

# Development Committee



## Agenda

**Thursday, 11 March 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, 9 March 2021**

The deadline for submitting information for the update report is Noon  
**Wednesday, 10 March 2021**

**Contact for further enquiries:**

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



## Meeting Webcast

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<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)

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## Development Committee

Thursday, 11 March 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 - 18)**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 11<sup>th</sup> February 2021

#### 3. **RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 19 - 22)**

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.

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>4. DEFERRED ITEMS</b>		
There are none.		
<b>5. PLANNING APPLICATIONS FOR DECISION</b>	<b>23 - 28</b>	
<b>5 .1 Bow House and Theatre Building, 1 Paton Close, London, E3 2QE (PA/20/02101 and PA/20/02102)</b>	<b>29 - 56</b>	<b>Bow East</b>
Proposal:		
PA/20/02101: Development to provide a two-storey roof extension to the existing Theatre Building, 1 Paton Close, comprising nine dwellings (2x one-bedroom, 4x two-bedroom and 3x three-bedroom), associated cycle parking, access, refuse and recycling storage, amenity space, landscaping, and restoration works to the existing facade of the existing Theatre Building and adjoining Bow House.		
PA/20/02102: Works to the Listed Building		
Recommendation:		
Grant planning permission and Listed Building Consent with conditions and subject to s106 Agreement		
<b>6. OTHER PLANNING MATTERS</b>	<b>57 - 58</b>	
<b>6 .1 Pre- Application presentation: Exmouth Estate, London, E1 (PF/20/00126)</b>	<b>59 - 76</b>	<b>Stepney Green</b>
Proposal:		
The demolition of Brayford Square (13 homes, and associated retail and community uses) and existing basketball court, with the erection of four new blocks comprising of residential units, community and commercial floorspace, together with associated landscaping, MUGA facilities, basement car parking spaces and associated ancillary works.		
Recommendation:		
The Committee notes the contents of the report and pre-application presentation.		
The Committee is invited to comment on the issues identified and to raise any other planning and design issues or material considerations that the developer should take into account at the pre-application stage, prior to submitting a planning application.		

**Next Meeting of the Development Committee**  
Thursday, 8 April 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 6.00 P.M. ON THURSDAY, 11 FEBRUARY 2021**

**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)  
(4.1)  
Councillor Sufia Alam (4.1)  
Councillor Kahar Chowdhury  
Councillor Leema Qureshi  
Councillor Kevin Brady (4.2)

**Other Councillors Present:**

None

**Officers Present:**

Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Katie Cooke	– (Planning Officer, Place)
Gareth Gwynne	– (Area Planning Manager (West), Planning Services, Place)
Daria Halip	– (Planning Officer, Place)
Siddhartha Jha	– (Principal Planning Lawyer, Governance, Legal Services)
Diane Phillips	– (Lawyer, Legal Services)
Zoe Folley	– (Democratic Services Officer, Committees, Governance)

**Apologies:**

Councillor Dipa Das

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

Councillors Sufia Alam, Kahar Chowdhury, Abdul Mukit and John Pierce declared an interest in agenda item 4.1. Armoury House, 7 Gunmakers Lane, London, E3 (PA/20/01914). This was on the basis that they had received a written representation from a colleague on the application. They indicated that they could consider the application with an open mind

Councillor John Pierce declared an interest in agenda item 4.2, 114 – 150 Hackney Road, London, E2 7QL (PA/20/00034). This was on the basis that the Councillor had:

- helped establish the Friends of the Joiners Arms and was involved in the Asset of Community Value.
- Councillor Pierce had also spoke publicly at the meeting about this issue.

Councillor Pierce stated that he would leave the meeting for this item. Councillor Kevin Brady deputised for Councillor Pierce for this application.

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

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 14<sup>th</sup> January 2021 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**

### **4.1 Armoury House, 7 Gunmakers Lane, London, E3 PA/20/01914**

Gareth Gwynne introduced the application for a two storey extension above the existing building with three self-contained flats and associated works.

Katie Cooke presented the report. This application for planning permission was considered by the Development Planning Committee on 14<sup>th</sup> January 2021.

The application was deferred by Members to request the following:

- Justification of why a contribution for affordable housing has not been sought;
- Details in terms of potential noise impacts from the proposed fifth floor roof terrace; and
- A site visit.

The Committee were reminded of the key features of the application, including:

- Details of the site location and the character of the area, including a mix of converted industrial and new buildings, the Albany Works complex and Gun Wharf.
- The site lay in the Victoria Park Conservation Area and is close to Victoria Park. Whilst not listed itself, there were a number of listed buildings nearby. Officers remained of the view that the scheme would have minimal impacts in regards to the setting of the area.
- Access arrangements would remain as existing with a new bin storage area and new cycle spaces. Details of this were noted.
- All of the units would be in accordance with policy standards in terms of internal standards and private amenity space.
- That the scheme had been designed to minimise the impacts, through for example, setting back the development.
- The submitted daylight and sunlight assessment had been reviewed by officers and showed full compliance with the exception of a minor failing.
- Details of the results of the consultation (involving two rounds of consultation) and a summary of the responses received. 67 representations were received.

In terms of the reasons for deferral, the following issues were noted:

The lack of affordable housing contribution given the approach to 114-150 Hackney Road Development. (Item 4.2).

It was confirmed that, as with all small developments, Officers did not consider it appropriate to apply the draft SPD to this scheme, since the Planning Obligations SPD and associated calculator have yet to be adopted. The Hackney Road Scheme (for which a contribution could be sought), is an unusual scheme. It differed from this development in a number of ways given: its classification as a major scheme, the application of a public benefits test, and the issues around the timing of the decision notice, following the adoption of the SPD. This is not the case for this scheme.

Lack of noise assessment in relation to the impacts on residents below the development.

- It was noted that the Council's Noise Officer has been consulted on the scheme and were of the view that the impact would be in keeping with that from the surrounding residential properties. They had no record of any complaints from similar extensions and felt that any noise impacts could be managed.

- Overall, Officers were of the view that the proposal would raise no undue impacts in this regard. Therefore, it was considered that no noise report was necessary.

#### Issues with the plans

It was noted that new drawings have been submitted as set out in the report.

#### Lack of Consultation

Since the last Committee meeting, the applicant had arranged a virtual meeting with residents of Armoury House. The main issues discussed related to the construction impacts and structural issues. In response, the applicant had provided reassurances about this, and their plans to engage with residents. A Construction Environmental Management Plan would also be attached controlling construction impacts.

Overall, Officers remained of the view that the proposal was acceptable and the impacts would be minimal. Officers considered that the benefits including the provision of a family sized dwelling, would outweigh the any negligible harm.

The Committee asked a number of questions about the following issues:

- The status of the locally listed building. It was noted that the Council's Conservation Officer had undertaken to review the issues highlighted in paragraphs, 7.32 to 7.34 of the 14<sup>th</sup> January Committee report, regarding the status of Gate House. It was however confirmed that Gate House had been rebuilt, therefore, as it stood, it is not a listed building.
- Noise impacts from the use of the development generally and during the construction phase. Further reassurances were provided about the conditions to manage any noise impacts on residential properties including: the requirement to submit a Construction Environmental Management Plan and a noise and sound installation plan. Overall, it was emphasised that the noise impacts should be similar to any similar roof top extension in the area, which were not out of the ordinary. The impacts would be limited given that the application involved a modest extension to a residential development in a residential area.
- The height of the development and the appropriateness of this in the Conservation Area. It was noted that the development should be assessed against the Conservation Area Appraisal and its scale and bulk, (in the absence of any limitations in policy on the building heights). As detailed in the report, Officers had fully assessed the impacts of the development and had found it to be acceptable. It was noted that the height of the scheme would be broadly in keeping with the surrounding building heights that were of a similar height.
- The Committee also discussed the need to seek contributions for affordable housing. Support was expressed for seeking this. In light of this, Councillor John Pierce proposed and Councillor Sufia Alam seconded a proposal requesting that an additional condition should be

added to the s106 agreement requiring a small site contribution for affordable housing. On a vote of 3 in favour and 2 abstentions this condition was **agreed**.

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

1. That, subject to any direction by the Mayor of London, planning permission is **GRANTED** at Armoury House, 7 Gunmakers Lane, London, E3 for the following development:
  - 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. (PA/20/01914)
2. Subject to the prior completion of a legal agreement to secure the planning obligations set out in the Committee report dated 14<sup>th</sup> January 2021 and the additional condition agreed by Committee at the meeting to secure a small site contribution for affordable housing.
3. Subject to the conditions set out in the Committee report dated 14<sup>th</sup> January 2021.

#### **4.2 114 - 150 Hackney Road, London, E2 7QL PA/20/00034**

Update report was tabled.

Gareth Gwynne introduced the report for the mixed use redevelopment of the site to provide a maximum 9 residential units, hotel floor space, commercial space, the provision of Public House along with associated works. He advised of the issues raised in the update report, containing additional representations.

Daria Halip (Planning Services) presented the application, providing a brief overview of the scheme and the surrounding area.

This application for planning permission was considered by the Development Committee on 14<sup>th</sup> January 2021. The application was deferred by Members for a committee site visit. The committee also sought information on the following items:

- a. The condition limiting the late night opening hours of the Public House to 12 months
- b. The rent levels for the Public House with a view to providing longer term affordable rents
- c. Review the radius for the provision of the meanwhile off site temporary venue for the Public House
- d. Daylight/ Sunlight Impacts on Vaughan Estate, particularly with regard to the existing architectural constraints
- e. Conditions regarding the use of the roof top area

- f. Management of the footfall from the scheme including details of the joint management for the operation of A4 and the hotel bar

The report and presentation addressed each of these issues as set out below:

#### Consultation

The Committee were reminded of the details of the statutory consultation carried out by the Council and the applicant's which was set out in the report.

It was confirmed that the Council's consultation went above and beyond requirements involving engagement with George Loveless House. 109 letters were sent to all registered properties in this development.

In addition, the Applicant had carried out non statutory consultation including a public exhibition and had offered to meet with the Columbia Tenants and Residents Association. The applicant had also engaged with the Friends of Joiners Arms.

Therefore, it was considered that adequate consultation had been carried out.

#### Daylight/ sunlight impacts, Vaughan Estate

The Committee were reminded of the outcome of the assessment as detailed in the report, particularly the issues around:

- The existing site constraints that acted as a barrier to sunlight and daylight exposure.
- Details of the gains and losses in daylight/ sunlight, compared to the extant scheme.

Overall, it was considered that the proposed development would have a minor adverse impact onto the daylight/ sunlight conditions to these properties.

Furthermore, when taking the extant consent as material planning consideration and the significant public benefits secured with the current scheme, the impact is considered to be on balance acceptable.

#### Management of the Hotel Bar and the Public House

The Committee noted details of the separate conditions regulating the above. This included the requirement to submit an Operation Management plan and to establish a Community Liaison group to deal with any issues. The wording of the condition for the hotel was detailed in the updated Committee.

#### Use of rooftop area

The Committee were reminded of the restrictions on the use of the rooftop area. A compliance condition will be added to further state that access to the roof top use is for maintenance purposes only.

#### Issues relating to the Public House

- Opening Hours

It was confirmed that a condition would be added restricting the opening hours of the A4 unit during the first 12 months of opening, with an opportunity to extent this. The Council noted the representations from the FOTJA requesting that this be removed. However, they were also mindful of the need to protect residential amenity. Therefore, they remained of the view that this condition, applied to the extant permission should remain in place.

- Rent levels

It was noted that representations had been received requesting reduced rent levels and the provision of an affordable rent clause in the Section 106. The Council's Viability Team had reviewed the market rent adopted for the viability assessment and had accepted this as reasonable. In addition, Officers were unable to find a policy justification to support this request.

The applicant had however agreed to extend the initial rent free period and the standard rent review period as detailed in the report.

- Meanwhile use temporary venue radius and other changes to draft s106

Amendments to the wording of s106 had been made to remove:

- the stipulation that the meanwhile use must be located within 1km of the application sites.
- The reference to peppercorn rent.
- The restrictions on the use of the financial contribution.

Officers were therefore recommending that the application is granted permission.

#### Committee's questions:

The Committee asked a number of questions of Officers around the following issues as summarised below:

- Management of the noise impacts from the A4 public house and the hotel bar.
- It was confirmed that there would be a range of bespoke conditions and mitigation measures, (for both the hotel and the public house) to minimise the impacts and ensure ongoing engagement with local residents, as set out in the report and the presentation. Details of these measures were noted including: the requirement to submit a Hotel Management Plan with controls to prevent customers congregating outside the venues.
- Other measures included a requirement to carry out post completion noise assessments to ensure the impacts within homes met standards.

