

Development Committee

Agenda

Monday, 2 October 2023 at 6.30 p.m.
Council Chamber - Town Hall, Whitechapel

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

Chair:

Councillor Kamrul Hussain

Vice Chair:

Councillor Amin Rahman

Members:

Councillor Gulam Kibria Choudhury, Councillor Abdul Mannan, Councillor Faroque Ahmed, Councillor Sabina Akhtar and Councillor Asma Islam

Substitute Members:

Councillor Shafi Ahmed, Councillor Iqbal Hossain, Councillor Bellal Uddin, Councillor Amina Ali, Councillor Asma Begum and Councillor Shahaveer Shubo Hussain

(The quorum for the Committee is 3 voting members)

The deadline for registering to speak is **4pm Thursday, 28 September 2023**

The deadline for submitting information for the update report is Noon

Friday, 29 September 2023

Contact for further enquiries:

Thomas French, Democratic Services,

thomas.french@towerhamlets.gov.uk

Tel: 020 7364 3048

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.

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A Guide to Development Committee

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

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

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

Public Engagement

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

London Borough of Tower Hamlets



Development Committee

Monday, 2 October 2023

6.30 p.m.

APOLOGIES FOR ABSENCE

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

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

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

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

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

To confirm as a correct record the minutes of the meeting of the Development Committee held on 10 August 2023.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (PAGES 15 - 16)

To RESOLVE that:

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



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Committee's decision.

- 3) To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

4. DEFERRED ITEMS

4.1 Rich Mix, 35-47 Bethnal Green Road, London, E1 6LA PA/23/00719/PA/23/00720 (Pages 17 - 52)

Application for Planning Permission 1

PA/23/00719

Proposal: Provision of a new pedestrian entrance to the Rich Mix from Redchurch Street, with construction of a new single-storey entrance pavilion in the rear yard, provision of outdoor seating, parking bays and relocation of existing plant.

Summary Recommendation: Grant planning permission with conditions and planning obligations.

Application for Planning Permission 2

PA/23/00720

Proposal: Material Amendment sought to vary Condition No.7 (servicing and loading area), Condition No. 9 (access doors) and No. 10 (deliveries) to planning permission (Ref: PA/02/00876) granted 25/03/2004 for "Refurbishment of existing building to provide an arts centre (for the improvement of inter-cultural understanding) including provision of music, IT education, performing and visual arts, a new 3 screen cinema together with the erection of a rear five storey building and roof level enclosures".

Summary Recommendation: Grant planning permission with conditions

5. PLANNING APPLICATIONS FOR DECISION

5.1 Tria Apartments, 49 Durant Street, London, E2 7DT PA/22/01389 (Pages 59 - 90)

PA/22/01389

Proposal: Single storey upwards extension to provide an additional 4 residential units. Associated amendments to the external fabric and internal arrangements of the building.

Summary Recommendation: Grant planning permission with conditions and planning obligations



6. OTHER PLANNING MATTERS

Next Meeting of the Development Committee

Thursday, 2 November 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



The best of London in one borough

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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

Further Advice contact: Janet Fasan, Divisional Director Legal and Monitoring Officer Tel: 0207 364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 19:30 ON THURSDAY, 10 AUGUST 2023

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present:

Councillor Kamrul Hussain (Chair)
Councillor Gulam Kibria Choudhury
Councillor Abdul Mannan
Councillor Amin Rahman
Councillor Sabina Akhtar
Councillor Asma Islam
Councillor Amina Ali

(Substitute for Councillor Faroque Ahmed)

Other Members Present:

Councillor Mufeedah Bustin
Councillor Sirajul Islam
Councillor Peter Golds

Apologies:

Councillor Faroque Ahmed

Officers Present:

Paul Buckenham	(Head of Development Management, Planning and Building Control, Place)
Gareth Gwynne	(Area Planning Manager (West), Planning and Building Control, Place)
Diane Phillips	(Lawyer, Legal Services)
Kevin Crilly	(Principal Planner East, Planning & Building Control)
Sally Fraser	(Team Leader (East))
Shahin Amin	(Planning Officer, Planning & Building Control)
Adam Hussain	(Planning Officer, Planning & Building Control)
Thomas French	(Democratic Services Officer, (Committees))

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

Members declared interests in items on the agenda for the meeting as set out below:

Councillor	Item(s)	Type of interest	Reason
Asma Islam	5.2	Non-Disclosable Pecuniary Interest	Member of UNISON, the Trade Union.

2. ELECTION OF VICE - CHAIR FOR THE COMMITTEE FOR 2023-24

Cllr Amin Rahman was Elected Vice Chair.

3. DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS

The Committee **RESOLVED** that

1. **APPROVED** the amended Development Committee Terms of Reference.
2. **NOTED** the Committee's Membership and Dates of future meetings.

4. MINUTES OF THE PREVIOUS MEETING

The Committee **RESOLVED**

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

5. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

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

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Flat 2, 1 Kingfield Street, London, E14 3DD PA/22/02477/NC

Update report was noted.

Paul Buckenham, Development Manager, introduced the application for a proposed first floor rear extension.

Shahin Amin, Planning Officer, provided a presentation on the application. The Officer's recommendation was to grant planning permission.

At the invitation of the Chair, objections were raised to the committee, highlighting the inappropriate use of a roof for a balcony, the privacy of other residents and safety of those using the balcony.

At the invitation of the Chair, the agent for the applicant highlighted the improvements that will be made to the property and how the application does not greatly impede on the privacy of neighbouring residents.

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

- Do all three dwellings have the same door entrance? Has consideration been given to fire safety? Officers confirmed as there are no additional occupants, it is considered that all residents will continue to use the existing fire exit.
- Can the position of the roof terrace be explained, is it allowed? Based on previous applications, it was not present. Officers confirmed that there are no planning restrictions placed on the roof terrace and it has been in use for some time. The recommendations now include a privacy screen for immediate neighbouring properties.

The Committee debated the application and moved to the vote.

A proposal to defer the application, to allow for a site visit, on a vote of 3 in favour, 4 against and 0 abstentions. This was not carried.

On a vote of 4 in favour, 3 against and 0 abstentions the Committee **RESOLVED** that planning permission is **GRANTED** for Flat 2, 1 Kingfield Street, London, E14 3DD for:

A first floor rear extension to Flat 2 at 1 Kingfield Street.

Subject to the proposed conditions as set out in the report.

7.2 Tower Hamlets Town Hall, 160 Whitechapel Road, E1 1BJ PA/23/01179

Update report was noted.

Paul Buckenham, Development Manager, introduced the application for a proposed first floor rear extension.

Adam Hussain, Planning Officer, provided a presentation on the application. The Officer's recommendation was to grant planning permission.

At the invitation of the Chair, objections were raised to the committee, highlighting the negative impact of application will have on the staff within the building, the lack of consultation by the applicant and access to the heritage of the building.

At the invitation of the Chair, the agent for the applicant highlighted how the work will have little impact on the heritage of the building.

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

- What will the lower floor level of the application area be used for? If it is to be used for a venue for hire, does it need to be stated in the application? How will the office space remain secure when being used externally? Officers confirmed the applicants do not need to state what the space will be used for. The agent stated that the space will be multi-purpose, for meetings, office space and for external hire. When the space is being used for external use, on site facilities management will support the security of the external space.
- Do the changes proposed in the application have any impact on the heritage of the building? Officers confirmed that the biggest change is placing a partition on the mezzanine level, but the overall impact on the chapel will be minimal.
- Is the new proposed staff communal area bigger than the current space? Officers stated that proposed usage and size of the space is not a part of the application. The agent confirmed that proposed space is bigger than the current space.
- What will the impact of the changes be on the users of the building? Objectors speaking on behalf of the staff of the building, stated that the new space has been seen as unpopular and undesirable to be used in the same way as the current space. Staff wished to be consulted before the application was submitted.
- How long will the works take, and will it be within budget? The agent confirmed that it will take between 8-10 weeks and there is a overspend allowance within the budget

The Committee debated the application and moved to the vote:

- Many of the objections have not been addressed by the applicant, but the application does not propose concerns about the heritage of the building.
- The staff and residents should still have access to the heritage aspect of the space after the project work has finished.

On a vote of 4 in favour, 3 against and 0 abstentions the Committee **RESOLVED** that Listed Building Consent be **GRANTED** for:

- Alterations to the first floor refectory area and second floor executive office and meeting space within the Grade II listed portico extension.
- Introduction of partitioning to create an additional meeting room at second floor (mezzanine level).
- Removal of kitchenette at first floor level within the refectory.
- Addition of doors within new partitioning associated with corridors leading to the above spaces.
- Internal amendments to fourth floor of historical building with addition of lightweight partitions and doors, closing off open plan spaces from corridor.

Subject to the proposed conditions as set out in the report.

8. OTHER PLANNING MATTERS

Nil items.

The meeting ended at 20:36

Chair, Councillor Kamrul Hussain
Development Committee

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DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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



Application for Planning Permission 1

Reference	PA/23/00719
Site	Rich Mix, 35-47 Bethnal Green Road, London, E1 6LA
Ward	Weavers
Proposal	Provision of a new pedestrian entrance to the Rich Mix from Redchurch Street, with construction of a new single-storey entrance pavilion in the rear yard, provision of outdoor seating, parking bays and relocation of existing plant.
Summary Recommendation	Grant planning permission with conditions and planning obligations.

Application for Planning Permission 2

Reference	PA/23/00720
Site	Rich Mix, 35-47 Bethnal Green Road, London, E1 6LA
Ward	Weavers
Proposal	Material Amendment sought to vary Condition No.7 (servicing and loading area), Condition No. 9 (access doors) and No. 10 (deliveries) to planning permission (Ref: PA/02/00876) granted 25/03/2004 for “Refurbishment of existing building to provide an arts centre (for the improvement of inter-cultural understanding) including provision of music, IT education, performing and visual arts, a new 3 screen cinema together with the erection of a rear five storey building and roof level enclosures”.
Summary Recommendation	Grant planning permission with conditions

Applicant	Rich Mix
Architect / Agent	The Planning Lab
Case Officer	Adam Hussain
Key dates (both applications)	- Applications registered as valid on 6 th April 2023 - Public consultation finished on 22 nd August 2023 - Development Committee on 4 th September 2023 - Member Site Visit on 19 th September 2023

1. BACKGROUND

- 1.1 These two applications were considered by the Development Committee on 4th September 2023. A copy of the original report is appended.
- 1.2 As set out in the Minutes of the meeting, the Committee requested a site visit so that members could better understand the physical context of the proposals.
- 1.3 The site visit took place on Tuesday 19th September 2023.

2. ADDITIONAL INFORMATION

2.1 The applicants have submitted some additional information following the Committee meeting. This includes information on the existing and projected number of visitors at the venue.

2.2 In 2022 to 2023 there were 76,886 visitors to the Rich Mix. This averages out to 1,478 visitors a week. The applicants hope to increase visitors to the numbers they had before the global pandemic. Before the pandemic there were approximately 170,000 visitors a year. This averages out to approximately 3,269 visitors a week.

2.3 The applicants have produced the information below to provide a guide of how many visitors may be expected from the two entrances each day. This information is a guide only because this cannot be predicted and is subject to change. This information is based on the following factors:

- The Rich Mix's experience of operating the venue.
- That the main entrance will remain on Bethnal Green Road, open during all opening times.
- That the Redchurch Street entrance will close at 9pm every day.
- Ticketed audiences will be directed via email, web, e-ticketing, security and signage to arrive from the Bethnal Green Road entrance.
- The main transport links are from Bethnal Green Road.
- General footfall of Bethnal Green Road vs Redchurch Street.

2.4

	Current*	Proposed**	
	Bethnal Green Road	Bethnal Green Road	Redchurch Street
Monday – Friday daytime	30 per day	80 per day	40 per day
Sunday – Thursday evenings	35 per day	80 per day	40 per day
Saturday and Sunday daytime	40 per day	140 per day	70 per day
Friday and Saturday evenings	540 per day	750 per day	100 per day

Fig. 1

Visitors arrival

Footfall equates to live audiences, cinema audiences, workshop participants, café customers, residents and team.

**Current total footfall (22-23 figures) – 76,886, approx 1,478 per week.*

***Proposed total footfall (pre-pandemic figures) - 170,000, approx 3,269 per week.*

Daytime = 8.30am – 5pm.

2.5 This information is a projection of the arrivals to the Rich Mix. It is expected that most people arriving in the daytime would leave the same way. Then almost everyone

arriving in the evening would leave after the Redchurch Street entrance is closed, so would leave via the Bethnal Green Road entrance.

2.6 This additional information indicates that the majority of visits will be from the Bethnal Green Road entrance. The significant bulk of the visits are on Friday and Saturday evenings and relate to the live music events next to the Bethnal Green Road entrance. As referenced above, these events generally finish in the late evening after 9pm. Therefore, visitors will only leave from the Bethnal Green Road entrance. (The Redchurch Street entrance will be closed).

2.6 As per the original report, the proposed Noise Management Plan will be secured by condition. This sets out the approach of how the venue will be managed to minimise noise impact from the operation of the Rich Mix. This document has been updated to include the following:

- For ticketed events audiences will be directed via email, web, e-ticketing, security and signage to arrive from Bethnal Green Road.
- Smokers will be directed to the Bethnal Green Road entrance.
- Users of the outside seating area will need to be using a seat. This is not an area for customers who don't have a seat (standing).
- Queuing will be on the Bethnal Green Road entrance. Queues are not expected, but also won't be allowed at the Redchurch Street entrance. If a queue begins to form at the Redchurch Street entrance visitors will be stewarded inside.

3. RECOMMENDATION

3.1 There is no change to the officer recommendation to GRANT planning permission subject to the conditions and legal agreement as set out in the original report.

APPENDIX 1

ORIGINAL COMMITTEE REPORT AND UPDATE REPORT

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DEVELOPMENT COMMITTEE. 4 SEPTEMBER 2023
UPDATE REPORT OF THE DIRECTOR OF PLANNING AND BUILDING CONTROL

Agenda item no	Reference no	Location	Proposal / Title
5.1	PA/23/00513	5 th Floor, 34 Westferry Circus, E14 8RR	Proposed roof extension with the creation of an external terrace space with outdoor seating to existing restaurant and new plant

1.This report is withdrawn from the agenda by the Director of Planning and Building Control to allow for the required third party notification process to be carried out.

