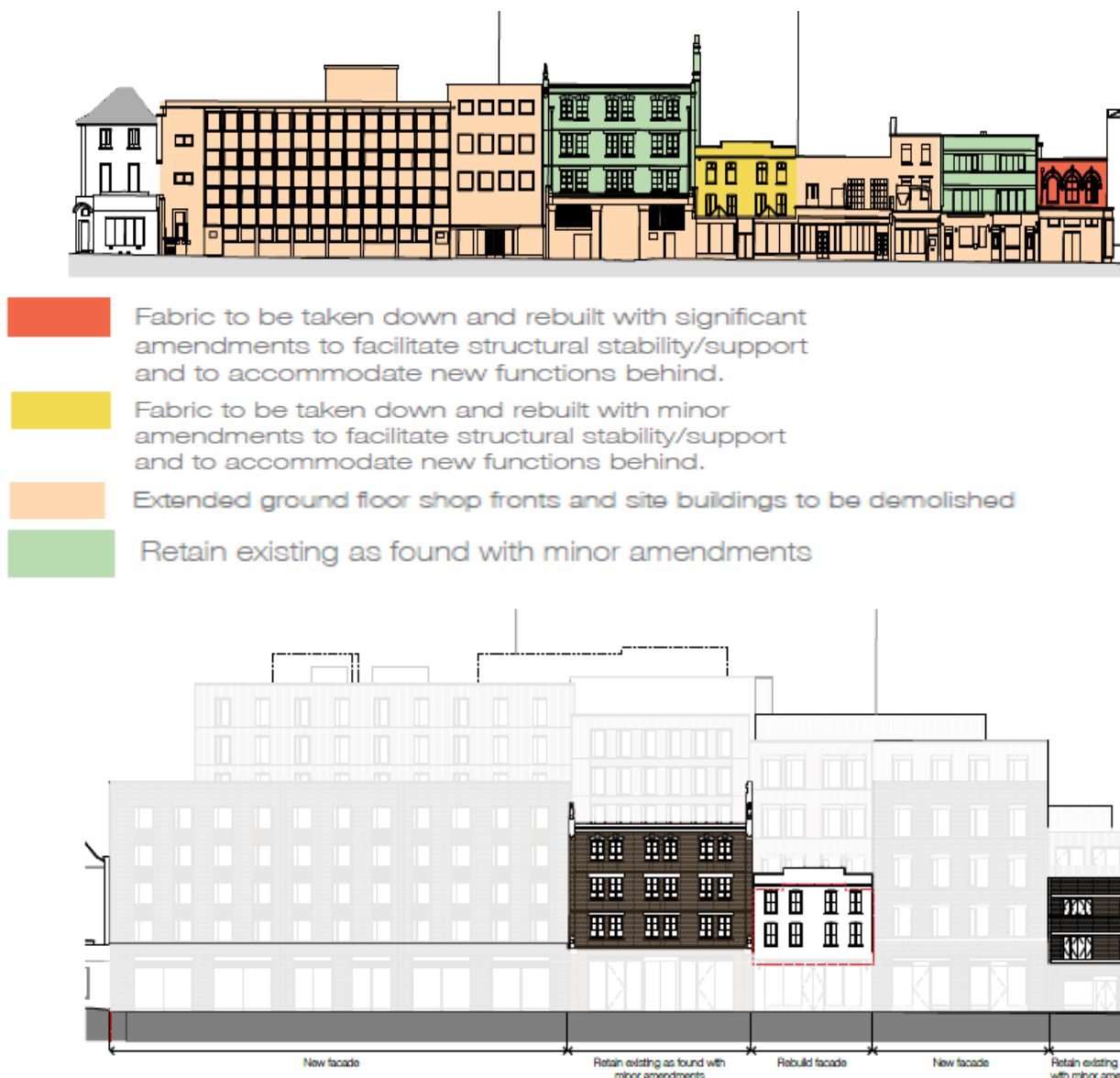
- 7.67 Section 72(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires with respect to a conservation area that ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.
- 7.68 Section 16 of the NPPF (Conserving and enhancing the historic environment). states that *heritage assets are of irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*.
- 7.69 Paragraph 193 of the NPPF sets out when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and the more important the asset the greater the weight that should be attached. This is, irrespective of whether any harm is substantial or less than substantial.
- 7.70 The NPPF sets out a methodology for assessing the impact a development would have onto the designated heritage assets, including the approach to balancing out the public benefits resultant of the scheme.

- 7.71 Policy S.DH3 in the Local Plan concerns heritage assets and the heritage environment. Part 1 of Policy S.DH3 sets out that proposals should preserve, or where appropriate, enhance the borough's designated and non-designated heritage assets, in a manner appropriate to their significance as key distinctive elements of the borough's 24 places. Part 2 of this policy states that where proposal seeks to alter, extend or change of use of a heritage asset, or impact onto its setting, the development should ensure that the significance of the heritage asset is safeguarded, including its setting, character, fabric and identity. Furthermore, the proposal is appropriate in terms of design, height, scale, form, detailing and materials in their local context, enhancing and or better revealing their significance of assets or their settings.
- 7.72 Part 3 of Policy S.DH3 sets that where a proposal may give rise to harm to the significance of a heritage asset this harm to the asset must be justified (as with the test set out under the NPPF) having regard to the public benefits of the proposal, *"whether it has been demonstrated all reasonable efforts have been made to sustain the existing use, find new uses or mitigate the extent of the harm to the significance of asset and whether the works proposed are the minimum required to secure the long term use of the asset"*.
- 7.73 Part 6 of Policy S.DH3 sets out there will a presumption in favour of retention of unlisted buildings in conservations areas that make a positive contribution to the character and appearance of the conservation area and development proposals should take opportunities to better reveal or enhance the significance of conservation areas.
- 7.74 Policy 7.8 of the London Plan and Policy HC1 of the Intend to Publish London Plan also similarly seek to appropriately protect heritage assets.
- 7.75 The Hackney Road Conservation Area consists mainly of terraced buildings from the 19<sup>th</sup> Century with the Conservation Appraisal stating the *"the height varies from the 2 storey Regency villas to the later 3 to 4 storey Victorian terraces"*. The Appraisal states *"Where the historic townscape survives, it is typically one of narrow frontages and even low level rooftops. These two elements are essential to the special character of this area which the designation of this Conservation Area attempts to protect. In some instances, large scale development has already taken place and this fine grain character has been destroyed."*
- 7.76 Also, the Conservation Area Appraisal states *'The Hackney Road corridor supports a varied and interesting townscape, which represents a historic whole with a character greater than the sum of its parts. It forms part of a cherished local scene and is worth of protection and enhancement'*
- 7.77 The latter description relates well to the existing built qualities of the application site. The buildings on site present a special character reflective of the incremental historic development of the area, with buildings on the individual plots that compose the application site constructed over a range of building eras, from as early as circa 1820-1840s through to the 1960s. The existing buildings taken together constitutes a positive contribution to the character of the conservation area.
- 7.78 The development site on its Hackney Road frontage provides for a townscape which contains a set of narrow plot frontages (albeit interspersed by relatively wider plot widths from a more recent age) and these relatively narrow frontages with their varying parapet heights, differing height rooftops help provide visual interest and a fine grain character to the site that helps contribute positively to the defining townscape character of the conservation area.
- 7.79 The submitted heritage and townscape appraisal report submitted with the application provides a detailed assessment of the heritage significance of each individual building on site.
- 7.80 This proposal introduces some new elements, buildings and extensions, to the block, together with the retention / rebuilding of sections of the external envelope of those buildings which contribute most to the conservation area.

- 7.81 The architectural design of the scheme in respect of handling of facades and treatment to the massing and the heritage approach taken to the scheme generally follow the approach taken with the extant consent.

#### Façade retention and design strategy – Hackney Road

- 7.82 Substantial sections of the upper floors existing facades would be retained in situ as well as other sections retained but with some minor alterations. Such minor alterations include insertion/ re-location of window/ door openings to tie in with the new building uses behind the retained facades. In addition to the retention strategy outline above, some sections of the existing facades will be dismantled and rebuilt to replicate the existing, where the existing condition of repair requires such rebuilding.
- 7.83 The projecting single storey retail elements fronting Hackney Road would be lost, replicating the proposal with the extant consent. These shopfronts were later additions to the original historic structure, and it is recognised that the upper floor elevations are of greater heritage value in the context of the character and appearance of the conservation area.



Façade retention strategy Hackney Road

**Figure 3: Façade retention strategy in the context of the proposed development**

- 7.84 The following sections detail the façade retention strategy for the west elevation
- 7.85 **150-132 Hackney Road would** house the new hotel development: this new building is set towards the corner of Diss Street projecting slightly forward than the existing building line.



The introduced design is relatively 'neutral' addition that responds to the architectural language observed in the immediate vicinity of the site on the recently erected developments. Its mass is broken by the setback introduced at fifth floor, achieving a subdominant projection of the building as a whole in the street, particularly preserve the primacy of the adjacent DJ Simmonds building. The flank elevation to the hotel would retain some public art, details to be secured at planning condition.

- 7.86 **DJ Building [130 Hackney Road]:** existing masonry elements to be cleaned/ repaired, Windows to be replaced to match existing, capitals removed/ reinstated at ground floor, gable return and chimney stacks retained in place, paired capitals to be reinstated
- 7.87 The existing single storey element projecting onto Hackney Road will be demolished. The ground floor would form the entrance to the office within the scheme as well as serving as a secondary entrance to the hotel.



**Figure 4: CGI of the proposed office reception showing the retained steel columns**

- 7.88 The windows to the retained upper floors would be replaced with matching crittall style windows recessed within the existing masonry reveals to retain the original appearance of the building.
- 7.89 **126-128 Hackney Road [render building]:** façade rebuilt 1.3m higher to tie in with the new uses behind the building façade, windows replaced
- 7.90 **Former Joiners Arms [116-118 Hackney Road]:** Façade retained in place, damaged masonry panels repaired with brick to mach. Insert new windows
- 7.91 Crittall style windows that have been lost will be returned and a planning condition will be imposed to require the return of the decorative panels which was previously found on the front of the Joiners Arms or should it not be recovered the planning condition would require these panels to be accurately reproduced and reinstalled in their original position on the facade.
- 7.92 **114 Hackney Road [corner plot]:** Façade rebuilt 0.85m lower; 3 courses of brick removed from the parapet to reduce the overall height. Masonry details repaired; windows replaced to match existing

Façade retention strategy – Strouts Place (primarily accommodating the residential element of the scheme)



**Figure 5: Façade Works to Strouts Place**

7.93 The characterful existing external façade to Strout's Place would be dismantled and rebuilt 0.85m lower (3 courses of brick removed from the parapet to reduce the overall height) to

replicate their existing façade treatment. The existing building shell is in poor structural condition and unable to accommodate new uses behind this elevation. Careful recording of this facade dismantling would ensu're that it is accurately reinstated, preserving its distinctive character. New window openings would be created to accommodate the new uses behind the new building façade

#### Façade retention strategy – Pelter Street (rear of the application site)



**Figure 6: Works to Retained Structures on Pelter Street elevation**

- 7.94 Turning to the building elevation on Pelter Street (east elevation), the existing building façade will be retained with changes to accommodate the new users behind the retained building façade. The proposed changes include replacement of windows, creation of new window openings, clean/ repair existing masonry elements and insert a new build brick wall to match existing attached to the west of the existing tallest element within the façade composition.

#### Façade retention strategy – Diss Street (relating to the hotel element of the scheme including the service yard)

- 7.95 The existing façade on Diss Street, north elevation, would be retained, with only minor alterations associated with window replacement to retain a continuous architectural language similar to that observed on Pelter Street

#### Internal Walls retention strategy

- 7.96 Internally, the four facades of the 'Cabinet Building' located centrally within the application site, will be largely retained. Also, of heritage value are the existing timber beams/ softs and steel columns within the cabinet works buildings, the steel columns within DJ Simons building, existing timber parquet flooring within the Cabinet Works buildings, the steel sliding doors and the existing stone flooring within DJ Simons.
- 7.97 The ground floor central space of the hotel would expose one of the four storey height existing walls. The retained structure would be visible through the atrium glazed roof, becoming a prominent feature of the hotel lounge and reception area.

- 7.98 Taken overall the architect's façade retention strategy had been reviewed by the Borough Conservation Officer and found sensitive and well considered in respect of safeguarding the buildings that bear most historic value on site whilst enabling them to adapt to their new proposed uses set behind the retained facades.

### **Application of the Public Benefits Test**

- 7.99 With due consideration to heritage and the onus to place great weight in planning application decision-making in protecting heritage assets under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of NPPF and in the development plan officers do acknowledge the scheme would to a degree sit at odds with these policy considerations and legislative objectives by incurring some harm, albeit less than substantial, to heritage assets and specifically the significance and character of the Hackney Road Conservation Area.
- 7.100 The identified harm to the significance of the Hackney Road Conservation Area arises from the loss of some built fabric recognised to be of heritage merit and from the general scale of the development compared to that of the Conservation Area taken as a whole.
- 7.101 With this identified harm to the fore and in accordance with the requirements set out in paragraph 196 of NPPF and Part 3 of Policy S.HD3 of the Local Plan it is necessary a public benefits test is applied including weight given to some identified heritage benefits arising from the scheme alongside other non-heritage related public benefits.
- 7.102 National Planning Practice Guidance (updated on 23 July 2019) defines for the purpose of paragraph 196 public benefits as:-  
*"elements that may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit."*
- 7.103 In terms of heritage benefits arising from the scheme, the proposal would very importantly secure a long term economic and therefore sustainable purpose for the site and in doing secure and safeguard the historic fabric that is identified to be most heritage value on the site through its repair, restoration and long term maintenance. This would include repair, rebuild and restoration to sections of the existing external fabric that are in poor state of structural repair and are in places vulnerable to water ingress and thus quite rapid deterioration.
- 7.104 Good design and architecture are also recognised as public benefits in their own right. Notwithstanding the scheme would mark a significant increase in overall massing upon the site, as set out in the following section of the report, officers are of the opinion taken overall the new build elements sits well with the proposed retained fabric building elements to serve and are acceptable in their wider streetscene context.
- 7.105 The scheme provides public benefits in expanding the area of pavement and public realm fronting onto Hackney Road, set alongside creating a welcomed animated edge to the street through the mix of uses.
- 7.106 The scheme would provide new housing. Economic benefits arising from the proposal would at the operational stage include provision of affordable work space, the prospect of over 370 FTE jobs. With end phase employment opportunities secured for local residents alongside training programme including a graduate programme geared specifically to local residents, a structured career progression programme, employment skills training contributions, and the development of a hotel operator local employment strategy.

- 7.107 An additional package of application specific public benefits would also be secured during construction phase delivered by Regal Homes surrounding: a generous apprenticeship offer; securing local supply chains; initiatives for the project team to go into local schools FE and HE colleges to introduce young people to career opportunities in the development industry; and them to gain first-hand visiting No 114-150 as the scheme is being developed out to witness the range of professions at work to realise a scheme of this ilk.
- 7.108 Social benefits include re-provision of the former Joiners Arms on site, an established LGBT+ venue in the borough. Together with the re-provision of the LGBT+ venue on site, a financial contribution towards fit out costs, a 18 months long rent free period and a financial contribution to facilitate a meanwhile use LGBT+ facility during the build out of the development.
- 7.109 Taking account of the identified public benefits that would be secured with the scheme by means of Section 106 and planning condition officers conclude these benefits on balance outweigh the less than substantial harm to the designated heritage asset.

### **Urban Design**

- 7.110 Policy S.DH1 of the Local Plan requires development to be of the highest standard which respond an responds positively to its local context, is appropriate in scale height, and form, complements streetscape rhythm and complements its surroundings. These broad design policy objectives are echoed in the London Plan ambitions as are the Local Plan Policy D.DH2 objectives with regard new development improving the public realm through optimising active frontages, providing well defined edges to the development, avoiding concealment points, integrating refuses within the building envelope facilities within to the recycling towards street, introducing public art into the public realm.

### **Massing, height, scale**

- 7.111 As set out earlier in the report the proposed mass, height and scale of the main bulk of the development is broadly similar to the extant planning permission. As with the extant planning permission, the proposed mass presents individual vertical elements that help retain the sense of the original individual plot layouts. Horizontally, the mass is broken through sequential set-backs, achieving a subservient visual projection of the upper elements introduced above the retained historic building facades.