- It was also noted that specialist noise consultants had been appointed in respect of the public house. They had reviewed the assessment in relation to the extant scheme and were satisfied with the proposed measures. The new A4 Public House would also be purpose built, with measures to minimise noise impacts. Contributions have also been secured towards the fit out costs to facilitate this and ensure noise break out was contained.
- The Committee also discussed the merits of removing the 12 month limitation on the opening hours for the A4 public house. It was questioned whether this should be removed, to facilitate its continued operation as a late night venue taking into account the representations about this and the business case.
- In response, Officers stressed the need to balance the business needs of the Joiners Arms in terms of serving as a late night public house and those of residential amenity. Given the residential nature of the area, Officers remained of the view that the reasons for applying this condition to the extant scheme still existed and therefore should still be applied to this application. It was also noted that the Licensing regime may impose its own conditions on the licensing hours. It was also confirmed that the hotel use would have its own separate permanent opening hours as set out in the conditions.
- The Committee also sought clarity regarding the impact on the pedestrian flow and transport matters, (impact from parking, the servicing and refuse arrangements). Officers provided assurances about these matters highlighting the plans to provide an improved pedestrian area.
- The Committee also noted the provision of measures to prevent overlooking.

Councillor Kevin Brady proposed and Councillor Kahar Chowdhury seconded a proposal to remove the 12 month restriction on the opening hours of the A4 public house. On a vote of 2 in favour and 2 against with the Chair using a casting vote against, this proposal was not accepted.

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

1. That subject to any direction by the Mayor of London, planning permission is **GRANTED** at 114 - 150 Hackney Road, London, E2 7QL for the following development:
  - 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. (PA/20/00034)



2. Subject to the prior completion of a legal agreement to secure the planning obligations set out in the Committee report dated 14<sup>th</sup> January 2021.
  3. That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
  4. That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the matters set out in the Committee report dated 14<sup>th</sup> January 2021 and the additional conditions set out in the Committee reported dated 11<sup>th</sup> February 2021.
- [1] Prior to occupation of the hotel and the bar as identified on Drawing 1129\_PL-GA-100 Rev E hereby approved, a Hotel Operation Management Plan (HBOMP) shall be submitted to and approved by the Local Planning Authority. The HBOMP shall include as a minimum, written details of the following information:
- i. Statement of Intent;
  - ii. Hours of operation and licensable activities permitted;
  - iii. Organisational responsibility for the hotel (including its bar) and the management team structure;
  - iv. Typical staffing rota and staff qualifications;
  - v. Details of the 24/7 front of house staffing level arrangement including details of door staff arrangements
  - vi. Security strategy (e.g. entry policy, drugs and intoxication policy);
  - vii. Physical and managerial noise controls processes and procedures to deal with customer dispersal strategy, customer queue management controls and management of smoking area;
  - viii. In collaboration with the Class A4 unit operator, details of a community liaison group including terms of reference which, for the avoidance of doubt, will include representation from the Columbia Tenants and Residents Association;
  - ix. Details of a complaints and investigation log including who takes ownership of serving as lead point of contact for dealing and responding to any complaints;
  - x. General emergency evacuation policy.

Reason: to protect the amenity of the neighbours, in line with policy D.DH8 in the Local Plan 2031

[2] The rooftop area shown on the drawings hereby approved ref 1129\_PL-GA-105 rev B, 1129\_PL-GA-106 rev C, 1129\_PL-GA-107 rev B and 1129\_PL-GA-108 rev C shall be used for maintenance only and shall be kept as such in perpetuity.

Reason: to protect the amenity of the neighbours, in line with policy D.DH8 in the Local Plan 2031.

**5. PLANNING APPLICATIONS FOR DECISION**

There were none

**6. OTHER PLANNING MATTERS**

There were none

The meeting ended at 8.00 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Microsoft Teams:

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

## Procedure at the Committee meeting.

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

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

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

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

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

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



## DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

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Advice on Planning Applications for Decision

### 1. INTRODUCTION

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

### 2. FURTHER INFORMATION

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

### 2.3 ADVICE OF CORPORATE DIRECTOR, GOVERNANCE

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

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

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

### The Local Development Plan and Other Material Considerations

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

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

- 3.4 The Planning Officer's report for each application directs Members to those parts of the Development Plan which are material to each planning application, and to other material considerations. National Policy as set out in the National Planning Policy Framework 2019 (NPPF) and the Government's online Planning Practice Guidance (PPG) are both material considerations.
- 3.5 One such consideration is emerging planning policy such as the Council's Local Plan<sup>1</sup> and the Mayor of London's New London Plan<sup>2</sup>. The degree of weight which may be attached to emerging policies (unless material considerations indicate otherwise) depends on the stage of preparation of the emerging Development Plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the framework. As emerging planning policy progresses through formal stages prior to adoption, it accrues weight for the purposes of determining planning applications (NPPF, paragraph 48).
- 3.6 Having reached an advanced stage in the preparation process, the Local Plan now carries more weight as a material consideration in the determination of planning applications. However, the policies will not carry full weight until the Local Plan has been formally adopted. The New London Plan is at a less advanced stage of the adoption process.
- 3.7 The purpose of a Planning Officer's report is not to decide the issue for the Committee, but to inform Members of the considerations relevant to their decision making and to give advice on and recommend what decision Members may wish to take. Part of a Planning Officer's expert function in reporting to the Committee is to make an assessment of how much information to include in the report. Applicants and objectors may also want to direct Members to other provisions of the Development Plan (or other material considerations) which they believe to be material to the application.
- 3.8 The purpose of Planning Officer's report is to summarise and analyse those representations, to report them fairly and accurately and to advise Members what weight (in their professional opinion) to give those representations.
- 3.9 Ultimately it is for Members to decide whether the application is in accordance with the Development Plan and if there are any other material considerations which need to be considered.

### **Local Finance Considerations**

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

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

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



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

### **Listed Buildings and Conservation Areas**

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

### **Trees and Natural Environment**

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

### **Crime and Disorder**

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

### **Transport Strategy**

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

## **Equalities and Human Rights**

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

## **Environmental Impact Assessment**

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

## **Third Party Representations**

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

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

### **Daylight, Sunlight and Overshadowing**

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

### **General comments**

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

## **4. PUBLIC SPEAKING**

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

**5. RECOMMENDATION**

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



## DEVELOPMENT COMMITTEE

11<sup>th</sup> March 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/20/02101 and PA/20/02102
<b>Site</b>	Bow House and Theatre Building, 1 Paton Close, London, E3 2QE
<b>Ward</b>	Bow East
<b>Proposal</b>	<p>PA/20/02101: Development to provide a two-storey roof extension to the existing Theatre Building, 1 Paton Close, comprising nine dwellings (2x one-bedroom, 4x two-bedroom and 3x three-bedroom), associated cycle parking, access, refuse and recycling storage, amenity space, landscaping, and restoration works to the existing facade of the existing Theatre Building and adjoining Bow House.</p> <p>PA/20/02102: Works to the Listed Building for restoration works to the existing facade of the existing Bow House building.</p>
<b>Summary Recommendation</b>	Grant planning permission and Listed Building Consent with conditions and subject to s106 Agreement
<b>Applicant</b>	W & R Buxton Holdings Limited
<b>Architect/agent</b>	Mr Connor Hall
<b>Case Officer</b>	Antonia McClean
<b>Key dates</b>	<ul style="list-style-type: none"><li>- Application registered as valid on 07/10/2020</li><li>- Amendments received 26/02/2020</li><li>- Public consultation finished on 6/11/2020</li></ul>

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### EXECUTIVE SUMMARY

The proposal is for a two storey roof top extension comprising of nine dwellings (2x one-bedroom, 4x two-bedroom and 3x three bedroom) with associated cycle parking, access, refuse and recycling storage, roof-top amenity space, landscaping, together with façade improvements to the Bow House and Bow Theatre buildings.

A separate listed building consent is also sought for restoration works to the existing facade of the existing Bow House building.

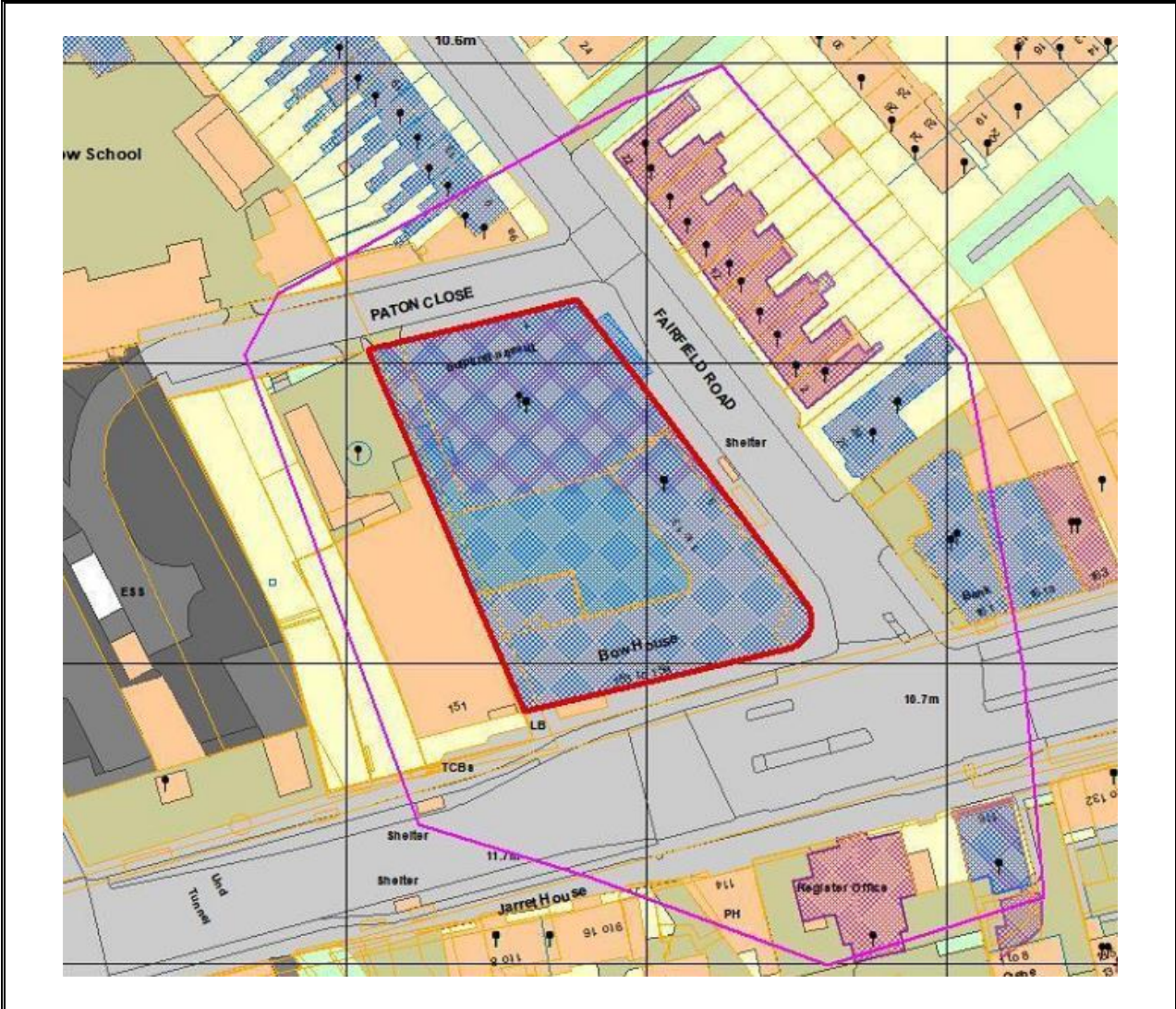
Officers have considered the particular circumstances of this application against the provisions of the Development Plan and other material considerations as set out in this report and recommend approval of planning permission and Listed Building Consent.

The proposal would optimise the development potential of the site to provide additional units in a sustainable location. The proposal would be acceptable in terms of height, scale, design, appearance, with minimal impact to listed buildings within the area.

The scheme would not result in any undue impacts on the residential amenities of the neighbouring occupiers and the quality of accommodation provided, along with the provision of external amenity space, would create a good standard of accommodation for the future occupiers of the site. The proposal includes additional cycle parking, waste storage, biodiverse roofs and a roof-top outdoor space. The proposal will improve the quality of amenities for existing residents. The proposal would be liable for small sites financial contribution towards affordable housing.

The proposal would enhance the appearance of the existing building and the Grade II Listed building by making improvements to the current degraded façades and would result in less than substantial harm to the heritage assets.

