

Development Committee



Agenda

Wednesday, 7 December 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 Monday, 5 December 2022**

The deadline for submitting information for the update report is Noon
Tuesday, 6 December 2022

Contact for further enquiries:

Thomas French, Democratic Services, thomas.french@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

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View Planning application documents here:

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

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Mobile telephones

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Meeting access/special requirements.

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Fire alarm

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Development Committee

Wednesday, 7 December 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) (Pages 7 - 12)**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 1 November 2022.

3. **RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 13 - 14)**

To RESOLVE that:

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



	PAGE NUMBER	WARD(S) AFFECTED
4. DEFERRED ITEMS		
There are none.		
5. PLANNING APPLICATIONS FOR DECISION	15 - 20	
5 .1 28-42 Tomlins Grove, London E3 4NX	21 - 42	Bromley North
Proposal: Construction of an additional storey to create five new residential apartments. Associated cycle and refuse store.		
Summary Recommendation: Grant planning permission with conditions and planning obligations		
5 .2 Import Building, 2 Clove Crescent, London, E14 2BE and Export Building, 1 Clove Crescent, London, E14 2BA.	43 - 78	Poplar
Proposal: Flexible use of Import Building (Anchorage House) and Export Building (Capstan House) for either Class E (offices) or F1 (non-residential institutions).		
Summary Recommendation: Grant planning permission with conditions and planning obligations		
6. OTHER PLANNING MATTERS		
There are none.		
Next Meeting of the Development Committee Thursday, 5 January 2023 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.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.45 P.M. ON TUESDAY, 1 NOVEMBER 2022

**COUNCIL CHAMBER - TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present in Person:

Councillor Abdul Wahid (Chair)
Councillor Iqbal Hossain
Councillor Suluk Ahmed
Councillor Kamrul Hussain
Councillor Amina Ali
Councillor James King
Councillor Amy Lee

Officers Present in Person:

Paul Buckenham	(Head of Development Management, Planning and Building Control, Place)
Gareth Gwynne	(Area Planning Manager (West), Planning and Building Control, Place)
Nicholas Jehan	(Planning Officer, Development Management – West Area)
Astrid Patil	Planning Lawyer
Simon Westmorland	(West Area Team Leader, Planning Services, Place)
Joel West	(Democratic Services Team Leader (Committee))

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no declarations of disclosable pecuniary interests.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 4 October 2022 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

1. The procedure for hearing objections and meeting guidance be noted.

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

4. DEFERRED ITEMS

There were no deferred items to consider.

5. PLANNING APPLICATIONS FOR DECISION

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

The published update report was noted.

Paul Buckenham, Head of Development Management, introduced the application for 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 and associated works.

Nicholas Jehan, Planning Officer, provided a presentation on the application. The Committee were reminded of the key features of the application, including photographs of the site and surrounds. The Officer's recommendation was to grant planning permission.

Further to questions from the Committee, officers provided more details on the following elements of the application:

- Measures and conditions to mitigate noise from nearby railway.
- Configuration of different units and tenure types.
- The relationship between the previous planning application and this one.
- Vehicular access and highway improvements.
- Location and configuration of proposed play areas.
- Daylight and sunlight assessments.
- Impact on nearby allotments and proposed financial obligations to offset them.
- Distinction between London Affordable and Tower Hamlets Living Rent.

The Committee debated the application. Some Members indicated that the proposal lacked sufficient family housing to meet local need. Members

suggested the application could be deferred to allow the applicant to consider a revised dwelling mix.

At the invitation of the Chair, Ben Kelway addressed the Committee on behalf of the applicant. Mr Kelway advised the applicant was acutely aware of Tower Hamlets housing need, but felt this application met or exceeded all relevant policy targets. He indicated that for reasons of design and viability there was no scope to adjust the tenure mix.

As Councillor Iqbal Hossain had not been present for all of the officers' introduction to the application, he did not vote.

On a vote of 4 in favour, 0 against and 2 abstentions the Committee

RESOLVED:

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

Financial obligations

- 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.

Non-financial obligations:

- a. Affordable housing (35.5% by habitable room)
 - 11 units as Affordable Rented
 - 6 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

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.

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

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

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

6. OTHER PLANNING MATTERS

There were no other planning matters to consider.

The meeting ended at 7.50 p.m.

Chair, Councillor Abdul Wahid
Development Committee

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DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson. Members of the public in support	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • 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/22/01289
Site	28-42 Tomlins Grove, London E3 4NX
Ward	Bromley North
Proposal	Construction of an additional storey to create five new residential apartments. Associated cycle and refuse store.

Summary Recommendation Grant planning permission with conditions and planning obligations

Applicant Eastbrook Group Ltd

Architect/agent DLBP Ltd

Case Officer Fran Haines

Key dates
- Application registered as valid on 07/07/2022
- Public consultation finished on 19/08/2022

EXECUTIVE SUMMARY

The proposed development comprises an additional storey to be built upon the existing block of flats at 28 – 42 Tomlins Grove. A total of 5 new homes will be delivered by the development as well as a monetary contribution towards affordable housing in the borough, which is consistent with policy for minor developments. The proposed residential accommodation for future occupiers is of high quality and is consistent with relevant planning policy in terms of internal living space.

The proposal presents a high-quality design which is in keeping with the scale and form of properties in the immediate surroundings. The development would provide a positive contribution to the local context and conservation area. There would be no unduly detrimental impacts upon the amenity of neighbouring building occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure.

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

highway network as a result of the development. The proposed flats would be car free, with residents of these flats not able to obtain a parking permit.



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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/22/01289

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: 28 November 2022

1. SITE AND SURROUNDINGS

- 1.1 The site comprises of a three-storey, stepped, brick built flatted development with a hipped roof, containing 30 residential units. The block was granted permission as part of a development which also included two sets of 5 houses to the north, in 1979. The site contains a communal rear garden which is accessible to existing residents, as well as car parking space located to the north which is accessed from Arnold Road.
- 1.2 The surrounding area is residential in character. The site lies within the Tomlin's Grove Conservation Area, which was designated in June 1969. The 19th century terrace of properties located opposite the site to the West on Tomlins Grove are Grade II listed. The terrace of properties to the east of the site on Campbell Road are also Grade II Listed. To the south, is a converted warehouse development at no.50 Arnold Road which is now used as self-contained flats. On the south side of Arnold Road lies a further terrace of Grade II listed properties. There are a number of mature trees and planting located along the front boundary, as well as street trees located on the pavement in front of the properties.
- 1.3 The site has a PTAL rating of 5, which is good levels of public transport connectivity. The site is located in the Green Grid Buffer and the northern section of the site is located within an area of poor air quality.

2. PROPOSAL

- 2.1 The proposal is to construct an additional storey to provide 5 new 2 bed, 4 person flats. The proposed flats will be accessed from existing core lobbies and staircases. The new flats will each be provided with an in-set rear terrace space.
- 2.2 The proposal would involve the construction of an additional storey to sit on top of the existing block. The new storey would be designed as a traditional mansard in form with a dual pitch and dormer windows to the front and rear elevations. The existing front and rear parapets of the building will be raised as part of the extension. The mansard roof will be finished in zinc, with the gable ends extended in a continuation of the existing brickwork. The existing fenestration of the building will remain unchanged.
- 2.3 The new flats are proposed to be car free. A new cycle and refuse store is proposed at the rear of the site. The cycle store will have a capacity for 12 cycle parking spaces (2 per new dwelling and 2 visitor spaces).

3. RELEVANT PLANNING HISTORY

Application site

- 3.1 PA/78/00621 – Erection of 10 Houses and 30 flats with ancillary car parking for 31 cars – Approved 03/04/1979. – This is the original consent for the block of flats subject to this application.
- 3.2 PA/19/02702 – 28B Tomlins Grove: Installation of replacement windows – Refused 30/01/2020.

Surrounding Sites

- 3.3 PA/06/00378 – Site at North East Junction of Tomlins Grove and Arnold Grove (now known as 50 Arnold Road): Conversion of a redundant former electrical transformer house into 9no new residential units involving removing existing roof and replacement of roof, new windows in existing or new openings, new entrance and internal parts and general upgrade and refurbishment. – Approved 08/09/2006

4. PUBLICITY AND ENGAGEMENT

- 4.1 Upon validation of the application, the Council sent out consultation letters to 251 neighbouring owners and occupiers. An advert was posted in the press on 29/07/2022 and a site notice was displayed outside the site on 26/07/2022.
- 4.2 46 letters of objection have been received. The themes and issues raised in objection during this first round of consultation can be summarised as follows:

Construction related

- Noise and disturbance and highways issues during construction
- Structural damage to the building
- Difficulty working from home during construction
- Unclear how flats will be accessed during construction
- Construction will take longer due to logistical issues in the industry
- potential loss of trees during construction
- No plans submitted to show how they intend to relocate residents during construction
- Occupiers seek clarification regarding policies and procedures regarding apartment access, building access and security protocols, complaint procedures, dates and durations of power and water cuts
- Works will unsettle children and impact their ability to play safely in the garden
- Mental and physical health will suffer

Neighbouring amenity

- Loss of privacy to neighbouring occupiers
- The additional flats will block light into my garden
- Proposed cycle store and refuse will eat into our communal space.

Operational issues

- Pressure on existing traffic and parking
- My roof will be removed, exposing my ceiling to rainwater, frost, snow
- The roof contains water tank, heating, plumbing systems and electrical wiring. Replacing this will cause major disruption
- fire risk from introduction of gas into an all-electric
- Inadequate drainage as existing
- No plans to demonstrate how the attic space will be relocated
- No electric charging points or disabled parking provided

Design

- It will have an impact on the character of the neighbourhood
- Over development of the site
- Unacceptable visual impact, particularly on the historic terrace opposite
- Tomlins Grove CA guidelines (2007) states that mansard roofs or taller extensions should not be permitted
- The proposed glazing to the terraces will not match the rest of the property. In 2020, an application was refused at one of the flats for replacement windows

Other

- Value of flat will decline
- No consultation with existing residents or neighbours prior to the application
- Developer is seeking to increase personal revenue at the expense and inconvenience of residents
- no benefits to the community

- No disabled persons' access to the new flats
- The Financial Viability Assessment is incomplete and flawed
- The new dwellings will not be affordable
- The new cycle storage would only offer spaces to new residents, thus denying existing residents of a space in what is considered a communal area

4.3 Material planning considerations will be addressed in the main body of the report. Therefore, responses to a number of objections raised will be addressed in detail below.

4.4 The following comments are made in response to the objections which will not be addressed in the main body of the report:

- Details of how the construction phase will take place and the logistics surrounding the build will be detailed in a construction management and logistics plan which will be secured via planning condition. It should be noted that the construction phase is a short term impact and is therefore not a material planning consideration.
- Concerns regarding the value of flats declining is not a material planning consideration.
- A structural engineer would be appointed to oversee the build and ensure no damage is caused to the existing block of flats.
- There is no planning policy that requires the applicant to provide existing residents with new cycle and refuse storage. Therefore, officers cannot request this as part of the proposal. Permission from leaseholders regarding loss of communal space is not a material planning consideration.

5. CONSULTATION RESPONSES

5.1 Below is a summary of the consultation responses received from both external and internal consultees

Internal Responses

Environmental Health (noise)

5.2 No objections. Restrictions on construction activity times and construction logistics plan recommended by condition.

Environmental Health (pollution)

5.3 No objections. Construction Management Plan condition recommended to prevent dust nuisance and air pollution during construction as well as when the development is in use.

Biodiversity

5.4 The submitted preliminary bat roost survey found negligible potential for roosting bats, so there is no constraint to the development

5.5 The proposed 17 square metres of green roof on the cycle store, and planting on the balconies, could be sufficient to meet the requirements of Local Plan Policy D.ES3. To do so, the green roof would have to be a biodiverse roof, designed in line with best practice guidance published by Buglife, and not just a sedum roof. And the planting would have to include a good range of nectar-rich perennials and/or shrubs. Details should be secured via condition.

Arboriculture

5.6 The submitted AIA/AMS is suitable. The construction works will not have a detrimental impact on the trees within and outside of the development red line and the proposed facilitation works are acceptable.

5.7 As there are a number of TPO trees across the site, a tree works application will have to be submitted separate to the planning application seeking permission for the proposed pruning works.

- 5.8 Tree protection plan, Arboricultural method statement and Arboricultural impact statement required by condition.

Waste

- 5.9 Further details required regarding collection arrangements. Applicant should explore options for a bin store accessible by all occupiers of the block.

Transport and Highways

- 5.10 Further details of the cycle parking required.
- 5.11 The applicant is required to enter into a 'permit free' agreement. This site has an existing car park, and the proposal is required to be car-free. The applicant is required to provide details how this proposal will remain car free and what measures will be placed to ensure there is no access to the car park for parking.
- 5.12 A Construction Management Plan should be provided as a pre-commencement condition to ensure there is minimal impact to pedestrians, vehicles and to the public highway from the construction of this proposed development.