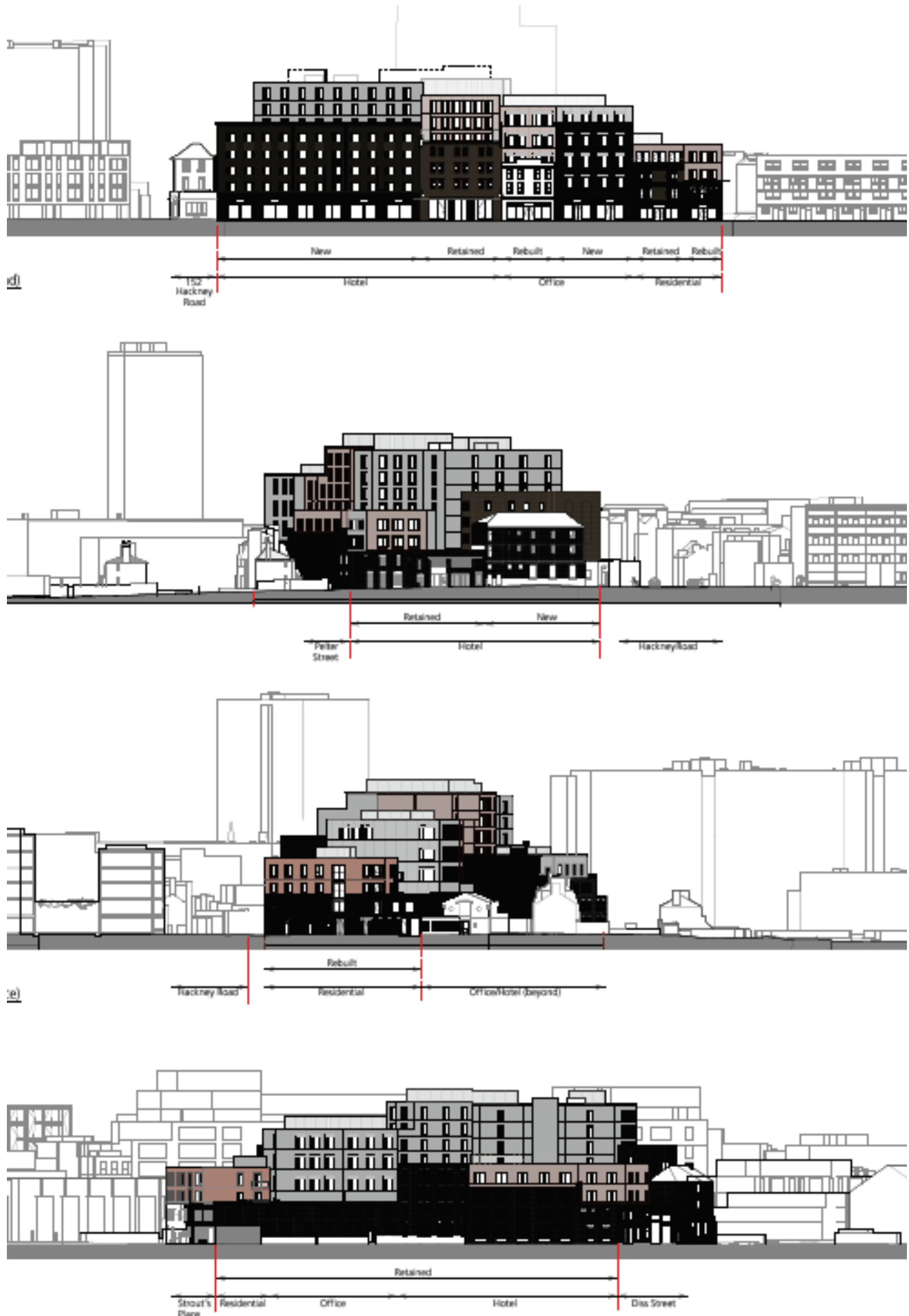


Figure 7: streetscape elevations



### Materiality

- 7.112 The choice of materials is considered to complement the overall massing strategy, with the lower part of the building retaining a heritage aspect whilst the upper part referencing a contemporary addition to the regeneration proposal on site.
- 7.113 Each building element presents a different colour chromatic, to help reinforce the individual reading of the original plots of land. The final choice of brick mix and mortar finish to each façade would be controlled by planning condition to ensure it complements the retained brick wall. A darker (towards a red colour) of terracotta would be used on the upper walls sitting above the retained brick facades (with a very small variation in the choice of colour within the terracotta panels serving each historic plot).
- 7.114 The choice of new finish materials is intended to focus the visual attention upon the retained heritage facades, rather than the new build elements competing and unduly distracting the eye and detracting from their experienced appearance in the street scene.



**Figure 8. Section of Proposed Hackney Road elevation**

### Shopfronts

- 7.115 Policy D.DH9 in the Local Plan requires that new shopfronts to be robust and well designed, ensuring a maintenance of active shopfronts at all times and a sensitive relationship with the upper floors and other adjacent shop fronts. The use of materials should be appropriate to and enhance the local character and value existing architectural and historic features and the signage strategy to refrain from being overly dominant or extending above the ground floor level.
- 7.116 The proposal presents an active frontage at ground floor level facing Hackney Road. The design of the shopfronts presents a mix of a successful reinterpretation of the Victorian Shop fronts set alongside a more contemporary approach for the hotel building.
- 7.117 Attention to detail has been paid to the location of the proposed signage with a louvre panel integrated into the well-proportioned shop front signage area that would provide grillage for ventilation and services required by the end user.
- 7.118 Materials, including details on the signage proposed will be secured by planning condition.

### Inclusive Design

- 7.119 The ground floor to all units is set at grade level and offers step free, wheelchair access. Furthermore, the proposed development will provide one wheelchair accessible residential



unit; 10% of the hotel rooms would also be secured as wheelchair accessible. As such the proposal accords the development plan policies pertaining to inclusive design.

#### Landscaping & Public Realm

- 7.120 The existing single storey shop fronts along Hackney Road would be removed, setting back the building line to approximately 8 to 9 meters from the edge of the road with the opportunity provided for the commercial shop unit to have al fresco style table and chairs set before them located behind the adopted public pavement.
- 7.121 The shopfronts themselves will help animate and activate the immediate public realm.
- 7.122 The resulting public space would be an improvement to the existing condition. A set of existing bollards would be removed, the pavement re-laid. The reconfiguration of this public space would create a more generous sense of space along Hackney Road, that would serve well the increase in scale of buildings set behind it and improve the flow and ease of movement for pedestrian.
- 7.123 Cycle parking spaces, street furniture including public illumination form part of the proposed landscaping strategy. Soft landscaping including planting of small new trees would help soften the streetscape.
- 7.124 To conclude taken overall the design of the proposed development is considered of high quality, optimising the potential of the site in a manner that maintains a local sense of place and distinctiveness in the design of the buildings such that it complies with policies S.DH1, S.DH2 of the Local Plan and related design policies set out in the London Plan and nationally within the NPPF.

#### Density and scale of development

- 7.125 One of the objection letters refers to overdevelopment in respect of the proposal. The proposal retains by enlarge the same building footprint, mass, scale and height as per the extant planning permission on site with modest changes to the height and massing to better accommodate the new proposed uses on site.
- 7.126 The site is located in the City Fringe Opportunity Area and the intend to publish London Plan (Policy SD1 Opportunity Areas) recognises defined Opportunity Areas will see the most significant growth and that boroughs should support that growth in its decision-making; whilst simultaneously recognising the role of heritage in placemaking alongside provision of social infrastructure, the latter to ensure growth creates inclusive communities.
- 7.127 Set within the above policy and with due consideration given to the extant consent (with adverse residential amenity impacts arising from the built development largely limited to daylight/sunlight (addressed elsewhere in this report) officers consider this scheme does not represent over-development of the site.

#### 7.128 Archaeology

- 7.129 The application site lies in an archaeological interest (Shoreditch Tier 2 APA), on the corridor of a projected Roman Road and includes built heritage that conveys the area's long historic links with the timber and furniture trades.
- 7.130 Historic England GLAAS department had been consulted on the proposal and advised that the development might cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. A two-stage archaeological condition had been requested to provide adequate safeguarding in this regard. This would comprise firstly in evaluation to clarify the nature and extent of surviving remains, and followed, if necessary, by a full investigation. The development would be conditioned accordingly.
- 7.131 This strategy is in line with the policy requirements under policy S.DH3 (part 9) in the Local Plan which seek to ensure that an archaeological evaluation report is provided for all development that lies in or adjacent to archaeological priority areas. It also seek to ensure

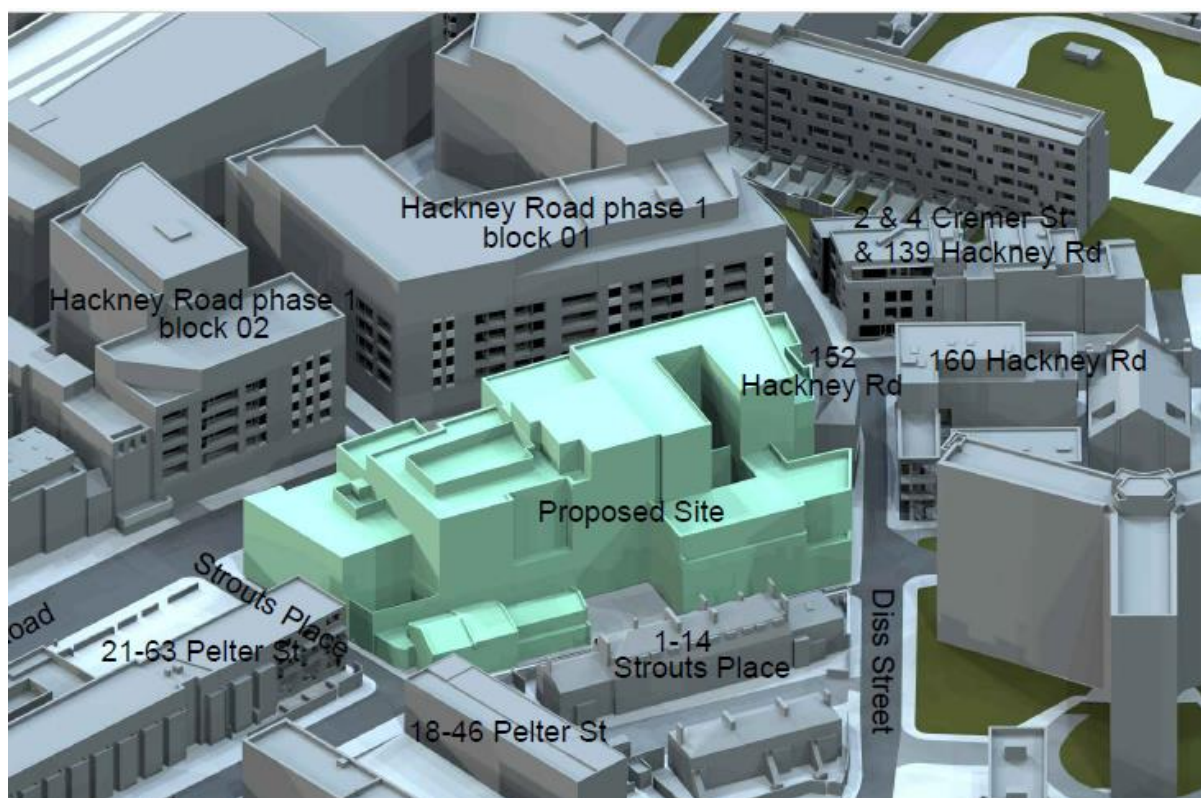
that any nationally important remains to be preserved permanently in situ, subject to consultation with Historic England.

### Neighbouring Amenity

- 7.132 Development plan policies seek to protect neighbour amenity safeguarding privacy, not creating allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions.
- 7.133 Particularly, policy D.DH8 (Amenity) in the Local Plan demands the development to protect and where possible enhance or increase the extent of the amenity of new and existing buildings and their occupants, as well as amenity of the surrounding public realm. This can be achieved through maintaining good levels of privacy and avoiding any unreasonable levels of overlooking, or unacceptable increase in the sense of enclosure.

### Daylight/ sunlight

- 7.134 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011) and is referenced in the supporting text to policy D.DH8, although it should be cautioned the BRE Handbook is guidance as opposed to planning policy in its own right.
- 7.135 There are a number of residential properties surrounding the site which can be impacted by the development. These, along with the consented residential scheme across the road, have been tested as part of the application. The neighbouring properties tested are shown in the image below, and the results of the assessment are discussed below.



**Figure 9: Neighbouring properties tested for daylight/ sunlight impacts**

- 7.136 For calculating the impact the proposal might have onto the levels of daylight currently enjoyed by the existing neighbours, the primary assessment is the vertical sky component (VSC), together with the no sky line (NSL), also referred to as Daylight Distribution (DD) assessment the latter used where internal room layouts are known or can reasonably be assumed. Collectively, these tests measure to what degree buildings maintain their existing levels of daylight.
- 7.137 The BRE Guidance on Daylight and Sunlight for existing homes can be summarised as such:

BRE Criteria	
Daylight	A window may be affected if the vertical sky component ( <b>VSC</b> ) measured at the centre of the window is less than 27% and less than 0.8 times of its former value
	A room may be adversely affected if a significant area of the room is beyond the No-Sky Line ( <b>NSL</b> ) and is less than 0.8 times its former value
Sunlight	A window may be adversely affected if a point at the centre of the window receives in the year less than 25% of the annual probable sunlight hours including at least 5% of the annual probable sunlight hours ( <b>APSH</b> ) during the winter months (21 September to 21 March) and less than 0.8 times its former sunlight hours during either periods.

- 7.138 The BRE guidance also provides a test and associated guidance figures for new unoccupied residential homes, namely the Average Daylight Factor (ADF). The minimum ADF recommended for bedrooms is no less than 1%, bedroom, for living room 1.5% or 2% for a kitchen. The applicant has collected ADF figures for existing homes that are occupied and they are reported below but should be treated with caution as these do not form part of the test applied for existing homes within the BRE guidance although on occasion they can be informative (not least as ADF may be described as is more of an 'absolute measures' of daylight as opposed to comparative measure).
- 7.139 In respect of the VSC component, the BRE guidance sets out this should be retained at 27% or should not be reduced more than 20% (0.8) of the former value, to ensure sufficient light is still reaching the windows. The NSL calculations take into account the distribution of daylight within a room, and again, figures should not exhibit a reduction beyond 20% (0.8) of the former value.
- 7.140 In terms of Annual Probable Sunlight Hours (APSH), this is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. Therefore, BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed.
- 7.141 The submitted Daylight/ Sunlight Assessment reports on the following immediate neighbouring properties:
- 2 & 4 Cremer Street and 139 Hackney Road
  - 152 Hackney Road
  - 160 Hackney Road
  - 1-14 Strouts Place
  - 18-46 Pelter Street
  - 21-63 Pelter Street
  - Hackney Road Phase 1, Block 01 and Block 02
- 7.142 For the purposes of this assessment, VSC and NSL impacts resulting in a:
- Reduction in light greater than 20% loss are treated as minor adverse
  - Reduction in light greater than 30% moderate adverse and
  - Reduction in light greater than 40% as major adverse impacts.

- Impacts less than 20% loss of its former value (or retaining at least 27% VSC) are considered negligible.

#### 2 & 4 Cremer Street and 139 Hackney Road

7.143 This urban block is in mixed use, with commercial occupancy at ground floor level and residential above.

7.144 Three residential units were tested, those stacked up and sharing a door/ window opening onto Cremer Street elevation.

Total windows tested	Failure/ pass under the current planning permission	Failure/ pass under the extant planning permission
13	VSC – 2 windows moderate adverse (35.19% and 26.67%), 1 major adverse (40%)	VSC – 2 windows moderate adverse, 1 minor adverse
	ADF – all pass	ADF – all pass
	NSL – all pass	NSL – all pass
	ASHP – all windows would receive a minimum of 5% of sunlight during the winter month (and therefore BRE compliant) except 3 windows which already experience low ASHP (3% in winter months)	ASHP – all windows would receive a minimum of 5% of sunlight during the winter month (and therefore BRE compliant) except 3 windows which already experience low ASHP (3% in winter months)

7.145 Of all the windows tested, all are BRE compliant assessed against the VSC test (i.e. experiencing a reduction in VSC component to not more than 20%) except three windows, two serving living rooms to flat 61 and flat 62 respectively (moderate adverse), and a window serving a bedroom to flat no 63 (minor adverse). The two living room windows are secondary windows to the lounges and receive close to no daylight in the existing condition. Any change as a result of the development would therefore be not be readily perceptible.