**SITE PLAN**



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

**Planning Applications Site Map**  
**PA/20/02101**

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process



**London Borough  
of Tower  
Hamlets**

Scale : 50m grid squares

Date: 02 March 2021

## 1. SITE AND SURROUNDINGS

- 1.1 The site, known as 'Bow House and Theatre Building, 1 Paton Close, Bow'. Bow House is a seven storey building which is a statutory listed located on the corner of Bow Road and Fairfield Road, and Bow Theatre Building is a six (6) storey building, adjoining Bow House Building containing fifty seven (57) flats and located at the junction of Fairfield Road and Paton Close. The existing vehicle access to the basement is provided via a gated ramp from Paton Close and the existing pedestrian access is provided from the corner of Paton Close and Fairfield Road.
- 1.2 Bow School is located across Paton Close to the north west of the subject site.
- 1.3 The site is located within the Fairfield Road Conservation Area. The Bow House Building (Former Poplar Town Hall) is Grade II listed building; Historic England reference number: 1393151. The opposite terraces (no's 9-19) along Fairfield Road are also Grade II listed. Bow House occupies a prominent corner location opposite the Bow Church DLR station. A car hire facility is located further to the west of the subject site.
- 1.4 The English Heritage listing states that the Poplar Town Hall is designated for the following principal reasons:
- *special architectural interest as the first town hall built on pure modern lines, designed by the noted architects Culpin & Son, with continuous bands of glazing and a curved bow front;*
  - *good quality materials including brick, terrazzo, green Swedish marble and stone with bronze doors, fixed lettering, and windows;*
  - *significant artworks that testify to the aspirations of the Borough of Poplar in the interwar years including a remarkable set of bas-relief panels of workers involved in the construction of the Town Hall by David Evans;*
  - *special historic interest for the connection with the interwar Poplar Borough Council, one of the most famous in the history of C20 British politics and local government, and the trailblazers of some aspects of post-war welfare reform.*
- 1.5 Apart from the heritage assets, under the Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits (Local Plan policy Framework) there are other no designations identified. The site is located in the vicinity of the Bow Church DLR station (approximately a three-minute walk) and the Tower Hamlets Registry Office. The Bow Garage Bus Depot lies approximately 107m north-east from the site along Fairfield Road .Given the distance towards the DLR and major bus routes the site has a PTAL score of 6a.
- 1.6 The site location is not identified as vulnerable to flooding.
- 1.7 A pre-application meeting was held at Council Offices on 07/01/2020 with follow up design assessment/advice and plans provided in April 2020. Advice focused on minimising any harm from the proposed bulk and scale on the existing building, adjacent listed building and surrounding conservation area. Thus, this resulted in the current proposal with 9 units.

## 2. PROPOSAL

- 2.1 The applicant seeks full planning permission (FPP) for alterations and additions to the Theatre Building and a Listed Building Consent (LBC) for alterations and external upgrades to the Grade II listed Bow House Building (Former Poplar Town Hall).



- 2.2 The proposed two storey extension to the Theatre Building will provide for nine new dwellings. The nine proposed dwellings will have following details:
- Unit 1: 2 bed 4 person 70sqm, 7sqm private amenity space,
  - Unit 2: 1 bed 2 person 50sqm, 5sqm private amenity space,
  - Unit 3: 2 bed 3 person 61sqm, 7sqm private amenity space,
  - Unit 4: 2 bed 3 person 62sqm, 6sqm private amenity space,
  - Unit 5: 1 bed 2 person 50sqm, 8sqm private amenity space,
  - Unit 6: 3 bed 5 person 99sqm, 8sqm private amenity space,
  - Unit 7: 3 bed 5 person 101sqm, 8sqm private amenity space,
  - Unit 8: 3 bed 5 person 99sqm, 8sqm private amenity space,
  - Unit 9: 2 bed 3 person 61sqm, 5sqm private amenity space.
- 2.3 The proposal also includes a 60sqm rooftop amenity space for all residents to access with a 1400mm secure glass balustrade setback from the roof edge.
- 2.4 The proposed new roof top extension will be constructed with flatlock zinc cladding. The new sixth floor will be setback 1.1m from the existing roof edge and the new seventh floor will be setback a minimum of 7m from the roof edge.
- 2.5 Façade improvements to the Theatre Building will be provided. The existing render is to be removed and replaced with a non-combustible Class A2-s1 d0 or better, high performance thermal insulation system; the existing air bricks are to be replaced.
- 2.6 The building currently has 10 cycle parking spaces (Sheffield type). 8 additional secure cycle parks (standing type) will be provided for residents. No loss of existing carparking spaces are proposed. 4 cycle parking spaces will be provided within the public realm in front of the existing building for visitors. The new standing cycle spaces will be accessed from street level via the existing access to the car park via a ramp down to the lower ground floor level.
- 2.7 The proposal will be car free and future residents will not qualify for any parking permits. This will be secured through s.106 agreement. A draft car parking management plan has also been supplied to manage the existing carparking.
- 2.8 The existing ground floor bin store will be enlarged to accommodate an additional 1280L Eurobin for refuse and another 1280L Eurobin bin for recycling waste. The scheme will also make provision for an additional 240L wheeled food waste bin.
- 2.9 The proposal will have an M-Tray Sedum Green Roof of levels 6 and 7 with a native wildflower mix.
- 2.10 Windows are proposed to Velfac energy triple glazed timber/aluminium composite windows.
- 2.11 No affordable housing on site is proposed or required; however, a section 106 planning obligations for small sites contribution will be sought. Using the current version of the small site's calculator (*Affordable Housing Commuted Sum Calculator for 10 Units or Less*), the total sum of the contribution required is £620,683.59.
- 2.12 Upgrades to the existing Bow Theatre Building and the listed Bow House Building (Former Poplar Town Hall) include the following:
- New zinc cladding on the top floors,
  - Existing window frames will be repainted; the design will introduce vertical elements between each fenestration bay,
  - Repointing and cleaning the brickwork and stonework,
  - Restoring the sculptures,
  - Replacing signage,

- Resealing windows.

### 3. RELEVANT PLANNING HISTORY

Bow Theatre Building

- 3.1 BW/95/00084 – Erection of a six-storey residential building comprising 57 flats with car parking and communal garden. Permitted: 03/05/1996.

Bow House Building

- 3.2 PA/00/00995 – Double height roof extension to the Bow Business Centre for 13 flats. Permitted: 23/05/2002
- 3.3 Various telecommunication applications and Listed building consent from 2011 to 2020.

### 4. PUBLICITY AND ENGAGEMENT

- 4.1 Upon validation of the application the surrounding sites were notified of the application. A press notice was issued on 18/06/2020. A site notice was put up on 16/10/2020.
- 4.2 33 Submissions were received in objection to the proposal with one neutral and one additional objection from a Councillor. The objections are predominantly are from leaseholders and residents of the Theatre Building.
- 4.3 The neutral submission stated: *The application states the number of parking spaces stays the same but from diagrams I see parking spaces removed for a new bicycle store. Is the application correct? If so where are the extra parking spaces being added to offset the ones being removed.*

*Also see additional bin storage on the lower ground floor. How are these emptied given the lower ground floor is gated?*

*Theatre Building currently has a large problem with insufficient recycling bin capacity. This would be a good opportunity to rectify this. The additional recycling capacity in this application would support the existing building but is insufficient to support the building and the nine new proposed dwellings. Planners response: No car park spaces are to be removed, additional standing cycle parking will be provided in addition to current cycle parking, additional waste storage will be provided in addition to the existing waste storage area, this existing area will be utilised for the additional waste space referred to within the proposal section of this report.*

The objection from a Councillor is as follows:

*The proposals do not meet Policy D.H3 Housing standards and quality due to the failure to provide reasonable outside space or contribute to communal outside space; address an underlying lack of lift provision in the block; address underlying lack of cycle storage space in the block.*

*The proposals do not sufficiently describe how they comply with or address D.DH8 – Amenity.*

Planners response: A new 60sqm rooftop amenity space will be provided. The applicant did not propose any further lift upgrades. Additional cycle storage space will be provided within the basement. Please see the amenity section below for assessment against policy D.DH8.

- 4.4 The 33 objections are summarised as following:

Other- general

- No affordable housing provided,
- Impact on existing lifts,

- Impacts on water and wastewater services,
- The Theatre Building itself is already a crowded site hence the additional properties will only put further pressure to the surrounding area,
- Cost of the project will fall on leaseholders, this should be sorted out before the works are undertaken,
- Impacts on the neighbouring school from increased traffic and overlooking also blocking access for school buses/transport.
- The extension on top of Bow House has had a negative impact on traffic and the listed building.

*Officer's response: For proposals with 10 or less units, there is policy obligation to provide affordable housing within the proposal. Part 2(ii) of policy S.H1 of the Local Plan require new development with 2-9 new units to help address the affordable housing need through a financial contribution, as highlighted above a section 106 contribution will be sought.*

*There will be potential noise impacts on neighbours and surrounding neighbours from construction activities, however, on balance A Construction Management Plan will be conditioned in order to address any potential impacts such as noise and construction traffic on residents and surrounding neighbours including schools.*

*To limit further traffic generation no parking permits will be available for future residents. The proposal will include new cycling facilities which will improve modal choice for residents.*

*Impacts from the new roof top extension on the listed building have been assessed by Council Conservation Design officers and was found to be acceptable.*

*Costs negotiated between leaseholders and the applicant is a private matter and council cannot comment.*

#### Amenity

- The proposals do not meet Policy D.H3 Housing standards and quality due to the failure to provide reasonable outside space or contribute to communal outside space; address an underlying lack of lift provision in the block; address underlying lack of cycle storage space in the block.
- Buxtons says their plan includes landscaping, but this will not benefit the existing flats. Buxtons were the original developer, and their original plan included landscaping, they never put it in, there is just a flat roof overlooking the carpark.

*Officer's comment: A new 60sqm roof top garden for use for all residents, space for waste and new standing cycle parking will be provided. Although, it is acknowledged that the standing cycle parking is not ideal as it is not seen as inclusive to all abilities, it is acknowledged that given the constraints on the site to retrofit the basement without losing carparking spaces, the proposal will be acceptable.*

*New landscaping will be provided on the roof top garden including with pollinator plants. New biodiverse roofs will be provided.*

#### Fire Safety

- Concerns in regard to the safety of the proposed cladding given concerns with the current building.

*Officer's comment: Council's Building Control Department has reviewed the proposed cladding and fire safety documents provided with the application and found no issues to be raised.*

### Design

- Proposal is an over development of the site and would make the building too dense.
- The proposal will put undue stress on the building, it would increase the load by approximately 40% on the existing structure,
- Impact on the Bow Theatre building and Conservation Area,
- Access for disabled persons,
- Loss of light and potential overshadowing,

*Officer's comment: Through discussion with Council design officers, discussion was held to find a balance between the number of units provided and the appropriate bulk and scale of the proposal and any impacts on the Conservation Area. 9 units with a large roof setback of the 7<sup>th</sup> floor would help mitigate any perceived over development on the site.*

*Main Access into the Theatre Building and the lift locations has not changed.*

*The applicant supplied a daylight and sunlight report with the application, this was reviewed by planning officers and no issues on surrounding properties were highlighted.*

### Highway and servicing

- Inadequate space for loading and turning,
- No space for any additional vehicles on site,
- People will use the car parking area illegally,
- Additional vehicles will cause traffic issues on Fairfield Road and contribute to higher levels to pollution and noise, refuse
- Strong concerns with regards to an increase in vehicle traffic and impacts on pedestrian safety.

*Planners response: A Parking Management Plan will be conditioned to ensure that the basement car parking is being managed correctly and to manage any illegal car parking. Access for servicing will utilise the current waste access. As stated above, no future residents will be able to qualify for parking permits for the proposal to limit any further traffic generation.*

### Construction

- Works will be extremely disruptive, odorous, noisy and dusty and adversely impact residents.

