

Development Committee

Agenda

Thursday, 27 April 2023 at 6.30 p.m.
Council Chamber - Town Hall, Whitechapel

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 voting members)

The deadline for registering to speak is **4pm Tuesday, 25 April 2023**

The deadline for submitting information for the update report is Noon
Wednesday, 26 April 2023

Contact for further enquiries:

Farhana Zia, Democratic Services,
farhana.zia@towerhamlets.gov.uk

Tel: 020 7364 0842

Town Hall, 160 Whitechapel Road, London, E1 1BJ

<http://www.towerhamlets.gov.uk/committee>



Public Information

Viewing or Participating in Committee Meetings

The meeting will be broadcast live on the Council's website. A link to the website is detailed below. The press and public are encouraged to watch this meeting on line.

Please note: Whilst the meeting is open to the public, the public seating in the meeting room for observers may be limited due to health and safety measures. You are advised to contact the Democratic Services Officer to reserve a place.

Meeting Webcast

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

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date.

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



Scan this QR code to view the electronic agenda



A Guide to Development Committee

The role of the Development Committee is to determine applications for planning/listed/conservation area consent which have triggered over 20 representations (in support or against) and/or that meet certain criteria with regards to size amongst other issues.

The Committee is made up of seven Members of the Council as appointed by Full Council. Political balance rules apply to the Committee. Meetings are normally held on a monthly basis and are open to the public to attend.

Objectors to planning applications and applicants may request to speak at the Committee. If you wish to speak on an application, you must contact the Committee Officer listed on the agenda front sheet by 4pm one clear day before the meeting, as shown on the committee timetable. For further information, see the Council's website.

Public Engagement

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

Development Committee

Thursday, 27 April 2023

6.30 p.m.

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS (PAGES 7 - 8)

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

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

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

2. MINUTES OF THE PREVIOUS MEETING(S) (PAGES 9 - 12)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 30th March 2023.

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.

4. DEFERRED ITEMS

Nil items.

5. PLANNING APPLICATIONS FOR DECISION

5.1 PA/22/01049/A1 242 Hackney Road, London E2 7SJ (Pages 21 - 50)

5.2 PA/22/02551 7-15 Blount Street, London E14 7RL (Pages 51 - 90)

6. OTHER PLANNING MATTERS



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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

Further Advice contact: 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 17:30 ON THURSDAY, 30 MARCH 2023

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present:

Councillor Abdul Wahid (Chair)

Councillor Iqbal Hossain

Councillor Suluk Ahmed

Councillor Amina Ali

Councillor James King

Councillor Amy Lee

Councillor Amin Rahman

Other Councillors Present:

Officers Present:

Paul Buckenham	– (Development Manager, Planning and Building Control, Place)
Diane Phillips	– (Planning Lawyer, , Legal Services)
Sally Fraser	– (Team Leader, Planning and Building Control, Place)
Gareth Owens	– (Planning Officer, Planning and Building Control, Place)
Thomas French	– (Democratic Services Officer Committees))

Apologies:

Councillor Kamrul Hussain

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no declarations of disclosable pecuniary interests.

2. MINUTES OF THE PREVIOUS MEETING

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 2 March 2023 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

Nil items.

5. PLANNING APPLICATIONS FOR DECISION

5.1 Westwood House, 54 Millharbour, London E14 9DJ

The published update report was noted.

Paul Buckenham, Development Manager, introduced the application form erection of a single storey rooftop extension to provide 7 new dwellings.

Gareth Owens, 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:

- Could details of previous applications on the site be shared? How does this application differ and how did the applicants respond to the previous applications, along with the pre-consultation period? Officers stated how the pre-consultation was carried out and how the advice was given based on the previous applications, including fire safety, the footprint of the application and type of dwellings included.
- The building featured in the application, what is the make up of it, how many affordable dwellings are contained within? Officers confirmed that the building has a mixture of social rent and freeholding, the application will all be within the guidelines of the local plan.
- There are concerns with fire safety, what have the applicants done to reassure residents that the building will be safe? Will there need to be additional fire safety additions due to the height? The agent explained

how the applicant will be engaging with residents, including sharing with residents the materials that will be used in the development for reassurance. Officers confirmed that as the building is under 30 meters, it will not need additional stairwell exits. The agent confirmed the building is 5 meters below the 30meter threshold and the design will be worked to the new building safety regulations.

- Has the additional weight from the top of the building been considered? Officers confirmed this would be for the applicant to demonstrate within building regulations and not for planning permission to agree. The agent confirmed that additional weight has been considered and will be clarified early in the development.
- What will the impact be on the community infrastructure with this application? Officers confirmed that as part of the application process, it is liable for the community infrastructure levy, which will be used in the local area.
- What kind of materials will the development be using? The agent confirmed that the materials that will be used in the extension will be more lightweight than the current building and the cladding will be a zero-fire risk product.
- How much disruption will this cause the current residents? What health and safety mitigation is in place for residents living within the development? The agent confirmed that health and safety measures will be in place for residents as well as the workers in the development. The majority of the work will be done off site and will have a limited impact on the residents.

The Committee debated the application, highlighting the following themes:

- The application would benefit from larger dwellings, but overall the application is sensible.
- Much of the development taking place offsite will have less of an impact on residents.
- The mitigation of noise has been considered.
- While it has been helpful to see the extent of the financial obligations to affordable housing, but this could have been greater.

After debating the application, the committee moved to the vote.

On a vote of 6 in favour, 1 against and 0 abstentions the Committee.

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

Financial obligations

379,182.96 small sites contribution to Affordable Housing in the borough

Non-financial obligations:

Car Free agreement

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. Refuse storage.
4. Cycle storage
5. Noise Insulation for the new residential units
6. Restrictions on demolition and construction activities:
 - a. Compliance with the 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.
7. Gas fired boilers in new units Pre-commencement
8. Construction Environmental Management and Logistics Plan of all plant and machinery to be used in the construction phase
9. Dust Management Plan
10. Details of materials
11. Biodiversity Enhancements
12. Section 278 works (Highway Improvement works)

Informatives

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

6. OTHER PLANNING MATTERS

Nil items.

The meeting ended at 18:29

Chair, Councillor Abdul Wahid
Development Committee



DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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



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/22/01049/A1
Site	242 Hackney Road,
Ward	Weavers
Proposal	Construction of 2 storey roof extension to deliver 6no. residential apartments (use class C3), associated amendments to cycle parking and refuse store. New green roofs to existing flat roofs and proposed new roof. Installation of air source heat pumps and solar PV panels to new flat roof. Recladding and replacement of other combustible materials.
Summary Recommendation	Grant planning permission with conditions and planning obligations
Applicant	Cyntra Properties Ltd
Architect/agent	CSJ Planning Consultants
Case Officer	Daniel Jeffries
Key dates	<ul style="list-style-type: none">- Application registered as valid on 22/06/2022- First round of public consultation finished on 12/08/2022- Amended plans received on 03/11/2022- Second round of public consultation finished on 31/01/2023

EXECUTIVE SUMMARY

The application site consists of the four storey building on the south side of Hackney Road consisting of a retail unit at ground floor and residential homes on the upper floors. The site is not within a conservation area, nor is the host building listed, but it is within the setting of Grade II listed buildings on the north side of Hackney Road and adjoins the Hackney Road Conservation Area. The boundary with the London Borough of Hackney runs down the centre of Hackney Road. The London Borough of Hackney's own Hackney Road Conservation Area is located across the road to the north of the site. The site is also within the City Fringe Sub Area and Permitted Development Exception Zone. The proposal would result in a two storey roof level addition to the host building providing 6 new residential homes.

The principle of providing residential units in this location is accepted, given the existing self-contained residential housing on the site. The scheme is considered to be acceptable in design terms, including the statutory duty to pay special regard to preserving the visual appearance and historic character of the setting of the nearby heritage assets. This judgment is following officers having given appropriate weight to the conclusions of the Planning Inspectorate in the Appeal Decision associated with the refused prior approval application Ref. PA/20/02275/A1, which included a two storey roof extension which is externally identical to the current proposal. Whilst that appeal was ultimately dismissed, the Planning Inspector

in that report stated that they would have overturned the Authority's reasons for refusal relating to design and impact on heritage. The conclusion reached by the Planning Inspector in relation to the appeal scheme must be a key material consideration in the assessment of the present application.

The proposed residential homes are considered to provide future occupiers with an acceptable standard of accommodation, and the proposal is considered to provide an acceptable housing mix.

The proposal is considered to have an acceptable impact on the amenity of occupiers of neighbouring properties in terms of loss of daylight/sunlight, outlook, privacy, sense of enclosure and light pollution, given the conclusions of the submitted Daylight and Sunlight Report and again informed by the conclusion reached by the Planning Inspector within the Appeal Decision associated with the refused prior approval application Ref. PA/20/02275/A1.

The scheme introduces a number of sustainable design measures including photovoltaic panels, Air Source Heats Pumps as well as a green roof, which will improve the visual amenity of the building whilst simultaneously enhancing the biodiversity of the area.

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

The scheme would be liable for the Borough's community infrastructure levy.



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<ul style="list-style-type: none">  Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings 	<p>Planning Applications Site Map PA/22/01049/A1</p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	 <p>TOWER HAMLETS</p> <p>London Borough of Tower Hamlets</p>
	<p>Scale: 50m grid squares</p>	<p>Date: 18 April 2023</p>

Figure 1: Planning application site map

1. SITE AND SURROUNDINGS

- 1.1 The application red line boundary includes 242 Hackney Road, which is a four storey detached building to the south side of Hackney Road and to the east of Allgood Street. The ground floor of the host building consists of a supermarket and the upper floors have residential units.
- 1.2 The buildings along this section of Hackney Road are characterised as having commercial units at ground floor and residential homes set above.
- 1.3 The application site is not within a conservation area, nor is the host building listed. However, the site is within the City Fringe Sub Area and Permitted Development Exception Zone. The boundary with the London Borough Hackney runs down the centre of Hackney Road.
- 1.4 The host building is not listed nor is the site is not within a conservation area. However, the site is within the setting of heritage assets in the form of each of the London Borough of Tower Hamlets' and the London Borough of Hackney's Hackney Road Conservation Areas and the Grade II Listed Buildings of 229-235 and 237-243 Hackney Road as well as a telephone kiosk, which are located to the north of the public highway and within the adjacent London Borough of Hackney.
- 1.5 The application site has a Public Transport Accessibility level of 4 (with 6 being the best and 0 the worst) with good public transport provision and within close proximity to several bus routes.

2. PROPOSAL

- 2.1 The proposal seeks planning permission for the following development:
 - a) Construction of 2 storey roof extension to deliver 6no. residential apartments (use class C3), associated amendments to cycle parking and refuse store.
 - b) New green roofs to existing flat roofs and proposed new roof.
 - c) Installation of air source heat pumps and solar PV panels to new flat roof.
 - d) Recladding and replacement of other combustible materials.

3. RELEVANT PLANNING HISTORY

Application Site

Planning

- 3.1 PA/20/02275/A1 | Application for prior approval under permitted development provisions in Class AA, Part 20 of Schedule 2 to the GPDO (as amended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020) for a two storey extension to the existing four storey detached mixed-use building (A1 use at ground floor level and 14 flats on upper floor levels) to provide 8 additional flats.

Refused: 24/12/2020

Reason 01: It has not been demonstrated that the proposed cycle storage area could physically accommodate further cycle spaces nor if they would be accessible to all users. Furthermore, the proposed refuse storage area does not have the capacity to practically accommodate the refuse and recycling output of the proposed new units.

Reason 02 - The proposed height of the extension would alter the application site's current subservient relationship with the Grade II listed properties on the opposite side of Hackney Road, that are located within the Hackney Road Conservation Area, to one that is visually dominating. This would negatively impact the setting of the Hackney Road Conservation Area (London Borough of Hackney) including the Grade II Listed terraces that are located within it.

Appeal Dismissed on 19/11/2021 only on the ground that the application did not deliver a car-free development with the Planning Inspector disagreeing with the Authority's reasons for refusal.

- 3.2 PA/21/02785/A1 | Construction of 8 additional flats over 2 additional storeys to be accommodated on top of an existing detached mixed use building with A1 use at ground floor level and 3 upper floors containing 14 no. flats.

Refused on 16/02/2022

Reason 01 - The site is located within 3km of the perimeter of an aerodrome, therefore the proposal fails to comply with AA.1(o)(vii) Schedule 2, Part 20, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reason 02 - Insufficient details have been provided in relation to the fire safety of the external wall construction of the existing building and the fire safety impacts of the intended occupants of the building. As such it has not been demonstrated that the proposal complies with AA.2.1(k) and (l), Schedule 2, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 3.3 PA/12/03266: Change of use of the ground floor of the approved building from commercial wholesale showroom (Sui Generis) to retail shop (use class A1). Variation of condition 3 (Hours of Opening) attached to planning permission reference PA/11/01880 Existing Hours: Monday to Saturday 0700 - 2300, Sunday 0700-2200 Proposed Hours: Monday to Sunday 0700-2300. Permitted: 07/02/2013
- 3.4 PA/11/01880: Change of use of the ground floor of the approved building from commercial wholesale showroom (Sui Generis) to retail shop (use class A1). Permitted: 17/10/2011
- 3.5 PA/03/01431: Demolition of existing warehouse building and re-development of site to include the provision of commercial wholesale showroom (sui generis) within the new building at ground and basement levels and 14 new residential units above at 1st, 2nd and 3rd floors. The proposal also includes the provision of a new vehicle crossover from Allgood Street. (Revised Scheme). Permitted: 16/01/2008

Enforcement

- 3.6 ENF/14/00189: Vehicular servicing to the site between 10pm and midnight causing noise nuisance and in breach of condition 3 (hours) and 4 SMP) of PA/12/03266. Breach of Notice Served on 01/05/2014

4. PUBLICITY AND ENGAGEMENT

- 4.1 Following the receipt of the application, the Council notified nearby owners/occupiers by post and by site notices. A press advert was also published in a local newspaper. A second consultation by way of post was undertaken upon receipt of updated plans.
- 4.2 A total of 21 representations were received all of which were objections, predominantly from residents living in the host building, as well as occupants of the residential properties on the opposite side of Hackney Road and Cadell House along Allgood Street.
- 4.3 The material planning issues raised in the objection letters are summarised as follows:
- Increased density
 - Visual appearance and impact on conservation area and listed buildings
 - Loss of daylight/sunlight and overshadowing and issues with report
 - Loss of privacy
 - Increased noise
 - Impact on noise/disruption during construction period
 - Insufficient cycle storage, refuse
 - Overheating of residential units
 - Lack of sustainable measures

- Increase in anti-social behaviour
- Increased traffic and parking to surrounding area
- Fire safety of existing cladding
- Lack of affordable housing
- Poor management of building including waste storage
- Lack of details of green roof
- Loss of a view
- Impact on hospital and helicopters
- Party Wall issues
- Use of scaffolding
- Impact on house prices/rental values
- Conflicts with leaseholder/freeholder agreement
- Structural Impact
- Revised scheme is largely the same as the previously refused scheme, so concerns raised previously are still valid.

5. CONSULTATION RESPONSES

External responses

London Borough of Hackney

5.1 No response received.

Internal Consultees

LBTH Biodiversity

5.2 Following a review of the proposal, the Council's Biodiversity officers recommend no objection, subject to the imposition of a planning conditions to secure biodiversity enhancements, including through the provision and maintenance of the bio-diverse green roof.

LBTH Environmental Health, Air Quality

5.3 No objections raised subject to conditions relating to a Construction Environmental Management Plan, verification noise report for the noise levels for future occupiers and for the plant, and details of noise mitigations for the balconies.

LBTH Transport & Highways

5.4 Raised concerns about the cycle storage provision, recommended conditions including a Construction Management Plan and details of servicing and delivery arrangements including swept paths prior to commencement of the development and entering into a Section 278 Agreement for highways works.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

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

6.2 In this case the Development Plan comprises:

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

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

Land Use –, *residential*

- Local Plan – S.SG1, S.H1
- London Plan – GG1, GG2, GG5, SD1,

Housing – *Unit mix, housing quality, affordable housing*

- Local Plan – S.H1, D.H2, D.H3, D.SG5
- London Plan – GG2, GG4, D6, H1, H2, H4, H8, H9, H10,

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

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

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

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

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

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

Waste Management – *refuse storage, recycling, servicing*

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

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

- Local Plan – S.SG2, D.SG4, D.SG5, S.ES1, D.ES2, D.ES3, D.ES7, S.ES8, D.ES9
- London Plan – GG6, G1, G4, G5, G6, G7, SI1, SI2, Si3, SI4

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

Adopted Guidance

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (2021)
- LP Character and Context SPG (2014)
- LP Housing SPG (updated 2017)
- LP Affordable Housing and Viability SPG (2017)
- GLA City Fringe Opportunity Area Planning Framework (2015)
- Urban Greening Factor London Plan Guidance (2023)
- LBTH Development Viability SPD (2017)
- LBTH Employment Land Review (2016)
- LBTH Planning Obligations SPD (2021)
- LBTH Reuse, Recycling & Waste SPD (2021)

Emerging Guidance

- Good Quality Homes for All Londoners LPG (consultation draft)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- Land Use
- Housing
- Design & Heritage
- Neighbour Amenity

- v. Transport & Waste
- vi. Environment
- vii. Local Finance Considerations
- viii. Equalities and Human Rights

Land Use

- 7.2 The application seeks to introduce additional residential units to the host building. As much of the building is already in residential use, this proposed use is consistent with existing uses found within the building and is more generally consistent with the immediate character and predominant land use of the area. Moreover, the provision of new housing is also an objective of the Council's policies. Local Plan Policy S.H1 sets out the strategic housing supply requirements for Tower Hamlets as well as the objectives of ensuring the creation of mixed and balanced communities, sustainable places and quality living within the borough. The delivery of new housing is a key objective at local and London-wide levels.
- 7.3 The principle of new housing on this site is in line with the Local Plan objectives to provide a range of housing typologies to create sustainable places to live, work and play within the City Fringe. Whilst the acceptability of the density of the increase, the standard of accommodation, impact on the local highway network and other material considerations, the proposal is acceptable in land use terms and would support the achievement of these objectives.