Design and Conservation

- 5.13 The drawings provided have demonstrated that the building will still be subservient in height to the listed terraces opposite and would therefore not be overly dominant within the conservation area. The proposed roof extension is in keeping with the scale of the host building.
- 5.14 The design of the mansard is traditional, simple and in keeping with character of the conservation area and will not detract from the historic context. The Tomlin's Grove Conservation Area Appraisal and Management Guidelines identifies the views along the street as being important as they highlight the repetition and rhythm of the continuous terrace housing, the extension to the roof would not impact upon the appreciation of these views given that the building is set back from the street.
- 5.15 Access would be through existing circulation cores and would be dual aspect. The additional cycle and bin storage required for this proposal will be to the rear of the building and will result in a loss of amenity space to residents which is concerning.

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
 - Tower Hamlets Local Plan 2031
- 6.3 The key development plan policies relevant to the proposal are:

Land Use – (residential)

London Plan - H1
Local Plan – S.H1

Design and heritage (layout, townscape, appearance, massing, heritage)

London Plan - D1, D3, D4, D5, HC1
Local Plan - S.DH1, D.DH2, S.DH3

Affordable Housing (small sites contribution)

London Plan - D6, D7, H4, H10

Local Plan - S.H1, D.H2, D.H3

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

London Plan – D3, D6

Local Plan - D.DH8

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

London Plan - T2, T4, T5, T6, T6.1, T7

Local Plan - S.TR1, D.TR2, D.TR3, D.TR4

Environment (energy efficiency, noise, waste)

London Plan – D14, SI 1, SI 3

Local Plan - S.ES1, D.ES2, D.ES3, D.ES9, D.MW3

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

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (as updated)
- LBTH Reuse, Recycle and Waste SPD (2021)
- Central Area Good Growth SPD (2021)
- LBTH Planning Obligations SPD (2021)
- LBTH Community Infrastructure Levy (CIL) Charging Schedule (2020)
- LBTH Development Viability SPD (2017)
- LP Housing SPG (updated 2017)
- LP Affordable Housing and Viability SPG (2017)
- Building Research Establishment's Site Layout for Daylight and Sunlight: A Guide to Good Practice (2022)
- Tomlins Grove Conservation Area Character Appraisal and Management Guidelines (2007)
- Planning (Listed Building and Conservation Areas) Act 1990

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Design and Heritage
- ii. Standard of Accommodation
- iii. Affordable Housing
- iv. Neighbour Amenity
- v. Transport
- vi. Environment

Housing

Housing Supply

7.2 London Plan Policy H1 sets Tower Hamlets a housing completion target of 34,730 units between 2019/20 and 2028/29. The proposed development would result in an additional 5 homes, which would make a small but welcome contribution towards meeting this target and is strongly supported.

Housing mix

- 7.3 Policy H10 of the London Plan promotes the provision of a range of unit mix and sizes having regard to robust local evidence of need where available, to deliver mixed and inclusive neighbourhoods.
- 7.4 At the local level, policy S.H1(2) of the Tower Hamlets Local Plan states that development will be expected to contribute towards the creation of mixed and balanced communities that respond to local and strategic need. This will be achieved through amongst other things, requiring a mix of unit sizes (including larger family homes) and tenures to meet local need on all sites providing new housing. Locally specific targets (based on the Council's most up to date Strategic Housing Market Assessment, 2017) for unit mix and sizes are set out in part 3 of policy D.H2 of the Local Plan.
- 7.5 The scheme would comprise of 100% 2 bed market units. Due to the nature of the development, extending upwards within the existing site footprint, the site is constrained in terms of the layout that can be provided and consequently the dwelling sizes. Whilst the proposed housing mix is not policy compliant, for a minor application, officers consider the proposed mix to be acceptable on balance. In addition, all of the new flats would be the larger, 2 bed 4 person units. The development would contribute to much needed housing in the borough.

Affordable housing

- 7.6 Local Plan Policies S.H1 and D.H2 require new development with 2-9 new units to help address the affordable housing need through a financial contribution. The applicants submitted a financial viability review which was scrutinised by Tower Hamlets Viability team. It was concluded that a total financial contribution of £215,456 can be provided by the applicants, which will be secured through a legal agreement. This contribution will go towards providing affordable housing within the borough.
- 7.7 The Small Sites Topic paper (2017) provides additional evidence as to the need and deliverability of affordable housing contributions from housing schemes which seek affordable housing contributions from housing schemes which deliver less than 10 units. The policy is considered necessary due to the local housing context as Tower Hamlets has a high housing need, a high housing target and a high need for affordable housing. The contribution obtained by this development would be used to provide affordable housing within the borough as part of the council's affordable housing delivery programme.
- 7.8 The small sites calculator was developed to work out the financial contribution required by each development. The calculator uses the bedroom number, floor area, market value and ward the site is in to determine the total contribution required. The small sites calculator provided with this development required a total contribution of £220,189.89. The submitted financial viability report provided with the application was scrutinised by Tower Hamlets Viability team, with the conclusion that the maximum viable amount that could be provided was £215,456.

Standard of Accommodation

- 7.9 London Plan policy D6 sets out the minimum internal space standards for new dwellings. This policy also requires the maximisation of dual aspect dwellings and the provision of sufficient daylight and sunlight to new dwellings. In line with Policy D.H3 of the Local Plan and Policy D6 of the London Plan all housing development should have adequate provision of internal space and external amenity space to provide an acceptable living environment.



Figure 1: Proposed typical unit layout

- 7.10 All 5 flats meet the London Plan internal space standards, proposing 70sqm of internal floor space for each 2 bed, 4 person flat. The section plans indicates a floor to ceiling height ranging from 2.7 metres to 2.2 metres. London Plan standards require a minimum ceiling height of 2.5 metres for at least 75% of the GIA so that new housing is of adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space. Whilst there is a portion of the flats which would be below 2.5m ceiling height, the flats maintain good quality accommodation and outlook, therefore this minor shortfall is considered acceptable.
- 7.11 Private amenity space requirements are determined by the predicted number of occupants of a dwelling. Local Plan Policy D.H3 sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. The plans indicate that each flat will have access to a private balcony of 6sqm, which is 1sqm short of the Local Plan requirements for the occupancy levels proposed. Due to the constraints of the footprint of the existing building, it is evident that larger balconies cannot be proposed. The new dwellings are considered to be of good quality accommodation as a whole, and the slight shortfall in amenity space is considered to be acceptable on balance.
- 7.12 Policy D.H3 requires at least 10% of dwellings to be wheelchair accessible. No wheelchair accessible homes are proposed as part of this development. Parameters of the existing building would not allow for lifts to be installed. Whilst unfortunate, officers recognise the constraints and accept that wheelchair units would not be possible at this site.

Loss of shared amenity space

- 7.13 The proposed cycle and refuse store would mean the existing residents would lose approximately 24.3sqm of their existing shared green amenity space. Whilst not an ideal situation, officers recognise that there are limited options for these facilities to be located. The proposed location would ensure that all existing parking spaces can be retained, and the storage does not interfere with vehicle movements.
- 7.14 The loss of amenity space is considered to be minor and approximately 160sqm of shared green space will remain for residents to use. In the context of current policy standards (Local Plan Policy D.H3 part 5 c), for developments with 10 or more residential units, the minimum communal amenity space should be 50 square metres for the first 10 units, plus a further one square metre for every additional unit thereafter. Therefore, considering a total of 35 units at

the site, including the proposed, 75sqm of amenity space would be required to meet policy standards. With the proposed refuse and cycle store in place, properties at the site would still be provided with more than double the policy requirement of communal amenity space. Furthermore, it should be noted that the proposed new units would have access to their own private balconies. It is considered that the loss of amenity space would not have a detrimental impact on the amenities of existing occupiers as a large amount of green space would still remain.

Design & Heritage

- 7.15 Policy S.DH1 of the Local Plan (2020) seeks to ensure development meets the highest standards of design and layout. Development should positively respond to its context by demonstrating appropriate scale, height, mass, bulk and form. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. Section 66 requires the LPA to have special regard to the desirability of preserving the setting of listed buildings.
- 7.16 Policies S.DH1 and S.DH3 of the Local Plan (2020) seek to conserve and enhance heritage assets. Local Plan Policy S.DH3 states that significant weight will be given to the protection of the boroughs conservation areas. Development should represent good urban design, and ensure that architectural language, design of details and elements complements the immediate surroundings. Policy S.DH3 states that proposals within the setting of a listed building will only be permitted where:
- a. they safeguard the significance of the heritage asset, including its setting, character, fabric or identity
 - b. they are appropriate in terms of design, height, scale, form, detailing and materials in their local context
- 7.17 The Tomlins Grove conservation area is geographically small, and the site sits at its centre. The conservation guidance states that ‘the conservation area presents a uniform scale of 3 stories, differentiated by its roof profiles and features. The consistent parapet line is essential to its character.’

Townscape, Massing and Heights

- 7.18 The NPPF (2021) states that planning policies and decisions should promote effective use of land in meeting the need for homes. Decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.
- 7.19 The existing building has a maximum pitch height of approximately 10.1 metres above ground level. The proposed additional storey would result in the building having a maximum height of approximately 11.7 metres above ground level. Therefore, the change from a hipped roof to a mansard does not result in a significant increase in height of the building. It is considered that the design of the additional storey does not add significant massing to the block of flats, and the Grade II listed terrace adjacent to the site would still remain as the dominant feature along Tomlins Grove, with the application site appearing subservient.
- 7.20 Officers were content with the design and appearance of the additional storey in the context of the heritage assets. The design of the mansard is considered to be traditional, simple and in keeping with the character of the conservation area and will not detract from its historic context.

- 7.21 The mansard extension will be set behind the front elevation by approximately 0.9 metres. This further ensures that the extension is of a subservient design. The Tomlin's Grove Conservation Area Appraisal and Management Guidelines identifies the views along the street as being important as they highlight the repetition and rhythm of the continuous terrace housing. It is considered that the extension to the roof would not impact upon the appreciation of these views given that the building is set back from the street.



Figure 2: Proposed front elevation



Figure 3: Proposed north elevation showing the relationship with the adjacent terrace on Tomlins Grove

Appearance & Materials

- 7.22 The proposed additional storey has been carefully designed to incorporate architectural features of the surrounding area, whilst also appearing as a subordinate addition to the existing block. The additional storey would be a mansard roof design which is in keeping with the roofscape design of the surrounding setting. The mansard roof would largely reflect that of the roof form of the Grade II listed terrace located adjacent to the application site.
- 7.23 The mansard extension includes dormer windows which are proposed in the Tomlins Grove elevation. These will be of a similar size and design to that of the fenestration in the existing front elevation, therefore in keeping with the style and proportions of the existing building.
- 7.24 It is acknowledged that the proposed fenestration in the rear elevation does not align or match the existing rear elevation fenestration, however, this will not be visible in the street scene of Tomlin's Grove. There will be glimpsed views of the rear fenestration when looking towards the rear of the building from Arnold Road. These views will be in the background and are not considered to have a harmful impact on the street scene of Arnold Road. Due to this, it is considered that the proposed rear windows will not have a detrimental impact on the character

and appearance of the property and surrounding conservation area because it will not be overly visible in the street scene

- 7.25 The mansard roof extension will be constructed in zinc cladding, which is considered to be of an acceptable material, which will also ensure the extension appears as a subordinate addition. The gable walls and front and rear parapets will be a continuation of the existing brickwork in the side elevations, allowing the upward extension to blend well with the existing property. The proposed dormer windows will be timber framed, slim profile double glazed units to be in keeping with the fenestration of the rest of the property.
- 7.26 The proposed new storey is considered to be of a high quality design which reflects the characteristics of the conservation area. Overall, it is concluded that the development will not harm the character and appearance of the conservation area or the setting of the listed buildings.



Figure 4: CGI of the proposed street scene

Neighbouring residential amenity

- 7.27 Policy D.DH8 of the Local Plan requires new developments to protect and where possible enhance or increase the extent of the amenity of new and existing buildings and their occupants, as well as the amenity of the surrounding public realm. To this end development should maintain good levels of privacy and outlook, avoid unreasonable levels of overlooking, not result in any material deterioration of sunlight and daylight conditions of surrounding development. Development should also ensure that there are no unacceptable levels of overshadowing to surrounding open space, private outdoor space and not create unacceptable levels of artificial light, odour, noise, fume or dust pollution during the construction and life of the development.

Privacy & Outlook

- 7.28 Policy D.DH8 of the Local Plan sets out that development must maintain good levels of privacy and avoiding an unreasonable level of overlooking. This policy sets a guide of an approximate distance of 18 metres between directly facing habitable room windows as being appropriate to maintain privacy and overlooking levels to an acceptable degree. However, this figure will be applied as a guideline depending upon the design and layout of the development.
- 7.29 As the mansard extension is located above the existing flats, the development would not result in a loss of light, outlook or privacy for existing occupiers of the block. The new flats would share the same stair core as the existing residents and there will not be any new openings which would affect the existing block.

- 7.30 There will be a distance of approximately 18m between the proposed mansard front windows and the front windows of the adjacent Grade II listed terrace. As outlined above, this distance is considered acceptable in policy to ensure development avoids any unreasonable overlooking. The mansard extension is of a sitting and design that would ensure the development would not result in any detrimental loss of light or outlook to the adjacent terrace.
- 7.31 The mansard extension would be located more than 20m, at its closest point, to the nearest rear windows of the terrace along Campbell Road located behind the application site. Given the significant distance, the mansard extension would not result in any detrimental overlooking into the Campbell Road terrace rear windows. Further, the distance is sufficient to ensure there will not be any detrimental loss of light or outlook.
- 7.32 The proposed extension would result in some loss of light to a small side window at 50 Arnold Road, which is located to the South of the application site. As the affected window is not a principal window to living space, the loss of light is considered to be acceptable in this instance.