Agenda item no	Reference no	Location	Proposal / Title
5.2	PA/23/00719	Rich Mix, 35-47 Bethnal Green Road, E1 6LA	Provision of a new pedestrian entrance to the Rich Mix from Redchurch Street, with construction of a new single-storey entrance pavilion in the rear yard, provision of outdoor seating, parking bays and relocation of existing plant.
	PA/23/00720	Rich Mix, 35-47 Bethnal Green Road, E1 6LA	Material Amendment sought to vary Condition No.7 (servicing and loading area), Condition No. 9 (access doors) and No. 10 (deliveries) to planning permission (Ref: PA/02/00876) granted 25/03/2004 for "Refurbishment of existing building to provide an arts centre (for the improvement of inter-cultural understanding) including provision of music, IT education, performing and visual arts, a new 3 screen cinema together with the erection of a rear five storey building and roof level enclosures"

1. ADDITIONAL REPRESENTATION

- 1.1 An additional representation has been received from a neighbour at no. 89 Redchurch Street with comments on the development committee report.
- 1.2 The first comment refers to the Executive Summary of the report, which includes the sentence, "Located opposite the Rich Mix on Redchurch Street are a series of commercial premises on the ground floor, which serve the general public with the upper floors serving as residential."
- 1.3 The representation comments that one of the properties opposite, no. 89 Redchurch Street, doesn't have a commercial use on the ground floor. Therefore, this sentence ought to read: "Located opposite the Rich Mix on Redchurch Street are predominantly commercial premises on the ground floor, which serve the general public with the upper floors serving as residential."
- 1.3 Notwithstanding the minor discrepancy in the executive summary, the application has been assessed against the surrounding mix of land uses including the presence of residential uses on the ground and upper floors of nearby buildings.
- 1.4 The second comment states that an open enforcement investigation is missing from the 'RELEVANT PLANNING HISTORY'. The enforcement history is provided for context only and following a comprehensive check of the planning history there are no enforcement cases missing from the committee report.

2. ADDITIONAL CONDITIONS

- 2.1 The following two planning conditions are to be added to Section 8.6 (Planning Conditions) of the committee report:

- 2.2 Operation of the proposed mechanical plant shall not commence until submission and approval of a post-verification report confirming the approved noise levels have been achieved.
- 2.3 No amplified music or other sound to be played outside the building.

3. RECOMMENDATION

- 3.1 The recommendation remains to **grant planning permission** subject to the conditions in the report and the additional conditions referenced above.

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Application for Planning Permission 1

Reference	PA/23/00719
Site	Rich Mix, 35-47 Bethnal Green Road, London, E1 6LA
Ward	Weavers
Proposal	Provision of a new pedestrian entrance to the Rich Mix from Redchurch Street, with construction of a new single-storey entrance pavilion in the rear yard, provision of outdoor seating, parking bays and relocation of existing plant.
Summary Recommendation	Grant planning permission with conditions and planning obligations.

Application for Planning Permission 2

Reference	PA/23/00720
Site	Rich Mix, 35-47 Bethnal Green Road, London, E1 6LA
Ward	Weavers
Proposal	Material Amendment sought to vary Condition No.7 (servicing and loading area), Condition No. 9 (access doors) and No. 10 (deliveries) to planning permission (Ref: PA/02/00876) granted 25/03/2004 for “Refurbishment of existing building to provide an arts centre (for the improvement of inter-cultural understanding) including provision of music, IT education, performing and visual arts, a new 3 screen cinema together with the erection of a rear five storey building and roof level enclosures”.
Summary Recommendation	Grant planning permission with conditions

Applicant	Rich Mix
Architect / Agent	The Planning Lab
Case Officer	Adam Hussain
Key dates (both applications)	- Applications registered as valid on 6 th April 2023 - Public consultation finished on 22nd August 2023

EXECUTIVE SUMMARY

The application site consists of a 5-storey cinema, arts and music venue called the Rich Mix. The Rich Mix is located in the west of the borough, within the Bethnal Green Road District Centre and the Tower Hamlets City Fringe Activity Area. The entrance and main frontage of the building is on Bethnal Green Road, at the south. The north of the building includes a servicing and delivery yard which fronts onto Redchurch Street.

The application site is not within a conservation area and does not include any listed buildings. The application site is opposite the Redchurch Street Conservation Area which is on the north of Redchurch Street.

The proposal is for the construction of a new single-storey extension, the creation of an outside seating area and a new boundary treatment in a section of the existing delivery and servicing yard. The proposal provides two off-street parking spaces. These two parking spaces would be used for delivery and servicing, and blue badge (disabled) parking. The proposal would provide a new pedestrian entrance to the Rich Mix from Redchurch Street. The works would be part of a remodelling of the ground floor of the venue.

In design terms the proposal would provide improvements to the current setting and appearance of this part of Redchurch Street. At present this edge to the cultural venue is comprised of a tall solid gate enclosing the site's delivery and servicing yard that does not help activate the street. The proposed extension would be a modest-sized addition and together with the new boundary treatment would provide a better more visually pleasing and active public facing frontage to Redchurch Street than the existing service yard.

Located opposite the Rich Mix on Redchurch Street are a series of commercial premises on the ground floor, which serve the general public with the upper floors serving as residential.

The proposals would change the range of activities taking place on this side of the Rich Mix through the introduction of a second public entrance to the venue and the provision of outside seating. The proposed new entrance from Redchurch Street to the venue would be closed everyday at 9pm. The outside seating would close at 8pm during the week and 9pm at weekends. The opening times would be controlled by planning condition. The outside seating area would have a modest capacity to seat 30 people (approximately 5 or 6 tables). This is a reduction from the initial submitted proposal that would have provided seating capacity for 60 people. The capacity would be controlled by planning condition.

The application site is a town centre location in a busy and vibrant part of the borough. The proposals have been reviewed by the Council's noise team. They have no objection to the proposals.

The proposed delivery and servicing strategy is comprised of the provision of two new off-street spaces with the continuation of an existing arrangement for some on-street deliveries from both Bethnal Green Road and Redchurch Street. This is the same strategy as existing with the exception that the delivery and servicing yard would change and be replaced by the two off-street servicing spaces. The delivery and servicing strategy associated with the Rich Mix, a long-standing use, has been assessed by Highways officers who find the proposals acceptable.








The application has received a number of representations for and against the proposals. The representations in support of the proposals state that the Rich Mix is a vital community and arts centre in Tower Hamlets. That the proposals will transform the ground floor of the centre and enable it to have a more sustainable future. The representations in objection to the proposals state that the proposed intensification of activity has the potential to be a nuisance to residents. That the proposals will cause an impact in respect of noise and an impact in respect of congestion on the road.

The proposals which are the subject of this recommendation involve two applications. A full planning application for the proposed works. In addition, a material amendment application to vary the wording of conditions on the original planning permission.

Both proposals are recommended for approval, the former subject to conditions and a planning obligation.



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<ul style="list-style-type: none">  Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings 	<p align="center">Planning Applications Site Map</p> <p align="center">PA/23/00719 & PA/23/00720</p> <p>This site map displays the Planning Application Site Boundary.</p>	 <p align="center">London Borough of Tower Hamlets</p>
	<p>Scale: 50m grid squares</p>	<p>Date: 24 August 2023</p>

1. SITE AND SURROUNDINGS

- 1.1 The Rich Mix (RM) is a cinema, arts venue, music and theatre venue, and workspace provider for charities and small businesses. The Rich Mix has operated since 2006.
- 1.2 RM is located in the west of the borough, at the western end of Bethnal Green Road. The site is approximately 80m from Brick Lane to the east, and approximately 180m from Shoreditch High Street Overground Station to the west.
- 1.3 The RM site is part of a triangle-shaped urban block which has Bethnal Green Road at its south and Redchurch Street at its north. The site is composed of a main 5-storey building on Bethnal Green Road. On Redchurch Street there is a deliveries and servicing yard, and a 5-storey addition (with an angled architectural profile).

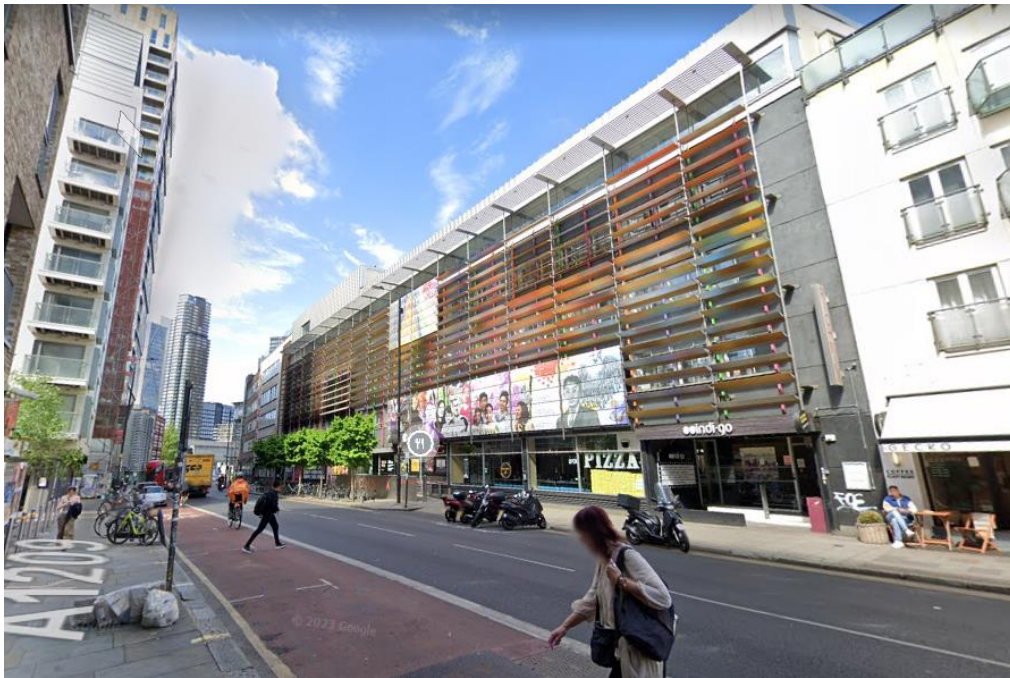


Fig.1 Streetview of the site from Bethnal Green Road, looking west.



Fig. 2 Streetview of the site from Redchurch Street.

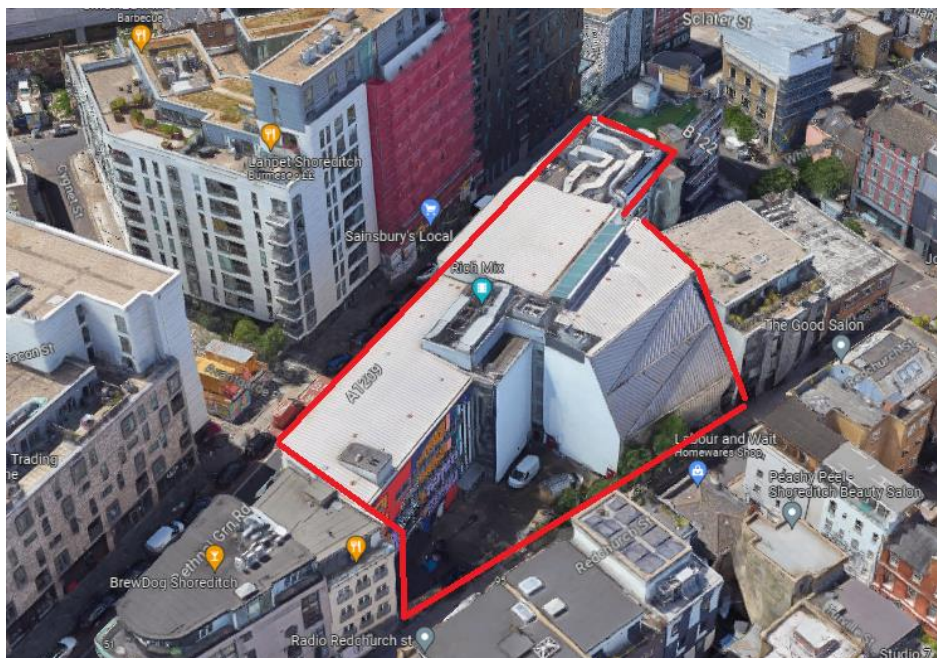


Fig. 3 Birds eye view of the site from the north-east.

1.4 The site previously was occupied by a leather maker's factory. Planning permission was granted in 2002 for conversion and extension of the factory to provide the Rich Mix centre.

The facilities in the Rich Mix include the following:

- A dedicated live music space

- 3 cinema screens
- A first-floor cinema bar
- Workspace for charities and creative and commercial businesses.
- 2 x multi-use theatre / arts/ meeting spaces

1.5 The site has a number of commercial and residential neighbours. In general ground floor uses in this area are commercial and upper floors are residential.

The application site is within the following policy designations:

- Brick Lane District Centre
- The Bethnal Green frontage is within a Secondary Shopping Parade
- Tower Hamlets City Fringe Activity Area

The site is also located:-

- Opposite (but outside) the Redchurch Street Conservation Area
- Opposite the Locally Listed 85 Redchurch Street (Currently the 'Labour and Wait' shop).

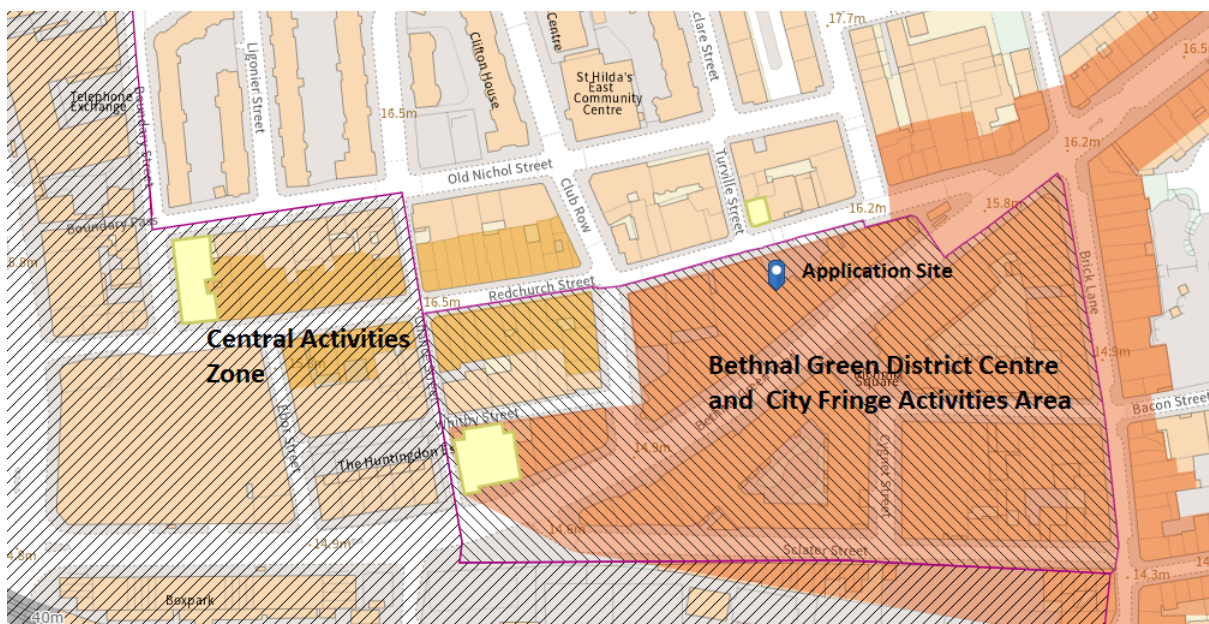


Fig. 4 Town Centre Site designations

2. PROPOSAL

2.1 The two applications which are the subject of this report are as follows:

Full Planning Application: PA/23/00719: Provision of a new pedestrian entrance to the Rich Mix from Redchurch Street, with construction of a new single-storey entrance pavilion in the rear yard, provision of outdoor seating, parking bays and relocation of existing plant.