Housing

Housing Mix

- 7.4 The proposed development includes an extension at roof level to accommodate 6no. residential apartments (use class C3) in the following mix:
- a. 2 no. 3bed flat for 6 persons of 102 sqm in area each;
 - b. 4 no. 2 bed flats for 3 persons of 61 sqm (2 no.) and 63 sqm (2 no.) in area.
- 7.5 Considering the size of the development the proposed housing mix is acceptable in line with Local Plan Policy D.H2 as regards housing mix.

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 applicant completed the draft template to calculate the affordable housing contribution for small sites.
- 7.7 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 contribution calculated in this case is £352,260.30 and the applicant has agreed to pay this to the council through a S.106 agreement secured with the local authority. 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 It is noted that Local Plan Policy D.H2 Part 2(d) seeks to ensure that where development provides further homes either through an amendment to a current permission or an application to extend an existing development on the same or an adjoining site provides, the affordable housing calculation for the new homes will be based on the combined number of homes. Given the proposal would provide additional homes as part of an enlargement an existing building which contain 14 existing homes, it is important to consider this policy.
- 7.9 However, given the significant time period that has elapsed since the granting of planning permission (Ref. PA/03/01431) for these existing homes in January 2008, it is not considered that this policy would be applicable, and an off-site affordable housing contribution for this proposal would be appropriate.

Standard of proposed accommodation

- 7.10 All the proposed homes would meet the minimum floorspace requirements within the London Plan. The homes are considered to have an acceptable layout and all habitable rooms within the proposed homes are also considered to be broadly compliant with the recommended sizes found within the London Plan Housing SPG. The additional floors would achieve the required 2.5m floor to ceiling heights identified by Policy D.H3.
- 7.11 The homes would provide future occupiers with acceptable levels of daylight/sunlight to all habitable rooms, with acceptable outlook and aspect, with all the homes benefitting from dual aspect. It is acknowledged that the levels of dual aspect in the two homes to the southwest corner would be limited, with the secondary aspect for these units provided by bathroom windows. However, given the general standard of accommodation for these homes, this is considered acceptable.
- 7.12 The proposed homes would all have private amenity space in the form of balconies. The proposal would provide the 2 bed units with 6 sqm, and the 3 bed units with 13 sqm, all of which would meet the minimum size requirements and are considered to be of an acceptable standard.
- 7.13 The Council's Environmental Health Officer has requested a number of conditions including a noise insulation verification report providing details to ensure that the future occupiers of the proposed residential units are protected from external noise, prior to their occupation, as well as a post completion report to confirm the predicted noise levels have been achieved.
- 7.14 Concerns have been raised from occupiers of neighbouring homes regarding the potential for the proposed homes to overheat and have a detrimental impact on standard of accommodation for future occupiers, given the orientation of the windows. However, given that there are other units within the host building which have a similar orientation, it is considered acceptable and these matters are also managed outside planning through the building control regulatory system.
- 7.15 Overall, the quality of residential accommodation assessed against policy and with due regard to site constraints is satisfactory and policy compliant.

Design & Heritage

- 7.16 Development Plan policies call for high-quality designed schemes that reflect local context and character and provide attractive, safe, and accessible places that safeguard and where possible enhance the setting of heritage assets.
- 7.17 As there are designated heritage assets in the vicinity of the proposal site in the form of the listed buildings and conservation areas to the north of the site, in accordance with Section 72(1) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the proposal is required to pay special regard to preserving the visual appearance and historic character of the setting of these heritage assets.
- 7.18 This proposal would result in two additional storeys to the roof of the existing four storey host building, resulting in a total of six storey building. The additional storeys would largely replicate the footprint of the third floor, being located on the north section of the building, including relatively small setbacks from the elevations of the floors below, retaining a similar visual appearance to the existing building, including the use of balconies, on the front, rear and side elevations which would be positioned to align with the existing balconies on the floors below.
- 7.19 It is acknowledged that the proposal would result in additional bulk and massing to the host building, which would be highly visible from the public realm. In terms of assessing the design impact of the proposal it is important to understand the context to which the site relates. Along this section of Hackney Road to the south, to the west the existing buildings are three and four storeys in height, with the upper floors set back from the front elevation of the ground floor. There are also large four and five storey buildings to the rear of the site and to the south side of Cadell Street. The north of this section of Hackney Road is characterised by the Grade II

listed terrace properties and the large commercial building, being mix of five storeys fronting the public highway and ten storeys in height in the central part of the building.

7.20 The Council have previously raised concerns in terms of the increase in height of the host building, in terms of the impact on the visual appearance of the host building and the surrounding area. This is demonstrated with the planning history of the site, with the Council having refused the prior approval application (Ref. PA/20/02275/A1) for a two storey extension to the roof of the host building, which has a similar design. One of the reasons for refusal was in relation to the design and impact on the visual appearance of the host building and relationship with heritage assets. This reason for refusal states the following:

- *Reason: The proposed height of the extension would alter the application site's current subservient relationship with the Grade II listed properties on the opposite side of Hackney Road, that are located within the Hackney Road Conservation Area, to one that is visually dominating. This would negatively impact the setting of the Hackney Road Conservation Area (London Borough of Hackney) including the Grade II Listed terraces that are located within it. The external appearance of the building would therefore be unacceptable and fail to comply with AA.2.(1)(e) of Schedule 2, Part 20, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

7.21 It is acknowledged that the type of application that was refused, is different to the current proposal, being an application for prior approval under permitted development provisions in Class AA, Part 20 of Schedule 2 to the GPDO (as amended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020). The assessment for these types of applications have very specific criteria as to whether complies or not, and is not subject to all of the relevant policies in the Development Plan as required for this application.

7.22 However, one of the criteria identified in the legislation is the design and its impact on the external appearance of the host building taking into consideration the surrounding area including the heritage assets, which has considered the current design policies in the Development Plan.

7.23 Whilst the Council refused the application, this decision was appealed by the applicant and was subsequently dismissed. However, the Inspector disagreed with the Council's design reason for refusal, providing the design assessment within paragraphs 17 to 22 of the Appeal Decision (see Appendix 3). The Inspector concluded in paragraph 22 of the Appeal Decision that the proposed two storey extension would have an acceptable impact on the external appearance of the host building and the surrounding area, including the setting of the heritage assets:

- *The overall height and form of the proposal would not be out of keeping with the built form in and around the CA which varies considerably from low rise to tall modern developments. In addition, the intervening highway and set back of the terrace from the road results in visual and physical separation between the proposal and nearby heritage assets. As such, the proposed development would not unduly dominate the surrounding built environment or the setting of nearby listed buildings or the CA. Consequently, I find that the external appearance of the proposed building would be acceptable.*

The Inspector's comments from the Appeal Decision are a key material consideration in the assessment of the present planning application and informed by that decision reached by the Inspector, it is considered by officers that the scale and massing of the proposed two storey roof extension is acceptable in design terms and impacts upon the individual designated heritage assets and conservation areas located opposite the site. The proposal is therefore considered to pay special regard to preserving the visual appearance and historic character of the setting of the heritage assets

Appearance & Materials

7.24 The submitted Planning Statement (para. 4.5) confirms the materials in the proposed extension, including the use of profiled aluminium cladding, powder coated metal doors and

windows, and balconies to be galvanised steel to match the existing building. The proposal would also ensure the existing and proposed flat roofs would be finished with a green roofing system.

- 7.25 The proposal also seeks to replace the combustible cladding found within the existing building with new non-combustible materials. Whilst the fire safety attributes are discussed below, the materials are considered to be appropriate for the existing building and proposed extension and is considered to be in keeping with the visual appearance of the surrounding area, and preserve the setting of the heritage assets. The green roof provides a softer appearance to the building which is welcomed.

Roof level structures

- 7.26 The proposal includes the introduction of a number of different elements at roof level which would sit above the green roof of the proposed extension, including 8 no. ASHPs (Air Source Heat Pumps), 2 no. AOVs (Automatic Opening Vaults), 8 no. rows of photovoltaic panels, alongside a lift shaft and a roof access hatch alongside the existing services.
- 7.27 As shown in the elevation drawings, it is acknowledged that the roof level additions would project above the existing parapet of the host building. However, it is not considered that views of these structures would be largely obscured from street level, due to the height of the building and the setback from Hackney Road. In addition, the larger roof level structures, such as the ASHPs and lift hatch, have been positioned centrally within the roof to ensure that any views would be largely obscured.

Secure by Design

- 7.28 Policy D11 of the London Plan and Local Plan Policy D.DH2 seek to ensure that developments are safe and secure.
- 7.29 A condition has been applied, to ensure that the development will achieve the Secure by Design Accreditation.
- 7.30 Subject to conditions, it is considered that the proposed development as a consequence would provide a safe and secure environment in accordance with policy D11 of the London Plan and Local Plan Policy D.DH2.

Fire Safety

- 7.31 Concerns have been raised as regards the fire safety of the existing cladding. However, the Council can confirm that the existing cladding would be replaced as part of this application with non-combustible cladding. A condition has been recommended for this cladding to be installed prior to the occupation of the proposed units.
- 7.32 The application has been accompanied by a Fire Risk Assessment by Phoenix Executive which details the fire safety measures in the existing building for the occupiers of the 14 residential homes, which would also be used by the occupiers of the proposed additional 6 homes. The report confirms that the existing means of escape is via a single staircase which leads to the front entrance. The staircase is lobbied on each floor, which together with the existing doorsets, provides the existing occupiers 60 minutes to escape. The existing units have the use of a single lift and have a number of fire safety features, including a fire detection and alarm system. The report provides a number of recommendations to ensure that proposed units, which would use the existing staircase and lift, would provide adequate fire safety measures. Notwithstanding the above, the proposal would also need to ensure compliance with guidance in Approved Document B or BS9991 as part of the Building Regulations requirements.
- 7.33 The fire safety measures identified within the submitted Fire Risk Assessment will be secured by planning condition.

Neighbour Amenity

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

Daylight/Sunlight

- 7.35 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2022).
- 7.36 The documents titled Daylight, Sunlight & Overshadowing Assessments by Hawkes Environmental was submitted in support of the application to assess the daylight/sunlight and overshadowing impact on the occupiers of neighbouring properties. The report confirms that the neighbouring properties which have been assessed are:
- 2 Horatio Street; and
 - Cadell House
 - 229 Hackney Road;
 - 231 Hackney Road;
 - 233 Hackney Road;
 - 235 Hackney Road;
 - 237 Hackney Road;
 - 239 Hackney Road;
 - 241 Hackney Road; and
 - 243 Hackney Road

Daylight

- 7.37 To determine the impact on daylight to windows, diffuse daylight of an existing building may be affected by a proposed development if either:
- The Vertical Sky Component (VSC) measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value; or
 - The area of the working plane which can receive direct skylight is reduced to less than 0.8 times its former value. It should be noted that determining the area of the working plane which can receive direct light from the sky (which is often referred to as the No-Sky Line or NSL) is seen as an additional assessment, rather than as an alternative to VSC. However, since plotting the NSL requires knowledge of the room geometry, which is not usually available during an impact assessment, it is not always possible to calculate the NSL since the use of too many assumptions would make the results meaningless and unreliable.
- 7.38 The report confirms that all of the 126 windows assessed would be in full compliance with BRE Guidelines in terms of VSC levels. Paragraph 4.3 of the submitted report confirms that no assessment has been carried out in terms of No-Sky Line, given the compliance with VSC levels. It notes the BRE Guidance specifically states that the NSL assessment should only be carried out "where room layouts are known". Whilst it is recognised that there would be benefit in also having a daylight NSL assessment carried out, it is not requisite. Given the full compliance with BRE Guidelines in regards to VSC, the proposal is concluded to have a very limited and acceptable impact on daylight of existing neighbouring residential properties.

Sunlight

- 7.39 The BRE guidelines recommend that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less

than 0.8 times their former value, then the occupants of the existing building would notice the loss of sunlight.

- 7.40 The report confirms that the two windows that meet the above criteria and require assessment meet the recommendations contained within the BRE Guidance in regards to the sunlight impact of the development.

Conclusion

- 7.41 The proposed development shows full compliance with the required daylight and sunlight standards set out in BRE guidance and, as such, the daylight/sunlight impacts are wholly acceptable and consistent with policy objectives. In addition, the Council have previously considered that the two storey extension would be BRE compliant in terms of its impact on daylight/sunlight to neighbouring properties, within the Council's delegated report for the two recently refused application at the site (LBTH Refs. PA/21/02785/A1 and PA/20/02275/A1).

Overshadowing

- 7.42 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March".
- 7.43 The submitted report confirms that the proposal would be in compliance with BRE Guidelines with the two areas assessed to the rear of the building, retaining the same percentage of the Garden/Outdoor Amenity Space which receives direct sunlight for at least two hours on the 21st March which exceeds 50%.

Privacy and Outlook

- 7.44 The proposal would retain the existing separation distance with existing buildings to the front, rear and side elevations. In addition, given the proposed openings and private amenity space would replicate those on the floors below it is concluded that the scheme would not result in any significant loss of outlook to neighbouring properties.

Noise & Vibration

- 7.45 The document titled Noise Assessment by Hawkins Environmental was submitted in support of the application. This noise assessment was reviewed by the Council's Environmental Health Team and confirmed that they have no objections to the proposal on the grounds of noise and vibration subject to conditions relating to several matters including noise insulation verification report for the new residential units and post completion report, noise levels for the plant equipment, details of noise absorbent materials for the balconies.
- 7.46 In addition to the above, given there are existing residential properties with external amenity spaces in the area and that there is a policy requirement for residential private amenity space; it is not considered that amenity spaces (for private use of occupants of the flats) would give rise to untoward noise issues given their restricted size or present an unacceptable impact on neighbour amenity.
- 7.47 It should be noted that the proposal would be required to comply with Building Regulations in terms of noise between the residential units.
- 7.48 Overall, subject to the recommended conditions above, the proposal is considered acceptable in this regard.

Air Quality

- 7.49 The document titled Air Quality Assessment prepared by Hawkins Environmental has been submitted in support of the application to assess the effects of air pollutant emissions from traffic using the adjacent roads, and emissions associated with the development of the site. In addition, a risk-based assessment of the likely impact of construction on the air quality of the local environment

- 7.50 The report confirms that an air quality neutral assessment has been undertaken in line with Section 9 of the London Plan and the guidance contained within Section 4.3 of the Sustainable Design and Construction SPG. Using the methodology contained within Air Quality Neutral Planning Support Update: GLA 80371, it has been possible to calculate both Transport Emission Benchmarks (TEB) and Building Emission Benchmarks (BEB) for the proposed development. If emissions from the proposed development do not exceed these benchmarks, the development is considered to be air quality neutral. The report concludes that air pollution should not be a constraint on the proposed residential development and is therefore considered acceptable in this regard.

Light Pollution

- 7.51 The proposed additional openings are not considered to result in any significant light pollution over and above the existing situation.

Construction Impacts

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

Transport & Waste

- 7.53 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.
- 7.54 Policy D.TR2 seeks to ensure development does not have an adverse impact on the highway network. In accordance with policy D.TR3 the proposal would be a car-free development with no proposed vehicle parking and future occupiers of the residential units would be prevented from on-street car parking permits.
- 7.55 The Council's Highways Team have raised concerns about the impacts during the construction period in terms of the impact on the surrounding public highways including the service and delivery arrangements of the ground floor retail unit, particularly if using Allgood Street. A condition has been recommended for a Construction and Environmental Management Plan to be submitted prior to the commencement of development, which would be required to include these matters including ensuring construction vehicles could access and egress the site in a forward gear. Whilst the Highways Team have recommended a Section 278 for highways improvement works, given the proposal includes a legal agreement it is considered appropriate to part of the Heads of Terms.
- 7.56 Policy T5 of the London Plan (2021) refers to the minimum requirements for the provision of the cycling facilities. The design and location of cycling facilities should be fully accessible, secure, undercover and convenient. Obstacles such as stairs, tight corners, multiple doors and narrow doorways should be avoided. London Cycling Design Standards (Transport for London, 2015) should be referred to when designing cycling facilities.
- 7.57 The application confirms that each new flat would be provided with a folding bicycle which would be located at basement level and would be stored within lockers at basement. The Council acknowledges that this provision does accord with the Council's requirements or those within the London Plan and ordinarily would be unacceptable.
- 7.58 The lack of compliance was raised by the Council within the previous applications where similar cycle storage and formed one of the reasons for refusal of the prior approval application Ref. PA/20/02275. The reason for refusal is as follows:
- *1 - It has not been demonstrated that the proposed cycle storage area could physically accommodate further cycle spaces nor if they would be accessible to all users. Furthermore, the proposed refuse storage area does not have the capacity to practically accommodate the refuse and recycling output of the proposed new units.*

As such, the proposals do not comply with AA.2.(1)(a) of Schedule 2, Part 20, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.59 However, as with the design assessment above, it is important to consider the Inspectors assessment in the subsequent dismissed appeal. The evaluation of the cycle storage provision by the Inspector is found within paragraphs 11 to 14 of the Appeal Decision. As stated below (paragraphs 13 and 14 from the Appeal Decision) the Inspector acknowledges the constraints of the site but that whilst acknowledges that they are not the preferred type of cycle storage by the Council, but that the use of folding bicycle and lockers would be acceptable and that this provision could be secured by legal agreement:

- *I note there are constraints in providing the racks preferred by the Council. I also note that the site is located within an accessible location with a wide range of day-to-day services and facilities that future occupiers would be able to reach on foot. Moreover, there is further transport choice in the form of buses and overground railway and underground stations within close proximity providing future occupants with transport options.*
- *The UU would commit the appellant to providing folding bicycles and lockers. In my view, given the limited space available within the building the proposed folding bicycles and lockers would not be unacceptable. Given the site's location it would be perfectly feasible for occupants to live in the proposed development without the need for their own bicycle but utilising the folding bicycles provided, and who would be able to travel for work, services or leisure by public transport or on foot.*

7.60 As stated above in relation to the acceptability of the scale, bulk and massing in terms of the design assessment, the Inspectors comments from the Appeal Decision are a material consideration in the assessment of the planning application.

