

Development Committee



Agenda

Monday, 23 August 2021 6.30 p.m.
Council Chamber - Town Hall, Mulberry Place, 5
Clove Crescent, London, E14 2BG

Chair:

Councillor Abdul Mukit MBE

Vice Chair: TBA

Members:

Councillor Asma Islam, Councillor Kahar Chowdhury, Councillor Kyrsten Perry,
Councillor Leema Qureshi and 2 Vacancies

Substitute Members:

Councillor Kevin Brady, Councillor Sabina Akhtar and Councillor David Edgar

(The quorum for the Committee is 3)

The deadline for registering to speak is **4pm Thursday, 19 August 2021**

The deadline for submitting information for the update report is Noon
Friday, 20 August 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>



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View Planning application documents here:

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

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Development Committee

Monday, 23 August 2021

6.30 p.m.

APOLOGIES FOR ABSENCE

1. ELECTION OF VICE-CHAIR FOR THE COMMITTEE FOR 2021/22.

To elect a Vice -Chair for the Committee for 2021/22.

2. 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

3. 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 27th April 2021.



4. **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.

5. **DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS (Pages 23 - 34)**

The Committee is recommended to:

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

	PAGE NUMBER	WARD(S) AFFECTED
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6. **DEFERRED ITEMS**

There are none.

7. **PLANNING APPLICATIONS FOR DECISION**

35 - 40

7.1 **Land to the east of 68 to 80, Hanbury Street, London, E1 5JL (PA/20/02589)**

41 - 98

**Spitalfields
&
Banglatown**

Proposal:

Erection of a new six storey building to provide 1,248sqm of Use Class E(g) co-working space, to serve as an extension to the existing co-working space at 68-80 Hanbury Street, including the provision of an on-site servicing yard, cycle parking and refuse storage facilities, together associated with hard and soft landscaping works.

Recommendation:

Approve planning permission subject to conditions and a legal agreement.

Tower Hamlets Council
Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG

8. OTHER PLANNING MATTERS

There are none.

Next Meeting of the Development Committee
Tuesday, 14 September 2021 at 6.30 p.m.



The best of London in one borough

Tower Hamlets Council
Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG

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Agenda Item 2

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 5.00 P.M. ON TUESDAY, 27 APRIL 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 Sufia Alam

Councillor Kahar Chowdhury

Councillor Leema Qureshi

Councillor Kevin Brady (Substitute for Councillor John Pierce)

Other Councillors Present:

Councillor Shad Chowdhury

Councillor Puru Miah

Officers Present:

- | | |
|----------------------|---|
| Paul Buckenham | – (Development Manager, Planning Services, Place) |
| Adam Garcia | – (Senior Planning Officer, West Area Team Place Directorate) |
| Gareth Gwynne | – (Area Planning Manager (West), Planning Services, Place) |
| Patrick Harmsworth | – (Senior Planning Officer, Planning Services, Place) |
| Siddhartha Jha | – (Principal Planning Lawyer, Governance, Legal Services) |
| Euan Millar-McMeeken | – (Heritage & Design Officer, Place) |
| Simon Westmorland | – (West Area Team Leader, Planning Services), |
| Zoe Folley | – (Democratic Services Officer, Committees, Governance) |

Apologies:

Councillor John Pierce

Councillor Dipa Das

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

Councillor Sufia Alam declared a Non - DPI interest in agenda item 140, 146 Brick Lane and 25 Woodseer Street, London, E1 6RU. This was on the basis that she lived in the ward. She advised that this had not influenced her in anyway in relation to the consideration of the application.

Councillor Leema Qureshi declared a Non - DPI interest in agenda item 140, 146 Brick Lane and 25 Woodseer Street, London, E1 6RU. This was because the application was located in her ward.

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

The Committee **RESOLVED**

1. That the minutes of the meeting of the Development Committee held on 8th April 2021 be agreed as a correct record

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

The Committee **RESOLVED** that:

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

4. **DEFERRED ITEMS**

There were none.

5. PLANNING APPLICATIONS FOR DECISION

5.1 140, 146 Brick Lane and 25 Woodseer Street, London, E1 6RU (PA/20/00415)

Update report was published.

Paul Buckenham introduced the application for the proposed development to provide an office-led, mixed use development, including retail units, restaurants and a basement gym, with associated works. It was also reported that the update report included additional representations (in objections and support) and a corrected list of documents as well as clarifications. It also proposed two additional conditions to further safeguard residential amenity.

Patrick Harmsworth presented the report, providing an overview of the site and the key features of the application. The following issues were noted:

- An overview of the consultation process. There had been two rounds of public consultation. Many objections had been received from residents, businesses and local amenity groups both from within Tower Hamlets and outside London. These related to a range of issues. A number of letters of support had also been received. A summary of the key issues raised was noted.
- In land use terms, the proposal was consistent with the development plan policies for the site location. Given the land uses and benefits proposed, officers considered overall that the proposal would have a positive impact on the Brick Lane District Centre, in view of the provision of flexibly-designed employment floor space, retail and restaurant space, as well as the provision of affordable workspace and independent retail units as planning obligations
- In design terms, the scheme had been designed to provide an appropriate response to the site context. Details of the design features to ensure this were noted including the setting back of upper floors; setting back of the building line along Woodseer Street; the warehouse-aesthetic of the new building taking cues from nearby brewery buildings; and various changes made to the scheme to reduce mass in response to feedback and comments received
- The development would provide new public realm in and around the site; as well as new local connections through the site to enhance the permeability of the wider area. A s106 obligation safeguarding wider connectivity improvements would be secured, including to the site to the north in the event this site comes forward for development in the future. In addition, as noted above, it was proposed that the pavement along the north side of Woodseer Street would be widened and improved with new materials, street trees and lampposts. A new public square would also be provided in the eastern part of the site
- In heritage terms, officers considered that the proposal will protect and enhance the character and appearance of the Brick Lane and Fournier Street Conservation Area; and would preserve the setting of the nearby listed buildings, given the poor condition of the existing site and quality

of the proposals. The development would only be visible to a minor extent from nearby listed buildings.

- The amenity assessment including details of the sunlight and daylight impacts on neighbouring properties. Whilst some nearby properties would experience a moderately adverse impact to daylight, such impacts were comparable with existing urban conditions and unavoidable, taking into account that that the application site is uncharacteristically vacant for the location as a surface car park, and the narrowness of Woodseer Street. The Council's appointed daylight and sunlight consultant, Amy Donovan was present at the meeting to respond to any questions.
- In summary, Officers considered that the necessary steps had been taken to ensure the scheme would result in no undue impacts on residential amenity. This included mitigation measures to prevent overlooking from the proposed outdoor terraces on the second, third and fourth floors to the residential terraces on the opposite side of Woodseer Street.
- It was also of note that the proposed development performed better in terms of daylight and sunlight when compared to the historic massing on the site.
- In highway and transport terms, the scheme was policy compliant.
- A range of s106 contributions had been secured.
- Officers were recommending that the scheme was approved.

The Chair invited the registered speakers to address the committee

Alec Forshaw (Spitalfields Trust), Saif Osmani, Marian Goodrich, (resident of Woodseer Street) and Councillors Shad Chowdhury (Ward Councillor) and Puru Miah highlighted concerns about:

- Harm to the character of the existing Town Centre. The provision of office space and retail space (large offices and shopping malls) would be out of keeping with the local character and contrary to planning policy for the area. Woodseer Street was a quiet residential street.
- It would be better suited to providing housing, or a mixed use scheme that was more in keeping with the area. The area also had enough restaurants and this would also worsen problems with anti-social behaviour (ASB) in the area. Additional office/retail floor space was also not required anymore in this location, particularly in light of the pandemic
- Lack of development brief for the Truman's Brewery site.
- Poor design and the excessive building height. The proposal would be out of keeping with the character of the area and dwarf nearby properties.
- Harm to the character of the Conservation Area and heritage assets – the report does not mention the scale of the harm and importance of Woodseer Street to the Conservation area. It would be clearly visible.
- The proposals regarding widening the pathway conflicted with planning policy and would be out of keeping with the tight-knit street pattern.

- Harm to local residential amenity due to sunlight and daylight impacts. Woodseer Street would suffer a loss of light, including habitable rooms. Only few properties would remain compliant. The Woodseer Street terraces would also be overlooked by the offices.
- Impact on residential amenity from the activities associated with the commercial uses and increased footfall, including noise disturbance.
- Disturbance during the construction. There will be a high level of noise as per existing developments. Doubt was expressed about the adequacy of the controls.
- Light pollution issues.
- Harm to views
- Displacement of local businesses and residents, especially those with protected characteristics. Many small businesses opposed the proposals.
- Lack of inclusive workspace to support those from all backgrounds including Bangladeshi community.
- Lack of consideration to the Runnymede report and Equalities and Diversity issues in relation to the workspace.
- Impacts worse than the previous development.

The following representatives addressed the Committee in support of the application, Jason Zeloof, (Applicant) Azad Islam, (local trader), Jim Pool, Matt Yeoman (Architect) and Barry Hood (Daylight and Sunlight Consultant)

They highlighted the following issues:

- The applicant's longstanding commitment to the site in terms of creating successful business developments including SME space and their excellent track record in regenerating industrial buildings.
- That the site was a derelict carpark with a wall that attached ASB. This would transform the site, providing a high-quality development. There would be no new bars, large shopping malls or displacement of tenants as a result of the proposals
- The key benefits of the scheme included: creation of SME workspace. This included 10% affordable workspace and new independent retail units secured via planning obligation.
- Other benefits of the scheme were also highlighted included the public realm improvements and the environmental enhancements.
- Reassurances were provided in regards to the height and design in relation to the local context and that the scheme complied with planning policy.
- Reassurances were provided in regards to the amenity impacts.
- The applicant had fully engaged with the community, including local groups, businesses and the Mosque. Changes had been made to the scheme to address concerns. The applicant is committed to continuing to engage with the community.
- Azad Islam, local trader, highlighted the merits of the scheme from his perspective. It will bring footfall to the area and create jobs. He considered that it's a significant benefit for the area.

The Committee asked a number of questions of Officers and the registered speakers around the following issues:

- Reassurances were sought regarding the impact on existing businesses and the support for existing business and tenants. The applicant confirmed that no tenants would be displaced. Furthermore in attracting greater numbers of visitors to the area, local businesses should benefit from the proposals.
- It was also discussed whether a greater amount of affordable workspace could be provided, given the scale of the scheme. It was confirmed that the offer exceeded policy thresholds – 10% of the proposed employment space was to be provided as affordable workspace at 30% discount of market rent levels. It was confirmed that this would be secured in the s106. Officers also provided confirmation of the clauses already in the s106 guaranteeing this.
- The Committee asked questions about the measures to achieve/maintain a diverse local community. Members sought further assurances on how best this could be secured, particularly in relation to access to the affordable workspace for local businesses and the BAME community. It was asked whether further measures could be added to the s106 in relation to equality issues, to ensure this, given the character of the community, to alleviate concerns.
- It was noted that the development had been designed to accommodate SME's including, small independent businesses. It was proposed that an Affordable Workspace Strategy and an Independent Retail Strategy would be approved by the Council as part of the s106 agreement, covering such issues as promotion, rent levels and outreach work. The Council also carried out an equalities assessment, and had a duty to have regard to the equalities impact of developments.
- Members sought assurances on whether small businesses in the wider Borough could occupy the workspace, if the units were available. The applicant expressed a willingness to explore this.

Turning other issues, the Committee also discussed the following:

- The impact from the construction works. It was noted that there would be a Construction Management Plan to regulate these impacts, which would be secured by condition.
- Accessibility of the new public square. It was confirmed that the square would be publicly accessible during daytime hours.
- Daylight and sunlight impacts at Woodseer Street and the mitigation to protect amenity. It was confirmed that the retained daylight levels were consistent with the levels for other developments. A number of properties would be affected, however on balance when weighed against the merits of the scheme, these impacts were not considered to justify a refusal on this basis. It was further noted that since this was a vacant site, any development of the site would impact on sunlight and daylight levels of neighbouring properties. The assessment had been independently verified and the Council's appointed consultant was satisfied with the methodology and the results.

- Impact on residential amenity in relation to Woodseer Street, in terms of noise disturbance and loss of privacy. It was confirmed that the scheme had been designed in such a way to protect residential amenity for example by locating the smaller retail units near Woodseer Street. In addition, steps had taken to design out overlooking and protect amenity. The measures included: the installation of integrated planting troughs and a condition limiting use of the outdoor terrace to working hours only. Other measures included – the installation of gates on Woodseer Street with an earlier closing time of 11pm.
- Additional preventative measures were proposed in the update report regarding the provision of obscure glazing and that planters be retained as such for the lifetime of the building.
- The widening of Woodseer Street pathway and narrowness of the street. It was proposed to more than double the pathway, alongside other public realm improvements, (under a Section 278 Agreement) including, replacing lampposts. New trees would also be provided. The new lighting was welcomed. There may be opportunities to address any 'pinch points' through the Section 278 Agreement.
- Suitability of the site for a commercial development rather than a residential development.

Councillor Kevin Brady **moved** and Councillor Abdul Mukit **seconded** a proposal that the consideration of the planning application be deferred for the reason set out below.

On a vote of 5 in favour and 0 against the Committee **RESOLVED:**

That the consideration and determination of planning permission is **DEFERRED** at 140, 146 Brick Lane and 25 Woodseer Street, London, E1 6RU due to the following reason:

- To enable Officers to explore further the Head of Terms for the s106 agreement in relation to the terms & provision of affordable workspace and the provision of independent retail space with a focus on supporting existing local businesses and the community cohesion aspects of these matters.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee.

5.2 Community Centre and Adjoining Land, Gill Street, London, E14 8AN (PA/20/02552)

Update report published.

Paul Buckenham introduced the application for the demolition of existing modular buildings and construction of a building - comprising community use and residential dwellings with associated works.

Adam Garcia presented the report advising that:

- In land use terms, the proposed development would re-provide and enhance community facilities. It would provide much needed affordable housing, which is appropriate for the site's location.
- All of the housing would be affordable accommodation, and the Housing mix, (whilst it slightly deviated from the policy targets in terms of the bedroom mix) was broadly in line with policy and was considered acceptable due to the public benefits. All of the units would be of a high quality standard.
- The development would positively respond to the local context.
- The development would result in the loss of 7 trees. 5 of which were of low quality. 7 replacement trees would be planted.
- It was noted that a number of properties would experience daylight and sunlight impacts, at Padstow House and West Point. Overall the residual levels were in line with BRE guidance.
- Open space would be provided, resulting in an increase in readily accessible space compared to PA/15/03148.
- The scheme would provide contributions to local employment and training.
- Officers were recommending that the scheme was granted planning permission.

The Chair invited the registered speakers to address the committee

Alno Lesch and Volha Leech (local residents), expressed concerns regarding the following issues:

- That the development would put increased pressure on infrastructure and services. It would worsen existing problems on the estate including estate management issues. The area was already overpopulated. THH needs to resolve these existing issues.
- The development was higher than surrounding buildings.
- Suitability of this site for the development given the site constraints.
- Other sites were more suited to providing housing.
- The loss of green space and trees was not justified for a small amount of housing, and a hotel. Concerns over the quality of replacement trees.
- Quality of the proposed open space due to poor location and security issues.
- Harmful impacts on residential amenity
- Overdevelopment of area.

Councillor James King, the Ward Councillor, addressed the Committee. He reported on the following issues :

- The use of the portacabin by the TRA, SPLASH as well as Limehouse Bangladeshi Cultural Association. It has been stated they were interested in leasing this facility. Clarification was sought on this

- Whilst he supported the proposal, he sought clarification on the use of the E/F1 portion and its suitability for use as a prayer room for the Muslim community.
- He sought assurances from THH regarding outstanding estate management issues.
- He also requested further details on the proposed green space at the site.
- His points of clarification were set out in the Committee update report.

The applicant's representative Tim Waters and Anthony Jones addressed the Committee.

They highlighted the key features of the scheme and the main benefits including:

- The regeneration of the site to provide good quality affordable housing (100% of the accommodation), whilst providing a community facility. This would be larger in size, fitted to a 'shell and core' standard that could accommodate different end users.
- Increasing the size or changing the design of the scheme would impact on the green space.
- All of the technical reports supported the scheme.
- The existing permission had lapsed, PA/15/03148.
- The developer had consulted widely and the residents views had been taken into account. The Council were mindful of the feedback regarding the need for improved child play space, communal space, pressures on local services, and estate management issues The Council worked with THH in relation to these issues.

The Committee asked a number of questions of Officers and the registered speakers around the following issues:

- The difficulties in providing any 4 bed units, which complied with the necessary standards, due to the site constraints.
- The installation of efficient sound proofing given the site's proximity to the DLR. All of the units would have to comply with the relevant standards in this regard.
- The impact on the existing green space. It was confirmed that the existing area comprised areas of open space of poor quality or not currently accessible. Taking this into account, it was confirmed that the proposal would deliver a net increase in good quality open space.
- The proposed community facility and the plans to accommodate community groups. It was emphasised that the proposal met the policy tests regarding existing community uses. Only the land use could be secured by planning policy, not a specific end user, however it would be able to accommodate and be adapted to suite a range of end users.
- Impact on residential amenity. It was considered that due to the mitigating factors (orientation of the buildings/the windows closet to the

development/the good separation distances), that the development would have a minimal impact in terms of overlooking.

- Public access to the MUGA
- The Committee also discussed and received reassurances regarding the impact on infrastructure.

Councillor Kevin Brady **moved** and Councillor Abdul Mukit **seconded** additional conditions regarding the submission of a noise and vibration survey and a management strategy for the replacement MUGA, ensuring public access is maintained.

On a vote of 5 in favour and 0 against the Committee **RESOLVED:**

1. That, planning permission is **GRANTED** at Community Centre and Adjoining Land, Gill Street, London, E14 8AN for the following development
 - Demolition of existing modular buildings and construction of a part-one and part-seven storey building comprising community use (Class E (e-f) and Class F1) at ground floor level and 15 x residential dwellings (Class C3) above together with associated amenity areas, cycle and car parking (in the form of 1 x accessible parking bay), refuse/recycling stores and landscaping, including refurbishment of existing play and amenity space adjoining Trinidad Street and provision of replacement MUGA. (PA/20/02552)
2. Subject to the conditions and informations set out in the Committee report and the additional conditions agreed at the meeting regarding: the submission of a noise and vibration survey and a management strategy for the replacement MUGA, ensuring public access is maintained.

