

Development Committee



Agenda

Tuesday, 1 November 2022 6.30 p.m.
Council Chamber - Town Hall, Mulberry Place, 5
Clove Crescent, London, E14 2BG

The meeting will be broadcast live on the Council's website. A link to the website is here - <https://towerhamlets.public-i.tv/core/portal/home>

Chair:

Councillor Abdul Wahid

Vice Chair:

Councillor Kamrul Hussain

Members:

Councillor Iqbal Hossain, Councillor Suluk Ahmed, Councillor Amina Ali, Councillor James King and Councillor Amy Lee

Substitute Members:

Councillor Harun Miah, Councillor Amin Rahman, Councillor Maium Talukdar, Councillor Rachel Blake, Councillor Mufeedah Bustin and Councillor Sabina Akhtar

(The quorum for the Committee is 3)

The deadline for registering to speak is **4pm Friday, 28 October 2022**

The deadline for submitting information for the update report is Noon
Monday, 31 October 2022

Contact for further enquiries:

Democratic Services, joel.west@towerhamlets.gov.uk Tel: 020 7364 4207 1st Floor,
Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
<http://www.towerhamlets.gov.uk/committee>



Meeting Webcast

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

View Planning application documents here:

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

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Meeting access/special requirements.

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Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Development Committee

Tuesday, 1 November 2022

6.30 p.m.

APOLOGIES FOR ABSENCE

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

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

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

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

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

To confirm as a correct record the minutes of the meeting of the Development Committee held on Tuesday 4 October 2022.

3. **RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 7 - 8)**

To RESOLVE that:

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

4. DEFERRED ITEMS

There are none.

5. PLANNING APPLICATIONS FOR DECISION

9 - 14

5.1 5, Hollybush Place, London, E2 9QX - (PA/21/02500)

15 - 78

**Bethnal
Green West**

Proposal:

Demolition of builder's merchants (Sui Generis) and redevelopment of the land to provide residential units (Use Class C3) over two blocks and the provision of commercial floorspace (Use Class E) at lower ground and ground level, with raised podium and associated landscaping, access and cycle parking.

Summary Recommendation:

Grant planning permission with conditions and planning obligations.

6. OTHER PLANNING MATTERS

There are none.

Next Meeting of the Development Committee

Wednesday, 7 December 2022 at 6.30 p.m. to be held in the Council Chamber, Tower Hamlets Town Hall, Mulberry Place.



Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

Further Advice contact: Janet Fasan, Divisional Director Legal 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.



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>



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/21/02500
Site	5, Hollybush Place, London, E2 9QX
Ward	Bethnal Green West
Proposal	Demolition of builder's merchants (Sui Generis) and redevelopment of the land to provide residential units (Use Class C3) over two blocks and the provision of commercial floorspace (Use Class E) at lower ground and ground level, with raised podium and associated landscaping, access and cycle parking.
Summary Recommendation	Grant planning permission with conditions and planning obligations
Applicant	Hollybush Partnership c/o VFund
Architect/agent	Lichfields
Case Officer	Nicholas Jehan
Key dates	- Application registered as valid on 17/12/2021 - Public consultation finished on 07/02/2022

EXECUTIVE SUMMARY

The proposed redevelopment of the existing builder's merchants site presents a high-quality mixed-use development, providing 55 new homes of which 35% would be affordable homes. At the time of application, the site benefited from a previous consent for a similar scheme (LBTH Reference: PA/16/02713/A1) which received consent on 14 October 2019. That consent has since very recently expired, and the applicant is now seeking to reapply for permission for a similar scheme which is compliant with up-to-date planning policy and contains some amendments to the previously approved proposals all of which are considered acceptable.

The site is appropriately located to provide residential accommodation and the proposed buildings remain an appropriate scale, form and composition in relation to the built and emerging context and townscape. The buildings would be of a high-quality design, provide a positive and distinctive contribution to the local site context and would not adversely impact on either strategic or local views.

The density of the scheme is consistent with the site context. There would be no undue detrimental impacts upon the amenity of neighbouring building occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure which would be indicative of overdevelopment.

The proposed residential accommodation for future occupiers is of a high quality and consistent with relevant planning policy in terms of both internal living space and external private amenity space. The quantum of both communal amenity space and communal play space exceeds the policy requirements set out in the Local Plan and London Plan and would create external spaces that provide for a good quality living environment for future occupiers of the site.

The development would provide a suitable bedroom and tenure split, as assessed against policy compliant provision of affordable housing (35.5% by habitable room) based upon a 70:30 split between rented tenure and intermediate units. The rented units would be delivered 50:50 between London Affordable Rent and Tower Hamlets Living Rent in accordance with the Council's current preferred social rent mix.

Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development. It is considered that vehicular movements would be decreased as compared to existing, with the loss of the existing builders' merchants.

The scheme provides a set of landscaping and biodiversity features which, set alongside the energy strategy would ensure that the development is environmentally sustainable.

The scheme would be liable to both the Mayor of London's and the borough's community infrastructure levy. In addition, it would provide necessary and reasonable planning obligations towards local employment and training.



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

Planning Applications Site Map PA/21/02500

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



**London Borough
of Tower Hamlets**

Scale : 50m grid squares

Date: 21 October 2022

1. SITE AND SURROUNDINGS

1.1 The site is located at the east of Hollybush Gardens and at the end (north) of Hollybush Place, which abuts the railway viaduct. The site is to the north of Bethnal Green tube station, along Bethnal Green Road



Figure 1: Site Location plan

- 1.2 The site is currently occupied by buildings ranging up to two storeys with a number of other permanent structures. The site is utilised by Travis Perkins builders' merchants (Sui Generis use class). There are two access points into the site, one via Hollybush Place at the south-east corner and the other via Hollybush Gardens to the west, with the ability to drive through the site.
- 1.3 Hollybush Place is a narrow two-way street running north to south alongside the railway line and the railway arch entrances. The railway arches utilised by Travis Perkins, do not form part of the application site.
- 1.4 The site sits to the north of the Bethnal Green District Centre and to the west of the Bethnal Green Gardens Conservation area and the registered Bethnal Green Gardens. The site abuts the railway line, on the other (east) side of which sits the row of Grade II listed terraced buildings (Nos 2-11 Paradise Row). The site sits within the Mayor of London's designated City Fringe Opportunity Area.
- 1.5 The area to the north and west of the site is predominantly residential, largely characterised by post-war flats and houses, with some large-scale industrial buildings converted to

residential use. Hollybush House to the north of the site is a five-storey residential development. The surrounding neighbourhood also contains a mixture of commercial, leisure, retail and primary services mainly along Bethnal Green Road to the south. The industrial warehouse building to the south, BJ House, 10-14 Hollybush Gardens, benefits from a relatively recent planning permission for refurbishment and for a mixed use of office and retail.

- 1.6 The site benefits from excellent public transport accessibility (PTAL rating of 6a) and is in a highly sustainable location. Bethnal Green Underground Station is only 100m from the site, whilst Bethnal Green Overground Station and Cambridge Heath Overground Station are also within walking distance.

2. PROPOSAL

- 2.1 The application proposal involves demolition of the existing builders' merchant buildings on site in order to create a mixed-use redevelopment.

- 2.2 It is proposed to create 1710sqm of flexible commercial/industrial space at basement and ground floor levels, with 55 residential units set above. The proposal comprises two blocks joined together by a ground floor level podium building. Block A is a part seven and part five storey building facing Hollybush Gardens to contain 20 residential units and Block B is a six-storey building, adjacent to the railway containing 35 residential units.

- 2.3 The scheme would provide 5 intermediate units and 12 affordable/social rented residential units, which comprise a 35.5% affordable housing provision on site.

- 2.4 There would be two residential entrances to the site. For Block A on Hollybush Gardens, and for Block B at the end of Hollybush Place. The ground and lower ground floor commercial spaces have entrances on both Hollybush Gardens and through the site from Hollybush Place.

- 2.5 The proposed development and the evolution of the design are described in detail within the applicant's Design and Access Statement.

- 2.6 The site gained planning permission for a very similar development proposal which was granted in October 2019 and recently expired on 14 October 2022. The applicant is seeking re-approval of the scheme with some minor alterations. The alterations are relatively minor in nature and are summarised as follows:

- a. Re-positioning of the northern portion of Block B 0.8m to the east and the southern portion of Block B 1.6m to the west. The reason for this amendment is to ensure that the building does not lie within the boundary of a restrictive covenant over the land owned by Network Rail within the site. Otherwise, there is no significant change in the general scale, height and appearance of the development;
- b. Introduction of a directional bay window to the western elevation of the southern portion of Block B to mitigate any impacts introduced by the relocation of that portion of the building;
- c. Affordable workspace has been introduced within a reconfigured and increased quantum of commercial/industrial space at ground and basement. The reconfiguration of the commercial/industrial space has improved the overall quality, legibility and "lettability" of the space and has also allowed for other improvements to be made elsewhere in the scheme; and
- d. Other alterations to amenity and play spaces, landscaping, cycle parking and waste storage to ensure that the scheme remains compliant with up-to-date planning policy.

- 2.7 The amendments to the consented scheme do not introduce any alterations to the previously consented height, the proposed residential mix and affordable housing offer (which remains compliant with current planning policy) or the overall architectural concept of design and appearance.



Figure 2: Google Streetview image of Entrance to Travis Perkins site from Hollybush Gardens with BJ House to the south.

3. RELEVANT PLANNING HISTORY

Site – 5 Hollybush Gardens

- 3.1 **PA/16/02713/A1:** Demolition of builder's merchants (sui generis use class) and redevelopment of the land to provide 55 residential units (C3 use class) over two blocks comprising one 6 storey building (Block B) and one part 5 and part 7 storey building (Block A) and the provision of 1625 sqm (GIA) of commercial floorspace (Class B1) at lower ground and ground level, with raised podium and associated landscaping, access and cycle parking. Permitted – 14/10/2019.
- 3.2 **BG/89/00049:** Change of use from builders merchant to offices. Permitted – 29/01/1989.
- 3.3 **PA/84/00200:** Change of use to builders merchants (as extension to 16-26 Hollybush Gardens). Permitted – 17/12/1984.
- 3.4 **PA/82/00175:** Creation of storage area at first floor level. Permitted – 30/04/1982
- 3.5 **PA/80/00162:** Rebuilding of covered storage area. Permitted – 27/02/1980.
- 3.6 **PA/79/00146:** Alterations and improvements to existing office accommodation. Permitted – 28/01/1980.
- 3.7 **PA/79/00147:** Erection of a portakabin for use as a temporary office. Permitted – 11/09/1979.
- 3.8 **PA/74/00135:** Erection of a two storey building for use as storage, offices and canteen ancillary to the use of the site as a builders yard. Permitted – 03/05/1974.
- 3.9 **PA/73/00163:** Erection of a single storey extension of 75 square feet to provide additional office space. Permitted – 19/02/1974.
- 3.10 **PA/70/00124:** Extension to provide additional office and storage accommodation and the retention of two storage sheds. Permitted – 31/7/1970.
- 3.11 **PA/70/00123:** The erection of a prefabricated timber store shed. Permitted – 06/07/1970.
- 3.12 **PA/62/00131:** Alterations and additions at premises known as The Slate and Tile Yard. Permitted 24/05/1962

- 3.13 **PA/55/00127:** The extension of builder's merchants premises by the erection of two open-sided dutch barns. Permitted – 09/05/1955
- 3.14 **PA/53/00139:** The erection of extensions to builder's merchants premises. Permitted – 08/09/1953.

Neighbouring Sites

BJ House, 10-14 Hollybush Gardens

- 3.15 **PA/21/01427/NC:** Application for certificate of lawfulness in respect of existing implementation of Planning Permission reference PA/17/01732 through excavation works for the purpose of laying pipework in relation to the approved development. Permitted – 21/09/2021.
- 3.16 **PA/17/01732:** Retention and refurbishment of the existing warehouse building fronting Hollybush Gardens, and addition of a ground plus six storey extension to the rear of the site to provide office accommodation (Use Class B1) with flexible retail space at ground level (Use Class A1/A3). Permitted – 19/12/2017.

Bethnal Green Mission Church, 305 Cambridge Heath Road

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

313 Cambridge Heath Road

- 3.18 **PA/14/01719:** Proposed minor material amendment to planning permission dated 19/12/12, ref: PA/12/00623. The amendments include an increase in the number of guest rooms from 80 to 90, alterations to the shape and size of the rooms, relocation of rooms, revision to the size and positioning of the windows, installation of additional staircases, increase in floor height, replacement of railings with 1.1m high glass balustrade and construction in two tone brickwork. Permitted – 01/10/2014.
- 3.19 **PA/13/02156:** Application under s.73 of the Town and Country Planning Act for: a) a minor material amendment through a variation of condition no. 2 (approved plan numbers) to increase the building storey to 6 with the overall parapet height increased by 410mm, facade alterations and minor internal changes resulting in 91 apart-hotel rooms; and b) Variation of condition 23 (Use Class C1) to include aparthotel to approved application ref: PA/12/00623, dated 19/12/2012. Permitted – 01/11/2013.
- 3.20 **PA/12/00623:** Demolition of existing 3 - storey building and re-development of site by construction of a new 5 - storey building with basement and lower ground floor levels to provide 80 bedroom hotel (Use Class C1) with associated rear servicing bay. Permitted – 19/12/2012.

Petrol Station, 319-337 Cambridge Heath Road

- 3.21 **PA/20/01124/A1:** Demolition of existing petrol filling station and associated retail store and erection of a four to six-storey building (7,036m² GEA) for a 157-bedroom hotel (6,458m²) and ground floor/basement office use (578m² GEA), together with ancillary landscaping, servicing and cycle parking. Permitted – 30/05/2022.

469 Bethnal Green Road

- 3.22 **PA/20/02392:** Retention, refurbishment, rear extension and change of use of the existing three-storey warehouse building (Use Class B8) and the erection of a three-storey extension to accommodate retail floorspace at ground floor level (Use Class E) and office floorspace on the upper levels (Use Class E), together with ancillary servicing and cycle parking. Allowed at appeal – 08/09/2021.

4. PUBLICITY AND ENGAGEMENT

- 4.1 Following the receipt of the application, the Council notified nearby owners/occupiers by post and by site notices. A press advert was also published in a local newspaper. A total of 369 neighbour letters were sent to neighbours and interested parties.
- 4.2 As the applicant is seeking to re-apply for a similar development as was approved in the previous application in 2019, the applicant has not sought to carry out their own additional public consultation. However, the previous permission was subject to a public consultation event with residents and the current leaseholder. This is considered acceptable in this instance given the similarity of the current scheme as compared to the previous one.
- 4.3 Only one representation was received in objection to the application as part of the Council's consultation.
- 4.4 The material planning issues can be summarised as follows:
- Detrimental impact on levels of light to nearby properties;
 - Increase in density of development in the area;
 - Inadequate provision of social housing within a large development;
 - When accumulated with other recently approved developments the cumulative impact will result in an increased sense of enclosure;
 - Construction traffic will have an impact on residents;
 - The development will increase the pressure on parking for local amenities.

5. CONSULTATION RESPONSES

External Consultation Responses

Health and Safety Executive – Gateway One

- 5.1 The Health and Safety Executive have confirmed that they are satisfied from a fire safety perspective following minor amendments introduced by the applicant to address their initial concerns.

Historic England – Greater London Archaeological Advisory Service

- 5.2 No objections subject to securing a condition for submissions of stage 1 and stage 2 Written Schemes of Investigation.

Metropolitan Police – Designing Out Crime

- 5.3 No objection subject to securing secure by design accreditation by condition.

Network Rail

- 5.4 No comments received.

Thames Water

- 5.5 No objections subjected to securing conditions relating to Piling Method Statement, Sustainable Surface Water Drainage and Groundwater Discharge Management.

Internal Consultation Responses

Biodiversity

- 5.6 Full details of the biodiversity enhancements should be secured via condition.

Economic Development Officer

- 5.7 The Council's Economic Development Officers have confirmed the planning obligations which would be required to be secured by legal agreement including financial contributions towards employment skills training, construction phase apprenticeships and 20% local procurement and labour in construction. These have been agreed with the applicant.

Energy/Sustainability

- 5.8 The submitted Hollybush Place Energy Statement (XCO2 November 2021) sets out the proposals to reduce energy demand through energy efficiency measures, efficient heating system (air source heat pump) and renewable energy generating technologies (photovoltaic array 21.60kWp). The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver CO2 emission reductions. The proposals exceed the Local Plan target for anticipated on-site carbon emission reductions and are proposing a >53% reduction compared to the baseline (utilising SAP10 carbon factors). Carbon Offset Payment is required to be secured by obligation and BREEAM Excellent rating and other energy proposals and CO2 reductions should be secured by condition.

Environmental Health – Air Quality

- 5.9 No objections subject to securing necessary detail by condition.

Environmental Health – Contaminated Land

- 5.10 No objections subject to securing necessary detail by condition.

Environmental Health – Noise and Vibration

- 5.11 The noise consultee has objected in principle to the location of residential use in such close proximity to the railway as the noise levels 1m away from the eastern façade of the building would be in excess of the levels indicated in the Local Plan for creating significant adverse impacts on health and quality of life and the layout of the proposed units are not in line with the principles of "good acoustic design" from the ProPG: Planning & noise – New Residential Development guidance. Further details of this are discussed in the Noise and Vibration section of this report.

Occupational Therapy

- 5.12 Further details were requested regarding the affordable wheelchair accessible units which were provided and confirmed acceptable.

Sustainable Urban Drainage

- 5.13 Certain queries have been raised regarding the drainage strategy, but it is supported in principle.

Transport & Highways

- 5.14 No objections subject to securing similar conditions as were secured in the previous permission.

