

# Strategic Development Committee

## Agenda

**Tuesday, 14 May 2024 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 Amin Rahman

**Vice Chair:** Councillor Kamrul Hussain

**Members:**

Councillor Saied Ahmed, Councillor Gulam Kibria Choudhury, Councillor Iqbal Hossain, Councillor Asma Begum, Councillor Mufedah Bustin, Councillor Shahaveer Shubo Hussain and Councillor Nathalie Bienfait

**Substitute Members:**

**(The quorum for the Committee is 3 voting members)**

The deadline for registering to speak is **4pm Friday, 10 May 2024**

The deadline for submitting information for the update report is Noon  
**Monday, 13 May 2024**

**Contact for further enquiries:**

Democratic Services To view the meeting on line: <https://towerhamlets.public-i.tv/core/portal/home>,

[Justina.Bridgeman@towerhamlets.gov.uk](mailto:Justina.Bridgeman@towerhamlets.gov.uk)

Tel: 020 7364 4854

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

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## **A Guide to Development Committee**

The role of the Strategic Development Committee is to consider major planning matters, within and exceeding the remit of the Development Committee in terms of size and scale amongst other issues.

The Committee is made up of nine Members of the Council as appointed by Full Council. Political balance rules apply to the Committee.

### **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.

Objectors to planning applications and applicants may request to speak at the Strategic Development 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. More information is on the Council's website.

# London Borough of Tower Hamlets

## Strategic Development Committee

Tuesday, 14 May 2024

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

**Further Advice** contact: Linda Walker, Interim Director of Legal and Monitoring Officer, Tel: 0207 364 4348

#### 2. MINUTES OF THE PREVIOUS MEETING(S) (PAGES 9 - 14)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 03 April 2024.

#### 3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (PAGES 15 - 20)

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 Housing and Regeneration 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 Housing and Regeneration 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 Strategic Development Committee.

#### **4. DEFERRED ITEMS**

#### **5. PLANNING APPLICATIONS FOR DECISION**

**5.1 (PA/23/01679): Land forming part of Ailsa Wharf, Lochnagar Street. E1 0LE  
(Pages 27 - 74)**

**5.2 (PA/24/00164/A1): Caxton Hall Community Centre & Adjoining Land, Caxton Grove, E3 2EE (Pages 75 - 124)**

#### **6. Other Planning Matters**

**6.1 Site at the former Bishopsgate Goods Yard, Braithwaite Street E1 (Pages 125 - 132)**

**6.2 LLDC Interim Delegation Scheme (Pages 133 - 138)**

#### **Next Meeting of the Strategic Development Committee**

Wednesday, 3 July 2024 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



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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.

## **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 STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 5.33 P.M. ON WEDNESDAY, 3 APRIL 2024**

**COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL**

**Members Present:**

Councillor Amin Rahman (Chair)

Councillor Kamrul Hussain (Vice-Chair)

Councillor Saied Ahmed

Councillor Iqbal Hossain

Councillor Mufeedah Bustin

Councillor Nathalie Bienfait

Councillor Suluk Ahmed

**Councillors Present Virtually:**

Councillor Shahaveer Shubo Hussain

**Apologies:**

Councillor Gulam Kibria Choudhury

Councillor Asma Begum

**Officers Present:**

Jerry Bell – (Area Planning Manager (East),  
Planning and Building Control,)

Gareth Gwynne – (Area Planning Manager (West),  
Planning and Building Control,

Ian Austin – (Principal Lawyer for Planning)

Jane Jin – (Team Leader, Planning and  
Building Control)

Simon Westmorland – (West Area Team Leader,

	Planning)
Rikki Weir	– (Principal Planning Officer, Planning and Building Control)
Nelupa Malik	– (Principal Planner (East Area Team))
Justina Bridgeman	– Democratic Services Officer (Committee)

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

There were no declarations of pecuniary interests.

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

The minutes of the Sub Committee meeting held on 18 October 2023 were approved as a correct record of proceedings.

Amendment

Ian Austin, Principal Lawyer, Planning, Legal Services, Governance, requested the minutes reflect his physical attendance at the 18 October meeting.

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

The Committee **RESOLVED** 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 of Housing and Regeneration 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 of Housing and Regeneration 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 for the Strategic Development Committee.

#### **4. DEFERRED ITEMS**

There were no deferred items for consideration.

#### **5. PLANNING APPLICATIONS FOR DECISION**

##### **5.1 (PA/23/02079) Former News International Site, Buildings H & J, London Dock, 1 Virginia Street, London E98 1XY**

Update Report noted.

Gareth Gwynne introduced the application to grant planning permission for the redevelopment of the site comprising the erection of two buildings comprising residential use (Use Class C3), flexible commercial (Use Class E) and ancillary residential floorspace (Use Class C3), basement, disabled persons' car parking, cycle parking, new public realm, landscaping and play space, plant, refuse and associated works

Rikki Weir provided a presentation to accompany the application, which highlighted the proposal's site and surroundings. The details included the publicity and consultation, proposed height and scale, neighbouring sites, noise mitigation and planning history. The proposal would provide 227 affordable homes, 61 additional affordable homes than previously envisaged and 36 of them affordable rented. This is equal to 43% of affordable housing, which is below the 35% policy requirement.

Further to the presentation, the Committee asked questions to the Officers regarding the following issues;

- Confirmed that the water gardens and roof terraces are the only private areas in the scheme within buildings H and J. The quayside, promenade, garden square and play mews areas would be open to the public. A future route to the ornamental canal will also be available to public use.
- Noted that the quayside and promenade allow access to the wider London Dockside, as well as via Vaughan Way and Pennington Street respectively.
- Explained that there are plans to remove the inner Pennington Street gates, leaving the outer gates which would remain open. Additional details can be obtained as permitted development rights may be removed. This can be added as a condition if approval is given.
- Clarified that noise mitigation levels in regard to the E1 Nightclub have been addressed as the scheme proposes to include sufficient insulation, glazing and mechanical ventilation to ensure residents would be protected from noise.

- Confirmed that the Mayor of London CIL relates to Crossrail costs and that funding has been secured for access to a canal walkway. The developer has agreed to provide a scope of works for ramp and stair access and ongoing discussions with both the Parks and Highways teams are positive.
- Noted that consideration for resident consultations on play space will be given as well as the S106 wording in regard to what constitutes an event.
- Confirmed that affordable rented market home prices are set by the council and managed within the S106 obligation.
- Clarified that of the 1,527 notification letters sent to neighbouring properties in November 2023, 8 objection letters were received.

Upon a unanimous vote, the Officers recommendations as set out in the main report to grant full planning permission was agreed.

It was therefore **RESOLVED** that full planning permission is **GRANTED** at Former News International Site, Buildings H & J, London Dock, 1 Virginia Street, London E98 1XY:

- Redevelopment of the site comprising the erection of two buildings comprising residential use (Use Class C3), flexible commercial (Use Class E) and ancillary residential floorspace (Use Class C3), basement, disabled persons' car parking, cycle parking, new public realm, landscaping and play space, plant, refuse and associated works.

Subject to:

1. Subject any direction by the Mayor of London.
2. Section 106 agreement including obligations.
3. Conditions set out in the committee report and an additional condition added in relation to removing general permitted development rights in respect of boundary treatments and fences.
4. Written confirmation from HSE on fire tender access prior to GLA Stage 2 referral.

## 6. OTHER PLANNING MATTERS

### 6.1 (PF/23/00120) Orchard Wharf, Orchard Place, London, E14 0JY

Gareth Gwynne introduced a pre-application on a redevelopment proposal for a mixed use scheme that reactivates the Safeguarded Wharf, provides

purpose built Student Accommodation (PBSA) (Sui Generis) and Affordable Housing (Use Class C3).

William Poole from Howell Architects presented a presentation to accompany the pre-application, highlighting the proposed scheme, stakeholder engagement, heights, scales, landscape and character. The pre-application also included details on the mixed use, sustainable development with 1300 student housing and 208 affordable homes. The Wharf is intended to be a logistics hub, utilizing a river freight to a low-energy vehicles distributing goods throughout London, as well as the Thames Clipper bus route and the potential for technical rooms and storage spaces within the podium levels.

Further to the presentation, the Committee asked questions to William Poole and Will Edmonds regarding the following points;

- Confirmed that the 208 proposed homes are 100% affordable homes and 13, 165 student bedrooms.
- Explained that initial win testing feedback to establish potential issues that require mitigation have been positively received and landscape features on the podium will also be utilised.
- Observed that a proposed canopy will be extended beyond the residential buildings to address any noise from the unloading operations on the Wharf. Discussions have taken place with the Residents Association, to address noise level and congestion concerns within the Orchard Place access and a travel plan will be submitted at the planning application stage to look at the range of uses.
- Confirmed that Thames Clippers have been appointed as the operator with a 30-year lease.
- Anticipated that approximately 120 jobs will be created. This will come from Thames Clippers, available community spaces generated from the front of the properties and potentially around the East India Dock basin.
- Clarified that ongoing discussions with the Lee Valley Regional Park team are taking place in connection with the pedestrian route from East India Dock DLR to the proposed site. Further discussions will take place with the council, at planning application stage to enhance that particular area and utilise available transport links and increased bus routes.
- Confirmed that the water in the East India Dock Basin requires desilting and funding considerations are currently ongoing to complete this in a sensitive manner due to ecological concerns.

The Committee noted the presentation.

The meeting ended at 7.22 p.m.

Chair, Councillor Amin Rahman

Strategic Development Committee



## DEVELOPMENT COMMITTEE

Report of the Corporate Director of Housing and Regeneration

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.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> <li>• Three minutes for one objector speaking.</li> <li>• Six minutes for two objectors speaking.</li> <li>• Additional three minutes for any Committee and non Committee Councillor speaking in objection.</li> </ul>
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

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

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

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

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

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

**What can be circulated?**

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

**How will the applications be considered?**

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



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

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

**How can I find out about a decision?**

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

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

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





## STRATEGIC DEVELOPMENT COMMITTEE

### Report of the Corporate Director of Housing and Regeneration

Classification: Unrestricted

#### STANDING ADVICE ON APPLICATIONS FOR DECISION

##### 1. INTRODUCTION

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

##### 2. THIRD PARTY REPRESENTATIONS

- 2.1 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 consider 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.
- 2.2 All representation and petitions received in relation to the items on this part of the agenda can be made available for inspection at the meeting.
- 2.3 Any further representations, 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 Update Report.

##### 3. ADVICE OF DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER

- 3.1 This is general advice to the Committee which will be supplemented by specific advice within the reports and given at the meeting, as appropriate.

##### **Decisions on planning applications**

- 3.2 The Committee is required to determine planning applications in 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;
  - a post-examination draft neighbourhood 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.
- 3.3 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 policies relevant to the application and there are no other material considerations, the application should be determined in accordance with the Development Plan.

3.4 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).

3.5 If the committee resolve to refuse planning permission, they must provide reasons that are based on evidence, development plan policies and material considerations. The Council may be subject to an award of costs in the event that reasons for refusal cannot be defended at appeal.

### **The Development Plan and other material considerations**

3.6 The relevant Development Plan policies against which the Committee is required to consider each planning application are to be found in:

- The London Plan 2021;
- Tower Hamlets Local Plan 2020;
- The Isle of Dogs Neighbourhood Plan 2021.

3.7 The Planning Officer's report for each application directs Members to those parts of the Development Plan which are relevant to each planning application, and to other material considerations.

3.8 Material considerations are those that are relevant to the use and development of land in the public interest and relevant to the development proposed in the application.

3.9 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.

3.10 Other material planning considerations may include (but are not limited to):

- the design, size and height of new buildings or extensions;
- the impact of new uses of buildings or of land;
- loss of light and the privacy of neighbours;
- access for disabled people;
- the provision of affordable housing;
- the impact of noise from proposed development;
- the impact of development on public transport, the highway network, parking and road safety;
- effect on heritage assets such as listed buildings and conservation areas;
- environmental impacts.

3.11 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. Applicants and objectors may also want to direct the Committee to other provisions of the Development Plan (or other material considerations) which they believe to be relevant to the application.

- 3.12 The Planning Officer's report summarises statutory consultee responses, non-statutory responses and third party representations, to report them fairly and accurately and to advise Members what weight (in their professional opinion) to give those representations. 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**

- 3.13 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.
- 3.14 The prevailing view is that in some cases Community Infrastructure Levy (CIL) and potential New Homes Bonus payments 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.
- 3.15 Accordingly, NHB or CIL receipts 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**

- 3.16 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.
- 3.17 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.
- 3.18 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 the natural environment**

- 3.19 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.

- 3.20 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**

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

### **Mayor of London’s Transport Strategy**

- 3.22 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**

- 3.23 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.

- 3.24 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.

- 3.25 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.

- 3.26 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**

- 3.27 The process of Environmental Impact Assessment is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 3.28 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.
- 3.29 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.
- 3.30 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.

## **Other regulatory regimes**

- 3.31 Other areas of legislation that cover related aspects of construction, environmental matters or licensable activities 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.

## **4. RECOMMENDATION**

- 4.1 That the Committee notes the advice in this report prior to taking any planning decisions recommended in the attached reports.

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## STRATEGIC DEVELOPMENT COMMITTEE

14th May 2024

Report of the Corporate Director of  
Housing and Regeneration

Classification: Unrestricted

### Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA/23/01679
<b>Site</b>	Land forming part of Ailsa Wharf, Lochnagar Street. E14 0LE
<b>Ward</b>	Lansbury
<b>Proposal</b>	New pedestrian and cycle bridge across the River Lea at Ailsa Wharf.

<b>Summary</b>	Grant planning permission with conditions
<b>Recommendation</b>	
<b>Applicant</b>	London Borough of Tower Hamlets
<b>Architect/agent</b>	Knight Architects / London Borough of Tower Hamlets
<b>Case Officer</b>	Oliver Cassidy-Butler
<b>Key dates</b>	<ul style="list-style-type: none"><li>- Application registered as valid on 06/09/2023.</li><li>- Public consultation finished on 19/10/2023 (although representations were both received and considered by officers, post this date).</li></ul>

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### EXECUTIVE SUMMARY

The application seeks full planning permission for a new pedestrian and cycle bridge across the River Lea at Ailsa Wharf. The proposed bridgeway would connect the London Borough Tower Hamlets and London Borough Newham, spanning the River Lea.

The bridge's western landing will fall within safeguarded land, positioned within the southeast corner of the Ailsa Wharf site. This safeguarded land provides an irregular, inversely positioned, L shaped foot print, which covers approximately 628.95sqm. The area of land safeguarded for the western landing is

constrained and is inclusive of significant elevational changes. Furthermore, the site's eastern section, forms part of a towpath, which runs adjacent to the waterways.

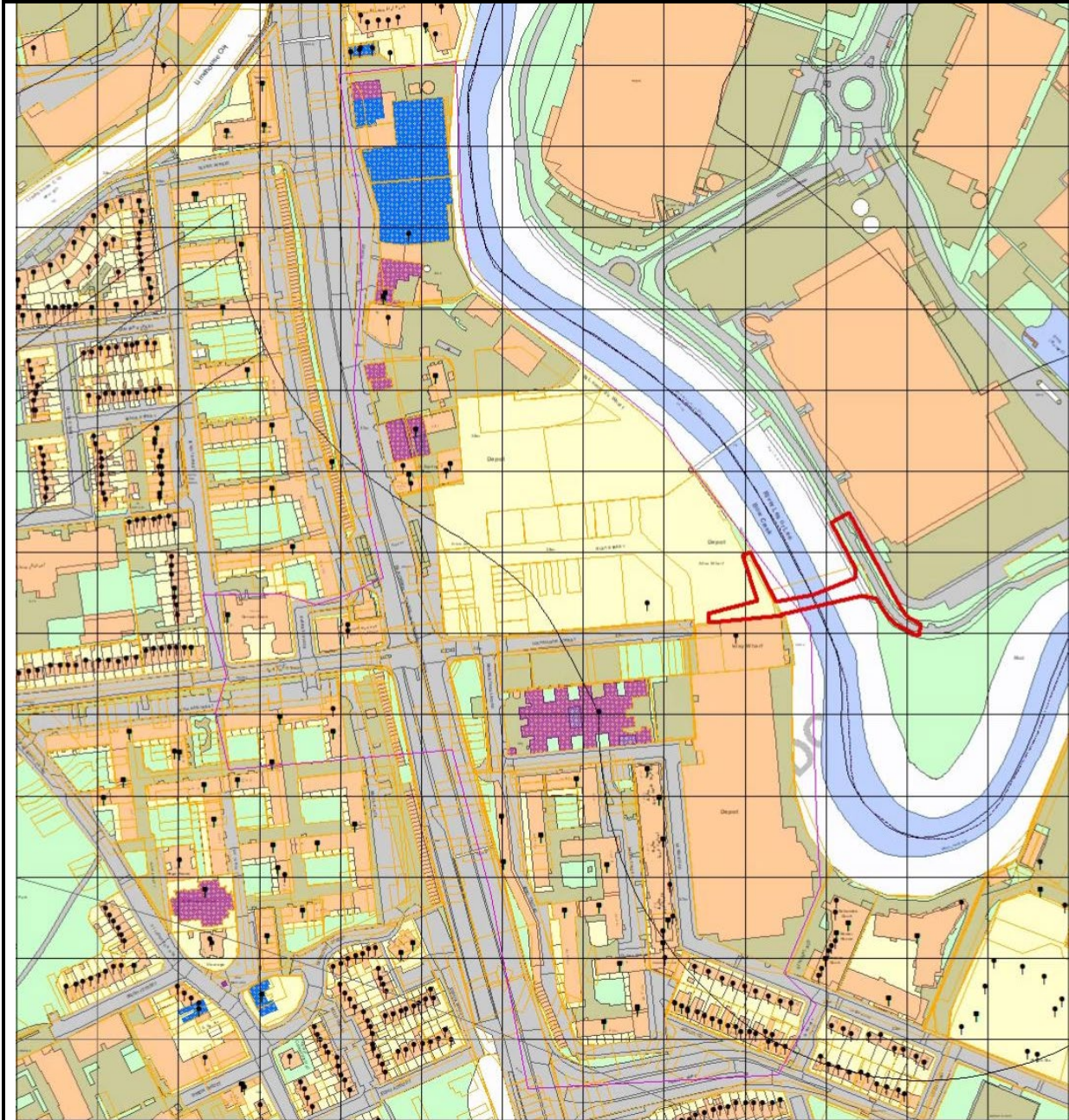
The proposed bridge structure exhibits a high quality of design, which responds appropriately to its immediate context; whilst also ensuring that the local area may continue to grow sustainably.

The proposals seek to facilitate better cross borough movement, between Tower Hamlets and Newham. The bridge will serve both pedestrians and cyclists, and provide a well needed connection, to an existing cycle network, which already exists on the east banks of the River Lea. It is clear therefore that the proposed infrastructure project is in compliance with the overarching policy principles of both London Plan (2021) and the Tower Hamlets Local Plan (2020); which both seek to support a modal shift away from private vehicular led traffic, towards travel choices which support healthier and environmentally friendlier lifestyles.







Officers propose to recommend the application for approval as it is considered to comply with the policies of the Development Plan.

Further to the above it should be noted that a separate application, pertaining to the current proposals has been submitted to, and is currently being assessed by London Borough of Newham. The London Borough of Newham has worked cooperatively with the London Borough of Tower Hamlets, through the pre-application process, which has shaped the design of the proposed bridge structure. It is understood that the London Borough of Newham are supportive of the proposals and will refer the scheme for approval under delegated powers, subject to a decision being issued by the London Borough of Tower Hamlets.





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<ul style="list-style-type: none"> <li> Planning Application Site Boundary</li> <li> Other Planning Applications</li> <li> Consultation Area</li> <li> Land Parcel Address Point</li> <li> Locally Listed Buildings</li> <li> Statutory Listed Buildings</li> </ul>	<h3>Planning Applications Site Map</h3> <h2>PA/23/01679</h2> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	<p>London Borough of Tower Hamlets</p>
	<p>Scale : 50m grid squares</p>	<p>Date: 18 April 2024</p>

## **1. Site and Surroundings**

- 1.1 The application site pertains to land, situated on both the eastern and western banks of the River Lea. The site extends from the London Borough of Tower Hamlets on the west, to Newham on the east. Whilst this application focuses primarily upon the proposal's western landing, it will have consideration for the full extent of the development.
- 1.2 On its western side, the application site sits at the most eastern point of Lochnagar Street. It forms part of the south-eastern corner of the Ailsa Wharf development, which is currently under construction, and the north-eastern corner of the adjacent consented Islay Wharf development.
- 1.3 The subject site is not situated within a conservation area does not contain any listed (either statutory or locally) structures; it does however form part of the Lee Valley Archaeological Priority Area. The closest listed building is the Grade II Listed Bromley Hall School, which is situated less than 70m to the south-west of the site. Further to the north-west of the site sits the Limehouse Cut Conservation Area, and several locally and statutory listed buildings.
- 1.4 The site is located within the Ailsa Street Site Allocation in the Local Plan.
- 1.5 The application site falls within a flood risk area, being situated in Flood Zones 2 and 3. The development will span the River Lea, which is of itself designated as a Site of Importance for Nature Conservation (SINC). Furthermore, the site also forms part of the Tower Hamlets New Green Grid and Green Grid Buffer Zone.
- 1.6 The site has a PTAL (Public Transport Accessibility Level) of 1b which is poor on a scale of 0-6b where 6b is the best.
- 1.7 Although the whole borough is under an Air Quality Management Area, the area of the site closer to the Blackwall Tunnel Northern Approach (A12) characterised by poor air quality.

## **2. Proposal**

- 2.1 The application seeks full planning permission for a new pedestrian and cycle bridge across the River Lea at Ailsa Wharf.
- 2.2 The designed bridge is a steel bowstring arch with a span of 63m. The arch, 6.2m-high above the slightly curved deck and located on its north side, is inclined 54 degrees above the horizontal towards the north. The deck is to be suspended by inclined hanger cables, with fork sockets at each end, arranged every 2m.  
  
2. It will provide a permanent 33m wide and 3m high navigable channel for smaller boats to pass underneath, and thus allow for larger vessels to continue navigating the River Lea, whilst keeping the Newham side stationary. The two hydraulic jacks will raise the bridge by approximately 3.9m.
- 2.4 The application is inclusive of landscaping works, and the depression of the site's existing tow path; plus, increased height of the River Wall, which runs parallel to the river.

## **3. Relevant Planning History**

## **Planning History relevant to the local area**

### *Ailsa Wharf, Aisla Street, London*

- 3.1 PA/22/01314: A 2 storey marketing suite with associated access and soft and hard landscaping for a temporary period of 6 years. Permitted – 05 October 2022.
- 3.2 PA/22/00210: Redevelopment of the Site for a mixed-use scheme providing 952 residential units; 1,555 sqm GIA commercial floorspace (Use Class E) within a series of buildings up to 23 storeys; the creation of a new access road and the realignment of Ailsa Street; the provision of safeguarded land for a bridge landing; the provision of cycle and car parking spaces; and associated Site-wide landscaping and public realm works. This application is accompanied by an Environmental Statement. To be determined.
- 3.3 PA/21/01739: Request for an Environmental Impact Assessment (EIA) Scoping Opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), in respect of the demolition of existing buildings and the redevelopment of the site for a mixed-use scheme providing 953 residential units and 1,965 sqm GIA commercial floorspace (Use Class E) within a series of buildings up to 23 storeys (Maximum AOD height of 79.3m); the creation of a new access road and the realignment of Ailsa Street; the provision of safeguarded land for a bridge landing; the provision of cycle and car parking spaces; and associated site-wide landscaping and public realm works. Scoping Opinion Issued – 01 September 2021.
- 3.4 PA/18/03461: An application for a minor material amendment to planning permission PA/16/02692 dated 2<sup>nd</sup> October 2018 in respect of amendments to the internal layouts and external elevations of Blocks IJKL, EFGH and M and to the footprint and layout of all basements, together with amendments to the residential tenure mix by block and the detailed design of the landscaping and public realm. Permitted – 16 January 2020.
- 3.4 PA/16/02696: Demolition of existing structures/buildings and the redevelopment of the site for a mixed use scheme providing 785 residential units (C3) and 2,954 sqm GIA commercial floorspace (A1/A3/B1/D2) within a series of thirteen building blocks varying between 3 and 17 storeys (Maximum AOD height of 59.9); the creation of a new access road and the realignment of Ailsa Street; the provision of cycle and car parking spaces; and associated site-wide landscaping and public realm works. Permitted – 02 October 2018.

### *Islay Wharf, Lochnagar Street, London*

- 3.5 PA/23/02129: Application for Certificate of Lawfulness to confirm that the digging of a trench which is to contain part of the foundations for the building on the site at Islay Wharf constitutes a material operation undertaken and that planning permission PA/1901760 has been lawfully implemented. Permitted – 21 December 2023.
- 3.6 PA/19/01760: Demolition of existing warehouse building and redevelopment of the site for mixed use development comprising two blocks ranging in height between 12 storeys and 21 stories, accommodating 351sqm of flexible use classes (Class A1, A2, B1, D1, D2) on ground floor and mezzanine with associated public realm works and residential accommodation (Class C3 on the upper floors providing 133 residential units. Permitted – 20 November 2020.
- 3.7 PA/19/01022: Request for Screening Opinion as to whether an EIA is required in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the 'EIA Regulations') for the redevelopment of the site to provide a mixed use building,

with commercial use on the ground floor and residential use on upper levels. EIA not required – 24 May 2019.

### ***Pre-application advice meetings relevant to the application***

3.8 PF/22/00191: New Pedestrian and cycle bridge across the River Lea at Ailsa Wharf.

#### *Summary of Officer's final formal pre-application response:*

The principle of a bridge delivery at the proposed location is strongly supported. It is considered that a moveable bowstring bridge would provide an acceptable design response, subject to further details being provided with respect to various aspects as raised above.

In particular, further details are required with respect to the materiality and appearance of the bridge structure, landscaping strategy, shared surface details and ecological impact, as well as any other details necessary to ensure the acceptability of the bridge structure.

## **4. Publicity and Engagement**

4.1 In terms of the Council meeting its statutory requirements, neighbouring owners/occupiers were notified by post, in total 464 letters were sent. The application was also publicised online and shared in the local press.

4.3 A site notice was displayed on 19/09/2023, located within the immediate vicinity of the site.

4.4 No letters of representation have been received in response to the proposals.

## **5. Consultation responses**

### **External Consultees**

#### **Canal and River Trust (CRT)**

##### 5.1 Navigable Channel

Vessels tend to transit Bow Creek at high water to catch the ebb tide going outward bound. These vessels vary in size and type, and include narrow boats, barges and other multicategory vessels.

There are other bridges above and below the proposed bridge site, and if the proposed 3.15m minimum draft is in keeping with the other bridges then this will not affect vessels wishing to transit Bow Creek. The existing bridges are the Bow Locks Railway Bridge, Twelvetrees Crecent, cable crossing bridges, the A13, the Jubilee Line, two footbridges and the Lower Lea Crossing.

The Navigation Channel for the proposed affected stretch of Bow Creek is approximately 22m wide. The Trust would require the headroom to be minimum of 3m above high tide water level in the Bow Creek, within this 22m wide envelope, Navigation markers (to IALA standard) should be provided at the extremes of the navigation of the navigation channel, with appropriate signage to guide boats to stay within this channel.

The bridge may need protection dolphins near the shore, which should be substantial enough to withstand any boat strikes if the water level is high.

#### Waterway Walls

As stated above, the Trust does not own and land or waterspace here, or infrastructure, so the relevant wall owners will need to be satisfied that they are able to access their river walls in order to maintain them in the future. We would therefore suggest that ramp structures should not be located so close to the walls that they would hinder future works associated with their upgrade.

National Grid should also be consulted about their requirements for future maintenance.

#### Headroom over riverside paths

The proposed headroom above the riverside path doesn't appear to be shown in the submission. The Trust's code of practice requires a minimum headroom of 2.7m where bridges cross over the Towpath. However, the Trust does not own any land or waterspace here, and therefore would only recommend the 2.7 minimum headroom, for both pedestrian and cyclist comfort and amenity.

The Trust would prefer not to see green space lost through the installation of ramps where alternatives exist, but again, we have limited comment on this as we have no land ownership here.

#### Design

We have no objection to the general appearance of the bridge.

Should the Local Planning Authority be minded to grant planning permission we request that an informative pertaining to a *Code of Practice for Works Affecting the Canal & River Trust*, be appended to the decision notice.

#### **Cadent Gas**

5.2 No objections raised.

#### **Met Police – Crime Prevention Design Advisor**

5.3 No comments provided in response to the proposals.

#### **Marine Management Organisation (MMO)**

5.4 No objections raised. The applicant is however reminded that works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009

#### **Environment Agency**

5.5 Thank you for re-consulting us on the above application on 6 November 2023, following the submission of 'Pell Frischmann Engineers – Response to Environment Agency Comments (ref: NE/2023/136164/01) prepared by Pell Frischmann Engineers, dated November 2023.

Based on a review of the additional information, we **withdraw our previous objection** to the proposed development.

We are satisfied the applicant has demonstrated provision of non-glazed future raising options and adequate setback on the western bank. We understand that there are constraints on the eastern bank, however, we are satisfied that the applicant will provide mitigation. Final design details be addressed through a Flood Risk Activity Permit.

- 5.6 If minded to grant planning permission, it is requested that the LPA attaches an informative which outlines the need for the applicant team to be granted with a Flood Risk Activity Permit, from the EIA.

#### **Greater London Archaeological Advice Service (GLAAS), Historic England**

- 5.7 Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

Although the application site lies within two Archaeological Priority Areas (Canning Town/Newham Way & Lea Valley, Tower Hamlets) the nature and extend of works is such that archaeological investigation is not considered appropriate in this case.

#### **Health and Safety Executive (HSE)**

- 5.8 The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

#### **Lea Valley Regional Park Authority**

- 5.9 This application falls outside of the park boundary; therefore we will not be making comments.

#### **National Grid (Plant Protection)**

- 5.10 No comments provided.

#### **Natural England**

- 5.11 Natural England has no specific comments to make in response to the proposals.

#### **Port of London Authority**

- 5.12 In principle the PLA has no objection to the proposed crossing, which complies with PLA's air draft requirements and the design requirement to be no lower than the nearest downstream bridge (the A13 road bridge by providing an opening function. The proposed bridge will help to facilitate access to the River Lea and the Leaway Path Public Right of Way and is in line with the PLA's Thames Vision which supports facilitating access to, and alongside the river.

#### **5.13 Design**

Section 5 (Parts of the scheme outside the bridge) of the Design and Access Statement includes some information on the moving nature of the bridge, the systems that would be required to make the movement of the bridge feasible and safe and the need for further design work on these systems and how they would operate. As part of any forthcoming planning permission, this detail will be required to be provided via condition prior to the commencement of any works, including confirmation on who the operator will be. Related to this, it is considered essential that a detailed operating procedure for opening and closing the bridge is also developed and agreed with the PLA. As part of this procedure details will be required on what the testing regime will be for the bridge to ensure that it is able to open upon request by a vessel navigating in the creek. As an example for the Leamouth Lifting Bridge monthly testing was agreed. An appropriately worded condition covering this requirement must also be added as part of any forthcoming planning permission.

## Construction

With regard to the construction stage of the development, the submitted Outline Construction Logistics Plan (CLP) states in section 3.9 (Rail & Water Transport Freight) that the use of water transport is not considered feasible compared to road-based transport for the majority of the construction programme. Given the proposal for a river crossing over the navigable River Lea including works to the river wall it is considered that more robust consideration must be given to the use of the river to transport material / remove spoil from the development within the detailed CLP in line with policy SI15 (Water Transport) of the London Plan. Policy SI15 specifically states that development proposals close to navigable waterways should maximise water transport for bulk materials during demolition and construction phases and this requirement must be confirmed via an appropriately worded planning condition as part of any forthcoming planning permission.

## Environment

On environmental matters, support the recommendations included in section 5 of the submitted Preliminary Ecological Assessment (PEA), including the use of a wildlife sensitive lighting scheme during the construction stage and these recommendations should be conditioned. Specifically on lighting; as part of the lighting for the operational bridge. Whilst the submitted lighting report states that the lighting solution for the bridge will prevent obtrusive light spill falling on areas outside the bridge itself in order to minimise effects on the ecology of the river which is supported, the PLA consider that a condition is added to any forthcoming planning permission that if the lighting is found to be a hazard to ecology and/or safe navigation once in place than this could be adjusted accordingly. This would be in line with Local Plan (2020) policy S.OWS2 (Enhancing the network of water spaces) and supporting paragraph 13.30.

Furthermore, the submitted Construction Environmental Management Plan (CEMP) in section 13.3 (Mitigation and Recommendations) states that an Ecological Management Plan (EMP) should be produced and implemented for the site. The need for this must also be conditioned alongside any future planning permission.

It is also disappointing that no consideration appears to have been given to the Estuary Edges guidance on the ecological design for the softening of the river edge to encourage wildlife into urban estuaries as part of the biodiversity enhancements for the site, particularly as part of the proposed river wall works. It is therefore considered that further information is provided on this potential, in line with policy D.OWS4 (Water spaces) of the Local Plan, as it is considered that this location is well suited to significant environmental enhancement options, as emphasised in the Biodiversity Net Gain section (5.3) of the PEA.

## Public Realm

With regard to the public realm proposals, whilst the PLA support the proposed railing design of the bridge that prevents climbing, as highlighted on pages 57/58 of the Design and Access Statement. There are no details within the application documents on the provision of appropriate riparian life saving equipment or suicide prevention measures, such as grab chains along the river wall, life buoys and associated signage in line with the PLA's 'A Safer Riverside' guidance for developments on and alongside the river. The provision of this essential infrastructure must be conditioned as part of any forthcoming planning permission.

- 5.14 If permission is to be granted, it requested that an informative be applied, advising the applicant that any associated works will require an estates licence with the PLA and PLA Estates Team.

## **London Legacy Development Corporation (LLDC)**

5.15 No comments provided.

## **London Borough of Newham**

5.16 London Borough of Newham have worked in tandem with the Local Planning Authority, are currently assessing an application for full planning permission which pertains to this development (see para 5.17).

No specific comments have been provided, but it is understood that London Borough of Newham is supportive of the scheme. No objections have been raised.

5.17 Newham's reference: 23/02136/FUL: Construction of a new pedestrian and cycle bridge across the River Lea at Ailsa Wharf. | Ailsa Wharf Footbridge Twelvetrees Crescent Bromley by Bow London. To be determined.