7.61 However, the Council does have concerns in terms of the implementation of this provision given the constraints of the site. Therefore, the Council considers that future occupiers should benefit from membership to the London wide Santander cycle hire scheme for a period of 5 years following the occupation of the units. The memberships would be required to be associated with the specific units, with two memberships required for each of the four 2-bed units and three for each of the two 3-bed units which result in total 14 memberships. As such an obligation to be secured by s106 agreement has been recommended for the submission of evidence to demonstrate that future occupiers would benefit from the cycle memberships.

7.62 It is considered that subject to these cycle memberships being secured by legal agreement, it would be acceptable in this regard.

7.63 Given the constrained nature of the site, the construction phase of the development has the potential to cause disruption to the local highway network. As such a condition has been recommended for the submission of a Construction and Environmental Management Plan to ensure the potential impacts would be mitigated.

Waste

7.64 The refuse storage for the existing residential units is located at basement level. The submitted document titled 1159_RRW01 Refuse, Recycling and Waste Plan details the waste storage provision for the development, it confirms an additional 1040 litres of additional refuse and 720 litres of additional dry-recyclables, and that the site benefits from weekly collections.

7.65 As with the cycle storage provision, the Council raised concerns with the refuse storage within the previously refused application Ref. PA/20/02275, stating that *the Council cannot be certain that refuse storage would be adequately contained within the site and would result in increased adverse impacts on the public highway.*

7.66 However, as with the assessment above in relation to the cycle storage, the Inspector's comments in the associated dismissed appeal regarding refuse storage should be taken into consideration. Paragraphs 8 to 10 of the Appeal Decision provides the Inspector's assessment in the terms of proposed facilities for waste recycling which would replicate those within

this proposal. As stated below (paras 9 and 10 of the Appeal Decision) the Inspector concluded that the proposed waste arrangements would not be unacceptable, and they are satisfied it would not change the method of collection. They suggest that legal agreement could be used to enlarge the waste facilities and that a condition for a waste management plan could be imposed.

- *Given the constrained nature of the ground floor this appears to be the only practical manner to manage waste arrangements. Despite having to make internal alterations, including moving the gas meters, the proposed waste arrangements would not be unacceptable. I am satisfied it would not result in an adverse impact on the neighbouring highway. Moreover, I note that it would not change the method of collection or the position of the doors. The UU would also commit the appellant to provide the enlarged waste facilities prior to occupation of the proposed development.*
- *I note that a number of representations suggest that there is no building manager who would be responsible for rotating the bins. Despite this, I am satisfied that a condition for a waste management plan could be imposed if I were minded to allow the appeal to ensure satisfactory facilities for residents.*

7.67 The Council acknowledges that the existing waste storage area is constrained, with several occupiers of the host building raising objections in relation to the expansion of the existing provision. However, as noted in the comments above, the Inspector considered the approach to waste storage in the dismissed appeal *appears to be the only practical manner to manage waste arrangements*, stating that it *would not be unacceptable* and confirms that the provision *would not result in an adverse impact on the neighbouring highway*. Given these conclusions and the similarities with the proposal including the waste provision, it is not considered to warrant the refusal of the application, and the proposed waste storage facilities are acceptable. However, the Inspector did advise that the enlarged waste facilities would need to be secured by way of legal agreement to commit the appellant to provide them prior to the occupation of the proposed development. It is considered appropriate to follow the advice of the Inspector, with the proposed waste facilities being provided prior to the first occupation of the units.

7.68 Notwithstanding the above, several representations from local residents within this scheme and the dismissed appeal raised concerns in terms of the management of the waste facilities, with no building manager responsible to rotate bins. As noted above, the Inspector in the dismissed appeal addressed these concerns and recommended that they would be satisfied with the imposition of a condition for a waste management plan to ensure satisfactory facilities for residents, including the rotation of the bins. The Council considers it appropriate to follow this advice, for this revised scheme. The Council's Waste Officer has recommended that waste collection operatives will need retained access to the refuse store or that the existing waste collection arrangements are retained. It is considered appropriate that a revised waste management plan is secured by condition to include these additional recommended elements, which would need to be submitted and approved prior to the relevant works commencing and implemented prior to the first occupation of the units. It is therefore considered that the proposal would be acceptable in this regard.

Conclusion

7.69 Overall, subject to several conditions as well as a legal agreement relating to Highway Impacts on the development, including restricting future occupiers from obtaining car parking permits, ensuring the enlargement of waste provision is implemented prior to the occupation of the proposed residential units, highways improvement works and securing 14 cycle memberships for future occupiers for 5 years from the date of the occupation, the proposal is considered acceptable in terms of the impact on the highway network and waste provision.

Environment

Energy & Environmental Sustainability

7.70 The proposal is a minor application, and an 1159_SS01 Sustainability Statement has been submitted which shows how the development will be designed to maximise energy efficiency

and reduce carbon emissions in line with Building Regulations and Development Plan principles.

- 7.71 The report states *that the rooftop development is an inherently sustainable way of constructing new dwellings as it makes use of existing foundations and service connections and supports local facilities, and results in a reduced embodied carbon and increases the sustainability of wider neighbourhoods*. It also states that *net zero operational carbon will be achieved firstly by creating a well insulated building envelope; then introducing renewable technologies including Air-source heat pumps and photovoltaic panels at roof level*. It is considered that subject to a condition requiring these measures to be implemented in full prior to the occupation of the units, it is considered acceptable in this regard.

Landscaping and Biodiversity

- 7.72 The existing site has limited ecological value and the site is not suitable for bats. There will be no significant impacts on biodiversity as a result of the proposal.
- 7.73 Policy D.ES3 requires development to deliver net gains in biodiversity in line with the Local Biodiversity Action Plan (LBAP). The Council's Biodiversity Officer has welcomed the inclusion of green roofs to the new extension and on the existing flat roofs. The submitted Sustainability Statement described the at least some of the green roofs as biosolar roofs. It is considered that if designed in line with best practice guidance published by Buglife, these will be a significant biodiversity enhancement that contributes to a Local Biodiversity Action Plan target.
- 7.74 The Council's Biodiversity Officer has recommended that full details of the biodiverse roofs should be submitted to and approved in writing by the local planning authority, and installed prior to the first occupation of the units, maximising biodiversity and designed following the best practice guidance published by Buglife.
- 7.75 Officers are satisfied that the imposition of this recommended condition would ensure that the proposal would be acceptable in this regard.

Other Matters

- 7.76 The representations from occupiers of neighbouring properties. However, a number of these are not material planning considerations and therefore cannot be taken into consideration of the application. These include the loss of a view, party wall issues, the impact on house prices/rental values, the use of scaffolding, the structural impact of the development and conflicts with existing leaseholder/freeholder agreements associated with the building.
- 7.77 Concerns have been raised in relation to the impact of the additional residential units on nearby Whitechapel Hospital in terms of interfering with helicopters accessing the hospital site. Whilst it is acknowledged that the building would be increased by two additional storeys, resulting in a building which would be six storeys in height, it is not considered to warrant the refusal of the application particularly as there are significant taller buildings within proximity of the hospital and the application site.

Infrastructure Impact

- 7.78 It is estimated that the proposed development would be liable for a Tower Hamlets Community Infrastructure Levy (CIL) payment of approximately £191,215.33.
- 7.79 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.
- 7.80 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.
- 7.81 The proposed development would not result in adverse impacts upon equality or social cohesion.

Conclusion

- 7.82 Overall, the proposal is considered to result in additional benefits in comparison to the previously dismissed appeal schemes this includes providing a reduced number of residential units (6 rather than 8), which have improved and acceptable standard of accommodation, as well as providing an obligation for affordable housing financial contributions.

8. RECOMMENDATION

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

8.2 Financial obligations

- a. £352,260.30 towards affordable housing

8.3 Non-financial obligations:

- a. Transport matters:
- Car Free development (residential)
 - Highways Improvements works
 - Cycle memberships
- b. Compliance with Considerate Constructors Scheme
- c. Enlargement of waste provision prior to the occupation of proposed residential units
- 8.4 That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
- 8.5 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

8.6 Planning Conditions

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Restrictions on demolition and construction activities:
 - a. All works in accordance with Tower Hamlets Code of Construction Practice;
 - b. Standard hours of construction and demolition;
 - c. Air quality standards for construction machinery;
 - d. Ground-borne vibration limits; and
 - e. Noise pollution limits.
4. Development in accordance with Sustainability Statement Mitigation Measures
5. Fire Safety details

Pre-commencement works

6. Construction Environmental Management Plan and Construction Logistics Plan:
 - a. Site manager's contact details and complain procedure;
 - b. Dust and dirt control measures
 - c. Measures to maintain the site in tidy condition, disposal of waste
 - d. Recycling/disposition of waste from demolition and excavation
 - e. Safe ingress and egress for construction vehicles;

- f. Numbers and timings of vehicle movements and access routes;
 - g. Parking of vehicles for site operatives and visitors;
 - h. Travel Plan for construction workers;
 - i. Location and size of site offices, welfare, and toilet facilities;
 - j. Erection and maintenance of security hoardings;
 - k. Measures to ensure that pedestrian and cycle access past the site is safe and not unduly obstructed; and
 - l. Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress.
- 7. Plant and noise/vibration verification details
 - 8. Air Quality of Mechanical Ventilation

Pre-superstructure works

- 9. Secure by design measures and accreditation
- 10. Details of external facing materials and architectural detailing.

Prior to relevant works commencing

- 11. Details of biodiversity enhancements including details of biodiverse green roof.
- 12. Noise mitigations for the balconies

Pre-occupation conditions

- 13. Revised Site Waste Management Plan
- 14. Installation of non-combustible cladding

8.7 Informatives

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

APPENDIX 1

LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

Schedule of Drawings

- 1159P/01 – Site Location Plan
- 1159P/100 – Existing Basement Plan
- 1159P/101 – Existing Ground Floor Plan
- 1159P/102 – Existing 1st/2nd Floor Plan
- 1159P/103 – Existing 3rd Floor Plan
- 1159P/104 – Existing Roof Plan
- 1159P/114 – Existing Section A-A
- 1159P/110 – Existing west elevation facing Allgood Street
- 1159P/111 – Existing north elevation facing Hackney Road
- 1159P/112 – Existing east elevation
- 1159P/113 – Existing south elevation
- 1159P/200 – Proposed basement plan
- 1159P/201 – Proposed ground floor plan
- 1159P/202 – Proposed 3rd floor plan

- 1159P/203B – Proposed 4th floor plan
- 1159P/204B – Proposed 5th floor plan
- 1159P/205B – Proposed roof plan
- 1159P/206 – Proposed 1st/2nd floor plan
- 1159P/210A – Proposed west elevation facing Allgood Street
- 1159P/211A – Proposed north elevation facing Hackney Road
- 1159P/212A – Proposed east elevation facing Hackney
- 1159P/213A – Proposed south elevation
- 1159P/214 – Proposed section a-a
- 1159P/300 – Proposed bicycle parking

Other application documents

- FIRE RISK ASSESSMENT dated 26th October 2022 and PLANNING FIRE SAFETY STRATEGY (LONDON PLAN POLICY D12) FOR NON- MAJOR DEVELOPMENT prepared by Phoenix Group
- 1159_RRW01 Reuse, Recycling and Waste Plan dated 21.06.22 prepared by FLECK
- Noise Assessment prepared by Hawkins Environmental Report no. H3545 – NV – v1 dated 26th April 2022
- 1159_SS01 Sustainability Statement by 25.05.22 prepared by FLECK
- Daylight, Sunlight & Overshadowing Assessment: Report No. H3786-DS-v1 dated 4th May 2022
- Daylight, Sunlight & Overshadowing Assessment: Report No. H3545-DS-v1 dated 10th March 2023 and associated drawings
- Air Quality Assessment: prepared by Hawkins Environmental Report no. H3545 – AQ – v1 dated 4th May 2022
- 1159HS01 Heritage Statement prepared by FLECK dated 19.05.22
- PLANNING STATEMENT prepared by CSJ Planning dated May 2022
- 1159_DA01 Design and access statement prepared by FLECK dated 25.05.22
- 1159_SS01 Sustainability Statement prepared by FLECK dated 25.05.22

APPENDIX 2

SELECTION OF APPLICATION PLANS AND IMAGES



North elevation as viewed from Hackney Road



West elevation as viewed from Hackney Road



Rear elevation as viewed from garden associated with Cadel House



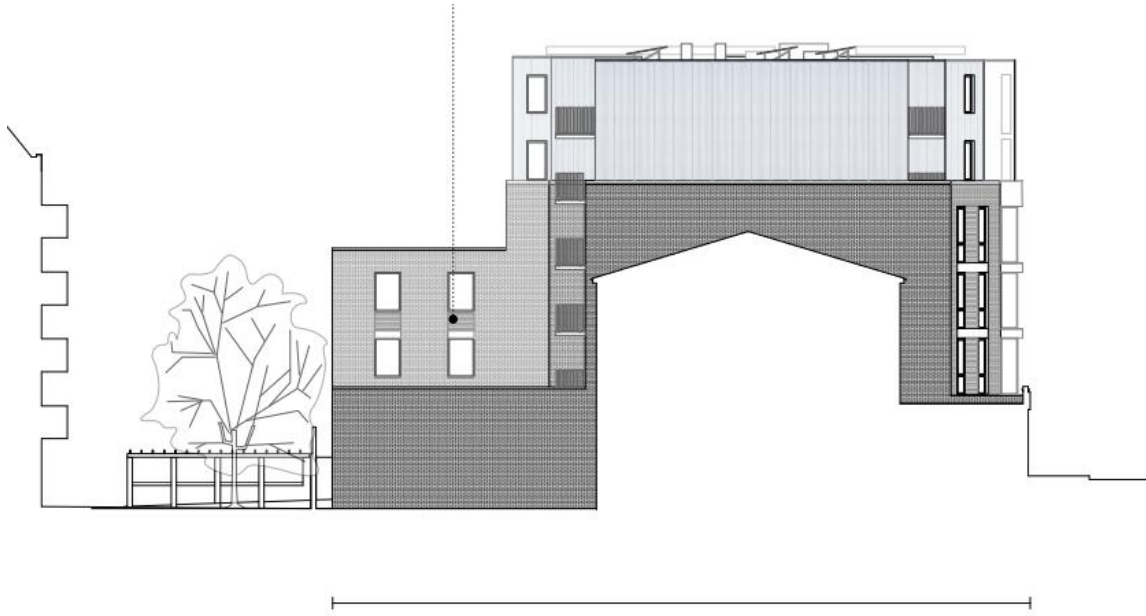
View facing north side of Hackney Road from Allgood Street junction showing buildings opposite the site



Proposed West elevation facing Allgood Street



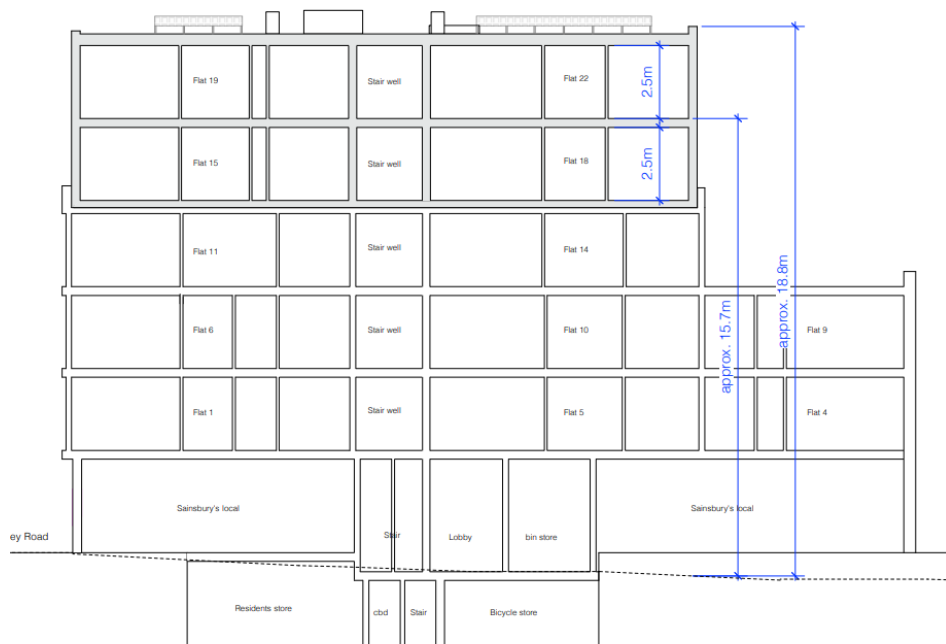
Proposed North Elevation



Proposed East Elevation



Proposed South Elevation



Proposed Section A-A



Appeal Decision

Site Visit made on 19 October 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/E5900/W/21/3270877
242 Hackney Road, London E2 7SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cyntra Properties Ltd against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/20/02275, dated 25 October 2020, was refused by notice dated 24 December 2020.
 - The development proposed is construction of 8 additional flats over 2 additional storeys to be accommodated on top of an existing detached mixed use building with A1 at ground floor level and 3 upper floors containing 14 no. flats.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) planning permission is granted for new dwellinghouses on detached buildings in commercial or mixed use, subject to limitations and conditions.
4. The prior approval provisions do not require regard to be had to the development plan. They do, however, require that regard is made to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval.
5. The revised Framework has been published since the appeal was submitted. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.
6. The appellant has produced a planning obligation by Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990. The UU would prevent parking on the development; provision of an enlarged refuse

<https://www.gov.uk/planning-inspectorate>

store; the provision of folding bicycles and bike lockers and ensures submission of a Construction Management Plan. I return to the UU later on.