Waste Management

- 5.15 Details are discussed in the body of the report in the "Waste" section.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

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

- 6.2 In this case the Development Plan comprises:

- The London Plan 2021 (LP)
- Tower Hamlets Local Plan 2031 (Local Plan)

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

Land Use – *City Fringe Area, commercial use, residential*

- Local Plan – S.SG1, S.EMP1, D.EMP2, D.EMP3, S.TC1, D.TC2, D.TC3, D.TC4, D.TC5, D.CF3, S.H1
- London Plan – GG1, GG3, GG5, SD1, SD6, SD7, SD8, SD9, E1, E2, E3, E4, E8, E9, E11

Housing – *Unit mix, housing quality, affordable housing, play and amenity space*

- Local Plan – S.H1, D.H2, D.H3, D.SG5
- London Plan – GG2, GG4, D6, D7, H1, H2, H4, H5, H6, H7, H10, S4, E4, E7

Design – *layout, massing, materials, public realm, heritage, Fire safety*

- Local Plan – S.SG2, S.DH1, D.DH2, S.DH3, D.DH7
- London Plan – D1, D2, D3, D4, D5, D8, D11, D12, HC1

Amenity – *privacy, outlook, daylight and sunlight, construction impacts*

- Local Plan – D.DH8
- London Plan – D13, D14

Transport – *sustainable transport, highway safety, car and cycle parking, servicing*

- Local Plan – S.TR1, D.TR2, D.TR3, D.TR4
- London Plan – T1, T2, T3, T4, T5, T6, T6.1, T6.2, T6.3, T6.5, T7, T9

Waste Management – *refuse storage, recycling, servicing*

- Local Plan – S.MW1, D.MW3
- London Plan – SI7, SI8, T7

Environment – *energy efficiency, air quality, odour, noise, biodiversity, contaminated land*

- Local Plan – S.SG2, D.SG3, D.SG4, D.SG5, D.OWS3, S.ES1, D.ES2, D.ES3, D.ES4, D.ES5, D.ES6, D.ES7, S.ES8, D.ES9, D.ES10
- London Plan – GG6, G1, G4, G5, G6, G8, SI1, SI2, SI3

Obligations

- London Plan – DF1

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

Adopted Guidance

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (2021)
- LP Accessible London SPG (2014)
- LP Housing SPG (updated 2017)
- LP Affordable Housing and Viability SPG (2017)
- LP Play and Informal Recreation SPG (2012)
- LP Land for Industry and Transport SPG (2012)
- LP 'Be Seen' energy monitoring guidance (2021)
- LP The Control of Dust and Emissions During Construction and Demolition SPG (2014)
- GLA City Fringe Opportunity Area Planning Framework (2015)

- LBTH Local Biodiversity Action Plan 2019-2024 (2019)
- LBTH Air Quality Action Plan 2017-2022 (2017)
- LBTH Employment Land Review (2016)
- LBTH Town Centre Strategy 2017 to 2022 (2017)
- LBTH Clear Zone Plan 2010-2025 (2010)
- LBTH Planning Obligations SPD (2021)
- LBTH Reuse, Recycling & Waste SPD (2021)
- Bethnal Green Gardens Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)
- ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise, New Residential Development, May 2017
- ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise, New Residential Development, Supplementary Document 1 Planning & Noise Policy and Guidance, May 2017
- ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise, Supplementary Document 2 Good Acoustic Design, May 2017

Emerging Guidance

- LP Fire Safety LPG
- LP Housing Design Standards LPG
- LP Optimising Site Capacity: A Design-led Approach LPG
- LP Urban Greening Fact LPG
- Air Quality Positive LPG
- Air Quality Neutral LPG

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Sustainable Development Principles
- ii. Land Use
- iii. Design & Heritage
- iv. Housing
- v. Neighbour Amenity
- vi. Transport and Servicing
- vii. Environment
- viii. Infrastructure
- ix. Local Finance Considerations
- x. Equalities and Human Rights

Sustainable Development Principles

7.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built

and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.

- 7.3 Paragraph 8 of the NPPF highlights that the overarching objectives of sustainable development include widening the choice of high quality homes, improving the conditions in which people live and enjoy leisure and replacing poor design with better design. Furthermore, section 14 states that it is a core planning principle to efficiently reuse land which has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area

7.4 **Land Use**

Provision of Residential Accommodation

- 7.5 The NPPF attaches great importance to significantly boosting the supply of new housing. LBTHs Local Plan seeks to deliver 58,965 new homes (equating to 3,931 new homes per year) from 2016 to 2031 in line with the housing targets set out in the London Plan.
- 7.6 The London Plan sets a revised minimum 10 year housing target of 34,730 between 2019 and 2029 (3,473 per year) for Tower Hamlets. The development proposes re-use of an existing underutilised, brownfield site, making the best use of land. This approach accords with the core principles of the NPPF, which encourages the re-use of previously developed land.
- 7.7 Local Plan Policy S.H1 (Meeting housing needs) states that the majority of new housing will be focussed in the opportunity areas and site allocations. The site is located within the City Fringe Opportunity Area and so would satisfy this policy as regards its location.
- 7.8 London Plan Policies H1 (Increasing housing supply) and D3 (Optimising site capacity through the design-led approach) describe the pressing need for more homes in London and how development should optimise housing output.
- 7.9 A residential re-development of the site is considered to be acceptable in principle, subject to compliance with all other policy considerations.

Loss of Builders' Merchant and Provision of Commercial/Industrial floorspace

- 7.10 Alongside the proposed new residential development, the current application is seeking a change of use from the existing Builder's Merchant use to a general commercial Class E Use. The previous permission granted permission for a B1 Office use. On 1st September 2020, a number of changes to the planning system came into force, including the creation of three new use classes, Class E, Class F1 and Class F2. The new 'E' use class effectively amalgamates a number of previously disparate use classes into this new use. In the context of the application proposals, the previously existing Use Class B1 would now fall within Use Class E.
- 7.11 The site is located in a highly sustainable location just outside of Bethnal Green District Centre. The site is not located within a designated employment area, or a site designated as local industrial land. The existing site provides 789sqm of commercial and employment space, occupied by one operational business, Travis Perkins, a builders' merchant, stated to employ up to 10 staff. It is understood that the lease granted to Travis Perkins to use the site for their purposes is due to expire approximately two years after submission of this application and will not be renewed.
- 7.12 The existing use of the site is as a builders' merchant (Sui Generis use class). As a Sui Generis use, this does not fall under a specific use class. Therefore, the use is not specifically protected as employment or industrial land in relevant planning policy as described below. The supporting text to chapter 10 of the Local Plan states that employment uses include all uses within the "B" use classes and Sui Generis industrial functions and therefore would apply to the use as a builders' merchants. As a Sui Generis use, a builders' merchants will always require planning permission to change to or from another use.
- 7.13 Local Plan Policy D.EMP2 (New employment space) states that, outside of designated employment locations, Tower Hamlets Page 26
Opportunity Areas and identified site allocations, new

employment space will be directed to town centres and accessible locations along major transport routes. Local Plan Policy D.EMP3 (Loss of employment space) states that 'development should not result in the net loss of viable employment floorspace outside of the designated employment locations except where they provide evidence of active marketing over a continuous period of at least 24 months...or provide robust demonstration that the site is genuinely unsuitable for continued employment use due to its condition; reasonable options for restoring the site to employment use are unviable; and that the benefits of alternative use would outweigh the benefits of employment use.

- 7.14 The existing use is most closely related to either B8 use (storage and distribution) which has an employment density of 1 per 70 sqm or E(g)(iii) use (light industrial) which would have an employment of 1 per 47sqm. Even at the highest ratio, the site would only have the ability to provide for up to 16 employees.
- 7.15 As part of the application process for the previous permission, the applicant undertook discussions with Travis Perkins in order to try to accommodate their use within the completed development and had explored offering several other locations within the borough which could accommodate the business either on a temporary or permanent basis. These offers were not taken up at the time by Travis Perkins. Travis Perkins' lease is due to expire within 15 months and they have indicated that they do not intend to renew their lease. Officers are satisfied that the applicant has made best endeavours to accommodate the existing business within the development.
- 7.16 The London Plan seeks the optimisation of the use of land, particularly in areas of high accessibility. In addition, the site is located in a predominately built-up residential area. It is therefore considered that the site is not best suited to this type of business which is underutilising a site that could provide both greater employment density and housing opportunities and accommodate a use which may have fewer impacts on the amenity of the surrounding context.
- 7.17 Local Plan Policy S.EMP1 supports development which provide opportunities to promote the creation of a sustainable, diverse and balanced economy through ensuring availability of a range of workspaces and unit sizes, start-up space, co-working space and 'grow-on' space by protecting existing floorspace and encouraging the provision of new floorspace as well as supporting proposals which provide opportunities to maximise and deliver investment and job creation in the borough.
- 7.18 Local Plan Policy D.EMP2 requires that new major commercial and mixed-use development provides at least 10% of new employment floorspace as affordable workspace.
- 7.19 The proposal seeks to create 1710sqm of Class E floorspace, ensuring there is a significant uplift of employment floorspace compared to the existing commercial floor space. 10% of the proposed floorspace would be affordable. The proposed commercial use at the ground and lower ground floor level would provide employment opportunities on site significantly above the existing employment levels provision. The commercial floorspace is designed to flexibly provide a range of unit sizes and types with an ability to divide floorspace into different sized units for new business start-ups.
- 7.20 Officers are proposing to include a condition to restrict the uses of the proposed commercial/industrial floorspace under Class E to those office-type and light industrial uses which would be appropriate to the site's location and to align with the previous planning permission:
- a. The smaller commercial unit to the west of the site and fronting Hollybush Gardens, providing approximately 179.52sqm of floorspace, would be restricted to Use Class E(a) Display or retail sale of goods, other than hot food, (b) Sale of food and drink for consumption (mostly) on the premises, (c) Provision of financial services, professional services (other than health or medical services), or other appropriate services in a commercial business or service locality and (g) uses which can be carried out in a residential area without detriment to its amenity including offices to carry out any operational or administrative functions, research and development of products or processes and industrial processes;

- b. The larger commercial space would be restricted to Class E(c) or E(g) only to re-accommodate an element of industrial floorspace and to provide office space which had been previously approved under the previous permission.
- 7.21 The broader use of the smaller unit to provide Class E(a) and (b) uses is acceptable due to the small size of the unit and the site's proximity and accessibility to the Bethnal Green District Centre at the southern end of Hollybush Gardens and would further enhance the functioning of both the proposed site and the district centre to the south. There is also an element of retail use within the existing builders' merchant use.
 - 7.22 Further to the above, 789sqm of the commercial/industrial space would be secured exclusively for use within Class E(g)(iii) industrial processes which can be carried out in a residential area without detriment to its amenity. This is to ensure that the industrial nature of the employment space being replaced in the development remains within an industrial use, but one which can be carried out without giving rise to residential amenity issues to neighbours or to the new homes proposed within the scheme, located above this industrial space.
 - 7.23 By restricting, via planning condition, certain uses otherwise usually allowed falling within Class E, there would be no net loss of employment space for the purposes of Local Plan Policy D.EMP3. Doing so would also allow the maximum flexibility in tenant which the applicant is seeking whilst also ensuring that the proposed use is acceptable in policy terms.
 - 7.24 Whilst the final rent level and period of offer for the affordable workspace would be finalised as part of the proposed section 106 agreement, the rent level and duration would both be compliant with Local Plan Policy D.EMP2, namely a 10% reduction across 10% of the floorspace.
 - 7.25 The proposal would provide an improved employment space provision, which would deliver an uplift in employment floorspace and acceptable level of affordable workspace whilst retaining an employment use on-site, in accordance with Local Plan Policy.
 - 7.26 As such, in light of the above, and having regard to Local Plan Policy S.EMP1 which seeks to support a range and mix of employment uses and spaces within the borough and the employment and skills training of local residents, the proposed loss of the current employment use would be considered to accord with Local Plan Policies D.EMP2 and D.EMP3. This is particularly so when giving consideration to the priority given to the delivery of new dwellings (particularly on underused brownfield sites) that is advocated by the Development Plan and the NPPF.

Design and Heritage

- 7.27 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 state that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" and "the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". The emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation or enhancement of heritage assets should be given great weight in the consideration/determination of the application.
- 7.28 The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. The parts of this document relevant to 'Heritage, Design and Appearance' are Chapter 12 'Achieving Well-designed Places' and Chapter 16 'Conserving and Enhancing the Historic Environment.'
- 7.29 Chapter 12 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual and visually attractive buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 7.30 Paragraph 197 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

7.31 Paragraph 194 of the NPPF provides that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 195 provides that local authorities should assess the significance of any assets that may be affected. Paragraph 197 describes what should be considered in determining applications. In this case, the relevant designated heritage assets are the Bethnal Green Gardens Conservation Area and the listed terrace buildings on Paradise Row. The subject site is not listed and is not part of a Conservation Area. However, it is directly across the railway viaduct from a Grade II listed terrace on Paradise Row and it would sit within the background of the western-most part of the Bethnal Green Gardens Conservation Area.

7.32 The proposal consists of two blocks with an open podium level connecting them. Block A would front Hollybush Gardens at a scale of 4 to 7 storeys and Block B is adjacent to the railway at a height of 6 storeys.

Bulk and Scale

7.33 Within the neighbouring Conservation Area, there is a generally restrained scale combined with large areas of open space and, as such, the development would be seen in the backdrop of this. The 6 storey Block B would be viewed across the railway viaduct in the background to the recently completed 6 storey buildings on Cambridge Heath Road (Bethnal Green Mission Church and The East London Hotel). Block B is considered to sit comfortably amongst existing buildings across the railway viaduct, appearing sufficiently subservient in regard to bulk and scale when viewed from Cambridge Heath Road and from the Conservation Area and in respect of the view of the listed terrace on Paradise Row. Block A sits adjacent to an existing 4 storey converted warehouse (10-14 Hollybush Gardens) which has consent for an extension to 6 storeys plus plant. A 6 storey frontage of the converted warehouse City View House also sits on Hollybush Gardens in close proximity to Block A. Finally, the consented scheme at 469 Bethnal Green Road for an additional 3 storeys would raise the surrounding context even further to generally sit at around 6 storeys. It is considered that Block A, and the development overall, would sit comfortably within the prevailing pattern of built form in the locality.

7.34 In comparison to the previously consented scheme, the northern portion of Block B has been moved 0.8m to the east and the southern portion of Block B 1.6m to the west, which creates a stepped façade and a split in the overall massing of the building. This is to ensure that the building does not lie within the boundary of a restrictive covenant over the land owned by Network Rail within and alongside the railway to the east boundary of the site. An emergency access staircase has been installed in the podium to address comments made by the Health and Safety Executive.



Figure 3: Podium plans from previous permission on the left and current proposals on the right

- 7.35 There is no other significant change to the overall bulk and scale of the development proposed in the current scheme as compared to the previously consented scheme. The two buildings have been moved slightly closer together, narrowing the courtyard by approximately 1.7m towards the south of the podium level. This may create a perceived increase in sense of enclosure from within the courtyard and to residents in each of the blocks. However, a number of the void spaces in the podium courtyard space in the consented scheme have now been removed in favour of an increase in usable amenity space on the podium which, in officer's opinion, would assist in reducing the impact of any increase in sense of enclosure and so the narrowing of the space between the two buildings would not be considered to be unacceptable.
- 7.36 The only other change to the massing of the building is to introduce a bay window to the western façade of Block B. The purpose of this bay window is to address any impacts on the amenity of the proposed residential units within both buildings A and B as a result of the narrowing of the courtyard to the south of the podium.

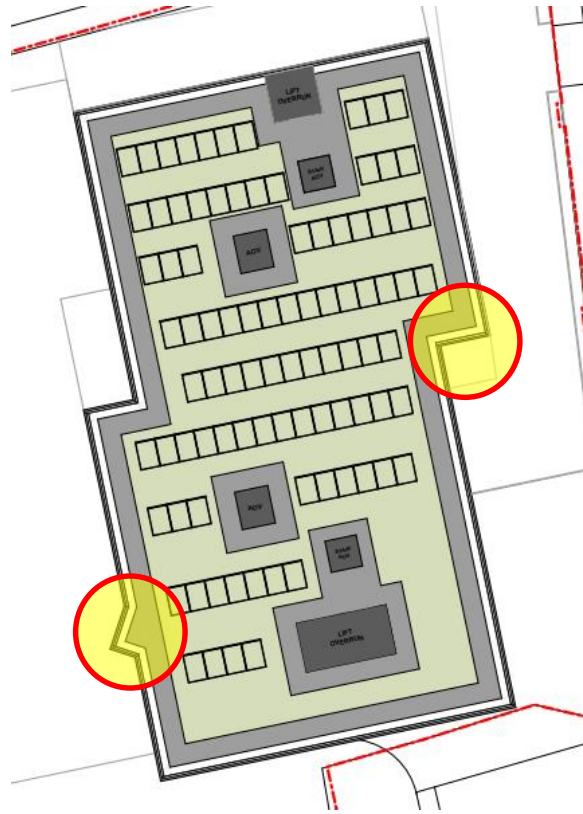


Figure 4: Roof plan for Block B demonstrating the proposed massing change and the bay window in the western facade

7.37 The overall mass of the proposal has been well considered, the two buildings are separated by a generous courtyard area and ground floor podium building, centrally located within the site, which offers an increase in floor area as compared to the consented scheme. The podium has been rationalised to provide additional amenity space and restrains the building footprint in each Building, reducing the overall perception of bulk.