Section 73 Material Amendment Application: PA/23/00720: Material amendment to vary the wording of conditions no. 7 (Servicing and loading area), 9 (Access doors) and 10 (Deliveries) of Planning Permission ref. PA/02/00876 dated 25/03/2004.

Proposed development:

- 2.2 The proposal is for a single-storey extension to the Rich Mix building at its frontage with Redchurch Street.
- 2.3 The extension would have a flat roof at a height of approximately 4m. The extension would have a floor area of approximately 80sq.m.
- 2.4 The purpose of the extension is to create a new public pedestrian entrance into the Rich Mix from Redchurch Street. This entrance would be used alongside the existing pedestrian entrance from Bethnal Green Road.
- 2.5 The existing yard on Redchurch Street is currently used for vehicle loading and servicing only, and this is secured by planning condition. The proposals would retain a section of this yard area as a vehicle loading and servicing area. In addition, it would introduce a modest new extension and open space that would serve an outside seating area for customers of the venue. The scheme would introduce a new fence and planted boundary.
- 2.6 The proposed operating hours:
 - Use of the Redchurch Street entrance for arrival and leaving the venue: 9am to 9pm, Mondays to Sundays.
 - Use of the outside seating: 9am to 8pm, Sundays to Thursdays. 10am to 9pm, Fridays, Saturdays and Bank Holidays. The outside seating shall not be used outside of these times.
 - The maximum capacity for the outside seating shall be 30 patrons.
- 2.7 The retained service yard area would provide space for 2 x parking spaces retained for the use of Rich Mix. One of these spaces will be for servicing vehicles for the Rich Mix. The second space would be for blue badge (wheelchair user) parking for the Rich Mix. This space will also be available for servicing when not in use for blue badge parking. The use of these spaces will be managed by the Rich Mix through an electronic booking system that would be secured by planning condition with the servicing and delivery plan.
- 2.8 The proposed works would be implemented along with a redesign of the internal ground floor layout of the Rich Mix. In summary the changes would provide for a new open plan layout on the ground floor with a combined café and box office, community space, a large 'Changing Places' toilet and infant changing area, and outside seating area.
- 2.9 The recycling and waste store would be located in the same location as the existing one on the eastern corner of the yard.
- 2.10 There is a condenser unit (the outdoor part of the air conditioning) within the yard. The proposals include relocation of the unit to the roof of the proposed extension, against the wall of the building. The unit would include an acoustic enclosure.

Explanatory note on the submitted planning applications:

- 2.11 The Rich Mix centre is in place from planning permission PA/02/00876 dated 25/03/2004. This permission was for the conversion of the former Leather factory to create the Rich Mix.
- 2.12 The proposal subject of this report is a new Full Planning Application for the proposed extension and related changes. However, the original permission has a number of planning conditions that control the use of the servicing yard.
- 2.13 The proposals involve two applications. A full planning application for the proposed works. A material amendment application to vary the wording of conditions on the original permission.

Planning application PA/23/00720 for variation of conditions of permission PA/02/00876 dated 25/03/2004:

- 2.14 The proposed variation of conditions are as follows (new wording in *italics* for information).

Condition 7 – Servicing and Loading Area:

- 2.15 Existing wording: The whole of the servicing and loading area shown on the approved drawings shall be provided before the commencement of the uses hereby permitted and the area shall be retained thereafter only for loading and unloading purposes.
- 2.16 Proposed wording: The whole of the servicing and loading area shown on the approved drawings shall be provided before the commencement of the uses hereby permitted and the area shall be retained thereafter only for loading and unloading purposes, *or operated in conjunction with plans provided as part of planning application ref: PA/23/00719.*

Condition 9 – Access doors:

- 2.17 Existing wording: None of the access doors leading out to Redchurch Street shall be used for the entrance or exit of members of the public except in the case of emergencies.
- 2.18 Proposed wording: None of the access doors leading out to Redchurch Street shall be used for the entrance or exit of members of the public except in the case of emergencies, *or in conjunction with the arrangements set out in planning application ref: PA/23/00719.*

Condition 10 – Deliveries and Servicing:

- 2.19 Existing wording: All deliveries, loading and unloading of vehicles, and all other servicing carried out in connection with the permitted development shall only be carried out between the hours of 8.00am to 6.00pm Mondays to Fridays, and 10.00am to 1pm on Saturdays, and shall not be carried out on Sundays or Public Holidays.
- 2.20 Proposed wording: All deliveries, loading and unloading of vehicles, and all other servicing carried out in connection with the permitted development from within the *servicing yard and Redchurch Street* shall only be carried out between the hours of 8.00am to 6.00pm Mondays to Fridays, and 10.00am to 1pm on Saturdays, and shall not be carried out on Sundays or Public Holidays.

3. RELEVANT PLANNING HISTORY:

Planning

- 3.1 **PA/02/00876:** Planning permission for refurbishment of existing building to provide an arts centre (for the improvement of inter-cultural understanding) including provision of music, IT education, performing and visual arts, a new 3 screen cinema together with the erection of a rear five storey building and roof level enclosures.

Approved: 25th March 2004.

- 3.2 **PA/05/00015:** Submission of details to discharge the matters reserved under Conditions 2(b), 2(c), 3(b) and 4 of the planning permission dated 25 March 2004 (Ref: PA/02/00876), relating to proposed multi-coloured louvres & display zone, the ground floor elevations (and shutters), refuse storage arrangements, and opaque glazing provision.

Approved: 24th March 2005.

- 3.3 **PA/17/00883:** Variation of conditions 7 (provision of service yard for servicing and deliveries only) and 9 (Use of access doors to Redchurch Street) of planning permission ref : PA/02/00876, Dated 31/03/2017 to allow the use of the servicing yard for a food market of no more than 4 food trucks at any one time at weekends between 12:00 and 18:00 for a period of no more than 14 days in a calendar year.

Withdrawn on 30th June 2017. (Submitted on 28th March 2017)

- 3.4 **PA/21/00578:** Variation of conditions 7 (servicing and loading area) and 9 (access doors) of planning permission ref: PA/02/00876 dated 25/02/2004 to allow the rear yard to be used for outdoor dining for a temporary period until October 2021.

Approved 18th June 2021

- 3.5 **PA/21/02699:** Installation of air-conditioning condenser unit and louvre in rear yard.

Approved: 11th February 2022.

Enforcement

- 3.6 A number of enforcement complaints have been investigated by the Planning Compliance team during the life of the Rich Mix.

- 3.7 **ENF/08/00720:** Use of backyard outside approved planning hours.

Conclusion: Advised not to throw bottles outside permitted hours. Case Closed on 12th January 2009.

- 3.8 **ENF/10/00304:** Non-compliance with a number of planning conditions including noise and use of the servicing yard. This includes noise from events at Rich Mix escaping from extraction ducts and disturbing neighbours.

Conclusion: Enforcement Notice issued on 21st December 2010. Following the issuing of the notice sound insulation works carried out at the Rich Mix. The enforcement report records that no further complaints related to this matter were received. Case closed on 17th December 2012.

- 3.9 **ENF/13/00069:** Unlawful advertisement (a mural) on the wall.

Conclusion: Mural was removed. Case closed on 13th May 2013.

- 3.10 **ENF/23/00094**: Installation of 3 air conditioning condenser units instead of the 1no. unit approved.

Conclusion: The two additional units have been removed. Complainant alleges that remaining approved unit is louder than permitted. Case open. (Planning Compliance team waiting for resolution of live planning applications).

4. PUBLICITY AND ENGAGEMENT

- 4.1 Following receipt of the applications, for each the Council sent letters to nearby owners/occupiers and displayed a site notice. A press advert was also published in the local newspaper.
- 4.2 A total of 54 representations were received.
- 4.3 A total of 26 representations were received in SUPPORT of the proposals. These were predominantly from local charities and businesses that operate from or work together with the Rich Mix, and local people who are visitors and users of the Rich Mix.
- 4.4 The planning issues raised in the supporting letters are summarised as follows:
- Rich Mix is a vital community and arts centre in Tower Hamlets. The Rich Mix provides a diverse offer including music, theatre, visual arts, cinema, creative workshops and courses for residents of Tower Hamlets and beyond.
 - Rich Mix is a wonderful constant, seen it as a second home. A place where can hold meetings, write poems, read through plays, and have a cup of coffee. Have watched many performances, watched numerous films, danced the night away and played bingo.
 - The proposals to improve and renovate the ground floor are welcome. They will transform the ground floor and mean more people of Tower Hamlets can enjoy and share culture.
 - The outdoor seating and green yard space will benefit users of the building and help to bring local people together. The proposals establish positive connections between residents residing north and south of the building.
 - The proposals will enable Rich Mix a more sustainable future and ability to deliver its mission to more people in more ways.
- 4.5 A total of 28 representations were received in OBJECTION to the proposals. These consist of one letter by Verve Planning Consultants on behalf of 13 local residents, and a further 15 individual letters. These were predominantly from local residents who live on Redchurch Street, opposite the Rich Mix, and from addresses in other parts of the borough.
- 4.6 The planning issues raised in the letters of objection are summarised as follows:

- The proposed intensification of activity has the potential to be a nuisance to local residents. The proposal suggests the new pedestrian entrance would be open every day until 9pm, would sell alcohol and accommodate up to 60 people. This would create a different noise environment at this site.
- Not convinced with some of the assertions in the noise assessment, which suggests the outdoor seating noise would blend into the general noise of the area. Believe there are inaccuracies in the assessment.
- The clearing away of tables and chairs between 9pm and 10pm would continue noise in the yard into the late evening.
- The relocated air conditioner condenser unit to the roof of the extension is a concern as it is in an elevated position. The existing plant is noisy.
- Proposals for servicing likely to cause congestion. Question logic of the proposed area for servicing because it can only accommodate a transit van. The booking system unlikely to be workable because delivery personnel follow their own timeline.
- If officers are minded to allow the applications, request a number of measures as a minimum, including : hours of opening for Redchurch entrance and seating to be 11am to 6pm, 30 seated guests in outside space at any one time, no music to be played outside, windows to be non-openable, deliveries between 8am and 6pm only.

5. CONSULTATION RESPONSES

External Responses

Greater London Authority (GLA) – Planning and Regeneration

- 5.1 The GLA supports the proposals. Rich Mix is a vital community arts centre in Tower Hamlets. The GLA has provided £700,000 funding to support works at the Rich Mix. The proposed improvements to the building, including a new outdoor seating area and green yard space, will greatly benefit users of the building, and help to bring local people together and encourage the sharing of culture.

Internal Consultees

Tower Hamlets Environmental Health

- 5.2 The proposal is acceptable. The principle of outside seating in this location is acceptable. The outside seating is to be used on Sundays to Thursdays until 8pm, and on Fridays and Saturdays until 9pm. The seating is to be limited to 30 patrons. The entrance may be used for arrival and leaving until 9pm Mondays to Sundays.

- 5.3 Planning conditions required to control the noise levels from the plant and from the outside seating. Planning conditions required to secure the Noise Management Plan (NMP), and to control the operating hours from this entrance.

Tower Hamlets Transport and Highways

- 5.4 The Highways officers have reviewed the applicant's transport assessment and delivery and servicing assessment. The proposal involves off-street servicing and on-

street servicing on Bethnal Green Road and Redchurch Street. The proposals are acceptable. However, should permission be granted, and the displacement of vehicles become a problem in terms of safety or obstruction, then LBTH reserve the right to introduce new restrictions which would prohibit servicing from the road at any time. We would seek a commuted sum (£10,000) to cover this potential change in the on-street restrictions from the applicant. To be returned if not used after 3 years.

- 5.5 A S278 agreement is required to make good any damage to the footway from the construction works.
- 5.6 The applicant is required to adhere to the construction code of Practice and provide a construction management plan which is associated with the CCOP.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

- 6.1 Legislation requires that planning applications are determined in accordance with the Development Plan, unless there are material considerations that indicate otherwise.
- 6.2 The Development Plan in Tower Hamlets comprises:
 - The London Plan (2021)
 - Tower Hamlets Local Plan 2031 (2020)
- 6.3 The key development plan policies relevant to the proposals are:

Design

- Local Plan – S.SG2, S.DH1, D.DH2 & S.DH3
- London Plan – D4 & D8

Amenity

- Local Plan – D.DH8 & D.ES9
- London Plan – D13 & D14

Transport

- Local Plan – S.TR1, D.TR2 & D.TR4
- London Plan – T3, T4 & T7

- 6.4 Other policy and guidance documents relevant to the proposals are:
 - National Planning Policy Framework (2021)
 - National Planning Practice Guidance (2021)
 - GLA City Fringe Opportunity Area Planning Framework (2015)
 - Noise Policy Statement for England (NPSE) (2010)

- Guidelines for Environmental Noise Impact Assessment (Institute of Environmental Management and Assessment, 2014).

7. PLANNING ASSESSMENT

Introduction

- 7.1 The Rich Mix is a significant cultural, arts and entertainment venue in the west of the borough. The venue works together with and puts on arts and cultural events with a particular focus on primarily serving people from South Asian, East Asian, African, Caribbean and Arab communities. The venue has three cinema screens with screenings including independent films and Hollywood blockbusters. The venue has a purpose-built live music space with live music and DJ events.
- 7.2 The Rich Mix, both to its south and north is located within the Tower Hamlets City Fringe Activity Area and the Brick Lane District Centre. The boundary to London's Central Activities Zone (CAZ) is on Redchurch Street, approximately 100m to the west.
- 7.3 The proposal is for changes to the ground floor layout, particularly a new extension and entrance on Redchurch Street. The Rich Mix first opened in 2006. The proposal would not change the type of activities or mix of functions that the Rich Mix is known for. The applicants intention is that the changes will make the building work more successfully and that the Rich Mix will be able to operate financially more sustainably into the future.
- 7.7 The key matters that relate to the proposed development are:
 - i. Design and Heritage
 - ii. Neighbour Amenity
 - iii. Highways and Transport
 - iv. Material amendment to conditions

Design and Heritage

Policy Context

- 7.8 Tower Hamlets Local Plan 2031 (2020) policy S.DH1 (Delivery high quality design) states that development is required to meet the highest standards of design, layout and construction. The policy sets out 9 factors that need to be met including "ensure the architectural language...complements and enhances their immediate and wider surroundings" (c), "use high quality design, materials" (e) and "create well-connected, inclusive and integrated spaces and buildings which can be easily adaptable to different uses and the changing needs of users." (f).
- 7.9 Local Plan 2031 (2020) policy D.DH2 (Attractive streets, spaces and public realm) part 2 states that development is required to positively contribute to the public realm. The

policy sets out 14 factors through which this is to be achieved including : “optimising active frontages towards public streets and spaces” (a), providing a range of public spaces that can function as places for social gatherings and other recreational uses” (c), “ensuring that soft landscaping is maximised to soften the streetscape” (j) and “locating entrances in visible, safe and accessible locations”. (k).