## **Transport for London**

5.18 No comments provided.

## **Thames Water Authority**

5.19 No objections have been raised in response to the proposals.

## **Internal Consultees**

### **Environmental Health – Air Quality**

5.20 No objection, subject to the application of conditions pertaining to; a Dust Management Plan; an Air Quality and Dust Risk Assessment (AQDRA); details of all Non-Road Mobile Machinery (NRMM); and a Construction Management Plan (CMP).

### **Environmental Health – Contaminated Land**

5.21 No objection, subject to the application of standard conditions which seek to secure detail of a remediation scheme to deal with any potential ground contamination of the site, plus a Site Investigation Report (Contamination Risk Assessment report).

### **Environmental Health – Noise and Vibration**

5.22 No objection, subject to the application of standard conditions which seek to minimise the impacts of noise and vibration, which may arise as a result of any associated construction works.

## **LBTH Biodiversity**

5.23 The Preliminary Ecological Assessment (PEA) incorrectly categorises Epping Forest as being of national importance, whereas it is actually a Special Area of Conservation and hence of European importance. Nevertheless, I agree that there will be no impacts on Epping Forest.

In general, I agree with the assessments in the PEA. The only one I question is that there is no chance of otters being present. Otters are well established further up the Lea catchment and, while there is no potential breeding habitat, they may occasionally use this section of the river for foraging and/or commuting. There have been records of footprints that were almost certainly otter closer



further down the Lea by Bow Creek Ecology Park in recent years. However, the proposed bridge is not likely to impact otters if present.

The biggest potential adverse impact of the bridge is from light spill onto the river and its banks, which could affect foraging and commuting bats. The Lighting Strategy has taken this into account and should ensure there are no significant impacts on bats.

There will be small losses of habitat where the bridge lands on each side of the river. These could easily be mitigated by good landscaping. There is little or no detail of the proposed planting on the Tower Hamlets side, just that it will match the planting in the riverside park of the Ailsa Wharf development. If I recall correctly, this is likely to be prairie-style planting with a good range of nectar-rich plants. That would ensure biodiversity gain.

The PEA and Bat Activity Survey report recommend a number of biodiversity enhancements, including riparian planting, a sand martin bank, nest boxes and bat boxes. These would all be appropriate, though whether riparian planting is feasible is uncertain. I can find no mention of these enhancements elsewhere in the application documents.

- 5.24 Full details of biodiversity mitigation and enhancements should be subject to a condition along the lines of: Biodiversity mitigation and enhancement Prior to the commencement of above-ground works, full details of biodiversity mitigation and enhancements shall be submitted to and approved in writing by the local planning authority, in order to ensure compliance with policy D.ES3 of the Tower Hamlets Local Plan (2020).

### **LBTH Transportation and Highways**

- 5.25 The applicant has taken part in meaningful pre-application discussion on the bridge proposals and has adapted the scheme along the way to take on board comments from the Highway Authority.

The Highway authority supports the aspiration to improve pedestrian and cycling permeability across the river and between LBTH and its neighbouring borough LB Newham. The area is changing rapidly with an intensification of residential development in the area and new routes are considered invaluable. Whilst we strongly support these aspirations there are still some areas which are of concern but which could be covered by adequate conditions should permission be granted.

The bridge will join the public highway at Lochnagar Street and, it is understood that LB Newham will become the highway authority for the bridge. Detailed drawings of where the two areas will meet and any demarcation to show responsibility will be required.

The Ailsa Wharf scheme indicates URS waste collection taking place off Lochnagar Street by the bridge landing point. This doesn't appear to have been covered, as far as I can see, in the documentation and it is considered that this could be a safety consideration with vehicles conflicting with pedestrians and cyclists. We would wish to see this subject to a road safety audit.

An underpass under the bridge was requested and the applicant has proposed this, which is welcomed. This will have a minimum headroom height of 2.4m. I note that CRT are requesting a higher headroom of 2.7m (which would result in a longer ramp). Whilst LBTH highways could accept 2.4m with adequate signage, it needs to be pointed out that this area of land is not public highway, therefore, the maintaining authority, which I believe would be CRT (?) need to be satisfied with this aspect of the proposal.

The bridge involves a lifting mechanism which could be a costly piece of equipment to maintain. LBTH highways has no budget from which they could fund any maintenance / repair. It is

understood that external funding will be available for this but I must stress the point that the Tower Hamlets highway authority are unable to contribute towards this.

The bridge is proposed to be shared between pedestrians and cyclists without any demarcation between the two and without any measures to reduce cyclists speed. There is a safety concern with this and we would still wish to see measures taken to increase safety between the two modes.

An outline CLP has been provided but the applicant is reminded that a new code of construction practice was adopted in April 2023 and all documentation related to demolition / construction needs to be submitted in the correct format otherwise it runs the risk of not being assessed. A charging structure was also implemented in April. The CLP / CMP needs to take into the account the cumulative of development in the area, particularly Ailsa Wharf and Islay Wharf when submitting their final plans.

In general, we support the aspirations of the proposal but still retain concerns as outlined above. Suitably worded conditions may alleviate these concerns.

## 6. Planning Policies and Documents

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

6.2 In this case the Development Plan comprises:

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

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

### Land Use - (*Principle of development*)

- o Local Plan policies – S.SG1. S.SG2
- o London Plan policies - D2

### Design - (*layout, townscape, massing, heights and appearance*)

- o Local Plan policies – S.DH1, D.DH2, S.DH3, S.OWS2, D.OWS4
- o London Plan policies – D1, D3, D5

### Amenity - (*privacy, noise, light pollution, odour construction impacts*)

- o Local Plan policies – D.DH8 and D.ES9
- o London Plan policies – D3

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

- o Local Plan policies – S.TR1, D.TR2, D.TR4, D.MW3, D.SG4
- o London Plan policies – T2, T5

### Environment - (*air quality, odour, noise, waste, biodiversity, flooding and drainage*)

- o Local Plan policies – S.ES1, D.ES2, D.ES3, S.OWS4, D.OWS4D.ES7

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

- National Planning Policy Framework (2023)
- National Planning Policy Guidance (2023)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- LBTH Planning Obligations SPD (2016)

## 7. Assessment

7.1 The decisive issues are:

- i. Land Use and Sustainable Growth
- ii. Design
- iii. Neighbouring Amenity and public safety
- iv. Transport
- v. Environment
- vi. Equalities and Human Rights

### i Land Use (Principle of Development)

- 7.2 The principle of providing a new bridge for pedestrians and cyclist, in this location is supported by planning policy. At a national level, as demonstrated under paragraph 92 of the NPPF, developments that promote walking, cycling, and promote healthy lifestyles are supported. Furthermore, paragraph 112 asserts that development should give priority first to pedestrian and cycle movements and provide well designed facilities and infrastructure that encourages public transport use, whilst last taking account of the needs of people with disabilities and reduced mobility in relation to all modes of transport.
- 7.3 Policy S.SG1 of the Tower Hamlets Local Plan (2020), states that Development will be required to support the delivery of significant new infrastructure to support growth within the four sub-areas including improvements to: (a). the transport network, (b). Green Grid projects (including the Lea River Park and Whitechapel Spine), and (c). Social infrastructure, such as schools, open space, health centres and leisure facilities.
- 7.4 Policy S.SG2 further outlines that development will be supported and is considered to contribute towards delivering the Local Plan vision and objectives and to be sustainable where it delivers managed growth and shares the benefit of growth. Points (1. bi). and (1. bvi), further specify that the benefits of growth may be appropriately shaped by; contributing to creating healthy environments, by encouraging physical activity, promoting good mental and physical wellbeing and reducing environmental factors which can contribute to poor health; and delivering social and transport infrastructure and public realm improvements which are inclusive and accessible to all.
- 7.5 The proposals are located within the Ailsa Street site allocation, as is designated within the Tower Hamlets Local Plan (2020). The proposals seek to introduce a pedestrian and cyclist bridgeway, which would achieve the part b. of the strategic development considerations for the site. The proposed bridgeway would, if permitted, provide opportunity for the delivery of a walking and cycling bridge across the River Lea, which would further improve cross borough travel between the London Borough of Tower Hamlets and the London Borough of Newham.
- 7.6 Policy D2 of the London Plan (2021) states that where there is currently insufficient capacity of existing infrastructure to support proposed densities (including impact of cumulative development)

boroughs should work with applicants and infrastructure providers to ensure that sufficient capacity will exist at the appropriate time. This may mean that if development is contingent on the provision of new infrastructure, including public transport services, it will be appropriate that development is phased accordingly.

- 7.7 In consideration of the current proposals, it is pertinent to note that the parcel of land on which the bridge's eastern landing will fall, is safeguarded land located within the adjacent Ailsa Wharf development. This land, initially secured by way of a S106 agreement, has since been subject to a leasehold agreement with the London Borough of Tower Hamlets. Furthermore, and with consideration for the current application at Ailsa Wharf (PA/22/00210), officers recognise that the proposed bridgeway would if permitted, provide important infrastructure to the area, which will improve connectivity and support the continued delivery of housing within the eastern parts of the borough.

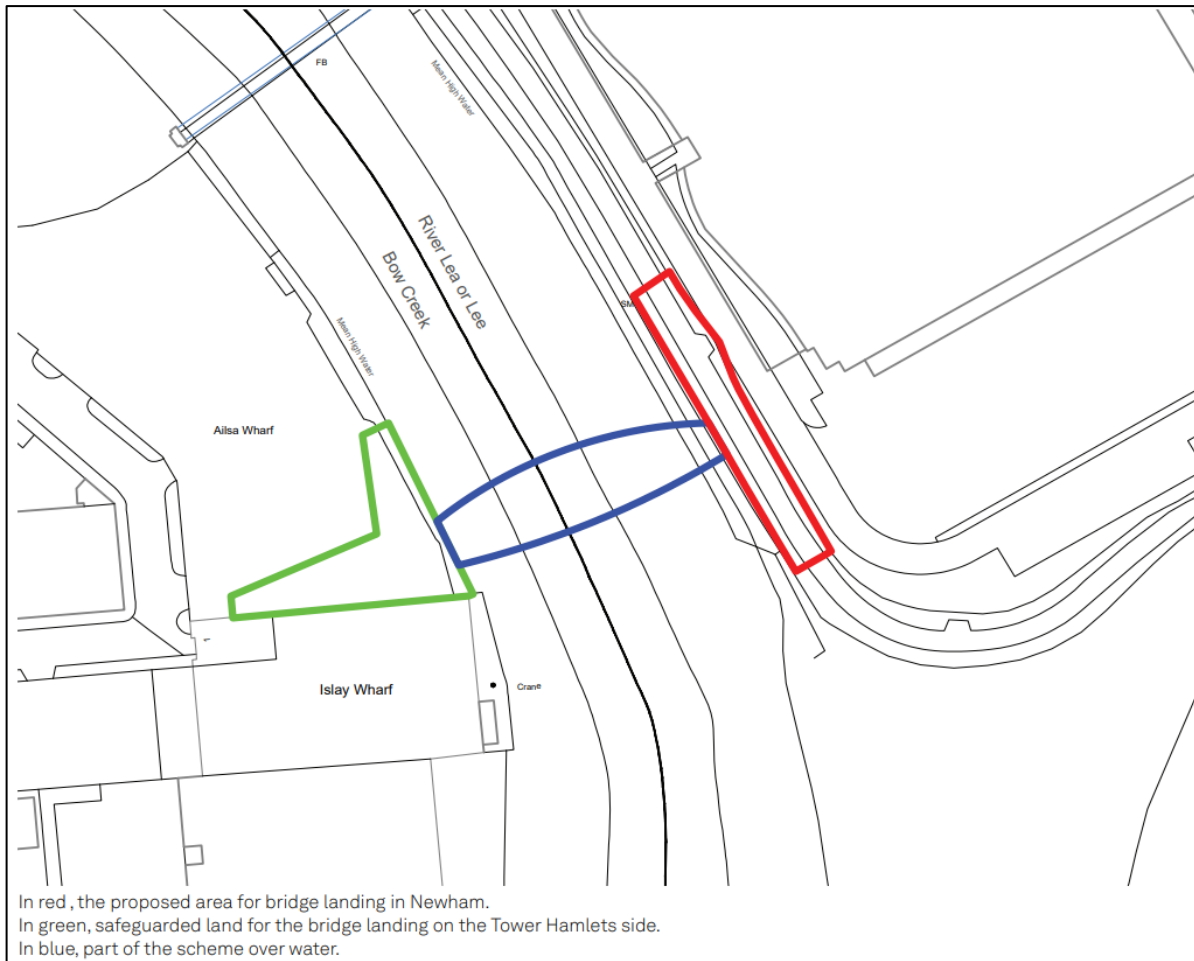


Figure 1: Map showing application site, with safeguarded land within Tower Hamlets outlined in green.

- 7.8 In conclusion, the proposals are not considered to raise any land use issues and would instead contribute to the continued sustainable growth of the borough, in accordance with policies S.SG1 and S.SG2 of the Tower Hamlets Local Plan (2020).

ii Design

- 7.9 Policy D1 of the London Plan (2021) outlines that boroughs should undertake area assessments to define the characteristics, qualities and value of different places within the plan area to develop an understanding of different areas' capacity for growth. In doing so, London Borough of Tower Hamlets have established a series of strategic development aims, including design principles and delivery considerations for the Ailsa Street site allocation, in which the development is set. Within the site allocation, there is a recognised need for a pedestrian and cyclist bridgeway, to facilitate cross borough, east/west movement.
- 7.10 Local Plan (2020) policy S.DH1 stipulates that development is required to meet the highest standards of design, layout and construction which respects and positively responds to its context, townscape, landscape and public realm at different special scales, including the character of the local setting to which it is set. Development must be of an appropriate scale, height, mass, bulk and form in its site context. Policy D.DH2, goes on to state that development is also required to positively contribute to the public realm. Furthermore, as outlined under policy S.DH3 of the Local Plan (2020), proposals must preserve, or where appropriate, enhance the borough's designated and non-designated heritage assets in a manner appropriate to their significance as key and distinctive elements of the borough's 24 places.
- 7.11 The proposed bridgeway would connect the London Borough Tower Hamlets and London Borough Newham, spanning the River Lea. The bridge's western landing will fall within safeguarded land, positioned within the southeast corner of the Ailsa Wharf site. This safeguarded land provides an irregular, inversely positioned, L shaped floor print, which covers approximately 628.95sqm. The area of land safeguarded for the western landing is constrained and is inclusive of significant elevational changes. Furthermore, the site's eastern section, forms part of a Tow Path, which runs adjacent to the waterways.
- 7.12 The safeguarded area for this landing was based on a previous scheme (PA/16/02692), which met the Canal and River Trust navigation requirements but not the Port of London Authority ones (primarily in terms of clearance of the waterways). This meant that the safeguarded land was initially agreed on an understanding that the land would serve a bridge which required a lower clearance. This is however not the case and has meant that the bridge structure (inclusive of landings, landscaping, and relation with the tow path) have had to be redesigned appropriately in order to provide adequate clearance of the waterways and prevent the development from otherwise hindering navigation of the river.
- 7.13 The project has been subject to detailed and thorough pre-application discussions, held between November 2022 and July 2023. As part of the pre-application process, the proposals were presented to the Quality Review Panel (QRP) on two separate occasions, who went onto provide positive feedback regarding the progression of the project. The design team has engaged positively throughout the pre-application process and responded to many of the comments and criticisms offered by both Place Shaping and the Quality Review Panel. Furthermore, Place Shaping considers, taking the site's constraints into consideration, the proposed design is of quality that can be supported.

#### Bridge structure

- 7.14 If permitted, the bridge would be perceived from multiple areas (including from the water), alignments or viewpoints. There would be views from a variety of distances and elevations, and at different onlooker speeds. It is considered that the slender profile of the steel bowstring arch, will introduce a unique and aesthetically interesting structure to the River Lea. The bridge is indicative of high-quality design, and its inclusion to the river would provide a new and distinct landmark which contributes positively to the local setting, and acts as a wayfinding point.



*Figure 2. CGI showing 3d representation of the bridge, viewed from the south east, from within Newham.*

- 7.15 The new bridge will serve as a complimentary addition to the group of existing bridges over the River Lea. The designed bridge is a steel bowstring arch with a span of 63m. The arch, 6.2m-high above the slightly curved deck and located on its north side, is inclined 54 degrees above the horizontal towards the north. The deck is suspended by inclined hanger cables, with fork sockets at end, arranged every 2m. Its bowstring arch will help ensure that it is received as a contemporary version of the existing family that spans the waterway.
- 7.17 The proposals will provide a permanent 33m wide and 3m high navigable channel for smaller boats to pass underneath. The west end of the bridge can be raised, using hydraulic jacks, should they be needed. The proposed lifting system will raise on the Tower Hamlets' side, whilst keeping the Newham side fixed. The hydraulic jacks will sit within the stepped landscaping arrangement and will therefore be obscured from public view, when the bridge is lowered. This decision is welcomed by officers, given that it mitigates introducing unnecessary visual clutter from the public realm, when the hydraulic jacks are not in use.
- 7.17 The bridge has been designed to accommodate both pedestrians and cyclists. Its width allows for both sets of users to use the bridge in tandem, with the deck widening from 4.3m at either end, to 4.9m at the centre.

7.18 Furthermore, the design of the bridge has had clear consideration for the user experience of all people who may use it in future, whether that be by foot or by bicycle. It is inclusive of a continuous bench, or structure which may otherwise be used to lean upon, on the northern edge of the deck. This structure rises from 0m at either end of the bridge, to approximately 0.9m in height at the centre of the deck. Officers consider this an appropriate inclusion, as it both provides opportunities for users to rest, which can be especially helpful for members of public with mobility issues or who tire easily, whilst also encouraging users to enjoy the views and therefore aid place making within the immediate vicinity of the development: in accordance with policy D5 of the London Plan (2021) and policy S.DH1 of the Tower Hamlets Local Plan (2020).



*Figure 3 (top) and Figure 4 (bottom). CGI visualisations showing the bridge lowered and raised.*

### Details and materiality of the bridge deck

- 7.19 The proposed materiality, colours and finishes of the scheme, are distinct and well considered. The Design and Access Statement provided as part of the application provides a clear rationale for the proposed orange colour (RAL 2012), which is to be used for the main body and arch of the bridge: having taken cues from the red brick construction of local heritage assets such as Bromley Hall, and the red dyes which were used by the Calico Printers who had historically occupied the hall and local area in general.
- 7.20 The materiality, inclusive of colour and finish, of the bridges decking provides a sense of delineation of uses for the bridge's future users. The cues, both visual and sensual, are considered to further add to the design quality of the project whilst also promoting its safe usage.



*Figure 5. CGI 3d representation of the bridge, viewed from the bridge deck, looking west towards Tower Hamlets.*

- 7.21 The walking and cycling surface of the bridge will comprise of a stiffened plate with a resin bonded aggregate on top, which will provide a waterproofing layer, which provides appropriate slip and skid resistance, in a compact system ranging from between 3 and 5mm in thickness. The bridge's deck will comprise of a blend of two types of resin bonded bauxite aggregate, which will be blended with one another. The western end will primarily consist of a Chinese bauxite aggregate, whilst the eastern end will comprise of a Guyanan bauxite aggregate. The graduated concentration of the two surfacing materials, is considered appropriate, and will ensure that the bridge integrates successfully with the different materials of both the Tower Hamlets and Newham Landing.



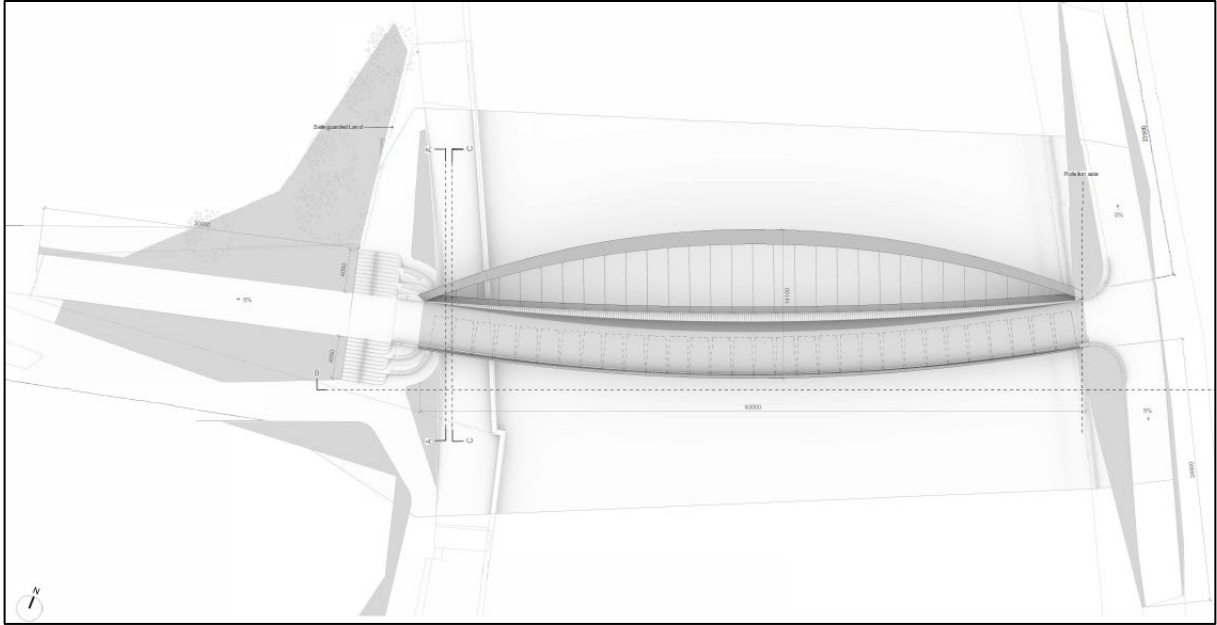
- 7.22 The resin bond discussed above will be separated into two distinct areas using a coloured aggregate, which will run adjacent to the bridge's northern edge. It will clearly demarcate an area in front of the bench like structure, which encourages pedestrians to sit and enjoy the space; and deter traffic from passing through. Rumble strips will be incorporated also, with the vibrations caused providing warning to cyclists.
- 7.23 On both the north and south sides of the bridge, it is proposed that the internal walling be inclusive of a patterned artwork, which will take cues from the local area's heritage of print and fabric work. It is considered that this will further develop the bridge's unique character and ensure that it provides a link to the local area and its history.
- 7.24 Although the Design and Access Statement provides a detailed overview of the final materials to be used, officers are minded to apply condition to secure detail of the site's final materials, colours, and finishes. This is considered necessary to ensure that the proposals continue to meet the high standards of design proposed and maintains compliance with policy S.DH1 of the Tower Hamlets Local Plan (2020).

### Railings

- 7.25 The bridge structure is inclusive of railings, both on its north and south sides. The railings and mesh safety barriers have undergone several rounds of revision throughout the design process, taking into account the concerns of design officers and the borough's highways officer, as well as comments from officers at London Borough of Newham. The current proposals are considered by officers to be of an acceptable design, being lightweight in appearance, and successful in not introducing excessive bulk or massing to the structure.
- 7.26 The upstream railing (north edge) is 1.15m above the top surface of the bench, with a single C-shaped top longitudinal profile to host part of the functional linear lighting. The downstream (south) railing is 1.4m above the surfacing of the deck, to provide enough of a safety feeling to for cyclists but does not include any infill meshing within the top 25cm of the barrier. The infill below that consists of both the secondary girder, on in the space in between its top edge and 1.15m above the surfacing, the same steel mesh used in the upstream barrier system.
- 7.27 To enhance the shape of the steelwork, a dark grey colour will be used for the posts of the railings. This will ensure that the posts go largely unnoticed when the bridge is viewed from longer distances.

### Bridge landing

- 7.28 Throughout the development of the proposal's western landing, numerous design solutions have been explored. The site is recognised to be constrained in size, and with consideration for the necessary clearance heights of both the river and tow path, the current proposals are considered to be an acceptable solution.



*Figure 6. Drawing showing aerial view of the bridge and the bridge's west landing.*

- 7.29 The proposals have been designed to promote east/west, cross borough travel, whilst also ensuring not to inhibit north/south movement along the western tow path, located within Tower Hamlets. The western landing is served by step free access, in the form of a long ramp leading from Lochnagar Street.
- 7.30 The main ramp gradient is specified to a maximum of 4.5%. The ramp will be earthwork-based with a resin-bound gravel surfacing. This will ensure that the ramp, and thus the bridge itself, is accessible to all types of non-motorised users. The western landing has been designed to promote accessibility and facilitate movement for all, in accordance with policy D5 of the London Plan (2021).
- 7.31 Whilst officers consider the scheme to provide opportunities for accessible, east/west travel, it is recognised that the bridge does not provide an optimum solution for members of public, who wish to access the bridge from both the north and south of the site; with the issue being more pronounced for those wishing to access the structure directly from the tow path. It should however be noted that step free access is still maintained, although relies upon a somewhat convoluted route of access, as a result of the constraints of the site, and level changes necessary for one to access the bridge itself.
- 7.32 Stairs are provided to the north and south sides adjacent to the bridge to provide a more convenient access to the towpath for future users who are without mobility challenges. Adjacent to the pedestrian steps, lies two larger steps, which provide benches for members of the public to sit upon. The inclusion of which is considered to be a positive design solution, which further serves to hide the hydraulic ramps needed to raise and lower the bridge. As previously stated, officers propose to apply condition to secure details of materials and finishes. This will include detail of the bridges landing, and works to the tow path, which is to be discussed further at a later stage of this report. Furthermore, and with consideration for the proposed landscaping arrangements incorporated into the western landing, officer propose to apply further conditions, to ensure that this is brought forward and managed appropriately to ensure it does not detract from the local setting.

Tow Path, river wall and underpass

- 7.33 Policy S.OWS2 of the Tower Hamlets Local Plan (2020) states that proposals will be required to support the creation of a network of high quality, useable and accessible water spaces. Development will be expected to protect the integrity of the borough's water space; maximise opportunities for enhancing the aesthetic, ecological and biodiversity of the borough's water spaces; and promote water spaces for recreational and leisure activities as well as movement, including passenger and freight movement.
- 7.34 Policy D.OWS4 further requires that development on or adjacent to boroughs water spaces must enhance the areas links with the water space and contribute to the delivery of continuous walkways, canal towpaths and cycle paths.
- 7.35 The safeguarded land on which the western landing will fall comprises in part of a Tow Path, which runs adjacent to the River Lea into the Ailsa Wharf development site. It is proposed that the bridge and the bridge landing sit above this section of the tow path.
- 7.36 Throughout the pre-application advice meetings, the project has sought to establish the optimum design solutions, in response to the site's own constraints. LBTH Place Shaping have throughout the series of advice meetings, raised concerns in response to the proposed creation of an underpass area, pertaining to pedestrian safety, especially at night or throughout the darker winter months. Officers accept the suggestion of place shaping officers and propose to apply condition to secure detail of a lighting strategy and security measures, subject to the grant of planning permission.
- 7.37 Further to the above, the clearance height of any proposed underpass has been subject to much debate as part of the proposals.
- 7.38 Throughout the pre-application advice meetings, it had been established that London Borough of Tower Hamlets, and London Borough of Newham's respective highways officers, would consider a minimum clearance height of 2.4m to be acceptable. This is notably lower than the 2.7m required by the Canal and River Trust; however, in this instance, given that they do not have ownership and are not the governing body for this section of highway, their advice is issued as guidance only.
- 7.39 Within the current proposals, there is a minimum head clearance of 2.2m. The Design and Access Statement submitted as part of the application outlines that the proposed minimum headroom is compliant with the absolute minimum clearance heights, outlined table E/4.35 of Road Layout Design CD 195 Designing for cycle traffic (version 1.0.1) (2021) guidance document. Officers understand that the minimum heights requested by both Local Planning Authorities cannot be achieved without either increasing the length of the ramps leading into either site, or by increasing the angle of entry. Given the site's limited size and need to provide accessible access for wheelchair users and pedestrians with mobility issues, neither option has been considered suitable. Whilst officers note the minimum head clearance, with specific regard to cyclists, it is considered that this can be overcome by the inclusion of appropriate signage, lighting and inclusion of structures to slow the travel speed of cyclists and ensure safety. Officers therefore propose to apply condition to secure detail of appropriate details, in relation to the underpass, subject to planning permission being granted.
- 7.40 Further to the lowering of the tow path, the proposals are inclusive of the raising of the river walls. The river walls have been designed so that they may meet the expected requirements to manage the risk of flooding in the area up until 2100, as outlined with the Thames Estuary 2100 plan. It is

therefore proposed that the wall stands to a minimum height of +6.2m (AOD); which would result in a river wall which stands to approximately 2.1m at the centre of the underpass.

- 7.41 The proposed increased height of the river walls are recognised to reduce the rivers prominence when viewed from the western tow path. Officers consider this to be regrettable as it does not serve to enhance the relationship of local members of public and the borough's waterways. The changes are however considered necessary, and will likely be delivered in future, if not today. Furthermore, officers consider the inclusion of large, reinforced glass windows measuring 0.8m (height) x 1.4m (width), within the river wall, would serve to offset much of the harm caused by the proposed increase in height. Not only are the glazed panels provide new and interesting vistas of the river, from the depressed sections of the tow path, but they would also serve to welcome in natural light.

### Conclusion

- 7.42 The proposed bridge structure exhibits a high quality of design, which responds appropriately to its immediate context; whilst also ensuring that the local area may continue to grow sustainably. The proposals are not considered to pose harm to any local heritage assets, and instead have taken cues from the history of the local area, to develop an element of infrastructure which is sensitive to and positively contributes to the local setting, in accordance with policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan (2020).

Furthermore, whilst officers have raised concerns, with particular consideration for the underpass area and raised river wall, the scheme is considered to provide an optimum solution which works within the constraints of the site. Officers therefore consider the proposals to be acceptable in terms of overall design quality, subject to the application of the conditions raised above.

### **iii Neighbouring Amenity and public safety**

- 7.43 Policy D.DH8 of the Tower Hamlets Local Plan (2020) stipulates that development is required to protect and where possible enhance or increase the extent of the amenity of new and existing buildings and their occupants, as well as the amenity of the surrounding public realm. Policy D3 of the London Plan (2021) requires that site capacity is optimised through a design-led approach, which seeks to deliver appropriate outlook, privacy and experienced amenity for future occupants of the site.
- 7.44 Policy D.DH2 of the Tower Hamlets Local Plan (2020) asserts that development is required to contribute to improving and enhancing connectivity, permeability and legibility across the borough, ensuring a well-connected, joined up and easily accessible street network and wider network of public spaces. Development is required to positively contribute to the public realm by creating safe sites, which design out sites of concealment, allow opportunities for natural surveillance to occur and which create clear sightlines and improve legibility and lighting of surrounding areas at all times of the day and night.
- 7.45 The proposals are not considered by officers to pose amenity issues for local residents, by way of noise, overshadowing, or even light pollution. The proposals do however raise concerns in terms of public safety, both in relation to the site's proximity to the River Lea and the creation of an underpass, as detailed in the section above.
- 7.46 Officers consider that the concerns already raised may be overcome by the addition of appropriate conditions, relating to a lighting strategy, security details, a signage strategy, traffic management features, and the provision of riparian life rings in tandem with anti-suicide safety equipment.

#### iv Transport

- 7.45 Policy S.TR1 of the Tower Hamlets Local Plan (2020) states that travel choice (including connectivity and affordability) and sustainable travel will be improved within the borough and to other parts of London, and beyond. Development, is therefore expected to; (a). prioritise the needs of pedestrians and cyclists, as well as access to public transport, including river transport, before vehicular modes of transport; (b). be integrated effectively alongside public transport, walking and cycling routes to maximise sustainable travel across the borough; and (d). not adversely impact the capacity, quality, accessibility and safety of the transport network in the borough.
- 7.46 Policies D.TR2 and D.TR4 further state that major developments and developments which are anticipated to impact upon the local transport network, must be supported by a transport assessment, and designed appropriately to mitigate causing undue harm and/or disruption. Furthermore, measures must be taken to ensure that both during the construction phase of development, and subsequent lifetime of the development, that appropriate steps are taken to ensure sustainable delivery and servicing arrangements, which do not compromise the form, function or safety of the boroughs transport network.
- 7.47 Policy T2 of the London Plan (2021) actively promotes development which reduces the dominance of vehicles on London's streets whether stationary or moving; and development which is permeable by foot and cycle and connects to local walking and cycling networks as well as public transport. Policy T5 further states that development plans and proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. This will, in part be achieved by supporting the delivery of a London-wide network of cycle routes, with new routes and improved infrastructure.



*Figure 7. CGI representation of bridge when viewed from north of the bridge, and from the Tow Path.*

#### Pedestrian and cycle access

- 7.48 The proposals seek to facilitate better cross borough movement, between Tower Hamlets and Newham. The bridge will serve both pedestrians and cyclists, and provide a well needed connection, to an existing cycle network, which already exists on the east banks of the River Lea. It is clear therefore that the proposed infrastructure project is in compliance with the overarching policy principles of both London Plan (2021) and the Tower Hamlets Local Plan (2020); which both seek to support a modal shift away from private vehicular led traffic, towards travel choices which support healthier and environmentally friendlier lifestyles.
- 7.49 Whilst the principle of development is supported, it should be noted that concerns have been raised from both the borough's highways officer, and its design officer, in relation to safety and the dual use nature of the bridge. Officers consider those concerns to be valid, although not strong enough to warrant a refusal of this current application. Instead, officers propose to apply conditions seeking a detailed signage strategy in conjuncture with the inclusion of traffic slowing/easing measures, to be approved by the Local Planning Authority, in order to alleviate said concerns. The proposed conditions will relate to the bridge deck, landing and ramp to Lochnagar Street, and the underpass also.

#### River Navigation

- 7.50 The bridge has been designed to provide a 33m wide channel which provides a clearance of 3m of the River Lea; and which provides a 22m wide channel with a clearance of 3.15m. Furthermore, when the bridge is raised, it will provide a 28.25m wide channel, with a clearance of 5m.
- 7.51 In the assessment of this planning application the Local Planning Authority have consulted the Port of London Authority (PLO), the Canal and River Trust (CRT), and Marine Management Organisation (MMO). The proposals are recognised to comply with the PLO's air draft requirements and provide appropriate clearance for smaller vessels to navigate the channel in accordance with the CRT's requirements.
- 7.52 The proposals are not considered to unduly impact upon future navigation of the River Lea; and subject to the application of conditions and informatises, as detailed within section 5 (consultee responses) of this report, do not raise any reason for objection from officers in regard to river navigation.