6. OTHER PLANNING MATTERS

There were none.

The meeting ended at 8.15 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee



DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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

Public Information – Accessing and Participating in the Meeting

The meeting will be held at the Council's Town Hall combining 'in person attendance (Committee Members and certain Officers) with remote attendance through a Microsoft Teams meeting. The ways of speaking at the meeting are set out below, including the option of in person attendance, and if not possible, contributing by alternative meetings.

You are encouraged to watch the meeting live via our Webcasting portal <https://towerhamlets.public-i.tv/core/portal/home>. The meeting will also be available for viewing after the meeting.

This meeting is open to the public.

The following guidance provides details about the operation of the Committee Meetings under the current restrictions.

How can I register to speak and address the Committee?

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 next page).

Should you wish to address the Committee, please contact the Democratic Services Officer, shown on the front page, to register to speak by the deadline. You may address the meeting in person at the committee meeting. If you are not able to do so, you may contribute by remote means through the Microsoft Teams meeting element– by the video link or by dialling in. Should you require assistance with this, please contact the Democratic Services Officer, who can help you join the meeting, including providing advice on the etiquette for addressing via virtual means.

You may also wish to consider whether you could be represented by a Ward Councillor or another spokesperson. You may also submit a written representation for summary in the Committee update report to be submitted 12noon the date before the meeting.

Procedure at the Committee meeting.

The Chair will formally open the meeting and will introduce themselves and the participants, including the Committee Members and Officers present in person and the attendees present by virtual means.

The standard format for considering each planning application shall be as follows, however the Chair may vary the order for hearing the application in specific circumstances.

- 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, either in person or by virtual means.
- The applicant or any supporters that have registered to speak to address the Committee, either in person or by virtual means.
- 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 Lead Planning Officer will confirm the results to the Chair.

Electronic copies of the agenda papers, including the update report and planning files

To access the documents, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date. Copies of the Committee agenda are published at least five working days before the meeting. A Committee update report is normally also published the day of the meeting.

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.

For Further Information, contact the Democratic Services Officer shown on the agenda front sheet.

<p>Non-Executive Report of the:</p> <p>Development Committee</p> <p>23rd August 2021</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Director of Legal and Monitoring Officer</p>	<p>Classification: [Unrestricted]</p>
<p>Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings</p>	

Summary

This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Development Committee for the Municipal Year 2021/22 for the information of members of the Committee.

Recommendations:

The Committee is recommended to:

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

1. REASONS FOR THE DECISIONS

- 1.1 This report is for the information of the Committee and no specific decisions are required

2. ALTERNATIVE OPTIONS

- 2.1 Not applicable to noting reports.

3. DETAILS OF REPORT

- 3.1 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1, and 2 to the report respectively.
- 3.2 The Committee's meetings for the year are set out in Appendix 3 to this report as agreed at the Council meeting on 19th May 2021.

- 3.4 In accordance with the programme, meetings are scheduled to take place at 6.30pm.
- 3.5 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 which made provision for remote attendance at, and remote access to, council meetings, expired on 6 May 2021.
- 3.6 The Committee Calendar has been prepared on the basis that all meetings will revert to physical attendance and also to the previous start times, subject to any restrictions in place at the time.

4. EQUALITIES IMPLICATIONS

- 4.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and known dates of religious holidays and other important dates where at all possible.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

- 5.2 No implications arising from this report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no specific comments arising from the recommendations in the report. The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Full Council on 19th May 2021.

7. COMMENTS OF LEGAL SERVICES

- 7.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 19th May 2021.

Linked Reports, Appendices and Background Documents

Linked Reports

None.

Appendices

Appendix 1 - Development Committee Draft Terms of Reference and Quorum

Appendix 2 - Development Committee Meeting Dates 2021/2022

Local Government Act, 1972 Section 100D (As amended) List of “Background Papers” used in the preparation of this report

None.

Officer contact details for documents:

- [N/A]

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1. Development Committee

<p>Summary Description: To determine applications for planning permission and listed building consent which have triggered over 20 representations (for or against) and/or that meet certain criteria with regards to size amongst other issues. Note that certain applications exceed the remit of the Development Committee and these are considered by the Strategic Development Committee.</p>	
<p>Membership: 7 Councillors (each political group may appoint up to 3 substitutes).</p>	
Functions	Delegation of Functions
<p>1. Applications for planning permission</p> <p>A. To consider and determine recommendations from the Corporate Director, Development and Renewal to GRANT planning permission for applications made under the Town and Country Planning Act 1990 (as amended); that meet any one of the following criteria:</p> <p>(i) Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential units or live-work units.</p> <p>(ii) Proposals involving the erection, alteration or change of use of buildings, structures or land with a gross floor space exceeding 10,000 square metres.</p> <p>(iii) Retail development with a gross floor space exceeding 5,000 square metres.</p> <p>(iv) Proposals involving buildings on Metropolitan Open Land with a gross floor space exceeding 100 square metres.</p> <p>(v) If in response to the publicity of an application the Council receives in writing, by email or other electronic form 20 or more individual representations; or a petition (received from residents of the borough whose names appear in the Register of Electors, business addresses in the borough or local Councillors) raising material planning objections to the development, and the Corporate Director, Place considers that these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement. Representations (either individual or petitions) received after the close of the consultation period will be counted at the discretion of the Corporate Director, Place.</p> <p>B. To consider and determine recommendations from the Corporate Director, Place to REFUSE planning permission for</p>	<p>The Corporate Director, Place (or any officer authorised by her/him) has the authority to make decisions on planning matters with the exception of those specifically reserved to the Development Committee, unless:-</p> <p>(i) these are expressly delegated to her/him; or</p> <p>(ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15</p>

<p>applications made under the Town and Country Planning Act 1990 (as amended), where in response to the publicity of an application the Council has received in writing, by email or other electronic form, more 20 or more individual representations supporting the development or a petition in the form detailed in part 1.A. (v) supporting the proposed development. Representations (either individual or petitions) received after the close of the consultation period will be counted at the discretion of the Corporate Director, Place.</p> <p>C. To consider and determine recommendations from the Corporate Director of Place to GRANT permission for applications seeking minor material amendments to a planning permission previously determined by the Development Committee, where as a result of publicity any of the criteria in 1.A.(v) apply and the representations received relate directly to matters arising from the proposed amendments and not the original permission.</p>	
<p>2. Applications for listed building consent</p> <p>To consider and determine recommendations from the Corporate Director, Place to GRANT listed building consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 where any of the criteria in 1.A.(i)-(v) apply; and/or an objection has been received from either the Historic Buildings and Monuments Commission for England (known as Historic England) and/or one of the statutory amenity societies and these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.</p>	<p>As above including to refuse listed building consent.</p>
<p>3. Applications for hazardous substance consent</p> <p>To consider and determine recommendations from the Corporate Director, Place to GRANT hazardous substance consent for applications made under the Planning (Hazardous Substances) Regulations 2015 where the criteria in 1.A(v) apply and/or an objection has been received from any of the consultation bodies listed in the Regulations and these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.</p>	<p>As above including to refuse hazardous substance consent.</p>
<p>4. Observations to other planning authorities</p> <p>To respond to requests for observations on planning applications referred to the Council by other local authorities, Development Corporations the Mayor of London, Government Departments statutory undertakers and similar organisations where the response would be contrary to policies in the adopted</p>	<p>As above</p>

development plan or would raise especially significant borough-wide issues.	
<p>5. General</p> <p>A. 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) where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised).</p> <p>B. To consider any matter which would otherwise be referred to the Strategic Development Committee but which the Corporate Director, Place, following consultation with the Chairs of both Committees, considers should more appropriately be considered by the Development Committee.</p>	None
Note - It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria	
Quorum: 3 Members of the Committee	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part C Section 35 (Planning Code of Conduct) • Constitution Part D Section 53 (Guidelines for Determining Planning Applications under the Town and Country Planning Act 1990) • Constitution Part D Section 53 (Development Committee Procedure Rules) 	

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DEVELOPMENT COMMITTEE
(Seven members of the Council)

Labour Group (6)

Conservative Group (0)

Ungrouped (1)

Cllr Abdul Mukit
Cllr Asma Islam
Cllr Kahar Chowdhury
Cllr Kyrsten Perry
Cllr Leema Qureshi
1 Vacancy

N/A

N/A

Substitutes:-
Cllr Kevin Brady
Cllr Sabina Akhtar
Cllr David Edgar

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APPENDIX 2

SCHEDULE OF DATES 2021/22

DEVELOPMENT COMMITTEE

Tuesday, 14th September 2021
Thursday, 14th October 2021
Thursday, 11th November 2021
Thursday, 9th December 2021
Thursday, 6th January 2022
Thursday, 3rd February 2022
Thursday, 3rd March 2022
Thursday, 7th April 2022

Meetings are scheduled to take place at 6.30pm

It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and other Members as appropriate.

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DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Advice on Planning Applications for Decision

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

2.3 ADVICE OF CORPORATE DIRECTOR, GOVERNANCE

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

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

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

The Local Development Plan and Other Material Considerations

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

- The Tower Hamlets Core Strategy Development Plan Document 2025 adopted in 2010; and
 - The Managing Development Document adopted in 2013.
- 3.4 The Planning Officer's report for each application directs Members to those parts of the Development Plan which are material to each planning application, and to other material considerations. National Policy as set out in the National Planning Policy Framework 2019 (**NPPF**) and the Government's online Planning Practice Guidance (PPG) are both material considerations.
- 3.5 One such consideration is emerging planning policy such as the Council's Local Plan¹ and the Mayor of London's New London Plan². The degree of weight which may be attached to emerging policies (unless material considerations indicate otherwise) depends on the stage of preparation of the emerging Development Plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the framework. As emerging planning policy progresses through formal stages prior to adoption, it accrues weight for the purposes of determining planning applications (NPPF, paragraph 48).
- 3.6 Having reached an advanced stage in the preparation process, the Local Plan now carries more weight as a material consideration in the determination of planning applications. However, the policies will not carry full weight until the Local Plan has been formally adopted. The New London Plan is at a less advanced stage of the adoption process.
- 3.7 The purpose of a Planning Officer's report is not to decide the issue for the Committee, but to inform Members of the considerations relevant to their decision making and to give advice on and recommend what decision Members may wish to take. Part of a Planning Officer's expert function in reporting to the Committee is to make an assessment of how much information to include in the report. Applicants and objectors may also want to direct Members to other provisions of the Development Plan (or other material considerations) which they believe to be material to the application.
- 3.8 The purpose of Planning Officer's report is to summarise and analyse those representations, to report them fairly and accurately and to advise Members what weight (in their professional opinion) to give those representations.
- 3.9 Ultimately it is for Members to decide whether the application is in accordance with the Development Plan and if there are any other material considerations which need to be considered.

Local Finance Considerations

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

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

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

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

Listed Buildings and Conservation Areas

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

Trees and Natural Environment

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

Crime and Disorder

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

Transport Strategy

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

Equalities and Human Rights

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

Environmental Impact Assessment

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

Third Party Representations

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

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

Daylight, Sunlight and Overshadowing

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

General comments

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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



Application for Planning Permission

[click here for case file](#)

Reference	PA/20/02589
Site	Land to the east of 68 to 80, Hanbury Street, London, E1 5JL
Ward	Spitalfields and Banglatown
Proposal	Erection of a new six storey building to provide 1,248sqm of Use Class E(g) co-working space, to serve as an extension to the existing co-working space at 68-80 Hanbury Street, including the provision of an on-site servicing yard, cycle parking and refuse storage facilities, together associated with hard and soft landscaping works.
Summary Recommendation	Approve planning permission subject to conditions and a legal agreement.
Applicant	Second Home
Architect / Agent	CMA Planning
Case Officer	Kathleen Ly
Key dates	<ul style="list-style-type: none">- Application registered as valid on 4 December 2020- Letters sent to neighbours on 8 January 2021- Site notice was placed on site on 26th January 2021- Consultation ended on 16 February 2021

EXECUTIVE SUMMARY

The application site relates to a hardstanding service yard, which currently services the property at 68-80 Hanbury Street, known as Britannia House. The site is located in the Brick Lane and Fournier Street Conservation Area.

The proposed development comprises the construction of a six-storey building to the western side of Hanbury Street, which staggers down in height to four storeys toward 88-118 Hanbury Street. The proposal provides 1,248sqm of Class E(g) co-working space with an ancillary Class E(b) café at ground floor.

The proposal would re-provide a service yard which would service both the site and Britannia House, accessed from Hanbury Street.

The height, massing and design of the proposed development would appropriately respond to the local context. The detailed architecture is considered to be of high quality and would preserve the character and appearance of the Brick Lane and Fournier Street Conservation Area.

Eight of the eleven surrounding properties affected by the development would satisfy the BRE guidelines for daylight and sunlight and as such experience negligible daylight/sunlight change as a result of the development. Whilst there would be adverse daylight effects resulting from the development, these are limited to three properties and are considered overall to be minor adverse in nature.

Parking access and servicing arrangements are considered to be acceptable subject to submission of a Travel Plan. The scheme would be car-free aside from the provision of Blue Badge accessible car parking spaces within the development. Adequate cycle parking is proposed. Transport implications are considered to be acceptable subject to securing the relevant planning conditions and legal obligations.

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

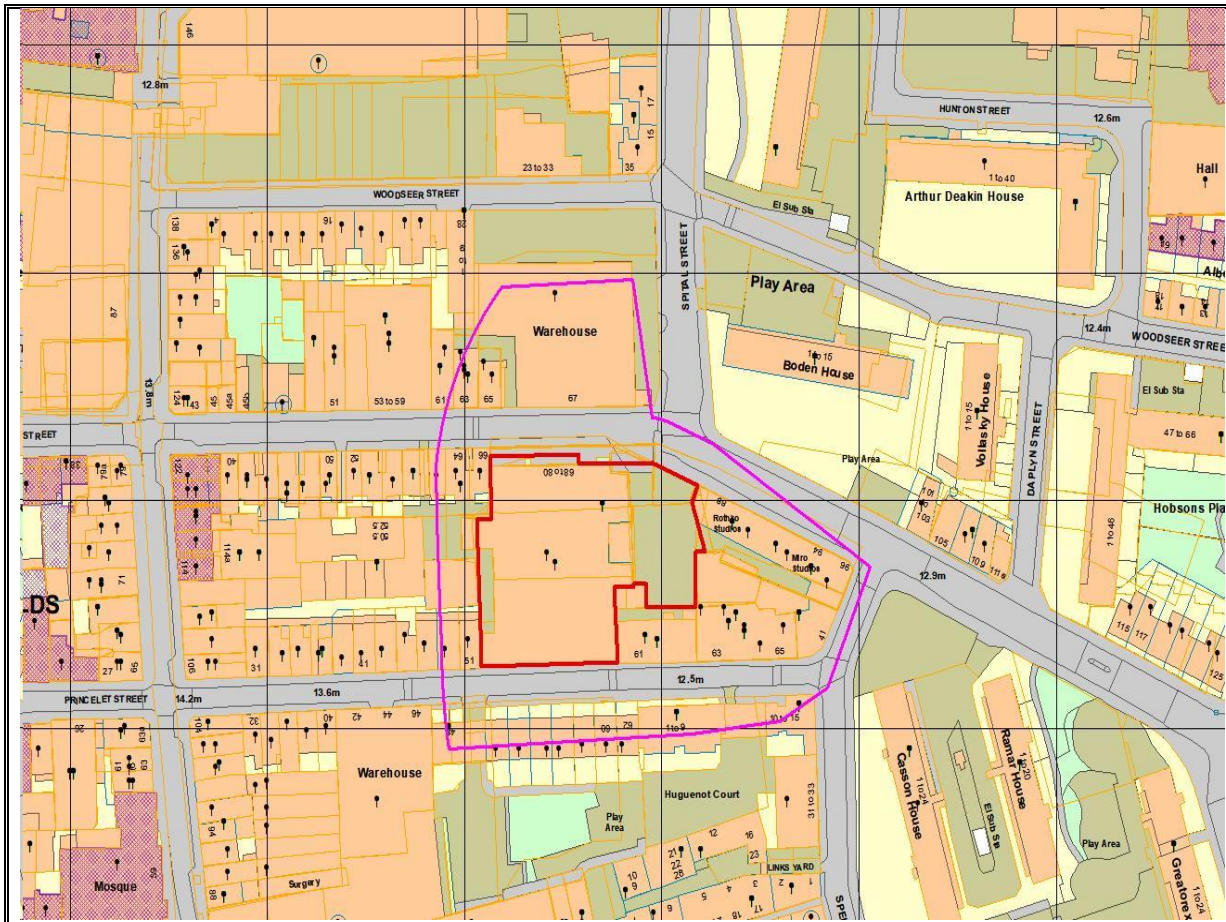
The scheme would include the provision of 11% of the total employment as affordable workspace provided as individual studio spaces well suited for small micro business including potential social enterprise with the studio spaces being 1st offered to individuals or micro business living and operating in the borough with a local marketing strategy to help support that outcome. The affordable workspace studios would be provided at 35% discount from the market rate and would be fully fitted out by the developer and let at (index linked) capped affordable rent rates for a minimum 15 years.

Officers consider that the proposal would constitute provision of a high quality, employment led use scheme and that this would provide opportunities to help grow and nurture local micro enterprises in the area and would contribute to the broader regeneration of the local area and provide a significant opportunity to enhance this underused site.








This application has been assessed against the Council's approved planning policies contained in the London Borough of the Tower Hamlets Local Plan 2031 (adopted January 2020) as well as the London Plan (2021), the National Planning Policy Framework and all other material considerations.

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

SITE PLAN:



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<ul style="list-style-type: none">  Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings 	<p style="text-align: center;">Planning Applications Site Map PA/20/02589</p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	 <p style="text-align: center;">London Borough of Tower Hamlets</p>
		<p>Date: 13 August</p>

1. SITE AND SURROUNDINGS

- 1.1 The application site lies in the western part of the borough in the Spitalfields and Banglatown ward. It comprises 68-80 Hanbury Street, also known as Britannia house, along with the car park and service yard. This application relates to the car park and service yard area which covers an area of approximately 699sqm as shown in figure 1 below.