*Planners comment: A Construction Management Plan will be conditioned to address impacts from Construction including noise, dust, odour, and vehicle movements.*

4.5 The applicant has provided a response to the objections as following:

- *The height, scale and massing of the proposed extension has been designed in consideration of the surrounding area and to limit any impacts on the surrounding residential units. In addition, an application was approved in May 2002 for an upward extension of the adjacent Bow House, increasing the building height from to 7 storeys. The application looks to raise the building height of the Theatre Building to match Bow House.*
- *The design massing of the proposed roof extension has been developed cognisant of the adjoining Listed Building. The height of the proposed extension is subservient to the listed building and the massing has been set back from the façade to ensure that the listed building retains its prominence in townscape views. A heritage impact assessment and townscape analysis has been undertaken which both consider the relationship of the extension to the Listed Building. The Heritage Impact Assessment concludes that the proposals will have a negligible impact upon the principal views to, and the setting of, Bow House (former Poplar Town Hall) and to most of the surrounding listed buildings. It should be noted that in addition to the proposed extension the applicant proposes to reclad the façade of the theatre building and*

*proposes restoration and remedial works to the facade of Bow House (the Listed Building). This package of works has been proposed with the intent of enhancing the Listed Building*

- *The proposal does not include the provision of any additional parking spaces beyond what is already provided onsite for existing residents. The local area is covered by a CPZ and it is anticipated that as a condition of the permission the new residents will not be able to apply for a parking permit in the local area. As such there is no opportunity for additional traffic resulting from this development. Onsite secure cycle storage will be provided on site in line with London Plan standards to encourage this more sustainable modes of transport.*
- *No requirement for affordable housing for a scheme of 10 units or less.*
- *Will meet waste capacity requirements for 9 extra units, waste capacity will be additional.*
- *Access and scaffolding will be primarily located on the western façade to allow unhindered access for the primary and secondary school.*
- *Fire Review Cladding Report submitted with the planning application it is proposed to remove and replace the EWS with a non-combustible Class A2-s1 d0 or better, high performance thermal insulation system that matches the existing one as closely as possible in finish.*
- *The engineering solution for the building is not a matter considered at planning stage, this notwithstanding, an initial structural assessment anticipates the existing loadings will allow in lightweight construction (Timber Frame), the additional one and two storey structure as proposed. The Basement and Ground Floor structure is made up of reinforced concrete columns and insitu reinforced concrete slab with Piled Foundations. A Steel Structure with precast concrete slabs is form of construction above.*
- *Construction works are not anticipated to start before individuals return to work following COVID-19, however, remedial works to the existing façade are urgent. The design allows for the existing roof to remain in place, maintaining a form of segregation. Cantilevered scaffolding, hard wall barriers, ventilation, site management, safety data, etc., will be implemented in design and considered during construction to minimise pollution and dust. A Construction Management Plan will be put in place which will set out how the construction will take place and the ways it will limit the impact on the existing residents. In addition, there will be a restriction on the working hours to limit the disturbance caused by construction to existing residents.*
- *Start date: TBA – 202, Duration: Roof extension - 1 year, Façade replacement – 6 months*

## **5. CONSULTATION RESPONSES**

### **Internal**

#### Biodiversity

- 5.1 No objections based on revised information provided for the biodiverse roof– Condition recommended for bat and bird boxes.

#### Design and Conservation

*Height, mass and sitting. Details for Bow House renovation.*

- 5.2 No objection based on further information provided. Further information included details for the proposed Bow House renovations included: Assessment of the condition of the sculptural decoration and a method statement with regard to any cleaning or restoration works before

any works takes place; Window details, Brick re-pointing, clarification of window resealing, cleaning of the stonework, door details and upper floor cladding details.

### Highways

- 5.3 Car Parking - *There is no detailed information outlining the existing use of the car park. Who parks there? Are they allocated to any specific resident? Is there a permit scheme? Is there a parking management plan? Are there any access restrictions? How will it be ensured that indiscriminate parking does not happen (hindering access to cycle stores)? How is the car parking enforced? This information is required prior to determination. We would expect the new residential units to be car free – this means that they would not be eligible to purchase any CPZ permits for on street parking but also would not be allowed to apply for permits to park within the development. A full detailed Parking Management Plan would be required as a condition which would form part of any permitted scheme. Officers would expect the parking management plan to clearly identify how parking bays are allocated and how they are accessed and how it will be ensured that parking will not be available to new residents. The number of additional units just falls below the threshold where there is a requirement for associated accessible parking but it would be useful for the applicant to identify where a blue badge holder might park, particularly given that this is an increase in overall units and not a stand alone application. I understand that the car park is an existing situation but detailed information pertaining to the management is required. - A Parking Management Plan Condition will be recommended.*
- 5.4 Cycle Parking - *LBTH T&H require all new residential cycle storage to be convenient, secure, weatherproof and inclusive, with step free access. The LCDS clearly details what is required in terms of accessibility and design standards. As stated in previous comments officers do not support vertical cycle stands for residential development as these are not convenient, secure or inclusive. Whilst it is understood that the applicant is proposing a betterment of the overall existing cycle storage it is not clear that the existing cycle store is what was approved/consented or if a condition was ever discharged. The proposal aims to provide some level of cycle storage facilities for residents of all of the units within the development (not just the proposed new units). However, the proposed cycle store falls short insofar as the standing stands are not accessible.*
- 5.5 Based on the above, all cycle facilities must be designed in line with the London Cycle Design Guide and meet the minimum requirements set out in policy. *Conditions recommended.*

### Waste

- 5.6 Waste store was redesigned and can now accommodate an acceptable level of waste storage. *Can be conditioned.*

### Air Quality/Pollution

- 5.7 There are no anticipated impacts on air quality or pollution, so no adverse comments are available.

### Noise

- 5.8 Further details required with regards to window specs and mechanical ventilation – *a response was provided by the applicant providing the window specs and stating that there will be no mechanical ventilation.*

### Building Control

5.9 Officers have reviewed both fire reports and have no adverse comments to raise from the inspection reports and the proposals to regularise the situation.

#### Crossrail

5.10 Not within the Crossrail designation – no objections raised.

#### Surface Water Runoff

5.11 Objection given no information on surface water drainage was provided, however the following condition was recommended: *A detailed surface water drainage scheme will need to be submitted to LPA prior to works commencing as such please apply the following condition. Prior to the commencement of any superstructure works, a surface water drainage Scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, for the site shall be submitted to and approved by the local Planning Authority The scheme shall also include (but not limited to)*

5.12 The peak discharge rates and together with any associated control structures and their position

5.13 Safe management of critical storm water storage up to the 1:100-year event plus 40% and

5.14 Details of agreed adoption, monitoring and maintenance of the drainage and suds features. The development shall be carried out strictly in accordance with details so approved. This condition will be applied.

### **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 2021 (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 H1 (LP), H2 (LP), D6 (LP), D.DH7, S.H1, D.H1, D.H2, D.H3  
(small sites, affordable housing, unit mix, density, housing needs, housing quality)

Design and Conservation S.DH1, S.DH2, S.G1, D.DH2, S.DH3  
(layout, massing, materials, public realm, impact on conservation area and listed buildings)

Amenity D6 (LP), D.DH8, D.ES9  
(privacy, outlook, daylight and sunlight, construction impacts)

Transport D.MW3, D.TR2, D.TR3, D.TR4, S.TR1  
(sustainable transport, highway safety, car and cycle parking, waste, servicing)

Environment D.ESG4, D.ES3  
(biodiversity, energy efficiency, air quality, contaminated land)

- 6.4 Other policy and guidance documents relevant to the proposal are:
- National Planning Policy Framework (2019)
  - National Planning Practice Guidance (updated 2019)
  - Draft Planning Obligation SPD (2<sup>nd</sup> draft) 2020

## **7. PLANNING ASSESSMENT**

- 7.1 The key issues raised by the proposed development are:
- i. Land Use
  - ii. Housing
  - iii. Design & Heritage
  - iv. Neighbour Amenity
  - v. Transport
  - vi. Environment
  - vii. Human Rights and Equalities

### **Land Use**

#### Additional residential use

- 7.2 London Plan policies seeks to ensure the pressing need for more homes in London is recognised by increasing the supply of housing. Policy H1 seeks to ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups. The development will provide 9 residential units in a sustainable location and designed to provide good mix and quality of residential accommodation.
- 7.3 The proposal would support and contribute to the council's strategic aims in respect of the provision of housing to meet local need. The site is located within a 'low growth area (1001-2000 units)' as identified on Figure 9: *Housing distribution across 24 places* of the Local Plan 2031, helping to meeting the housing target set in the Plan.
- 7.4 Whilst there is no statutory obligation for on-site affordable housing contribution for the proposed scheme the local plan policy S.H1.2.ii require a financial contribution towards affordable housing to be delivered elsewhere in the borough. The financial contribution would be sought through a s.106 Agreement.
- 7.5 In light of this and the above polices which seek to maximise the provision of housing, it is considered that the proposed land use is acceptable.

### **Housing**

#### Mix of unit sizes

- 7.6 Pursuant to Policy H10 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. LBTH Policy D.DH2 seeks to



secure a mixture of small and large housing. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2017).

7.7 The application proposes nine (9) residential units:

- 1 x 2 bedroom 4 person
- 2 x 1 bedroom 2 person
- 3 x 2 bedroom 3 person
- 3 x 3 bedroom 5 person

Given the small size of the scheme and the fact that a mixture of units will be provided, including a family sized dwelling for which there is a clear need, the proposed mix is supported. The range of units will fill a need and provide improved facilities and amenities in accordance with policy S.H1.

#### Quality of Residential Accommodation

7.8 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.

7.9 All proposed dwellings accord with required internal space standards and external amenity space standards. All the units meet the size of the minimum internal space standards required in Table 3.1 of the London Plan (Minimum internal space standards) for bedroom and living rooms. The proposal will generally comply with standards for balconies and private outdoor space under policy D.H3 of the Tower Hamlets Local Plan 2031 and the Technical Housing Standards (March 2015). All double bedrooms will exceed 11.5sqm and all units will have either a single or additional balcony providing 5sqm or above of private outdoor amenity space. Although Unit 9 will have a shortfall in balcony space for 3 persons, additional roof top amenity space is provided and therefore the 5sqm balcony is acceptable.

7.10 All proposed dwellings accord with required internal space standards and external amenity space standards. Units 5 and 9 (south facing) are the only single aspect dwellings, all other units have dual or triple aspect. All units will receive good sunlight and daylight given the number and sizes of the windows provided.

7.11 The proposed roof top amenity space (as shown on figure 3 below) will provide additional 60sqm outdoor space for the enjoyment of all residents (both existing and future) in addition to the private balconies and space currently located on the podium above the basement. The space will include seating, a pergola, pollinator planting and will be setback approximately 7m from Paton Close. On balance, the external and internal amenity for residents will be acceptable.

#### Affordable Housing

7.12 As the scheme would provide nine new homes, in line with the Local Plan there is no policy requirement for the provision of affordable housing on site and as such the proposed dwellings would be market tenure.

- 7.13 Part 2(ii) of policy S.H1 of the Local Plan require new development with 2-9 new units to help address the affordable housing need through a financial contribution. Given the recent publication of a draft consultation version of the Planning Obligation SPD and its associated small site calculator that sits behind this contribution requirements and its scheduled adoption for late March 2021, officers considered that it would be appropriate to secure the contribution for the proposed development in accordance with Policy S.H1.
- 7.14 The proposal would amount to the requirement of £620,683.59 towards affordable housing contribution. This financial obligation would be sought through a s.106 agreement.

### **Design & Heritage**

- 7.15 Development Plan policies requires that schemes are of high-quality design that reflects local context and character and provides attractive, safe and accessible places that safeguard and where possible enhance the setting of heritage assets. Within the context of the Fairfield Road Conservation Area the proposed design, scale, bulk and façade improvements will not detract from the Conservation Area and nearby listed heritage assets. Given the chosen materials and upper level setbacks the proposal will have less than substantial harm and therefore accords with local plan policies S.DH1, S.DH2, S.G1, D.DH2, S.DH3.

#### *Bow House*

- 7.16 When determining listed building consent applications, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest. A similar duty is placed with respect of the appearance and character of Conservation Areas by Section 72 of the abovementioned Act.
- 7.17 The National Planning Policy Framework emphasises the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset requires clear and convincing justification.
- 7.18 Local Plan policy S.DH3 states that proposals to alter a heritage asset will only be permitted where they safeguard the significance of the heritage asset, including its character, fabric and identity. Applications affecting the significance of heritage assets will be required to demonstrate how the proposal would contribute to the assets conservation. Any harm must be justified having regard to the public benefits of the proposal.
- 7.19 The proposal for the improved façade include methods to upgrade the façade (including re-pointing, recladding and cleaning the existing stone work) of Bow House. This has been reviewed and assessed by Conservation Officers and was found to be acceptable. The proposal would not cause harm on listed buildings in accordance with policy S.DH3 and the works would have less than substantial harm to the listed building

#### *Theatre Building*

- 7.20 Local Plan policy D.DH2 states requires development to contribute positively to the public realm and not cause harm on any heritage assets under policy S.DH3 as referenced above. The proposal will not provide any anticipated change from street level. The proposed design alignment and rhythm was amended to match the top strip of windows on the existing Theatre Building. Set back panels will be used to reference the fenestration from the body of the existing building. The proposed design was assessed an accepted by Conservation Officers.

- 7.21 When viewed from the wider environment (see figure 1 below) the top-floor setback and cladding will ensure the extension will not present as overbearing and will fit with the scale and bulk of the existing roof top extension on the Bow Building.
- 7.22 On balance, the proposal would result in planning benefits such as additional housing and improve façade treatments and therefore would outweigh the limited harm to the heritage assets nearby. The proposal accords with relevant design and heritage policies in the Development Plan and NPPF in this respect.