- 7.10 Local plan 2031 (2020) policy S.DH3 (Heritage and the historic environment) states that “proposals must preserve or enhance the borough’s designated and non-designated heritage assets in a manner appropriate to their significance”. Part 6 of the policy states that “Significant weight will be given to the protection and enhancement of the borough’s conservation areas.”

Assessment

- 7.11 The proposals are to remodel the ground floor of the Rich Mix including a new extension (approximately 80sq.m), outside seating and a new boundary treatment. It is common that the ground floor arrival at an arts or entertainment venue is an inviting and spacious area where people can meet, wait and dwell for some time and have a drink. The ground floor of the Rich Mix that has been operating since 2006 is dated and has a more fragmented ground floor arrangement composed of a number of separate spaces. The proposals are to achieve a more ‘fit-for-purpose’, desirable and enjoyable arrival at this local cinema and arts venue. In principle, Officers support this ambition and recognise that this will support and enhance the operation of the Rich Mix and the experience for visitors.



Fig. 5 Visualisation of the proposed external works



Fig.6 The proposed external works

- 7.12 The proposed extension would be subservient to the main building and would be set back from the footway with Redchurch Street by approximately 6m. In the context of the existing Rich Mix building this would be a modest-sized addition.
- 7.13 The extension would be a timber frame, with large, glazed door and windows, with reclaimed red brickwork and retractable canopies. The proposals include a new boundary treatment comprising of a low wall and planted fencing. The vehicle parking area would have swing gates.
- 7.14 In respect of design and public realm the proposals are welcome. At pedestrian level the existing frontage is characterised by a tall impermeable fence and gate which secures the servicing and loading yard. (see fig. 2 above). The proposals would significantly enhance the relationship with the street and would meet a number of the policy objectives for policy D.DH2 (Attractive streets, spaces and public realm). The Council's design officer has reviewed the proposals and confirms that a more active frontage is needed in this location and that the proposals will help to provide that.
- 7.15 The proposals would be an improvement to the street compared to the existing situation in respect of design and public realm. The proposals would introduce visual interest and biodiversity enhancement. The proposals would also create a greater level of activity, passive surveillance and movement along Redchurch Street. This location is within the District Centre and Activity area and is a short distance from London's Central Activities Zone. Local and London Plan policy seeks to support the vitality and viability of these centres. The proposals would contribute to that objective.

Neighbour Amenity

Policy Context

- 7.16 Tower Hamlets Local Plan 2031 (2020) policy D.DH8 (Amenity) states that “development is required to protect and where possible enhance or increase the extent of the amenity of new and existing buildings and their occupation, as well as the amenity of the surrounding public realm”. Amenity in this policy relates to privacy, outlook, daylight and sunlight, odour, noise, and dust and fume pollution.
- 7.17 Tower Hamlets Local Plan 2031 (2020) policy D.ES9 (Noise and vibration) states development is required to use the most appropriate orientation, layout and design to minimise noise and vibration impacts. The proposals are required to set out mitigating measures where necessary and provide a noise assessment. Part 3 of the policy states that proposals must demonstrate that the level of noise emitted from new heating or ventilation plant will be below the background level by at least 10dBA (A-weighted decibels).

Assessment

Noise and Disturbance

- 7.18 Redchurch Street is a long street that meets Shoreditch High Street, to the west, and Bethnal Green Road, to the east. It is a mixed-use street including shops, a number of cafes, office space, residential properties and a public house, the Owl and Pussycat. On the eastern end of Redchurch Street, at the junction with Bethnal Green Road is the Brewdog bar. This is approximately 25m from the application site and is open until midnight during the week and 1am at weekends. The Owl and Pussycat is open until midnight. The Brewdog bar and the Owl and Pussycat both have outside seating facing the street.
- 7.19 In general terms, the application site and nearby streets are a vibrant and lively part of the borough and a destination for residents from other parts of Tower Hamlets and other parts of London. The application site has a Public Transport Accessibility Level (PTAL) of 6a. (1a – lowest, 6b -highest). This reflects the good transport links with Shoreditch High Street overground approximately 175m, to the west, and a variety of bus routes.
- 7.20 The Rich Mix, on the south of Redchurch street, is within the Brick Lane District Centre and the Tower Hamlets City Fringe Activity Area. At this part of Redchurch Street the properties on the north side don't sit within the town centre. (see Fig. 4 above). However, as described above, along Redchurch Street (on the south and north sides) there are a mix of uses. Further to the north is the Boundary estate. This is predominantly residential; however, it also includes some areas of shops, offices and community use.
- 7.21 In the context of the mix of uses there is a need to assess whether the scheme proposals are compatible with protecting the amenity of residential neighbours in respect of noise and disturbance. There is a need that commercial businesses in or at the edge of town centres are able to operate successfully. Equally, there is an important expectation that residents are able to enjoy their homes with a reasonable degree of peace and quiet. Local Plan policies D.DH8 (Amenity) and D.ES9 (Noise and Disturbance) set out the Local Plan policy tests to be applied, alongside any relevant material considerations.

7.22 In response to the public consultation the Council has received letters of objection from 28 local residents. Letters have been received from residents at 85 and 89 Redchurch Street, which are immediately opposite the Rich Mix servicing and delivery yard. Letters have been received from residents with addresses in other parts of the borough. In respect of noise and disturbance, the objection letters relate to the potential impact of the proposals on the character of Redchurch Street more generally and the noise disturbance to neighbouring residential properties.



Fig. 7 View along Redchurch Street from the east. Rich Mix servicing yard on the left. Mixed-use (commercial and residential) properties opposite, on the right



Fig. 8 View of the existing servicing yard and mixed-use (commercial and residential) properties opposite.

7.23 The main aspects of the proposals that have the potential for noise and disturbance to residents are as follows:

- The relocated air-conditioning condenser unit.
- The noise and activity from patrons using the proposed outside seating.
- Comings and goings of visitors to the Rich Mix in the new entrance

7.24 The proposals are as follows:

- The Bethnal Green Road and proposed Redchurch Street entrances used for visitors to arrive and leave, until 9pm on Mondays to Sundays. After 9pm only the Bethnal Green Road entrance to be used.
- The outside seating would be used as follows: 9am to 8pm, Sunday to Thursday and 10am to 9pm, Friday, Saturday and Bank Holidays.
- The outside seating area to have a capacity of 30 people (approximately 5 or 6 tables).

- 7.25 These restrictions would be controlled by condition.

Relocated air-conditioning unit.

- 7.26 There is an existing air-conditioning unit in the servicing yard. Planning permission was granted for this unit in February 2022. The proposed construction of the extension will require this unit to be relocated. The unit would be relocated on the roof of the extension within an acoustic enclosure.
- 7.27 Policy D.ES9 states that new plant must be at least 10dB lower than the existing background noise level. The noise assessment by the applicants identifies that the relocated unit within its acoustic enclosure would have a predicted noise level of 26dB(A) (decibels). This would be 18dB(A) below the background noise level. The Council's Noise officer has studied the submitted report and is satisfied with the conclusions. In this respect the noise levels would comfortably meet the policy requirement and would be below the background noise level of the surrounding area. A planning condition would be imposed to secure the noise levels would not exceed at least 10dB lower than the existing background levels.

Outside seating area

- 7.28 The proposed outside seating would be for use of visitors of the Rich Mix. This includes people who may buy food and drink (coffee/tea/soft drink or alcoholic drink) from inside the premises. The seating would accommodate a maximum of 30 people, which is approximately 5 or 6 tables. The Rich mix has an existing bar at first floor, next to the entrances to the cinema screens. This would remain in operation and is the focus in the venue for people to have food and drink later in the evening.
- 7.29 Many of the evening cinema screenings for the Rich Mix begin between 7pm and 8pm. This means that being able to use the seating until 8pm will allow visitors to meet and relax before the evening performances and film screenings.
- 7.30 The applicants have submitted a noise assessment which demonstrates that the noise from customers sitting and talking would be below the background noise level of this location. In addition to this, the noise officer has requested a condition to control the noise levels from the outside seating.
- 7.31 In the assessment of the proposals officers have given weight to the character of the area. This is a town centre location. It is a popular and lively part of the borough with many people still arriving home from work at around 7pm and 8pm. The Brewdog Bar is a neighbouring bar that is open until midnight during the week. It has outside seating and residential properties directly above. The Owl and the Pussycat pub is also on Redchurch street, but approximately 130m to the west. This has some outside seating on the street. It is open until midnight with residential properties immediately above, next to and opposite them. In this context, Planning officers advise that 8pm is a reasonable closing time for the outside seating at the Rich Mix.
- 7.31 The Council's noise officer has reviewed proposals. They have no objection to the principle of a new entrance and outside seating in this location. They have no objection to the proposals subject to the proposed operating hours being controlled by condition.
- 7.32 The Council's noise officer has reviewed the submitted noise assessment and confirmed the methodology and practice followed by the applicant's consultant is

correct. Some of the objection letters received highlight that the L-shape of the Rich Mix building on Redchurch street increases the noise impact. The noise assessment results have been arrived at with industry recommended computer software with a 3D model of the existing buildings and the proposals.

- 7.37 In conclusion, Officers have considered the proposed hours and limitation on the number of people, and the submitted technical noise assessment. In this context the proposed use of the outside seating would limit noise impact to residents to no more than the existing background noise level and maintain a reasonable noise environment in this location.

Comings and goings of visitors using the new entrance

- 7.38 The use of the new entrance for arriving and leaving the Rich Mix would be up to 9pm. From 9pm all users will arrive and leave from Bethnal Green Road and a planning condition would be imposed to ensure the Redchurch Street entrance is not used after this time.
- 7.39 Officers consider the proposal for the Redchurch street entrance to be used until 9pm is reasonable and appropriate to the context in this neighbourhood. The Council's Noise officer has no objection to the proposed timing. This is a designated town centre location with other comparable commercial premises operating in the evening.

Planning Conditions related to Noise Management

- 7.40 The Council's Noise officer has requested a number of planning conditions to appropriately control the noise management at the application site. The Noise officer has requested a Noise Management Plan (NMP) from the applicants which they have provided. The NMP sets out the steps to be taken to address cases of noise disturbance and proactive steps to ensure the agreed noise management steps are followed. The Noise officer has reviewed the NMP and is satisfied with it. Some of the measures secured in the NMP include:

- Sets out organisational responsibilities for dealing with Noise complaints, from Visitor Services Assistant to Chief Executive Officer.
- Setting out preventative and reactive management measures. This includes staff supervision of the outside seating area, verbally asking customers to be mindful of nearby residents when seating, and a direct means of communication with the duty manager for residents.
- A noise action plan setting out the steps that will be taken if a noise complaint is received.

- 7.41 The NMP will be secured by condition. This will be in addition to stand-alone conditions that secure the hours of use of the Redchurch Street entrance and the outside seating. In addition to a condition that controls the maximum noise levels for neighbouring residential properties.

- 7.42 In conclusion, subject to the recommended conditions, Officers consider that the proposal is reasonable in respect of noise and disturbance. The proposals would minimise noise impacts and protect the amenity of neighbouring residential properties.

- 7.43 In respect of daylight, sunlight, outlook and privacy, due to the modest scale of the proposals and the subservient relationship with the existing Rich Mix building, the

proposals would not have a material impact on the amenity of neighbouring properties in respect of these matters.

Highways and Transport

Policy Context

- 7.44 Local Plan 2031 (2020) policy S.TR1 (Sustainable Travel) states that development will be expected to “not adversely impact the capacity, quality, accessibility and safety of the transport network in the borough.
- 7.45 Local Plan 2031 (2020) policy D.TR2 (Impacts on the Transport Network) states that development will be required to submit a transport statement. Also, that development that will have an adverse impact to traffic congestion will have to provide effective mitigation measures.
- 7.46 Local Plan 2031 (2020) policy D.TR4 (Sustainable delivery and servicing) states that development that generates a significant number of vehicle trips is required to demonstrate how:
- Impact to the transport network and amenity will be avoided, remedied or mitigated including with construction management plans and delivery and servicing plans.
 - delivery of goods and servicing will be provided within the site to encourage shared arrangements and timing of deliveries, unless demonstrated it can take place on-street without affecting highway safety or traffic flow.
 - Deliveries to sites will be received through suitable accommodation and management.

Assessment

- 7.47 The existing servicing and delivery strategy for the Rich Mix is comprised of 3 elements. There are deliveries made on-street on Bethnal Green Road. There are servicing and contractors who come to site who use the delivery and servicing yard. There are deliveries made on-street on Redchurch Street.
- 7.48 The applicants have submitted a delivery and servicing management plan. The plan includes a survey of delivery numbers to the Rich Mix. (Carried out from 1st August to 5th August 2022). The average number of deliveries or servicing/contractor arrivals a day was 7. Of those arrivals the average number that used the servicing yard (longer staying rather than ‘drop-off deliveries’) was 3. The majority of the arrivals was with a van or pick-up truck.
- 7.49 The proposed works are premised on a significant change to the existing delivery and servicing yard. The proposals would remove the yard and would include an area for two dedicated parking bays. The applicants are looking to optimise the space they have to make a more successful offer to visitors at the Rich Mix. The Rich Mix has been operating since 2006 and so the applicants have been using the yard for many years. The applicants’ position is that the yard is bigger than is necessary.

- 7.50 In general terms, the servicing and delivery strategy for the Rich Mix will continue to comprise of the same 3 elements as the existing situation – Bethnal Green Road, Off-street parking, and Redchurch Street. The existing delivery numbers indicates that it is a relatively modest number of arrivals, an average of 3 a day, to be accommodated in the new servicing bays. As with the existing situation this will be used for scheduled arrivals, such as a contractor. At present there is no requirement for the Rich Mix to manage use of the servicing yard with timed bookings. This will be required through the proposed scheme with a condition securing the implementation of the delivery and servicing management plan.
- 7.51 For the two parking bays, one would be dedicated to servicing and delivery. The other will be for blue-badge (disabled) parking for staff or visitors to the site. The Rich Mix has an existing electronic booking system for all its rooms and facilities on site. This will be used for the two spaces. Contractors using the servicing space will be booked in by staff. Blue badge holders can book this space for use. If there is no booking to use the blue-badge space by midday the day before, this space can then be booked for servicing and delivery.
- 7.52 The main location for drop-off deliveries is on Bethnal Green Road. This is the main arterial road through the area and is the quickest way for a delivery driver to drop-off and leave. There are double-yellow lines on Bethnal Green Road that allow for loading at any time. The proposals include an amended planning condition to state that deliveries within the new servicing bays (not including blue badge parking) and on Redchurch Street shall only be carried out until 6pm on Mondays to Fridays, and to 1pm on Saturdays and Sundays. This would protect residential amenity on Redchurch Street in the evenings.
- 7.53 The Council's Highways officer has reviewed the submission, including the submitted Transport Statement and Delivery and Servicing Management Plan. The Council's Highways officer does not object to the proposals. However, they have commented that Tower Hamlets reserves the right to introduce loading restrictions on Redchurch Street if the proposals create significant additional pressure on this street. To that end, the Highways officer has requested a sum of £10,000 from the applicants to be held by the Council for a period of 3 years. This will cover the costs of new loading restrictions if they are necessary. The applicant has agreed to this and this will be secured in a Section 106 legal agreement.
- 7.54 In addition, the Highway's officer has requested a S278 agreement for the applicants to meet the costs of highway works to the Bethnal Green Road and Redchurch Street frontages.
- 7.55 In conclusion, the proposals involve a significant change to the existing servicing yard and changing that into a smaller set of parking bays. However, the overall strategy of 3 elements (Bethnal Green Road, off-street parking and Redchurch Street) remains as existing. In the context of the numbers of arrivals for the new servicing bays this will be a more efficient solution that is expected to reasonably manage the servicing and delivery requirements, along with the use of Bethnal Green Road and Redchurch Street.