#### Operation of bridge lifting mechanism and maintenance costs

- 7.53 The proposed bridge structure will need to be raised in order to facilitate ongoing river navigation for larger boats, in accordance with the PLA's air clearance criteria. Whilst it is understood that such instance will only occur on a few occasions per annum, the lifting of the bridge does nonetheless require an appropriate management plan and to be supported by both signage and a system which prohibits public access to the bridge at the time of raising. Officers therefore propose to apply condition to secure detail of the above, subject to planning permission being granted.
- 7.54 The borough's highways officer has raised concerns in relation to the maintenance fees associated with the bridge and its hydraulic lifting mechanism. It is pertinent therefore to note that the bridge will, if permitted, be managed and maintained by the Newham's Highway Authority and adopted as part of its highway network.

### Construction Management Plan

- 7.55 Policy D.SG4 of the Tower Hamlets Local Plan (2020) outlines that all major development should sign up to the considerate contractors scheme and where appropriate a contractors forum. Furthermore, it must consider the cumulative impacts of development occurring in the vicinity in terms of impacts to residential amenity, the local environment, and the local transport network. Development is required to employ the highest standards of sustainable construction.
- 7.56 Policy D.TR4 of the Tower Hamlets Local Plan (2020) requires development that generates a significant number of vehicle trips for goods or materials during its construction and/or operational phases to demonstrate how; (a). impact to the transport network and amenity will be avoided, remedied or mitigated through assessments, construction management and logistics plans and delivery service plans; (c) movement by water and/or rail/ and use of low emission vehicles, electric vehicles, bicycles and freight consolidation facilities have been prioritised.
- 7.57 In recognition of the need for any construction phase associated with the proposed development to be properly managed in a holistic and thorough manner, the applicant team have agreed to accept a pre-commencement condition requiring them to engage with the borough Construction Management Officer, in accordance with the borough's Code of Construction Practice. The proposals are thus considered to comply with policies D.SG4 and D.TR4 of the Tower Hamlets Local Plan (2020).

### **v Environment**

- 7.58 As established under Policy S.ES1 of the Tower Hamlets Local Plan (2020), proposals will be supported which minimise the use of natural resources and work proactively to protect and enhance the quality of the natural environment. Policy D.ES2 further outlines that development is required to meet or exceed the 'air quality neutral' standard, including promoting the use of zero emission transport and reducing the reliance on private motor vehicles.

### Air Quality

- 7.59 The proposals are such that they will if permitted help facilitate a modal shift from a current reliance upon carbon reliant modes of transport to walking and cycling instead. The proposals are thus anticipated to help further improve air quality in the local area by enabling this shift in habits.
- 7.60 Whilst the proposal are considered in principle to comply with policies D.ES2 and S.ES1 in terms of their environmental impacts, specifically relating to air quality and pollution, officers do recognise that the construction phase of development may give rise harmful pollutants. It is important therefore to apply standard conditions relating to the Construction Management Plan, which serve to limit actions which may cause harm to residential amenity, local biodiversity and or air quality. Officers note that the applicant has accepted the application of such conditions.

### Biodiversity

- 7.61 As outlined within policies S.ES1 and D.ES3, development is expected to enhance biodiversity within the borough. It should retain habitats and features of biodiversity value, or, if this is not possible, replace them within the development, as well as incorporate additional measures to enhance biodiversity, proportionate to the development proposed.
- 7.62 Policy S.OWS2 and D.OWS4 further seek to preserve and enhance existing biodiversity and wildlife that exists within the borough and its water spaces, whilst also enhancing the relationship shared between said spaces and the public.

- 7.63 A Preliminary Ecological Appraisal developed by Greengage has been submitted as part of the application. Natural England and the borough's biodiversity officer have both had consideration with neither party raising objection to the proposals. The borough's biodiversity officer recognises that the proposals may result in a slight loss of biodiversity; however, the harm would be minor and it could be offset by the appropriate biodiversity enhancements, secured by way of condition.
- 7.64 The proposal's lighting strategy is recognised by officers to pose a potential to disrupt local wildlife, whose habitat lays close to application site. Officers will secure further details as to how this can be properly mitigated against, by way of an update lighting strategy. Furthermore, officers propose to apply a condition which would require changes to the lighting strategy if it is to emerge that the proposals cause harm to local wildlife throughout the lifetime of the development. For the purpose of clarity, the changes to the strategy must be proportionate to the harm and take consideration for public safety and/or residential amenity impacts.

#### Flood risk

- 7.65 Local Plan policies D.ES4 and D.ES5 seek to manage flood risk and encourage the use of Sustainable Urban Development adjacent to the borough's water spaces to demonstrate no loss or covering of the waterspace, no adverse impacts including the biodiversity, amenity and character, enhancement of the ecological, biodiversity and aesthetic quality of the water space and it must provide suitable setbacks from the water space edges to mitigate flood risk and to allow riverside walkways and canal towpaths.
- 7.66 In consideration of the proposals, officers have consulted the Environment Agency, who have raised no objection to the proposals. The proposals are as previously discussed within the body of this report, inclusive of the raising of the river wall, which runs adjacent to the tow path, on the Tower Hamlets side of the river. The increased height of the wall, which is inclusive of reinforced glazing panels, is considered to provide appropriate protection, which will meet the requirements of anticipated flooding in the year 2100, as outlined within the Environment Agencies TE2100 Plan.

#### **vi Human Rights and Equalities**

- 7.67 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.
- 7.68 The proposed development would not result in adverse impacts upon equality or social cohesion.

#### **vii Conclusion**

- 7.69 The proposals seek to facilitate the delivery of a piece of infrastructure, which will meet a recognised need, as made clear within Tower Hamlets Local Plan (2020). The proposed pedestrian and cyclist bridge will if permitted provide an important cross borough linkage between London Borough of Tower Hamlets and London Borough of Newham. The bridge itself represents a high standard of design and would give rise to a sleek and modern design, which still successfully provides a clear linkage to the area and its history. Notwithstanding the prior mentioned concerns relating to safety, signage, and the proposed underpass area, officers consider the proposals to be compliant with the policies of the Development Plan, subject to the application of officer recommended conditions.

### **8. RECOMMENDATION**



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

## 8.2 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
  - e. Noise pollution limits.
4. Noise from Plant
5. Lighting – Biodiversity

### Pre-Commencement

6. Construction Environmental Management Plan and Construction Logistics Plan.
7. Air Quality – Construction Plant and Machinery (NRMM)

### Pre- Superstructure Works

8. Materials
9. Details of artwork to be applied to bridge deck
10. Signage Strategy
11. Traffic calming measures and bridge operation plans
12. Amended Lighting Strategy
13. Bridge Operation Management Plan
14. Bridge management warning system and barrier system

### Pre-Occupation

15. Secure by design
16. Provision of life rings and anti-suicide equipment
17. Biodiversity enhancements

### Informative

1. Canal & River Trust Code of Practice for Works Affecting CRT
2. MMO Marine License
3. Biodiversity enhancements

## Drawings

Site Plan – Current Condition (Drawing Number 00 Rev 00)  
Site Plan – Day 1 (Drawing Number 01 Rev 00)  
Site Plan – Future Condition (Drawing Number 02 Rev 00)  
Bridge Plan and Cross-section (Drawing Number 03 Rev 01)  
Bridge Elevations (closed and open (Drawing Number 04 Rev 00)  
Tower Hamlets | Long Section along riverwalk for different flood levels (Drawing Number 05 Rev 01)  
Bridge Cross-sections (Drawing Number 06 Rev 01)  
Landing Landscaping | Tower Hamlets (Drawing Number 07 Rev 00)  
Landing Landscaping | Newham Side (Drawing Number 08 Rev 00)

## Computer Generated Images

Virtual image 01 (Drawing Number 09 Rev 00)  
Virtual image 02 (Drawing Number 10 Rev 00)  
Virtual image 03 (Drawing Number 11 Rev 00)  
Virtual image 04 (Drawing Number 12 Rev 00)  
Virtual image 05 (Drawing Number 13 Rev 00)  
Virtual image 06 (Drawing Number 14 Rev 00)  
Virtual image 07 (Drawing Number 15 Rev 00)  
Virtual image 08 (Drawing Number 16 Rev 00)  
Virtual image 09 (Drawing Number 17 Rev 00)  
Virtual image 10 (Drawing Number 18 Rev 00)

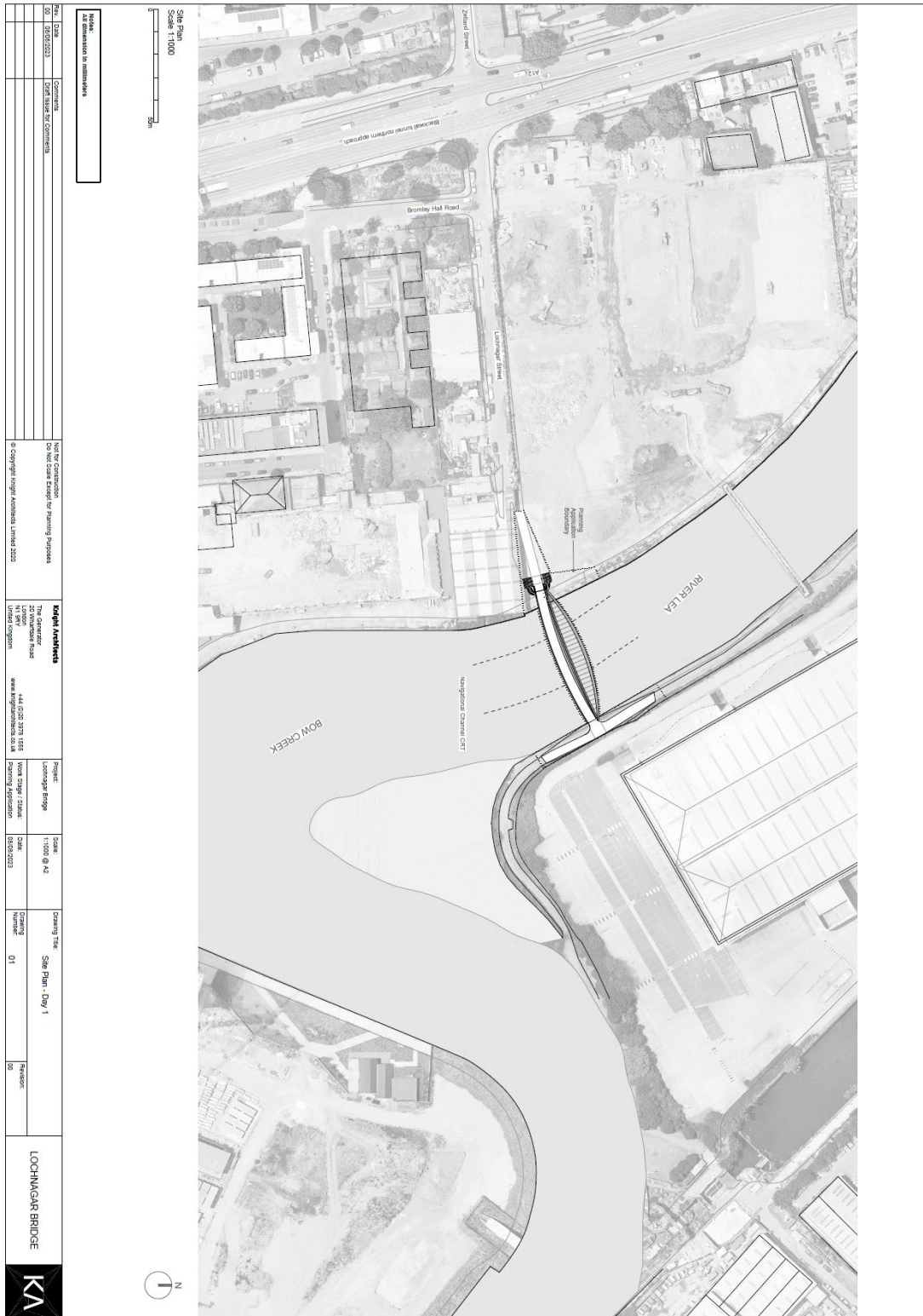
## Submitted Documents

Design and Access Statement, August 2023  
Flood Risk Assessment and Sustainable Urban Drainage Strategy, August 2023  
Transport Statement, August 2023  
River Lea Crossings: Bat Activity Survey, August 2023  
Planning Statement, August 2023  
Health Impact Assessment (HIA)  
Landscaping Scheme, August 2023  
Lighting Design Report, July 2023  
Outline Construction Environment Management Plan (CEMP), August 2023  
Outline Construction Logistics Plan, August 2023  
River Lea Crossings: Preliminary Ecological Appraisal  
Preliminary risk assessment (PRA)  
Lochnagar Bridge – Statement of Community Involvement

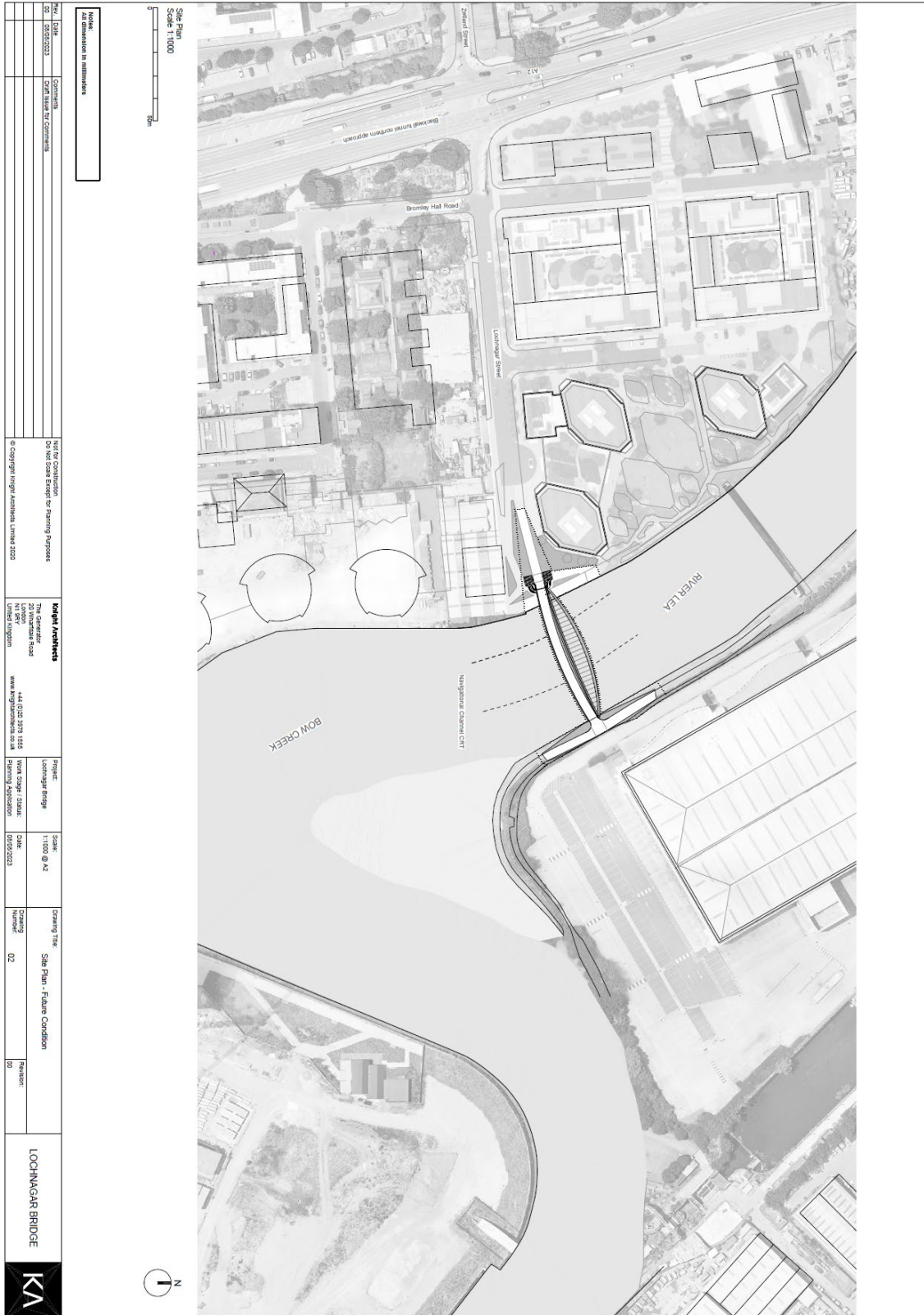
# Appendix 1: Site Plan – Current Condition



# Appendix 2: Site Plan – Day 1 (Proposed)

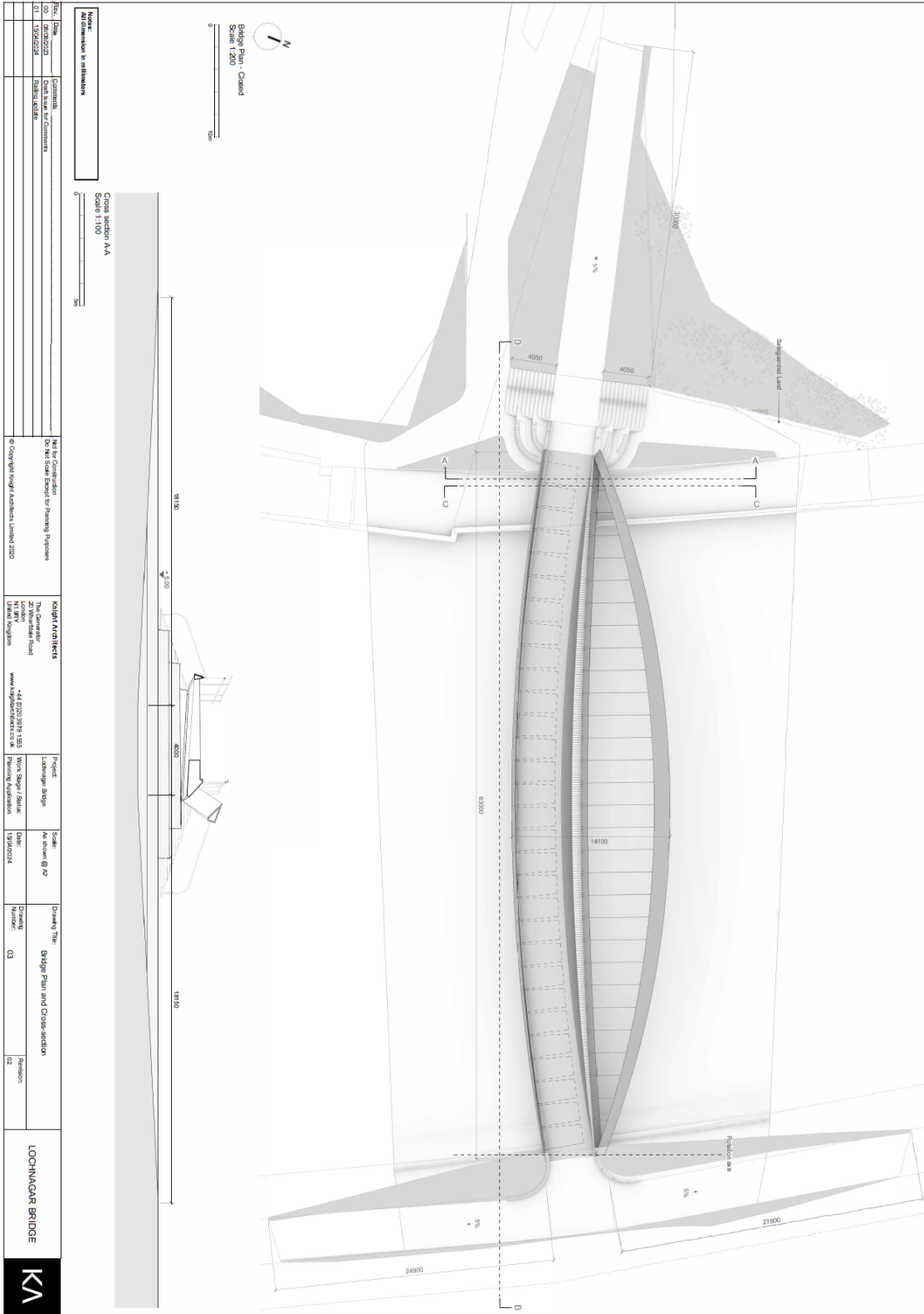


### Appendix 3: Site Plan - Future Condition (proposed)

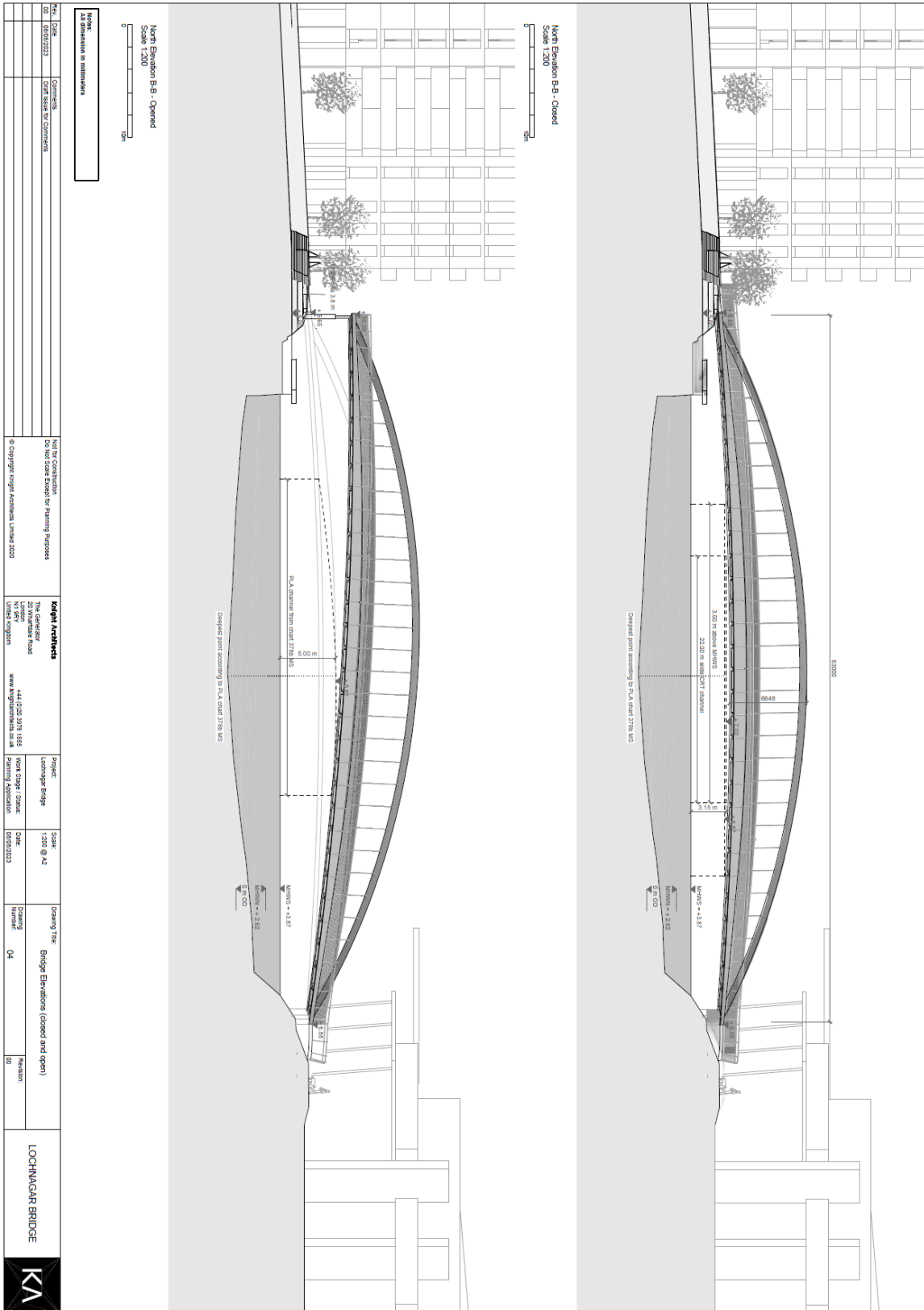


<table border="1"> <tr> <td>Rev</td> <td>Date</td> <td>Comments</td> </tr> <tr> <td>01</td> <td>20/03/2023</td> <td>Start Status for Comments</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	Rev	Date	Comments	01	20/03/2023	Start Status for Comments							<p>Not for Construction Do not Scale Except for Planning Purposes</p>	<p><b>Knight Architects</b> 20 Waterhouse Road London E14 5RN United Kingdom +44 (0)20 3279 1855 www.knightarchitects.co.uk</p>	<p>Project: Lochnagar Bridge</p> <p>Work Stage / Status: Planning Application</p>	<p>Scale: 1:1000 @ A2</p>	<p>Drawing Title: Site Plan - Future Condition</p>	<p>Revision: 01</p>	<p>LOCHNAGAR BRIDGE</p> <p>KA</p>
Rev	Date	Comments																	
01	20/03/2023	Start Status for Comments																	

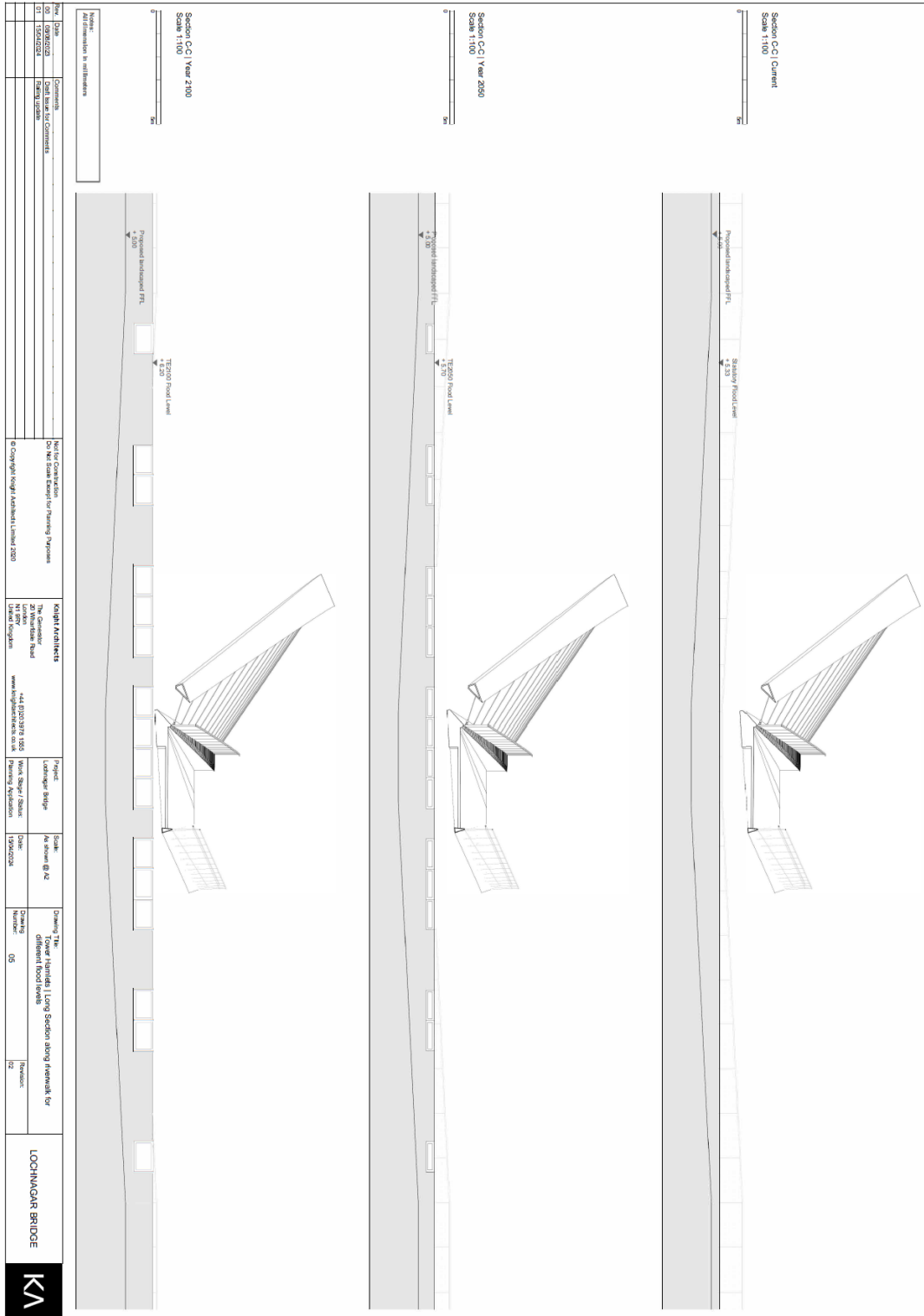
# Appendix 4: Bridge Plan and Cross-section