Main Issue

7. The main issue is whether the proposed development would be granted planning permission by the GPDO with regard to the requirements of paragraphs AA.2.(1) (a) and (e) relating to transport and highway impacts of the development and the external appearance of the building including the design and architectural features of the principal elevation and any side elevation that fronts a highway.

Reasons

Transport and highway impacts

8. The main entrance into the apartments and bin store is located on Allgood Street. The Council raise concerns regarding the proposed facilities for waste and recycling. The building contains an internal waste storage area, and the appellant has sought to address concerns by increasing the size of the waste area so that 2 additional communal bins could be located within it.
9. Given the constrained nature of the ground floor this appears to be the only practical manner to manage waste arrangements. Despite having to make internal alterations, including moving the gas meters, the proposed waste arrangements would not be unacceptable. I am satisfied it would not result in an adverse impact on the neighbouring highway. Moreover, I note that it would not change the method of collection or the position of the doors. The UU would also commit the appellant to provide the enlarged waste facilities prior to occupation of the proposed development.
10. I note that a number of representations suggest that there is no building manager who would be responsible for rotating the bins. Despite this, I am satisfied that a condition for a waste management plan could be imposed if I were minded to allow the appeal to ensure satisfactory facilities for residents.
11. Turning to cycle storage, this is located within the basement and both main parties acknowledge that it is in high demand. The Council have indicated that the required additional spaces proposed by replacing the existing cycle stands with wall mounted racks is not supported as it is not convenient and not inclusive to all users. I share the Council's concerns in this regard.
12. The appellant has sought to address the Council's concerns by installing a locker for folding bicycles and to provide folding bicycles for the new apartments and leaving the existing cycle storage untouched.
13. I note there are constraints in providing the racks preferred by the Council. I also note that the site is located within an accessible location with a wide range of day-to-day services and facilities that future occupiers would be able to reach on foot. Moreover, there is further transport choice in the form of buses and overground railway and underground stations within close proximity providing future occupants with transport options.
14. The UU would commit the appellant to providing folding bicycles and lockers. In my view, given the limited space available within the building the proposed folding bicycles and lockers would not be unacceptable. Given the site's

location it would be perfectly feasible for occupants to live in the proposed development without the need for their own bicycle but utilising the folding bicycles provided, and who would be able to travel for work, services or leisure by public transport or on foot.

15. The proposed development makes no provision for on-site parking and there is the potential for it to generate demand for additional on street parking within a controlled parking zone. The appellant has provided a UU as the mechanism to ensure that the development would be car-free. Whilst the UU prevents parking from taking place on any part of the development it does not prevent future occupants from obtaining new or additional parking permits.
16. Consequently, the proposal would not deliver a car free development and would serve to increase parking pressure in the area. Accordingly, the proposal would have a significant and demonstrable adverse impact on transport and highway matters failing to comply with the provisions of AA.2.(1)(a) of the GPDO.

External appearance of the building

17. The appeal site is located along a densely developed road, characterised by historic development on narrow and small plots and modern large-scale developments with pockets of green space. The diverse range of buildings of varied ages, scales, forms and architecture contribute to the area's urban grain. The property is located opposite a statutory listed terrace of late Georgian houses largely still retaining their long front gardens and the Hackney Road Conservation Area (CA) which derives its significance from its historic environment.
18. The appeal property is a modern four-storey mixed use development on the corner of Hackney Road and Allgood Street. The external appearance of the building includes expanses of glazing, blue brick, render and timber cladding.
19. The Council have raised concerns that the proposed development would adversely affect the setting of nearby statutory listed buildings and the CA. The wording in the context of paragraph AA.2.(1)(e), in my view, suggests a relatively narrow assessment as to the external appearance of the proposal itself, including the design and architectural features, rather than its effect on the wider area.
20. The principle of upward extensions is established by the GPDO. The increased height and a taller building are an inevitable consequence and has to be interpreted as not being inconsistent with the street scene and wider area for the purposes of Part 20, Class AA.
21. Even if I were to agree that consideration of the effect of the proposal on the wider area is a relevant consideration, in regard to this matter the appeal property and the listed buildings are only revealed in limited close-range views from Hackney Road, in part due to the separation between the buildings and the presence of trees.
22. The overall height and form of the proposal would not be out of keeping with the built form in and around the CA which varies considerably from low rise to tall modern developments. In addition, the intervening highway and set back of the terrace from the road results in visual and physical separation between the proposal and nearby heritage assets. As such, the proposed development

would not unduly dominate the surrounding built environment or the setting of nearby listed buildings or the CA. Consequently, I find that the external appearance of the proposed building would be acceptable.

Other Matters

23. I note that representations were made by local residents raising additional concerns. However, given my findings on the main issue, it is not necessary to consider these matters in detail.

Conclusion

24. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR

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Application for Planning Permission

[click here for case file](#)

Reference	PA/22/02551
Site	7-15 Blount Street, London E14 7RL
Ward	St Dunstons
Proposal	Demolition of the existing buildings on site and redevelopment to provide 106 purpose-built student accommodation (PBSA) rooms, with associated internal and external amenity space and cycle parking, alongside commercial space at the ground floor level.
Summary Recommendation	Grant planning permission with conditions and planning obligations
Applicant	Southern Grove
Architect/agent	pH+ / Maddox and Associates
Case Officer	Fran Haines
Key dates	- Application registered as valid on 09/12/2022 - Public consultation finished on 01/02/2023

EXECUTIVE SUMMARY

The application comprises of the demolition of the existing structures and the erection of a 7-storey building providing commercial light industrial use (use Class E g iii) at ground floor, and student accommodation on floors 1 – 6. In addition, there will be associated landscaping, parking and facilities to support the proposed uses.

In land use terms, the proposed student led mixed use scheme is acceptable in this accessible location, being a short walk to numerous public transport options (DLR, national rail and bus) which provides easy access to a number of higher education institutions.

The proposed ground floor commercial space will be ‘incubator maker space,’ providing space for light industrial uses and workshop space. The commercial space would be a reversion of the existing use on site. The proposed use would interact well with the student use proposed above and would create high quality workspace, which would be an improvement on the current space.

The height, massing and design has been carefully considered to respond to the local context and will not result in harmful impacts to the heritage assets in the locality. Whilst the proposal is for a 7-storey building, due to the design approach and set-backs, the development would appear as a 6-storey building from street level. The design finish is of high quality and would contribute positively to the street scene of Salmon Lane and Blount Street.

The proposal would result in some impacts upon neighbouring residents of 1 – 35 Rayners Terrace from a daylight and sunlight perspective. Officers are satisfied that the scale and massing has been designed to minimise such impacts and the benefits of the scheme would outweigh the harm caused. There will be some impacts on privacy of some existing windows

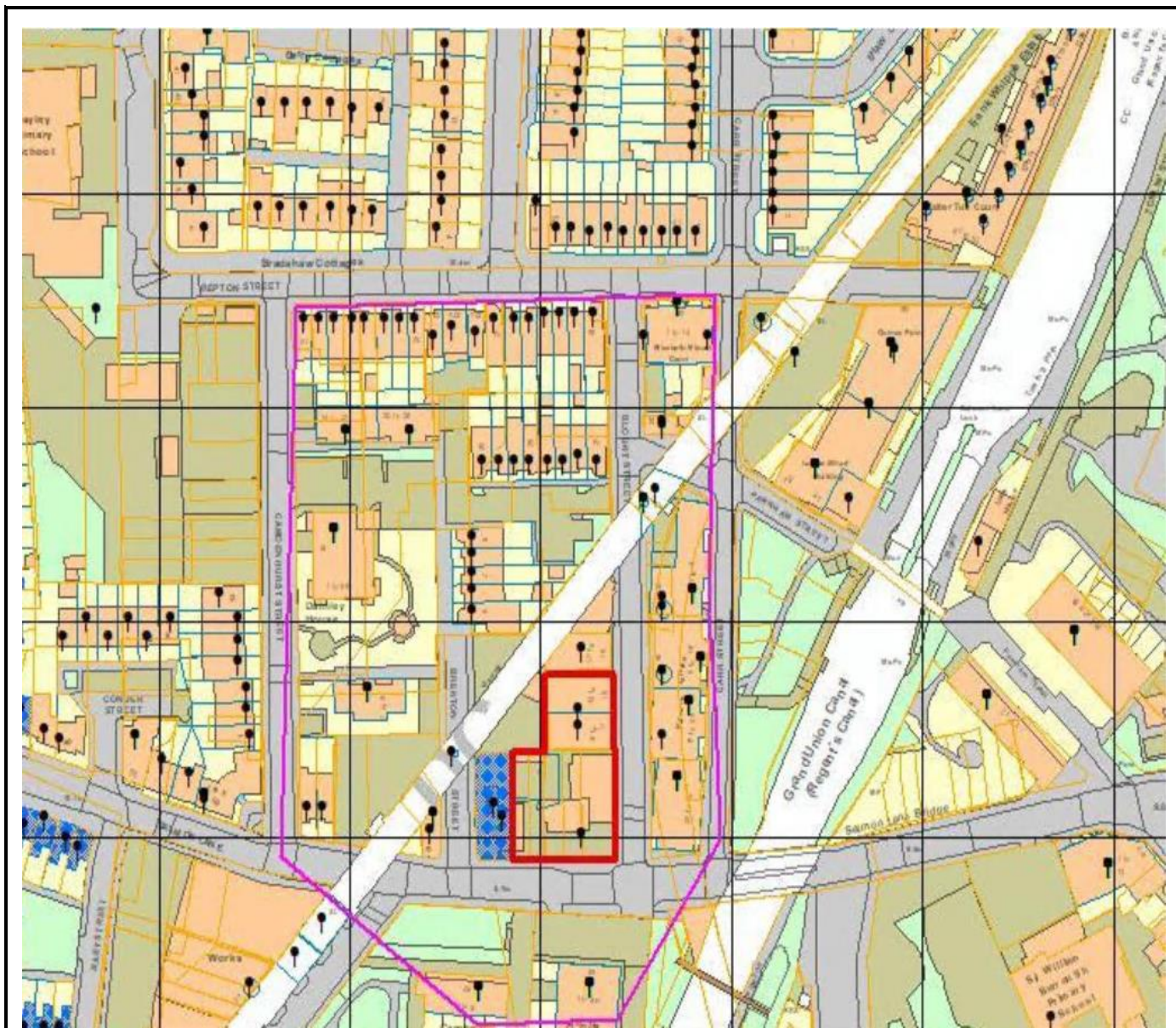
at 1 – 35 Rayners Terrace, however, the development would create more passive surveillance which is considered to outweigh the harm.

Highway improvement works have been outlined in consultation with LBTH Transport and Highways Officers and will be provided within the proposal and in perpetuity by way of S278 and S106 legal agreements. The proposed delivery and servicing arrangements will take place along Blount Street, as well as space for Blue Badge parking. Officers are supportive of the transport related considerations.








Biodiversity enhancements are also proposed within the landscaping proposals, which are considered sufficient to meet policy requirements and contribute towards ecology in the local area.

The scheme would be liable for both the Mayor of London's and the Borough's community infrastructure levy. In addition, the development would provide a necessary and reasonable contributions towards local employment and training.

Site Plan



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<ul style="list-style-type: none">  Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings 	<h2>Planning Applications Site Map</h2> <h3>PA/22/02551</h3> <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>TOWER HAMLETS</p> <p>London Borough of Tower Hamlets</p>
	Scale: 50m grid squares	Date: 18 April 2023

1. SITE AND SURROUNDINGS

- 1.1 The site is 1000sqm, bounded by Salmon Lane to the south, Blount Street to the east and a railway viaduct to the northwest. The site is currently occupied by a variety of low-density commercial uses, including a car repair workshop and MOT testing centre fronting Salmon Lane (use classes B2 / Sui generis) and 2 warehouse style buildings fronting Blount Street, used for car repairs and the storage of refrigerated goods. There is currently 399sqm of commercial floorspace at the site.
- 1.2 There is a locally listed public house, the Prince Regent, located adjacent to the site to the west fronting Salmon Lane. To the east of the site, is a low-rise commercial building which was granted permission in 2020 for an upwards extension by a single storey. Rayners Terrace forms part of that building, which contains residential flats. Immediately to the north of the site is a small low-density commercial unit, the exact details of operations there are currently unknown. There is also a residential flat on the upper floor of the Prince Regent Pub.
- 1.3 The site is not directly subject to any site designations, although the Regents Canal Conservation Area is located approximately 30 metres to the east. The York Square Conservation Area is located approximately 110 metres to the west of the application site. Other than the Prince Regent Pub, which is locally listed, there are no other nearby listed buildings.
- 1.4 The site is located in an area of sub-standard air quality. The surrounding area contains a mixture of building typologies and land uses including commercial, light industrial, parks and open spaces, however residential is the predominant use. The taller buildings in the surrounding area are generally at a height of 12 – 16 storeys. The lower lying buildings in the surrounding area are generally at a height of 2 – 4 storeys.
- 1.5 The site has good public transport links and a PTAL rating of 5. The site is within close proximity to Limehouse station to the south, which is served by National Rail and DLR. Stepney Green, Shadwell and Westferry Station are all within a 15-minute walk. Nearby bus stops are located primarily Commercial Street to the South, Burdett Road to the East and Ben Jonson Road/Stepney Green to the North. The London Cycle Network route runs along Salmon Lane directly to the south of the site. The National Cycle Network route runs along the canal and down Salmon Lane to the east, connecting the London Docks and Lea Valley.
- 1.6 There are a number of universities which are highly accessible from the site, for example, Queen Mary University is a 16-minute walk or short bus ride, the University of Cumbria in London is a 12-minute walk, or 8-minute bus ride and York St John University is a 14-minute journey on the DLR.
- 1.7 Neighbourhood town centres include Salmon Lane to the southeast, Limehouse to the southwest along Commercial Road and Ben Jonson Road to the north. Local amenities are also sited close by on Commercial Road. The site is within close proximity to local shops, facilities, and parks.

2. PROPOSAL

- 2.1 The proposal is for the re-development of the existing buildings into a seven-storey building comprising commercial space and student accommodation. The scheme proposes 400sqm of incubator maker space (Class E use) at ground floor and 106 student housing units across floors 1 - 6. Internal ancillary amenity space for all students will be provided at ground and first floor level, as well as outdoor amenity space at first, third and sixth floors.
- 2.2 The ground floor incubator maker space would comprise light industrial uses and would be accessed off Salmon Lane. This incubator maker space would provide workshop spaces, flexible workspaces, and meeting rooms for light industrial uses. The space would have its own kitchenette and cycle and refuse storage.
- 2.3 A mix of student housing rooms are proposed, including 65 studio units, 31 cluster units and 10 wheelchair accessible units. A total of 35% of the student units would be affordable, comprising 31 cluster units and 6 studio units. There will be a mix of internal and external shared amenity spaces throughout the building.
- 2.4 The proposed development would be car-free, with no parking provision other than one blue badge space on Blount Street. Cycle and refuse storage for the student accommodation and commercial unit is proposed at ground floor level, accessed off Blount Street. There will be a total of 76 long-stay cycle spaces for the student accommodation and 9 long-stay spaces for the commercial unit.



Figure 1: Visual of the proposed building viewed from Salmon Lane looking west.

3. RELEVANT PLANNING HISTORY

Application site

- 3.1 PA/21/02237/A1 – Demolition of existing buildings and erection of a building up to part ground plus 7 storeys with commercial use (Use Class E) at ground level and residential (Use Class C3) at upper floors alongside associated access, parking, and landscaping – Withdrawn.

Nearby/Related sites

- 3.2 PA/20/1839 – 16 Blount Street: Proposed second floor extension to existing offices to provide B1/B8 office use and roof terrace. **Approved 23/11/2020.**
- 3.3 PA/04/01429 – Former site at Railway Arch, West of Carr Street North of Salmon Lane and East of Blount Street (Now known as Rayners Terrace): Demolition of railway viaduct and redevelopment by erection of a four-storey building comprising 35 residential units (all affordable) and 330sqm of commercial floor space (Class B1, B8). **Approved 22/03/2005.**

4. PUBLICITY AND ENGAGEMENT

Pre-application

- 4.1 The submitted Statement of Community Involvement (SCI) sets out the non-statutory consultation undertaken by the applicant, and how this influenced the application. The programme of consultation comprised of a project website and meetings with key stakeholders including elected representatives, local residents and businesses.

Statutory application consultation

- 4.2 Upon validation of the application, the Council sent out consultation letters to 319 nearby owners and occupiers. An advert was posted in the press and a site notice was displayed outside the site.
- 4.3 In response, one letter of objection and a petition in objection with 129 signatures were received. Two letters of support have been received. The themes and issues raised in objection are summarised as follows:
- The redevelopment will have an adverse effect on the environment.
 - The development will change the physical environment of the locality.
 - This will worsen overcrowding.
 - It will obstruct sunlight to the properties next to the site.
 - It will increase pressure on public services e.g., post office, health centre.
 - It will lead to an increase in vehicle congestion and parking problems in the locality.
 - The provision of commercial facilities will change the character of the locality.
 - The development would deprive young children of potential space for play and games.
 - The space should be developed into a community facility.
 - The development will obstruct views of the neighbourhood.
 - It will be an overdevelopment of the site and too tall compared to adjacent new builds.
 - The space should be used to provide affordable housing for families as this is needed most.
 - The development will increase the noise pollution in the area.
 - This will add to disturbance and anti-social behaviour in the area.
 - It will infringe on rights to privacy.
 - Will increase CO2 emissions locally.
 - The terraces will create rooftop partying.

