

Development Committee

Agenda

**Thursday, 30 November 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 Tuesday, 28 November 2023**

The deadline for submitting information for the update report is Noon

Wednesday, 29 November 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.

Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.

<http://towerhamlets.public-i.tv/core/portal/home>

Electronic agendas reports and minutes.

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

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Scan this QR code to view the electronic agenda



A Guide to Development Committee

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

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

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

Public Engagement

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

London Borough of Tower Hamlets

Development Committee

Thursday, 30 November 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 2 October 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 Housing and Regeneration along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Housing and Regeneration is delegated authority to



do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

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

4. DEFERRED ITEMS

5. PLANNING APPLICATIONS FOR DECISION

5.1 34 Westferry Circus (PA/23/00513) (Pages 23 - 58)

5.2 Jamestown Way (PA/22/01979) (Pages 59 - 102)

6. OTHER PLANNING MATTERS

Next Meeting of the Development Committee

Thursday, 11 January 2024 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.33 P.M. ON MONDAY, 2 OCTOBER 2023

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present:

Councillor Kamrul Hussain (Chair)

Councillor Amin Rahman
Councillor Gulam Kibria Choudhury
Councillor Faroque Ahmed
Councillor Sabina Akhtar
Councillor Asma Islam
Councillor Iqbal Hossain
Councillor Shahaveer Shubo Hussain

Officers Present:

Paul Buckenham	(Head of Development Management, Planning and Building Control, Place)
Diane Phillips	(Lawyer, Legal Services)
Gareth Gwynne	(Area Planning Manager (West), Planning and Building Control, Place)
Adam Hussain	(Planning Officer)
Nicholas Jehan	(Planning Officer)
Thomas French	(Democratic Services Officer, (Committees))

Apologies:

Councillor Abdul Mannan

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
Cllr Asma Islam	4.1, 5.1	Other	Local Ward Councillor

Cllr Asma Islam stated that she will not be present for item 4.1 but would be present for discussion on item 5.1.

Cllr Sabina Akhtar would not be voting during item 4.1 as she was not in attendance at the previous meeting, as Cllr Shahaveer Shubo Hussain was present previously for item 4.1 and is also tonight, as substitute.

2. MINUTES OF THE PREVIOUS MEETING

The Committee **RESOLVED** That the unrestricted minutes of the meeting of the Committee held on 10 August 2023 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

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

4. DEFERRED ITEMS

4.1 Rich Mix, 35-47 Bethnal Green Road, London, E1 6LA PA/23/00719/PA/23/00720

Update report noted.

Paul Buckenham, Development Manager, presented the deferred applications for 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.

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

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

- If the application is refused, what will the purpose of the Redchurch Street entrance be? Officers confirmed that it would remain for internal uses only, for deliveries etc.
- Will the ground floor facilities be open to just ticket holders, or to the public? Officers confirmed that the ground floor will have areas open to the public, but it is up to the applicant what they intend to do with the space.
- The noise assessment submitted by the objectors, does this change the council view of the application. Officers confirmed that while the objectors have a strong view, the council's own noise assessment remains unchanged and is the view the committee should be considering.
- What is the proposed footfall for the application and where would the main entrance be for events? Officers confirmed that the applicant hopes to return to pre-pandemic numbers of visitors and the Bethnal Green entrance. The Redchurch entrance will close after 9pm.
- Concerns this will add to the noise of an already busy borough street. What noise mitigation will be in place, as the application states large indoor events and outdoor seating? Officers confirmed that as viewed in the site visit and through out the application, there has been sufficient demonstrations of noise mitigation, but also the application will fit in with the other nighttime businesses in the area.

The Committee debated the application, highlighting about the noise from the outdoor seating and large events, the impact of the noise on residents, and the lack of noise mitigation within the application. The committee then moved to the vote.

On a vote of 3 in favour, 2 against and 0 abstentions the Committee, that planning permission is **REFUSED**.

The reasons for the resolution to refuse are as follows:

- The increased footfall will increase noise for residents.
- The applicant did not demonstrate enough understanding of noise mitigation.

5. PLANNING APPLICATIONS FOR DECISION

5.1 Tria Apartments, 49 Durant Street, London, E2 7DT PA/22/01389

Paul Buckenham, Development Manager, presented the application for a Single storey upwards extension to provide an additional 4 residential units. Associated amendments to the external fabric and internal arrangements of the building.

Nicholas Jehan, 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 concerns about fire safety, the lack of waste infrastructure, restrictions of communal outside space and cycle storage.

At the invitation of the Chair, the agent for the applicant highlighted the planned upgrades to the building, including upgrading the cladding and increasing the waste infrastructure.

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

- Are officers satisfied with the infrastructure for waste management? Are the waste team aware of the legacy problem of waste for the current residents? Officers confirmed the applicant has offered a calculation for how much waste can be managed in the application, officers asked the applicant to then re-draw the application to ensure the bin storage area is appropriate for use. Officers are aware of the legacy issue and the waste team is satisfied with the current proposals.
- Is there anyway this application should be considered for social housing? Officers confirmed that the local plan would not support this kind of application.
- Are the concerns raised by residents on fire safety considered by the application? Officers stated that the concerns are relevant planning matters, but the application does cover this provision.
- Will the extension be in keeping with the character of the local area? The agent for the applicant highlighted that similar materials will be used, and guidance has been sought from council officers to ensure this issue is respected.
- What outreach was done to engage with residents on the application? The agent for the applicant was unable to confirm.
- Has the applicant considered accessibility of the building? The agent for the applicant stated that the application is improving the lift within the building, which will go to the new roof top area.

The Committee debated the application, highlighting concerns about the impact of the character of the local area, how the application does not address concerns about waste infrastructure nor fire safety to a satisfying level. The committee then moved to the vote.

On a vote of 0 in favour, 7 against and 0 abstentions the Committee, that planning permission is **REFUSED**.

The reasons for the resolution to refuse are as follows:

- The applicant has not considered the impact of waste infrastructure.
- Concerns over fire safety
- Negative impact on the conservation area.

6. OTHER PLANNING MATTERS

Nil items.

The meeting ended at 20:28

Chair, Councillor Kamrul Hussain
Development Committee

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DEVELOPMENT COMMITTEE

Report of the Corporate Director of Housing and Regeneration

Classification: Unrestricted

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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



DEVELOPMENT COMMITTEE

Report of the Corporate Director of 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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DEVELOPMENT COMMITTEE

30th November 2023

Report of the Corporate Director of
Housing and Regeneration

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/23/00513
Site	5 th floor, 34 Westferry Circus, London, E14 8RR
Ward	Canary Wharf
Proposal	Alterations to the façade to include the addition of new bi-folding glass doors to the 3 rd floor to provide an internal terrace, minor alterations to the glass façade including the addition of bi-folding doors to the 4 th floor and proposed roof extension with the creation of an external terrace space with outdoor seating to existing restaurant and new plant.
Summary Recommendation	Grant planning permission with conditions
Applicant	Riverside Crem 3 Ltd
Architect/agent	Ackroyd Lowrie / Hybrid Planning & Development
Case Officer	Oliver Cassidy-Butler
Key dates	<ul style="list-style-type: none">- Application registered as valid on 13/03/2023.- Public consultation finished on 05/05/2023- Public reconsulted for 14 day period, starting 19/09/2023- An updated technical advice note relating to the Noise Impact Assessment was received on 12/07/2023.- An updated technical note relating to the Noise Impact Assessment was received 17/08/2023- An updated technical note relating to the Noise Impact Assessment, plus data relating to acoustic readings was received 06/08/2023

EXECUTIVE SUMMARY

The application seeks full planning permission for the creation of a roof top, open aired terrace space, to provide ancillary accommodation for an existing restaurant/bar use, atop 34 Westferry Circus. The proposed development comprises alterations to the basement, third, fourth and fifth (roof) levels of the host building, to facilitate the changes.

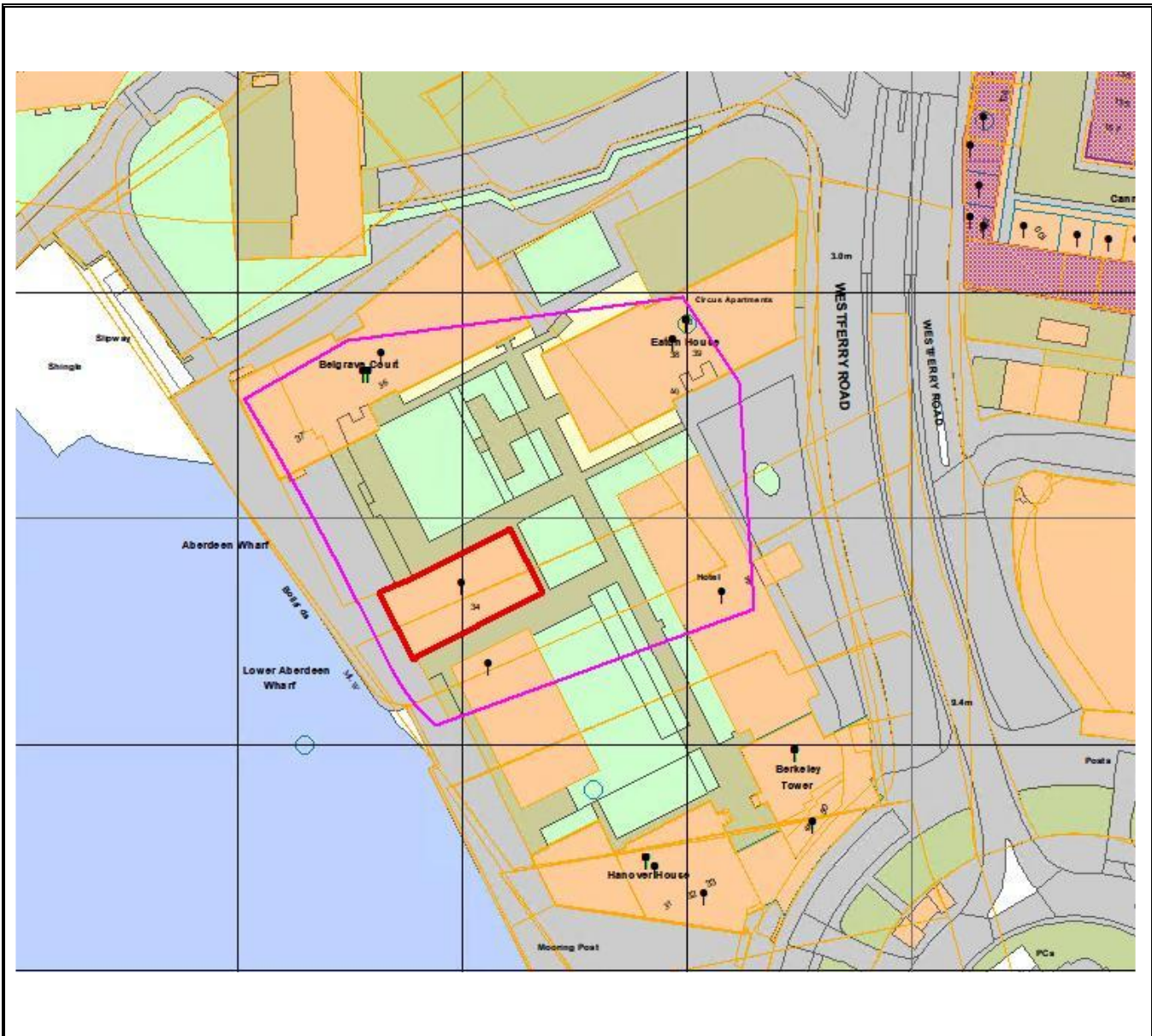
The application seeks permission to create a 237sqm rooftop terrace which will provide an outdoor dining experience / rooftop bar. The proposed land use is considered acceptable, being an extension of the existing restaurant use of the site's third and fourth floors.

A Noise Impact Assessment has been submitted as part of the application. Further supplementary Advice Notes were provided on 11th June 2023, 17th August 2023, and 27th October 2023. Additional testing was completed by the applicant's Acoustic Consultants (Sharps Redmore) at the request of Environmental Health Noise and Vibration, in response to concerns relating to the validity of the noise impact assessment results, as raised by members of the public. Environmental Health have confirmed that they consider the acoustic recording results taken between the 14-16th October 2023 to be an accurate representation of baseline sound levels for the local area to which the application is set. They consider the methodology to be of good standard, and agree that the assumed impacts are reasonable. Conditions are however proposed to limit the hours of operation from the terrace, by prohibiting any use between 22:00 - 08:00 hours.

The proposals are regarded as acceptable in terms of design, being in-keeping with the existing contemporary architectural style of the host building. It is proposed that condition be applied to secure detail of a lighting strategy, in order to prevent the development being visually obtrusive.

The development proposes to provide an additional 6 short stay cycle parking spaces (3 Sheffield stands) and 4 long stay spaces (located within a secure locker). Officers have consulted the borough's highways officers and agree with their assessment that the proposed uplift is appropriate is compliant with policies S.TR1 and D.TR3 of the Tower Hamlets Local Plan (2020), and policy T5 of the London Plan (2021), which outlines the minimum provisions of cycle parking required to support development within London. It is proposed that a Construction Management Plan be secured by way of condition, to ensure that the development does not unduly affect the safety or function of the local highway network.

Officers are recommending this application for approval as it is considered to comply with the policies of the Development Plan.



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<ul style="list-style-type: none"> Planning Application Site Boundary Other Planning Applications Consultation Area Land Parcel Address Point Locally Listed Buildings Statutory Listed Buildings 	<h3>Planning Applications Site Map PA/23/00513</h3> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p> <p>Scale : 50m grid squares</p>	<p>London Borough of Tower Hamlets</p>
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1. SITE AND SURROUNDINGS

- 1.1 The application site is a five-storey building located within the mixed-use development known as Canary Riverside which comprises a hotel, offices, restaurants, and residential buildings. The application site is located adjacent to the River Thames, which is to the west of the site. The building is accessible by a public walkway which runs parallel to the river.
- 1.2 The lower floors of the building are currently occupied by Virgin Active Gym. The Third and fourth floors have previously been used a restaurant but have remained vacant for approximately 4 years. The roof (fifth floor) remains vacant and undeveloped. The third and fourth floors are accessible from within the building via a stairway or two separate lifts.
- 1.3 The application site is neither locally or statutory listed. Nor does it lie within a Conservation Area,
- 1.4 The site is situated within the Canary Wharf Major Centre and the Canary Wharf Strategically Important Skyline Area.
- 1.5 The site is within the designation of; CIL Zone 1 and Flood Zone 3.
- 1.6 The site has a PTAL (Public Transport Accessibility Level) of 5 which is good on a scale of 0-6b where 6b is the most accessible.

2. PROPOSAL

- 2.1 The application seeks full planning permission for a roof extension with the creation of an external terrace space (237sqm) with outdoor seating associated with the existing restaurant at third and fourth floor. The roof terrace would provide space for approximately 100 customers.
- 2.2 The terrace would be set in from the roof edge, by approximately 2.15m, and bounded by a 2m tall, obscured glass balustrade acting as an acoustic barrier. The terrace space would include a 0.8m tall rooftop bar occupying approximately 31.2 sq.m, positioned centrally within the terrace's eastern end. Its bulk will be largely obscured from the public realm when viewed from ground level. Plant machinery is proposed to be located at the eastern end of the terrace, sitting behind the stairway and lift overrun, which will provide access to the rest of the host building. The lift overrun will stand to a height of approximately 2.5m, being approximately 2.33m wide x 2.06m deep.
- 2.3 The application seeks to introduce plant machinery to the eastern end of the rooftop terrace. The plant will consist of x7 plant units, measuring approximately 1m (height) x 1.2m (depth) x 8.7m (width).
- 2.4 Other alterations to the façade include the addition of new bi-folding glass doors to the 3rd floors in order to provide a terrace creating amenity space, and minor alterations to the glass façade on the 4th floor in order to provide bi-folding doors, which were approved under planning application ref: PA/21/00168 which have been included within this application. The bi-folding doors, when open, will form a full width, recessed balcony which provides diners with westward views of the Thames River and open aired dining experience.

3. RELEVANT PLANNING HISTORY

Planning History relevant to the application site

- 3.1 PA/22/00143: Proposed roof extension with the creation of an external terrace space with outdoor seating to existing restaurant and new plant. Alterations to the façade to include addition of new bi-folding glass doors to the 3rd floor in order to provide a terrace creating amenity space and minor alterations to the glass façade on the 4th floor in order to provide bi-folding doors. Refused – 19 July 2022.
- 3.2 PA/21/00168: Alterations to the façade to include addition of new bi-folding glass doors to the 3rd floor in order to provide a terrace creating amenity space and minor alterations to the glass façade on the 4th floor in order to provide bi-folding doors. Permitted – 06 April 2021.
- 3.3 PA/16/03395: Change of use of third and fourth floor from A3 (restaurant) into two residential dwellings. Permitted – 23 February 2017.

The above consent is understood to never have been implemented.

4. PUBLICITY AND ENGAGEMENT

- 4.1 The Council notified 313 neighbouring owners/occupiers by post and the application was also publicised online.
- 4.2 A site notice was displayed on 14/04/2022 within the immediate vicinity of the site.
- 4.3 A second site notice was displayed on 19/09/2023, following amendments to the description of development, so that it referred to changes proposed within the submitted drawings.
- 4.3 A total of 152 letters of representation were received in response to the proposals. 31 letters were received in support of the proposals, and 121 were received in objection.
- 4.4 Below is a summary of representations received in support of the proposals:
- The unit has been vacant for six years and it would be good to see it an active use once again.
 - The proposals would not result in overlooking, a loss privacy or noise disturbances.
 - The proposals are considered to benefit the Canary Riverside Estate and would provide an increased variety of cuisines available within the local setting.
- 4.5 Below is a summary of representations received in objection of the proposals:
- The proposals would harm the experienced amenities of local residents by way of increased noise disturbance. The site lays in close proximity to residential properties which are considered vulnerable to further noise disturbance, due to the proximity of conflicting uses, and due to the existing pattern of development which would amplify any noise created as a result of the restaurant's operation.
 - The application suggests that the local area experiences noise disturbances already. This is not accurate. The site is largely shielded from noise due to the pattern of development.

The noise which emanates from neighbouring commercial units has been inaccurately represented.

- Concerns are raised in respect to the accuracy of the submitted noise impact assessment and the proposed noise mitigation measures.
- The proposals would if permitted pose a security risk, with restaurant clientele being provided access to the Canary Riverside development and associated gardens. Local residents already report problems with nuisance behaviours and are concerned that this would be exacerbated.
- The application would introduce opportunities for overlooking to occur, which would be harmful to experienced sense of privacy of local residents.
- The development would harm the experienced amenity of local residents as a result of increased light pollution. There are further concerns that the operation of the rooftop bar/restaurant area would result in air pollution and odour/smell pollution also.
- The proposed rooftop use is inappropriate given its setting within a primarily residential area. The volume of customers is far too much and the density of development is inappropriate.
- The proposals would result in excess waste and litter being left behind and within the local setting.
- The changes from the most recent application are negligible and the scheme is still considered generally unacceptable.
- Concerns were raised with respect to a lack of public consultation in response to amendments to the noise impact assessment and the comments shared between the applicant team, the planning officer and environmental health officers also.
- The proposed development would adversely impact upon the quiet enjoyment of local residents, and would if permitted result in adverse impacts to health and wellbeing.
- Concerns have been raised that the public have not been duly consulted by the Local Planning Authority, with respect to consultee comments made by Environmental Health Noise and Vibration.

4.6 Further to the above considerations, documents produced by Acoustic Consultants Ltd. have been provided by the objector, and stand in objection to the Noise Impact Assessment and subsequent supplementary Advice Notes. The documents produced by Acoustic Consultants Ltd. are listed below, and will be considered within the contents of the report:

- Acoustic Consultants Ltd report, dated 10th May 2022 (ref: 9630B/BL)
- Acoustic Consultants Ltd report, dated 18th April 2023 (ref: 9630/SR/BL)
- Acoustic Consultants Ltd report, dated 05th October 2023 (ref: 10228/BL)

5. CONSULTATION RESPONSES

Internal Consultees

LBTH Environmental Health – Smell/Pollution Team

- 5.1 No objections towards the proposed development.

LBTH Environmental Health – Noise and Vibration

- 5.2 No objections towards the proposals.

Environmental Health Officers consider that Advice Note 3, and the accompanying data set, provide an accurate and fair representation of background noise levels. The assumed source term output of the proposed development is considered reasonable and fair. The SoundPlan acoustic model indicates that the development would not result in unacceptable increased levels of noise and vibration.

- 5.3 LBTH Environmental Health – Noise and Vibration Officers recommend that conditions be applied, in order to preserve the experienced amenities of local residents. The proposed conditions will prohibit use of the terrace between the hours of 22:00 - 08:00 and the volume of noise which may be produced by its operation. Further standard conditions are recommended restricting noise emissions from plant machinery and the requirement to submit a verification report demonstrating compliance with predicted noise levels reported.

LBTH Transport and Highways

- 5.4 No objections subject to the application of conditions to secure details of Construction Management Plan (CMP).

The applicant is required to provide a CMP as a pre-commencement condition to ensure that there is minimal impact to pedestrians, vehicles and to the public highway during the construction phase of development.

- 5.5 The proposed extension will increase the number of customers. LBTH Transport and Highways welcomes the proposed increase to the provision of cycle parking available to staff and customers.
- 5.6 The applicant is required to provide details of the existing car park and how this will be managed to ensure that there is not an increase in customers attending via car, and instead promote sustainable travel.

LBTH Conservation and Design

- 5.7 No objections.

The proposals were previously refused because of concerns over noise issues. Further works have been carried out to consider potential noise impacts, and the glazed balustrades have been increased in height to address these concerns.

Place Shaping Officers are happy with the amendments and have no objections. A condition is suggested to be applied to ensure that it is not intrusive.

LBTH Waste Management

5.8 No objections to the proposed development.

6. PLANNING POLICIES AND DOCUMENTS

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

6.2 In this case the Development Plan comprises:

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

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

Land Use - (*Concentration of existing use*)

- o Local Plan policies – S.TC1, D.TC5

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

- o Local Plan policies – S.DH1,
- o London Plan policies – D1, D3, D4

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

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

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

- o Local Plan policies – S.TR1, D.TR2, D.TR3, D.TR4, D.MW3
- o London Plan policies – T5

Environment - (*air quality, odour, waste*)

- o Local Plan policies – S.ES1, D.ES2

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

- National Planning Policy Framework (2021)
- National Planning Policy Guidance (updated 2021)

7. ASSESSMENT

7.1 The decisive issues are:

- i. Land Use
- ii. Design
- iii. Neighbouring Amenity

- iv. Transport and Waste Management
- v. Environment
- vi. Equalities and Human Rights

Land Use

- 7.2 Policy S.TC1 of the Tower Hamlets Local Plan (2020) outlines that development is required to support the role and function of the borough's town centre hierarchy and the provision of town centre uses in line with the principles established for its relative setting. Development within the Canary Wharf Major Centre will be expected provide a high proportion of comparison retail compared to convenience, along with leisure and civic uses. Policy S.TC1 goes onto state that new development must contribute positively to the function, vitality and viability of the Major Centre and that the scale of development should reflect the character, scale and role of the centre to which it is set.
- 7.3 Policy D.TC5 of the Tower Hamlets Local Plan (2020) states that cafes, restaurants and drinking establishments, will be supported within the Canary Wharf Major Centre, provided that it can be demonstrated that the overall vitality and viability of the town centre would be enhanced.
- 7.4 The lawful use of the third and fourth floors is Use Class E(b) (restaurant use), although it is noted that both floors have been left vacant for approximately 8 years. The proposals seek to extend the existing lawful use. Thus, the proposed land use is considered acceptable in principle, and its intensification would contribute positively toward the function, vitality and viability of the Canary Wharf Major Centre, and the immediate setting of the application site, in accordance with policy S.TC1.

Design

- 7.5 Policy S.DH1 of the Local Plan (2020) seeks to ensure development meets the highest standards of design and layout. Development should positively respond to its context by demonstrating appropriate scale, height, mass, bulk and form. It should represent good urban design, and ensure that architectural language, design of details and elements complements the immediate surroundings.
- 7.6 The proposals comprise the installation of bi-folding glazed doors at third floor level to the elevation that fronts the River Thames. Currently the façade comprises partial glazing up to second floor level with the remaining areas having a masonry finish, and the top level being fully glazed. The glazing to the top level would be amended to allow for the introduction of doors, however, would remain as existing in terms of materials. To the northeast and southwest elevations, existing single pane windows at third floor level are to be replaced with larger three panel windows.