Figure 1: Bird's eye view of the development site and surroundings with Hanbury Street that lies to the north of the site towards the bottom of the aerial shot

- 1.2 The site is bounded by Hanbury Street to the north; the six-storey building at Britannia House consisting of co-working spaces at ground floor with residential above; to the east is a five-storey residential building with commercial at ground floor at 82-102 Hanbury Street (Hanbury Studios); and to the south are four and five storey buildings at 61 Princelet Street and 63-65 Princelet Street, comprising commercial at ground floor with residential above. To the north of the site, opposite Hanbury Street is Boden House, a three-storey block of flats
- 1.3 The site has vehicular access from Hanbury Street and currently provides for 11 car parking spaces. The site is currently used by the Britannia House office building for their access and servicing requirements. Five of the 11 car parking spaces serve the five residential apartments at the roof level of Britannia House which will be re-provided as part of this application.



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

- 1.4 With regards to the Tower Hamlets Local Plan policy designations, the site lies within the City Fringe sub area, City Fringe Activity Area, Spitalfields Neighbourhood Planning Area and Brick Lane and Fournier Street Conservation Area. With regards to London Plan policy designations, the site is located within the City Fringe Opportunity Area.
- 1.5 The site is approximately 114 metres east from Brick Lane. In land use terms the immediate area is generally mixed use in nature, with wholly residential developments set alongside typically commercial and start up land uses on the ground floor and a range of office and residential uses set across the upper floors. The surrounding area varies in building typology and character, although there is uniformity to the eastern part of Hanbury and Princelet Street facades, in terms of built character and height.
- 1.6 In regard to nearby town centres, the Central Activities Zone is approximately 300 metres to the west and 290 metres to the south; and the Brick Lane District Centre approximately 33 metres to the west.
- 1.7 The Aldgate East Underground Station is 550 metres to the south-west; the Shoreditch High Street Overground Station is 500 metres to the north-west and the Bethnal Green Overground is 1 kilometre to the east. The site has a Public Transport Accessibility Level (PTAL) of 5, on a scale of 0 to 6b, with 0 being very poor and 6b being excellent. The PTAL of 5 indicates a very good/good level of accessibility.

2. PROPOSALS

- 2.1 The proposals are for the construction of a four to six storey building accommodating 1,248sqm of Class E(g) co-working office space and an ancillary Class E(b) café use at ground floor. This would serve as an extension to the existing co-working office space at the eastern adjoining property at 68-80 Hanbury Street.

- 2.2 The proposal would include the provision of an on-site servicing yard, re-provision of five existing residential car parking spaces, cycle facilities, refuse store and landscaping works.
- 2.3 Vehicular access would be gained from the south of the site from Hanbury Street. The development would be 'car-free' aside from one accessible parking bay and the re-provision of five residential car parking spaces to serve Britannia House.
- 2.4 The building would have a stepped design with the six-storey mass located to the west of the site where it would then drop to four storeys to the east and south. The proposed building would reach a maximum height of 21.81 metres above ground level.

3. RELEVANT PLANNING HISTORY

Subject site:

3.1 PA/17/02705 - Withdrawn 29/01/2018

Erection of a nine-storey building (plus basement) to create a new office-led mixed use scheme comprising of 1,418sqm of flexible office workspace (Use Class B1), of which 119sqm (3 office units) would be for flexible B1 use with ancillary sleeping accommodation at 7th floor and 105sqm leisure/gym space (Use Class D2) on ground floor. Creation of amenity space in the form of terraces at the rear of 6th and 7th floors and a roof terrace at 8th floor for the use of Second Home members; provision of an external planting area along Hanbury Street and the creation of an internal courtyard for access and servicing; provision of refuse storage and some cycle parking at ground floor together with 5 car parking spaces, further cycle parking and post-trip facilities at basement. The new building will also include a plant area, storage and circulation space together with a new entrance lobby and reception area.

Neighbouring sites:

68-80 Hanbury Street (Britannia House)

3.2 PA/18/00915 – Granted planning permission 9/11/2018

Retrospective application: The installation of windows on the eastern elevation and the infilling of windows on the southern elevation. Installation of two air handling units within an undercroft area at ground floor level beneath the eastern façade.

3.3 PA/16/02146 - Granted planning permission 20/09/2016

Omission of proposed glazed entrance enclosure to residential units at ground floor, approved in application PA/12/03372, and replacement with glazed entrance screen flush with existing building line and new fire escape door to main entrance screen.

3.4 PA/16/00942 – Refused amendment 19/05/2016

Application for non-material amendment of planning permission dated 04/11/2013, ref: PA/13/02216 to the layout and fenestration.

3.5 PA/16/00631 – Granted planning permission 2/06/2016

Change of use from B1 office space to an ancillary A3 restaurant on 3rd floor, the construction of two new lifts to the third floor, alteration works to stair cores on west and south facades, external alterations to rear facade, and associated works.

3.6 PA/15/02288 – Granted planning permission 15/10/2015

Insertion of 2 x new louvres into southern and eastern elevations of Britannia House

3.7 PA/15/00680 - Granted planning permission 11/05/2015

Facade alterations and improvements to Hanbury Street and Princelet elevations at first and second floor levels, the erection of a water balance lift within the internal courtyard to serve ground, first and second floor levels and all other associated works.

3.8 PA/14/03399 – Refused amendment 2/02/2015

Variation of condition 2 (approved plans) to planning permission ref: PA/14/02458, dated 03/11/2014 for the revised layout to 4th floor to create duplex units for flats B, C and D of the consented scheme PA/12/03372, dated 15/02/2013. Amendment sought: Revised layout to 4th floor to create duplex units for flats B, C and D through the construction of a fifth floor.'

3.9 PA/14/02458 – Granted amendment 3/11/2014

Variation of condition 2 (approved plans) to planning permission ref: PA/12/03372, dated 15/02/202013 for the " Refurbishment and extension of Britannia House at Third and Fourth Floor, with associated works and public realm improvements at Ground Floor / street level. The work includes 5 no. new residential units at 4th Floor, an extended and refurbished 4th floor B1 commercial space and a new residential entrance and lobby at Ground Floor". Amendments consist of: Insertion of internal fire escape stair to meet building regulations; Alteration to fenestration at third and fourth floor level; Alteration to floor layout at third and fourth floor level; Removal of stairs from the third, fourth and roof level south side; Revised roof level, and; Revised parapet wall positions on roof plan for Flats A and E

3.10 PA/14/01274 – Granted planning permission 11/07/2014

Extension to provide ancillary cafe/bar for use by Second Home occupants and their guests, new trees and refurbished office entrance on Hanbury Street. Improvements to the Princelet Street street frontage. External plant, planting and lighting within enclosed courtyard area. External air handling unit plant and associated duct work above existing bin store within service area. New and replacement cycle parking within parking/servicing

3.11 PA/13/02216 – Granted amendment 4/11/2013

Variation of condition 2 (approved plans) of planning permission dated 15/02/2013, ref PA/12/03372 for minor material amendment to the layout and fenestration

3.12 PA/12/03372 – Granted planning permission 15/02/2013

Refurbishment and extension of Britannia House at Third and Fourth Floor, with associated works and public realm improvements at Ground Floor / street level. The work includes 5 no. new residential units at 4th Floor, an extended and refurbished 3rd floor B1 commercial space and a new residential entrance and lobby at Ground Floor.

82-102 Hanbury Street (Hanbury Studios)

3.13 PA/14/01894 - Granted planning permission 5/09/2014

Roof extension to building to provide 2 additional dwellings with roof terraces.

3.14 PA/12/00951 – Refused planning permission 24/09/2012

Erection of five storey building to create six Class B1 (Business) units on ground and first floor levels and nine residential apartments (1 x 1 bedroom, 5 x 2 bedroom and 3 x 3 bedroom) on the upper floor levels (Use Class C3).

This was refused on the following grounds:

- 1. The development with the addition of a mansard roof by reason of its height, pitch and use of materials would result in a overbearing building in a prominent corner location which would fail to preserve or enhance the character and appearance of the Brick Lane and Fournier Street Conservation Area contrary to Sections 7 and 12 of the National Planning Policy Framework 2012, The London Plan 2011 policy 7.4, policy 7.6 and policy 7.8, Tower Hamlets Core Strategy 2010 policy SP10, Tower Hamlets Unitary Development Plan 1998 policy DEV1, Tower Hamlets Managing Development: Development Plan Document (Submission Version May 2012) policy DM24 and Tower Hamlets interim planning guidance 2007 policy DEV2.*
- 2. Six of the residential units, a majority of the development, would have no private amenity space and the development would fail to comply with policy SP02 6 (d) of the Tower Hamlets Core Strategy 2010, saved policy HSG16 of the Tower Hamlets Unitary Development Plan 1998, policy DM4(2) of the Tower Hamlets Managing Development Plan Document (Submission Version 2012), policy HSG7 of the council's interim planning guidance 2007 and section 4.10 of the Mayor of London's Housing Design Guide 2010.*

3.15 PA/10/01797 - Granted planning permission 15/11/2010

Demolition of warehouse and erection of new four storey building to create five office units at ground and first floor levels (Use Class B1) and nine apartments at first, second and third floor levels (comprising 2 x 3 bedroom, 4 x 2 bedroom and 3 x 1 bedroom units).

63-65 Princelet Street

3.16 PA/13/00136 - Granted planning permission 9/04/2013

Addition of a roof top extension to provide 1 No. two bedroom flat and 1 No. three bedroom flat.

Application for variation of Condition 2 of planning permission dated 14/03/2012, reference number PA/12/00158, to substitute new drawings to alter the design and layout of the roof top extension to provide 2 No. two bedroom flats.

3.17 PA/12/00158 - Granted planning permission 14/03/2012

Addition of a roof top extension to provide 1 No. two bedroom flat and 1 No. three bedroom flat.

Pre-applications On-site

3.18 PF/19/00129

Erection of a part 4, part 6 storey building to provide approximately 1,100sqm of B1 workspace

4. PUBLICITY AND ENGAGEMENT

4.1 Upon validation of the application, the Council sent consultation letters to 138 nearby owners and occupiers on 8th January 2021. The application was advertised in the local press on 14th January 2021 and a site notice was erected outside the site on 26 January 2021. A total of 38 letters were received.

4.2 1 letter of support was received. Comments raised in support can be summarised as follows:

- The proposal is in keeping with the immediate area, in terms of height and scale. It would complement the street in what is otherwise a rundown area.

4.3 37 letters of objection to the proposal were received. Comments raised in objection can be summarised as follows:

Land Use

- The proposal would contribute to a surplus in co-working spaces.
- There are more than 20-22 buildings offering co-working spaces in E1 including Fora on Princelet Street, located 10 metres from the site.
- The offices within the immediate area have been empty during lockdown (including Britannia House) and changes to the working patterns post pandemic will be predominantly remote working, thus reducing the need for more offices.
- The 'gap sites' would be better used to provide amenity space for the area.

Design/Conservation

- The proposal would not be appropriate in an area that is predominantly residential in nature.
- Scale and height are out of proportion with the surrounding area.
- The proposal is not in keeping, is out of character, and will cause harm to the conservation area.
- The proposal does not match the building next door, it is excessive in mass and site coverage and is too modern to fit into the streetscape.
- The proposal is out of character and contrary to the Spitalfields Plan.
- The proposal will expedite the erosion of the historic site and change the character of the neighbourhood.
- The difficulties in maintenance of the building will lead to a significant blemish on the existing neighbourhood.
- There has been no reference made to the buildings on the southern side and how the proposed building would integrate or impact them.

Amenity Impacts

- Loss of natural daylight and sunlight.
- The Daylight and Sunlight Report confirms that the daylight impacts to the properties on Princelet Street will contravene the BRE Guidelines. The report falsely claims that all flats at 61 Princelet Street will meet BRE guidelines using the NSL test, based on the assumption that all flats consist of an open plan living space. However, there are rooms within these flats which have single aspect windows, facing the subject site that has not been considered.
- The daylight and sunlight assessment are based on incorrect floor plans of flats at 63-65 Princelet Street.
- Increase in light pollution in addition to the existing light pollution from Britannia House. This is environmentally wasteful, is a contravention of the planning guidelines (City of London's Lighting Strategy) and impacts on the amenity of the surrounding residential properties.
- The introduction of automated black out curtains after curfew to mitigate light pollution is not sufficient.
- The lighting on Britannia House is on 24/7 and thus it is assumed that this will also occur with this proposal.

- The light pollution report is redundant as it is not based on actual internal or external lighting plans and fails to identify the windows on the eastern elevation of Britannia House.
- Overlooking/privacy impacts.
- Overshadowing impacts to properties, particularly Princelet Street.
- Noise impacts from the provision of balconies and a roof terrace, air-conditioning plant; and during the construction phase.
- Close proximity to the nearby residential properties (11 metres).
- There is insufficient detail on the proposed plant such as design and specifications of MVHR units, ventilation strategy and noise mitigation measures.
- The current bin provisions consisting of seven large wheelie bins is insufficient. The proposal is not proposing to include a bin store or increase the provisions of bins.
- Increase in the sense of enclosure for the properties to the south of the subject site.
- Dust and pollution levels will lead to health issues.
- Construction hours to be restricted.
- The planned shopping mall on Brick Lane will not fit into this residential and historical area.
- Noise, mess and nuisance from the on-site servicing yard.
- Traffic blocks from trucks and other large vehicles carrying building materials during the construction phase
- The proposal will lead to an increase in people, garbage, traffic and pollution.

Other matters

- The only applicant-initiated consultation took place was in November 2019, prior to the building design being finalised. There was no consultation in November 2020.
- No attempt has been made by the applicant to consult the surrounding neighbours.
- The applicant has had a long and consistent history of planning breaches, failing to comply with planning and other relevant regulations, and cause nuisance to the residential neighbours.
- The design is too complex in terms of construction and costs which the applicant would not be able to deliver.
- The estimated build cost is widely broad and given the history of the applicant, an accurate cost for the project should be provided.
- There are no benefits from the proposal.
- The proposal would add pressure to existing council resources and amenities
- The proposal will diminish the surrounding property values.
- Construction works for Britannia House not conducted within the Code of Conduct.

- 4.4 As set out within the applicant's submitted Statement of Community Involvement (SCI), the applicant states engagement with local residents with regards to the proposed scheme by way of an invitation letter to the public exhibition. This was distributed to 888 properties and a range of community groups, businesses and other key stakeholders. The public exhibition was held on 28 November between 2pm and 8pm and 30 November between 10am and 1pm, at the applicant's offices at 68-80 Hanbury Street. A total of 23 people attended the exhibition.
- 4.5 The scheme has been subject to extensive pre-application discussions held with officers begun in at LBTH under ref. PF/19/00129.

5. CONSULTATION RESPONSES

Internal consultees

5.1 LBTH Transportation and Highways

The submitted Transport Assessment states at paragraph 4.2.5 "*The existing vehicle access will be closed and footway reinstated. The proposals provide an opportunity to enhance the existing pedestrian environment on Hanbury Street and as part of this a raised table is proposed outside the site to cover the junction of Hanbury Street / Spital Street*". A Road Safety Audit has been carried out which identifies the area on Hanbury Street, shown on the ground floor plans as a layby, however, this is not mentioned in the Transport Assessment.

The public footway in this area is narrow, at 1.5m according to the application documents and an improvement to the pedestrian environment could be achieved by not proposing a layby in this location but reinstating the whole area to footway. The problem is compounded by the proposed location of the short stay cycle parking adjacent to the proposed layby which restricts available footway even further.

A Draft CMP has been submitted which states that vehicles will use the public highway via the layby discussed above. Details are required as to why the servicing yard cannot be used.

There are no in principle objections subject to a CMP, S78 and service management plan to be secured by conditions.

Officer's response: Please refer to the assessment under 'Transport and Servicing', under the sub-heading Trip Generation and Highways Safety

5.2 LBTH Health Impact Assessment

No objection scheme raises no concerns in respect of compliance with the Borough's HIA policy.

5.3 LBTH Conservation and Design

The building would positively enhance architectural value and contribute to the significance of the Conservation Area through provision of the proposed building in the existing vacant infill site. Further details with respect to the impact on heritage assets are set out in section 7 below.

5.4 LBTH Environmental Health (Pollution/Air Quality)

The air quality assessment is satisfactory; however, the Construction Management Plan requires further details on dust and air pollution.

The following conditions are required: air quality standards for boilers and CHP units; kitchen extract standards for commercial uses; and construction plan and machinery (NRMM).

Officer's response: The Construction Management Plan was amended in accordance with the comments. This was reviewed by LBTH Environmental Health Officer who confirmed it to be satisfactory.

5.5 LBTH Environmental Health (Noise/Vibration)

No objections to the proposal subject to the following condition: No mechanical plant shall be operated within the site until a post installation verification report, including acoustic test results, has first been submitted to and approved in writing by the Local Planning Authority confirming that plant noise 10dB below the existing representative background sound level has been achieved and that the mitigation measures are robust.

5.6 LBTH Environmental Health (Contaminated Land)

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

5.7 LBTH Biodiversity

No objection subject to planning conditions securing biodiversity enhancements including nest and bat boxes full details of a green roof

5.8 LBTH Policy

No objections.

5.9 LBTH Sustainable Urban Drainage

There are no objections subject to SuDS details secured by way of conditions.

5.10 LBTH Energy Efficiency

No objection subject to a carbon off-setting contribution secured by S106 legal agreement to offset against the Council's zero carbon policy; conditions securing a zero-carbon futureproofing statement; and submission of a final BREEAM Certificate with 'Excellent' rating.

5.11 LBTH Growth and Economic Development Team

The proposed affordable workspace offer secured for this scheme delivers more than the policy requirements of the boroughs Affordable Workspace Policy (D.EMP2), whilst also providing much needed employment floorspace that lends itself for use by cultural and creative sector in a prime location in the borough.

5.12 The current workspace provider on site (Second Home) have a positive reputation for delivering high quality workspace, with strong occupancy levels at competitive rates. Second Home have a proven track record of supporting community organisations and charities. The businesses in the spaces presently managed by Second Home also benefit from a strong peer to peer business support system and an eco-system that allows businesses to collaborate and generate new business ideas.

5.13 All things considered the offer for Affordable Workspace within this scheme will deliver strong economic benefits for the borough and the commitment within the s106 obligation to first offer the affordable studio spaces to microbusinesses and social enterprises within the Borough with a strategy to be prepared and agreed with the LPA for targeted marketing within the Spitalfields and Banglatown Ward is welcomed too.

External Consultees:

5.14 Thames Water:

No objections to the proposal subject to conditions requiring the submission of a Piling Method Statement and an informative.

5.15 Metropolitan Police (Designing Out Crime):

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

5.16 Historic England

No comments and views from LBTH's Conservation Officer should be sought.