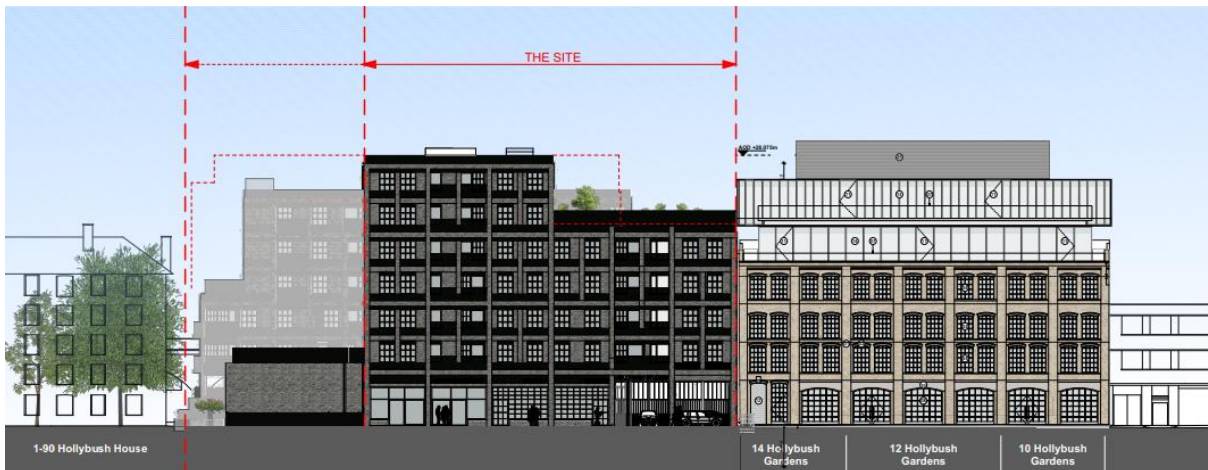


Figure 5: Proposed Block A west elevation from Hollybush Gardens with consented extension at 10-14 Hollybush Gardens shown.



Figure 6: Proposed Block B view towards Paradise Row with consented extension at 10-14 Hollybush Gardens shown in black dotted line

Design and materials

- 7.38 The proposed materials palette of grey variations of brick, contrasting with white mortar, Crittal type aluminium window frames and white steel balustrades for balconies is acceptable and in keeping with surrounding styles. The majority of the proposed building would be in brick, presenting a robust and solid appearance, consistent with other buildings in the vicinity, and a contemporary warehouse vernacular. The use of well-crafted steel balustrading to proposed balconies would add interest and variety, with a brick soldier course located below the steel balustrades expressing each balcony area. The parapets to the main roofs are also expressed using vertically aligned soldier coursing, which is successful in crowning the building. The design approach to the principal Hollybush Place elevation combines slightly recessed window bays within a brick-faced grid to the main building plane. This, combined, with the fenestration pattern and proportions is varied and presents a visually attractive frontage to Hollybush Place. The proposed materials palette remains unchanged from the previous consent and further details of materials are proposed to be secured by condition to ensure that the development is built out to the highest quality.
- 7.39 The north-western and south-western elevations have not been activated by windows in order not to prejudice the potential of neighbouring sites. Both elevations have been articulated using an inset brick grid that reflects the fenestration pattern to the principal west elevation. This adds visual interest to these elevations without dominating the building. Overall the proposed materials palette is considered to be high quality whilst being sensitive to and enhancing local character.



Figure 7: CGI visualisation of the scheme as viewed from the south-east demonstrating materiality.

- 7.40 To Hollybush Gardens, the ground floor of Block A would present as a combination of a residential entrance, a vehicular access gate, 2 entrance doors to the affordable workspace provision and 2 sets of refuse store door/vents. This ground floor area would be activated by natural surveillance from windows of the residential entrance and workspace units. Large openings are present to this ground floor elevation, along with brick piers and a vertical soldier course of brick for signage areas. Block B benefits from an entrance towards Hollybush Place with substantial glazing at ground floor level.
- 7.41 The podium building links Block A and Block B in-between at ground and lower ground floor levels. At roof/first floor level of the podium building is an outdoor communal amenity space, child play space and landscaped circulation area for the residential units. At ground floor and lower ground floor levels are the commercial spaces and areas ancillary to the residential units (servicing and storage). Residential units are located from first floor upwards.
- 7.42 The previously consented scheme contained a number of void spaces within the podium which have now been significantly reduced, in particular at podium level. The voids act as lightwells throughout the ground and lower ground commercial spaces. This redesign has helped to rationalise the space both at podium level and within the proposed commercial space itself, whilst also allowing for increase usable floor areas for both.
- 7.43 The affordable workspace is accessed via Hollybush Gardens with a spiral staircase leading to the lower ground level. The other commercial floorspace is accessed through the podium building from the new servicing area created off of Hollybush Place. This would lead to activation of both Hollybush Gardens and Hollybush Place. The commercial space also has a dedicated amenity space located at the northeast of the site between Block B and the railway, which also accommodates cycle parking. The lower ground level would receive natural light via a number of strategically positions lightwells both through the podium and around the podium's edge.

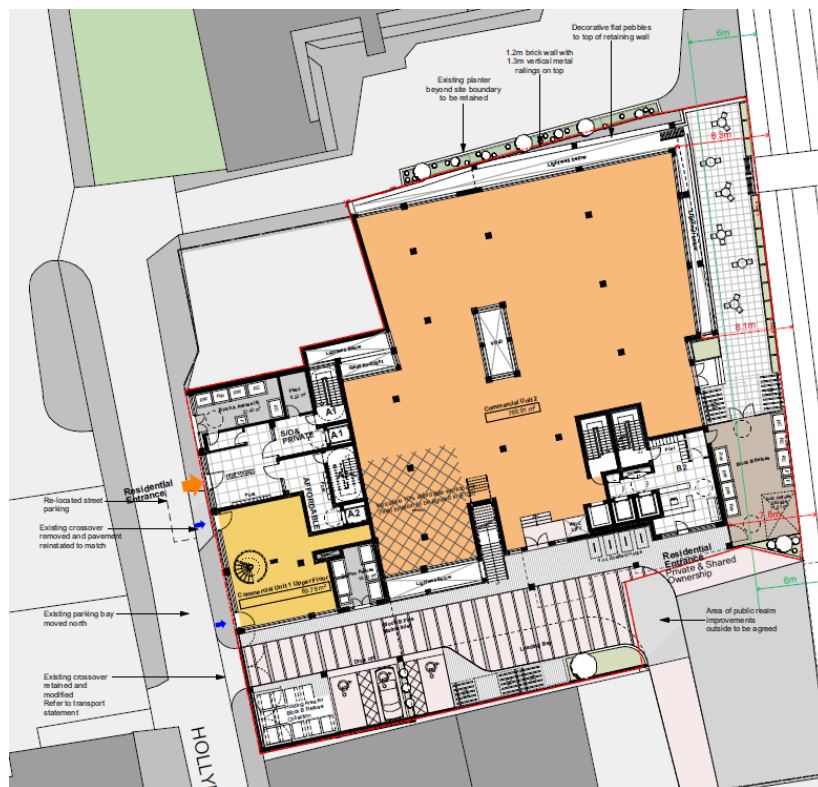


Figure 8: Ground floor plan showing commercial spaces and various entrances/lightwells

- 7.44 In relation to nearby designated heritage assets, the development would preserve the character and appearance of the Bethnal Green Gardens Conservation Area and the setting of relevant nearby listed buildings pursuant to the Listed Building and Conservation Areas Act 1990.

- 7.45 Overall, the proposed mixed use development is designed to a high quality standard, incorporating accepted principles of good design. The height, bulk, scale and massing of the development is appropriate to its local setting, and the design and materials used for buildings are high quality and help to enhance local character. Conditions requiring all external materials to be approved would be added, subject to approval.



Figure 9: Bird's Eye view of the scheme from the North.

Secure by Design

- 7.46 LP Policy D11 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.
- 7.47 In general, the proposed layout and mix of uses provides activity and natural surveillance at street level to Hollybush Gardens and Hollybush Place, substantially increasing presence and activation of the site in comparison to the existing builders' merchants.
- 7.48 The Crime Prevention Officer at the Metropolitan Police had previously pointed out various minor amendments which would produce security improvements to the site. Subject to approval, and as per the previous permission, a condition would be added for the scheme to achieve Secure by Design Accreditation.

Fire Safety

- 7.49 London Plan (2021) policy D12 requires all major applications to be submitted with a Fire Statement produced by a third party, suitably qualified assessor. The policy sets out the requirements in terms of details that Fire Statement should contain. London Plan Policy D5 (B5) states that new development should be designed to incorporate safe and dignified emergency evacuation for all building users.

- 7.50 The application is supported by a Fire Statement Report, produced by Ashton Fire who are considered to be a third party and suitably qualified assessor, a fire engineering consultancy firm.
- 7.51 The development would be required to meet the Building Regulations in force at the time of its construction, by way of approval from a relevant Building Control Body.
- 7.52 As part of the planning application process, the Health and Safety Executive were consulted as the development is referable to the HSE through the Gateway One procedure as it is more than 18m high and has 7 storeys.
- 7.53 The application was referred to HSE and their comments have been appropriately addressed by suitable amendments made by the applicant to the proposals following receipt of their comments.

Housing

Affordable Housing

- 7.54 In line with section 5 of the NPPF, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy H1 sets strategic housing targets for local authorities across London. Policy H4 seeks provision of a genuinely affordable housing and sets a strategic target of 50% of all homes being delivered as affordable homes across London. Policy H6 seeks to ensure that an appropriate split of affordable tenures are promoted across London.
- 7.55 The Local Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy S.H1 sets a strategic target of 50% affordable homes across the borough and a minimum of 35% on sites providing 10 new residential units or more (subject to viability). Local Plan Policy D.H2 requires that development maximise the provision of affordable housing in accordance with a 70% rented and 30% intermediate tenure split.
- 7.56 The proposed scheme would provide 55 units (35.5% affordable habitable rooms). The proposed affordable homes breakdown would be 69.1% affordable/social rent and 30.9% intermediate, which is broadly in line with policy. The affordable rented product would be split 50:50 between London affordable rents and Tower Hamlets Living rent. The intermediate housing would be provided as shared ownership. The affordable housing mix is shown in the table below.

	<u>Units</u>	<u>Unit Proportion (%)</u>	<u>Habitable Rooms</u>	<u>Habitable Rooms Proportion (%)</u>
Affordable Housing	17	31	55	35.5
Private Sale	38	69	100	64.5
Total	55	100	155	100

Figure 10: Affordable Housing breakdown

- 7.57 The Mayor of London's Affordable Housing and Viability SPG and London Plan Policy H5 introduces a 'threshold approach', whereby schemes meeting or exceeding 35 per cent affordable housing without public subsidy, provide affordable housing on-site, meet the specified tenure mix, and meet other planning requirements and obligations to the satisfaction of the LPA and the Mayor where relevant, are not required to submit viability information and can proceed through the 'Fast Track Route'. Such schemes would be subject to an early

viability review, but this is only triggered if an agreed level of progress is not made within two years of planning permission being granted (or a timeframe agreed by the LPA and set out within the S106 agreement).

7.58 The site is considered to be a “Non-Designated Industrial Site”, being a site containing industrial and related functions that are not formally designated as Strategic or Locally Significant Industrial Sites for the purposes of London Plan Policy H5, which sets the threshold level of affordable housing at 50% on such sites where they are considered appropriate for residential uses in accordance with London Plan Policy E7 where the scheme would result in a net loss of industrial capacity. As the scheme is re-providing and securing 789sqm of floorspace within the commercial units as a use falling within Use Class E(g)(iii), being an industrial use, which can be carried out in a residential area without detriment to residential amenity, there would be no net loss in industrial capacity. Therefore the 50% threshold of affordable housing would not be applicable to this application.

7.59 As the affordable housing offer represents over 35% of habitable rooms which is in a tenure split in line with the Local Plan, the application can follow the fast-track route set out in London Plan Policy H5, and the applicant therefore does not need to provide a viability assessment and the development does not need to be further viability tested at application stage. The affordable housing strategy would be secured by way of planning obligation within the proposed s.106 agreement.

7.60 This affordable housing offer is identical to that which was proposed in the previous permission and is in line with current Local and London Plan Policy and is therefore supported.

Dwelling Mix

7.61 Local Plan Policy D.H2 states that development is required to provide a mix of unit sizes (including larger family homes) in accordance with local housing need and as further described within that policy. The proposed tenure mix set against the required tenure mix is set out in the table below.

	1 bedroom units required (as %)	1 bedroom units proposed (as %)	2 bedroom units required (as %)	2 bedroom units proposed (as %)	3+ bedroom units required (as %)	3+ bedroom units proposed (as %)
Private Sale	11.4 (30%)	15 (39.5%)	19 (50%)	21 (55.3%)	7.6 (20%)	2 (5.2%)
Intermediate	0.75 (15%)	0 (0%)	2 (40%)	3 (60%)	2.25 (45%)	2 (40%)
Affordable rent	3 (25%)	3 (25%)	3.6 (30%)	4 (33.3%)	5.4 (45%)	5 (41.7%)

7.62 With regards to private sale units, there would be an overprovision of 1- and 2-bedroom units and an under-provision of family homes. With the intermediate units, no 1-bedroom flats are proposed; however, the overprovision of 2 bedroom units and the near policy compliant provision of family homes is particularly welcomed. With regards to social/affordable rent homes, these are broadly in line with the Council’s prescribed mix. In particular the 5no larger affordable rented family sized homes would be provided in the form of 2no. 3b4p unit and 3no. 3b5p unit.

- 7.63 The tenure mix has been designed to maximise the viability of the scheme in order to provide an acceptable level of affordable housing. Although there is divergence from policy targets particularly in regard to the overprovision of 2 bedroom private units and deficit of larger family units within the private sale tenure, having generally accorded with policy in the other tenures, and being identical to the residential mix offered within the previous consent, officers are of the opinion that the housing mix is acceptable.
- 7.64 In conclusion, the provision of affordable housing has been maximised on site and the proposal meets relevant policy targets and the overall tenure mix on site would assist in the creation of a mixed and balanced community.

Quality of Residential Accommodation

- 7.65 Local Plan Policy D.H3 and London Plan Policy D6 require that residential development is of a high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purposes and meet the needs of Londoners without differentiating between tenures. The amenity of new residential accommodation must be of a high standard.

Housing Standards and Guidance

- 7.66 The Mayor of London's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring they are "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 7.67 All 55 residential units comply with nationally described internal space standards as they relate to minimum gross floor areas and floor to ceiling heights (minimum 2.5m height), as set out in London Plan Policy D6. There are only very minor changes to floors spaces of units located in Block B as a result of the amendments since the previous consent, but all of the units remain in line with the internal space standards.
- 7.68 Furthermore, no floor would have more than 8 units per core, in accordance with the Housing SPG. 6 wheelchair accessible and adaptable units are proposed which all comply with the relevant accessible housing standards and are sufficiently oversized for extra circulation space, comprising more than the required 10% of units. The wheelchair units within the affordable provision would be built as adapted units.
- 7.69 A high proportion of the flats would be dual aspect, which is welcomed, namely 46 of the 55 flats representing 83% of the total number of flats. This is a particularly high percentage given the constrained nature of the site. The single aspect units are east or west facing with the majority being one bedroom flats, where it is difficult to provide further outlook. There are no north-facing single aspect units.
- 7.70 All but 3 of the flats would have a balcony at a size which would be policy compliant, and those 3 flats without their own balcony all benefit from dual aspect. Of those 3 without their own private amenity space, 1 is a studio flat which is immediately adjacent to the communal amenity space located at the north end of Block B on the third floor and the other 2 homes are single bed flats which exceed the relevant internal floorspace requirement by the equivalent requirement for outdoor space. The GLA's Housing SPG states that additional internal space, rather than private open space, can be provided in exceptional circumstances, considering site constraints. Upon that basis it is considered that the private open space provision is policy compliant.

Noise & Vibration

- 7.71 Local Plan Policies D.H3 and D.DH8 seek to ensure that developments provide an acceptable standard of accommodation with a high standard of amenity and Local Plan Policy D.ES9 and Appendix 6 of the Local Plan set out more detail on the requirements as regards noise and vibration. LP Policy D13 specifically states that the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise sensitive development. The new development should manage noise and other potential nuisances by ensuring good design mitigates and minimises existing and potential nuisances and should be separated from major noise sources such as rail through distance, internal layout or screening, sound-proofing, insulation and other acoustic design measures. The applicant has provided some detail regarding mitigation measures against railway noise and vibration which have been reviewed by the Council's Environmental Health team.
- 7.72 Some of the proposed units would sit adjacent to a train line at a minimum distance of 6.6m metres with the railway line operating through the night. In addition to noise, the vibration from the train line needs to be considered for the future amenity of the occupiers. As compared to the proposals in the previous permission, half of the flats in Block B (those located in the northern half of the building) would be approximately 0.8m close to the railway line but the other half would be approximately 1.4m further away from the railway line. Some other schemes in the borough have been approved with similar separation distances, such as at 58-64 Three Colts Lane (3m) and at 27-29 and 33 Caroline Street (6.5m).

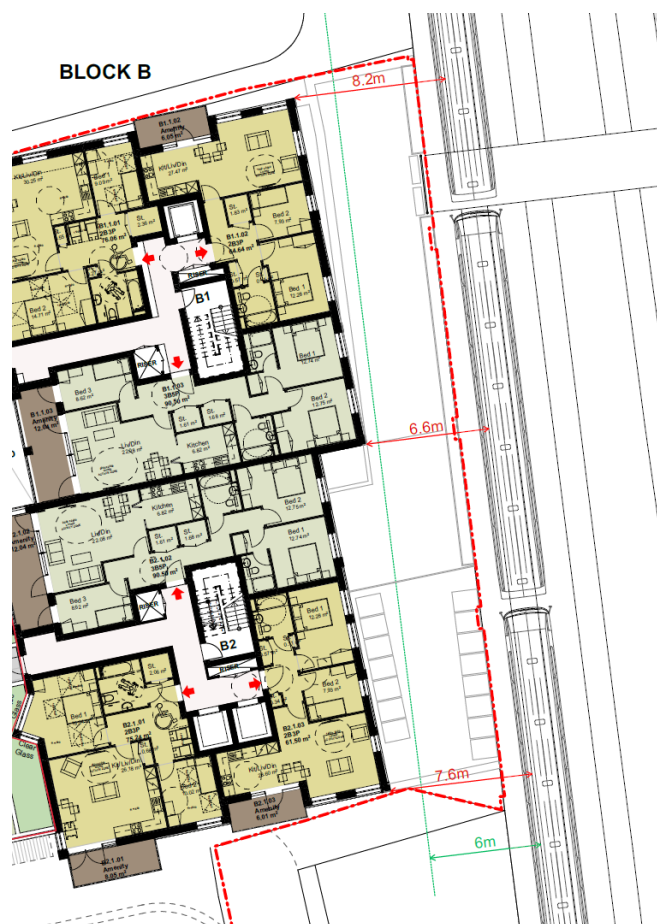


Figure 11: Drawing of first floor of Block B demonstrating separation distance to the railway.