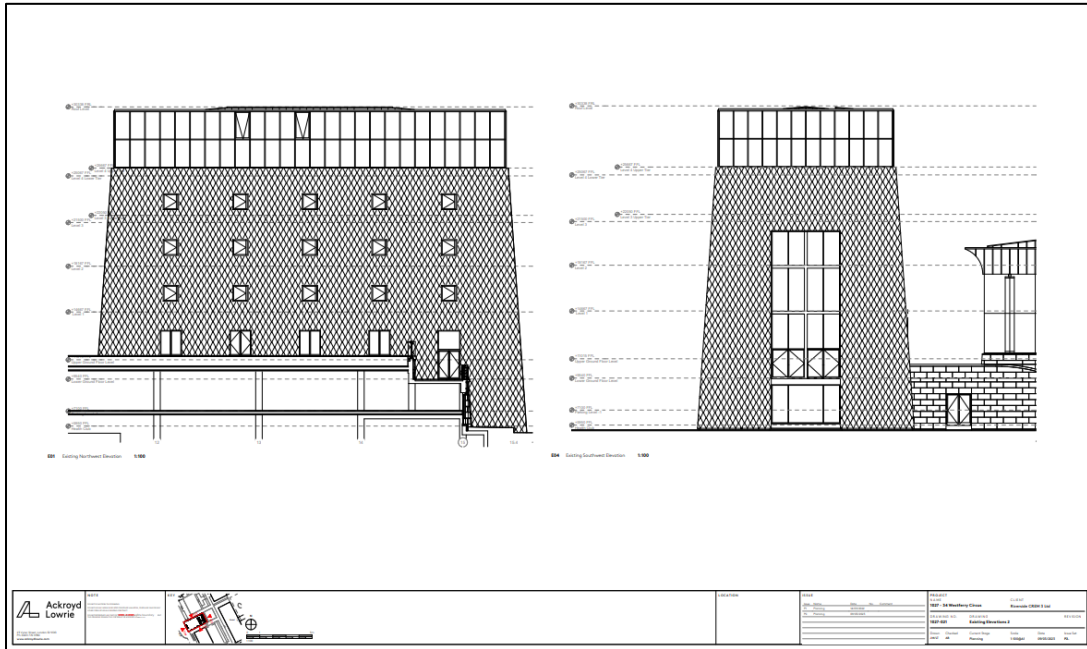
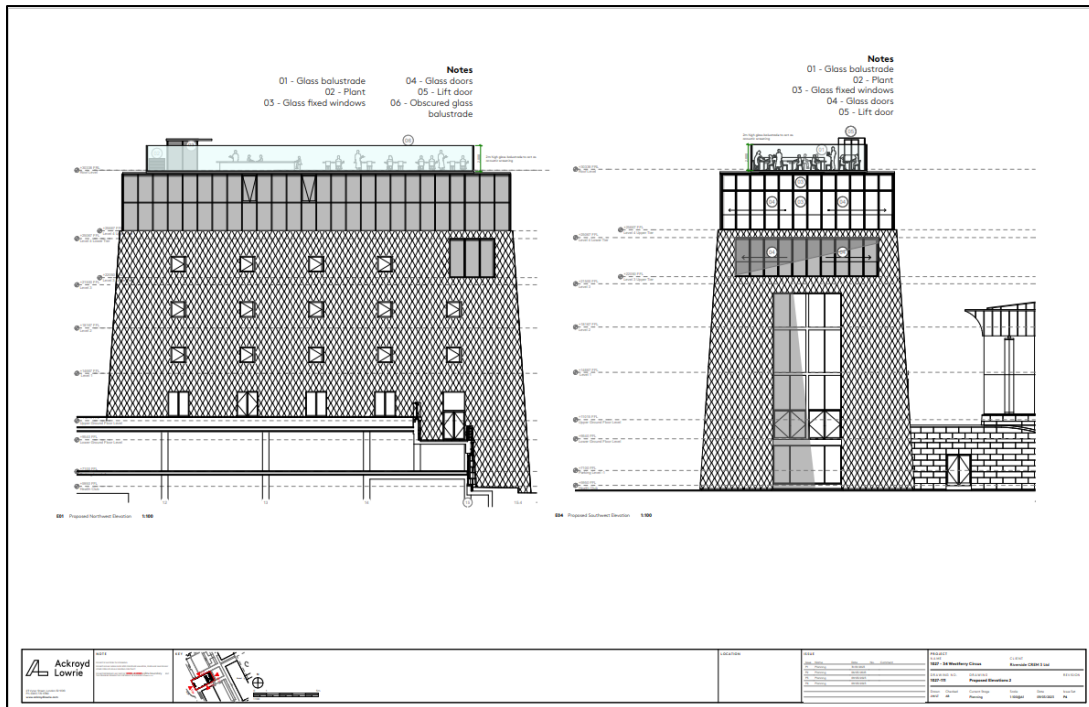


Figure 1.1: Existing Northwest and Southwest Elevations

- 7.7 The introduction of additional glazing at third floor level would not detract from the existing architectural quality of the building and would reflect its modern appearance. The alterations to the fenestration pattern have a limited impact on the overall building. The changes would serve to create an internalised terrace at third floor level, providing southwest facing views of the Thames. The for the doors would measure approximately 11m (width) x 3m (height). Officers note that the proposed alterations were granted full planning permission, under PA/21/00168, and are still regarded as being acceptable in terms of design and appearance.



Figure

1.2: Proposed Northwest and Southwest Elevations.

- 7.8 The application seeks permission for alterations to the fourth floor of the host building, which were previously consented under PA/21/00168. The changes consist of the installation of bi-folding door at fourth floor level, set within the building's southwest elevation. The bi-folding doors would measure approximately 13.2m (width) x 3m (height). Similar to the changes proposed at third floor level, the proposals would facilitate the creation of an internalised terrace dining experience. The internalised terrace would sit to a depth of approximately 1.2m, and include a glass balustrade to ensure the safety of patrons. Officers note that the proposed alterations were granted full planning permission, under PA/21/00168, and are still regarded as being acceptable in terms of design and appearance.
- 7.9 In terms of the most substantial aspect of the proposals, the proposed roof terrace would be bounded by a 2m tall, obscured glass balustrade, which would serve as an acoustic screening. The screening will comprise of individual sheets, set within a metal framing system (inclusive of appropriate sound insulating seals). The acoustic screening will be designed to ensure that there are no gaps, in order to optimise the acoustic insulation provided by the structure. Officers propose to apply condition to ensure that the screening is not inclusive of any gaps, and that the surfacing density of the screen is at least 10kg/m², to ensure that the development is in accordance with policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan (2020).
- 7.10 The roof terrace will be set back approximately 2.15m from the building's roof edge to reduce its dominance. The terrace space would include a 0.8m tall rooftop bar occupying approximately 31.2 sq.m, positioned centrally within the terrace's eastern end. The materiality of the roof terrace and rooftop bar are considered to be in keeping with that of the host building. The scale of development is appropriate in design terms and would not introduce excessive bulk and mass to the roofscape. The lift overrun and plant machinery are located appropriately at the rear of the terrace (east end), to further minimise the developments visual prominence from the public realm via oblique angles.

- 7.11 Officers consider the proposals to be in accordance with policy S.DH1 of the Tower Hamlets Local Plan (2020). However, it is noted that details of a lighting strategy have not yet been provided. It is therefore proposed to impose a suitable condition to secure detail of lighting arrangements, to prevent any disruption to local residents as a result of visually obtrusive lighting, in accordance with policies S.DH1 and D.DH8 of the Tower Hamlets Local Plan (2020).

Neighbouring Amenity

- 7.12 Policy D.DH8 of the Tower Hamlets Local Plan (2020) stipulates that development is required to protect and where possible enhance or increase the extent of the amenity of new and existing buildings and their occupants, as well as the amenity of the surrounding public realm. Policy D3 of the London Plan (2021) requires that site capacity is optimised through a design-led approach, which seeks to deliver appropriate outlook, privacy and experienced amenity for future occupants of the site.
- 7.13 Policy D.ES9 of the Tower Hamlets Local Plan requires development to be appropriately designed to mitigate the impacts of increased levels of noise and vibration and avoid causing undue disruption within the local setting. Where new noise-sensitive land uses are proposed in proximity to existing noise-generating uses, development is required to robustly demonstrate how conflict with existing uses will be avoided, through mitigation measures.

Overlooking and sense of privacy

- 7.14 Belgrave Court lays approximately 33.1m to the north of the host building. To the northeast and east of the site lays, Eaton House and the Canary Riverside Plaza hotel, respectively. Both buildings are distanced greater than 24m away from the site. To the south and southeast of the site, lies Hanover House and Berkeley Tower, respectively. Both buildings are positioned at a distance greater than 50m away from the site. Immediately to the southeast of the site, the adjoining building is a low-rise development accommodating a gym.
- 7.15 To the northeast and southwest elevations, existing windows are to be enlarged. The separation distances detailed above exceed the 18m distance between windows and habitable rooms which reduces inter-visibility to a degree considered acceptable by most people. In addition, given the fourth floor currently benefits from full height glazing, there is an existing degree of mutual overlooking between the site and surrounding buildings. Officers do not therefore consider the proposed enlargement of windows to be harmful to the experienced amenities of local residents.
- 7.16 For the same reasons set out above (mutual overlooking and sufficient distances between buildings), the proposal for a new roof terrace would not result in an increase in overlooking or loss of privacy to neighbouring buildings. In addition, the roof terrace has been designed such that it would be set back from the roof edge on all sides, sat behind a 2m tall obscured glazed glass balustrade, which would further reduce opportunities for overlooking to occur.

Noise and vibration

- 7.17 In assessing the proposal, Officers note that planning application PA/22/00143 was refused on the basis that the development would have an unacceptably detrimental impact on neighbouring occupier's amenity by way of noise and disturbance. The previous planning application included a glass balustrade, acting as an acoustic barrier, standing to a height of 1.8m. The application was supported by a Noise Impact Assessment, produced by M Safe Technologies, which had assumed that the proposed roof top terrace use would produce a source term of LAeq 85 dB, which would result in LAeq 55dB outside the nearest noise sensitive properties, such as residential units.

In response to PA/22/00143, Environmental Health Noise and Vibration assessed the proposals and concluded that the effectiveness of the proposed noise mitigation measure (the acoustic barrier) would be ineffective for residential units positioned at levels higher than the proposed roof terrace. The application failed to robustly demonstrate that it would not result in noise disturbance to neighbouring residents and was refused in accordance with policy D.14 of the London Plan (2021) and policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan (2020).

7.18 This application is supported by a Noise Assessment, which has been produced by Sharps Redmore. The Sharps Redmore noise impact assessment utilised survey data, taken between 11th-15th November 2022, in order to inform the existing ambient, maximum and background noise levels representative of the nearest residential properties.

7.19 The table below outlines summary of the survey noise levels:

Measurement Period	Measured Free-Field Noise Level, dB			
	L _{aeq,T} *	L _{Aeq,15m} (range)	L _{A90,15m} (typical)	L _{amax} (typical)
Daytime 0700-1800	55dB	48-66dB	50dB	77dB
Evening 1800-2300	55dB	50-65dB	50dB	76dB
Night 2300-0700	49dB	46-54dB	46dB	71dB

*=Logarithmic average

Table 1: Summary of Sharps Redmore background noise levels (11-15th November 2022)

7.20 The application assumed that proposed rooftop terrace would produce a source term (sound power level) of 66dB/m². As part of the Sharps Redmore Noise Assessment, the calculation used to estimate the source term was provided. This was assessed by Environmental Health Noise and Vibration Officers, who considered the calculation to be reasonable and agreed with the assumed source term levels.

7.21 The Noise Assessment utilised SoundPlan modelling software to calculate L_{aeq,T} levels at defined receptors in accordance with the relevant standards. This calculation is based on a number of input parameters including, source noise level data, receptor positions, barriers and screening, topography and intervening ground conditions. The location and dimensions of the physical elements of the model such as location and dimensions of buildings, have been taken directly from architectural drawings, and OS mapping. The topography has been derived from online GIS data.

7.22 Environmental Health Noise and Vibration Officers have confirmed that the assumptions presented within the data set, were considered reasonable and fair, given the calculations provided, and the Sharps Redmore's use of SoundPlan noise modelling software, which is recognised to provide high quality and accurate data,

7.23 The Sharps Redmore Noise Assessment did not provide assumed outsource levels relating to the introduction of plant machinery, as the exact spec is yet to be determined. Instead, the applicant

proposed that condition be applied to ensure that the development complied with policy D.ES9 of the Tower Hamlets Local Plan (2020).

- 7.24 Environmental Health Officers did not consider Para 4.7 of the Sharps Redmore Noise Assessment, which related to noise from plant and plant machinery, to be sufficient enough to demonstrate noise compliance. Environmental Health Officers outlined that conditions would need to be applied in order for the proposals to be considered acceptable. Officers subsequently raised said concerns with the applicant team and asked that further information be provided.
- 7.25 The applicant team provided an Advice Note, dated 11th June 2022, which further sought to justify the use of conditions, to ensure that the development could be brought forward in a manner that would not pose harm to the experienced residential amenities of neighbouring residents, in accordance with policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan (2020).
- 7.26 After assessing both the initial Noise Assessment, and supplementary Advice Note, Environmental Health Noise and Vibration confirmed that they considered the proposals to be acceptable, subject to condition. The use of SoundPlan noise modelling software and the explanatory calculation which had been provided to explain the assumed source output levels for the proposed rooftop terrace use, were regarded as providing officers with a greater level of information, which was more robust, than the information presented within the M Safe Technologies Ltd noise assessment (PA/22/00143).

The assumed source term of 66dB/m² was considered acceptable by Environmental Health Officers. Given the separation distance between the terrace and local residential properties, the SoundPlan modelling indicated that sound from the terrace will be experienced by local residents at a volume of 43-45dBa, which would be acceptable as it is at least 5dB below the measured background L90 50dBA.

Noise Impact Assessment provided by objector

- 7.27 An independent Noise Impact Assessment has been provided by an objector, representing the interests of local residents. The letter of representation and attached review of the Noise Impact Assessment (dated 18 April 2023), asserted that the current proposals present the same harm to the experienced amenities of local residents, as that of the prior-refused PA/22/00143. The review also queried the robustness of the methodology employed by Sharps Redmore.
- 7.28 A further submission from an objector was provided to officers on 05 October 2023. The submission sought to respond to the Advice Note provided by Sharps Redmore (dated 11 June 2023). The submission was inclusive of a Noise Impact Assessment Review, produced by Acoustic Consultants Ltd, dated 05/10/2023. The Noise Impact Assessment Review challenged the validity of the baseline noise levels provided within the Sharps Redmore Noise Assessment; and raised concern with respect to the proposed wording of conditions relating to plant machinery, as it referred to data provided within the M-Safe Technologies Ltd report (PA/22/00143).
- 7.29 The Noise Impact Review asserted that the background noise levels presented within the Sharps Redmore Noise Impact Assessment (current application) and the M-Safe Technologies Ltd. Assessment (PA/22/00143), were not representative of the local area. The measured background noise levels recorded by Acoustic Consultants Ltd are presented below.

Measurement Period	Measured Free-Field Noise Level, dB	
	L _{aeq,T*}	LA _{90,15m} (typical)
Daytime 0700-1800	56dB	47dB
Evening 1800-2300	53dB	46dB
Night 2300-0700	45dB	37dB

*logarithmic average

Table 2: Summary of Acoustic Consultants Ltd. background noise levels (17-18th August 2023)

- 7.30 The recordings provided by Acoustic Consultants Ltd were taken from equipment installed on a balcony on the 7th floor of Eaton House at 38 Westferry Circus, London E14 8RN which forms part of the Canary Riverside development. The equipment was installed on a tripod at a height of approximately 20m above the ground and approximately 1 metre from the façade of the building.
- 7.31 The Noise Impact Review produced by Acoustic Consultants Ltd suggested that the location selected by Sharps Redmore (and M-Safe Technologies Ltd) to record the background noise levels were inappropriate and likely contributed towards higher levels of noise being established.

Submission of Advice Note dated 17 August 2023

- 7.32 With consideration for the information provided in objection to the proposals, officers further consulted Environmental Health Noise and Vibration. Both parties agreed that it was necessary for the applicant team to respond to the concerns raised by members of the public, so as to enable the Local Planning Authority to properly consider whether the proposed development would present harm to the experienced amenities of local residents.
- 7.33 An Advice Note was submitted on 17 August 2023, which sought to rebut the assertions made within the review of the initial Sharps Redmore Noise Assessment undertaken by Acoustic Consultants Ltd, dated 19th April 2023.
- 7.34 The Local Planning Authority was subsequently informed that the objector wished to submit a formal response to the Advice Note, dated 11 June 2023. Officers informed the applicant team that they would assess any newly submitted information and further consult Environmental Health, in order to understand if/why there were any conflicting aspects to the information provided by both parties.

Further comments from Environmental Health

- 7.35 Environmental Health Noise and Vibration completed a comparative assessment of the Noise Impact Assessment and supplementary advice notes produced by Sharps Redmore, and the Noise Assessment Reviews which were produced by Acoustic Consultants Ltd.
- 7.36 Having regard for all of the information provided from both the applicant team and public consultation, Environmental Health Officers concluded that that there was a need for further

acoustic testing, to be carried out, in order robustly establish existing background noise levels from nearby noise sensitive receptors. Officers recognised that there were differences between the figures being reported by Sharps Redmore and Acoustic Consultants Ltd and needed to understand why. Environmental Health considered that the methodology employed by Acoustic Consultants Ltd, when carrying out acoustic recordings, was more robust, and thus there the onus was on the applicant team to carry out further assessment in the local area.

- 7.37 Environmental Health considered the assumed source term output of the proposed development, used by Sharps Redmore, to be a reasonable assumption. Furthermore, the volume assumed by the applicant team was similar to that which was presented by Acoustic Consultants Ltd.

Submission of Advice Note 3, plus noise recordings data

- 7.38 The applicant team submitted Advice Note 3 to the Local Planning Authority on 27 October 2023. It explained that further acoustic testing was carried out between 14-16th October 2023. The recordings were taken from a 5th floor flat balcony to the rear of the proposal and from a window on the 7th floor of the hotel to the rear of the site. The surveys were taken over a weekend and included recordings from Sunday night/Monday morning to provide robust assessment at noise sensitive receptors and establish typical and lowest background levels. The data collected has been provided and been assessed by Environmental Health. Below is a summary of the background noise levels recorded from 14th-16th October.

Site	Ambient LAEQ	Ambient LAEQ	LA90 Typical	LA90 Typical	LA90 Lowest	LA90 Lowest
	Day	Night	Day	Night	Day	Night
7 th floor hotel	55dB	49dB	49dB	45dB	44dB	42dB
5 th floor hotel	56dB	51dB	50dB	45dB	46dB	43dB

Table 2: Summary of Sharps Redmore background noise levels (14-16th October 2023)

- 7.39 Environmental Health consider the background noise levels recorded by Sharps Redmore between 14-16th October to be representative of the local area. The measurement results are considered to show no substantial difference when compared with the results provided by Acoustic Consultants Ltd.

Environmental Health have therefore affirmed their opinion that the data provided within the most recent Sharps Redmore Advice Note is sound and reasonable. They have assessed the figures provided against the data provided in objection to the proposals and are satisfied that the figures are indeed representative of the application site.

- 7.40 Environmental Health are satisfied that the assumed source term of 66dB/m2, is accurate and reasonable. The source data is provided within SoundPlan software for the use of a 300 person beer garden. The proposed rooftop terrace is not considered likely to elicit the same behaviours as a beer garden, and thus is unlikely to generate the same level of sound. Furthermore, it should be noted that officers propose to apply condition to limit the number of patrons accessing the roof

terrace at any one time, which would further minimise the volume of sound generated from use of the terrace.

- 7.41 Sharps Redmore have utilised SoundPlan to model predicted noise levels associated with the proposals. SoundPlan is a commonly used three dimensional (3D) environmental noise modelling software in industry. Its prediction methodology follows recognised standards such as ISO 9613-2 and British Standard 5228-1. It can take into account the effect of sound propagation by inputting parameters such as source terms, locations and dimensions of building structures near the concerned area, topography, and other physical elements (amongst other things also).
- 7.42 SoundPlan modelling has been used to assess the effectiveness of the proposed noise barrier. The proposed acoustic screening is most effective in mitigating against noise and vibration under or near the shadow zone. Its effect diminishes when extending beyond the shadow zone. The acoustic screening is therefore less effective for residential units positioned higher than the proposed development.
- 7.43 The max predicted noise (Max Leq) experienced from 1m away from a noise sensitive receptor is 44.3db. This would be experienced by residential properties situated within the upper levels of nearby buildings. This figure is approximately 9.8dB, below the ambient noise level during the evening time (20:00-22:00hr); and is >4dB lower than the LA90 typical background noise level.
- 7.44 Overall, the proposals are not considered by Environmental Health Officers, to present significant harm to local residents, by way of increased levels of noise and vibration, or noise sensitive receptors. The proposals would likely increase the overall dBA noise level by 0.4dBA, which is regarded as being acceptable by officers.
- 7.45 To ensure that noise impacts are minimised and mitigated against, Officers propose to impose a number of suitable conditions. Officers will apply condition to limit the hours use for the roof terrace and prohibiting any use of the terrace between the hours of 22:00 pm– 08:00am. A condition will also be applied to ensure that the terrace is closed to customers from 21:00, to allow a 1 hour period for staff to clear the roof terrace after service. The proposed condition will also ensure that it will limit low frequency noise in the 63hz and 125hz octave bands assessed at 1 m outside a window to a habitable room, so that it shows no increase.
- 7.46 Furthermore, a condition to limit the number of patrons using the roof terrace at any one time to 100 people is proposed. Condition will be applied to limit noise including music and/or other amplified sound (LAeq, 5mins) so that it shall not exceed 44dB(a) when assessed 1 metre outside a window to a habitable room in the nearest affected residential property. Additionally, officers propose to apply conditions relating to noise from plant, as well as to secure detail of a management plan, prior to occupation of the terrace, to ensure that appropriate measures have are put in place to ensure that the development will comply with policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan (2020) and Policy D14 of the London Plan (2021).
- 7.47 A further condition will be applied prohibiting use of the terrace until a post verification report (which will require the inclusion of acoustic tests results) and details and specification of the acoustic screening has been submitted to and approved by the Local Planning Authority. To produce the verification report, an array of speakers to simulate noise emission with appropriate source input can be used. This will ensure that the development is built out in compliance with the noise criteria established and also ensure that the glass balustrade, acting as an acoustic barrier has a surface density of at least 10kg/m², and is without gaps, to prevent noise from being amplified into the local setting.

- 7.48 The conditions proposed by Environmental Health Noise and Vibration Officers have been accepted by the applicant and will mitigate against undue noise nuisance arising from the proposal, throughout the lifetime of the development (inclusive of the construction phase). The proposals are therefore considered by Officers to be compliant with policy D.ES9 and D.DH8 of the Tower Hamlets Local Plan (2020).
- 7.49 Concerns have also been expressed around security and public access to the site. Officers understand that whilst the restaurant used to be accessed via the gardens, this access was moved several years ago. The restaurant would now be accessed via the main entrance, which is accessible from the Thames Path. Furthermore, the gardens are understood by Officers to be gated and accessible via fob keys. The proposals would not alter this, and thus is not considered likely to pose a heightened security risk to local residents.

Transport and Waste Management

- 7.50 The application site has a PTAL rating of 5, meaning that public transport accessibility of the site is moderate to good. The application site, as existing provides x5 cycle stands at lower basement level.
- 7.51 Given the intensification of the restaurant use, the development proposes to make the provision for an additional 6 short stay cycle parking spaces (3 Sheffield stands) and 4 long stay spaces (located within a secure locker). The proposed uplift is compliant with policies S.TR1 and D.TR3 of the Tower Hamlets Local Plan (2020), which seek to promote the uptake of green and active travel within the borough and reduce reliance upon carbon reliant travel patterns.
- 7.52 The Restaurant Use floors of levels 3 and 4 currently share waste arrangements with the gym which occupies the lower levels of the host building. It is proposed that waste management continues to operate as existing, whereby bins are brought from the refuse areas of the lower basement, to designated loading bays, which are emptied by a private refuse collector. The proposals do however seek to increase waste capacity from 2 x 1100L bins to 6 x 1100L bins, to accommodate the increase in the capacity in the restaurant. Additionally, it should be noted that refuse will be collected on a daily basis.
- 7.53 The Council's Waste Management Officer has confirmed that the proposed waste management strategy is appropriate and would not compromise local amenity as a result of excess waste. The proposals are thus considered to be compliant with policy D.MW3 of the Tower Hamlets Local Plan (2020).
- 7.54 Although officers consider the proposals to be acceptable in nature, a condition to secure detail of a thorough waste management strategy for the proposals should be secured. This is to ensure that the development is in accordance with policy D.MW3 of the Local Plan (2020)

Environment

Air Quality

- 7.55 Policy D.ES2 of the Local Plan (2020) states that development s required to meet exceed the 'air quality neutral' standard, including promoting the use of low or zero emission transport and reducing the reliance on private motor vehicles.
- 7.56 The application seeks to introduce plant work to the rooftop of the host building. Officers have consulted LBTH Environmental Health Air Quality Officers in respect to the plans, who have raised

no objections to the proposals. The proposal is therefore considered to be compliant with policy D.ES2 of the Tower Hamlets Local Plan (2020).

Human Rights and Equalities

7.57 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.

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

Conclusion

7.59 The application is considered by Officers to be compliant with the policies of the development plan. The information submitted in support of the proposals is considered to have robustly demonstrated the proposed development would not unduly impact upon the experienced amenities of local residents as a result of noise disturbances or overlooking and loss of privacy. Furthermore, the design and general management strategy is considered to be acceptable. Officers therefore recommend the application for approval.