- 4.4 Officers acknowledge the comments made within the contents of the objections. The material considerations of this proposal will be addressed in the main body of the report, which will in turn address the comments made in the representations. It should be noted that comments made in relation to 'obstruction to views' is not a material planning consideration.
- 4.5 Letters of support have been received by International Students House (ISH) and London Metropolitan university. ISH write in support of the high quality accommodation proposed and the living experience that would be provided for students. London Met have expressed their support for additional residential capacity for ISH as they rely on ISH to provide accommodation for their students.

5. CONSULTATION RESPONSES

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

External responses

Thames Water

- 5.2 No objections to the proposed development. Piling method condition recommended.

MET Police – Secured by Design

- 5.3 There are opportunities to implement measures to ensure safe and secure environment for future residents.

- 5.4 No objections to the proposed development but recommend Secure by Design conditions.

Transport for London

- 5.5 TfL supports that proposal would be 'car free' therefore future residents should be excluded right for local parking permits, to be secured by legal agreement.

- 5.6 Cycle parking provision is satisfactory, and the on-going provision and up-keep should be secured by condition. Shower and changing facilities should be provided for the commercial unit.

- 5.7 TfL recommends that Tower Hamlets Council to secure appropriate walking/ cycling/ public realm improvements in light of findings in the Healthy Street ATZ Assessment.

- 5.8 The provision of a Framework Travel Plan is welcomed, the approval of the Final Travel Plan shall be secured by s106 agreement. It is considered that local cycle training details and offers shall also be provided as part of the Cycle Plan measures, as well as the adequate up-keep of the on-site cycle parking facility.

- 5.9 Delivery and Servicing Plan, Construction Management Plan and Construction Logistics Plan shall be secured by condition.

Network Rail

- 5.10 No objections. Informatives recommended.

HSE Planning Gateway One

- 5.11 The building will be provided with two staircases which serve the full height of the building, one of which is a designated firefighter stair. Following a review of the information provided in the planning application, HSE is satisfied with the fire safety design.

Canal and River Trust

- 5.12 The design of the proposal takes appropriate consideration of the adjacent public house. With the pub's origins (c1817) being associated with the early development of the canal corridor, its successful reincorporation into a coherent street-scene is of relevance to the conservation of the waterway heritage. In addition, the staggered treatment of the east-facing aspect of the proposal helps ensure that the limited views onto the proposal are not harmful to the Regent's Canal Conservation Area.

The scale of the development would bring more residents and visitors to the area and to the Regent's Canal and its towpath, to make use of its amenity value and convenient car-free walking and cycling route. The development may provide support through a contribution towards biodiversity improvements around the canal at Stonebridge Wharf or Salmon Lock, improved cycle connections and wayfinding at street level.

Internal Responses

Environmental Health (noise and vibration)

- 5.13 The Proposed Development is subject to the agent of change principle, in accordance with London Plan Policy D13. This places the responsibility for mitigating the impact of noise and vibration on the proposed development. This means that where new developments are proposed close to existing noise-generating uses, developments should be designed to avoid significant adverse noise and vibration impacts on the new occupiers, including residents.
- 5.14 Where a new noise-generating use is proposed close to existing noise-sensitive uses, such as residential development or businesses; the onus is on the new user to ensure its building or activity is designed to protect existing users or residents from noise impacts.
- 5.15 No objection to the proposed development on grounds of noise and vibration. Conditions recommended.

Environmental Health (contaminated land)

- 5.16 No objections. Ground contamination condition recommended.

Environmental Health (pollution)

- 5.17 The 'Air quality assessment' submitted is satisfactory. The 'Air Quality Neutral' included in the 'Air Quality Assessment' is satisfactory. Since there is no on-site parking, and since the proposed development will use electrical HVAC systems only, the proposed development is air quality neutral both from a building and transport emissions perspective.
- 5.18 No objections to the development, conditions relating to air quality during the construction phase are recommended.

Biodiversity

- 5.19 The existing application site consists entirely of existing buildings and hard surfaces. The buildings have negligible potential for bat roosts. There will not, therefore, be any adverse impacts on biodiversity.
- 5.20 Policy D.ES3 requires developments to deliver net gains in biodiversity that contribute to the Local Biodiversity Action Plan (LBAP). The Preliminary Ecological Assessment recommends enhancements including biodiverse roofs, nectar-rich planting, bat, bird and insect boxes. All of these would be appropriate at this location and would contribute to LBAP objectives and targets.
- 5.21 The proposed terraces and extensive green roofs will contribute towards LBAP targets. The proposed planting on the amenity roof terraces includes a good variety of nectar-rich perennials and shrubs, which will provide nectar for bees and other pollinators. This will contribute to another LBAP target.
- 5.22 Bird, bat and insect boxes as recommended in the PEA should be incorporated. Full details of biodiversity enhancements should be set out in a separate condition.

SUDs

- 5.23 The SUDs details are acceptable in principle. Further details regarding drainage and maintenance should be secured via planning condition.

Policy

- 5.24 Policy D.H6 states that student housing should be directed in locations which are in close proximity to higher education institutions. Close proximity is defined as being adjacent to the institution or within walkable distance of 10-15 mins. The proposed development is in close proximity to the University of Cumbria (12-minute walk). Queen Mary University is a 16-minute walk, and York St John University is a 14-minute journey on the DLR. However, the proposed development site is in PTAL zone 5, within close walking distance of Limehouse Station.
- 5.25 Paragraph 9.63 of this policy requires developments to demonstrate the proposed development would not compromise the supply of self-contained homes and would not result in a net loss of self-contained homes. In this regard, this site is currently occupied by industrial/warehouse use and is not allocated for housing in the Local Plan. It is considered therefore that the proposed development would not result in net loss of self-contained housing.
- 5.26 Policy D.EMP3 requires that developments should not result in a net loss of viable employment space outside of designated employment areas. The proposed scheme would re-provide 400 sqm (100%) of existing employment space as a 'incubator/ maker's space' (use class E g iii) and therefore satisfies the requirements of this policy.

Waste

- 5.27 A Reuse, Recycling and Waste strategy has been submitted.
- 5.28 Bin store access should be fitted with key access codes under guidelines Tower Hamlets do not accept fob access for collection as fobs tend to get lost.
- 5.29 Multi-storey residential developments should have a separate space for the short-term storage of bulky items of furniture or electrical items, at ground level. This has not been provided in this case.

Transport and Highways

- 5.30 No objection in relation to the Servicing arrangements, which would be via a servicing bay on Blount Street. A final Deliveries and Servicing plan is recommended to be secured via condition. The cycle parking provision, although a slight shortfall in meeting the required number of spaces, would meet the requirements of the London Cycle Design Standards.
- 5.31 Transport and Highways related planning obligations are recommended, including a s278 agreement to make alterations to the parking spaces / double yellow lines along Blount Street, as well as building out the existing curb line to widen the pavement along Salmon Lane. A commuted sum of £10k should be secured, if in the future there is requirement for an additional disabled bay, refundable to be held for 2 years after the site has been occupied.

Employment and Enterprise

- 5.32 The Economic Benefits Officer provided details of the required financial and non-financial obligations relating to employment and skill training which are to be secured within a s106 agreement.

Energy and Environment

- 5.33 The proposals are for a 2.5 tonnes/CO2 reduction in on-site emissions and would result in a carbon offsetting contribution of £21,090 to offset the remaining 7.4 tonnes CO2 and achieve net zero carbon. It is recommended that a post construction energy assessment be submitted, including the 'as built' calculations to demonstrate the anticipated savings have been delivered on-site. This calculation has been based on the new SAP10 carbon factors and using the recommended GLA carbon price of £95 per tonne for a 30 year period.

- 5.34 Whilst the percentage reduction in CO2 emissions falls short of the policy requirements, the scheme is delivering an electrical based low carbon ASHP system that will benefit from future decarbonisation of the national grid. It is recommended the Applicant should continue to explore energy efficiency measures and seek to deliver a better air permeability rating than currently proposed, to reduce energy requirements of the building and associated CO2 emissions.
- 5.35 In relation to sustainability policy D.ES7 states 'All new non-residential development over 500 square metres floorspace (gross) are expected to meet or exceed BREEAM 'excellent' rating'. The submitted Statement identifies that the scheme will achieve BREEAM excellent rating with a predicted score of 70.93%. This is in accordance with policy requirements and should be secured via condition with final certificates submitted to demonstrate delivery.
- 5.36 A condition requiring full details of the proposed PV array should be attached to any consent to ensure that renewable energy generating technologies have been maximised. In addition to this, an appropriate condition should be attached to ensure the building's actual energy performance will be monitored post-construction. The applicant should commit to the 'Be Seen' policy requirements and follow the monitoring guidance produced by the GLA.

Design and Conservation

- 5.37 The proposal responds to the height of the neighbouring locally listed pub by stepping down toward it and gradually transiting the height from three to seven storeys across the site. The south-eastern section of the building has been setback above the ground floor, ensuring this section of the structure aligns with the pub frontage on the first and second floors. This approach, combined with matching the three-storey height of the pub on the south-eastern section of the site, helps to reduce the impact of the taller parts of the scheme.
- 5.38 The taller sections of the building are located away from the pub at the north and west ends of the site. The top storey is recessed from the main building line and has a champagne-coloured finish to help diminish its visual presence.
- 5.39 The aesthetic of the building is a high-quality appearance. It is nicely detailed and has a solidity which grounds it and gives it presence within the street. The clever balance of the solid to glazed elements, paired with the champagne-coloured louvres, panels, and window frames, gives the top of the building a reassuring solidity without dominating the base or making the upper parts of the building appear top-heavy.
- 5.40 Minor amendments to the elevations and detailing as well as the provision of a communal kitchen suggested.

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 (2020)
- 6.3 The key development plan policies relevant to the proposal are:

Land Use – (student accommodation, employment)

London Plan – H15, E7

Local Plan – D.H6, D.EMP2, D.EMP3

Design and heritage (layout, townscape, appearance, public realm, safety, heritage)

London Plan - D1, D3, D4, D5, D8, HC1

Local Plan - S.DH1, D.DH2, S.DH3

Student Accommodation (affordable student housing, fire safety, amenity)

London Plan – H1, H15, D6, D12

Local Plan - S.H1, D.H3, D.H6

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, T8

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

Environment (air quality, biodiversity, contaminated land, flooding and drainage, energy efficiency, noise, waste)

London Plan - G1, G4, G5, G6

Local Plan - S.ES1, D.ES2, D.ES3, D.ES4, D.ES5, D.ES6, D.ES7, D.ES8, 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 Central Area Good Growth SPD (2021)
- LBTH Reuse, Recycle and Waste SPD (2021)
- LBTH Planning Obligations SPD (2021)
- LBTH Community Infrastructure Levy (CIL) Charging Schedule (2023)
- London Plan Housing SPG (updated 2017)
- London Plan Control of dust and emissions during construction and demolition SPG (2014)
- London Cycling Design Standards (2016)
- Building Research Establishment's Site Layout for Daylight and Sunlight: A Guide to Good Practice (2022)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

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

Land Use

- 7.2 The site currently comprises low-density light industrial and sui generis uses in what is a predominately residential area. Therefore, given that the site is not subject to any site-specific land use allocations, the principle of a mixed-use scheme is acceptable in principle subject to the employment floorspace requirements discussed below.

Employment Floorspace

- 7.3 Policy D.EMP3 of the Local Plan (2020) local plan states that development should not result in the net loss of viable employment floor space in areas outside of designated employment areas unless a number of tests are met, including:
- Evidence of active marketing over a continuous period of at least 24 months at a reasonable market rent which accords with indicative figures; or
 - 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.
- 7.4 Part 3 of Policy D.EMP2 outlines that new or intensified employment space will be supported in locations outside of Tower Hamlets Activity Areas, Town Centres and along major transport routes if it can be demonstrated that there is a reasonable prospect or occupancy, the employment use would contribute towards integrated placemaking or the area forms part of a cluster of similar employment uses.
- 7.5 Policy E7 of the London Plan (2021) states that mixed used intensification proposals on industrial sites should only be supported where industrial floorspace is provided.
- 7.6 The site is not subject to any site-specific land use allocations on the Borough's Adopted Policy map but is classified as an 'other employment location' under policy S.EMP1. Information submitted with the application evidence that the site is currently occupied by low density commercial uses comprising a car repair workshop and MOT testing centre fronting Salmon Lane and two warehouse style buildings fronting Blount Street, used for storage and refrigeration goods. The existing buildings are run down with parts of the car repair workshop and MOT testing centre built with corrugated metal. The two buildings used for storage of refrigerated goods comprise large floorplates accessed through garage doors, with rooflights providing the only source of natural light. It is considered that the current commercial spaces are of poor quality.
- 7.7 The proposal would deliver 400sqm of employment space in the form of 'incubator maker space,' which falls under Class E use. Such commercial units tend to be used by start-up companies, providing space for workshops and research activities. The use class would be akin to the former Class B1c (now E g iii) which would comprise of light industrial and creative industries. There would be no loss of Industrial Capacity on the site and the proposals would provide new, high quality light industrial floorspace. It is considered that the proposed use would interact well with the student use proposed above and would create high quality workspace which would be an improvement on the current space.
- 7.8 The proposals would comprise a minor uplift of 1sqm in commercial floorspace and the activities associated with the light industrial use are not considered to represent an 'intensification' of employment. As such, it is not considered that Policy D.EMP2 would need to be applied in this instance. Further, this policy relates to new employment use floorspace, which is not the case in this development, given the existing employment use at the site.
- 7.9 Officers are satisfied that the layout of the proposed 'incubator maker space' would provide sufficient space to meet the needs of employees using the space. The space includes refuse and cycle storage, WC facilities and kitchen space, therefore providing users of the unit with functional space.

Student Accommodation

- 7.10 Local Plan Policy D.H6 states that proposals involving new purpose-built student accommodation should be directed in locations which are in close proximity to the borough's higher education institutions or in highly accessible locations. Such proposals should not compromise the supply of land for self-contained homes and should have an undertaking in place to provide housing for students at one or more specific educational institutions, or otherwise provide an element of student accommodation. Furthermore, such proposals should respect existing neighbouring amenity and the development would be expected to provide a minimum of 5% wheelchair accessible units.
- 7.11 The London Plan policy H15 echoes the requirements of the Local Plan and further emphasises that a nominations agreement should be secured for occupation by students of one or more higher education provider.
- 7.12 The site offers a PTAL rating of 5, therefore making the site highly accessible to nearby higher education facilities. For example, Queen Mary University is a 16-minute walk or short bus ride, the University of Cumbria in London is a 12-minute walk, or 8-minute bus and York St John University is a 14-minute journey on the DLR.
- 7.13 The site is not within an allocation for self-contained housing and there is no extant consent for housing, therefore student housing on the site does not compromise the supply of land for self-contained homes. It is considered that the introduction of student housing on this site would contribute to creating a mixed and inclusive neighbourhood. Therefore, student housing is considered to be acceptable in principle at this site.
- 7.14 The applicant has been in discussions with 'International Students House' (ISH) to partner with them on the site. ISH is one of London's only student housing charities dedicated to international students and UK students. ISH is partnered with 32 London universities, each of which pay a membership fee to support their mission to house students. Their rents are maintained at affordable levels as part of the charity's mission, with ISH also offering bursaries and scholarships to support living arrangements.

Student Housing

Affordable Student Accommodation/ Nominations Agreement

- 7.15 London Plan (2021) Policy H15 requires the majority of the student rooms, including all affordable rooms, to be covered by a Nominations Agreement with one or more Higher Education Providers (HEP). To follow the 'fast track route', at least 35% of the accommodation must be secured as affordable student accommodation, or 50% where the development is on public land or industrial land appropriate for residential uses, where there is a loss of industrial capacity. Local Plan Policy D.H6 supports this approach and, as discussed above, the applicant has committed to entering into a nominations agreement via a s106 obligation with one or more HEP.
- 7.16 The proposal would re-provide the existing Industrial Capacity on the site. As such, the development proposes 35% affordable student accommodation which is welcomed and in line with the London Plan (2021) policy H15.
- 7.17 Specifically, the development would provide 37 affordable student rooms, including 31 cluster units and 6 studio units. This equates to 35% of the student accommodation as affordable, to be secured at rates equal to or below 55% of the maximum Government maintenance loan for living costs in accordance with the London Plan Annual Monitoring Report (AMR). The proposed offer would therefore be eligible for the Fast-Track Route, subject to the units being secured at the levels set out in the AMR in the S106 agreement, inclusive of all services and utilities as offered to a market rented unit.
- 7.18 The affordable student accommodation would have no discernible differences in quality, with all rooms in the development being finished to the same standard. The affordable and wheelchair accessible element shall be secured via a S106 obligation and condition.

Quality of Accommodation

- 7.19 London Plan policy H15 requires purpose-built student accommodation to provide adequate functional living space for students in terms of the design and layout of bedrooms. Supporting paragraph 4.15.6 of the London Plan states that student accommodation should achieve a high residential quality in line with Policy D3, which requires, among other things, a safe, secure and inclusive environment, appropriate outlook, privacy and amenity, conveniently located open spaces, and comfortable and inviting indoor and outdoor environments.
- 7.20 While there are no defined space standards (including amenity space) for student accommodation, it is the view of officers that the principles of good residential design should be applied to a proposal for student housing given that student accommodation is a primary place of residence. It is critical that design of purpose-built accommodation is of a high quality, with adequate amenity to contribute to healthy and sustainable lifestyles.
- 7.21 The student accommodation units are intended for single use only, with no provision for larger units to support families.
- 7.22 There will be two-stair cores through the building, with a maximum of 24 units and a minimum of 10 units per floor.
- 7.23 The submitted accommodation schedule sets out the range of unit types proposed. There would be a total of 31 'cluster' units with bedrooms which range from 12sqm to 17sqm, all providing an efficient layout with space for a bed, ensuite, desk, chair and storage. The shared cluster amenity spaces would range from 22sqm to 56sqm and provide a communal kitchen and living space. Depending on the floor of the building, the cluster spaces would provide shared facilities for between 2 to 8 students.
- 7.24 There will be a total of 65 studio units ranging from 15sqm to 31sqm in size, providing sufficient private space for future residents. The bedrooms have been designed with an efficient layout to provide space for a en-suite, bed, desk and chair, storage space and a kitchenette.
- 7.25 There will be communal amenity spaces located within the building which can be accessed by all occupiers of the building. On the ground floor, there will be a lounge space, laundry facilities as well as a room for flexible study space. On the first floor, there will be communal social space providing seating and sofa space. These spaces would provide a good environment for students to interact and study outside of their bedrooms.
- 7.26 High quality external amenity space would be provided in the form of 3 outdoor terraces, amounting to a total of 322sqm. These terraces would be located on the first floor, with the internal communal social space looking onto this space, the third floor and the sixth floor. All outdoor terraces would be landscaped, incorporating seating areas, planting beds, trees, shrubs and grasslands. These spaces will provide high-quality outdoor amenity space for students.