# Appendix 5: Bridge Elevations (closed and open)

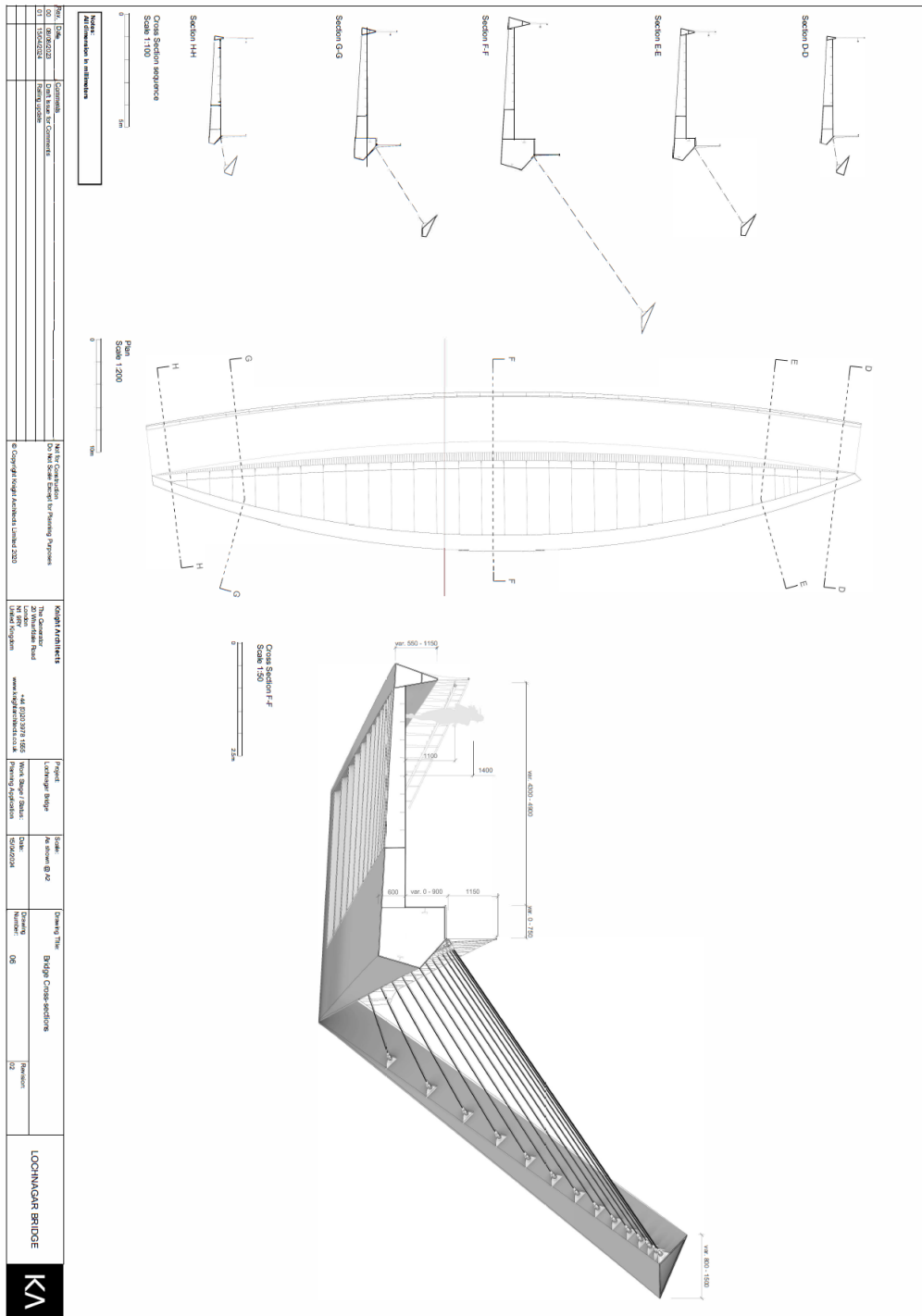


# Appendix 6: Tower Hamlets | Long Section along riverwalk for different flood levels



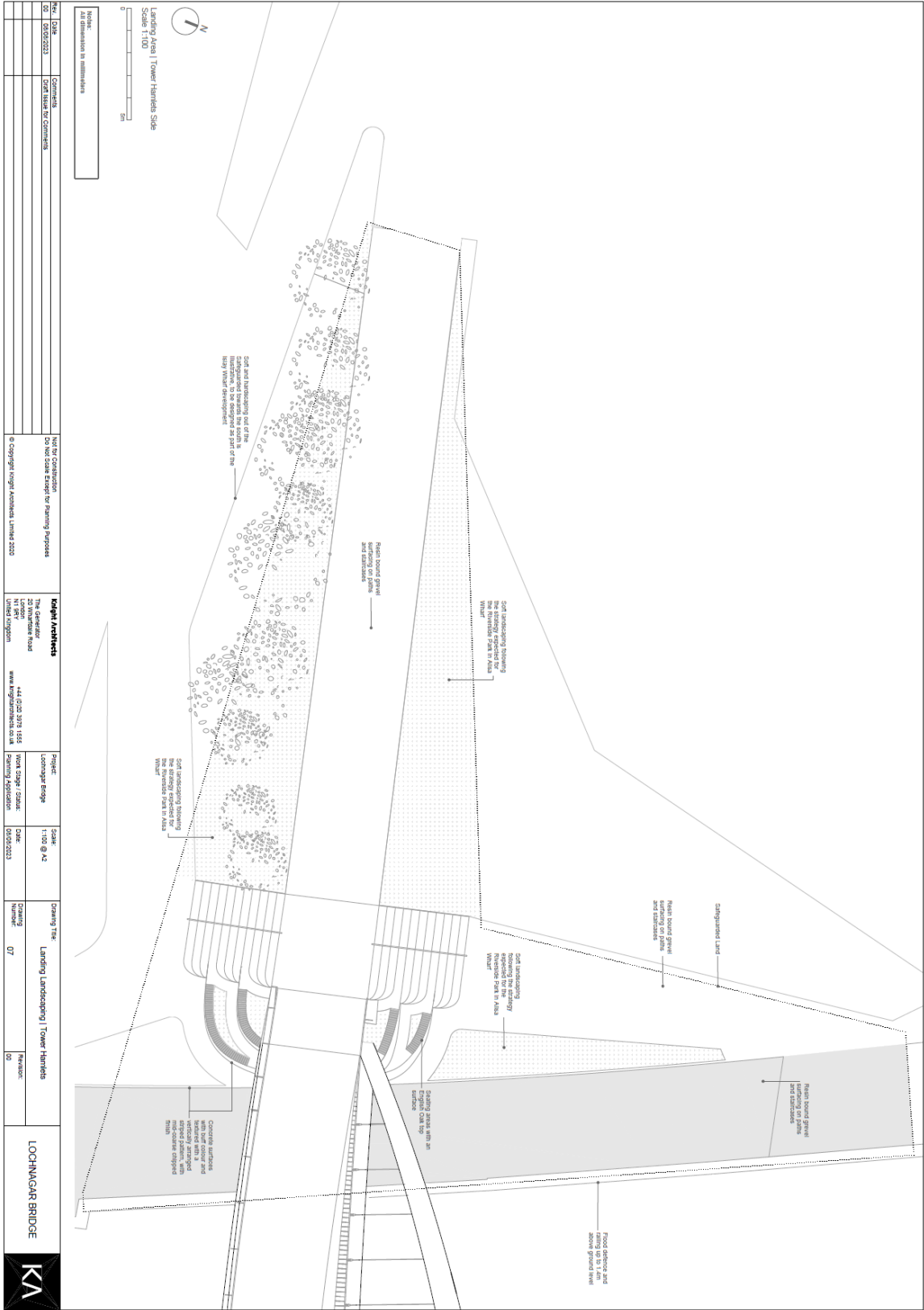


# Appendix 7: Bridge Cross-sections



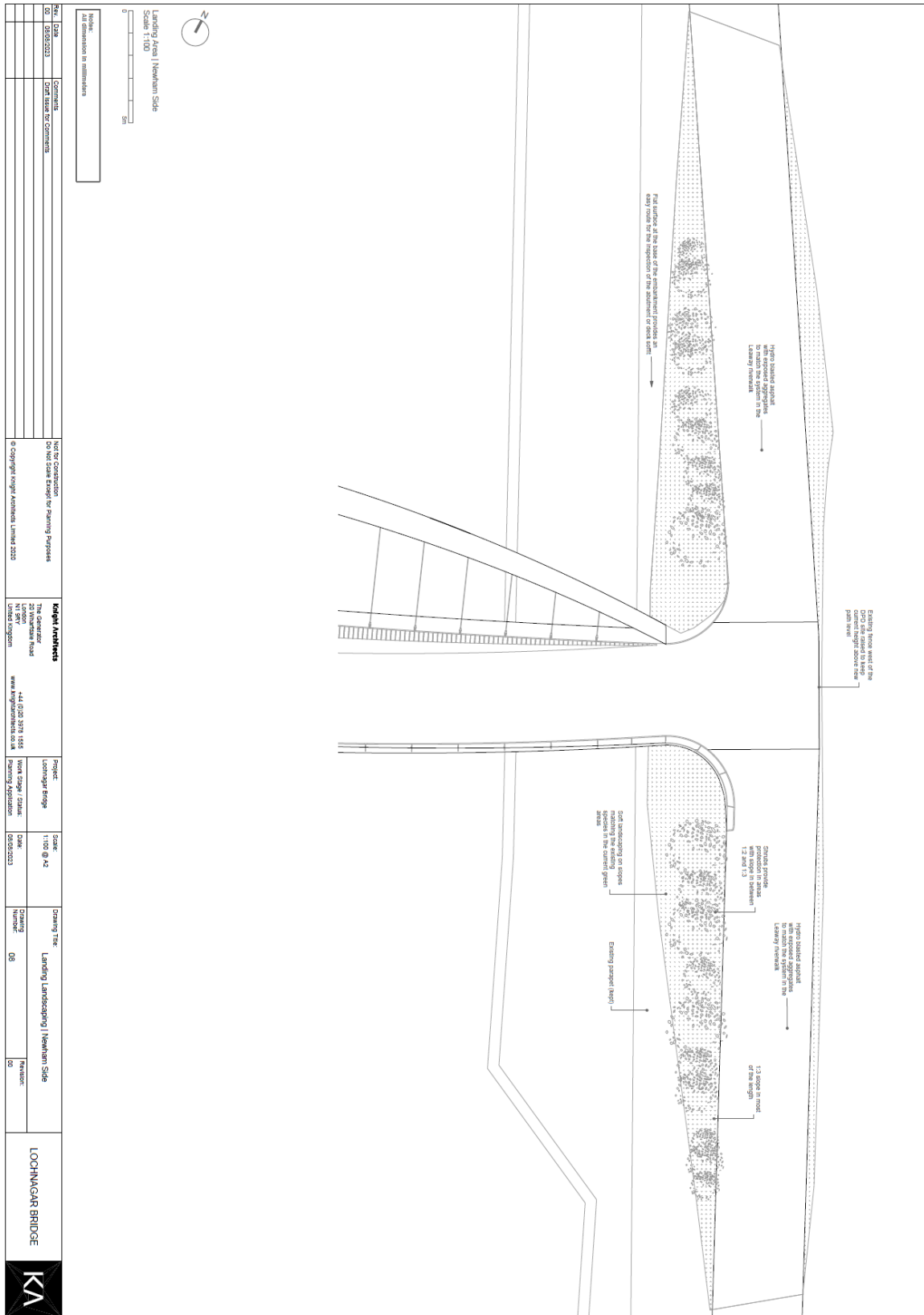
Project Name	Lochnagar Bridge	Project No.	1502/2024
Client	Highway Scotland	Design Stage	Final Design
Location	Highway 1502	Date	15/03/2024
Scale	1:100	Drawing No.	08
Author	[Name]	Check	[Name]
Approved	[Signature]	Scale	1:100
Notes	All dimensions in millimetres unless otherwise stated.		
Copyright	© Copyright Knight Architects Limited 2024		
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Company	Knight Architects The Glasgow Road Leith, Edinburgh, Scotland www.knightarchitects.co.uk +44 (0)203191 1805 info@knightarchitects.co.uk		
Project	Lochnagar Bridge	Scale	As shown @ A3
Client	Highway Scotland	Design Stage	Final Design
Date	15/03/2024	Drawing No.	08
Project Name	LOCHNAGAR BRIDGE		
Logo			

# Appendix 8: Landing Landscaping | Tower Hamlets

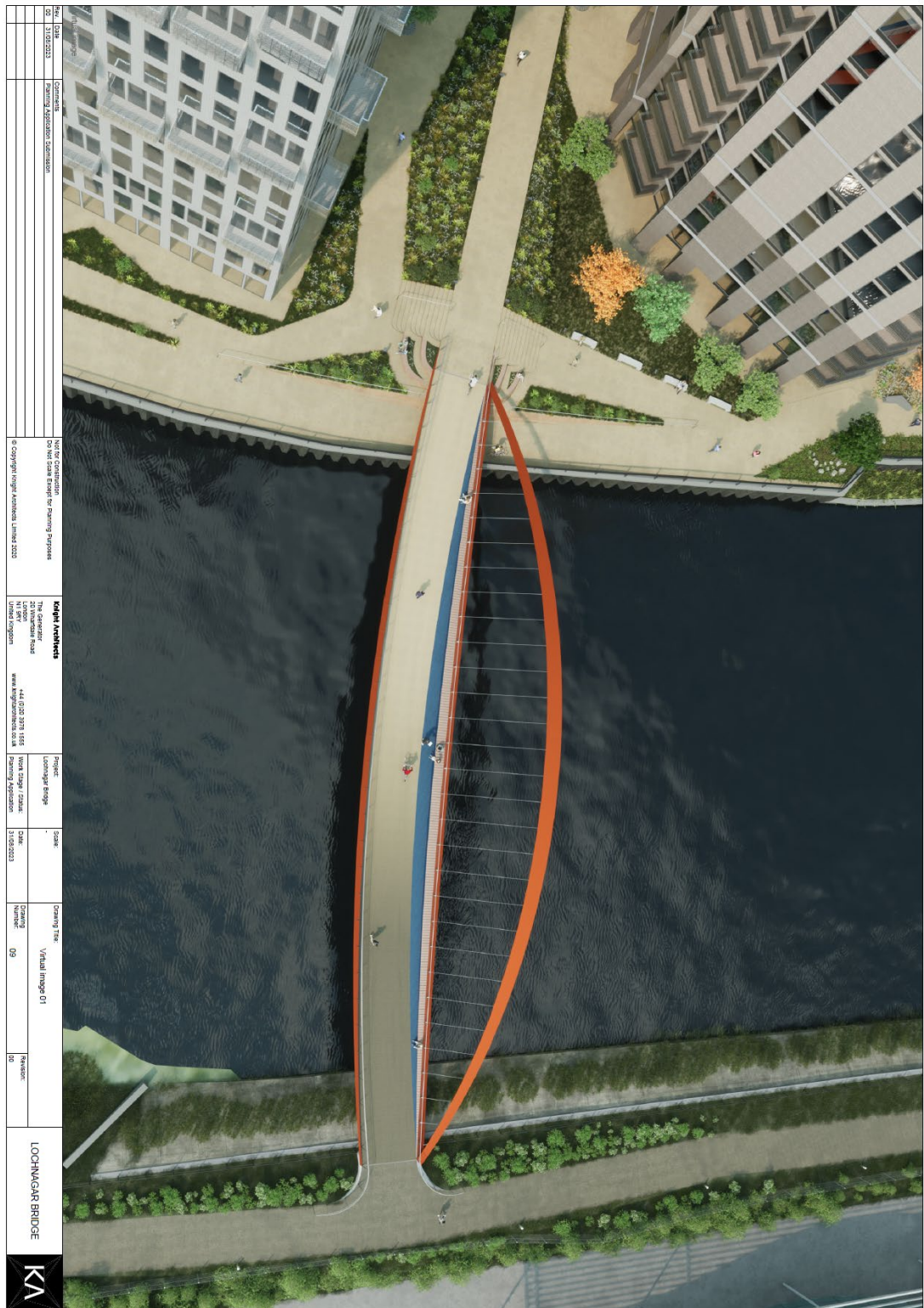


No.	Date	Comments	Notes for Construction	Project	Scale	Drawing Title	Revision	Logo
01	02/05/2023	DATE ISSUED FOR COMMENTS	DO NOT SCALE EXCEPT FOR PRINTING PURPOSES © Copyright Knight Architecture Limited 2020	Lochngar Bridge Work Stage 02A: Planning Application	1:100 @ A2	Landing Landscaping   Tower Hamlets	01	KN
02								
03								
04								

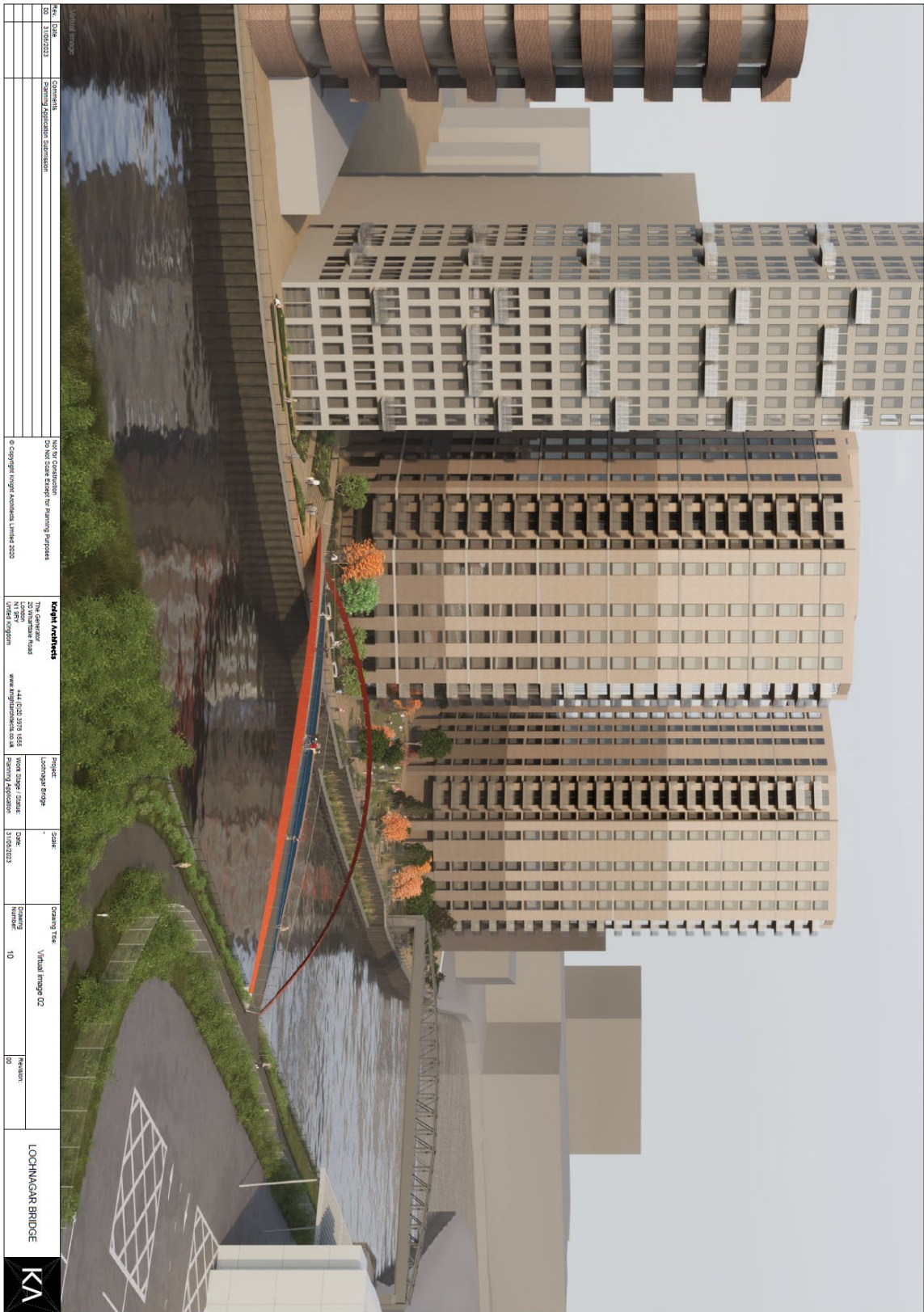
# Appendix 9: Landing Landscaping | Newham Side



Appendix 10: Virtual image 01



Appendix 11: Virtual image 02



View: Data	Comments	Not for construction Do Not Scale Except for Planning Purposes © Copyright Kva Architects Limited 2020	<b>Kva Architects</b> The Quadrant 20 The Arcade Road W1 1DF United Kingdom +44 (0)20 3719 1555 www.kvaarchitects.co.uk	Project: Lochnagar Bridge Work Stage / Status: Planning Application	Scale: -	Drawing Title: Virtual Image 02	Revision: 01
01	Planning Application Submission			DATE: 31/03/2023	Drawing Number: 10		

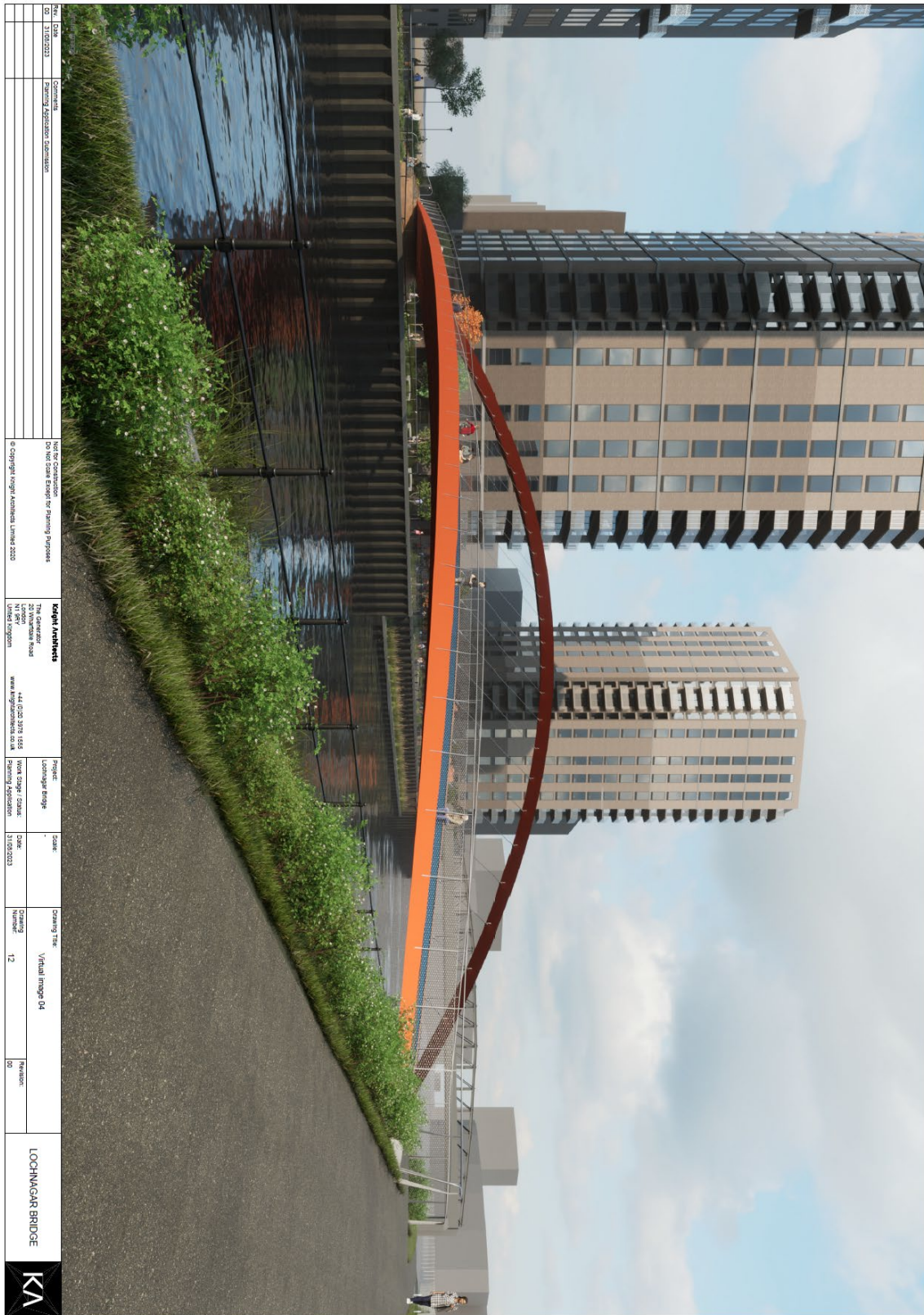
LOCHNAGAR BRIDGE



Appendix 12: Virtual image 03

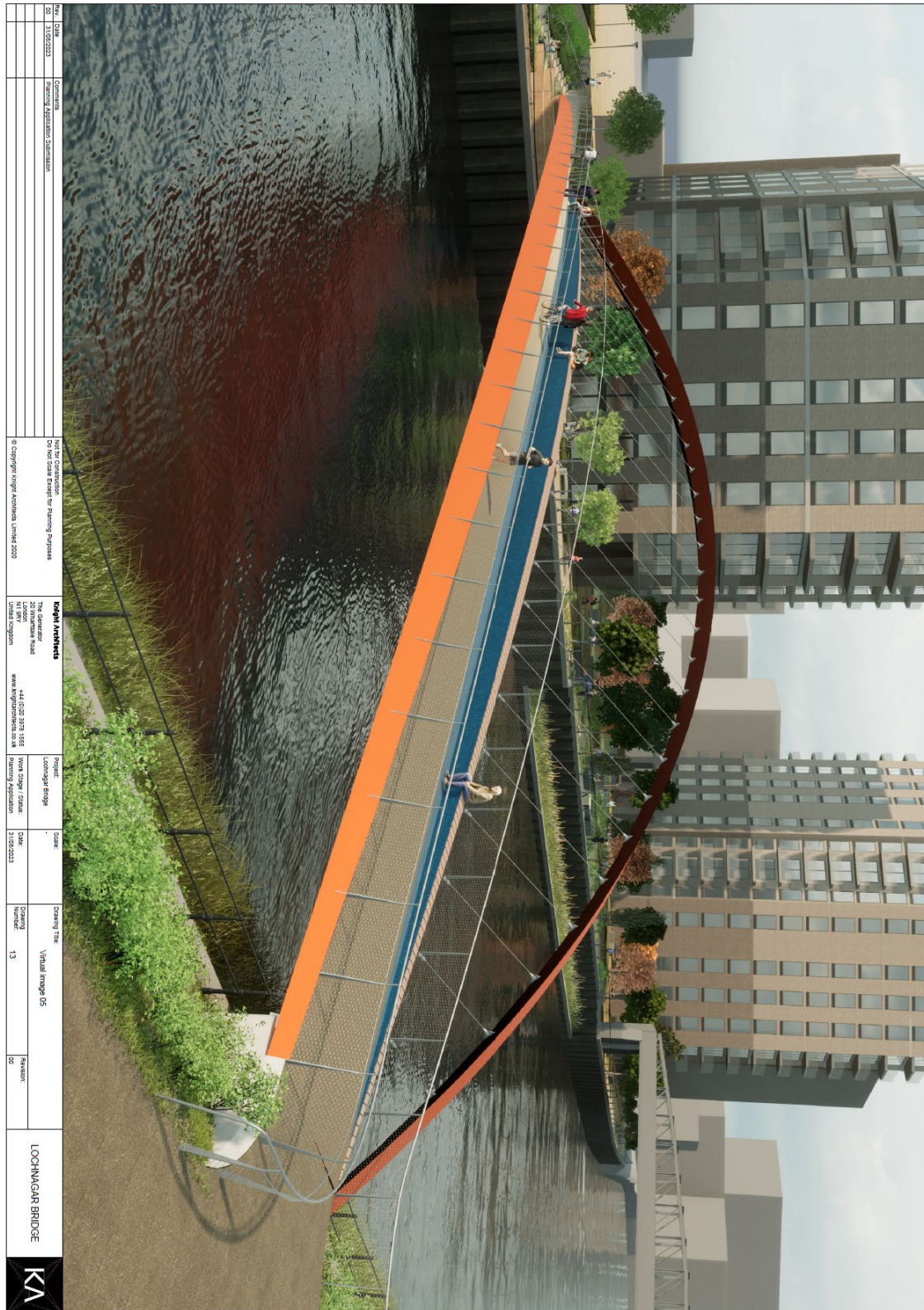


Appendix 14: Virtual image 04



Rev. / Date	Comments	Not for construction Do not detail except for Planning purposes	<b>Kojagi Architects</b> 27 Grosvenor Road London United Kingdom +44 (0)20 3079 8333 www.kojagiarchitects.co.uk	Project: Lochnagar Bridge	Task:	Drawing Title: Virtual Image 04	Revision: 00	<b>LOCHNAGAR BRIDGE</b> 
00	31/03/2023	Planning Application Submission	Issue Stage / Status: Planning Application	Date: 31/03/2023	Drawing Number: 12			

# Appendix 15: Virtual image 05





# Appendix 16: Virtual image 06

Rev. Date	Comments	Not for construction Do Not Scale Except for Planning Purposes © Copyright Lochnagar Architects Limited 2020	Project: Lochnagar Bridge	Drawing Title: Virtual Image 06	Revision: 00	
	00					31/05/2023
	Planning Application Submission					
<b>Knight Architects</b>		7th Floor 20 Vineyard Road London United Kingdom	444 (0)20 3779 3355 www.knightarchitects.co.uk	Client: Ipswich College / Ipswich Planning Application	Drawing Number: 14	
<b>LOCHNAGAR BRIDGE</b>						

Appendix 17: Virtual image 07

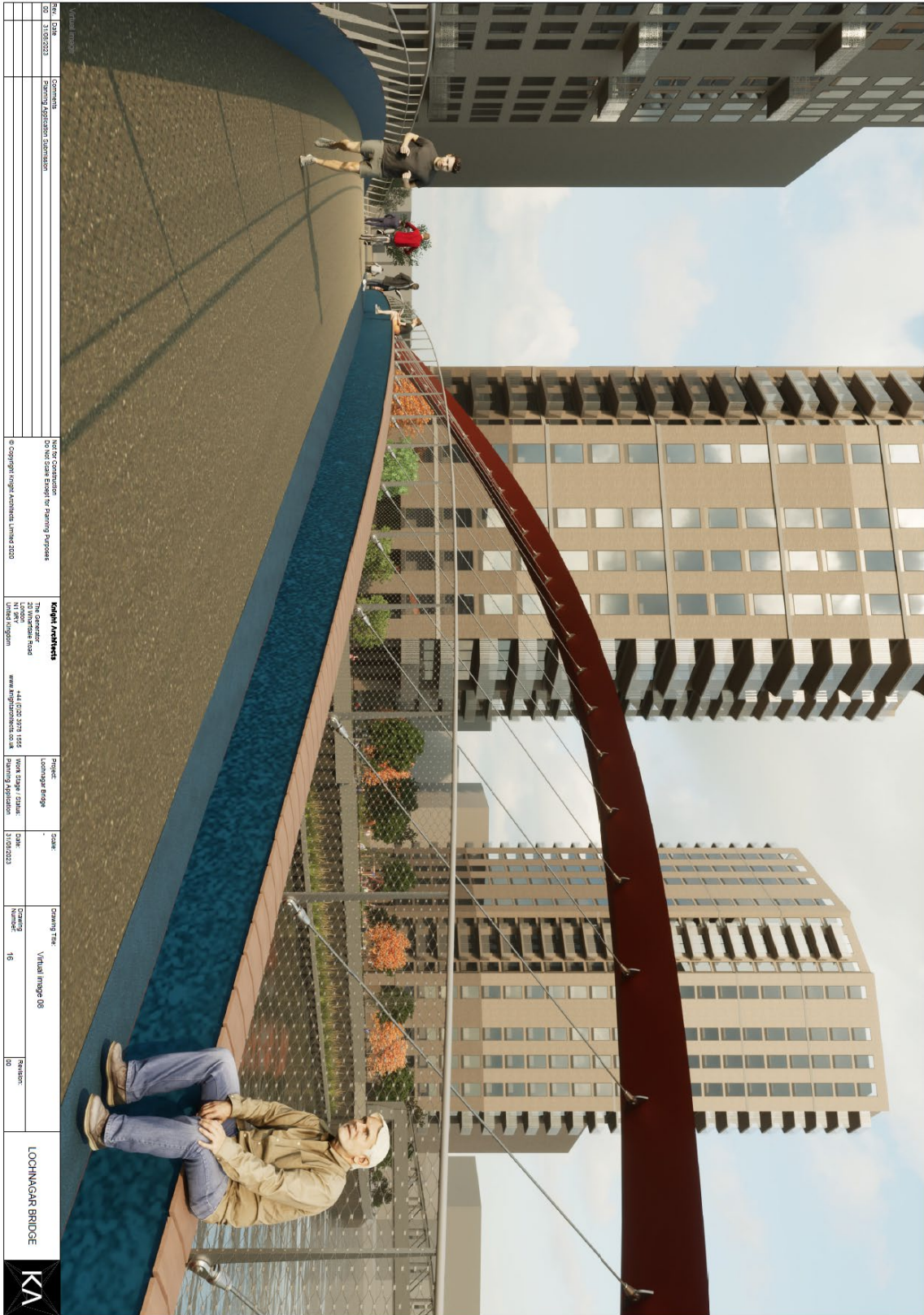


Rev	CDM	Comments	North Lochnagar Do Not Scale Model for Planning Purposes	Project	Lochnagar Bridge	Scale	1:100	Drawing Title	Virtual Image 07	Revision:	00
00	31/05/2023	Planning Application Submitted	© Copyright Knight Architecture Limited 2023	Knight Architects	Work Stage / Status	Date:	31/05/2023	Drawing Number:	15		
				201, Kilmorie Road Luton United Kingdom	Planning Application						
				+44 (0)1525 3978 1665 www.knightarchitects.co.uk							

LOCHNAGAR BRIDGE



Appendix 18: Virtual image 08



**Appendix 19: Virtual image 09**

Virtual Image 09

Rev.	Date	Comments
00	31/08/2023	Planning Application Submission
<p>Not for Construction Do Not Scale Model for Planning Purposes</p>		
<p>© Copyright Knight Architects Limited 2023</p>		
<p><b>Knight Architects</b> 27th September Road London United Kingdom</p> <p>+44 (0)20 3076 1655 www.knightarchitects.co.uk</p>		<p>Project: Lochnagar Bridge</p> <p>Work Stage / Status: Planning Application</p> <p>Scale: -</p> <p>Date: 31/08/2023</p>
Drawing Title	Virtual Image 09	Revision
Drawing Number	17	00
<p>LOCHNAGAR BRIDGE</p>		

Appendix 20: Virtual image 10



Virtual Image		Not for Construction Do not scale except for Planning Purposes © Copyright Knight-Ridder, January 2005		<b>Client Address</b> The Council 20 Marshall Road Warrington Warrington		<b>Project</b> Lochnagar Bridge from Stage / Status: Planning Application		<b>Scale</b> - Date: 31/09/2005		<b>Drawing Title</b> Virtual Image 10 Drawing No: 19		<b>Revision:</b> 05		LOCHNAGAR BRIDGE 	
No.	Date	Comments													
05	31/09/2005	Planning Application Submission													

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**Application for Planning Permission**

[click here for case file](#)

<b>Reference</b>	PA/24/00164/A1
<b>Site</b>	Caxton Hall Community Centre & Adjoining Land, Caxton Grove, E3 2EE
<b>Ward</b>	Bow West
<b>Proposal</b>	Demolition of existing building and ballcourt and construction of a part-7 and part-9 storey building, with part-basement, containing 36 in number dwellings (Class C3) and replacement community centre (Class E (e-f), Class F1 (e-f), Class F2 (b)) with associated amenity areas, accessible car parking, cycle parking, refuse/recycling stores and landscaping works, including formation of a raised crossover on Malmesbury Road/Caxton Grove intersection, associated public realm alterations, and alterations to retained public open space (Four Seasons Green).
<b>Summary Recommendation</b>	Grant planning permission with conditions and planning obligations
<b>Applicant</b>	London Borough of Tower Hamlets (Capital Delivery)
<b>Architect/agent</b>	Tim Waters - Stockwool Architects/RENEW Planning Limited
<b>Case Officer</b>	Daniel Jeffries
<b>Key dates</b>	<ul style="list-style-type: none"><li>- Application registered as valid on 05/02/2024</li><li>- Public consultation finished on 15/03/2024</li><li>- Design review panel on 31/10/2023</li></ul>

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**EXECUTIVE SUMMARY**

The application site includes the single storey building Caxton Grove Community Centre and the adjoining ballcourt to the west. The site is accessed from Caxton Grove to the south and Malmesbury Road to the west.

The site is not within a conservation area and the existing community centre building is not a listed building. The nearest conservation areas are situated c.65m to the east (Fairfield Road) and 185m to the south west (Tredegar) when measured from the community centre and the nearest listed buildings are 130m away. The area to the south of the community centre is Four Seasons Green, which is designated as publicly accessible Open Space. However, the footprint of the proposed building is not designated as publicly accessible Open Space.

The redevelopment of the site would result in no loss of community use floorspace, with the existing community centre, which would be demolished, being reprovided at ground floor in a part nine, part seven storey building which would contain 36 self-contained residential units.

The proposal would result in the loss of the existing ballcourt, which would be mitigated by a commuted sum to enable improvements to the existing Malmesbury Road MUGA.

At a maximum height of over 30m the proposal meets the definition of a Tall building. The site is located outside a Tall Building Zone. The Council acknowledges that the proposal would not meet any of the criteria in Part 3 of Local plan Policy D.H6. However, given that the proposal would deliver a 100% affordable housing scheme it is considered that this favourable material consideration provides sufficient planning justification for non-compliance with Local Plan tall building policy D.6. The height of the building does not give rise to undue design concerns within its immediate local context that consists of residential building of varied height, form and scale.

The design would have a masonry-based finish ensuring it assimilates comfortably with the lower rise surroundings, with a clear distinction of the community centre. Given the scale of the proposed building, it would be visible from the public realm within the setting of heritage assets, which has been identified to result in some harm. However, this is considered to result in a low level of less than substantial harm which needs to be balanced against the public benefits to the scheme including provision of 100% affordable housing on site (in the form of social rent).

Whilst the site is immediately adjacent to two public highways, the provision of safe and satisfactory servicing and delivery arrangements alongside provision of Blue Badge and cycle parking. The proposal would also include highways works to allow for improved pedestrian access.

The proposal would also result in some major impacts on the amenity of occupiers of neighbouring properties, in terms of the levels of daylight/sunlight. However, these impacts need to be assessed in relation to the constraints and land use designation relating to the application site and its urban location, as well as being weighed in the balance against the benefits of the development.

The public benefits of the scheme include the delivery of affordable housing, which would provide a good level of accommodation for future residents of the development, notable improvements to the landscaping of the Four Seasons Green, provision of a new community centre which would provide improved facilities for future occupiers and better energy performance.








A strategy for minimising carbon dioxide emissions from the development is appropriate subject to condition, with a carbon offset contribution formula to be secured.

The landscaping of the Four Seasons Green would enable biodiversity enhancements to be achieved through the required landscaping scheme for these areas resulting in a biodiversity net gain for the site overall.





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<ul style="list-style-type: none"> <li> Planning Application Site Boundary</li> <li> Other Planning Applications</li> <li> Consultation Area</li> <li> Land Parcel Address Point</li> <li> Locally Listed Buildings</li> <li> Statutory Listed Buildings</li> </ul>	<p><b>Planning Applications Site Map</b> <b>PA/24/00164</b></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>Scale : 50m grid squares</p>	 <p><b>TOWER HAMLETS</b> London Borough of Tower Hamlets</p> <p>Date: 02 May 2024</p>
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## **1. SITE AND SURROUNDINGS**

- 1.1 The application site consists of the Caxton Grove Community Centre (195m<sup>2</sup> GIA) and adjoining ball court to the west and an area of public open space to the south known as Four Seasons Green. The site is located to the north and east of the public highway of Caxton Grove.
- 1.2 The site is bounded to the north by a railway line, to the east by a dismantled railway line, and to the south by 4-storey housing blocks dating from the 1960s on Caxton Grove and Bow PDSA Pet Hospital (at 171 Malmesbury Road).
- 1.3 The surrounding area has buildings of varying scale and height with 4-storey housing blocks to the south and southwest on Caxton Grove and Malmesbury Road; a part-6 and part-7 storey housing block to the east on Fairfield Road and a 6-storey housing block beyond the railway line to the north on Morville Street.
- 1.4 The site is situated within an area of 'very good' public transport accessibility (PTAL 4) with Bow Road Station (District Line) and Bow Road Church (DLR) stations and the bus services on Bow Road (3 routes) all within a 5 minutes' walk.
- 1.5 The site is not situated within a conservation area and the existing community centre building is not a listed building. The nearest listed buildings are the Fairfield Match Works (Grade II listed and situated c.130m from the eastern boundary of the site to the northeast on Fairfield Road beyond the railway line), the London Transport Trolley Bus Depot (Grade II listed and situated approximately c.90m to the southeast on Fairfield Road) and Severn Bollards (Grade II listed and situated c.186m to the south of the proposed building, on Kitcat Terrace). The nearest conservation area (Fairfield Road) is situated c.65m to the east from the proposed building, and 185m to the southwest (Tredegar). There are also two other conservation areas which are situated 250m to the south (Tomlins) and 300m to the southwest (Tower Hamlets Cemetery).