7.146 With regard to the one bedroom serving flat no 63 the scheme would result in a reduction in excess of 20% VSC, however as in the case of the living rooms covered above, the existing level of daylight is already very poor (0.60% retained VSC reduced to 0.44% VSC) . In this case, the bedroom relies on artificial lighting and any potential impact would not be noticeable. Notably all the habitable rooms meet the BRE guidance for daylight distribution which underlines how the effected windows under the VSC test to two respective main living rooms are serving as only secondary windows.

7.147 In terms of APSH, the BRE Guidance states that if a room receives at least 5% of APSH, in the winter months, then the room is receiving enough sunlight. All windows would be BRE compliant in this regard, with only three windows registering values of 2% and 3%. However, these windows register an APSH value below the 5% mark from the outset.

7.148 The findings show that the effects the development would have onto the level of daylight currently enjoyed by the residents at 2 & 4 Cremer Street would be not significant when compared to the existing values and extant planning permission values.

#### 152 Hackney Road

7.149 This property is within the same urban block and is understood to contain three residential flats. All five tested windows serving four rooms would experience no more than negligible (less than 20% value losses) as assessed against VSC and NSL.

160 Hackngey Road

7.150 This property is a five-storey residential development erected in recent years.

Total windows tested	Failure/ pass under the current planning permission	Failure/ pass under the extant planning permission
27	VSC – all pass except 5 windows minor adverse impacted, 3 major adverse impacted, 1 major adverse impacted	VSC – all pass except 5 minor adverse, 2 major adverse  <i>Officers note that 27 tested under the current application vs 19 under the extant planning permission. This is due to better information acquired over time on the neighbouring properties, including their layout.</i>
	ADF – all pass except 3 rooms registering minor adverse impacts	ADF – all pass except 2 rooms registering minor adverse impacts
	NSL – all pass except three rooms, 2 moderate adverse and 1 major adverse impacts	NSL – all pass except 7 rooms, 4 registering moderate adverse and 3 major adverse impacts
	APSH – all pass except 13 windows would receive less than 5% of sunlight during the winter months however, of these, 3 are non-compliant from the outset.  <i>Officers note that the existing APSH values reported by the applicant differ between the current scheme and the extant planning permission. This is primarily due to the recent development completed in the immediate vicinity of the application site, which was not there at the time the daylight/sunlight survey data was taken for the extant planning permission.</i>  <i>As such, a direct comparison between the two schemes cannot be accurately made.</i>	ASHP – all windows would receive a minimum of 5% of sunlight during the winter month (and therefore BRE compliant).

7.151 27 were tested serving 17 habitable room 7 of them main living room spaces the remaining 10 serving bedrooms. Of the 27 windows tested within this development, 18 would experience either no or negligible adverse daylight impacts assessed against VSC whilst another 1 would fall marginally outside BRE guidance reporting a 20.35% failure. Of the remaining 8 windows 4 would experience a minor adverse, 3 a moderate adverse impact and 1 a major adverse against the VSC. Of these 4 moderate and major affected windows all these windows are within dual aspect living rooms served by other bedrooms and accordingly experience negligible impact as assessed against the NSL test.

7.152 With regard to the bedrooms in this development two windows serving 2 separate bedrooms would experience minor adverse VSC impacts of 26.33% and 22.93% respectively. On balance notwithstanding the identified impacts to living rooms and bedroom at nos 40 and 41 it is considered the daylight impacts are overall acceptable to these two homes and the development given the small number of rooms adversely impacted overall and with the main affected living room spaces being dual aspect and meet the BRE NSL test.

- 7.153 In terms of sunlight, 13 windows would receive less than 5% of sunlight during the winter months; of these, 7 are bedrooms with 3 bedroom failures from the outset. Bedrooms are generally treated as less sensitive areas with respect to sunlight assessment. The remaining affected windows (5) serve living/ dining/ kitchen spaces within the development. These spaces benefit from being dual aspect, with APSH failures recorded to either one of dual aspect units or to either one or two windows to a triple aspect living/dining/kitchen. The units are south facing, retaining a good level of direct access to daylight and sunlight and as such, the impacts to the affected windows are considered acceptable.

1-14 Vaughan Estate (reported as 1-14 Strouts Place within the applicant's daylight/sunlight assessment report)

- 7.154 These properties are two storeys dwellinghouse with mansard extension located in block form to the east of the application site. Their front elevation opens onto Vaughan Estate to the east, whilst the rear elevation backs onto Pelter Street to the west.

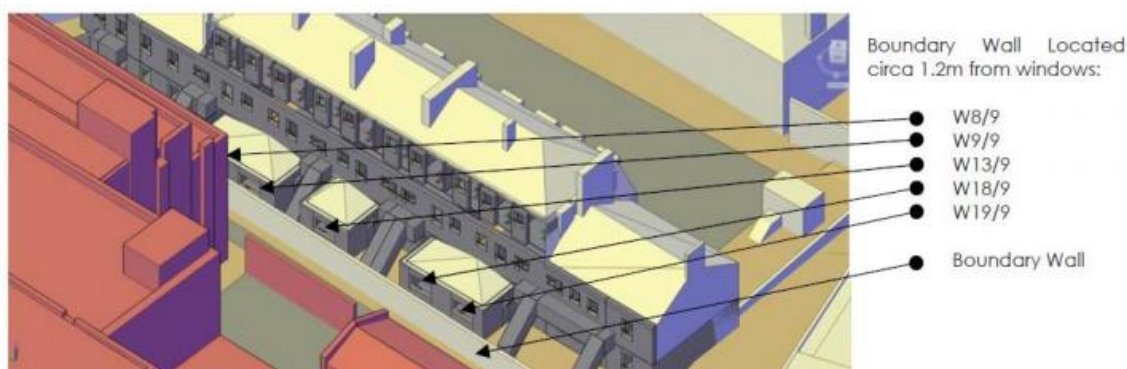
Total windows tested	Failure/ pass under the current planning permission	Failure/ pass under the extant planning permission
61	VSC – 21 windows minor adverse impacted, 22 windows moderate adverse impacted, 7 windows major adverse impacted	VSC – 26 windows minor adverse impacted, 20 windows moderate adverse impacted, 6 windows major adverse impacted
	ADF – 16 rooms minor adverse impacted, 11 moderate adverse impacted, 3 major adverse impacted	ADF – 22 rooms minor adverse impacted, 8 moderate adverse impacted, 3 major adverse impacted
	NSL – 1 rooms minor adverse impacted, 7 moderate adverse impacted, 25 major adverse impacted	NSL – 2 rooms minor adverse impacted, 6 moderate adverse impacted, 26 major adverse impacted

- 7.155 These properties record the most consistent and largest daylight impacts to any existing occupied neighbouring properties to the planning application. All 61 windows facing the site were tested. Of these 61 windows 30 are understood to serve non-habitable rooms such as toilets, bathrooms and circulation space.
- 7.156 The most severe impacts would fall on the ground floor with 3 windows serving a kitchen and 1 window serving a bedroom experiencing major adverse impacts of over 80% losses assessed VSC measure and with NSL value loses to these two rooms of over 60%. Only 4 habitable rooms windows on the ground floor meeting the VSC test with the remaining failures in VSC consisting of 8 minor adverse impacts and 2 upper end moderate adverse impacts. Assessed against NSL, 6 of the ground floor habitable room 1 would experience a major lose, 2 moderate, 1 minor and 2 negligible (i.e. within the BRE guidance).
- 7.157 On the 1<sup>st</sup> floor 10 rooms are affected. All bar two of the rooms are kitchens served by 25 windows in total. 18 of these windows would experience moderate adverse impacts as assessed by VSC and 7 minor adverse. By the BRE daylight distribution (NSL test) 6 rooms would experience major adverse impacts of over 55% and 4 minor adverse impacts. Notwithstanding these marked impacts against BRE guidance it should be noted the retained VSC's values for all the windows affected are between 14.78% and 21.37% with the average retained VSC being 17.19%.
- 7.158 The existing windows at ground and some of the windows at first floor level are significantly constrained by existing architectural features that restrict the opportunity to achieve good levels of daylight. These factors include a solid brick boundary wall located at approximately 1.2m away from the existing windows at ground floor, the small size of the windows themselves, a raised external staircase with solid balustrade, an overhanging

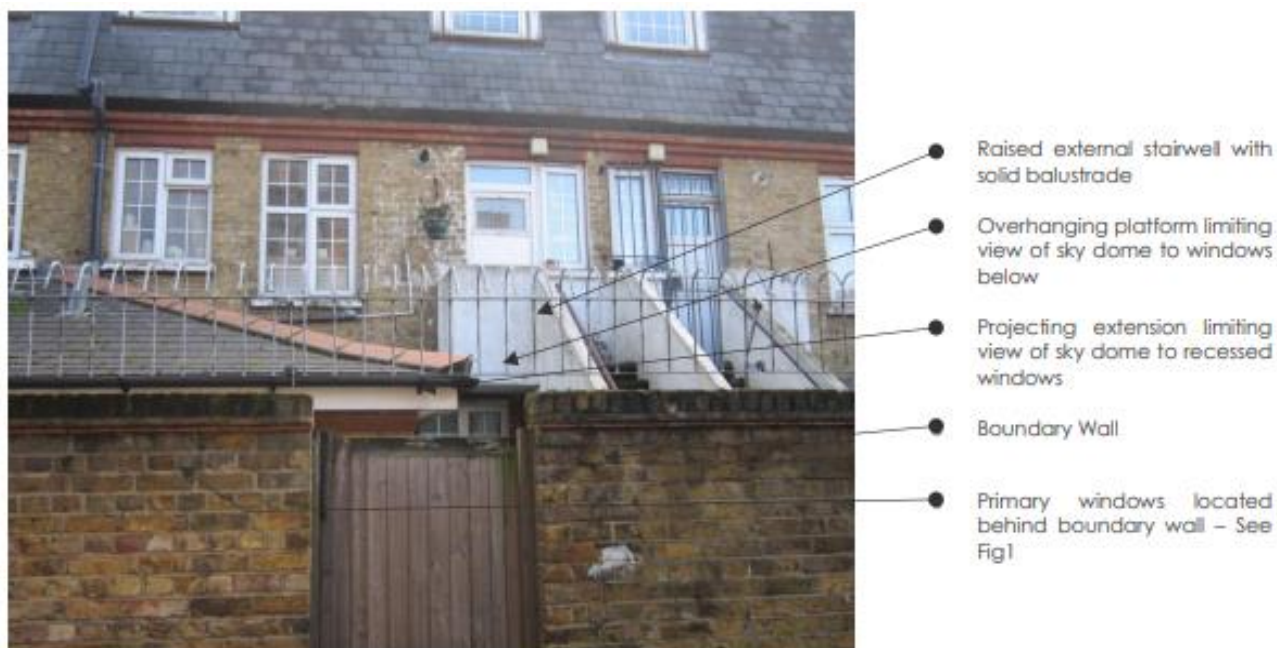


platform and projecting rear extensions which taken together all limit the sky's visibility and penetration of the daylight. These existing features explain the existing often low VSC and ADF values found on the ground and first floor to these homes.

- 7.159 It is worth noting that the internal layout of these properties features the kitchen, bedroom and non-habitable circulation/ bathroom spaces located to the rear, whilst the primary habitable space (living rooms) all benefit from an open south east facing aspect looking away from the development which are entirely unaffected by the proposal. It appears that the internal layout was intentional designed, with the front room and the master bedroom positioned south east facing and thus achieving the most daylight potential, whilst the kitchen, secondary bedrooms and non-habitable space located to the rear of the properties with a north-west aspect.



**Figure 10: Modelled existing condition of 1- 14 Vaughan Estate**



**Figure 11: Existing site constraints, 1-14 Vaughan Estate**

- 7.160 Officers acknowledge that these homes would be impacted in terms of daylight/ sunlight conditions as a result of the development. Consideration needs to be given to the fact that these buildings are dual aspect, with the main habitable space fronting Vaughan Estate, set away from the development. Also, consideration needs to be given to the existing site constraints which of themselves acts as a barrier to good daylight penetration.
- 7.161 Officers note that, as shown in the comparison table above, the difference between the daylight/ sunlight results observed on this current proposal when compared with those on the extant planning permission are small. With only 2 additional windows experiencing moderate adverse impacts and 1 additional window a major adverse impact against the VSC measure. Whilst 3 additional room would experience adverse impacts by the NSL



measure 1 being minor adverse the other two affected rooms are respectively moderate and major adverse.

- 7.162 In light of the above officers consider that these adverse impacts onto the daylight conditions of these homes weighted against the public benefits detailed elsewhere in this report are on balance acceptable. In reaching this conclusion taken as a material consideration the extant consent and the design features of these affected properties.

#### 18-46 Pelter Street

- 7.163 This address is a three storeys block of flats positioned to the south of the application site. The northern and western elevation of this building would be exposed to potential impacts as a result of the development.
- 7.164 With respect to the NSL test 33 of the 36 rooms would meet the BRE test with only negligible impacts the other 3 experiencing minor adverse impacts. With 12 windows recording major adverse impacts and a further 8 moderate impacts and 7 minor adverse impacts. However these impacts are restricted to windows set back behind the access decks where existing levels of daylight are very low with existing VSC values below 10% and existing ADF values typically below BRE guidance and thus very provide limited daylight amenity value with an existing reliance expected on electric lighting during daylight hours.
- 7.165 The results are comparable with those observed on the extant planning permission and with due regard given to the NSL results and the described impacts that already arise from the affected windows being set behind the access deck the impacts to these properties from the development are considered acceptable.

#### 21-63 Pelter Street

- 7.166 This is a four storeys residential block located to the south of the application site. The blank northern elevation of this building sits right across the southern elevation of the application site.
- 7.167 Due to its positioning, most of the windows would remain BRE compliant in respect of VSC component. Three windows would see a VSC reduction of 26% and 28% respectively, however the NSL values are retained in full and therefore the overall impact is considered to be acceptable.
- 7.168 In terms of APSH, all windows would be BRE compliant.

#### Hackney Road, Block 1 and 2 (reported as 97-137 Hackney Road within the Daylight/Sunlight Assessment)

- 7.169 This site (known as 'Shoreditch Exchange') comprises two residential blocks that were under construction at time of submission of the application. The new development 6 to 7-storeys in height and located opposite the application site.
- 7.170 Appendix C of the guidelines sets out various more detailed tests that assess the interior daylight conditions within rooms. These include the calculation of the Average Daylight Factor (ADF). For new-build dwellings, the ADF value determines the level of interior illumination that can be compared with the British Standard, BS 8206: Part 2. This recommends a minimum target of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 7.171 Accordingly, the ADF test is used as the primary assessment.

Within Block 1 (the northern of the two consented blocks) there are 12 LKD rooms and 13 bedrooms that will see noticeable ADF reductions. Of these rooms, 9 LKD rooms and 11 bedrooms already do not meet the BRE guidance (in the context of the consented scheme). However, these rooms sit inside the main elevation line and are therefore recessed giving allowance for amenity space to the exterior.