Construction Impact, Noise & Vibration

- 7.33 The Council's Environmental Health officers have reviewed the application. No objections were raised subject to a condition which restricts the working hours of the construction activities.
- 7.34 Demolition and construction activities are likely to cause additional noise and disturbance to the surrounding area and to neighbouring occupiers, including additional traffic generation and dust. Details for minimising these impacts would be provided via condition for the submission of Construction Management and Logistics Plan.

Transport

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

Car Parking

- 7.36 Tower Hamlets Local Plan policy D.TR3 requires all residential developments to be permit free and that all parking associated with the development should be provided off-street.
- 7.37 The proposal supports sustainable transport objectives and would be a car free development, in line with local plan policy, and this will be secured through a legal agreement.

Cycle Parking and Facilities

- 7.38 The cycle parking will be provided in a new secure cycle store located to the rear of the site. This will contain 12 Sheffield cycle parking spaces, comprising 6 stands (2 per dwelling and 2 visitor parking spaces). The cycle storage has been designed in line with the London Cycle Design Standards and is considered to be of a good standard.

Demolition and Construction

- 7.39 The construction period will cause some level of disruption to the surrounding road network. The applicant would be required to provide a Construction Management Plan as part of a pre-commencement condition, to ensure there is minimal impact to pedestrians, vehicles and the public highway from the construction of the development.

Environment

Waste

- 7.40 Policy D.MW3 of the Local Plan (2020) requires adequate refuse and recycling storage alongside and combined with appropriate management and collection arrangements.

- 7.41 Refuse storage is proposed within the same structure as the cycle storage. 1 x 660L communal bin for residual waste and 1 x 660L communal bin for refuse is proposed for the 5 new units. These exceed the requirements for the housing mix proposed.
- 7.42 The proposed bin store will adjoin the existing bin store. The collection of bins will be from the access point on Arnold Road to the rear of the site, which is the same arrangement as existing.

Biodiversity

- 7.43 London Plan policy G6 and Tower Hamlets Local Plan D.ES3 require developments to protect and enhance biodiversity. Policy D.ES3 requires major development to deliver net gains in biodiversity that contribute to objectives in the Local Biodiversity Action Plan. Policy G5 of the London Plan requires that major development proposals contribute to the greening of London by including urban greening as a fundamental element of site and building design.
- 7.44 A Preliminary Bat roost survey was provided during the application process, which found there were no findings of bats on site and there was negligible potential for roosting bats.
- 7.45 The development seeks to enhance biodiversity at the site by proposing a green roof to the new cycle/refuse store, as well as planting to the rear balconies. Full details of the biodiversity enhancements will be secured via condition.

Human Rights & Equalities

- 7.46 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.
- 7.47 There will be short term impacts of the construction which are acknowledged, but given their short term implications, these are not considered to raise any human rights or equalities implications. The development does provide a number of benefits such as delivering much needed housing in the borough as well as a monetary contribution towards the delivery of affordable housing in the borough.
- 7.48 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

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

8.2 Financial obligations

- £215,456 small sites contribution to Affordable Housing in the borough

8.3 Non-financial obligations:

- Car Free agreement

- 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. Refuse storage
4. Cycle storage
5. Restrictions on demolition and construction activities:
 - a. All works in accordance with Tower Hamlets Code of Construction Practice;
 - b. Standard hours of construction and demolition;
 - c. Air quality standards for construction machinery;
 - d. Ground-borne vibration limits; and
 - e. Noise pollution limits.

Pre-commencement

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

6. Construction Management and Logistics Plan
7. Details of materials
8. Biodiversity Enhancements
9. Tree protection plan
10. Arboricultural method statement
11. Arboricultural impact statement

8.7 Informatives

1. Permission is subject to legal agreement
2. CIL liable

APPENDIX 1

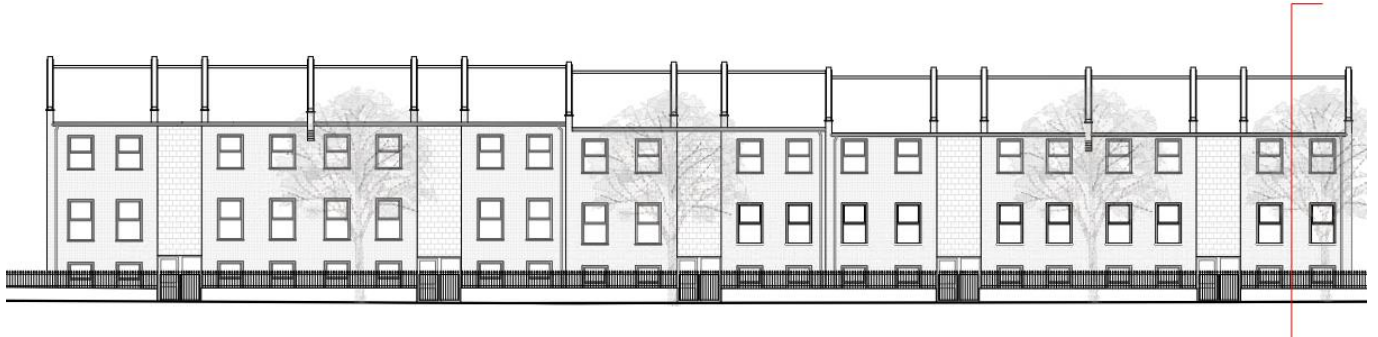
LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

PL/1250 – Site Location Plan
738-EX-101-A – Existing Site Plan
738-EX-102-A – Existing Typical Floor Plan
738-EX-200-A – Existing Section
738-EX-300 – Existing Front Elevation
738-EX-301 – Existing Rear Elevation
738-EX-302 – Existing North Elevation
738-EX-303 – Existing South Elevation
738-PL-101-A – Proposed Site Plan
738-PL-102-A – Proposed Cycle & Refuse Store
738-PL-105 – A – Proposed Typical Unit
738-PL-200-B – Proposed Section
738-PL-302 – Proposed North Elevation
738-PL-303 – Proposed South Elevation
738-PL-103-B – Proposed 3rd Floor Plan
738-PL-104-B – Proposed Roof Plan
738-PL-300 – Proposed Front Elevation
738-PL-301 – Proposed Rear Elevation

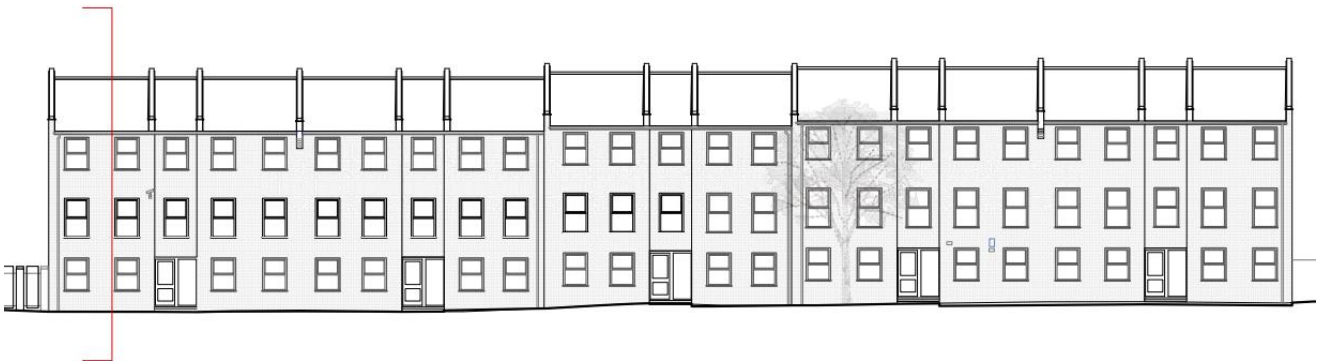
Planning Statement (July 2022) – prepared by DLBP
Design Statement (June 2022) – prepared by GPAD
Tree Survey (May 2022) – prepared by Chartwell Tree Consultants Ltd
Draft Arboricultural Method Statement (May 2022) – prepared by Chartwell Tree Consultants Ltd
Air Quality Assessment (May 2022) – prepared by Southwest Environmental Limited
Heritage and Townscape Assessment (July 2022) – prepared by iceni
Utilities Statement (June 2022) – prepared by FHP ESS)

APPENDIX 2

SELECTION OF APPLICATION PLANS AND IMAGES

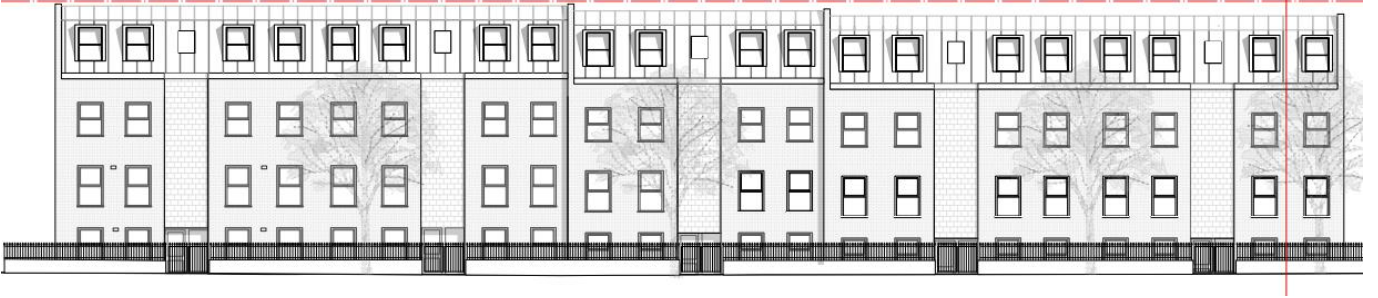


Existing Front Elevation



Existing Rear Elevation

Ridgeheight below Union
Apartments (50 Arnold Road)



Proposed Front Elevation



Proposed Rear Elevation



Proposed Third Floor Plan



Proposed - Street Scene visualisation



Proposed – rear visualisation

APPENDIX 3: EXISTING SITE PHOTOS



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DEVELOPMENT COMMITTEE

7th December 2022

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[Click here for case file](#)

Reference	PA/22/01316
Site	Import Building, 2 Clove Crescent, London, E14 2BE and Export Building, 1 Clove Crescent, London, E14 2BA.
Ward	Poplar
Proposal	Flexible use of Import Building (Anchorage House) and Export Building (Capstan House) for either Class E (offices) or F1 (non-residential institutions).
Summary Recommendation	Grant planning permission with conditions and planning obligations
Applicant	EID (General Partner) LLP
Architect/agent	Savills
Case Officer	Oliver Cassidy-Butler
Key dates	<ul style="list-style-type: none">- Application registered as valid on 11/07/2022- Letters sent to neighbours on 02/08/2022- Site Notice on 04/08/2022- Consultation requests sent on 01/09/2022- Public consultation finished on 01/09/2022

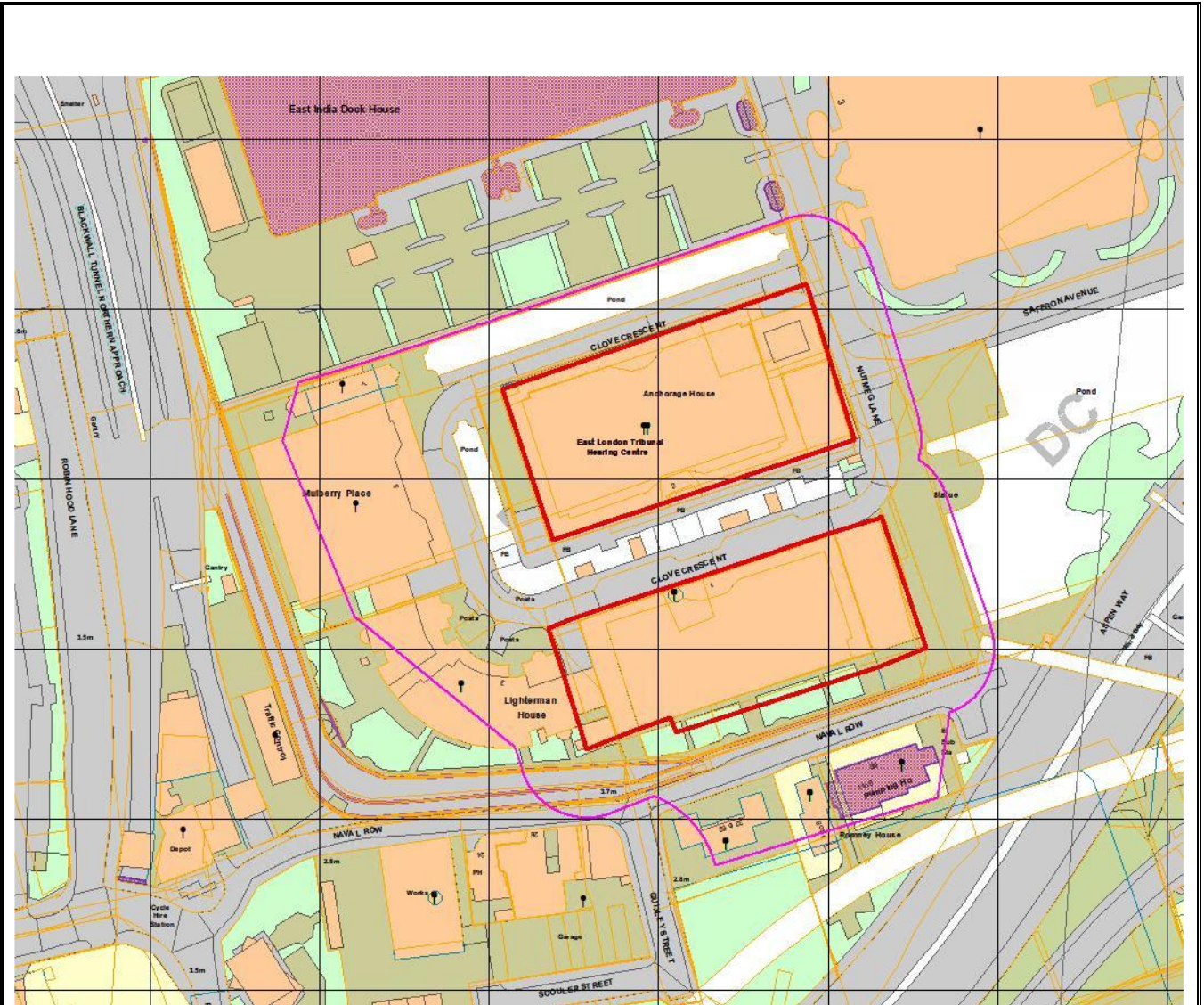
EXECUTIVE SUMMARY

Planning permission is sought for the provision of an additional 18,509sqm of flexible use, consisting of Use Class E (office) or F1a (education), throughout the Import and Export Buildings within the Republic Estate. If permitted, the total provision of the proposed flexible use class will be approximately 38,698sqm, which equates to approximately 56.77% of the overall floorspace of the two buildings.