## **2. PROPOSAL**

- 2.1 The proposed development involves the demolition of the existing community centre and the ball court. This would be replaced by the construction of a part-7 storey and part-9 storey building (including part-basement) containing 36 residential dwellings (Class C3) on the upper floors, all of which would be affordable rent housing tenure (in the form of social rent). The proposal would also include a replacement community centre at ground floor level in the southeast corner of the building with its main entrance facing directly towards Four Seasons Green to the south.
- 2.2 The massing of the new building would be split between a seven-storey to the west rising to nine storeys. The overall maximum height of the proposed building would be approximately 30.8m to parapet and 32.9m to the highest part of the plant screen.
- 2.3 The proposed building would incorporate a community centre at ground floor to the south east corner of the building measuring 205sqm and the entrance to the residential units. The residential units would be located at first floor and above, would benefit from communal amenity space to the rear (north), and users the community centre would benefit from the use of an area of amenity space adjacent to the east elevation.
- 2.4 The Four Seasons Green immediately to the south and to the front of the building would be landscaped and include playspace, a dog area and tree planting. This is in addition to creation of areas of hardstanding and highways improvement works with the creation of a raised crossover on the corner of Malmesbury Road and Caxton Grove.

### **3. RELEVANT PLANNING HISTORY**

#### Planning Applications

- 3.1 PA/99/00968 | New sports hall, incorporating changing rooms, offices and incorporates Caxton Green and the disused railway cutting as part of a Fitness Trail leading to new all-weather 5-7-A-side football pitch to the south of Four Seasons Green. | Approved on 6 Oct 1999
- 3.2 PA/86/00503 | Erection of a community hall. | Approved 13 May 1986

#### Pre-application

- 3.3 PF/23/00076 - Residential development consisting of a part seven, part eight storey building to allow for the creation of 33 self-contained residential (C3) units with community centre at ground floor level. Landscaping of existing open space
- 3.4 PF/21/00193 - Residential development of six storeys comprising 26 dwellings with re-landscaped public open space to the south.
- 3.5 PF/20/0121 - A residential development of 56 dwellings contained within two separate six storey buildings. A community facility of 214sqm - comparable to the existing building on site, is incorporated within one of the blocks. An alternative option (Option Two) which delivers 58 dwellings with no community facility provided is also proposed 56 (58 within Option Two) for consideration. All dwellings are intended for affordable rent.

### **4. PUBLICITY AND ENGAGEMENT**

- 4.1 The applicant carried out the pre-application consultation with the local community in January and September 2021, and January 2023, which is detailed in the submitted Planning Statement prepared by Renew Planning.
- 4.2 As evidenced in the Planning Statement, the applicant's engagement consisted of public exhibitions with the primary concerns raised with the emerging proposal during these consultation events related to matters of height and scale of development, overlooking and loss of privacy, the potential loss of the community centre and the likelihood of increased anti-social behaviour (ASB) problems. However, there were also expressions of support for the provision of affordable housing, the planned improvements to Four Seasons Green and the omission of the existing MUGA.
- 4.3 During the pre-application stage, the scheme was presented to the Council's Conservation and Design Advisory Panel on 31<sup>st</sup> October 2023. This process ensured that the proposed design has been reviewed by the design experts, in accordance with London Plan policy D4 which requires development proposals referable to the Mayor to undergo at least one design review panel.
- 4.4 Upon validation, the Council carried out statutory consultation for the application which consisted of putting up planning notices along the western boundary of the site. Letters were sent to 237 addresses surrounding the site notifying occupants of the application. In addition, the application was publicised by display of site notices in the vicinity of the site and by publication of a notice in the local newspaper.
- 4.5 A total of 48 representations were received all letters of objections to the application.
- 4.6 It should be noted that whilst the below provides a summary of the responses received, officers have had regard to the full submissions when assessing the proposed development.

#### Public responses in objection:

- Loss of the recreational spaces and community centre and lack of other services within proposal

- Concerns about the standard of the accommodation of the proposed community centre
- Lack of affordable housing homes in the scheme
- Visual appearance and impact on the surrounding heritage assets (including scale, bulk and massing and general design) and conflicts with Tall Building policy
- Amenity Impact on occupiers of neighbouring properties (loss of daylight/sunlight, outlook, privacy, increased noise, pollution, overshadowing, sense of enclosure)
- Daylight/Sunlight Report within the application submission is inaccurate
- Concerns in terms of alterations to Four Seasons Green (including loss of dog park, impact on biodiversity, green spaces and existing trees)
- Impact on the local highway (increased number of vehicles, traffic and demand on vehicle parking)
- Fire safety
- Lack of consultation
- Concerns over unexploded bomb risk

Non-material considerations raised:

- Impact on rental/sale values of existing residential units
- Loss of view

4.7 The material planning considerations raised above are addressed in the main body of this report.

## 5. CONSULTATION RESPONSES

### External consultees

#### Greater London Authority

5.1 Provided the following commentary:

That Tower Hamlets Council be advised that the application may comply with the London Plan, subject to addressing the comments set out in paragraph 74 of this report. In this instance, due to the nature of the proposal and the strategic planning issues raised by this application, it is considered that these can be addressed by the Council and there is no need for the application to be referred back to the Mayor.

- Land Use Principle: The proposed uses, comprising residential and replacement community facilities would be acceptable, subject to the delivery and management of the new community centre being appropriately secured by S106.
- Housing: The proposals would be 100% affordable at social rent levels. This is strongly supported and should be secured.
- Design: The site is not located in an area identified as suitable for tall buildings, though the proposed tall building may be acceptable, subject to satisfactory visual, functional, environmental and cumulative impacts. Further consideration is recommended in relation to fire safety, residential quality, inclusive design, public toilets, free drinking water and noise mitigation.
- Heritage: GLA officers have identified a low degree of less than substantial harm to the Fairfield Road Conservation Area. The Council will assess in detail the heritage impacts of the proposals and carry out the NPPF para. 208 balance.
- Transport: A night time ATZ (Active Travel Zone Assessment) is requested. Conditions and obligations are recommended.
- Environment: Further consideration is recommended on energy, whole life-cycle carbon and circular economy. Conditions and obligations are also recommended

## **Health and Safety Executive – Fire Safety**

- 5.2 Confirmed the fire safety design of the application is considered satisfactory when assessed against the adopted standard BS 9991:2015. However, requested that a number of matters are addressed including consideration of fire safety relating to presence of electrical vehicles photovoltaic panels and hydrants. The HS requests are all capable of being secured by condition.

## **London Fire Brigade**

- 5.3 Confirmed that they have no observations to make but advises the applicant to ensure that the conform to Part B of Approved Document of the Building Regulations and the application is submitted to Building Control/Approved Inspector.

## **Metropolitan Police – Secured by Design**

- 5.4 Requested that a condition is attached to any permission requiring a Secured by Design Strategy which details how the development will achieve Secured by Design accreditation.

## **Transport for London – TfL Spatial Planning**

- 5.5 Raised no objections to the proposal subject to:
- Active Travel Zone (ATZ) improvements being secured.
  - Ensuring plans detail the cycle parking provision for both for occupiers of the residential units and the community centre.
  - Ensuring apart those retaining car parking permits, as part of the Council's Permit Transfer Scheme, or blue badge holders the proposal should be car free, and the blue badge parking spaces are equipped with active electronic vehicle charging points. Requests further clarification on blue badge provision for the community centre and that a parking design management plan is secured.
  - The Delivery and Servicing Plan and Construction Logistics Plan is secured.
  - The Proposed Development should include suitable protection against noise and vibration in line with the 'agent of change' principle.

## **Internal consultees**

### **LBTH Arboricultural Officer**

- 5.6 Confirmed that they are satisfied with BS categorisation of the trees and protection measures in the submitted Arboricultural Method Statement. Raises no objection to the removal of T28 and T29 which is considered to have a negligible impact and would be mitigated by comprehensive landscaping including tree replacements.

### **LBTH Biodiversity**

- 5.7 Raised no objections to the proposal and welcomes the biodiversity enhancements and has identified as a key driver to the proposed, which will contribute to and recommended conditions relating to the Local Biodiversity Action Plan objectives and targets. Recommends conditions for the biodiversity mitigation and enhancements and timing of the site clearance.

### **LBTH Urban Design and Conservation Team**

- 5.8 Raised no objections to the principle of the development but raised the following comments:
- Raised concerns about the additional height beyond six storeys including scale, bulk and massing, and its visual prominence.
  - Raised concerns about the impact to the setting of heritage assets building, noting that it would be visible from various locations within the conservation area, with varying degrees of visibility.

- Raised concerns about the general design include the façade, including the use of oriel windows, and materiality. Advised that the design could be simplified and the angled roof form is less successful than Place Shaping officers had hoped. They also note that it is essential to acknowledge that the building has some lovely design details, including the terracotta-coloured ribbed precast concrete elements, which help to create visual interest, texture, and articulation. Advising it is crucial to use high-quality bricks and that the chosen brick (and mortar) colours complement each other and work well with the terracotta-coloured precast concrete. If the case officer decides to grant consent, we suggest that all exterior materials be secured with a condition. Recommends that this condition should also require the applicant to construct sample panels.
- Raised some concerns about the quality amenity space to the rear and are unconvinced that this north-facing area would result in a high-quality, usable communal amenity area or an inclusive and stimulating play space. Also considers that the rear lacks informal surveillance, which is accentuated by the building's shape, which creates blind corners where individuals can hide or engage in anti-social behaviour. Recommends details of the rear communal amenity space (i.e. the hard and soft landscaping, seating and play equipment) should be secured with a condition.
- Welcomed the changes made to the community centre, including the position within the building and increased daylight/sunlight but raised concerns about the shape of the building which impact the shape of the rooms.
- Welcomed the improvements to Four Seasons Green which is considered to be strongest element of the scheme and have the potential to create an exciting and inclusive space.

#### **LBTH Environmental Health Officer – Contaminated Land**

- 5.9 No objections subject to conditions covering the following matters:
- Remediation scheme for ground contamination
  - Noise insulation
  - Restrictions on Demolition and Construction Activities
  - Questions asking justification about noise levels assessed when windows closed

#### **LBTH Environment Health Officer – Air Quality**

- 5.10 Confirmed that the submitted information is acceptable but requested a number of conditions relating to:
- Dust management plan
  - Kitchen extract details
  - Construction plant and machinery
  - Air quality neutral assessment

#### **LBTH Health Impact Officer**

- 5.11 Raised concerns in terms of the loss of playspace in an area already in high need as described by the Play Spaces Audit. The children's play area on Four Seasons Green and the MUGA to the west of the site will require a significant improvement, developed in collaboration with the local community to ensure it meets their needs, to be sufficient. Also advises the Community Centre should also be temporarily relocated during construction to ensure community cohesion and opportunities for social interaction are maintained.

#### **LBTH Occupational Therapist**

- 5.12 Raised no objections and confirmed they are satisfied with proposed layouts.

#### **LBTH Local Flood Authority**

- 5.13 Raised no objections to the scheme but recommends the design continues to investigate improved passive design measures, in particular looking at enhanced u-values for windows and commit to achieving air permeability rates in line with LETI standards. Advises that the

proposals are for a 28.32 tonnes/CO2 reduction in on-site emissions and would result in a carbon offsetting contribution of £28,471.50 to offset the remaining 9.99 tonnes CO2 and achieve net zero carbon. Welcomes that the development will employ a site-wide heat network (air source heat pump) for all uses to future proof the scheme to connect with a future district heat network if one becomes available and viable in the area, which should be secured through a suitable condition or legal wording. Recommends conditions seek to ensure:

- PV energy generation maximised with Biosolar roofs installed where feasible.
- The carbon savings are delivered as identified in the Energy Statement
- Details of future district heating connection safe guarding are provided
- Post completion report (including As Build calculations) is submitted to demonstrate energy / CO2 savings have been delivered.

### **LBTH Transportation & Highways**

- 5.14 Raised no objections but requested condition relating to the ensuring that there are no doors opening outwards.

### **LBTH Waste Policy and Development**

- 5.15 Raised no objections, subject to securing the appropriate planning conditions and welcomes the segregation of residential and commercial waste storage arrangement. The proposed access for waste collection is considered acceptable. The refuse storage at ground floor will be within recommended drag distance for residents and for waste collection and swept paths analysis of a standard refuse vehicle has been provided.

## **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

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

### **London Plan (2021)**

#### *Chapter 1 Planning London's Future - Good Growth*

GG1 Building strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city

GG5 Growing a good economy

#### *Chapter 3 Design*

D1 London's form, character and capacity for growth

D3 Optimising site capacity through the design-led approach

D4 Delivering good design

D5 Inclusive design

D8 Public realm

D9 Tall buildings

D12 Fire safety

D13 Agent of Change

#### *Chapter 4 Housing*

Policy H1 Increasing housing supply

Policy H4 Delivering affordable housing  
Policy H6 Affordable housing tenure  
Policy H7 Monitoring of affordable housing  
Policy H10 Housing size mix

#### *Chapter 5 Social Infrastructure*

Policy S1 Developing London's social infrastructure  
Policy S4 Play and informal recreation  
Policy S5 Sports and recreation facilities

#### *Chapter 7 Heritage and Culture*

HC1 Heritage conservation and growth

#### *Chapter 8 Green Infrastructure and Natural Environment*

G5 Urban greening  
G6 Biodiversity and access to nature

#### *Chapter 9 Sustainable Infrastructure*

SI1 Improving air quality  
SI2 Minimising greenhouse gas emissions  
SI3 Energy infrastructure SI4 Managing heat risk  
SI5 Water infrastructure  
SI7 Reducing waste and supporting the circular economy  
SI12 Flood risk management  
SI13 Sustainable drainage

#### *Chapter 10 Transport*

T1 Strategic approach to transport  
T2 Healthy streets  
T3 Transport capacity, connectivity and safeguarding  
T4 Assessing and mitigating transport impacts  
T5 Cycling  
T6 Car parking  
T6.2 Office parking  
T6.5 Hotel and leisure uses parking  
T7 Deliveries, servicing and construction  
T9 Funding transport infrastructure through planning

### **Tower Hamlets Local Plan 2031 Achieving sustainable growth**

#### *Achieving sustainable growth*

Policy S.SG1: Areas of growth and opportunity within Tower Hamlets  
Policy S.SG2: Delivering sustainable growth in Tower Hamlets  
Policy D.SG3: Health impact assessments  
Policy D.SG4: Planning and construction of new development

#### *Creating attractive and distinctive places*

Policy S.DH1: Delivering high quality design  
Policy D.DH2: Attractive streets, spaces and public realm  
Policy S.DH3: Heritage and the historic environment  
Policy D.DH6: Tall buildings  
Policy D.DH7: Density



Policy D.DH8: Amenity

*Meeting housing needs*

Policy S.H1: Meeting housing needs

Policy D.H2: Affordable housing and housing mix

Policy D.H3: Housing standards and quality

*Supporting community facilities*

Policy S.CF1: Supporting community facilities

Policy D.CF2: Existing community facilities

Policy D.CF3: New and enhanced community facilities

*Enhancing open spaces and water spaces*

Policy S.OWS1: Creating a network of open spaces

Policy D.OWS3: Open space and green grid networks

*Protecting and managing our environment*

Policy S.ES1: Protecting and enhancing our environment

Policy D.ES2: Air quality

Policy D.ES3: Urban greening and biodiversity

Policy D.ES4: Flood risk

Policy D.ES5: Sustainable drainage

Policy D.ES6: Sustainable water and wastewater management

Policy D.ES7: A zero carbon borough

Policy D.ES8: Contaminated land and storage of hazardous substances

Policy D.ES9: Noise and vibration

Policy D.ES10: Overheating

*Managing our waste*

Policy S.MW1: Managing our waste

Policy D.MW2: New and enhanced waste facilities

Policy D.MW3: Waste collection facilities in new development

*Improving connectivity and travel choice*

Policy S.TR1: Sustainable travel

Policy D.TR2: Impacts on the transport network

Policy D.TR3: Parking and permit-free

Policy D.TR4: Sustainable delivery and servicing

6.4 Supplementary Planning Guidance/ Other Documents:

- National Planning Policy Framework (2023)
- National Planning Practice Guidance (updated 2021)
- National Design Guide
- LP Housing Design Standards LPG (2023)
- LP Housing SPG (updated 2017)
- LP Affordable Housing and Viability SPG (2017)
- LBTH High Density Living SPD
- LBTH Tall Building SPD
- LBTH Planning Obligations SPD (2016)
- Historic England Advice Note 4 – Tall Buildings
- Historic England Good Practice Advice in Planning: 3 (2nd Edition) The Setting of Heritage Assets

- BRE Guidelines (2022)

## 7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

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

### Land Use

- 7.2 The site is located within the Central Sub Area, as identified within paragraph 7.7 of the Local Plan, whilst not an opportunity area, it *is an area which has the potential to absorb additional growth, primarily through infill and land use intensification which respects the character of the surrounding streetscape*. It identifies that *new development will be expected to have regard to the design and development principles set out in Section 4 and other relevant policies set out in the Local Plan*.
- 7.3 The site on Tower Hamlets owned housing land consists of Caxton Grove Community Centre and adjoining ball court to the west which would be demolished. Adjacent to the site to the south is designated Publicly Accessible Open Space, the Four Seasons Green. This land is not managed by the Council's Park Team. Policy S1 of the London Plan seeks to protect existing social infrastructure (which includes community facilities) unless there are realistic proposals for re-provision that continue to serve the needs of the neighbourhood and wider community, or the loss is part of a wider public service transformation plan to provide modern, fit for purpose infrastructure and facilities to meet future population needs or to sustain and improve services.
- 7.4 The Local Plan policies S.CF1, D.CF2 and D.CF3 also seeks to ensure that developments protect and encourage new and improved community facilities. Policy D.CF2 seeks to ensure existing community facilities are retained unless it can be demonstrated that either there is no longer a need for the facility, or an alternative community use within the local community, or a replacement facility of similar nature that would better meet the needs of the local community is provided, and that the quality and accessibility of these facilities (including public access) are enhanced.
- 7.5 The Local Plan Policy S.OWS1 seeks to ensure developments *provide or contribute to the delivery of an improved accessible, well-connected and sustainable network of open spaces, to ensure that there is no net loss (except where it meets the criteria set out in Policy D.OWS3), improving its quality, value and accessibility and maximising the opportunities to create/increase publicly accessible open space (including playing pitches and ancillary sporting facilities) with a range of sizes and for a range of users*.
- 7.6 The proposal would result in the loss of the existing community centre building, which consists of 195sqm GIA and the adjacent ball court. The application confirms that the existing community centre is Council owned and leased to the Malmesbury Youth Project, which sublets the space to Age Concern, which is the main user of the premises Monday to Friday.

- 7.7 The applicant has confirmed that the existing community centre building cannot be retained (due to the existing condition and energy efficiency of the building) and the proposal would therefore reprovide a community centre at ground floor level of the proposed building. The scheme would allow for the new community facility to be used by the existing main user group (Age Concern) but also open up the opportunity for the space to be used more widely by the local community and more frequently including both in the evenings and upon the weekend. . The new facilities would be marginally larger (by 10sq.m) than the existing community facility at 205sqm of floor space, as well as more fit for purpose than the existing facility and would have access to its own external amenity space set to the east of the building. In terms of the quality of the proposed facilities the space would include various rooms, including workshop, a hall, a kitchen, fully wheelchair accessible WCs, storage and dedicated enclosed refuse area. The main areas of the workshop and hall have dual aspect and access to daylight/sunlight, with a generous 3.4m internal floor to ceiling heights. The application confirms that the current occupiers of the community centre would retain the option to use use of the proposed facility. In summary it is concluded the proposal would provide improved community facilities for future occupiers compared to the existing community centre.
- 7.8 The existing ballcourt, to the west of the existing community centre, would fall within the footprint of the proposed development and therefore the proposals would result in its loss. The existing facility is stated to be surplus to requirements within the application documentation. The proposal would also result in alterations to the Four Seasons Green, Publicly Accessible Open Space, including improvements to the quality of landscaping and the inclusion of play equipment.
- 7.9 Paragraph 103 of the National Planning policy Framework states that:
- Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- a)an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
  - b)the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
  - c)the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use*
- 7.10 Paragraph 8.4.1 emphasises the importance of open space confirming that it provides a wide range of social, health and environmental benefits, and are a vital component of London's infrastructure. The associated Policy G4 seeks to ensure that proposed development does not result in the loss of protected open space.
- 7.11 Local Plan Policy D.OSW3 only supports development on designated open space in exceptional circumstances including development where it provides essential facilities that enhance the function, use and enjoyment of the open space (e.g. ancillary sport facilities to the playing field use), or as part of a wider development proposal, both an increase of open space and a higher quality of open space can be achieved, provided that it would not result in any adverse impacts on the existing ecological, heritage or recreational value of the open space and the flood risk levels within and beyond the boundaries of the site.
- 7.12 The changes proposed to the Four Seasons Green consist of a combination of landscaping and the introduction of playground equipment associated with the child's play space for the future occupiers of the proposed residential component of the development. Whilst further assessment on the impact on the ecological, heritage and recreational value of the open space is provided later in this report, amongst other issues, the principle of the proposed changes are concluded to be acceptable as they would support the function and enhanced enjoyment of the designated area of open space.

- 7.13 As noted above the proposal would result in the existing facility which has been described as ballcourt and a Multi-Use Games Area by the applicant and consists of an area of hardstanding measuring approximately 600sqm and includes a basketball court.
- 7.14 London Plan Policy S5 seeks to ensure *existing sports and recreational land (including playing fields) and facilities for sports and recreation should be retained unless an assessment has been undertaken which clearly shows the sports and recreational land or facilities to be surplus to requirements at the local and sub-regional level. Where published, a borough's assessment of need for sports and recreation facilities should inform this assessment; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*
- 7.15 London Plan Policy S4 seeks to ensure that development proposals increase opportunities for play and informal recreation and enable children and young people to be independently mobile and not result in the net loss of play provision, unless it can be demonstrated that there is no ongoing or future demand.
- 7.16 London Plan Policy S5 (C) also seeks to ensure existing sports and recreational land (including playing fields) and facilities for sports and recreation should be retained unless:
- *an assessment has been undertaken which clearly shows the sports and recreational land or facilities to be surplus to requirements (for the existing or alternative sports and recreational provision) at the local and sub-regional level. Where published, a borough's assessment of need for sports and recreation facilities should inform this assessment; or*
  - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
  - *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*
- 7.17 As noted above, Local Plan Policy D.CF2 seeks to protect existing community facilities. Paragraph 12.14 in the supporting text for this policy states that *the loss of sports and recreational facilities will only be justified where an applicant can provide a robust assessment demonstrating surplus provision or where the proposal includes a replacement of the facility with at least an equivalent function, quality and quantity of sport provision that better meets the needs of the community.*
- 7.18 It is acknowledged that the proposal would not result in a re-provision of the existing ballcourt. However, the applicant has identified that there is an existing ballcourt, which also has a basketball court located within close proximity to the application site, being located 200m walk to the west along Malmesbury Road (between Alfred St and Whitton Walk). This facility has been in situ for several years, with historical photos confirming its existence since July 2008.
- 7.19 The applicant has identified that both of these ballcourts are of low quality and require significant improvements. To mitigate the loss of the existing ballcourt within the footprint of the proposed building the application includes a commuted sum which would be secured to improve the retained Malmesbury Road MUGA. These improvements which shall include improvements to the surface, the inclusion of seating TBC
- 7.20 Sport England is a statutory consultee on planning applications for development affecting playing fields. Sport England's playing fields policy and how it assesses such applications is set out in its Playing Fields Policy and Guidance document. The policy and supporting guidance are in line with the Government's commitment in the NPPF to the protection of sport and recreational provision. The document also provides helpful clarification and additional guidance to assist all with assessing related planning applications and protecting provision.

- 7.21 The Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the 2015 Order”) states that a local planning authority shall consult Sport England on “development which:
- is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field;*  
*or*
- is on land which has been—*
- used as a playing field at any time in the five years before the making of the relevant application and which remains undeveloped; or*
- allocated for use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement; or*
- involves the replacement of the grass surface of a playing pitch on a playing field with an artificial, man-made or composite surface.”*
- 7.22 The 2015 Order defines a playing field as ‘the whole of a site which encompasses at least one playing pitch’. The 2015 Order also defines a playing pitch as ‘*a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo.*’
- 7.23 In this instance, the existing ballcourt is not considered to meet the requirements to require consultation with Sport England, as the existing facility is less than 0.2 hectares in area and is not area used for the above sports and therefore does not meet the definition of a playing pitch.
- 7.24 Policy H1 of the London Plan seeks to amongst other things, optimise the potential for housing delivery on all suitable and available brownfield sites through Development Plans and planning decisions. The policy sets ten-year targets for net housing completions for each Local Planning Authority. For Tower Hamlets, Table 4.1 sets a ten-year target of 34,730 net housing completions covering the period between 2019/20 – 2028/29.
- 7.25 Policy S.H1 of the Local Plan commits to securing the delivery of at least 58,965 new homes across the Borough (equating to at least 3,931 new homes per year) between 2016 and 2031.
- 7.26 The provision of new housing would positively contribute to the Borough’s housing stock, noting that there is an acute local and national demand for increased housing, particular affordable housing. The principle of the housing on the site would be acceptable in land use terms subject to the development demonstrating compliance with relevant Development Plan policies.

### Conclusion

- 7.27 To summarise, the proposal would result in the loss of the existing community centre and ballcourt within the footprint of the development. However, the proposed development would provide a new community centre at ground floor, providing improved facilities, along with the creation of 36 residential units. The loss of the existing ballcourt is mitigated by the inclusion of an improved replacement community centre as well as a commuted sum for the improvement of the existing Malmesbury Road MUGA. The proposal would also result in the landscaping and improvement of the existing Four Seasons Green. It is therefore considered that principle of the development is acceptable, subject to compliance with all other material considerations.

### **Housing**

- 7.28 Policy S.DH1 of the Local Plan stipulates that development will be expected to contribute towards the creation of mixed and balanced communities that respond to local and strategic

need. This will be achieved through the provision of mixed unit sizes and tenures which meet local need, and which are inclusive of varied housing products. All housing must be well-designed and take appropriate account of cumulative development. This policy also seeks to maximise the delivery of affordable housing on-site.

### Affordable Housing

- 7.29 Policy H4 of the London Plan sets a strategic target of 50 per cent of all new homes delivered across London to be genuinely affordable. Specific measures to achieve this aim include the requirement to deliver 50 per cent affordable housing on public sector land on each site.
- 7.30 Policy H5 of the London Plan outlines the threshold approach toward affordable housing schemes greater than 10 units. In this instance, the proposal would be for 100% affordable housing.
- 7.31 Policy H6 identifies the preferred affordable housing tenure that should be applied to residential development as follows:
- 1) A minimum of 30 per cent low cost rented homes, as either London Affordable Rent or Social Rent, allocated according to need and for Londoners on low incomes.
  - 2) A minimum of 30 per cent intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared ownership.
  - 3) The remaining 40 per cent to be determined by the borough as low cost rented homes or intermediate products (defined in Part A1 and Part A2) based on identified need
- 7.32 Policy D.H2 seeks to maximise the provision of affordable housing in accordance with a 70% rented and 30% intermediate tenure split.
- 7.33 The proposal would result in the creation of 36 new residential homes, all of which would be for social rent, which while it does not meet the above requirements, can be said to significantly exceed them in relation to the delivery of much needed low cost affordable housing. This is therefore welcomed and a significant merit of the scheme.

### Housing mix

- 7.34 The Table below shows how the proposal compares with the recommended housing mix in the Local Plan for the affordable rented tenure in housing schemes:

	No of units	Required mix	Provided mix	Difference
1 bed	6	25%	16.6%	-8.4%
2 bed	16	30%	44.4%	+14.4%
3 bed	10	30%	27.7%	-2.3%
4 bed	4	15%	11.1%	-3.9%

- 7.60 As shown in the above table the proposed does not strictly accord with the proposed housing mix. However, this scheme would vastly overprovide low cost affordable rented accommodation when assessed against policy requirements (because the scheme is being delivered as 100% social rent) and as such any deviation from the required unit mix, presents no policy issued and would be acceptable. Notwithstanding the unit mix, it is also important to assess the standard of the proposed residential accommodation, which is assessed below.

- 7.61 The proposed units would meet the minimum floorspace standards and floor to ceiling heights in the London Plan and have acceptable sized living areas and bedrooms and layouts.
- 7.62 It is acknowledged that 14 (38.9%) of the 36 proposed dwellings would have single aspect. These units are located within the central section of the facade and are all two bedroom dwellings. The Design and Access Statement confirms that during the design process alternative options which sought to introduce a secondary aspect to these dwellings. However, the applicant considered that the limited aspect from the deck areas and the challenges associated with a northern aspect set towards the railway line, facing south was the most appropriate solution for these dwellings. Officers accept this justification.
- 7.63 For the remaining dwellings, 14 (38.9%) would have dual aspect, facing either north-west or southwest whilst 8 (22.2%), which are family sized 3 and 4 bedroom homes, have aspect in three directions. However, it should be noted that the 2 of the flats on the western end of each floor (10 in total) have openings which face towards the adjacent site to the west. To prevent unacceptable overlooking and compromising future development of this adjacent site, the application has designed the openings on this elevation to projecting directional oriel windows, with the units towards the front of the building having two of these windows serving a bedroom and the main living areas, and the flats to the rear having one window serving the main living area. These windows have been designed with clear glass to the shorter sides of these windows, which allow for aspect north and south, with the larger west-facing plane using opaque glass to restrict views. It is acknowledged that the proposed design of these windows would restrict the levels of outlook and aspect from these windows. However, it is noted that the windows serving the main living areas are secondary windows, and as such future occupiers of these rooms would experience good levels of outlook and aspect. It is acknowledged that the windows serving the bedrooms are single aspect, however, given that bedrooms have a less requirement for outlook and aspect and the standard of accommodation including the levels of dual aspect and outlook throughout these homes this flat layout is considered acceptable.
- 7.64 Local Plan Policy D.ES10 seeks to ensure new development is required to ensure that buildings (both internally and externally) and the spaces around them are designed to avoid overheating and excessive heat generation, while minimising the need for internal air conditioning systems. The supporting text (paragraph 14.73) in the Local Plan states that *Major development schemes are expected to evidence compliance with this policy within their design and access statements. Details should include the measures used to avoid overheating (including overheating analysis against a mid-range climate scenario for the 2030s) and excessive heat generation. This should look at not only the physical form of the building but also the operation of the building.*
- 7.65 The application includes the submission of the document titled 'Residential Overheating Risk Assessment' by XCO2. This confirms that all habitable residential rooms have been assessed against Part O overheating risk criteria for the London Weather Centre DSY1 future weather data set (2020 High 50th Percentile). The report confirms that the development requires a combination of natural ventilation and solar control techniques in the design.
- 7.66 The report recommends that the proposal includes the provision of trim cooling as part of the MVHR system is recommended to mitigate overheating risk in all of the residential units, as well as a number of measures including to the windows, to be opened inwards, fully openable the use of glass of low g-value (0.50) for all windows and glazed doors, use of internal shading amongst other measures, including the use of lighting and to make use of private amenity areas.
- 7.67 For the community centre, the guidance set out in CIBSE Technical Memorandum (TM52) has been used in the analysis of the non-dwelling areas, as this is the recommended methodology for assessing overheating risk in non-domestic developments. The report confirms that all occupied spaces were found to satisfy the overheating risk criteria using the

weather data DSY1 (2020s, high emissions, 50% percentile scenario) for the London Weather Centre incorporating natural ventilation in combination with efficient lighting and a reduced g-value (0.5).

7.68 Given the proposal would be in compliance with the guidance set out above it is considered compliant with Local Plan Policy D.ES10 in this regard.

7.69 The application has been accompanied by the submitted document titled 'Daylight and Sunlight Report (Within Development)' by Right to Light Consulting in order to demonstrate that the proposed units would be in compliance with the BRE Guidelines (2022) and uses Climate Based Daylight Modelling. The targets are:

- Median of 100 Lux to be achieved over 50% of the assessment grid for at least half the daylight hours for bedrooms.
- Median of 150 Lux to be achieved over 50% of the assessment grid for at least half the daylight hours for living rooms.
- Median of 200 Lux to be achieved over 50% of the assessment grid for at least half the daylight hours for kitchens.

7.70 Where there is a combined use, i.e. living/kitchen/diner, the highest target should be applied, in this case 200 lux for the kitchen. It should be acknowledged that living/kitchen/diners often place the kitchen to the rear, so this is difficult to achieve.

#### *Sunlight Methodology*

7.71 For new buildings, a space needs to achieve 1.5 hours of sunlight on a selected dated between 1st February to 21st March with the BRE suggesting the 21st of March be used with cloudless conditions. For dwellings at least one habitable room, preferably a living room should achieve the minimum 1.5 hours of sunlight.

7.72 The report confirms that 107 of 128 rooms (83.5%) tested would be in full compliance with BRE Guidelines within the proposed development, between 1<sup>st</sup> February to 21<sup>st</sup> March. The report confirms that the 21 rooms that fail to meet the requirements are all bedrooms and relate to 21 different homes. However, this assessment does not consider the use of obscure glazing on the western elevation oriel windows. The applicant has confirmed that the daylight/sunlight consultant has run a comparable assessment (internally) predicated on the windows being semi-transparent and using an Opti Float Opal glass system which gives a light transmittance of 0.74 (opposed to the 0.82 clear glass as a standard). The results show 81% (105 out of 129 rooms) meeting the criteria, resulting in an additional two rooms falling short of the target guidance. The additional two impacted rooms would be located at first floor level, which would fall slightly short as a result of the amended transmittance for the glazing.