- 7.172 Block 2 (the southern of the two consented blocks), would experience a marginal change in massing. As such, only 1 bedroom sees an ADF reduction below the guidelines.
- 7.173 The identified failures are primarily associated with the overall design of the building with inset balconies providing for private amenity space. Also, some of the units facing Hackney Road within Block 1 are dual aspect, and whilst the rooms overlooking Hackney Road would experience moderate adverse impacted in terms of ADF values, on balance, officers consider that the residential units as a whole would retain adequate levels of daylight.
- 7.174 In terms of APSH, 6 windows within Block 1 would be adversely impacted, receiving no sunlight during the summer and winter months as a result of the development. All other units retain the existing APSH percentage recorded as baseline, with slight losses either in the summer months or winter months. With regards to Block 2, apart of those windows which fail to be BRE compliant in terms of APSH as baseline condition, all windows are BRE compliant in terms of APSH. Sunlight impacts can be explained in large part by the design of the block with the affected rooms set recessed behind inset balconies and with rooms having a very deep plan.
- 7.175 For completeness and with the two blocks becoming occupied since submission VSC tests are also carried out for these two blocks. 124 windows were tested in Block 1 and 60 windows in Block 2. In Block 1, all meet the BRE guidance in terms of VSC except 18 windows register minor adverse impacts, 14 windows moderate adverse impacted and 42 major adverse impacted. These are comparable with the VSC tests done under the extant planning permission where 19 windows were identified as being minor adverse impacted, 14 windows moderate adverse and 40 windows major adverse impacted.
- 7.176 In Block 2, all windows are BRE complaint in respect of VSC component, except 8 windows which were identified as minor adverse impacted, 6 windows moderate adverse impacted and 7 major adverse impacted. Again, this is comparable with the VSC test done on the extant planning permission where all windows were found BRE compliant except 10 windows which were identified minor adverse impacted, 3 windows moderate adverse impacted and 9 major adverse impacted.
- 7.177 When comparing the daylight/sunlight results with those observed on the extant planning permission, with some overall loses and gains, the differences are marginal and unlikely to constitute a significant material deterioration.
- 7.178 Officers note that a large proportion of these blocks are now being occupied; a change in context in comparison with the extant planning permission where the structures were being built.

#### Daylight/ Sunlight Concluding remarks

- 7.179 The impact of the scheme with regards to daylight and sunlight effects to existing and consented residential development are varied in scale. While overall the impacts to the existing residential properties adjacent to the application site would be predominantly minor or negligible, the impacts to Nos 1-14 Vaughan Estate are more acute. On balance officers consider the impacts acceptable having regard to (a) the existing built constraints on the Pelter Street face of these properties that limit existing daylight to these rooms, (b) the main living room and master bedroom with windows facing away from the properties thus being unaffected, (c) having regard to the set of public benefits the scheme would provide and (d) giving appropriate consideration to the reported daylight impacts the extant consent (as set out previously) would give rise to 1-14 Vaughan Estate and other affected neighbouring residential properties.

#### Overlooking

- 7.180 Policy D.DH9 in the Local plan seeks to protect the privacy from overlooking between habitable rooms of adjacent residential properties and other community facilities or private open spaces. The supporting text to this policy further states that the degree of overlooking depends on the distance and the horizontal and vertical angles of view. The adopted

separation distance between windows of habitable rooms that would reduce inter-visibility to a degree acceptable to most people is of 18 meters.

- 7.181 The emerging residential development at 97 Hackney Road, opposite the application site, sits at approximately 16m. The separation distance is slightly below the established 18m, but given its an established relationship across a main road the impact in respect of overlooking is considered acceptable.
- 7.182 1-14 Vaughan Estate are residential homes located approximately 6.2m away from the eastern elevation of the application site. The separation distance increases at 3<sup>rd</sup> and 4<sup>th</sup> floor of the proposal steps back from the site edge to provide a separation distance of approximately 9m at 3<sup>rd</sup> floor and approximately 20m distance at 4<sup>th</sup> floor at these two floor levels. To avoid privacy issues, all windows at ground floor through to the third-floor level on Pelter Street elevation would be fitted with frittered or obscured glazing to 1.7m above the floor level. Accordingly, there would be no overlooking issues to the residents occupying 1-14 Vaughan Estate protected.
- 7.183 There are other residential properties surrounding the application site, however, due to their positioning in relation to the application site, these would not be impacted in terms of overlooking.

#### Sense of enclosure/ outlook

- 7.184 The principal properties that are likely to be affected by the proposal in respect of increased sense of enclosure and loss of outlook are residential units at 1-14 Vaughan Estate.
- 7.185 The minimum separation distance between the boundary line of these properties and the application site is approximately 6.2m measured at ground floor, and increases to approximately 8.2m between the existing 1st floor windows and the boundary wall of the application site. These described separation distances are only relevant to the properties located to the northern end of Pelter Street (Nos 1-6 Vaughan Estate). The separation distance between Nos 7 to 14 Vaughan Estate and the development is approximately 18.2m, albeit the existence of the Medical Centre on Strouts Place fronts these properties, which does not form part of the application site.
- 7.186 The proposal would add additional bulk and height to the rear of these homes, resulting in a greater degree of enclosure and loss of outlook to these residential properties than presently exists. The sense of enclosure is however eased up by the single storey GP surgery block which sits between the proposal and these residential units and expands for more than half of the length of the proposal's eastern elevation. Additionally, the eastern elevation is stepped back slightly at third floor level and stepped much more significantly at fourth level and above.
- 7.187 On balance, and to conclude, whilst the proposal would introduce some impact in respect of sense of enclosure and loss of outlook to 1-14 Vaughan Estate, the impacts would be comparable to the extant consent (with the additional height compared to the extant consent set away from the site edge) and not considered to warrant refusal of the scheme. There are no other properties that are unduly affected in respect of loss of outlook or sense of enclosure as a result of the development.

#### Noise & Vibration

- 7.188 Policy D.ES9 in the Local Plan requires the development to use most appropriate layout, orientation, design and use of buildings to minimise noise and vibration impacts. Where noise and vibration have been identified within the new development, appropriate measurements to manage the potential impact should be considered.
- 7.189 Part 2 of this policy applying what is known as the agent of change principle states that where new noise-sensitive land uses are proposed in proximity to existing noise generating uses, development is required to robustly demonstrate how such conflict between uses is mitigated. This arm of the policy is designed to safeguard the on-going operation of existing

uses (such as in this instance a late night A4 use) with the arrival of new noise sensitive uses within a scheme such as residential. The practical approaches that flow from the agent of change principles can also help avoid conflict and mitigate against negative impacts to existing residential neighbours for whom the agent of change principle cannot be directly applied.

- 7.190 The applicant submitted a noise assessment with the application. Internal ambient would be protected through appropriate window system performance for all proposed uses. Noise generated by the development would be contained within the building shell through building design and internal sound insulation. The plant located at roof top would be screened by noise barriers and noise attenuators, details of which would be secured by planning condition.
- 7.191 Given the Joiners Arms operated as a late night venue (opening on weekends until 4am) in accord with the agent of change principle and to ensure the re-provided Public House also has the opportunity to operate as a late night venue without giving cause for noise to breakout and disturb both existing and new residential neighbours the new venue would be designed and fitted out with acoustic measures so noise breakout was avoided. As with the extant planning consent a bespoke noise conditions would ensure that outcome (including a compliance condition that the continuous equivalent sound level Leq, 5min from music emanating from the A4 unit would be no greater than NR20 as measured within 1 metre of the façade and inside) to residential premises on Diss Street, Pelter Street and Hackney Road.
- 7.192 Through the application of appropriate noise mitigation measures the proposal would not have a detrimental impact in respect of noise to the proposed new homes within the development, nor to hotel guests. A compliance planning condition would ensure those outcomes.
- 7.193 It is recognised there is some risk of noise disturbance that could arise from customers leaving the A4 premises including movement from within the inside of premises to the external smoking area fronting Hackney Road. A post completion acoustic assessment would monitor noise break out as customers enter/exit the public house including to/from the smoking area. A door management and smoking area supervision plan would also form part of an operational management plan that would be controlled by planning condition and would require on-going review. The condition would require details of community liaison, complaints logging and investigation, details identifying to all who has organisational responsibility for control of noise.

#### Hours of operation

- 7.194 The hours of operation to the A4, as with the extant consent, would be controlled by planning condition A4 unit to help safeguard the amenity of residents within the immediate vicinity of the site.
- 7.195 The hours of operation would exactly mirror those in the extant consent namely the replacement A4 premises would be restricted to opening no later than 4am (of the following day) on Saturday, no later than 3am (of the following day) on Thursday and Fridays and 9am to 2am (of the following day) Sunday to Wednesday for a limited period of 12 months after first occupation of the Public House. After the 12 month period, and in the absence of a subsequent variation of condition that retains these hours in perpetuity, the operational hours would revert back to opening no later than 11pm Monday to Thursday and 00:30 on Saturday and Sundays.
- 7.196 By way of planning condition enabling an A4 premises the opportunity to open as a late-night venue until 4am is very unusual when a A4 premises is located within a site context like this one. Namely with a substantial and growing number of residential homes living in close proximity to the application site, the site being outside the Central Activity Zone, outside a designated town centre or a Borough defined activity area. However the reasoning informing the hours and controls previously agreed with the extant consent remain valid and applicable to the current application. Namely, in accord with the agent of change principle and recognition the former Joiners Arms opened until 4am on Saturdays

and 3am on Thursdays and Fridays and the late night opening hours of the former Joiners Arms to the local LGBT+ was an integral part of the contribution the former public house provided to that community. These late-night venue considerations are identified in both the previous and current Equalities Impact Assessments (EqIA) prepared in connection to the determination of each respective planning application.

- 7.197 FoJA in their representation object to the imposition of a planning condition limiting the Public House venue being able open to the above described hours for an initial period of *only* 12 months. Indeed the FoJA objection goes further and states the opening hours should not be controlled by planning condition and be left to be regulated by the Council only by licensing
- 7.198 The decision-maker in respect of this planning application has no powers over the future licensing of the above described late night venue. Officer consider, as with the extant planning permission, the imposition of these extended hours for an initial temporary 12 months strikes an appropriate balance and is done on a precautionary basis and would allows the opportunity for the local planning authority to revisit any prospective amenity issues to neighbours that might arise within the scope of the planning consent.
- 7.199 An LBGT+ operator could readily seek to make permanent these temporary opening hours (for instance after the venue has been open for 6 months) through a variation of condition to the relevant planning condition. With the submission of such a variation of condition application benefiting from the evidence gained from the actual practical operation of the late night venue.
- 7.200 In terms of **opening hours to the proposed hotel bar**, the applicant is seeking a 1am closure.
- 7.201 Officers note that the application site is located in close proximity to a significant number of residential homes and is keen to avoid the presence of two prospective late night drinking premises in such close proximity compounding customer movements along the surrounding streets such that it gives rise to a unacceptable degree of disturbance to neighbours. Accordingly, it is proposed a planning condition is imposed to the hotel bar limiting its hours its able to serve drinks to customers that are not guests of the hotel to no later than midnight. A separate planning condition would also require compliance with the submitted internal layout plan with the open public bar limited to remain ancillary in floor area to both the space set out with table covers for the serving of hot meals in a A3 restaurant and the hotel guest lounge area.

#### Construction Impacts

- 7.202 Demolition and construction works are likely to cause some additional noise and disturbance, additional traffic generation and dust. However, these would be temporary and appropriately controlled through planning conditions. Construction Environmental Management and Logistics Plan, including working hours would require the Council's approval prior to implementation.

#### **Transport**

- 7.203 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

#### Vehicular, pedestrian and cycle access

- 7.204 The proposal is located within a highly accessible public transport zone (PTAL 6a) for which the development will be secured car free.
- 7.205 A blue badge car parking bay would be provided on Pelter Street to serve the new homes proposed in the scheme. Ideally, this bay would be provided within the site's red line boundary. However, due to the constraints of the site, particularly working with the remit of a heritage led scheme and retention of building facades, this cannot be accommodated

and officers are satisfied that following consultation with colleagues in Highways and Parking Services this can be adequately secured.

- 7.206 Objections were received from the members of the public in respect of potential congestion and increase in vehicular movement as a result of the proposal. A lack of car parking provided with the development was also raised as a concern. Planning policy S.TR1 in the Local Plan requires the development to promote sustainable means of transport, promoting access to public transport, cycle and walking over vehicular transport. Furthermore, policy D.TR3 requires residential development to be secured car free and other uses should prioritise space for cycle parking and car clubs. No vehicular parking is provided on site and occupants of the development, other than Blue Badge holder, would not be entitled to apply for an on-street car parking permit. Not providing car parking in locations with excellent public transport accessibility is in line with sustainable transport planning and policy D.TR3 of the Local Plan and therefore supported.
- 7.207 The submitted Transport Statement sets out trip generation from large vehicles will be below the existing situation on site. The Highways Officer raises no concern over the traffic impacts or trip generation more generally. A Waste Collection and Servicing Management Plan is secured by condition, providing an adequate strategy for the management of refuse collection and servicing, in line with the policy requirements under policy D.TR4 and policy S.TR1. Also, a Construction Logistics Plan to manage the construction traffic is also secured by condition.
- 7.208 TFL recommended that taxi pick up/ drop off points to be provided on Diss Street, away from busy Hackney Road. However, Council officers note including the highway officer that Diss Street is a narrow residential street with very narrow pavement as such taxi pick up/ drops offs would impede traffic and is not supported and will not be an approach taken forward with this scheme.

#### Cycle parking and facilities

- 7.209 Policy 6.9 of the London Plan together with policy D.TR3 in the Local Plan seek to ensure that the development provides for appropriate cycle parking provision. Furthermore, policy T5 in the Emerging London Plan establishes the cycle parking standards for the development.
- 7.210 The scheme would marginally over provide in long stay cycle parking space, with 92 secure cycle spaces as assessed against the 90 required to accord with the standards sets out in the development plan; whilst there be a shortfall in 15 short stay cycle parking spaces. To help compensate for that shortfall the provision of additional 5 cycle parking spaces within the premises of each retail unit will be secured by planning condition or alternatively a commitment made to fund annual TfL Bike Hire passes for the use of staff working within the flexible use commercial units.
- 7.211 Cycle parking provision for the residential element is provided separately within the proposed courtyard off Pelter Street. These would be covered, level accessed and via a secure gate.
- 7.212 Accessible cycle parking spaces are provided at basement level for both the hotel and office use. Access would be via a segregated route off Diss Street within the proposed courtyard and through level access lifts down to the basement.
- 7.213 Additional cycle parking spaces for the retail and office element are provided on the Hackney Road pavement, outside the application site.
- 7.214 Final details of cycle parking ensuring this meets London Cycle Design Standards (LCDS) would be secured by condition. Overall, the proposed cycle storage is considered to be acceptable subject to the submission of the details secured by condition.
- 7.215 TFL had requested an additional cycle access entrance to be provided on ground floor to reduce the travel distance of a bike user from the access point on Diss Street through to the cycle parking spaces at basement level. The Council Transport department did not

comment on this aspect of the proposal. The access from the point of entering the building at ground floor through to the basement level would be well lit, level accessed, sign posted, and coupled with the need to retain an active frontage at ground floor level, the proposed cycle parking arrangement is supported.

#### Pedestrian flow

- 7.216 The pavement on Diss Street, Pelter Street and Strouts Place is substandard in pavement width, assessed against current standards. The scheme does not provide the opportunity to improve the width of these pavements due to the retention of the existing buildings on site on sound heritage grounds.
- 7.217 Notwithstanding this, an improved pedestrian area is secured as a result of the development, primarily through the substantial enlargement of the pavement outside the application site on Hackney Road, including introducing dropped kerbs at each end of this pavement. This would improve the step free access and assisted circulation for impaired users.
- 7.218 Furthermore, a raised table is introduced in Strout's Place to improve safety for pedestrians' crossings the street and installation of dropped kerbs. The pavement on Pelter Street would be retained and made good.

#### Deliveries & Servicing

- 7.219 Deliveries and servicing with the exception of refuse collection would be from the new proposed loading bay outside the application site on Hackney Road, as with the extant consent. Officers recognise this is an improved situation in comparison to the existing arrangement where loading and unloading of deliveries is arranged directly from a designated area outside the application site. Hackney Road has a single yellow line parking restriction which applies Monday to Friday, 8.30am to 5.30pm, and Sunday, 8:30am to 2pm, and loading would have occurred outside these hours.
- 7.220 The refuse collection for the residential homes would be from directly outside their entrance to street on Strouts Place. Waste collection for the office and hotel element is arranged via the courtyard off Diss Street, consistent with the refuse arrangements with the extant planning permission.
- 7.221 Both, the servicing and refuse collection arrangements are an improvement to the current situation, in line with the policy requirements under policy D.TR4 (Sustainable delivery and servicing) and policy D.MW3 (Waste collection facilities in new development) in the Local Plan, and therefore supported. The Borough's Highway Officer has noted that in contrast to the office led scheme this hotel led scheme is liable to have more structured and 'rationalised' servicing arrangements (with less Amazon type personal deliveries for individual office workers and office tenants as such is liable to avoid unplanned and ill structured service trip visits. A detailed delivery and servicing management plan would be secured by condition and would ensure adequate management of deliveries and servicing for the proposed development.