8. RECOMMENDATION

8.1 That planning permission is GRANTED subject to the application of the following planning conditions.

8.2 Planning Conditions

Compliance

1. 3 Years Deadline for Commencement of Development.
2. Development in Accordance with Approved Plans.
3. Restrictions on Demolition and Construction Activities:
 - a. All works in accordance with Tower Hamlets Code of Construction Practice
 - b. Standard hours of construction and demolition
 - c. Air quality standards for construction machinery
 - d. Ground-borne vibration limits
 - e. Noise pollution limits.
4. Noise from Plant
 - a. Any mechanical plant and equipment within the development shall be designed and maintained for the lifetime of the development so that the rating level of noise does not exceed 40 dB (LA90, 15min) with the plant in operation as measured one metre from the nearest affected window of a habitable room in the nearest affected residential property. The rating level of the plant noise and the background noise level shall be determined using the methods from the version of BS 4142 current at the time of the granting planning. Vibration from the plant hereby approved (when assessed as per advice of the version of BS 6472 current at the time granting of the planning permission) in the centre of any habitable room shall cause vibration no higher than the values equivalent to “low probability of adverse comment” in accordance with BS6472 ‘Evaluation of Human Exposure to Vibration in Buildings’

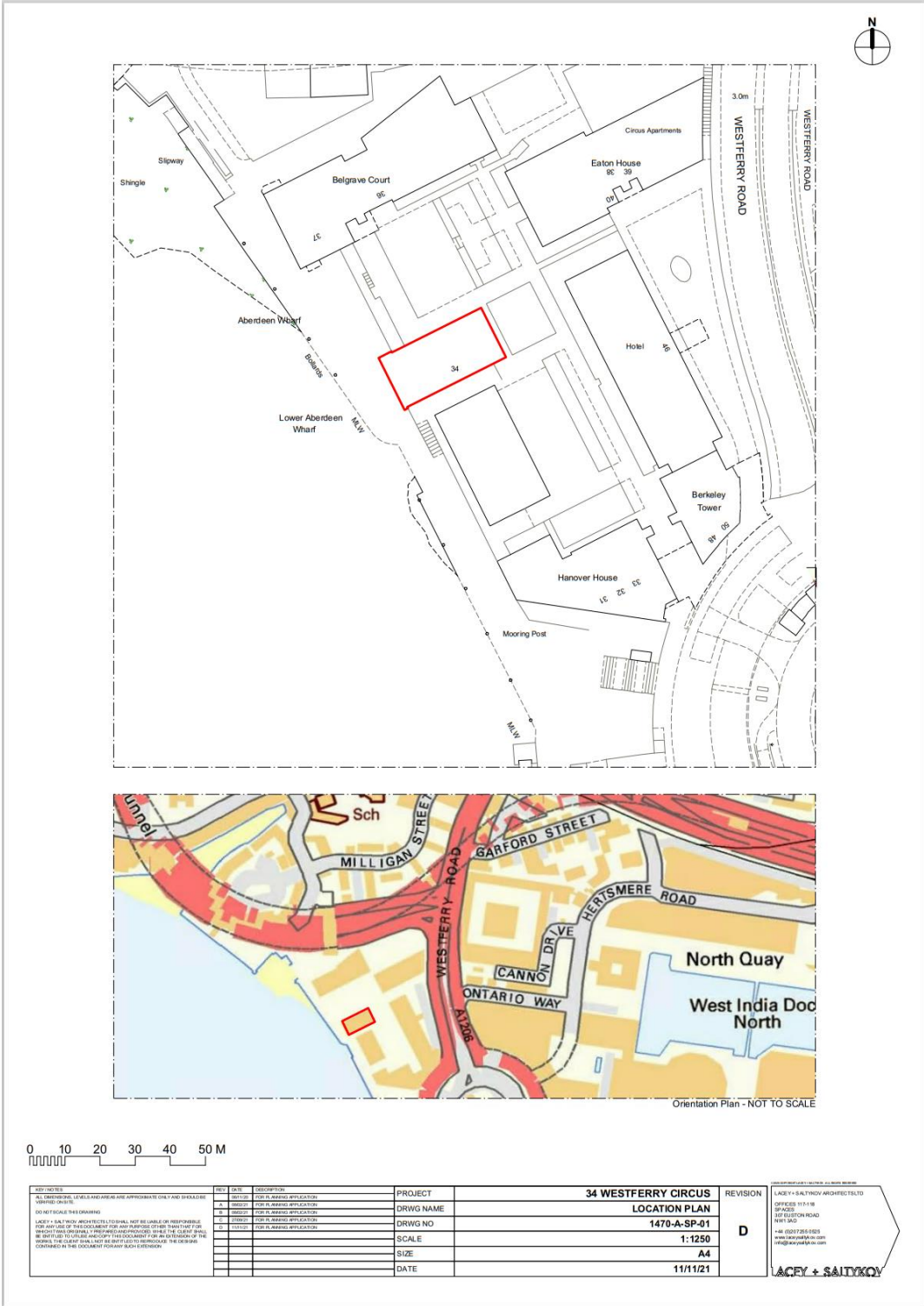
- b. No mechanical plant or equipment shall be operated within the site until a post installation verification report, including acoustic tests has been submitted to and approved in writing by the local planning authority.
5. Hours of Operation of roof terrace
 - a. No operation between 22:00 – 08:00 hours
 - b. Closed to customers after 21:00 hours
 - c. Limitations to noise that can be produced during hours of operation.
6. Acoustic Glazed Screen shall have no gaps or opening, and the surfacing density must be at least 10kg/m²

Pre-Occupation

7. Materials (Including full details of acoustic performance of glazed screen)
8. Lighting Strategy (lighting equipment, luminosity, and on/off times)
9. Cycle Parking (full details of cycle parking and lifetime upkeep of parking arrangements)
10. Refuse storage (full details of refuse storage areas)
11. Post verification report (details to be submitted including acoustic tests)
12. Management Plan

