

Development Committee

Agenda

Wednesday, 12 June 2024 at 6.30 p.m.
Council Chamber - Town Hall, Whitechapel

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

Chair:

Councillor Iqbal Hossain

Vice Chair:

Members:

Councillor Gulam Kibria Choudhury, Councillor Amin Rahman, Councillor Bellal Uddin, Councillor Faroque Ahmed, Councillor Mufeedah Bustin and Councillor Mohammad Chowdhury

Substitute Members:

Councillor Shafi Ahmed, Councillor Bodrul Choudhury, Councillor Ahmodur Khan, Councillor Sabina Akhtar, Councillor Marc Francis and Councillor James King

(The quorum for the Committee is 3 voting members)

The deadline for registering to speak is **4pm Monday, 10 June 2024**

The deadline for submitting information for the update report is Noon
Tuesday, 11 June 2024

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>

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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

Wednesday, 12 June 2024

6.30 p.m.

APOLOGIES FOR ABSENCE

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

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

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

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

2. ELECTION OF VICE - CHAIR FOR THE COMMITTEE FOR 2024-25

To elect a Vice-Chair of the Committee for the duration of the municipal year 2024-25

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

To confirm as a correct record the minutes of the meeting of the Development Committee held on 30 November 2023 and 25 April 2024.

4. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (PAGES 13 - 14)

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director 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.

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

6. DEFERRED ITEMS

7. PLANNING MATTERS FOR DECISION

- 7.1 **PA/24/00368 Land comprising Harriot, Apsley & Pattison Houses and the Redcoat Community Centres, Stepney Green, London, E1 (Pages 33 - 84)**
- 7.2 **PA/24/00531 8 Whites Row, London, E1 7NF (Pages 85 - 110)**
- 7.3 **Confirmation of the Dinmont Estate E2 Tree Preservation Order 2024/2 (Pages 111 - 134)**

8. OTHER PLANNING MATTERS

Next Meeting of the Development Committee

Thursday, 25 July 2024 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



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Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

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

(i) Disclosable Pecuniary Interests (DPI)

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

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

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

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

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

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

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

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

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

Guidance on Predetermination and Bias

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

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

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 18.37 ON THURSDAY, 25 APRIL 2024

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present:

Councillor Kamrul Hussain (Chair)

Councillor Amin Rahman
Councillor Gulam Kibria Choudhury
Councillor Abdul Mannan
Councillor Faroque Ahmed
Councillor Sabina Akhtar
Councillor Shahaveer Shubo Hussain

Officers Present:

Paul Buckenham	(Head of Development Management)
Astrid Patel	(Senior Planning Lawyer)
Gareth Gwynne	(Area Planning Manager)
Simon Westmorland	(Team Leader West)
David Mason	(Graduate Planning Officer)
Thomas French	(Democratic Services Officer (Committees))

Apologies:

Councillor Asma Islam

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

There were no declarations of disclosable pecuniary interests. The Chair declared that he lived close to area of item 5.1. Cllr Abdul Mannan declared that he lived within the planning area of 6.1

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 30 October 2024 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

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

4. DEFERRED ITEMS

Nil items.

5. PLANNING APPLICATIONS FOR DECISION

5.1 PA/23/02171: 82 Columbia Road, London, E2 7QB

Paul Buckenham introduced the application for a proposed single storey rear extension and a new rear garden entrance door from Wellington Row.

David Mason, Graduate Planning Officer, provided a presentation on the application. The Officer's recommendation was to grant planning permission with conditions.

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

- Objectors have raised concerns about the change in character of the ground floor area. Will this have a negative affect on the conservation area? Officers stated that similar proposals have been made within the local area, so it can be argued this is typical for the local area. This application would have a positive effect on the heritage of the area.
- Did the previous application have the same level of objections? Officers stated that 2014 and 2017 had limited objections, whereas this application's objections have been raised from locals and many within the surrounding area.

Members of the committee discussed the application and moved to the vote.

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

Proposed single storey rear extension and a new rear garden entrance door from Wellington Row, with conditions outlined in the report.

6. OTHER PLANNING MATTERS**6.1 London Legacy Development Corporation - interim delegation scheme**

Paul Buckenham, Head of Planning Development, presented the report to the committee for an interim delegation scheme for London Legacy Development Corporation.

Members of the committee discussed the application and moved to the vote.

On a vote of 7 in favour, 0 against and 0 abstentions the Committee, that the agreed the recommendations.

Note the proposals to establish an interim scheme of delegation (IDS) for applications submitted to LLDC to be delegated to Tower Hamlets from 1 September 2024, until planning powers are formally transferred through legislation.

Confirm their agreement to determine applications referred to them under the IDS in accordance with the established terms of reference in the Council's constitution.

Request that the Council confirms the IDS at the meeting on 31 July 2024.

The meeting ended at 19:19

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>

Non-Executive Report of the: Development Committee 12 June 2024	 TOWER HAMLETS
Report of: Director of Legal and Monitoring Officer	Classification: Unrestricted
Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings 2024/2025	

Originating Officer(s)	Thomas French, Committee Services Officer
Wards affected	All wards

Summary:

This report sets out the Terms of Reference, Quorum, Membership and Dates of Meetings of the Strategic Development Committee for the Municipal Year 2024-25 for the information of the Strategic Development Committee members. It also proposed some minor changes to the current Terms of Reference for the Committee to consider.

Recommendations:

The Development Committee is recommended to:

- Note the current terms of reference, quorum, membership and dates of future meetings as set out in Appendices 1, 2 and 3 to this report.
- Determine the preferred time at which the scheduled meetings will start.
- Agree the proposed changes to the terms of reference as set out in appendix 4 and request these be approved via the appropriate decision route.

1. REASONS FOR THE DECISIONS

- 1.1 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year.
- 1.2 Some minor changes are proposed to the Committee’s Terms of Reference to clarify and update outdated terminology.

2. ALTERNATIVE OPTIONS

- .4 The committee could decide not to recommend to update its Terms of Reference and continue with 2024/25 Terms of Reference.

DETAILS OF REPORT

- 3.1 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively. The Membership is to be appointed by the Annual Council meeting on 17 May 2023.
- 3.2 The Committee's meetings for the year are set out in Appendix 3 to this report as agreed at the Council meeting on 15 May 2024.

In accordance with the programme, meetings are scheduled to take place at 6.30pm.

Some minor amendments are proposed to the Committee's terms of reference for its consideration. These are set out in Appendix 4. The changes have been proposed by the Head of Development Management to

- Clarify terms to match custom and practice.
- Update wording to align it with legislation.
- Updated the correct title of the relevant corporate director.

EQUALITIES IMPLICATIONS

- 4.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and known dates of religious holidays and other important dates where at all possible.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
 - Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.

5.2 No implications arising from this report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 No Comments

7. COMMENTS OF LEGAL SERVICES

7.1 No Comments.

Linked Reports, Appendices and Background Documents

Linked Reports

None.

Appendices

Appendix 1 - Development Committee Terms of Reference and Quorum as agreed the the Council AGM 15 May 2024

Appendix 2 – Development Committee Membership 2024/2025

Appendix 3 - Development Committee Meeting Dates 2024/2025

Appendix 4 - Development Committee Draft amended Terms of Reference and Quorum

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

None.

Officer contact details for documents:

Thomas French, thomas.french@towerhamlets.gov.uk

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1. Development Committee

<p>Summary Description: To determine applications for planning permission and listed building consent which have triggered over 20 representations (for or against) and/or that meet certain criteria with regards to size amongst other issues. Note that certain applications exceed the remit of the Development Committee and these are considered by the Strategic Development Committee.</p>	
<p>Membership: 7 Councillors (each political group may appoint up to 3 substitutes).</p>	
<p>Functions</p>	<p>Delegation of Functions</p>
<p>1. Applications for planning permission</p> <p>A. To consider and determine recommendations from the Corporate Director, Housing and Regeneration to GRANT planning permission for applications made under the Town and Country Planning Act 1990 (as amended); that meet any one of the following criteria:</p> <ol style="list-style-type: none"> I. Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential units of any use class, including shared accommodation. II. Proposals involving the erection, alteration or change of use of buildings, structures or land with a gross floor space exceeding 10,000 square metres. III. Retail development with a gross floor space exceeding 5,000 square metres. IV. Proposals involving buildings on Metropolitan Open Land with a gross floor space exceeding 100 square metres. V. If in response to the publicity of an application the Council receives in writing, by email or other electronic form 20 or more individual representations; or a petition (received from residents of the borough whose names appear in the Register of Electors, business addresses in the borough or local Councillors) raising material planning objections to the development, and the Corporate Director, Housing and Regeneration considers that these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement. Representations (either individual or petitions) received after the close of the consultation period will be counted at the discretion of the Corporate Director, Housing and Regeneration. <p>B. To consider and determine recommendations from the Corporate Director, Housing and Regeneration to REFUSE planning permission for applications made under the Town and Country Planning Act 1990 (as amended), where in response to the publicity of an application the Council has received in writing, by email or other electronic form, more 20 or more individual representations supporting the</p>	<p>The Corporate Director, Housing and Regeneration (or any officer authorised by them) has the authority to make decisions on planning matters with the exception of those specifically reserved to the Development Committee, unless:-</p> <ol style="list-style-type: none"> (i) these are expressly delegated to them; or (ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15

<p>development or a petition in the form detailed in part 1.A. (v) supporting the proposed development. Representations (either individual or petitions) received after the close of the consultation period will be counted at the discretion of the Corporate Director, Housing and Regeneration.</p> <p>C. To consider and determine recommendations from the Corporate Director of Place to GRANT permission for applications to vary or delete conditions attached to a planning permission (section 73 of the Town and Country Planning Act) which was previously determined by the Development Committee, and as a result of publicity any of the criteria in part 1.A.(v) apply and the representations received relate directly to matters arising from the proposed amendments to the permission and not the original application.</p>	
<p>2. Applications for listed building consent</p> <p>To consider and determine recommendations from the Corporate Director, Housing and Regeneration to GRANT listed building consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 where any of the criteria in 1.A.(i)-(v) apply; and/or an objection has been received from either the Historic Buildings and Monuments Commission for England (known as Historic England) and/or one of the statutory amenity societies and these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.</p>	<p>As above including to refuse listed building consent.</p>
<p>3. Applications for hazardous substance consent</p> <p>To consider and determine recommendations from the Corporate Director, Housing and Regeneration to GRANT hazardous substance consent for applications made under the Planning (Hazardous Substances) Regulations 2015 where the criteria in 1.A(v) apply and/or an objection has been received from any of the consultation bodies listed in the Regulations and these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.</p>	<p>As above including to refuse hazardous substance consent.</p>
<p>4. Observations to other planning authorities</p> <p>To respond to requests for observations on planning applications referred to the Council by other local authorities, Development Corporations the Mayor of London, Government Departments statutory undertakers and similar organisations where the development would appear to be contrary to policies in the Development Plan or would raise especially significant boroughwide issues.</p>	<p>As above</p>

<p>5. Confirmation of Tree Preservation Orders</p> <p>To consider and determine recommendations from the Corporate Director, Housing and Regeneration to CONFIRM Tree Preservation Orders under s198 of the Town and Country Planning Act 1990 where such orders are the subject of a sustained objection. A sustained objection is defined as one that is maintained despite attempts to resolve it, or is one that is considered to be incapable of resolution by negotiation.</p>	<p>As above</p>
<p>6. General</p> <p>A. To consider any application or other planning matter referred to the Committee by the Corporate Director, Housing and Regeneration including preapplication presentations (subject to the agreed protocol) where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised).</p> <p>B. To consider any matter which would otherwise be referred to the Strategic Development Committee but which the Corporate Director, Housing and Regeneration, following consultation with the Chairs of both Committees, considers should more appropriately be considered by the Development Committee.</p>	<p>None</p>
<p>Note - It shall be for the Corporate Director, Housing and Regeneration to determine whether a matter meets any of the above criteria</p>	
<p>Quorum: 3 Members of the Committee</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part C Section 35 (Planning Code of Conduct) • Constitution Part D Section 54 (Guidelines for Determining Planning Applications under the Town and Country Planning Act 1990) • Constitution Part D Section 54 (Development Committee Procedure Rules) 	

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DEVELOPMENT COMMITTEE
(Seven members of the Council)

Aspire Group (4)

Councillor Gulam Kibria
Choudhury Councillor Iqbal Hossain
Councillor Amin Rahman
Councillor Bellal Uddin

Substitutes
Councillor Shafi Ahmed
Councillor Bodrul Choudhury
Councillor Ahmodur Khan

Labour Group (3)

Councillor Faroque Ahmed
Councillor Mufeedah Bustin
Councillor Mohammad Chowdhury

Substitutes

Councillor Sabina Akhtar
Councillor Marc Francis
Councillor James King

Ungrouped (0)

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APPENDIX 3
SCHEDULE OF DATES 2024/25
DEVELOPMENT COMMITTEE

20 June 2024
~~4 July 2024~~
25 July 2024 (provisional)
8 August 2024
5 September 2024
3 October 2024
31 October 2024
28 November 2024
9 January 2025
6 February 2025
27 March 2025 – 5:30pm
25 April 2025.

Meetings are scheduled to take place at 6.30pm

It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and other Members as appropriate.

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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

Date: 12 June 2024

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/24/00368
Site	Land comprising Harriot, Apsley & Pattison Houses and the Redcoat Community Centres, Stepney Green, London, E1
Ward	Stepney Green
Proposal	Redevelopment of the site comprising the demolition of existing buildings (including Harriot House, Apsley House, Pattison House, The Redcoat Centre and Redcoat Community Centre) to provide 407 residential units (Class C3) across buildings ranging in height from 4-8 storeys and community centre building of 1,167m ² GIA (Class E (e-f), Class F1 (e-f), Class F.2 (b)), together with associated landscaped communal amenity space, accessible car parking, secure cycle parking spaces and refuse/recycling storage facilities.
Summary Recommendation	Grant planning permission subject to conditions and planning obligations
Applicant	London Borough of Tower Hamlets
Architect/agent	Renew Planning Limited
Case Officer	Kevin Crilly
Key dates	- Application registered as valid on 04/03/2024 - Public consultation finished on 18/04/2024

EXECUTIVE SUMMARY

The application proposes the demolition of Harriott House, Apsley House and Pattison House, and The Redcoat Centre and the Redcoat Community Centre, and the construction of new residential accommodation, in the form of 407 residential units, and 1,167m² of community use space, together with extensive landscaping and outdoor amenity space.

The application proposes amendments to the scheme approved under planning permission PA/21/02703, dated 09/08/2023 [hereinafter “the Extant Scheme”]. The development now proposed, in terms of its bulk, scale, form, layout and mix of uses, is substantially similar to the Extant Scheme. The primary changes comprise the relocation of the community floorspace to a standalone building on the south-east corner of the site (with minor associated changes to the residential floorspace), the provision of second staircases to the taller blocks and a marginal increase in height of blocks to facilitate blue/ green roofs.

In line with ‘The Mayors Good Practice Guide to Estate Regeneration’, the development would re-provide 36 existing social rented (secure tenant) homes and 28 resident leaseholder

(shared equity) homes; and in addition would optimise the site capacity to deliver a further 343 new homes, with a 40.5% uplift in affordable housing (ie excluding re-provided homes). Overall, 53.3% of the proposed habitable rooms would be affordable. All proposed homes would meet the London Plan's minimum space standard and would have private amenity space provision that meets minimum standards.

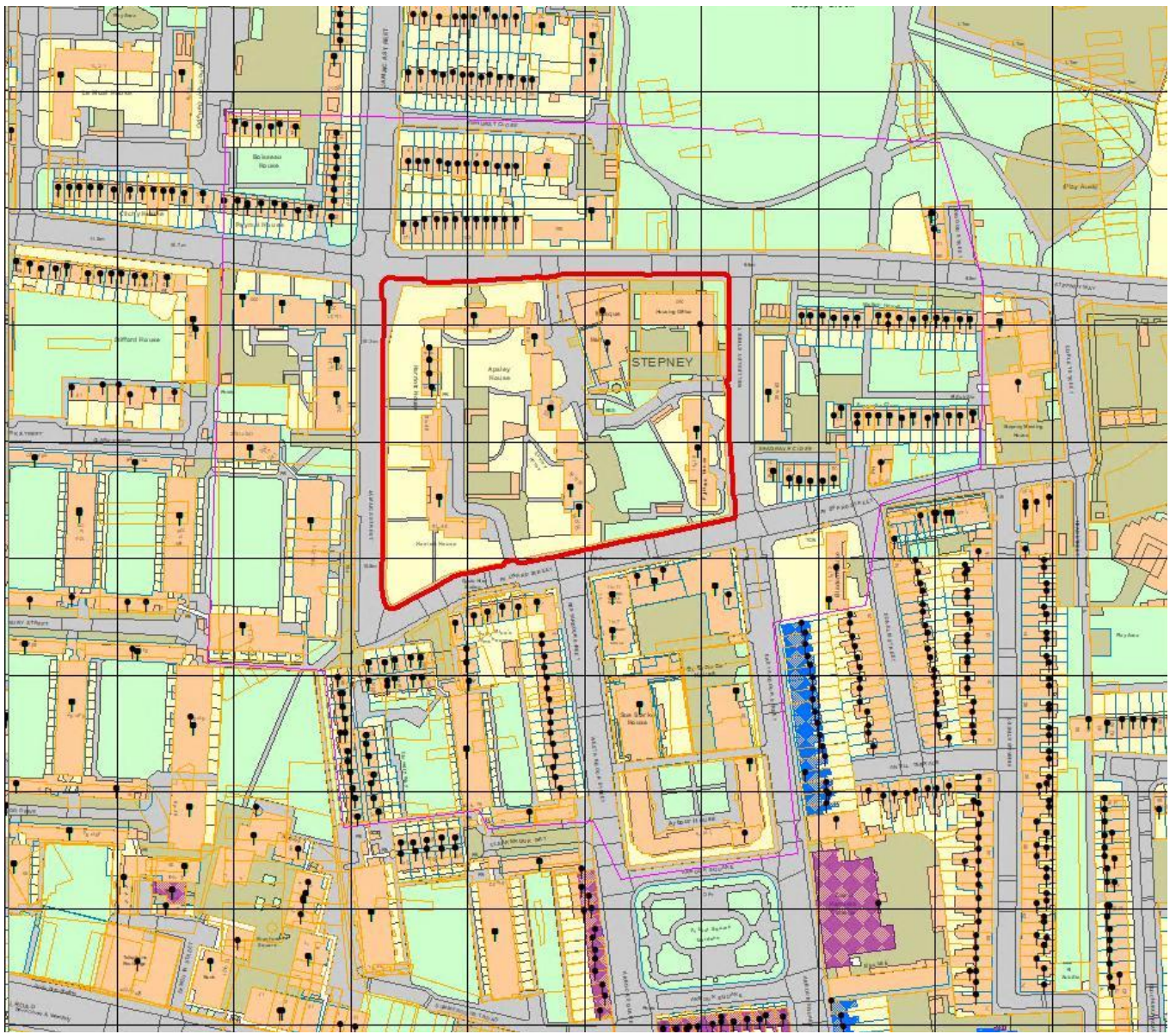
The proposed land use is strongly supported and would assist the Council in meeting its housing targets. In particular, the overall provision of 175 affordable homes, including the re-provision, would serve the needs of local residents.

The scale, form, detailed design and materiality of the development would respond appropriately to the character and appearance of the surrounding streets. Two communal courtyards for the future residents are proposed, along with a public 'inner street' to provide a convenient pedestrian and cycle route from Stepney Way to Aylward Street, improving connectivity in the area. Dedicated child play space would be introduced, which does not exist on the site at present. There would also be significant tree planting.

The proposal would have an acceptable impact on neighbouring residential amenity. The development would provide policy compliant cycle storage wheelchair accessible parking; and would meet Council policy on net zero carbon and biodiversity net gain.

This application has been considered against the development plan policies within the Tower Hamlets Local Plan 2031 (January 2020) and London Plan (2021); and against the National Planning Policy Framework and all other material considerations.

Officers recommend the proposed development be granted planning permission, subject to conditions and financial and non financial obligations.



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- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- ↑ Land Parcel Address Point
- Locally Listed Buildings
- Statutory Listed Buildings

Planning Applications Site Map PA/24/020368

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process



**London Borough
of Tower Hamlets**

Scale : 50m grid squares

Date: 04 June 2024

1. **SITE AND SURROUNDINGS**

- 1.1 The application site is 1.78 hectares in area. It is bounded by Stepney Way to the north, Jamaica Street to the west, Aylward Street to the south and Wellesley Street to the east. The site contains three linear housing blocks- Harriott House to the west, Apsley House to the centre and Pattison House to the east. The housing blocks range between 4 and 8 storeys high and date from 1954. In addition, there are two council owned community buildings on the north east corner of the site.
- 1.2 There are 100 homes on the site. These currently comprise of 31 Non-Resident Leaseholder (NRL) homes, 28 Resident Leaseholder (RL) homes, 36 Secure Tenant- Social Rented (ST) homes and 5 temporary accommodation (TA) homes. Figure one below outlines the existing uses, buildings and floorspace and homes on the site.
- 1.3 The community buildings consist of The Redcoat Centre, a single-storey building jointly occupied by the Council's Adult Services department and an organisation (Vibrance) providing services for vulnerable adults, and the Redcoat Community Centre, comprising 4 conjoined single-storey portacabin structures which are used by a local prayer group.

Building	Existing use	GIA Sqm	No. homes
Apsley House	Residential (C3)	9809	36
Harriott House	Residential (C3)		48
Pattison House	Residential (C3)		16
Redcoat Centre	Community use (F2)	460	N/A
Redcoat Community Centre	Community use (F2)	660	N/A
Total floorspace		10,929	100

Figure one – existing development floorspace

- 1.4 The remainder of the site consists of a mixture of hardstanding areas for servicing and vehicular access and parking, and soft landscaping in the form of vertical sections of grass running north to south between the housing blocks. The hardstanding area incorporates 58 car parking spaces.



Figure two: Existing Site Plan



Figure three: Aerial View of the Site

- 1.5 The surrounding area is residential in character, with housing estates surrounding it on all four sides. To the north-east of the site lies Stepney Green Park, a public green space. The height of the buildings within the surrounding context are generally similar to those on the site and predominantly between three and eight storeys. The buildings to the south of the site were generally built in the 1950s and before, whilst the buildings to the south and west are slightly more recent having been built between the 1960s and 1990s. There is little variety in the material palette of surrounding properties, with a predominance of brick facades, in particular buff brick.
- 1.6 The site does not lie within a conservation area, but there are a number of conservation areas close by including the Albert Gardens Conservation Area which is adjacent to the site on the southern side of Aylward Street. This Conservation Area incorporates the retained parts of the former Arbour Square Police Station and Magistrates Court building situated between West Arbour Street and East Arbour Street (now used as housing).



Figure four - Albert Gardens Conservation Area Boundary (red line boundary around the site)

- 1.7 The site is situated within a low probability flood risk area (Flood Zone 1) and Air Quality Management Area (AQMA), which was declared for the whole of the borough in 2002 due to high concentrations of NO₂ and particulate matter. The site is not situated within an Archaeological Priority Area.
- 1.8 The site has a PTAL (Public Transport Accessibility Level) of 4 and 5, which is very good, on a scale of 0-6b with 0 being the worst. There are 5 bus routes within 650 metres of the site.

Limehouse Station is 950 metres south east of the site providing access to National Rail services and Docklands Light Railway (DLR) services between Bank and Lewisham, Bank and Woolwich Arsenal and Tower Gateway and Beckton. It is an approximately 11-minute walk to Stepney Green Underground Station and an approximately 13-minute walk to Whitechapel Station.

2 **PROPOSAL**

- 2.1 This application proposes amendments to the Extant Scheme, which was resolved to be approved by the Development Committee on 21st March 2022 and finally approved on 9th August 2023. A full description of the current proposal follows in the paragraphs below. An outline of the differences between the current proposal and the Extant Scheme can be found at the end of this section.
- 2.2 The applicant proposes the demolition of the existing buildings on the site and the erection of new buildings ranging between 4-8 storeys in height, to provide 407 new homes and 1,167m² (GIA) of community use floorspace (Class E (e-f), Class F1 (e-f), Class F.2), together with landscaped communal amenity spaces.
- 2.3 The site would be laid out in the form of two perimeter urban blocks, each constructed around a central communal courtyard, with a new generous pedestrian walkway which would cut through the centre of the site in a north/ south orientation (referred to as the 'inner street'). Each perimeter block would comprise of inter-linked housing blocks. The 7 housing blocks to the west of the inner street (Development Area A) would front Stepney Way (north), Jamaica Street (west) and Aylward Street (south); and 6 housing blocks to the east of the inner street (Development Area B) would front Stepney Way (north), Wellesley Street (east) and Aylward Street (south).
- 2.4 All of the blocks would be residential, with the exception of the Redcoat Community Centre and Mosque (labelled 'RCCM' in figure 2 below), which would occupy a detached building on the south east corner of the site.