Material amendment to conditions

7.56 The Rich Mix operates under planning permission PA/02/00876 dated 25th March 2004. This permission is for the redevelopment of the former leather factory into the Rich Mix we have today. This planning permission includes a number of planning conditions that control the operations on the site. Therefore, in addition to the planning application for the new extension and entrance on Redchurch Street, there is an application to amend the existing conditions.

7.57 The proposed conditions are as follows (additional wording in italics):

Condition 7 – Servicing and Loading Area

7.58 “The whole of the servicing and loading area shown on the approved drawings shall be provided before the commencement of the uses hereby permitted and the area shall be retained thereafter only for loading and unloading purposes or *operated in conjunction with plans provided as part of planning application ref: PA/23/00719*”.

7.59 The proposed wording retains the existing protections if the proposed scheme is not implemented. The additional wording ensures the condition is consistent if the proposed scheme is implemented.

Condition 9 – Access doors

7.60 “None of the access doors leading out to Redchurch Street shall be used for the entrance or exit of members of the public except in the case of emergencies, *or in conjunction with the arrangements set out in planning application ref: PA/23/00719*.”

7.61 As with condition 7, this covers both scenarios of the existing situation and the proposal implemented.

Condition 10 – Deliveries and Servicing

7.62 All deliveries, loading and unloading of vehicles, and all other servicing carried out in connection with the permitted development from *within the servicing yard and Redchurch Street* shall only be carried out between the hours of 8.00am to 6.00pm Mondays to Fridays, and 10.00am to 1pm on Saturdays, and shall not be carried out on Sundays or Public Holidays.

7.63 The additional wording controls the delivery and servicing hours from Redchurch Street.

7.64 The above conditions are updated on the original planning permission for the Rich Mix. The planning application for the extension and new entrance will include a number of new conditions to control matters related to this new element. Those conditions are set out below.

Conclusion

7.65 The Rich Mix is a long-standing venue and is located in a busy and vibrant part of the borough. The site is within the Bethnal Green district centre and the Tower Hamlets City Fringe Activity Area. The site is a short distance from London’s Central Activities Zone. This is an appropriate location for an arts, cinema and cultural centre.

- 7.66 Officers agree that the proposals would improve the ground floor arrangement of the Rich Mix and is expected to contribute to a more successful operation and 'offer' to visitors.
- 7.67 Redchurch street is characterised by a mix of commercial and residential uses side by side to one another. There are a number of residential neighbours immediately opposite the Rich Mix on Redchurch Street. The proposed operating hours for the Redchurch entrance are reasonable. Subject to appropriate conditions the proposals would prevent an undue noise impact on residents from the Rich Mix's operations.
- 7.68 The application submission demonstrates to a reasonable extent that the proposed delivery and servicing strategy, including the new servicing bay, would appropriately meet the servicing needs of the use.

8. RECOMMENDATION

Application for Planning Permission 1

Reference: PA/23/00719

Development Description: Provision of a new pedestrian entrance to the Rich Mix from Redchurch Street, with construction of a new single-storey entrance pavilion in the rear yard, provision of outdoor seating, parking bays and relocation of existing plant.

- 8.1 That **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. £10,000 commuted sum to be held for 3 years towards a Transport Management Order (TMO)
- 8.3 **Non-financial obligations:**
- a. Section 278 Highways improvement works
- 8.4 That the Corporate Director of Housing and Regeneration is delegated the power to negotiate and complete the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Housing and Regeneration is delegated power to refuse planning permission.
- 8.5 That the Corporate Director of Housing and 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 noise management plan and the following sound levels (*LAeq, 5min*) 1m from residential habitable rooms:

- a. Music or amplified sound shall not exceed 45dB from 1m of residential habitable room.
 - b. Noise from patrons (outside seating) shall not exceed 55dB from 1m of residential habitable room.
 - c. Mechanical plant and equipment shall not exceed 34db from 1m from the nearest residential receptor.
4. The outside seating shall have a maximum of 30 covers.
 5. Hours of usage:
 - a. Redchurch Street entrance: 09:00 to 21:00, Mondays to Sundays.
 - b. Outside seating: 09:00 to 20:00, Sundays to Thursdays, 10:00 to 21:00, Fridays, Saturdays and Bank Holidays. The outside seating shall not be used outside of these times.
 6. Implementation in accordance with the Delivery and Servicing Management Plan

Pre-Commencement Conditions

7. Submission of a Construction Environmental Management Plan and Construction Logistics Plan, to include the following:
 - 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. Location and size of site offices, welfare, and toilet facilities;
 - i. Erection and maintenance of security hoardings;
 - j. Measures to ensure that pedestrian and cycle access past the site is safe and not unduly obstructed; and
 - k. 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.

Prior to relevant works commencing

8. Submission of samples and details of external facing materials, architectural detailing, boundary treatment and hard landscaping.
9. Submission of details of planting.

8.7 Informatives

1. Permission subject to legal agreement

Application for Planning Permission 2

Application Reference: PA/23/00720

Development Description: Refurbishment of existing building to provide an arts centre (for the improvement of inter-cultural understanding) including provision of music, IT education, performing and visual arts, a new 3 screen cinema together with the erection of a rear five storey building and roof level enclosures.

Material Amendment sought to vary conditions no.7 (Servicing and loading area), 9 (Access Doors) and 10 (All Deliveries) of Planning Permission Ref: PA/02/00876, Dated 25/03/2004.

- 8.8 That **conditional planning permission is GRANTED.**
- 8.9 That the Corporate Director of Housing and Regeneration is delegated the power to restate conditions that continue to have effect, and subject to modification where details have already been approved, and to vary conditions to address the following matters:

Compliance conditions:

1. Condition 7 – Servicing and Loading Area
2. Condition 9 – Access Doors
3. Condition 10 – Deliveries and Servicing

APPENDIX 1

LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

Schedule of Drawings

AKA-074-L001-P02	SITE LOCATION PLAN
AKA-074-L005-P02	SITE PLAN
AKA-074-L050-P00	EXISTING AND DEMOLITION GROUND FLOOR PLAN
AKA-074-L051-P00	EXISTING AND DEMOLITION FIRST FLOOR PLAN
AKA-074-L071-P00	EXISTING AND DEMOLITION SECTION BB
AKA-074-L074-P00	EXISTING AND DEMOLITION SECTION EE
AKA-074-L080-P00	EXISTING AND DEMOLITION NORTH ELEVATION
AKA-074-L081-P00	EXISTING AND DEMOLITION NORTH ELEVATION
AKA-074-L085-P00	EXISTING AND DEMOLITION SOUTH ELEVATION
AKA-074-L100-P00	GROUND FLOOR PLAN
AKA-074-L101-P01	FIRST FLOOR PLAN
AKA-074-L210-P00	SECTION AA
AKA-074-L211-P01	SECTION BB
AKA-074-L214-P00	SECTION EE
AKA-074-L310-P00	NORTH ELEVATION 01 - REDCHURCH STREET
AKA-074-L311-P01	NORTH ELEVATION 02 – YARD
AKA-074-L315-P00	SOUTH ELEVATION 01 - BETHNAL GREEN ROAD
AKA-074-L400	GROUND FLOOR AREAS
AKA-074-L501-P00	ACCESS AND SERVICING STRATEGY
AKA-074-L505-P00	SECURE BY DESIGN STRATEGY
AKA-074-L510-P00	BASEMENT FIRE STRATEGY
AKA-074-L511-P00	GROUND FLOOR FIRE STRATEGY
AKA-074-L520-P00	REFUSE STRATEGY
AKA-074-L530-P00	BASEMENT TRANSPORT STRATEGY
AKA-074-L531-P00	GROUND FLOOR TRANSPORT STRATEGY1202567.

Other application documents

- Design and Access Statement dated April 2023
- Transport Statement April 2023
- Planning Statement 2023
- Delivery and Servicing Management Plan April 2023
- Rich Mix Phase 1B – Yard Management Plan
- Noise Management Plan Version 1.1 dated 20th July 2023
- Noise Impact Assessment J529_R03A
- Noise Impact Assessment Addendum J529_R04A Rev A
- Statement of Community Involvement 1 March 2023



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 “dutyto exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)..”

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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Application for Planning Permission

[Click here for case file](#)

Reference	PA/22/01389
Site	Tria Apartments, 49 Durant Street, London, E2 7DT
Ward	Weavers
Proposal	Single storey upwards extension to provide an additional 4 residential units. Associated amendments to the external fabric and internal arrangements of the building.
Summary Recommendation	Grant planning permission with conditions and planning obligations
Applicant	Edgewater Group
Architect/agent	UPP Architects and Town Planners
Case Officer	Nicholas Jehan
Key dates	<ul style="list-style-type: none">- Application registered as valid on 26 August 2022- First round of Public Consultation finished on 26 October 2022- Significant amendments received on 28 March 2023- Second round of Public Consultation finished on 17 April 2023

EXECUTIVE SUMMARY

The proposals are for a single storey extension to the roof of the building known as Tria Apartments and involve a more extensive in area recladding of the building to replace existing combustible cladding material with non-combustible material

The extension is limited to the front half of the building and will provide an additional 4 flats. The existing roof garden will be reinstated following completion of the development and access to both levels of the garden will be provided via an extension of the existing lift shaft to the upper level. The proposed extension will be constructed of materials to match the existing building.

The proposals have been designed to continue the stepped massing of the existing building, focussing the additional height to the south end of the building away from the adjacent conservation area with fenestration patterns matching those of lower floors. The proposals would be acceptable in design terms, including the statutory duty to pay special regard to preserving the visual appearance and historic character of the setting of the nearby heritage assets.

The principle of providing additional residential homes in this location is accepted, given there are 51 existing self-contained residential flats on the site. A small sites affordable housing

contribution in line with planning policy set out in the adopted Local Plan will be secured via legal agreement.

The proposed extension results in the building being considered a “relevant building” for the purposes of relevant fire safety regulations and so various additional upgrades to the existing building are also included within the proposals. These include upgrading the internal lift shaft and circulation core to meet relevant standards and replacing the external cladding of the entire building with non-combustible alternatives. The Health & Safety Executive have reviewed the details of the application since the publication of recent announcements in relation to fire safety on residential buildings 18 metres or more in height and are fully satisfied with the proposals from a fire safety perspective.

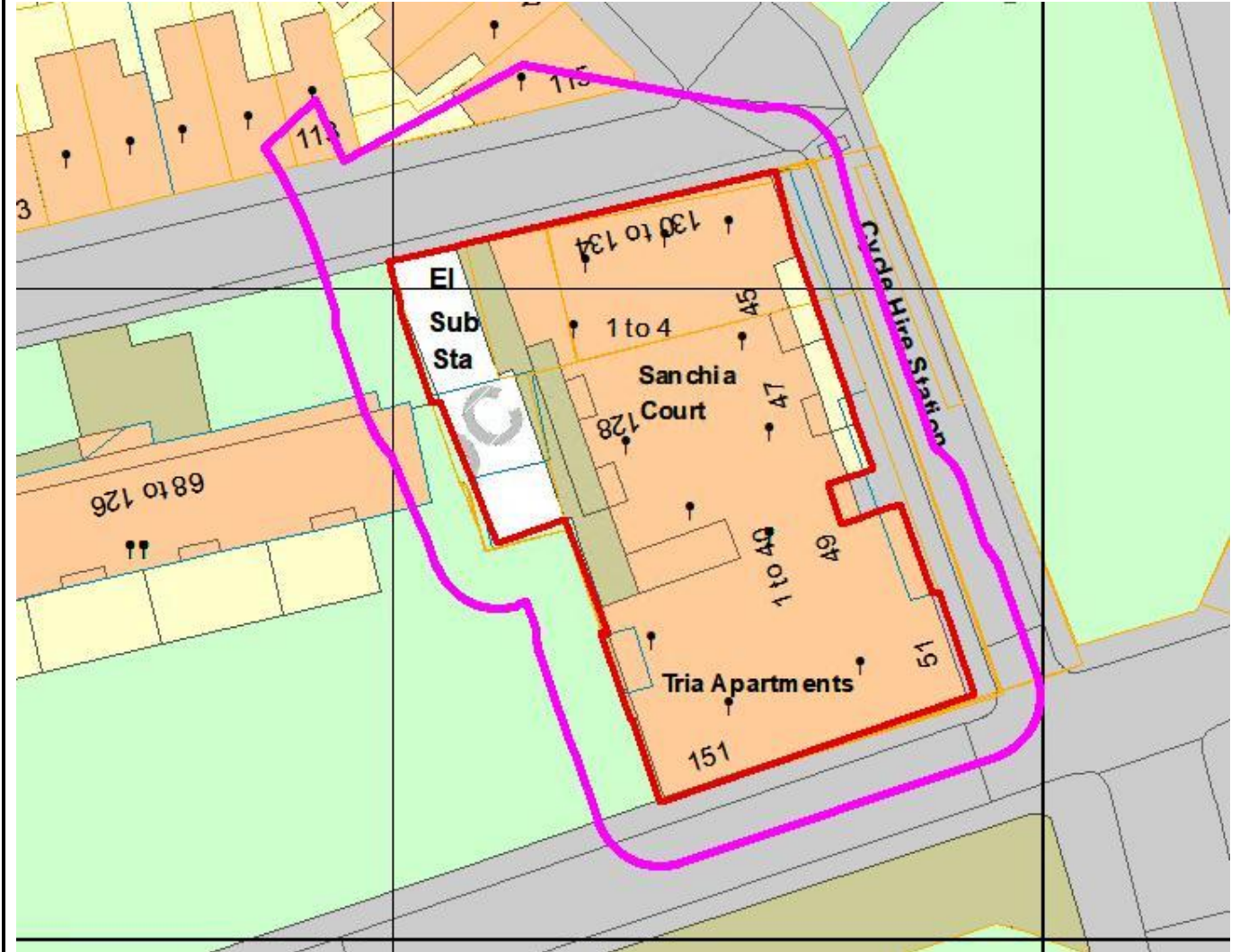
Outside planning the scheme will also be required to fully comply with fire safety under the Building Regulations system were consent granted and the development to be built out.

The proposed new homes will provide future occupiers with an acceptable standard of accommodation, and the proposals will provide an acceptable mix of unit sizes.








The proposal is considered to have an acceptable impact on the amenity of occupiers of the existing building and of neighbouring properties in terms of loss of daylight/sunlight, outlook, privacy, sense of enclosure and light pollution, given the conclusions of the submitted Daylight and Sunlight Report.