7.73 Notwithstanding the above, the daylight report notes that some of the rooms which do not meet the BRE interior daylighting recommendations, have balconies above them, which explains some of the restrictions to the daylight received to these rooms. This is in order to provide private amenity space to the occupants. Were the scheme to come forward without private the interior daylighting levels would greatly improve. However, officers conclude the benefits provided by the homes having access to balconies (with good views from them) outweigh the disbenefits in terms of reduction in daylight to the affected rooms.

7.74 Taking into account the size and urban setting of the proposed development, the proposed daylight results provide a good level of adherence to BRE guidance.

7.75 The 4 wheelchair accessible homes on the first, second, third and fourth floors would meet M4 (3) (b) regulations and the lift is a fire lift for evacuations. The proposed residential entrance can be accessed from the south elevation, off the shared amenity area. The entrances would also be step free, with appropriate sloped pathways ensuring accessibility for as many people as possible.



### Communal Amenity Space & Play Space

- 7.76 Private amenity space requirements are determined by the predicted number of occupants of a dwelling. Policy D.H3 of the Tower Hamlets Local Plan sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies, they should have a minimum width of 1500mm. The proposals provide amenity space, in the form of inset and projecting balconies (with each of the 3 and 4-bedroom family-sized dwellings benefiting from two balconies to provide flexibility of use and variety of aspect) and garden areas that would comply with the above quantitative standards.
- 7.77 Part 5c and d of policy D.H3 requires communal amenity space and child play space for all developments with ten or more units. The communal amenity requirement for this development is 76sqm which would be exceeded. The child play space requirement is 10sqm per child as determined by the Tower Hamlets Child Yield Calculator.
- 7.78 Using the Tower Hamlets Child Yield Calculator the below requirements for child play provision are generated:

Age Group	Number of Children	Area Required (sqm)	
Years 0-4	19	191	
Years 5-11	16	161	7.94
Years 12-18	17	167	7.95
			7.96
Total	52	519	7.97
			7.98
			7.99

- 7.100 As detailed above the development is predicted to yield 52 children and therefore 519 sqm of child play space is required, split across three different age groups set out in the GLA's Play and Informal Recreation SPG (2012).
- 7.101 The submitted Planning Statement confirms that the communal garden configured at ground floor level to the rear of the building would be 297.6sqm. In terms of child play space, the proposed development involves reconfiguring and improving the adjoining area of public open space (Four Seasons Green). The submitted Landscape Statement confirms that this space can be reconfigured to provide an overall child play space area of 558m<sup>2</sup> (comprising 217sqm for 0-4 years, 165sqm for 5-11 years and 176sqm for 12-18 years).
- 7.102 Therefore, the proposed development would be reliant on an existing area of public open space to meet the required child play space needs the development. Whilst new housing schemes should be providing their own play space on site and not rely on existing open space in this instance officers accept given the investment and qualitative improvements the scheme will make to the Four Seasons Green including provision of enhanced play space areas with play equipment installed as part of the scheme the outcome would be acceptable, notwithstanding the given the constraints of the application site, the proximity of Four Seasons Green open space to the site and the pressing need for additional affordable rent housing in the area.
- 7.103 A condition has been recommended to secure full details of all play space and landscaping. To ensure that the child play space would be appropriate of users within the local area, the condition should include further consultation and active engagement with local residents including young people as future users of the space.

### Overshadowing/Amenity Spaces

- 7.104 The results within the submitted document titled 'Daylight and Sunlight Report (Within Development)' by Right to Light Consulting show that garden 1, sited to the north of the proposal, would not receive at least two hours of sunlight on 21 March, with only 24% of this

area achieving this which is equivalent to 89.5% of the overall communal amenity space requirement of the proposed development (76m<sup>2</sup>). However, the results show that the main large communal amenity space (garden 2) would receive at least two hours of sunlight on 21 March to 100% of its area. This would represent significantly better compliance than the BRE recommendation which states that at least 50% of any garden or amenity area should receive at least two hours of sunlight on 21 March.

- 7.105 With consideration for the above, and that the proposed units would also benefit from private amenity spaces in the form of inset balconies, it is concluded the provisions of access to direct sunlight to the communal amenity spaces are acceptable on balance.

#### *Conclusion*

- 7.106 Overall, the proposal will prove an acceptable standard of accommodation and amenity for future occupiers of the proposed residential homes.

#### **Design & Heritage**

- 7.107 Development Plan policies requires developments to meet the highest standards of design, layout and construction which respects and positively responds to its context, townscape, landscape and public realm at different spatial scales. Developments should be of an appropriate scale, height, mass, bulk and form in its site and context. Policy S.DH3 requires that the significance of heritage assets are preserved in any development scheme.

- 7.108 Policy D.DH2 of the Local Plan requires development to contribute to improving and enhancing connectivity, permeability and legibility across the borough. Developments should optimise active frontages towards public streets and spaces, provide clear definition of building frontage and massing and allow connection and continuity of pedestrian desire lines at a human scale.

- 7.109 Policy S.DH1 of the Local Plan requires development to be of the highest standard which respond an responds positively to its local context, is appropriate in scale height, and form, complements streetscape rhythm and complements its surroundings. Policy D.DH6 requires that developments with tall buildings are of a height, scale and massing proportionate to their role, function and importance, achieve exceptional architectural quality and are directed towards Tall Building Zones, unless exceptions are met. London Plan policy D3 advocates a design-led approach to optimising the capacity of development sites, taking into consideration form, layout, experience, quality and character.

#### *Height, Scale and Massing*

- 7.110 The proposed new building is made up of two principal elements: the seven storey element towards the west covers a third of the building, with the remaining part of the proposed building being nine storeys in height. The maximum height of the proposed nine storey element of the building would be 32.9m and the seven storey being 26m when measured from ground level, both of these elements include a 2.1m high parapet.

- 7.111 LBTH Local plan D.DH6 advises that the development of tall buildings will be directed towards designated Tall Building Zones and must apply the identified design principles, having regard to the Tall Buildings Study and other relevant policies. Outside these zones, tall building proposals (including those on-site allocations) will be supported provided they meet the criteria set out in Part 1 and can demonstrate how they will:

- a) be located in areas with high levels of public transport accessibility within town centres and/or opportunity areas
- b) address deficiencies in the provision of strategic infrastructure
- c) significantly strengthen the legibility of a Major, District or Neighbourhood Centre or mark the location of a transport interchange or other location of civic or visual significance within the area, and
- d) not undermine the prominence and/or integrity of existing landmark buildings and tall building zones (taking account of the principles set out in Figure 8).

- 7.112 Part a of the policies requires tall building proposals to be located in areas with high levels of public transport accessibility within town centres and/or opportunity areas.
- 7.113 The Site is located within the Central Sub Area, as outlined in the Land use section above whilst not an opportunity area, *is an area which has the potential to absorb additional growth, primarily through infill and land use intensification which respects the character of the surrounding streetscape*. The site is well served with good public transport links and has a Public Transport Accessibility Level (PTAL) of 4 (where 6b is the highest level of accessibility and 0 is the lowest).
- 7.114 Part b requires tall buildings outside designated zones to address deficiencies in the provision of strategic infrastructure. The Local Planning Authority acknowledges that the proposal would not unlock strategic infrastructure. However, the proposal would be for 36 self-contained residential units all of which would be for affordable rented housing.
- 7.115 Part c requires that tall buildings to significantly strengthen the legibility of a Major, District or Neighbourhood Centre or mark the location of a transport interchange or other location of civic or visual significance within the area. As mentioned above, the site is not within close proximity to a Major, District or Neighbourhood Centre or mark the location of a transport interchange or other location of civic or visual significance within the area.
- 7.116 Finally, part d states that tall buildings must not undermine the prominence and/or integrity of existing landmark buildings and tall building zones. There are no landmark buildings or tall building zones within the immediate vicinity of the site. Whilst it is acknowledged that the proposal would be greater in height than the existing buildings to the south and west, there are a number of buildings within close proximity to the development site which are tall, wide and long and are of a significant scale, being five and six-storey buildings on Morville Street and Fairfield Road beyond the viaduct to the north and east. Therefore, whilst the proposal would appear as a visually prominent building, when viewed from the south or west, along Caxton Grove and Malmesbury Road, as well as to the north, from Ordell Street, it would appear in this context. The design of the building includes a rise from seven to nine storeys to the west to the east of the building which would allow the gradual stepping up of heights which is also to mitigate its impact.
- 7.117 Overall, whilst the site is located outside a Tall Building Zone, and it is acknowledged would not meet the exception criteria found within LBTH Local Plan policy D.DH6. However it is considered the design including height and scale of the building is adjudged to sit reasonably comfortably within its immediate site context, would not be an unduly jarring or overbearing presence on Fours Seasons Green nor upon surrounding housing and as such would be acceptable assessed against the development plan and design policies taken as a whole and with having due regard to other material consideration including the provision of new 100% affordable rent housing. It is noted by officers the GLA in their Stage 1 Report to this scheme had no objection to the principle of a defined tall building on this site..

#### *Impact on Heritage Assets*

- 7.118 The Council has a statutory duty to consider a proposal's impact on heritage assets, including listed buildings and their settings and conservation areas. This is contained in Sections 66(1) and 72(1) (respectively) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is reflected in national, regional and local policy and guidance.
- 7.119 Section 16 of the NPPF entitled "Conserving and enhancing the historic environment" contains guidance in consideration of development proposals and their effect on the historic environment. Section 16 of the NPPF is consistent with the aforementioned statutory duty in requiring that determining planning authorities give great weight to an assets conservation.
- 7.120 Paragraph 197 of the NPPF states that in determining planning applications local planning authorities need to take account of:

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

7.121 Paragraphs 201 to 204 set out the process for where a proposal leads to substantial or less than substantial harm to the significance of a heritage asset and the effect of an application on non-designated heritage assets.

7.122 London Plan Policy HC1 states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

7.123 Local Plan Policy S.DH3 expects development in the vicinity of listed buildings to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.

7.124 The site itself is not within a conservation area, nor are there any statutory listed buildings or locally listed buildings within the red line plan. However, there are a number of statutory and locally listed buildings and conservation areas close to the site.

7.125 The submitted document titled Heritage Townscape and Visual Impact Assessment by HCUK Group identifies the potential impact of the proposed development on the surrounding assets has been tested through a series of views.

7.126 The report has identified that the nearest designated and non-designated heritage assets include the following:

- Fairfield Road Conservation Area
- Tredegar Square Conservation Area
- Tomlins Grove Conservation Area
- Several Grade II Listed Buildings
- Several Locally Listed Buildings

7.127 The Fairfield Conservation Area boundary encompasses land to the east and west of Fairfield Road, to the east of the site boundary. The Conservation Area Character Appraisal confirms that the area is *defined by its mixed character, with a strongly industrial feel bordering the railway and a more typically residential character to the south, east of Fairfield Road.*

7.128 The report confirms that the closest listed buildings to the Site are within the Fairfield Road Conservation Area to the northeast of the site, and to the east of Fairfield Road, with the key listed buildings including the ex-Bryant and May Match Factory, converted into flats and forms part of a historic and new apartment development between 6-7 storeys with 10 storey towers.

7.129 The nearest locally listed buildings within this conservation area are located along Kitcat Terrace to the south east of the site and include St Mary's Church Hall and no's 2-9 Kitcat Terrace, with no's 9-49 and 51-67 Fairfiled Road and 9-16 Hatfield Terrace, to the east of the site. The report has identified 3 different views (Views 1, 2 and 3) within Fairfield Conservation Area.

7.130 The report establishes from View 1 (taken from Fairfield Road near Paton Close) that the proposed building would be entirely screened by existing buildings as such provides no cause for concern . The proposal would be visible from View 2 and 3.



Figure 1: View 2 (from Fairfield Road) from submitted Heritage Townscape and Visual Impact Assessment

7.131 In relation to View 2 (Figure 1) taken from Fairfield Road a small part of the new building would be above a contemporary block of Polydamas Close. However, the impact in the character and appearance of the conservation area would be minimal as it would sit well below the roofline of the house in view within Fairfield Road itself.



Figure 2: View 3 (from Kitcat Terrace) from submitted Heritage Townscape and Visual Impact Assessment

7.132 View 3 (Figure 2) taken from Kitcat Terrace to the south east below shows that the proposal would be visible and rise as a quiet prominent feature in the backdrop of the existing buildings shown in the view. The Borough Conservation and Urban Design Team have

expressed concern about this adverse impact on the Fairfield Conservation Area resulting from intruding and removing the sky space. St Marys Church Hall on Kitcat Terrace is a locally listed building, it is a well detailed and well-proportioned and the distinctive chimneys with the clear space, do contribute to their heritage significance. As such officers do acknowledge the proposal will incur some harm to the setting of this local listed building and to the character and appearance of the conservation area.

7.133 With the benefit of the Heritage Impact Assessment has identified that the proposal would result in the lowest level of less than substantial harm to the heritage values of the Fairfield Road Conservation Area and has been assessed as affecting the heritage values of the locally listed buildings along Kitcat Terrace and St Marys Church Hall. The submitted Heritage Impact Assessment (which was prepared following engagement on the views selected with input from the Place Shaping Team) indicate the massing of the scheme would not impact adversely on key views of statutorily listed building within this conservation area.

7.134 As for Tredegar Square Conservation Area officers are satisfied the visual impact of the scheme would be minimal with no material adverse impact on the conservation area given the distance of the proposed building and the screening provided by existing buildings. As is evident from Figure 3 and 4 below.



Figure 3: View 9 (Benworth Street) from submitted Heritage Townscape and Visual Impact Assessment



Figure 4: View 10 (from Morgan Street) from submitted Heritage Townscape and Visual Impact Assessment

- 7.135 View 4 provided within Heritage Impact Assessment looking towards Morgan Street and located within Tomlin's Grove Conservation Area shows the scheme would not be visible at all and as such have no negative impact on the appearance of the conservation area.

#### *Public benefits vs Heritage Harm*

- 7.136 In the context of the NPPF (paras 205-208), where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Officers have identified that the proposal would result in less than substantial harm to the setting of the Fairfield Road Conservation Area and has been assessed as affecting the heritage values of the locally listed buildings along Kitcat Terrace and St Marys Church Hall. This harm would therefore need to be weighed against the public benefits of the proposal, which are listed as follows:

- The provision of 36 high quality new affordable homes
- Redevelopment of Four Seasons Green
- Improved community centre

Officers conclude there is less than substantial harm identified to the setting of heritage assets and as such to the character and appearance of the Fairfield Road Conservation Area. It is important in line with the NPPF and relevant statutory obligations that decision-maker attaches great weight to any harm to heritage asset. Notwithstanding these important requirements it is identified the harm to be less than substantial and indeed towards the bottom end of less than substantial. Taking account of the significant public benefits that can be attached to the scheme as identified above it is concluded by officers that overall the public benefits outweigh the harm identified and as such the scheme is acceptable and accords with the relevant requirements of the development plan.

#### *Layout, Landscaping, and Public Realm*

- 7.137 In terms of the layout of the existing buildings in the surrounding area includes the four storey block of flats fronting the public highway of Caxton Grove and Malmesbury Road, as well as the being the single storey buildings of the community centre (within the application site) and no. 171 Malmesbury Road. There are a number of five and six-storey buildings on Morville Street and Fairfield Road beyond the viaduct to the north and east.

- 7.138 In terms of the layout of the proposed development, the proposed building would front Malmesbury Road and would be marginally set forward of existing building line of the

existing community and the adjacent building to the west along Malmesbury Road. Given the existing relationship with the public highway and the adjacent building this is considered appropriate.

- 7.139 The rear (north) and side (east) elevation are set away from the existing boundaries of the site to allow for amenity space for both the future occupiers of the proposed residential units and the community centre, as well as from the west elevation to allow for potential future development of the adjacent site, which is welcomed. However, there are concerns in terms of the irregular shape of the community centre which could have implications on the internal arrangement and anti-social behaviour.
- 7.140 The existing footprint of the proposed building, which contains an area of hardstanding in the form of a ballcourt and a playground is currently limited in terms of landscaping and biodiversity. The proposal includes an area of amenity to the rear, whilst there are concerns of the level of daylight/sunlight and the lack of surveillance of this area, this is welcomed. The proposed landscaping of the Four Seasons Green together with the creation of this communal amenity space to the rear mean that the development will have a positive impact on biodiversity. If permission is granted, a planning would be imposed to ensure that biodiversity enhancements are secured and delivered.
- 7.141 The proposal would also include improvements in the form of a raised crossover on the bend of the public highways of Caxton Grove and Malmesbury Road, with ramps provided, to encourage slower speeds and enhance pedestrians access the proposed development.
- 7.142 Overall, it is considered that the proposed layout would allow provide a good amount of active frontage and passive surveillance, including improved public realm and permeability around the site. Full details of hard and soft landscaping features would be secured by condition, subject to approval. For the reasons above, the proposed layout is considered to accord with Development Plan.

#### *Architecture and Materials*

- 7.143 The appearance of the building is made up of two distinct elements, being part nine storey part seven storey building, including a step down towards the west of the building, with angled parapets at roof level. The building has a contemporary overall appearance albeit the Borough Urban Design officer has also identified brutalist, and classical design elements also contained within it. The fenestration pattern is characterised as having a grid like pattern, with recessed and projecting balconies set on the front elevation and deck access to the rear elevation. The front elevation of the base of the building at ground floor level is predominantly glazed apart from doors to storage areas for the residential components of the building. Opportunities could have been taken to simply the external design and appearance of the building and this was sought be the urban design officer, although features present within the design to provide visual interest and make it distinctive from other residential building. Taken overall the general design of the building is considered to be acceptable, visually interesting and sympathetic in appearance to the surrounding area.
- 7.144 In terms of materiality, the proposed building would be of predominately masonry construction, with brickwork being used for the majority of the building, with terracotta coloured stone cladding panels for the ground floor entrance to the proposed community centre, which is also used to provide horizontal banding to each floor. The brickwork for the residential entrance at ground floor is described as 'dusty grey' and the upper being a light red in colour
- 7.145 The use of brickwork is a suitably robust material which is befitting of the solidity that is required at the base of a tall building, particularly in a central location. It would have a 'fluted' profile which would add texture. The proposed horizontal banding is welcomed which is considered to help reduce the verticality of the building. There are some reservations regarding the proposed colour and type of bricks. Given the size of the development and its visibility from surrounding areas, it is crucial to use high-quality bricks and that the chosen brick (and mortar) colours complement the building and work well with the terracotta-coloured



precast concrete. A condition will be imposed to ensure further details are received of all exterior materials prior to construction, with sample panels provided to ensure the brick and other details including brick colour are acceptable and of a high quality.

- 7.146 The proposal includes projecting windows on the west elevation to help mitigate the impact of the blank western façade and to ensure that the proposal would not inhibit the neighbouring site's development potential. There are concerns in terms of these windows, which would project from this elevation in terms of their visual prominence, due to the existing low-scale buildings surrounding the site and the impact on the outlook to future occupiers of the rooms to which these windows serve. However, given the improved residential quality arising as result and the tight relationships with the neighbouring site, this arrangement is considered on balance to be acceptable.
- 7.147 The arrangement of openings and the choice and detailing of materials adequately demonstrate that the applicant's commitment to high quality and means that the base of the building would successfully assimilate with the lower scale surroundings.
- 7.148 1:20 sections are required to demonstrate the details of both brickwork and GRC/reconstituted stone, opening reveals, brick coursing detail, plinth element, balcony, balustrade, soffit, parapet, signage, entrances/ external doors and gates. Full details and samples of external materials would be secured by condition, if the application was to be approved. Conditions ensuring clear glazing for ground floor commercial uses, and restrictions of arials, pipework, external plant and fencing would be required, subject to approval. Overall, the materials and overall appearance of the building are considered to be consistent with guidance within the Development Plan.

#### Inclusive design

- 7.149 London Plan Policy D5 requires that development proposals should achieve the highest standards of accessible and inclusive design. This includes ensuring there are no disabling barriers and ensuring dignified access and evacuation for all.
- 7.150 London Plan Policy D7 seeks to ensure 10% of the proposed residential units would be designed to be accessible for wheelchair uses. The ground floor would accommodate two wheelchair accessible units, which is 10% of the total number of units.

#### Safety and security

- 7.151 Policy D11 of the London Plan requires all forms of development to provide a safe and secure environment and reduce the fear of crime. This is similarly reflected in Local Plan Policy D.DH2 which requires new developments to incorporate the principles of 'secured by design' to improve safety and perception of safety for pedestrians and other users.
- 7.152 No objections to the proposal have been received from the Metropolitan Police: Designing Out Crime Officer and in accordance with the Police's consultation response it is recommended that a condition is attached to any permission ensuring that the development is designed to Secure by Design standards and achieves accreditation.

#### Fire safety

- 7.153 Policy D12 of the London Plan seeks to ensure that development proposals achieve the highest standards of fire safety, beyond what is covered by Part B of the Building Regulations, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, considering issues of fire safety before building control application stage, taking into account the diversity of and likely behaviour of the population as a whole.
- 7.154 All residential cores would include a fire evacuation lift in addition to the firefighting lift. It appears that all residential cores in buildings over 30m would be served by two staircases.

- 7.155 The application has been accompanied by the document titled 'Planning Fire Safety Strategy + Fire Statement'. The Strategy sets out fire safety measures for the community centre and residential units. This also includes an assessment against London Plan criteria of fire safety measures incorporated into the design.
- 7.156 The application is referable to the Health and Safety executive (HSE) as it includes two or more dwellings in a building 18m in height or over. The HSE have confirmed that the level of information to considered satisfactory when assessed against the adopted standard BS 9991:2015. However, it has been requested that a number of matters are addressed including consideration of fire safety relating to presence of electrical vehicles photovoltaic panels and hydrants. These matters have been secured by condition.
- 7.157 As requested by the GLA response an outline management plan, including how the evacuation lift will be operated, has been secured condition, alongside the measures identified in the submitted report. Notwithstanding the above, whilst the fire strategy is considered to be acceptable the proposal will ultimately be required to comply with the functional requirements of Building Regulations.

### **Neighbour Amenity**

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

#### Privacy & Outlook

- 7.159 The Local Plan seeks to ensure a separation distance of 18m between habitable rooms. The site is within a location characterised by predominantly residential development with some commercial uses interspersed amongst this. The proposal would achieve the 18m separation distance between neighbouring residential properties. In addition, there is a public highway and railway track between the residential properties to the south side of Malmesbury Road and to the north of the proposed development respectively.
- 7.160 As outlined above, to ensure the proposal would not prejudice the future development of the adjacent site, to ensure that there would not be an unacceptable overlooking from future occupiers, the proposal includes projecting windows which would be obscure glazed on the west elevation, whilst still providing some outlook to the north and south. It is considered that subject to a condition requiring the use of obscure glazing.
- 7.161 In terms of outlook, the proposed building will feature more prominently within the outlook of some residential properties. However, this will not be unusual or uncharacteristic in the context and the surrounding buildings benefit from a separation from the proposed building.

#### Daylight, Sunlight & Overshadowing

- 7.162 For calculating daylight to neighbouring residential properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no skyline (NSL) or daylight distribution (DD) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.
- 7.163 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. For full compliance with the BRE guidance the VSC should be at least 27% or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows.
- 7.164 The NSL calculation considers the distribution of daylight within the room, and again, figures for full compliance with the BRE guidance should not exhibit a reduction beyond 20% of the former value.

7.165 In regard to sunlight, a window is considered to be adversely affected if a point at the centre of the window receives in the year less than 25% of the Annual Probable Sunlight Hours (APSH), including at least 5% of the Winter Probable Sunlight Hours (WPSH) (September 21st - March 21st) and less than 0.8 times its former sunlight hours during either period. Sunlight is relevant to main living rooms (i.e. habitable rooms) of dwellings and conservatories, if they have a window facing within 90° of due south.

7.166 Figure 7 below contains LBTH numerical classifications that are applied to aid categorising impacts:

Reduction to daylight (VSC % NSL) and sunlight (APSH & WPSH)	Effect classification
0 – 19.9%	Negligible
20% - 29.9%	Minor adverse
30% - 39.9%	Moderate adverse
40% +	Major adverse

7.177 Regarding overshadowing, BRE guidance suggests that for a space to appear sunlit throughout the year, at least 50% of the amenity area should receive at least 2 hours of direct sunlight on March 21st. It states that the “availability of sunlight should be checked for all open spaces,” which usually includes gardens, sitting-out areas, parks, or playgrounds.

7.178 The application has been accompanied by the report titled ‘Daylight and Sunlight Report (Neighbouring Properties)’ prepared by Right of Light Consulting chartered surveyors. The report assesses the impact of the proposed development on neighbouring residential properties using the methodology set out in the Building Research Establishment publication ‘Site layout planning for daylight and sunlight a guide to good practice, third edition 2022’. A 3D model of the proposal in context with the neighbouring properties is shown below.



Figure 5: 3D Image of site from ‘Daylight and Sunlight Report (Neighbouring Properties)’ prepared by Right of Light Consulting

7.179 The submitted Report indicates that the following properties were tested for lighting impacts of the following buildings (which are shown in the 3D image above (Figure 5):

- 142 Malmesbury Road,
- 144 Malmesbury Road,
- 160 Malmesbury Road,
- 162 Malmesbury Road,
- 171 Malmesbury Road,
- 327 to 329 Morville Street
- 331 Morville Street
- 69 Fairfield Road
- 71a Fairfield Road

7.180 The results of the Daylight and Sunlight tests are described and assessed for their acceptability below.

#### 142 Malmesbury Road

7.181 This property is located across ground and first floor as part of a four storey block of flats to the south side of the public highway and to west of the site. All 6 windows tested meet the BRE Guidelines for VSC.

7.182 There are also no windows/rooms within this property that require assessment for sunlight due to its orientation.

#### 144 Malmesbury Road

7.183 This property is located across ground and first floor as part of a four storey block of flats to the south side of the public highway and to west of the site. 8 of 16 windows tested fail to meet the BRE Guidelines for VSC which can be summarised below:

- 4 windows would experience moderate adverse impacts (30% to 39.9% reduction),
- 4 windows would experience minor adverse impacts (20% to 29.9% reduction),

7.184 All windows/rooms that warrant assessment for sunlight comply with the BRE Guidelines.

#### 160 Malmesbury

7.185 This property is located across second and third floor as part of a four storey block of flats to the south side of the public highway and to west of the site. All of the windows tested meet the BRE Guidelines for VSC.

7.186 There are also no windows/rooms within this property that require assessment for sunlight due to its orientation.

#### 162 Malmesbury

7.187 This property is located across second and third floor as part of a four storey block of flats to the south side of the public highway and to west of the site. 3 of the 10 windows tested fail to meet the BRE Guidelines for VSC, which would result minor adverse impacts (20% to 29.9% reduction).

7.188 There are also no windows/rooms within this property that require assessment for sunlight due to its orientation.

### 171 Malmesbury

7.189 This single storey property is located to the west of the site, to the north of the public highway. The report confirms that 5 of the 14 windows tested fail to meet the BRE Guidelines for VSC which are summarised below:

- 3 of these windows would experience moderate adverse impacts (30% to 39.9% reduction) and
- 2 windows would experience minor adverse impacts (20% to 29.9% reduction).

7.190 However, 171 Malmesbury Road is a non-domestic building, being a veterinary surgery, which do not have a requirement for daylight or sunlight.

### 327 to 329 Morville Street

7.191 This is a six storey building positioned to the north of the development containing residential units. The report confirms that 97 windows have been tested for VSC, 47 (48.4%) demonstrating full BRE compliance with negligible impacts.

7.192 The results of the 50 remaining windows that fall below the BRE Guidelines can be summarised as follows:

- 35 windows would deviate from the existing values by 40% and more and are considered major adverse impacts. These windows are located across all floors (ground to fifth) of the building, 17 of these windows serving Living Rooms or Living/Dining/Kitchens, 16 windows serving bedrooms (two of which are secondary windows), and 1 window serving the Entrance which is not a habitable room.
- 7 windows would experience a moderate adverse degree of impact (30% to 39.9% reduction). These windows are located on all floors apart from the third floor and the nature of these changes are likely to be noticeable to the occupants of these properties. All of the windows relate to bedrooms, apart from first floor which is a secondary window to a living room.
- 8 windows experience minor adverse impacts (20% to 30% reduction) and occur to windows on the ground, first and second floors. All of these windows relate to living rooms or living/dining/kitchen areas apart a bedroom at ground and first floor.

7.193 In many instances, the reductions can be attributed to the low levels of existing VSC whereby even small additional absolute changes could trigger disproportionate percentage reductions from the former VSC value.

7.194 In respect of the NSL testing, 75 rooms/windows have been considered, of which 43 (57.3%) will meet the BRE Guidelines. The remaining 32 rooms/windows which fail BRE Guidelines are summarised below:

- 17 rooms/windows from ground to fourth floor would deviate from the existing values by more than 40% and are considered major adverse impacts. One of the rooms which fail to meet BRE Guidelines in this relates to the Entrance at ground floor, with a loss of 68% of its former value, but this is not a habitable room. 3 of the rooms/windows which have major adverse effects relate to bedrooms, and the remaining 14 living/dining/kitchens. The most significant impacts relate to a bedroom at first floor (W231) resulting in loss of 66% of the former value and living areas at first (W237 and W238) and second floor (W255) which would result in losses between 66% and 64% of the former value. It is noted that the bedroom has a less of a requirement for daylight than the living areas.
- 5 rooms/windows would experience a moderate adverse degree of impact (30% to 39.9% reduction). These rooms/windows are located on ground and fifth and the nature of these changes are likely to be noticeable to the occupants of these properties. All of the windows relate to bedrooms, apart from first floor which is a secondary window to a living room.
- 10 rooms/windows with minor adverse degree of impact (20% to 29.9% reduction). These rooms/windows are located at ground to fourth floors.

7.195 In terms of sunlight the report confirms that 87 windows have been assessed. The report confirms that in terms of APSH, 62 (71.2%) windows would be in compliance with the BRE Guidelines. The remaining 25 windows that would not be in compliance with the BRE Guidelines, which are located at ground to fourth floors, 24 windows would deviate from the existing values by more than 40% and are considered major adverse impacts. The remaining 1 window at first floor would have minor adverse impacts. In terms of WPSH 66 (75.8%) would be in compliance with BRE Guidelines, the remaining 21 windows which would breach BRE Guidelines all would have major impacts.

7.196 It is acknowledged that the proposal would result in a noticeable adverse change to the daylight/sunlight levels to occupiers of this building which counts against the scheme.

#### 331 Morville Street

7.197 The six storey building is located to the north of the proposed building and attached to the west elevation of 327 to 329 Morville Street and contains residential units. The report confirms that all of the windows tested would be in full compliance with BRE Guidelines in terms of daylight and sunlight.

#### 69 Fairfield Road

7.198 Located to the north east of the proposed development it is a seven storey building containing residential accommodation. The report confirms that 56 (50.4%) out of the 111 windows tested would be in compliance with BRE Guidelines in terms of VSC, resulting in negligible impacts.

7.199 In terms of the remaining 55 windows which fall below BRE Guidelines in this regard are summarised as follows:

- 7 windows across first to fourth floors would experience major impacts (40% or more). 4 of these windows serve bedrooms which have low existing levels and a lesser requirement for daylight and 3 windows serve living/dining/kitchen rooms. The occupiers of these units would have a noticeable reduction in VSC and daylight levels.
- 19 windows across ground to fourth floors would experience moderate impacts. It is noted that the 2 windows at ground floor are described as cycle stand and unknown do not appear to be windows that serve non-habitable room. It is noted whilst the proposal would result in moderate losses the VSC levels would be at 10%.
- The remaining 29 windows would experience minor impacts, including 3 windows which would be marginally below the required 27% VSC levels to be compliant.

7.200 The report confirms that 67 (87%) of the 77 rooms assessed would be in compliance with BRE Guidelines in terms of Daylight Distribution (NSL). The remaining 10 rooms, across first to fifth floors (2 rooms on each floor), are not in compliance. The most significant impact at second floor (Window 119) would still experience relatively high levels of daylight distribution (58%) following the proposed development.

7.201 In terms of sunlight out of the 77 rooms tested 45 would fail to meet BRE Guidelines in regard to Annual Probable Daylight Hours. However, the report confirms that this building would be in full compliance with the BRE Guidelines in terms of annual probable sunlight hours between 21 September and 21 March.

#### 71a Fairfield Street

7.202 The five storey building is located to the north east of the proposed development and contains residential units. The report confirms that all 12 windows would be compliance with BRE Guidelines in terms of VSC. In terms of NSL, 10 of the 11 rooms would be compliant with BRE Guidelines with the only room (Window 198) at second floor experiencing a loss of minor adverse impact (22%) of the former value.

7.203 All windows/rooms that warrant assessment for daylight comply with the BRE Guidelines.

## Conclusions of review

- 7.204 Officers concluded that the methodology used for the assessment has been completed in accordance with the principles and tests as explained within the BRE Report Site Layout Planning for Daylight and Sunlight: A Guide to good practice (2022).
- 7.205 Nine neighbouring properties have been analysed with six of the properties experiencing transgressions from the BRE guidelines. However, one of these properties is in a commercial use which does not have a requirement for daylight/sunlight.
- 7.206 The submitted report has identified that many of the windows which breach BRE Guidelines are hampered by either a projecting wing, a balcony or are recessed so that they have an overhang directly above them. The report confirms that the BRE guide explains that one way to demonstrate this is to test the windows without these existing obstructions in place. The report confirms that the impacts for that this would be in compliance with BRE Guidelines in terms of sunlight to windows for this property when these obstructions are taken into consideration.
- 7.207 In terms of 327 to 329 Morville Street, the report confirms that 28 (80%) of the 35 windows tested would be compliant with BRE Guidelines in terms of VSC with these obstructions removed. The remaining 7 windows across ground to second floor that would breach BRE Guidelines in this regard would experience minor adverse impacts. However, it is noted that all of these windows would have relatively high retained VSC levels (25% or more) following this breach.
- 7.208 The submitted report that with this additional assessment all of the windows tested within 144 and 162 Malmesbury Road would be fully compliant with BRE Guidelines in terms of VSC if these obstructions are taken into account. It is acknowledged that both 69 Fairfield Road and 327 to 329 Morville Street would still experience breaches of BRE Guidelines in terms of VSC and No-sky line (Daylight Distribution).
- 7.209 The report confirms that 13 (23%) of the 55 windows tested within 69 Fairfield Road with these obstructions would be compliant with BRE Guidelines in terms of VSC. Of the remaining 42 windows which would breach BRE Guidelines in terms of VSC are located at ground to fourth floor, 33 windows would be experiencing minor adverse impacts, and 9 windows would experience moderate adverse impacts. In terms of sunlight the report confirms that all of the windows/rooms tested would be compliant with BRE Guidelines if the obstructions were taken into consideration.
- 7.210 The report confirms that 35 (89.7%) of the 39 windows at 327 to 329 Morville Street tested would be in compliance with BRE Guidelines in terms of VSC if the obstructions were taken into consideration. The remaining 4 windows at ground and first floor which breach BRE Guidelines whilst all experiencing minor adverse impacts all have relatively high levels of VSC (25% or more). In terms of the assessment in terms of assessment against BRE Guidelines in terms of No-Sky (Daylight Distribution), 10 (47.6%) of the 21 rooms tested within this property would be in compliance with the obstructions taken into consideration. The remaining 11 windows/rooms across ground to fifth floors which would breach BRE Guidelines in this regard, 8 of these windows/rooms would experience major adverse impacts, 2 windows/rooms would experience moderate adverse impacts and 1 window/room would experience minor adverse impacts. It should be noted that all of the windows/rooms tested have the highest level (100%) of Daylight Distribution in its current form. This is reflected in the sunlight assessment with all of the windows/rooms tested being in full compliance in this regard with this alternative assessment.
- 7.211 In summary, it is acknowledged that the proposal would have some marked significant adverse impacts on levels of daylight/sunlight experienced by occupiers of the surrounding residential properties. The proposal would result in particularly noticeable reductions in the daylight levels at 327 to 329 Morville Street and 69 Fairfield Street. There are also breaches of the BRE guidance to 71a Fairfield Street and 162 Malmesbury Road.