Figure five – proposed site plan

- 2.5 In terms of the residential element of the scheme, the proposal would re-provide 64 of the existing homes on the site and in addition would provide a further 343 new homes. The 64 re-

provided homes would comprise the 28 existing Resident Leaseholder (RL) homes (as 'shared equity' units) and the 36 Secure Tenant- social rented (ST) homes. Of the additional 343 homes proposed, 111 would be affordable, amounting to a 40.5% uplift in affordable housing by habitable room; and an overall provision of 53.3% affordable housing by habitable room.

2.6 The proposed development would be phased to enable the existing residents (resident leaseholders and secure tenants) to move only once as part of an agreed decant strategy and without a need to temporarily move off-site. The phasing strategy is as follows:

- Phase 1: Demolition of existing adult social care building (including some garages and pram sheds) and construction of Blocks A3, A4 and B2 alongside the new Community building. These blocks will contain all the proposed re-provided homes. The intention is that the local prayer group currently occupying the temporary portacabin structures will move into the new community space being provided within phase 1.
- Phase 2: Once all the re-provided homes are occupied, the remaining housing blocks on the site will be demolished to enable the wider site construction, including the formation of the inner street and all associated landscape areas.

2.7 The proposed community space is expected to be occupied by the incumbent local prayer group. The remaining tenants (comprising the Council's Adult Services department and an organisation (Vibrance) providing services for vulnerable adults) will be relocated into alternative premises elsewhere in the borough.

2.8 The development would provide 35 disabled persons car parking spaces- 33 spaces would be within a ground level car park and a further 2 spaces would be located off the inner street. Cycle parking is also provided at ground floor in each of the housing blocks.

2.9 The development would provide amenity areas comprising a mixture of verdant communal amenity space, children's play space, public realm and general hard and soft landscaping.

2.10 The principle changes proposed within this application, compared to the Extant Scheme are as follows :

- **Community floorspace** – Within the Extant Scheme, the community floorspace was at ground floor level within block B2, at the north- east corner of the site. As now proposed, the community floorspace would be located within a standalone building on the south- east corner of the site. The community centre would extend over 4 storeys with its main entrance fronting Aylward Street. It would continue to be earmarked for the occupancy by the Redcoat Community Centre and Mosque.
- **Second staircases** – second staircases are now proposed to all buildings over 18m, to provide a secondary means of escape (and access) in case of emergency.
- **Residential floorspace** – to facilitate the relocation of the community floorspace, the number of dwellings proposed has been reduced from 412 within the Extant Scheme to 407. The number of additional affordable homes is proposed to increase, from 110 within the Extant Scheme to 111.
- **Building heights** - Minor increases in the heights of most of the blocks (by a maximum of 900mm) are now proposed to facilitate the provision of blue/ green roofs for sustainable urban drainage.

3. RELEVANT PLANNING HISTORY

- 3.1 PA/21/02703 – Redevelopment of the site comprising demolition of existing buildings (including Harriott House, Apsley House, Pattison House, The Redcoat Centre and Redcoat Community Centre) to provide 412 residential units (Class C3) and 1,192m² GIA of community use (Class E (e-f), Class F1 (e-f), Class F.2 (b)) provided across buildings ranging in height from 4-8 storeys, together with associated landscaped communal amenity space, accessible car parking, secure cycle parking spaces and refuse/recycling storage facilities. Permitted (09/08/2023)
- 3.2 PF/20/00170 - Phased demolition of all existing buildings on the site and the construction of up to 12 housing blocks (anticipated to be in separate configurations of 6 x inter-linked blocks each) ranging in height from 3 - 8 storeys including also the possibility of a 12-storey marker building on the north - eastern part of the site and providing approximately 450 residential units and 1,000m² GIA community use (which is expected to be occupied by the incumbent local prayer group)
- 3.3 PA/20/01570 - Request for an Environmental Impact Assessment (EIA) Screening Opinion pursuant to Regulation 6 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations') in respect of a planned estate regeneration scheme relating to the 7 housing blocks (known collectively as Harriott House, Apsley House and Pattison House) bounded by Stepney Way the north, Jamaica Street to the west, Aylward Street to the south and Wellesley Street to the east and also including the Redcoat Centre and Redcoat Community Centre – EIA not required (13/08/2020)
- 3.4 PA/10/01857 - The retention of single-storey porta-cabin structures to the south and the north of the Redcoat Community Centre to provide community facilities (Use Class D1) – permitted (26/10/2010)
- 3.5 PA/06/02253 – Retention of a single storey extension to the south of the existing Redcoat Community Centre (Phase 1) and erection of single storey extension to the north of the existing Redcote Community Centre (Phase 2) to provide 324 sq m of additional community facilities (Class D1 Use) for a temporary period – permitted (11/04/2007)
- 3.6 PA/05/00166 - Extension to the existing community building (D1 use class) by the positioning of a 145sqm portacabin unit alongside the existing building and creation of path to the new main entrance – permitted (24/03/2005)
- 3.7 PA/04/01135 - Extension to the existing community building (D1 use class) by the positioning of two pre-fabricated units at the rear and creation of path to the proposed new entrance – permitted (04/11/2004)

4. PUBLICITY AND ENGAGEMENT

Pre-application

- 4.1 The submitted Statement of Community Involvement (SCI) sets out the non-statutory consultation undertaken by the applicant and how this influenced the application and revisions to it. The consultation process had three phases to it: the pre-ballot phase, the ballot, and the post-ballot phase. Since July 2018 the Mayor of London has required any landlord seeking GLA funding for estate regeneration projects which involve the demolition of social homes to show that residents have supported their proposals through a ballot. The Residents Ballot result revealed widespread support for the plans with 98% of residents (based on a 93% turnout of eligible voters) voting for the proposed development.
- 4.2 The pre-ballot consultation phase took place between June and December 2019 and consisted of a number of drop-in events, a newsletter with regular communication about the proposed scheme, a website dedicated to the scheme and the establishment of a 'HAP Residents' Panel'. Post the ballot, another phase of consultation took place. This phase consisted of a series of online consultations, newsletters and a children-focused event.

- 4.3 According to the SCI, the key concern that continued to emerge throughout the consultation process related to the proposals for the scheme to be 'car free'.
- 4.4 Consultations were held with the RCCM, estate residents and residents of the wider area in respect of the changes to the design which are the subject of this application, with the latest resident consultation held in February 2024.
- 4.5 Further details on the exact nature of the pre-application consultation events and the feedback given by community stakeholders can be found in the submitted SCI.

Statutory application consultation

- 4.6 Upon validation of the application, the Council sent out consultation letters to 879 nearby owners and occupiers. An advert was posted in the press and four site notices were displayed outside the site.
- 4.7 A total of 2 objection letters and 1 letter of support were received. The comments raised are summarised below:

Objections

- Redevelopment will drive existing residents away and into more expensive accommodation and will not be affordable for local people
- Impact of construction works on residential amenity

Support

- The benefits of an increase in social housing is supported

5. CONSULTATION RESPONSES

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

External responses

Cadent / Natural Gas

- 5.2 No objection

Canal and river Trust

- 5.3 No comment

Thames Water

- 5.4 No objection subject to conditions

Greater London Authority

- 5.5 No strategic issues raised. No requirement to seek a stage 2 referral

Historic England

- 5.6 No comment

Historic England Archaeology

- 5.7 No objection subject to conditions

HSE Gateway One

- 5.8 The fire safety measures meet the requirements of HSE Gateway One.

Met Police

5.9 No objection subject to conditions

Natural England

5.10 No comment

Transport for London

5.11 No comment

Internal Responses

LBTH Biodiversity

5.12 No objection, subject to conditions

LBTH Tree Officer

5.13 No objection, subject to conditions

LBTH Energy and Sustainability

5.14 No objection subject to conditions and obligations

LBTH Environmental Health

Noise and Vibration

5.15 No objection subject to conditions

Air Quality

5.16 No objection subject to conditions

Contaminated land

5.17 No objection subject to conditions

LBTH Housing

5.18 Comments incorporated within the housing section of the report

LBTH Sustainable Urban Drainage

5.19 No comment made

LBTH Transportation & Highways

5.20 No comment, additional to that made in relation to the Extant Scheme

LBTH Waste Policy & Development

5.21 Clarifications on separation of domestic and commercial waste, collection strategy and bulky waste. Condition recommended for final waste strategy.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

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

6.2 In this case the Development Plan comprises:

- The London Plan (2021)
- Tower Hamlets Local Plan 2031 (2020)

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

Land Use (residential, community)

- London Plan policies: H1, GG1, GG2, GG4, S1, D1, D3
- Local Plan policies: S.H1, S.CF1, D.CF2, D.CF3, S.SG1, S.SG2

Housing (affordable housing, housing mix, housing quality, fire safety, amenity)

- London Plan policies: D6, D7, D11, D12, H4, H5, H6, H8, H10
- Local Plan policies: S.H1, D.H2, D.H3

Design and Heritage (layout, townscape, massing, height, appearance, materials, heritage)

- London Plan policies: D1, D3, D4, D5, D8, D9, HC1, HC2, HC3, HC4
- Local Plan policies: S.DH1, D.DH2, S.DH3, D.DH4, D.DH6, D.DH7

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

- London Plan policies: D3, D6, D9
- Local Plan policies: D.DH8

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

- London Plan policies: T2, T4, T5, T6, T6.1, T7, T8
- Local Plan policies: S.TR1, D.TR2, D.TR3, D.TR4

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

- London Plan policies: G5, G6, SI1, SI2, SI5, SI8, SI12, SI13
- Local Plan policies: S.ES1, D.ES2, D.ES3, D.ES4, D.ES5, D.ES6, D.ES7, D.ES8, D.ES9, D.MW3

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

- National Planning Policy Framework (2023)
- National Planning Practice Guidance (as updated)
- The National Model Design Code
- The National Design Guide
- 3rd edition of the Building Research Establishment's (BRE) '*Site Layout Planning for Daylight and Sunlight: a good practice guide*' (2022).

LBTH

- LBTH Planning Obligations SPD (2021)
- LBTH High Density Living SPD (2020)
- LBTH Reuse, Recycling and Waste SPD (2021)
- Central Area Good Growth SPD (2021)
- LBTH Community Infrastructure Levy (CIL) Charging Schedule (2020)
- LBTH Development Viability SPD (2021)

London Plan

- The Mayor's Good Practice Guide to Estate Regeneration (2018)
- LP Fire Safety LPG (Draft)
- LP Air Quality Positive LPG (2023)
- LP Air Quality Neutral LPG (2023)
- LP Characterisation and Growth Strategy LPG (2023)
- Housing Design Standards LPG (2023)
- Optimising Site Capacity LPG (2023)
- Urban Greening Factor LPG (2023)
- LP Circular Economy Statements LPG (2022)
- LP Sustainable Transport, Walking and Cycling LPG (2022)
- LP Housing SPG (updated 2017)
- LP Social Infrastructure SPG (2015)
- LP Play and Informal Recreation SPG (2012)
- LP Character and Context SPG (2014)
- LP Accessible London SPG (2014)
- LP Control of dust and emissions during construction and demolition SPG (2014)
- LP Planning for Equality and Diversity SPG (2007)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

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

Land Use

Residential use

7.2 Increasing housing supply is a fundamental policy objective at national, regional and local levels. The NPPF encourages the effective use of land through the reuse of suitably located previously developed land and buildings. Paragraph 124 part c of the NPPF states that planning decisions should give substantial weight to the value of using brownfield land within settlements for homes and other identified needs.

7.3 London Plan policy GG2 part (c) states that to create sustainable mixed- use places that make the best use of land, those involved in planning and development must proactively explore the potential to intensify the use of land to support additional homes..., promoting higher density development, particularly in location that are well connected to jobs, services, infrastructure

and amenities by public transport, walking and cycling. London Plan and Local Plan policies resist the loss of existing housing; unless the existing housing is re-provided. The delivery of housing, and particularly affordable housing, is of the highest priority in the borough.

- 7.4 The predominant existing use of the site is residential and, as such, the principle of the residential use has been established. The proposed re-provision of the existing Social Rented homes and the Resident Leaseholder (shared equity) homes on the site and the intensification of the site to provide an additional 343 homes of which 40.5% are affordable, is given substantial weight.

Community use

- 7.5 London Plan Policy S1 protects social infrastructure unless there are realistic proposals for re-provision that continue to serve the needs of the neighbourhood and wider community; or the loss is part of a wider public service transformation plan which requires investment in modern, fit for purpose infrastructure and facilities to meet future population needs or to sustain and improve services. It also stipulates that redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative uses are proposed unless this loss is part of a wider public service transformation plan.
- 7.6 Local Plan Policy S.CF1 supports proposals which seeks to protect, maintain and enhance existing community facilities and makes clear there is a presumption against the loss of community facilities to ensure that there is sufficient provision to meet local needs.
- 7.7 Policy D.CF2 (Part 1A) advises that existing community facilities should be retained, unless it can be demonstrated that: a) there is no longer a need for the facility or an alternative community use within the local community, or, b) a replacement facility of similar nature that would better meet the needs of existing users is provided. The policy also states that where community facilities are re-provided on site as part of any new development, the quality and accessibility of these facilities (including public access) should be enhanced. Specifically, in the context of estate regeneration schemes, Policy D.H2 (Part 5) also requires existing community facilities to be protected and enhanced.
- 7.8 The proposal would involve the demolition of the existing community buildings (1,120 sqm) and the re-provision in the form of a new community space comprising 1,1167 sqm of floorspace, which would result in a slight uplift in net area. It is anticipated that this space would be occupied by the local prayer group, who currently makes use of the Redcoat Community Centre on the site.
- 7.9 The site currently comprises two council owned buildings in the form of the Redcoat Centre and the Redcoat Community Centre. The Redcoat Centre is a single storey building jointly occupied by the Council's Adult Services department and Vibrance, an organisation providing services for vulnerable adults. The council has provided a statement confirming that a suitable alternate space on the ground floor of Pritchards Road has been found for Vibrance to occupy. Heads of Terms have been agreed in principle and council lawyers are drafting the lease for Pritchard Road. The Council's Adult Services team has already moved out of the site and the property is now empty. Given that alternative premises have been provided in the borough for Vibrance and the Adult Services team, the test set out under Part 1A of Policy D.CF2 of the Local Plan have been met.
- 7.10 The existing Redcoat Community Centre comprises four conjoined single storey portacabin structures, which are used by a local prayer group, Redcoat Community Centre and Mosque (RCCM). The RCCM intend to occupy the new community space located in a standalone building on the south eastern edge of the site. The Extant Scheme included a community centre within one of the residential blocks. This revised proposal would enable the community centre to be located in a standalone building providing a better quality layout.
- 7.11 In conclusion, the proposed demolition of the existing community space and the provision of a new larger and fit- for- purpose community space, meets the requirements of policy and

would ensure that all of the community facilities currently on site either have a new space re-provided on site or access to an alternative community space within the local community.

Land use conclusion

- 7.12 In summary, the proposed residential led development and community use floorspace are supporting, and in accordance with the planning policy.

Housing

Housing supply

- 7.13 London Plan Policy H1 sets Tower Hamlets a housing completion target of 34,730 units between 2019/20 and 2028/29. The proposed development would result in a net uplift of 307 new homes on the site, which would make an important and significant contribution towards meeting the above target and is strongly supported.

Estate Regeneration

- 7.14 London Plan policy H8 requires that loss of existing housing be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace. This policy also seeks a consideration of alternative options before the demolition and replacement of affordable homes. In addition, the policy requires the replacements Social Rent units to be provided as Social Rent where facilitating a right of return for existing tenants.

- 7.15 Local Plan policy D.H2 part 5 provides criteria which estate regeneration schemes are required to follow:

A protect and enhance existing open space and community facilities

B protect the existing quantum of affordable and family units, with affordable units re-provided with the same or equivalent rent levels.

C provide an uplift in the number of affordable homes, and

D include plans for refurbishment of any existing homes to the latest decent homes standard.

- 7.16 The Mayor's 'Good Practice Guide to Estate Regeneration' (the GPGER) provides detailed guidance for assessing approaches to estate regeneration. The GPGER puts great emphasis on early consultation and engagement with residents and requires all estate regeneration schemes to provide an increase in affordable housing, full rights to return or remain for social tenants, and a fair compensation deal for leaseholders and freeholders.

- 7.17 ***Like for like replacement and right to return.*** London Plan Policy H8 states that replacement affordable housing must be provided at Social Rent levels, where it facilitates a right of return for existing Social Rent tenants. There are currently 36 Secure Tenant (social rented) homes on the site, with a right to return. As proposed, all 36 homes would be re-provided for these Secure tenants on a like for like basis, who would continue to be a tenants of Tower Hamlets Council with their existing tenancy rights such as the right to buy and succession rights retained. These tenants would be charged according to the same Social Rent calculation formula, with the same assumptions, as prior to moving.

- 7.18 There are also currently 28 Resident Leaseholder homes currently on the site. These Resident Leaseholder homes would, line with the GPGER, be re-provided as 'shared equity' units. Although the 'shared equity' product is not specifically identified as an intermediate affordable housing product, the proposed shared equity product would be similar to the standard 'shared ownership' product; with the possibility to staircase. The product would be secured through the Directors Letter, along with the affordable housing obligations and as such, the council classifies these homes to be an intermediate affordable housing product.

- 7.19 The other existing homes on the estate – occupied by non- resident leaseholders and those on short- term tenancies, do not have a statutory ‘right to return’.
- 7.20 **Alternatives to demolition.** London Policy H8 states that before considering demolition of existing estates, alternative options should first be considered, and the potential benefits associated with the option to demolish and rebuild an estate set against the wider social and environmental impacts. The site currently has considerable issues, including damp, overcrowding and poor-quality amenity space. The proposed regeneration programme would re-provide homes to modern standards by delivering high-quality residential development, re-provide an improved community space and would increase affordable housing provision. Given this, officers support the proposed demolition.
- 7.21 **Maximising additional genuinely affordable housing.** As set out in the GPGER, in addition to ensuring no net loss of affordable homes, estate regeneration schemes must provide as much additional affordable housing as possible. An additional 111 new affordable homes would be provided, which equates to 40.5% of the additional homes. This is supported and is deemed to be the maximum reasonable amount of additional affordable housing. This is discussed under the Affordable Housing heading below. In addition, it is understood that the applicant proposes that 22 of the additional affordable homes would be allocated to qualifying adult children who currently live with their parents in overcrowded accommodation on the estate, which is strongly supported. These units would be provided at London Affordable Rent levels and limited to one applicant per property.
- 7.22 **A fair deal for leaseholders and freeholders.** As set out in the GPGER, Leaseholders and freeholders affected by estate regeneration should be treated fairly and fully compensated if their homes are to be demolished. As detailed in the ‘Proposed decant strategy’ report leaseholders would be offered fair compensation in line with requirements.
- 7.23 **Full and transparent consultation.** The Mayor’s GPGER requires any landlord seeking GLA funding for estate regeneration projects which involve the demolition of existing affordable or leasehold homes to demonstrate that they have secured resident support for their proposals through a ballot, subject to certain specified exemptions and transitional arrangements. The Council’s capital delivery team undertook a ballot in April 2020, which resulted in a 98% ‘yes’ vote to the scheme based on a 93% turnout. In addition, the applicant’s Statement of Community Involvement sets out details of the public consultation and engagement undertaken with the wider residents of the estate. Officers consider that the scope and extent of the engagement as detailed in the SCI generally accords with the key principles set out in the Mayor of London’s GPGER.

Housing mix and Tenure

- 7.24 London Plan Policy H10 requires developments to comprise 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).
- 7.25 The existing 100 homes on the site comprise of 32 x 2 bedroom homes, 60 x 3 bedroom homes and 8 x 4 bedroom homes. The table below sets out the proposed housing mix inclusive of the re-provided homes against the policy requirements set out in D.H2

Unit size	Total units	Affordable housing						Market housing		
		Social rent			Intermediate tenure			Units	As a %	Policy target %
		Units	As a %	Policy targets %	Units	As a %	Policy target %			
1-bed	111	23	18%	25%	6	13%	15%	82	35%	30%
2-bed	162	24	19%	30%	15	31%	40%	123	53%	50%
3-bed	106	57	45%	30%	22	46%	45%	27	12%	20%
4-bed	28	23	18%	15%	5	10%		0		
Total units	407	127	100%	100%	48	100%	100%	232	100%	100%

Figure seven – housing mix (inclusive of re-provided homes)

- 7.26 The development would deliver 63% of family sized homes within the affordable rented tenure and 56% in the Intermediate tenure. Within the market housing there would be an under provision of family sized homes and an overprovision of one bed and two bed units. However, given there is an overprovision of family sized homes within the intermediate and social rented housing, where there is the greatest need the housing mix and tenure are considered acceptable.
- 7.27 The table below sets out the proposed housing mix excluding the re-provided homes against the policy requirements set out in policy D.H2.

Unit size	Total units	Affordable housing						Market housing		
		Social rent			Intermediate tenure			Units	As a %	Policy target %
		Units	As a %	Policy targets %	Units	As a %	Policy target %			
1-bed	110	22	24.2%	25%	6	30%	15%	82	35%	30%
2-bed	149	15	16.5%	30%	11	55%	40%	123	53%	50%
3-bed	66	36	39.6%	30%	3	15%	45%	27	12%	20%
4-bed	18	18	19.8%	15%	-			-		
Total units	343	91	100%	100%	20	100%	100%	232	100%	100%

Figure eight – housing mix (excluding re-provided homes)

- 7.28 In the uplift the scheme would deliver 60% family sized units in the affordable rented tenure. Within the Intermediate tenure there would be an under provision of family sized homes and an overprovision of one bedroom and two-bedroom units.
- 7.29 Significant weight is given to the re-provision of all of the existing Social Rented and intermediate tenure homes and the focus on delivering a large portion of family sized homes, particularly affordable homes within the proposed scheme. The proposed housing mix and tenure are considered acceptable.

Affordable Housing

- 7.30 London Plan policy H8 (Estate Redevelopment) part E states that all development proposals that include the demolition and replacement of affordable housing are required to follow the Viability Tested route and should seek to provide an uplift in affordable housing in addition to the replacement affordable housing floorspace. Paragraph 4.85 of the supporting text to the policy states that estate regeneration that involves the loss and replacement of affordable housing should deliver an uplift in affordable housing wherever possible. Therefore, all such estate regeneration schemes must go through the Viability Tested Route to demonstrate that they have maximised the delivery of any additional affordable housing.
- 7.31 Local Plan policy S.H1 part 2 A (i) sets an overall strategic target of 50% of all new homes to be affordable, through securing affordable homes from a range of council- led initiatives.
- 7.32 Local Plan policy D.H2 sets the requirements of affordable housing provision within development in the borough, in terms of quantum, standard and provision. Development is required to maximise the provision of affordable housing with a 70% affordable rented and 30% intermediate tenure split (Para. 9.30 making clear that rented housing is expected to be 50% London Affordable Rent and 50% Tower Hamlets Living Rent).
- 7.33 Tower Hamlets Local Plan Policy D.H3 requires development to provide affordable housing which is not externally distinguishable in quality from private housing.

Amount and tenure

- 7.34 Of the total 407 units, the scheme would provide 53.3% (by habitable room) affordable homes, inclusive of the re-provided homes. The scheme would provide an uplift of 40.5% affordable housing, excluding the re-provided homes.
- 7.35 Within the affordable rent tenure, the proposals include the re-provision of 36 homes and the additional provision of 91 units. The re-provided homes would retain the existing Social Rent structure. The additional affordable rented homes would be provided along an 82:18 Tower Hamlets Living Rent to London Affordable Rent split by habitable room. While this does not align with the policy requirement for a 50:50 split between the two, the approach is considered acceptable, given the very strong overall affordable housing provision and the viability challenges this scheme faces.
- 7.36 Within the intermediate tenure, the proposals include the provision of 28 'shared equity' re-provided 'Resident Leaseholder' homes and the provision of an additional 20 shared ownership units.
- 7.37 The proposed tenure split between affordable rent and intermediate tenure for the additional residential units equates to 82:18 in favour of affordable rent by habitable room. Whilst this does not strictly conform to the Councils policy guidance of 70:30 the overprovision of affordable rented units is welcome in this instance, given the acute demand for this type of housing and the development does deliver a range of tenure types and unit sizes.
- 7.38 The affordable homes (affordable rent and intermediate tenure) would be provided in separate blocks to the market homes. However, the blocks would be spread across the development and all amenity spaces would be shared between all residents. The housing development would be tenure blind, in terms of the external and internal design quality of the blocks, which would be further secured by condition through the submission of materials.