Appendix Plans and Elevations

Figure 1 – Location Plan



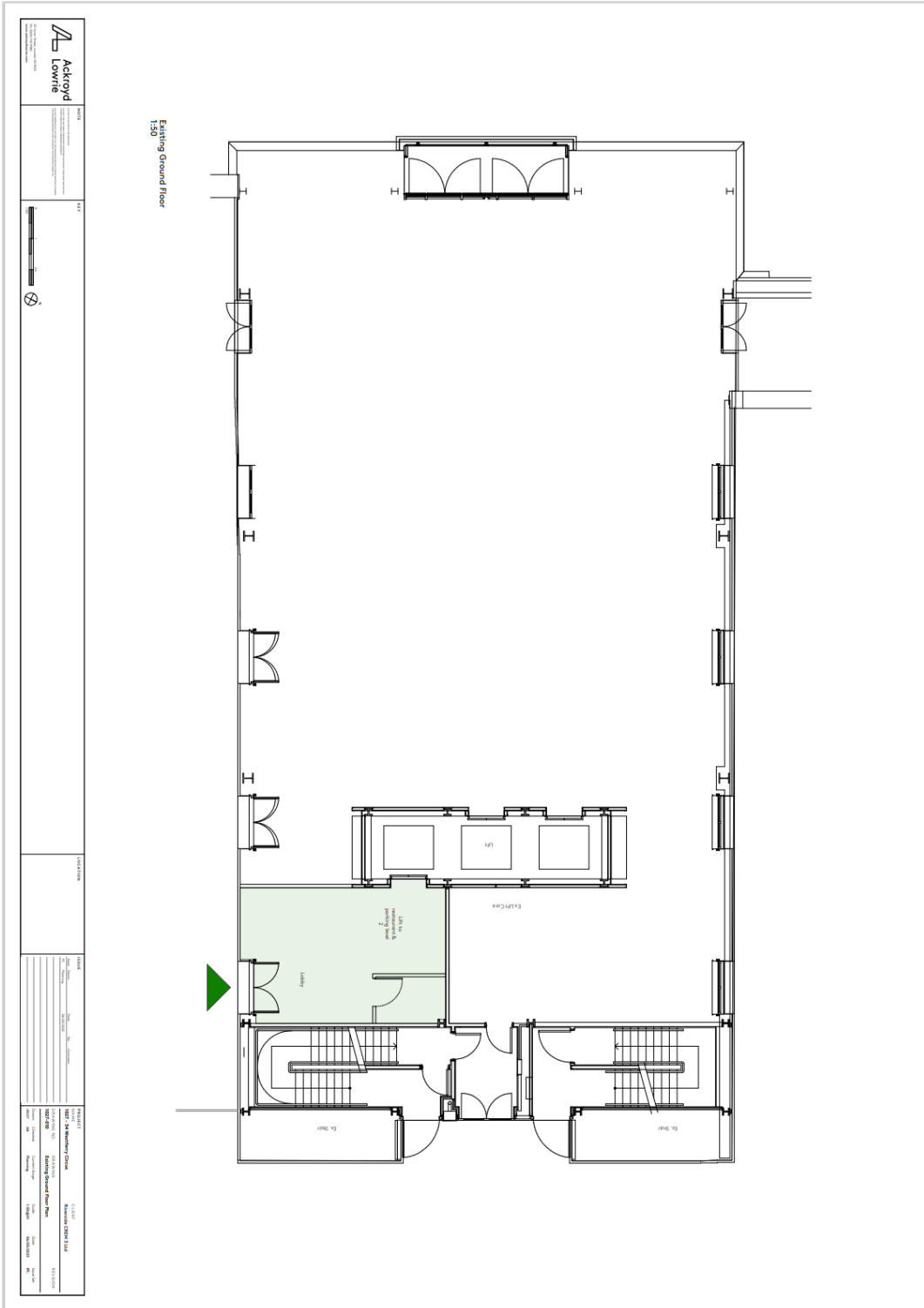


Figure 3 – Existing lower basement plan

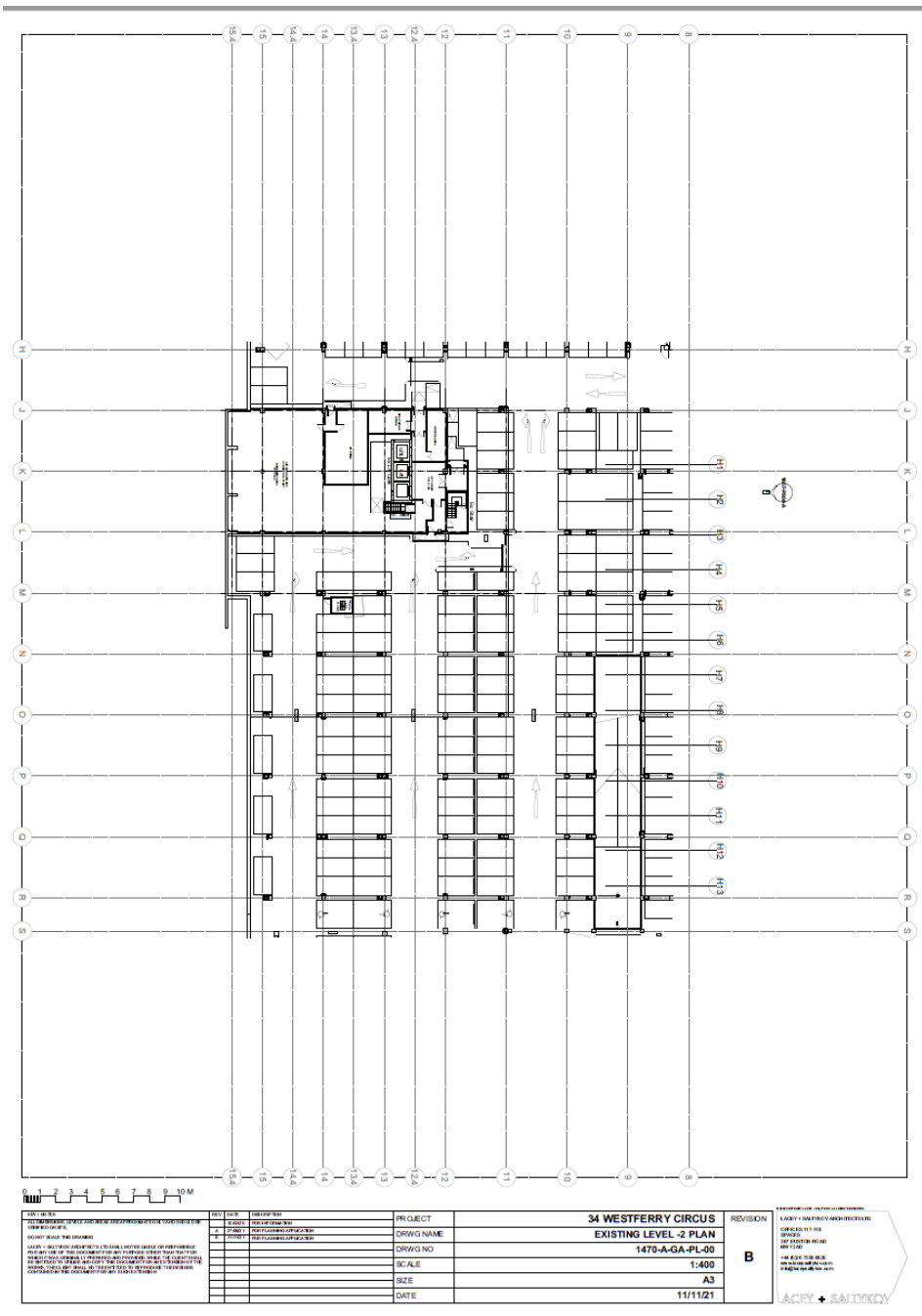


Figure 4 - existing basement plan highlighting bin store

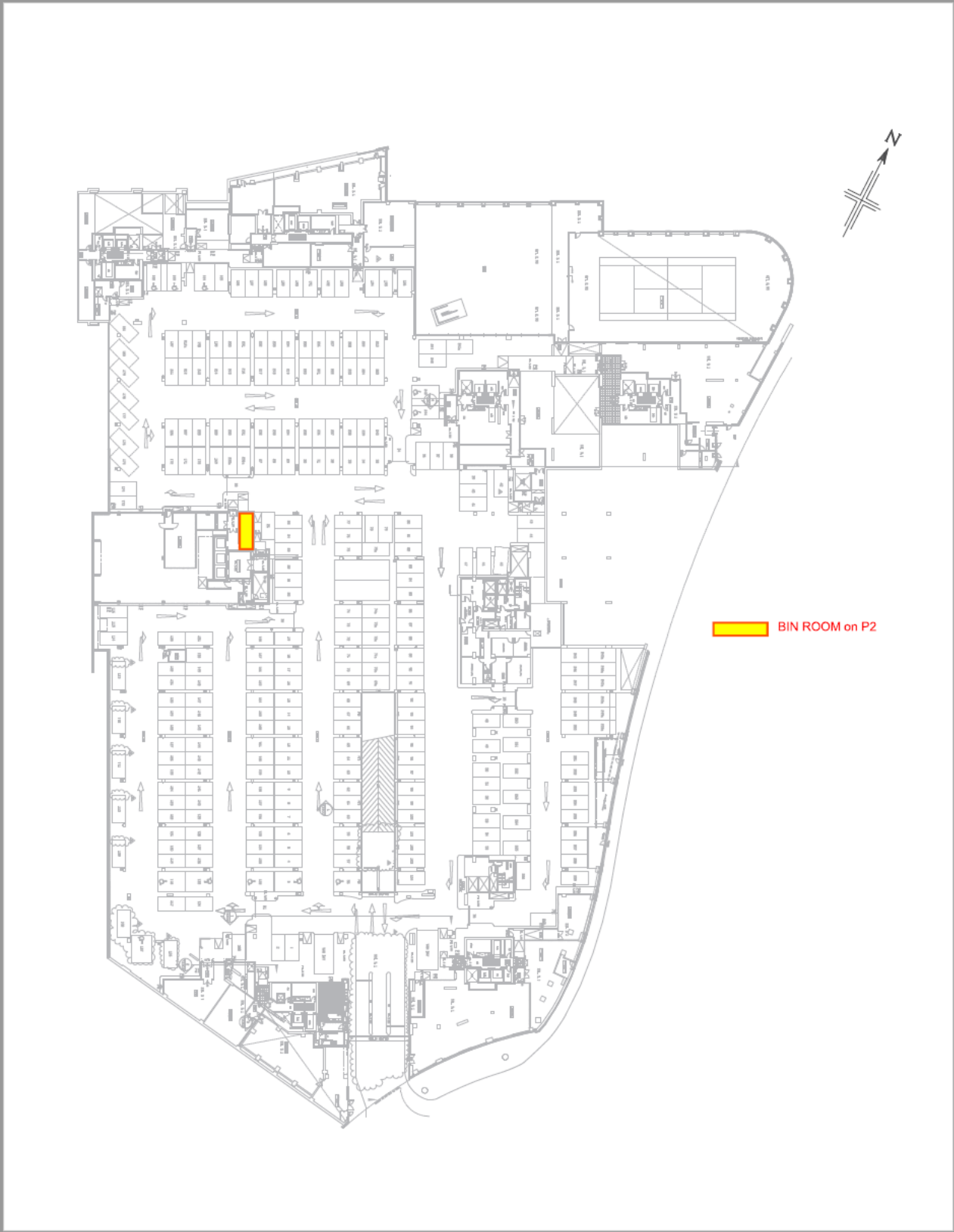


Figure 5 – Existing fourth floor plans

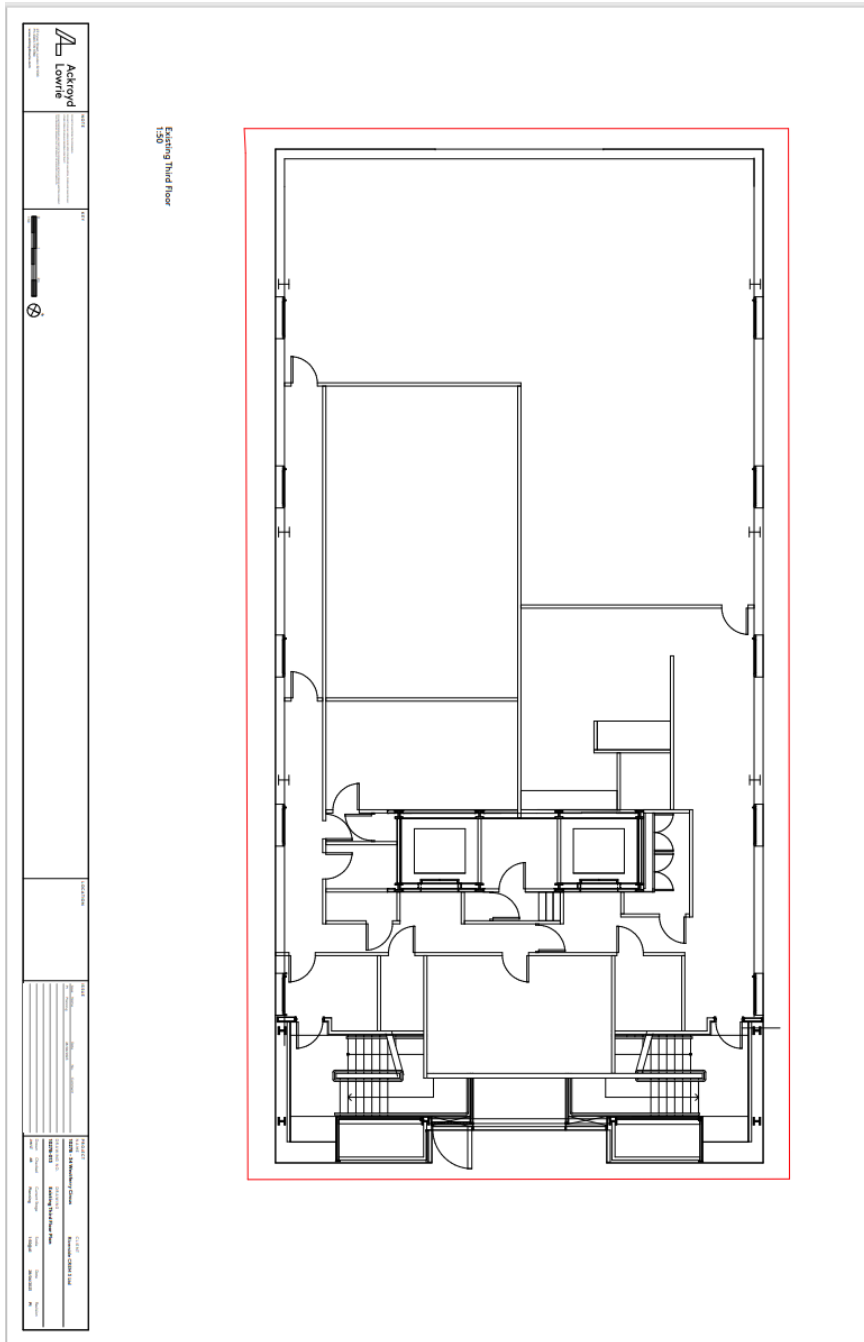


Figure 6 – Existing fourth floor plans

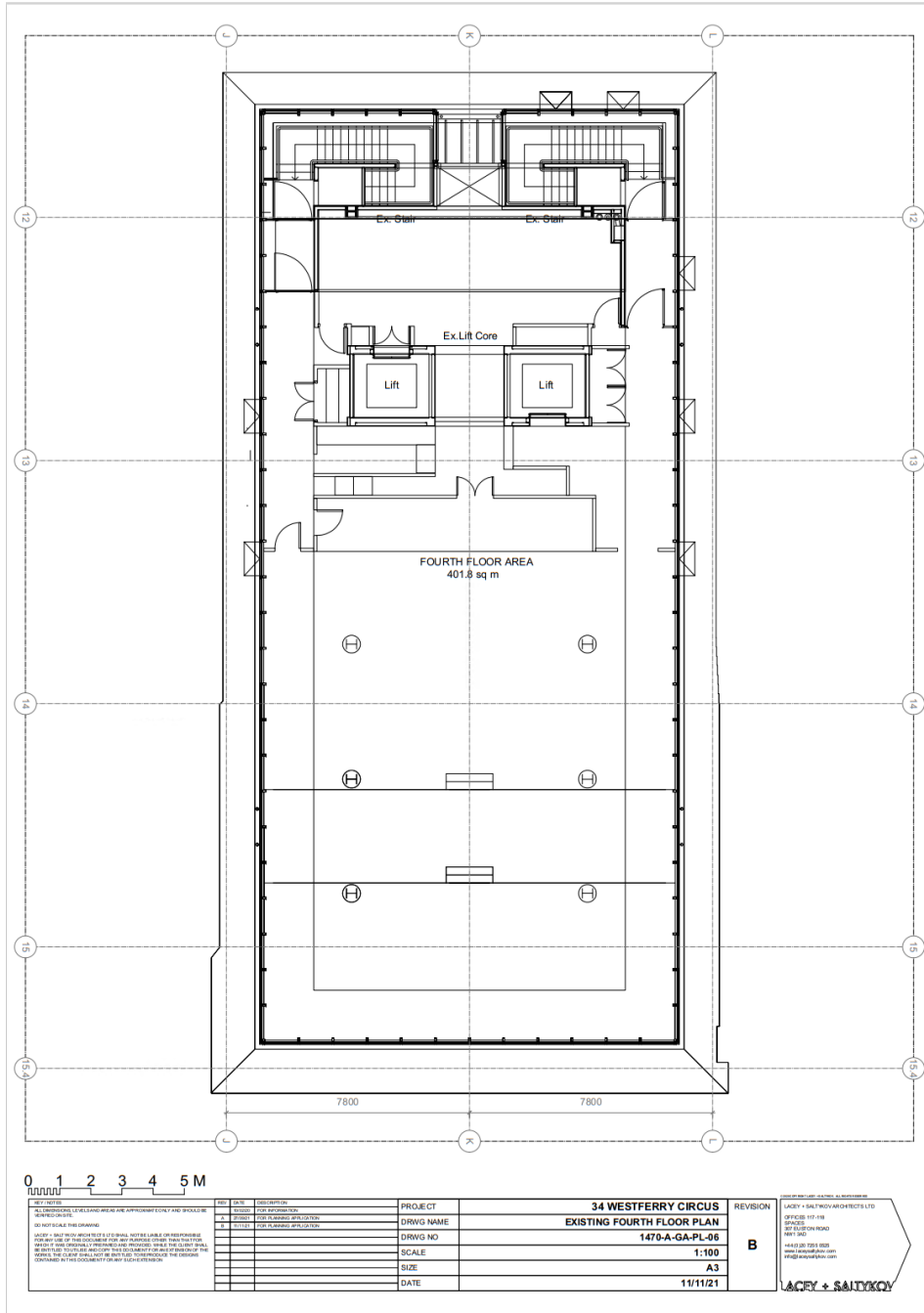


Figure 7 – Existing roof plans

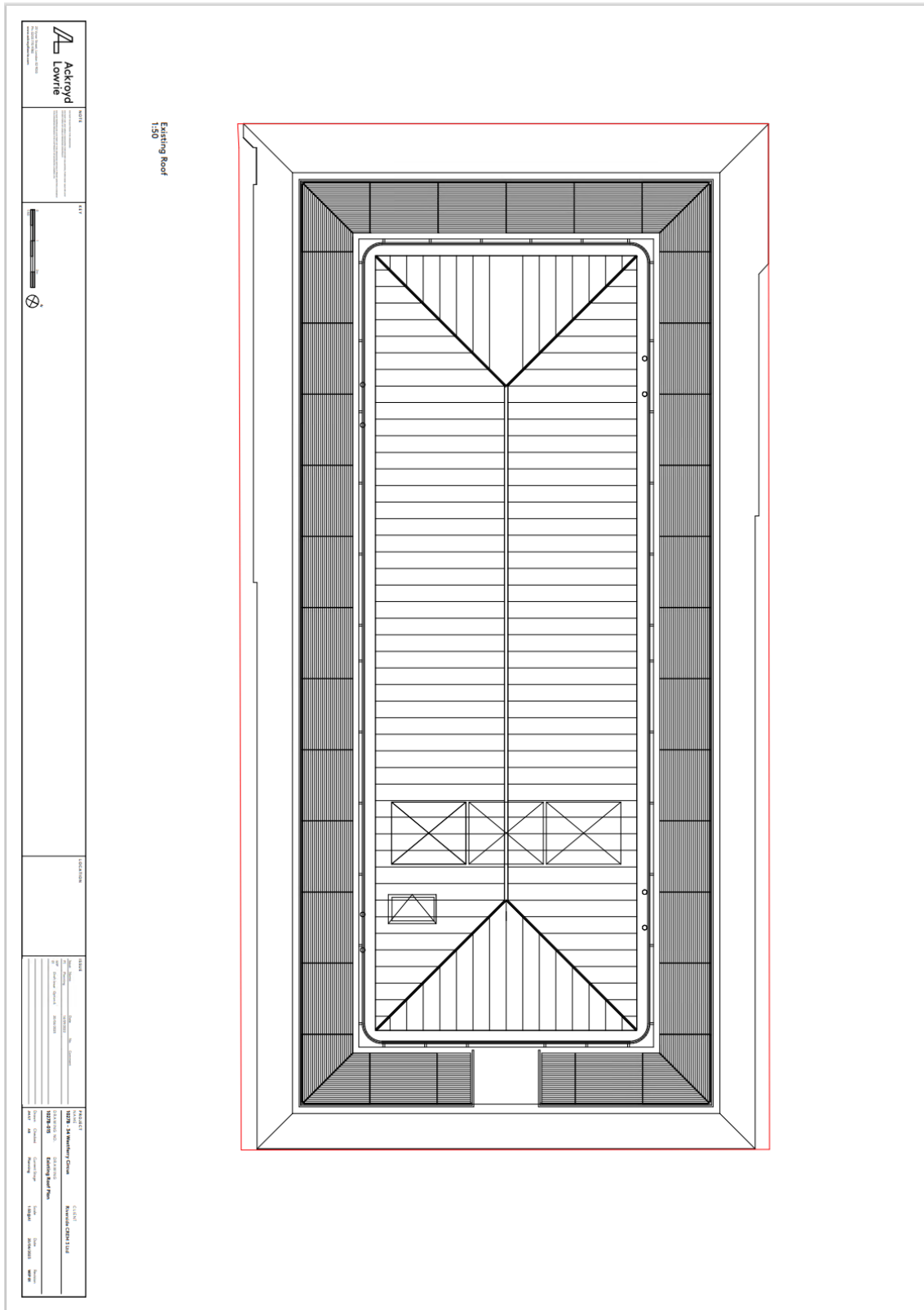


Figure 8 – Existing elevations 1

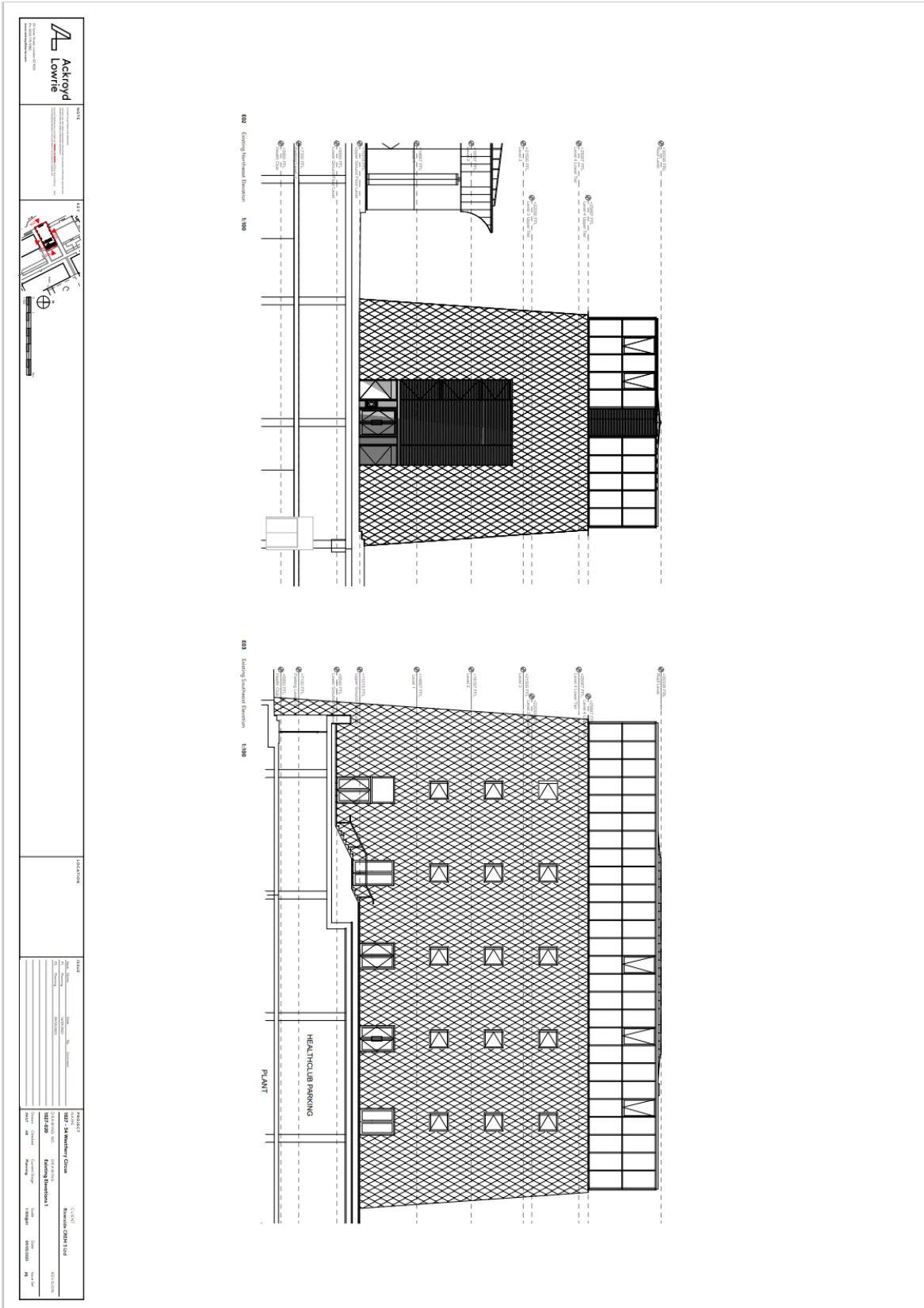


Figure 9 – Existing elevations 2

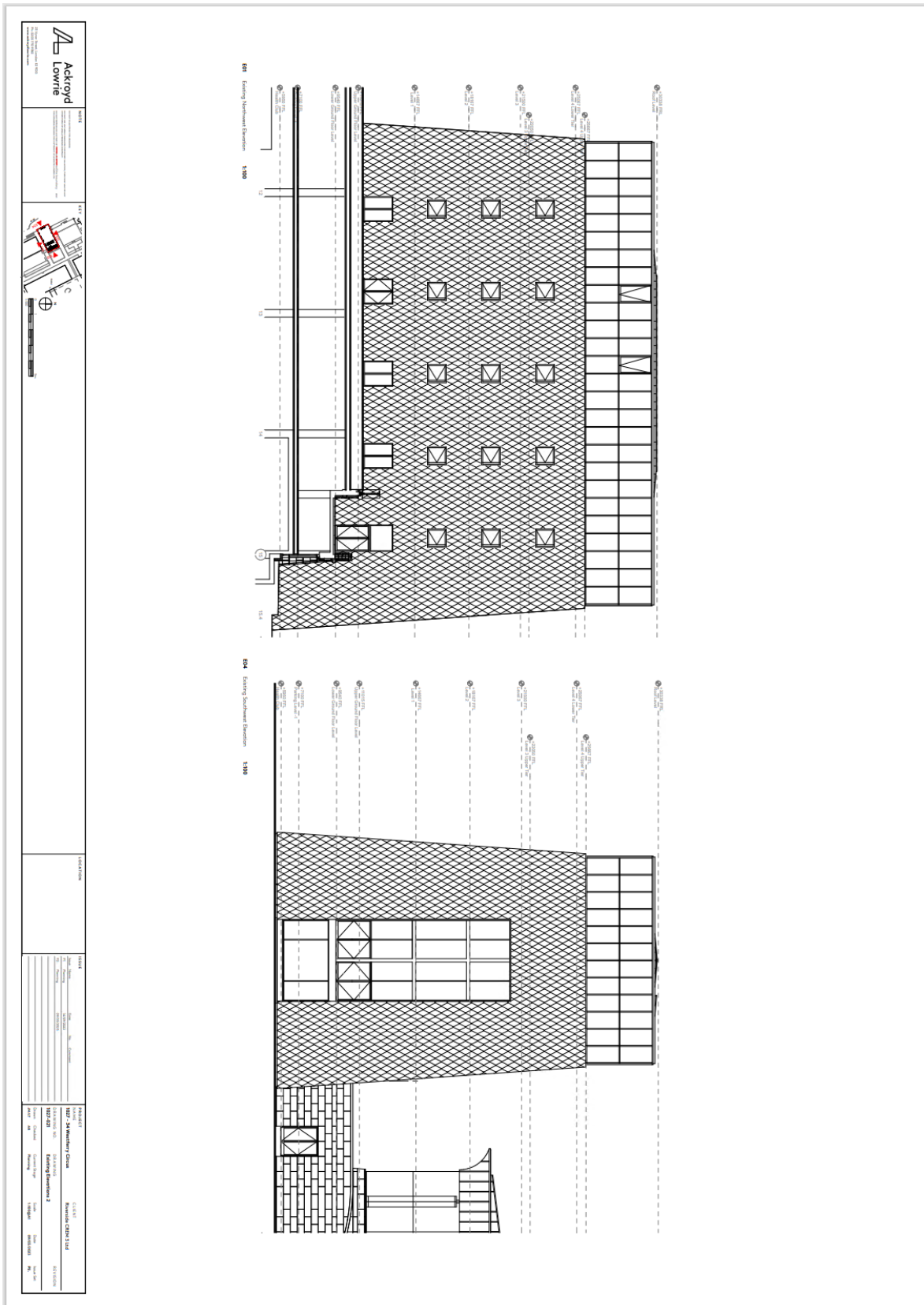


Figure 10 – Proposed lower basement level

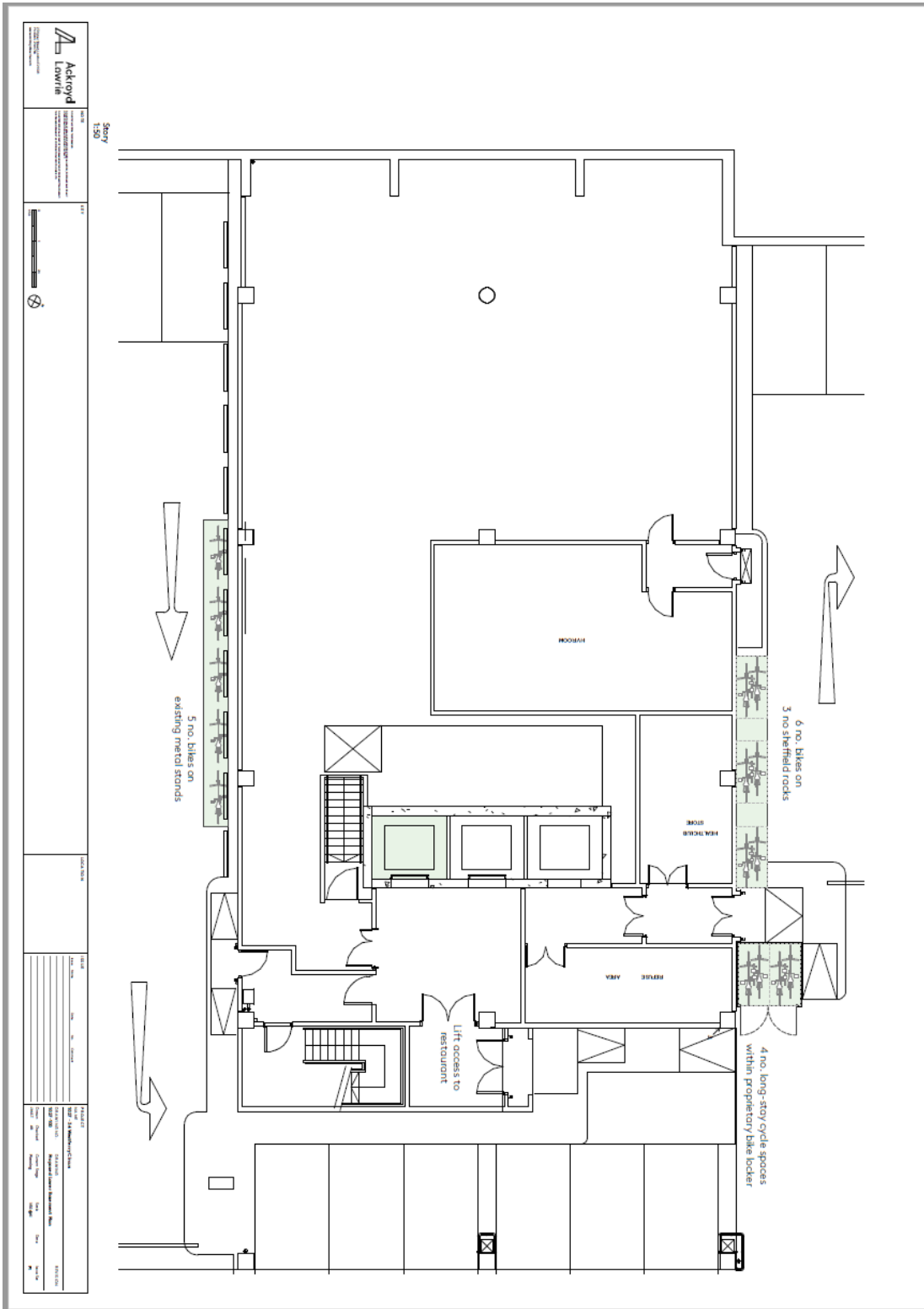


Figure 11 – Proposed third floor plans

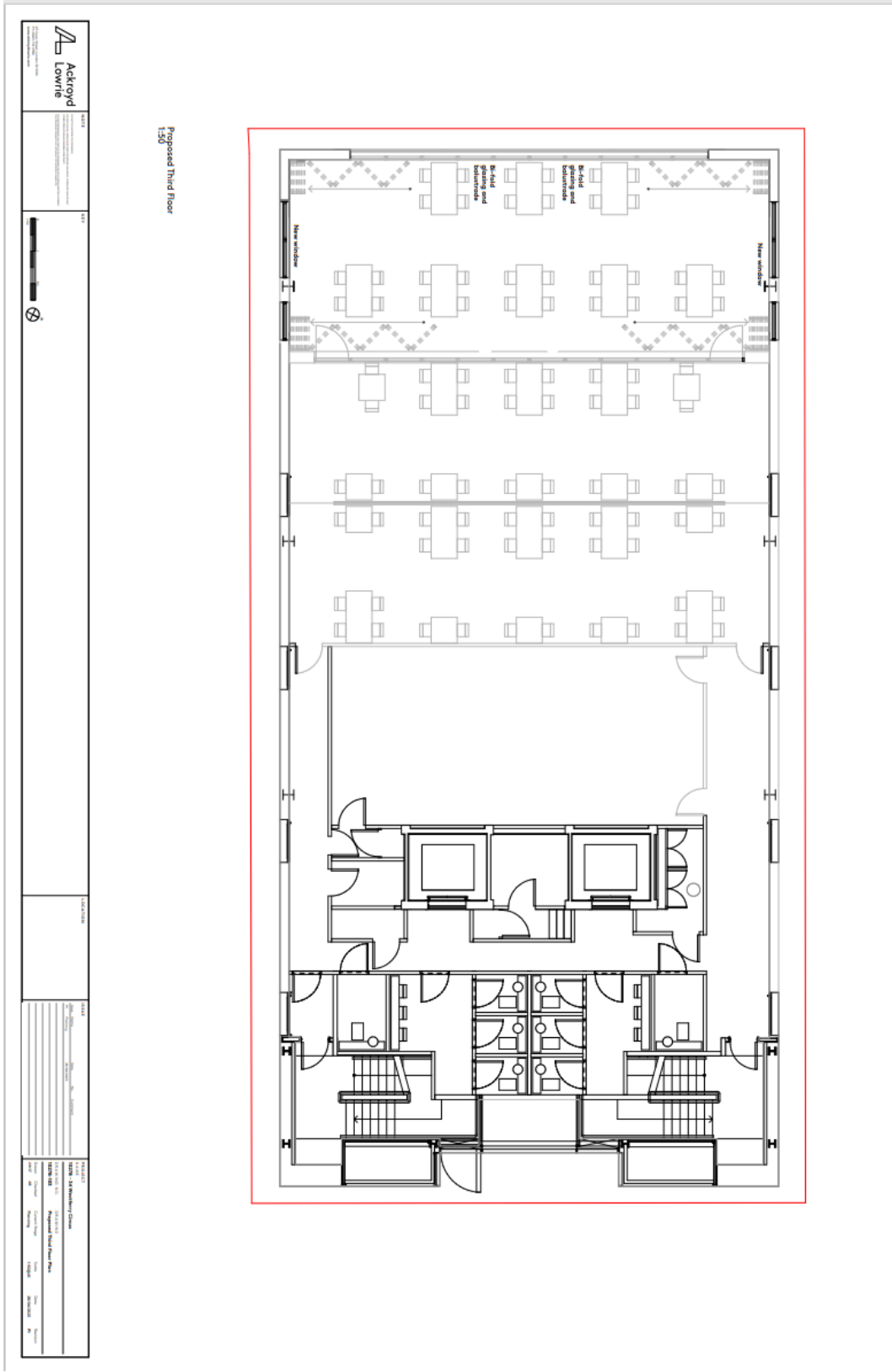


Figure 12 – Proposed fourth floor plans

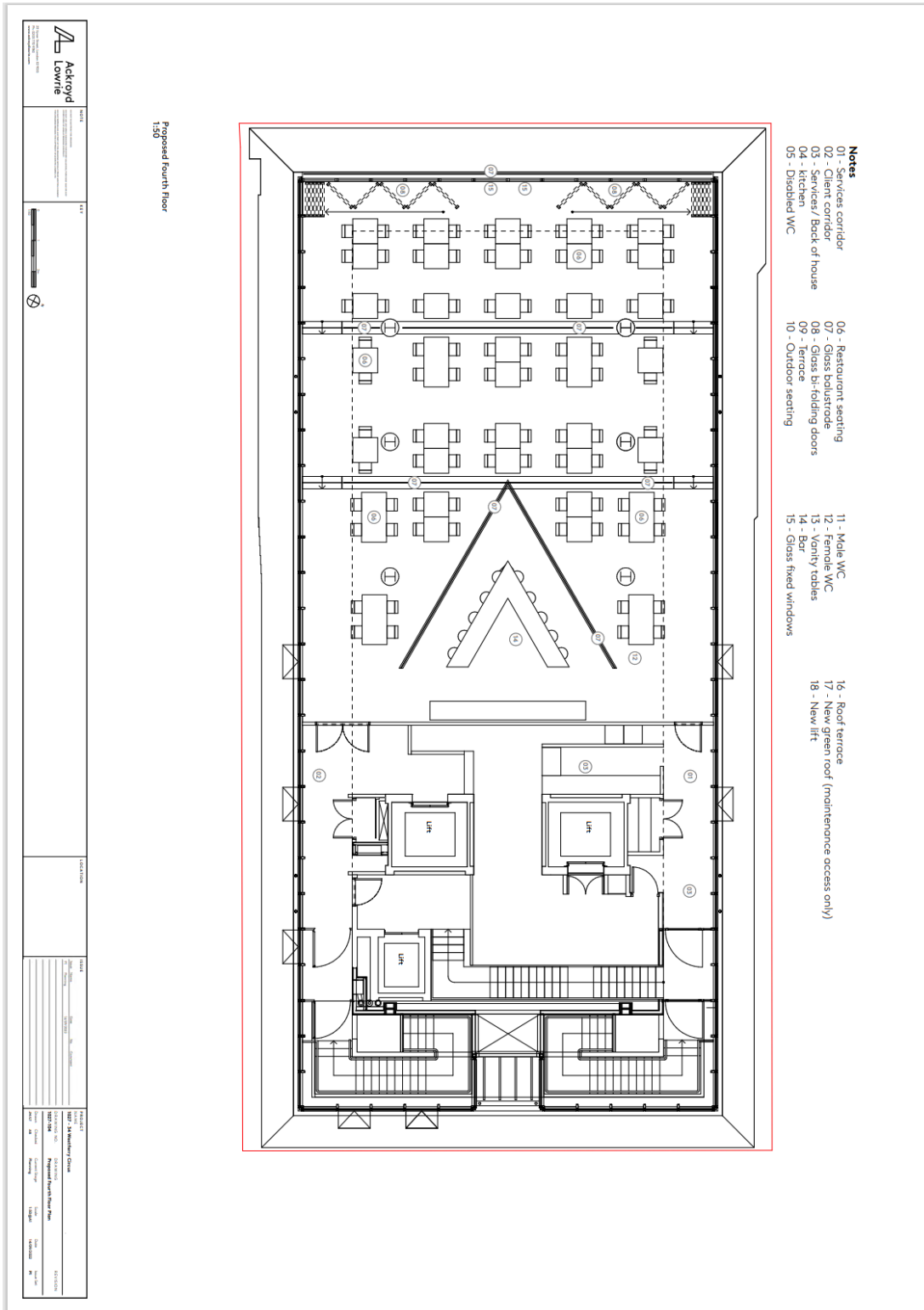


Figure 13 – Proposed roof terrace plan

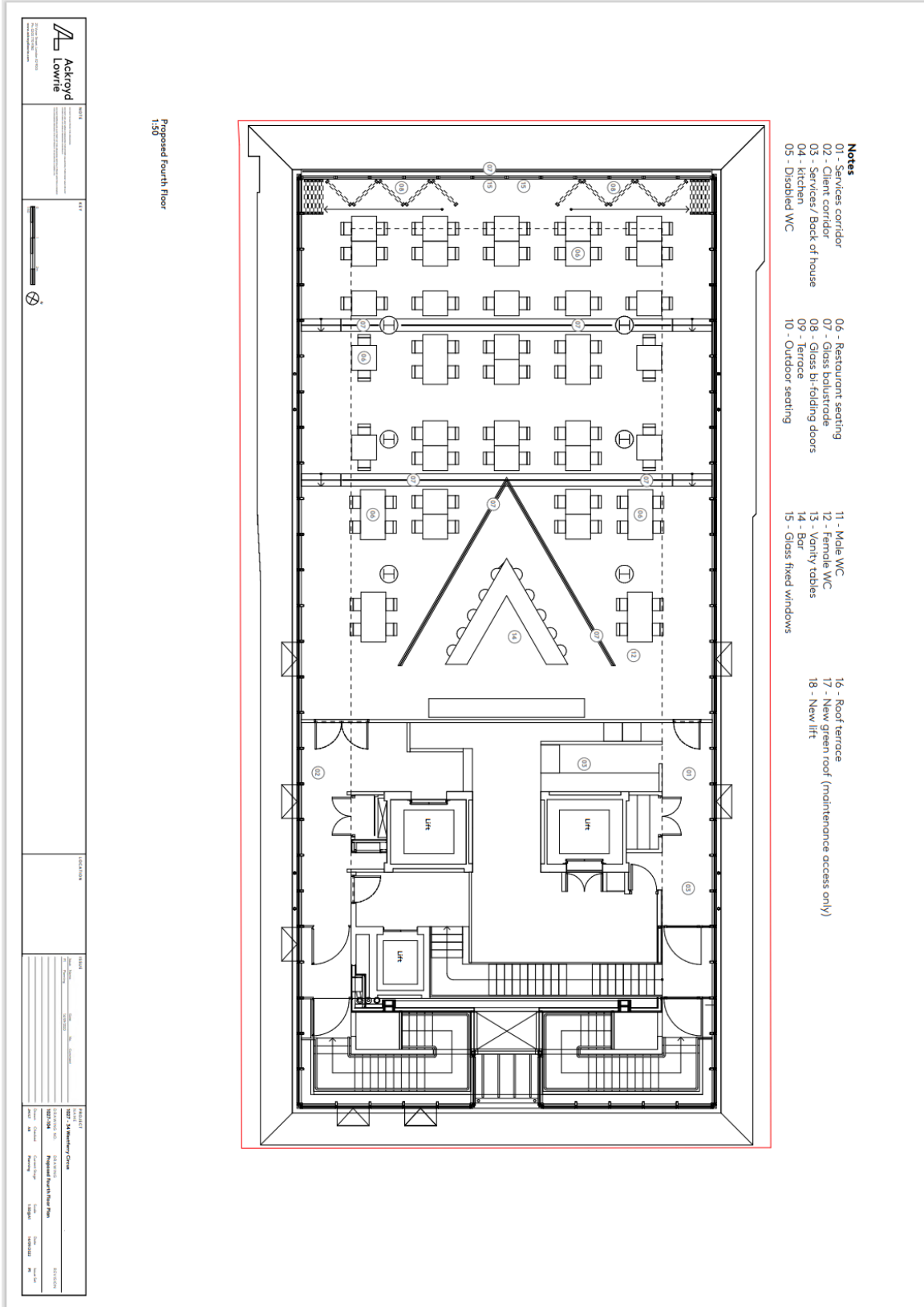


Figure 14 – Proposed elevations 1

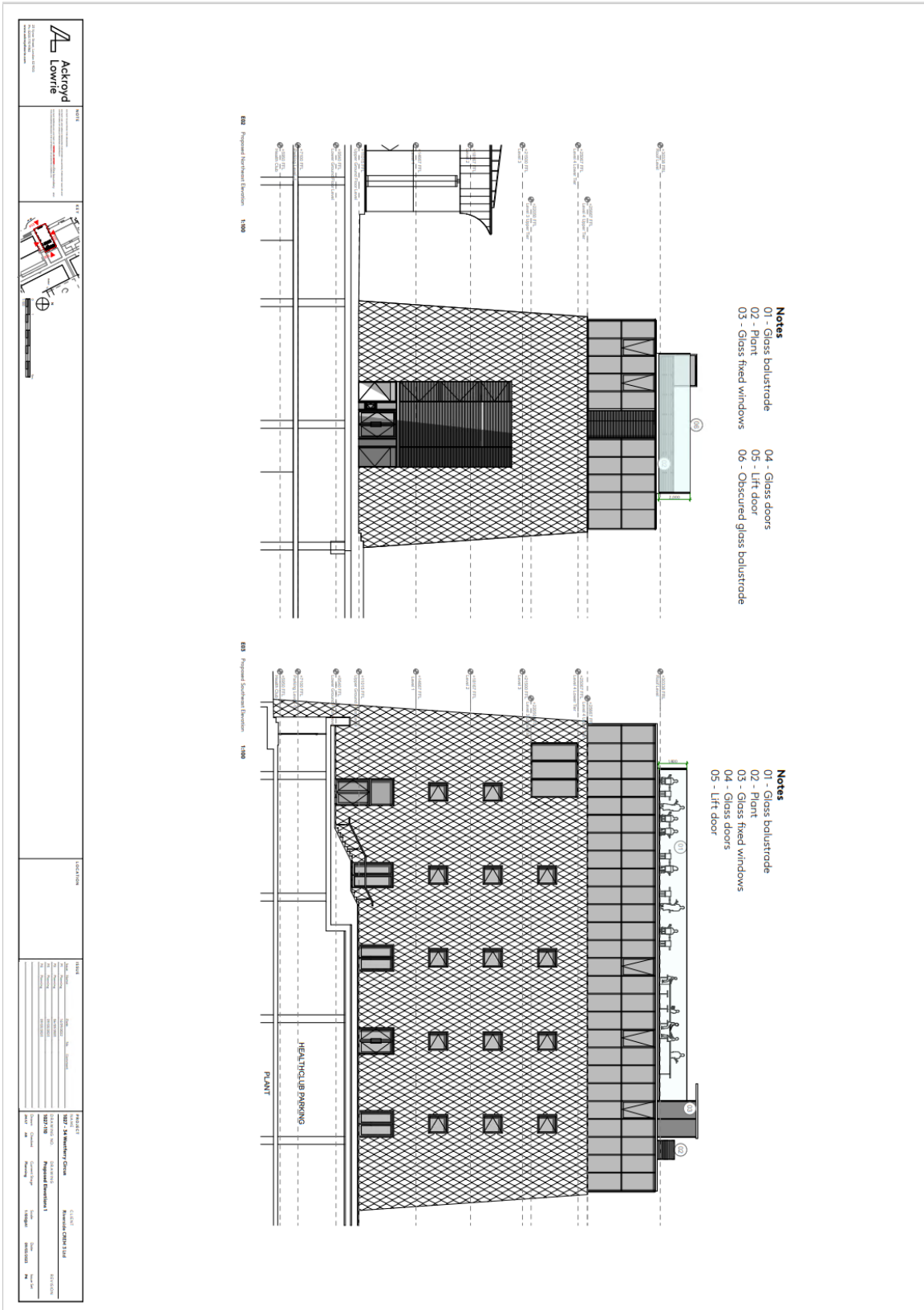
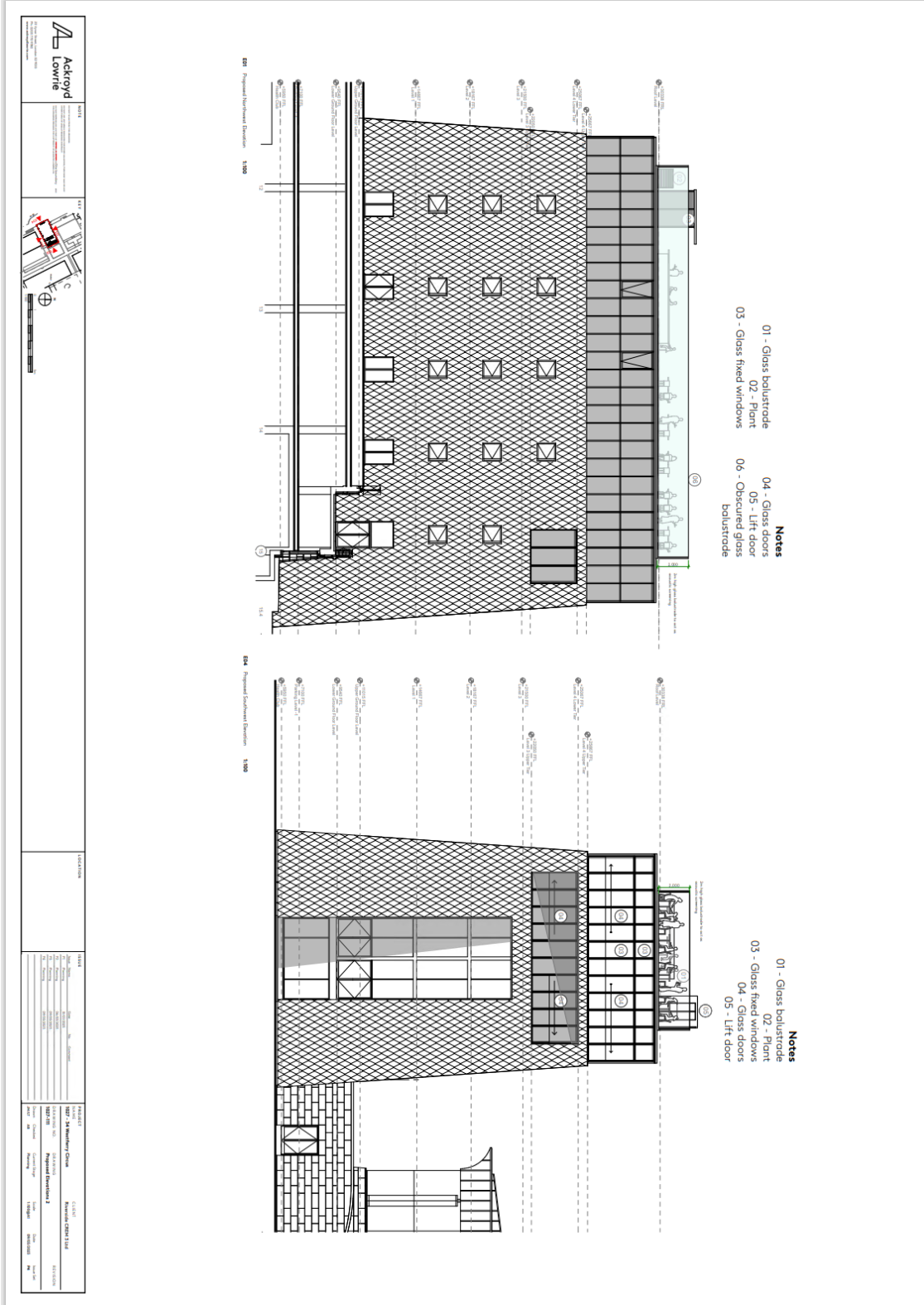


Figure 15 – Proposed elevations 2



Drawings):

1470-A-SP-01 (Revision D)
Basement plan highlighting bin room
LOADING BAY on P1
1027-010 P1
1027-020 P3
1027-021 P2
1027B-0113 P1
1470-A-GA-PL-06B
1027B-015 REV WIP 01
1027-100 P1
1027B-103 P1
1027-104 P1
1-27-105 P2
1027-110 P4
1047-111 P4

(Other supporting documents):

Cover Letter, dated 10 March 2023
Environmental noise Assessment of a Proposed Roof Terrace Bar and Restaurant (Project No 2221519), dated 30th November 2022, produced by Sharps Redmore
Advice Note (Project No 2221519), dated 11th June 2023, produced by Sharps Redmore
Advice Note (Project No 2221519), dated 17th August 2023, produced by Sharps Redmore
Advice Note 3 (Project No 2221519), dated 27th October 2023, produced by Sharps Redmore
Sharps Redmore Acoustic Receptor Results
Email correspondence from Hybrid Planning, regarding waste management, dated 20 July 2023.



DEVELOPMENT COMMITTEE

30th Nov 2023

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/22/01979
Site	Site at Northeast of Atlantic Court, Jamestown Way, London
Ward	Blackwall and Cubitt Town
Proposal	Demolition of the existing building and redevelopment of the site to provide commercial space (Class E) and residential accommodation (Class C3) with associated infrastructure and works, including reconfiguration and upgrades to the adjoining public garden.
Summary Recommendation	Grant Planning Permission subject to conditions and planning obligations.
Applicant	City and Suburban Ltd.
Architect/agent	Savills
Case Officer	Kevin Crilly
Key dates	Application Validated 10/10/2022 First Public consultation on 13/10/2022 Second Public consultation on 29/03/2023

EXECUTIVE SUMMARY

The application seeks planning permission to the demolition of the existing Rotunda building and the redevelopment of the site to create 9 residential units alongside the re-provision of landscaping and greenspace. The building would be 6 storeys in height with a 100sqm commercial/ community space at ground floor.

The development would provide a good standard of living accommodation, in terms of minimum floor space and floor to ceiling heights, outlook, aspect, access to natural light and private outdoor amenity space.

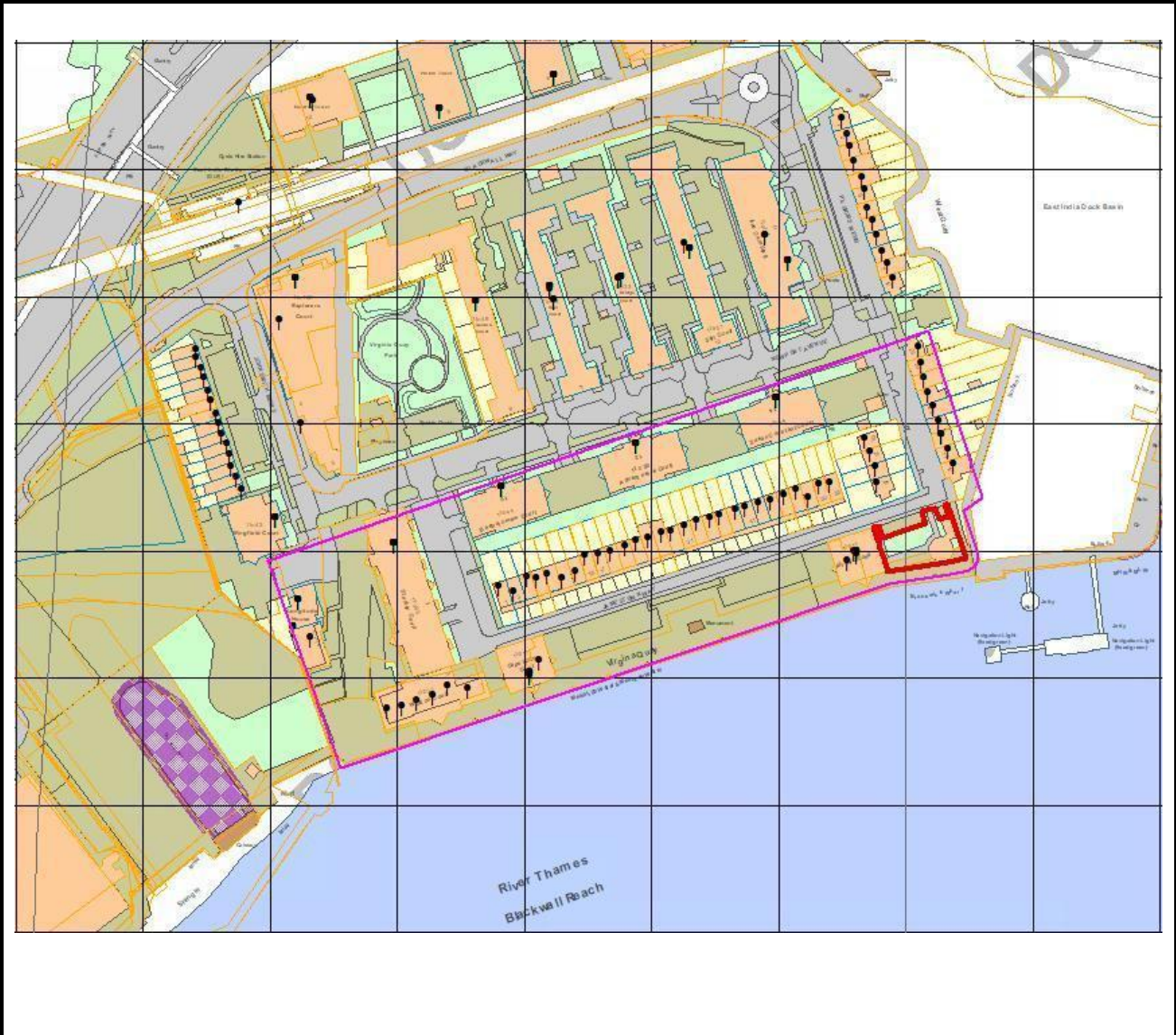
The Proposed Development would be 'car free' in accordance with local and strategic planning policy with no general car parking proposed. The development would provide improved pedestrian connections across the site and deliver enhancements to the public realm. Whilst there would be a reduction in the quantum of open space on the site, the space has been redesigned to improve access and increase the amount of greenspace within the site. Improved pedestrian access and the removal of the boundary wall to the existing ramp, which acts as a significant visual barrier between the open space and the Thames path, would result in a better-quality space which was more open and accessible.

In terms of energy efficiency and climate change the development has been designed to minimise carbon dioxide emissions on site, with an additional carbon offsetting payment that would be secured as a planning obligation.








The proposal would result in some minor impacts upon neighbouring residents from a daylight and sunlight perspective. In terms of privacy the proposed building is reasonably distant from existing buildings and has been designed with consideration towards neighbouring residents. Officers are satisfied that the scale and massing of the built form has been designed to minimise such impacts.

Overall, the proposal is considered to be well designed and generally complies with relevant development plan policies. It is on this basis that the grant of planning permission, subject to conditions and obligations is recommended.

SITE PLAN



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<ul style="list-style-type: none">  Planning Application Site Boundary  Other Planning Applications  Consultation Area  Land Parcel Address Point  Locally Listed Buildings  Statutory Listed Buildings 	<p>Planning Applications Site Map PA/22/01979</p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	 <p>TOWER HAMLETS London Borough of Tower Hamlets</p>
	<p>Scale: 50m grid squares</p>	<p>Date: 22 November 2023</p>

1 SITE AND SURROUNDINGS

1.1 The application site consists of a single storey building with a pitched cylindrical roof known as the Rotunda building and surrounding landscaping located to the south of Jamestown Way

and to the north of the Thames path. The Rotunda building was built as a sales suite for the original wider Virginia Quay development and measures 108 sqm. The site includes a landscaped open space to the west of the Rotunda building. The landscaped space is designated as open space in the local plan, measuring 321 sqm.

- 1.2 To the north of the site lies the residential street at Jamestown Way and to the east is the East India Dock Basin Nature Reserve which is a Site of Importance for Nature Conservation (SINC). To the west is a five storey 'Atlantic Court' apartment building and to the south is the Thames Path, and beyond this the river Thames.
- 1.3 The site does not lie within a conservation area and there are no listed or locally listed building in the immediate vicinity. The site is within Isle of Dogs and South Poplar Opportunity Area, an Archaeological Priority Area and is within flood zone 3. The site is 400 metres from the East India Dock DLR station and has a PTAL rating of 2.

2. PROPOSAL

- 2.1 The application proposes the demolition of the Rotunda building and the construction of residential building on the eastern portion of the site. The application also proposes to reconfigure the open space on the western portion of the site, removing and replacing one of the trees, a reduction in the overall open space but increasing the quantum of green space and improved accessibility to this space. The proposed building would be six storeys, with the sixth storey set back. The building would comprise 100 sqm of class E/F commercial or community space, plant, cycle, and waste storage on the ground floor, alongside the re-provided landscaped greenspace. The existing ramped access to the Rotunda building which is orientated west to east with high boundary walls would be removed. Public pedestrian access from the Thames Path into the open space on the site would be improved, opening it up with an accessible ramp and removing the high boundary walls of the existing ramp. These ramped areas would lead to the entrance of the commercial unit and the residential entrance on the west elevation of the proposed building and then on to Jamestown Way.
- 2.2 The proposals would provide 9 self-contained flats, including one wheelchair accessible flat on the first floor, meeting M4 (3) Building regulation. The 9 flats would all be for the private market and include 4 x 3 beds, 4 x 2 beds, and 1 x 2 bed. All flats would have external private amenity space in the form of external balconies and a roof terrace for the top floor flat.
- 2.3 The proposed development would be car-free.

3. RELEVANT PLANNING HISTORY

Application site

- 3.1 **PA/07/00214** - Demolition of existing building on the site and the construction of 13 residential flats within an 8-storey building, together with associated car parking and landscaping. **Withdrawn 04/05/2007.**
- 3.2 **PA/98/00296** – [Former site at Brunswick Wharf (Site Sales Centre) – Erection of a temporary single storey sales centre. **Permitted 08/05/1998.**
- 3.3 **PA/97/91058** - [Land known as Brunswick Wharf] - Use of land for residential (C3) accommodation (up to 700 units) educational purposes (D1) and retail/financial & professional/public house/restaurant (A1/A2/A3) uses to a maximum of 750sqm floor space; riverside walkway, landscaping, car parking including vehicular access from Leamouth Road, including details of Phase 1 (residential; 216 units) and Phase 2 (residential; 118 units and restaurant). **Permitted 04/12/1997.**

4. PUBLICITY AND ENGAGEMENT

4.1 Upon validation of the application, the LPA sent consultation letters to 403 neighbouring owners and occupiers.

4.2 A total of 150 letters of objection were received alongside a petition with 197 signatories. The concerns raised are summarised below:

Land use

- No demand for commercial space in this area
- No Affordable housing provision.
- No increase in green space, schools, community centres, police presence of GP services

Design and heritage

- Proposal would increase anti-social behaviour activities.
- Out of character with Virginia Quay development.
- No architectural merit, being visually alien, out of character and an eyesore to the surroundings.
- Overdevelopment in an area which is heavily overcrowded.
- Poor quality properties

Amenity

- Overcrowding
- Loss of privacy and overlooking
- Loss of daylight and overshadowing to gardens
- Loss of outlook
- Increased sense of enclosure
- Generating more noise (especially from balconies) litter and air pollution

Environment

- Lack of open space and areas for residents to enjoy
- Loss of trees

Highways