5.17 Greater London Archaeology Advisory Service (GLAAS)

The development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. No objection subject to inclusion of a two-stage archaeological condition which comprise an evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

5.18 Environment Agency

No comments.

5.19 Spitalfields Trust

The principle of a new building on this empty site is welcome however the height will cause harm to the character of the Conservation Area which is generally characterised by buildings lower by a couple of storeys at least.

There will also be an impact on the daylight levels of the flats to the rear of the site. The proposed building is significantly taller than these buildings and will inevitably block out a significant amount of light, harming their amenity and compromising their future as desirable homes.

A reduction in the height of the proposed building would improve its relationship with its surroundings and the impact on the properties to the rear. Until amendments to this effect are secured, we would advise refusing this application. *Officer's response: Please refer the assessment on design and heritage below.*

5.20 Spitalfields Neighbourhood Planning Forum

While the development is of high quality of design, it will not complement nor enhance the local character and identity of Spitalfields and considered to be 'out of place'.

The development is in the South Brick Lane Local Character Area and while this area is noted for its varied character, this building is too strident and is not in keeping with the prevailing character of the area.

The development does not have sufficient regard to the form and heritage of South Brick Lane.

The development is not sensitive to its setting and does not respect the scale, height, mass, orientation, plot widths and grain of the surrounding buildings, streets and spaces.

The use of unusual materials used would not make a positive contribution to Spitalfields.

Positive attributes include the provision of affordable workspace, and green infrastructure embedded within it which may contribute to a good Urban Greening Factor score.

Officer's response: Please refer the assessment on design and heritage below.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

Development Plan

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

The Development Plan comprises:

- London Plan (2021)
- Tower Hamlets Local Plan 2031 (2020)

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

Land Use – SD1, E1, E2, E3, E11; S.SG1, S.TC1, S.EMP1, D.EMP2, D.EMP3, D.TC5
(employment-led use, affordable workspace)

Design – D1, D3, D4, D5, D8, S.DH1, D.DH2
(layout, townscape, appearance, public realm, safety)

Conservation – HC1, S.DH3, D.DH4
(historic environment)

Amenity – D3; D.DH8
(privacy, outlook, daylight and sunlight, noise, construction impacts)

Transport – T4, T5, T6, T7; S.TR1, D.MW3, D.TR2, D.TR3, D.TR4
(sustainable transport, highway safety and capacity, car and cycle parking, servicing, waste)

Environment – G1, G5, G6, G7, SI 1, SI 2, SI 3, SI 4, SI 13; S.ES1, D.ES2, D.ES3, D.ES5, D.ES7, D.ES8, D.ES9
(air quality, biodiversity, contaminated land, energy efficiency and sustainability, sustainable drainage)

Emerging Policy

6.3 Spitalfields Neighbourhood Plan Referendum Version (July 2021)

6.4 In July 2021 the draft Spitalfields Neighbourhood Plan received the outcome of its examination in public and has now been agreed can proceed towards local referendum that will be required to take place by December 2021 accordingly the policies contained within the current draft of the Neighbourhood Plan carry significant weight in decision making. With adoption the Neighbourhood Plan would form part of the development plan as a whole.

6.5 The policies relevant to the proposal are:

- Policy Spital1: Protecting the Physical Fabric of Spitalfields
- Policy Spital2: Land Use, Activities and Frontages
- Policy Spital3: Public Realm

- Policy Spital7: Affordable Workspace

Other policies and guidance

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

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- National Design Guide (2019)
- LBTH, Planning Obligations SPD (2021)
- LBTH, Development Viability SPD (2017)
- LBTH, Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines (2009)
- Building Research Establishment (BRE) "Site layout planning for daylight and sunlight: a guide to good practice" (2011)
- GLA, City Fringe Opportunity Area Planning Framework (2015)
- GLA, Character and Context (2014)
- GLA, Shaping Neighbourhoods: Play and Informal Recreation SPG (2012)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Design
- iii. Conservation
- iv. Neighbouring Amenity
- v. Transport and Servicing
- vi. Environment
- vii. Infrastructure Impact
- viii. Planning Benefits
- ix. Equalities and Human Rights

LAND USE

Changes to Use Classes Order

- 7.2 On 21 July 2020 the Government announced a number of changes to the planning system which came into force on 1 September 2020. Of note to the application proposals, the introduction of Statutory Instrument no. 757 would see changes to the Town and Country Planning (Use Classes Order) and the creation of three new use classes, Class E, Class F1 and Class F2.
- 7.3 The new 'E' use class effectively amalgamates a number of previously disparate use classes into this new use. In the context of the application proposal, the previously existing A3 and B1 would fall within the E class amongst others.
- 7.4 Given that the application was lodged after 1 September 2020, the new use classes will be taken into account. The application proposes the use Class E(g) which specifically refers to uses which can be carried out in a residential area without detriment to its amenity:
- E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes

- E(g)(iii) Industrial processes

Proposed Office Space

- 7.5 The existing sites comprises an area of hardstanding used as a car park and service yard for the adjacent building at 68-80 Hanbury Street. The proposal involves the provision of 1,248sqm of Class E(g) co-working space over a four to six storey building. This proposed space would serve as an extension to the co-working space at 68-80 Hanbury Street, which currently covers 4,560sqm of floorspace.
- 7.6 Policy D.EMP2 of the Local Plan (2020) encourages the provision of additional employment floorspace to meet demand and the needs of different business types. Where new provision is proposed, it must be located in the most viable locations to support the role and function of the borough's designated employment locations and to proactively avoid long-term vacancy or subsequent conversion to other uses. This policy seeks to direct new provision to the designated employment locations, activity areas and site allocations which include employment space as a first priority.
- 7.7 The site is located in the City Fringe Activity Area which supports a mix of uses, particularly employment led uses, in line with policy D.EMP2. As such, the provision of co-working office spaces is supported.
- 7.8 Part 4 of policy D.EMP2 states that for major commercial and mixed-use development schemes, a minimum 10% of new employment floorspace should be provided as affordable workspace at a minimum of 10% discount below the market rate secured over a minimum of 10 years. Policy E3 of the London Plan encourages the use of planning obligations to secure affordable workspace within development with rents maintained below the market rate to allow space to be used for specific social, cultural or economic development purposes secured in perpetuity or for a period of at least 15 years by planning or other agreements.
- 7.9 Policy Spital7 of the Spitalfields Neighbourhood Plan relates to the provision of affordable workspace as part of commercial and mixed-use schemes. Within this plan, developments are required to let 10% of provided floorspace at an affordable rate at least 45% below the Neighbourhood Area's indicative market rate for a minimum of 12 years (subject to viability).
- 7.10 The application proposes 1,248sqm of E(g) space with 11% of this provided as affordable workspace at discounted rate of 35% for a period of at least 15 years, exceeding the minimum standards of 10 years under Local Plan policy and above the minimum duration set out in the draft Spitalfields Neighbourhood Plan and consistent with the minimum in the adopted London Plan. The affordable workspace would be located on first floor, covering a total of 137.16sqm and would consist of individual private studio spaces that lend themselves well for working by small microbusinesses and social enterprises as they provide the shared facilities that are associated with many workspace provision but with the additional benefit of a welcomed degree of privacy. This provision of affordable workspace will be secured by way of a planning obligation. Given the above, the provision of affordable workspace is considered a significant benefit of the scheme..
- 7.11 It is noted that the subject site and Britannia House are operated by the same applicant, Second Home who carry out and operates community outreach programs which in the past have includes language classes for refugees and migrants; plus an on-going cultural programme to expose the community to a broad range of inspirations and new ideas; offering free meeting room bookings for the use of charities and not for profit organisations. This is expected to continue or further development within the current scheme which would be beneficial to the community.

DESIGN

- 7.12 Policy D3 of the London Plan sets out that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. The highest quality materials and design should be incorporated.
- 7.13 Policy S.DH1 of the Local Plan (2020) requires developments to meet the highest standards of design, layout and construction which respects and positively responds to its context, townscape, landscape and public realm at different spatial scales. Developments should be of an appropriate scale, height, mass, bulk and form in its site and context. Policy S.DH3 requires that the significance of heritage assets are preserved in any development scheme.
- 7.14 Policy D.DH2 of the Local Plan (2020) requires development to contribute to improving and enhancing connectivity, permeability and legibility across the borough. Developments should optimise active frontages towards public streets and spaces, provide clear definition of building frontage and massing and allow connection and continuity of pedestrian desire lines at a human scale.

Height, Scale and Massing

- 7.15 The prevailing height within the immediate area ranges from three to six storey buildings. Figure 3 below illustrates the surrounding massing which includes the following:
- Britannia House to the west of the site is a six-storey building
 - Hanbury Studios to the east is a part four-part five storey building currently under construction
 - 61 and 63-65 Princelet Street to the south are part four-part five storey buildings
 - Row of terrace three storey and four storey buildings to the west of Britannia House
 - Boden House on Woodseer Street to the north is a three-storey building
 - 67-77 Hanbury Street to the north of the site is one storey double height ceiling warehouse.

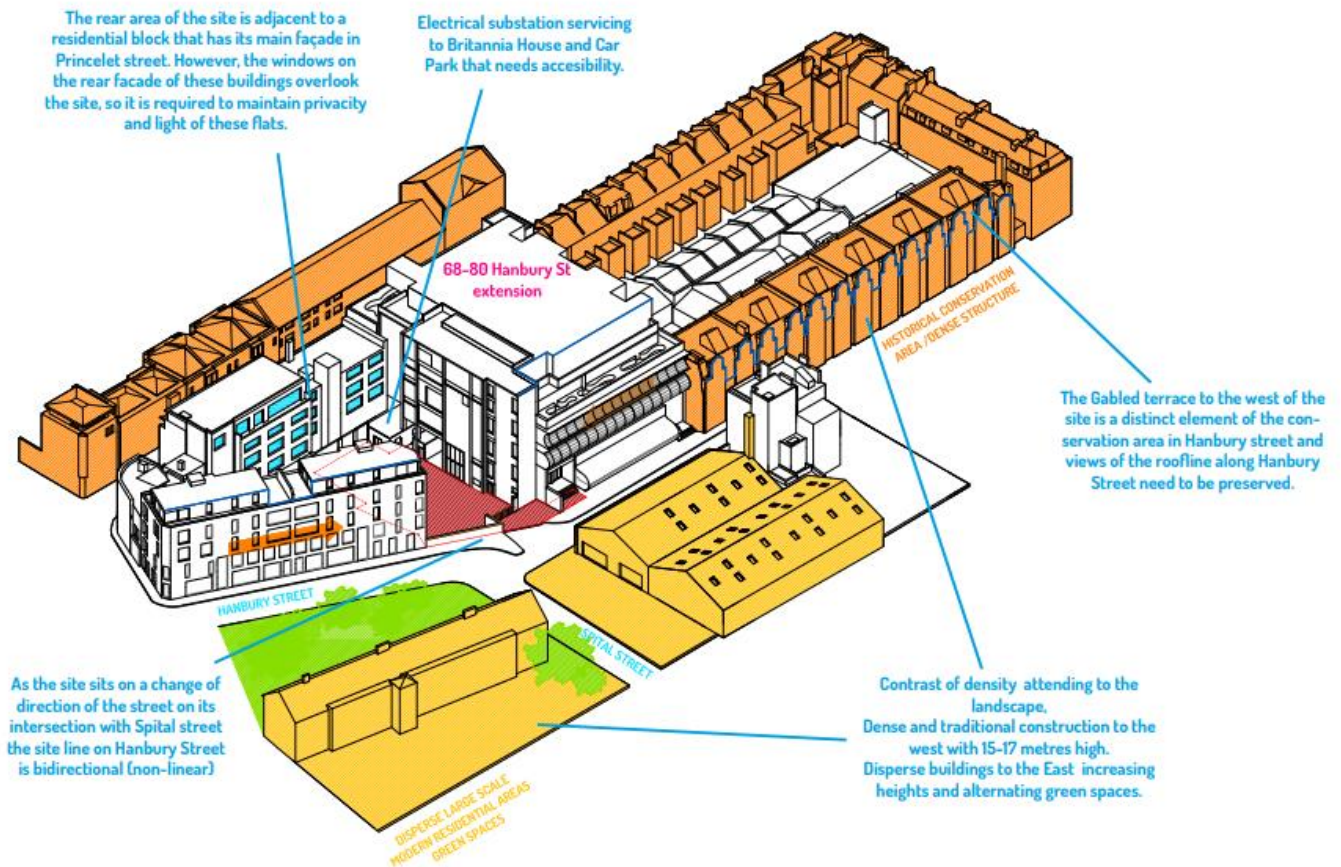


Figure 3: Existing local context (Design & Access Statement)

- 7.16 The application proposes the construction of a six-storey building, extending to a height of 21.81 metres from street level on Hanbury Street. It is noted that although there is a prevailing height of four to five storeys in height, the proposal has been designed to ensure that the sixth floor would not be an incongruous and out of scale building within the streetscape. The design has incorporated a stepped back design to ensure that the massing of the building has been relieved on the upper floors.
- 7.17 The height, scale and massing of the development is considered to be proportionate to the existing and emerging context of the surrounding area.
- 7.18 As shown in figure 4 below, the site to the west is 68-80 Hanbury Street (Britannia House) rises to six storeys in height; and to the east is 82-102 Hanbury Street (Hanbury Studios) which is a part four-part five storey building currently under construction. The proposal would reach six storeys at a height of 21.81 metres to align with Britannia House, staggering down toward the east to four storeys at a height of 14.2 metres to align with shoulder height of Hanbury Studios. This allows for a sensitive transition in height between the two adjoining buildings.



Figure 4: Proposed Elevation on Hanbury Street (Design & Access Statement)

7.19 In addition, as shown in figure 5 below, the stepping back element on the front elevation and aligning the front building line with the adjoining properties would ensure it would result in a cohesive part of the existing local townscape.



Figure 5: Proposed building viewed from Hanbury Street (Design and Access Statement)

7.20 The neighbouring properties directly to the south are 61 and 63-65 Princelet Street, which are four and five storey buildings. As shown in figure 6 below, the sixth storey element on the proposal has been sufficiently setback from the southern adjoining properties. This would not only mitigate potential amenity impacts, but appropriately respond to the prevailing height in the area.

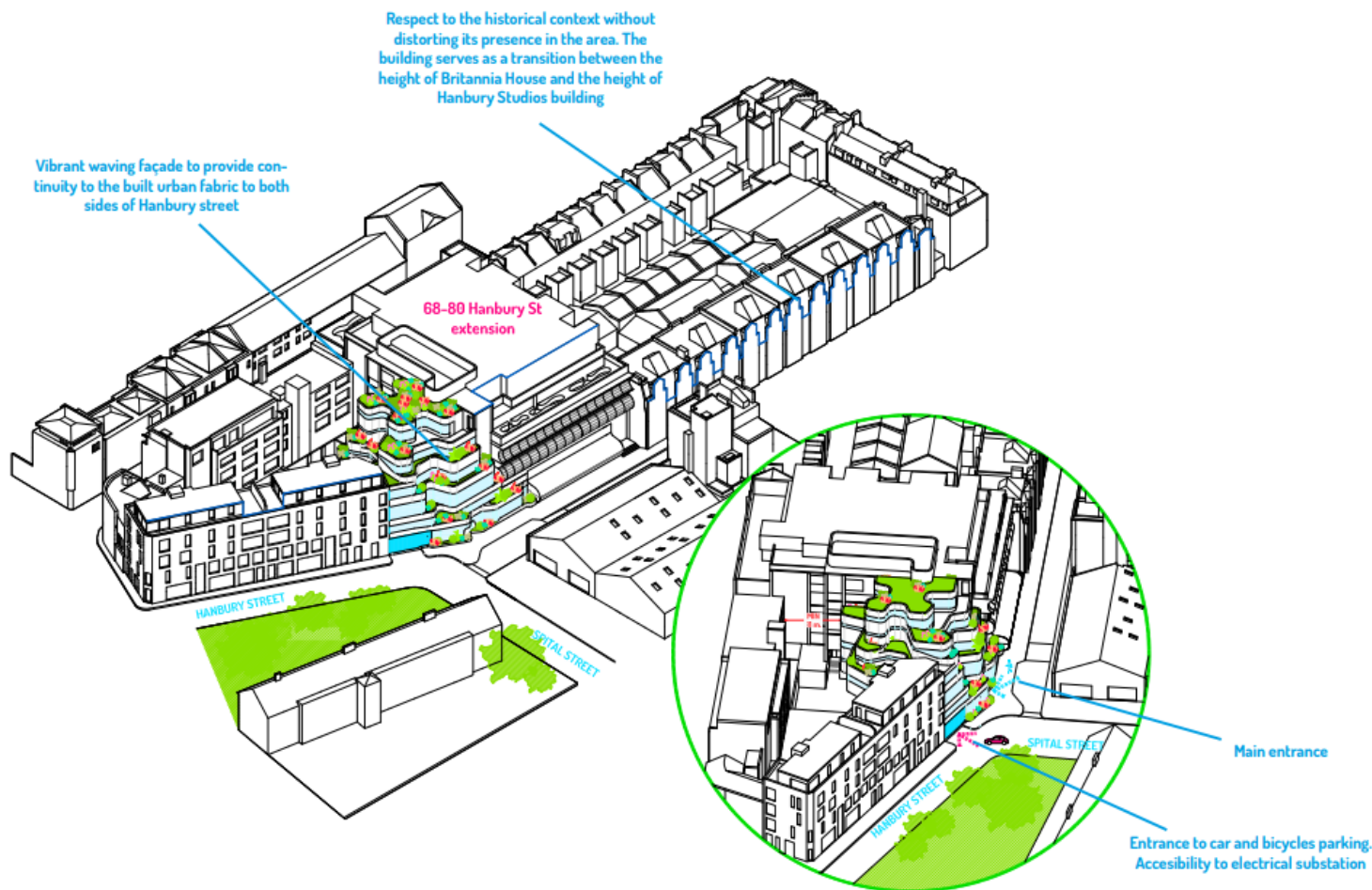


Figure 6: Proposed building within the local context (Design & Access Statement)

Layout

- 7.21 As shown in figure 7 below, the ground floor layout and visual treatments within the development would contain predominantly an active commercial frontage on Hanbury Street. The front of the building at ground floor would consist of the ancillary café with direct entrance from Hanbury Street. There were concerns with the entrance door opening outwards as this could potentially lead to it being a hazard for pedestrians on the walkway. However, as shown in the figure below, the door would be slightly angled and setback from the pavement, to ensure it would not obstruct the flow of pedestrians.
- 7.22 The proposal would involve a much-improved public realm facing Hanbury Street with the introduction of soft landscaping along the front of the building and connecting the paving along Hanbury Street between Britannia House and Hanbury Studios.