Viability

- 7.39 The application is supported by a Financial Viability Assessment (FVA) prepared by Redloft. Following a robust review of the submitted viability evidence, the Council's viability team has concluded that the scheme is providing the maximum reasonable amount of affordable housing, in line with London Plan policy H8. It is recommended that the scheme be subject to an Early Stage Review. This would provide viability in the event that any planning

permission is not implemented within two years from the date it is granted. A Mid Stage Review (at the end of phase 1) and a Late Stage Review is also required.

Conclusion

- 7.40 In conclusion, the provision of affordable housing is considered to be appropriate and as such, on this point, the proposed development is considered acceptable.

Wheelchair Accessible Housing

- 7.41 London Plan policy D7 and Tower Hamlets Local Plan Policy D.H3 require residential developments that at least 10% of dwellings must meet Building Regulation M4 (3) 'wheelchair accessible dwellings' and the remainder of dwellings to meet M4 (2) 'accessible and adaptable dwellings'.
- 7.42 The proposed development would provide 34 wheelchair accessible dwellings, which would comprise 10% of the additional dwelling provision. These units would be in the form of 2/3/4-bed units.
- 7.43 Of the total wheelchair accessible units, 24 would be within the affordable rented sector and the remaining 10 units within the private units.
- 7.44 Each of the wheelchair units would be served by two lifts, which is in line with good practice. The wheelchair units meet the space standards. However, a condition should be secured requiring adjustments to be made to the current layout of the units, in line with comments provided by the Council's Occupational therapists.
- 7.45 In regard to the re-provided units, based on the housing needs assessment, currently no resident requires a fully wheelchair accessible home.

Quality of Residential Accommodation

- 7.46 London Plan policy D6 sets out the minimum internal space standards for new dwellings. This policy also requires the maximisation of dual aspect dwellings and the provision of sufficient daylight and sunlight to new dwellings.
- 7.47 Tower Hamlets Local Plan Policy D.H3 requires developments to meet the most up-to-date London Plan space standards and provide a minimum of 2.5m floor-to-ceiling heights.
- 7.48 Private amenity space requirements are determined by the predicted number of occupants of a dwelling. Local Plan Policy D.H3 sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant.
- 7.49 Out of the total proposed units, 67% would be dual aspect. and the layout of the units has been designed such that there would be no north facing single aspect units, which is welcomed.
- 7.50 The proposed unit sizes meet the London Plan's minimum standard. All units would have private amenity space provision that meets minimum standards.

Noise / Air quality

- 7.51 As confirmed by the Council's Environmental Health officers, the proposed residential units would not be subjected to unacceptable noise conditions. Conditions would be secured to ensure that new accommodation is constructed to appropriate standards with regard to acoustic insulation, noise levels from the community space are not audible from residential units and noise from mechanical plants is kept within appropriate levels.

Air Quality

- 7.52 Tower Hamlets Local Plan Policy D.ES2 requires development to be at least 'Air Quality Neutral' and calls on air quality impacts to identify any necessary mitigation for developments that would cause harm to air quality.
- 7.53 This application is supported by an 'Air Quality Assessment' prepared by Create Consulting Engineers.
- 7.54 The Councils Air Quality officer confirms that the Air Quality Assessment and Air Quality Neutral Assessments are satisfactory. Subject to conditions relating to the construction and operational phases of the development, the proposal would not subject the future occupiers to poor air quality and would not result in undue dust or air quality impacts during demolition or construction.

Privacy & Outlook

- 7.55 In accordance with Policy D.DH9, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to an acceptable degree. As illustrated by Figure eleven, there would be at least an 18-metre separation distance between all windows. Therefore, officers can be confident that future occupiers would not suffer from unacceptable overlooking or compromised outlook.

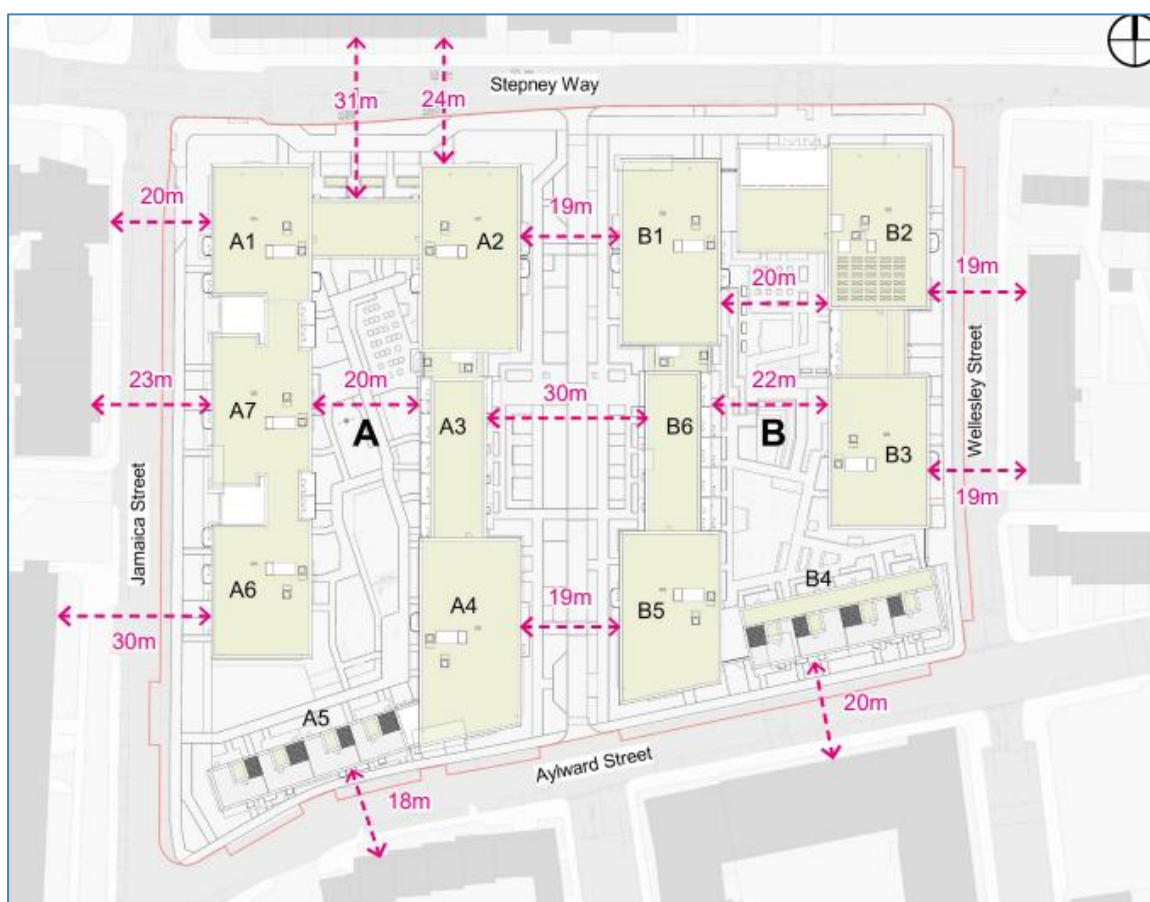


Figure eleven – proposed development separation distances

Daylight, Sunlight & Overshadowing

- 7.56 The applicant has submitted a 'Daylight, Sunlight and Overshadowing Assessment – Proposed Scheme' dated March 2024, for assessment. This methodology used in the Report is based on the guidance provided in the 3rd edition of 'Site Layout Planning and Daylight and Sunlight: a guide to good practice' (BRE, 2022).
- 7.57 In relation to daylight, the 'Illuminance Levels' method was employed, in compliance with the BRE guidance and BS EN 17037. The Illuminance Levels method uses criteria corresponding

to the recommended target illuminance level, measured in lux; and quantifies the overall amount of daylight by measuring the illuminance levels within a space, using hourly climate data. The calculated Illuminance Levels are compared with minimum values recommended for uk dwellings – 100 lux for bedrooms, 150 lux for living rooms and 200 lux for kitchens.

- 7.58 The test was carried out on all 1386 habitable rooms within the proposed development. The results indicate that 955 rooms - 69% - would meet or exceed the BRE minimum targets.
- 7.59 A number of the rooms that fall short of the BRE targets face inwards, towards the podium courtyards and inner street. It is noted that these rooms have the benefit of good outlook towards the landscaped areas. Overall the daylight results are considered to be typical of an urban location; and are deemed acceptable, with the majority of rooms meeting the BRE targets.
- 7.60 In relation to sunlight, the Sunlight Exposure test was carried out, where it is recommended that units have at least one habitable room (ideally a main living room) receiving a minimum of 1.5 hours of sunlight on a selected date between February and March. Sunlight Exposure hours were calculated for all 1386 habitable rooms within the proposed development. The results indicate that overall, 62% of habitable rooms that were analysed meet the BRE criteria for sunlight and 60% of the dwellings have their main living room that meets the criteria.
- 7.61 Sunlight availability is inevitably limited for rooms served by windows oriented towards the east and west, and for windows with a northern orientation. A large proportion of the living rooms and other main habitable rooms that fall short of the minimum requirement for Sunlight Exposure are designed have pleasant outlook towards the central podium courtyards and inner street and will benefit from reduced noise and overall, a good standard of accommodation for the future occupiers.
- 7.62 The sunlight results are considered to be typical of its urban location and whilst not meeting the recommendation in relation to Para. 7.6 above, acceptable sunlight levels are achieved overall, with an acceptable number of dwellings meeting BRE discretionary targets.
- 7.63 In relation to overshadowing, two (west and east) courtyard style amenity spaces and a secondary amenity space towards the centre of the site are proposed. Results of the overshadowing analysis conclude that the west and east courtyards would have at least 50% and 76% of their respective areas receiving 2 hours of sunlight on 21 March, in accordance with BRE requirements. The central amenity space would receive 2 hours of sunlight over 44% of its area while the four private roof terraces on block A5 would have 2 hours of sunlight over at least 80% of their area. These are similar results to those achieved by the Extant Scheme. Overall the external amenity spaces would provide good quality, well lit amenity for the future residents.

Wind/Microclimate

- 7.64 The application is supported based upon the submission of an Environmental Wind Planning Report prepared by Arup. This study concluded that wind conditions within and around the completed development are expected to generally remain within 'Standing' to 'Strolling' levels and no areas are likely to reach the distress conditions. The Wind Planning Report sets out mitigation measures that should be implemented to help ensure wind conditions remain acceptable. A condition is recommended, requiring the applicant to implement appropriate wind mitigation measures.

Fire safety

- 7.65 London Plan policy D12 requires all major applications to be submitted with a Fire Statement produced by a third party, suitably qualified assessor. The policy sets out the requirements in terms of details that Fire Statement should contain. London Plan Policy D5 (part B5) states that new development should be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized

fire evacuation lift suitable to be used to evacuate people who require level access from the building.

- 7.66 Under amendments to the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 ("the 2021 Order") buildings containing two or more dwellings or educational accommodation of 18m, or 7 storeys or more, in height are required to go through the Planning Gateway One. For Planning Gateway One the developer is required to submit a fire statement setting out fire safety considerations specific to the development with a relevant application. This fire statement is then assessed by the Health and Safety Executive.
- 7.67 The application is supported by a Fire Statement and Gateway One Fire Statement, produced by Jeremy Hughes who are considered to be a third party and suitably qualified assessor.
- 7.68 The scheme has been redesigned from the previously approved scheme to accommodate the requirements for access to second staircases as required by the updated fires safety obligations. The HSE has been consulted and have confirmed the proposed fire safety enhancements meet the necessary requirements for Gateway One.

Communal Amenity Space & Play Space

- 7.69 London Plan Policy S4 seeks to ensure that development proposals include suitable provision for play and recreation, and incorporate good-quality, accessible play provision for all ages, of at least 10sqm per child.
- 7.70 Local Plan Policy D.H3 requires a minimum of 50 sqm of communal amenity space for the first 10 units and a further 1sqm for every additional unit thereafter, as well as the provision of appropriate child play space as determined by the child yield calculator.
- 7.71 Local Plan Policy D.OWS3 sets out that development on areas of open space is only acceptable in exceptional circumstances as part of a wider development proposal, where there is an overall increase in quantity and quality of open space.
- 7.72 The existing site provides a total of 9,196 sqm of open space. This open space is in the form of defensible space around the edge of the estate blocks and central areas of grass and hardstanding/ car parking. Although not fenced off, these areas have the character of communal housing estate land and it is not expected that local residents use the space. There is currently a public pedestrian route through the centre of the estate that links Aylward Street with Stepney Way, but this route is neither obvious nor legible and, from the street, appears to lead only into the estate. It is also dominated by vehicles and does not comprise a safe pedestrian route either for residents of the estate or the wider area.
- 7.73 The proposed development would provide 8,330 sqm of landscaped open space. This space would be in the form of two communal courtyards, open areas of green space surrounding the perimeter blocks and an inner street running through the development. Of the 8,330 sqm, approximately 3,800 sqm would be open to the public; anyone can use this space and walk around it. The existing surface level car parking spaces would be removed from the central open spaces of the site and consolidated into one section of the ground floor of the building, creating more verdant and pleasant external amenity spaces. The communal courtyards would serve as communal amenity space for the future occupiers and would only be accessible to residents of the development. The communal space provision would exceed the policy requirement, totalling 452sqM In addition, each home would be provided with policy compliant private amenity space, of where there is currently a lack, on site. An 'inner street' would be created, which would replace the existing, convoluted route. The 'inner street' would run in a straight line north south, linking Aylward Street and Stepney Way. It would be legible from the street and almost entirely car free. It would provide the future residents of the estate and residents of the wider area with a safe and convenient north south route for local journeys and would promote sustainable travel. It would also be step free and suitable for those less able and wheelchair users. This inner street would also contain a pocket park, with a small area of child play space.

7.74 So, while there would be some quantum loss of open space on the site, this would be outweighed by the enhanced quality of the provision, the variety of soft and hard landscaped areas, the provision of public, communal and private spaces and improvement to access routes. With respect to child play space, the following table provides details on the child yield generated by the proposed development and the minimum child play space requirements based on the LBTH Child Play Space calculator:

Age group	Child yield	Child play space requirement (sqm)
Under 5 years	108	1080
5-11 years	93	930
12+ years	86.3	863
Total	287.3	2873

Figure twelve – Child play space requirements (LBTH Child Play Space calculator)

7.75 As detailed above, the development is predicted to generate 288 children and therefore 2873 sqm of child play space is required, split across different age groups.

7.76 The proposed development would provide a total of 2000m² of child play space within Courtyard C1, the podium Courtyard C2 and the ‘inner street’. This space is specifically for children aged 0-11 years and would approximately meet the child play space requirement for this age bracket (2000m² would be provided versus 2010m² required by policy). All the three play spaces will be overlooked by the surrounding perimeter blocks, ensuring there is an appropriate level of surveillance. In addition, the play spaces within Courtyard C1 and Courtyard C2 would only be accessible to residents of the development, providing an additional layer of security. Play provision for over 12’s has not been provided on site. The site adjoins Stepney Green Park to the north east, with its large areas of grass, astroturf pitch and play equipment. There is also a pedestrian crossing from the site boundary, across to the north side of Stepney Way. In addition, the development would provide areas of soft and hard landscaping and safe and secure communal amenity space. Given these factors and in these specific circumstances, it is considered that the older children of the proposed development would have access to sufficient opportunities for play and activity.

7.77 In conclusion, the provision of open space and child play space is considered to be acceptable and would meet the needs of future residents of the site and neighbouring occupiers.

Design & Heritage

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

7.79 London Plan policy D3 promotes the design-led approach to optimise site capacity. The policy requires high density development to be located in locations well connected to jobs, services, infrastructures and amenities, in accordance with London Plan D2 which requires density of developments to be proportionate to the site’s connectivity and accessibility.

7.80 Local Plan policy S.DH1 outlines the key elements of high-quality design so that proposed developments are sustainable, accessible, attractive, durable and well integrated into their surroundings. Complementary to this strategic policy, Local Plan policy D.DH2 seeks to deliver an attractive, accessible and well-designed network of streets and spaces across the borough.

7.81 The Extant Scheme was taken to the Conservation and Design Advisory Panel at pre-application stage. This development follows the same design principles with the most substantive change being the relocation of the community space.

Layout, landscape, public realm, movement and connectivity

7.82 The proposed site layout arrangement is predicated on housing blocks configured on a broadly north-south perimeter grid layout to either side of an 'inner street'. There are two communal courtyards that occupy the space within the perimeter blocks. These courtyards are only accessible to residents. The site has been laid out with generous spacing between the blocks and between the built form and the boundaries of the site, creating views through and around the buildings and opportunities for pockets of landscaping.

7.83 The entire development, across both perimeter blocks, works hard to position active land uses, including new homes, entrance lobbies, and concierge desks, to face the street. This will represent an improvement on the existing situation, where many front doors and entrance lobbies are placed within the site away from the street. The south east corner of the site is marked by a new Community Centre. The building would stand alone rather than forming part of the lower floors of a residential building and would suitably prominent and distinct from the residential buildings. Image 12a below is an unverified CGI, showing the appearance of the proposed community centre.



Figure 12a –CGI looking west along Aylward Street towards community centre

7.84 The accessible car parking would be under a podium in Block B, meaning it would not be visible from the public realm and its impact on the street scene would be mitigated. The removal of the surface level parking from the central areas also creates a less cluttered and more welcoming site layout.

7.85 The new green route, known as the 'inner street' acts to connect Stepney Way and Aylward Street improving connectivity in the area. Access to this street would be controlled via bollards, ensuring that vehicles, with the exception of delivery, servicing and emergency vehicles, cannot use this route. This will ensure that it acts as a pedestrian and cycling friendly route, which benefits the wider community.



Figure thirteen – Proposed Landscape plan



Figure fourteen - Unverified CGI – Street view showing Jamaica Street



Figure fifteen - Unverified CGI – street view from Aylward Street

Height, Scale, Massing and Form

- 7.86 The proposed development is comprised of housing blocks configured over 4-8 storeys in height. The tallest blocks proposed would be similar in height to the tallest buildings on the existing site, and one of the proposed blocks would be taller than the immediate context. Higher rise elements are found along Stepney Way, defined by a series of predominantly 8-storey buildings, which are interspersed with much lower link elements to reduce the buildings' visual impact. While the opposite side of Stepney Way is much lower in scale, the width of the road and the set back of the proposals from the boundary with trees and soft landscaping, result in a scale that, though taller, sits comfortably in the townscape. In addition, the eight storey element marking the north western corner of the site reflects mirrors the eight storey building on the west side of Jamaica Street. Most of the blocks are slightly taller than their equivalents within the Extant Scheme, with increases in height of between 225mm and 900mm. Blocks B1 and B2 are 75mm shorter than the equivalent blocks in the extant scheme. These are minor changes which would not materially change the appearance of the development from public views.
- 7.87 There are also taller buildings either side of the inner street, on the southern, Aylward Street side of the site. These taller elements mark the corners of the perimeter blocks and are again flanked by the lower elements. New sightlines would be created looking north up West Arbour Street and through into the 'inner street', creating an open feel to the centre of the site.
- 7.88 We particularly welcome the approach on the southern edge where the scale of the buildings respond to the scale of the nearby Albert Gardens Conservation Area. While there is a clear increase in height, scale and massing across the site, the proposals respond to the various scales of development in the area.
- 7.89 The overall distribution of height responds positively to the surrounding context. As such, officers have no concerns about the scale, height or massing of the proposals.

Appearance & Materials

- 7.90 The primary façade materials will be three main colours of brick and there will be either protruding or recessed balconies. A similar material and colour palette can be found on buildings in the surrounding area, ensuring that this development is in keeping with the setting. A buff-grey brick will be used across the buildings at the ground floor level creating a sense of continuity across the development.
- 7.91 The character and appearance of the proposed development will vary slightly across the site responding to the location, use, the character of the proposed new street and proposed public realm. The scheme includes good design features, such as the use of hit and miss brickwork

across the buildings, which add a sense of fun to the design and character to the overall development.

- 7.92 In summary the design of the development would create a good quality and detailed development that would fit reasonably within the surrounding built context.

Trees

- 7.93 The proposed development necessitates the loss of some of the existing trees and the sum effect is that 35 trees are identified for removal, 6 for pruning. To mitigate this loss, the scheme would provide an uplift of 127 semi-mature trees in public areas, which equates to a replanting ratio of 1:3.6. Our tree officer has confirmed that this approach is appropriate to mitigate the loss of existing trees. It is recommended that tree protection measures for the trees to be retained are secured by planning condition. It is also recommended that a condition reserves the detailed specification of the proposed new trees and requires that any that die within five years of planting are re-provided.

Safety & Security

- 7.94 The scheme has been designed with Secured by Design (SbD) principles in mind, as detailed in the Design and Access Statement.
- 7.95 The Met Police have confirmed that they held meetings with the project architects to discuss their intentions around security and Secured by Design, and site-specific recommendations were made during these meetings and have been incorporated as necessary.

Built Heritage

- 7.96 Statutory tests for the assessment of planning applications affecting listed buildings and conservation areas are found in Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Section 66(1) relates to applications that affect a listed building or its setting. It requires the decision maker to: "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". Section 72(1) relates to applications affecting a conservation area. It states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". There is a presumption that development should preserve or enhance the character or appearance of conservation areas.
- 7.97 London Plan Policy HC1 and Tower Hamlets Local Plan Policy S.DH3 require developments affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, material and architectural detail.
- 7.98 Although the application site is not within a conservation area (CA) and does not contain any listed buildings or structures it is adjacent to the Albert Gardens CA which lies directly south of the application site. Within the Albert Gardens CA lies the Grade II listed Raines Foundation School and 1-13 Arbour Square. 3-19 East Arbour Street, also to the south is locally listed.
- 7.99 Key views within the CA are identified along West Arbour Street and East Arbour Street which lead up to the application site. The development would not harm the setting of the CA when viewed from East Arbour Street given that the development is only visible in oblique views from the CA. Nor would the development harm the setting of the CA when viewed from West Arbour Street; whilst the scale of the development would be greater than the built development in the existing setting this would not act as a detracting feature in the setting of the CA.
- 7.100 No harm is identified to the setting or significance of Raines Foundation School as a result of the development.
- 7.101 No harm is likely to arise to the setting or significance of 1-13 Arbour Street given the distance of the development from these buildings which would not impede the viewers ability to appreciate the special interest of their facades. In respect of locally listed 3-19 East Arbour Street, similarly no harm is likely to arise to the setting or significance of these buildings, as it would have minimal impact on the viewers ability to appreciate the special interest of the facades.

7.102 In conclusion, no harm would arise to designated or non-designated heritage assets in the vicinity of the site.

Neighbouring Residential Amenity

7.103 Development Plan policies seek to protect neighbouring residential amenity by safeguarding privacy, not creating unacceptable levels of noise, disturbance or sense of enclosure and ensuring acceptable daylight, sunlight and outlook to neighbouring homes.

Privacy, Outlook and Enclosure

7.104 Figure 11 within this report indicates the separation distances between the proposal and the surrounding residential buildings. Of particular note are the following separation distances:

- B2 and opposite block on Seagrave Close - approx. 19m
- B3 and opposite block on Seagrave Close – approx. 19m
- A1 and opposite block on Jamaica Street – approx. 20m
- A5 and opposite block on Aylward Street – approx. 18m
- B4 and opposite block on Aylward Street – approx. 20m

In relation to privacy, as set out in Policy D.DH8, a distance of approximately 18 metres between windows of habitable rooms reduces inter-visibility to a degree acceptable to most people and hence these adjacencies are considered to be sufficient to protect neighbouring occupier's privacy. Similarly, the separation distances between the nearest neighbouring properties and the proposed new building are sufficient so that it is concluded that there would be no undue loss of outlook from any neighbouring windows, nor would there be any undue loss of enclosure, as experienced from any neighbouring homes or gardens, with the development in place.

Daylight, Sunlight & Overshadowing

7.105 Guidance relating to daylight, sunlight and overshadowing is contained within the 3rd edition of the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight': a good practice guide' (2022) [hereafter the BRE Guide].

7.106 A 'Daylight, Sunlight and Overshadowing impact Assessment' by PRP [the PRP Report] dated February 2024, was submitted for assessment. It should be noted that PRP also authored the Daylight Sunlight Report which was submitted in relation to for the Extant Scheme. As has been previously discussed in this report, minor increases in height are proposed to the blocks compared to the extant scheme, to facilitate additional blue/ green roofs on top of the buildings. This would create some additional daylight and sunlight impacts to neighbouring occupiers, above those found within the extant scheme. The PRP Report quantifies these differences, which are discussed further below.