- The lack of parking would place strain on the surrounding highway network.
- There are existing parking issues, and this proposal would add to those issues.

Other

- Rotunda Building promised as community land when Virginia Quay was constructed and actively used.
- Adding to an overstretched maintenance department/local services
- The proposals will increase population and put pressure on local infrastructure
- Not for the local community

4.3 The material planning considerations are addressed in the main body of the report.

5 CONSULTATION RESPONSES

Internal consultees

Housing

- 5.1 Comments are incorporated within the 'Housing' section of this report.

Environmental Health - Noise & Vibration

- 5.2 No objection subject to a condition to manage demolition and construction activities, a condition on noise mitigation measures, and a condition requiring details of mechanical plant.

Environmental Health – Air Quality

- 5.3 Recommended the following conditions:

- Demolition/Construction Environmental Management & Logistics Plan.
- Any non-road mobile machinery (NRMM) used not to exceed the emission standards set out in the Mayor of London's 'Control of Dust and Emissions During Construction and Demolition' Supplementary Planning Guidance 2014 and registration under the Greater London Authority NRMM scheme.

Environmental Health - Contamination

- 5.4 No objection subject to a condition requiring details identifying the extent of the contamination and the measures to be taken to avoid risk to the public, buildings, and environment when the site is developed.

Biodiversity

- 5.5 The Preliminary Ecological Assessment (PEA) and other biodiversity-related reports are all very good, and their assessments and recommendations for mitigation and enhancement are agreed. The application site is immediately adjacent to two Sites of Importance for Nature Conservation (SINCs), East India Dock Basin and the River Thames. While the proposed development is unlikely to have any direct impact on species or habitats within these SINCs, there is potential for pollution during construction, disturbance through construction noise, and from lighting during construction and operation of the new buildings. The potential construction impacts should be addressed within a Construction Environmental Management Plan (CEMP), and lighting during operation should be covered by a condition on ecological mitigation and enhancement. The application site consists of an existing building and a small area of landscaping. The existing building has moderate potential for roosting bats. Two emergency surveys undertaken in August 2022 found no bats roosting in the buildings. There is no protected species constraint to permitting the development. However, as there is moderate potential for bat roosts, and bat roosts can be transitory, it is recommended that a precautionary bat survey should be undertaken before demolition if this is not within a year of the most recent survey. This should be subject to a condition. The trees, shrubs and hedges are likely to support common nesting birds. Clearance of these should be undertaken outside the nesting season, or a survey for nesting birds will be required immediately before clearance. This should be secured by a condition. One tree and most of the existing shrubs will be lost. This will be a minor adverse impact on biodiversity. Policy D.ES3 requires net gains in biodiversity in line with the Local Biodiversity Action Plan. The proposals include biodiverse and biosolar roofs on most of the roof area the new building. If well designed, these will contribute to LBAP targets. The proposed landscaping includes mixed native hedges and nectar-rich perennial planting, which will contribute to further LBAP targets. The PEA recommends at least two bat boxes and nest boxes including two house sparrow terraces, three swift boxes, three house martin nest cups and one black redstart box. These will contribute to LBAP targets. If all these are implemented, there will be clear net biodiversity

enhancement, in line with the requirements of D.ES3. The biodiversity mitigation and enhancement should be secured by a condition

Arboriculture

- 5.6 The development will have a negligible impact on surrounding trees. 1 x tree has been proposed to be removed to facilitate the development, including 1 x young box hedge, 1 x young yew hedge and some ornamental shrubs. Their loss can be adequately mitigated through on and off-site planting. Where the removal of a tree is agreed with the council, a minimum of 2:1 replacement i.e. 2 new trees for every one 1 removed needs to be provided. Planting location should be chosen to mitigate tree loss and tree species would be preferably native to the UK. If any tree on site is damaged during construction, appropriate mitigation will be agreed with the LPA.

Energy Efficiency/Sustainability

- 5.7 The proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver CO2 emission reductions. No objection subject to conditions

Sustainable Drainage Systems

- 5.8 No objections subject to condition.

Waste Policy & Development (WP&D)

- 5.9 No objections to the waste arrangement subject to condition.
- 5.10 Detailed comments regarding the upgrade of existing Donegal House bins area are incorporated with the 'waste' section of this report.

Transportation & Highways (T&H)

- 5.11 No objection subject to conditions.
- 5.12 Detailed comments are incorporated with the "Transportation" section of this report.

External consultees

Metropolitan Police Designing Out Crime Officer

- 5.13 A Secured by Design condition is recommended.

Historic England Greater London Archaeological Advice Service (GLAAS)

- 5.14 A two-stage archaeological condition would provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Lea Valley Park Authority

- 5.15 The Authority accepts the principle of redeveloping the application site for a mixed residential and commercial use it objects to the current proposal on two grounds: a) the height of the proposed development is too tall in the context of the lower residential blocks adjoining the riverside entrance point into East India Dock Basin and views into and out from the Basin in

the south; b) the proposed development would act as a 'gateway' into the Regional Park at East India Dock Basin and, as such the proposed design is both unimaginative and stark and should be redesigned to be more in keeping within this context; and (2) the Authority considers the above objection be resolved through an amended scheme and would wish to enter into discussions with the Council and the applicant to achieve this outcome.

6 RELEVANT PLANNING POLICIES AND DOCUMENTS

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

6.2 In this case the Development Plan comprises:

- The London Plan 2021
- Tower Hamlets Local Plan 2031

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

Land Use – (residential, commercial, community)

London Plan - H1, H2

Local Plan – S.H1, D.TC3, D.CF3

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

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

Local Plan - S.DH1, D.DH2

Housing

London Plan - D6, D7, H4, H10

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

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

London Plan – D3, D6

Local Plan - D.DH8

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

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

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

Environment (energy efficiency, noise, waste)

London Plan – D14, SI 1, SI 3

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

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

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (as updated)
- LBTH Reuse, Recycle and Waste SPD (2021)
- LBTH Planning Obligations SPD (2021)
- LBTH Community Infrastructure Levy (CIL) Charging Schedule (2020)
- LBTH Development Viability SPD (2017)
- LP Housing SPG (updated 2017)

- LP Affordable Housing and Viability SPG (2017)
- Building Research Establishment's Site Layout for Daylight and Sunlight: A Guide to Good Practice (2022)

7 PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- I. Land use
- II. Housing
- III. Design and Heritage
- IV. Amenity
- V. Transport
- VI. Environment
- VII. Human Rights and Equalities

Land use

Housing

7.2 Policy H1 of the London Plan sets a borough delivery target of 35,110 new homes over a 10 year period (annualised to 3,511 per year) between 2019/20 and 2028/29. The site and surrounding area are residential and the proposal would be in keeping with the local residential character. The 9 flats would contribute to much needed housing, particularly family housing. The proposed housing would contribute towards the Council's housing targets and is strongly supported in principle.

Commercial/Community Use

7.3 The existing Rotunda building was previously used as a marketing suite and subsequently as an estate management office. It is understood the current occupants vacated the premises in May 2022.

7.4 Local Plan policy seeks to direct new retail development to town centres in the first instance. However, it is recognised that demand for retail also exists in locations outside of Major, District and Neighbourhood Centres to meet the immediate convenience needs of local people and/or support the function of designated employment locations and these can be supported where they are small and local in nature and do not harm the vitality and viability of existing town centre

7.5 The application proposes 100sqm of commercial/community (Class E/ F1/ F2) floor space at the ground floor, fronting the Thames Path. It is envisaged that the unit would function as a small-scale shop café or community space for use by residents of the development and the wider area, with the activation of the street scene and an active ground floor use as benefits. Paragraph 21.6(4) of Section 4, Sub-area 4: Isle of Dogs and South Poplar seeks to create attractive and distinctive places through the delivery of a well-defined urban block pattern with active frontages focusing on non-residential uses facing onto primary routes including docksides and public open spaces, with clear distinctions between public, communal and private spaces.