- 7.73 Various mitigation measures are proposed such as a high-performance external wall construction together with high performance window and ventilation systems. For the proposals under the previous permission the Council's independent noise consultant had concluded that the proposed design would provide for suitable internal noise levels, dealing with both external noise sources from the railway and internal noise source for each storey of the development.

- 7.74 For the present application, the Council's Environmental Health team have raised significant concerns regarding the levels of noise which the residential units would be subjected to, particularly those closest to the railway. The acoustic assessments undertaken by the applicant and provided for consideration indicate that "the highest daytime period noise level (and therefore worst-case noise level) likely to be incident on the proposed dwellings is 72 dB." and "...the worst-case night-time LAeq noise level will be 65 dB.". These levels are in excess of the noise levels set out in Appendix 6 of the Local Plan for causing a significant observed adverse effect which are set at above 69dB for daytime noise and above 60dB for night-time noise. Should these levels be exceeded the Local Plan states that development is likely to be refused and that applicants should seek expert advice on possible noise mitigation measures.
- 7.75 Additionally, the internal noise consultee has raised concerns about the layout of the residential units which directly face onto the railway. There are 8 bedrooms on 1st and 2nd Floor, 7 bedrooms on 3rd Floor, 6 bedrooms on 4th and 5th Floor (total 35 bedrooms) and 2 living rooms on each floor (total 10 living rooms in total) with windows directly facing the railway line (only approx. 8 meters away). Therefore, the internal consultee considers that these dwellings are not laid out on the site, orientated, designed and constructed in line with the principles of "good acoustic design" from the *ProPG: Planning & Noise - New Residential Development*.
- 7.76 Notwithstanding the above objections and conflicts with policy, the previous permission has set a precedent for the acceptability of residential uses on the site in the same layout and construction in close proximity to the railway which was, at the time, considered acceptable by the council's external noise consultee. In addition to this, the applicant has explored a number of mitigation measures as discussed at paragraph 7.74 with half of the flats being moved further away from the railway and the other half only marginally closer to the railway as compared to the previous scheme. Furthermore, in the pre-application discussion with officers in relation to the design as part of the previously consent scheme, the design of the proposed homes set nearest to the railway line was significantly amended so these homes were designed as dual aspect units with their external amenity space set away from railway noise sources such that this mitigates the impacts of the noise generated by the railway.
- 7.77 Officers have discussed the noise sensitivities with the internal noise consultee who have suggested conditions which should be attached to a planning permission including ensuring that the construction of the residential units complies with relevant British Standards for construction relating to noise and vibration and submission of a post completion verification report which would confirm that each habitable room in the development facing the railway complies with those standards.
- 7.78 Additionally, an obligation would be included within the legal agreement which requires the marketing of the residential units to include details of the noise levels and that purchasers may be subjected to noise levels which would ordinarily be considered to be unacceptable.
- 7.79 Officers would also note that all of the residential units contained in Block B, being the block closest to the railway, are private sale units and all of the affordable housing, both affordable rent and intermediate, are contained in Block A, being the block furthest away from the railway.
- 7.80 Officers acknowledge the objection in principle from the noise consultee, however in balancing all material considerations including, without limitation, the precedent set on the site for residential development in close proximity to the railway, the mitigation to be introduced as part of the proposals and the conditions and obligation that are proposed, officers are of the opinion that the proposals are acceptable in terms of noise and vibration impacts.

Air Quality

- 7.81 Local Plan Policy D.ES2 requires development to meet or exceed the 'air quality neutral' standard, including promoting the use of low or zero emission transport and reducing the reliance on private motor vehicles.
- 7.82 In this case, the applicant has submitted an Air Quality Assessment, which has been reviewed by the Council's Air Quality Officer. The Air Quality Assessment shows that the development

would not result in any significant impacts on air quality. The development is car free, other than the required 3no. accessible vehicle parking spaces, which is welcomed. The development meets the air quality neutral assessment requirements. The assessment shows that the air quality objectives would not be exceeded at the site in the opening year and is therefore suitable for residential use without mitigation. Subject to approval, details of any boilers to be installed are to be submitted for approval.

- 7.83 Occupiers of the development would be restricted from applying for on-street parking permits (other than disabled occupiers). Conditions are proposed to control the demolition and construction process and its impacts on air quality.
- 7.84 Future residents and users of the proposed development would be appropriately protected from existing poor air quality in the Borough and the new development satisfactorily minimises further contributions to existing concentrations of particulates and NO2 in accordance with the aforementioned policies.

Privacy & Outlook

- 7.85 Local Plan Policy D.DH8 requires new residential developments to have an acceptable outlook, good levels of privacy and attempts to avoid unreasonable levels of overlooking. Paragraph 8.86 of the supporting text to that Policy suggests a distance of approximately 18m between windows of habitable rooms to reduce inter-visibility which would be at a degree acceptable to most people. It should be noted that this figure should only be applied as a guideline and can be reduced if there are particular design or layout reasons which would further reduce the inter-visibility between habitable room windows.

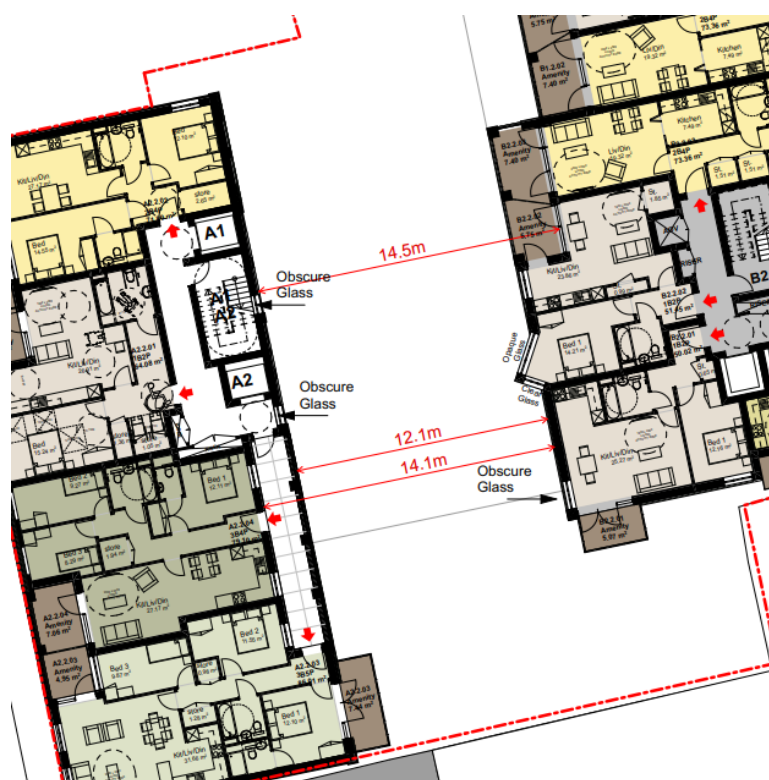


Figure 12: Second Floor Plan demonstrating distances between blocks A and B

- 7.86 Owing to the high proportion of dual aspect units on the site, a good level of outlook is achieved across the residential units. East-facing windows of Block B face over the railway and have approximately 35m separation to the 6 storey buildings on Cambridge Heath Road. Some west-facing windows of Block B look towards the rear of Block A at proximity of 14.5m to non-habitable room spaces and 14.1m to habitable room windows. Obscure glazing is proposed to be introduced to windows of the non-habitable spaces in Block A and some residential windows of Block B to further mitigate the proximity of the two buildings.
- 7.87 At the one point where there is a particular sensitivity and the distance between the windows of habitable rooms within Block B and non-habitable spaces within Block A which

are set at approximately 12m apart, the applicant has introduced a bay window in the Block B units which would divert the view from those windows towards the southwest of the site by obscuring the window which faces to the northwest. This intervention appropriately deals with the most sensitive point as regards overlooking and loss of privacy. The homes in Block B and facing Block A also benefit from outlook towards the south or longer views across the railway, or to the north, which helps to mitigate against the less than 18m separation distance between the two proposed buildings.

- 7.88 Block A has an 18.7m separation to Kedleston Walk flats. This is therefore considered an acceptable separation distance.
- 7.89 As to potential mutual overlooking and privacy concerns, some degree of overlooking may occur from the office extension scheme consented to the south if this is built out as it would contain a glazed flank wall looking into the development site. However, it is considered that given these views would be oblique and the office development would be primarily occupied during daytime hours, the relationship is acceptable in terms of privacy to future residential occupants. Some limited mutual overlooking could take place for the south-western corner windows of Block A towards upper levels of City View House. However, this tight relationship would be limited in scope and the dual aspect nature of the residential units would help to alleviate this impact. Furthermore, the relationship is consistent with that which exists between BJ House and City View House.
- 7.90 To conclude, whilst the proposed scheme has reduced the separation distance between the two buildings as compared to the previous permission, the interventions outlined above ensure that the scheme provides reasonable separation distances between the two residential buildings with thoughtful internal layouts and placing of windows to help address instances where the guideline separation distance of 18m is not. The scheme also provides good levels of outlook to units through provision of dual aspect units and separation distances to other built development either complies with 18m separation distances as detailed above or broadly replicates separation distances that exist between buildings along Hollybush Gardens and surrounding streets.

Internal Daylight & Sunlight

- 7.91 The applicant has submitted an updated independent daylight and sunlight analysis regarding daylight and sunlight for the proposed residential units. The assessment was carried out for 80 habitable rooms across 32 no. dwellings representing a thorough cross section of dwelling and tenure types. This is also a larger number of dwellings than was tested at application stage for the previous consent. The consented scheme to the south was included in the assessment as a worst-case approach. Of those 80 rooms, 31 are kitchen/living/dining (KLD) rooms and 49 are bedrooms.
- 7.92 The analysis results indicated that of the 31 KLDs tested, 23 exceeded the BRE target requirements, with an additional 6 exceeding the BRE target requirements for pure living spaces. The remaining 2 KLDs tested were within 86% and 93% of the targets and so only represent minor deficits in daylight to the target amounts. The daylighting of the KLDs is therefore acceptable in officers' opinion.
- 7.93 As for the bedrooms which were tested, 44 of the 49 rooms met the BRE recommended targets. The remaining 5 rooms varied from 60-80% of the target amounts. This can be explained by the fact that they all feature deck access in front of the relevant window which means that they naturally would be obstructed by overhanging gallery access balconies at the floor above. The deck access itself provides additional access to the natural environment and direct access to sunlight which would outweigh the impacts to these rooms. Additionally, 3 of those 5 bedrooms are secondary bedrooms where there is another bedroom within the flat which has access to a balcony. Finally, they are bedrooms and so are predominantly in use outside of daylight hours and so the weight of the impact on these rooms should be considered in light of that. As such, officers do not consider the proposals to introduce any unacceptable change in the levels of daylight to the proposed residential units as compared to the previous permission and are therefore acceptable.

- 7.94 Local Plan Policy D.H3 requires communal amenity space of 50sqm for the first 10 units plus a further 1sqm for every additional unit thereafter. Therefore, the communal amenity space requirement for this development is 95sqm. Excluding the child play space, which is dealt with below, approximately 335sqm of communal amenity space would be provided which is significantly more than is required by policy. This space would be split between the roof terrace on the south side of Block A, a terrace at the northern end of Block B and the large space on the roof of the podium building.
- 7.95 As regards child play space, the development is predicted to contain 21 children (using the GLA calculator) and 212sqm of child play space is required, split across the different age groups and unit types, as set out in the GLA's Play and Informal Recreation SPG and outlined in the table below. 222sqm of play space would be provided – which is a surplus in provision in relation to the policy requirement. This space would be split between the Block A roof terrace and the external space on the podium building.

	Play space required (sqm)	Play space provided (sqm)
0-4 year olds	89	93
5-11 year olds	68	71
12-18 year olds	55	58
total	212	222

Figure 13: Table demonstrating split of child play space

- 7.96 The proposed amenity spaces are accessible, secure and are well overlooked by the proposed development and would be accessible to all residents from all residential tenures. More specific details, such as, the proposed planting and specific play equipment would be appropriately secured by condition, subject to approval. The condition would also ensure a minimum of 222sqm of child play space is provided.
- 7.97 The overshadowing assessment provided with the application shows that the proposed amenity spaces on Block A and the podium space would meet the minimum standards set out in the BRE guidelines and would therefore be well sunlit, receiving more than 2 hours of sunlight across at least 50% of their area on 21st March, with the space on Block A being lit across 95% of its area. The final space to the north of Block B is oriented to the north and so would naturally receive less sunlight. However, it would still receive 2 hours of sunlight on 21st March across 33% of its area regardless. This is an acceptable level of sunlighting in view of the terrace's orientation and position at the northern end of Block B and given the other two amenity spaces meet the BRE criteria.
- 7.98 The amenity space provision for the residential units is considered to be well designed and generous in area, and greatly exceeds minimum policy space requirements. The play space would be accessible for all tenants from both buildings and there would be fob security arrangements in place to ensure secure access to residential areas remains. In addition, the development is in close proximity to a number of large outdoor spaces, including Museum Gardens (157m walking distance), Bethnal Green Garden (157m walking distance), Bethnal Green Nature Reserve (140m walking distance) and Weavers Fields (320m walking distance), and so future building occupants would enjoy ample communal amenity space.

Landscaping and Public Realm

- 7.99 A landscape strategy has been submitted with the application which provides initial details of the proposed hard and soft landscaping. Further details of the landscaping are discussed in the biodiversity section below. Officers are generally satisfied that the indicative proposals represent a high quality of design, and a further detailed landscaping scheme would be secured via planning condition should approval be granted.

Density

7.100 LP Policy GG2, D2 and D3 seek to ensure higher density development is targeted towards locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. The density of development proposals should consider, and be linked to, the provision of future planned levels of infrastructure rather than existing levels and be proportionate to the site's connectivity and accessibility by walking, cycling and public transport to jobs and services (including both PTAL and access to local services).

7.101 Overall, it is considered that the scheme would be of an appropriate density for the site in line with the design-led approach set out in the London Plan and would not constitute overdevelopment for the reasons set out as follows:

- Comprise buildings of a height, scale and massing within the prevailing pattern of local development;
- Preserve the setting of the Bethnal Green Gardens Conservation Area when viewed from within the conservation areas;
- Preserve the setting of nearby Grade II listed terraces in Paradise Row;
- Not result in excessive loss of sunlight or daylight for neighbouring homes and the new flats would have good access to daylight and sunlight;
- Provide a good mix of unit sizes within the scheme;
- Ensure a 'car-free' owing to the site's excellent accessibility to public transport with 2 disabled on-street car parking spaces provided. The site is also located in an area of high public transport accessibility (PTAL 6a) and in close proximity to a number of transport hubs. The development would therefore not cause unacceptable traffic generation;
- Be liable for the Mayoral and Tower Hamlets Community Infrastructure Levy, which would ensure the development contributes appropriately to the improvements to local social and physical infrastructure;
- Ensure a high-quality design, whilst developing an underutilised site close to conservation areas and replacing buildings that detracted from the quality of the built environment.

Design Conclusion

7.102 Taking into account internal space, private open space, communal amenity space, child play space, internal daylight and sunlight levels and potential future noise to building occupants, it is considered that the development would provide a high quality of residential accommodation.

Neighbour Amenity

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

Privacy & Outlook

7.104 In terms of properties on Hollybush Gardens, the south-western corner of Block A would be only 10.5m away from the north-eastern corner of City View House, a 6 storey building which appears to have residential units on upper floors. This separation distance would repeat the separation distance that already exists between City View House and BJ House and any privacy issues would be limited to 4 windows within City View House, which appear to serve flats with dual aspect outlook, and as such, it is not out of character or unusual in its relationship to neighbouring developments located on Hollybush Gardens. As for the 4 storey residential block of flats at Kedleston Walk, the proposed building would be located 18.7m away, which is an appropriate and adequate separation distance in order to ensure that there would not be significant adverse impacts on outlook, privacy and sense of enclosure.

7.105 Hollybush House is a 5-storey residential block of flats and is situated approximately 13-14m to the northwest of the proposed Block B. The most sensitive direct intervisibility would be set at a distance of approximately 13.3, with most of the inter-visibility being set at oblique angles thereby reducing the impact of the intervisibility between residential windows. Taking into consideration the separation distance and orientation of the development as it relates to Hollybush House, it is considered that there would not be significant adverse impacts on outlook, privacy and sense of enclosure. There would also be no change to the situation as was presented for approval of the previous permission.