**Figure 1: Proposed view of the Theatre Building from Fairfield Road showing the upper level setbacks.**



**Figure 2: Proposed view of the Theatre Building from the Bow Road/Fairfield Road Junction.**



**Figure 3: Proposed view of the Theatre Building showing new Sedum roof features, roof top amenity space and upper level setbacks.**

### Privacy and Outlook

- 7.23 The rear outdoor amenity spaces will primarily be located inwards to match the existing balcony layouts. There will be some overlooking from top floor units across Fairfield Road towards the Conservation area terraces to the north east, this is mitigated by the placement of the setback balconies away from the edge of the building. The 19m separation distance to the north eastern terraced dwellings will be maintained.
- 7.24 There is existing overlooking from the Theatre Building across Paton Close to the 13m northwest to the dwellings located at 9a Fairfield Road. Given the limited existing separation distance, the new units will be setback from the roof edge. The setback will reduce any harm of increased overlooking. On balance, inward-facing balconies, maintained separation distance and the setback of the upper floors will help reduce any harm from overlooking.

### **Neighbour Amenity**

- 7.25 Development Plan policies seek to protect neighbour amenity, safeguarding privacy and the peaceful enjoyment of ones dwelling and ensuring acceptable daylight and sunlight conditions.
- 7.26 Policies seek to protect neighbouring amenity to safeguard privacy, not creating unacceptable levels of noise and ensure an acceptable level of daylight and sunlight in accordance with policy D.DH8. Policies aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as protect the amenity of the public realm.
- 7.27 New overlooking towards neighbouring properties will be mitigated as main windows to principle living areas will be setback approximately 1m from the edge of the building with a

further minimum 7m setback provided for the 7<sup>th</sup> floor. As such the proposal would not give rise to any unduly detrimental impacts on privacy to neighbours. The proposal is acceptable.

### Sunlight and Daylight

- 7.28 The applicant provided a daylight and sunlight report (*Delver Patman Redler dated September 2020*) carried out using the assessment methodology recommended in the Building Research Establishment (BRE) Report 209, *Site Layout Planning for Daylight and Sunlight: A guide to good practice (second edition, 2011)* (“the BRE guide”) and the Professional Guidance Note, ‘*Daylighting and sunlighting*’ (1st edition, 2012), published by the Royal Institution of Chartered Surveyors to assess any potential impacts on surrounding residential properties. The report found that all 64 (100%) habitable rooms assessed in neighbouring properties will fully satisfy the BRE guidelines in both Vertical Skyline Component and No Skyline terms. The proposed scheme will have negligible effect on neighbouring residential amenity in daylight terms. In terms of sunlight, it was found that all 51 (100%) of the windows assessed in all 17 neighbouring properties would fully satisfy the BRE guidelines for both annual and winter APSH. Overall, therefore the proposed scheme will have negligible effect on neighbouring residential amenity in sunlight terms. Based on this report, any impacts on daylight and sunlight will be acceptable.

### Construction Impacts

- 7.29 Demolition and construction activities are likely to cause some noise and disturbance to nearby residents, including matters of additional traffic generation and dust. In accordance with relevant Development Plan policies and for the peaceful enjoyment of neighbouring dwellings, a number of conditions are recommended to minimise these impacts. These would control working hours and require the approval and implementation of Construction Management Plan.

### **Transport and Highways**

- 7.30 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.
- 7.31 In line with council policy to promote car free developments, the applicant is required to enter into a legal agreement, which would prevent future occupiers of the proposed dwellings from obtaining on-street parking permits in accordance with Policy D.TR3.
- 7.32 A Parking Management Plan based on the draft parking management plan supplied will be secured via condition to ensure that the current basement car parks are being managed in a suitable and secure way to ensure they are catering to resident’s needs.

### *Cycle Parking*

- 7.33 16 new standing cycle parking spaces will be provided within the basement in addition to existing 10 cycle parking spaces (Sheffield stands). Highways officers have highlighted that standing spaces are not preferred as they limit accessibility, given the constraints of the site the location and type of the new spaces will be acceptable. The spaces will be secure given they are located within a secure basement floor. The spaces will also be step-free and access out the building is provided via ramp to Paton Close.
- 7.34 4 short term visitor cycle parking spaces will be located outside the building on the pavement. the location will need to be agreed as part of the with Highway Design & Delivery, but at a cost to the developer, so is subject to a S278 agreement. The 4 short term visitor parking will need to be positioned in a way that they do not obstruct pedestrian flow. S278 agreement will be secure through a planning obligation.

## **Environment**

### Landscaping & Biodiversity

- 7.35 A preliminary bat roost assessment was provided by the applicant (by MKA ecology) carried out on Bow House and the Theatre Building. The assessments showed that both buildings had negligible potential for bat roosts. Biodiversity officer's states that the proposed green roof system is acceptable as a biodiverse roof. Full details of the biodiverse roof and other biodiversity enhancements, such as bird and bat boxes will be secured through a condition containing the following Biodiversity enhancements:
- The biodiverse roof needs to follow the best practice guidance published by Buglife, as indicated on the Roof Plan – details provided should include the total area of biodiverse roofs, substrate depth and type, planting including any vegetated mat or blanket (which should not be more than 30% sedum) and any additional habitats to be provided such as piles of stones or logs;
  - Bat boxes and nest boxes for appropriate bird species, such as swift, house sparrow and black redstart – details should include number, locations and type of boxes. The agreed measures shall be implemented in full prior to the occupation of the development.
- 7.36 The Council's biodiversity officer reviewed the proposal and has noted the proposal is acceptable. The proposed biodiversity features and enhancements would contribute to the Local Biodiversity Action Plan. Further details and information would be requested via a condition.

### Air Quality

- 7.37 The Council's air quality officer confirmed that the proposal would not likely to be an exceedance of relevant National Air Quality Objective levels. As suggested in the air quality assessment and reinforced by the air quality officer, further information on the control of dust and emissions during construction would be provided prior to works taking place.

### Noise

- 7.38 The windows provided will be triple-glazed (Velfac 200) to reduce noise by approximately 33-43dB. Triple glazed windows will provide thicker glass and panes to improve amenity for future residents. Further details of the acoustic testing will be secured by condition.

### Land Contamination

- 7.39 Given that there would not be works below ground for the proposed development, contamination issues are not likely to arise. However, the Environmental Health officers have required for any further details to be submitted in the case of contamination found on site during works. This would be secured via a condition.

### Waste

- 7.40 The applicant waste will be managed through existing curb side collection from existing waste storage area. Additional bins as highlighted above would be provided as part of the proposal. All waste facilities will be stored within 10m of the public highway. This is considered acceptable in principle and retained via condition.

### Human Rights and Equalities

- 7.41 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.
- 7.42 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.
- 7.43 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.
- 7.44 Development will provide nine dwellings on top of an existing residential building and refurbish Category II Bow House.
- 7.45 The proposed development would not result in adverse impacts upon equality or social cohesion.

## **8. RECOMMENDATION**

8.1 That, **conditional Listed Building Consent (PA/20/02102) is GRANTED subject to conditions.**

### 8.2 Listed Building Conditions

- a. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this decision notice.

Reason: To comply with the requirements of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- b. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Schedule to this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

- c. Prior to the commencement of the development, full details including the cleaning of the façade, statues and specifications, materiality and colour of the replacement windows, doors and any other openings shall be submitted to and approved in writing by the local planning authority. The development shall be implemented only in accordance with the details so approved and shall be maintained as such for the lifetime of the development, unless otherwise approved in writing by the local planning authority.

Reason: To protect the setting of the listed building in compliance with policy S.DH3 of the tower hamlets local plan (2020)

8.3 That, **conditional planning permission (PA/20/02101) is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

8.4 Financial obligations:

- a. £620,683.59 towards affordable housing contribution

8.5 Non- Financial Obligations

- a. Car-free (permit free)
- b. Scheme of highway works (s278)

8.6 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.

8.7 That the Corporate Director of Place is delegated the power to impose conditions and informative to address the following matters:

## 8.8 **Planning Conditions**

### Compliance

1. 3 year time-limit for commencement of development.
2. Development in accordance with approved plans.
3. Restrictions on demolition and construction activities:
  - a. All works in accordance with Tower Hamlets Code of Construction Practice;
  - b. Standard hours of construction and demolition;
  - c. Air quality standards for construction machinery;
  - d. Ground-borne vibration limits; and
  - e. Noise pollution limits.
4. Noise insulation standards for new residential units.

### Pre-commencement

5. Construction Environmental Management Plan:
  - 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. Parking of vehicles for site operatives and visitors;
  - g. Location and size of site offices, welfare and toilet facilities;
  - h. Erection and maintenance of security hoardings;
  - i. Measures to ensure that pedestrian and cycle access past the site is safe and not unduly obstructed; and



j. 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

6. Details of external facing materials and architectural detailing.

7. Archaeology Written Scheme of Investigation (in consultation with Historic England).

8. Details of biodiversity enhancements including details of the biodiverse roof.

9. Details of additional cycle parking and retained thereafter

10. details of additional waste storage and provision

#### 8.9 Informatives

1. Permission subject to legal agreement.

2. Development is CIL liable.

## **APPENDIX 1**

### **Drawings**

324\_LP\_1.001 Location Plan A3 1:1250 dated 23092020 glass architects  
324\_EX\_0.01 Existing Lower Ground Floor Plan A3 1:200 dated 11122020 Rev A glass architects  
324\_EX\_0.02 Existing Ground Floor Plan A3 1:200 dated 23092020 glass architects  
324\_EX\_0.03 Existing Fifth Floor Plan A3 1:200 dated 23092020 glass architects  
324\_EX\_2.00 Existing Section A-A A3 1:100 dated 23092020 glass architects  
324\_EX\_3.00 Existing North Elevation A3 1:200 dated 23092020 glass architects  
324\_EX\_3.01 Existing East Elevation A3 1:200 dated 23092020 glass architects  
324\_EX\_3.02 Existing Rear Elevation A3 1:200 dated 23092020 glass architects  
324\_EX\_3.03 Existing South Elevation A3 1:200 dated 23092020 glass architects  
324\_PA\_0.01 Proposed Lower Ground Floor Plan A3 1:200 dated 11122020 Rev B glass architects  
324\_PA\_0.02 Proposed Ground Floor Plan A3 1:200 dated 11122020 Rev B glass architects  
324\_PA\_1.00 Proposed 6th Floor Plan A3 1:200 dated 23092020 Rev B glass architects  
324\_PA\_1.01 Proposed 7th Floor Plan A3 1:200 dated 23092020 Rev B glass architects  
324\_PA\_1.02 Proposed Roof Plan A3 1:200 dated 23092020 Rev B glass architects  
324\_PA\_2.00 Proposed Section A-A A3 1:100 dated 23092020 Rev A glass architects  
324\_PA\_2.01 Proposed Section B-B A3 1:100 dated 23092020 dated A glass architects  
324\_PA\_2.10 Proposed Contextual Section A-A A3 1:200 dated 23092020 glass architects  
324\_PA\_2.11 Proposed Contextual Section B-B A3 1:200 dated 23092020 glass architects  
324\_PA\_3.00 Proposed North Elevation A3 1:100 dated 23092020 Rev C glass architects  
324\_PA\_3.01 Proposed East Elevation A3 1:100 dated 23092020 Rev C glass architects  
324\_PA\_3.02 Proposed South Elevation A3 1:100 dated 23092020 Rev C glass architects  
324\_PA\_3.03 Proposed Southwest Elevation A3 1:100 dated 23092020 Rev C glass architects  
324\_PA\_3.04 Proposed West Elevation A3 1:100 dated 23092020 Rev C glass architects  
324\_PA\_3.05 Proposed East Elevation - Bow House dated 11122020 Rev A glass architects  
324\_PA\_3.06 Proposed South Elevation 1 - Bow House dated 11122020 Rev A glass architects  
324\_PA\_3.07 Proposed South Elevation 2 - Bow House dated 11122020 Rev A glass architects  
324\_PA\_3.10 Proposed Contextual North Elevation A3 1:200 dated 23092020 Rev C glass architects  
324\_PA\_3.11 Proposed Contextual East Elevation A3 1:200 dated 08122020 Rev D glass architects  
324\_PA\_3.12 Proposed Contextual Rear Elevation A3 1:200 dated 23092020 Rev C glass architects  
324\_PA\_3.14 Proposed Contextual South Elevation A3 1:200 dated 08122020 glass architects

### **Submission documents**

Sunlight and daylight assessment Delva Patnam Redler  
Planning Statement BPTW September 2020  
Heritage Statement – PRA report April 2020  
Works to listed building details - Glass dated 18.09.2020  
Works to listed building schedule - Glass dated 23.09.2020  
Consultation Responses dated 07/12/2020 BPTW  
Statutory Consultation Responses dated 14/12/2020 BPTW  
Design and Access Statement (Parts 1, 2 and 3) glass September 2020  
Visualisations - We Are Realm and Keyframe  
Preliminary Bat Roost Report  
Fire Safety Report