Figure 2: Illustrative landscape plan

- 7.27 A large proportion of student rooms would be single aspect, which would not be considered acceptable within a traditional housing scheme. However, the arrangement proposed does not raise any planning concerns, given the short term nature of student accommodation tenancies and provision of high quality internal and external amenity space within the scheme. Further, all windows proposed to the student rooms would be large floor to ceiling windows providing good levels of light and outlook. Any windows which look onto shared outdoor amenity space will have sufficient defensible space to ensure the privacy of the student rooms is not compromised.
- 7.28 Paragraph d of policy D.H6 states that 5% of student rooms must be wheelchair accessible. The proposal will deliver 10 accessible units (2 per floor on levels 1, and 3, and 3 per floor on levels 4 and 5), fitted-out to the same standard as the rest of the accommodation. Therefore, 9% of the units will be accessible, thus exceeding the policy requirement.
- 7.29 The scheme will provide 108sqm of internal amenity space, which equates to 1sqm of internal amenity space for each student, as well as laundry and post room facilities for each student. The shared internal amenity space for all students comprises a ground floor study space and lounge, and a first floor communal lounge. Whilst the amount of internal amenity space per student is not overly generous, it should be noted that there is 322sqm of external communal space for students to use. In addition, the students in the cluster units would have access to their own shared communal facilities and lounges. The internal amenity spaces would provide good quality spaces for all students to socialise outside of their rooms and clusters, should they wish to.
- 7.30 The space on the roof of the block is designated for PVs, ventilation and lift uses. It is considered that the scheme provides an acceptable level of amenity space for the students.

Daylight and Sunlight for Proposed New Development

- 7.31 Policy D.DH8 of the Local Plan seeks to ensure that amongst other things, adequate levels of daylight and sunlight for new residential developments, including amenity spaces within the development are achieved. The relevant guidance for assessing daylight and sunlight levels is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2022).

- 7.32 The applicant has submitted a daylight / sunlight report, produced by eb7, to assess the daylight and sunlight within the development based on BRE guidance. All the assessments have been reviewed independently by BRE.
- 7.33 The daylight and sunlight amenity provided within the proposed student accommodation has been assessed using the daylight illuminance assessments following the methodology of the 2022 BRE guidance.
- 7.34 In respect of daylight, the BRE guidance suggests that, for student accommodation, the highest targets should apply. For example, in a bed sitting room in student accommodation, the value for living room should be used if students would often spend more time in their rooms during the day. When applying the BRE targets for daylight illuminance, the results indicate that out of 112 habitable rooms, all would meet or exceed the target.
- 7.35 In respect of sunlight, the target is for the units to achieve at least 1.5 hours of direct sunlight on 21st March ideally within the main living space. The results indicate that 91 (81%) of the 112 habitable rooms analysed in the proposed development, would be able to achieve at least the minimum recommended 1.5 hours of sunlight on 21 March.
- 7.36 Whilst there are 4 bedrooms which do not achieve the 1.5 hours of sunlight required, these all have access to communal areas which exceed the minimum target for sunlight.
- 7.37 17 studios will fall below the target for sunlight, of which 9 of these are located on the northerly side of the building and given the orientation of the site, it is not possible for these units to achieve the required targets. The remaining units which do not meet the target are located to the internal 'corner' of the proposal but maintain good outlook facing west onto the communal gardens.
- 7.38 In conclusion, the proposed daylight and sunlight results to the new units are considered to be acceptable. All units would meet the daylight targets, and whilst there are shortfalls for some units in terms of the sunlight targets, the internal communal areas would receive sufficient sunlight.

Outdoor Communal Amenity Space

- 7.39 As this is a student accommodation scheme rather than conventional residential, there is no policy requirement for play space, open space or communal amenity space to be provided.
- 7.40 For outdoor amenity space, BRE guidance uses a '2 hour sun contour' analysis. This involves dividing the areas that can receive at least 2 hours of sunlight on ground from those that receive less than 2 hours. As a whole, the results suggest that 58% of the outdoor amenity spaces combined experience at least 2 hours of sun on 21 March, therefore exceeding the BRE target of 50%.
- 7.41 The first floor terrace would fall below the target for sunlight, achieving 2 hours of sunlight to 40% of the area. The landscaping plan has however been designed to respond to the pattern of sunlight by delivering both sunlit and shaded seating areas to provide occupants with varied mix of outdoor spaces.
- 7.42 The results suggest that the proposed terraces on the third and sixth floors would meet the recommendation of 2 hours of sunlight on 21 March for at least half of the area.
- 7.43 Overall, it is considered that the outdoor amenity spaces as a whole would receive adequate levels of sunlight, providing students with a range of spaces to socialise.

Design & Heritage

- 7.44 Development Plan policies require high-quality designed schemes that reflect local context and character and provide attractive, safe and accessible places that safeguard and where possible enhance the setting or heritage assets.
- 7.45 London Plan (2021) policy D3 promotes the design-led to optimise site capacity. Tower Hamlets Local Plan policy S.DH1 outlines the key elements of high quality design so that the

proposed development are sustainable, accessible, attractive, durable and well-integrated into their surroundings.

- 7.46 Policy S.DH3 (Heritage and the Historic Environment) of the Local Plan states that proposals must preserve or where appropriate, enhance the Boroughs designated and non-designated heritage assets in a manner appropriate to their significance. The policy goes on to state that proposals that would affect the setting of a heritage asset would only be permitted where, amongst other things, they safeguard the significance of the heritage asset, including its setting, character, fabric or identity and they are appropriate in terms of design, height, scale, form, detailing and materials in their local context.

Layouts

Commercial unit

- 7.47 Local Plan policy D.EMP2 requires new employment space to be completed to a standard which meets the needs of potential users. The supporting text states that development should provide sufficient cycle spaces, appropriate levels of natural light and a range of shared services and facilities appropriate for the size and scale of the unit, such as communal breakout spaces, kitchen areas and showers. Industrial units will be expected to provide double-height units, with appropriate access and good standards of internal sound insulation to minimise conflict with surrounding uses.
- 7.48 The proposed commercial unit is well laid out, providing flexible workspace, meeting rooms and workshops for future users of the unit. The large windows on the Salmon Lane elevation will align with the fenestration height of the pub, therefore relating to the surrounding context and also providing generous natural lighting. The unit has been designed with rooflights towards the rear to ensure the back of the building receives some level of natural light. The unit is provided with kitchen space, cycle and refuse storage as well as changing/shower facilities. It is considered that the proposed commercial unit is provided with all essential functions and the space will function well.

Student Accommodation

- 7.49 London Plan policy H15 states that PBSA must provide functional living space and layout. Policy D3 states that developments must achieve safe, secure and inclusive environments, with appropriate and conveniently located spaces for social interaction and with appropriate mitigation for noise and air quality impacts. It should be noted that there are currently no adopted policy or government design standards for student accommodation.
- 7.50 The ground floor layout of the student accommodation has been designed to include all essential functions associated with the use. There will be adequate space for a reception/concierge and associated facilities as well as sufficient cycle storage space. There will be ancillary student spaces at the ground floor such as lounge space, flexible study space and a laundry room. These rooms would front onto Blount Street and provide invaluable informal surveillance. The location and layout of these ancillary spaces will provide safe spaces outside of their rooms for all students located within the building to socialise and study, offering the opportunity for students to feel like part of a community.
- 7.51 A further 56sqm of internal communal social space is proposed on the first floor, providing space for sofas and dining tables. This space will be accessible to all students within the building, thus providing further space for socialising outside of individual rooms. This social space has been designed with large windows which look out onto the external shared amenity space.
- 7.52 Cluster amenity spaces are proposed on floors 1 to 6, providing students of the cluster units with space to socialise and cook. The cluster amenity spaces vary in size depending on the number of students in the cluster, but each space provides adequate layout and space.
- 7.53 As discussed earlier in the report, the development will provide 108sqm of internal amenity space for all students to use, equating to 1sqm per student. The shared internal communal spaces will be on the ground and first floors, which can be easily accessed by all students.

Whilst it is acknowledged that design officers suggested the inclusion of a shared kitchen facility within one of the communal spaces, the applicant has not provided this. Although this would provide opportunity for occupants of the studios additional cooking facilities, the studio units provide sufficient layouts which include kitchenettes. It should be noted that there are no defined standards and requirements for student housing.

- 7.54 On balance, it is considered that the proposed internal layout of the student accommodation is acceptable and will deliver adequate functional living space and layout in line with policies D3 and H15 of the London Plan (2021).

Townscape, Massing and Heights

- 7.55 The proposed building will be a ground plus six-storey building measuring a maximum of approximately 24 metres in height. The seventh storey will be recessed and set back from the front building line by approximately 1.3 metres in the Blount Street elevation and 1.8 metres in the Salmon Lane elevation, therefore largely giving the building the appearance of 6-storeys when viewed from street level.
- 7.56 The surrounding building heights are varied, ranging from tall buildings to low lying dwellinghouses. To the north of the site, single storey industrial buildings would remain following the development. To the east is a four-storey residential block fronting Carr Street. To the south is a 17-storey residential tower block and adjoining the site to the west is a three-storey public house. As such, it is evident that the site sits within a varied townscape.
- 7.57 The design responds well to the height of the adjoining locally listed public house by stepping down toward it and gradually transitioning the height from three to seven storeys across the site. The south-eastern section of the building has been setback above the ground floor, ensuring this section of the structure aligns with the pub frontage on the first and second floors. This design approach reduces the mass and height of the development to ensure the building responds well to the adjoining building.
- 7.58 The tallest sections of the building are located away from the public house at the north and east ends of the site. The top (seventh storey) is located furthest away from the site in the north-eastern corner. The top storey is recessed from the main building and has a champagne-colour finish which helps to diminish its visual dominance.
- 7.59 The design of the building has successfully reduced the mass and bulk of the development throughout. The stepped design approach, which allows terraces at first, third and sixth floor to be incorporated, as well as green roofs throughout the building, and a chamfered corner on Salmon Lane, ensures that the mass and bulk is broken up and the building does not appear heavy within the street scene. Officers are satisfied that the proposed building would sit well within the context of the neighbouring buildings.
- 7.60 The proposed building will sit above the building heights of both the locally listed pub and the Rayners Terrace flats, therefore appearing the tallest in this part of Salmon Lane street scene. The proposed height is considered to be acceptable.

Appearance & Materials

- 7.61 The appearance of the building is of a high quality, with carefully chosen detailing and materials which complement each other. In terms of the proposed materials, the building will be predominately constructed in a red coloured brick, with a lighter tone of champagne coloured metal cladding.



Figure 3: Visualisation of the building from Salmon Lane looking east.

- 7.62 There will be exposed blank walls siding the Prince Regent Public House, as well as the furthest most northern elevation. To ensure these walls are not left blank, visual interest has been added by continuing the brick banding onto these walls, which is detail that is evident on other elevations.
- 7.63 The external aesthetic will give the building a quality and cohesive appearance. The proposed detailing, brickwork and glazing together with the colour tones ensures the building is finished to a good standard. Of particular note are the proposed active frontages onto both Salmon Lane and Blount Street. As existing, the buildings on the site provide no activation and present as an untidy and rather austere built form. As proposed, new 'shopfronts' would provide passive surveillance and activation onto the street, enhancing the character of the street scene and the pedestrian environment.
- 7.64 Overall, the proposed appearance and materials will ensure the delivery of a high quality design which enhances the local character. The quality of the materiality, detailing and finish will play an essential role in achieving the desired appearance, therefore, material samples and further details will be secured by conditions.

Landscaping & Public Realm

- 7.65 The proposal includes 3no landscaped terraces which would be accessible to all students within the development. The indicative layouts of these spaces have been shown on the plans and these suggest that tranquil amenity spaces are proposed, with a good balance of hard and soft landscaping.
- 7.66 The landscaped terraces and sedum roofs throughout the development add a level of softening to the building, in particular the trees and shrubs, of which some will be visible from the street scene. To ensure the planting proposed is deliverable, full details of the planting and accommodation for long term growth will be secured via condition.



Figure 4: Visualisation of one of the outdoor terrace spaces for students.

- 7.67 Overall, the proposed landscaping strategy creates a green and verdant appearance to the building which will provide a number of high quality spaces for students to socialise outside. Whilst the applicant has indicated the nature of these spaces in the submission documents, details regarding the soft and hard landscaping, maintenance and furniture will be secured via condition.

Safety & Security

- 7.68 The Met Police were consulted as part of the application process. The Met police believe that there are opportunities within the proposals to implement measures to ensure a safe and secure environment for future residents.
- 7.69 The Met police have requested that a strategy detailing the measures to be incorporated into the development in order to meet Secured by Design accreditation, is submitted prior to the commencement of above ground works, which the applicants have agreed to.

Built Heritage

- 7.70 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. Development Plan policies require developments affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, material and architectural detail.
- 7.71 The Prince Regent Pub, located immediately west of the application site, is the closest heritage asset to the proposal. The pub is locally listed, and the proposal has sought to respond to the building height of the pub by stepping down on the western side of the building. Further, the ground floor fenestration aligns with that of the pubs ground floor fenestration height. Once part of a coherent street frontage, the pub has spent much of the last 50 years as a stand-alone building on a prominent corner. The introduction of development onto the site would bring the pub back into the street scene and create a continuous street frontage.
- 7.72 The proposed building has considered appropriate materiality, tonality, massing and articulation to ensure that there is a respectful transition between the locally listed pub and the

new development. It is considered that the building responds well to the heritage asset and does not cause detrimental harm to the significance of the locally listed pub. The Prince Regent will remain dominant on its corner in its own right and the proposal brings opportunity to reengage the pub with its surroundings.

- 7.73 The Regents Canal, which forms part of the Regents Canal Conservation Area sits approximately 50 metres to the East of the application site. The conservation area designation protects the special character of the banks of the Regent's Canal and specific canal features such as the locks, bridges, wharves, moorings and towpath. The site is within the setting of the conservation area but does not contribute to its value. Further, there is limited visibility between the site and nearby canal. As such, given the distance in land from the canal, it is not considered that the proposed development would harm the setting and appearance of the Regents Canal Conservation Area.
- 7.74 The York Square Conservation Area is located approximately 110 metres to the west of the application site, sitting on the western side of the railway arches. Given the distance from the application site, and the limited views of this Conservation Area due to the presence of the railway bridge and arches, it is not considered that the proposed development would cause harm to the nearby York Square Conservation Area.
- 7.75 Given the distance between the conservation area heritage assets and the application site, as well as the densely built environment, it is considered that there would be no impact due to the lack of intervisibility and the potential to appreciate these together. As such, the proposal is considered acceptable.

Neighbouring residential amenity

- 7.76 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.

Daylight & Sunlight

- 7.77 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2022).
- For calculating daylight to neighbouring properties affected by the proposed development, the BRE contains two tests which measure diffuse daylight (light received from the sun which has been diffused through the sky). These tests measure whether buildings maintain most of the daylight they currently received. Test 1 is the vertical sky component (VSC) which is the percentage of the sky visible from the centre of a window. Test 2 is the No Sky Line (NSL) assessment which measures the distribution of daylight within a room where internal room layouts are known or can be reasonably assumed.
- 7.78 For the above methods, the BRE guidance suggests that the existing daylight may be noticeably affected by new development if windows achieve a VSC of below 27% and are reduced to less than 0.8 times their former value, or levels of NSL within rooms are reduced to less than 0.8 times their former values.
- 7.79 For sunlight, the Annual Probable Sunlight Hours (APSH) test calculates the percentage of probable hours of sunlight received by a window or room over the course of a year. In assessing sunlight effects to existing properties surrounding a new development, only those windows orientated within 90 degrees of due south, and which overlook the site, require assessment.

7.80 The BRE Guidelines suggest that the main living rooms within new buildings should achieve at least 25% of annual sunlight, with 5% during the winter period. For neighbouring buildings, the guide suggests that occupiers will notice the loss of sunlight if the APSH to main living rooms is both less than 25% annually (with 5% during the winter) and that the amount of sunlight, following the proposed development, is reduced by more than 4%, to less than 0.8 times its former value.

7.81 The below table demonstrates the LBTH numerical classifications that are required to be applied for Negligible, Minor Adverse, Moderate Adverse and Major Adverse bandings for daylight (VSC and NSL) and sunlight (APSH).

Reduction to daylight (VSC & NSL) and Sunlight (APSH)	Effect classification
0 – 20% reduction	Negligible effect
20.1 – 30% reduction	Minor Adverse effect
30.1 – 40% reduction	Moderate Adverse effect
Above 40% reduction	Major Adverse effect

Table 1: Daylight and Sunlight effect classification

7.82 The image below shows the location of the neighbouring properties included in the applicant's daylight and sunlight assessment. The application site boundary is shown in red.



- | | | |
|-------------------------------|---------------------|------------------------|
| 1. 1-35 Rayners Terrace | 4. Anglia House | |
| 2. Prince Regent Public House | 5. Cambria House | |
| 3. 79 Salmon Lane | 6. 5 Brenton Street | 7. 21-33 Blount Street |

Figure 5: Location of assessed neighbouring properties.