#### Works to Public Realm

- 7.222 It is noted that neighbours have objected to the impact on pavements and surrounding public realm. The proposal include an upgrade of the immediate public urban realm around the building, including removal of bollards, enlargement of pavement, introduction of dropped kerbs, planters and tactile pavement, benches and external lighting as part of the landscape and highways works associated with the development.
- 7.223 The highways works are secured through a s278 agreement with the Council and included within the s106 agreement.

#### Travel plan



- 7.224 The submitted Framework Travel Plan was reviewed by TFL and the Council's Highways Department and found satisfactory, subject to a Final Travel Plan to be secured by condition.

#### Demolition and Construction Traffic

- 7.225 An initial Construction Management Plan together with a Demolition Plan submitted with the application had been reviewed by TFL and the Council's Highways Department and found acceptable subject to a full CMP secured by condition.

#### Summary

- 7.226 To conclude, the proposal would generate an improved public realm, facilitating better pedestrian flow and connectivity in the vicinity of the application site. The development would provide adequate cycle parking spaces and facilities and through its car free arrangements, it encourages sustainable modes of transport. Delivery and servicing would be secured from the designated loading bay outside the application site on Hackney Road, and via the two court yards on Strouts Place and Diss Street respectively. For these reasons, and as detailed above, the proposal is considered to be acceptable in terms of supporting sustainable modes of transport, with no significant impact 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 & Environmental Sustainability

- 7.227 Policy D.ES7 in the Local Plan requires the development to be zero carbon with a minimum of 45% reduction in regulated carbon dioxide with the remainder to be offset with cash payment in lieu.
- 7.228 A total of 637 tonnes of CO2 per annum were calculated as baseline, with 292.8 tonnes/CO2 reduction in on-site emissions. A carbon offsetting contribution of £619,560 for the remaining 344.2 tonnes of CO2 per annum (46%) was calculated and secured through s106 legal agreement. The carbon offsetting contribution was calculated at £95/ tonne, in line with the newly adopted Local Plan and Intend to Publish London Plan.
- 7.229 Officers note that the application had been received before the adoption of the Local Plan. With the adoption of the new Local Plan, all new schemes need to calculate carbon offset contribution at £95/tonne as opposed to the previous pre-adoption £60/tonne figure. Where appropriate, and with a difference of approximately £300,000 in the method of calculating the carbon offset contribution, there is scope to consider a carbon offset contribution calculated at £60/tonne to achieve other objectives/ public benefits of the scheme.
- 7.230 In addition to the carbon off setting contribution, an updated Energy Statement to include review of roof space to ensure integration of solar pv panels is maximised and zero-carbon on site emissions is delivered on site will be secured by planning condition.
- To conclude, the proposal subject to applying the relevant planning conditions and legal obligations would accord with relevant development plan policies in respect energy, the environment including CO2 emission. Alongside the s106 carbon offsetting obligations conditions will be attached in respect of
  - Updated Energy Statement update to include review of roof spaces to ensure the integration of PV panels have been maximised, proposals for how energy demand and carbon dioxide emissions post-construction will be monitored annually, for at least 5 years, proposals setting out how the site has been future-proofed to achieve zero-carbon on site emissions by 2050
  - Submission of as built calculations (SBEM) to demonstrate the reduction in CO2 emissions have been delivered on-site

- Submission of Final BREEAM Certificates to demonstrate an Excellent rating has been delivered
- Provision of Circular Economy Statement and Whole Life Carbon analysis

#### Air Quality

- 7.231 Policy D.ES2 of the Local Plan (2020) and policy 7.14 of the London Plan (2016) require major developments to be accompanied by assessments which demonstrate that the proposed uses are acceptable and show how development would prevent or reduce air pollution.
- 7.232 The submitted Air Quality Assessment report demonstrates that the development would meet both the transport and building emissions benchmarks, resulting in an Air Quality Neutral development.
- 7.233 The report also shows that the existing pollution levels on site are exceeding the NO<sub>2</sub> objectives and therefore mitigation is required to make the site suitable for residential use. Each residential unit would be fitted with mechanical ventilation with heat recovery system placed at roof level where air pollutant concentration is lower. Where these would be placed lower onto the building façade, adequate pollutant filters to remove NO<sub>x</sub> particles from the incoming air. The implementation of these measurements would be secured by planning condition.
- 7.234 The construction works would result in medium to high risk of potential dust emissions. Suitable measures for the control of dust during construction phase would be managed through the submission of a full Construction Environmental Management Plan, document which is secured by condition.
- 7.235 Subject to application of relevant planning conditions, the proposal is considered to be compliant with the aforementioned planning policy and therefore satisfactory in terms of air quality.
- 7.236 Planning conditions would include:
- Submission of details of mechanical ventilation system to provide clean air to the residential units either by roof top intake of cleaner air or with air filtration from either side of the development.
  - Submission of full Construction Environmental Management Plan to include mitigation strategy for reduction of dust emission during construction phase
  - Compliance condition pertaining to GLA's Non Road Mobile Machinery Low Emission Zone

#### Waste

- 7.237 Policy D.MW3 of the Local Plan requires adequate refuse and recycling storage alongside and combined with appropriate management and collection arrangements.
- 7.238 Waste collection for the residential element would be undertaken from Strout's Place, along with the existing waste collection arrangements for the existing residential development to the south of the application site on Strout's Place. Waste collection for the commercial element of the scheme would be undertaken from Diss Street via the servicing yard and away from the busy Hackney Road. The Council's Waste Team have reviewed the proposal and are satisfied that subject to securing the details of the bin storage size and servicing arrangements through approval of a Delivery and Servicing Management Plan secured by condition, the proposal would be acceptable.
- 7.239 Dropped kerbs to serve the refuse stores would be secured through s278 agreement and sit within the s106 legal agreement.

#### Biodiversity

- 7.240 The application site consists largely of buildings and hard surfaces with only a small amount of vegetation. The Ecology Appraisal states that the buildings are considered to

have negligible potential for roosting and the development would have no impact on urban bats habitat.

- 7.241 The proposal includes a large area of green roof, native and nectar-rich plants within the landscaping, both on roof terraces and at ground level, climbing plants on green walls, nest boxes, including for swifts and insect boxes. These measurements contribute to the Urban Greening Factor and a net increase in biodiversity on site, in line and accord with Policy D.ES3 of the Local Plan and Policy 7.19 of the London Plan 2016 which seek to safeguard and where possible enhance biodiversity value.
- 7.242 The quality of the green roof including overall quality of the landscape strategy will be secured by planning condition.

#### Flood Risk & Drainage

- 7.243 A detailed drainage strategy to ensure adequate management potential flooding from surface water run off will be secured by way condition. Subject to this, the proposal is considered to be compliant with policy tests under policy D.ES4 in the Local Plan that seeks to ensure that the development employs an effective strategy to flood risk even when occurring as a result of surface water run off.

#### Land Contamination

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

#### Health Impact Assessment

- 7.245 Local Plan Policy D.SG3 requires major application development to assess the impact of the proposal on the health and wellbeing of communities through the use of Health Impact Assessment (HIA). This requirement is also set out in the London Plan.
- 7.246 Officers note that members of the public raised concerns in the submitted objections in respect of effect on residents' lives and health and wellbeing.
- 7.247 The submitted Rapid Health Impact Assessment (HIA) provides an assessment criteria in line with guidance from The Healthy Urban Development Unit (HUDU) publication 'Watch out for health – A checklist for assessing the health impact of planning proposals', and The Department of Health (DoH). These methods provide a rapid, standardised and transparent method for assessing potential contribution and health infrastructures requirements for new developments.
- 7.248 The submitted report concludes that the proposal, through the redevelopment of the site, would provide employment and new housing, promote the use of more sustainable modes of transport. It would also introduce an improved Urban Greening Factor through introduction of green roofs and landscaping at street level, including improved permeability on site through enlargement of pavement outside the application site on Hackney Road and introduction of raised bed in Strouts Place. No negative health/ wellbeing impacts were identified as a result of the proposal.
- 7.249 The Council's HIA officer reviewed the submitted information and found it satisfactory.

#### **Infrastructure Impact**

- 7.250 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £ 1,037,319.67 and Mayor of London CIL of approximately £421,734.
- 7.251 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.

7.252 The applicant has agreed to meet all of the financial contributions that are sought by policy including those set out in the Council's Planning Obligations SPD, as follows:

- £59,964 towards construction phase employment skills training
- £110,160 towards end-user phase employment skills training
- £619,560 toward carbon emission off-setting (if applicable)
- £300,000 towards affordable housing contribution
- £9000 towards s106 monitoring fees
- £138,037 fit out costs for the proposed A4 LGBT+ venue
- £10,000 towards Wheelchair accessible bay
- £155,000 Highways Improvement Works
- £100,000 towards meanwhile use

### **Human Rights & Equalities**

7.253 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-

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

7.254 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act

7.255 The proposal would involve the loss of the Joiners Arms as a Public House, albeit with a re-provided Public House next door that would benefit from a larger trading floor area. The Joiners Arms has been an important and culturally significant venue for the LGBT+ community dating back to 1997 when it began operating as a LGBT+ venue. The Joiners Arms has a cultural significance beyond its relatively modest size as a Public House. This significance is derived in part from its range of community event activities (including public health work) that took place there and other community activities not usually associated with a Public House. The Public House had a vibrant, informal music and entertainment scene (with nightly rotating DJ's events, karaoke) associated with it before its closure

7.256 What might be described as safe cultural and social spaces that meet the needs of the LGBT+ community in Tower Hamlets and London more widely are increasingly under threat of closure or indeed have closed as has been reported and referenced earlier in this report

7.257 Officers have undertaken an Equalities Impact Assessment. This assessment concludes the Council as the local planning authority has exercised its functions adequately in respect of this planning application with satisfactory regard to the statutory duties set out in the Equalities Act in respect of the nine protected characteristics.

7.258 From prior to formal planning application submission stage through to preparation of this Committee Report officers have engaged (as was the case prior to the granting of the previous consent) with the Friends of the Joiners Arms in relation to this redevelopment scheme. Seeking to address concerns raised including making proposed amendments to the wording (to the s106 that was attached to the previous consent) surrounding the Right

of First Refusal (ROFR) option for an LGBT+ operator to take up the lease of the proposed new Public House for the site.

- 7.259 The new completes draft Section 106 has been shared with the FoJA and the GLA including the Mayor of London's Cultural Unit Team and the Mayor of London's appointed Night Time Czar. Officers conclude it addresses all the substantive matters relating to the s106 raised by the GLA including the Culture Unit and the FoJA.
- 7.260 The new draft Right of First Refusal within the s106 seeks to provide greater clarity how the local LGBT+ Community would be engaged in help select a LGBT+ operator working with the Council and the GLA Culture Unit. The s106 also make provision for a financial contribution to help facilitate a meanwhile use space for FoJA prior to the re-provision of the Public House on site.
- 7.261 If a LGBT+ operator comes forward who meets the reasonable selection criteria it will be a requirement of the s106 agreement that a period is allowed for negotiating the heads of terms of a lease and such lease be granted to them for a minimum term of 12 years with an initial rent free period. It is considered that this 12 year period should be long enough to allow any new operator to establish a viable commercial business. If no suitable operator was to come forward or if heads of terms could not be concluded within the period provided then the A4 unit could be leased free of the restriction.
- 7.262 The Council recognise part of the significance of the Joiners Arms is derived from it being a Public House serving the LGBT+ community as a specifically late-night venue. Were planning permission granted this scheme is capable of securing a replacement Public House that is both physically designed and appropriately controlled by planning conditions and obligations that it would readily lend itself to be managed and to operate as a late night A4 venue for the LGBT+ community.
- 7.263 This report explains the physical inclusive design aspects of the development and this is considered to advance equality of opportunity for those with physical disabilities.
- 7.264 The proposal has been subject of an Equalities Impact Assessment, that is attached as an appendix to this report. Officers conclude the proposed development would not result in adverse impacts upon equality or social cohesion

## **8. RECOMMENDATON**

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

### **8.2 Financial obligations**

- a) £59,964 towards construction phase employment skills training
- b) £110,160 towards end-user phase employment skills training
- c) £619,560 toward carbon emission off-setting (if applicable)
- d) £300,000 towards affordable housing contribution
- e) £9000 towards monitoring fees
- f) £138,037 fit out costs for the proposed A4 LGBT+ venue
- g) £10,000 towards Wheelchair accessible bay
- h) £155,000 Highways Improvement Works
- i) £100,000 towards meanwhile use

Total financial contributions: £1,501,721.

### **8.3 Non-financial obligations:**

- a. Access to employment
  - 20% local procurement

- 35% local labour in construction
  - 20% local supply chain during construction phase
  - 35 construction phase apprenticeships
  - 10 end-user phase apprenticeships
  - Developer in attendance at 2 local career fairs per calendar year for the lifetime of the construction
  - Staff from the developer to attend 5 Further Education and Higher Education colleges during the construction life of the project
  - Implement the Hotel's operator's Graduate Training Programme
  - Provide training at NVQ Level 3 apprenticeship level or above
  - Adopt a Graduate Programme to help fast track local graduates onto a management training platform
  - Pay the course fees for a series (minimum 4) local residents to gain a graduate or post-graduate course in Hospitality, Hotel Management or Culinary Arts (Professional Cookery).
  - Commitment (end user phase) for hotel operator to attend a minimum of 1 local career fairs per calendar year to promote jobs and hospitality careers within the hotel. Or to attend local FE and HE college that have hospitality, hotel management and catering related courses to provide students with insights into the hotel sector.
  - Provide opportunities for local students to visit the hotel to learn the business and gain work experience of back of house operations as part of possible project and course work.
  - Commitment to develop an end phase Career Workpath programme for hotel employees
  - Commitment to target to recruit at least two employees with a learning or physical disability for every 100 bedrooms (equating to 5 employees on the 273 bed basis)s
  - Secured best endeavours (as opposed to reasonable endeavours) with respect to working with local suppliers over the long term.
  - Best endeavours on establishing local supply chains for the hotel
- b. Transport matters:
- Car Free development (residential)
  - S278 Agreement (works to Hackney Road, Diss Street and Strouts Place)
  - Applicant ceding for highway adoption under Section 72 of the Highways Act
- c. 10% affordable workspace (let at 20% below market rent for a period of 15 years)
- d. Compliance with Considerate Constructors Scheme
- e. First right of refusal of the A4 unit to be offered to a LGBTQ+ Operator

8.4 That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.

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

## **8.6 Planning Conditions**

### Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Restrictions on demolition and construction activities:
  - a. All works in accordance with Tower Hamlets Code of Construction Practice;
  - b. Standard hours of construction and demolition;
  - c. Air quality standards for construction machinery;
  - d. Ground-borne vibration limits; and
  - e. Noise pollution limits.
  - f. Compliance with GLA Non Road Mobile Machinery Requirements
4. Requirement to maintain a Public House (A4 use class) at ground floor
5. Hours of operation for ground floor commercial units
6. Hours of operation for the hotel bar
7. No amalgamation of ground floor units
8. Noise limit on plant
9. Noise limit to noise breakout and music noise limiters (compliance to noise rating NR40 (Leq linear) outside the affected neighbouring residential dwellings
10. No mechanical externally ventilated extract system (or other fixtures) for the commercial units without prior approval from the LPA
11. Access to 5<sup>th</sup> floor rooftop terrace for all B1 users during hours of daylight
12. Bin stores to meet British Standards
13. All refuse within commercial units at ground floor to be retained inside until time of collection
14. Maintain 80% of approved glazed frontage with unobstructed views into individual flexible use units and the ground floor glazing to the hotel
15. 90 day maximum stay restriction
16. Restrictions on changes of use – offices
17. Restriction on size of ancillary bar area in hotel
18. Restrictions on changes of Public House
19. Restrictions on change of use of flexible use commercial space
20. Adherence to submitted shopfront and signage strategy
21. No coach based arrivals or bookings