The proposals would be secured as car free via a legal agreement and additional cycle parking and waste storage would be accommodated within the existing storage building adjacent to the main building at ground floor level.

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



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<ul style="list-style-type: none">  Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings 	<h3>Planning Applications Site Map</h3> <h4>PA/22/01389</h4> <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>TOWER HAMLETS</p> <p>London Borough of Tower Hamlets</p> <p>Date: 22 September 2023</p>
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1. SITE AND SURROUNDINGS

- 1.1 The site is located in the north-west of the Borough and is bounded to the south by Gosset Street, to the east by Durant Street and to the north by Wellington Row. The building on the subject site was built around 2010 and is six storeys tall at its highest point and steps down as the building moves northwards towards Wellington Row where it is only two storeys tall. The building is currently home to 51 flats.
- 1.2 On the eastern side of Durant Street is Warner Green, a relatively small Publicly Accessible Open Space. On the south side of Gosset Street is Yates House, an 11-storey residential block approximately 40m south of the site and set back behind a carpark and small grassy area. To the west of the site is 68-126 Wellington Row a five-storey residential block which fronts on to Wellington Row. There is a large amenity space with a number of large trees to the rear of the block with ground floor units also having gardens.
- 1.3 To the north of the site is the Jesus Hospital Estate Conservation Area, which also wraps around the east of the site to include Warner Green. The Conservation Area is characterised by the homogenous layout of low scale streets forming network of uniform two storey terraces surrounding the central, triangular open space of Jesus Green and. Its terraces are essentially two storeys high and follow the general pattern of London Victorian terraces.
- 1.4 The site is generally surrounding by wider open spaces on each of the south, east and west sides but is much closer to other buildings on Wellington Row to the north.
- 1.5 The site is neither statutorily nor locally listed and there are no other such buildings in the vicinity of the site. The site is within the City Fringe Sub Area and Permitted Development Exception Zone.
- 1.6 The site has a Public Transport Accessibility Level of 2 (with 6 being the best and 0 the worst), however is immediately adjacent to an area of significantly higher transport accessibility (rated at 6a).



Figure 1: Site and surrounds. Site is highlighted in red. Jesus Hospital Estate Conservation Area highlighted in green.

2. PROPOSAL

- 2.1 The application seeks planning permission for a single storey extension to the southern section of the building which will provide 4 new residential flats (Use class C3). The application also seeks internal and external alterations to the building to bring it into line with current fire regulations, including the replacement of combustible cladding. Associated cycle parking and waste storage will be accommodated within existing stores.

3. RELEVANT PLANNING HISTORY

- 3.1 PA/08/00681/A1 - *Demolition of existing buildings and construction of 51 residential units within buildings rising from two to six storeys together with associated cycle parking and accessible landscaped roof garden.*

Permitted – 15 October 2008.

- 3.2 PA/08/02605 - *Submission of details pursuant to conditions 3 (Refuse Management Plan) and 5 (Vehicle & bicycle Parking) of planning permission PA/08/00681 dated 15/10/2008.*

Permitted – 13 February 2009

- 3.3 PA/07/01959/R - *Demolition of existing buildings and construction of 66 residential units within buildings rising from 3 to 10 storeys together with associated landscaping works.*

Refused 18 December 2007

Reasons for Refusal:

1. The proposal, by reason of its height and massing, would fail to either preserve or enhance the character and setting of the Jesus Hospital Conservation Area contrary to PPG15 and policies CP49 and CON2 of the Interim Planning Guidance (2007), which seek to prevent proposals for development adjacent to conservation areas from having a detrimental impact upon the character and appearance of the conservation area and its setting.

2. The proposed dwelling mix, by reason of the limited number of family accommodation units in the market element, does not accord with local and London-wide policy and need requirements set out for mixed tenure developments. As such, the proposed mix is unacceptable and contrary to Policies 3A.4 of the London Plan 2004 and relevant GLA SPG on Housing, policy HSG7 of the UDP 1998 and policies CP21 and HSG2 of the Interim Planning Guidance (2007), which seek to ensure that housing accommodation in new residential developments include those housing types and sizes to meet local needs and promote balanced communities in accordance with the Government's sustainable community objectives.

4. PUBLICITY AND ENGAGEMENT

- 4.1 Following the receipt of the application, the Council notified nearby owners/occupiers by post and by site notices. A press advert was also published in a local newspaper. A second consultation by way of post was undertaken upon receipt of updated plans.

- 4.2 A total of 61 representations were received.

- 4.3 One representation was in favour of the application which stated that gentle densification such as roof extensions to existing buildings is the perfect way of addressing the need for new homes in the borough and that the design was attractive with minimal-to-zero impact on neighbours.

- 4.4 The remainder of the representations, totalling 60, were objections, predominantly from residents living in the host building, as well as residents from surrounding properties.

- 4.5 The material planning issues raised in the objection letters are summarised as follows:

- Increased density and impacts on services
- Visual appearance and impact on conservation area
- The building was previously designed to reduce impact on conservation area and the proposals go against this
- Building would be too tall and scale not in keeping with surrounding area
- Loss of daylight/sunlight and overshadowing to existing residents of building and neighbouring buildings
- Loss of privacy/increased overlooking
- Increased noise
- Impact of noise/disruption during construction period
- Insufficient cycle storage and refuse storage including lack of recycling facilities
- Overheating of residential units
- Increased traffic and parking to surrounding area
- Fire safety of the building following development including becoming subject to more stringent fire safety measures and the combustibility of existing cladding
- Lack of affordable housing
- Poor management of building including waste storage and lack of current recycling facilities
- Impact on utilities including water pressure
- Anti-social behaviour and security concerns
- Insufficient on-site carparking
- Removal/impacts on rooftop garden including lack of accessibility to garden for all residents, maintenance and safety issues
- Roof garden not accessible during construction and inadequate or unsafe nature of surrounding parks
- Lack of storage space in building
- Potential for adverse wind channelling
- Issues with drawings and measurement of the building
- Lack of accessibility for disabled individuals
- Poor layout of proposed flats and inadequate space
- Inadequate consultation by both local authority and applicant and incorrect notification of application by the applicant
- Setting of a precedent

Additionally, the following issues were raised which do not constitute material planning considerations:

- Leaks and damage to top floor flats during the building works
- Structural Impact
- Leaseholder/freeholder disputes
- State of existing building
- Difficulty in letting or selling flats
- Impacts to mortgages and insurance as a result of increased fire risk
- Loss of property value
- Increase in service charge
- Use of scaffolding

5. CONSULTATION RESPONSES

5.1 The following responses were received from consultees.

Health and Safety Executive

First Consultation dated 02 May 2023

HSE raised concerns relating to the proposals. In particular with regards to the fire rating of the existing cladding systems of the building and whether they meet the required standards.

It is for the applicant to demonstrate that the external wall construction of the existing building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building. The applicant should provide further information that states the fire rating of the existing external wall system to enable HSE to make an accurate assessment of the fire risk in relation to this application.

Officer note: It was then confirmed to HSE that the cladding would be upgraded to meet the relevant standards and HSE then confirmed that relevant standard would be Class A2-s1, d0(1) or better and that documentation needed to be updated to reflect that.

Second Consultation dated 11 September 2023

HSE were consulted a second time once drawings had been amended and an issue relating to the measurement of the building had been corrected in the documentation. HSE acknowledged that the building is provided with a single staircase that represents the firefighting stair as well as the escape stair. The fire statement (section 7) states that this stair forms part of the firefighting shaft that will be extended to the new seventh floor. HSE confirmed that it is content with the fire safety design, to the extent that it affects land use planning considerations.

Thames Water

No comments to make.

LBTH Environmental Health

Air Quality

No objection subject to inclusion of conditions relating to submission of a construction environmental management plan and submission of details of all non-road-mobile machinery

Noise

No objection subject to inclusion of conditions relating to noise insulation of the proposed flats and restrictions on construction.

LBTH Transportation & Highways

Cycle Parking

The applicant is proposing 7 x cycle parking in the form of two tier stands in the existing cycle store. There is existing 68 x cycle parking spaces of which all are two tier stands. LBTH support the use of Sheffield type stands as these cater for all types of cycles and is inclusive for all users. We would require that Sheffield type stands are proposed to ensure that this development caters for different types of cycles and users. We would also like to see cycle space for cargo bikes to encourage residents to use cycle rather than vehicles for their shopping, etc. Access to the cycle store and the layout dimensions of the stands must comply with the London Cycle Design Standards.

Permit Free

The applicant is required to enter into a 'permit free' agreement, which will be secured via section 106, or any similar legal agreement agreed by the planning officer.

Oversailing

The applicant should ensure that there is no oversailing of any structural element of the building or encroachment onto the public highway. The highway authority will not approve any oversailing or encroachment.

Construction Management Plan

The applicant is required to provide a CMP as a pre-commencement condition to ensure there is minimal impact to pedestrians, vehicles and to the public highway from the construction of this proposed development. This will need to be provided to LBTH Transportation & Highways

once a Principal Contractor has been appointed and prior to ANY works commencing. A CMP pro forma can be requested which outlines the detailed information required. I would recommend the applicant to use the pro-forma to ensure all the necessary information and details are addressed. Found here: <https://www.towerhamlets.gov.uk/Documents/Planning-and-building-control/Development-control/Construction-Management-Plan.pdf>

Delivery and Servicing

The applicant is required to provide proposed servicing arrangements for the proposal, and this should be compared to the previous land use and any impacts on the road network should be highlighted.

Durant Street – Road Closure

Durant Street is closed except for cycle access outside of this site. The applicant is required to take this into consideration for servicing, CMP, etc.

LBTH Waste

The waste officer raised concerns about the capacity of the waste stores and whether the existing stores can genuinely accommodate the size of bins required. There is also no provision for bulky waste. Waste officer also requested further details around the waste collection arrangements.

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

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

Land Use – *residential*

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

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

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

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

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

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

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

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

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

Waste Management – *refuse storage, recycling, servicing*

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

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

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

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

Adopted Guidance

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (as updated from time to time)
- London Plan Guidance Housing Design Standards (2023)
- London Plan Housing SPG (updated 2017)
- London Plan Affordable Housing and Viability SPG (2017)
- GLA City Fringe Opportunity Area Planning Framework (2015)
- London Plan The Control of Dust and Emissions during Construction and Demolition SPG (2011)
- LBTH Reuse, Recycling and Waste SPD (2021)
- LBTH Planning Obligations SPD (2021)

Emerging Guidance

- London Plan Affordable Housing SPG (May 2023)
- London Plan Guidance Fire Safety (Consultation Draft February 2022)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- Land Use
- Housing
- Design & Heritage
- Neighbour Amenity
- Transport & Waste
- Environment
- Local Finance Considerations
- Equalities and Human Rights

Land Use

7.2 The application seeks to introduce additional housing to a building which is already solely in residential use. The introduction of additional housing on the site is therefore consistent with existing uses within the building and more generally with the character of the immediate and wider surrounding areas. Moreover, the provision of new housing is a key objective of the Council's policies. Local Plan Policy S.H1 sets out the strategic housing supply requirements for Tower Hamlets as well as the objectives of ensuring the creation of mixed and balanced communities, sustainable places and quality of living within the borough. The delivery of new housing is not only a key objective at a local borough level, but also London-wide.

7.3 Additionally, the NPPF 2021 at paragraph 120 specifically refers to the need for planning policies and decisions to support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of

neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards) and can maintain safe access and egress for occupiers.

- 7.4 Therefore, the principle of delivering additional housing on the site is in line with both Local Plan and London plan objectives to provide a range of additional housing typologies to create sustainable places to live, work and play within the City Fringe. Subject to satisfaction of other policy requirements and material considerations, the proposal is acceptable in pure land use terms and would support the achievement of these objectives.

Housing

Dwelling Mix

- 7.5 The proposed development includes an extension at roof level to accommodate 4no. residential apartments (use class C3) in the following mix:
- a. Flat 1 – 1 bed, 2 person of 53sqm;
 - b. Flat 2 – 2 bed, 3 person of 64sqm;
 - c. Flat 3 – 2 bed, 3 person of 64sqm; and
 - d. Flat 4 – 1 bed, 2 person of 54sqm.

Considering the overall scale and size of the development the proposed housing mix is acceptable in line with Local Plan Policy D.H2 as regards size of the proposed flats.

Affordable Housing

- 7.6 Local Plan Policies S.H1 and D.H2 require new development with 2-9 new homes to help address the affordable housing need through a financial contribution rather than necessarily by the provision of affordable housing on site.
- 7.7 The borough's small sites calculator was developed to work out the financial contribution required by each development. The calculator uses the bedroom number, floor area, market value and ward the site is in to determine the total contribution required. The contribution calculated in this case is £120,629.47 and the applicant has agreed to pay this to the council through a S.106 agreement to be secured with the local authority. The contribution obtained by this development would be used to provide affordable housing within the borough as part of the council's affordable housing delivery programme.
- 7.8 It is noted that Local Plan Policy D.H2 Part 2(d) seeks to ensure that where development provides further homes either through an amendment to a current permission or an application to extend an existing development on the same or an adjoining site provides, the affordable housing calculation for the new homes will be based on the combined number of homes. Given the proposal would provide additional homes as part of an enlargement an existing building which contains 51 existing homes, it is important to consider this policy.
- 7.9 However, given the significant time period that has elapsed since the granting of planning permission (Ref. PA/08/00681) for these existing homes in October 2008, this policy would not be applicable, rather an off-site affordable housing contribution for this proposal would be appropriate. This is consistent with the approach taken by the Local Authority in other applications of this nature.

Quality of Residential Accommodation

- 7.10 The proposed residential accommodation is required to meet certain standards in order to be considered acceptable. These standards are primarily established in London Plan Policy D6 and the London Plan Housing Design Standards Guidance provides further guidance about how these standards should be interpreted and secured. The Tower Hamlets Local Plan also goes on to set its own standards which are largely consistent with the London Plan.

Housing Standards and Guidance

- 7.11 In terms of space standards, each of the 4 new flats meets the minimum requirements for overall floorspace and provide policy compliant private external amenity space in the form of inset balconies. Each of the flats has an appropriate layout, making the most efficient use of the space available and are broadly compliant with the London Plan standards. The additional floor would achieve the required 2.5m floor to ceiling heights identified by Local Plan Policy D.H3.
- 7.12 However, the single bedroom in Flat 2 does not meet the required width standard set out in F(3) of London Plan Policy D6, measuring only 1.7m wide for approximately two thirds of its length, at which point it widens to 2.1m. The room does however provide approximately 1sqm of floorspace above that which is required by the London Plan standards. This is also the secondary bedroom and the rest of the flat wholly complies with the space standards. The minor deviation from the standards in respect of the width of a single room is , on balance, considered acceptable.
- 7.13 The proposed homes would provide future occupiers with acceptable levels of daylight/sunlight to all habitable rooms, with acceptable outlook and aspect. Two of the flats are dual aspect, offering views both west and south, including a dual aspect kitchen/living/diner. The other two flats are both single aspect with views east and west respectively. The two single aspect flats have been designed to avoid overlooking of terraces on the floor below and do not face north. Officers are therefore satisfied that, on balance, the number of dual aspect dwellings provided is satisfactory.