7.6 The surrounding area is dominated by near exclusive residential development (within the Virginia Quays estate). The proposed commercial space is modest in scale, at 100sqm, and faces onto Thames Path, which is a pedestrian thoroughfare. The gentle diversification of the site and area through the introduction of a compatible small-scale business that is local in

nature, and that can meet the immediate convenience needs of local people, is encouraged. A retail impact assessment would not be required, given the small size of the tenancy. With respect to community concerns regarding noise and disturbance emanating from such a use, any Class E use in this location would be subject to conditions restricting opening times and noise mitigation.

7.7 The use of the unit would be restricted to those uses within class E (a-e) or Class F1/F2 that would be compatible with residential neighbours and would provide the desired active frontage.

Open Space

7.8 Local Plan Policy S.OWS1 requires proposals to protect all existing open space to ensure that there is no net loss (except where it meets the criteria set out in policy D.OWS3). Paragraph 13.17 of D.OWS3 advises there may be instances where building on fragmented areas of poor-quality open space enables the provision of a larger consolidated area of open space which is more useable for the local community. In these circumstances, the starting point will be no net loss of open space but if the development is resulting in an increase in population, then additional open space will be required in accordance with the principles set out in Policy S.OWS1.

7.9 The application submission breaks down the existing and proposed external area as follows:

Type	Existing	Proposed	Change
Open space	321sqm	236sqm	-85sqm
Non-usable green space (vegetation, planting etc)	88sqm	30sqm	-58sqm
Usable green space	85sqm	87sqm	+2sqm
Hardscape seating	6sqm	38sqm	+32sqm
Hardscape routes	153sqm	78sqm	-75sqm

7.10 Policy S.OWS1 advises proposals will be required to provide or contribute to the delivery of an improved accessible, well-connected and sustainable network of open spaces through improving the quality, value and accessibility of existing publicly accessible open space across the borough, amongst other criteria. The outdoor area at present appears fragmented and is disconnected from the Thames Path, with walls surrounding the green space. As part of the application, the agent conducted a total of six daily surveys (09:00 – 19:00 each day) over a period of five weeks during spring / summer 2022. The results of the survey indicated that the space is currently underutilised, with no visitors at all on three of the six days surveyed.

7.11 The proposals will result in the existing open space to the west of the site reducing in size from 321 sqm, to 236 sqm, a net loss of 85 sqm. However, the green space within this area would increase from 85 sqm, to 87 sqm, an increase of 2 sqm. Whilst it is acknowledged that there would be a reduction in the quantum of open space on the site, the space has been redesigned to improve access and increase the amount of greenspace within the site. Improved pedestrian access and the removal of the boundary wall to the existing ramp, which acts as a significant visual barrier between the open space and the Thames path, would result in a better-quality space which was more open and accessible. Given the scheme would be delivering much needed housing and would provide improvements in biodiversity and additional greenspace the reduction in open space is on balance considered acceptable.

- 7.12 On balance the proposed landscape changes are considered acceptable, whilst the proposal represents a net loss of approximately 85sqm, the useable green space is marginally increased, with substantially more hardscape seating. This improves the overall quality, access, and useability of the currently underutilised green space.

Housing

Housing Mix

- 7.13 London Plan Policy H10 requires developments to consist of a range of unit sizes. Tower Hamlets Local Plan Policy D.DH2 also seeks to secure a mixture of small and large housing that meet identified needs which are set out in the Council's most up-to-date Strategic Housing Market Assessment (2017). The proposed housing unit mix is compared to the 'Policy Target %' in Table 1 below

Table 1: Required and Proposed Housing Mix

Unit Type	Market Flats	% Proposed	Policy Target
1 bed	1	12%	30%
2 bed	4	44%	50%
3 bed	4	44%	20%
4 bed +	0		
Total	9		100%

- 7.14 The application proposes nine market residential units – 1x one-bedroom 2-person dwelling, 4x two-bedroom 4 person dwellings and 4 x three-bedroom 5 person dwellings.
- 7.15 The development would deliver a range of unit sizes including a large proportion of larger family sized units. Particularly on smaller developments where there are less units proposed it may be difficult to prescriptively meet the policy housing mix targets. Given that there are a range of unit sizes proposed including larger family units the proposed mix is considered acceptable.

Affordable Housing

- 7.16 Local Plan Policies S.H1 and D.H2 require new development with 2-9 new units to help address the affordable housing need through a financial contribution. The Small Sites Topic paper (2017) provides additional evidence as to the need and deliverability of affordable housing contributions from housing schemes which seek affordable housing contributions from housing schemes which deliver less than 10 units. The policy is considered necessary due to the local housing context as Tower Hamlets has a high housing need, a high housing target and a high need for affordable housing. The contribution obtained by this development would be used to provide affordable housing within the borough as part of the council's affordable housing delivery programme.
- 7.17 The small sites calculator was developed to work out the financial contribution required by each development. The calculator uses the bedroom number, floor area, market value and ward the site is in to determine the total contribution required. The small sites calculator provided with this development required a total contribution of £676,123. The submitted financial viability report provided with the application was scrutinised by Tower Hamlets Viability team, with the conclusion that the maximum viable amount that could be provided was £73,835. The applicant has agreed to this, and the payment would be secured through the legal agreement.

Standard of residential accommodation

- 7.18 The London Plan policy D6 and Tower Hamlets Local Plan Policies S.DH1 and S.H1 seeks to ensure that all new housing is appropriately sized, high-quality, and well designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be “fit for purpose” in the long term, comfortable, safe, accessible, environmentally sustainable, and spacious enough to accommodate the needs of occupants throughout their lifetime.
- 7.19 All the proposed units would meet or exceed minimum floorspace standards. All units would be dual aspect. and would include appropriately sized private amenity areas, in the form of balconies. The wheelchair flat on the first floor would meet M4 (3) regulations and the lift is a fire lift for evacuations. The proposed residential entrance can be accessed two ways, one from the north off Jamestown Way, and the second through the west elevation, off the shared amenity area. The entrances would also be step free, with appropriate sloped pathways ensuring accessibility for as many people as possible.
- 7.20 All proposed units would have good outlook towards the river Thames, East India Dock Basin to the east, or Jamestown Way to the north and would not create any overlooking or privacy concerns in relation to surrounding existing residential properties.

Daylight Methodology

- 7.21 The applicant submitted a daylight and sunlight report for the proposed flats. The 2011 BRE Guidelines has been superseded by the 2022 update, which uses Climate Based Daylight Modelling instead of the previous Average Daylight Factor. The new tests/targets are:
- Median of 100 Lux to be achieved over 50% of the assessment grid for at least half the daylight hours for bedrooms.
 - Median of 150 Lux to be achieved over 50% of the assessment grid for at least half the daylight hours for living rooms.
 - Median of 200 Lux to be achieved over 50% of the assessment grid for at least half the daylight hours for kitchens.
- 7.22 Where there is a combined use, i.e. living/kitchen/diner, the highest target should be applied, in this case 200 lux for the kitchen. It should be acknowledged that living/kitchen/diners often place the kitchen to the rear, so this is difficult to achieve.

Sunlight Methodology

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

Daylight and Sunlight results

- 7.24 In the proposed dwellings, 30 habitable rooms were tested, 9 living/kitchen/diners and 21 bedrooms. 29 of the 30 rooms (97%) achieve the target daylight level for the rooms use over 50% of the area. The one room which falls below the target is a living/kitchen/diner, (R5/103) which achieves 147 lux which is 3 lux below the target living room and 53 lux below the 200-lux target for a kitchen. The result shows the living area by the front of the window would receive adequate daylight levels. All rooms tested meet the sunlight target of 1.5 hours. Overall, the future occupiers would enjoy good levels of daylight and sunlight.

7.25 In conclusion, the proposed flats would provide a high-quality standard of accommodation for the future occupiers, complying with Policy D.H3 of the local plan and D6 of the London Plan 2021.

Design and Appearance

Policy

7.26 London Plan Policy D3 states that all development must optimize the site capacity through the design-led approach and encourage incremental densification to achieve a change in densities in the most appropriate way. Policy GG2 seeks to proactively explore the potential to intensify the use of land to support additional homes by making the best use of land. In addition, Policy H2 outlines that boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares) to increase the contribution of small sites meeting London’s housing needs.

7.27 Local Plan Policy S.DH1 requires development to meet the highest standards of design, layout and construction which respects and positively responds to its context, townscape, landscape, and public realm. To achieve this, the development should be of appropriate scale, height, mass, bulk, and form in its site context, represent good urban design and ensure the architectural language employed complements and enhances its immediate and wider surroundings. It also seeks to ensure that high quality design, materials and finishes are used to ensure the building is robust, efficient, and fit for the life of the development.

Layout, height, scale, and massing

7.28 The proposed building would be located on the east of the site, replacing the existing rotunda building. The footprint of the building would be slightly larger than the existing building but would be similar in proportion to the neighbouring residential building at Atlantic Court. The building line on the Thames path elevation would also match the south elevation of Atlantic Court. In terms of building height and scale the proposed building would be similar in height to the neighbouring Atlantic Court building and would have set back sixth storey. Figure 1 shows the south elevation of the proposal with Atlantic Court to the west for context. The sixth floor is sufficiently setback from all elevations to remain subservient to the lower floors. The scale of the building has been mediated through pre-application advice and is considered to fit within the surrounding context. The building would sit comfortably in scale with the neighbouring waterfront buildings of Virginia Quay and well-proportioned in its own right.

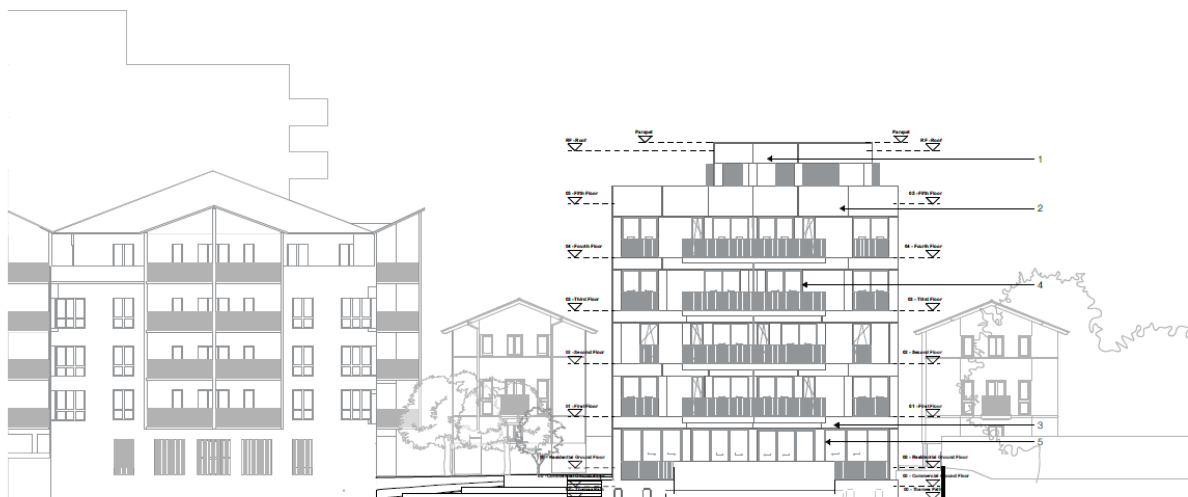


Figure 1: Proposed south elevation in context with Atlantic Court to the west

Figure 2:



Proposed South frontage, looking from the river Thames



Figure 3: Proposed West frontage, looking from the shared amenity area



Figure 4: Proposed North frontage, looking from Jamestown Way



Figure 5: Proposed East frontage, looking East India Dock



Figure 6: CGI views from Jamestown Way

Appearance and materials

- 7.29 Glass Reinforced Concrete (GRC) panels in varied cotton tones, both textured and smooth are proposed across the building to complement the materiality of the immediate site context. It is proposed all windows, doors, balustrades and shutters are PPC metal - finished in tones to compliment the GRC panels they are positioned adjacent to. Zig-zag profiled GRC panels to be provided at ground floor level to add interest where windows cannot be provided. The surrounding Virginia Quay development has a consistency in the colours used, with yellow and dark yellow brick, white render on the upper levels and white balconies, windows, and doors. The ground floor of the proposed building would be clad in textured light cotton (GRC) concrete panel, the recessed facade of the upper building in smooth light cotton GRC panels and the protruding facades panelling along the corners of the building and upper parts of each floor level mid cotton which would sit comfortably within the surrounding context
- 7.30 Subject to recommended conditions requiring samples to be submitted for approval it is considered that the building would be a quality building with visual interest and is considered acceptable in design terms.

Landscaping and Trees

- 7.31 The landscape design for the site has developed to provide a rich and stimulating, yet simple and functional landscape setting alongside the Thames Path that will improve connection and accessibility to the green space. The proposals include additional planting, seating areas and improved access as well as incorporating SUD's infrastructure.



7.32 Policy D.ES3 part 1) c) iii) outlines development is required to protect and enhance biodiversity by protecting all trees, through incorporating native trees, wherever possible and providing replacement trees, where the loss or impact on trees in a development is considered acceptable. Out of the existing 5 trees on the site, 4 are clustered together on the western portion of the site adjacent to Atlantic Court and one stands alone, near the rotunda building. A Tree survey was submitted which examined the trees and two hedges growing adjacent to the site.

7.33 The Councils Arborist specified that there should be a 2:1 tree replacement ratio to make up for the loss of the existing tree. Two trees are proposed to the public realm to mitigate the loss of the 1 existing tree on a 2:1 replacement basis. The Councils Arborist is satisfied with this proposal and considers the loss of the tree to be suitably mitigated.

Safety and security

7.34 A condition is recommended to ensure the development complies with the Secured By Design measures recommended by the Metropolitan Police.

Neighbouring amenity

7.35 Development Plan policies seek to protect neighbour amenity by safeguarding privacy and ensuring acceptable outlook. Development must also not result in an unacceptable material deterioration of the daylight and sunlight conditions of surrounding development. Nor should the development result in an unacceptable level of overshadowing to surrounding open space and private outdoor space.

Daylight and sunlight

7.36 Policy D.DH8 of the Local Plan requires the protection of the amenity of future residents and occupants by ensuring adequate levels of daylight and sunlight for new residential developments. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2022).

- 7.37 For calculating daylight to neighbouring residential properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no skyline (NSL) or daylight distribution (DD) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.
- 7.38 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. For full compliance with the BRE guidance the VSC should be at least 27% or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows.
- 7.39 The NSL calculation considers the distribution of daylight within the room, and again, figures for full compliance with the BRE guidance should not exhibit a reduction beyond 20% of the former value.
- 7.40 In regard to sunlight, a window is considered to be adversely affected if a point at the centre of the window receives in the year less than 25% of the Annual Probable Sunlight Hours (APSH), including at least 5% of the Winter Probable Sunlight Hours (WPSH) (September 21st - March 21st) and less than 0.8 times its former sunlight hours during either period. Sunlight is relevant to main living rooms (i.e. habitable rooms) of dwellings and conservatories, if they have a window facing within 90° of due south.
- 7.41 Figure 7 below contains LBTH numerical classifications that are applied to aid categorising impacts:

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

Figure 7 – Daylight and Sunlight Classifications

- 7.42 Regarding overshadowing, BRE guidance suggests that for a space to appear sunlit throughout the year, at least 50% of the amenity area should receive at least 2 hours of direct sunlight on March 21st. It states that the “availability of sunlight should be checked for all open spaces,” which usually includes gardens, sitting-out areas, parks, or playgrounds.
- 7.43 A Daylight and sunlight report was submitted by Point 2 Surveyors which assessed the difference in daylight, sunlight and overshadowing with the proposed building in place. A 3D model of the proposal in context with the neighbouring properties is shown below in figure 8 below.

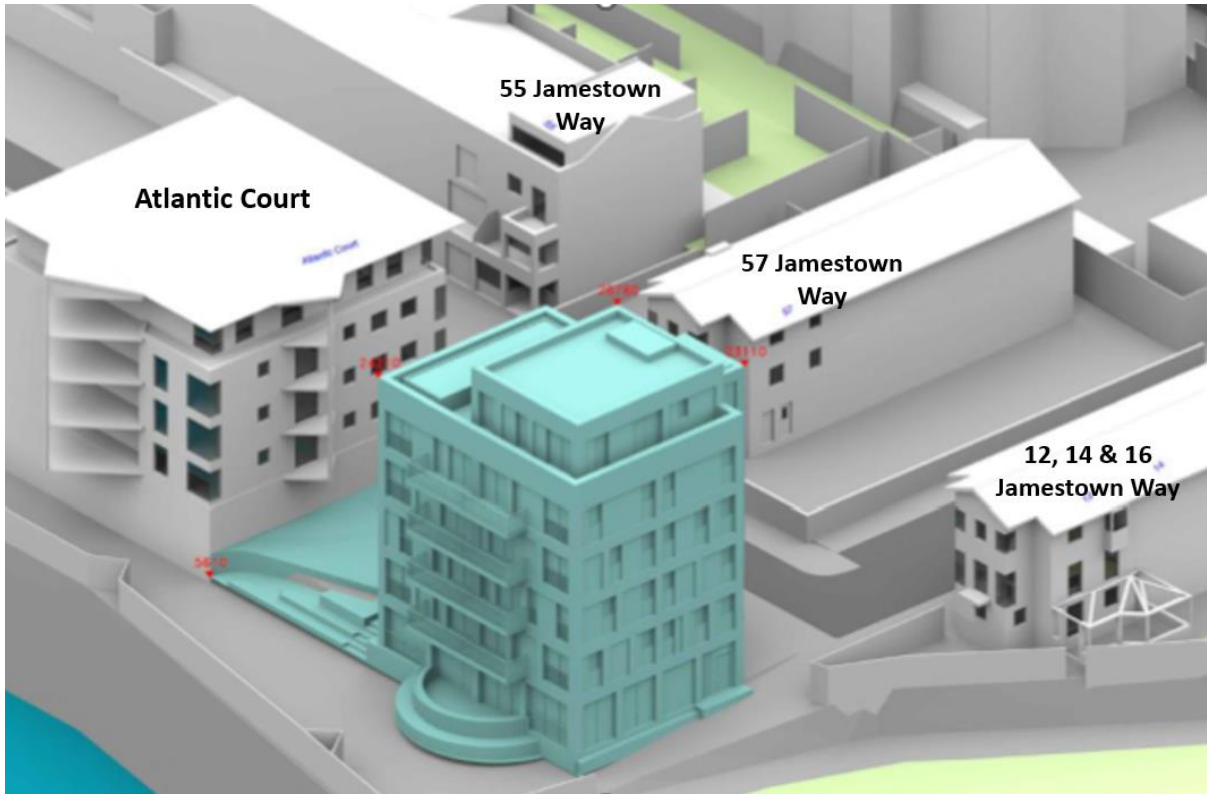


Figure 8: Daylight/ sunlight model plan view

7.44 The submitted Report indicates that the following properties were tested for lighting impacts.

- Atlantic Court, Jamestown Way
- 55 Jamestown Way
- 57 Jamestown Way
- 12 Jamestown Way
- 14 Jamestown Way
- 16 Jamestown Way

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

Atlantic Court, Jamestown Way

Daylight results

7.46 This property is a five-storey block of flats to the west of the site, with 11 flats, 3 on each floor, and 2 flats on the top floor. 30 out of the 36 windows tested meet the BRE Guidelines for VSC and all 14 rooms tested meet the BRE Guidelines for NSL.

7.47 Two out of the six windows which fall below the VSC guidelines serve rooms which have other windows which meet the VSC guidelines, these are W8/11 and W4/14 and have Minor Adverse Impacts having reductions of 26.84% and 21.96% respectively. Window W8/11, despite the large reduction is fractionally below the 27% VSC target required in the proposed condition, with a VSC of 26.88%. Window W4/14 is one of four windows which serve a living/diner where all other three windows meet the BRE Guidelines and therefore the room will still receive good daylight. Two other windows, W7/11 and W5/13 have Minor Adverse Impacts, with reductions of 28.96% and 23.39%. The proposed VSC for W7/11 falls just below

the 27% BRE target at 26.07%. Window W5/13 has a proposed VSC of 20.80% which is acceptable for a built-up area. W5/11 and W5/12 have Moderate Adverse impacts, with reduction of 37.56% and 32/12% respectively. The proposed levels of light to Atlantic Court are considered acceptable, with the overall effect to the building, taking in to account the windows which meet the BRE Guidelines and that all rooms tested for NSL meet the BRE guidelines the retained daylight levels are acceptable.

Sunlight results

- 7.48 All windows comply with the BRE guidance in APSH.

57 Jamestown Way

Daylight results

- 7.49 This property is a three-storey end of terrace townhouse, and its flank elevation faces the proposed site which is to the south.
- 7.50 Out of 19 windows tested, 14 windows meet the BRE Guidelines for VSC. All rooms tested for NSL meet the BRE Guidelines. Two of the windows which fall below the BRE Guidelines for VSC, W2/20 [21.17% reduction] and W3/20 [38.94% reduction] serve one LKD, where the three other windows in the room meet the BRE Guidelines and the impacts range between Minor to Moderate Adverse. This same reasoning can also be applied to windows W4/21 [21.46% reduction], W5/21 [22.91% reduction] and W6/21 [25.19% reduction] which serve a living room which have other windows which are compliant, and the room meets NSL targets. The three windows which are below the BRE Guidelines are all Minor Adverse Impacts. The overall effects to 57 Jamestown Way and retained daylight levels are considered acceptable.

Sunlight results

- 7.51 All south facing windows tested comply with the BRE guidance in APSH.

12 Jamestown Way

Daylight results

- 7.52 To the north-east of the site are three terrace townhouses, arranged over three floors and perpendicular to the site. 12 Jamestown Way has its flank elevation facing the proposed site.
- 7.53 For 12 Jamestown Way, out of the 23 windows tested, 20 meet the BRE Guidelines for VSC. Two of these windows serve an LKD and have reductions of 27.35% and 29.57% which would both be Minor Adverse Impacts. This same room is served by three other windows which, meet the BRE Guidelines for VSC and the room meets NSL targets. The third window served rooms R6/31, a living room which has a reduction of 23.23% which would be Minor Adverse. This rooms are served by six other windows which meet the VSC recommendations.
- 7.54 The remaining 7 windows are located at the ground floor on the main west facing façade and are primary windows serving the living room. The scheme will result in minor and moderate adverse VSC results between 21.25% and 30.53%. Despite the minor reductions, all 7 windows will retain a good VSC between 23% and 26%. All rooms meet NSL targets. The retained daylight levels to 12 Jamestown Way are considered acceptable.

Sunlight

- 7.55 All south facing windows tested comply with the BRE guidance in APSH.

14 Jamestown Way

Daylight results

- 7.56 14 Jamestown Way is a mid-terrace townhouse, perpendicular to the site which is to the south.
- 7.57 Out of the six windows tested, which serve two bedrooms, four windows meet the BRE Guidelines for VSC. These are broken down in to three windows serving each bedroom with each bedroom having one window with Moderate Adverse impacts, W7/31 has a reduction of 30.19% and W7/32 a reduction of 30.65%. Both rooms meet the NSL targets under the BRE Guidelines. The retained daylight levels to 14 Jamestown Way are considered acceptable.

Sunlight

- 7.58 All south facing windows tested comply with the BRE guidance in ASPH.

16 Jamestown Way

Daylight results

- 7.59 16 Jamestown Way is a mid-terrace townhouse, perpendicular to the site which is to the south.
- 7.60 Out of the six windows tested, which serve two bedrooms, four windows meet the BRE Guidelines for VSC. These are broken down in to three windows serving each bedroom with each bedroom having one window with Minor Adverse impacts, W4/31 has a reduction of 21.11% and W4/32 a reduction of 22.11%. Both rooms meet the NSL targets under the BRE Guidelines. The retained daylight levels to 16 Jamestown Way are considered acceptable.

Sunlight

- 7.61 All south facing windows tested comply with the BRE guidance in ASPH.

55 Jamestown Way

Daylight results

- 7.62 55 Jamestown Way is an end of terrace townhouse, to the north-west of the site with its front windows facing the site.
- 7.63 Out of the five windows tested, four windows meet the BRE Guidelines for VSC. The window which falls below the BRE guidelines is W3/40 which has a reduction of 83.82% which is a Major Adverse impact. The existing VSC is very low, at 1.36% and falls to 0.22%. The window is situated below a balcony which limits the light this window can receive. This windows serves room R2/40 which meets the BRE Guidance for NSL. All rooms meet the NSL targets. The retained daylight levels to 55 Jamestown Way are considered acceptable.

Sunlight

- 7.64 All south facing windows tested comply with the BRE guidance in ASPH.

Overshadowing

- 7.65 The green area tested for overshadowing has two hours or more of sun to 99% of its area, meeting the BRE Guidelines. We note that not all the hardstanding areas of the amenity area were tested, but even if it were, over 50% would receive 2 hours of sun on 21st March which

is the BRE Guidelines target. This was confirmed with the Daylight and Sunlight consultant who carried out the study. As a result, we can conclude that all areas will comply with the recommendations within the BRE guidelines as all areas will receive significantly more than the requisite 2 hours of direct sunlight to 50% of the area.



Figure 9 – Overshadowing assessment area

Conclusion on daylight and sunlight

- 7.66 Officers consider acceptable levels of daylight and sunlight are maintained despite the small, isolated deviations at Atlantic Court, 55, 57 and 12, 14 & 16 Jamestown Way. Overall, the proposal will not result in unacceptable material deterioration of the sunlight and daylight conditions of surrounding development and will comply with D.DH8 of the Tower Hamlets Local Plan.