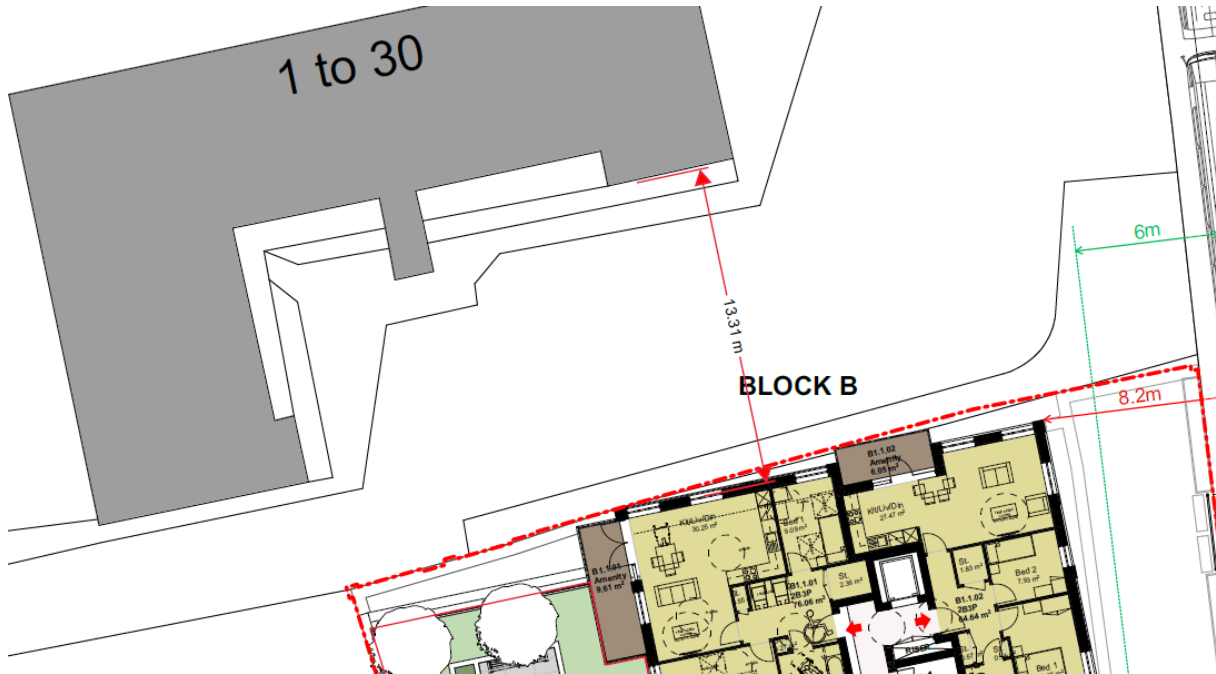


Figure 14: First floor plan demonstrating separation distance to Hollybush House

7.106 BJ House (10-14 Hollybush Gardens) is a 4 storey converted warehouse which was most recently used as offices. This building would be directly adjacent to Block A; however, there are no windows located on the flank elevations of either Block A of the proposals or BJ House; as such, the relationship to this building and the scheme would be acceptable.

7.107 The consented upward extension of BJ House (PA/17/01732) for office use would rise to 6 storeys plus plant level on top has been commenced and is expected to be built out in full in the near future. The consented extension to BJ House would include some glazing to the flank, which would be set-in. Block A is proposed to rise above the eaves of the existing BJ House and would therefore impact on the consented glazed flank roof extension. It is considered that light and outlook would be adversely impacted to the neighbouring office and its flank glazing. However, this building would be in use as offices which do not demand the same policy requirements for outlook and daylight as residential housing. Furthermore, the offices at this level would be open plan and fully glazed on all sides and so they would be able to retain adequate workable light. There are also no changes to the scheme consented within the previous consent which would change this position.

7.108 In conclusion, having regard to the heights of the two proposed buildings and their proximity to neighbouring buildings, the development would not cause unacceptable increase in sense of enclosure, or impact on the levels of privacy or outlook enjoyed by existing neighbouring buildings.

Daylight, Sunlight & Overshadowing

7.109 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). The application was submitted prior to the publication of the updated Building Research Establishment (BRE) daylight and sunlight guidance. The assessment has been carried out in accordance with

BRE 2011 guidance, which was in place at the time of validation, as required by the Council's Local Validation Requirements and the supporting text to Local Plan policy D.DH8.

- 7.110 As the application is a re-submission of a previously consented scheme, the applicant has submitted an addendum to the daylight sunlight report which was submitted as part of application PA/16/02713. The addendum explains that the changes to the massing of the building proposed in the present application would not introduce any additional negative impacts on daylight, sunlight or overshadowing of neighbouring properties. Officers are satisfied that this is indeed the case and so have not required an updated version of the full report or further assessment of the impacts by an external consultant.
- 7.111 The daylight and sunlight report dated 25th April 2018 prepared by XCO2 and submitted as part of application PA/16/02713 was reviewed by an external consultant appointed by the Council to independently review and assess the applicant's submitted daylight/sunlight report as part of the Council's consideration of that application. The Council's daylight consultant broadly agreed with the report and the methodology and criteria assessed therein. The following sections therefore focus on the consideration of the impacts of daylight and sunlight presented in the report submitted as part of the previous consent, which were previously deemed to be acceptable by the Council.

Impact on Daylight

- 7.112 For calculating daylight to neighbouring residential properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no skyline (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive
- 7.113 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27% or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 7.114 17-14 Paradise Walk and 10-14 Hollybush Gardens would be only negligibly impacted by the development. City View House, 13-20 Kedleston Walk and Hollybush House would be more impacted by the proposed development.
- 7.115 In terms of City View House, results showed that four windows would experience reductions in VSC of more than 20% from existing with two experiencing reductions of more than 20% (minor adverse) and two experiencing reductions of more than 30% (moderate adverse). However, the retained NSL levels were very good. The impact on this property was considered to be negligible to minor adverse.
- 7.116 In terms of 13-20 Kedleston Walk, the VSC results for this property showed failures of VSC standards on first, second and third floors. These were generally reductions of between 20% and 30% but with four windows on the second floor experiencing reductions of more than 40% (major adverse) from existing. These are, however, windows set back behind recessed balconies. The NSL results were generally compliant, or close to being compliant, except for those windows set back behind the recessed balconies. As the results for the windows that are in the external elevations were either compliant or within a minor adverse range, it was deemed appropriate to consider the impact on this property as minor adverse.
- 7.117 As 13-20 Kedleston Walk is a relatively low-level development, the applicant provided alternative assessment criteria, namely a mirror image modelling. The reductions in daylight that result, deploying the alternative mirror image analysis were smaller than the primary analysis although the retained levels of daylight were the same. The Council's daylight consultant considered the mirror image modelling appropriate in this instance. Under the primary assessment model and the alternative mirror image assessment the impacts were concluded to be minor adverse.

- 7.118 As for Hollybush House, only the windows facing south and east on the L-shaped block nearest the application site were tested, as windows on the other sides of the building would not be adversely impacted. The VSC results for Hollybush House showed that there would be failures of daylight standards on all floors for windows facing the development. There would be a number of windows experiencing reductions of more than 40% from existing. There were also a substantial number of failures assessed against the NSL standard. From the initial assessment, it was considered that the impact on Hollybush House windows facing the proposed development would be major adverse; however further assessment and analysis is detailed below.
- 7.119 The impacts on daylight to Hollybush House windows are compounded by the presence of overhanging gallery access balconies to the side nearest the proposed Block B, which are self-obstructing. Windows have been analysed without necessarily taking account of impacts on whole residential units. With the benefit of looking over indicative floor plans and internal/external flat photos, it is considered that residential units at Hollybush House would generally benefit from, at least, dual aspect outlook. The main habitable room windows, which would be living rooms and primary bedrooms, of Hollybush House are mainly located towards the north, facing over the communal garden, to the other side, away from the proposed development.
- 7.120 Hollybush House windows facing towards the proposed development would generally serve; small kitchens (that are not treated as habitable rooms for the purpose of daylight/sunlight analysis); some secondary bedrooms; hallways; and bathroom/toilets. Furthermore, as previously mentioned, these windows are obstructed by overhanging gallery access balconies and so they would already have lower levels of internal light.
- 7.121 An alternative analysis was submitted, assessing a mirror image scheme, modelled on a building of the same size and shape of Hollybush House, being located on the development site. The aim of the mirror analysis is to illustrate that any development on the application site would have a greater than average impact on Hollybush House, given the existing low-level built form and underutilised nature of the application site. The alternative analysis considered the impacts on daylight to Hollybush House to be moderate adverse. Furthermore, an analysis which removes the self-obstructing balconies showed the impacts on daylight to Hollybush House to be moderate adverse. The latter analysis indicated that the balconies to Hollybush House may unfairly restrict otherwise appropriate development on the application site.
- 7.122 Officers consider that the impacts on daylight to neighbouring sites would be acceptable, especially taking into consideration the results of the alternative analyses (mirror image, and removing self-obstructing balconies of Hollybush House), the main habitable room windows of Hollybush House mainly being located to the other sides away from the proposed development, the proportion of secondary and non-habitable room windows of Hollybush House which would face the proposed development, and the dual aspect nature of residential units within Hollybush House. As discussed above, the relocation of massing of Block B as part of the current application would only have positive impacts on the assessments which were carried out for the previous permission as they relate to Hollybush House and therefore represent an improvement on the previous permission.

Impact on Sunlight

- 7.123 The BRE guidelines recommend that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value, then the occupants of the existing building would notice the loss of sunlight
- 7.124 The only neighbouring properties that needed to be assessed for sunlight were those that have elevations facing the development that also face within 90° of due south. These would be 10-14 Paradise Walk and Hollybush House. 10-14 Paradise Walk is located across the

railway viaduct and passes the 25° test and so officers are satisfied that sunlight standards would be met for these properties.

- 7.125 At Hollybush House, for the primary analysis, there were failures of daylight standards on the ground, first and second floors with two failures on the third floor and overall, it was considered that there would be a moderate adverse impact on sunlight. However, it was considered that the sunlight to this elevation is clearly restricted by the overhanging gallery access balconies, particularly for the annual sunlight results where the sun is higher for most of the day, and also restricted by the projecting west wing of Hollybush House which limits the afternoon sun that can be received in any case.
- 7.126 As with the daylight impacts on Hollybush House, it was considered that main habitable room windows (such as living rooms, which have a greater requirement for light as they would be used for more of the day) would not be located to the elevation facing the development site. Furthermore, taking into account the alternative analysis that omits the balcony walkways, there was substantial compliance with just three windows on the ground floor not complying. Taken overall, there would be a minor adverse impact. Furthermore, the mirror image baseline analysis showed that a development of the same size as Hollybush House on the application site would result in minor to moderate adverse impacts, and so it is considered that a modern re-use of the application site would be likely to generate, at least, similar impacts.
- 7.127 For the reasons above, officers consider that the impacts on sunlight would be acceptable.

Overshadowing

- 7.128 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that “it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21 March”.
- 7.129 The previous daylight and sunlight report included an overshadowing assessment to neighbouring amenity areas. The impacts to amenity spaces were limited to two spaces used as allotments. There are no reported impacts onto communal play space or general use open space in neighbouring developments. The first allotment area is to the west of Hollybush House. The second allotment area is to the north-west of the proposed Block B.
- 7.130 The first, larger space to the west of Hollybush House would retain all of its area receiving at least two hours of sunlight on 21 March and the BRE standard is therefore met. The second, smaller allotment area was found to receive adequate sunlight currently only to approximately 30% of its area, whereas the proposal would result in approximately 22% of its area receiving adequate sunlight and, as such, there would be a minor adverse impact to this space.
- 7.131 The overall direct sunlight impacts to the two allotment spaces are limited and account needs to be given to the fact that the site is located in an inner London urban context and the application site is presently underutilised and contains only two storey buildings and open yard space.
- 7.132 However mindful of the impacts, during the course of the previous application process, officers secured amendments to the scheme in order to reduce the impact on the smaller allotment and also secured a £30,000 contribution to enable improvements to the allotment to mitigate the direct impacts of the development upon the allotment. The improvement could take form of better utilisation and rationalisation of the allotment land and an opportunity to build a communal building to serve the needs of the allotment group. This financial contribution would, once again, be secured by section 106 agreement, subject to approval.
- 7.133 With the mitigation measures proposed, officers consider on balance that the overshadowing impacts would be acceptable.

Noise & Vibration

- 7.134 The site is currently used as a builders' merchants and so has regular vehicular movement including large delivery vehicles. The site is also adjacent to a railway. Therefore, there is not

expected to be any unacceptable levels of noise pollution as a result of the introduction of the proposed development on this site.

Construction Impacts

- 7.135 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 would control working hours and require the approval and implementation of Construction Environmental Management Plan and a Construction Logistics Plan.

Transport

- 7.136 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.
- 7.137 The site is located in a highly accessible (PTAL 6a) location and the transport arrangements for the site have been designed around promotion of sustainable transport methods such as walking, cycling or public transport.

Vehicular, pedestrian and cycle access

- 7.138 The site is a particularly constrained one when it comes to access. There are currently two routes of access to the site, one from Hollybush Place, which is a very narrow cobbled street adjacent to the railway, and Hollybush Gardens which is a cul-de-sac providing access to the surrounding developments.
- 7.139 The site would be accessible to pedestrians and cyclists from both Hollybush Gardens and Hollybush Place. However vehicular access to the site would be through an informal one-way system via Hollybush Place only, with a formal one-way system to be introduced within the site itself whereby vehicles would enter the site via Hollybush Place to the east and exit onto Hollybush Gardens to the west. There is a loading bay within the courtyard for servicing vehicles as well as accessible parking bays and visitor cycle parking. The access arrangements to the site are acceptable and should help with reducing the amount of traffic currently using these narrow access routes.

Deliveries & Servicing

- 7.140 The servicing of the site would take place via two different means. The majority of the servicing from smaller vehicles can take place from within the site boundaries using the proposed loading bay within the courtyard area. The servicing from larger vehicles, for example waste refuse collection, can take place on Hollybush Gardens as there is ability to turn within the area, at the estate to the north of the site and so the development should not pose a problem or result in the additional need for intricate vehicular movements.
- 7.141 A deliveries and servicing management plan would be secured via planning condition should consent for the scheme be granted.

Car Parking

- 7.142 Other than accessible parking provision, no on-site car-parking is to be provided. The site benefits from excellent public transport accessibility (PTAL 6a), therefore the proposed scheme would be secured as a car-and-permit free development, to prevent future occupants from parking on the existing road network – this would be secured by s106 agreement and condition. As such, the impact on the existing road network is considered to be minimal. This is in accordance with Local Plan Policy D.TR3.
- 7.143 As for accessible car parking bays, Policy T6.1 of the London Plan specifies that for three per cent of dwellings, at least one disabled persons parking bay per dwelling is available from the outset. 3 accessible spaces have been proposed which is in line with the previous permission and in excess of the London Plan requirement. The Highways Officer has been, and remains, satisfied based on proactive discussions throughout the application process for the previous

permission and the tight constraints of the site, with fitting in a loading bay and other servicing requirements, whilst also still maintaining vehicular access through the site.

Cycle Parking and Facilities

- 7.144 The proposal provides secure cycle parking at lower ground floor level in Block A (residential), Block B (residential) and the podium building (commercial) – these can be accessed via lifts. Visitor cycle parking is also proposed at ground floor level in the courtyard. There is also additional cycle parking provided within the new amenity space to the east of Block B. Overall there are to be 192 cycle parking spaces which provide a mix of double-stacking cycle stands and more accessible Sheffield stands. The minimum London Plan and Council policy requirements have been met and Highways officers are satisfied with the proposed level and types of cycle parking provided. Subject to approval, a condition would be attached requiring further details of the proposed cycle stores and for the cycle parking to be retained for the life of the development.

Construction Management Plan

- 7.145 Local Plan Policies D.SG4, D.TR2 and D.TR4 seek to ensure that new development has no unacceptable impacts on the capacity and safety of the transport network. It is recommended that due to the restricted nature of the site and the number of other developments in the area a demolition and construction plan is required in order to ensure public safety and ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the surrounding highway network. This would be secured via planning condition.

Highways Improvements

- 7.146 The applicant would be required to enter into a S278 agreement with the highway authorities and agree a scheme of highway improvement works, especially with regards to where the courtyard adjoins Hollybush Place. Changes are proposed to the existing layout of car parking spaces on street. The applicant has agreed to cover the full costs of these works, and these would be secured through a S278 agreement, set out in the Section 106 agreement.

Transport conclusion

- 7.147 The proposal is expected to result in an overall decrease in the level of traffic travelling through the site, in particular it would remove many HGV movements from the junctions of Hollybush Gardens and Hollybush Place with Bethnal Green Road to the south. This would be particularly beneficial to the traffic flow on Bethnal Green Road and would reduce the impact of large vehicle movements to neighbouring residential properties.

Environment

Energy & Environmental Sustainability

- 7.148 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.
- 7.149 The green and sustainable infrastructure policies as set out in Chapters 8 and 9 of the London Plan and Chapter 14 of the Local Plan collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 7.150 Policy SI2 of the London Plan requires that major development be net zero-carbon and sets out the Mayor of London's energy hierarchy which is to:
- Be Lean – use less energy and manage demand during operation;
 - Be Clean – exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly;

- Be Green – maximise opportunities for renewable energy by producing, storing and using renewable energy on-site; and
 - Be Seen – Monitor, verify and report on energy performance.
- 7.151 Local Plan Policy D.ES7 includes the target to achieve a minimum 45% reduction in CO2 emissions above Building Regulations 2013 through the cumulative steps of the Energy Hierarchy. That policy also requires all non-residential to achieve BREEAM Excellent.
- 7.152 The applicant has submitted an Energy Statement produced by XCO2 which sets out how the design has sought to reduce CO2 emissions through energy efficiency measures. The proposed energy efficiency measures include levels of insulation beyond Building Regulation requirements, Mechanical Ventilation with Heat Recovery (MVHR) low air tightness levels, efficient lighting as well as energy saving controls for space conditioning and lighting. A communal Air Source Heat Pump and solar photovoltaics would also be installed.
- 7.153 The cumulative CO2 savings from these measures would deliver a 53.6% reduction on-site, against the building regulation baseline utilising the SAP10 carbon factors, with the provision of the remaining carbon emissions offset through the carbon offsetting procedures. The CO2 figures are:
- Baseline – 76.4 Tonnes/CO2/yr.
 - Proposed design – 35.4 Tonnes/CO2/yr.
 - Carbon offsetting payment to zero carbon – 35.4 (Tonnes/CO2/yr.) x £95/tonne for a period of 30 years = £100,890
- 7.154 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 53.6% reduction in CO2, which is in excess of the Local Plan Policy target of 45% and is an improvement on the scheme presented in the previous permission.
- 7.155 Should the scheme be recommended for approval it is recommended that the proposals are secured through appropriate Conditions/planning obligations to deliver:
- Payment of the carbon offsetting amount;
 - Energy savings and mitigation measures introduced in line with the energy statement;
 - Submission of details to meet the “Be Seen” monitoring requirements;
 - Delivery of BREEAM Excellent Development unless otherwise agreed in writing with LBTH.