### Pre-commencement

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

22. Construction Environmental Management Plan and Construction Logistics Plan (in consultation with TfL):
  - a. Site manager's contact details and complain procedure;
  - b. Dust and dirt control measures
  - c. Measures to maintain the site in tidy condition, disposal of waste
  - d. Recycling/disposition of waste from demolition and excavation



- e. Safe ingress and egress for construction vehicles;
  - f. Numbers and timings of vehicle movements and access routes;
  - g. Parking of vehicles for site operatives and visitors;
  - h. Travel Plan for construction workers;
  - i. Location and size of site offices, welfare and toilet facilities;
  - j. Erection and maintenance of security hoardings;
  - k. Measures to ensure that pedestrian and cycle access past the site is safe and not unduly obstructed; and
  - l. Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress.
23. Land Contamination Remediation Scheme (subject to post completion verification).
  24. Archaeology
  25. Piling Method Statement
  26. Recording and salvage of materials/ features for reuse
  27. Building Historic Recording Survey including photographic survey
  28. Circular Economy Statement

#### Pre-superstructure works

29. Details of drainage and sustainable water management strategy
30. Landscaping Management Plan including external lighting strategy, CCTV, urban furniture, details (and samples where necessary of all soft and hard landscaping elements
31. Clean air mechanical ventilation to residential units
32. Details of external facing materials and architectural detailing
33. Details of hard and soft landscaping including to public realm spaces including street furniture and lighting.
34. Details of fire strategy
35. Details

#### Prior to commencement of relevant works

36. Details of cycle stands, changing room/ shower and locker facilities for cyclists
37. Noise mitigation Implementation Strategy
38. Updated Energy Statement
39. Shopfront strategy and signage (materials)

#### Pre-occupation

40. Achieving BREEAM 'Excellent' certificate
41. Details of residential privacy design measurements
42. Management Plan for rooftop terraces including control of hours
43. Secure by Design Accreditation for all uses
44. Delivery and Service Management Plan, including Waste Strategy
45. Venue/ Operational Management Plan
46. Whole life carbon
47. Details and installation of Public Art

#### Post completion

48. Submission of 'as built' calculations for energy reduction

49. Submission of an acoustic compliance assessment

50. Circular Economy - post complement statement

## **8.7 Informatives**

1. Permission subject to legal agreement.
2. Development is CIL liable.
3. Thames Water – proximity to assets.
4. Highway Authority – structures team – details of basement works abutting the public highway





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## **APPENDIX 1 LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL**

Site plan  
001 rev A

Existing plans  
099 rev A  
100 REV A  
101 REV A  
102 REV A  
103 REV A  
104 REV A

Existing elevations  
201 REV B  
202 REV B  
203 REV B  
204 REV B  
205 REV A  
206 REV A

Demolition plans  
099 REV A  
100 REV A  
101 REV A  
102 REV A  
103 REV A  
104 REV A  
201 REV A  
202 REV A  
203 REV A  
204 REV A  
205 REV A  
206 REV A

Proposed plans  
101 REV A  
099 REV B  
100 REV E  
101 REV B  
102 REV B  
103 REV B  
104 REV C  
105 REV B  
106 REV C  
107 REV B  
108 REV C

Proposed elevations  
001 REV E  
002 REV E  
003 REV C  
004 REV B  
005 REV A

006 REV B  
100 REV C  
001 REV B  
002 REV B  
003 REV B  
004 REV B  
005 REV B  
006 REV B

Detailed Elevations [Bay studies]

001 REV C  
002 REV C  
003 REV C  
004 REV C  
005 REV C  
006 REV C  
021 REV B  
022 REV C  
023 REV C

**Other application documents**

Ecology Assessment, of Ramboll, dated 18/12/2019 (including post submission Memo, ref no M1620006771\_1, dated March 2020)

Drainage & SUDs Strategy Report, dated December 2019

Framework Travel Plan, of Icen, dated December 2019

Heritage and Townscape Appraisal, of KMHeritage, dated September 2020

Energy Statement, of Hurley Palmer Flatt, dated December 2019

Health Impact Assessment, of Ramboll, dated December 2019

Historic Environment Assessment, of Mola, dated December 2019

Hotel Needs Assessment, of Michels&Taylor, dated September 2019

Land contamination assessment, of SoilConsultants, dated December 2019

Office Marketing Summary Report, of Strettons, dated October 2019

Noise Assessment, of Sharps Gayler, dated December 2019

Statement of Community Involvement, of Cascade, dated December 2019

Outline Fire Safety Strategy, of IFC Group, dated January 2020

Structural Report, of Terrel, dated September 2020

Sustainability Statement, of Ramboll, dated December 2019

Utilities Searches Report, of Hurley Palmer Flatt, dated December 2019

Daylight and Sunlight Assessment, of Avison Young, dated November 2019

Air Quality Assessment, of Ramboll, dated December 2019

Construction Management Plan, of Regal, dated December 2019

Design and Access Statement REV C, of BuckleyGrayYeoman, dated December 2020

Planning and Retail Impact Assessment, of Montagu Evans, dated December 2019

Transport Statement, of Icen, dated December 2019

Viability Assessment, of DS2, dated 27 April 2020

Proposed methodology for dismantling and reconstructing Historic Masonry Buildings, of PAYE, dated September 2020



## APPENDIX 2.1 SITE CONTEXT PHOTOS



Figure 1 Hackney Road junction with Pelter Street.



Figure 2 Hackney Road junction with Diss Street





Figure 3 DJ Simons Building, Existing Hackney Road Elevation



Figure 4 Existing Strouts Place Building Elevation





**Figure 5 Pelter Street: Existing building rear elevation far left and properties at 1-14 Vaughan Estate to the right. In grey and blue, the existing medical centre on Strouts Place junction with Pelter Street**



**Figure 6 Existing Diss Street building elevation, junction with Pelter Street. 1-14 Vaughan Estate shown to the left**



## APPENDIX 2.2 CGI IMAGES/ FLOOR PLANS



Figure 7 North facing flank wall, Hackney Road junction with Diss Street



Figure 8 South facing flank wall, Hackney Road junction with Pelter Street (residential block)



**Figure 9 Diss Street building elevation viewed from south of Stamp Place**



**Figure 10 View from Pelter Street, south of the application site**





**Figure 11 Hotel and Office Entrance, West Elevation**



**Figure 12 West Elevation (Hackney Road)**



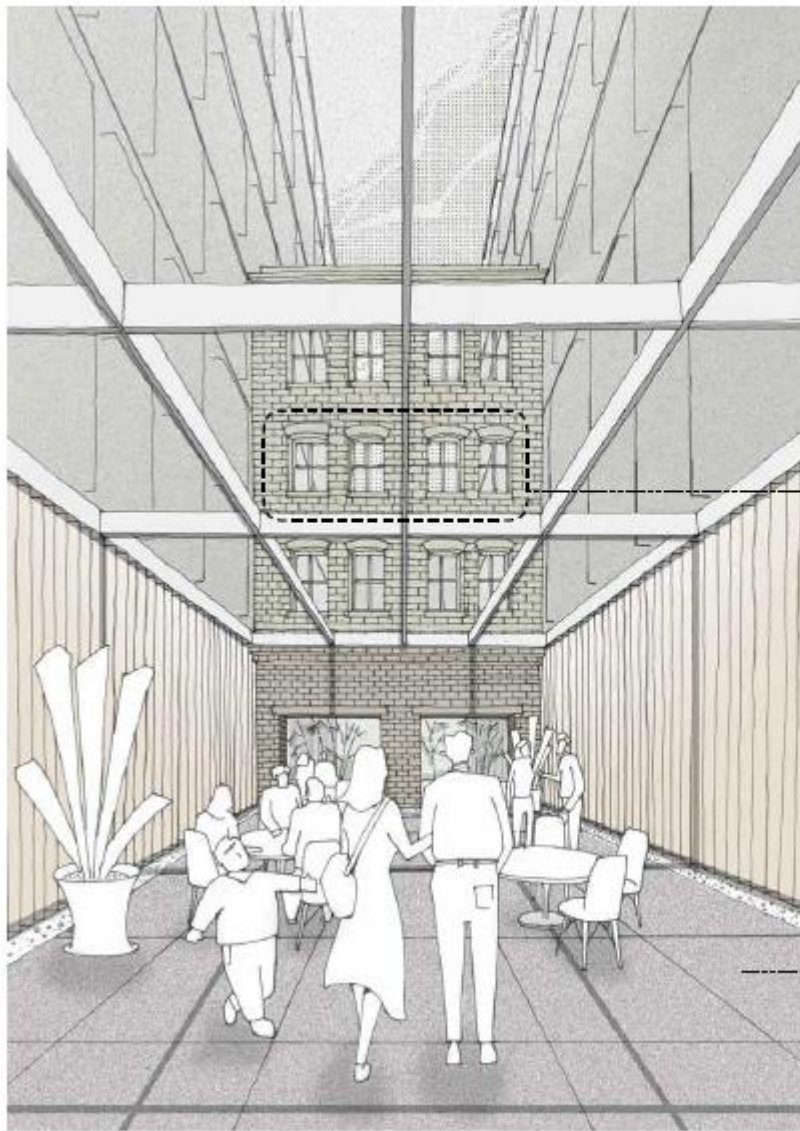
- ① Recessed PPC aluminium framed shopfront windows
- ② Integrated decorative metal louvre panel for ventilation/services
- ③ Tenant signage panel with integrated uplighting
- ④ Enamel finish metal shopfront reveal
- ⑤ Decorative metal stall riser

**Figure 13 Retail frontages (Hackney Road)**



**Figure 14 Proposed office reception**





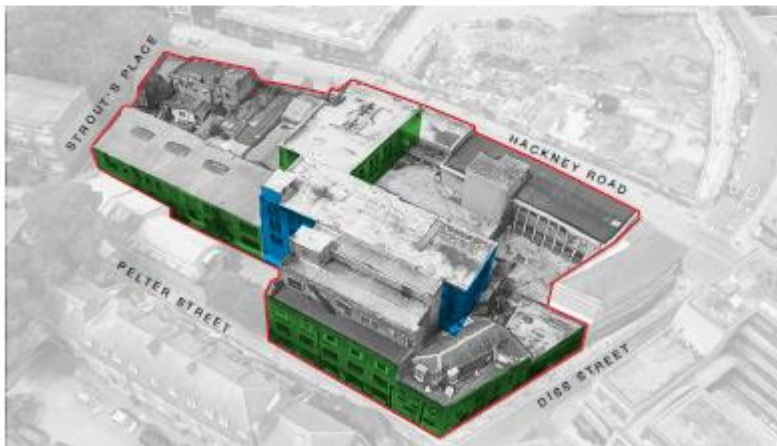
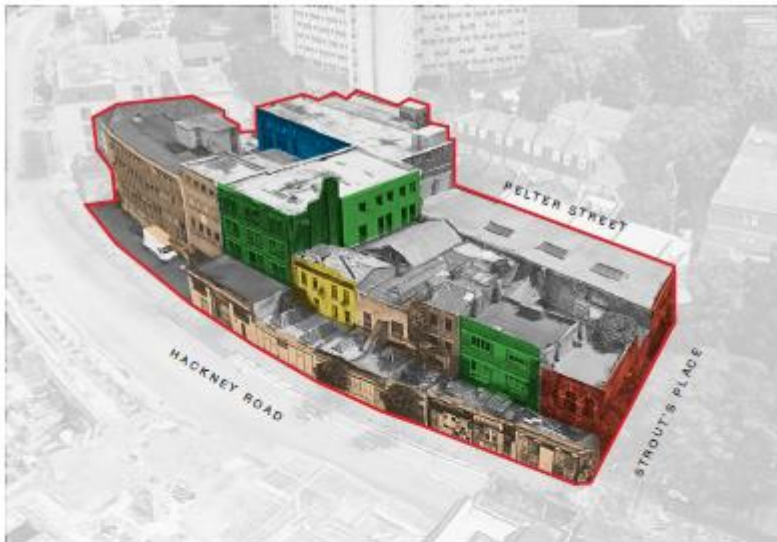
*Existing brick facade and windows*



*Existing Cabinet Works timber flooring re-purposed*



**Figure 15 Hotel Lounge, preserving the retained brick facade visible through a new glazed roof**



- Facade to be retained in place with minor amendments, repairs and support.
- Retain existing facades in place with significant amendments to facilitate structural stability/support and to accommodate new functions behind.
- Fabric to be taken down and rebuilt with significant amendments to facilitate structural stability/support and to accommodate new functions behind.
- Fabric to be taken down and rebuilt with minor amendments to facilitate structural stability/support and to accommodate new functions behind.
- Projecting ground floor shop fronts and site buildings to be demolished.

**Figure 16 Facade retention strategy**



Figure 17 Hackney Road proposed building elevation (front elevation)



Figure 18 Proposed Pelter Street Elevation (rear elevation)