The intent of the application is to facilitate improved occupation across the Import and Export Buildings. The buildings currently struggle to attract potential tenants who wish to occupy the existing Use Class E(g) Office floorspace; however, the application site has been successful in attracting tenants who wish to use the site for Use Class F1(a) educational purposes.

The proposed change of use to allow flexible uses between Office use and for education purposes is not considered to be detrimental to the Blackwall Local Employment Location. Instead, it has the potential to increase viability of the Republic Estate, which will allow the estate to continue sustain local employment uses.

Having reviewed the marketing evidence, the proposal would comply with the Tower Hamlets Local Plan (2020) and the London Plan (2021).



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<ul style="list-style-type: none"> Planning Application Site Boundary Other Planning Applications Consultation Area Land Parcel Address Point Locally Listed Buildings Statutory Listed Buildings 	<h3>Planning Applications Site Map</h3> <h2>PA/22/01316</h2> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	<p>London Borough of Tower Hamlets</p>
<p>Scale : 50m grid squares</p>		

1. Site and Surroundings

- 1.1 The application site comprises Import Building (previously Anchorage House) and Export Building (previously Capstan House). Both buildings are nine storey office buildings and are located within the Poplar Ward. The buildings form part of the office development “Republic” at East India Dock.

The two buildings comprise of a total 68,192sq.m of commercial floor space which include predominately office use (Use Class E(g)), Education (Use Class F1a), a range of small retail uses (E(a, b, c), gyms, and other sui generis use. Currently, the site has a total of 43,308sq.m of office use, and 20,189sq.m which is in flexible use that can be interchanged between office and educational establishment.

- 1.2 The site is designated as Blackwall Local Employment Location (LEL) in the Tower Hamlets Local Plan. The role and function of the LEL is to provide significant capacity for employment accommodation meeting secondary, local or specialist employment needs and to support the needs of start-ups, small-to-medium enterprises (SME). The application site provides secondary large floorplate offices, smaller units suitable for small-to-medium enterprises and data centres which support the needs of Canary Wharf and the City of London.
- 1.3 The application site is not statutory or locally listed, it does however sit within close proximity to the Grade II* Listed East India Dock House (to the north), and the Grade II Listed East India Dock Boundary Wall (to the south). Naval Row Conservation Area lies to the South of the site, beyond the Grade II East India Dock Boundary wall.
- 1.4 The application site achieves a PTAL rating of 3-4.

2. Proposal

- 2.1 Planning permission is sought for the provision of an additional 18,509sqm for a flexible use, consisting of Use Class E (office) or F1a (education), throughout the Import and Export Buildings within the Republic Estate. If permitted, the total provision of the proposed flexible use class will be approximately 38,698sqm, which equates to approximately 56.77% of the overall floorspace of the two buildings. The education use is primarily occupied by higher education establishments. Currently the F1a Use Class is occupied by University of the West of Scotland (London Campus), Anglia Ruskin University and York St John University. It is likely that the existing F1a occupiers would expand their operation of site and/or allow further high education providers to occupy the proposed floorspace.
- 2.2 Currently, there is a restriction to the combined level of occupied F1 floorspace across the two buildings as maximum of 17,949sqm at any time. The amount of occupied F1 floorspace in each building must also not exceed 40% of the total GIA of that building at any time. This is secured through a planning condition of the previous approval (Council’s ref: [PA/21/00738](#)). This is to ensure that there are genuine mix of uses within both buildings.

3. Relevant Planning History

Planning History relevant to the application site

- 3.1 [PA/22/02450](#): Application for non-material amendment of planning permission dated 28/05/2021. Ref: PA/21/00738 to change – Alteration to condition 3: “The amount of occupied D1 floorspace in each building must not exceed 65% of the total GIA of the building at any time”. Application to be determined.

- 3.2 PA/21/00738: Flexible use of Import Building (Anchorage House) and Export Building (Capstan House) for either Class E (offices) or F1 (Education) at Clove Crescent, London, E14 2BE. Permitted – 28/05/2021.
- 3.3 PA/20/00343: Flexible change of use of Import Building and Export Building for either Class B1 (offices) or Class D1 (non-residential education and training). Permitted – 12/05/2020.
- 3.4 PA/19/02294: Change of use at basement level from existing ancillary office car parking (Class B1) to Office (Class B1) and a Studio & Event Space (Sui Generis). Permitted – 18/02/2020.
- 3.5 PA/19/01217: Change of use at part fifth floor level from B1 (office) to a flexible B1 (office) and D1 (Non-residential education and/or training). Permitted – 13/08/2019.
- 3.6 PA/19/00534: Change of use of the third and fourth floors of the building from B1 (office) to a flexible use for either B1 (office) and/or D1 (non-residential education and training). Permitted – 09/05/2019.
- 3.7 PA/16/02823: Change of use at part ground floor level from Class B1 Office to a mix of flexible Class B1, A1, A3 A4 uses, the infill of the ground floor colonnades and the construction of a two storey podium at the east end of the building providing additional Class B1 Office space at first floor level, comprehensive alterations to the public realm at East India Dock comprising the removal of part of Clove Crescent, alterations to the canal layout, additional planting and provision of street furniture and landscaped communal spaces. Permitted – 23/06/2017.

(Pre-application advice meetings)

- 3.8 PF/22/00056: The purpose of the pre-app was to discuss the potential of submitting a planning application allowing for flexible use of the Import and Export Buildings for either Class E or F1, with a stipulation that up to 65% of the two buildings to be occupied by F1(a) (education) uses.

Summary of Officer's response:

Officers did not have an in-principle objection to the proposals to submit an application allowing for the flexible use of the Import and Export Buildings for either Class E or F1, with a stipulation that up to 65% of the total floorspace across the two buildings be occupied by F1(a) (education) uses, subject to the proposals meeting the relevant policy tests, as outlined within the Development Plan.

4. Publicity and Engagement

- 4.1 In terms of the Council meeting its statutory requirements, a total of 178 letters were sent to neighbouring owners/occupiers by post. The application was also publicised online and advertised in the local press on 04/08/2022.
- 4.2 A total of three site notices were displayed on 02/08/2022 and were located within the immediate vicinity of the site.
- 4.3 One letter of representation was received, citing broad support for the proposals. A summary of public response can be found below:

- The need for traditional office space has declined post pandemic and so it would make sense to provide landlords with increased flexibility and allow them to market themselves towards universities and learning centres instead.

- The increased footfall which would likely discourage anti-social behaviour and blatant drug dealing within the local area. Additionally, it would likely support new shops, cafes, and restaurants in the area also.

5. Consultation responses

External Consultees:

TfL – Spatial Planning

5.1 Both sites lie within 100m of A102 which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN.

It is requested that further detail be provided in respect to the modes of travel used to determine trip generations and how much cycle parking is currently available on site.

TfL - Underground/DLR Infrastructure Protection

5.2 No objections.

Internal Consultees

LBTH Biodiversity

5.3 No objections.

LBTH Energy Efficiency/Sustainability

5.4 The proposed change of use raises no reasons for objection.

LBTH Environmental Health - Air Quality and Smell/Pollution

5.5 No objections to the proposals.

LBTH Environmental Health - Noise and Vibration

5.6 No objections, subject to the application of standard conditions.

LBTH WASTE

5.7 A school/education institution has the potential to create more waste. Whilst any impact is expected to be small, adequate plans to deal with increased demands for existing waste systems should be considered.

LBTH Transportation and Highways

5.8 Clove Crescent is not part of LBTH's road network so is not public highway. There is an established service strategy for the site which will not be altered as a result of the change of use.

5.9 There is existing cycle storage serving the site which will not alter as a result of the proposed change of use. Furthermore, the applicant has stated that there is regular monitoring and reviews for both long stay cycle storage and visitor cycle parking and more provision will be made, if required.

- 5.10 LBTH Transportation and Highways does not support any parking for staff, students or visitors for use classes E or F1 unless there is a clear, evidenced, operation need or parking for those with a blue badge. There should be no charges associated with blue badge/accessible parking.
- 5.11 LBTH Transportation and Highway has no objection to the proposal for a change of use but advise that the following conditions be applied to any permission:
- Prior to occupation a 'Travel Pack' will be produced to deliver to all new and future staff a, students and visitors. This will need to include (but not limited to)
 - details outlining the local public transport networks and interchanges.
 - the location and access routes for cycle storage - including the location of accessible cycle storage for larger/adapted cycles.
 - links to cycle routes and the cycle superhighway
 - cycle maintenance facilities
 - pedestrian links and permeability within the locality and routed to public transport links
 - walking and cycle journey times to community facilities/amenities etc. (TfL will need to agree to a change of use numbers of students/visitors attending the site at peak times could impact public transport capacity levels)

6. 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)
 - The Tower Hamlets Local Plan (2020)
- 6.3 The key development plan policies relevant to the proposals are:

Land Use

- Local Plan policies – S.EMP1, D.EMP3, D.EMP4, SCF1, D.CF3

Transport & Waste Management

- Local Plan policies – S.TR1, D.TR2, D.TR4, D.MW3
- London Plan policies – T5

Amenity

- Local Plan policies – D.DH8
- London Plan policies – D3

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

- National Planning Policy Framework (2021)
- National Planning Policy Guidance (2021)
- London Plan (2021)
- LBTH Planning Obligations SPD (2016)

7. Assessment

7.1 The decisive issues are:

- i. Land Use
- ii. Transport and Waste Management
- iii. Amenity
- iv. Equalities and Human Rights

i Land Use

Loss of employment floorspace

- 7.2 The site is located within a local employment location and the application relates to the change of use of office floorspace (Use Class E) to a flexible E/F1(a) Use. Given the site's designation as a Local Employment Location, and the nature of development, the relevant Land Use policies are S.EMP1 and D.EMP3.
- 7.3 The proposals seek to further expand upon the previously consented development to increase the provision of flexible use floor space within the Import and Export Buildings by 18,509sqm. If permitted, the proposals would result in approximately 38,698sqm of flexible E1 or F1(a) Use floorspace, which equals approximately 56.77% of the total floorspace across both buildings.
- 7.4 The site is subject to a planning condition from previous consented development which restricts the combined level of occupied F1 Use Class floorspace across the two buildings to 17,949sqm at any time. The amount of occupied F1 Use Class floorspace in each building must not exceed 40% of the total GIA of the building at any time.
- 7.5 Policy D.EMP3, Part 2, stipulates that development should not result in the net loss of viable employment floorspace outside of the designated employment locations cited in Part 1 or Local Employment Locations (LELs), except where they:
- a. provide evidence of active marketing over a continuous period of at least 24 months at a reasonable market rent which accords with indicative figures, or
 - b. 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.
- 7.6 The applicant has provided a marketing report in support of the application which includes a full marketing campaign involving three separate letting agents (CBRE, Allsop and CF Commercial), beginning in December 2015 for Import Building and October 2017 for Export Building. The report summarises the marketing exercises undertaken and provides clear and robust evidence that efforts have been made to continuously market the site at a reasonable market rent for at least 24 months. The application would be compliant with Part 2a of Policy D.EMP3 of the Local Plan (2020).