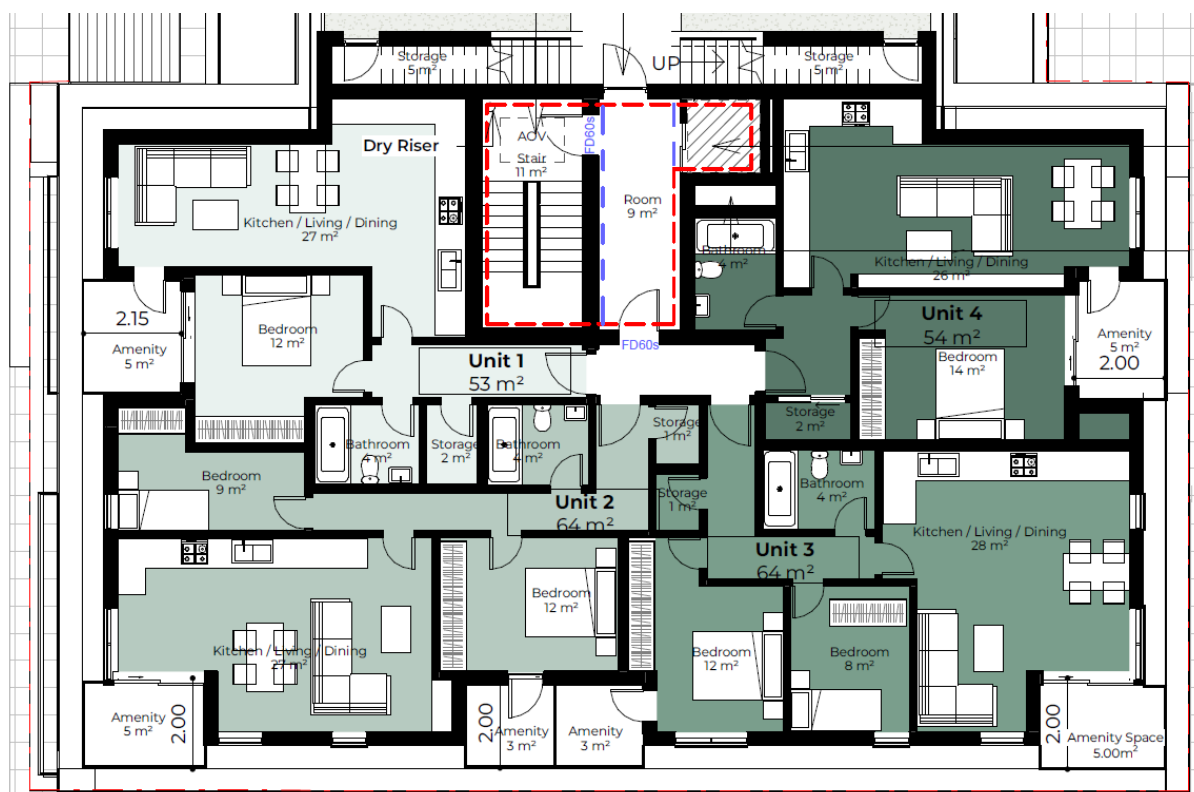


Figure 2: Proposed floor layout.

Noise & Vibration

- 7.14 The noise insulation of the proposed flats would be secured by condition to ensure that the proposed flats are insulated appropriately for future occupiers in terms of noise from outside sources such as traffic and other building users. This would require submission of a post-completion report prior to occupation confirming that relevant noise levels have been achieved.

Communal Amenity Space

- 7.15 The existing building benefits from a large communal garden on the rooftop. It is understood that this space is used by all of the residents of the building and has primarily been maintained by them, offering a peaceful green space specifically for them to use, including a mix of seating areas and spaces which can be used in different ways. On a site visit, it was noted that the space is lacking in true biodiversity with relatively basic planting and simple seating areas.
- 7.16 As part of the proposals, this roof terrace would need to be split over two levels. Originally the application did not include step-free access to both levels of the terrace which raised certain accessibility and equality issues. This has since been amended such that the lift-shaft has been extended to include the top level of the terrace, providing access to both levels for all users of the building, whilst also retaining internal and external staircases to allow access to both levels without the need to use the lift if not required.
- 7.17 Officers acknowledge the importance of this communal space to existing residents and that the space will not be available to residents for the duration of the build of the extension. Many of the objections from existing residents refer to this space as being important for both mental and physical health and is a hub for the community afforded by the building. Officers are therefore proposing that any permission that may be granted includes the requirement to submit a landscape scheme relating to the roof terrace which would include a requirement to collaborate with existing residents to deliver an improved roof terrace space which meets the needs of the residents of the building. This would also be required to include biodiversity enhancements. The improved landscaping scheme would be required to be implemented prior to occupation of the new flats so that the existing residents retain the benefit of the roof terrace prior to any new residents moving into the building. This scheme would also include a maintenance plan which would include details of how the landscape would be maintained for the life of the development.



Figures 3 & 4: Photographs of existing rooftop amenity space.

Conclusion

- 7.18 Officers are satisfied that the proposed flats offer an acceptable high quality of residential accommodation when assessed against policy and with due regard to the constraints of the site and the nature of the development as a rooftop extension. There is also an opportunity to provide an improved roof terrace which better meets the needs of existing residents which would be secured by condition.

Design & Heritage

- 7.19 Development Plan policies call for high-quality designed schemes that reflect local context and character and provide attractive, safe, and accessible places that safeguard and where possible enhance the setting of heritage assets.

- 7.20 The only heritage asset of note in the vicinity of the site is the Jesus Hospital Estate Conservation Area. Whilst not located within the boundary of Conservation Area, the site immediately adjoins the boundary on both its eastern and northern sides. The proposals are therefore required to pay special regard to preserving or enhancing the character or appearance of that conservation area in line with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.
- 7.21 The proposals involve the erection of a single storey upwards extension which will be located on the southern section of the building only.

Townscape, Massing and Heights

- 7.22 It is worth noting that under the original planning permission for the building, granted in 2008 (PA/08/00681), the building was designed in such a way that it respected the character and appearance of the Conservation Area by stepping down from 6 storeys to 2 towards the rear as it approached the lower terraces of Wellington Row and the rest of the Conservation Area. The stepping was coupled with recessed storeys and a differentiation in materiality to reduce the visual impact of additional height. There was also an application for a much larger building on the site which was refused for the impact of its mass and height would have had on the Conservation Area.



Figure 5: Photograph of site demonstrating existing stepped massing and materiality.

- 7.23 However, it is also worth noting that to the west of the building is a 5-storey block of residential flats and to the south of the site, on the southern side of Gosset Street, is an 11 storey block of flats.
- 7.24 The tallest element of the existing building is located to the southern edge of the site where the brick materiality is continued up to the parapet of the building. The rear section of this storey is clad in an aluminium cladding which reduces the visual impact of the rest of that storey where it gets closer to the Conservation Area. The building then steps down to 5, then 4, then 3 and finally 2 storeys as it continues north.
- 7.25 The proposed extension is to be located on top of the existing tallest element of the building and will only reach as far north as the existing metal clad section of the existing top storey. The extension will be slightly recessed and constructed of a metal aluminium to match the existing building in order to reduce its impact. The continuation of the stepped massing approach by limiting the extension to only the southern section of the building is supported.

The use of the same material palette and stepped approach also means that the extension will appear as more of an intentional part of the original design of the building rather than a late addition, reducing its prominence.

- 7.26 The location of the additional massing of the extension on this southernmost part of the building, closest to the significantly larger 11 storey Yates House is the most appropriate



location for that massing as it is furthest away from the lowest scale and most distinctly characterful parts of the Conservation Area.

Figures 6, 7 & 8: Photographs showing site in context to surrounding buildings. Clockwise from top left – looking west along Gosset Street with 11 storey Yates House on left beyond car park, looking north towards 126 Wellington Row and looking west

towards rear of the site with 68-126 Wellington Row in background and lower-rise terraces within conservation area to the right.

- 7.27 The proposed materiality and slight set-back of the extension will further reduce the impact of the extension and reduce its visibility and prominence in the street-scene.
- 7.28 In terms views from within the Conservation Area, the extension will be most visible from within the park at Warner Green, which is part of the Conservation Area. However, the set back and change in materiality of the additional massing presented by the extension would not negatively impact on the street scene or the character and appearance of the Conservation Area. Given the way the existing stepped massing of the building, and the visibility of Yates House beyond, there would be almost no visual impact on views looking south towards the site from within the Conservation Area and the additional massing would not impact on the character and appearance of the Conservation Area in those views.
- 7.29 The lift and stair core will extend further above the extension, however it would be located in the centre of the building and so would not be visible from most aspects. This replicates the existing relationship between the overrun building and the uppermost storey and so would not be a new feature in the street scene.
- 7.30 Being located at the southern part of the site, the additional massing would not negatively impact on the streetscene and will preserve the character and appearance of the Conservation Area.

Appearance & Materials

- 7.31 The proposed extension will be clad in a grey aluminium cladding which will match the existing building. This therefore ensures that the extension is in keeping with the character of the existing building.
- 7.32 The extension will have recessed balconies much like the existing building and the fenestration pattern will also tie into the lower floors, providing a uniformity to the building in elevation.



Figure 9: Western elevation demonstrating materiality and proposed fenestration patterns.

- 7.33 The appearance and choice of materials is therefore acceptable, subject to securing a condition for submission of details of the materials to ensure that they match the existing building.
- 7.34 The upgraded cladding will also be secured by condition to ensure that it both matches the building in terms of appearance but also conforms to the relevant fire safety standards.

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

Fire Safety

- 7.38 London Plan Policy D12A requires developments to achieve the highest standards of fire safety to ensure the safety of all building users. That policy sets out various requirements on the development to meet those standards. London Plan Policy D12B requires the submission of a Fire Statement for all major development proposals. As the proposals do not constitute a major development, a full Fire Statement was not provided in line with Policy D12B.
- 7.39 Significant concerns have been raised by residents as regards the fire safety of the building. The addition of an extra storey will both make the building a seven-storey building and ensure that the building is taller than 18m measured to the top of the highest residential floor level (that of the new 7th storey). This will render the building a “relevant building” for the purposes of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended. This required the applicant to submit a fire statement form setting out the fire safety considerations specific to the development.
- 7.40 Draft London Plan Guidance relating to fire safety makes it clear that planning officers are not experts in fire safety and the onus is on the applicant to ensure that they use the necessary fire safety expertise to demonstrate compliance with these policies. The fire statement form was drafted by a qualified fire consultant and includes the consideration of the various matters required by London Plan Policy D12A as follows:

- 1) Identify suitably positioned unobstructed outside space: (a) for fire appliances to be positioned on and (b) appropriate for use as an evacuation assembly point.

A fire services site plan including locations of appliances, water access points likely routes to the site of such appliances was included in the form. Additionally a likely assembly point was identified being the dead-end section of Durant Street. Officers would also note that Warner Green park would likely offer another opportunity for assembly. The building will however continue adopt a “stay put” approach to evacuation so the need for an assembly point is somewhat restricted.

- 2) Development designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures

The form contains detailed information relating to the specific features of the building which are either present already or will be introduced to the building in order to address the risks in the event of fire. These include details of the external wall systems – which will all be upgraded to meet relevant building regulations – travel distances, alarm systems and fire separation.

- 3) Development is constructed in an appropriate way to minimise the risk of fire spread

Details of the construction of the building and how this will meet building regulations in relation to the spread of fire is included within the form. This includes details of the fire rating of materials to be used in the construction of the development and upgraded building.

- 4) Development provides suitable and convenient means of escape, and associated evacuation strategy for all building users

The internal staircore and lift will be upgraded to provide means of escape compliant with relevant building regulations. The lift will be an evacuation lift. The building will operate a “stay put” evacuation strategy.

- 5) Develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in

The building will continue to operate a “stay put” evacuation strategy.

- 6) Development provides suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The form contains detailed information on the access and water supplies for tackling possible fires on the site. It also contains information on the equipment within the building itself such as risers, suppression and alarm systems.

- 7.41 In addition, London Plan Policy D5(B5) requires that developments are designed to incorporate safe and dignified emergency evacuation for all building users. It goes on to state that all developments where lifts are installed, should as a minimum have at least one lift per core (or more subject to capacity assessments) that is a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building. As part of the proposals, the applicant is proposing to upgrade the existing lift to be a compliant firefighting lift, rather than an evacuation lift, in order to comply with building regulations, which represents an improvement to the current existing lift.
- 7.42 It is not possible to include an additional lift shaft within the development and, having regard to the relatively minor nature of the proposals and the fact that there are no wheelchair accessible units proposed on the additional floor, the requirement to include a specific evacuation lift on this occasion is not practical owing to the conflict with the needs of building regulations. In addition, the evacuation strategy is a “stay put” strategy and so only the occupants of the affected flat would need to evacuate and so the existing lift would likely be able to be used to evacuate in that event. In order to ensure that the needs of those with inhibited mobility are met, officers would propose to include a pre-commencement condition which would require the submission of an evacuation strategy which would be required to include details of how any mobility inhibited person would be evacuated from the building in the event of a fire and how the lift would be operated in those instances. This strategy would also be required to be prepared and informed by how the development complies with relevant building regulations.
- 7.43 The fire statement form was also reviewed by the Health and Safety Executive. The HSE initially raised concerns regarding the existing cladding of the building and its combustibility. The applicant has since included specific upgrades to the circulation core and a full replacement of the combustible cladding across the entire building to bring it in line with current building regulations. As a result, the HSE has confirmed that it is content with the application as it relates to land use planning matters.
- 7.44 Objections were also received relating to how the building had been measured by the applicant. The applicant subsequently submitted an updated set of drawings and additional information about the fire safety considerations and upgrades it was undertaking. This information was included within the review by HSE and confirmed acceptable from a land use planning perspective.
- 7.45 An objection was received in relation to the requirement for the building to have a second staircase in order to comply with fire safety regulations as it will have a residential floor above 18m. It is noted that there was an announcement by the Department for Levelling Up, Housing and Communities in July this year that this requirement would be introduced. However, it is still uncertain as to when, or if, this requirement will be formally enacted in regulations and so the application has been assessed on the basis of regulations as they stand. The HSE also acknowledged that the building would only have one staircase and have not raised any concerns with this aspect of the scheme. The HSE consultation was undertaken following the July announcement.

- 7.46 Notwithstanding the above, it is worth noting that the proposal would also need to ensure compliance with guidance in Approved Document B and/or all relevant Building Regulations requirements which would be controlled under a separate regulatory regime to planning.
- 7.47 The relevant required fire safety improvements will be secured by planning condition such that they are enacted prior to commencement of the build of the new flats.