7.212 These impacts need to be assessed in relation to the fact the existing site is essential an open site (beyond the single storey community centre building) and as such impacts are inevitable from any building of more than one storey on site, also due to site constraints in terms of making this a development site for housing. Whilst BRE daylight /sunlight tests are assessed in respect of the losses of daylight experience regard should also be given to the level of retained daylight and attention is drawn in the detailed assessment before where major adverse impacts are reported to VSC but where retained values remain in the 20's which is relatively high and beyond what many inner London homes experience. Officers do not seek to diminish the daylight / sunlight impacts however conclude these impacts need to be weighed in the balance against the benefits of the development. Such benefits include the delivery of affordable housing, and the landscaping of the Four Seasons Green. These factors need to be taken into consideration against the potential adverse effects to daylight that would be experienced by some residential properties.

#### Noise/Air Quality

7.213 As confirmed by the Council's Environmental Health officers, the proposed residential units would not be subjected to unacceptable noise or air quality conditions. Conditions would be secured to ensure that new accommodation is constructed to appropriate standards with regard to acoustic insulation, including to ensure that the proposed community centre would not have a detrimental impact on future occupiers of the proposed residential units.

7.214 Limited details have been provided in terms of the hours of use of the proposed community centre. However, these details would be included in the management plan for the community centre secured as an obligation.

#### Construction Impacts

7.215 The application is supported by a Construction Environmental Management Plan (CEMP). This outlines measures to be put in place to minimise the environmental, amenity and safety impacts of the development during the demolition and construction phase. At the planning application stage not all details are known for a final Plan to be submitted and approved (e.g. contractors are not known and agreements with LBTH Highways and TfL are not in place). Therefore, should permission be granted it is recommended that a condition is attached requiring a CEMP to be submitted and approved before development takes place.

#### **Transport**

7.216 Development Plan policies promote sustainable transport and travel and the limiting of car parking. Safe and appropriate servicing is also required, with this taking place within the site unless specific circumstances apply.

7.217 The site is bounded by the Anglia main railway viaduct to the north, with the public highways of Caxton Grove and Malmesbury Road to the south. The site is approximately 80m to the west of the DLR viaduct at the Bow Curve, but the site is not within the zone of influence.

#### Vehicular, pedestrian and cycle access

7.218 Pedestrian access to the building would be from the ground floor on the south elevation via the public highways of Malmesbury Road and Caxton Grove. The building would have a separate access to the residential units which would be located in the central section of the building, and access to the community centre would be via a set of doors to the eastern half of the building.

7.219 Access for cyclists would also be from this elevation for the occupiers of the residential units.

7.220 Vehicular access to the site would be from Malmesbury Road and Caxton Grove.

7.221 Other improvements to the pedestrian environment are proposed within the applicant's Active Travel Zone assessment. These identify that active travel to and from the site would be encouraged by providing additional tactile paving, footway connections to the site, and



improving surface materials. The proposal includes highways improvements to the public realm including the creation of a raised cross over on the corner of Caxton Grove and Malmesbury Road. The GLA response identified that the applicant's Active Travel Zone assessment does not include a night time assessment.

#### Deliveries & Servicing

- 7.222 All deliveries and servicing would take place from street level. A single service bay serving the two uses is proposed, with access to it being taken from Caxton Grove.
- 7.223 Swept paths have been provided which demonstrate that proposed service bay can accommodate the manoeuvres required without encroachment on the footways or on street parking spaces. Any competing demands that will be placed on the service bay by virtue of it being shared by two uses will be managed by a Delivery and Servicing Plan (DSP). It is recommended that the Plan is secured by condition if permission is granted.

#### Car Parking

- 7.224 The proposal would be car-free, with the exception of 2 Blue Badge holder parking spaces which are located in front of the entrance to the residential component of the scheme. The Blue Badge provision consists of 1 space for the residential use and 1 space for the community use. This is acceptable having regard to the site's PTAL score of 4 (with 6 being the highest). Vehicle access into the spaces would be provided off Malmesbury Road/Caxton Grove. Swept paths have been provided which demonstrate that vehicle access into the spaces would be safe and satisfactory.
- 7.225 Users of the spaces would be able to directly access the entrances to both the residential and community uses of the building. The submitted Transport Statement confirms that occupiers of 14 units would benefit from the Council's Permit Transfer Scheme which allows some families to move into larger, social rented car free homes by allowing the family to retain on-street resident parking permits, subject to specific criteria.
- 7.226 However, the site is located within a CPZ (Controlled Parking Zone) restricting car parking to permit holders only between Mondays and Fridays, 8:30am – 5.30pm which is considered will ensure that overspill parking from existing car park users and new residents of the site will be mitigated, with the submitted Travel Statement also confirming there was sufficient spaces available to accommodate the additional vehicles.

#### Cycle Parking and Facilities

##### *Residential – long-stay*

- 7.227 The proposal includes cycle storage area for future occupiers at ground floor which would contain 70 cycles including 5% of spaces for larger/adapted cycles. The applicant has confirmed that the store would be well-lit and secure with a direct access point onto the eastern footway of the site, and doors connecting to the main lobby and lifts within the building.

##### *Residential – short-stay*

- 7.228 In addition, 10 short stay visitor cycle spaces would be provided at ground floor externally located to the south and in front of the main entrance to the community centre.

##### *Community Centre*

- 7.229 The proposal has not identified cycle storage for the proposed community centre. However, a condition has been recommended to ensure that adequate cycle storage is provided prior to the occupation of the premises.

#### Trip generation

- 7.230 The submitted Transport Statement have identified that given the sites very close proximity to Bow Road Underground Station the Page 105 movements will likely use this station

which is served by the District Line and the Hammersmith & City Line westbound into Central London and eastbound towards Barking. The assessment has identified that the proposed development would generate an additional 1.0 passengers per service in the AM peak hour, and 0.6 additional passengers per service in the PM peak hour. The report has assessed this to be nominal and is therefore not considered to be a significant impact on the underground network.

#### Conclusion on transport matters

- 7.231 The proposed number, location and type of cycle parking as well as related facilities is policy compliant. In the event that permission is granted conditions are recommended to ensure the parking and facilities are provided for the life of the development.
- 7.232 Active travel to and from the site will be encouraged by improving pedestrian crossing arrangements on Caxton Grove and Malmesbury Road. These improvements are considered reasonable and necessary given the nature of the proposal and the likelihood that visitors will be walking from the site towards transport links.
- 7.233 Car parking is limited to Blue Badge holder spaces only in recognition of the highly accessible nature of the location.
- 7.234 Servicing and delivery arrangements will be safe and satisfactory subject to the measures outlined in the recommended conditions and planning obligations being implemented and adhered to.

### **Environment**

#### Environmental Impact Assessment

- 7.235 The proposals do not require an Environmental Impact Assessment.

#### Energy & Environmental Sustainability

##### Circular economy

- 7.236 Retention, reuse and adaptation of existing buildings is a key component of seeking to reduce waste and the environmental impact of built development.
- 7.237 As noted earlier in this report, it is proposed that the existing community centre building on the site will be demolished. The applicant has provided information as to why this existing building on the site cannot be reused, adapted and extended within the submitted document titled 'Pre-Demolition Audit'.
- 7.238 In relation to the community centre building (Caxton Hall) the reasons are stated as:
- Some services and internal finishes would need replacement.
  - The construction appears to be of poor energy efficiency and so a deep retrofit would be required with external insulation, replacement of all glazing and external doors, and solutions to the thermal bridging of the floor slab.
  - It would not be possible to convert or expand the existing building into an 8-9 storey residential block, as neither the structure nor the foundations are deemed adequate to accommodate the loads of a much larger building.
  - Given the site constraints and the need to retain the Four Seasons Green area, it wouldn't be spatially feasible nor beneficial in terms of carbon to construct the proposed development around the existing building while retaining the existing structure.

- 7.239 Whilst the reuse, adaptation and extension of buildings is the starting point it is clear in this case that the constraints of the buildings are such that this will not be possible. In addition, redevelopment of the site allows for the site to be optimised in a manner appropriate to its location which would not be possible if the buildings were to be retained. Further, the floorplate, access arrangements and floor to ceiling heights that are proposed mean that the

scope for future alternative uses would not be so constrained by the built form as is currently the case.

7.240 Whilst demolition will result in waste, the environmental impact of this will be minimised in accordance with the approaches set out in the applicant's Circular Economy Statement.

7.241 For the above reasons the proposal accords with the requirements of London Plan Policies GG5 and SI7.

#### Energy and Environmental Sustainability

7.242 Development Plan Policies seek to ensure that new residential development should be zero carbon and non-residential developments should achieve a 45% carbon reduction target beyond Part L 2013 of the Building Regulations. Local Plan policy D.ES7 requires zero carbon emission development to be achieved through a minimum 45% reduction in regulated carbon dioxide emissions on-site, and the remaining regulated carbon dioxide emissions up to 100%, to be off-set through a cash in lieu contribution. Policy SI2 of the 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.

7.243 Development Plan policies further require the use of sustainable design assessment tools to ensure that new development has maximised use of climate change mitigation measures. It confirms that as a minimum, all self-contained residential proposals will be strongly encouraged to meet the Home Quality Mark.

7.244 The LBTH Sustainable Development team and the GLA Energy team have reviewed the submitted Energy Strategy. The scheme is proposing a gas boiler system for the supply of supply of heating and hot water for all residential spaces, with air-source heat pumps for the community centre. The scheme proposes a PV array to deliver on-site renewable energy generation. Following GLA guidance and the Stage I response from the GLA, the energy officer has requested the applicant to investigate improved passive design measures, in particular looking at enhanced u-values for windows and commit to achieving air permeability rates in line with LETI standards. an updated energy assessment by way of condition to increase the reduction in CO2 emission beyond that currently set out in the Energy Strategy. Officers are satisfied with this approach to resolve the matters raised by the GLA and the energy team. On this basis, a carbon offset formula will be included at £95 per tonne for all residual emissions as identified in the London Plan, at £28,471.50 to offset the remaining 9.99 tonnes CO2 and achieve net zero carbon.

7.245 The applicant has provided a commitment within the energy statement that the development will employ a site-wide heat network (air source heat pump) for all uses to future proof the scheme to connect with a district heat network if one becomes available and viable in the area. This should include a single point of connection to the district heating network. Drawings should be provided demonstrating space for heat exchangers in the energy centre/centres, and a safe-guarded pipe route to the site boundary, and sufficient space in cross section for primary district heating pipes where proposed routes are through utility corridors.

7.246 Subject to conditions and planning obligations as set out above and to include post construction monitoring, the proposals are considered to be in accordance with both local energy policy requirements for on-site carbon emission reductions.

#### Air quality

7.247 The application has had regard to the potential impact of the proposed development on air quality at nearby receptors and the impact of existing local air quality conditions on future occupiers.

7.248 This has been assessed using local air quality monitoring sites. The impacts relating to dust were also considered as part of the assessment.

- 7.249 The proposed development lies within a borough-wide Air Quality Management Area (AQMA) declared by LBTH for exceedances of the annual mean nitrogen dioxide (NO<sub>2</sub>) objective and 24-hour mean PM<sub>10</sub> objective, predominantly because of road transport emissions.
- 7.250 The application has had regard to the potential impact of the proposed development on air quality at nearby residential properties and the impact of existing local air quality conditions. This has been assessed using local air quality monitoring sites. The impacts relating to dust were also considered as part of the assessment. The LBTH air quality officer is satisfied with the submitted information subject to conditions.
- 7.251 Subject to approval, conditions are required to secure submission of; Dust Management Plan and PM<sub>10</sub> monitoring, details of mechanical ventilation, details of kitchen extraction for relevant future commercial uses, details of construction plant and machinery.

#### Wind/Microclimate

- 7.252 The application is accompanied by a Pedestrian Level Wind Desk-Based Assessment. This has tested a number of locations on and around the site. The results show that at street level conditions would be appropriate for the intended use.
- 7.253 The report confirms that there would be localised areas of increased windiness near the building corners, with the windiest conditions likely to occur in a small area near the western and south-eastern corners, caused by the wind being accelerating around the corner of the building. It identifies that the entrance to the community centre on the eastern façade closer to the south-east corner, any café/restaurant seating and the levels 5-8 corner balcony amenity spaces would benefit from the wind mitigation measures, in the form of planting.
- 7.254 It identifies that strong winds with potential to be a safety concern would be expected on the roof level where localised areas of walking conditions would be expected. As such, strong winds exceeding the safety threshold would be expected on the levels 5-8 corner balconies with strolling conditions during the summer season and on the roof terrace where corner accelerations are likely to occur. Wind mitigation measures proposed for the balcony amenity spaces would be expected to provide beneficial shelter to these balcony amenity spaces, eliminating the occurrence of strong winds. It recommends that the roof terrace would only be accessible for maintenance use it is recommended to control access to this roof during the windiest times of the year.
- 7.255 A condition will also be attached to ensure the details of the mitigation measures are provided, built out and maintained for the lifetime of the development.

#### Flood Risk and Drainage

- 7.256 A Flood Risk Assessment has been submitted in support of the application. The report confirms that following the drainage hierarchy water reuse is considered impractical in this area due to space. Infiltration is not feasible due to the constraints of rail and London clay. It is proposed that the play area on the site which is being redeveloped with permeable safety surfacing and grass, and the building and surrounding hard standing area which will be permeable paving with 150mm deep geocellular storage as part of the sub-base. It confirms that the surface water will be restricted to a discharge rate of 2l/s and has been designed for a 1 in 100 year plus 40% climate change event.
- 7.257 It is recommended that a condition is attached to any permission to ensure the proposed mitigation measures are carried out and maintained. In terms of drainage to sewers, this would take place to existing sewers adjacent to the site.
- 7.258 The proposal would be acceptable with regard to flood risk, sustainable drainage, sewerage and water supply and use and as such accord with relevant policy and guidance as set out in NPPF, Policies 5.12, 5.13 of the London Plan and Policies D.ES4, D.ES5 and D.ES6 of the local plan.

### Land Contamination

- 7.259 A standard condition will be attached and any contamination that is identified can be addressed within the condition discharge process. This will ensure that the land is made safe prior to the construction process.

### Unexploded Bombs

- 7.260 Concerns have been raised in relation to the potential risk from unexploded bombs. The Council's Building Control have recommended a survey is carried out prior to the commencement of the development.

### Biodiversity & Urban Greening

- 7.261 London Plan Policy G6 and Tower Hamlets Local Plan D.ES3 require developments to protect and enhance biodiversity and to provide net gains for biodiversity in line with the Local Biodiversity Action Plan (LBAP). The application site includes the Four Seasons Green which is a designated publicly accessible Open Space.
- 7.262 The application has included the submitted document titled Biodiversity Impact Assessment which confirms that the proposal would include the upgrading of the Four Seasons Green including a landscaping strategy which would include retention of the majority of the existing trees (removal of 2 trees the acceptability of which is assessed below) and the supplementing of additional trees, wildflower meadow grassland creation, retaining and supplementing native scrub habitats, as well as introducing ground based green wall and biodiverse green roofing.
- 7.263 The Biodiversity Impact Assessment has confirmed that the total net increase in ecological value would be 74.06% and the development's Urban Greening Factor score would exceed the 0.4 score required by London Plan Policy G5.
- 7.264 All biodiversity and urban greening enhancements would also be secured via a condition.

### Landscaping

- 7.265 The submitted Landscape Statement has recognised the value of the Four Seasons Green, located to the south of the building which is designated as publicly accessible open space as a valuable green space and community asset. The document outlines the landscaping design changes to this area which aims to allow the greatest flexibility of use and high levels of passive surveillance, with the new amenities sited close to the boundary and overlooked by the new accommodation.
- 7.266 The report identifies that the proposal would remove the existing playground equipment and any redundant hardstanding's within the green space and the dog-run located towards the eastern boundary of this area. The proposal would include the introduction of a new playground with a variety of fixed play opportunities for different age groups, re-sited table tennis table close to a fixed basket-ball hoop and exercise bar structure and edged with informal seating blocks, informal seating and a picnic table, widening the pavement around the large London Plane tree and creating a link to a raised pavement to Ambrose Walk. This is in addition to tree planting (discussed below) to reinvigorate the community orchard and to the eastern edge which will incorporate a native hedgerow and an informal scrub mixed to the boundary to provide habitat for birds and insects.
- 7.267 It is noted that the proposal would result in the loss of the existing dog enclosure which measures 345 sqm. The proposal would provide a dedicated dog enclosure in the landscaping proposal but would redesign the shape and its location to the southern part of the open space. Whilst the Council acknowledges this area would result in use of this area changing and would result in the reduction of the size (by 50m sqm) it is considered acceptable in this instance.

7.268 To ensure that landscaping design changes remain as a valuable green space and community asset, a condition has been recommended for the final details of the landscaping to be submitted. To ensure that the details of the play equipment reflect the needs of the community, this should be in consultation with the local community.

### Trees

7.269 Local Plan Policy D.ES3 seeks to protect and increase the provision of trees by protecting all existing trees, incorporating native trees, where possible and providing replacement trees where the loss of or impact on trees in a development is considered acceptable.

7.270 Whilst the application and neighbouring site do not include any trees subject to a Tree Preservation Order nor is the site within a conservation area, the existing trees are a constraint to the proposed development. Therefore, an Arboricultural Survey Impact Assessment & Method Statement Report was submitted in support of the application.

7.271 The report confirms that the trees have been surveyed in accordance with BS5837:2012 and has categorised the existing trees.

7.272 The submitted report has identified that there are 33 no. trees, 1 no. shrub and 1 no. group (T1-T35) within the application and neighbouring site. The report confirms that 2 trees (T28 and T29) would be removed, located within Four Seasons Green, and the remaining trees being retained which would be subject to tree protection measures.

7.273 The report confirms that the 2 (apple) trees to be removed have been identified category C (of low quality with an estimated remaining life expectancy of at least 10 years or young trees with a stem diameter below 150mm) (T28) and category U (in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years) (T29) trees, to allow for the implementation of the development and the poor form/limited lifespan respectively. In mitigation, the report confirms that 15 no. replacement tree plantings as well as a landscaping scheme with enhanced shrub and soft landscape / planting areas.

7.274 The Council's Arboricultural Officer has reviewed the submitted report and confirmed that they are satisfied with the categorisation of the existing trees and raises no objection to the removal of the 2 trees and confirms that their loss would have negligible impact and would be comprehensively mitigated.

7.275 All tree planting and landscaping would be secured via a condition.

### **Infrastructure Impact**

7.276 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.

7.277 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD, as follows:

- £18,548 towards construction phase employment skills training
- £28,471.50 toward carbon emission off-setting
- £3,805 Air Quality
- £3,805 Development co-ordination and integration

### **Human Rights & Equalities**

7.278 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.

7.279 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. £18,548 towards construction phase employment skills training
- b. £28,471.50 toward carbon emission off-setting
- c. £3,805 Air Quality
- d. £3,805 Development co-ordination and integration
- e. Malmesbury Road MUGA improvements (exact sum tbc)
- f. Monitoring fee (exact sum tbc)

Total financial contributions: (exact sum tbc)

### **8.3 Non-financial obligations:**

- a. Affordable housing (36 units)
  - 100% at Social Rent
  - Wheelchair accessible units (4 units (4 X 3 bed) Wheelchair accessible units to M4 (3) (2) (b)
- b. Transport matters:
  - Car Free development (residential)
  - Highways improvement works
- c. Community Centre Space User Strategy and Management Plan

8.4 That the Corporate Director of Housing & Regeneration 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 Housing & Regeneration 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. Compliance with the Fire Statement.
4. Air quality standards for boilers (low NOx<40mgNOx/Nm3).
5. Wheelchair units
6. 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.
7. The carbon savings are delivered as specified in the Energy Statement

8. Noise level from plant
9. Tree planting and protection measures
10. Waste management
11. Overheating measures
12. Residential cycle storage
13. No door opening outwards
14. Timing of vegetation clearance (breeding birds)

#### Pre-commencement

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

15. Construction Environmental Management Plan and Construction Logistics Plan (in consultation with TfL):
  - 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.
16. S61 (Restrictions on Demolition and Construction Activities)
17. Land Contamination Remediation Scheme (subject to post completion verification).
18. Dust Management
19. Construction Plant and Machinery (NRMM)
20. Air Quality Neutral assessment
21. Unexploded bombs

#### Pre-completion of ground floor slab

22. Details of external facing materials and architectural detailing including construct sample panels.
23. Details and equipment associated with all child play spaces and communal amenity spaces.
24. Biodiversity enhancement details.
25. SUDS strategy.
26. PV energy generation maximised with Biosolar roofs.
27. Future district heating connection

#### Pre-occupation

28. Biodiversity mitigation and enhancement



29. Car Parking Design and Management Plan, including electric vehicle charging points provision.
30. Delivery and Servicing Plan.
31. Residential and commercial cycle parking detailed design in line with London Cycle Design Standards, including maximisation of spaces for larger and adapted bikes and Cycle Parking Management Plan.
32. Remediation verification report.
33. Completion report (including As Build calculations) is submitted to demonstrate energy / CO2 savings have been delivered.
34. Circular Economy Statement.
35. Whole Life Cycle Carbon.
36. Noise insulation details and verification report for residential units.
37. Full-fibre connectivity infrastructure within the development
38. Public toilets and water fountains
39. Future connection to district heating network
40. Night time Active Travel Zone Assessment
41. Community Centre cycle storage
42. Fire Safety measures (including presence of electrical vehicles photovoltaic panels and hydrants)
43. Secured by Design Accreditation

## APPENDIX 1

### LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

3531-STO-XX-XX-PL-A-20001 REV 02 (SITE BASEMENT PLAN)  
3531-STO-XX-XX-PL-A-20002 REV 02 (SITE GROUND FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20005 REV 02 (SITE SEVENTH TO EIGHTH FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20006 REV 02 (SITE NINTH FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20007 REV 02 (SITE ROOF PLAN)  
3531-STO-XX-XX-PL-A-20200 REV 02 (EXISTING GROUND FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20201 REV 02 (BASEMENT PLAN)  
3531-STO-XX-XX-PL-A-20207 REV 02 (FIFTH FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20208 REV 02 (SIXTH FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20209 REV 02 (SEVENTH FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20210 REV 02 (EIGHTH FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20211 REV 02 (NINTH FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20212 REV 02 (ROOF PLAN)  
3531-STO-XX-XX-PL-A-20213 REV 02 (GROUND FLOOR PLAN WITH CC PLANS)  
3531-STO-ZZ-EX-PL-A-20101 REV 02 (CONTEXT NORTH AND SOUTH ELEVATIONS)  
3531-STO-ZZ-EX-PL-A-20102 REV 02 (CONTEXT EAST AND WEST ELEVATIONS)  
3531-STO-ZZ-EX-PL-A-20301 REV 02 (EXISTING SOUTH AND NORTH ELEVATIONS)  
3531-STO-ZZ-EX-PL-A-20302 REV 02 (EXISTING EAST AND WEST ELEVATIONS)  
3531-STO-ZZ-EX-PL-A-20303 REV 02 (SOUTH ELEVATION)  
3531-STO-ZZ-EX-PL-A-20304 REV 02 (NORTH ELEVATION)  
3531-STO-ZZ-EX-PL-A-20305 REV 02 (EAST ELEVATION)  
3531-STO-ZZ-EX-PL-A-20306 (WEST ELEVATION)  
3531-STO-ZZ-EX-PL-A-20501 REV 02 (DETAILED SOUTH ELEVATION AND SECTION)  
3531-STO-ZZ-EX-PL-A-20502 REV 02 (DETAILED NORTH ELEVATION AND SECTION)  
3531-STO-ZZ-EX-PL-A-20503 REV 02 (DETAILED WEST ELEVATION AND SECTION)  
3531-STO-ZZ-EX-PL-A-20701 REV 02 (SOUTH ELEVATION – COLOURED)  
3531-STO-ZZ-EX-PL-A-20702 REV 02 (NORTH ELEVATION- COLOURED)  
3531-STO-ZZ-EX-PL-A-20703 REV 02 (EAST ELEVATION- COLOURED)  
3531-STO-ZZ-EX-PL-A-20704 REV 01 (WEST ELEVATION – COLOURED)  
3531-STO-ZZ-SX-PL-A-20401 REV 02 (S01 SECTION)  
3531-STO-ZZ-SX-PL-A-20402 REV 02 (S02 SECTION)  
20240131 RWDI 2401150 REV 01 (FLAY LAYOUTS 01)  
3531-STO-ZZ-ZZ-PL-A-7002 REV 01 (FLAT LAYOUTS 02)  
3531-STO-ZZ-ZZ-PL-A-90001 REV 02 (LOCATION PLAN AS EXISTING)  
3531-STO-ZZ-ZZ-PL-A-90002 REV 02 (LOCATION PLAN AS PROPOSED)  
3531-STO-ZZ-ZZ-PL-A-90003 REV 02 (SURVEY)  
3531-STO-XX-XX-PL-A-20215 REV 01 (Proposed Cycle Store - Ground Floor Plan)  
3531-STO-ZZ-ZZ-SA-A-01501 REV 03 (Schedule of Accommodation)  
3531-STO-ZZ-ZZ-PL-A-7001 REV. 02 (FLAT LAYOUTS 01)  
3531-STO-XX-XX-PL-A-20206 REV. 03 (FOURTH FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20205 REV. 03 (THIRD FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20204 REV. 03 (SECOND FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20203 REV. 03 (FIRST FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20202 REV. 03 (GROUND FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20004 REV. 03 (SITE FIFTH TO SIXTH FLOOR PLAN)  
3531-STO-XX-XX-PL-A-20003 REV. 03 (SITE FIRST TO FOURTH FLOOR PLAN)  
P171-L05 (FOUR SEASONS GREEN PLAY FACILITIES)  
P171-L06 (FOUR SEASONS GREEN - DOG AREA PROVISION)

#### Other application documents

PLANNING FIRE SAFETY STRATEGY + FIRE STATEMENT Project Reference: FE1542

Revision: 4 Date: April 2024,

TOWNSCAPE VIEWS dated 29.04.24

TOWNSCAPE CHARACTER AREAS dated 15/01/2024

WINDOWS DETAILS

TECHNICAL NOTE ON EXCAVATED MATERIALS OPTION ASSESSMENT  
P451026-WW-XX-00-DR-C-1451 P1 (CUT AND FILL)  
PRE-DEMOLITION AUDIT dated February 2024  
PRE-REDEVELOPMENT AUDIT dated February 2024  
WHOLE LIFE-CYCLE CARBON ASSESSMENT dated February 2024  
CIRCULAR ECONOMY STATEMENT dated February 2024  
WLCA ASSESSMENT  
GLA WLCA SPREADSHEET  
UNEXPLODED BOMB RISK MAP  
ENERGY STATEMENT dated February 2024  
SUSTAINABILITY STATEMENT dated February 2024  
RESIDENTIAL OVERHEATING RISK ASSESSMENT dated 30/01/2024  
Design & Access Statement dated 31.01.24  
BIODIVERSITY IMPACT ASSESSMENT dated January 2024  
URBAN GREENING FACTOR ASSESSMENT dated January 2024  
PRELIMINARY ECOLOGICAL APPRAISAL dated January 2024  
SITE WASTE MANAGEMENT PLAN SLR Project No: 425.001239.00001 dated 30 January 2024  
PEDESTRIAN LEVEL WIND DESK- BASED ASSESSMENT RWDI #2401150 31ST JANUARY 2024  
ASSESSMENT OF FLOOD RISK AND DRAINAGE dated January 2022  
Planning Statement dated JANUARY 2024  
ARBORICULTURAL SURVEY IMPACT ASSESSMENT & METHOD STATEMENT Date of Report: January 2024 Report Reference: AIA/MF/004/24  
HEALTH IMPACT ASSESSMENT dated JANUARY 2024  
Daylight & Sunlight (NEIGHBOURING PROPERTIES) dated 10 January 2024  
Daylight & Sunlight (WITHIN DEVELOPMENT) dated 10 January 2024  
LANDSCAPE STATEMENT January 2023 Reference: P171\_PS1  
HERITAGE TOWNSCAPE AND VISUAL IMPACT ASSESSMENT - January 2024 Project Ref 9343A  
Phase 1 – Geotechnical and Geoenvironmental Desk Study P451026-WW-XX-XX-RP-G-0001 dated 15/11/2023  
Transport Statement SLR Project No.: 216062 18 January 2024 Revision: 01  
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN dated JANUARY 2024  
FRAMEWORK TRAVEL PLAN SLR Project No.: 425.001239.00001 18 January 2024 Revision: 01  
DELIVERY AND SERVICING MANAGEMENT PLAN SLR Project No.: 425.001239.00001 18 January 2024 Revision: 01  
CONSTRUCTION AND LOGISTICS PLAN SLR Project No.: 425.001239.00001 18 January 2024 Revision: 01  
NOISE REPORT RP01-21439-R3 dated 23/01/2024  
AIR QUALITY ASSESSMENT J10/14295A/10/2/F3 dated 2 February 2024

## APPENDIX 2

### SELECTION OF APPLICATION PLANS AND IMAGES



Proposed South Elevation



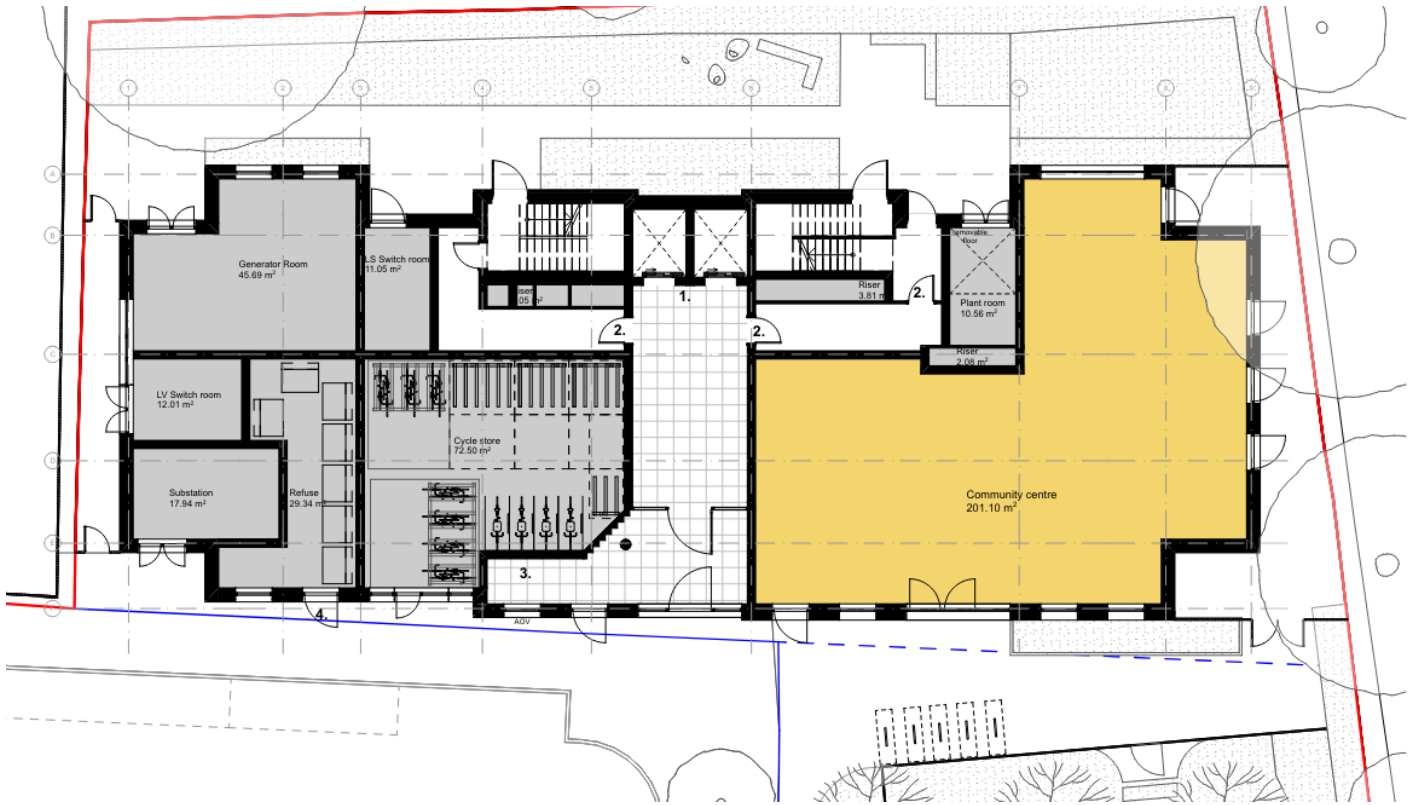
Proposed North Elevation



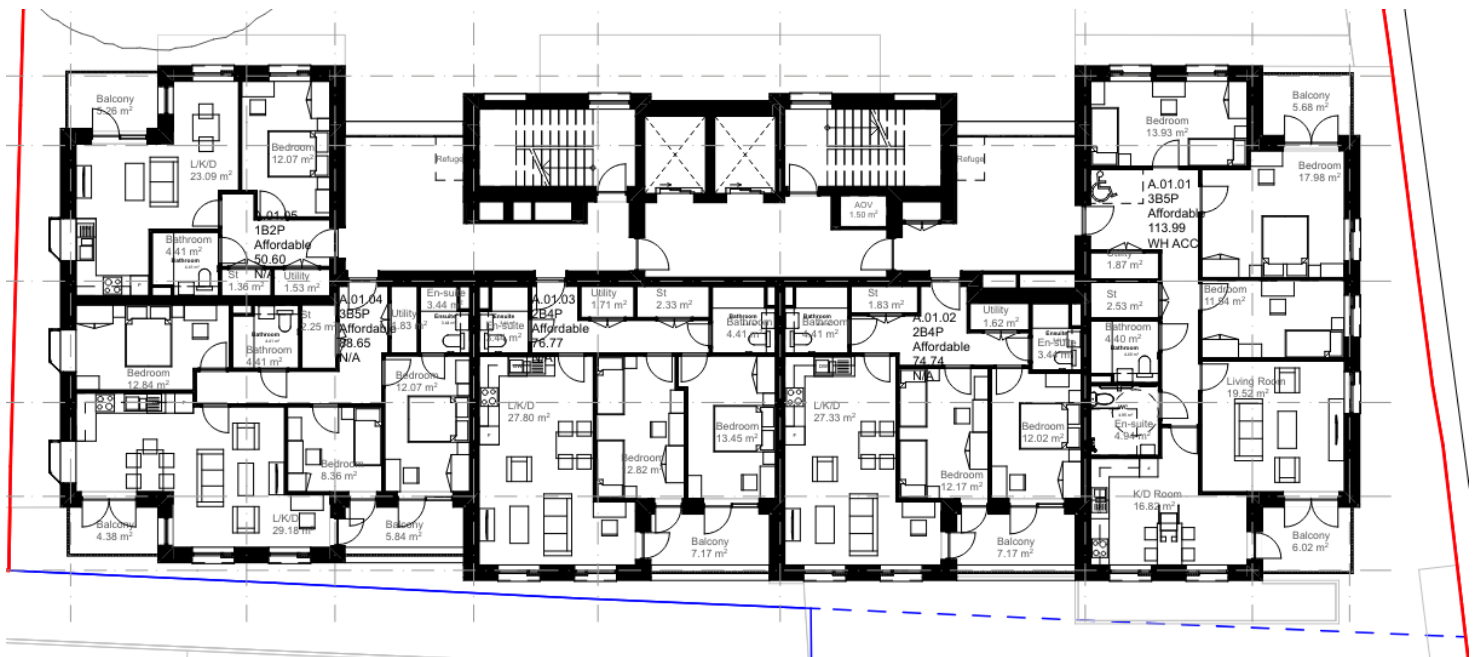
Aerial View from south east



Aerial View from north east



Proposed Ground Floor Plan



Proposed Typical Floor Plan




Proposed Landscape Plan/Child Play Space

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# Agenda Item 6.1

 <b>TOWER HAMLETS</b>	<b>STRATEGIC DEVELOPMENT COMMITTEE</b>		18th May 2024
	Report of the Corporate Director of Housing and Regeneration		Classification: Unrestricted
<b>Site</b>	Site at the former Bishopsgate Goods Yard, Braithwaite Street E1		
<b>Wards</b>	Weavers (Tower Hamlets), Hoxton East and Shoreditch (Hackney)		
<b>Title</b>	Bishopsgate Goodsyards – Procedures for taking Reserved Matters Applications (related to PA/14/02011 and PA/14/02096) to Strategic Development Committee or Development Committee		
<b>Summary Recommendations</b>	To agree that reports on Reserved Matters Applications for Bishopsgate Goods Yard will be referred to Strategic Development Committee or Development Committee to formalise Tower Hamlets observations to the Mayor of London where the scale of the matters to be reported would fall within either Committee's terms of reference		
<b>Originating Officer</b>	Rikki Weir		

## EXECUTIVE SUMMARY

The Bishopsgate Goods Yard scheme was granted hybrid planning permission (part outline and part detailed) and listed building consent by Sadiq Khan, the Mayor of London/ Greater London Authority (GLA) on 25 March 2022 after the previous Mayor of London (Boris Johnson) determined that the Mayor would be the Local Planning Authority on the application in accordance with their powers under article 7 of the Mayor of London Order and then powers conferred by Section 2A of the Town and Country Planning Act 1990 (as amended).