- 7.7 Despite the continued efforts to market the existing E(g) Office floorspace at a reasonable market rate, the two buildings continue to experience a vacancy rate of 40%.
- 7.8 Additionally, it is noted that Republic have reported that at least three of their existing office tenants have plans to vacate the building at the end of their lease period. Shelterbox Trust Ltd, Threepipe Reply Ltd and Lebara will be vacating the buildings in 2024, 2027 and 2028 respectively. Thus, given the documented challenge of occupancy at the site, and when considered within the context of changing working patterns following the Covid-19 pandemic, it is likely that vacancy rates will further rise across the two buildings.
- 7.9 An Economics Benefits Assessment has been submitted as part of the application. It documents that, following recent applications to increase the provisions of flexible Class E / Class F floorspace across the Import and Export Buildings, 97% of the F1(a) floorspace has now been leased. When compared with the occupancy rates for Class E (g) office floorspace, it is evident that there is a comparatively greater demand for flexible use at the application site.
- 7.10 Additionally, it is considered that low occupancy rates across the two buildings will have negative implications for the vitality of the local area. The local setting is inclusive of several restaurants, cafes, shops, and gyms, which all benefit from the footfall that comes from continued use of both the Import and Export Buildings.
- 7.11 Further to the above, section 7.9 of the marketing report documents the importance of the leisure and food & beverage businesses referenced above, in being able to attract future tenants to the Import and Export Buildings. The Economics Benefits Assessment would indicate that by increasing the provision of flexible use class floorspace, the site's occupancy rates will likely increase also. This will in turn increase the footfall to the area, which will support the range of businesses considered important to being able to attract prospective tenants who wish to make use of the host building's office floorspace. It is noted that the flexible use class being proposed would enable the occupant to increase the provision of Office floorspace, subject to demand from the market. For the reasons outlined above, officers consider that the proposals would help to support and promote competitiveness and vibrancy within the area, in accordance with policy S.EMP1, part 3, of the Local Plan (2020).

Proposed land use

- 7.12 In addition to the consideration of the potential impacts to the reduced levels of employment floorspace, the suitability of the site for F1(a) use must also be considered. Policies S.CF1 and D.CF3 relates to the provision of new and enhanced community facilities, specifically in this instance Education. The policy seeks to ensure that appropriate high quality community facilities are provided in accessible locations throughout the borough to adequately support the growing population and meet identified needs.
- 7.13 The application site is located in an area of good accessibility with a PTAL rating of 3-4, and given the site's location to the edge of the Chrisp Street and Poplar High Street Neighbourhood Centres the proposed F1(a) use is acceptable and in line with policy S.CF1 which directs community uses to within or the at the edge of town centres, where they may easily be accessed.
- 7.14 In addition, the estate relatively isolated and self contained due to existing boundary conditions and therefore the level of town centre uses being proposed and already consented within the application site is not considered to be of significant quantum to attract people away from nearby town centres. Furthermore, it is considered the

proposed use will only enhance vitality of the nearby town centres through higher occupancy rate within the Estate.

- 7.15 The Economics Benefits Assessment and current occupancy rates further indicate that the proposed land use is suitable to the local setting, and that there is appropriate demand to justify the proposals.
- 7.16 In order to prevent the overconcentration of one particular use within either of the two buildings, it is recommended that condition is imposed to prevent any more than 38,698sqm of floor space being occupied by the F1(a) element of the consent at any one time, and no more than 65% in each building. Furthermore, the consent is to ensure that within the E Use Class, the floorspace is only taken up as office floorspace (Use Class E (g)(i)). This condition is proposed to ensure that buildings continue to substantially provide employment function and continue to support the economic viability of the Blackwall LEL.

ii Transport and Waste Management

- 7.17 The application site has a PTAL rating of 3-4, meaning that public transport accessibility of the site is moderate to good. The Republic estate, to which the application site lies, is inclusive of a minimum of 300 long stay cycle parking spaces and 29 short stay spaces, as consented as part of planning application PA/16/02823.
- 7.18 The application has been supported by a Transport Assessment and Travel Plan, which is inclusive of considerations for the waste management strategy. The proposals do not include alterations to the existing car and cycle parking spaces.
- 7.19 Overall the Transport Assessment concludes that the proposals will not have significant adverse impact upon the capacities or safe operations of the surrounding transport network.
- 7.20 The transport Assessment outlines that the proposed uptake of F1(a) floorspace, will likely result in a reduction of trips during peak hours. Trips during off-peak times are likely to increase, however there will be greater capacity on local transport networks within these hours, and so the proposed change of use will have minimal impacts upon the safety and capacity of these networks.
- 7.21 Officers note that the Travel Plan provided has not properly determined whether the proposals will provide the minimum provision of cycle parking spaces in accordance with Policy T5 of the London Plan. Officers note that it is not yet feasible for the applicant team to do so, as they are not yet able to determine the number of students and staff who would visit the site, should permission be granted. Taking this into consideration and noting that the proposed flexible use class would allow for fluctuations in the need for future cycle parking, officers propose to apply condition securing detail of cycle parking arrangements, subject to planning permission being granted.
- 7.22 In addition a Travel Plan has been submitted with measures to encourage staff and students to use sustainable and active travel modes when travelling to/from the site; further reducing impacts on the public transport network.
- 7.23 The proposals seek to utilise the existing waste management services which currently serve the Republic Estate. It is considered that office use forms a worst-case assessment in terms of delivery and servicing trips of the flexible Class E/F1(a) uses. Therefore, the proposals are not expected to result in any material change in delivery and servicing trips associated with Import and Export Buildings.

7.24 Although officers consider the proposals to be acceptable in nature, a condition to secure detail of a thorough waste management strategy for the proposals should be secured. This is to ensure that the development is in accordance with policy D.MW3 of the Local Plan (2020)

iii Amenity

7.25 Policy D.DH8 of the Local Plan (2020) stipulates that development is required to protect and where possible enhance or increase the extent of the amenity of new and existing buildings and their occupants, as well as the amenity of the surrounding public realm. Policy D3 of the London Plan (2021) requires that site capacity is optimised through a design-led approach, which seeks to deliver appropriate outlook, privacy and experienced amenity for future occupants of the site.

7.26 The proposal would not present any significant change towards the experienced amenities of local residents. Officers therefore consider the proposals to be compliant with policy D.DH8 of the Local Plan (2020), and policy D3 of the London Plan (2021).

vi Human Rights and Equalities

7.27 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.

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

Conclusion

7.29 The proposed change of use to a flexible use class is not considered to be detrimental to the Blackwall Local Employment Location. Instead, it has the potential to increase footfall to the Republic Estate, which will likely bolster the vibrancy and viability of the Estate as a whole, whilst not resulting in permanent loss of employment use.

8. RECOMMENDATION

8.1 The proposals are considered to comply with the policies of Development Plan and thus conditional planning permission is GRANTED.

Compliance

1. 3 Years Deadline for Commencement of Development.
2. Development in Accordance with Approved Plans.
3. Noise from Plant
4. No more than 38,698sqm of flexible E1 or F1(a) Use floorspace
5. 65% cap on floorspace which can be occupied as Use Class F1(a) to each building

Pre-Occupation

6. Travel Plan and Waste Management Plan.

Appendix 1 – Drawing Schedule

(Drawings):

EAE-001
EAE-002
EAE-003
EAE-004
EAE-005
EAE-006
EAE-007
EAE-008
EAE-009
EAE-010
EAE-011
EAE-012
EAI-001
EAI-002
EAI-003
EAI-00B
EAI-01
EAI-010
EAI-011
EAI-012
EAI-04
EAI-05
EAI-06
EAI-09
P001

PAE-001 D
PAE-002 D
PAE-003 D
PAE-004 C
PAE-005 C
PAE-006 C
PAE-007 C
PAE-008 C
PAE-009 C
PAE-010 C
PAE-011 C
PAE-012 C

PAI-010 C
PAI-011 C
PAI-012
PAI-04 C
PAI-05 C
PAI-06 C
PAI-09
PE1-01 Rev C

(Other supporting documents):

Cover Letter, dated 07 July 2022 (Savills)
Economic Benefits Assessment, dated June 2022 (Savills)
Marketing Report, dated 19 May 2022 (CBRE / allsop)
Marketing Report update, dated 04 October 2022 (CBRE / allsop)
Stack Plans
Transport Statement (ref: 22959214), dated July 2022 (Steer)
Travel Plan Statement (ref: 22959214), dated July 2022 (Steer)

Appendix 2 – Plans

Figure 1 – Location Plan

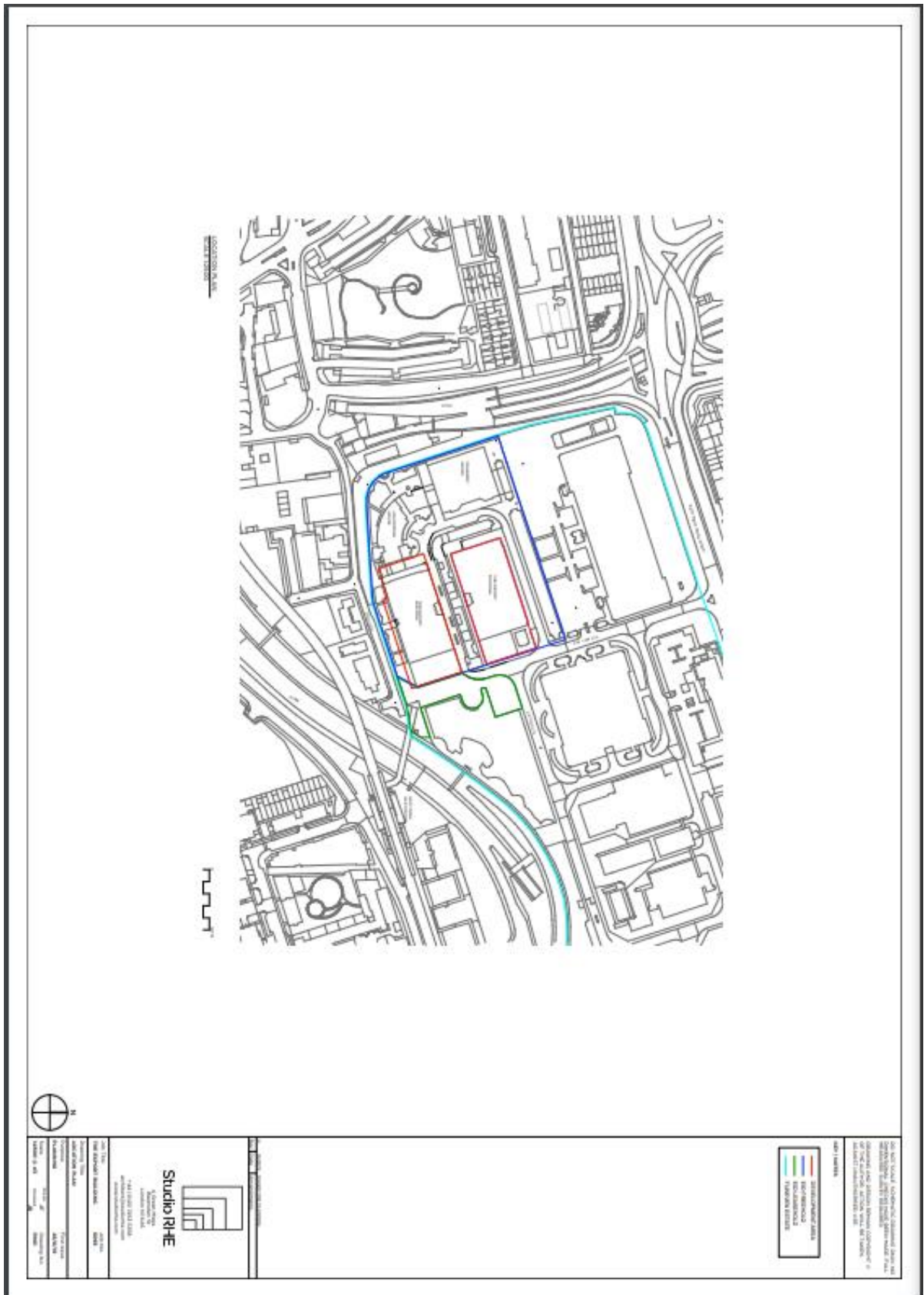
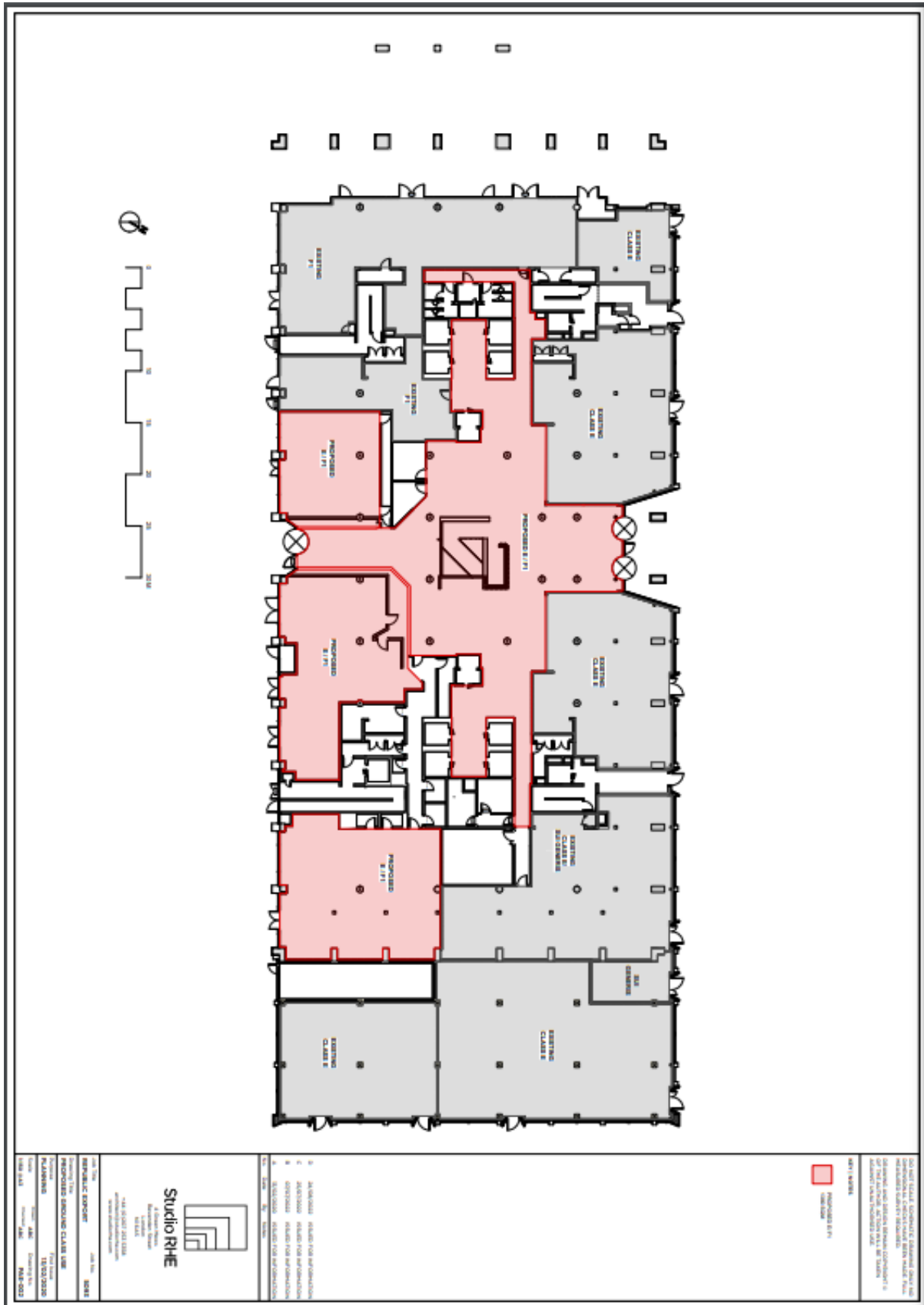