Methodologies for Assessment

7.107 To assess the impact on daylight to neighbouring properties, the BRE Guide recommends carrying out two tests :

- Firstly, any reduction in the amount of skylight hitting a window can be calculated by finding the Vertical Sky Component (**VSC**) at the centre of each main window. If the VSC of a window with the development in place is both less than 27% and less than 0.8 times its former value, then the occupants are likely to notice the reduction in the amount of skylight.
- Secondly and where room layouts are known, the BRE Guide advises calculating the distribution of daylight within main rooms by plotting the 'no sky line' (**NSL**) in each main room. If, with the development in place, the NSL moves so that the area of the room which does not receive direct sunlight is reduced to less than 0.8 times its former

value, this will be noticeable to the occupants and more of the room will appear poorly lit.

- 7.108 In relation to sunlight, the BRE Guide states that main living rooms should be tested where they have a window which faces within 90 degrees of due south, where some part of the proposed development is situated within 90 degrees of due south of that window. Kitchens and bedrooms are less important, although care should be taken not to block too much sun.
- 7.109 The 'Annual Probable Sunlight Hours' (APSH) test is used to calculate loss of sunlight over the year. 'Probable sunlight hours' means the total number of hours in the year that the sun is expected to shine on unobstructed ground. The sunlight reaching a window is quantified as a percentage of this unobstructed annual total. If a room receives more than 25% APSH, including at least 5% in the winter months, it should receive enough sunlight. If available sunlight hours are less than the above and less than 0.8 times their former value, either in winter or over the whole year and the overall loss of APSH is greater than 4%, the occupants will notice the loss of sunlight and the room may appear colder and less cheerful.
- 7.110 In relation to sunlighting to amenity areas (overshadowing), the BRE Guide states that at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21 March. If, as a result of new development, an existing amenity area does not meet the above and the area that can receive 2 hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.
- 7.111 Appendix H of the BRE Guide gives advice on assessing the environmental impact of a proposed development. It states that where a new development affects a number of existing buildings or open spaces, the clearest approach is usually to assess the impact on each existing building separately. It is also clearer to assess daylight and sunlight impacts separately. Where losses of light are well within BRE guidelines, a classification of 'negligible impact' is appropriate. Where losses of daylight or sunlight do not meet BRE guidance, the impact is assessed as minor adverse, moderate adverse or major adverse.
- 7.112 Factors tending towards 'minor adverse' may include:
- a. losses of light only marginally outside the guidelines
 - b. only a small number of windows or limited area of open space are affected
 - c. the affected room has other sources of light.
- 7.113 Factors tending towards a 'major adverse' impact include:
- a. a large number of windows or area of open space are affected
 - b. the loss of light of substantially outside the guidelines
 - c. all the windows in a particular property are affected.
- 7.114 Finally, the Mayors Housing SPG states at para 1.3.45 that an appropriate degree of flexibility needs to be applied when using the BRE guidelines to assess daylight and sunlight impacts on surrounding properties. At para 1.3.46, it states that decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm. Paragraph 1.6 of the BRE Guide states that numerical guidelines should be interpreted flexibly since natural lighting is only one of many factors in site layout design.

Properties tested for Daylight and Sunlight Impacts

- 7.115 The PRP Report indicates the properties surrounding the site which were tested for daylight and sunlight impacts. These properties are shown in the image below and, for the avoidance of doubt, are listed here :

1. 173-193 (odd nos. only) Stepney Way
2. 195 Stepney Way,
3. 269-271 Stepney Way
4. 15-30 Welton House
5. 39-62 Seagrave Close
6. 26-38 Seagrave Close
7. 72-76 Aylward Street
8. 1-13 George Scott House
9. Lady Mico's Almshouses
10. 1-30 Clovelly Way
11. 73-201 Jamaica Street
12. 203-241 Jamaica Street
13. 245-247 Jamaica Street

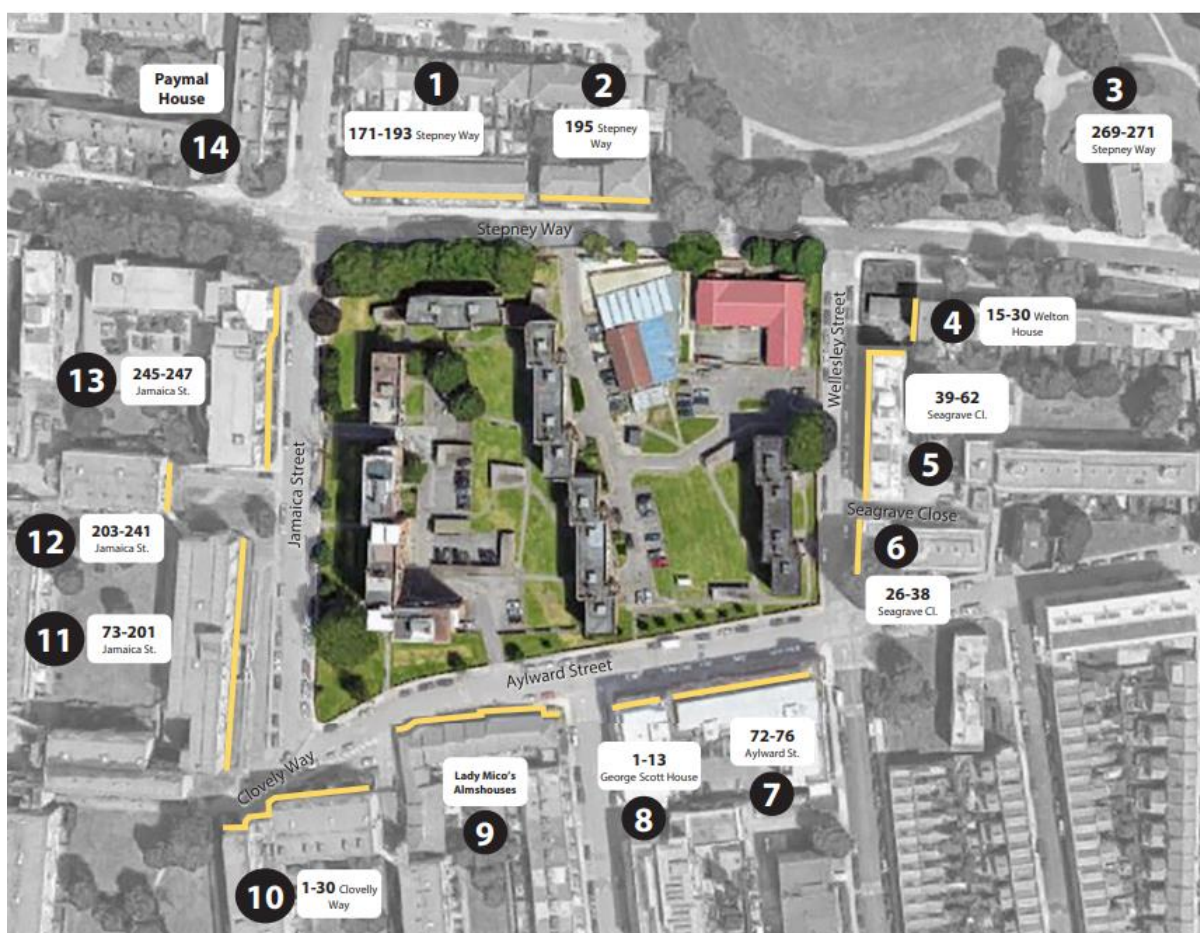


Figure sixteen – Neighbouring daylight and sunlight assessment

Daylight and Sunlight Impacts

173-193 Stepney Way (minor to moderate adverse daylight)

- 7.116 173-193 Stepney Way is number '1' on the plan above. This property consists of a row of 3-storey terraced houses facing the proposed development. The floor plans of this development were available on LBTH's planning portal.
- 7.117 The tested windows are on the southern elevation. A total of 45 windows were tested and none would meet the recommended BRE VSC guidelines. However, VSC figures with the development in place would not fall below 17.52% and would not be less than 0.55 times their former value, with the vast majority of windows retaining VSC's between 0.6 and 0.7 times their former value, which is not uncommon in an urban setting. A total of 22 of the 33 rooms tested would meet BRE guidelines for NSL. The 11 rooms that would see losses beyond BRE guidelines are ground floor kitchens - one to each property- and values would drop to between 0.62 to 0.7 times of their former value. Kitchens are less sensitive to losses in daylight and the losses would not be unacceptable.
- 7.118 In relation to sunlight, 7 ground floor kitchens would see losses in sunlight that exceed BRE guidance. This is due to losses during winter months; and 25% Annual PSH would be retained in all cases. As the BRE guide notes, kitchens are less sensitive to reductions in light.
- 7.119 There would be no material difference between the impacts seen here; and those of the Extant Scheme, in relation to this block.

195 Stepney Way (moderate adverse daylight)

- 7.120 This property is number '2' on the above plan, and the south facing windows were tested.
- 7.121 A total of 44 windows were tested for daylight impacts and it was found that 16 windows would meet the recommended BRE VSC guidelines. Of the remaining 28 windows, 14 serve bedrooms that are less likely to be used during daytime, limiting the effects on occupiers, and a further 10 windows serve rooms that are also served by 1 or 2 other windows located on side and rear facades. A total of 21 of the 28 rooms tested would meet BRE guidance in relation to NSL. One room of the 28 would experience a major impact, which is a bedroom. A further 6 rooms would experience minor impacts.
- 7.122 A total of 5 rooms would see losses in sunlight above BRE guidance. In each case at least 25% annual PSH would be retained.
- 7.123 There would be no material difference between the impact of the extant scheme and the proposed scheme, in relation to this block.

39-62 Seagrave Close (major adverse daylight, major adverse sunlight)

- 7.124 This property is number 5 on the above plan. It is a 5 storey flatted development on the east side of Wellesley Street. A total of 100 windows on the west elevation were tested. The floor plans of this development were not available either on LBTH's planning portal, nor on any property websites. A review of the windows and façades was therefore undertaken and used to make assumptions for the internal floor layouts.
- 7.125 All 100 windows assessed would see reductions in VSC, in excess of BRE guidelines. The largest losses are at the lowest floor, however VSC's with the development in place would remain in the mid teens. The NSL test was undertaken for all 60 rooms served by these windows. 23% of the windows would meet BRE guidance, compared to 67% within the extant scheme. The reductions are due to the provision of additional height to the nearest block, to accommodate the blue/ green roofs. It is noted that the majority rooms affected have an open outlook over the site; and that any development on this site would result in a reduction in the area of the rooms that would be lit.
- 7.126 85 windows were analysed for sunlight impacts, serving 60 habitable rooms. Of these 85 windows, 19 windows would comply with BRE guidance for APSH and 52 windows would

comply during the winter months. 20 of the rooms would meet BRE guidance and of the remaining 40 rooms that do not, 19 are living rooms. Whilst there will be a reduction in sunlight to this property, the reduction is expected for a development of this size and can be partially explained by the presence of balconies on the existing property.

7.127 The additional daylight impacts compared to the extant scheme for daylight are material but not significant; and the classification of the impact to the block as a whole remains as per the Extant Scheme.

26-38 Seagrave Close (minor adverse daylight)

7.128 This property is number '6' on the above plan. The windows on the west elevation were tested.

7.129 This property comprises a 3-storey development with a total number of 3 flats; each flat occupying a whole floor. The floor plans of this development were not available either on LBTH's planning portal, nor on any property websites. A review of the windows and façades was therefore undertaken and used to make assumptions for the internal floor layouts.

7.130 All 12 windows facing the proposed development were tested. 11 of the 12 windows would not comply with BRE guidance in relation to VSC. However, NSL calculations for all the 9 rooms served by the windows indicate that the rooms would retain more than 80% of their former value, with the proposed development in place. Therefore, that occupiers of this property would not suffer undue adverse daylight impacts as a result of the proposed development.

7.131 There would be no adverse impact on sunlight as a result of the proposed development.

7.132 There would be no material difference between the impact of the Extant Scheme and the proposed scheme, in relation to this block.

72-76 Aylward Street (moderate adverse daylight)

7.133 This property is number '7' on the above plan. The windows on the north elevation were tested.

7.134 This property comprises a 5-storey development, including a basement. It occupies two sides of the urban block which is defined by Aylward Street and East Arbour Street. A total of 9 flats are located on the façade facing the proposed development. The floor plans of this development were available on LBTH's planning portal.

7.135 Overall, 98 windows were assessed for daylight impacts. 50% of these windows would meet BRE guidance in relation to VSC – compared to 53% with the extant scheme. NSL calculations were undertaken for all 47 rooms serviced by these windows, of which 36 would meet BRE guidance. Of the 11 rooms that did not meet the BRE recommended levels, 5 are bedrooms which the BRE Guidance classifies as 'less important'. Of the 6 Living-Kitchen-Dining rooms that do not meet the BRE recommended daylight levels, only 2 of these would suffer major adverse impacts. Both of these rooms would remain over 50% well lit, which is considered to be acceptable.

7.136 This property is located to the south of the proposal and would not be affected in relation to sunlight.

7.137 There would be no material difference between the impact of the Extant Scheme and the proposed scheme, in relation to this block.

1-13 George Scott House (moderate adverse daylight)

7.138 This is number 8 on the plan above. It is a 5-storey flatted development on the corner of Aylward Street and West Arbour Street, to the south of the proposed development. The floor plans of this development were available on LBTH's planning portal. A total of 34 north facing windows and 22 rooms were tested.

7.139 Overall, 10 windows would meet BRE guidance in relation to VSC, compared to 13 within the extant scheme. 9 out of the 22 rooms would meet BRE guidance in relation to NSL, compared to 15 within the Extant Scheme. However of the 13 rooms which would see losses in excess of BRE guidance for NSL, 7 would have MSL values with the development in place of between 0.71 and 0.79 times their former value, which is only marginally below BRE guidance.

7.140 This property is located to the south of the proposal and would not be affected in relation to sunlight.

7.141 The additional impact compared to the extant scheme for daylight is material but not significant; and the classification of the impacts to the block as a whole remains as per the extant consent.

Lady Mico's Almshouses (moderate to major adverse daylight)

7.142 This property is number '9' on the above plan. This property is a 2-storey block to the south of the proposed development. The floor plans of this development were not available either on LBTH's planning portal, nor on any property websites. A review of the windows and façades was therefore undertaken and used to make assumptions for the internal floor layouts. 20 windows and 11 rooms were tested on the northern elevation

7.143 Of the 20 windows, 4 would meet BRE guidance in relation to VSC and the remainder would experience adverse effects. However, an analysis of the results shows that none of these windows received enough daylight in the existing scenario, as some of it was blocked by the pitched roof and the balconies that block some of the view of the sky.

7.144 NSL calculations indicate that with the proposed development in place, 3 rooms would meet the BRE recommended values. The 8 rooms that would not meet the BRE recommended values are kitchens, which are less sensitive to reductions in daylight. Given this, it is considered that the loss of daylight as a result of the proposed development would not have unacceptable adverse impacts on the occupiers of Lady Mico's Almshouses.

7.145 This property is located to the south of the proposal and would not be affected in relation to sunlight.

7.146 There would be no material difference between the impact of the Extant Scheme and the proposed scheme, in relation to this block.

245-247 Jamaica Street (moderate to major adverse daylight, major adverse sunlight)

7.147 This property is number '13' on the above plan. This property comprises of two blocks on the corner of Jamaica Street and Stepney Way. The development varies between 6 and 8 storeys. 101 windows were tested and 77 rooms, on the eastern elevation.

7.148 Of the 101 windows tested, 26 would meet BRE guidance for VSC, compared with 30 within the extant scheme. Of the 77 rooms tested for NSL, 27 rooms would meet BRE guidance, compared to 32 within the Extant Scheme. The majority of rooms which would see losses in NSL that exceed BRE guidance are bedrooms, which are less sensitive to reductions in daylight. In addition, some of the adverse impacts to windows could be partially attributed to the presence of balconies. Given this, the proposed development would not result in unacceptable amenity impacts to occupiers of 245-247 Jamaica Street.

7.149 Out of the 77 rooms analysed for sunlight impacts, 29% would meet BRE guidance for annual sun lighting, compared to 34% within the Extant Scheme. For winter sun lighting, 35% would meet BRE guidance, compared to 44% within the extant consent. The reduction in sunlight levels can be partially attributed to the presence of balconies on the existing surrounding properties. In addition, for many of the rooms the APSH values were already very low, e.g. 10-16, this means that the % loss of sunlight is greater in percentage terms. Given this,

it is considered that the proposed development, would not result in an unacceptable loss of sunlight to occupiers of 245-247 Jamaica Street.

- 7.150 The additional daylight and sunlight impacts when compared to the extant scheme are material but not significant; and the classification of the impacts to the block as a whole remains as per the Extant Consent.

Overshadowing

- 7.151 A total of 12 outdoor spaces have been assessed. The sunlight values of all 12 of the outdoor spaces with the development in place, would be no less than 0.8 times their former values. As such, the spaces comply with BRE guidance and there would be only a negligible impact on overshadowing to neighbouring amenity spaces.

Conclusion

- 7.152 The proposed development would result in some adverse daylight and sunlight impacts to neighbouring properties, with some noticeable reductions in daylight and sunlight. Any scheme of this type, involving the densification and optimisation of an existing site, would inevitably lead to some level of adverse impacts. There are some losses in daylight and sunlight which are greater than those which would be experienced with the extant scheme in place. These additional losses are, as has been outlined above, either negligible or minor. They are due to negligible increases in height of the blocks to facilitate blue/ green roofs and are not considered to increase the overall impact categorisation for each block.
- 7.153 In addition and in compliance with the Mayors Housing SPG, the target values within the BRE Guide should be viewed flexibly, to fully optimise the potential of the site to provide housing. Overall, it is considered that the development would not result in any unacceptable adverse impacts on daylight, sunlight or overshadowing to neighbouring occupiers.

Noise & Vibration

- 7.154 The Council's Environmental Health Officers have reviewed the submitted Noise Assessment Report, prepared by Adnitt Acoustics. Subject to details being submitted via condition regarding the noise levels from the plant and restrictions on demolition and construction activities, there are no objections to the proposed development.
- 7.155 The community space is now proposed on the south eastern corner of the site. A condition would be levied, requiring suitable noise mitigation measures to be implemented so that noise from this space is kept within acceptable levels, to protect the residential amenities of the nearby occupiers, for the lifetime of the development.

Construction Impacts

- 7.156 Demolition and construction activities do inevitably result in some short term additional noise and disturbance to surrounding occupiers. To mitigate these impacts as much as possible, conditions are recommended to reduce impacts during the construction phase, including the submission of Demolition and Construction Environmental Management and Logistics and Plans.
- 7.157 In addition, in accordance with the Planning Obligations SPD, conditions would be secured towards development co-ordination and integration.

Transport

- 7.158 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.

Vehicular, pedestrian and cycle access

- 7.159 To encourage walking and cycling and allow play, the inner street would become a shared street, with vehicular access limited to emergency vehicles, occasional deliveries and refuse collections. It will be closed to all other traffic and will operate as a one-way northbound route for the permitted through movements with access from Aylward Street to the south. There would be play spaces and a pocket park to improve the quality of the public realm and encourage people to use this walking route.

Deliveries & Servicing

- 7.160 It is proposed that servicing takes place both within the site via the inner street and from the public highway.
- 7.161 The inner street would become a shared street, with vehicular access limited to refuse vehicles, emergency vehicles and the occasional delivery vehicles (beyond the 2 accessible parking spaces). This new central road will accommodate bollards at the middle third of the access road to prevent vehicles from utilising this access as a cut through, the bollards will be droppable to enable refuse and emergency vehicles to serve the site via the central access road. In addition, the inner street will comprise two internal turning heads which allow for vehicles up to the size of a 4.6t van to enter the site, turn within the manoeuvring space and exit back onto the public highway. This will reduce risks of collisions and/or additional congestion resulting from reversing vehicles.
- 7.162 The residential properties fronting the public highway will continue to be serviced by delivery vehicles stopping on-street along yellow line restrictions on one of the frontages to Stepney Way, Wellesley Street, Aylward Street and Jamaica Street.
- 7.163 The community space will receive its deliveries on-street and will be controlled by a member of staff to ensure the smooth operation of deliveries, servicing and waste collection. A condition with regards a final delivery and servicing plan for the community use is recommended
- 7.164 It is recommended that a full delivery and servicing plan is secured by condition.

Car Parking

- 7.165 London Plan Policy T6.1 requires residential developments with PTAL 4 and 5 for inner London should be car-free. The policy requires the provision of disabled persons parking for new residential developments ensuring 3% provision from the outset with additional 7% to be provided upon request. The policy also states that new residential car parking spaces should provide at 20% of active charging facilities with passive provision for all remaining spaces.
- 7.166 The proposed scheme incorporates 35 disabled persons parking spaces (33 within the car park; and 2 along the internal road). Given that any addition provision on site would be at the expense of open space, play space and public realm this level of provision is judged to be appropriate.
- 7.167 In accordance with London Plan policy, a condition will be secured requiring that 7 of the car parking spaces would have Electric Vehicle Charging Points (EVCPs) and the rest would have passive provision for EVCPs.
- 7.168 As a result of the permit transfer scheme a total of 133 homes within the proposed development could be entitled to a PTS comprising the 64 re-provision Residential Leaseholder and Secure Tenant properties and up to a further 69 affordable family-sized dwellings (including 2-bed units). The remaining 274 homes in the proposed development would be subject to a permit-free agreement with the Council.
- 7.169 This increase in on street car parking as a result of the permit transfer scheme may lead to increased parking congestion. This is considered to be an unavoidable impact of the scheme

and this congestion will inevitably reduce in time as permit holders move from the site and new dwellers move in who do not hold permits.

7.170 A car parking management plan will be secured by condition detailing how parking bays will be allocated and how the inner street will be kept clear of unauthorised parking.

Cycle Parking and Facilities

7.171 London Plan Policy T5 would require 759 long-stay cycle parking spaces to be provided for residential use and 12 short-stay cycle parking spaces. The scheme would provide 771 long stay spaces, exceeding policy requirements. The proposed community space would be provided with 3 long-stay stands. There would also be 28 short stay cycle parking spaces in the public realm.

7.172 Details of the short stay cycle parking, in terms of where the cycle stands would be located, has not yet been provided. A condition would be secured requiring this information to be provided.

7.173 All the long stay parking would be in secure, sheltered communal cycle storerooms – with the Cycle parking is provided at ground floor level in each of the housing blocks. The cycle parking would be in the form of either Sheffield stands or two tier stands and would meet London Plan policy requirements.

7.174 In conclusion, the cycle parking provision proposed meets the minimum requirements set out in the London Plan and has been designed in accordance with London Cycling Design Standards.

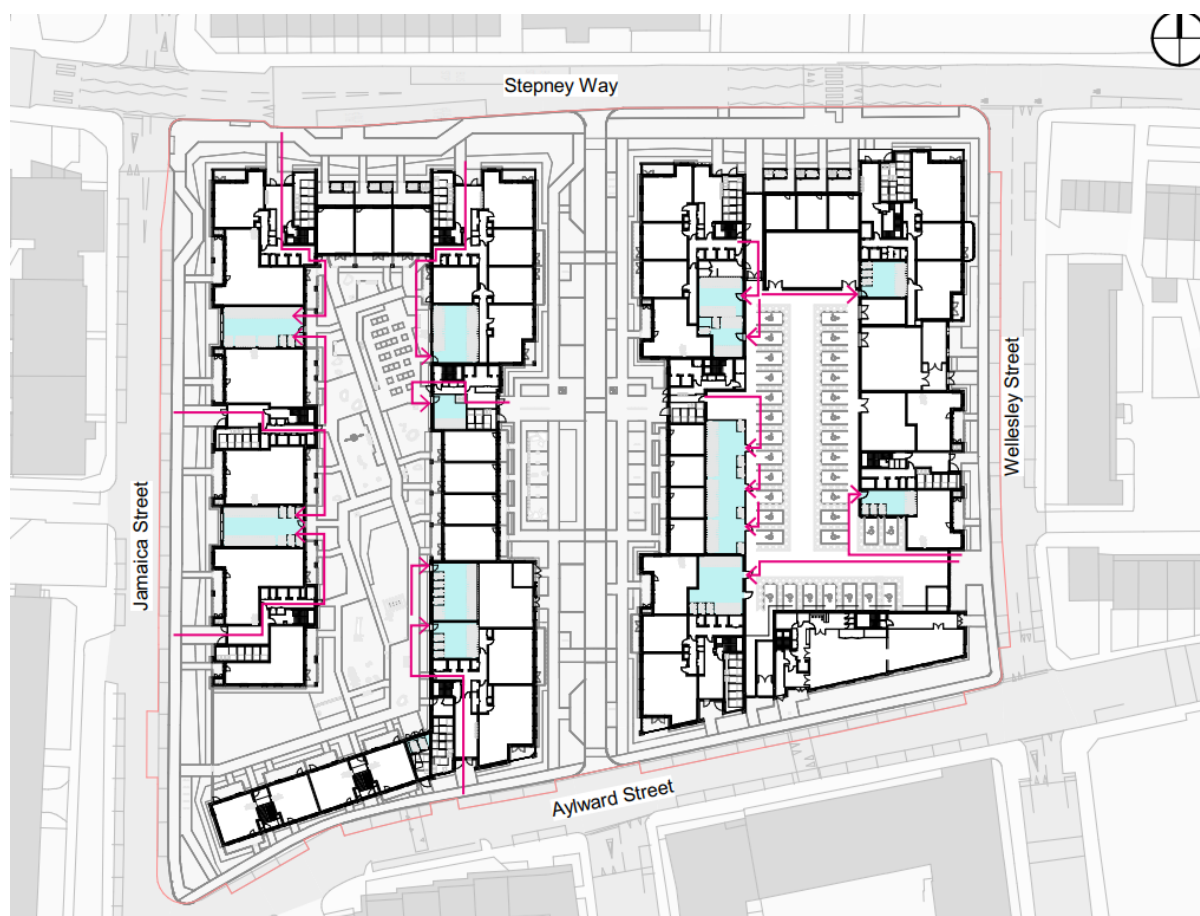


Figure seventeen - Proposed cycle storage and car parking provision

Travel Planning

7.175 A framework travel plan has been provided. The final Travel Plan should be secured and monitored via a condition.

Environment

Environmental Impact Assessment

7.176 An Environmental Impact Assessment Screening Opinion was issued for the proposed development confirming that the proposed development is unlikely to have significant environmental effects and as such, an EIA was not required for the proposed development.