**APPENDIX 2**

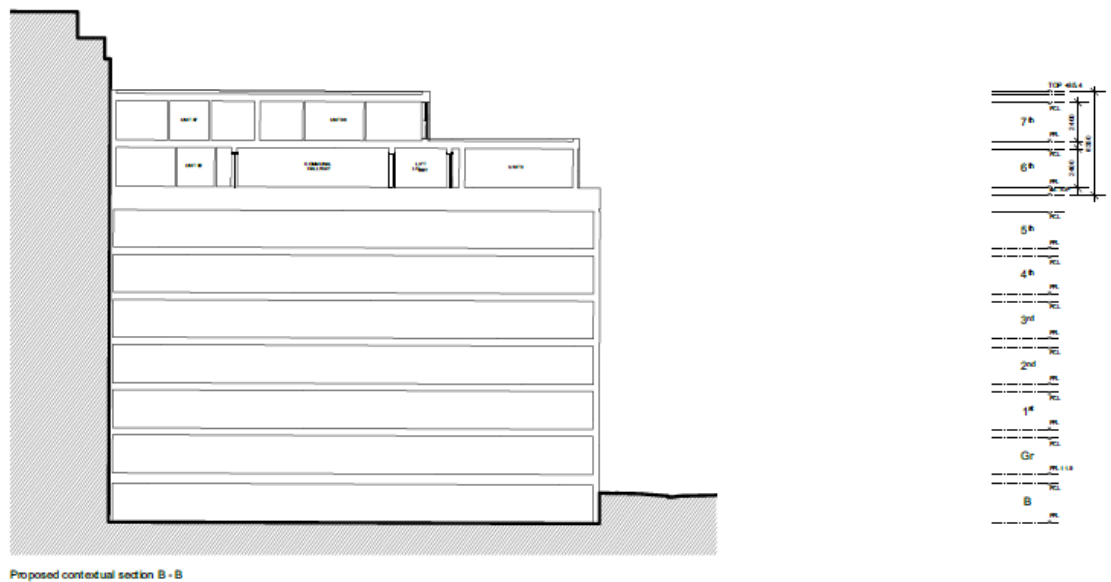
**Selection of plans and images**



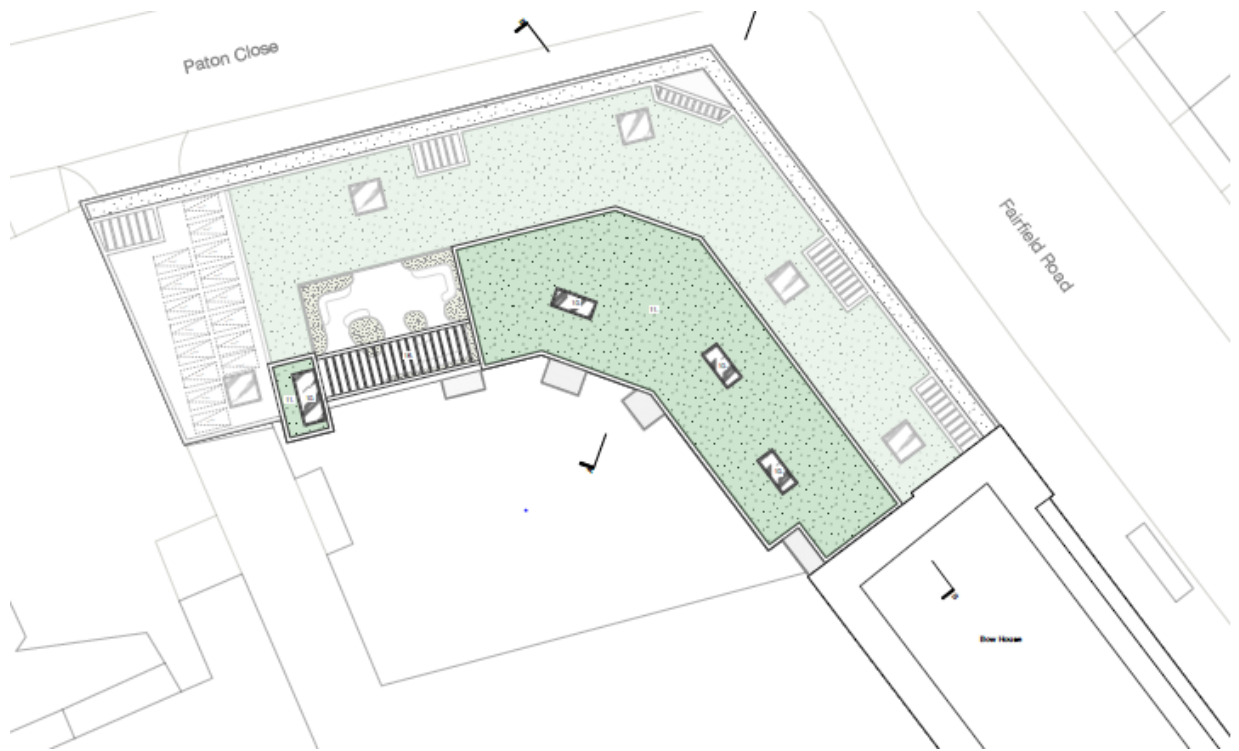
Ground Floor Plan



Basement Plan



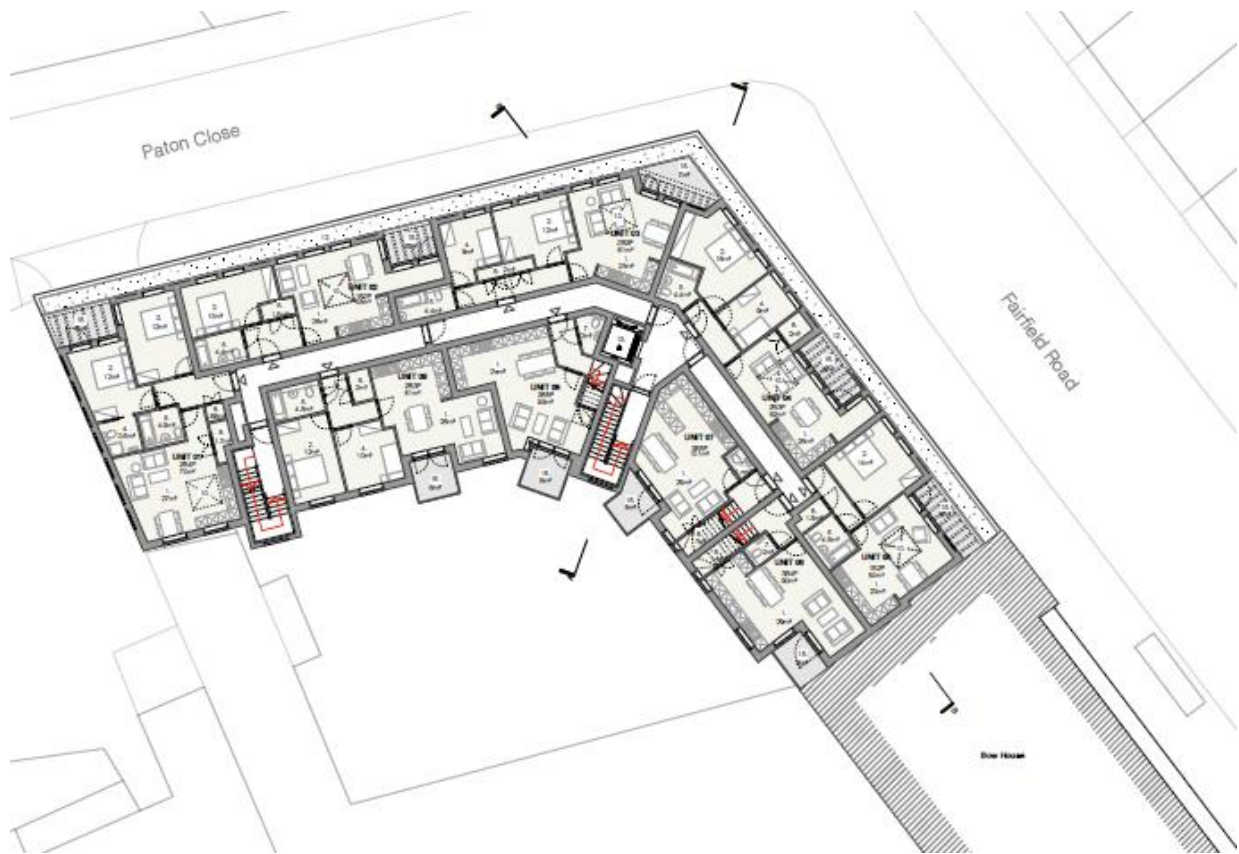
Proposed cross section



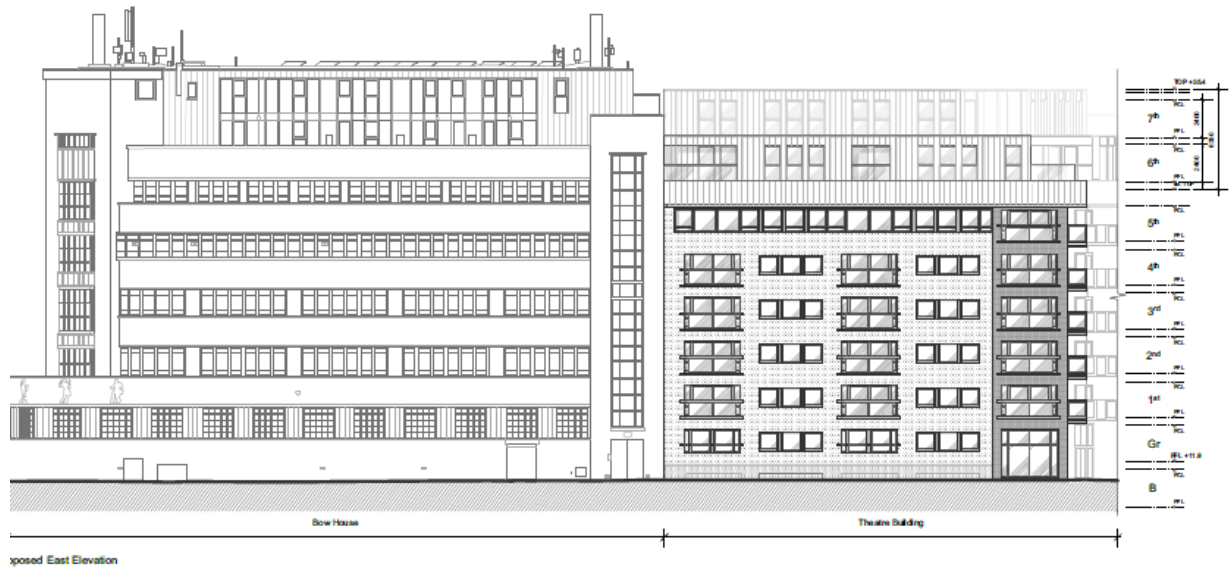
Roof Plan



7<sup>th</sup> Floor Plan



6<sup>th</sup> Floor Plan



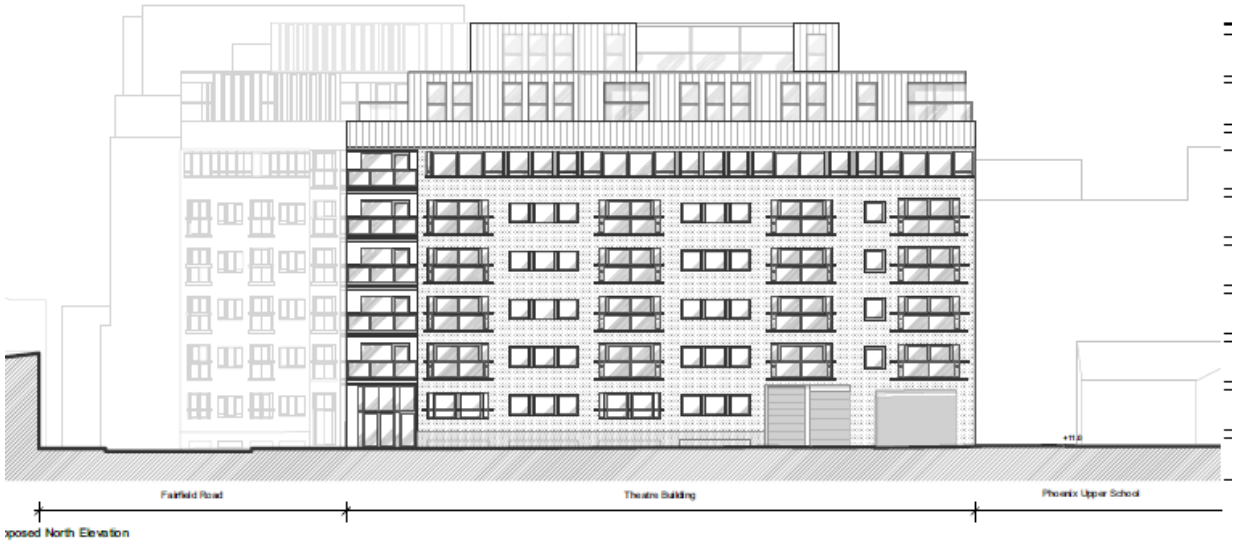
Proposed Eastern Elevation





Proposed Rear Elevation

Proposed rear elevation



Proposed North Elevation

Proposed northern elevation

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## DEVELOPMENT COMMITTEE

11<sup>th</sup> March 2021

Report of the Corporate Director of Place

Classification: Unrestricted

### 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

### 2. PRE-APPLICATION BRIEFINGS AND PRESENTATIONS

- 2.2 Presentations will be held in accordance with the attached protocol.