Waste

- 7.156 Policy D.MW3 of the Local Plan (2020) requires adequate refuse and recycling storage alongside and combined with appropriate management and collection arrangements. An Operational Waste Management Strategy has been provided as part of the application in line with the LBTH Reuse, Recycling and Waste SPD (2021).
- 7.157 Refuse and recycling is proposed to be stored on the ground floor with access from the street for Block A (residential, from Hollybush Gardens), for Block B (residential, from Hollybush Place) and for the commercial units (between the two commercial spaces, from the courtyard). It is also proposed to have a holding area for refuse collection in the courtyard to ensure that larger refuse vehicles do not need to access the courtyard from Hollybush Place to collect the refuse. It is proposed that all collections would take place along Hollybush Gardens, and it is understood that this is how the waste for the two residential developments at the north area are also collected.
- 7.158 Waste officers have raised concerns regarding the ability of Refuse Collection Vehicles to service the site, in particular regarding how they would exit from Hollybush Gardens following

picking up waste from the designated loading areas on Hollybush Gardens. However as stated at 7.140 above, the servicing from larger vehicles, for example waste refuse collection, can take place on Hollybush Gardens as there is ability to turn within the area, at the estate to the north of the site and so the development should not pose a problem or result in the additional need for intricate vehicular movements. This arrangement was the same as was proposed for the previous consent.

- 7.159 The waste storage and collection arrangements are in line with the previous consent and have been updated to reflect current Development Plan Policies. The arrangements are therefore supported.
- 7.160 Subject to approval, further information would be sought by condition to confirm the collection times and frequency, and this would be way of waste management strategy.

Biodiversity & Urban Greening

- 7.161 London Plan Policy G6 and Tower Hamlets Local Plan D.ES3 require developments to protect and enhance biodiversity and to provide net gains for biodiversity in line with the Local Biodiversity Action Plan (LBAP). The proposals include soft landscaping at first floor podium and 5th floor terrace levels, which would be a gain in vegetation. The proposals include 498 square metres of biodiverse and bio-solar roofs, nectar-rich perennial planting, and habitat features for priority species including 8 swift boxes, 8 sparrow boxes, 8 bat boxes, 2 bumblebee boxes, 2 log piles and an insect wall. All of these would contribute to LBAP targets and would deliver significant gains in biodiversity.
- 7.162 The Council's Biodiversity officer raised some concerns as to uplighting of trees, particularly in close proximity to the proposed bat boxes. These concerns would be dealt with as part of consideration of a detailed landscaping plan which would be secured to be delivered via condition to any planning permission granted.
- 7.163 The landscape strategy also sets out the development's Urban Greening Factor score which achieves the 0.4 score required by London Plan Policy G5.
- 7.164 All biodiversity and urban greening enhancements would also be secured via a condition.

Flood Risk & Drainage

- 7.165 Tower Hamlets Local Plan policies D.ES4 and D.ES5 seek to manage flood risk and encourage the use of Sustainable Urban Drainage.
- 7.166 The development site is located within flood Zone 1 and therefore has no significant risk of tidal or fluvial flooding. A Drainage Strategy Report was submitted with the application which has been reviewed by the Council's internal flood and water management officers and included sustainable drainage features. The strategy was supported in principle however further details would need to be agreed and so a full water drainage scheme is proposed to be secured via condition which would need to address the concerns raised by the flooding officers.

Land Contamination

- 7.167 The application has been reviewed by the Council's Environmental Health Contaminated Land Officer. Subject to the inclusion of standard pre-commencement and pre-occupation condition, the proposal is considered acceptable and in accordance with Tower Hamlets Local Plan policy D.ES8.

Infrastructure Impact

- 7.168 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £305,580.89 (inclusive of social housing relief and exclusive of indexation) and Mayor of London CIL of approximately £210,501.73 (inclusive of social housing relief and exclusive of indexation).

- 7.169 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.
- 7.170 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD, as follows:
- £25,336.56 towards construction phase employment skills training
 - £47,991.87 towards end-user phase employment skills training
 - £100,890 toward carbon emission off-setting
 - £30,000 towards improvements to the allotment to facilitate better utilisation of their site
 - £209,681 towards Highways improvement works and Section 278 agreement
 - £7,210 towards development coordination and integration
 - £750 per non-financial contribution s.106 head of term towards monitoring compliance with the legal agreement and other monitoring fees

Local Finance Considerations

- 7.171 The proposal would generate a considerable New Homes Bonus payment. Due to the introduction of a new threshold approach by the Government it is not possible to provide an exact amount of New Homes Bonus the proposed development would deliver; this is to be calculated at a later date.

Human Rights & Equalities

- 7.172 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.173 The proposed new residential accommodation would meet inclusive design standards and 6 of the new homes would be wheelchair accessible, with 4 being within the affordable housing offer. These standards would benefit future residents, including disabled people, elderly people and parents/carers with children. There would also be 3 accessible parking spaces available.
- 7.174 The proposed affordable housing would be of particular benefit to groups that are socially/economically disadvantaged.
- 7.175 The proposed affordable workspace would also introduce new workspace which would be of benefit to small and medium sized enterprises which are at the beginning of their lifecycles.
- 7.176 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority
- 7.177 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

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

8.2 Financial obligations

- a. £25,336.56 towards construction phase employment skills training

- b. £47,991.87 towards end-user phase employment skills training
- c. £100,890 towards carbon emission off-setting
- d. £30,000 towards improvements to the allotment to facilitate better utilisation of their site
- e. £209,681 towards Highways improvement works and Section 278 agreement
- f. £7,210 towards development coordination and integration
- g. Monitoring Fee estimated at £18,383.28

Total financial contributions: £439,492.71.

8.3 Non-financial obligations:

- a. Affordable housing (35.5% by habitable room)
 - 6 units at London Affordable Rent
 - 6 units at Tower Hamlets Living Rent
 - 5 units as Shared Ownership
 - Details and implementation of London Affordable Rent/Tower Hamlets Living Rent 'wheelchair accessible' dwellings (to M4 (3)(2)(b) standard)
- b. Access to employment
 - 20% local procurement
 - 20% local labour in construction
 - 3 construction phase apprenticeships
- c. Affordable Workspace
- d. Transport matters:
 - Car Free development (residential)
 - Residential and Workspace Travel Plans
 - S278 Agreement (works to Schoolyard Land, Cranford Street and The Highway and potential additional accessible car park spaces).
- e. Compliance with Considerate Constructors Scheme
- f. Submission of "Be Seen" information relating to whole life carbon
- g. Details of noise levels to be provided in marketing materials for all residential units which are subject to noise levels in excess of local plan policy requirements

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

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

8.6 Planning Conditions

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Any gas boilers to be installed on site to meet the minimum emissions standards
4. Section 61 Consents controlling noise from construction
5. Restriction on advertisements placed on the building

6. Restriction on Roof Plant
7. Use Class Restriction for commercial floorspace
8. Active frontages required for 60% of ground floor external glazed surfaces
9. Restriction on roller shutters for commercial frontages

Pre-commencement

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

10. Archaeology written scheme of investigation
11. Piling Method Statement
12. Land Contamination remediation strategy
13. Construction Environmental Management Plan
14. Dust Management Plan
15. Details of Non-Road Mobile Machinery
16. Secured By Design accreditation
17. Accessible Units details

Pre-superstructure works

18. Details of external facing materials and architectural detailing.
19. Details of hard and soft landscaping of all public realm and open spaces including play equipment, street furniture and lighting.
20. Highway improvement works
21. Details of cycle storage
22. Sustainable Urban Drainage Scheme

Pre-completion of superstructure works

23. Inclusive Communal Amenity and Place Spaces Access Management Plan
24. Full details of biodiversity enhancements

Pre-occupation

25. Car-free development
26. Provision of refuse stores
27. Energy & sustainability including verification report
28. Completion of play-space
29. Car Parking Management Strategy and Accessible parking
30. Delivery and Servicing Management Plan
31. Site Waste Management Plan
32. Travel Plan
33. Details of extraction and plant for commercial uses
34. Noise verification report for new residential units and outdoor amenities
35. Details of plant including post-installation verification report

8.7 Informatives

1. Permission subject to legal agreement.
2. Development is CIL liable.
3. Thames Water – proximity to assets.
4. Thames Water – Surface water drainage

5. Secured by design contact details
6. Archaeological written schemes of investigation
7. Air quality monitoring

APPENDIX 1

LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

3527_PL01 – Site Location Plan
3527_PL02 – Existing Ground Floor Plan
3527_PL03 – Existing First Floor Plan
3527_PL04 – Existing Elevations 1+2
3527_PL05 – Existing Elevations 3+4
3527_PL06 – Existing Elevations 5+6
3527_PL10 Rev B – Proposed Lower Ground Floor
3527_PL11 Rev G – Proposed Ground Floor
3527_PL12 Rev A – Proposed First Floor Podium
3527_PL13 – Proposed Second Floor
3527_PL14 – Proposed Third Floor
3527_PL15 – Proposed Fourth Floor
3527_PL16 – Proposed Fifth Floor
3527_PL17 – Proposed Sixth Floor
3527_PL18 – Proposed Roof Layout
3527_PL30 – Proposed Elevations 1+2
3527_PL31 – Proposed Elevations 3+4
3527_PL32 – Proposed Elevations 5+6
3527_PL33 – Proposed Elevations 7+8
3527_PL34 – Elevation 1
3527_PL35 – Elevation 2
3527_PL36 – Elevation 3
3527_PL37 – Elevation 4
3527_PL38 – Elevation 5
3527_PL39 – Elevation 6
3527_PL40 – Elevation 7
3527_PL41 – Elevation 8
3527_PL50 Rev A – Type A02 Wheelchair Apartment Layout
3527_PL51 Rev A – Type A03 Wheelchair Apartment Layout
3527_PL52 – Type B05 Wheelchair Apartment Layout
3527_PL53 – Type B01 Wheelchair Apartment Layout
70089628-DP-SK-01 Rev P06 – Proposed Servicing and Parking Arrangement
70089628-DP-SK-01-TR1 – Proposed Servicing and Parking Arrangement Swept Path Analysis

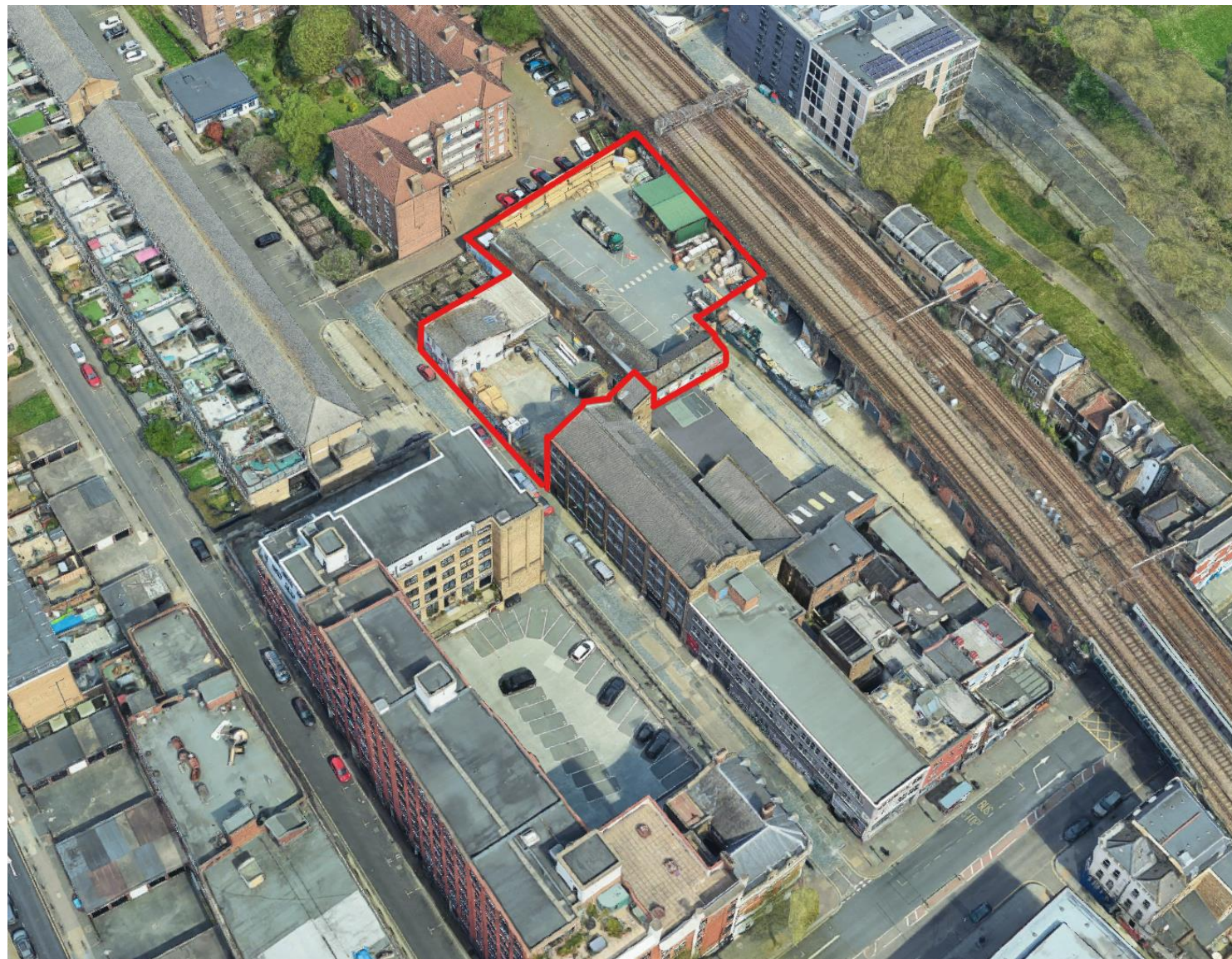
Other application documents

Design and Access Statement prepared by Stockwool and dated November 2021
Planning Statement prepared by Lichfields and dated November 2021
Acoustic Design Statement prepared by Airo dated 5 November 2021
Railway Noise and Vibration Survey and Assessment prepared by Airo and dated 30 May 2017
Review of Noise Impact Assessment prepared by Temple and dated 25 June 2017
Air Quality Assessment prepared by Aether and dated October 2021
Archaeological Desk-Based Assessment prepared by RPS Group and dated December 2021
Construction Environmental Management Plan prepared by Trinity Construction Consultancy Limited and dated December 2021
Contaminated Land Assessment prepared by Site Analytical Services dated September 2016
Daylight & Sunlight report prepared by XCO2 and dated November 2021
Daylight & Sunlight & Overshadowing Addendum prepared by XCO2 and dated 5 November 2021
Drainage Strategy Report prepared by Heyne Tillett Steel and dated November 2021
Energy Statement prepared by XCO2 and dated November 2021
Fire Statement prepared by Ashton Fire and dated 5 November 2021
Rapid Health Impact Assessment prepared by Lichfields and dated 9 November 2021

Heritage Impact Assessment prepared by HCUK Group and dated October 2021
Landscape Strategy – Rev A prepared by Standerwick Land Design and dated October 2021
Operational Waste Management Strategy prepared by Velocity Transport Planning Ltd and dated June 2022
Preliminary Bat Roost Assessment prepared by Applied Ecology Ltd and dated October 2021
Preliminary Ecological Appraisal prepared by Ecology and Land Management and dated October 2021
Statement of Community Involvement prepared by Thorncliffe/You Shout dated September 2016
Sustainability Statement prepared by XCO2 and dated November 2021
Transport Assessment prepared by WSP and dated November 2021
Utilities Statement Report produced by XCO2 and dated November 2021

APPENDIX 2

SELECTION OF APPLICATION PLANS AND IMAGES



Google Maps image of Site
(Outlined in red)