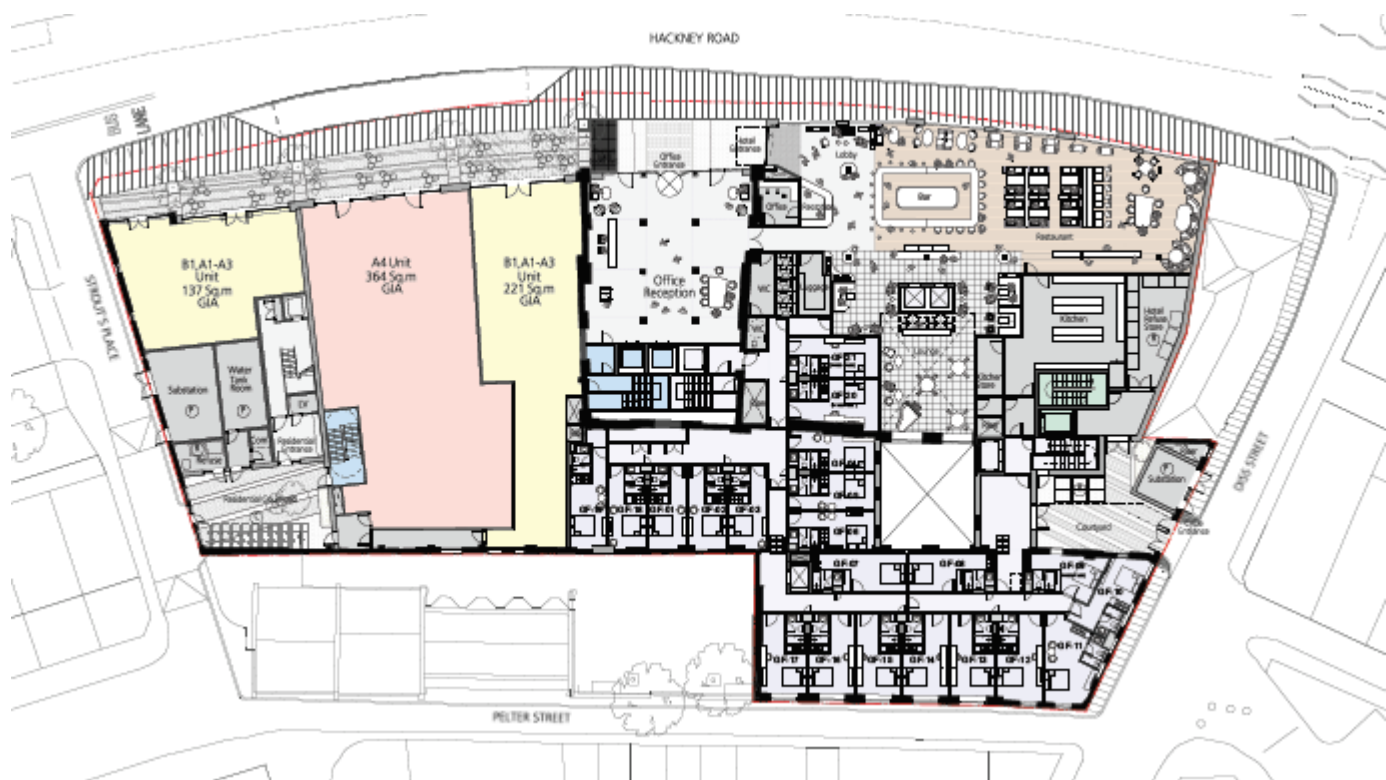


Figure 19 Proposed Diss Street Elevation





**Figure 20 Proposed Strout's Place Building Elevation (residential block)**



**Figure 21 Proposed Ground Floor Plan**

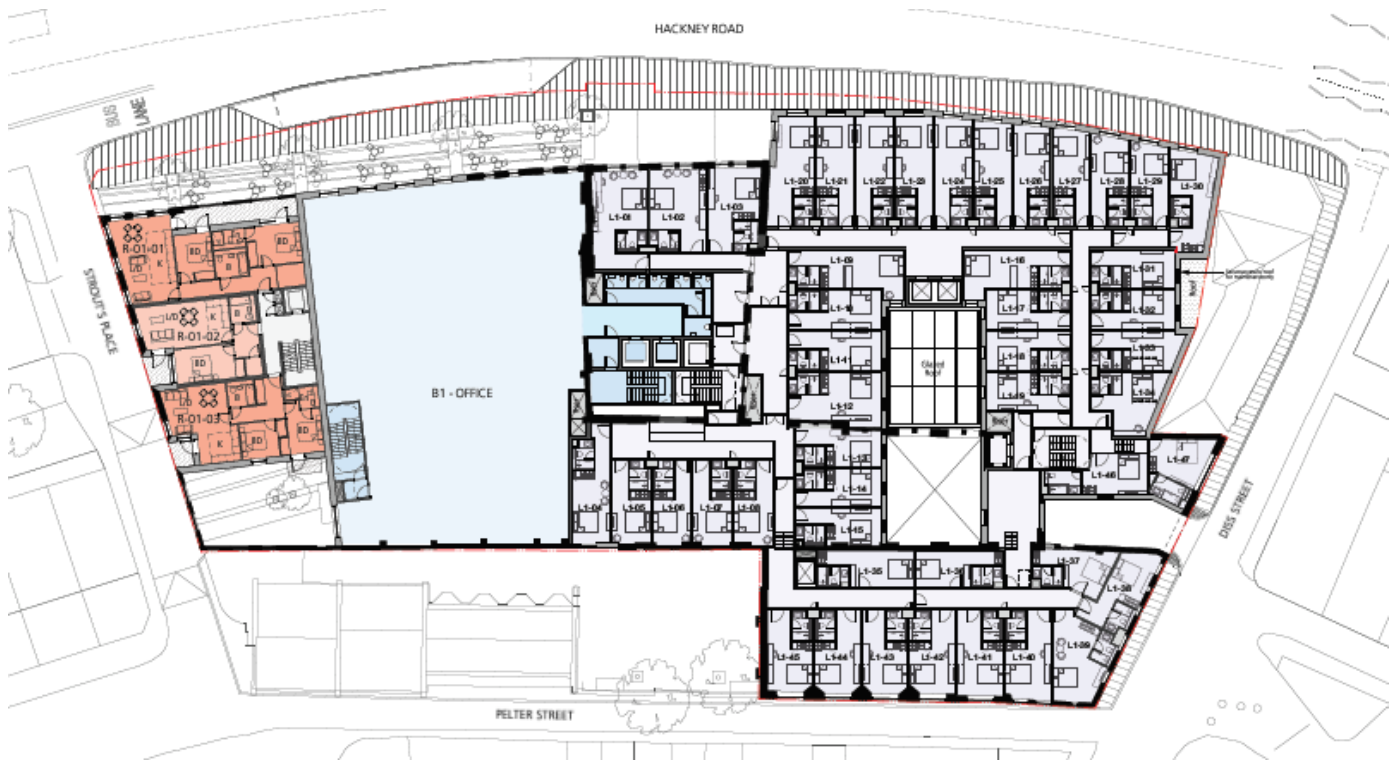


Figure 22 Proposed 2nd floor plan

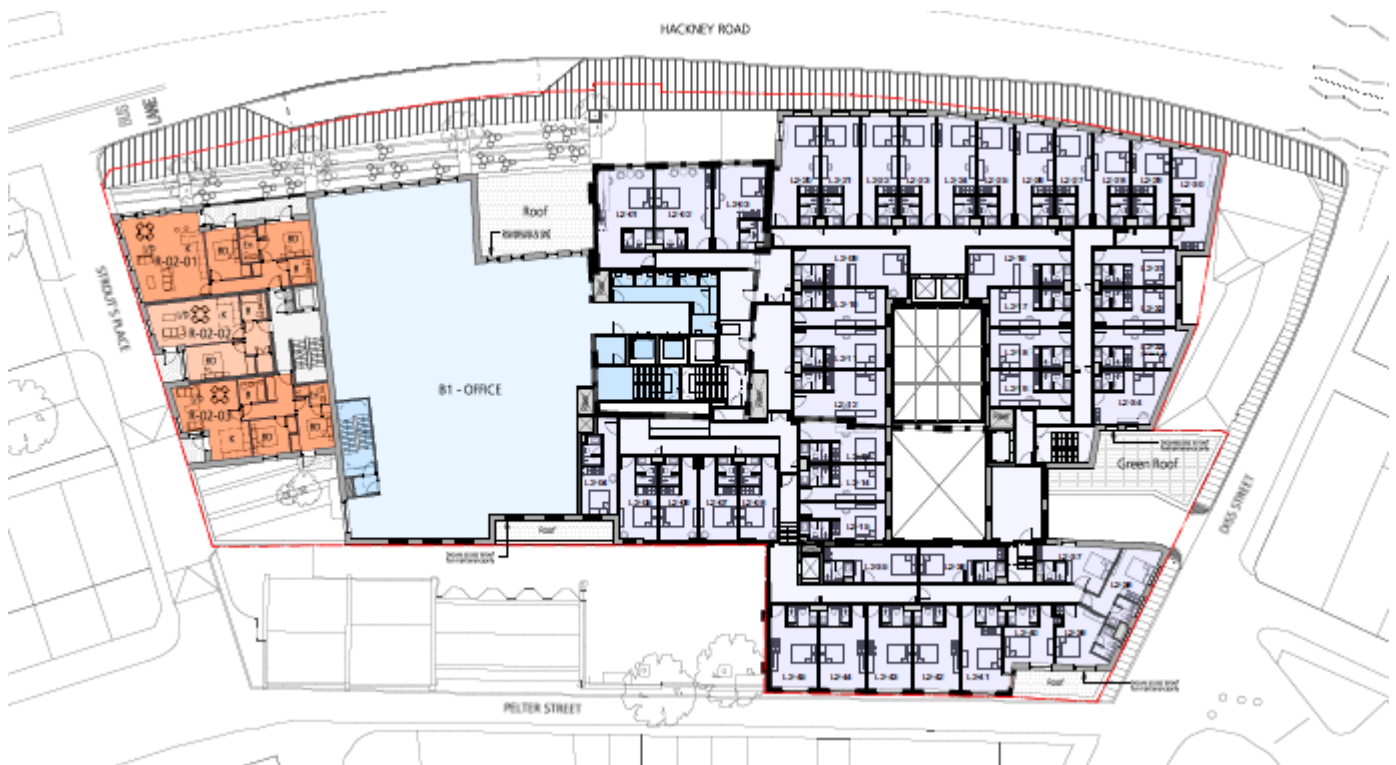
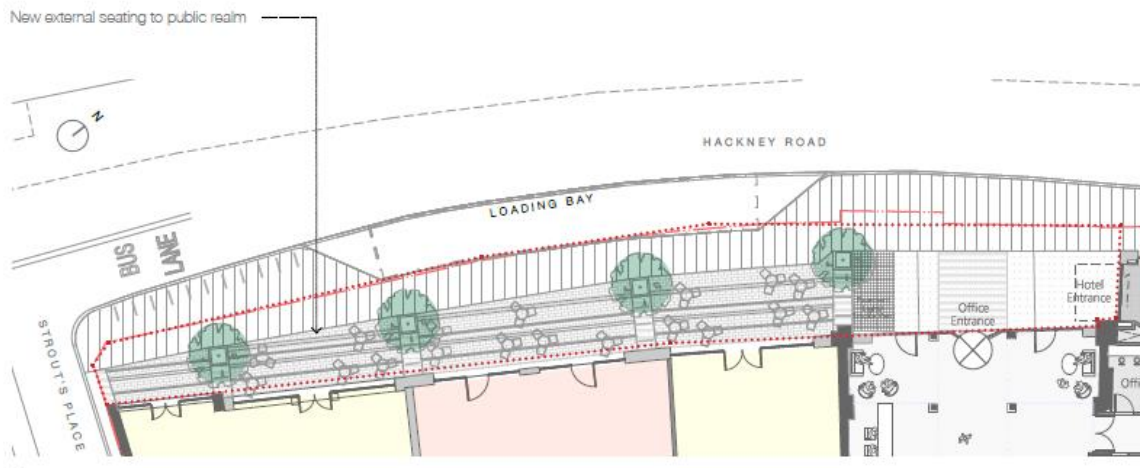
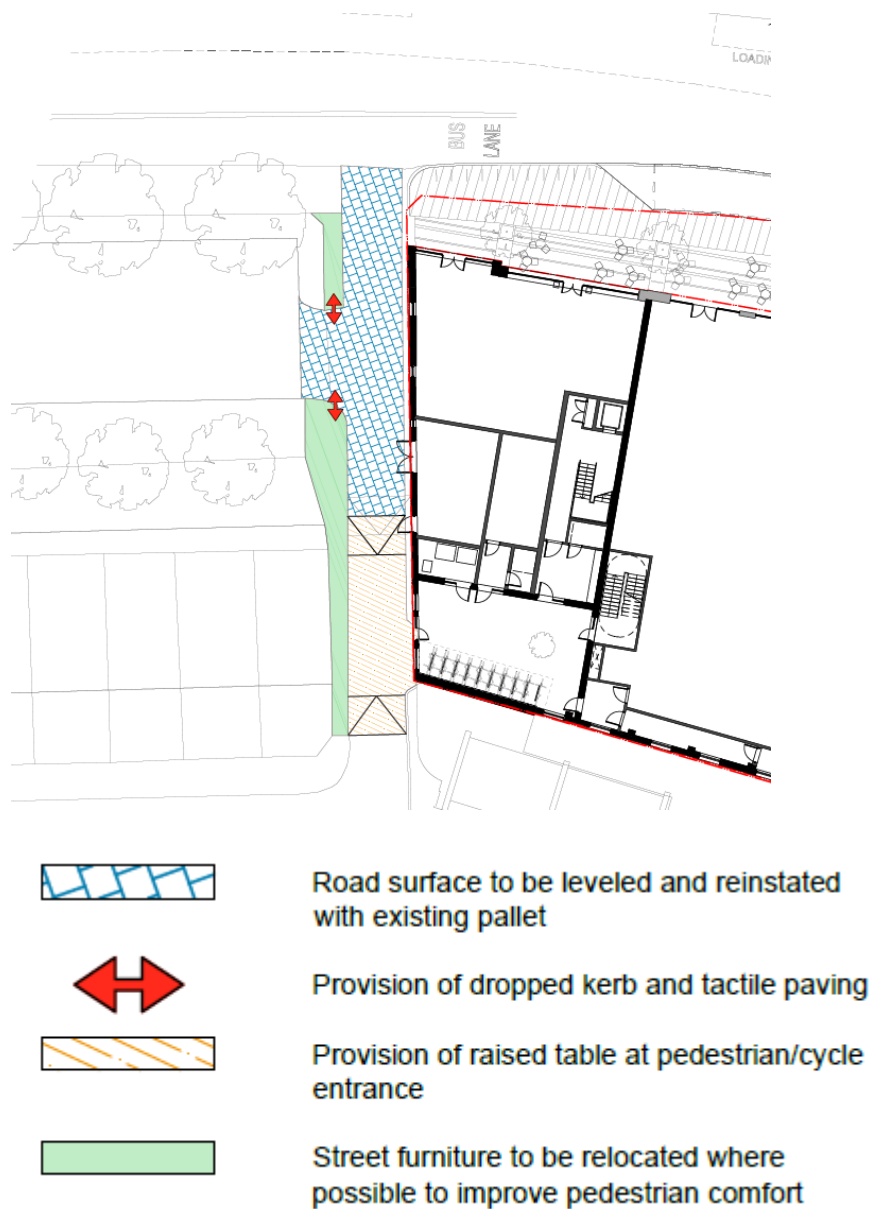


Figure 23 Proposed 3rd floor plan



**Figure 24 Public improvement works, Hackney Road**



**Figure 25 Highways improvement works, Strouts Place**

## **APPENDIX 3 EQUALITY IMPACT ASSESSMENT**





# Equality Impact Analysis: (EIA)

## Section 1: Introduction

### Name of Proposal

Planning application for a mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four to **eight storeys** above a shared basement, to contain a maximum 9 residential units (Class C3) up to 10,739 m<sup>2</sup> (GIA) hotel floorspace (Class C1) up to 3,529 m<sup>2</sup> (GIA) employment floorspace (Class B1), up to 358 m<sup>2</sup> (GIA) flexible office and retail floorspace at ground level (**Class A1, A2, A3 and B1**) and provision of Public House (Class A4) along with associated landscaping and public realm improvements, cycle parking provision, plant and storage.

*For the purpose of this document, 'proposal' refers to a policy, function, strategy or project)*

### Service area & Directorate responsible

Planning and Building Control

### Name of completing officer

Daria Halip

### Approved by Director/Head of Service

Paul Buckenham

### Date of approval

05/01/2021

### **Conclusion - To be completed at the end of the Equality Impact Assessment process**

This summary will provide an update on the findings of the EIA and what the outcome is. *For example, based on the findings of the EIA, the proposal was rejected as the impact on a particular group was disproportionate and the appropriate mitigations in place. Or, based on the EIA, the proposal was amended and alternative steps taken)*

The Equality Analysis assessment has helped informed the Council in the determination of the current planning application (PA/20/00034) in respect to No 114-150 Hackney Road. The determination of the application is considered to have had regard for the statutory obligations imposed by the Equalities Act upon the Council. It is considered the scheme would have neutral impacts on an number of the nine protected characteristics resulting from the scheme securing a late night A4 venue for the LGBT+ venue on site, including a meanwhile use during the construction phase until the permanent venue is available, albeit that the scheme would result in a loss of a late-night venue that held a late night opening license and without any planning conditions imposed upon it to restrict hours of opening.

The impacts are considered acceptable when due consideration is given to other material planning considerations in respect of the benefits package offered to the LGBT+ operator balanced against the Council's duty to safeguarding residential amenity and consideration given under the Equality Act.

The Council have worked pro-actively with the developer, GLA, community groups to secure a number of public benefits to serve the LGBT+ community as a result of the scheme, including:

- Provision of a larger internal floor plate within the new A4 unit
- Financial contribution towards fit out costs
- First right of refusal to the Friends of the Joiners as an LGBT+ operator to take up the space



- Free rent for the first 18 months of operation
- Meanwhile use contribution to fund fit out costs and planning consents required to make a meanwhile space suitable for a temporary LGBT+ venue available during construction phase, until the permanent venue is readily available to use (subject to Friends of the Joiners securing a venue at peppercorn rent assisted by the TFL and GLA Culture at Risk Unit).

This package of public benefits to the LGBT+ community is secured through the s106 legal agreement attached to the consent for the proposal.

**The Equality Act 2010 places a ‘General Duty’ on all public bodies to have ‘due regard’ to:**

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advancing equality of opportunity between those with ‘protected characteristics’ and those without them
- Fostering good relations between those with ‘protected characteristics’ and those without them

**Where a proposal is being taken to a Committee, please append the completed equality analysis to the cover report.**

273 hotel rooms, 9 homes, 3,529 sqm office space, 358sqm flexible retail/ office space at ground floor and re-provision of a pubic house (A4 use, LGBT+ venue), including associated landscaping and public realm improvements and cycle parking.

Of particular importance, and indeed the subject to this report, is the loss of the existing A4 unit as part of the application, known as Joiners Arms, an established LGBT+ venue in the borough and a designated Asset of Community value (ACV).

This Equality Impact Assessment provides evidence for meeting the Council’s commitment to equality and the responsibilities outlined above, for more information about the Councils commitment to equality; please visit the Council’s website.

**Section 2 – General information about the proposal**

*Provide a description of the proposal including the relevance of proposal to the general equality duties and protected characteristic pursuant to Equality Act 2010.*

The proposal is for a mixed use hotel led redevelopment on a plot of land at 114-150 Hackney Road in Shoreditch, located within Weavers Ward.