Figure 7: Proposed ground floor plan

7.23 To the east of the site is the vehicular entrance, leading to the service yard. The gate to this entrance sits flush with the building line, incorporating vertical powder coated steel tubes. This would add visual interest to the building and assist with breaking up the horizontal emphasis at ground floor.

7.24 The massing of the proposed development consists of curves which creates an organic shape and forming a dynamic and sculptural building. The building incorporates pockets of soft landscaping on each level to further assist with softening the appearance and massing of the building.

Materials and Appearance

7.25 The proposed materiality is of a contemporary approach, in its use of glazing, composite aluminium and stainless-steel facades. The use of curved glazing at the corners of the building is considered to contribute to the high-quality appearance of the building.

7.26 The steel trusses punctuate and divide the glazed frontages, contributing to positive architectural value. The planting in between the flooring will furthermore contribute positively to the evolving urban grain of the Brick Lane Fournier Street Conservation Area, adding visual interest and increasing biodiversity to the dense urban development. The details and maintenance of these areas will be subject to condition.

7.27 There were concerns with the appearance of the external fixings to secure the cladding as this has previously led to water ingress, rusting, dirt accumulation, and poor finishing. The

application has proposed 12 mm thick adhesive back fixed to the inside face of all aluminium cladding elements.

- 7.28 As shown below in figure 8, the elevation design and fenestration are considered irregular, consisting of 6 storeys with each storey having varied glazing proportions and parapets and by incorporating a combination of setbacks, this would further articulate the building.

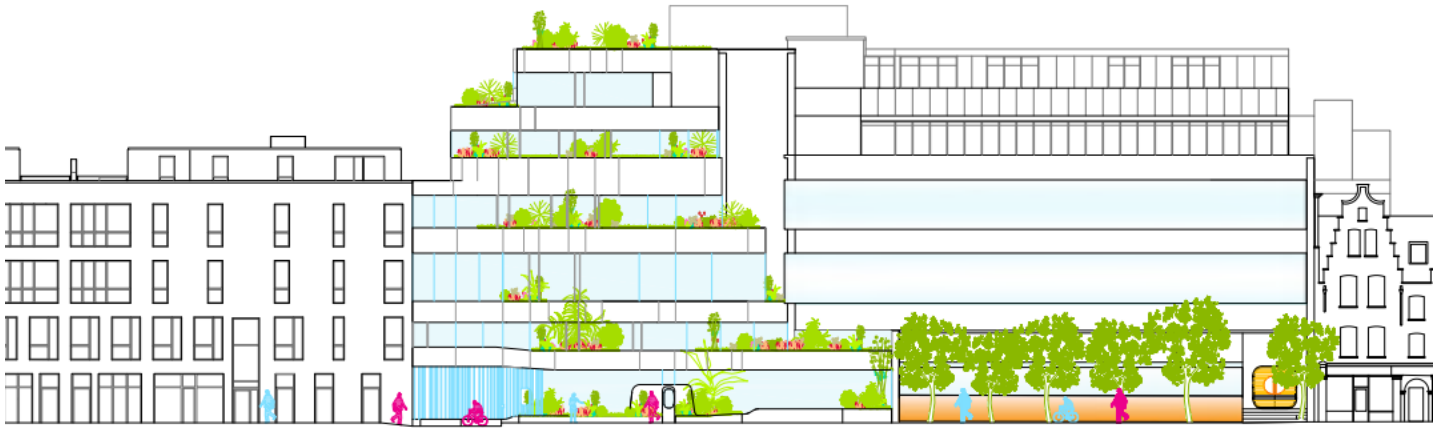


Figure 8: Proposed Hanbury Street elevation

- 7.29 Policy D.DH2 of the Local Plan (2020) aims to optimise active frontages towards public streets and spaces. As shown in figure 9, the site currently does not offer any active frontages or benefits to the streetscape and public realm. When compared to figure 10 below, the proposal would introduce an active frontage by way of continuous glazing at ground floor which would serve an ancillary café. There is also direct access onto Hanbury Street to the café. The proposal would provide natural surveillance specifically at ground floor, positively contributing to the public realm and thus considered a broader benefit to the area.



Figure 9: Existing site when viewed from Hanbury Street (Design and Access Statement)

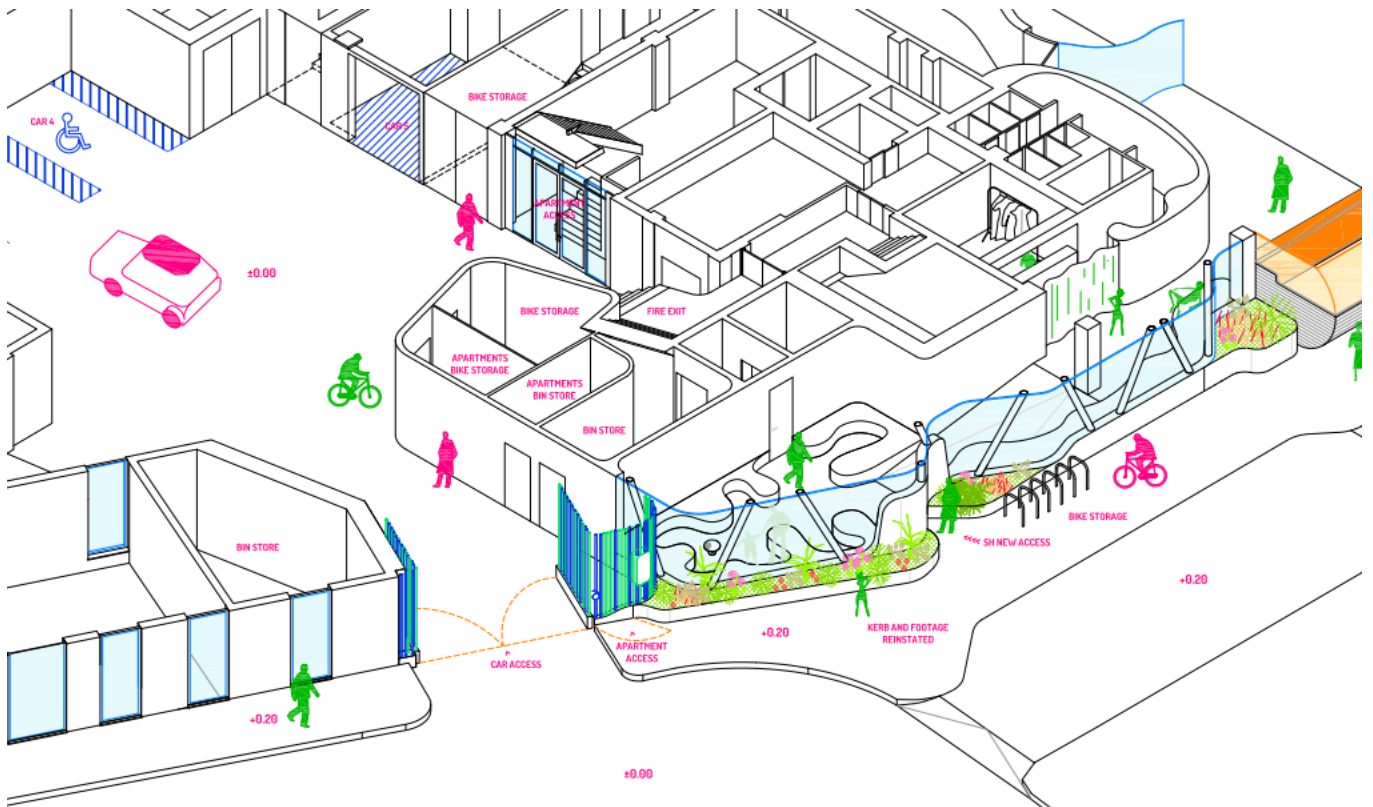


Figure 10: Proposed ground floor plan (Design and Access Statement)

Conclusion

- 7.30 In respect of urban design, the materials and overall appearance of the building are consistent with the policies of the Development Plan. Full details and samples of external materials would be secured by condition so as to ensure the high-quality design aspiration is fully delivered.

HERITAGE

- 7.31 Development Plan policies require proposals affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Policy S.DH3 requires development to protect and enhance the borough's conservation areas including their setting.
- 7.32 The site lies in the Brick Lane and Fournier Street Conservation Area as shown in figure 11 below. As described in the Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines, this conservation area is an area of particular special architectural and historic interest, illustrated by its rich history and significant architecture, dating from the 18th century and earlier
- 7.33 The conservation area was designated in July 1969 as 'Fournier Street' and extended in 1978 and 1998 with the name changed to reflect Brick Lane's contribution to the character of the area. It was further extended to the west and south west in October 2008 with the inclusion of St Matthews Church, St Anne's Church and Victoria and Albert Cottages. It is one of the largest conservation areas in Tower Hamlets, running along Brick Lane from Bethnal Green Road in the north down to Whitechapel in the south.
- 7.34 The conservation area is characterised by the narrow network of 17th and 18th century streets, consisting of a mix of residential and commercial/light industrial uses. Overtime, the area has adapted to accommodate larger-scale development which includes the Truman's Brewery.
- 7.35 The side streets off Brick Lane are often characterized by more unified groups of buildings. This includes coherent groups of buildings comprising the residential terraces on Woodseer St, the ground of gabled houses on the south side of Hanbury Street, to the west of the subject site, and the small terrace of houses of yellow stock brick on the north side of Princelet Street.

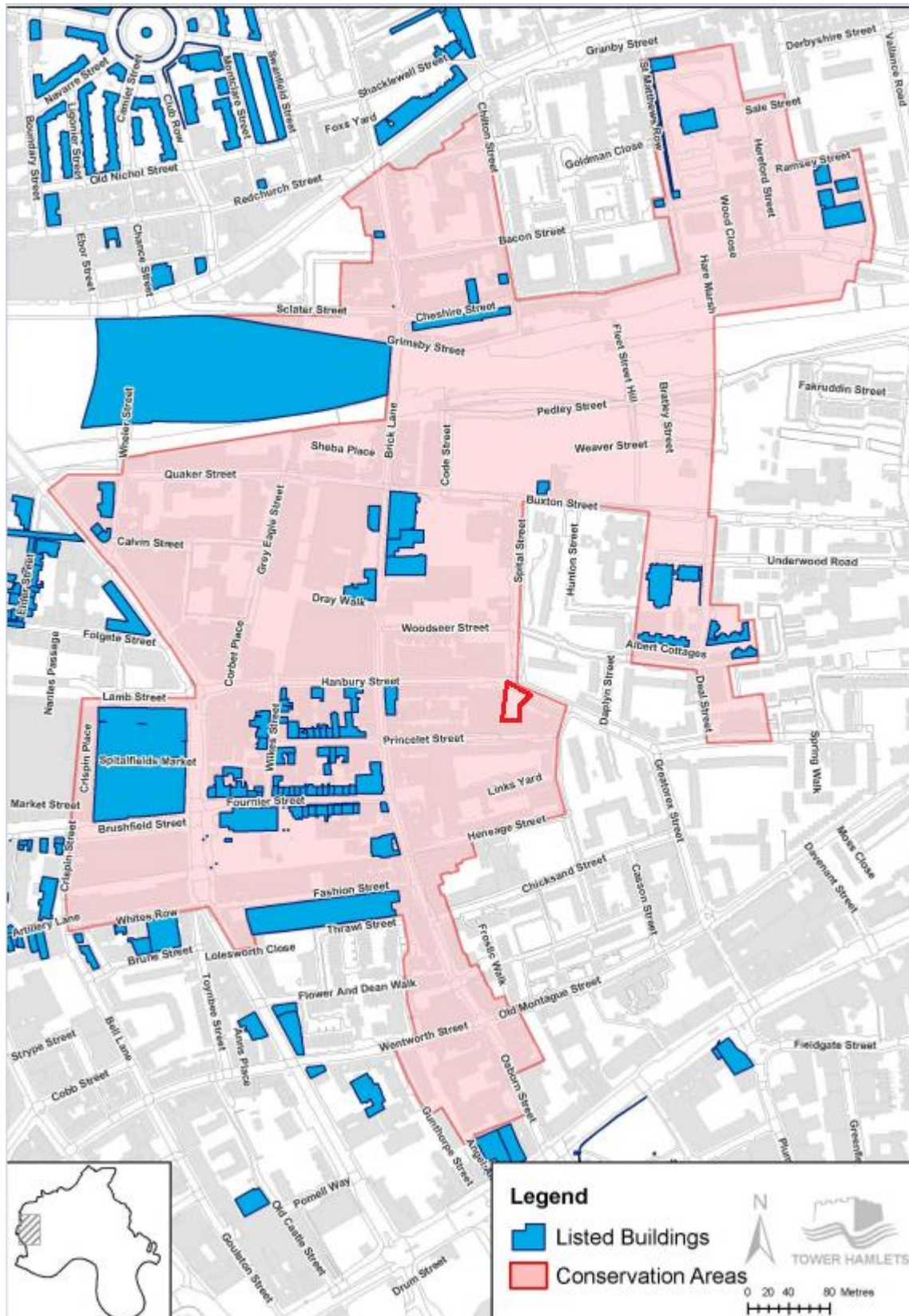


Figure 11: Brick Lane and Fournier Street Conservation Area (Subject site outlined in red)

7.36 The site has remained undeveloped since it was cleared after the Second World War and given it's prominent location, and being on the edge of the conservation area, there is an opportunity to enhance the immediate surroundings and enhance views looking into the conservation area.

The site as it presently exists does not serve as a positive contributor to the appearance or character of the conservation area

- 7.37 The proposed design incorporates a contemporary approach representing a departure from much of the surrounding and neighbouring developments.
- 7.38 The submitted Heritage Statement (Turley) states that *'The architectural character of the conservation area is varied, consisting of a dense urban townscape that has evolved over more than three centuries. The narrow network of 17th and 18th century streets can still be perceived, alongside later 19th and 20th century redevelopment.'* The proposed high-quality contemporary yet sensitive design approach, is considered to successfully continue this townscape narrative.
- 7.39 The proposed depth of the setbacks and receding upper storeys would ensure that it would not contribute harm to the key views within the area. The Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines highlight these key views within the area. This includes the view looking east down Hanbury Street, consisting of the Dutch gables on the row of terraces which positively contribute to the character and appearance of the conservation area.
- 7.40 As shown in figure 12 below, the proposal would not negate appreciation of this prominent view. This view is included in the Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines which states: *'The many streets extending to the west and east from Brick Lane often create very long, straight views, in which the consistency of the rooflines are important. These include Buxton Street, Hanbury Street, Princelet Street, Bacon Street and Heneage Street.'* (page 14).
- 7.41 The Design and Access Statement (Dosis) provides an illustration of the proposed view, indicating the lack of impact that the development would have on this important viewpoint from Hanbury Street. As shown in figure 12 below, the development will not be perceived visually from Princelet Street, given that the road is narrow which would negate the ability to see the top of the building (this would also not be possible from the buildings on the south side of the street).



Exterior view from Hanbury Street - Existing Building



Exterior view from Hanbury Street - CGI-Proposed building

Figure 12: Existing (left photo) and right (Proposed) view not entirely looking east on Hanbury Street (Design and Access Statement)

- 7.42 Officers are of the conclusion the proposed development would contribute to the evolving streetscape and positively contribute to the sense of place, particularly between the design approaches taken by neighbouring Britannia House and Hanbury Studios.
- 7.43 Even though the design is strikingly contemporary in character, the development proposal would appear subservient and yet unique, complementing the townscape and locale. The building would positively enhance architectural value and contribute to the significance of the conservation area through provision of a building of notable architectural interest and valued building in the place of existing vacant infill site.

Grade II Listed buildings at 114, 116, 118A and 120-122 Brick Lane

- 7.44 The row of buildings on Brick Lane are the closest listed buildings from the subject site, located 150 metres from the site. Given this distance and limited visibility from Brick lane, the proposal would not impact the setting and special architectural interest of the listed buildings.



Figure 13: View of the Grade II listed buildings at 114, 116, 118A and 120-122 Brick Lane

Conclusion

- 7.56 The application site presently does not contribute positively to the character and appearance of the Brick Lane and Fournier Street Conservation Area. As shown previously in figure 9, the site is vacant and consists of fencing along the frontage on Hanbury Street. The proposals, which would see the conversion of this underutilised space into a high quality contemporary commercial building, would act to enhance the character and appearance of the conservation area.

- 7.57 Overall, it is considered that the proposed development would enhance the character and appearance of the conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and have no deleterious impact upon listed heritage assets with respect to Section 66 of the same planning Act.

NEIGHBOURING RESIDENTIAL AMENITY

- 7.58 There are two residential buildings which may be affected by the proposed development. These are 61 and 63-65 Princelet Street.

Outlook, Sense of Enclosure and Overlooking

- 7.59 Policy D.DH8 of the Local Plan (2020) promotes a distance of 18 metres between windows of habitable rooms to ensure sufficient privacy and no unreasonable loss of amenity from overlooking between habitable rooms of adjacent residential properties and private amenity areas.
- 7.60 The site is bounded by residential blocks at 61 and 63-65 Princelet Street to the south (rear), and Hanbury Studios to the east. The separation distance between the proposed development and 61 / 63-65 Princelet Street is 11.5 - 13.2 metres from first to fourth floor and 16 metres at fifth floor, as shown in figure 14 below.