Overlooking/privacy

- 7.67 In terms of overlooking and neighbouring privacy the development has been designed to limit overlooking of neighbouring residents. The development would be sufficiently distant from properties to the north to prevent a significant increase in overlooking. To the west the building has been designed with only high-level obscure glazing to prevent overlooking of Atlantic Court. Overall, the development would ensure the privacy of neighbouring residents is maintained.

Transport & servicing

- 7.68 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.

Cycle parking

- 7.69 Provision has been made for 16 long stay cycle parking spaces to be provided within an internal bike store on the ground floor, accessed from the west elevation with a two-tier rack system. An accessible cycle parking space has also been provided internally. An additional two short stay cycle spaces are provided outside on the Thames Towpath, along with six cycle bays for commercial use.

- 7.70 The cycle parking is in accordance with the cycle parking standards set out at Appendix 3 of the Tower Hamlets Local Plan.

Car parking

- 7.71 The application proposes to be car-free which is welcome and in line with policy. A permit-free agreement preventing future occupiers of the scheme from parking on-street (except for disabled occupants or beneficiaries of the Council's permit transfer scheme) will be secured through condition.

Servicing and refuse

- 7.72 The Council's general waste and recycling storage standards are set out under Policies D.MW2 and D.MW3 of the Local Plan.

- 7.73 The residential bins would be stored next to the residential entrance on the north elevation which is convenient for residents and for collection from Jamestown Way. The commercial bin store has adequate paths which are flat and wide enough. The proposals have been assessed by the Councils Waste team and are considered acceptable subject to conditions related to the submission of a final waste strategy.

- 7.74 Day to day servicing including deliveries for both the residential and commercial units will also park on-street and the tracking plans demonstrate that a medium sized car can pass a waiting 3.5 tonne Rigid Vehicle without encroaching on the adjacent parking bays.

- 7.75 It is anticipated that servicing trips will be limited and will have no impact on the traffic flow along Jamestown Way and the surrounding area, particularly as refuse collections and deliveries already occur along this route for the adjacent properties. Most delivery / servicing movements associated with the site will comprise of postal deliveries on a daily basis, with the occasional infrequent delivery of bulky items such as furniture and white goods, alongside potential internet shopping deliveries.

Additional matters

- 7.76 In addition to the above, conditions are recommended to secure Demolition and Construction Management Plan and a S278 agreement providing an agreed scheme of highways works funded by the applicant.

- 7.77 Subject to the above conditions it is considered the proposal would be acceptable in terms of supporting sustainable modes of transport and will have no unacceptable impacts on the safety or capacity of the highways network, in accordance with policy.

Environment

Noise

- 7.78 LBTH Noise officer have raised no objections subject to conditions securing details of noise mitigation measures for demolition and construction activities and plant prior to commencement of construction and occupation of the approved units. Pre-commencement conditions are recommended were permission granted.

Energy & sustainability

- 7.79 At a national level, the NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability, and providing resilience to climate

change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.

- 7.80 Part 1 of policy D.ES7 of the Local Plan requires development to be Zero carbon (to be achieved through a minimum 45% reduction in regulated CO2 emissions and the remaining regulated CO2 emission to 100% - to be off-set through a cash in lieu contribution).
- 7.81 LBTH planning Policy D.ES7 requires zero carbon emission development to be achieved through a minimum 45% reduction in regulated carbon dioxide emissions on-site, and the remaining regulated carbon dioxide emissions to 100%, to be off-set through a cash in lieu contribution. This is applicable to all developments. The Jamestown Way Energy and Sustainability Statement (Love Design Studio – October 2022) sets out the proposals for on-site CO2 emission reductions of >55% sitewide, against a building regulation baseline. In general, the scheme is meeting policy requirements and delivering the CO2 emission reductions through energy efficient design, heat pumps and renewable energy generation (3.6kWp PV array). The applicant is proposing an individual air source heat pump solution per dwelling and commercial space for space heating and hot water. The scheme is not proposed to connect to any current or planned heat networks and given the size of the scheme, and low heat demand requirements, this is supported as connection costs and associated heat pricing from a district system are unlikely to be viable. The development is anticipated to have the following CO2 emissions:
- Baseline residential – 10 tonnes CO2 per annum
 - Proposed residential – 5 tonnes CO2 per annum
 - Baseline non-residential – 8 tonnes CO2 per annum
 - Proposed non-residential – 3 tonnes CO2 per annum

 - **Site Wide Baseline – 18 tonnes CO2 per annum**
 - **Site Wide Proposed Emissions – 8 tonnes CO2 per annum**

- 7.82 The proposals are for a 10 tonnes/CO2 reduction in on-site emissions and would result in a carbon offsetting contribution of £ 22,800 to offset the remaining 8 tonnes CO2 and achieve net zero carbon. This calculation has been based on SAP10 carbon factors and using the recommended GLA carbon price of £95 per tonne for a 30-year period. Subject to securing the carbon offset payment as part of the s106 the proposed energy measures are considered acceptable.

Biodiversity

- 7.83 London Plan Policy G6 states that ‘development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain’ and Tower Hamlets Local Plan Policy D.ES3 require developments to protect and enhance biodiversity.
- 7.84 A Pre-liminary Ecological Assessment, Bat Survey and Biodiversity gain plan and were submitted as part of the application. A further bat survey is recommended prior to demolition works commencing, this would be secured by condition.
- 7.85 The proposals include biodiverse and biosolar roofs on most of the roof area the new building. If well designed, these will contribute to LBAP targets. The proposed landscaping includes mixed native hedges and nectar-rich perennial planting, which will contribute to further LBAP targets. The Ecology Assessment recommends at least two bat boxes and nest boxes including two house sparrow terraces, three swift boxes, three house martin nest cups and one black redstart box. These would contribute to LBAP targets. Subject to conditions ensuring delivery of the biodiversity enhancement the proposal would result in an increase in biodiversity and would comply with policy D.ES3.

Flood risk & drainage

- 7.86 Policy D.ES4 of the local plan requires highly vulnerable uses, such as housing, not to be in high flood risk zones as flood zone 3a, where the site is located. The proposed site does not contain highly vulnerable uses, but there are more vulnerable uses proposed which are dwelling houses. Policy D.ES4 requires developments to provide a flood risk assessment if the site is in within floodzone 2 or 3a.
- 7.87 Policy D.ES5 of the Local Plan requires development to reduce the risk of surface water flooding, through demonstrating how it reduces the amount of water run-off and discharge from the site using appropriate water reuse and sustainable drainage systems techniques.
- 7.88 The applicant submitted a flood risk assessment and surface & foul drainage strategy. The report assesses potential flooding from fluvial, tidal, groundwater, surface water and sewer flooding and the risk from all these types of flooding are stated as low to no risk. For tidal flooding, flood warnings would be available. Mitigation measures in the development have been recommended.
- 7.89 Thames Water were consulted and outlined a requirement to ensure the structural stability residual design life of the river wall. The applicant submitted further information to the Environment Agency who recommended conditions related to repair works to the River Wall and an inspection and monitoring plan to ensure the wall can fulfil a 100-year residual design life.
- 7.90 The Councils Sustainable Drainage officer was also consulted and noted as residential accommodation is not proposed on the ground floor, this reduces the risk in the site vulnerability. A Flood warning and evacuation plan would be required. Subject to conditions related to improved flood defences, an evacuation plan and the installation of SUD's measures the proposed development would suitably mitigate flood risk issues.

Air Quality

- 7.91 Policy D.ES2 of the Local Plan requires development to meet or exceed the 'air quality neutral standard, to submit an air quality assessment for major development and provide mitigation where an assessment indicates that a development will cause harm to air quality or where end users could be exposed to poor air quality.
- 7.92 LBTH Environmental Health (Air Quality) Officer has raised no objection to the air quality assessment subject to conditions regarding construction impacts and

Contaminated Land

- 7.93 LBTH Environmental Health (Contaminated Land) raised no objections subject to pre-commencement conditions which have been recommended were permission granted.

Fire Safety

- 7.94 In terms of fire safety the applicant has submitted a fire safety strategy for the building. The strategy sets out the evacuation strategy, detection strategy and the proposed suppression system.
- 7.95 Both the Fire Brigade and HSE Planning Gateway One were consulted as part of the application. The Fire Brigade provided general comments on Fire Safety and raised no issues with the proposed strategy. HSE did not comment on the scheme which did not meet the size threshold to require a response. The submitted strategy is sufficient to meet the requirements

of London Plan policy D12. Further details regarding fire safety would be agreed through the building control process.

HUMAN RIGHTS & EQUALITIES

- 7.1 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.
- 7.2 The proposed new residential accommodation would meet inclusive design standards and one of the new homes would be wheelchair accessible. This would benefit future residents, including disabled people, elderly people, and parents/carers with children.
- 7.3 The application has undergone the appropriate level of consultation with the public and Council consultees. The applicant has also carried out an extensive engagement with the exiting residents on site.

INFRASTRUCTURE

- 7.4 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £279,160. The Tower Hamlets CIL would contribute towards strategic infrastructure requirements to mitigate the impacts of development,
- 7.5 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.

8 RECOMMENDATION

- 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

- £73,835 small sites contribution to Affordable Housing in the borough
- £22,800 Carbon Offset Contribution
- Monitoring fee for financial contribution of 5% of the first £100,000 of contribution, 3% of the part of the contribution between £100,000 - £1 million

8.3 Non-Financial Obligations

- Car free agreement
- Public access agreement
- Energy Strategy

8.4 Planning Conditions

Compliance

1. Timeframe - 3 years deadline for commencement of development
2. Plans - Development in accordance with approved plans
3. Hours of construction
4. Code of Construction Practice
5. Waste storage
6. Plant noise

7. Opening hours for commercial/community facility
8. Use Class restriction to class E (a-e). F1 &F2)

Pre-commencement

9. Archaeology - evaluation to clarify the nature and extent of surviving remains, followed by a full investigation if necessary
10. Demolition, Construction Environmental Management and Logistics Pan (Including Dust and Emissions Management Plan)
11. Land contamination remediation and mitigation
12. Bat Survey
13. Flooding – River repair works

Prior to superstructure works

14. Biodiversity – Mitigation and Enhancement
15. Air quality – plant and machinery
16. Design - Details of external facing materials, balustrading, and architectural detailing.
17. Design - Details of landscaping
18. Secured By Design
19. Highways – Details of cycle parking
20. SUDs scheme
21. Trees – Tree planting strategy

Prior to occupation

22. Noise Verification report for residential units
23. Kitchen Extract details for commercial unit

Informative's

1. S278
2. Demolition and construction noise limits

Appendix A: Planning Conditions

Drawings	
Drawing no.	Title
0000 REV. P1	Site Location Plan
1071-X-GA-0200-P5	Proposed Ground Floor
1071-X-GA-0201-P4	Proposed First Floor
1071-X-GA-0202-P4	Proposed Second Floor
1071-X-GA-0203-P4	Proposed Third Floor
1071-X-GA-0204-P4	Proposed Fourth Floor
1071-X-GA-0205-P4	Proposed Fifth Floor
1071-X-GA-0206-P4	Proposed Roof Plan
1071-X-GA-0300-P1	Proposed Section North
1071-X-GA-0301-P1	Proposed Section East
1071-X-GA-0302-P1	Proposed Section South
1071-X-GA-0303-P1	Proposed Section West
1071-X-GA-0400-P1	Proposed North Elevation
1071-X-GA-0401-P1	Proposed East Elevation
1071-X-GA-0402-P1	Proposed South Elevation
1071-X-GA-0403-P1	Proposed West Elevation
1071-X-GA-0404-P1	Proposed Wider Context North & East Elevation

1071-X-GA-0405-P1	Proposed Wider Context South & West Elevation
1071-X-GA-0001-P1	Existing Site Plan
1071-X-GA-0020-P1	Existing Ground Floor Plan
1071-X-GA-0021-P1	Existing Roof Plan
1071-X-GA-0030-P1	Existing Section North
1071-X-GA-0031-P1	Existing Section East
1071-X-GA-0032-P1	Existing Section South
1071-X-GA-0033-P1	Existing Section West
1071-X-GA-0040-P1	Existing North Elevation
1071-X-GA-0041-P1	Existing East Elevation
1071-X-GA-0042-P1	Existing South Elevation
1071-X-GA-0043-P1	Existing West Elevation
1071-X-GA-0044-P1	Existing Wider Context North & East Elevation
1071-X-GA-0045-P1	Existing Wider Context South & West Elevation

Document	Author
Design & Access Statement	PH+ Architects
Addendum Report 01	PH+ Architects
Daylight and Sunlight Report	Point 2 Surveyors
Internal Daylight Report	Point 2 Surveyors
Flood Risk Assessment and Surface & Foul Drainage Strategy	M3 Mayer Brown
Air Quality Assessment	M3 Mayer Brown
Archaeological Desk Based Assessment	RPS
Nocturnal Bat Survey	MKA Ecology
Preliminary Ecological Appraisal & Preliminary Roost Assessment	MKA Ecology
Energy and Sustainability Statement	Love Design Studio
Landscape Report	BD Landscape Architects
Pedestrian Survey	Lanmor Consulting
Review of Financial Viability Assessment	City and Suburban Limited
Transport Statement	Ardent Consulting Engineers
Financial Viability Assessment (Response)	DS2 LLP
Tree response	SJA Trees

APPENDIX B: SITE PHOTOGRAPHS



Image 1: Jamestown Way looking south



Image 2: Thames Pathway looking north to Rotunda Building



Image 3: Thames Pathway looking north to ramped access and amenity area beyond

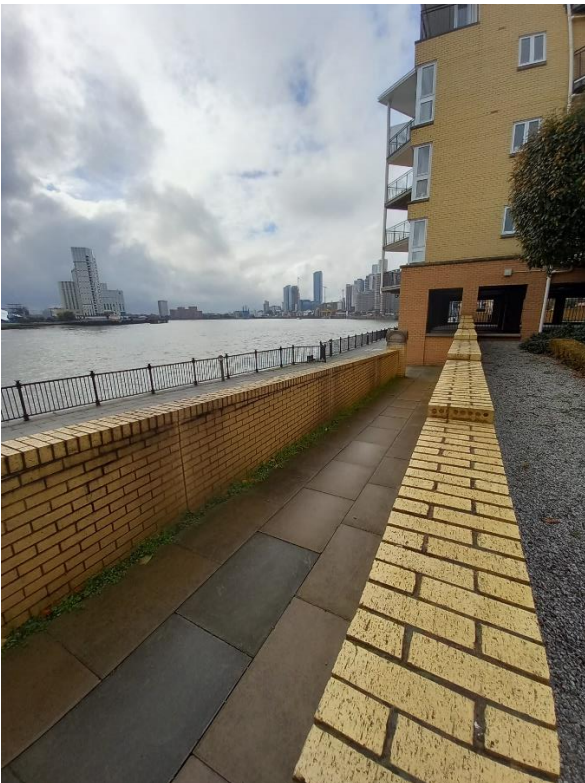


Image 4: Ramped access



Image 5: Open space looking east to Rotunda building

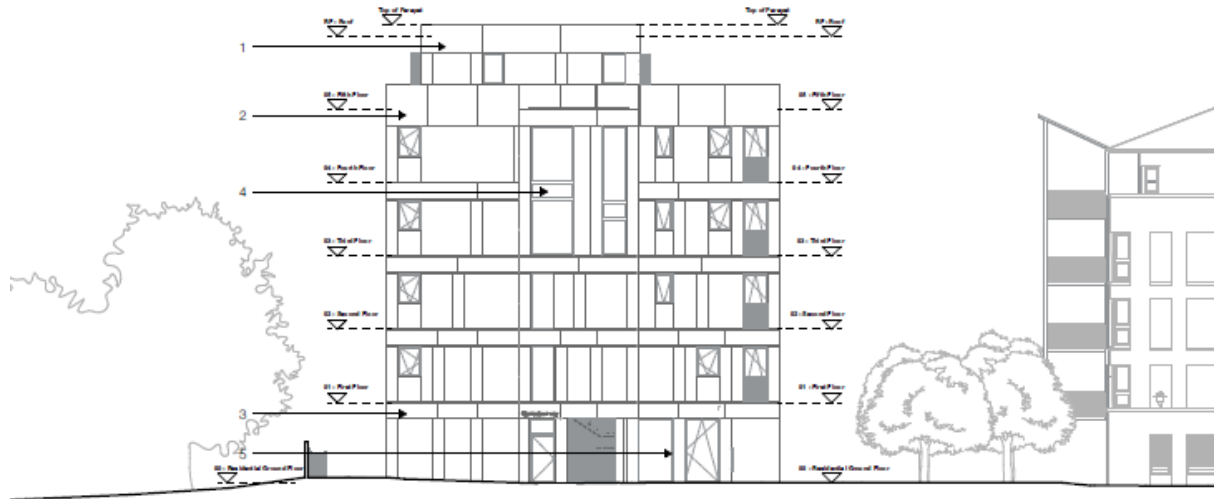


Image 6: Rotunda building and Thames pathway looking west from East India Dock Basin



Image 7: Rotunda building and Thames pathway looking east

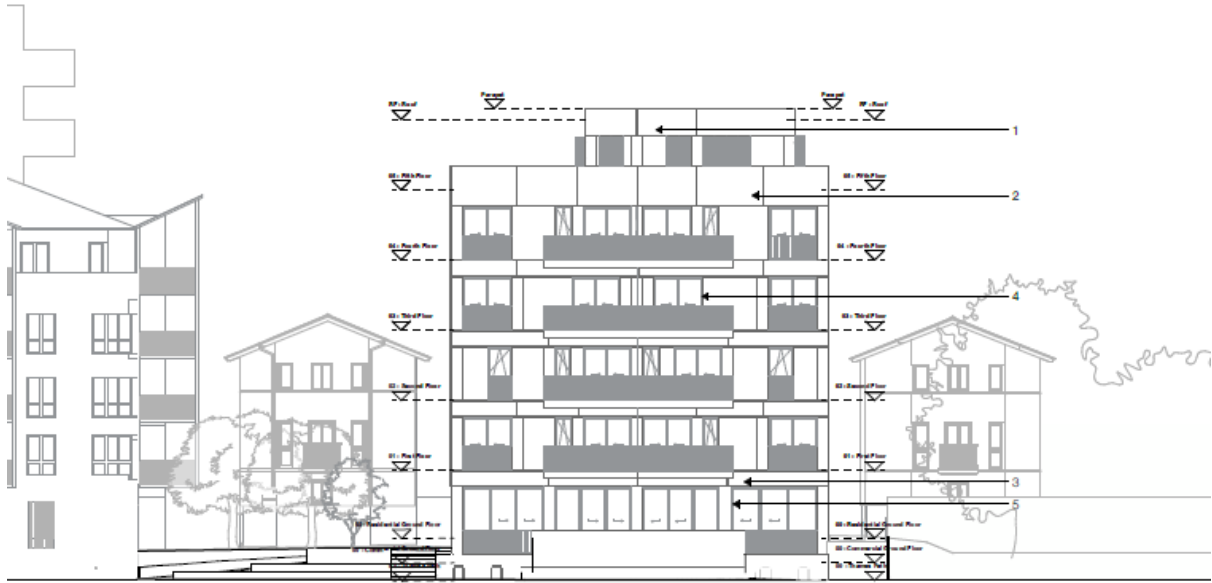
APPENDIX C: SELECTED DRAWINGS



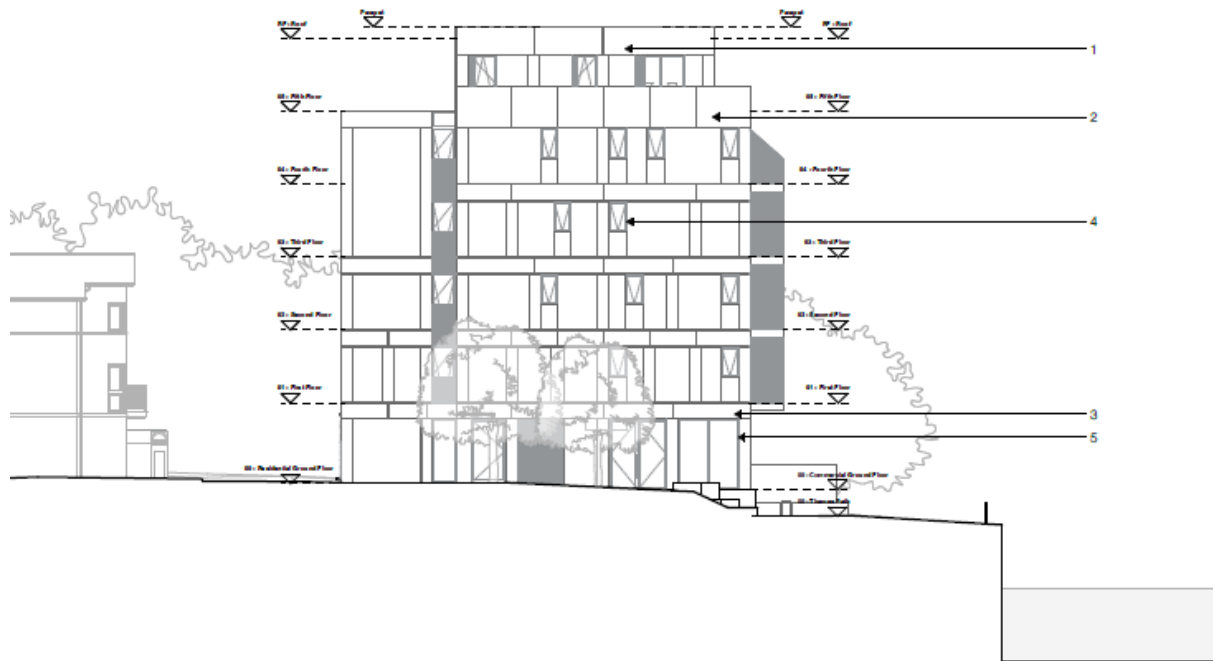
Drawing 1: Proposed North elevation (rear)



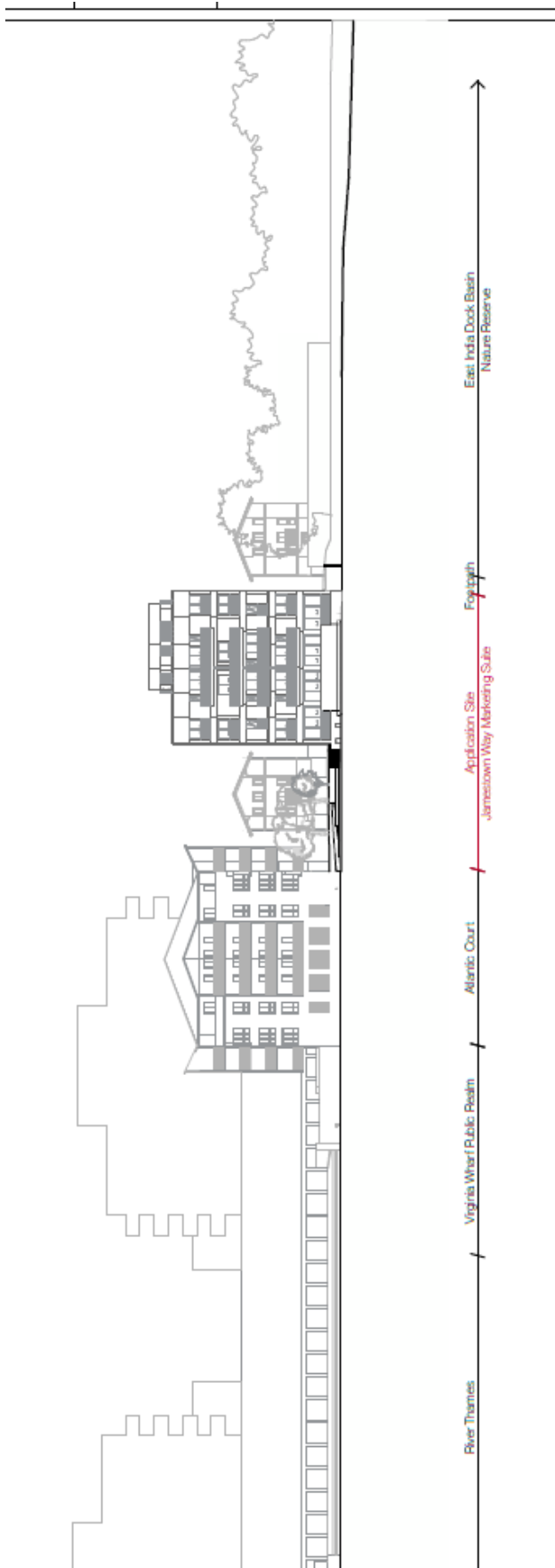
Drawing 2: Proposed East elevation



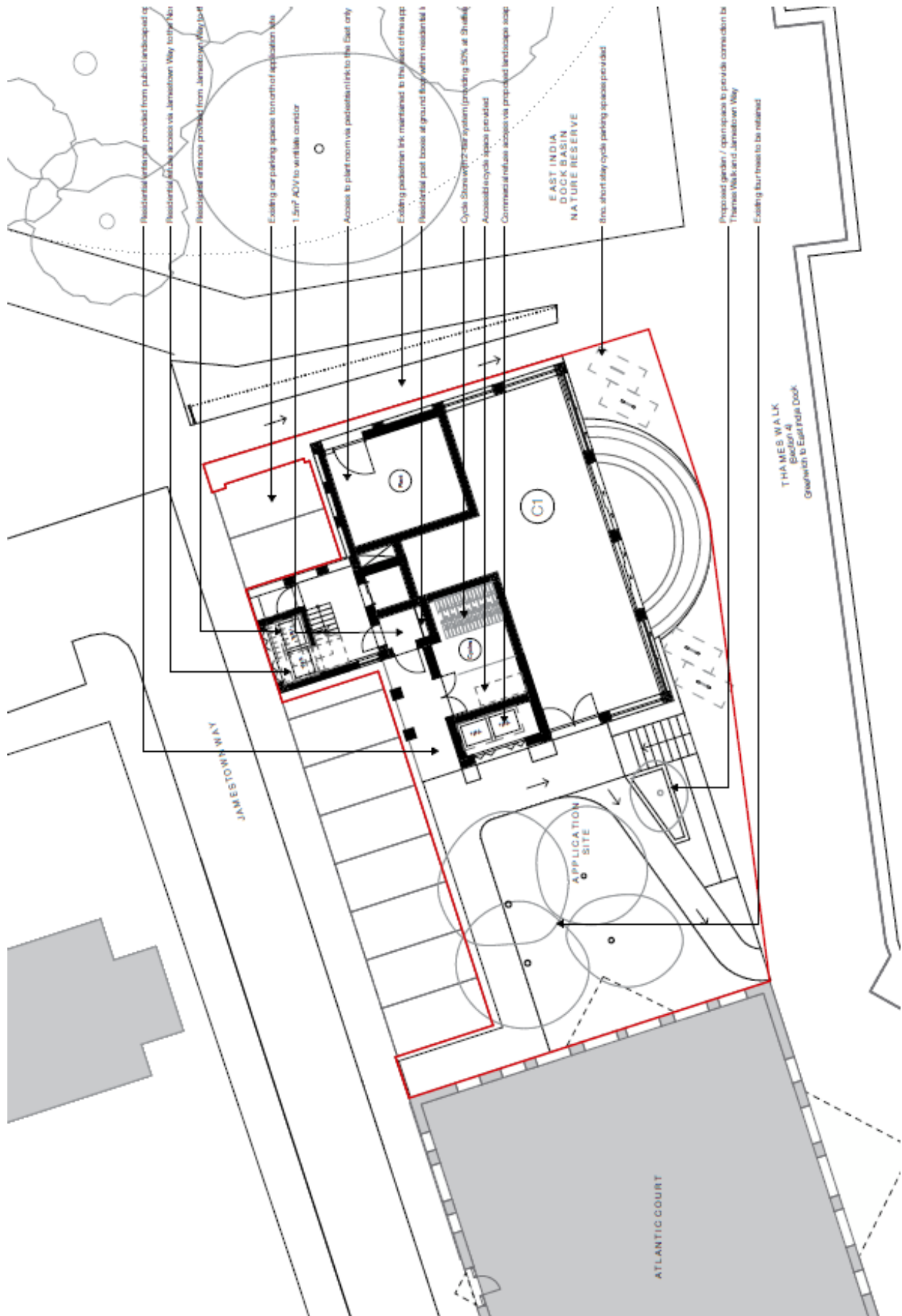
Drawing 3: Proposed South Elevation (from Thames pathway and river)