Neighbour Amenity

- 7.48 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

- 7.49 The north elevation of the extension does not contain any windows and so there will be no overlooking into either the roof terrace or terraces of flats below. The balconies across the building are also all inset into the building and so there will be no overlooking onto balconies below.
- 7.50 The windows of the proposed extension match the fenestration pattern of the windows of the building below. There will therefore be no introduction of any new overlooking onto residential areas that does not already exist.
- 7.51 There will be no loss of outlook to existing residential windows.

Daylight, Sunlight & Overshadowing

- 7.52 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2022).
- 7.53 The applicant submitted a Daylight, Sunlight & Overshadowing Assessment in support of the application prepared in accordance with the BRE guidelines in order to assess the daylight/sunlight and overshadowing impacts to the occupiers of the existing and neighbouring buildings and surrounding amenity spaces.
- 7.54 A number of properties, buildings and amenity spaces were assessed as follows:
- Certain windows in the host building itself;
 - 68-126 Wellington Row;
 - 109-115 Wellington Row;
 - Silk Court;
 - Yates House;
 - Flamingo House.

Daylight

- 7.55 To determine the impact on daylight to windows, diffuse daylight of an existing building may be affected by a proposed development if either:
- The Vertical Sky Component (VSC) measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value; or
 - The area of the working plane which can receive direct skylight is reduced to less than 0.8 times its former value. It should be noted that determining the area of the working plane which can receive direct light from the sky (which is often referred to as the No-Sky Line or NSL) is seen as an additional assessment, rather than as an alternative to VSC. However, since plotting the NSL requires knowledge of the room geometry, which is not usually available during an impact assessment, it is not always possible to calculate the NSL since the use of too many assumptions would make the results meaningless and unreliable.

- 7.56 Each of the 114 windows tested complied with the VSC requirement, retaining more than 0.8 times its former value. No window lost more than 0.04 times its former value and therefore the impact on daylight to all tested windows would be negligible and therefore acceptable.

Sunlight

- 7.57 The BRE guidelines recommend that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value, then the occupants of the existing building would notice the loss of sunlight.
- 7.58 Each of the windows tested complied with the above criteria and meet the recommendations contained within the BRE Guidance with regards to the impact on sunlight of the development.

Overshadowing

- 7.59 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21 March".
- 7.60 The submitted report confirms that the proposal would be in full compliance with BRE Guidelines for each of the amenity areas tested. It should be noted that whilst the lower half of the new garden would be slightly overshadowed by the proposals, that overshadowing would be restricted to only 14.69% of the space not receiving 2 hours of sunlight on 21 March. The level of sunlight to the lower terrace would therefore be acceptable. The high-level terrace on the eastern side of the host building would receive 2 hours of sunlight across less than 50% of its area but would retain over 80% of its original value and so complies with the BRE requirements.

Conclusion

- 7.61 The proposed development shows full compliance with the required daylight, sunlight and overshadowing standards set out in BRE guidance and, as such, the daylight/sunlight impacts are wholly acceptable and consistent with policy objectives. The proposals would therefore not cause an unacceptable detrimental impact on daylight and sunlight of existing properties and would not unacceptably overshadow any existing amenity spaces.

Noise & Vibration

- 7.62 No new plant is proposed and so no noise assessment has been submitted with the application.
- 7.63 Given there are existing residential properties with external amenity spaces in the area and that there is a policy requirement for residential private amenity space; it is not considered that amenity spaces (for private use of occupants of the flats) would give rise to untoward noise issues given their restricted size or present an unacceptable impact on neighbour amenity.
- 7.64 It should be noted that the proposal would be required to comply with Building Regulations in terms of noise between the residential units and a condition would be included with any permission requiring submission of a verification report to be submitted confirming that the flats comply with the relevant criteria.
- 7.65 Overall, subject to the recommended conditions above, the proposal would be acceptable in this regard.

Construction Impacts

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

Transport

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

Deliveries & Servicing

- 7.68 Deliveries and servicing information was requested by the borough's highways team. However, the deliveries and servicing arrangements will be in line with existing arrangements. It is not expected that an additional 4 flats would have a significant impact on the number of deliveries or servicing such that the highway would be negatively impacted. As such has not been considered necessary to obtain such information or to secure a delivery and servicing plan.

Car Parking

- 7.69 In accordance with policy D.TR3 the proposal would be a car-free development with no proposed vehicle parking and future occupiers of the residential units would be prevented from obtaining on-street car parking permits. This would be secured by planning obligation within a legal agreement.

Cycle Parking and Facilities

- 7.70 The proposal will provide an uplift of 8 cycle spaces within the existing cycle stores. The proposals seek to combine the existing cycle stores into one single store which makes better use of the space. The cycle spaces provided will be a mix of dual stacking cycle racks the likes of which are already provided on site, and a number of Sheffield stands. Sheffield stands can accommodate larger cycles including cargo bikes and accessible cycles and so their inclusion is supported. The number of Sheffield stands to be provided is acceptable in this instance given the existence of double-stacking racks on site as existing and the constraints of providing additional cycle parking within the existing space.
- 7.71 The proposed cycle parking, whilst not compliant for a building of this size if it were to be proposed now, does provide a policy compliant uplift of cycle parking and an improved more accessible cycle parking offer. The cycle parking is therefore considered acceptable.

Waste

- 7.72 A waste management strategy was provided with the application which stated that the existing waste stores could accommodate the additional waste to be produced by the additional flats without the need to provide additional bins. The waste collections will operate as existing which is acceptable. However, objections have been submitted stating that the existing waste facilities are not fit for purpose and constantly overflow, with no recycling storage provided on site.
- 7.73 The applicant has accordingly provided an updated plan demonstrating how the existing stores can accommodate the waste storage required for the entire building, including recyclables, in line with current Local and London Plan requirements. The applicant's calculations show that there is a surplus in waste storage capacity within the existing waste stores by current waste capacity requirements and so the issues surrounding overflow of the stores appears to have been more related to how the stores have been managed by the building management.
- 7.74 In order to address the waste officer's concerns, a pre-commencement condition would be secured which would require submission of a detailed plan of the waste stores demonstrating how the required bins can be accommodated within the stores such that the bins can be stored and moved easily. A robust site waste management plan will be secured by planning condition to ensure that the waste stores are appropriately managed going forward and can be enforced

from a planning perspective. This plan would be required to include details of the size and types of bins, management of the storage spaces and details of how bulky waste would be managed. This approach has been agreed with the waste officer.

- 7.75 The waste storage and management is therefore acceptable, subject to satisfactory discharge of the planning condition.

Environment

Energy & Environmental Sustainability

- 7.76 The proposed new flats would be heated using the existing air source heat pump system of the building being an energy efficient heating system. As the roof is used as a terrace for residents, there is no scope to include photovoltaics on the roof of the building. The application did not require submission of an energy statement.

Wind/Microclimate

- 7.77 The proposals do not present a wind or microclimate concerns by virtue of their relatively low scale.

Biodiversity

- 7.78 The site currently includes a green space on the roof of the building. It is intended to secure improvements to this space, and these would include specified biodiversity enhancements. The biodiversity enhancements would be secured within the landscaping condition.

Other Matters

- 7.79 A number of representations received raised issues which are not material planning considerations and therefore cannot be taken into consideration of the application. These are listed in section 4 of this report and include the impact on house prices/rental values, the use of scaffolding, the structural impact of the development and conflicts with existing leaseholder/freeholder agreements associated with the building.

Infrastructure Impact

- 7.80 The proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments.

Human Rights & Equalities

- 7.81 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.
- 7.82 The proposed split roof terrace would be accessible to all users of the building, including those with disabilities.
- 7.83 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. £120,629.47 towards affordable housing
- b. Monitoring fee

8.3 **Non-financial obligations:**

- a. Transport matters:
 - Car Free development (residential)
- b. Compliance with Considerate Constructors Scheme

8.4 That the Corporate Director of Housing and 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 Housing and Regeneration is delegated power to refuse planning permission.

8.5 That the Corporate Director of Housing and 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. Restrictions on demolition and construction activities:
 - a. All works in accordance with Tower Hamlets Code of Construction Practice;
 - b. Standard hours of construction and demolition;
 - c. Air quality standards for construction machinery;
 - d. Ground-borne vibration limits; and
 - e. Noise pollution limits.
4. Inclusive Access Standards.
5. Access to the communal roof-terrace for all residents of the building.

Pre-commencement

6. 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.
7. Details of non-road mobile machinery
8. Details (including physical samples where appropriate) of external facing materials and replacement cladding

9. Submission of a landscaping scheme for the roof terrace in collaboration with the existing residents of the building.
10. Evacuation strategy to include details of evacuation of persons with inhibited mobility.
11. Waste management plan;
12. Detailed plans of the waste stores demonstrating capacity can be accommodated and to be implemented prior to occupation

Pre-occupation of new flats

13. Completion of all fire safety requirements including replacement cladding and internal upgrades;
14. Submission of noise verification report for new residential flats;
15. Secured by design;
16. cycle storage to be implemented prior to occupation and retained for lifetime of development.

8.7 **Informatives**

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

APPENDIX 1

LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

Existing plans

000TA-A-01-001 – Location Plan
 000TA-A-01-002 – Block Plans
 000TA-A-02-001 – Existing Front Visualisations
 000TA-A-02-002 – Existing Rear Visualisations
 000TA-A-03-001 – Existing Ground Floor Plan
 000TA-A-03-002 – Existing First Floor Plan
 000TA-A-03-003 – Existing Second Floor Plan
 000TA-A-03-004 – Existing Third Floor Plan
 000TA-A-03-005 – Existing Fourth Floor Plan
 000TA-A-03-006 – Existing Fifth Floor Plan
 000TA-A-03-007 – Existing Loft Floor Plan
 000TA-A-03-008 – Existing Roof Plan
 000TA-A-05-001 – Existing Section A-A
 000TA-A-05-002 – Existing Section B-B
 000TA-A-06-001 – Existing North Elevation
 000TA-A-06-002 – Existing South Elevation
 000TA-A-06-003 – Existing East Elevation
 000TA-A-06-004 – Existing West Elevation

Proposed Plans

000TA-A-01-002 – Block Plans
 000TA-A-02-101 Rev D – Proposed Front Visualisation
 000TA-A-02-102 Rev D – Proposed Rear Visualisation
 000TA-A-03-101 Rev D – Proposed Ground Floor Plan
 000TA-A-03-102 Rev D – Proposed First Floor Plan
 000TA-A-03-103 Rev D – Proposed Second Floor Plan
 000TA-A-03-104 Rev D – Proposed Third Floor Plan
 000TA-A-03-105 Rev D – Proposed Fourth Floor Plan
 000TA-A-03-106 Rev D – Proposed Fifth Floor Plan
 000TA-A-03-107 Rev D – Proposed Sixth Floor Plan
 000TA-A-03-108 Rev D – Proposed Roof Plan
 000TA-A-05-101 Rev D – Proposed Section A-A

000TA-A-05-102 Rev D – Proposed Section B-B
000TA-A-06-101 Rev D – Proposed South Elevation
000TA-A-06-102 Rev D – Proposed North Elevation
000TA-A-06-103 Rev D – Proposed East Elevation
000TA-A-06-104 Rev D – Proposed West Elevation

Other application documents

Planning, Design and Access Statement prepared by UPP Architects + Town Planners, dated May 2022

Response to Community Queries prepared by UPP Architects + Town Planners, dated 06 April 2023

Heritage Impact Statement Prepared by Cambridge Heritage, dated July 2022

Waste Management Strategy prepared by UPP Architects + Town Planners

Daylight and Sunlight Assessment issue no.2 prepared by T16 Design and dated 05 October 2022.

APPENDIX 2

SELECTION OF APPLICATION PLANS AND IMAGES



Existing Visualisation



Proposed Visualisation



Existing Visualisation



Proposed Visualisation



Existing East Elevation



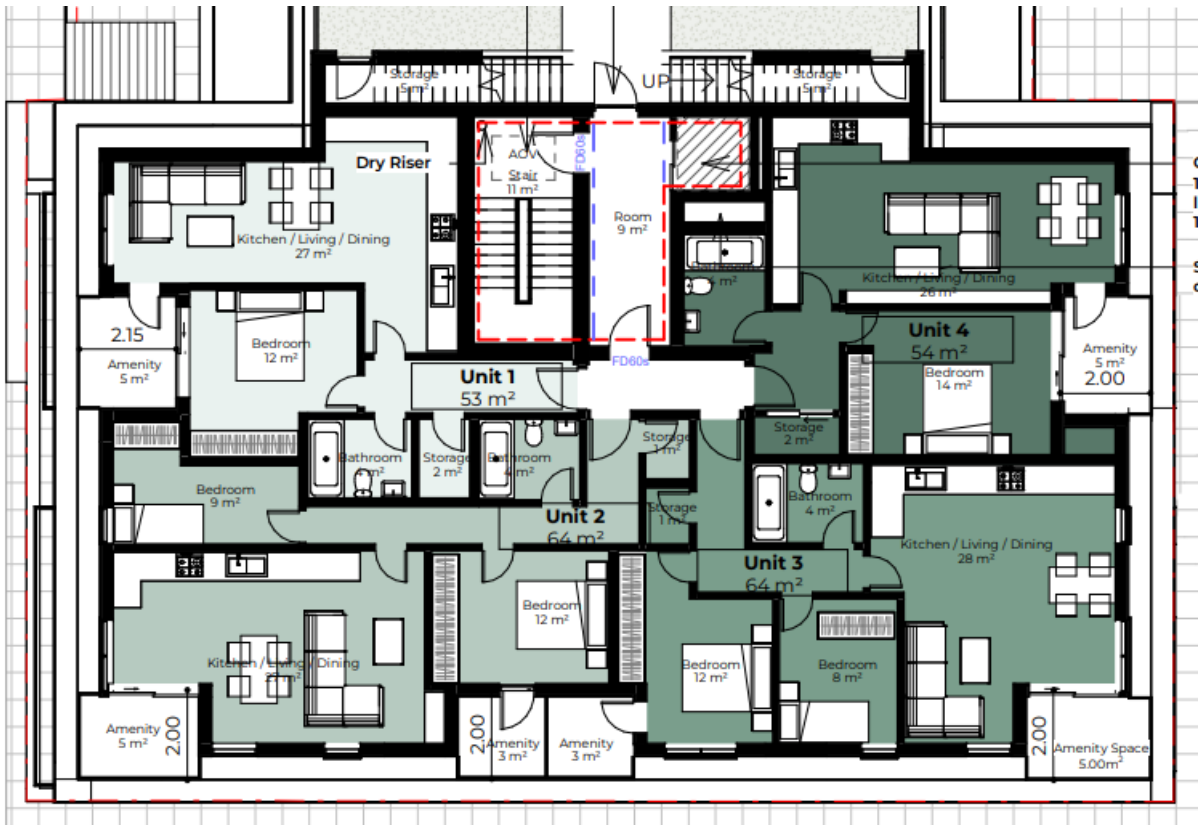
Proposed East Elevation



Existing South Elevation



Proposed South Elevation



Proposed Residential Accommodation

Images of existing Site



Site from south



Site from West



Site from south



Site from North West



Site from North looking down Gosset Street



Site from West



Site from west



Site from north on Durant Street



Southern section of existing roof garden



Northern section of roof garden