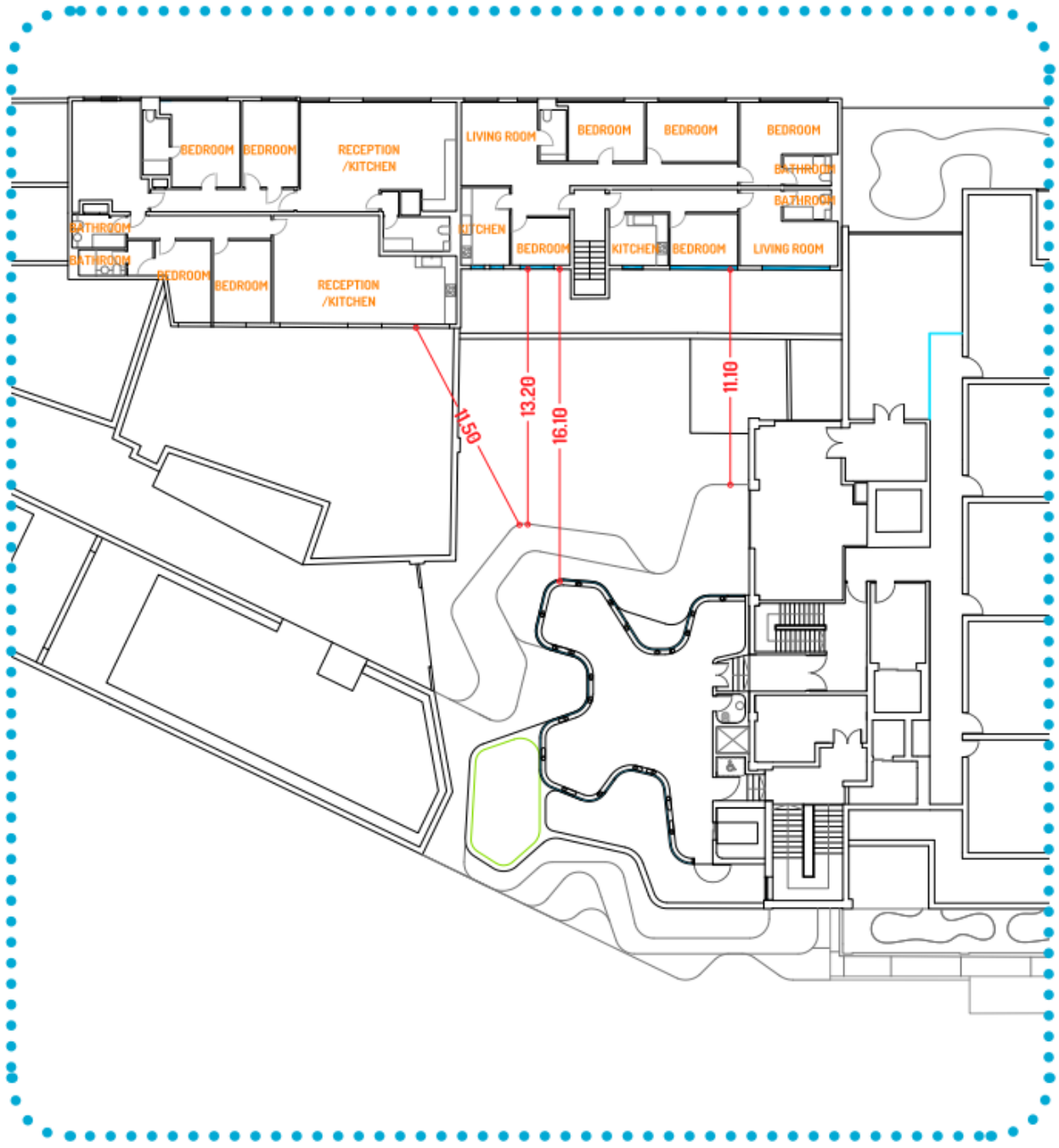
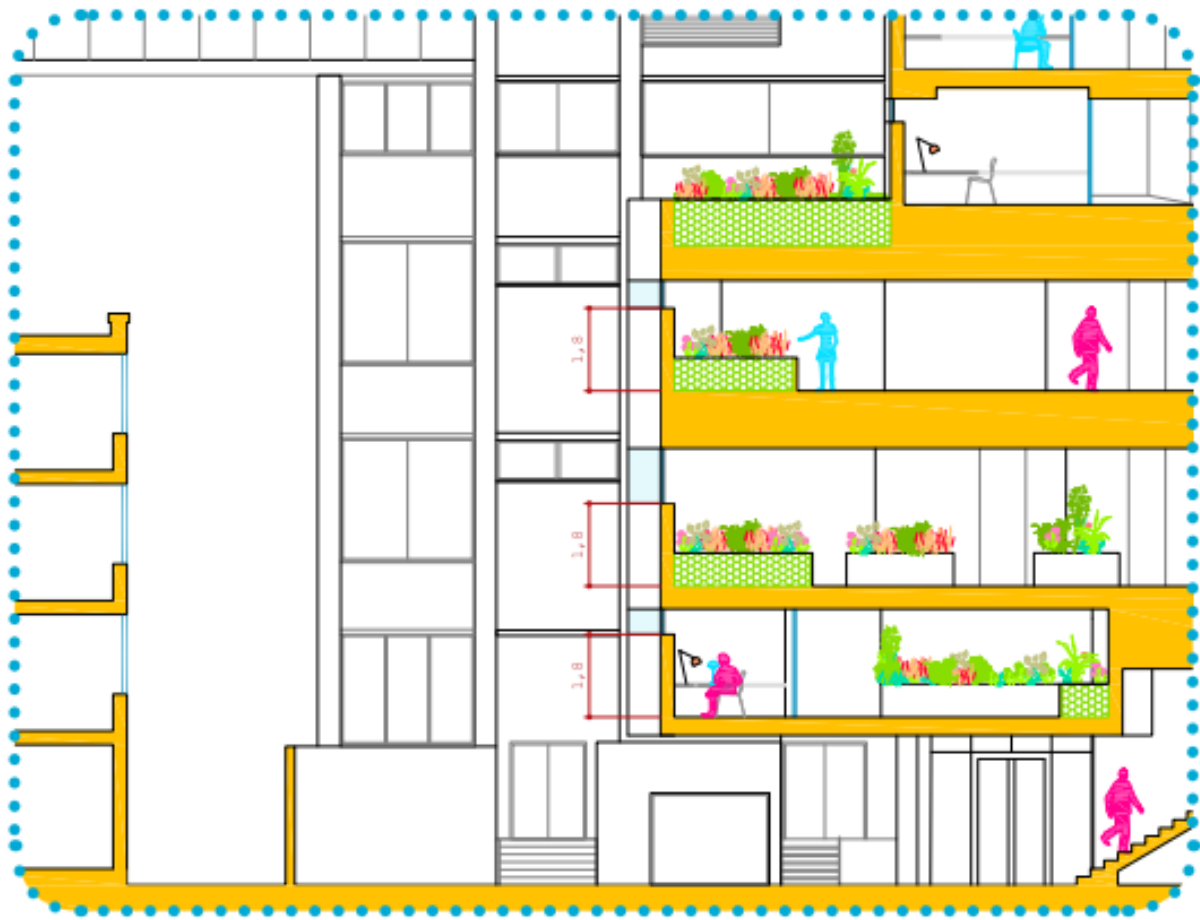


Figure 14: Separation distance (Design and Access Statement)

7.61 As demonstrated in figure 15 and 16 below, the south (rear) facing windows on the proposal would consist of an increased parapet height of 1.8 metres from the finished floor level of each storey. This would create high level windows where direct overlooking impacts would be limited.



Rear facade section. Current proposal with 61 Pincele Street to the left

Figure 15: North-south section plan (Design and Access Statement)



Figure 16: CGO of proposed rear (south) elevation (Design and Access Statement)

7.62 As shown in figure 16 above and 17 below, the massing of the building would include the upper levels stepping back from the edges of the site to ensure it would not contribute to a sense of enclosure at a detrimental level. There were concerns raised by the representations in relation to overlooking and privacy concerns with access to the roof terraces on each of the levels. The applicant confirmed these roof areas will only be accessed for maintenance. A condition will be included to ensure that access is not provided to mitigate overlooking impacts to the residential properties at 61 and 63-65 Princelet Street.

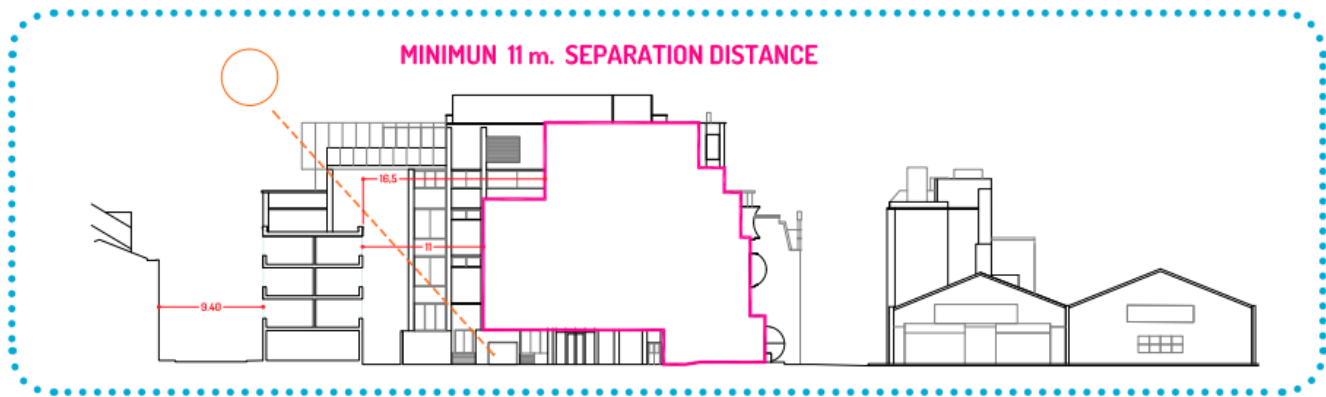


Figure 17: North-south section plan (Design and Access Statement)

Daylight, Sunlight and Overshadowing

- 7.63 Policy D.DH8 seeks to ensure that development must not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development and must not result in an unacceptable level of overshadowing to surrounding open space and private outdoor space. Supporting text of the policy states that a daylight and sunlight assessment, following the most recent version of the Building Research Establishment (BRE) handbook ‘Site Layout Planning for Daylight and Sunlight’ (2011) (‘BRE handbook’).
- 7.64 The BRE Guidelines suggest that the Spring Equinox (21 March) is a suitable date for the assessment as this is the midpoint of the sun’s position throughout the year. It is recommended that for it [an amenity space] to appear adequately sunlit throughout the year at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March.
- 7.65 Overshadowing to back gardens and other amenity spaces has not been assessed, however upon review of the site and surrounding area there does not appear to be any outdoor spaces that would qualify for an overshadowing assessment.

Daylight and Sunlight

- 7.66 The BRE handbook provides guidance on daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim ‘is to help rather than constrain the designer.’ The BRE handbook states that for calculating daylight to neighbouring properties affected by a proposed development, vertical sky component (VSC) and daylight distribution (NSL – no skyline) assessments are to be undertaken.
- 7.67 VSC is a daylight measure that represents the amount of visible sky that can be seen from the mid-point of a window, from over and around an obstruction in front of the window. That area of visible sky is expressed as a percentage of an unobstructed hemisphere of sky, and, therefore, represents the amount of daylight available for that particular window; however, it does not take into account the number or sizes of windows to a room, room dimensions or the properties of the window itself.
- 7.68 The BRE handbook suggests that a window should retain at 27% VSC or retain at least 80% of the pre-development VSC value to ensure sufficient daylight is still reaching windows. The 27% VSC value is a target applied for all building typologies and urban environments.
- 7.69 There is no definitive categorisation for impacts that exceed BRE guidelines, however the following significance criteria banding was used when summarising the overall daylight and sunlight effects to the surrounding buildings.
- Negligible impact; 0-20% loss against existing
 - Minor adverse impact; 20-30% loss against existing

- Moderate adverse impact; 30-40% loss against existing
- Major adverse impact; Above 40% reduction

- 7.70 No-skyline (NSL) is a separate daylight measure assessing the distribution of diffuse daylight within a room, otherwise known as daylight distribution (DD). NSL assesses where daylight falls within the room at the working plane (850mm above floor level in houses). Daylight distribution assessment is only recommended by the BRE Report where room layouts are known however, they can also be estimated. The NSL simply follows the division between those parts of a room that can receive some direct skylight from those that cannot. Where large parts of the working plane lie beyond the NSL, the internal natural lighting conditions will be poor regardless of the VSC value, and where there is significant movement in the position of the NSL contour following a development, the impact on internal amenity can be significant.
- 7.71 When comparing the NSL for existing buildings against that proposed following development, BRE guidelines state that if the NSL moves so that the area of the existing room which receives direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit.
- 7.72 The BRE handbook states that for calculating sunlight to neighbouring properties affected by a proposed development, annual probable sunlight hours (APSH) is a measure of direct sunlight that a given window may expect over a year period. The BRE handbook recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. The BRE handbook recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period.

Assessment

- 7.73 The submitted Daylight and Sunlight report (GIA) has carried out an assessment against the following properties:
- 58 Princelet Street
 - 60 Princelet Street
 - 61 Princelet Street
 - 62 Princelet Street
 - 63 Hanbury Street
 - 63-65 Princelet Street
 - 65 Hanbury Street
 - 82-102 Hanbury Street
 - Boden House
 - 1-9 Huguenot Court
 - 10-15 Huguenot Court
- 7.74 Of the 11 properties, the report demonstrated that eight would achieve full compliance with the BRE guidelines. The remaining three which include 61 Princelet Street; 63-65 Princelet Street and Boden House will be assessed below.
- 7.75 A 3D computer model of the proposals and surrounding properties has been produced, and the assessment has been aided by VU.CITY and onsite observations. The model includes window locations and internal configurations. Assumptions have been made regarding the internal layouts of the rooms where plans were not available. It is noted that when an assessment has been based on estimations and assumptions, a tolerance should be applied as there is potential for modest inaccuracies to occur.

- 7.45 The Daylight and Sunlight Assessment (GIA) submitted by the applicant was independently reviewed by Delva Patman Redler which demonstrated that the three properties would experience minor adverse effect in daylight terms and negligible change in sunlight terms.
- 7.46 Further representations were received identifying that the windows and room layouts at 61 and 63-65 Princelet Street used in the daylight and sunlight assessment are incorrect. Floor plans of these flats were provided with the resident representations. Officers from the Council made site visits within the flats at 61 and 63-65 Princelet Street to establish and confirm the layouts and help assess the impacts to the individual rooms and windows. An amended Daylight and Sunlight Assessment (GIA) was prepared that took account of the knowledge gained on the internal layouts at flats at 61 and 63-65 Princelet Street and the amended daylight/sunlight assessment was reviewed by the Council's appointed daylight/sunlight consultant, Delva Patman Redler and they are set out below and discussed below. The results are displayed in figure 18, with the three properties highlighted in yellow.

Address	VSC						NSL					
	Total No. of Windows	No. Windows that meet BRE criteria	Below BRE Guidelines				Total No. of Rooms	No. Rooms that meet the 0.8 times former value criteria	Below BRE Guidelines			Total
			20-30% Reduction	30-40% Reduction	>40% Reduction	Total			20-30% Reduction	30-40% Reduction	>40% Reduction	
63 Hanbury Street	5	5	0	0	0	0	3	3	0	0	0	0
65 Hanbury Street	7	7	0	0	0	0	4	4	0	0	0	0
Boden House	81	78	3	0	0	3	36	33	2	1	0	3
82-102 Hanbury Street	45	45	0	0	0	0	24	24	0	0	0	0
58 Princelet Street	4	4	0	0	0	0	4	4	0	0	0	0
60 Princelet Street	4	4	0	0	0	0	4	4	0	0	0	0
61 Princelet Street	21	12	4	5	0	9	8	8	0	0	0	0
62 Princelet Street	4	4	0	0	0	0	4	4	0	0	0	0
63-65 Princelet Street	20	19	1	0	0	1	15	13	1	1	0	2
1-9 Huguenot Court	10	10	0	0	0	0	6	6	0	0	0	0
10-15 Huguenot Court	5	5	0	0	0	0	3	3	0	0	0	0

Figure 18: VSC and NSL Results (Daylight and Sunlight Report by GIA)

Boden House



- 7.47 Boden House is a three-storey building approximately 30 metres to the north-east of the site and consist of residential flats from ground to second floors.
- 7.48 The results demonstrate that 81 windows have been assessed for VSC, with 78 (96%) demonstrating BRE compliance. The three windows (W2/Second, W4/Second & W5/Second) that would fall below are located at second floor and all experience a low magnitude of change (21.2%, 22.7% and 23.1% respectively). These windows already experience low VSC values of 3.3%, 2.2% and 1.3% respectively in the existing condition and therefore any reduction is artificially magnified. The absolute reduction in VSC to all three windows is small at less than 0.7% which is unlikely to be readily perceptible.

- 7.49 The results demonstrate that 36 rooms have been assessed for NSL, with 33 (92%) demonstrating BRE compliance. The three rooms that would fall below are located on the ground floor. Two rooms (R1/Ground, R3/Ground) would experience a low magnitude of change at 21.5% and 21.8% respectively, and one room (R2/Ground) would experience a medium magnitude of change at 30.4%. The applicant's report has identified all rooms as bedrooms which have a naturally lower expectation of daylight, and all would retain NSL values between 58.6% and 68.3%, which would be considered appropriate in an urban location. The externally reviewed report by Delva Patman Redler identified that room R3/Ground is in fact a living room, however this experiences a low magnitude of change at 21.8% and retained NSL of 68.3% which would be considered reasonable.
- 7.50 It is considered that the results for this building are affected by their own architectural design, where affected windows are located within a recessed portion of the building.
- 7.51 In terms of sunlight, the assessment demonstrates that all 72 windows that face 90° due south would be compliant with the BRE guidelines.

61 Princelet Street



- 7.52 61 Princelet Street is a four-storey building immediately to the south of the site. It consists of residential flats on the first to third floors.
- 7.53 The results show 21 windows have been assessed for VSC, with 12 (57%) demonstrating full VSC BRE compliance. Eight of these windows face Princelet Street and thus would not be affected by the development but have been included within the assessment as they serve dual aspect spaces relevant for the NSL analysis. The remaining four are located on the third floor facing the site.
- 7.54 The remaining nine windows that do face the site, four (W6/Second, W4/Second, W5/Third, W1/Third) would experience a low magnitude of adverse impact between 21.7% to 27.4% and the remaining five windows (W4/First, W6/First, W5/First, W3/First, W5/Second) would experience a numerical moderate adverse impact between 30.5% and 39.1%.
- 7.55 The results demonstrate that 2 windows would retain a VSC of between 15-20%, 6 would retain a VSC of between 10-14.9% and 1 would retain a VSC of less than 10%. The 4 site facing windows that meet the guidelines achieve retained VSC values of 12.6%, 17.5%, 21.4% and 23.1%. In this case, the majority of the windows will meet or fall marginally below the mid-teens level.