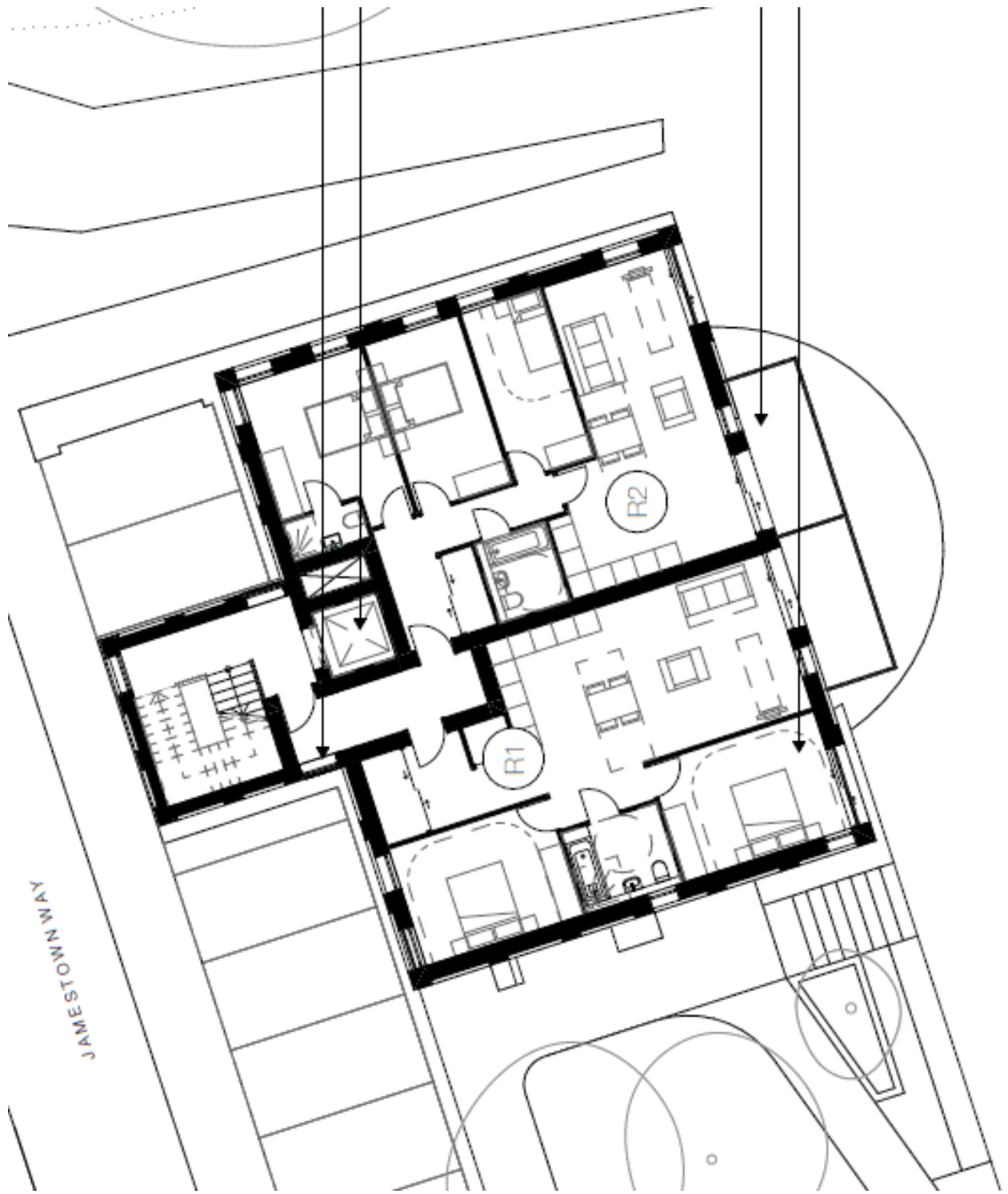
Drawing 4: Proposed West Elevation (from open space and Atlantic Court)



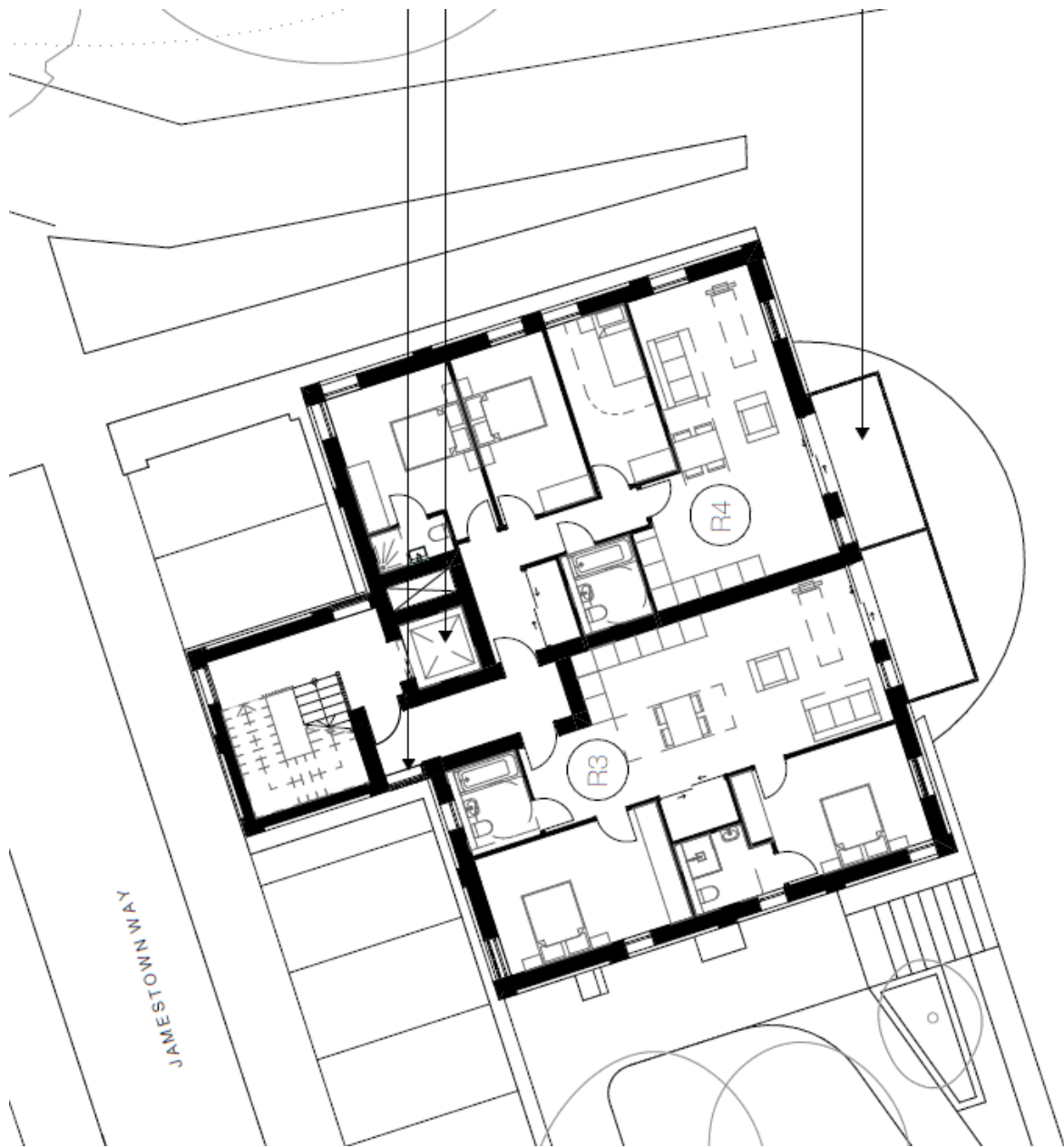
Drawing 5: Contextual elevation with Atlantic Court from south



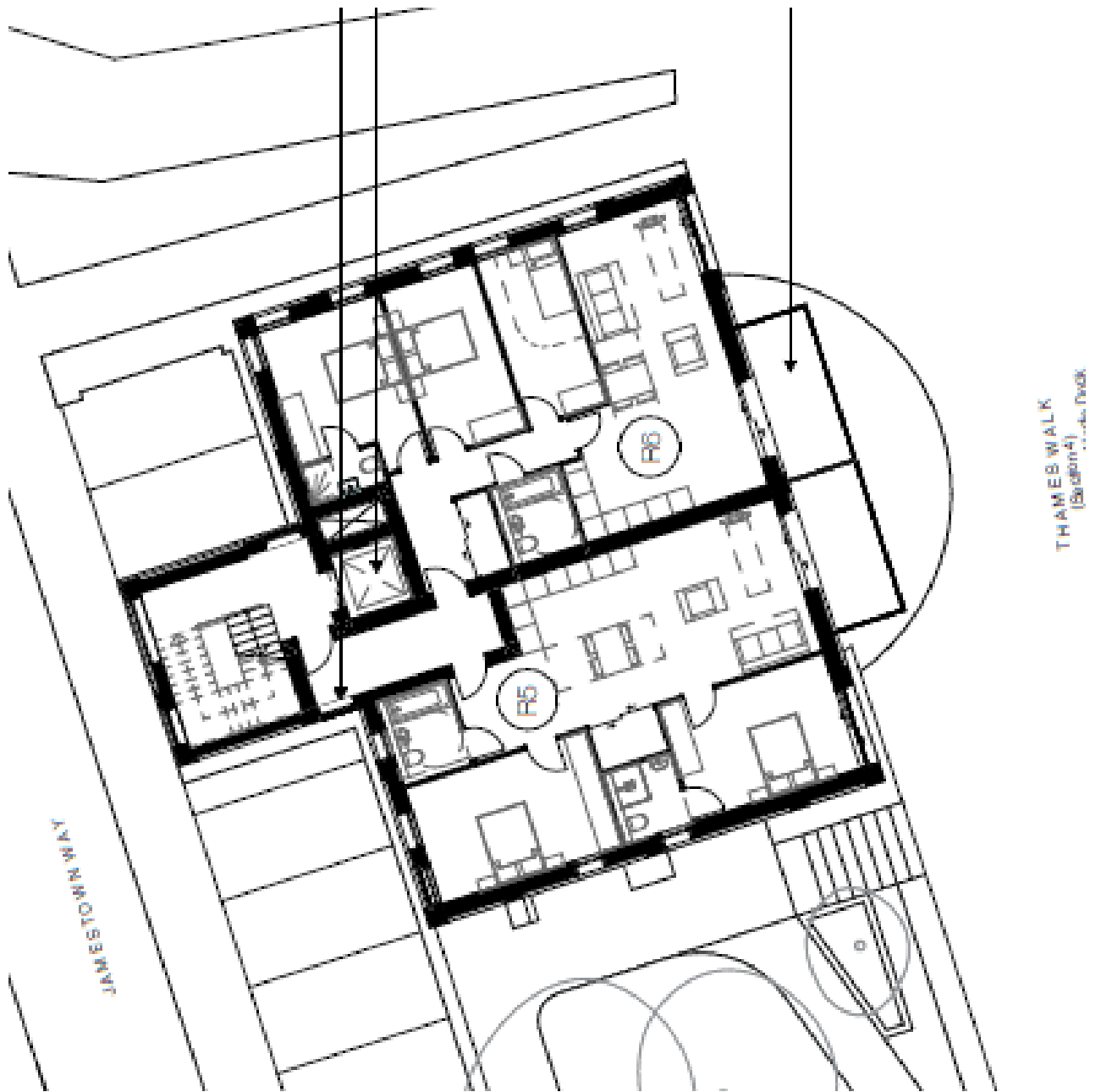
Drawing 6: Proposed ground floor and landscape plan



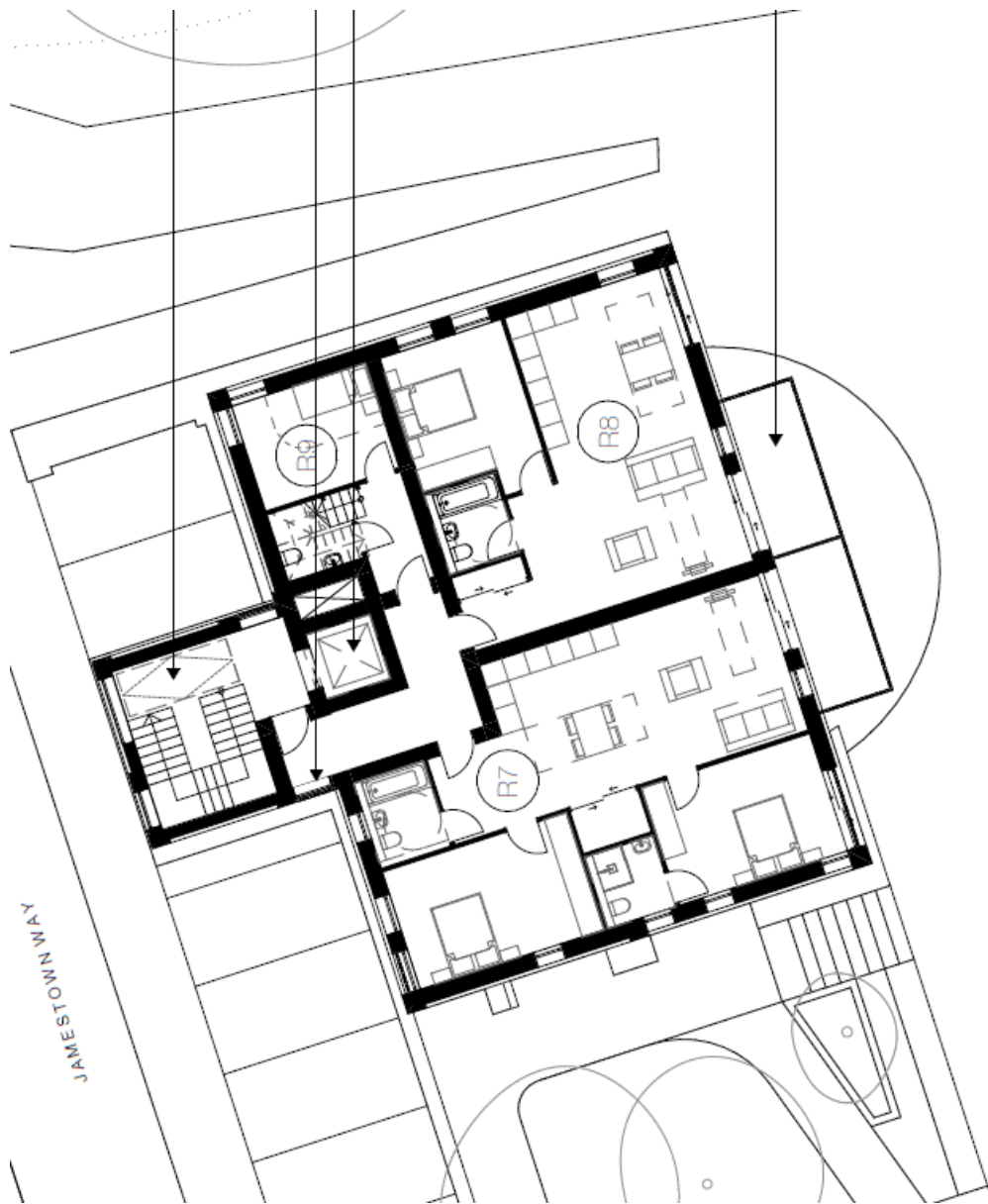
Drawing 7: Proposed first floor plan



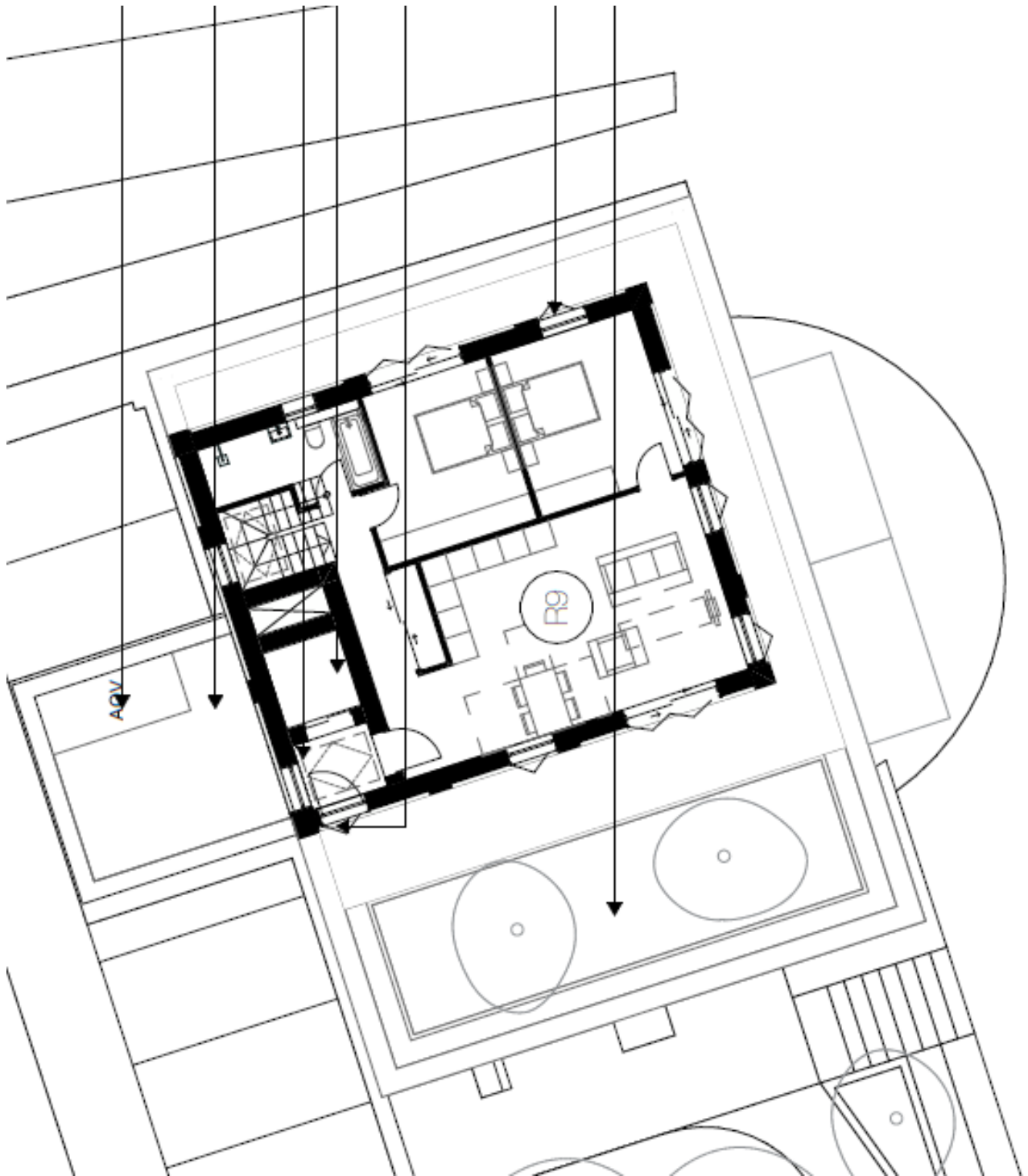
Drawing 8: Proposed second floor plan



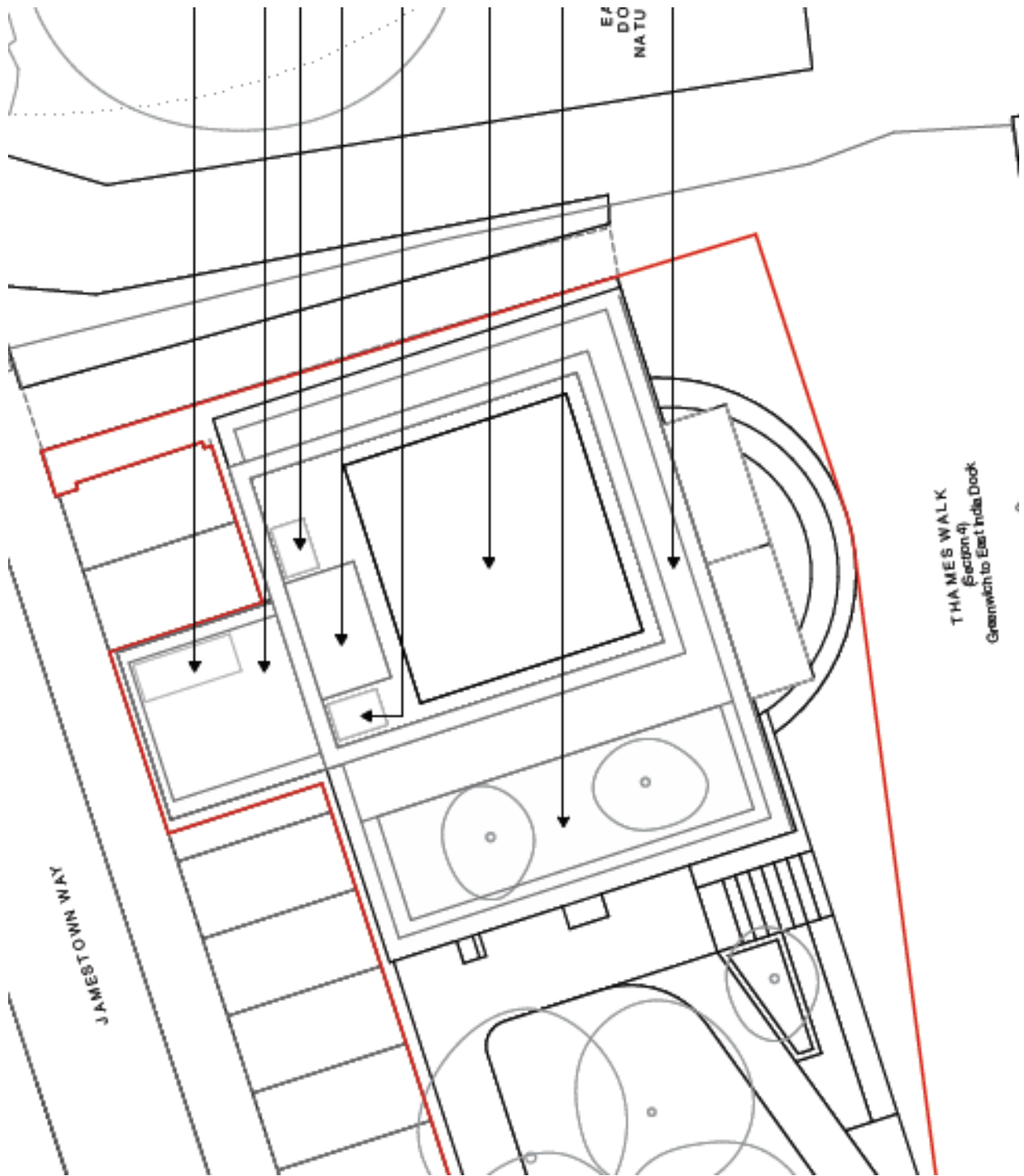
Drawing 9: Proposed third floor plan



Drawing 10: Proposed fourth floor plan



Drawing 11: Proposed fifth floor plan



Drawing 12: Proposed roof floor plan