Figure 3 – Ground Floor Plan (Export Building)



DO NOT SCALE. CONSULT DRAWING FOR DIMENSIONS. DIMENSIONS SHOWN ON THIS DRAWING ARE THE GOVERNING DIMENSIONS. DIMENSIONS SHOWN ON THIS DRAWING ARE THE GOVERNING DIMENSIONS. DIMENSIONS SHOWN ON THIS DRAWING ARE THE GOVERNING DIMENSIONS.

REVISIONS

NO.	DATE	DESCRIPTION
1	10/15/2024	ISSUED FOR PERMITTING
2	10/15/2024	ISSUED FOR PERMITTING
3	10/15/2024	ISSUED FOR PERMITTING
4	10/15/2024	ISSUED FOR PERMITTING
5	10/15/2024	ISSUED FOR PERMITTING

PROJECT INFORMATION

PROJECT NAME: EXPORT BUILDING CLASS 100

CLIENT: [REDACTED]

ARCHITECT: Studio RHE

DATE: 10/15/2024

SCALE: 1/8" = 1'-0"

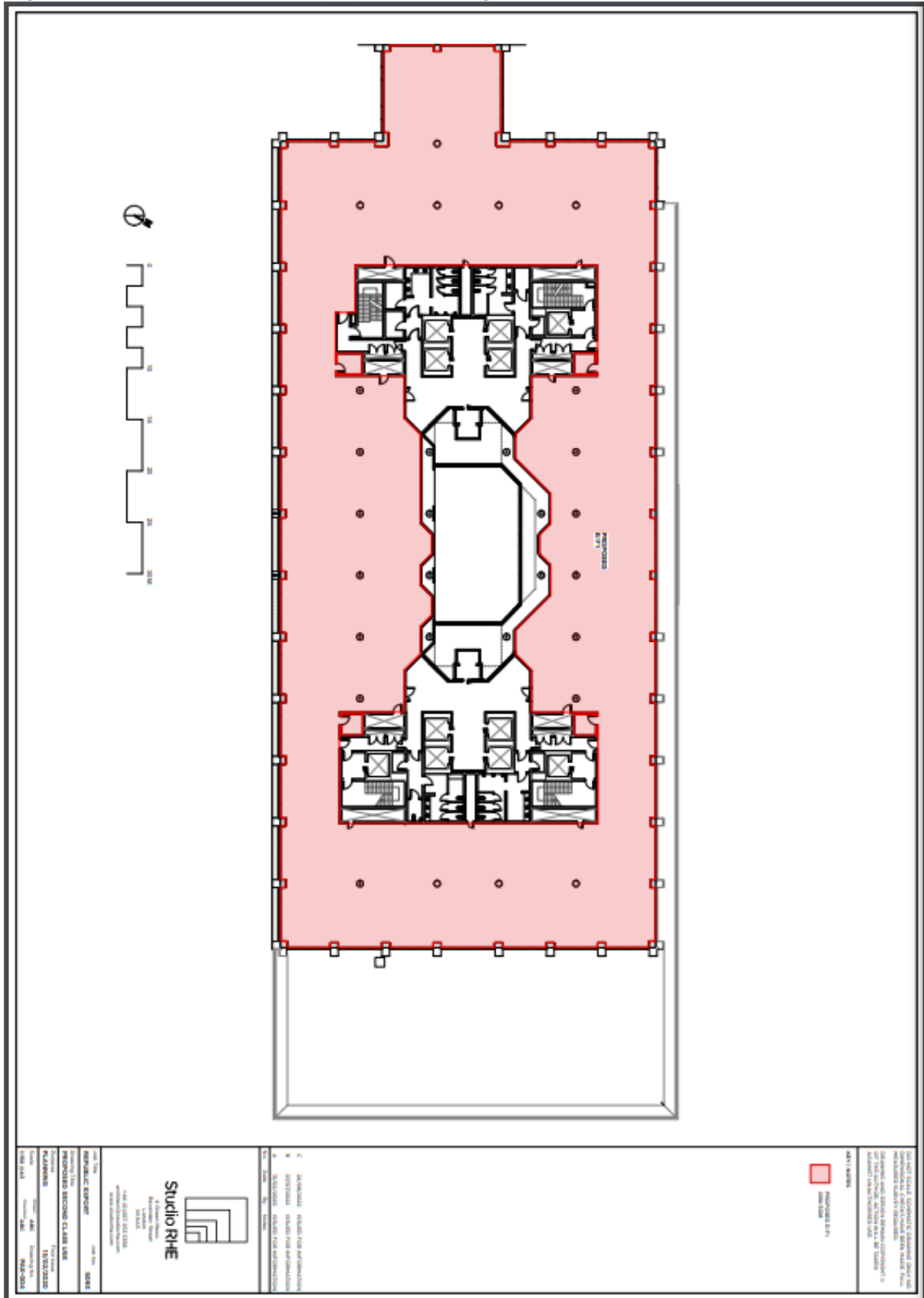
PROJECT NO.: [REDACTED]

DATE: 10/15/2024

SCALE: 1/8" = 1'-0"

PROJECT NO.: [REDACTED]

Figure 5 – Second Floor Plan (Export Building)



<p>STUDIO RHE ARCHITECTURE</p> <p>1000 15th Street, Suite 1000 San Francisco, CA 94103 Tel: 415.774.1111 www.studio-rhe.com</p>		<p>DATE: 10/15/2020 PROJECT: EXPORT BUILDING SECOND FLOOR DRAWING: PLANNING SCALE: AS SHOWN DRAWN BY: [Name] CHECKED BY: [Name]</p>		<p>1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES. 2. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. 3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME. 4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED BUDGET.</p>		<p>DATE: 10/15/2020 PROJECT: EXPORT BUILDING SECOND FLOOR DRAWING: PLANNING SCALE: AS SHOWN DRAWN BY: [Name] CHECKED BY: [Name]</p>	
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Figure 7 – Fourth Floor Plan (Export Building)

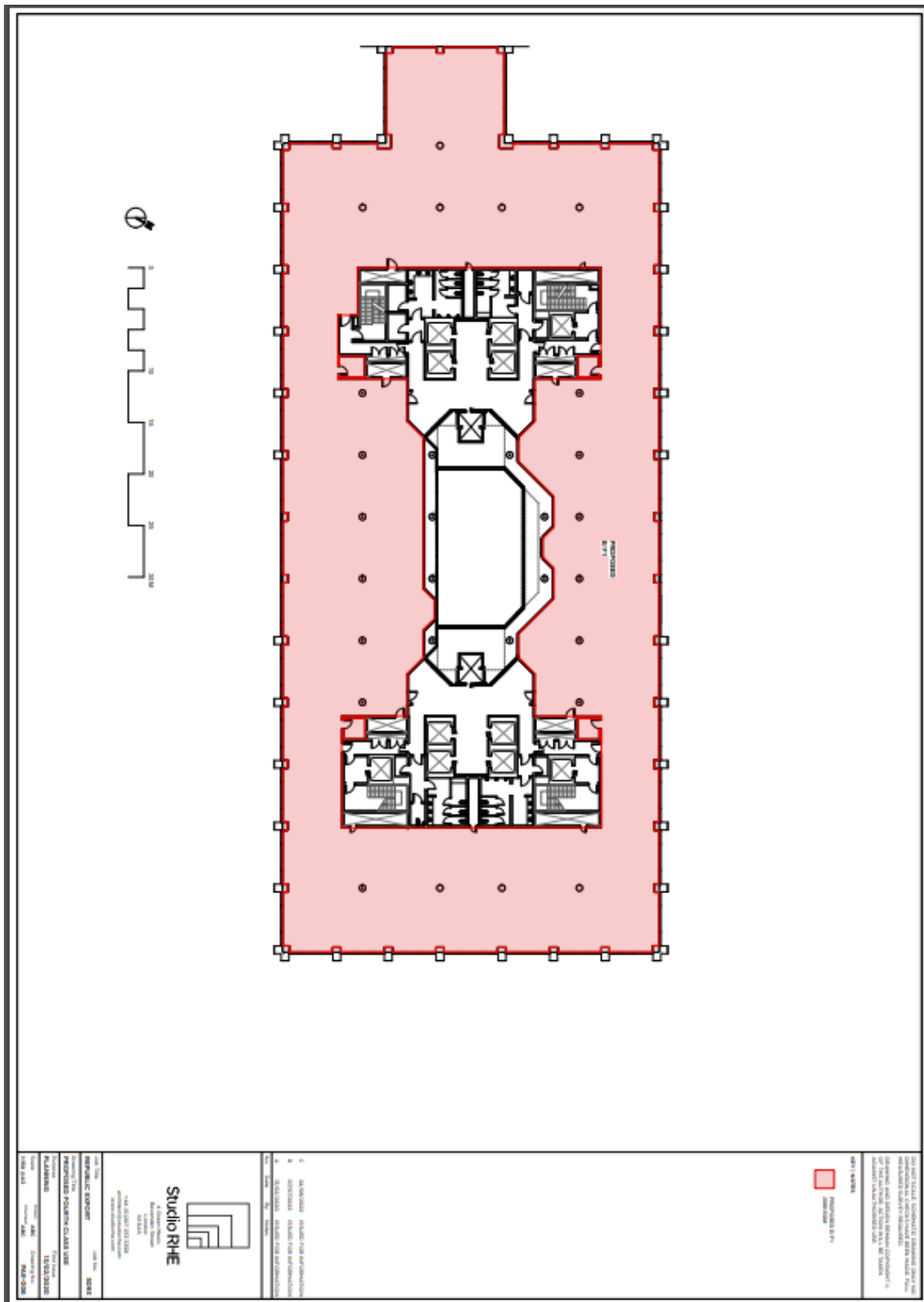


Figure 12 – Ninth Floor Plan (Export Building)