An extant planning permission exists on the site that gained consent in 2018 for mixed use office led redevelopment of the site.

The development would include part retention, part demolition, part extension of existing buildings alongside erection of a complete new buildings ranging in height from four to eight storeys above a shared basement. The proposal would deliver

The existing Public House A4 unit) closed in January 2015. Were planning consent granted and the site redevelopers a new Public House would be re-provided on site.

Part of the public benefits package offered to the LGBT+ community secured with the proposal include:

- Provision of a larger internal floor plate within the new A4 unit
- Financial contribution towards fit out costs
- First right of refusal for an LGBT+ operator to take up the A4 lspace
- Free rent for the first 18 months of operation of the Public House



- Meanwhile use contribution to enable Friends of the Joiners to fund the fit out costs and planning consents costs associated with providing a meanwhile space suitable for a temporary LGBT+ venue available during construction phase, until the permanent venue is readily available to use

### **Section 3 – Evidence (Consideration of Data and Information)**

*What evidence do we have which may help us think about the impacts or likely impacts on service users or staff?*

#### **Planning policy documents** (with reference to most relevant planning policies)

National Planning Policy Framework 2019

London Plan 2016: policy 3.16

Publication London Plan 2020: policy S1

Local Plan 2020: policy S.CF1, D.CF2, D.CF3, D.CF4

Intend to Publish London Plan

#### **Supplementary Planning Documents**

- Mayor of London's Social Infrastructure SPG (May 2015)
- City Fringe (Tech City) Opportunity Area Planning Framework (2015)
- Mayor of London's Culture and the Night Time Economy (2017)

#### **Other Relevant Documents**

- GBTQ+ Cultural Infrastructure in London: Night Venues, 2006–present”, published by UCL Urban Laboratory (2017)
- Asset of Community Value granted for Joiners Arms (December 2020)
- [https://www.ucl.ac.uk/urban-lab/sites/urban-lab/files/lgbtq\\_spaces\\_in\\_camden\\_1986-present\\_ucl\\_urban\\_laboratory.pdf](https://www.ucl.ac.uk/urban-lab/sites/urban-lab/files/lgbtq_spaces_in_camden_1986-present_ucl_urban_laboratory.pdf)

#### **Statutory and non-statutory responses received:**

LBTH Licensing Team, GLA including Mayor of London's Night Time Czar, LBTH Conservation and Urban Design

#### **Census**

The equality profile of residents drawn from the Census is available on the Council's website, on the Statistics Pages and with that section the *Diversity* sub-section.

[http://www.towerhamlets.gov.uk/lgnl/community\\_and\\_living/borough\\_statistics/borough\\_statistics.aspx](http://www.towerhamlets.gov.uk/lgnl/community_and_living/borough_statistics/borough_statistics.aspx)

However there is no local data analysis in respect of gender reassignment, sexual orientation for the Borough of Tower Hamlets. A statistical bulletin has been published by the Office for National Statistics about the LGB community nationally. It is worth noting that transgender has not been included in the definition. The bulletin provides a LGB estimate for the size of the community in London.

<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2018>.

However a recent report (commissioned by the GLA) titled “*LGBTQ+ Cultural Infrastructure in London: Night Venues, 2006–2017*” published by UCL Urban Laboratory (September 2017) has provided valuable information in respect to issues surrounding LGBTQ+ cultural night time venues and event spaces in London, including some individual focus on the Joiners Arms.

In respect of this scheme the following report findings are relevant:



- Since 2006, the number of LGBTQ+ venues in London has fallen from 121 to 51, a net loss of 58% of venues.
- This compares to drops of 44% in UK nightclubs (2005–2015), 35% in London grassroots venues (2007–2016) and 25% in UK pubs (2001–2016).
- Between 2006 and 2017 bars make up the largest proportion of identified operational LGBTQ+ venues (30%), followed by nightclubs (23%), public houses (24%), performance venues (19%), cafes (3%) and other/ unspecified (2%).
- 38% of LGBTQ+ venue closures were influenced by redevelopment with 21% venues converted to non-LGBT venue, 7% closures due to lease expiration/ renegotiation, and 19% closures for other/ unknown reasons.
- Members of the LGBT+ completed in depth survey as part of the report's research. These surveys revealed *"how the heritage of LGBTQ+ people is embedded in the fabric and specific cultures of designated LGBTQ+ venues and events. They also stress that venues are important spaces for education and intergenerational exchange"*
- The most valued LGBTQ+ spaces were experienced as non-judgemental places in which diverse gender identities and sexualities are affirmed, accepted and respected. These were sometimes described as 'safe spaces'. What this means to individuals varies, according to personal preferences, experiences and the specific forms of discrimination and oppression that people are vulnerable to (e.g. transphobia, homophobia, racism, ableism).
- Spaces that are/were more community-oriented, rather than commercially driven, are considered vital and preferable by many within LGBTQ+ communities.
- LGBTQ+ nightlife spaces were seen as important places to express LGBTQ+ rights and the community rituals that have helped people to survive forms of oppression and discrimination, from one generation to another. Venues were seen to contain, embed or communicate LGBTQ+ heritage in their fabric and atmospheres, and to provide a structure that holds specific communities together.
- The report notes the significant drop in LGBTQ+ venues is also alarming when seen alongside other recent data. For instance, according to Metropolitan Police data, homophobic hate crime in London rose by 12% over the year to March 2017, to over 2,000 recorded incidents.

Research by UCL Urban Lab (undertaken for London Borough of Camden) indicates that meanwhile use spaces could offer affordable fixed-term, temporary space to LGBT+ organisations and business. This could potentially counter the negative impact of large-scale regeneration projects. Section 106 agreements and planning conditions can operate as a mechanism for achieving provision of space to LGBTQ+ communities/operators.

[https://www.ucl.ac.uk/urban-lab/sites/urban-lab/files/lgbtq\\_spaces\\_in\\_camden\\_1986-present\\_ucl\\_urban\\_laboratory.pdf](https://www.ucl.ac.uk/urban-lab/sites/urban-lab/files/lgbtq_spaces_in_camden_1986-present_ucl_urban_laboratory.pdf)



**Name of officer completing the EIA: Daria Halip (case officer)**

**Service area: Planning and Building Control**

**EIA signed off by: Paul Buckenham**

**Date signed off: 05/01/2021**

## Section 4 – Assessing the impacts on residents and service delivery

	Positive	Negative	Neutral	Considering the above information and evidence, describe the impact this proposal will have on the following groups?
<b>Age</b> (All age groups)			x	The proposal is not expected to have any adverse effect with regard to age.
<b>Disability</b> (Physical, learning difficulties, mental health and medical conditions)	x			The scheme would result in much improved disability access arrangements for the site than presently exist including level access from street to all floors and sections of the scheme and full wheelchair accessible lift entry to all upper floors and the basement
<b>Sex</b>	x			The application site presently has less than 50 FTE employees on site and the majority of people employed on site are male. The scheme provides an opportunity for a net additional jobs on site that provides an opportunity for both numerically many more jobs for females on the site but also more as a proportion of the number of employed on site.
<b>Gender reassignment</b>			x	The proposal secures through a legal agreement (to any planning consent granted) an opportunity for an LGBT+ operator to run and manage the new Pubic House (A4 Land Use). A legal guarantee for an LGBT+ operator to run the Public House does not exist in relation to the existing vacant Joiner Arms. The Public House would be completed to a modern fit out specification, that would improve the standard of accommodation for an A4 operation, that will help secure its long-term function. A meanwhile use financial contribution to fund the fit out and any consents required to make fit for purpose a meanwhile venue secured at peppercorn rent (by Friends of the Joiners in

				collaboration with GLA Culture at Risk Unit and TFL) during the construction phase and until the permanent venue is readily available for the LGBT+ community. It is acknowledged that the scheme would result in a loss of a late-night venue that held a late night opening license and without any planning conditions imposed upon it to restrict hours of opening
<b>Marriage and civil partnership</b>			x	The proposal is not expected to have any adverse effect with regard to marriage and civil partnership.
<b>Religion or philosophical belief</b>			x	The proposal is not expected to have any adverse effect with regard to religion or belief
<b>Race</b>			x	The proposal is not expected to have any adverse effects with regard to race.
<b>Sexual orientation</b>			x	<p>The proposal secures through a legal agreement (to any planning consent granted) an opportunity for an LGBT+ operator to run and manage the new Pubic House (A4 Land Use). A legal guarantee for an LGBT+ operator to run the Public House does not exist in relation to the existing vacant Joiner Arms.</p> <p>The Public House would be completed to a modern fit out specification, that would improve the standard of accommodation for an A4 operation, that will help secure its long-term function. A meanwhile use financial contribution to fund the fit out and any consents required to make fit for purpose a meanwhile venue secured at peppercorn rent (by Friends of the Joiners in collaboration with GLA Culture at Risk Unit and TFL) during the construction phase and until the permanent venue is readily available for the LGBT+ community. It is acknowledged that the scheme would result in a loss of a late-night venue that held a late night opening</p>



				license and without any planning conditions imposed upon it to restrict hours of opening
<b>Pregnancy and maternity</b>			x	The proposal is not expected to have any adverse effect with regard pregnancy and maternity

<b>Other</b>				
<b>Socio-economic</b>			x	The proposal is not expected to have any other adverse Socio-Economic Carers impacts
<b>Parents/Carers</b>			x	The proposal is not expected to have any other adverse impacts on parents/ carers
<b>People with different Gender Identities</b> e.g. Gender fluid, Non-Binary etc			x	<p>The proposal secures through a legal agreement (to any planning consent granted) an opportunity for an LGBT+ operator to run and manage the new Pubic House (A4 Land Use). A legal guarantee for an LGBT+ operator to run the Public House does not exist in relation to the existing vacant Joiner Arms.</p> <p>The Public House would be completed to a modern fit out specification, that would improve the standard of accommodation for an A4 operation, that will help secure its long-term function. A meanwhile use financial contribution to fund the fit out and any consents required to make fit for purpose a meanwhile venue secured at peppercorn rent (by Friends of the Joiners in collaboration with GLA Culture at Risk Unit and TFL) during the construction phase and until the permanent venue is readily available for the LGBT+ community. It is acknowledged that the scheme would result in a loss of a late-night venue that held a late night opening license and without any planning conditions imposed</p>



				upon it to restrict hours of opening
<b>AOB</b>				

The scheme is considered to have potential adverse impact to one of the protected groups from some proposed degree of the restriction of opening hours operating as a late venue through the application of control of hours of operation via planning condition in contrast with the now closed Joiners Arms where no such planning control restricting was present. Albeit it should be noted there were controls on hours of operation on the former Joiners Arms, imposed by licensing and licensing control of hours would be needed to be applied again. Licensing regime sits outside planning and therefore set apart from determination of this planning application.

Notwithstanding this, there are a number of mitigation impacts that help offset this potential adverse impact and indeed provide greater degree of security to the protected group by securing planning consent for the proposed development and a S106 legal agreement that secures:

- First refusal on the replacement of the public house offered to an LGBT+ Operator secured for an initial 25 year period
- Rent free for the first 18 months from first occupation
- Fit out costs covered by the developer for the permanent venue
- Financial contribution for the Friends of the Joiners Arms (FOTJA) to cover the cost of fit out for a meanwhile use space and planning application costs to operate an LGBT+ venue temporarily whilst the permanent venue is being built

Page 171

A meanwhile use in the local area can act as an incubator for FOTJA to develop and test their business model during the development period. This would allow the FOTJA to be better positioned to demonstrate their capacity to take on the tenancy of a permanent space when the re-provision of the former Joiners Arms venue comes forward.

Without the provision of this meanwhile use, there is a risk that this unique opportunity for an innovative multi-group partnership and this chance to incubate a new model for a community-led LGBT+ venue in Tower Hamlets may otherwise fall away. A further delay in provision might threaten the retention of the FOTJA group in the borough, despite the local need for the programming and activity they are well positioned to offer.

These measurements would enable the LBGT+ community to continue to operate whilst the application site is coming forward and also re-open on site without imposing an undue financial burden upon an operator serving the LGBT+ community in the locality.

The proposal would secure a legal guarantee for an LGBT+ operator to run the Public House that does not exist in relation to the existing vacant Joiners Arms. It would also secure a high spec LGBT+ venue that would otherwise be at risk of structural damage to the existing A4 unit from water egress, etc as drawn from the survey done to the adjacent properties.



Additionally, the high acoustic specs for the A4 unit secured through planning conditions, would limit future noise breakout from the operation of the Public House, protecting its long-term operation, in line with the agent of change principle. Also, new A4 unit would be secured step free that conforms with the current inclusive design accessibility standards, in contrast to the former Joiners Arms.

For these reasons, it is considered that the proposal will reduce social inequalities and ensure a stronger community cohesion. It would also strengthen community leadership within the LGBT+ community through securing a long term presence and social interaction in the locality.

In considering potential action points to mitigate impacts of the development upon protected groups and impacts from the closure of Joiners Arms, the Council acting as the local planning authority needs to act within the constraints imposed by planning legislation including considerations given to the National Planning Policy Framework in respect of what is deemed reasonable, proportionate and enforceable planning conditions and s106 planning obligations.

The local planning authority needs to have due regard to the Equalities Act in reaching conclusions on this planning application; equally, the Council needs to make decision in accord with the development plan, including safeguarding the amenity of the neighbouring properties, particularly in respect of noise.

## **Section 5 – Impact Analysis and Action Plan**

<b>Recommendation</b>	<b>Key activity</b>	<b>Progress milestones including target dates for either completion or progress</b>	<b>Officer responsible</b>	<b>Progress</b>
Subject to planning consent be granted for the scheme secure the Section 106 legal agreement First Refusal Option for an LGBT+ Operator on the Public House	As per Recommendation field	Before Decision Notice issued on planning application determined at Development Committee	Daria Halip, case officer, in co-operation with LBTH Planning Legal Team	As per progress milestone

## **Section 6 – Monitoring**

Have monitoring processes been put in place to check the delivery of the above action plan and impact on equality groups?

Yes?

☒

No?

☐

Describe how this will be undertaken:



The Head of Terms, within the Section 106 Agreement in relation to right of first refusal (ROFR) for an LGBT+ operator to take up the lease of the Public House (for each time the lease comes available in the first 25 years of the development completion) shall include a monitoring process involving the Borough and Greater London Authority. Specifically the GLA would be involved in the process to select a suitable LGBT+ operator (should there be more than one prospective LGBT+ operator seeking the lease) and the GLA involved in establishing the appropriate selection criteria for choosing between prospective LGBT+ operators for the Public House lease. Any LGBT+ operator to the Public House would also be bound by a legal covenant in respect of upholding the intentions of this Head of Term and addressing the needs of the target groups.


This approach is policy compliant in terms of equality. This EqIA had been refined when compared with the one attached to the extant planning permission, in that the s106 legal agreement in respect of ROFR sets out the selection criteria for the LGBT+ operator. The selection process will be undertaken in collaboration with the Greater London Authority Culture at Risk Unit.

This Equality Assessment would accompany any Development Committee Report and be a material planning consideration in determination of the planning application.

## **Appendix A**

### **Equality Impact Assessment Decision Rating**

<b>Decision</b>	<b>Action</b>	<b>Risk</b>
As a result of performing the EIA, it is evident that a disproportionately negative impact (direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a Protected Characteristic under the Equality Act. It is recommended that this proposal be suspended until further work is undertaken.	<b>Suspend – Further Work Required</b>	Red 
As a result of performing the EIA, it is evident that there is a risk that a disproportionately negative impact	<b>Further (specialist) advice should</b>	Red Amber 

(direct, indirect, unintentional or otherwise) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, there is a genuine determining reason that could legitimise or justify the use of this policy.	<b>be taken</b>	
As a result of performing the EIA, it is evident that there is a risk that a disproportionately negatively impact (as described above) exists to one or more of the nine groups of people who share a protected characteristic under the Equality Act 2010. However, this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.	<b>Proceed pending agreement of mitigating action</b>	<b>Amber</b> 
As a result of performing the EIA, the proposal does not appear to have any disproportionate impact on people who share a protected characteristic and no further actions are recommended at this stage.	<b>Proceed with implementation</b>	<b>Green:</b> 