### 3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "*Planning Applications for Decision*" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)  
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER THE ITEM OTHER  
PLANNING MATTERS**

Brief Description of background papers:  
See individual reports

Tick if copy supplied for register:  
✓

Name and telephone no. of holder:  
See individual reports

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### Pre-application presentation

<b>Reference</b>	PF/20/00126
<b>Site</b>	Exmouth Estate, London, E1
<b>Ward</b>	Stepney Green
<b>Proposal</b>	The demolition of Brayford Square (13 homes, and associated retail and community uses) and existing basketball court, with the erection of four new blocks comprising of residential units, community and commercial floorspace, together with associated landscaping, MUGA facilities, basement car parking spaces and associated ancillary works.
<b>Applicant</b>	Swan Housing Association
<b>Architect</b>	Levitt Bernstein
<b>Agent</b>	Barton Willmore
<b>Case Officer</b>	Adam Garcia
<b>Key dates</b>	Pre-application request submitted June 2020 Pre-app discussions began in July 2020 CADAP review in November 2020

# SITE PLAN



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

## Planning Applications Site Map PF/20/00126

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



Date: 03 March 2021

## 1. BACKGROUND

- 1.1 The National Planning Policy Framework and the National Planning Practice Guidance promote early engagement between developers and Local Planning Authorities at the pre-application stage, prior to submitting a planning application. The Council welcomes pre-application discussions and has a well-established process to facilitate this. In March 2019 the Council's Development and Strategic Development Committees considered a draft protocol for pre-application presentations. The protocol is now incorporated in the Committee Terms of Reference. The Council's updated Statement of Community Involvement also highlights the importance of pre-application engagement and the role of elected members and local communities in this stage of the planning process.
- 1.2 This report updates the Development Committee on progress made and issues identified in respect of pre-application discussions for the proposed regeneration scheme at the Exmouth Estate.

## 2. DESCRIPTION OF THE PROPOSAL

**Figure 1: Proposed Site Layout**



- 2.1 The pre-application proposal involves the demolition of the existing buildings at the centre of the site, known as Brayford Square. As per the latest pre application proposals, new residential-led mixed use buildings ranging in height from 3 to 9 storeys would be erected to provide 228 affordable homes (Use Class C3), 962sqm multi use games area (Use Class E), 790sqm Cultural and Performing Arts Centre (Use Class Sui Generis), 648sqm community centre (Use Class F.2), 231sqm Carers Centre (Use Class F.2), 411sqm Nursery (Use Class E), 649sqm of flexible retail/commercial/ business floorspace (Use Class E), new publicly accessible open space and associated access, servicing, parking, landscaping works including tree removal , refuse/ recycling and bicycle storage, energy centre and works.



**Figure 2: CGI Visualisation**



### **3. SITE AND SURROUNDINGS**

- 3.1 The site forms part of the Exmouth Estate, a large council housing estate built in the 1970s. The estate is typical of many post-war housing estates in the borough, typified by large slab blocks of approximately five to six storeys around large open spaces. The estate is bound by Commercial Road to the south, Jubilee Street to the west, Clark Street to the north and Jamaica Street and Ayleward Street to the east.
- 3.2 Within the red line boundary itself is Brayford Square, which is located at the centre of the estate on Commercial Road. Brayford Square is home to 9 commercial/community uses including a GP surgery, a pharmacy, a beauty salon, shops/newsagents, a carer's centre and the residents' clubhouse. In addition to this there are 13 homes within Brayford Square. This part of the estate suffers with lack of legibility and is detached from the wider area.
- 3.3 Open space within the estate is generous but underused, characterised by large fenced and unfenced open grassland and incoherent pedestrian routes. There are however a number of attractive large trees, particularly along Commercial Road. These contribute significantly to the street scene.
- 3.4 Also, within the red line boundary is the former Stepney's nightclub which used to form part of the adjacent George Tavern (Grade II Listed) at the junction of Commercial Road and

Jubilee Street. There are a number of other listed buildings adjacent to the estate including the Church of St Mary and Michael, 368-374 Commercial Road, the East End Maternity Hospital and 398-404 Commercial Road. A former pub in the estate at 9 Exmouth Street was delisted and is now considered a non-designated heritage asset.

- 3.5 The site is bordered by the Commercial Road Conservation Area to the west and the Albert Gardens Conservation Area to the east. The site is not located in a town centre.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 **PA/21/00111:** Request for an Environmental Impact Assessment (EIA) Screening Opinion pursuant to Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) ('the EIA Regulations') in respect of a proposed development which includes demolition of existing buildings, except for the Exmouth Estate Community Hub, and construction of up to 250 residential dwellings, up to 1,200 sqm retail/commercial floorspace, up to 2,000 sqm community floorspace, a Multi-Use Games Area (MUGA), open space, landscaping, access and associated works. EIA Not Required: 03/02/2021

#### **5. PUBLICITY AND ENGAGEMENT**

- 5.1 The applicant has undertaken their own public engagement and consultation with the local community despite the sensitivities of this application and the impacts of the recent lockdown restrictions. This can be summarised as follows:

- Meeting with Exmouth Residents Board – September 2019
- 2 public consultation events: February 2020 and September 2020 (online)
- Door-to-door residents survey with all households on the estate in October 2019
- Think Big project with 70 young people from the Exmouth Estate
- 11 Exmouth Residents' Steering Group (ERSG) meetings consulting on the proposals

- 5.2 In November 2020, the applicant issued a first pack of information to 1,625 residents and businesses neighbouring the site. This included a letter setting out some early information on the site, the project team and some indications of the intended design approach, as well an illustrative diagram.

- 5.3 An earlier version of the current proposal was presented to the Council's Conservation and Design Advisory Panel (CADAP) on 9<sup>th</sup> November 2020 to test the principles of the proposal. The panel's written response welcomed the opportunity to review the development proposal and offered the following comments:

- 8 stories were considered too tall as a general building height. 6 stories were felt to be more appropriate with some 'moments of height' elsewhere.
- Some concerns raised around the elevational design.
- Queries as to whether there would be sufficient daylight penetration on the northern sides of the proposals to support the design intentions.
- The landscaping aspirations were supported and should meet policy requirements for biodiversity net gains and the Urban Greening Factor.

5.4 The project architects have revised the scheme respond to CADAP's comments and the feedback received throughout the pre-application discussions with Council officers. The height of the proposal has been brought down to a general height of 6 storeys with two taller, 9-storey buildings marking the gateway to the site. Further work has also been undertaken to the landscaping and to the layout of the site to maximise daylight and sunlight penetration.

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

6.1 The Development Plan comprises:

- The London Plan (2021)
- Managing Growth and Sharing the Benefits - Tower Hamlets Local Plan 2031 (2020)

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

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- National Design Guide (2019)
- GLA, The Mayor's Good Practice Guide to Estate Regeneration (2018)
- GLA, Social Infrastructure (2015)
- GLA, Accessible London: Achieving an Inclusive Environment (2014)
- GLA, Character and Context (2014)
- GLA, Sustainable Design and Construction (2014)
- GLA, Green Infrastructure and Open Environments: The All London Green Grid (2012)
- GLA, London View Management Framework SPG (2012)
- GLA draft Design for a Circular Economy Statement SPD (2020)
- LBTH, Draft Planning Obligation SPD (2nd draft) 2020
- LBTH, Albert Gardens Conservation Area Character Appraisal and Management Guidelines (2009)
- LBTH, Commercial Road Conservation Area Character Appraisal and Management Guidelines (2008)
- BRE - Site Layout Planning for Daylight and Sunlight (2011)

## **7. PLANNING ISSUES**

7.1 The following key planning issues have been identified at the pre-application stage.

### **Land Use**

#### Estate regeneration

7.2 13 homes (2% of stock on the estate) are to be demolished. These are comprised of 4 x social rent homes and 9 leasehold homes. As such, policies relating to estate regeneration apply.



- 7.3 The Mayor's Good Practice Guide to Estate Regeneration (GPGER): Better Homes for Local People sets out principles for undertaking estate regeneration schemes. The key principles are:
- an increase in affordable housing, comprising like-for-like replacement and the maximisation of additional genuinely affordable housing;
  - full rights to return or remain for social tenants;
  - a fair deal for leaseholders, including home loss payments, and independent valuation for residents (paid by applicant);
  - full and transparent consultation, with identified direct engagement and consultation events;
- 7.4 The rehousing and phasing strategy is therefore based on the need to rehouse 4 tenants and a maximum of 6 leaseholders.
- 7.5 The development will take place in 4 phases. Block C will be last (Start Q2 2026 and Finish Q1 2028). Block C would be where the homes are currently located within Brayford Square. This means that all leaseholders and tenants can move into new accommodation within Block D (Start Q2 2024 and Finish Q2 2026) i.e. a single decant process.
- 7.6 In principle, it would appear that the scheme would increase the supply and quality of the affordable homes when assessed against The Mayor of London's "Better Homes for Local People – The Mayor's Good Practice Guide to Estate Regeneration" and Policy D.H2 (Affordable housing and housing mix) of the Local Plan. The Planning Statement submitted in support of the planning application will have to explore this in more detail to demonstrate full compliance with policy.

#### Non-residential floorspace

- 7.7 Community facilities that are currently located within Brayford Square are proposed to be re-provided and enhanced as part of the proposals.
- 7.8 Policy D.CF2 (Existing community facilities) of the Local Plan states, in part 2, that where community facilities are re-provided on site as part of the development, the quality and accessibility of these facilities (including public access) should be enhanced. Supporting text 12.17 states that, where practicable, the replacement facility should be provided before the existing facility ceases operation to ensure that local people continue to receive a high-quality service. If this is not the case, applicants must provide extensive detail of the decant strategy so the existing shops and other local services can continue to operate on site without disadvantage throughout the course of the construction. Therefore, it is considered that this aspect of the proposals could be acceptable subject to further details being provided.
- 7.9 Retail and food and drink uses are also proposed as part of the pre-application. Policy D.TC3 seeks to ensure that new retail units or extensions outside of designated town centres should not exceed 200 square metres to ensure that they are local in nature and do not harm the vitality and viability of existing centres. It is understood that the proposals would not introduce an individual units or extension of more than 200 metres. Policy D.TC5 seeks to ensure that cafes and restaurants outside of designated town centres do not undermine existing centres and are local in nature and scale.

#### **Housing**

- 7.10 Local Plan policies require at least 35% affordable housing to be provided in broad alignment with the Council’s prescribed housing mix as set out in the Local Plan. The London Plan requires the maximum reasonable amount, subject to viability, to be provided.
- 7.11 The applicant is proposing a 100% affordable housing scheme. 65% of the new homes will be provided as Shared Ownership whilst 35% will be affordable rent. Refinements to the housing mix are currently the subject of further discussion with the applicant.
- 7.12 The last iteration of the scheme proposed 228 homes, to be provided as per Table 1.

**Table 1: Scheme Unit Mix**

	S/O	%	Local Plan	Aff Rent	%	Local Plan
<b>1 Bed</b>	58	39%	15%	30	38%	25%
<b>2 Bed</b>	60	41%	40%	26	33%	30%
<b>3 Bed</b>	28	19%	45%	17	21%	30%
<b>4 Bed</b>	2	1%		4	5%	15%
<b>5 Bed</b>		0%		3	4%	
<b>subtotal</b>	148			80		
<b>%</b>	65%			35%		

- 7.13 It is noted that there is a significant overprovision of 1-bedroom homes against usual policy targets.

## Heritage & Design

**Figure 3: Proposed Commercial Road Elevation**



- 7.14 Planning policies requires 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.
- 7.15 The design of the scheme has evolved throughout the pre-application meetings with officers and following CADAP on 11<sup>th</sup> November 2020. The majority of the plots front Commercial Road apart from proposed Building C, at the centre of the proposals, which is informed by the axis of the to be demolished Brayford Square Buildings (see Figure 4).