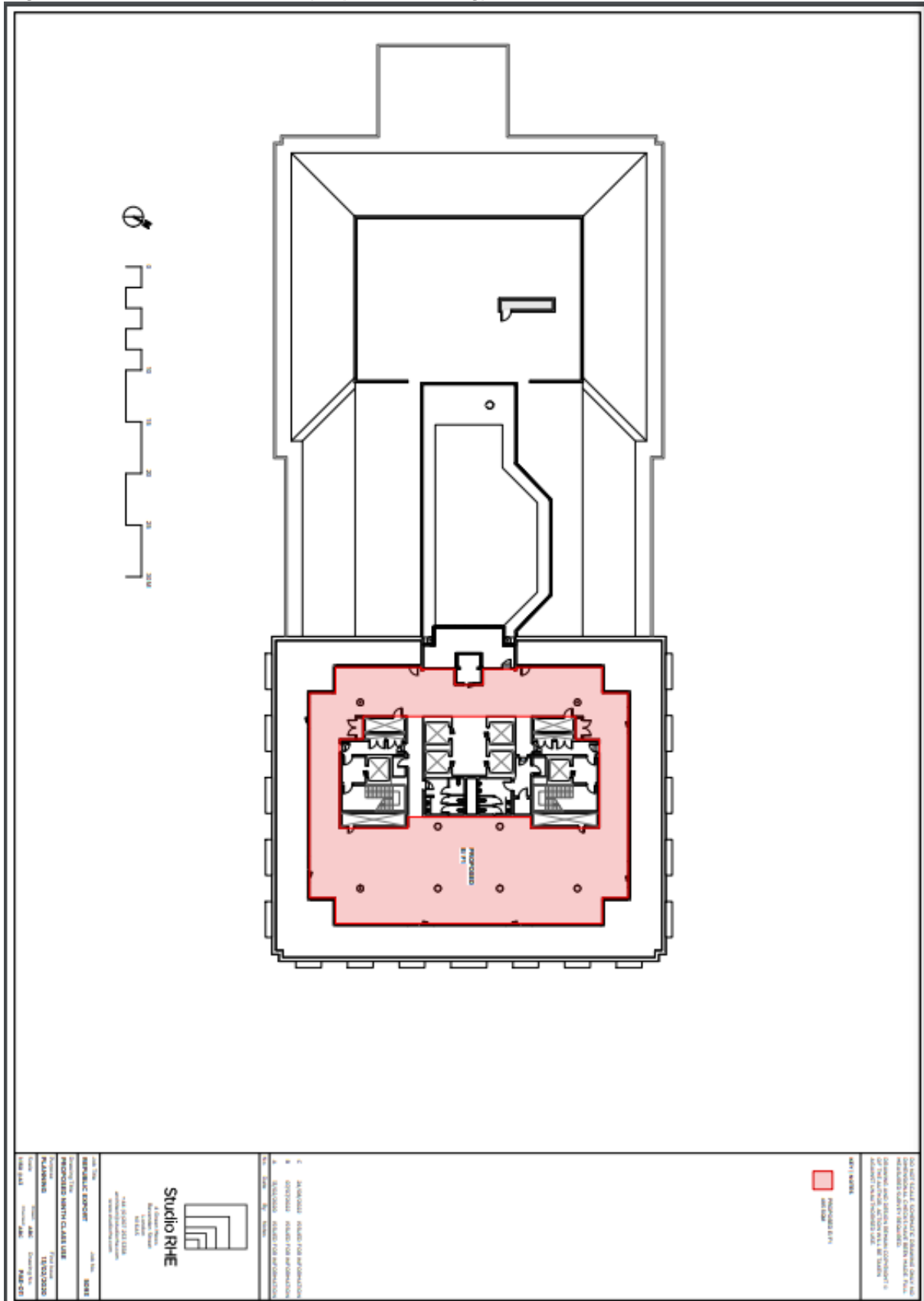


Figure 14 – Ground Floor Plan (Import Building)

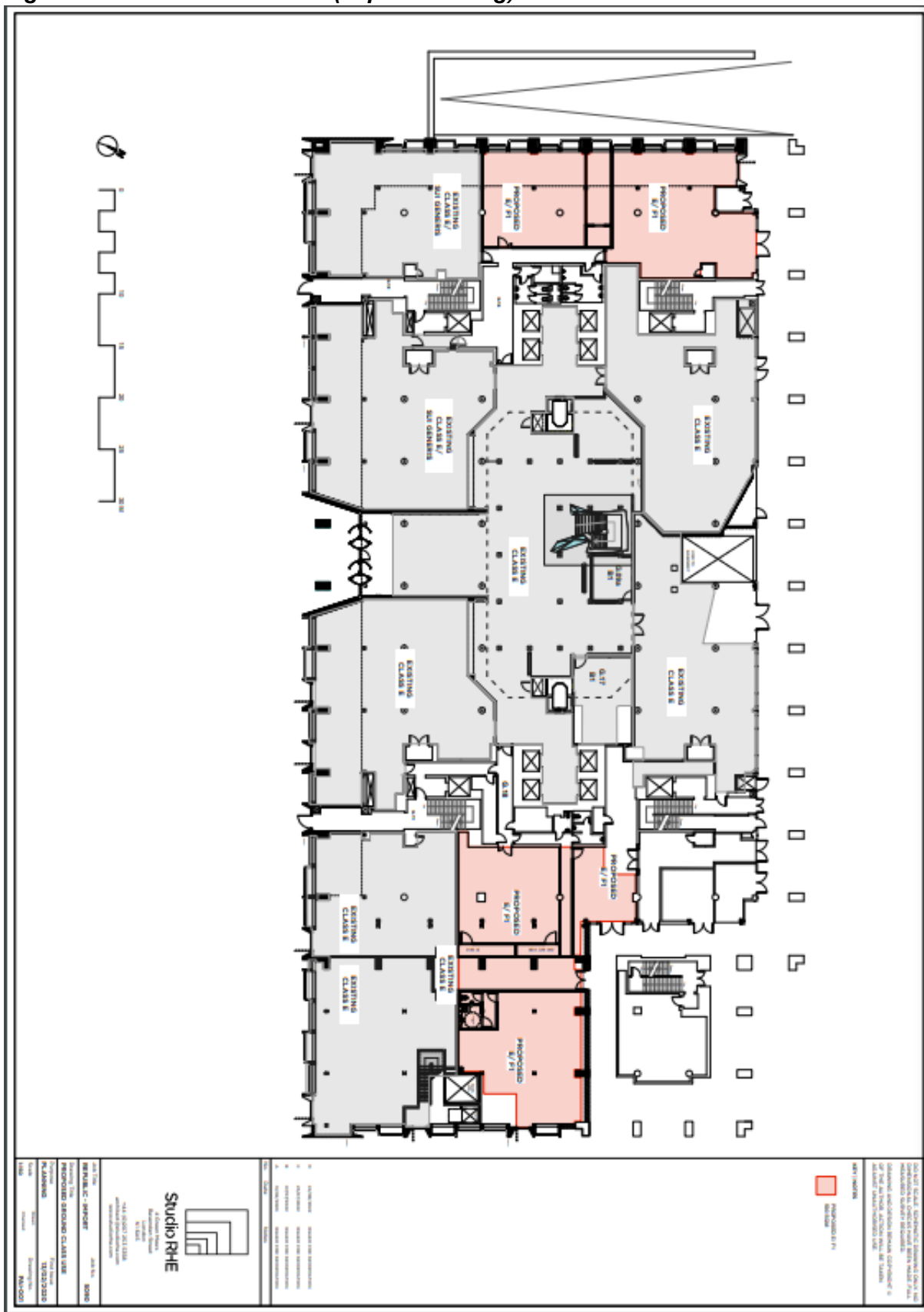


Figure 16 – Second Floor Plan (Import Building)

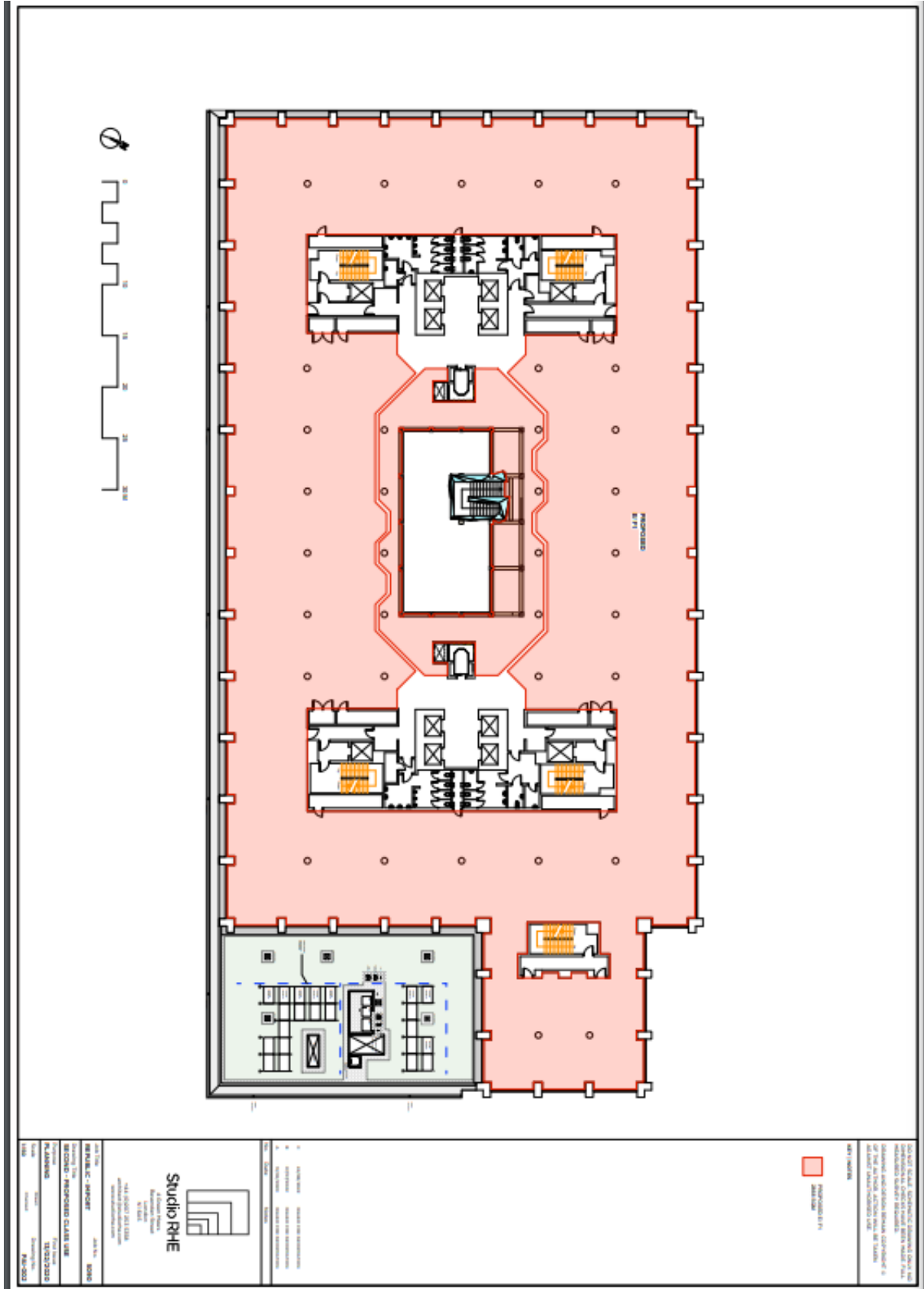
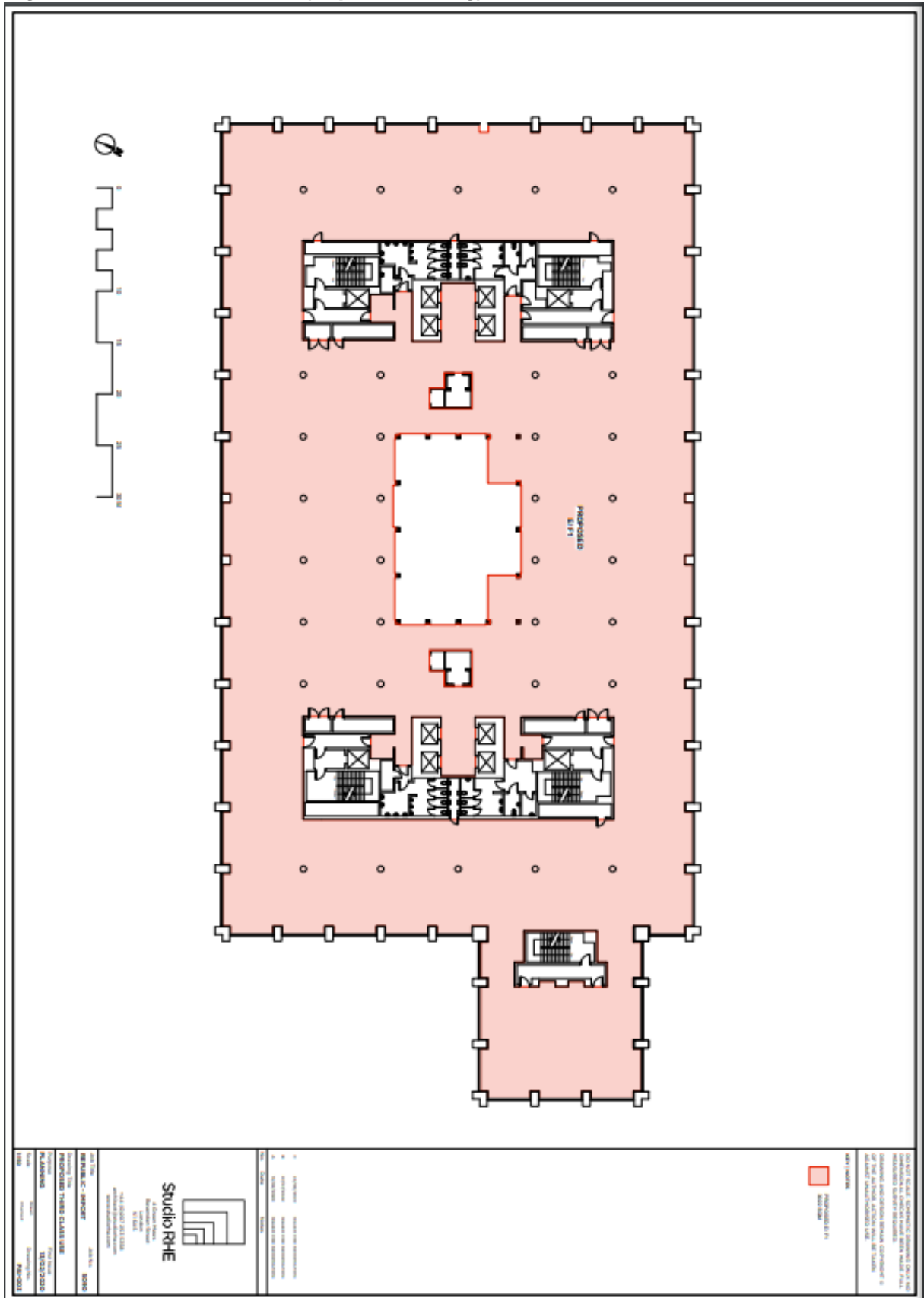