7.83 The table below provides a summary of each of the neighbouring groups of properties tested and the effects on daylight and sunlight to neighbouring properties from the proposed development.

Properties	Total no. of rooms tested	Significance of daylight effects overall	Significance of sunlight effects overall
1 – 35 Rayners Terrace	33	Major adverse	Minor adverse
Prince Regent Public House	5	Minor Adverse	Negligible
79 Salmon Lane	14	Negligible	Negligible
Anglia House	67	Negligible	Negligible
Cambria House	33	Minor Adverse	Negligible
5 Brenton Street	11	Negligible	Negligible
21 – 33 Blount Street (odd numbers only)	32	Negligible	Negligible

Table 2: Impact on neighbouring properties from the proposed development

7.84 As outlined in the table above, the vast majority of neighbouring properties tested in terms of daylight and sunlight impacts would receive negligible impacts from the development. However, 1 – 35 Rayners Terrace, which is located to the east of the application site, would receive major daylight impacts. The impacts to this property will be discussed in detail below.

1 – 35 Rayners Terrace

7.85 1 – 35 Rayners Terrace is a four-storey apartment building which fronts onto Carr Street to the east, but there are a small number of habitable room windows fronting onto Blount Street, at its southern end. These windows face the application site. The windows facing the site serve bedrooms, with the exception of a column of living room windows on the corner of Blount Street and Salmon Lane. These living rooms also have windows (and balconies) that face south, towards Salmon Lane.

7.86 The results of the daylight assessments show that these windows would see reductions in daylight which would fall below the BRE VSC guidelines, with the primary impacts being to the ground floor and first floor bedroom windows and dual aspect living spaces located on the corner of Blount Street and Salmon Lane. At second floor and above, the windows which are not constrained beneath balconies retain VSC levels of c.13% and are consistent with levels considered broadly acceptable of inner urban development.

7.87 Overall, the proposal does result in an effect to the windows of the Blount Street elevation of the 1-35 Rayners Terrace units due to the inevitable change in scale from development. Notwithstanding this, the number of units affected is limited, with the predominate effect being to bedrooms of the lower floors, which are less sensitive than main living room windows. As the primary use of bedrooms is to sleep, the reduction in daylight is considered to be acceptable.

- 7.88 In terms of sunlight, the results indicate that there will be minor shifts in retained ASPH affecting two living spaces, one at ground and one at first floor level. Both of these rooms will continue to exceed the target for window sunlight but will experience marginal reductions in overall sunlight to 20% and 24% respectively. These are considered to be modest deviations from the 25% APSH target and, given that the more constrained levels of sunlight received during the winter months, will remain unchanged, these deviations are unlikely to have a substantive impact on the everyday use of these living spaces.

Privacy, Outlook and Enclosure

- 7.89 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.
- 7.90 Given the design and angle of the chamfered corner, it is not considered that the living spaces located in 1 – 35 Rayners Terrace on the corner fronting Blount Street and Salmon Lane will be harmfully overlooked. Occupants of the chamfered corner student units will only have oblique views of the Rayners Terrace living spaces; therefore, it is not considered that there would be a detrimental loss of privacy and overlooking into these rooms.
- 7.91 At the developments closest point, there would be a distance of approximately 11.3 metres between the bedroom windows facing the site at 1 – 35 Rayners Terrace and the proposed new building. Whilst this is not an ideal arrangement and there will be some loss of outlook from these west facing windows at Rayners Court, the relationship would not be uncommon to an urban area. The affected windows at Rayners Court primarily serve bedrooms and the respective flats are dual aspect, with either additional southern or easterly outlooks, which would remain unaffected with the proposal in place.
- 7.92 On balance, the impacts on privacy, outlook and enclosure to the surrounding occupiers as a result of the development are considered to be acceptable.

Overshadowing impact

- 7.93 In respect of overshadowing to neighbouring gardens and amenity areas, the guidelines require that at least 50% of amenity areas should receive at least 2 hours of sunlight on 21 March to appear adequately sunlit throughout the year. If, as a result of new development, an existing garden or amenity area does not meet the above, and the area that can receive 2 hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.
- 7.94 An overshadowing assessment has been carried out on the amenity area and gardens at 1 – 9 Brenton Street to the north of the site. The assessment concludes that there will be no material impact to the rear gardens at 1 – 3 and 5 Brenton Street, with these areas continuing to enjoy 2 + hours of sunlight on 21 March.
- 7.95 The results show that currently the garden of no.6 Brenton Street receives at least two hours of sun on 21 March. As a result of the proposal, 20% of the space will be left with at least 2 hours of sun on 21 March. This reduction is considered to be moderate, and it should be noted that the existing railway viaduct exacerbates the percentage reductions. There will be a minor shift in pattern to shading overall and will not have a significant impact on the use of the garden space.

Noise & Vibration

- 7.96 The Council's Environmental Health officers have reviewed the application. Subject to details being submitted via condition regarding the submission of a Noise Verification Report for the student units and restrictions on demolition and construction activities, there are no objections to the proposed development.

- 7.97 It is acknowledged that the proposed terraces at first, third and sixth floor may give rise to additional noise and activity which could be noticeable to neighbouring properties. To ensure this kept to a minimum and the amenities of neighbouring properties is protected, a condition restricting the terrace use times from 8am to 10pm (see condition 5) will be attached to the permission.
- 7.98 Subject to the conditions recommended, it is not considered that the development will generate unacceptable noise impacts.

Construction Impacts

- 7.99 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. However, this noise and disturbance would be a short term impact. Details for minimising these impacts would be provided via condition for the submission of Construction Environmental Management and Logistics and Plan.
- 7.100 In addition, in accordance with the Planning Obligations SPD, conditions would be secured towards development co-ordination and integration.

Transport

- 7.101 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.
- 7.102 Local Plan policy S.TR1 states that developments should prioritise pedestrians and cyclists; be integrated effectively alongside public transport, walking and cycle routes; be focused in areas with high levels of public transport connectivity; and not adversely affect the capacity, quality, accessibility and safety of the transport network in the borough.
- 7.103 The site is located approximately 320m from Limehouse DLR station. The site has good accessibility to local convenience stores, GPs and local employment. The site has a PTAL rating of 5 which is very good with respect to public transport.

Vehicular, pedestrian and cycle access

- 7.104 The commercial space will have two entrances, from Salmon Lane and from the chamfered corner fronting Salmon Lane and Blount Street. The student accommodation would have three entrances on Blount Street.
- 7.105 There would be no vehicle access into the site, with all deliveries, servicing and drop off taking place via a dedicated loading bay on Blount Street.
- 7.106 Cycle parking for students will be accessed off Blount Street, through a large entrance lobby then through 2 x doors to the store, of which one of these doors will be permanently open and will only shut upon fire alarm activation. The doors will be button operated to ensure ease for cycle users. It is considered that the access route to the cycle store for students is acceptable and easily accessible.
- 7.107 The cycle parking for users of the commercial space will be accessed from Blount Street. There will be one set of doors which open inwards onto the store. It is considered that the storage is easily accessible for users of the commercial unit.
- 7.108 In summary, the proposed access arrangements are considered adequate and would provide an appropriate movement strategy for the proposed development.

Deliveries & Servicing

- 7.109 Deliveries and servicing associated with the student accommodation are expected to mostly be small to medium sized vans relating to daily deliveries, with a small number of larger vehicles collecting waste once a week.

- 7.110 For the commercial use, it is not expected that the use would generate any additional servicing/delivery trips that will materially differ from the existing use. Based on similar developments in the borough, the commercial space is not expected to generate more than 3 deliveries per day.
- 7.111 The proposed deliveries and servicing arrangements would occur along Blount Street, from a new on-street loading bay. The proposed servicing bay will be located on the western side of Blount Street, measuring approximately 10m in length. The bay would provide space for deliveries and refuse collection adjacent to the development. A dropped curb will be created to ensure that bins can be manoeuvred easily from the bin store to the collection point.
- 7.112 Whilst it is recommended in policy in the Local Plan to have servicing take place on site, the site is heavily constrained in respect of the requirement to re-provide the existing use and provide the necessary requirements of the student accommodation. It is considered that the benefits of the scheme, notably the provision of high quality workspace which would be an improvement on the existing arrangements, outweigh the use of Blount Street for servicing.
- 7.113 LBTH Highways Officers reviewed the Deliveries and Servicing Plan and arrangements provided. Officers were content that the details provided at this stage demonstrated that such movements could be sufficiently accommodated along Blount Street.
- 7.114 Students drop off and pick up would likely occur twice a year. These will take place in the deliveries and servicing bay. Full details of how this will be managed will be secured within the full Deliveries and Servicing Plan which will be secured via condition, prior to the occupation of the development. Measures such as a booking system for student drop off and pick up to ensure the bay and road is not overcrowded will be implemented.

Car Parking

- 7.115 In line with policy, the development will be car free, with one blue badge holder parking space to be provided on Blount Street. An additional space would be provided on-street, should the demand require, which would be funded by a s106 contribution.
- 7.116 Policy requires accessible parking to be provided within the site boundary. In this instance, it has not been possible to provide blue badge parking within the site boundary due to the facilities and requirements of the student use and commercial space. The site constraints have meant that the blue badge bay would be provided on street. An on-street accessible bay would mean that the bay is not dedicated solely to the users of the development, as it would be open to all blue badge holders. Should demand demonstrate that additional blue badge bays are required, these will be secured via s106 agreement.
- 7.117 The proposed blue badge space is considered to be acceptable, and officers welcome the provision of the space immediately adjacent to the building.

Cycle Parking and Facilities

- 7.118 London Plan (2021) policy T5 provides the minimum cycle parking standards for different land uses.
- 7.119 The London Cycle Design Standards (2016), produced by TfL, sets out that cycle parking for developments should be secure, well located, covered, fully accessible and managed. There should be options for long stay and short stay spaces.
- 7.120 The student accommodation would require a minimum of 80 long stay cycle stands, based on the London Plan (2021) standards. The proposal includes 76 long stay spaces, comprising 23 Sheffield style stands and the remainder comprising two-tier stands. Sheffield stands are the preferred style of cycle storage as they are considered to be most accessible for users. Whilst there is a slight shortfall in the number of spaces, given the generous amount of Sheffield style spaces, officers consider the slight shortfall to be acceptable on balance. There will be 4 short stay Sheffield stands on the chamfered corner.

- 7.121 The students cycle store will be accessed from Blount Street, through 3 sets of doors, 1 of which will remain permanently open unless a fire alarm is activated. The doors will be operated via a push button system, therefore providing easy access for cycle users.
- 7.122 For the commercial use, the London Plan would require 2 long stay spaces for the proposed use class (light industrial) and amount of floor space proposed. The size of the unit would not meet the minimum space requirement to provide short stay spaces. The proposed cycle storage for the commercial unit comprises space for up to 9 cycles, using a mix of Sheffield stands and two-tier racks. There will also be 4 short-stay Sheffield style spaces on the chamfered corner.
- 7.123 The commercial cycle storage will be accessed from inward opening doors off Blount Street, located next to the refuse store. The cycle storage proposed is generous and accessible for users of the commercial space.
- 7.124 In summary, the proposed provision of cycle storage is considered acceptable in accordance with policy requirements.

Trip generation

- 7.125 The applicant has provided a transport statement which concludes that the development would have negligible impact on the local transport network.
- 7.126 It is not considered that the proposed development would have a significant impact on existing nearby stations and services. No concerns have been raised by statutory consultees.

Travel Planning

- 7.127 A framework travel plan has been provided. A final Travel Plan would be secured and monitored via a s106 agreement.

Environment

Energy & Environmental Sustainability

- 7.128 Generally, a decarbonisation agenda has been adopted at all planning policy levels. Policy SI2 of the emerging London Plan requires major development to be net zero-carbon. This means reducing carbon dioxide emissions from construction and operation, and minimising both annual and peak energy demand in accordance with the following energy hierarchy.
- Use Less Energy (Be Lean),
 - Supply Energy Efficiently (Be Clean), and
 - Use Renewable Energy (Be Green)
 - Monitor, verify and report on energy performance (Be Seen).
- 7.129 Policy D.ES7 includes the requirement for non-residential developments to be zero carbon with a minimum of 45% reduction in regulated carbon dioxide with the remainder to be offset with cash payment in lieu.
- 7.130 The submitted Energy and Sustainability Statement by The PES, dated November 2022, sets out the proposals to reduce energy demand through energy efficiency measures, efficient heating system (communal air source heat pump) and renewable energy generating technologies (solar panels).
- 7.131 The proposed energy strategy would result in a 2.5 tonnes/CO₂ (25.25%) reduction in on-site emissions compared to the GLA's SAP10 baseline. Whilst the percentage reduction in CO₂ emissions falls short of the policy requirements, the scheme is delivering an electrical based low carbon ASHP system that will benefit from future decarbonisation of the national grid. A condition will be attached to the permission to secure details of the proposed PV array to ensure that renewable energy generating technologies have been maximised.

- 7.132 In order to support the scheme, the residual CO2 emissions should be offset through a carbon offsetting contribution of £21,090 to deliver a policy compliant net zero carbon development. This contribution will be secured through a planning obligation. In addition, appropriate conditions would be levied to secure the energy proposals, post completion verification and monitoring of the buildings energy performance.
- 7.133 D.ES7 of the Local Plan also states, 'All new non-residential development over 500 square metres floorspace (gross) are expected to meet or exceed BREEAM 'excellent' rating'. The submitted BREEAM pre-assessment identifies that the scheme will achieve BREEAM excellent rating with a score of 70.93%. This is supported and would be secured via condition with final certificates submitted to demonstrate delivery.

Air Quality

- 7.134 London Plan policy S11 and Tower Hamlets Local Plan policy D.ES2 require major developments to submit an Air Quality Assessment demonstrating to meet or exceed at least Air Quality Neutral standard. The site lies within an area of substandard air quality, as set out by in the LBTH Air Quality Management Area (AQMA)28.
- 7.135 The application is accompanied by an Air Quality Assessment, including an Air Quality Neutral assessment, by The PES, which has been reviewed by the Council's Air Quality Officer. The assessment concludes that the proposal would be air quality neutral, in accordance with planning policy.
- 7.136 With regard to building emissions, the proposed development will use Air Source Heat Pumps (ASHP) with photovoltaic technology (PV). Therefore, the proposed development is air quality Neutral with respect to building-related emissions.
- 7.137 The mitigation measures to prevent dust nuisance and air pollution during construction and the life of the development would be secured via a condition, as requested by the Council's air quality officer.
- 7.138 On the basis of the above, it is considered that the proposed development therefore meets the requirements of the Air Quality Neutral Guidance and has No Adverse Impact.

Waste

- 7.139 Policy D.MW3 of the Local Plan (2020) requires adequate refuse and recycling storage alongside and combined with appropriate management and collection arrangements.
- 7.140 For the commercial unit, the development proposes a refuse store which opens onto Blount Street, located next to the cycle store.
- 7.141 For the student accommodation, provision has been made for 130 litres of waste per student. A bin store is provided on the ground floor, which will be accessed internally through the building, but also accessible onto Blount Street. It is noted that LBTH Waste team preference is for a Underground Recycling and Residual Waste System (URS) for developments of 50 units or more. However, officers consider the bin store facility to be acceptable for a building of just over 100 students, which would be fewer occupants than a scheme of 50 flats.
- 7.142 The proposed arrangement is considered to be appropriate and compliant with planning policy subject to securing a final Waste Management Plan via condition. Details such as the bin store access arrangements and who will manage the collection of waste on collection days, will be secured within this condition.

Biodiversity

- 7.143 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.

- 7.144 The applicant has submitted a Biodiversity Net Gain Assessment and a Landscape Strategy, which was reviewed by the council's Biodiversity Officer. The proposals in the Landscape Strategy include amenity roof terraces at 1st, 3rd and 6th floor levels and extensive green roofs at 1st, 3rd, 4th, 5th, 6th floor and rooftop levels. The proposed extensive roofs total 329 square metres, with substrate depth between 80 and 120mm to provide a varied topography, planted with a mix of sedum and wild flowers, and have additional habitat such as piles of logs. This qualifies as a biodiverse roof and will contribute to LBAP targets.
- 7.145 The proposed planting within the amenity roof terraces would provide a good variety of nectar rich perennials and shrubs. Further, bird, bat and insect boxes have been recommended in the Biodiversity Assessment. Full details of biodiversity enhancements will be secured via condition.

Flood Risk & Drainage

- 7.146 London Plan Policy SI13 sets out that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 7.147 Tower Hamlets Local Plan policies D.ES4 and D.ES5 seek to manage flood risk and encourage the use of Sustainable Urban Drain is protected to a very high standards by the Thames tidal flood defences up to a 1 in 1000 (0.1%) change in any given year. Policy D.ES6 requires new development to minimise the pressure on the combined sewer network.
- 7.148 The site is located within Flood Zone 1; therefore, the site has no significant risk of tidal or fluvial flooding. There are surface and ground water flooding risks associated within the wider catchment area. Consequently, the application of the London Plan Policy SI 13 and Local Plan Policy D.ES5 are relevant, making sure the proposed buildings freeboard threshold levels and finished floor levels are set to mitigate against any potential flooding risk.
- 7.149 The application is supported by a Flood Risk Assessment (FRA), prepared by The PES. The proposed development has incorporated onsite surface water storage using SUDs features, such as extensive green roofs, a geo-cellular storage tank and a rainwater harvesting butt system to filter rainwater from the buildings down pipes and direct to the landscaped areas. The Council's SUDs officer reviewed the information provided and is agreement to the SUDs features in principle. Conditions securing the maintenance of the drainage scheme have been recommended.
- 7.150 Thames Water Authority have not raised any objection to the scheme, subject to the incorporation of a condition requiring details on a Piling Method Statement.

Land Contamination

- 7.151 The application includes a Desk Study / Preliminary Risk Assessment Report by Jomas Associates Ltd. This has been reviewed by the Council's Environmental Health Contaminated Land Officer. Subject to the inclusion of standard pre-commencement and pre-occupation condition, the proposal is considered acceptable and in accordance with Tower Hamlets Local Plan policy D.ES8.