Energy & Environmental Sustainability

7.177 Generally, a decarbonisation agenda has been adopted at all planning policy levels. Policy SI2 of the emerging London Plan requires major development to be net zero-carbon. This means reducing carbon dioxide emissions from construction and operation, and minimising both annual and peak energy demand in accordance with the following energy hierarchy.

- Use Less Energy (Be Lean),
- Supply Energy Efficiently (Be Clean), and
- Use Renewable Energy (Be Green)
- Monitor, verify and report on energy performance (Be Seen).

7.178 Policy D.ES7 includes the requirement for non-residential developments to be zero carbon with a minimum of 45% reduction in regulated carbon dioxide with the remainder to be offset with cash payment in lieu.

7.179 The proposed energy strategy includes energy efficiency measures, air source heat pumps and the instillation of PV arrays, which would result in a 71% reduction in carbon emissions compared to the GLA's SAP10 baseline. This exceeds the minimum 35% (London Plan) and 45% (THLP) carbon reduction policy requirements.

7.180 In general, the proposed energy strategy and identified measures for carbon emissions reduction are considered acceptable. In particular, officers are supportive of the air source heat pump solution (heating and hot water) as this is an electrical based system that can take advantage of the decarbonised grid in the future. A cash payment in lieu for the remainder of the carbon emissions reduction would be secured via a condition.

7.181 As requested by the Council's energy officers, a condition will be secured to ensure that the community floorspace within the proposed development achieves BREEAM 'Excellent' rating.

7.182 In relation to the 'Be Seen' element of the energy hierarchy, smart meters (energy display devices) will be installed in each home, allowing residents to monitor and reduce their energy use. It is recommended that a planning obligation requires the development owner to submit monitoring results to the GLA (in accordance with the Mayor of London's draft guidance).

Air Quality

7.183 London Plan policy SI1 and Tower Hamlets Local Plan policy D.ES2 require major developments to submit an Air Quality Assessment demonstrating to meet or exceed at least Air Quality Neutral standard.

7.184 The application is accompanied by an Air Quality Assessment which has been reviewed by the Council Environmental Health Air Quality Officer. The assessment concludes that the proposed development would be air quality neutral, in accordance with planning policy. Given that the proposed development would rely on air source heat pumps there would be no NOx emissions associated.

7.185 The mitigation measures to prevent dust nuisance and air pollution during construction and the life of the development would be secured via a condition, as requested by the Council's air quality officer.

Wind/Microclimate

7.186 The application was supported with the submission of an Environmental Wind Planning Report prepared by Arup. This report assesses windiness levels for the completed development (Phase 2) and for Phase 1.

7.187 Overall, the wind conditions around the completed development are expected to be suitable for their particular uses. It is considered that with appropriate mitigation measures in place, the proposed wind and microclimate within the proposed development and the surrounding area is considered acceptable and in accordance with the planning policy requirements.

Waste

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

7.189 Each housing block would be serviced by a bin store at the ground floor level. These bin stores are each located in close proximity / adjacent to the main entrance to the blocks but cannot be accessed from the internal core, due to fire safety reasons. Residents would be responsible for taking their waste/recycling to a bin store. There will be an onsite management to move the bins from the store to the collection point.

7.190 The maisonettes on Stepney Way would have their own dedicated bin stores in their front gardens and would be serviced directly from the street.

7.191 Bulky waste would not be stored in a separate store. Instead, bulk waste will be left in the bin stores and collected by on-site management.

7.192 A Site Waste Management Plan will be secured by a planning condition. As part of this condition the applicant would be required to provide additional information in relation to the bulky waste storage management plan, the onsite management of bins and the communication strategy for waste management.

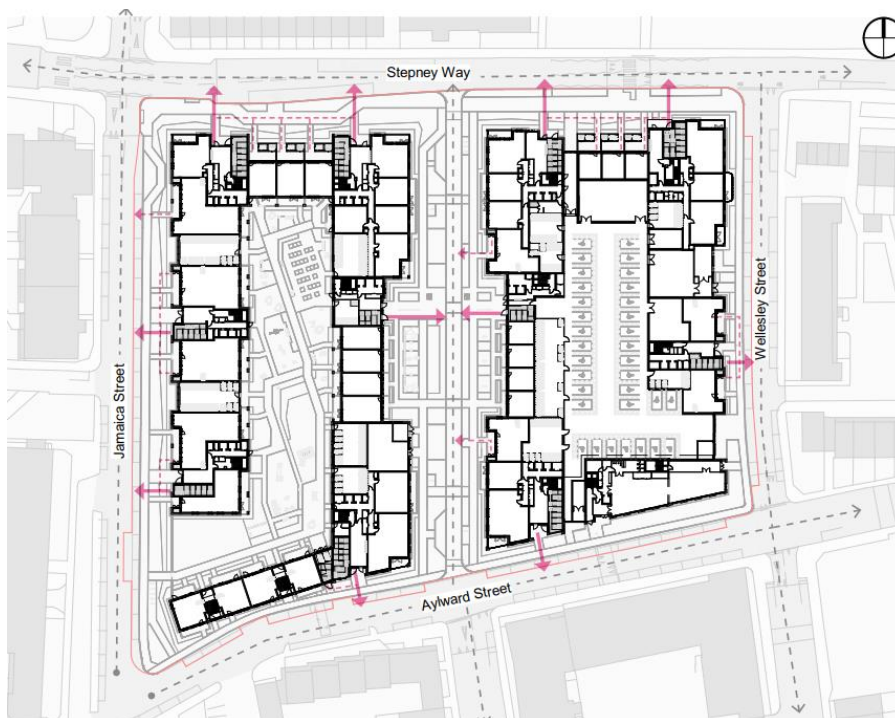


Figure eighteen - Proposed Refuse Strategy

Biodiversity and Urban Greening

- 7.193 London Plan policy G6 and Tower Hamlets Local Plan D.ES3 require developments to protect and enhance biodiversity. Policy D.ES3 requires major development to deliver net gains in biodiversity that contribute to objectives in the Local Biodiversity Action Plan. Policy G5 of the London Plan requires that major development proposals contribute to the greening of London by including urban greening as a fundamental element of site and building design.
- 7.194 The application site consists of existing buildings and surrounding green space, which is largely amenity grassland with scattered trees, shrubbery and a small wildflower patch. Most of the trees are to be retained. However, 35 trees would be removed along with the rest of the existing planting.
- 7.195 The proposed development would retain the Category A (London Plane) tree on Jamaica Street and there would also be a proposed re-planting of 127 semi mature trees. Therefore, it is considered that the biodiversity loss associated with the loss of 35 trees, including 8 Category B trees and 27 Category C, would be adequately mitigated.
- 7.196 The biodiversity enhancements as part of the proposed development include the provision of blue and green roofs over the roofs of the new buildings and ground level landscaping. Officers consider, pending details on the type of green roof proposed, that there would be a net gain in biodiversity as a result of the development as required by D.ES3.
- 7.197 Biodiverse roofs, as well as other biodiversity enhancements such as nectar rich plants, bat boxes and native tree species will be secured via condition. These will all contribute to Local Biodiversity Action Plan targets, in accordance with the planning policy. In addition, a condition requiring the removal of Japanese knotweed, an invasive species found on the site, will be levied.
- 7.198 The applicant has calculated the urban greening factor (UGF) score of the proposed development as 0.447 which exceeds the target set by London Plan Policy G5. The proposed development is therefore fully compliant with Policy G5 of the London Plan and therefore welcomed.
- 7.199 In conclusion, the proposed scheme would meet the relevant biodiversity and urban greening targets set out in policy.

Flood Risk & Drainage

- 7.200 London Plan Policy SI13 sets out that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 7.201 Tower Hamlets Local Plan policies D.ES4 and D.ES5 seek to manage flood risk and encourage the use of Sustainable Urban Drain is protected to a very high standards by the Thames tidal flood defences up to a 1 in 1000 (0.1%) change in any given year. Policy D.ES6 requires new development to minimise the pressure on the combined sewer network.
- 7.202 The development site is located within flood zone 1 and therefore has no significant risk of tidal or fluvial flooding. There are surface and ground water flooding risks associated within the wider catchment area. The development proposes to reduce the overall flood risk for the development by raising existing ground levels throughout the site by 0.3m, resulting in a finished ground level of 10.5AOD.
- 7.203 The drainage strategy sets out proposals to limit surface water discharge in line with the sites greenfield run off rate and sets a discharge rate of 13l/s for the whole site (1.67ha) in a 1 in 100year + 40% storm event and will incorporate onsite storage of 1200m³ provided by attenuation tanks. Thus, providing a 97% betterment from the existing site discharge rate of 421.4l/s. Therefore, the proposed drainage plan will go towards reducing the peak demand on the drainage network within this area, as the site will provide extensive betterment over the existing situation. The site will be split into 3 separate drainage catchment areas all draining

independently and will be split as such: West Block A, East Block B and Inner Street. Each section will consist of one outfall connection with a flow control device, discharging to the Thames Water combined sewers around the site. Therefore, the drainage strategy and the proposed discharge rate is accepted in principle.

7.204 Final details of sustainable urban drainage as set out in the drainage strategy such as blue/green roof, a swale, a variety of rain gardens, sections of permeable paving shall be secured by condition a condition will detailed surface water drainage scheme and SuDs hierarchy assessment is submitted prior to commencement of the landscaping works.

7.205 In conclusion, the flood risk and drainage strategy would be acceptable in principle. Final design details with regard to the SuDs features will be secured by condition.

Land Contamination

7.206 The application has been reviewed by the Council's Environmental Health Contaminated Land Officer. Subject to the inclusion of standard pre-commencement and pre-occupation condition, the proposal is considered acceptable and in accordance with Tower Hamlets Local Plan policy D.ES8.

Health Impact Assessment

7.207 London Plan GG3 requires developments to assess their potential impacts on the mental and physical health and wellbeing of communities through the use of Health Impact Assessments (HIAs). Tower Hamlets Local Plan D.SG3 requires major developments referable to the GLA to provide an HIA.

7.208 The application is supported by an HIA. It is noted that the site has strong potential to offer health benefits to the residents which is welcomed.

Infrastructure Impact

7.209 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £2,134,597.25 (inclusive of social housing relief and exclusive of indexation) and Mayor of London CIL of approximately £867,398.94 (inclusive of social housing relief and exclusive of indexation).

7.210 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.

7.211 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD (2021), as follows:

- £190,632 towards construction phase employment skills training
- £349,125 toward carbon emission off-setting.

7.212 The following non-financial obligated will also be secured:

1. Housing

- Re-provision of 64 units of housing; 28 Resident Leaseholder (RL) properties (as shared equity units) and the 36 Secure Tenant (ST) properties.
- 40.5% of affordable housing by habitable room (excluding re-provision):
 - 22 units (66 habitable rooms) at London Affordable Rent
 - 69 units (308 habitable rooms) at Tower Hamlets Living Rent
 - 20 units (60 habitable rooms) as Shared Ownership
 - Early, Mid and Late Stage Review
 - Details and implementation of London Affordable Rent/Tower Hamlets Living Rent 'wheelchair accessible' (to M4 (3)(2)(b) standard)

2. Access to Employment

- 20% local procurement during the construction phase
- 20% local labour in construction
- 29 construction phase apprenticeships

3. Transport Matters

- Car Free development (residential)
- Approval and implementation of Car Park Management Plan (including for increasing on-street provision of accessible car parking spaces)
- Travel Plans
- Scheme of Highway Works
- Public access to the inner street

4. Compliance with Considerate Constructors Scheme

Human Rights & Equalities

- 7.213 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.
- 7.214 Given the nature of the proposed estate regeneration scheme, particular attention should be given to the displacement of existing residents. As outlined elsewhere in this report, the applicant has pro-actively engaged with the existing residents throughout the whole process. A decant strategy, including rehousing residents has been secured which ensures that there would be no adverse impact to the existing residents' housing situation.
- 7.215 The proposed new residential accommodation would meet inclusive design standards and 34 of the new homes would be wheelchair accessible, 24 within the affordable rented tenure and 10 within the private sector (with the affordable rented homes to be built to 'fit out' standard). This would benefit future residents, including disabled people, elderly people and parents/carers with children.
- 7.216 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.
- 7.217 The proposed affordable housing would be of particular benefit to groups that are socially/economically disadvantaged.
- 7.218 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. **RECOMMENDATION**

- 8.1 That **planning permission is GRANTED** subject to the recommended conditions and planning obligations.

8.2 Conditions

Compliance

1. 3 years deadline for Commencement of Development.
2. Development in Accordance with Approved Plans.
3. Personal Permission.
4. 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.
5. Amplified noise
6. Hours of use
7. Inclusive access
8. External Lighting.
9. Plant
10. No plant on roof
11. No pipes on building face
12. Tree protection
13. Cycle Parking
14. Wheelchair Accessible Units

Pre-Commencement

15. Dust Management Plan & PM10 Monitoring
16. Stage 1 RSA for Inner Street
17. Wind mitigation
18. Financial contributions
19. Non-Financial Contributions (relating to housing, transport and employment)
20. Early-stage viability review
21. Biodiversity mitigation and enhancement
22. Control of invasive species
23. Contaminated land
24. Construction Environmental Management and Logistics Plan
25. Archaeology
26. Construction Plan and Machinery (NRMM)
27. Piling

Pre- Superstructure Works

28. Water efficiency
29. Highway works (s278)
30. Ventilation Strategy
31. SUDS
32. Communal Amenity Space and Child's Play Space
33. External Facing Materials

Pre-Occupation

34. Phasing management strategy
35. Phase 1 – noise mitigation measures
36. Phase 2 – noise mitigation measures
37. Car-free
38. Phase 1 - waste management plan
39. Phase 2 – waste management plan
40. Travel plan
41. Water network infrastructure

42. Accessible Car Parking and Cycle Parking, EVCP and Parking Management Plan
43. Energy and Efficiency standards
44. Delivery and servicing
45. Secured by design accreditation
46. Circular economy post-completion
47. Permit free agreement

8.3 Informatives

1. Development is Liable for CIL
2. Street Naming and Numbering
3. Thames Water - Groundwater Risk Management Permit, minimum pressure/flow rate.
4. Building Control
5. S278
6. Fire and Emergency
7. Footway and Carriageway
8. Hours of Work for Demolition and Construction Activities
9. Designing out Crime

APPENDIX 1

LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

CSM-PRP-MP-XX-DR-A-02100 rev P1 Site Location Plan
CSM-PRP-MP-XX-DR-A-02101 rev P1 Existing Site Plan
CSM-PRP-MP-XX-DR-A-02102 rev P1 Existing Site Elevations (1)
CSM-PRP-MP-XX-DR-A-02103 rev P1 Existing Site Elevations (2)
CSM-PRP-MP-XX-DR-A-02200 rev P1 Proposed Site Plan
CSM-PRP-MP-XX-DR-A-02201 rev P1 Proposed Demolition Plan
CSM-PRP-MP-XX-DR-A-02202 rev P1 Proposed Phasing Plans
CSM-PRP-MP-XX-DR-A-02203 rev P1 Proposed Gross Internal Areas
CSM-PRP-MP-00-DR-A-02210 rev P1 Proposed Ground Floor Plan
CSM-PRP-MP-01-DR-A-02211 rev P1 Proposed First Floor Plan
CSM-PRP-MP-02-DR-A-02212 rev P1 Proposed Second Floor Plan
CSM-PRP-MP-03-DR-A-02213 rev P1 Proposed Third Floor Plan
CSM-PRP-MP-04-DR-A-02214 rev P1 Proposed Fourth Floor Plan
CSM-PRP-MP-05-DR-A-02215 rev P1 Proposed Fifth Floor Plan
CSM-PRP-MP-06-DR-A-02216 rev P1 Proposed Sixth Floor Plan
CSM-PRP-MP-07-DR-A-02217 rev P1 Proposed Seventh Floor Plan
CSM-PRP-MP-08-DR-A-02218 rev P1 Proposed Roof Plan
CSM-PRP-MP-XX-DR-A-02300 rev P1 Proposed Elevations (Jamaica St/Stepney Way)
CSM-PRP-MP-XX-DR-A-02301 rev P1 Proposed Elevations (Wellesley St/Aylward St)
CSM-PRP-MP-XX-DR-A-02302 rev P1 Proposed Elevations (Inner Street)
CSM-PRP-MP-XX-DR-A-02303 rev P1 Proposed Elevations (Block A – Courtyard)
CSM-PRP-MP-XX-DR-A-02304 rev P1 Proposed Elevations (Block B – Courtyard)
CSM-PRP-MP-XX-DR-A-02305 rev P1 Proposed Site Sections (1)
CSM-PRP-MP-XX-DR-A-02306 rev P1 Proposed Site Sections (2)
CSM-PRP-MP-XX-DR-A-02307 rev P1 Proposed Site Elevations (1)
CSM-PRP-MP-XX-DR-A-02308 rev P1 Proposed Site Elevations (2)
CSM-PRP-MP-XX-DR-A-02400 rev P1 Proposed Refuse Strategy
CSM-PRP-MP-XX-DR-A-02401 rev P1 Proposed Cycle Storage
CSM-PRP-MP-XX-DR-A-U1201 rev P1 Unit Type 1201G
CSM-PRP-MP-XX-DR-A-U1202 rev P1 Unit Type 1202G
CSM-PRP-MP-XX-DR-A-U1203 rev P1 Unit Type 1203W
CSM-PRP-MP-XX-DR-A-U1204 rev P1 Unit Type 1204G
CSM-PRP-MP-XX-DR-A-U1205 rev P1 Unit Type 1205G
CSM-PRP-MP-XX-DR-A-U1206 rev P1 Unit Type 1206W
CSM-PRP-MP-XX-DR-A-U1207 rev P1 Unit Type 1207G
CSM-PRP-MP-XX-DR-A-U1208 rev P1 Unit Type 1208W
CSM-PRP-MP-XX-DR-A-U2301 rev P1 Unit Type 2301G
CSM-PRP-MP-XX-DR-A-U2302 rev P1 Unit Type 2302W
CSM-PRP-MP-XX-DR-A-U2303 rev P1 Unit Type 2303W
CSM-PRP-MP-XX-DR-A-U2304 rev P1 Unit Type 2304G
CSM-PRP-MP-XX-DR-A-U2305 rev P1 Unit Type 2305W
CSM-PRP-MP-XX-DR-A-U2306 rev P1 Unit Type 2306G
CSM-PRP-MP-XX-DR-A-U2307 rev P1 Unit Type 2307G
CSM-PRP-MP-XX-DR-A-U2401 rev P1 Unit Type 2401G
CSM-PRP-MP-XX-DR-A-U2402 rev P1 Unit Type 2402G
CSM-PRP-MP-XX-DR-A-U2403 rev P1 Unit Type 2403G
CSM-PRP-MP-XX-DR-A-U2404 rev P1 Unit Type 2404G
CSM-PRP-MP-XX-DR-A-U2405 rev P1 Unit Type 2405G
CSM-PRP-MP-XX-DR-A-U2406 rev P1 Unit Type 2406G
CSM-PRP-MP-XX-DR-A-U2407 rev P1 Unit Type 2407G
CSM-PRP-MP-XX-DR-A-U2408 rev P1 Unit Type 2408G
CSM-PRP-MP-XX-DR-A-U2409 rev P1 Unit Type 2409G
CSM-PRP-MP-XX-DR-A-U2410 rev P1 Unit Type 2410G
CSM-PRP-MP-XX-DR-A-U2411 rev P1 Unit Type 2411G
CSM-PRP-MP-XX-DR-A-U2412 rev P1 Unit Type 2412G
CSM-PRP-MP-XX-DR-A-U3401 rev P1 Unit Type 2401W

CSM-PRP-MP-XX-DR-A-U3501 rev P1 Unit Type 3501G
CSM-PRP-MP-XX-DR-A-U3502 rev P1 Unit Type 3502G
CSM-PRP-MP-XX-DR-A-U3503 rev P1 Unit Type 3503G
CSM-PRP-MP-XX-DR-A-U3504 rev P1 Unit Type 3504G
CSM-PRP-MP-XX-DR-A-U3505 rev P1 Unit Type 3505G
CSM-PRP-MP-XX-DR-A-U3506 rev P1 Unit Type 3506W
CSM-PRP-MP-XX-DR-A-U3507 rev P1 Unit Type 3507G
CSM-PRP-MP-XX-DR-A-U3508 rev P1 Unit Type 3508G
CSM-PRP-MP-XX-DR-A-U3509 rev P1 Unit Type 3509G
CSM-PRP-MP-XX-DR-A-U3601 rev P1 Unit Type 3601G
CSM-PRP-MP-XX-DR-A-U3602 rev P1 Unit Type 3602G
CSM-PRP-MP-XX-DR-A-U3603 rev P1 Unit Type 3603G
CSM-PRP-MP-XX-DR-A-U3604 rev P1 Unit Type 3604G
CSM-PRP-MP-XX-DR-A-U3605 rev P1 Unit Type 3605G
CSM-PRP-MP-XX-DR-A-U3606 rev P1 Unit Type 3606G
CSM-PRP-MP-XX-DR-A-U3607 rev P1 Unit Type 3607G
CSM-PRP-MP-XX-DR-A-U4601 rev P1 Unit Type 4601G
CSM-PRP-MP-XX-DR-A-U4602 rev P1 Unit Type 4602G
CSM-PRP-MP-XX-DR-A-U4701 rev P1 Unit Type 4701G
CSM-PRP-MP-XX-DR-A-U4702 rev P1 Unit Type 4702G
CSM-PRP-MP-XX-DR-A-U4703 rev P1 Unit Type 4703G
CSM-PRP-MP-XX-DR-A-U4704 rev P1 Unit Type 4704W
CSM-PRP-MP-XX-DR-A-U4705 rev P1 Unit Type 4705W
CSM-PRP-MP-XX-DR-A-U4706 rev P1 Unit Type 4706W
CSM-PRP-MP-XX-DR-A-U4707 rev P1 Unit Type 4707G
CSM-PRP-MP-XX-DR-A-U4708 rev P1 Unit Type 4708G
CSM-PRP-ZZ-ZZ-DR-L-2000 rev P1 Landscape Masterplan
CSM-PRP-ZZ-ZZ-DR-L-2001 rev P1 Landscape Ground Floor GA
CSM-PRP-ZZ-01-DR-L-2002 rev P1 Landscape Podium GA
721-SDE-00-XX-DR-C-1000 Rev P03 Proposed Drainage Layout
TR005 sheet 2 of 2 rev B
005 sheet 1 of 1 rev C

Other application documents

Design and Access Statement (March 2024), by PRP;

Landscape Statement (March 2024), by PRP;

Planning Statement (March 2024), by RENEW Planning Limited;

Proposed Decant Strategy (March 2024), by RENEW Planning Limited;

Health Impact Assessment (March 2024), by RENEW Planning Limited;

Fire Statement (March 2024) & Gateway One Fire Statement Form, by Jensen Hughes;

Heritage Impact Assessment (February 2024), by HCUK Limited;

Daylight, Sunlight & Overshadowing Impact Assessment (March 2024), by PRP;

Daylight, Sunlight & Overshadowing Assessment – Proposed Scheme (March 2024) by PRP;

Air Quality Assessment (February 2024), by Create Consulting Engineers Limited;

Noise Assessment Report (February 2024), by Adnitt Acoustics Services Limited;

Environmental Wind Planning Report (March 2024), by Arup;

Energy Statement (March 2024) & Thermal Comfort Report, by PRP;