**Figure 4: Proposed Landscaping Plan**



- 7.16 As can be seen in Figure 4, the proposals would see the existing open space redistributed so that a more cohesive open space and landscaping approach can be adopted. ‘Adventure’ streets will run east-west behind the building fronting Commercial Road for child play opportunities. A MUGA, to replace the existing hardstanding MUGA, will occupy a double height space at the ground floor of Building D which will be accessible from the eastern adventure street. Green spaces in between existing estate buildings are proposed to be enhanced to facilitate play, communal gatherings, and quiet enjoyment.
- 7.17 The height of the buildings along Commercial Road has been reduced to predominantly 6 storeys with two taller, 9-storey buildings marking the gateway to the site and responding to the buildings on the south side of Commercial Road. The articulation and composition of the proposed buildings seeks to replicate the vertical rhythm of the Victorian buildings through the introduction of more bays. Though the proposed buildings are very long this is broken with a vertical emphasis and rhythm which reflects the rhythm of the historic terraces.
- 7.18 Also, within the red line boundary is the former Stepney’s nightclub which used to form part of the adjacent George Tavern (Grade II Listed) at the junction of Commercial Road and Jubilee Street. The application proposes to construct a three-storey building here to provide space for a community theatre. An indicative image is shown in Figure 5.

**Figure 5: Proposed Building A (Former Stepney's Nightclub)**



### Neighbouring Amenity

- 7.19 Planning policy seeks to protect and where possible improve the amenity of surrounding neighbouring properties and provide a good standard of amenity for all future occupants of development proposals.
- 7.20 The full planning application will benefit from daylight, sunlight and overshadowing assessment in accordance with policy D.DH8 (Amenity) of the Local Plan which states that these must accompany all major planning applications and/or smaller schemes where adverse effects on daylight and sunlight levels are anticipated. It should follow the methodology set out in the most recent version of Building Research Establishment's 'Site layout planning for daylight and sunlight' guidance (2011) and the British Standard Code of Practice for daylighting, the results of which must be submitted with the planning application.
- 7.21 Table 1 sets out the LBTH numerical classifications that are required to be applied for Negligible, Minor Adverse, Moderate Adverse and Major Adverse bandings for daylight (VSC & NSL) and sunlight (APSH & WPSH).

**Table 1: Classifications for reductions in daylight and sunlight**

Reduction to daylight (VSC & NSL) and sunlight (APSH & WPSH)	Effect classification
0 - 20% reduction	Negligible effect
20.1% - 30% reduction	Minor adverse effect
30.1% - 40% reduction	Moderate adverse effect
Above 40% reduction	Major adverse effect

- 7.22 Initial studies have been undertaken to assess the impact the proposed development would have on the daylight of surrounding occupiers.
- 7.23 In terms of VSC the initial assessments undertaken show that 70% of the windows surrounding the proposed development will satisfy the BRE Guidelines. The remaining windows can be classified as follows:

- 77 windows would experience a minor adverse effect
- 60 windows would experience a moderate adverse effect
- 26 windows would experience a major adverse effect

7.24 In terms of NSL, a daylight distribution analysis has been completed and demonstrates that 361 out of 373 (97%) rooms will satisfy the BRE Guidelines. The remaining rooms can be classified as follows:

- 5 rooms would experience a minor adverse effect
- 2 rooms would experience a moderate adverse effect
- 5 properties would experience a major adverse effect

7.25 In terms of sunlight and overshadowing to open/private amenity space, no detailed results have been presented. This will accompany the full planning application in addition to the assessment for the proposed new homes.

### **Transport and Servicing**

7.26 Planning policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

7.27 The site is in an area of PTAL (Public Transport Access Level) 5-6a, on a scale of 0-6b where 6b represents the highest level of public transport connectivity.

7.28 The applicant has stated that the cycle parking requirements in the London Plan and Local Plan will be fully adhered to. The correct quantum, location, and design of the long and short-stay cycle parking requirements will be supplied across the scheme. LBTH Highways Officers have expressed a preference for as close to a 50:50 ratio as possible in terms of Sheffield stand and two-tier long-stay cycle parking format in the scheme.

7.29 There are currently 44 private permit holder parking spaces on Exmouth Street and Summercourt Road, plus other areas of informal parking on garage forecourts. This amounts to some 62 total parking opportunities within this part of the Exmouth Estate. 21 of these existing parking spaces are to be re-provided to meet existing demand.

7.30 Disabled persons parking is proposed at 10% from the outset for the homes in line with policy. TfL have advised that these spaces should be located to minimise the distance between the building entrance/facility they are associated with. The applicant has noted this requirement.

### **Environment**

7.31 Planning policies seek to secure a range of sustainable development outcomes including net biodiversity gains whilst not impacting on existing protected species; the implementation of efficient energy systems which seek to minimise carbon emissions and to secure effective strategies for addressing matters relating to contaminated land and sustainable urban drainage.

7.32 The proposals are targeting carbon neutrality by 2050. Furthermore, although not set out in detail at this stage, the proposals should enhance biodiversity value and contribute towards the Local Biodiversity Action Plan (LBAP).

7.33 The proposals do not constitute Environmental Impact Assessment (EIA) development.

**Infrastructure Impact**

7.34 The proposed development will be liable to the Council's and the Mayor of London Community Infrastructure Levies (CIL) and planning obligations to be secured under Section 106 of the Town and Country Planning Act 1990 (as amended).

**8. RECOMMENDATION**

8.1 The Committee notes the contents of the report and pre-application presentation.

8.2 The Committee is invited to comment on the issues identified and to raise any other planning and design issues or material considerations that the developer should take into account at the pre-application stage, prior to submitting a planning application.



9. APPENDIX – IMAGES

Figure 6: Proposed Block B



Figure 7: Proposed Block C



**Figure 8: Proposed Block D**





## TOWER HAMLETS

### PROTOCOL FOR PRE-APPLICATION BRIEFINGS AND PRESENTATIONS TO THE DEVELOPMENT AND STRATEGIC DEVELOPMENT COMMITTEES

NOVEMBER 2019

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#### 1. BACKGROUND

1.1 It is common for pre application discussions take place before a planning application is submitted, particularly if the development is of a large scale, would be complex or is likely to attract significant public interest. The Council offers a pre-application planning advice service aimed at anyone who is considering making a planning application or wishes to carry out development in Tower Hamlets.

1.2 Early engagement in the planning process is encouraged and supported by the **National Planning Policy Framework (NPPF)** (2019):

*“Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community. (para. 39)*

*The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits.” (para. 41)*

1.3 Early elected member engagement in the planning process is also encouraged and supported by the **National Planning Practice Guidance (NPPG)** which says:

*“Democratically elected members are strongly encouraged to participate at the pre-application stage, where it is appropriate and beneficial for them to do so. [Section 25 of the Localism Act 2011](#) confirms that elected members do not have a ‘closed mind’ just because they have historically indicated a view on a matter relevant to the proposal.”*

1.4 Planning applications for larger scale major development or proposals which generate significant public interest are decided by the Council’s Development Committee and Strategic Development Committee (the Committees) in accordance with their published terms of reference.

1.5 A briefing or presentation to the committee at an early stage in the design process (before an application is submitted) can help to shape proposals so that they are more likely to comply with development plan policies and be more responsive to local interests, issues or concerns. Briefings and presentations can assist in the Committees being aware of significant development proposals that are evolving and support informed decision making on future planning applications.

1.6 The Council’s **Statement of Community Involvement (SCI)**, adopted by the Mayor in Cabinet in April 2019 highlights the importance of good quality pre-application engagement.

- 1.7 A number of London Council's (e.g. Hackney, Croydon, Haringey and Camden) have introduced a protocol for planning committee member engagement at the pre-application stage. The updated terms of reference for the Committees includes: *"To consider any application or other planning matter referred to the Committee by the Corporate Director, Place including pre-application presentations (subject to the agreed protocol)"*.
- 1.8 The protocol and procedures were presented in draft form to the Strategic Development Committee on 28 March and Development Committee on 1 April 2019. Comments received from Committee members have been incorporated.
- 1.9 The protocol and procedures to support pre-application engagement with the Committees is set out below.

## **2. PROTOCOL FOR COMMITTEE MEMBER ENGAGEMENT**

### **What sort of development is covered by the protocol?**

- 2.1 The Committees make decisions on applications referred to them under the terms of reference outlined in the Council's Constitution (2019), relating to scale, significance and extent of public interest.
- 2.2 It is unlikely that the Committees will be able to accommodate briefings or presentations on all proposals that may be determined by them in the future. Within this context, the following criteria provide a guide for the types of development that may be suitable for pre-application presentations:
  - development that meets or exceeds the criteria for referral to the Mayor of London;
  - development on sites allocated in the Council's Local Plan;
  - development that would contribute to the Council's regeneration programmes, including the Council's own development;
  - significant infrastructure development by the Council's strategic partners, such as health authorities, infrastructure providers or higher education institutions;
  - Other significant developments as identified by the Chair or members of the appropriate committee.
- 2.3 To help manage the impact on the committee agendas and time available the Divisional Director for Planning and Building Control (or their nominee) will work with the Chair of the relevant Committee to decide whether a particular proposal would benefit from a briefing or presentation.

### **When should pre-application engagement take place?**

- 2.4 Officer briefings and developer presentations should take place at the pre-application stage, to optimise the opportunities for issues raised to be responded to by the developer through the design process. When this is not possible, engagement should take place early in the formal application period.
- 2.5 Pre-application discussions are discretionary and there is no set rule as to the point in the process when a briefing or presentation should take place. Timing will vary depending on the nature of the proposed development, complexity of the planning issues and level of

public interest. As a general guide a presentation to the relevant Committee is likely to be beneficial when:

- At least one pre-application meeting has been held with officers, so that a briefing on the planning issues can be prepared;
- A presentation to the Council's Conservation and Design Advisory Panel (CADAP) has taken place (if appropriate), so that their views can be reported;
- Pre-application community engagement has taken place so that the views of local residents and other interested parties can be shared.

### **Developer presentations**

2.6 This protocol allows for a developer presentation to the Committees as part of the briefing process. No formal decisions will be taken at such meetings and any subsequent planning applications will be the subject of a report to a future meeting of the appropriate Committee.

2.7 The purpose of the pre-application presentations are:

- to ensure committee are aware of significant development proposals prior to an application being submitted and formally considered by them;
- to make the Committee consideration of planning applications more informed and effective;
- To allow the Committees and developers to understand which development plan polices will be relevant to the proposals. ;
- to ensure issues are identified early in the application process and improve the quality of applications;
- To foster a collaborative working approach that avoids potential delays (e.g. fewer deferred applications or office recommendations that cannot be supported).

## **3. PROCEDURES FOR PRE-APPLICATION BRIEFINGS AND PRESENTATIONS**

3.1 Briefings and presentations will be scheduled as part of the public agenda for the relevant Committee, normally under the existing heading "Other planning matters". A short report summarising the development proposals, the progress made and the issues identified at the pre-application stage will be prepared by officers. The report will not contain an assessment or commentary on the planning merits of the proposal.

3.2 The meeting will be open to members of the public and will be chaired by the Chair (or Vice Chair in their absence). The Developer will supply all presentation materials including any models or digital material, to be agreed in advance with planning officers.

3.3 The Development Procedure Rules, including public speaking, which apply to the determination of planning applications, will not apply to pre-application briefings or presentations as the Committee will not be making a formal decision. However the Planning Code of Conduct will still apply.

3.4 Ward councillors will be invited to attend the meeting and will be notified in writing (usually e-mail) at least 7 days in advance. Ward Councillors will have the opportunity to register to

speak at the meeting to articulate their views and any local issues that the Committee should be aware of.

3.5 The procedure for briefings and presentations will be as follows:

- Officers to introduce the proposal, update on the progress of pre-application discussions and set out the main planning issues that have been identified.
- The developer and their architects, planning agents or other representative will present the proposals for up to 15 minutes.
- Ward Members who have registered to speak will have the opportunity to give their views for up to 3 minutes each.
- Members of the Committee will be able to ask questions to the developer and officers and highlight any planning issues (development plan policies or material considerations) that they would expect to be taken into account by the developer prior to an application being submitted.
- The lead officer will summarise the comments raised and provide a note of the meeting.

3.6 Whilst Committee members are encouraged to participate fully, to provide comments or raise questions, they should ensure that they are not seen to pre-determine or close their mind to any such proposal, to avoid being precluded from participating in determining a future planning application.

3.7 Ward members who are also members of the Committee that will determine a future application and who register to speak and express a view on the proposed development will be disqualified from determining a future planning application.

3.8 Officers may provide subsequent interim briefings to update the Committee as the pre-application process progresses, or following the submission of an application. A site visit may be arranged so that members can familiarise themselves with the site and surroundings before receiving the pre-application presentation.

#### **4. IMPLEMENTATION AND MONITORING**

4.1 The protocol will be introduced under the current provisions of the committee terms of reference which allow the Corporate Director to report any other matters to the Committee that she or he considers appropriate. A future review of the Council's constitution will allow for a formal incorporation of the protocol into the terms of reference.

4.2 The operation of the protocol will be monitored in terms ensuring it is operating effectively for members, developer and officers. The effect of the protocol on planning outcomes, including greater certainty in decision making and reduction in the number of overturned recommendations and appeals will be monitored over time.