Health Impact Assessment

- 7.152 London Plan GG3 requires developments to assess their potential impacts on the mental and physical health and wellbeing of communities through the use of Health Impact Assessments (HIAs). Tower Hamlets Local Plan D.SG3 requires major developments referable to the GLA to provide an HIA.
- 7.153 The application is supported by an HIA, authored by Greengage. Notable benefits of the scheme for students includes access to landscaped external spaces, communal social spaces and being in a highly accessible location providing excellent connections into and around the city. For the wider community, the development will provide benefits such as employment opportunities and active ground floor uses.

Infrastructure Impact

- 7.154 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £736,650 and Mayor of London CIL of approximately £176,040.
- 7.155 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.
- 7.156 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD, as follows:
- £16,300 towards construction phase employment skills training
 - £2,864.68 towards end-user phase employment skills training
 - £4,075.00 towards development Coordination and Integration
 - £21,090 toward carbon emission off-setting

Human Rights & Equalities

- 7.157 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.
- 7.158 The proposed student accommodation would exceed the policy requirement for wheelchair accessible units, providing 10 wheelchair units in total which meet the inclusive design standards. Further, the proposed affordable student housing would be of particular benefit to students that are socially/economically disadvantaged.
- 7.159 For the wider community, the proposal would provide opportunity for employment within high quality workspace.
- 7.160 The application has undergone the appropriate level of consultation with the public and Council consultees. The applicant has also carried out an extensive engagement with the existing residents of the surrounding area.
- 7.161 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

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

8.2 Financial obligations

- a. £16,300.00 towards construction phase employment skills training
- b. £2,864.68 towards end-user phase employment skills training
- c. £21,090.00 toward carbon emission off-setting
- d. £4,075.00 towards Development Coordination and Integration
- e. £12,716.48 monitoring fee

Total financial contributions: £57,045.68.

8.3 Non-financial obligations:

- a. Affordable student accommodation (35%) – 37 units
- b. 10 Wheelchair accessible units
- c. Nominations agreement (to take place prior to occupation)
- d. Access to employment
 - 20% local procurement
 - 20% local labour in construction
 - 2 construction phase apprenticeships
- e. Transport matters:
 - Car Free development
 - Approval and implementation of a Travel Plan
 - S278 Agreement (works to the kerb line and cost associated with providing on-street loading bay and associated waiting restriction).
 - Additional Blue Badge parking (should demand require)
- f. Compliance with Considerate Constructors Scheme

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

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

8.6 Planning Conditions

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Restrictions on demolition and construction activities:
 - a. All works in accordance with Tower Hamlets Code of Construction Practice;
 - b. Standard hours of construction and demolition;
 - c. Air quality standards for construction machinery;
 - d. Ground-borne vibration limits; and
 - e. Noise pollution limits.
4. Light industrial uses only in commercial space (Class E(g)(iii))
5. Outdoor terrace opening hours restricted to 8am – 10pm
6. Cycle storage
7. Noise from plant level maintained.

Pre-commencement

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

8. Construction Environmental Management Plan and Construction Logistics Plan (in consultation with TfL):
9. Land Contamination Remediation Scheme (subject to post completion verification).

10. Dust Management Plan and PM10 Monitoring.
11. Details of plant machinery to be used at the demolition and construction phases.
12. Piling Method Statement (in consultation with Thames Water).

Pre-superstructure works (above ground works)

13. Details of external facing materials and architectural detailing.
14. Details of hard and soft landscaping of all public realm and open spaces including furniture and lighting.
15. Biodiversity enhancements.
16. Secured by design strategy detailing measures.
17. SUDs maintenance provisions.

Pre-occupation

18. Noise verification report
19. Deliveries and Servicing Plan
20. Waste Management Plan
21. Energy assessment with 'As built' calculations
22. Full details of proposed PV array
23. Secured by Design accreditation certificate

Post Occupation

24. BREEM rating certificates
25. GLA 'Be Seen' verification report

8.7 Informatives

1. Permission subject to legal agreement.
2. Development is CIL liable.
3. Thames Water – proximity to assets.
4. Network Rail - infrastructure

APPENDIX 1

LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

1043 – X – 0000 – GA – 1 - Site Location Plan
1043 – X – 0001 – GA – 1 - Existing Site Plan
1043 – X – 0002 – GA – 1 - Existing Site Plan
1043 – X – 0010 – GA – 1 - Existing Ground Floor Plan
1043 – X – 0040 – GA – 1 - Existing East Elevation
1043 – X – 0041 – GA – 1 - Existing South Elevation
1043 – X – 00101 – GA – 2 – Proposed Site Plan
1043 – X – 00102 – GA – 2 – Proposed Site Plan
1043 – X – 0200 – GA – 13 – Proposed Ground floor Layouts
1043 – X – 0201 – GA – 10 – Proposed First floor Layouts
1043 – X – 0202 – GA – 10 – Proposed Second floor Layouts
1043 – X – 0203 – GA – 10 – Proposed Third floor Layouts
1043 – X – 0204 – GA – 9 – Proposed Fourth floor Layouts
1043 – X – 0205 – GA – 9 – Proposed Fifth floor Layouts
1043 – X – 0206 – GA – 9 – Proposed Sixth floor Layouts
1043 – X – 0207 – GA – 9 – Proposed Roof Layouts
1043 – X – 00300 – GA – 2 – Proposed Section A-A
1043 – X – 00301 – GA – 2 – Proposed Section B-B
1043 – X – 00302 – GA – 2 – Proposed South & East Long Sections
1043 – X – 0400 – GA – 3 – Proposed East Elevation
1043 – X – 0401 – GA – 3 – Proposed South Elevation
1043 – X – 0402 – GA – 3 – South & East Street Elevation
1043 – X – 0403 – GA – 3 – Proposed West Elevation
1043 – X – 0404 – GA – 3 – Proposed North Elevation
PLA 0058 SD 001 R01 – Illustrative Landscape Plan

Other application documents

Air Quality Assessment – Prepared by The PES (17 November 2022)
Biodiversity Impact Assessment – Prepared by Greengage (November 2022)
Construction & Environmental Management Plan – Prepared by The PES (November 2022)
Daylight and Sunlight Addendum Report - Prepared by eb7 (02 March 2023)
Daylight and Sunlight Report – Prepared by eb7 (28 November 2022)
Design and Access Statement - Prepared by pH+ Architects (November 2022)
Desk Study / Preliminary Risk Assessment Report – Prepared by JOMAS Ltd (Sept 2021)
Energy & Sustainability Statement - Prepared by The PES (17 November 2022)
Fire Statement – dated 23.11.2022.
Foul Sewerage & Utility Statement – Prepared by Seneca (Oct 2022)
FRA & SuDS Strategy Statement – Prepared by The PES (25 November 2022)
Framework Travel Plan – Prepared by RPS (28 November 2022)
Health Impact Assessment – Prepared by Greengage (November 2022)
Healthy Streets Transport Assessment – Prepared by RPS (28 November 2022)
Heritage Impact Assessment – Prepared by HCUK Group (September 2022)
Landscape Strategy – Prepared by PLAN Design Landscape Architects (November 2022)
MEP Services Strategy – Prepared by Seneca (October 2022)
Noise & Vibration Impact Assessment – Prepared by ALN Acoustic Design (November 2022)
Outline Delivery and Servicing Plan – Prepared by RPS (03 Feb 2023)
Planning Statement – Prepared by Maddox Planning (November 2022)
Preliminary Ecological Appraisal – Prepared by Greengage (November 2022)
Reuse, Recycling and Waste Plan – Prepared by pH+ Architects (Feb 2023)
Statement of Community Involvement – Prepared by Carvil Ventures Ltd (November 2022)
Unit Area Schedule (17.02.2023)
Wind Assessment – Prepared by SLR (November 2022)

APPENDIX 2 – Existing Site Photos



View from Salmon Lane looking North with Blount Street on the right of this image. Darnley House is the visible tall building which is 17 storeys of residential flats.

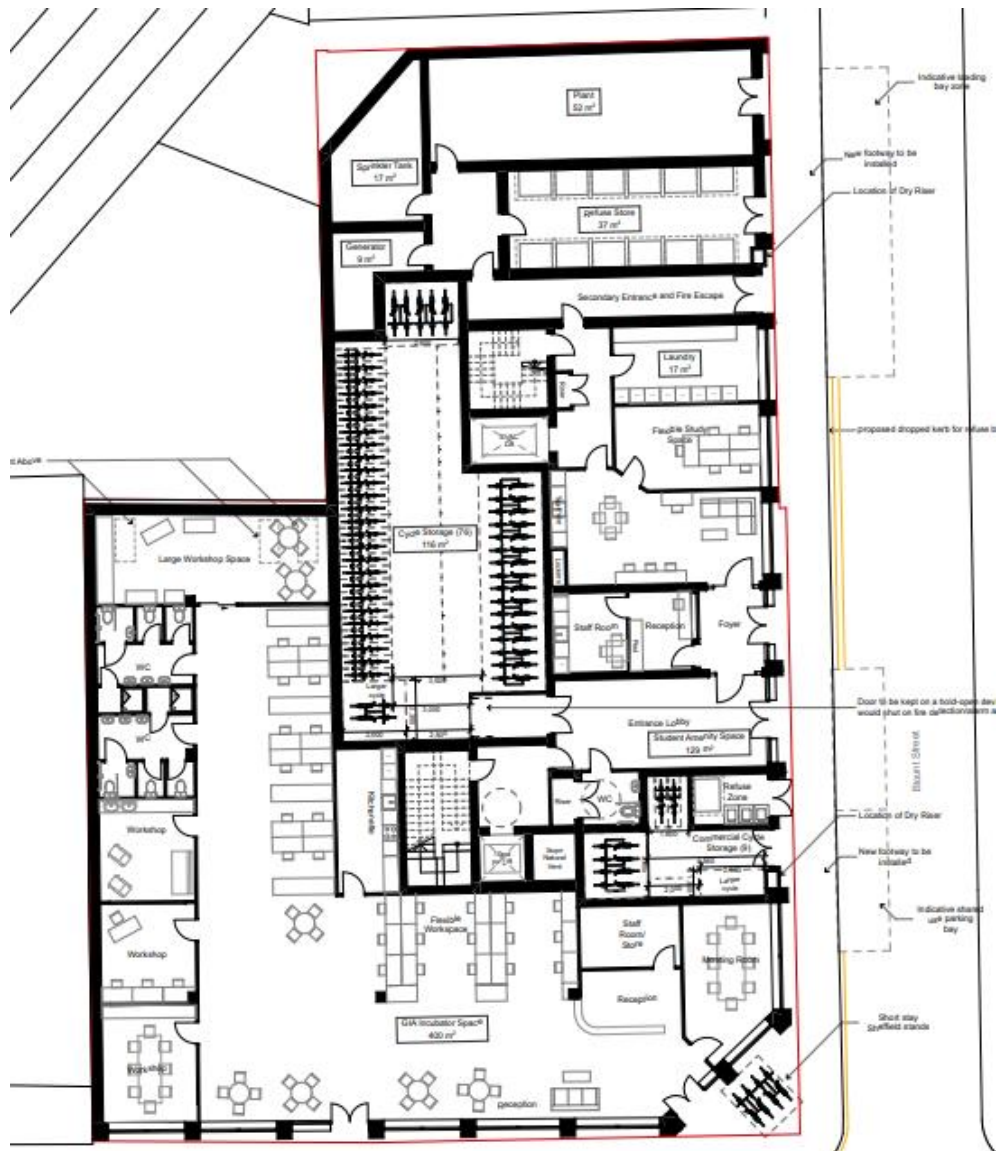


View from Salmon Lane looking West, with the flank wall of the Prince Regent Pub siding the site.



View from Blount Street looking South. The application site is visible along the right of this image. 1 – 35 Rayners Terrace is a residential block located on the left of this image in blue. Anglia House is the central tower which is 17 storeys of residential flats.

APPENDIX 3 – Proposed Drawings



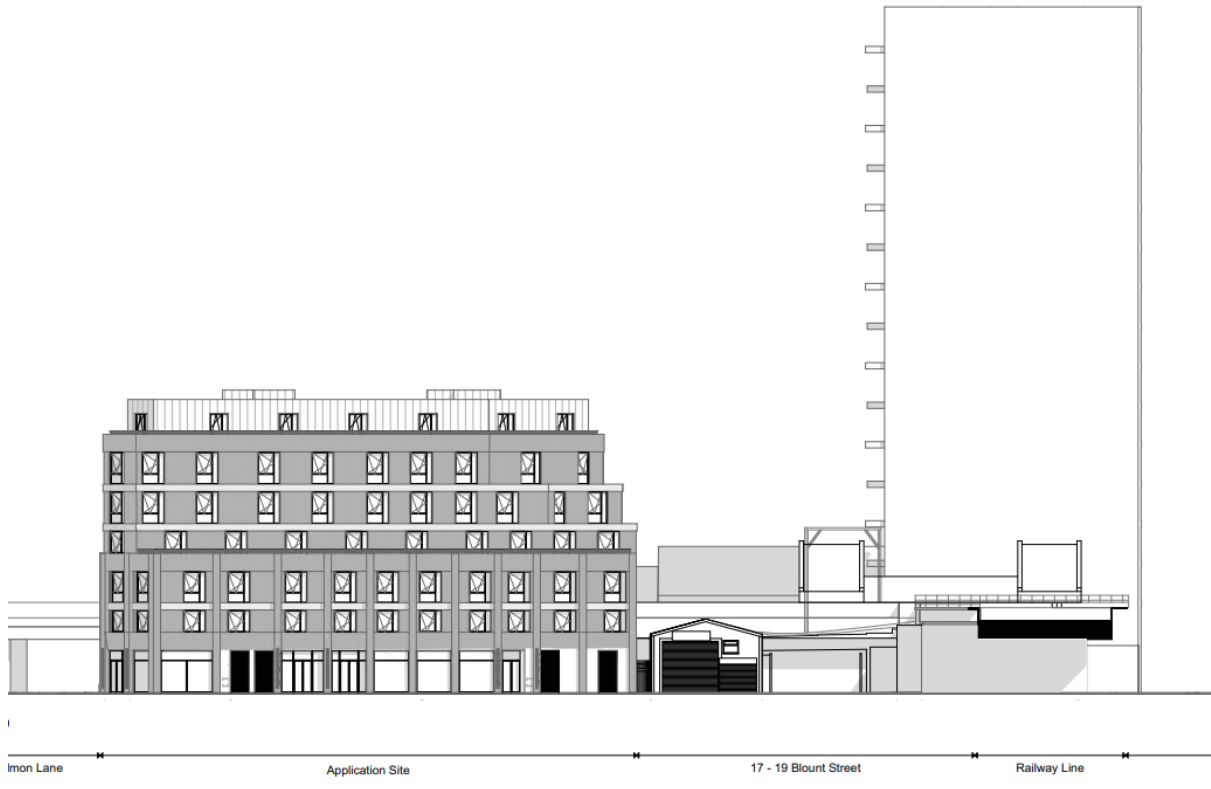
Proposed Ground Floor Layout – commercial unit and ancillary student space.



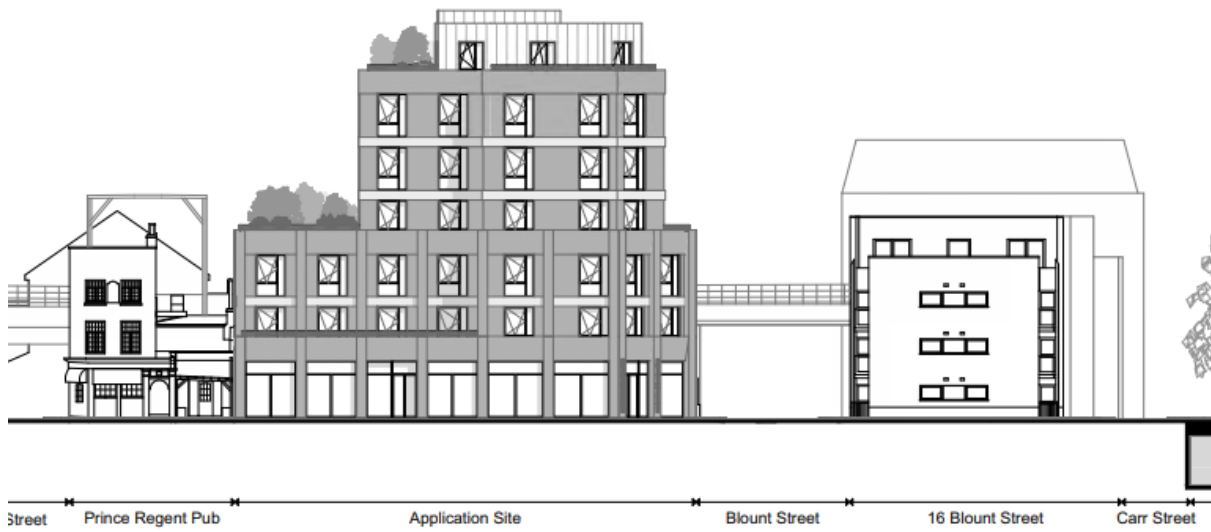
Proposed First Floor Layout – comprises communal social space, outdoor amenity space and student units (2 x cluster units located to the northern part and studio units within the central and southern part).



Proposed Third Floor Layout – this plan demonstrates 5 x cluster units located at the northern part of the site and 14 x studio units on the central and southern part of this floor. There is a third floor terrace located on the western side of the site.



Proposed Blount Street elevation (street scene)



Proposed Salmon Lane elevation (street scene)

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DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Other Planning Matters

Ref No: See reports attached for each item

Ward(s): See reports attached for each item

1. INTRODUCTION

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

2. 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 are 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.

3. PUBLIC SPEAKING

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

4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

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

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:

✓

Name and telephone no. of holder:
See individual reports

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