Whole Life Cycle Carbon Assessment (February 2024), by PRP;

Circular Economy Statement (February 2024), by PRP;

Overheating Assessment (February 2024), by PRP;

BREEAM Pre-Assessment Report (March 2024), by Calfordseaden LLP;

Preliminary Ecological Appraisal including Protected Species Assessment (February 2024), by Arborterra Limited;

Biodiversity Net Gain Report & Metric Calculation (February 2024), by Arborterra Limited;

Arboricultural Impact Assessment (February 2024), by Arborterra Limited;

Drainage Statement and Flood Risk Assessment & SuDS Proforma (28/02/24) by SD Structures;

Transport Assessment (March 2024 amended submitted 17/05/2024), by Caneparo Associates;

Framework BREEAM Travel Plan (March 2024), by Caneparo Associates;

Delivery & Servicing Plan (March 2024), by Caneparo Associates;

Outline Construction Logistics Plan (March 2024), by Caneparo Associates;

Desk Study & Ground Investigation Report (November 2019), by Geotechnical & Environmental Associates Limited;

Detailed Unexploded Ordnance (UXO) Risk Assessment (October 2019), by 1st Line Defence Limited;

Equalities Impact Assessment (September 2023), by Ottaway Strategic Management Limited for the London Borough of Tower Hamlets;

Financial Viability Assessment (March 2024), by Red Loft Partnership;

Statement of Community Involvement (February 2024), by the London Borough of Tower Hamlets

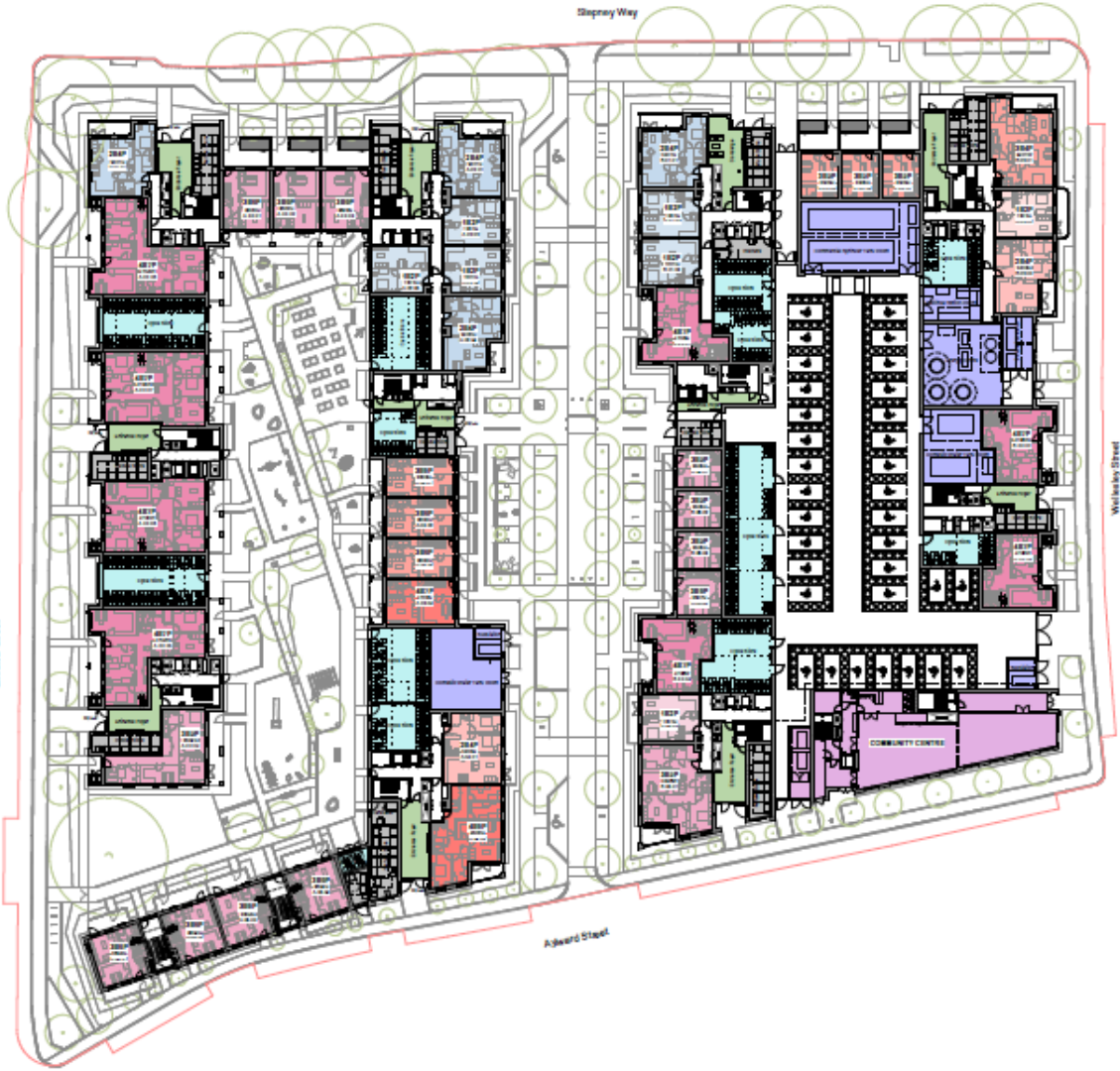
Community Infrastructure Levy (CIL) – Additional Information Form

APPENDIX 2

SELECTION OF APPLICATION PLANS AND IMAGES



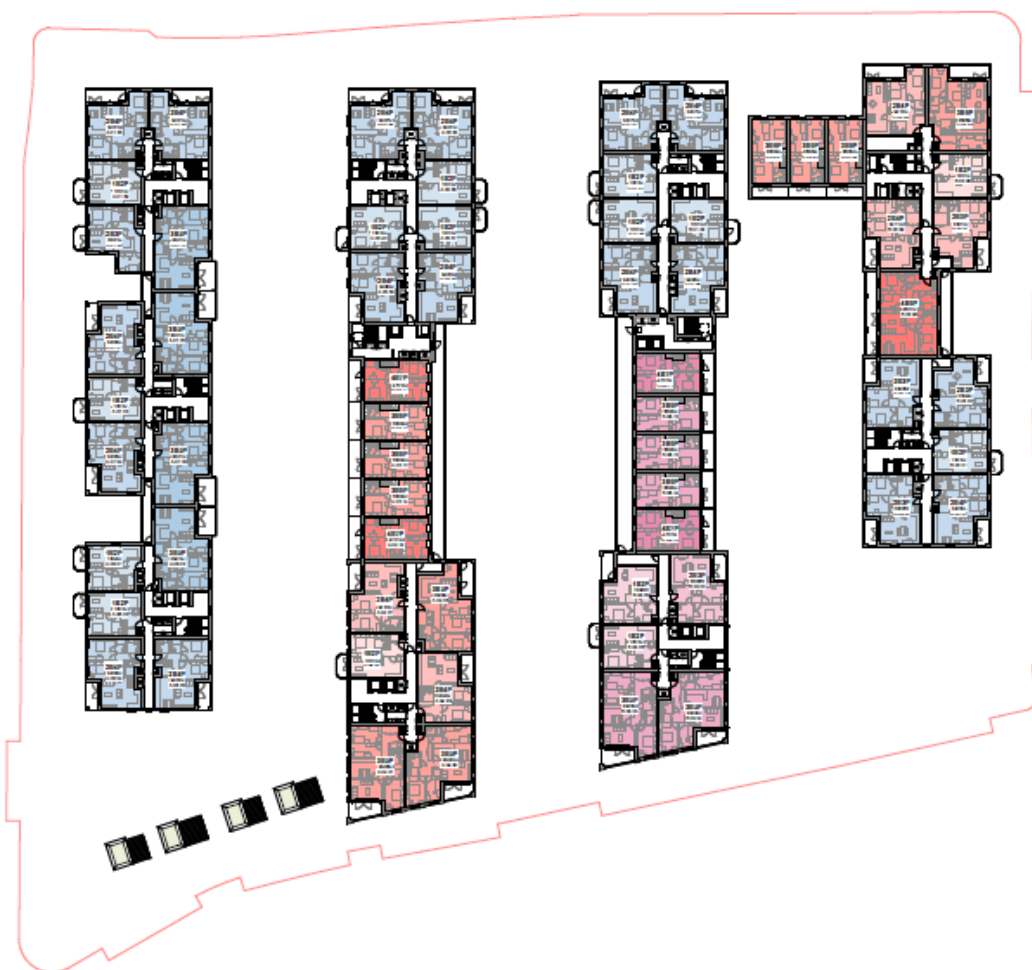
Existing Site Plan



Proposed ground floor plan



Proposed landscaping plan



Proposed 5th floor



Proposed Jamaica Street elevation



Proposed Stepney Way elevation



Proposed Wellesley Street elevation



Proposed Aylward Street elevation



Phasing plan – Phase 1



Phasing plan – Phase 2

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Application for Planning Permission

[click here for case file](#)

Reference	PA/24/00531
Site	8 Whites Row, London, E1 7NF
Ward	Spitalfields and Banglatown
Proposal	Erection of two additional storeys at roof level to existing building to provide one 4-bedroom self-contained apartment, plant and associated works.
Summary Recommendation	Grant planning permission with conditions
Applicant	Upspace Construction Services Ltd
Architect/agent	Mr Henry Dunleavy, DLBP Ltd
Case Officer	Catarina Cheung
Key dates	- Application registered as valid on 26/03/2024 - Public consultation finished on 09/05/2024

EXECUTIVE SUMMARY

The application property is a five storey mid-terrace residential flatted building located on the southern side of Whites Row. It is within the Artillery Passage Conservation Area. The building is not itself listed, but lies in close proximity to two Grade II listed buildings to its south and west, and a locally listed building to its east.

The application proposes a two storey roof extension to the existing building, with plant and associated works. The proposal would provide a new 4 bed 6 person duplex unit.

The proposal, by reason of its design, scale and massing would be viewed as a suitably subservient addition to the host dwelling, successfully integrating into the Whites Row streetscape. Views of the extension from immediate viewpoints and within the conservation area would be limited, especially at street level, where it would be largely concealed by the existing building due to its setback design. Therefore, the character and appearance of the Artillery Passage Conservation Area would be suitably preserved.

In terms of neighbouring amenity, the separation distance retained from the neighbouring dwellings would be in line with the existing situation, and further set back at the uppermost level. Consequently, it is not considered that further windows introduced would cause additional instances of overlooking. The accompanying Daylight and Sunlight Report also confirms that levels of daylight and sunlight to the neighbouring occupiers would not be unduly affected.

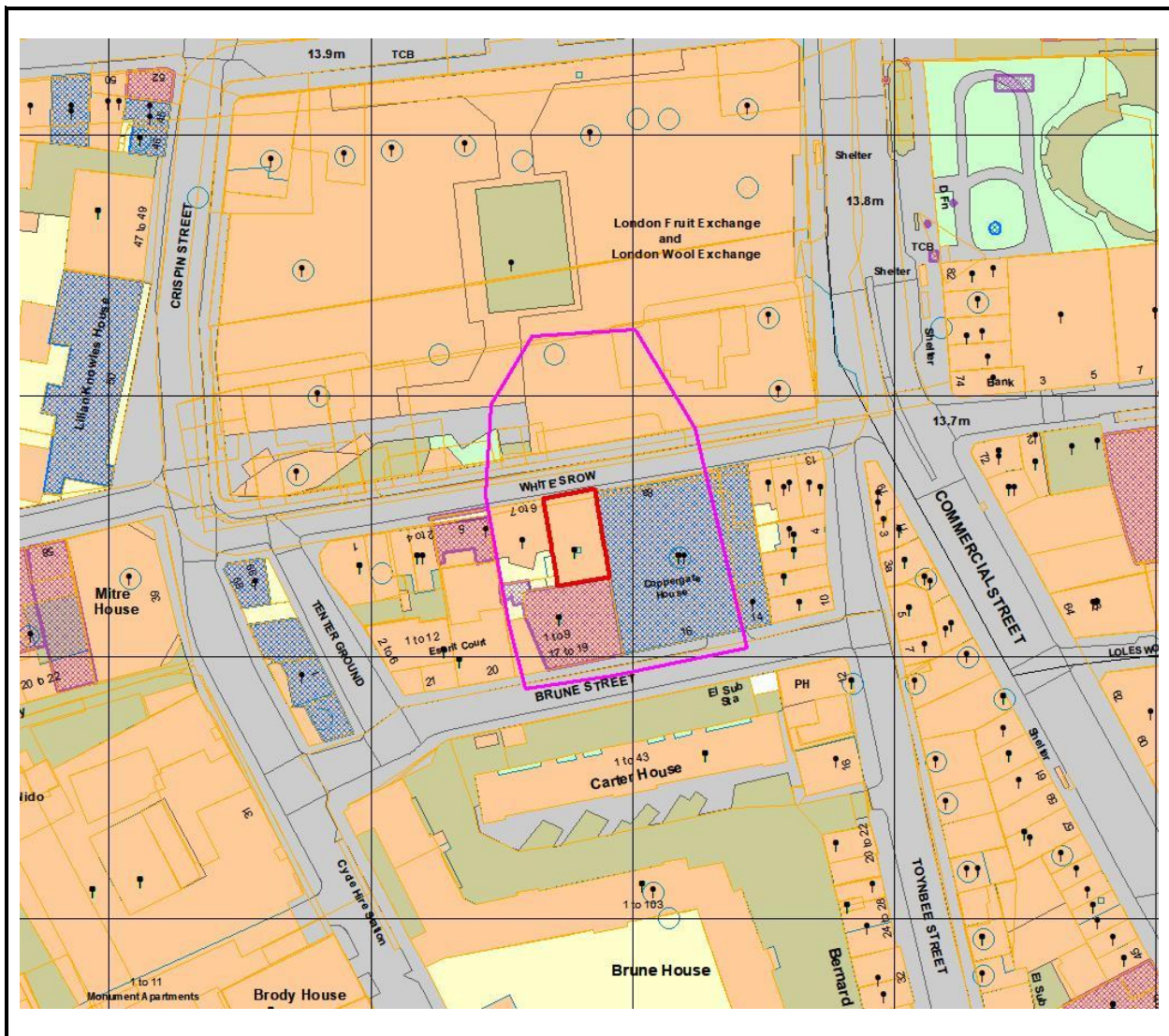
The standard of accommodation internally and externally (roof terrace spaces) would be policy compliant and provide a large spacious family unit.

Given the constraints of the site, refuse and cycle store facilities would be accommodated within the unit. Suitable conditions would be attached to secure an arrangement where future occupants are provided with cycle hire membership and for the refuse storage to adhere with that shown in the approved drawings and taken out for collection in accordance with the waste management plan. Additionally, the new dwelling would be secured as 'car-free'.








It should also be noted that planning permission for the same scheme was granted previously in 2021, ref PA/21/00909, and was assessed under the most recent London and Local Plan policies.

The proposal is acceptable in planning terms, and approval with conditions 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/24/00531</p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process.</p>	 <p>TOWER HAMLETS</p> <p>London Borough of Tower Hamlets</p>
	Scale: 50m grid squares	Date: 04 June 2024

1. SITE AND SURROUNDINGS

- 1.1 The application site comprises a five storey mid-terrace residential flatted building located on the southern side of Whites Row. The existing building provides 9 self-contained units, including 1x 2 bedroom unit and 8x 1 bedroom units.
- 1.2 The surrounding area features a mixed-use character. Adjacent to the east is Coppergate House, which comprises offices. To the west, there is 6-7 Whites Row and south 17-19 Brune Street (also known as the former 'Soup Kitchen for the Jewish Poor') both residential, while to the north stands the London Fruit and Wool Exchange utilised for commercial purposes.
- 1.3 The site is located in a Preferred Office Location, Central Activities Zone and the City Fringe sub area.
- 1.4 The site is located within the Artillery Passage Conservation Area. Although the application building is not itself listed, it lies directly adjacent to 17-19 Brune Street to the south which is Grade II listed, and 5 Whites Row and its associated railings to the west are also Grade II listed. Coppergate House adjacent to the east is locally listed.
- 1.5 The site sits within the Spitalfields Neighbourhood Planning Area and Forum, established to promote/improve social, economic and environmental well-being of the Area.



Figure 1 – Aerial photograph of the Site, view of the northern Whites Row elevation



Figure 2 – Aerial photograph of the Site, view toward the southern (rear) elevation with the Fruit and Wool exchange seen to the north (opposite the application site)

2. PROPOSAL

- 2.1 The application seeks planning permission for a two storey roof extension to provide a 4 bedroom 6 person duplex unit, including plant and other associated works.
- 2.2 The roof extension would measure a maximum depth of 11.9m, width of 9.4m and maximum height of 5.8m. External terrace spaces, totalling 30.83sqm, would be provided on the sixth floor level.
- 2.3 The extension would feature dark bronze window frames and cladding, complemented by matching dark bronze railings for the external terraces on the sixth floor.
- 2.4 It is noted that planning permission was granted on the 17th August 2021 for a scheme that is substantially the same as that currently proposed (ref PA/21/00909). This scheme was assessed under the most recent London and Local Plan policies.

3. RELEVANT PLANNING HISTORY

Application site

- 3.1 PA/21/00909/A1: Erection of two additional storeys at roof level to existing building to provide one 4-bedroom self-contained apartment, plant and associated works. – **Permitted 17/08/2021.**
- 3.2 BG/96/00388: Erection of a five storey building plus plant room on roof to provide nine flats (one three bedroom flat, four two bedroom flat, four one bedroom flats). – **Permitted 18/06/1997.**

4. PUBLICITY AND ENGAGEMENT

- 4.1 93 letters were sent to nearby owners/occupiers to notify them of the development proposal on 11/04/2024.
- 4.2 A site notice was displayed in close proximity to the site, informing of the development proposals on 15/04/2024.
- 4.3 The application was advertised in the Local Press on 18/04/2024.
- 4.4 22 representations were received in objection (from 12 known address points).
- 4.5 The points raised have been summarised below:

- Impact on neighbouring daylight sunlight and inflicting a greater sense of enclosure to the residents at The Old Soup Kitchen.
- Insufficient space for the storage of additional refuse and recycling bins to support the proposed apartment. The submitted bin store drawings are incorrect.
- Air Quality Assessment does not contain local expertise and should be dismissed.
- No details have been provided for the roof structure nor any assessment of the building capacity to withstand any new development.
- The proposed development would remove the existing roof space which is a means of escape from fire, and also provides a smoke vent that allows escape of smoke in the event of fire. There is no alternative offered.
- The proposal would remove the rooftop amenity space and access to the roof for maintenance purposes.
- The proposed design would be at odds and diminish the look and feel of the conservation area, and would be overbearing on neighbouring historic sites. The use of metal cladding panels will blight the building.
- No permission has been sought from existing tenants as to the alterations which would be required to the existing building fabric, roofscape and their apartments in order to accommodate the proposals (e.g., fitting of sprinklers, dry risers, structural alterations to meet current building regs, foul water).
- This is clearly a profit related application rather than anything designed to meet local housing needs and represents overdevelopment of the site.
- The D&A largely refers a previous application, this should be updated to reflect the current application. Additionally, the precedents are not in keeping with the local surrounds.
- The proposal would affect current utilities (e.g., connection to Sky TV located on the roof).
- Cycle storage provided within the apartment would be impractical and inadequate, and would cause unacceptable interference on the amenity of existing tenants.
- The proposal is in breach of the terms of the airspace lease.
- Developer failed to consult with the building owners save for a last minute rushed communication giving a deadline to enable submission of the application ahead of BNG conditions. Responses from site owners have therefore not been acknowledged.
- Fire Statement required as the building is over 18m.

- Potential increase in maintenance charges as a result of the design (such as increased glass and aluminium which will require cleaning).
- Errors in the application form.

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

5. CONSULTATION RESPONSES

5.1 The application was referred to the following consultees:

5.2 Environmental Health Noise – No adverse comment on noise and vibration subject to the attachment of suitable conditions.

5.3 Environmental Health Air Quality – No adverse comments.

5.4 Waste – For the existing and proposed units at the application site, the required bin capacity would be as follows: 2x 360L +1x 240L for general waste; 2x 360L for mixed recycling; 1x 240L for food waste.

5.5 Placeshaping – The site is located within the Artillery Row Conservation Area. The opposite side of the street is located within the Brick Lane and Fournier Street Conservation Area. No.5 Whites Row is listed at Grade II. The Grade II listed Soup Kitchen for the Jewish Poor (17 – 19 Brune Street) is located to the rear of the site. The locally listed 8A Whites Row is next door to the site.

The scale of the proposal would be in keeping with the context and subservient to the host building, it would also be recessed slightly from the front façade of the neighbouring locally listed building. The materials are in keeping with the character of the host building and the context. Given that the proposal is consistent with the scale, materiality and façade design of the previous consent I have no further comments.

5.6 In response to the comments from Waste, the applicant has amended the drawings to show the provision of refuse bins within the new unit.

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 (2020)

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

Land Use:

London Plan – GG2, H1, H2
Local Plan – S.H1

Heritage and Design:

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

Neighbouring Amenity:

London Plan – D3
Local Plan - D.DH8

Standard of Accommodation:

London Plan – D6
Local Plan – D.H3

Refuse:

London Plan – SI 7
Local Plan – D.MW3

Transport:

London Plan – T2, T4, T5, T6, T6.1
Local Plan – S.TR1, D.TR3, D.TR4

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

- National Planning Policy Framework (2023)
- National Planning Practice Guidance (as updated)
- Artillery Passage Conservation Area Character Appraisal and Management Guidelines (2007).

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Heritage and Design
- iii. Neighbouring Amenity
- iv. Standard of Accommodation
- v. Refuse
- vi. Transport, highways and cycle
- vii. Other

i. Land Use

7.2 The site falls within the Central Activities Zone and the City Fringe Opportunity Area. According to the Council's Local Plan, the City Fringe area must accommodate a minimum of 10,334 units by 2031 to meet the borough's future needs. A range of housing typologies should be provided to create sustainable places to live, work, and play. Therefore, the principle of increasing the site's density to provide additional residential accommodation is supported.

7.3 Furthermore, the existing building was originally developed as a residential property. Consequently, the proposals to extend it with a roof extension and provide further residential accommodation are consistent with the existing land use of the site.

7.4 Local Plan Policy S.H1 seeks to obtain financial contributions for developments providing 2 to 9 new units. The introduction of one new dwelling in this proposal would not fall within the parameters of Policy S.H1.

ii. Heritage and Design

7.5 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, development must be of an appropriate scale, height, mass, bulk and form in its site and context; provide coherent building lines, roof lines and setbacks and complement the streetscape rhythm.

- 7.6 Local Plan Policy S.DH1 and London Plan Policy D3 states proposals should use high quality design, materials and finishes to ensure buildings are robust, efficient and fit for the life of the development.
- 7.7 In relation to heritage assets, Local Plan Policy S.DH3 and London Plan Policy HC1 states that proposals must preserve or where appropriate enhance and conserve the borough's designated and non-designated assets in a sympathetic manner appropriate to their significance.

Height, scale and massing

- 7.8 The surrounding area features a variety of building heights, ranging from three to seven storeys in the immediate vicinity. Adjacent to the site's eastern boundary is the locally listed Coppergate House, standing at seven storeys (including a lower ground floor level) with a setback roof element. To the west, the building at 5 Whites Row is five storeys in height. Located to the rear is 17-19 Brune Street, the former Soup Kitchen for the Jewish Poor, is a four storey Grade II listed building.
- 7.9 The proposal includes the construction of two additional storeys on an existing five storey building, thereby increasing its height to seven storeys. Although this increase would reflect the number of storeys of the adjacent Coppergate House, the overall height will still remain lower, sitting approximately 1.6m below its maximum ridge height.
- 7.10 While the buildings to the west stand at four to five storeys in height, there is scope for the proposed seven storeys. The presence of Coppergate House's large flank wall adjacent to the roof space above the subject site allows for this height variation. However, the setback design of the roof addition at both upper levels helps to limit views of the proposal from the east and west at pavement level on the opposite side of Whites Row and from within the Brick Lane and Fournier Street Conservation Area. The setback design also helps to maintain a sense of subservience to the host building and Coppergate House and would not overwhelm the lower buildings to the west on Whites Row.

Material and details

- 7.11 The extension would feature dark bronze metal aluminium cladding with glazing, accompanied by dark bronze metal railings. While this design represents a more contemporary approach, the colour palette would complement the yellow stock brick of the host building and its surroundings. A materials condition will be attached to ensure details and samples are submitted to the council for review to obtain a high-quality finish.
- 7.12 The fenestration detailing draws inspiration from the existing facade, ensuring that the rhythm of the proposed bay locations aligns with the existing. The main mullions, which mirror the existing bay locations, have been emphasised and extended to full height, whilst the secondary mullions between these elements have been introduced to break up the large glazing panels.