1 SITE APPROACH FROM HOLLYBUSH PLACE



2 SITE APPROACH FROM HOLLYBUSH GARDENS



3 VIEW TOWARDS THE SITE FROM NORTH END OF HOLLYBUSH GARDENS



4 SITE ENTRANCE FROM HOLLYBUSH PLACE



5 SITE FRONTAGE ALONG HOLLYBUSH GARDENS



6 SITE ACCESS FROM HOLLYBUSH GARDENS



1 ENTRANCE TO HOLLYBUSH PLACE FROM BETHNAL GREEN ROAD



2 LOOKING NORTH FROM WITHIN THE SITE TOWARDS HOLLYBUSH HOUSE



3 LOOKING SOUTH FROM SITE ALONG HOLLYBUSH PLACE



4 LOOKING FROM WITHIN THE SITE TOWARDS HOLLYBUSH GARDENS

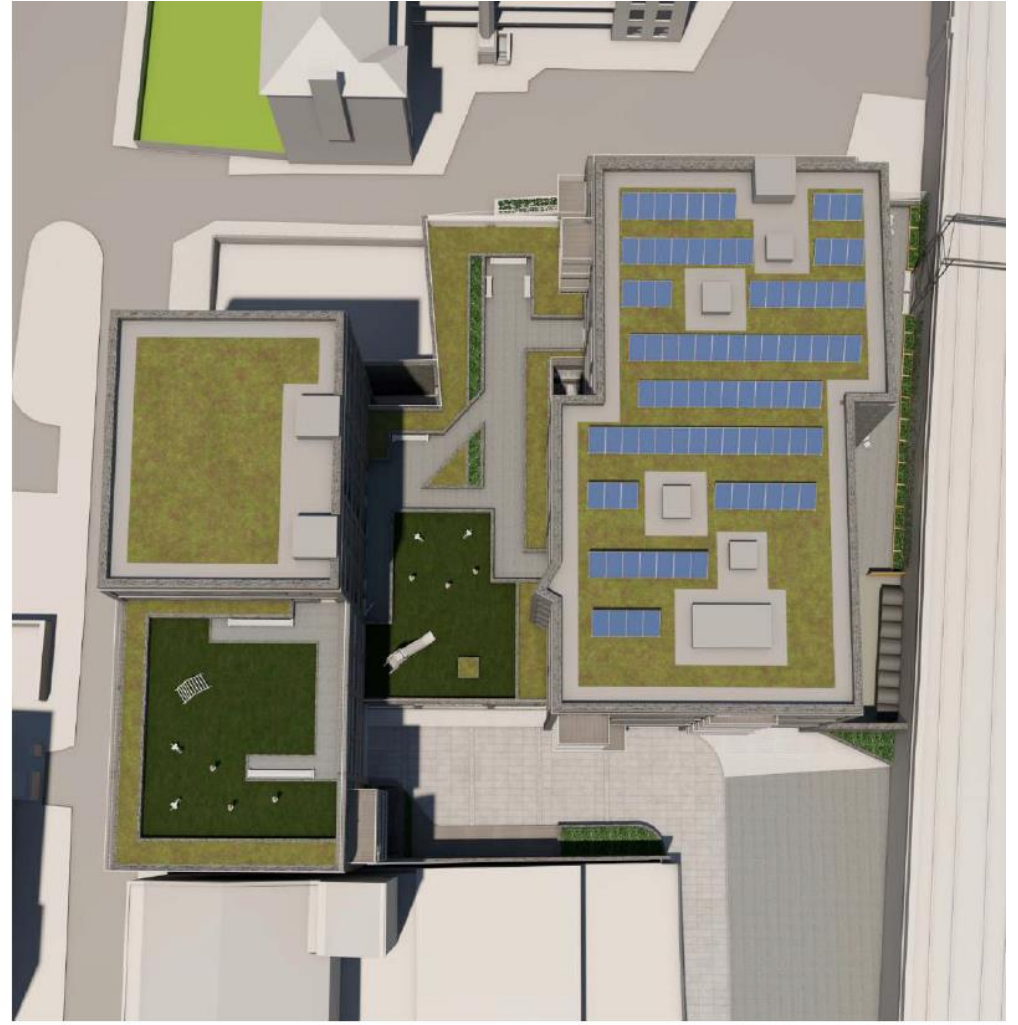
Previously Approved and New Proposed 3D Visualisations

Note: the fire escape staircase from block B in the podium is not included in all following visualisations as it was a late addition to address HSE comments.



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CURRENT APPROVED 3D MASSING



PROPOSED REVISED 3D MASSING (for clarity landscaping omitted - refer new landscape design statement)



CURRENT APPROVED 3D MASSING



PROPOSED REVISED 3D MASSING (for clarity landscaping omitted- refer new landscape design statement)

Birdseye view of podium.



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CURRENT APPROVED 3D MASSING



PROPOSED REVISED 3D MASSING (for clarity landscaping omitted- refer new landscape design statement)

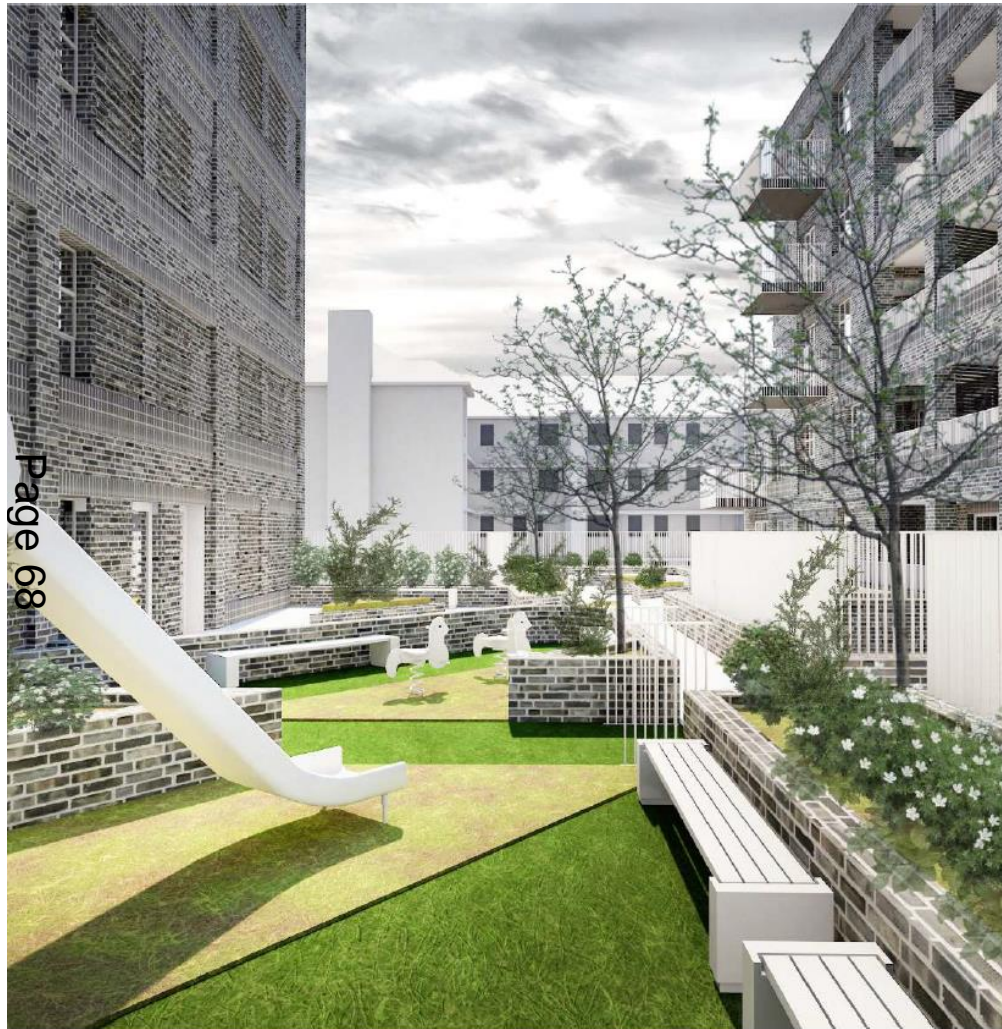


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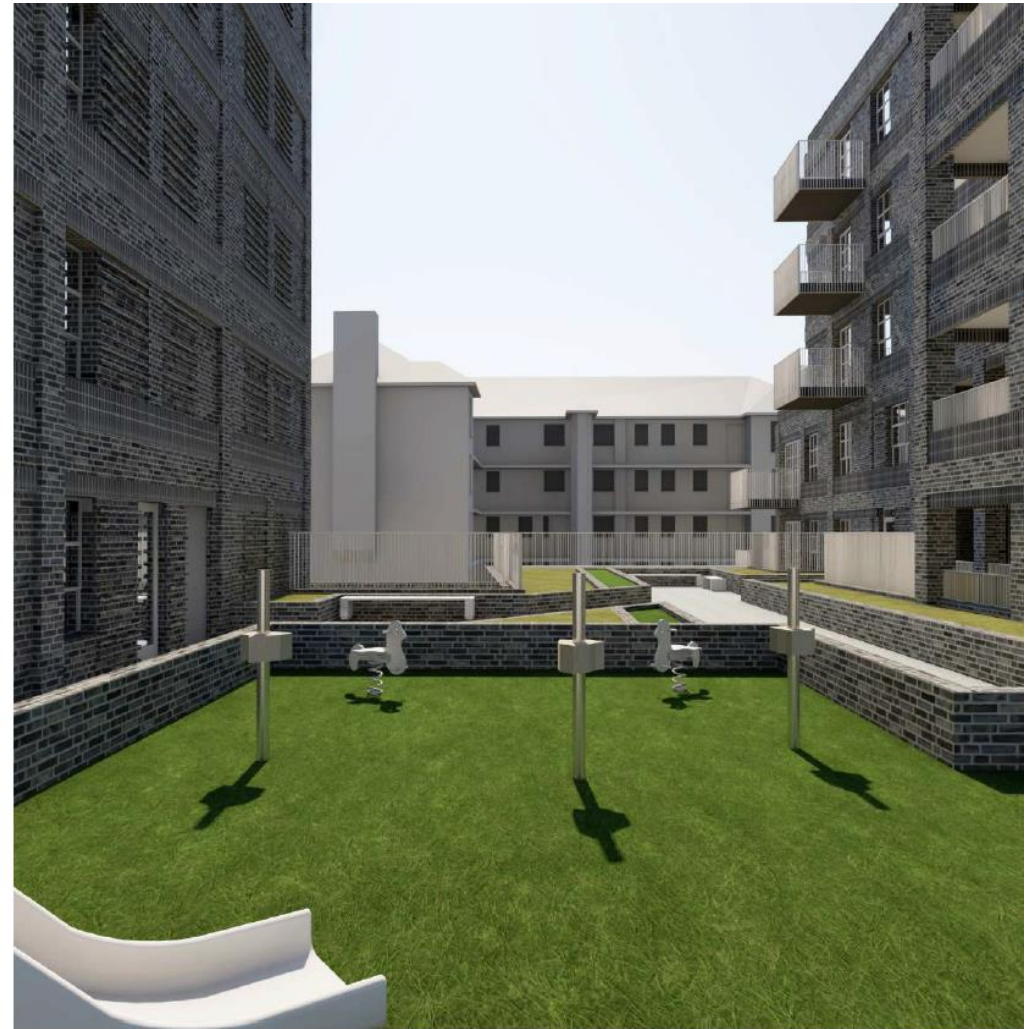
CURRENT APPROVED 3D MASSING



PROPOSED REVISED 3D MASSING (for clarity landscaping omitted- refer new landscape design statement))



CURRENT APPROVED 3D MASSING



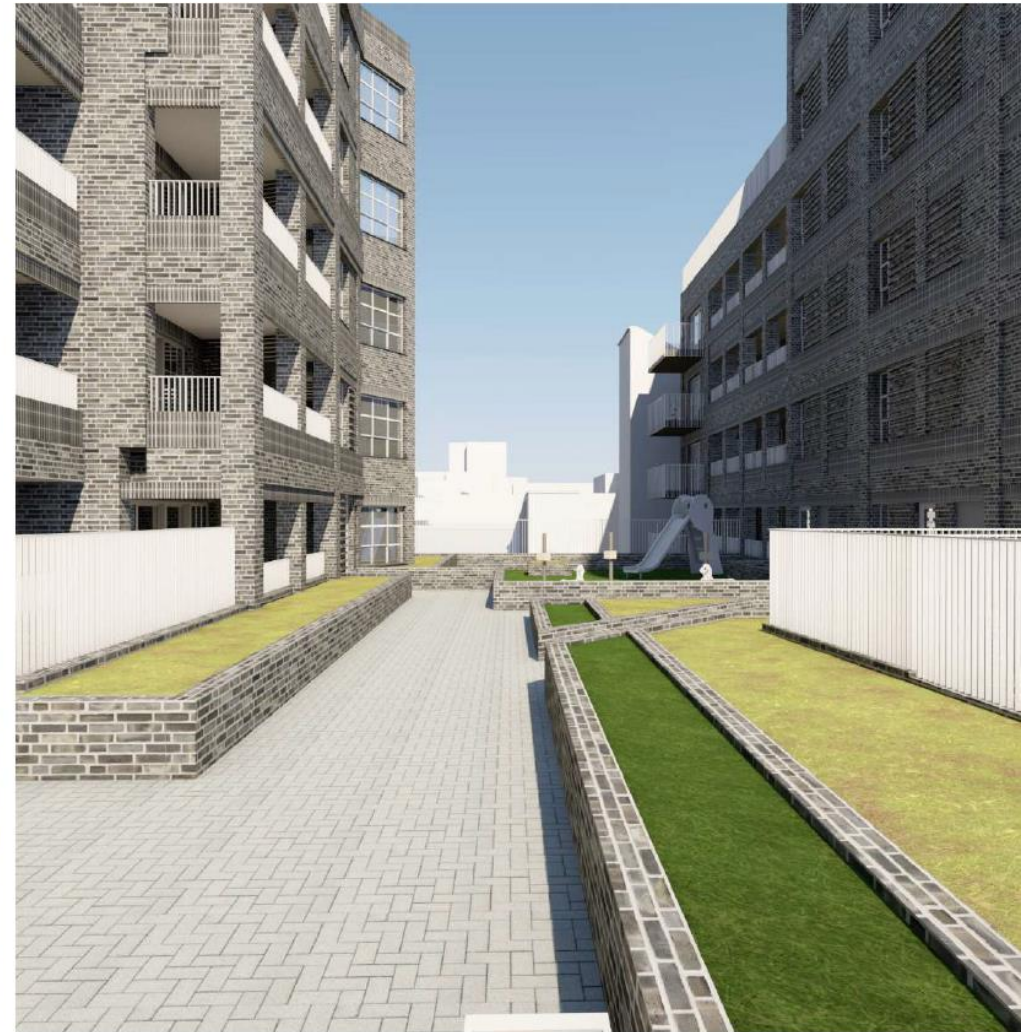
PROPOSED REVISED 3D MASSING (for clarity landscaping omitted- refer new landscape design statement))

View of podium level amenity space looking north towards Hollybush Gardens



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CURRENT APPROVED 3D MASSING



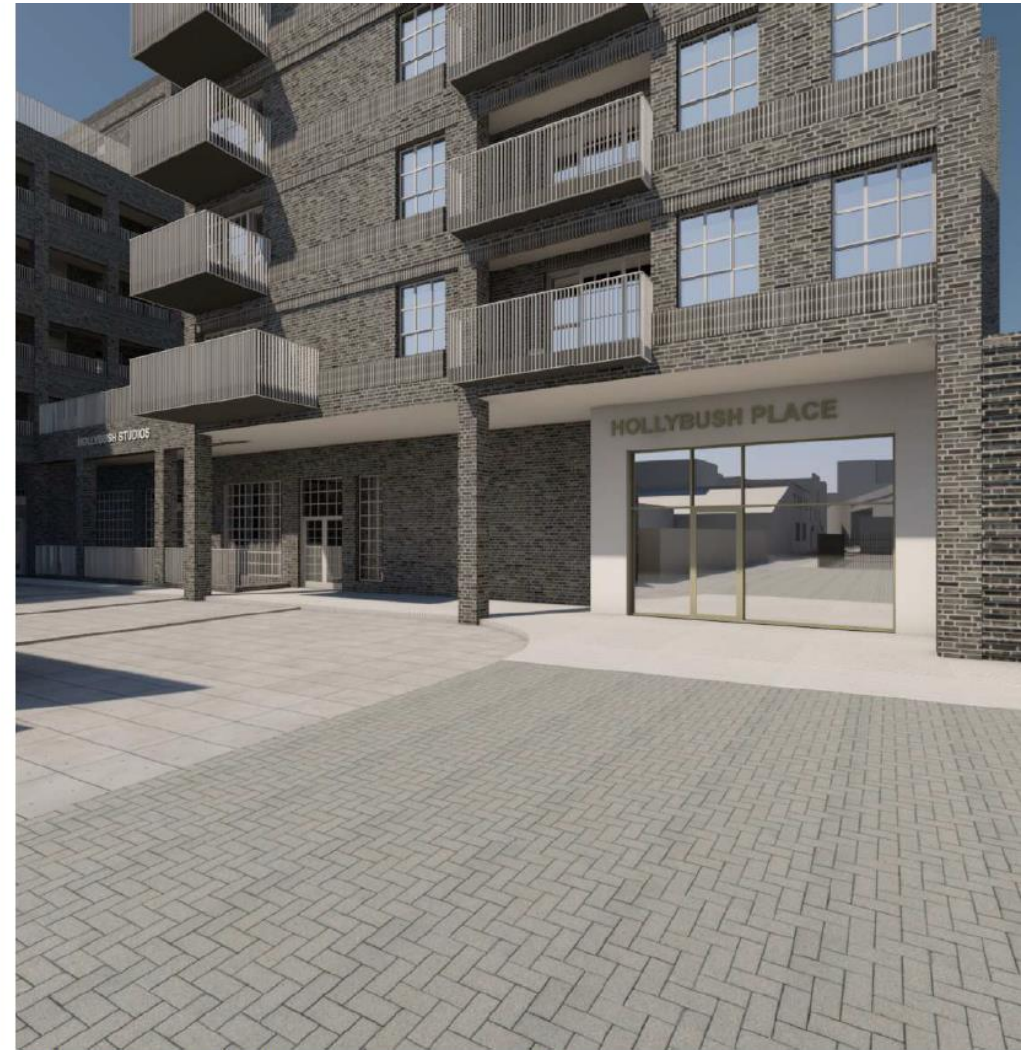
PROPOSED REVISED 3D MASSING (for clarity landscaping omitted- refer new landscape design statement))