- 7.56 Two windows serving a dual aspect living/kitchen/dining on the first floor (W6/First) and a bedroom on the second floor (W6/Second) will retain a VSC of 8.2% and 10% respectively. It is noted that they are obstructed by the return elevation of the existing building at Britannia House, which includes a pop out gable wall immediately in front of these windows, rendering the existing values low to begin with.
- 7.57 Additionally, the VSC calculation is taken from a single reference point on the centre of the outside face of a window, which would mean that VSC results for a small sized window would be no different from a larger floor to ceiling window, however the larger windows would allow for more access to sunlight into the room. As illustrated in figure 19 below, the windows on 61 Princelet Street are large, which results in all eight habitable room windows to meet the NSL test.



Figure 19: Rear elevations of 61 Princelet Street (Daylight and Sunlight Report by GIA)

- 7.58 It is noted that the flats do benefit from windows on the south facing Princelet Street elevation, meaning that some single aspect spaces would be unaffected by the development and in the dual aspect living spaces they would act to mitigate the impacts. This is demonstrated by the NSL analysis, which shows that all eight rooms would meet the recommended guidelines, including the site facing single aspect rooms.
- 7.59 It should be noted that these windows that fail to comply with BRE guidance are within a site and urban context that involves a dense and tight grain of streets with existing buildings in tight proximity to each other, that affects levels of daylight received to rooms. Additionally, these flats are dual aspect with only the north facing elevation being affected by the development.
- 7.60 In terms of sunlight, the assessed rooms in this property do not have windows orientated within 90° of due south and therefore in accordance with the BRE guidelines they do not require sunlight testing.

63-65 Princelet Street



- 7.61 63-65 Princelet Street is a five-storey building immediately to the south-east of the site. It consists of residential flats on the first to fourth floors.
- 7.62 The results show 20 windows have been assessed for VSC, with 19 (95%) demonstrating BRE compliance. The single window (W1/First) that would fall below would experience an alteration of 24.1% against the BRE target of 20%, which is considered minor in nature. This room is served by an additional window that would meet the guidelines and thus the overall impact would be reduced.
- 7.63 GIA's report demonstrates that 15 rooms have been assessed for NSL, with 13 (86.7%) demonstrating BRE compliance. A first-floor living/kitchen/dining and third floor bedroom (W1/First and W1/Third) would experience an alteration of 20.5% and 36.3% respectively. The bedroom has a naturally lower expectation of daylight and only marginally falls outside the guidelines. Whilst the alteration for the living/kitchen/dining area is considered as a moderate adverse impact, the retained NSL value is 61.6% from an existing 96.6%. Whilst this would be a noticeable reduction, the retained value is not uncommon for an urban location where 50% is set as an alternative target value and therefore could be considered acceptable.
- 7.64 Whilst this would be reduced once the development is in place, the VSC results demonstrate that the window serving this room would be considered a minor adverse impact, and thus should be considered on balance given it is presently a vacant site.
- 7.65 In terms of sunlight, the assessed rooms in this property do not have windows orientated within 90° of due south and therefore in accordance with the BRE guidelines they do not require sunlight testing.

Conclusion

- 7.66 In assessing the proposals against the above policy context regard needs to be paid to the existing site conditions. In this regard it should be noted that the application site currently is a vacant service yard, with a number of neighbouring windows orientated towards or receiving daylight from the application site. It is therefore considered that any scheme for substantial above ground development on the application site would result in non-insignificant daylight and sunlight implications to surrounding properties. In reaching conclusions on the impact, it is commonly understood and accepted that a residential building should not significantly rely on what is described as borrowed daylight and sunlight from neighbouring sites, also regard should be had that the site is located in an Opportunity Area

- 7.76 Further to the above, it is noted that planning policies promote optimisation of underutilised sites and a variety of land uses. When taken in the context of the transgressions from BRE guidance, the wider benefits of the proposed development and the existing site conditions, it is considered that the proposed development would not result in an unacceptable impact on daylight or sunlight conditions to surrounding properties.

Light Pollution

- 7.77 Policy D.DH8 seeks to ensure that artificial lighting is well-designed and uses appropriate light levels to avoid interference with the surrounding residential properties. Light pollution is defined as the adverse effect of artificial lighting and includes glare, light spillage and sky glow.
- 7.78 A number of representations have been received raising concerns with the light pollution. The submitted Light Pollution Report (Waldrams) demonstrate that light levels generated by the proposed development post-curfew (11pm) would be within the levels specified in the Institute for Lighting Practitioners' (ILP) Guidance Note GN01:2011. The guidance provided by the ILP recommend a maximum illuminance of 5 lux. When measured at the nearest sensitive receptors (61 Princelet Street and 82-102 Hanbury Street), the maximum illuminance is 2.5 lux.
- 7.79 The use of automated blackout curtains on the rear facing windows would further reduce illuminance to neighbouring residential windows. These additional mitigation measures will be secured by way of conditions.

Noise and Vibration

- 7.67 The application is supported by a Noise Assessment (Sandy Brown) which demonstrates that the proposal has been designed so that it appropriately responds to the immediate application site context. The report identified that proposed plant will not exceed 35dB LAeq, 5min during the day, and 31dB LAeq, 5min during the night at a distance of 1m from the nearest sensitive receptor.
- 7.68 Subject to conditions requiring plant noise emissions to be below the Council's noise criterion (10dB), the completed proposed development would not give rise to significant effects in respect of operational noise and vibration.

Construction Impacts

- 7.69 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions are recommended to minimise these impacts. These will control working hours and require the approval and implementation of Construction Environmental Management and Logistics Plan.

Summary

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

TRANSPORT AND SERVICING

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

Car Parking

- 7.72 Policy T.6 of the London Plan (2021) require developments to provide the appropriate level of car parking provision. The applicant has committed to a 'car free' development with the exception of one accessible (blue badge) bays internally within the service yard accessed from Hanbury Street. The 'car free' nature of the proposal is considered acceptable given very good/good public transport accessibility of the site (PTAL 5). The provision of the development as 'car free' would need to be secured through a legal agreement.
- 7.73 The existing site currently accommodates five car parking spaces, which serves the residential flats at 68-80 Hanbury Street. These spaces will be re-provided as part of the application which is acceptable.

Servicing and Deliveries

- 7.74 Policy D.TR4 (Sustainable Delivery and Servicing) of the Local Plan (2020) states development must demonstrate how the transport network and amenity would be impacted on as a result of vehicle trips for goods or materials during its construction and/or operational phases.
- 7.75 The application details the servicing and delivery arrangements would be accessed from Hanbury Street, to the south of the site. The proposed service yard measuring 5.2 by 3.45 metres would cater for both the application and site and adjoining site at 68-80 Hanbury Street. Submitted drawings and details demonstrate that relevant delivery, refuse and service vehicles would adequately manoeuvre in and out of the site. This has been reviewed in consultation with LBTH Transportation and Highways Officer who raised no objections, subject to the conditions to secure a full delivery and servicing management plan.

Cycle Parking

- 7.76 Policy T5 of the London Plan (2021) requires development to provide an appropriate level of cycle parking that is fit for purpose, secure and well-located. The proposed development would generate the following need for cycle parking to be provided in line with the up-to-date requirements of the London Plan (2021):

B1 Use:

- Long-stay - 1 space per 75sqm for short-stay
- Short-stay - 1 space per 500sqm for first 5,000sqm, and 1 space per 5,000sqm thereafter

- 7.77 The proposal would provide 26 long-stay cycle spaces, including Sheffield stands, and wall rack cycle stands. In addition, 14 short-stay spaces would be provided in the form of 7 Sheffield stands, to be located the footway outside the building. The provision of cycle spaces is sufficient in accordance with the London Plan (2021). Full details of long stay and short stay cycle parking would be secured by condition, subject to approval.

Trip Generation and Highways Safety

- 7.78 The submitted Transport Assessment (Transport Planning Practice) has considered the total trip generation for the development. The assessment concluded that the proposed development has the potential to generate approximately 41 two-way trips during AM peak times between 08:00 and 9:00; and 40 two-way trips during the PM peak times 17:00 and 18:00. The majority of these trips would be made via the Underground (33.7% of trips), train (37.2% of trips) and bus (10.4% of trips). Other sustainable transport modes include walking (8.7% of trips) and bicycle (6.9% of trips).

- 7.79 The Transport Assessment has been reviewed in consultation with LBTH Transportation and Highways Officer who raised concerns with the impact of the layby on Hanbury Street as identified in the Road Safety Audit; and the location of the short-stay cycle parking on the footway.
- 7.80 The proposed layby on Hanbury Street was being included to provide a place for Council's refuse vehicles to stop, to serve the existing apartments within Britannia House. The refuse vehicle currently reverses off Hanbury Street and thus the proposed layby arrangement was considered an improvement. To prioritise enhancements to the pedestrian environment, the layby has been removed and the footway reinstated. Additionally, the location of the short stay spaces has been adjusted to maximise the footway width.

Travel Plan

- 7.81 A full Travel Plan would need to be secured by condition, subject to approval.

Demolition and Construction Traffic

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

ENVIRONMENT

Energy Efficiency

- 7.83 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2015 and the Tower Hamlets Local Plan (D.ES7) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 7.84 Policy SI2 of the emerging London Plan requires major development to be net zero-carbon. This means reducing carbon dioxide emissions from construction and operation, and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
- Use Less Energy (Be Lean)
 - Supply Energy Efficiently (Be Clean)
 - Use Renewable Energy (Be Green)
 - Monitor and report (Be Seen)
- 7.85 Policy D.ES7 includes the requirement for non-residential developments to be zero carbon with a minimum of 45% reduction in regulated carbon dioxide on-site with the remaining regulated carbon dioxide emissions to 100% to be offset with cash payment in lieu.
- 7.86 The submitted Energy Statement (Webb Yatts) sets out the proposals to reduce energy demand through energy efficiency measures and renewable energy technologies (including 14x Photovoltaic array and Air Source Heat Pumps) and deliver the following CO2 emissions:

- Site Baseline – 13.16 tonnes CO2 per annum
- Proposed Emissions – 5.75 tonnes CO2 per annum

7.87 The total on-site site wide CO2 emission reduction is anticipated to be 47.37% against the building regulation baseline utilising the SAP10 carbon factors.

7.88 The proposals are for a 5.87 tonnes/CO2 reduction in on-site emissions and would result in a carbon offsetting contribution of £16,388 to offset the remaining 5.75 tonnes CO2 and achieve net zero carbon. This calculation has been based on the new SAP10 carbon factors and using the recommended GLA carbon price of £95 per tonne for a 30-year period.

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

Sustainability

7.90 Policy D.ES7 of the Local Plan (2020) requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. This policy requires all non-residential uses over 500sqm of floorspace which form part of a development to achieve a BREEAM 'Excellent' rating of 70%.

7.91 The applicant has submitted a BREEAM Pre-Assessment which demonstrated a BREEAM Excellent Rating with a score of 77% and the BREEAM Excellent Final Certificate will be secured via condition.

Summary and Securing the Proposals

7.92 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver CO2 emission reductions. The proposals meet the Local Plan target for anticipated on-site carbon emission reductions and are proposing a 56% reduction compared to the baseline (SAP10). However, in order to support the scheme the residual CO2 emissions should be offset through a carbon offsetting contribution of £16,388 to deliver a policy compliant net zero carbon development.

7.93 Subject to conditions securing the current carbon reduction proposals; BREEAM Excellent; post construction verification of onsite savings; and the CO2 emission reduction shortfall being met through a carbon offsetting process, the proposals would be considered in accordance with adopted policies for delivering net zero carbon developments.

Air Quality

7.94 Policy D.ES2 of the Local Plan (2020) require major developments to be accompanied by assessments which demonstrates that the proposed uses are acceptable and show how development would prevent or reduce air pollution.

7.95 The application is accompanied by an Air Quality Assessment (XCO2 – November 2020) which identified that releases of dust and PM10 are likely to occur during site activities, with the risk of dust soiling and health impacts at neighbouring properties assessed as 'medium'. However, the report further states through the implementation of suitable mitigation measures, the impact of dust and PM10 releases may be effectively mitigated, and the resultant impacts are considered to be negligible.

7.96 This has been reviewed by Council's Environmental Health team and confirmed to be accurate. Conditions would be necessary to limit the impact on local air quality as a result of the

construction phase of the development. This would be secured and monitored through a required Construction Management Plan.

Waste

- 7.97 Policies D.MW2 and D.MW3 of the Local Plan (2020) require adequate refuse and recycling storage alongside and combined with appropriate management and collection arrangements.
- 7.98 The proposal would include the provision of a segregated bin store for the application site and the adjoining site at 68-80 Hanbury Street (including the residential flats above this building). The store would be located adjacent to the vehicular entrance, and commercial bins collected by a private contractor from the service yard, and residential bins collect from the public highway, as per the consented arrangements under PA/12/03372.
- 7.99 Details of bin storage size and servicing arrangements will be secured by way of conditions, subject to approval.

Biodiversity

- 7.100 Development Plan policies seek to safeguard and provide for net gains for biodiversity.
- 7.101 The application site consists entirely of hard surfaces, with minimal vegetation, and as such there will not be any adverse impacts on biodiversity. The submitted Ecological Impact Assessment (MKA Ecology) has identified a number of key findings, opportunities and improvements possible for the site.
- 7.102 Policy D.ES3 requires developments to deliver net gains in biodiversity that contribute to the Local Biodiversity Action Plan (LBAP). The roof is designed as an extensive green roof to provide habitat for invertebrates, with subsequent benefits for other taxonomic groups such as birds. Design specifications will include a variety of substrate types and pollinator-friendly plant species. This roof would not be publicly accessible to minimise disturbance of habitats. One black redstart nest box would be installed either on the existing Second Homes building or on the proposed extension.
- 7.103 The proposed planting at ground and intermediate levels includes a good diversity of nectar-rich perennials and/or shrubs which will contribute to LBAP targets. Full details of all biodiversity enhancements will be secured by way of condition.
- 7.104 Council's Biodiversity Officer has reviewed the proposal requested for further details on the planting and green roof. Biodiversity enhancements and mitigation measures will be secured through conditions, subject to approval. The agreed measures shall be implemented in full prior to the occupation of the development hereby approved.

Flood Risk & Drainage

- 7.105 Policy D.ES5 of the Local Plan (2020) seek to manage flood risk and encourage the use of Sustainable Urban Drainage. The application is supported by a Sustainable Urban Drainage Strategy (Webb Yates) detailing the existing surface water drainage conditions and sets out the proposed drainage strategy for the development.
- 7.106 The site is located within Flood Zone 1 and is not located within a Critical Drainage Area. The existing site is a hardstanding surface, which is complete impermeable. The proposed drainage strategy comprises the installation of green roof with attenuation measures in a form of a below-ground geocellular tank system.

- 7.107 Part 3 of policy D.ES5 states that developments not located within Critical Drainage Areas should seek to achieve greenfield run-off rate and volume leaving the site. The report states that the discharge rate will be 5l/s using a preliminary tank size of 18m³ with a flow control device.
- 7.108 This has been reviewed by the Council's SuDs Officer who raised concerns that the site should reduce the peak discharge rate to 2.5l/s in a 1 to 100-year + 40% climate change storm event. This would bring the peak discharge rate closer to the defined greenfield rate for the site. Conditions will be secured to obtain an amended drainage strategy and full details of the SuDs measures. Thames Water have also requested a piling method statement as a condition, as well as informatives to be added, subject to approval.

Land Contamination

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

INFRASTRUCTURE IMPACT

- 7.110 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £232,792.23. It is important to note that these figures are approximate. The final figures will be determined if approval for the application is granted.
- 7.111 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.
- 7.112 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD, as follows:
- £16,388 towards carbon off-setting
 - £4992 towards construction phase employment skills training

PLANNING BENEFITS

- 7.124 The scheme would provide significant public benefits such as:
- Commercial units with active frontages
 - Affordable workspace
 - Employment and skills training programme during construction.
 - CIL contributions
 - Significant construction spend in the local economy
 - Significant additional visitor spend into the local economy each year.
 - Business rate receipts each year for the commercial units.

8. HUMAN RIGHTS AND EQUALITIES

- 8.1 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.