On 19 November 2020, Tower Hamlets Strategic Development Committee resolved to raise objections to the GLA in respect of the application. The committee also resolved that in the event of outline planning permission being granted by the Mayor, any future reserved matters applications should be determined by the Committee.

In granting outline planning permission, the Mayor of London formally resolved that they would continue to be the Local Planning Authority to determine any reserved matters applications. Therefore, Tower Hamlets will only be a consultee to the GLA for the RMAs and will receive requests for borough observations from the GLA. The GLA would not be bound by any borough observations received but should take them into consideration in their decision-making. This report makes recommendations to Strategic Development Committee on how the Council will report its observations to the GLA on these forthcoming RMAs for individual phases of the outline consent. The hybrid consent is expected to come forward in 5 separate RMAs to be determined by the GLA.

The Tower Hamlets Strategic Development Committee previously requested that all Reserved Matters for this scheme return to Committee for determination, but this resolution was made before it was known that the GLA was going to remain as the decision-maker for the RMAs rather than returning these to Tower Hamlets and Hackney.

## 1. BACKGROUND INFORMATION

- 1.1 On 25 March 2022, the Mayor of London/ Greater London Authority (GLA) granted hybrid (outline and detailed) planning permission and listed building consent on the site for:

***An OUTLINE application (PA/14/02011) for the comprehensive mixed use redevelopment of the site comprising (floorspace in Gross Internal Area)***

***Residential (Class C3) comprising up to 500 residential units; Business Use (Class B1) up to 130,940 sq.m.; Hotel (Class C1) up to 11,013 sq.m.; Retail, financial & professional services, restaurants, cafes & hot food takeaways (Class A1, A2, A3, A5) up to 18,390 sq.m. of which only 3,678 sq.m. can be used as Class A5; Non-residential Institutions (Class D1) / Assembly and Leisure (Class D2) up to 6,363 sq.m.; Public conveniences (sui generis) up to 298 m<sup>2</sup>; Basement, ancillary and plant up to 21,216 sq.m. Formation of new pedestrian and vehicular access; means of access, circulation and car parking within the site and provision of new public open space and landscaping. The application proposes a total of 10 buildings that range in height, with the highest being 142.4m AOD and the lowest being 29.2m AOD.***

***With all matters reserved save that FULL DETAILS for Plot 2***

***Submitted for alterations to, and the partial removal of, existing structures on site and the erection of a building for office (Class B1) and retail use (Class A1, A2, A3, A5) comprising a part 17/ part 29 storey building; and Plot 7 comprising the use of the ground level of the Braithwaite Viaduct for retail and food & drink uses (A1, A2, A3, A5) and works to and use of the Oriel and adjoining structures for retail and food & drink uses (A1, A2, A3, A5). (Amended Description).***

***For that part of the site within the London Borough of Tower Hamlets, the proposed development comprises the following:***

- Up to 44,067 sq.m. of residential use (Class C3);
- Up to 21,341 sq.m. of Business Use (Class B1);
- Up to 11,013 sq.m. of Hotel Use (Class C1);
- Up to 13,881 sq.m. of Retail Use (Class A1, A2, A3, A5) of which only 2,776 sq.m. can be used for hot food takeaways (A5); Non-residential Institutions (Class D1) / Assembly and Leisure (Class D2) – up to 4,109 sq.m.; up to 298 sq.m. of sui generis use; up to 8,464 sq.m. of ancillary and plant space.

***LISTED BUILDING APPLICATION (PA/14/02096): Restoration and repair of the existing Grade II listed Braithwaite Viaduct and adjoining structures for proposed Class A1/A2/A3/A5/D1 use at ground and basement levels. Structural interventions proposed to stabilise London Road structure, removal of sections of London Road roof to create openings over proposed new public squares; formation of new shopfront openings, installation of new means of public access up to park level. Part removal of adjoining unlisted wall on Brick Lane to provide improved public realm and pedestrian access into the Site.***

- 1.2 The application for hybrid planning permission and listed building consent was submitted on 21 July 2014 and made valid on 9 September 2014. The initial submission included 1,464 new homes, 52,000 sqm office space, 18,000 sqm of retail space including small units, a new elevated public, together with retained and restored heritage features.

- 1.3 The Mayor of London directed that he would act as Local Planning Authority for the purposes of determining the applications on 23 September 2015. Both Tower Hamlets and Hackney Councils reported the applications to their respective planning committees to secure a resolution on what decision the Councils would have made if they were able to determine the application and hence set their respective position at the Mayor of London's Public Representation Hearing. On 10 December 2015, Tower Hamlets Strategic Development Committee resolved that if it were empowered to determine the application then it would have been refused for reasons relating to heritage, townscape impacts, site design principles, affordable housing, housing mix and choice and amenity impacts (daylight and sunlight).
- 1.4 In April 2016, the GLA's officer report recommended that planning permission should be refused for reasons relating to heritage, design, amenity (daylight and sunlight). The Mayor of London agreed to defer the determination hearing to allow the applicant further time to evolve the design and work with the GLA and the boroughs to respond to comments.
- 1.5 Subsequently, significant amendments were made on the applications resulting in amended submissions being provided in October 2019 and July 2020. The height, scale and massing of the scheme was significantly reduced. These wholesale changes resulted in the scheme going from 1,464 homes to a maximum of 500 and an increase in office floorspace from 52,000 sqm to 139,000 sqm.
- 1.6 On 19 November 2020, Tower Hamlets Strategic Development Committee resolved to raise objections to the GLA in respect of the application for hybrid planning permission at the site due to concerns around the following issues:
- The failure to optimise the housing potential of the site and the associated market sector housing mix.
  - The Plot 8 in terms of its use, the opportunities to provide affordable housing on this site and the impact on green space.
  - Height and massing of the development, particularly in terms of the impact on Bethnal Green Road
  - The retail offer and business strategy.
- 1.7 The Tower Hamlets Strategic Development Committee did not object to the granting of listed building consent. The committee also resolved '*that any future reserved matters application be determined by the Committee.*' It should be noted that the planning application received a high level of public interest. The November 2020 Tower Hamlets Strategic Development Committee report stated that there were 511 objections and 5 in support. Hackney Council received a similar level of interest and it was reported that the GLA received 360 objections. A number of petitions were also received.
- 1.8 On 3 December 2020, the Mayor of London conducted a Public Representation Hearing and resolved to grant hybrid planning permission and listed building consent as stated in paragraph 1.1.

## **2. SITE SUMMARY**

- 2.1 The site (shown in figure 1) is 4.4 hectares in size and comprises the former Bishopsgate Goods Depot. Historically the site was a goods station and a suburban railway passenger station prior to services moving to Liverpool Street station. The site has been largely vacant following a fire in 1964. Approximately half of the remaining structures on the site were demolished in 2002/3 to allow the construction of the London Overground railway. Approximately 72% of the site is in Tower Hamlets, with the remainder in Hackney.

- 2.2 The site is currently vacant or in temporary use as football pitches (Powerleague Shoreditch) and BOXPARK Shoreditch, comprising shopping and restaurant uses accommodated in shipping containers. Some of the remaining structures are Grade II listed, including the inactive Braithwaite Viaduct, forecourt wall and Oriel Gateway to Shoreditch High Street. These structures are in poor repair and have been placed on the Historic England’s Heritage at Risk Register. Also preserved on site are the goods yard’s boundary wall to Sclater Street and Bethnal Green Road and, to the north of this, a group of unlisted historic buildings; The Weavers’ Cottages (c. 1719), The Mission Hall (c. 1876) and the Victorian Building (c.1877).
- 2.3 In terms of relevant planning policy designations, the whole of the site comprises the Site Allocation: Bishopsgate Goodsyard and is within the Central Activities Zone (CAZ), Preferred Office Location, City Fringe Opportunity Area, Archaeological Priority Area (Tier 2: Spitalfields and Brick Lane) and an area of substandard air quality. A small area on the northern edge of the site, including the historic buildings fronting onto Sclater Street, are within the Brick Lane and Fournier Street Conservation Area.
- 2.4 The site is bounded to the north by Sclater Street and Bethnal Green Road, to the east by Brick Lane, to the south by the railway cutting with lines into Liverpool Street and to the west by Shoreditch High Street and Commercial Street. Braithwaite Street bisects the site, north to south.



Figure 1: Aerial photograph of site showing borough boundaries

- 2.5 Shoreditch High Street Station (London Overground) sits in the western part of the site with access from Braithwaite Street. The Overground railway runs through the northern part of the site (east to west) on an elevated concrete viaduct. The railway itself runs inside a concrete elevated tunnel which allows development to take place around it without disrupting the railway operation.

### 3.0 DEVELOPMENT SUMMARY

- 3.1 The consented development would be arranged as a series of building plots, fronting existing streets and linked with new internal routes (shown in figure 2). Plot 2 (consented in detail) in Hackney would comprise office and retail space in a building of 17/29 storeys. Plots 1 and 3 straddle the boundary of Tower Hamlets and Hackney and would provide office and commercial floorspace in buildings of up to 16 storeys (Plot 1) and 7 storeys (Plot 3).
- 3.2 Plots 4, 5 and 10 in Tower Hamlets would provide residential development in a series of buildings situated on both sides of the Overground viaduct, along Bethnal Green Road and Sclater Street ranging from 6 storeys up to a maximum of 19 storeys. Plot 6 would be purpose built for community/cultural uses fronting onto Brick Lane and be up to 4 storeys in height. Plot 7 (consented in detail) comprises the Grade II listed Oriel Gateway and Braithwaite Arches. Plot 8 would provide residential and hotel floorspace in a building situated on top of the viaduct and up to 25 storeys in height, with two linked “pavilion” buildings of four storeys. There is no Plot 9.

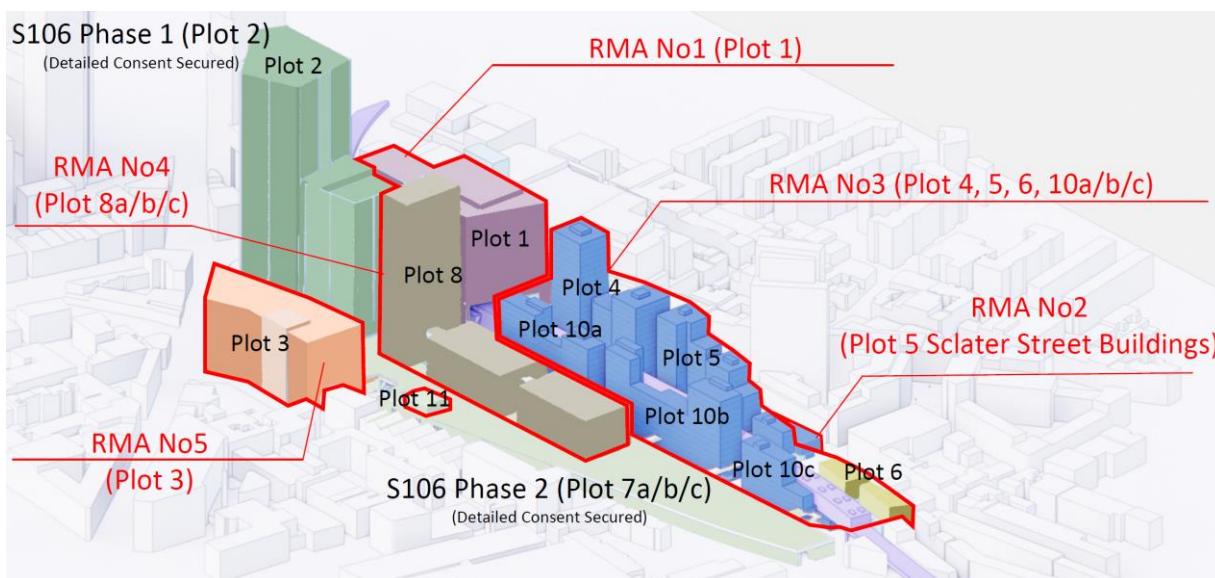


Figure 2: Visual of RMA areas

- 3.3 Figure 3 shows the consented floor areas for the development within Tower Hamlets and overall. All of the residential floorspace is found within Tower Hamlets, whereas in Hackney the scheme is predominantly office.

Land Use	Tower Hamlets (maximum sqm)	GEA	Overall Development GEA (maximum sqm)
Residential (Use Class C3)	48,508 sqm		48,508 sqm
Retail (Use Class A1, A2, A3 & A5)	14,677 sqm		19,547 sqm
Office (Use Class B1a)	22,822 sqm		139,023 sqm
Hotel (Use Class C1)	11,595 sqm		11,595 sqm
Non-residential institutions/ assembly and leisure (Use Class D1/ D2)	4,622 sqm		7,074 sqm

<b>Public conveniences (Use Class Sui Generis)</b>	301 sqm	301 sqm
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Figure 3: Consented floorspace GEA (gross external area) for different uses

- 3.4 Figure 4 shows a visual of the development massing. The development will have significant townscape impacts on the surrounding area on account of the height and scale of the proposed buildings. These include harm to the setting of heritage assets, to which the NPPF ascribes great weight and to the amenities of neighbours through loss of daylight and sunlight.
- 3.5 Public open space is proposed above the Braithwaite Viaduct with access from Braithwaite Street (through the middle, north-south), Brick Lane (to the east) and London Road (through the site, west-east). Retail, leisure and food and drink uses are proposed for the listed and un-listed Braithwaite Viaduct arches with access from London Road and a parallel route to the north. At least 10% of the retail floorspace would be secured for independent retailers, including 2% for micro-entities and start up retailers. 1.3ha of new public realm would be created at ground floor level, including a new west-east pedestrian route (Middle Road) linking Brick Lane with Shoreditch High Street/ Commercial Street.



Figure 4: Visual of overall development

- 3.6 The consented development would broadly address the requirements of the site allocation by providing a mixed use employment-led scheme with an open space of 1.26ha above Braithwaite Viaduct, a community facility and space for cultural uses. Within the three office buildings proposed for the western end of the site, substantial areas of affordable workspace would be provided, discounted to up to 60% below local market rates. Heritage assets on the site, including the Grade II listed Braithwaite Viaduct and Oriel Gateway on Historic England's Buildings at Risk Register, would be restored and brought back into use.
- 3.7 The residential uses were consented to deliver a minimum of 346 new homes and a maximum of 500. The scheme is consented to provide 50% affordable housing. The affordable housing tenure split would be 49/51 affordable rented/ intermediate, a departure from the 70/30 policy

requirement as the London Plan allows flexibility of tenure for additional affordable units provided above 35%. Affordable rented units are to be split 50/50 between London Affordable Rent and Tower Hamlets Living Rent. At least 50% of the Intermediate units would be London Living Rent, including all of the three-bedroom units in this tenure, with the remainder as Discount Market Rent (DMR) and Shared Ownership.

- 3.8 The consented development would provide a high density scheme in a highly accessible locating, providing additional pedestrian permeability and a contribution totalling £6,470,000 towards highways, pedestrian and cycling improvements in the vicinity of the site. The servicing of the proposed development is constrained given that vehicular access would be constrained by retained historic structures. There would be very significant additional vehicular movements on Braithwaite Street which would provide access to the largest servicing yard.
- 3.9 As a general update, the applicant has encountered some delays in progressing the design of the residential plots RMAs due to the new fire safety requirements to provide second staircases for all the residential blocks and managing that whilst staying within the approved parameter plan massing outlines. Current indications are that the scheme would provide nearer to 400 new homes.

#### **4. PROPOSED COMMITTEE PROCEDURE FOR RESERVED MATTERS APPLICATIONS**

- 4.1 To recap, as the Greater London Authority took over the role of Local Planning Authority for the consented development (PA14/02011 and PA/14/02096), the boroughs (Tower Hamlets and Hackney) could only provide observations on these applications. Plot 2 in Hackney was consented in detail. Plot 7 (in both boroughs) was consented in detail. Plots 1, 3, 4, 5, 6, 8, 9 and 10 were consented in outline – it is therefore that Reserved Matters Applications (RMA) are submitted in order to obtain detailed approval on these outline plots.
- 4.2 On 19 November 2020, Tower Hamlets Strategic Development Committee resolved *‘that any future reserved matters application be determined by the Committee.’* At that time, it appears to have been assumed that Tower Hamlets would revert to being the Local Planning Authority for RMAs, following approval of the hybrid planning permission. However, on 25 March 2022, when the decision notice was issued by the GLA, condition 3 stated that RMAs *‘shall be submitted to and approved in writing by the Greater London Authority (hereinafter called “the GLA”), or the Local Planning Authority where this has been agreed in writing by the GLA.’*
- 4.3 The GLA have subsequently confirmed that they will be the Local Planning Authority for the purposes of the RMAs, therefore the Tower Hamlets Strategic Development Committee resolution that any future reserved matters application be determined by the Committee, cannot be followed through. The GLA will be determining these applications, however officers recommend that observations on RMAs are brought to Strategic Development Committee or Development Committee. Officers would assess future RMAs and offer recommendations, which members could agree to or could provide further or alternative observations, which would constitute the borough’s formal response to the GLA. If this recommendation was not carried then borough observations on RMAs would need to be delegated to officers, as the GLA are the determining authority on these applications.
- 4.4 Officers recommend that it would be more appropriate if RMAs are only taken to Strategic Development Committee or Development Committee if they meet the relevant thresholds for those committees. Passing this resolution would ensure that Committee time is not taken up with matters which are not significant for them to consider.
- 4.8 Figures 2 and 5 show that part of Plot 5 (RMA No2) would be separated from the rest of Plot 5 (new residential buildings within RMA No3). Officers consider that the separation of part of Plot

5 to a distinct RMA is logical and would help to initiate works on the wider site overall. Officers would resist any further fragmentation of Plots to separate RMAs to ensure a holistic approach.

- 4.9 Officers recommend bringing to Strategic Development Committee or Development Committee, reports on DETAILED borough observations for parts of RMAs **which are within the borough**. Although Tower Hamlets is not the Local Planning Authority for these RMAs, officers recommend that reports are brought which provide a full, detailed assessment for parts of RMAs within the borough in the same way as if Tower Hamlets was the Local Planning Authority. Parts of RMAs within the borough are considered appropriate to bring with a full, detailed assessment by officers as the wider site is of borough-wide significance as a Site Allocation, and the parts of RMAs within the borough (shown in figure 2 and 5) would provide upto 500 homes, office floorspace, a park, extensive new public realm and routes, retail, a hotel, as well as cultural and community facilities (floorspaces detailed in figure 3).

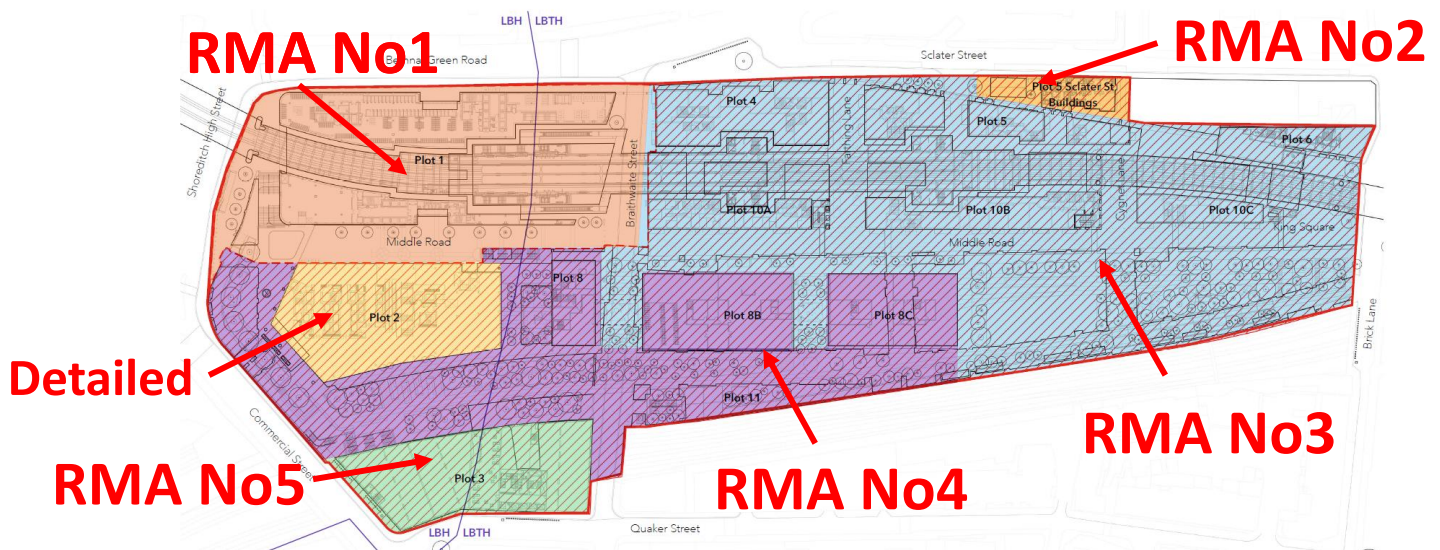


Figure 5: RMA plots (platform level) in relation to borough boundary

- 4.10 Officers recommend bringing to Strategic Development Committee or Development Committee, reports on GENERAL borough observations only, for parts of RMAs, **which are NOT within the borough**. Detailed observations would be provided for parts of those RMAs which sit within the borough, however for parts not within the borough, it would be upto Hackney Council to provide detailed observations on these, if they so wish. Currently, neighbouring borough observations are only brought to committee in rare circumstances, although Tower Hamlets deal with many of these each year (179 in 2023) and often provide a 'no objections' response, therefore it is considered appropriate to provide only general observations to Committee in these instances, rather than full, detailed assessments.

## 5. RECOMMENDATION

- 5.1 In regard to Reserved Matters Applications for Bishopsgate Goodsyrd related to PA/14/02011 and PA/14/02096:

To agree that reports on Reserved Matters Applications for Bishopsgate Goods Yard will be referred to Strategic Development Committee or Development Committee to formalise Tower Hamlets observations to the Mayor of London where the scale of the matters to be reported would fall within either Committee's terms of reference.



 <b>TOWER HAMLETS</b>	<b>STRATEGIC DEVELOPMENT COMMITTEE</b>		14 May 2024
	Report of the Corporate Director of Housing and Regeneration		Classification: Unrestricted
<b>Wards</b>	Bow East and Bromley North Wards		
<b>Title</b>	<b>London Legacy Development Corporation – interim delegation scheme</b>		
<b>Summary Recommendation</b>	<p><b>To note proposals for an interim scheme of delegation of certain planning functions from the London Legacy Development Corporation.</b></p> <p><b>To confirm the Development Committee agrees to determine applications under the delegation scheme and request that the Council confirms the scheme.</b></p>		
<b>Originating Officer</b>	Paul Buckenham, Head of Development Management		

## 1. BACKGROUND INFORMATION

- 1.1 The London Legacy Development Corporation (LLDC) is a London Mayoral Development Corporation (MDC) established in 2012 under Section 198 of the Localism Act 2011.
- 1.2 The LLDC's stated remit is to deliver the Olympic Legacy commitments made in the original London 2012 Games bid concerning the physical legacy of the Games, the long-term planning, development, management and maintenance of the Park and its impact on the surrounding area after the London 2012 Games.
- 1.3 The LLDC is the local planning authority for its area with planning powers for local plan making, determining planning applications, appeals and enforcement. transferred under the London Legacy Development Corporation (Planning Functions) Order 2012.
- 1.4 The LLDC planning area in Tower Hamlets, comprises Fish Island, parts of Hackney Wick and Bromley by Bow (See map in Appendix 1). Any planning (or related) application for development within this area is submitted to and determined by the LLDC. Tower Hamlets is a statutory consultee but has no decision-making powers.
- 1.5 In February 2020, the Legacy Corporation's Board agreed that LLDC's town planning powers and functions would return to the four neighbouring boroughs of Newham, Hackney, Tower Hamlets and Waltham Forest, by the end of December 2024.
- 1.6 On 8 September 2022, the Mayor of London formally decided for the purposes of the Localism Act 2011 that from 1 December 2024 LLDC shall cease to exercise its town planning functions and has confirmed to the Secretary of State his intention to return planning powers from the LLDC to the four growth boroughs, with effect from 1 December 2024.
- 1.7 The Mayor of London has confirmed that the LLDC's Town Planning powers will be transferred back to the four London boroughs with effect from 1 December 2024.

- 1.8 To enable the transfer of planning powers from LLDC back to Tower Hamlets, secondary legislation to reverse the transfer of powers under the 2012 Order will be made by Parliament described as a **Statutory Instrument**.
- 1.9 The draft legislation is being prepared by the Department for Levelling Up, Housing and Communities and is expected to be laid before Parliament later this year, in time to come into force before 1 December 2024.
- 1.10 The Mayor of London will also prepare a Statutory Transfer Scheme (STS) under section 216 of the Localism Act 2011. The STS lists the existing rights and liabilities to be transferred, including records of planning decisions, un-determined planning applications, planning enforcement cases, appeals, planning obligation agreements and receipts, Community Infrastructure Levy receipts.
- 1.11 On 25 October 2023 the Mayor in Cabinet agreed to the Statutory Transfer Scheme with the Mayor of London. This was subsequently approved via a Mayoral Decision by the Mayor of London on 12<sup>th</sup> March 2024 (under MD3256).

## **2. PROPOSED INTERIM DELEGATION SCHEME (IDS) FOR PLANNING APPLICATIONS**

- 2.1 If the Statutory Instrument is confirmed by parliament, the LLDC will cease to be a local planning authority on 1 December 2024. Tower Hamlets, Hackney, Newham and Waltham Forest will resume full planning powers under the Town and Country Planning Act 1990 for the areas within their administrative boundaries.
- 2.2 Growth Borough officers have been working with the LLDC to establish a smooth planning transition process in the period running up to 1 December 2024. Growth borough planning leads and the Director of Planning Policy and Decisions at LLDC agree that it would be expedient that any new planning applications submitted to the Development Corporation in the three month period up to 1 December to be dealt with by the four boroughs and have prepared a draft Memorandum of Understanding.
- 2.3 Section 203 of the Localism, Act 2011 includes a provision for Mayoral Development Corporations to decide with a London Borough Council *for discharge of, or assistance with, planning functions*.
- 2.4 Using the powers in Section 203, an **Interim Delegation Scheme (IDS)** is proposed that would take effect from 1 September until 30 November 2024. The IDS would cover planning and associated applications, planning appeals and enforcement.
- 2.5 Under the IDS any new planning applications submitted to the LLDC during the interim period would be delegated to Tower Hamlets (and the other three growth boroughs) to assess and determine. Any new planning appeals or planning enforcement cases would also be delegated to the growth boroughs.
- 2.6 There are several benefits to this approach:
  - Certainty and continuity for applicants, by avoiding new applications being submitted to the LLDC in the run up to transition and then having to be transferred and re-allocated to staff within the boroughs on 1 December, if not already determined.
  - It would allow the LLDC planning teams to focus their resources on existing on hand cases thereby reducing the number of undetermined planning applications that may otherwise have to be transferred on 1 December.

- The Growth Boroughs will start to influence future planning decisions in the Olympic Legacy area at an earlier stage, prior to formal planning transition.
- The receiving borough would have the benefit of the statutory planning fees.

### **3. MITIGATION IF THE STATUTORY INSTRUMENT IS DELAYED**

- 3.1 DLUHC anticipates that the draft Statutory Instrument (secondary legislation) that revokes the LLDC planning powers will be laid before Parliament in July in time to pass through the through the parliamentary stages and to come into force before the 1 December transition date.
- 3.2 However there is a small risk that the Statutory Instrument may be delayed, for example if parliamentary business is affected by a general election.
- 3.3 In this case there would be the option for delegation scheme to continue to operate from 1 December until such time as the necessary legislation is enacted for the LLDC to cease to be a Local Planning Authority.

### **4. LBTH GOVERNANCE PROCESS FOR AGREEING THE DELEGATION SCHEME**

- 4.1 The decision to receive functions delegated by another authority is set out in Section 7 of Tower Hamlets Constitution as being reserved to the full Council.
- 4.2 Decisions on planning applications are a non-executive function delegated by the Council to the Development and Strategic Development Committees and to officers.
- 4.3 The Director of Planning and Building Control has confirmed their agreement in principle to the IDS and to determine any new applications submitted to the LLDC from 1 September on their behalf, within the scope of established delegated powers.
- 4.4 The purpose of this report is to seek the Strategic Development Committee's agreement in principle to the proposed IDS and the Committee's confirmation that they would determine any relevant applications received under the IDS that fall within their current terms of reference.
- 4.5 Subject to the agreement of both planning committees a report would be presented to the Council meeting on 31 July 2024 to confirm the IDS. The LLDC will also ask their Board to agree the scheme at a meeting in May.
- 4.6 In summary the timetable would be:
- Report to Development Committee – 25 April 2024;
  - Report to Strategic Development Committee – 14 May 2024;
  - LLDC Board approval – 21 May 2024;
  - Report to Council – 31 July 2024.

### **5. COMMENTS OF LEGAL SERVICES**

- 5.1 The Report details the current arrangements for determining planning applications with the area of the LLDC, part of which includes areas of LBTH. It notes that legislation is pending

which will see the return of statutory planning functions presently exercised by the LLDC to LBTH for those areas of the borough detailed in the Report. This report details the proposals for a handover period to allow a smooth transition of functions from the LLDC to LBTH. Section 203 of the Localism Act 2011 provides the legal basis for this proposal by way of a scheme of delegation from the LLDC to LBTH.

- 5.2 Similar processes are under way with the other LLDC London Boroughs (LB Hackney; LB Newham and LB Waltham Forest).
- 5.3 Whilst this Report does not ask Committee to approve the scheme of delegation (that decision is a matter for full Council), it is appropriate to receive and consider it as one of the consequences of the recommendations of this Report, if approved by full Council, will be that this Committee may be asked to determine planning applications on behalf of the LLDC during the handover period detailed in the Report.

## **6. RECOMMENDATION**

- 7.1 The Development Committee is recommended to:
  1. Note the proposals to establish an interim scheme of delegation (IDS) for applications submitted to LLDC to be delegated to Tower Hamlets from 1 September 2024, until planning powers are formally transferred through legislation.
  2. Confirm their agreement to determine applications referred to them under the IDS in accordance with the established terms of reference in the Council's constitution.
  3. Request that the Council confirms the IDS at the meeting on 31 July 2024.

# APPENDIX 1 – LLDC PLANNING AREA AND BOROUGH BOUNDARIES