New entrance from Hollybush Place



CURRENT APPROVED 3D MASSING

en



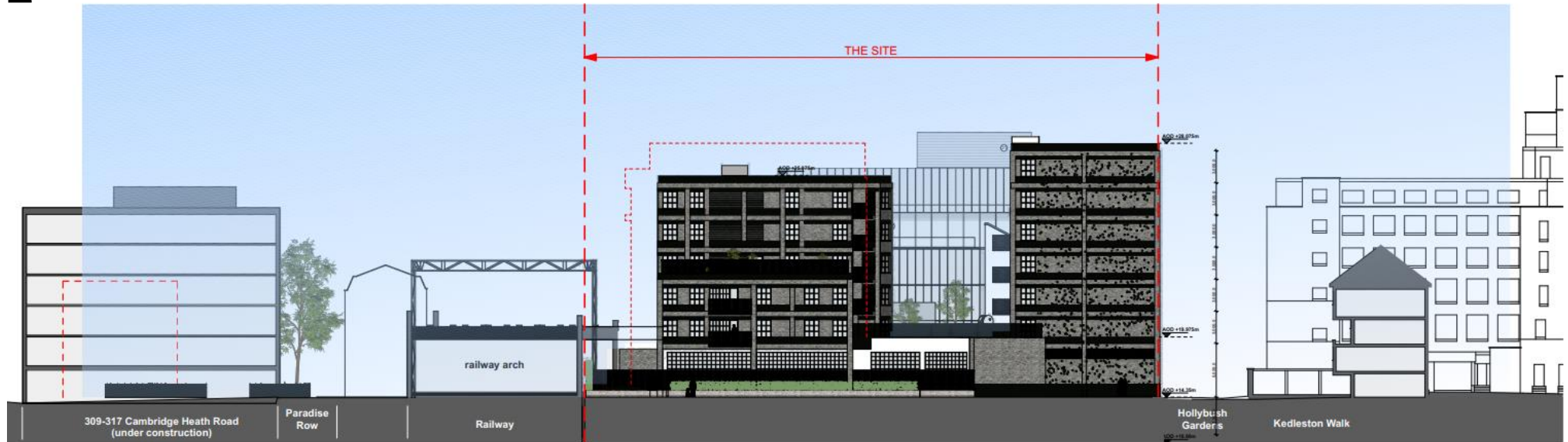
PROPOSED REVISED 3D MASSING (for clarity landscaping omitted- refer new landscape design statement))

Plans



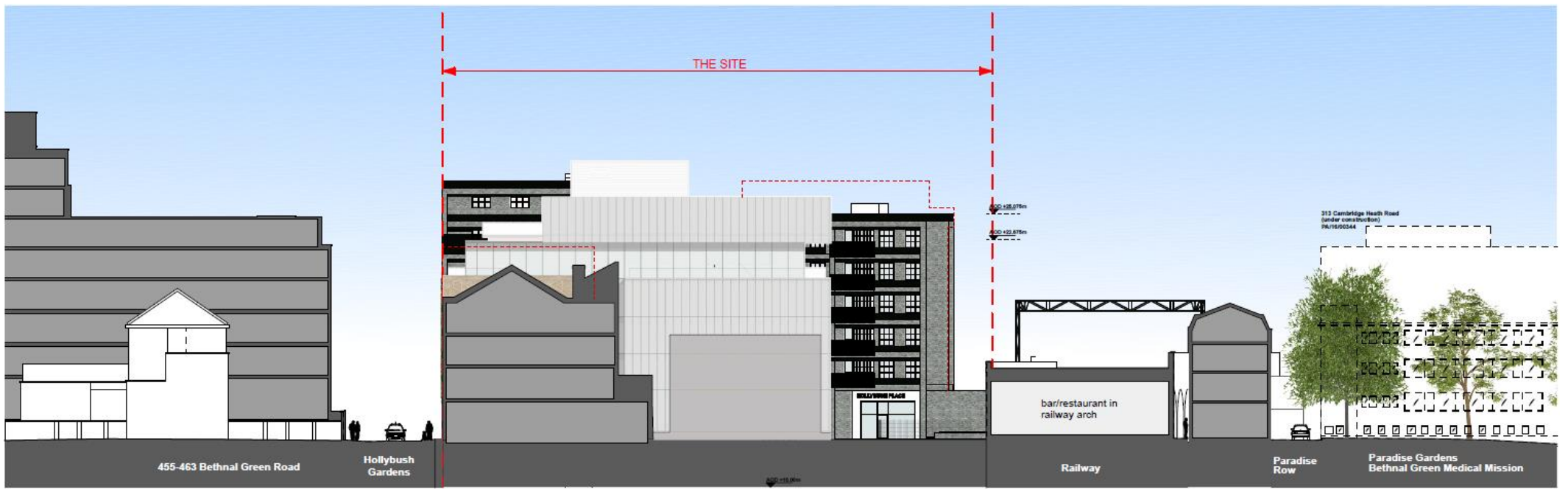
ELEVATION 1 - WEST, HOLLYBUSH GARDENS

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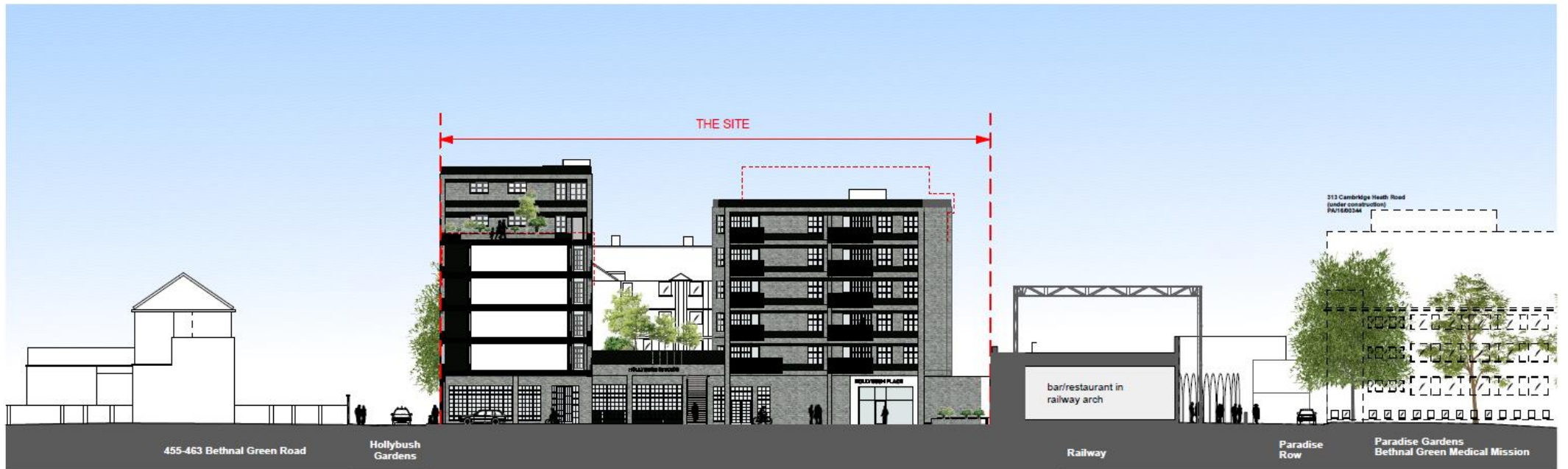


ELEVATION 2 - NORTH ELEVATION

0 1 2 3 4 5 6 7 8 9 10m



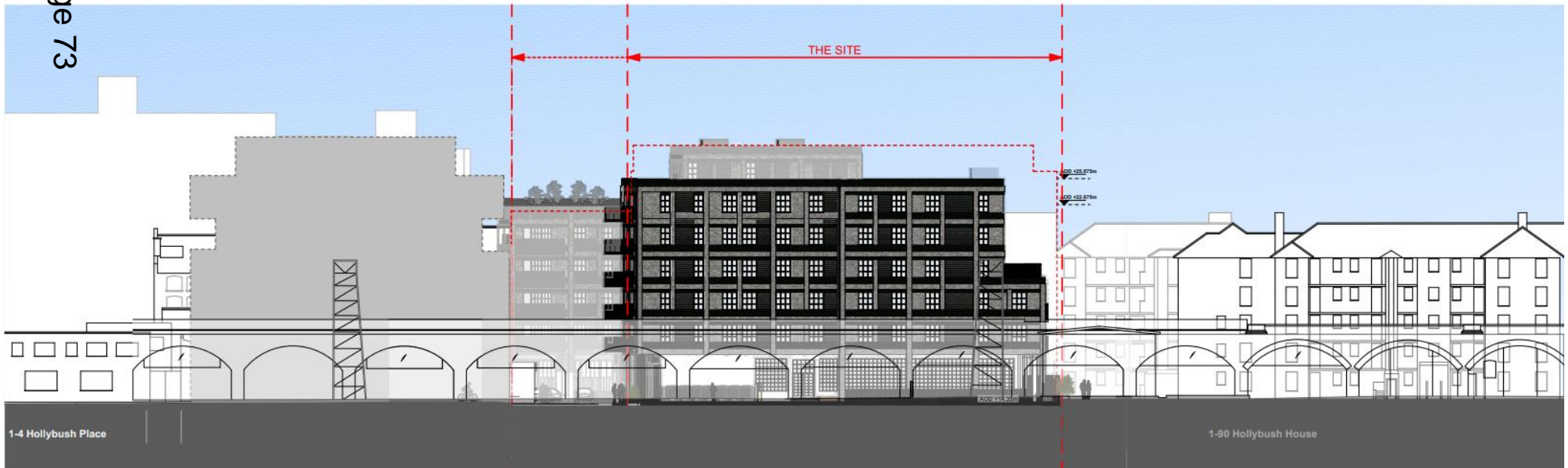
ELEVATION 3 - SOUTH ELEVATION 1



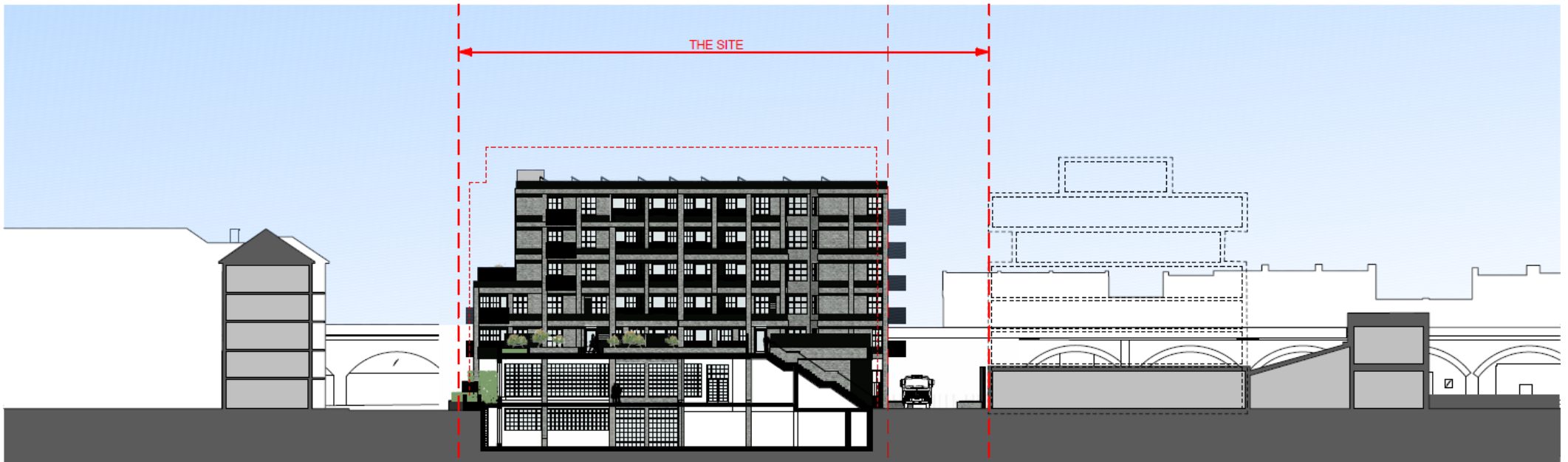
ELEVATION 4 - SOUTH ELEVATION 2



ELEVATION 5 - EAST, PARADISE ROW

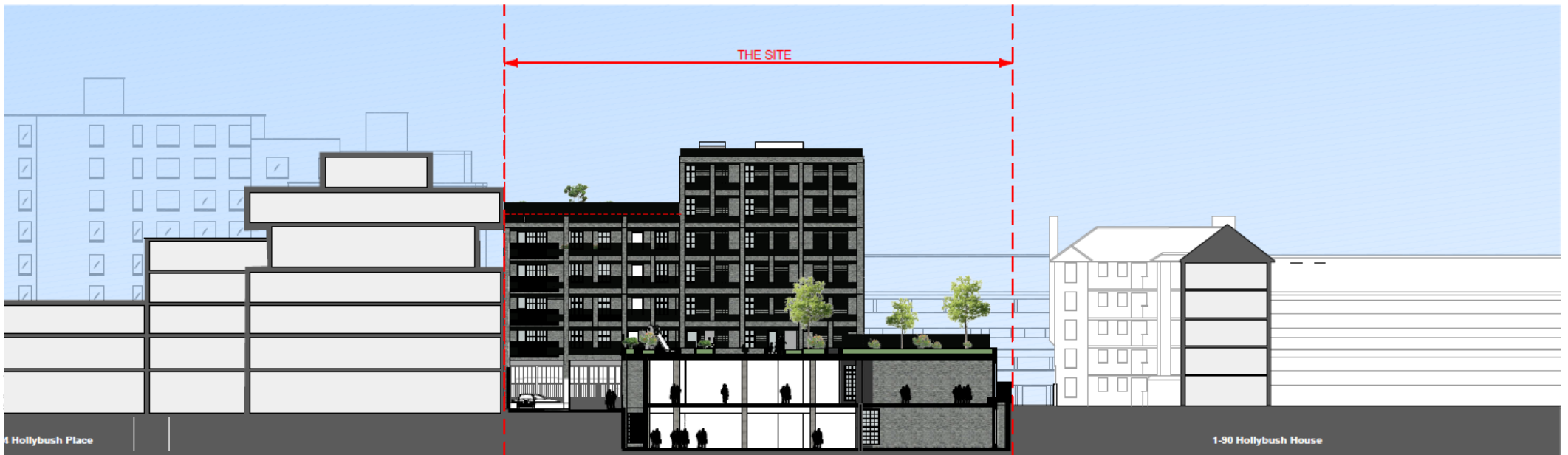


ELEVATION 6 - EAST, HOLLYBUSH PLACE



ELEVATION 7 - COURTYARD: BLOCK B WEST

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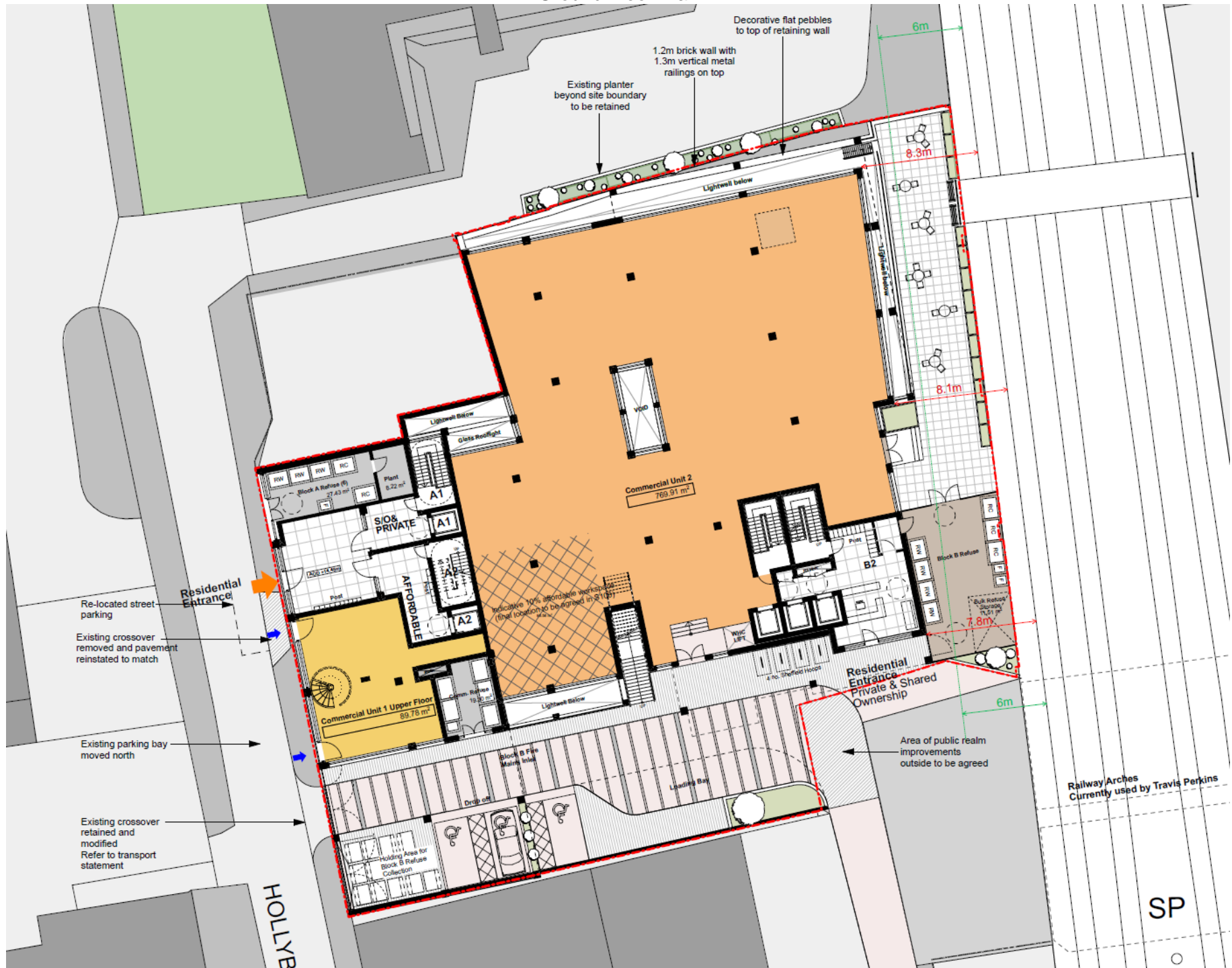
ELEVATION 8 - COURTYARD: BLOCK A EAST



Second Floor Plan – Example residential plan



Ground Floor Plan



Lower Ground Floor Plan



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