Heritage

- 7.13 The site lies in the Artillery Passage Conservation Area. As described in the Artillery Passage Conservation Area Character Appraisal and Management Guidelines, the area between Brune Street and Whites Row comprises Georgian houses and a few modern or rebuilt office blocks. The former Soup Kitchen for the Jewish Poor on Brune Street is a distinctive brick building with a terracotta frontage at ground floor level.
- 7.14 The existing separation between the buildings on Whites Row and Brune Street is intimate but nonetheless defines the setting of the Grade II listed former Soup Kitchen. The proposed extension will maintain an 8.86m separation distance at the fifth floor (consistent with the existing lower levels), with a slight increase to 10.65m at the sixth floor. Visualisations provided in the Design and Access Statement, proposed view shown in Figure 3 below, demonstrate that the extension will not be visible from the street level on Brune Street. Given the existing built forms in the area, the upward extension with its considered setback will help to mitigate potential visual intrusion thereby maintaining the building's setting. Consequently, the

extension will not be considered harmful to the setting of the Grade II listed building and will preserve its special architectural and historic interest.



Figure 3 – Proposed view of the proposal from the former Soup Kitchen on Brune Street, looking north. The proposal would not be visible from this viewpoint.

7.15 Additional key views include perspectives from the east (Figure 4) and west (Figure 5) on Whites Row, as well as from the London Fruit and Wool Exchange public open space northwest of the application site (Figure 6). These viewpoints further demonstrate that the extension would comfortably integrate into Whites Row and would not result in an overly dominant development.



Figure 4 (L) – Proposed view of the proposal from Whites Row, looking from the east; and Figure 5 (R) – Proposed view of the proposal from Whites Row, looking from the west.



Figure 6 – Proposed view of the proposal from London Fruit and Wool Exchange’s public open space northwest of the application site

- 7.16 The proposals, by reason of their design, scale, massing and materials would be considered acceptable and would suitably preserve the character and appearance of the Artillery Passage conservation area and safeguard the architectural and historic significance of the Grade II listed building.

iii. Neighbouring amenity

- 7.17 Local Plan Policy D.DH8 requires new developments to protect the residential amenities of neighbouring occupiers. This includes maintaining good levels of privacy, avoiding unreasonable overlooking or an unacceptable increase in the sense of enclosure, and preventing undue noise and disturbance during both operational and construction phases.

Overlooking

- 7.18 Regarding overlooking impacts on the former Soup Kitchen residential building situated directly to the rear (south) of the site, the extension proposes a separation distance of 8.86m at the fifth floor and 10.65m at the sixth floor. Currently, 8 Whites Row rear-facing windows are already aligned with those of the former Soup Kitchen, with a separation distance of 8.86m. Consequently, the addition of further windows on the upper levels would not introduce any unacceptable further instances of overlooking. Moreover, any views would likely be oblique, minimising potential visual intrusion.

Daylight and sunlight

- 7.19 A cover letter from CHP Surveyors accompanies their Daylight and Sunlight report dated 2020, acknowledging the new BRE guidance published in 2022. They note that this update has not altered the methodology or numerical targets concerning the assessment of neighbouring residential properties. Therefore, the conclusion of the report remains applicable and aligns with this guidance.
- 7.20 The Daylight and Sunlight Report submitted carried out an assessment on the rear property at 17-19 Brune Street (the former Soup Kitchen). The results of the VSC analysis demonstrate that 23 out of 25 windows will meet the BRE guidelines, despite the dense urban location of the site. Concerning the two windows that do not achieve the numerical values, these serve a room that contains a number of other windows would pass the BRE guidelines with respect to

VSC, in addition, this room has been test for daylight distribution (NSL) and would have no adverse impact on this measure. Concerning sunlight, the analysis has considered five windows facing within 90° of due south and concludes that the proposals will result in no change. Analysis has also considered five windows facing within 90° of due south and concludes that the proposals will result in no change.

- 7.21 In light of the above, the proposal would have an acceptable impact on the residential amenities of the neighbouring occupiers, in compliance with Local Plan policy D.DH8.

iv. Standard of accommodation

Internal

- 7.22 London Plan Policy D6 requires housing developments to be of the highest quality design and provide adequately-sized rooms and should maximise the provision of dual aspect dwellings; and ensure sufficient daylight and sunlight. Local Plan Policy D.H3 further states that developments need to meet the most up-to-date London Plan space standards in particular the provision of 2.5m floor to ceiling heights.
- 7.23 The proposed 4 bed 6 person unit would provide a total GIA of 158 sqm, comfortably exceeding the required minimum space standard of 106 sqm.
- 7.24 The floor to ceiling height would be 2.5m on the fifth floor and 2.44m on the sixth floor. While the sixth level would not meet the minimum ceiling height requirement stated under Policy D.H3, it is noted that the overall size and layout of the unit would be spacious and open, and the 0.06m deficiency would unlikely compromise the quality of the unit.
- 7.25 The proposed unit would be dual aspect and feature a high level of glazing to the north and south, ensuring good access to daylight and sunlight.

External

- 7.26 Local Plan Policy D.H3 requires development for 1-2 person dwellings to provide a minimum of 5sqm of private outdoor space and an extra 1sqm should be provided for each additional occupant. Private outdoor space should have a minimum depth and width of 1.5m.
- 7.27 Two external terrace spaces are provided, 30.83sqm in total. The rear terrace would measure 1.5m depth and 9.15m width, and the front terrace would measure 1.6m depth and 9.6m width.
- 7.28 Representations received have expressed concerns regarding the loss of communal amenity roof space. In the 2021 application, the officer noted that there are no rights granted in the tenancy leases to access the roof for recreational or communal purposes.
- 7.29 Furthermore, it is noted that the approval of the original planning consent for the building (BG/96/00388) attached a restrictive condition removing the right to use the flat roof as an amenity area. Further, subsequent planning history shows no other consent or permissions sought for the use of the roof as an amenity area. Therefore, in planning terms there will be no loss of communal amenity space as a result of the development.
- 7.30 The proposal is therefore in accordance with the relevant Development Plan policies regarding residential quality.

v. Refuse

- 7.31 Local Plan Policy D.MW3 requires that all new development include sufficient accessible space to separate and store dry recyclables, organics and residual waste for collection, both within individual units and for the building as a whole.
- 7.32 Representations have been received noting that there would be no capacity within the existing store to accommodate additional bins. To address this concern, a solution has been sought with the applicant whereby additional refuse storage would be provided within the unit. A waste management plan would accompany this arrangement, ensuring that future occupants are responsible for bringing their refuse down on designated days for collection in a suitable agreed location.
- 7.33 With this, the proposal would accord with the relevant Development Plan policies regarding refuse.

vi. Transport, highways and cycle

- 7.34 Local Plan Policy D.TR3 and London Plan Policy T6 requires development proposals to be permit-free in places that are (or are planned to be) well-connected by public transport.
- 7.35 Local Plan Policies S.TR1 and D.TR3 seek to promote sustainable travel choices and to ensure developments prioritise space for cycle parking. London Plan Policy T5 requires cycle parking to be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards and ensure adequate provision: 1 cycle space per studio or 1 person 1 bedroom dwelling, 1.5 spaces per 2 person 1 bedroom dwelling and 2 spaces per all other dwellings.
- 7.36 Due to the constraints of the site and insufficient floor area at ground level to accommodate a cycle store, two cycle store spaces for folding bikes have been proposed internally (under the staircase) on the fifth floor. Although locating cycles at this level is not ideal, as was also recognised in the 2021 application, a condition will be included to secure an arrangement where future occupants are provided with a cycle hire membership to offset the lack of cycle provision on site. However, it should be noted that the site has a PTAL of 6b, which indicates excellent access to public transport.
- 7.37 In accordance with Policy D.TR3, the new development would be secured as permit free which would exempt future residents from purchasing permits.
- 7.38 Given the above, the proposal would be in accordance with the relevant Development Plan policies regarding transport issues.

vii. Other

Fire safety

- 7.39 Following the Grenfell Tower fire in 2017, the government has implemented new minimum requirements concerning fire safety that local planning authorities must consider when determining planning applications. As part of this, the government introduced Planning Gateway One, which comprises two key elements:
- to require the developer to submit a fire statement setting out fire safety considerations specific to the development with a relevant application for planning permission for development which involves one or more relevant buildings, and
 - to establish the Health and Safety Executive as a statutory consultee for relevant planning applications

- 7.40 Relevant buildings under planning gateway one are defined as those containing one or more dwellings or education accommodation and; meet the height condition of 18m or more or 7 or more storeys.
- 7.41 To measure the height of the building for Planning Gateway One, the height should be measured from the upper floor surface of the top floor to the ground level on the lowest side of the building. Excluding roof top plant areas and any top storeys consisting exclusively of plant rooms – diagram provided in Figure 7 below taken from the gov.uk website.

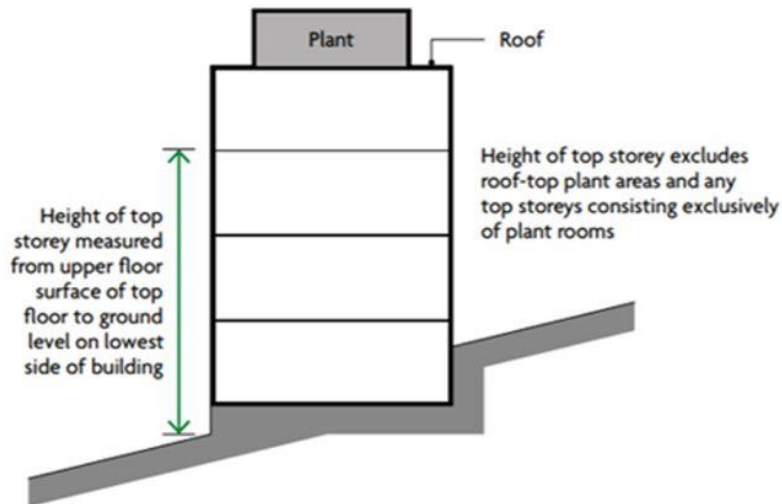


Figure 7 – Diagram for how to measure the height of a building for planning gateway one.

- 7.42 Therefore, in accordance with the diagram above, the proposed building would measure 16.6m. Therefore, a Fire Statement was not required during the validation of the application and consultation with the Health and Safety Executive was not required.
- 7.43 Representations have also been made with respect to the loss of the existing access to the roof and the impact this has on fire safety for existing residents. Matters of fire safety including safe means of escape for building occupants will be addressed through the building control process.

8. RECOMMENDATION

- 8.1 That **planning permission is GRANTED** subject to the following conditions:

Conditions

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Samples and full particulars of all external materials to be submitted for approval prior to commencement of any superstructure works.
4. Permit free development to be secured prior to occupation of the development.
5. Cycle storage and cycle hire membership provided/confirmed prior to occupation.
6. Refuse provision in accordance with approved plans and refuse management plan. To be provided prior to occupation of the development and retained for the lifetime of the development.
7. CMP to be submitted prior to commencement of development.
8. S61 restrictions on demolition and construction activities compliance condition.
9. Noise insulation against external noise for new residential development compliance condition.

10. No access to flat roof other than for maintenance or emergency purposes only.

Informatives

1. New address to be confirmed with street name and numbering.

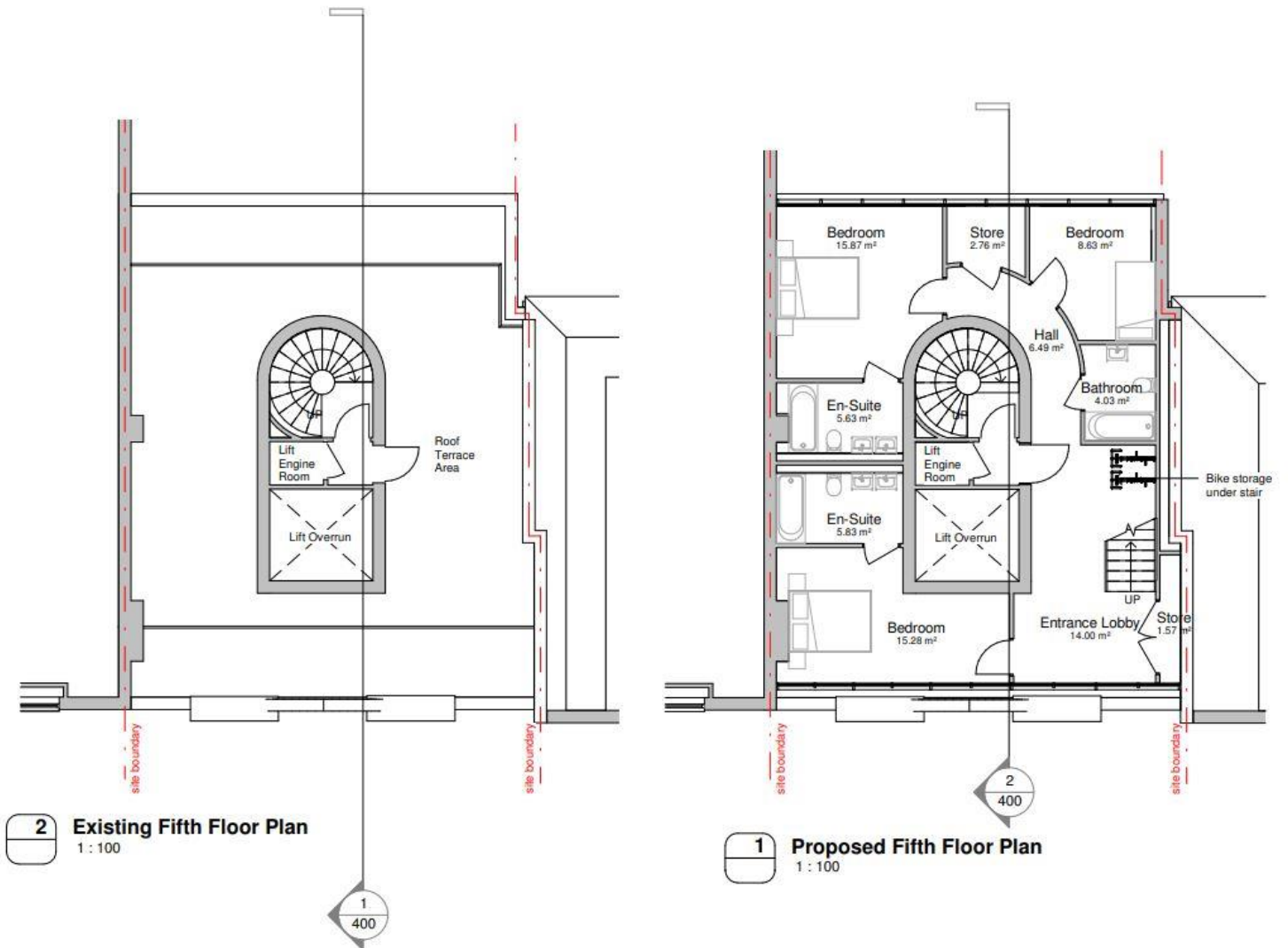
APPENDIX 1

LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

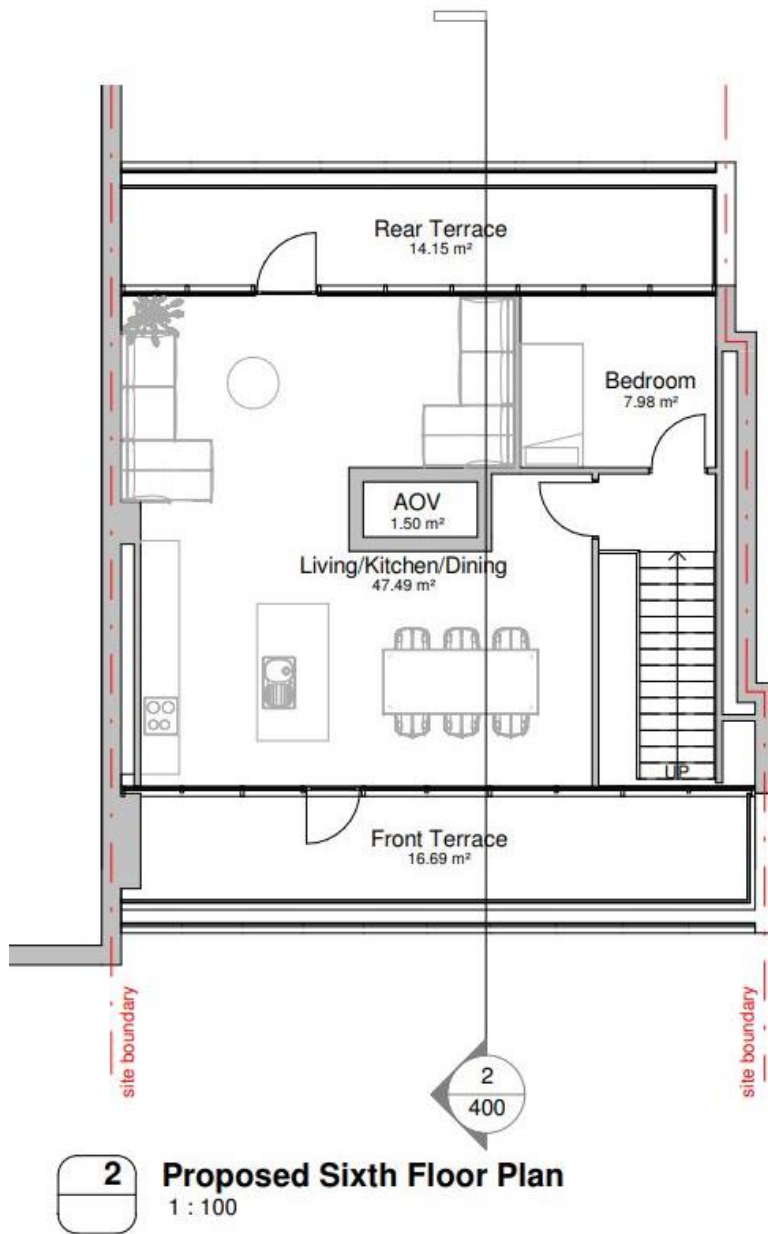
- 0100
- 110
- 120
- 121 Rev A
- 150
- 151
- 152
- 200 Rev A
- 201 Rev A
- 300 Rev A
- 301 Rev A
- 400 Rev A
- 401 Rev A
- 600
- Design & Access Statement 8 White's Row Rev C
- Daylight and Sunlight Report ref 2429 (Dated 30th June)
- Air Quality Assessment ref 7901r2 (Dated 25th March 2024)
- Reuse, Recycling and Waste Plan (May 2024)

APPENDIX 2

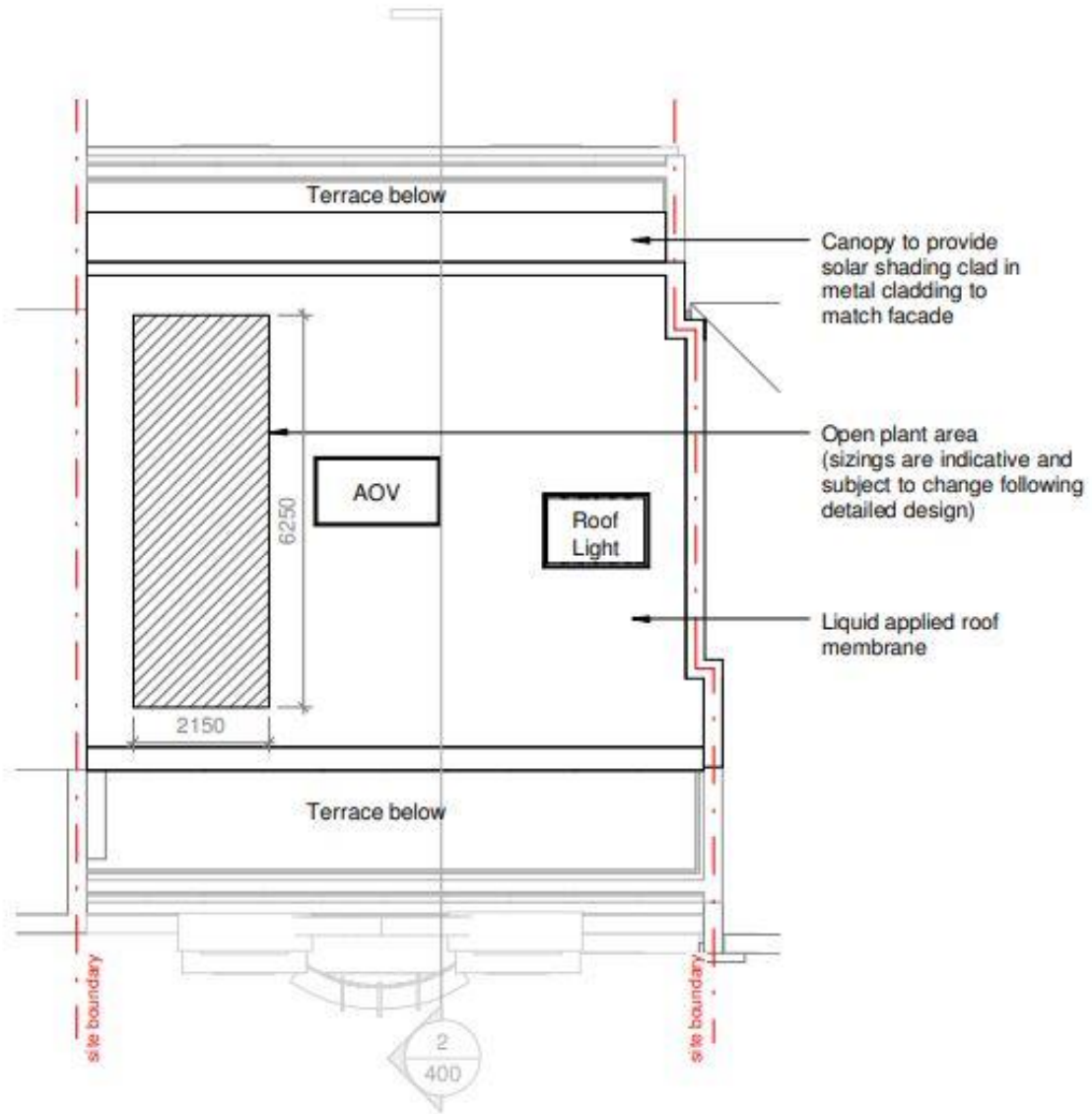
SELECTION OF APPLICATION PLANS AND IMAGES