Figure 17 – Third Floor Plan (Import Building)



<p>1:100 Scale</p> <p>DATE: 10/20/2023</p> <p>PROJECT: IMPORT BUILDING</p> <p>DESIGNER: [Name]</p> <p>REVISIONS:</p>	 <p>Studio RHE Architectural Firm</p>	<p>1. LIFE CIRCULATION</p> <p>2. STAIRCASE</p> <p>3. ROOM</p>	<p>NOTES:</p> <p>1. THIS PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE ARCHITECT.</p> <p>2. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.</p> <p>3. THE ARCHITECT ASSUMES RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS PLAN.</p>
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Figure 19 – Fifth Floor Plan (Import Building)

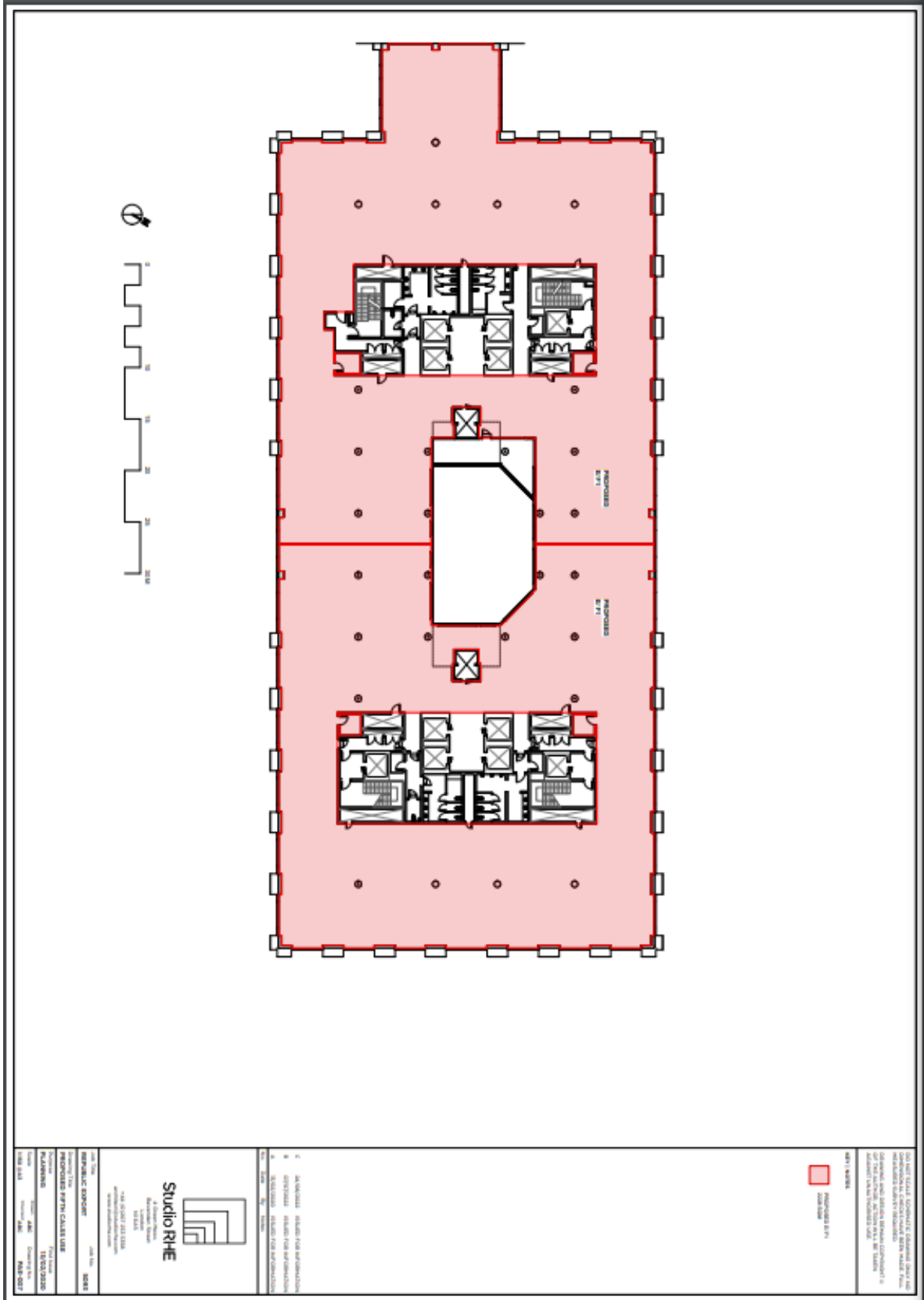


Figure 20 – Sixth Floor Plan (Import Building)

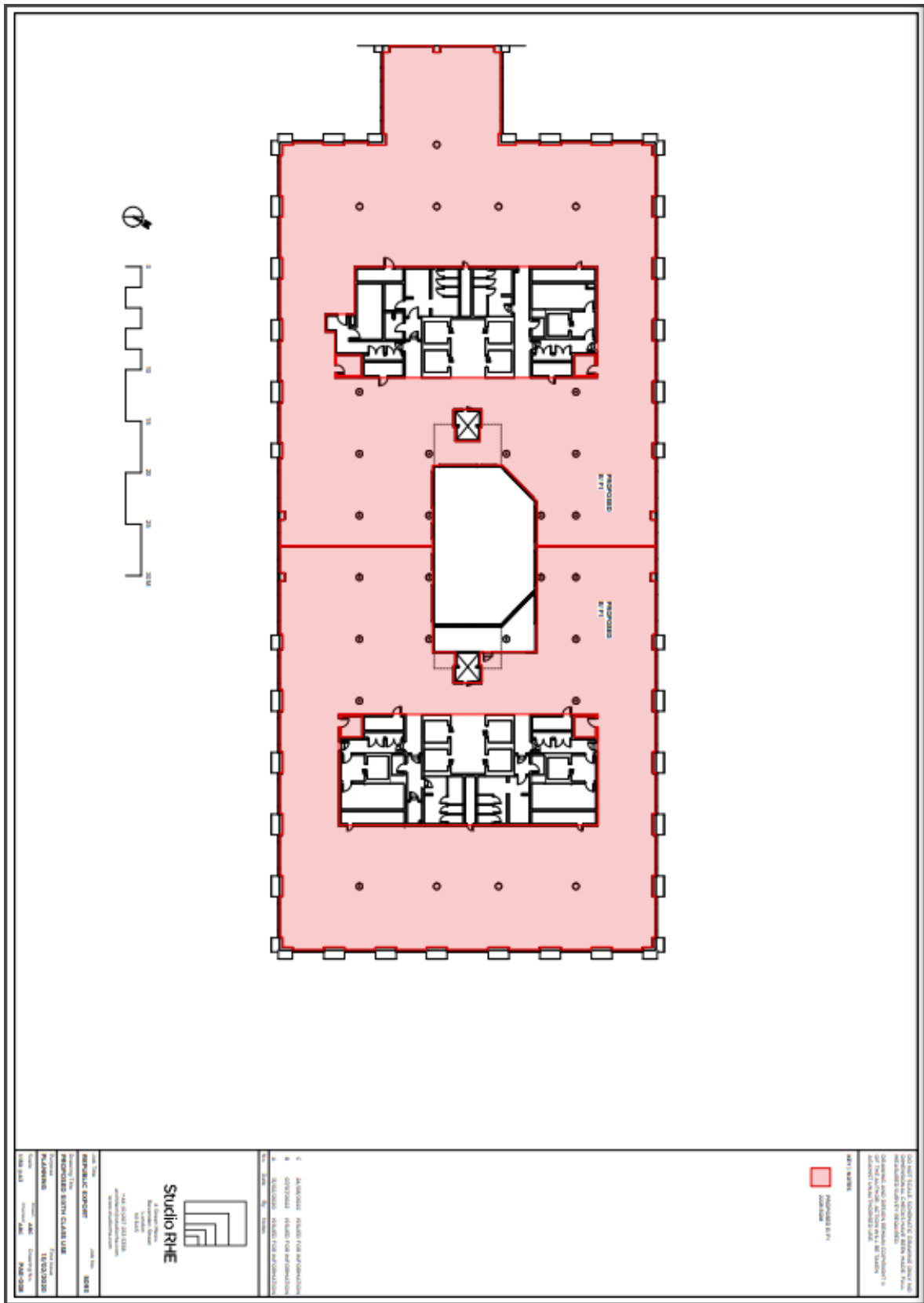


Figure 21 – Seventh Floor Plan (Import Building)

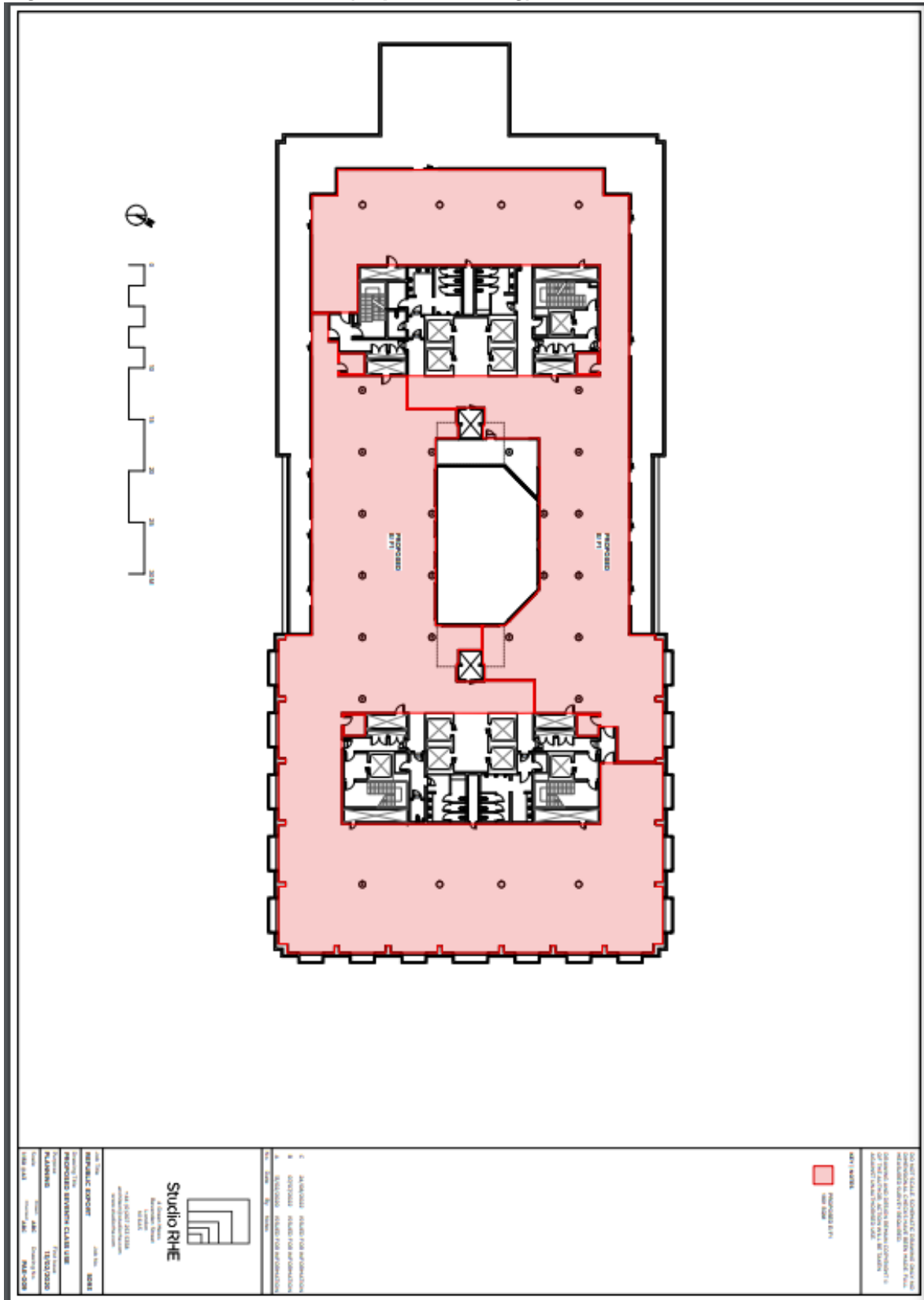


Figure 23 – Ninth Floor Plan (Import Building)