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

9 RECOMMENDATION

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

9.2 Financial Obligations

- a. £16,388 carbon offsetting obligation
- b. £4992 towards construction phase employment skills training

9.3 Non-Financial Obligations

- a. Construction Phase
 - Access to employment
 - 20% local procurement
 - 20% local labour in construction
 - One construction phase apprenticeship
- b. End Phase
 - Reasonable endeavours commitment to provide training opportunities, internships and engage with local schools and FE and HE College (e.g. City College and the FE - London Interdisciplinary School and QMUL)
 - Reasonable endeavours commitment to use local supply chains
- c. Provision of Affordable Workspace
 - At 1st floor provision of 1 x 12 person Studio, 2 x 6 person Studio and 1 x 4 person for minimum 15 years at 35% market discount, Individual Memberships per Studio space at
 - Preparation of Affordable Workspace Strategy with the studios to be first offered to micro-businesses/ charities enterprises based in the Borough with marketing strategy targeted at existing micro businesses in Spitalfields and Banglatown Ward and the immediate adjoining Wards
- d. Transport
 - Car Free Agreement
 - Provision of one accessible car parking bay
 - Workplace Travel Plans
 - Highways improvement works (S278 legal agreement)

10. PLANNING CONDITIONS

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Restrictions on demolition and construction activities:
 - 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. Commercial units opening hours
5. Energy and efficiency standards
6. On-site accessible car parking details
7. Restricted access to terraces
8. Blackout curtains to rear facing windows

Pre-Commencement

9. Construction environmental management and logistics plan
10. Piling method statement
11. Noise mitigation
12. Zero carbon future proofing details.
13. Air quality emission standards for boilers & CHP, kitchen extract standards for commercial use and construction plan and machinery (NRMM).
14. Land contamination
15. Dust and emissions management plan
16. Archaeological Written Scheme of Investigation

Pre-Superstructure Works

17. Details of hard and soft landscaping
18. Details of external facing materials and architectural detailing
19. Cycle parking details
20. Shopfront details
21. Highway improvement works
22. SUDS
23. Secure by Design standards
24. Biodiversity mitigation and enhancements
25. Commercial units extraction details

Pre-occupation

26. Car-free agreement
27. Deliveries, servicing and site waste management plan
28. Travel Plan
29. Secure by Design accreditation
30. BREEAM Certificate 'Excellent'
31. Plant post-installation noise verification

Informative

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

Appendix 1 – List of drawings and documents

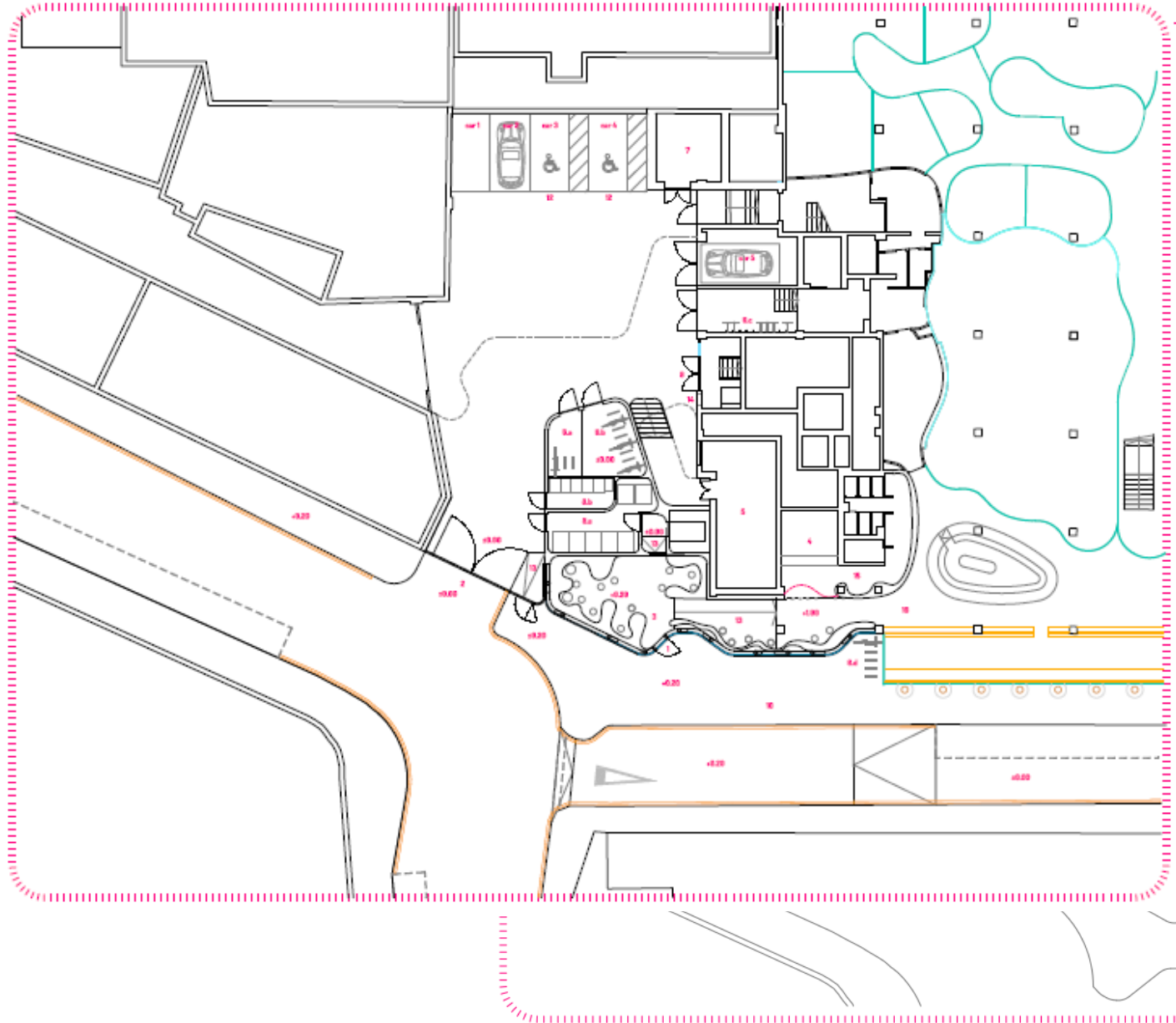
Drawings:

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A-07-01	E-05-01
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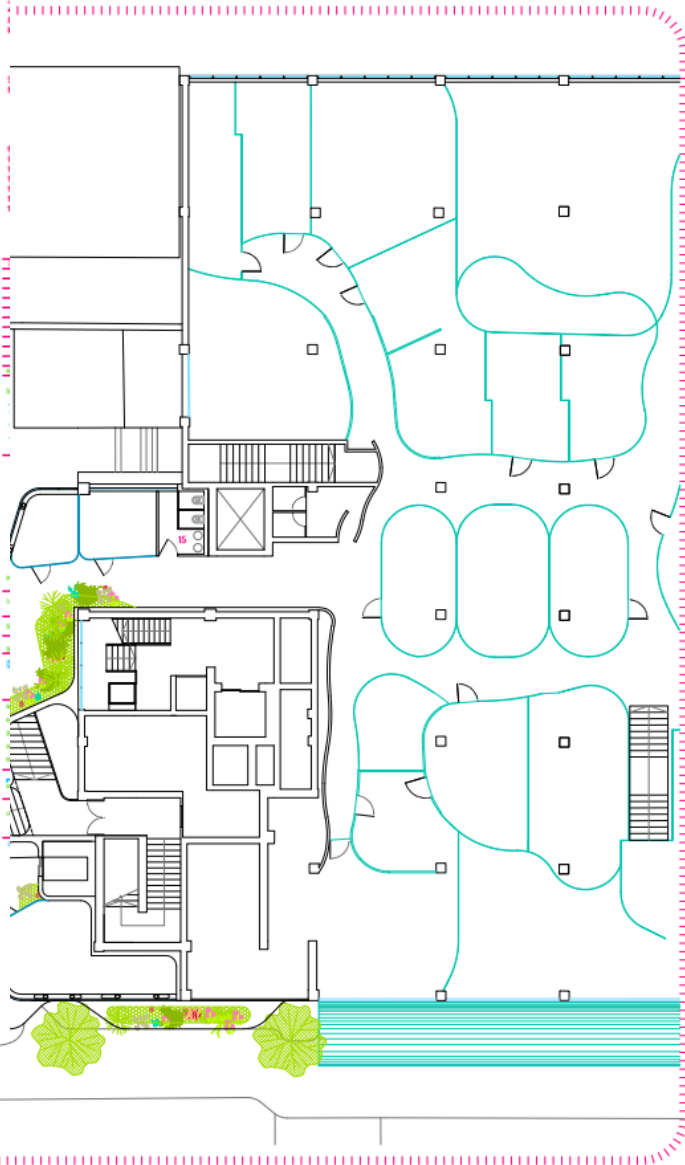
Documents:

- Design and Access Statement by Dosis Architects;
- Planning Statement by CMA Planning;
- Heritage Statement by Turley Heritage;
- Daylight and Sunlight Report by GIA;
- Light Pollution Report by Waldrams;
- Transport Statement by TPP;
- Planning Noise Report by Sandy Brown;
- Air Quality Assessment by XCO2;
- Energy and Sustainability Proposal by Webb Yates;
- Sustainable Drainage Systems Report by Webb Yates;
- Construction Management Plan by Webb Yates;
- Foul Sewerage and Utilities Assessment by Webb Yates;
- Ecological Impact Assessment by MKA Ecology;
- Land Contamination Report by Jomas;
- Rapid Health Impact Assessment Matrix by CMA Planning;
- Statement of Community Involvement by Thorncliffe / Your Shout

- Proposed Ground Floor Plan



- Proposed First Floor Plan



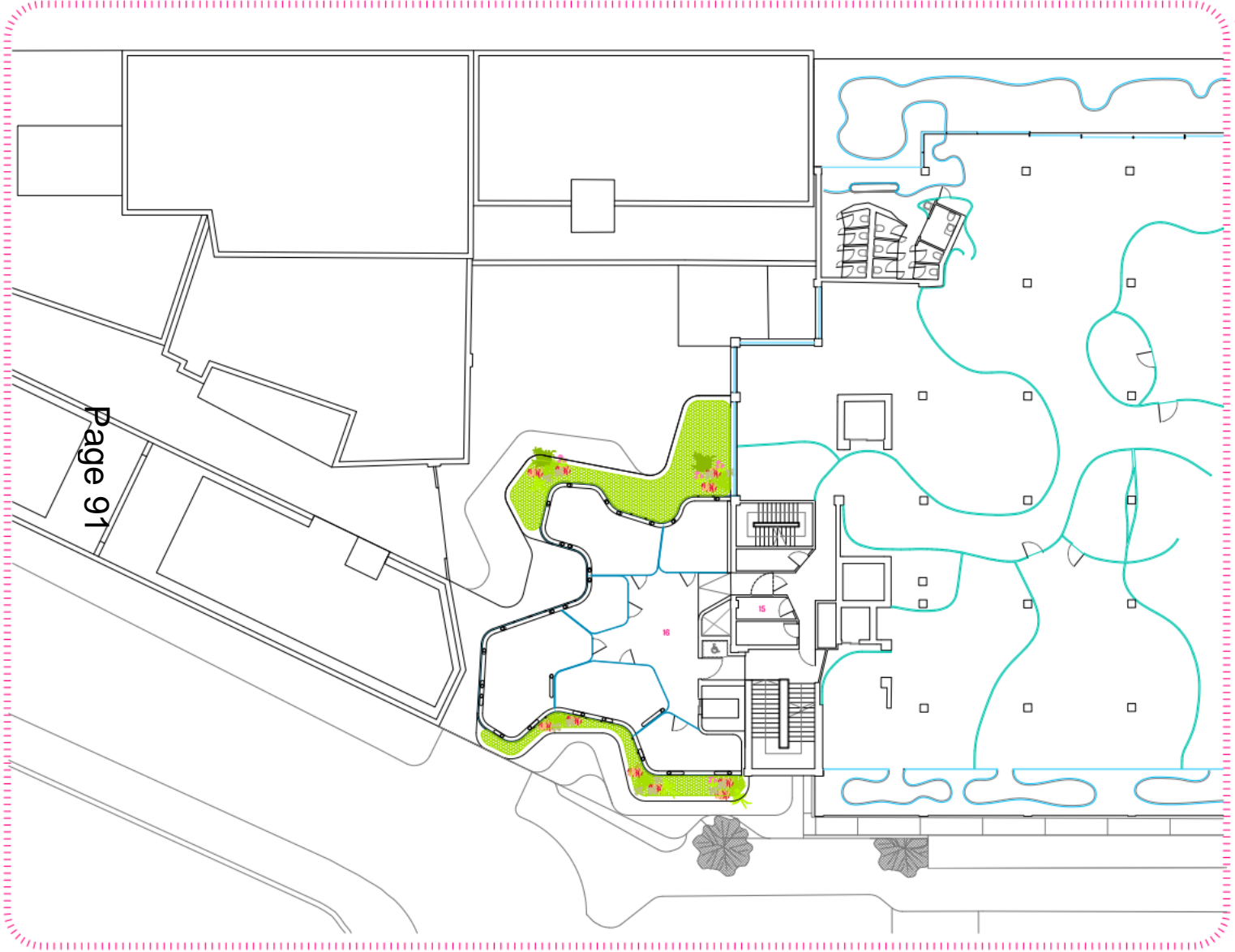
- Proposed Second Floor Plan



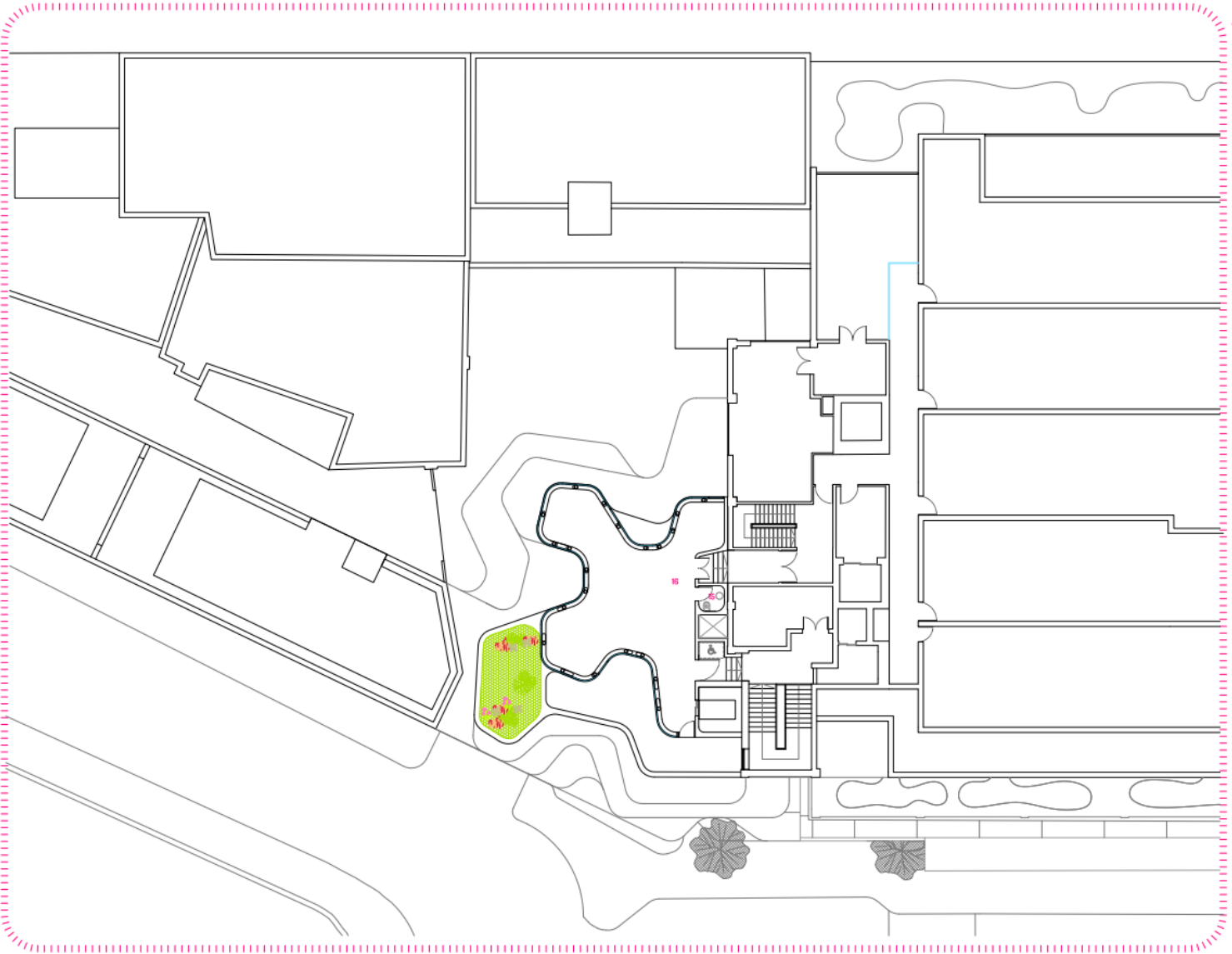
- Proposed Third Floor Plan



- Proposed Fourth Floor Plan



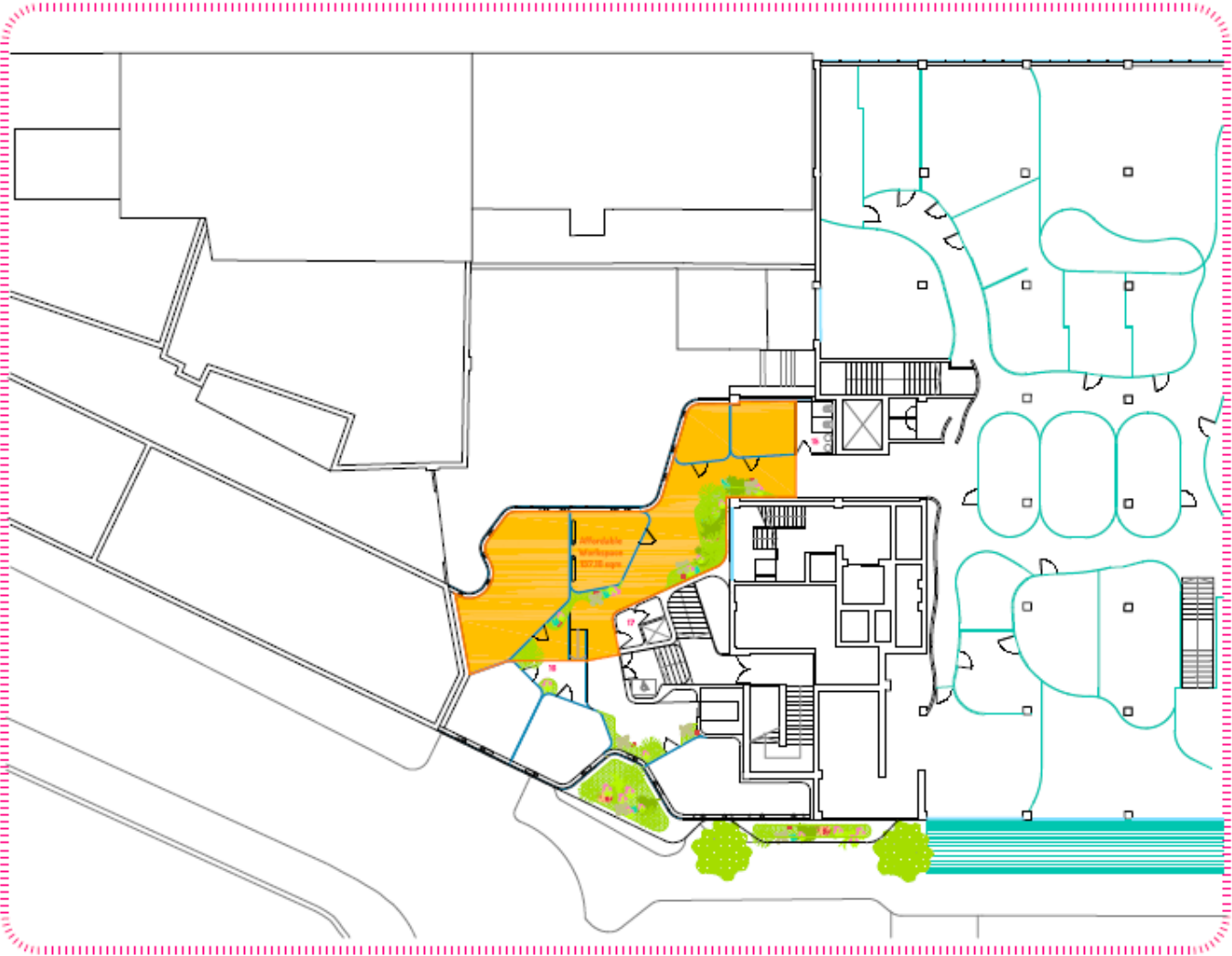
Proposed Fifth Floor Plan



– North-South Section Plan



- Affordable Workspace Plan at First Floor



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