Drawings 1 and 2: Existing and proposed fifth floor plans



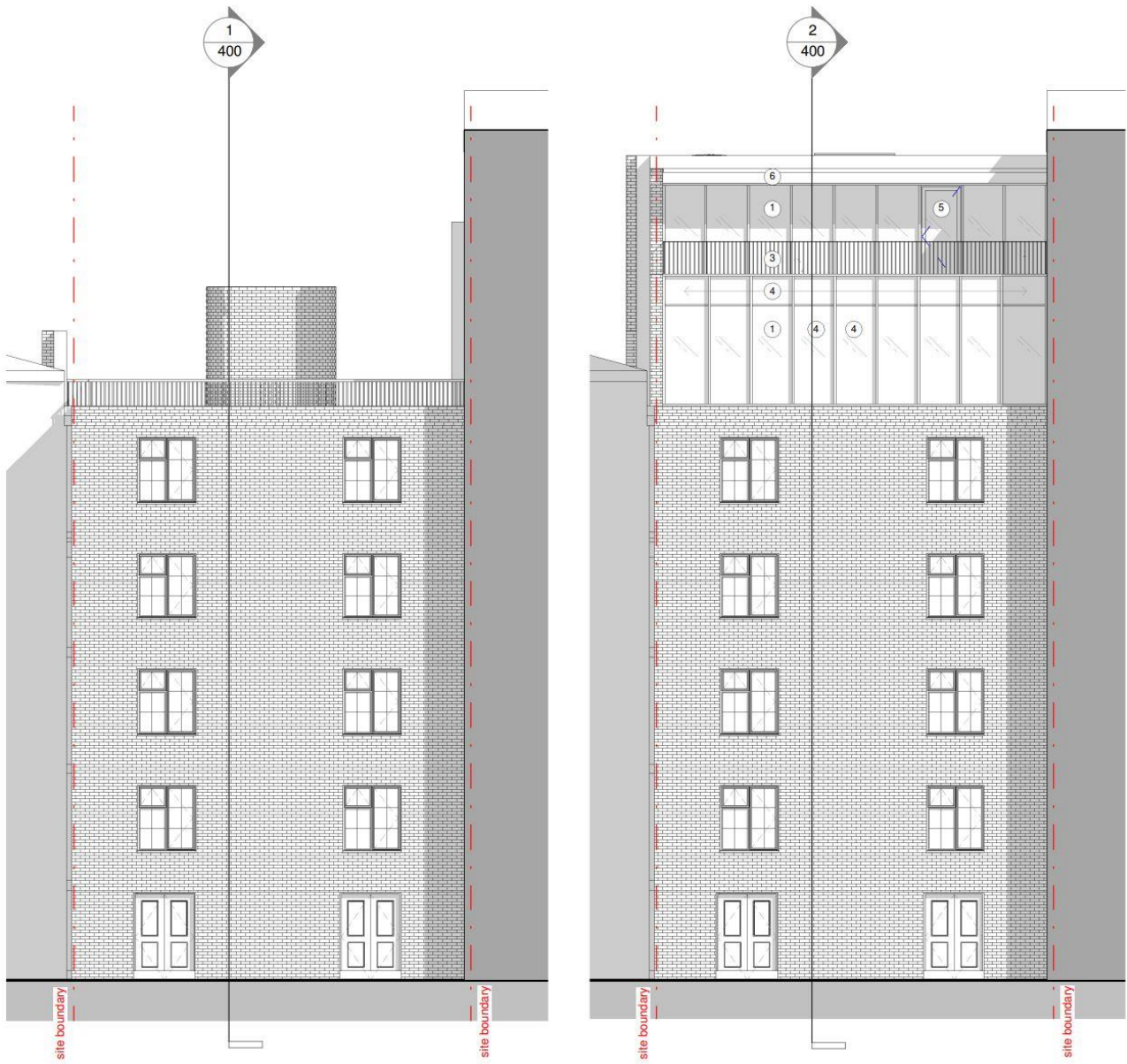
Drawing 3: Proposed sixth floor plan



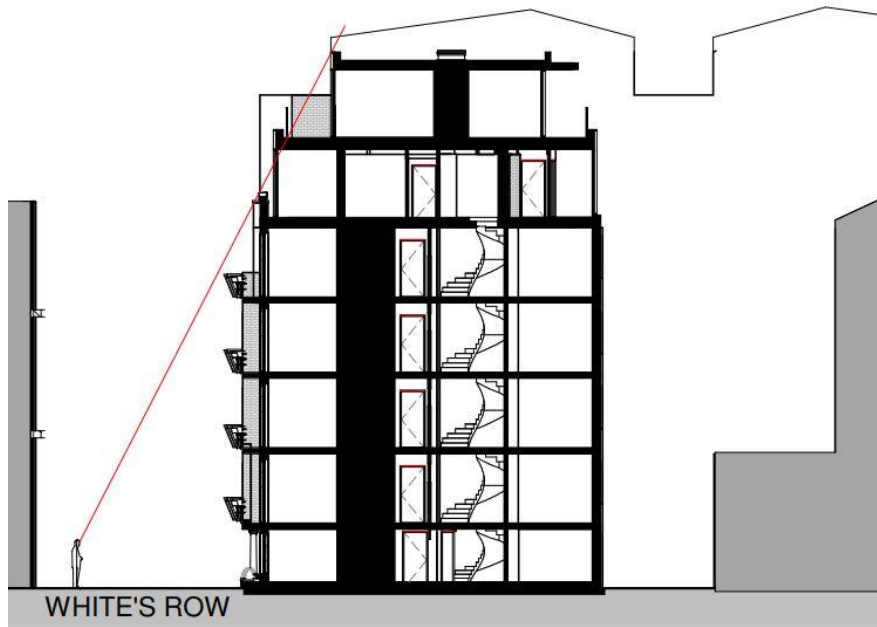
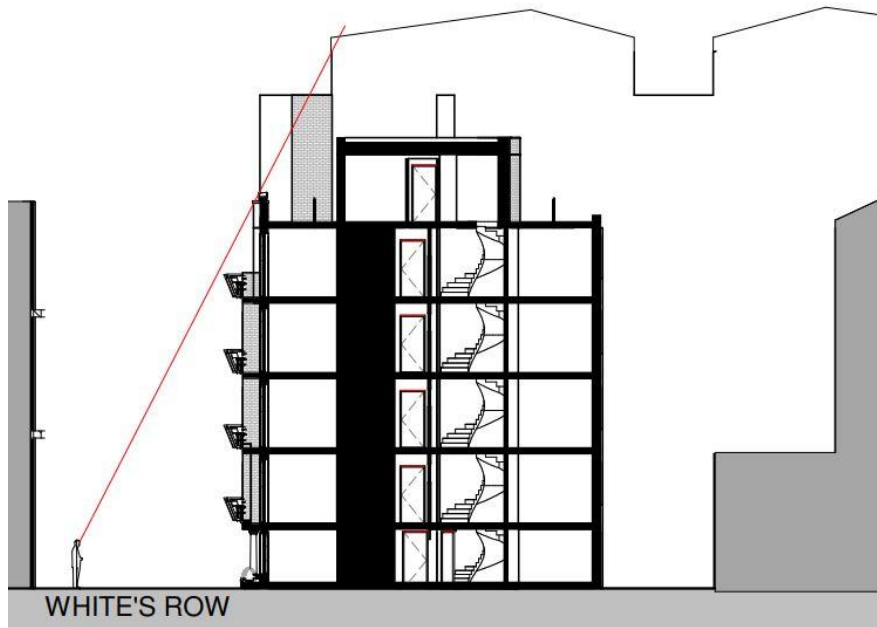
Drawing 4: Proposed roof plan



Drawings 5 and 6: Existing and proposed front elevations



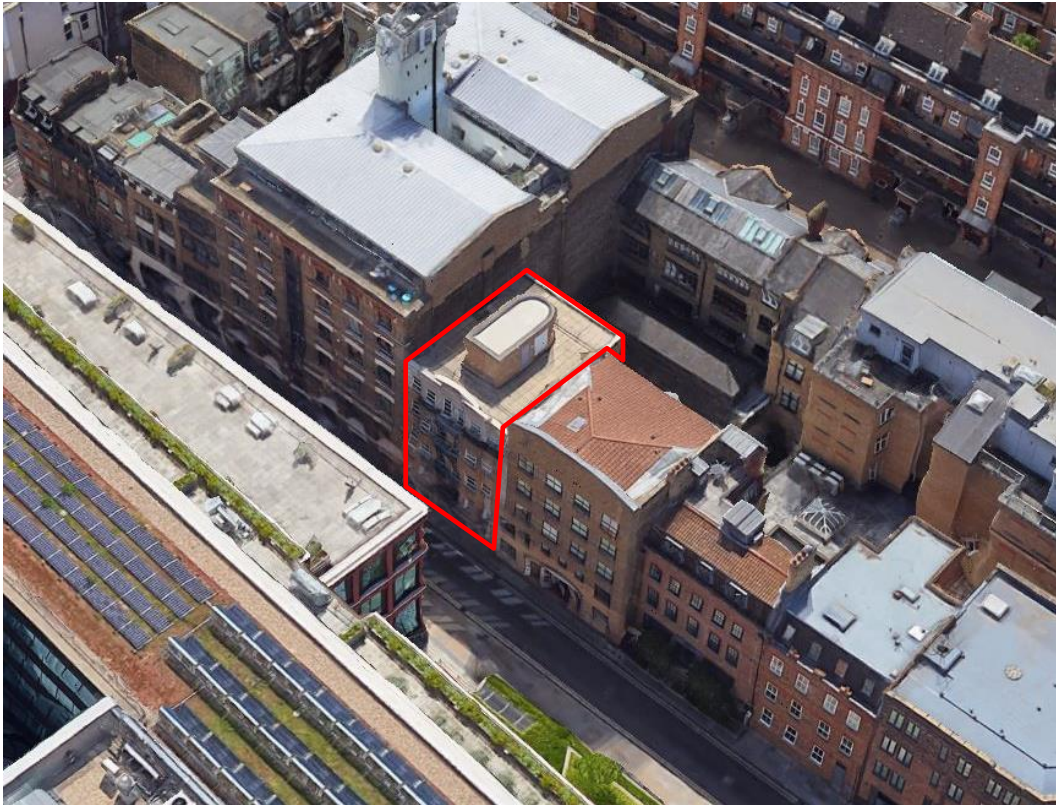
Drawings 7 and 8: Existing and proposed rear elevations



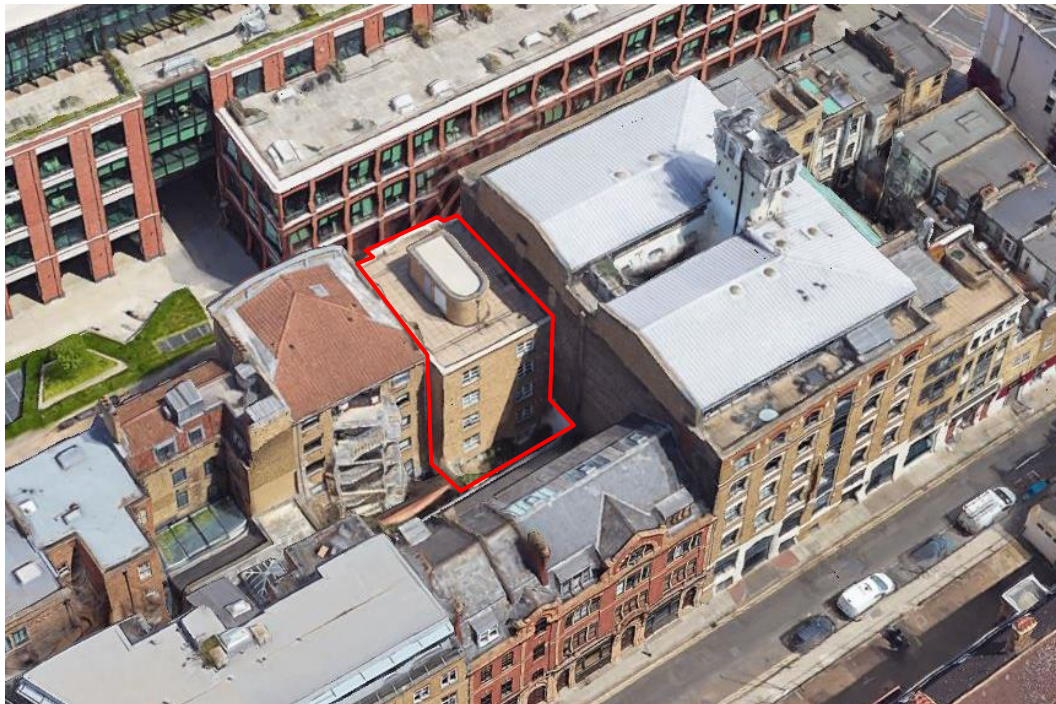
Drawings 9 and 10: Existing and proposed sections

APPENDIX 3

SITE IMAGES



Aerial view of the site, from the northwest, looking at Whites Row



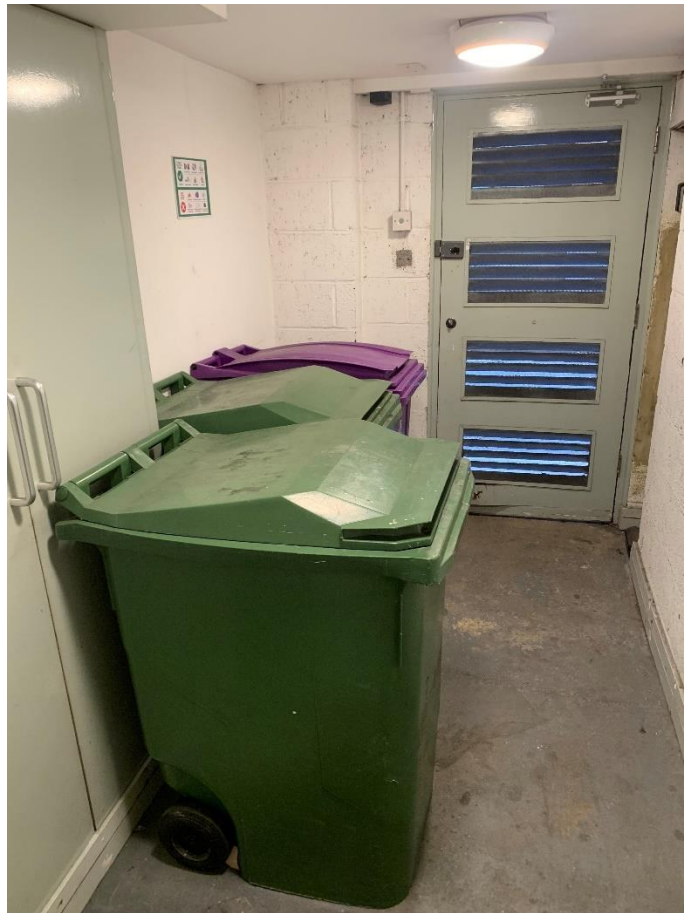
Aerial view of the site, from the southeast, the former Soup Kitchen to the south along Brune Street and the Fruit and Wool Exchange to the north of the application site



View from the existing roof terrace toward the former Soup Kitchen.




View from the existing roof terrace toward the Fruit and Wool Exchange.



Existing bin store on the ground floor of the building.

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<p>Non-Executive Report of the:</p> <p>Development Committee</p> <p>12 June 2024</p>	
<p>Report of: Corporate Director for Housing and Regeneration</p>	<p>Classification: Issue Exemption Class Title</p>
<p>Issue Title: Confirmation of the Dinmont Estate E2 Tree Preservation Order 2024/2</p>	

Executive summary

This report recommends that the council confirm a Tree Preservation Order (TPO) on two trees located at the Dinmont Estate. Officers served an interim TPO to protect the two trees under delegated powers in February 2024 (see appendix 1). The effect of the order makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy the trees without the council’s permission. The order will last for six months unless it is confirmed by the council.

Following a period of statutory consultation, the owner of the land on which the trees are located objected to the order. Having considered this objection, the officers have concluded that it remains expedient in the interests of amenity to protect the trees and recommend that that TPO is confirmed to provide long-term protection. The landowner was advised of this recommendation, and the reasons for it, and has stated that they wish to sustain their objection. Under the council’s constitution, where there is a sustained objection to an interim TPO, the decision to confirm the TPO should be taken by Development Committee. The report sets out in detail the reasons for making the interim order, the nature of the landowner’s objection and officer’s assessment of this.

Recommendations:

The Development Committee is recommended to:

1. Note the objection to the protection of the trees at Dinmont Estate.
2. Confirm the Dinmont Estate Tree Preservation Order 2024/2 to protect the significant amenity value which these trees offer.

1. REASONS FOR THE DECISIONS

- 1.1. The two trees identified by the interim TPO have a high degree of public visibility and offer significant amenity value to the local area. Without protection the trees may be removed or otherwise harmed. Consequently, it is considered expedient to continue to protect the trees by confirming the TPO.

2. ALTERNATIVE OPTIONS

- 2.1. Development Committee may decide not to confirm the order. In this case the interim order will be revoked and the trees would no longer have statutory protection.
- 2.2. Development Committee may decide to confirm the order with an amendment, by omitting one of the trees from the order and leaving only one protected.

3. DETAILS OF THE REPORT

Legislative framework

- 3.1. Under section 198 of the Town and Country Planning Act 1990 (as amended) a Local Planning Authority (LPA) can make a tree preservation order in its area where it appears that: a) the preservation of particular trees or woodlands is desirable in the interests of amenity; and b) it is expedient to preserve the trees or woodland by making a TPO. The act does not define the term ‘amenity’ but the government’s Planning Practice guidance states that orders should be used to protect trees if their removal would have a significant negative impact in the local environment and its enjoyment by the public (Paragraph: 007 Reference ID: 36-007-20140306). Before an LPA makes or confirms an order, they should be able to show that protection would bring a reasonable degree of public benefit in the present or in future.
- 3.2. Government guidance also states that it may be expedient to make an order if the LPA believes there is a risk of trees being felled, pruned or damaged in

ways which would have a significant impact on the amenity of the area. However, it is not necessary for there to be immediate risk for there to be a need to protect trees. It may be expedient to make an order if the council considers trees to be at risk because of development pressures.

- 3.3. The procedure for making and confirming orders is set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012. These state that, once made, an order takes effect provisionally for six months, during which time the LPA must decide whether to provide long-term protection by confirming it. Orders that are not confirmed within six months lapse and the trees are no longer protected.
- 3.4. The above regulations require the council to serve notice of the order on any 'persons interested in the land affected by the order', which in practice means every owner and occupier of the land and every other person whom the LPA knows to be entitled to cut down, lop or top any of the trees to which the order relate. The regulations also require the council to give such persons at least 28 days to make any objection or representation to the provisional order. The LPA cannot confirm an order until it has first considered any such objections or representations. Under the terms of the council's constitution (Part B, Section 19 Terms of Reference – Council's and Committees) Development Committee will consider recommendations to confirm a TPO where there is a sustained objection. This is defined as one that is maintained despite attempts to resolve it, or is one that is considered incapable of resolution by negotiation.

Background to making the TPO

- 3.5. The trees are located on the Dinmont Estate, which is to the north of Hackney Road between Goldsmith Row and Pritchard's Road. The trees are respectively a London plane, referred to as T1 (figure 1), and a Whitebeam, referred to as T2 (figure 2). They are within a grassed amenity area, adjacent to Teale Street, between Seabright House and Beechwood House (figure 3).



Figure 1: London plane (T1) viewed from Teale Street



Figure 1: Whitebeam (T2) viewed from Teale Street

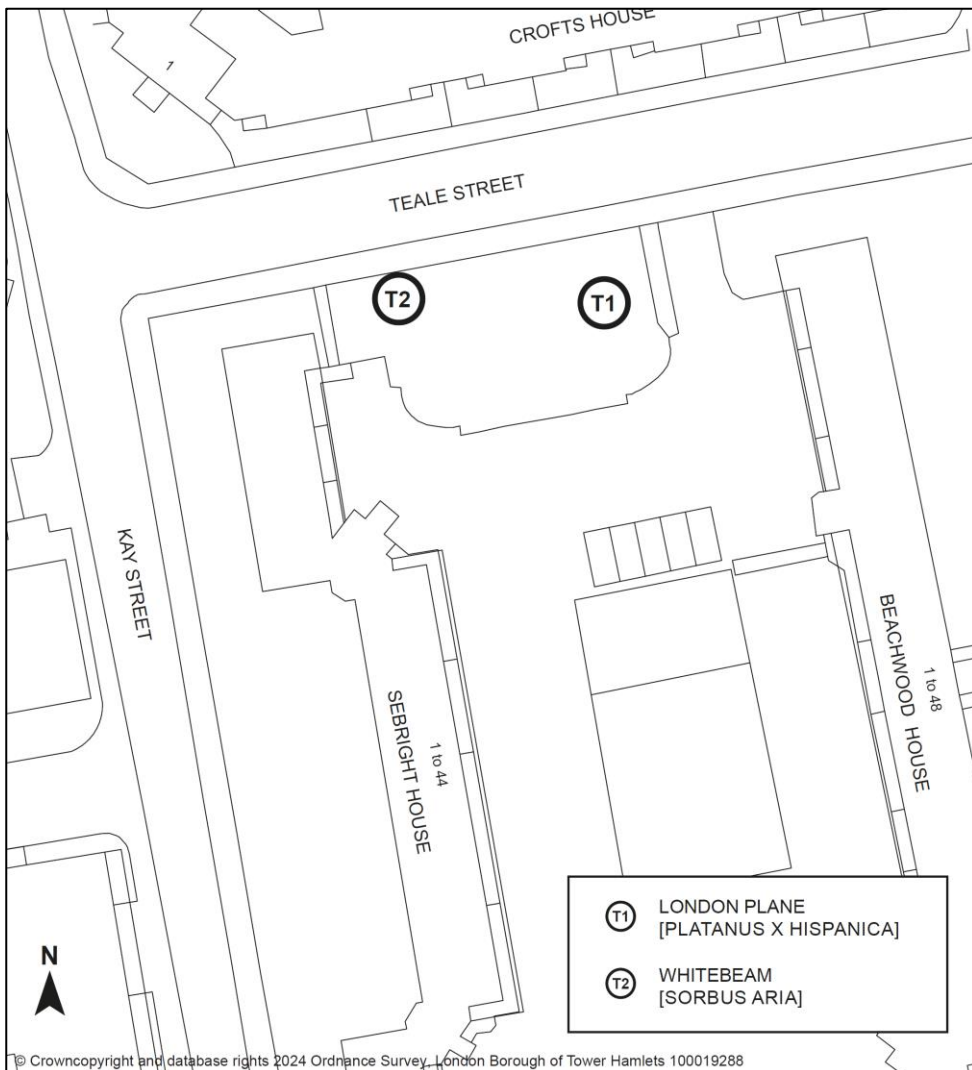


Figure 3: Location of the trees

- 3.6. Officers were first alerted to the potential amenity value of the trees when Tower Hamlets Community Housing (THCH), the owners of the estate, began consulting about possible development on estate land. A council arboricultural officer visited the site on 26 June 2023 and evaluated the trees using a TEMPO (Tree Evaluation Method for Preservation Orders) assessment. This is an objective assessment of the value of a tree that determines whether it warrants protection. Trees are given a score out of 25, with a score of 11 or more meaning the tree merits protection. In this instance the London plane was given a score of 18 and the whitebeam a score of 17 (see appendix 2). Both trees were assessed as being mature and in good health, contributing significantly to the amenity of the adjacent Teale Street. It was noted that the trees are highly visible from the public highway sited on open space to the rear of the fence line in the courtyard space between Seabright House and Beechwood House. In view of the tree's significant amenity value and the concerns around the potential redevelopment of the estate and the vulnerability of the trees if this were to happen, it was considered expedient to make a TPO. The order was made on 27 July 2023 and the THCH were served notice of the order. THCH raised an objection to the TPO via their planning agents, Savills. This objection, and the council's response, are considered in detail below.
- 3.7. Officers wrote to the THCH to advise that their objection had been given due consideration, but that officers remained of the view that the trees should be given long-term protection. The landowner advised that they wished to sustain their objection and they were subsequently advised that the matter would be referred to Development Committee for a decision. However, it was not possible to bring the matter to Development Committee within six months of the date that the TPO was made, and it subsequently lapsed.
- 3.8. The council's arboricultural officer visited the site again on 24 January 2024 to re-assess the two trees. On this occasion, the London plane was awarded a TEMPO score of 16 and the whitebeam a score of 14 (see appendix 2). As before, it was concluded that both trees were mature and in good health, contributing significantly to the amenity of the adjacent Teale

Street. It was noted that the trees are highly visible from the public highway sited on open space to the rear of the fence line in the courtyard space between Seabright House and Beechwood House. Although they were given a lower score than the previous assessment, it was concluded that overall, the trees have significant amenity value, which, along with concerns around the potential redevelopment of the estate, and the vulnerability of the trees if this were to happen, meant that it would be expedient to serve a new TPO.

- 3.9. A new interim TPO was made on 1 February 2024. THCH were served noticed and they subsequently advised, via their planning agents, that they wished to carry forward their objection to the previous TPO.

The objection

- 3.10. Savills (UK) Ltd acting as planning agent for THCH have submitted an objection to the TPO and a copy is available as a background paper for inspection. The planning agent argues that, in this instance, the protection of the trees is not considered to be expedient or in the interests of amenity and as such fails the two statutory tests.
- 3.11. Regarding expediency, the objection notes that, whilst the site has been discussed in pre-application meetings since 2021, it is only in the most recent advice in June 2023 that concern has been expressed over the removal of trees. Two previous letters did not provide any advice in relation to trees, and the third did not expressly object to their removal but did identify the potential for tree replacement to mitigate against the impact of this. The objection states that the removal of the trees can be adequately mitigated through replacement planting, as set out in the pre-application proposals, details of which are appended to the objection. In addition, it is noted that the replacement planting proposed offers the opportunity for biodiversity and ecological improvements, as well as softening and greening of the courtyard area. Since this additional planting could be controlled by the council by planning conditions, it is not considered expedient to protect the trees with a TPO.

- 3.12. The objection goes on to note that ‘amenity’ is not defined in law, but that planning authorities are advised to assess the amenity value of trees in a structured and considered way. This includes considering the visibility of the trees, their individual, collective and wider impact, as well as other factors such as nature conservation and response to climate change.
- 3.13. The objection states that the amenity value of the trees was independently assessed by a tree consultancy. That assessment found that only one of the trees is of high quality (T1) whilst the other (T2) is of only moderate quality.
- 3.14. The objection states that the two trees are grouped together with limited justification of the amenity value, noting that public visibility alone is not sufficient to warrant protection. The council has stated that the trees offer relief within the predominantly hard landscaped courtyard. The objection states that such relief could also be provided by a robust tree planting strategy will deliver the same or enhanced canopy cover in the estate. It also notes that the two trees are not within the green grid or the new green grid buffer zone.
- 3.15. The objection also highlights planning policies relating to the planting of replacement trees, where they are removed to facilitate development. Planning policies supporting the delivery of affordable housing, especially in the City Fringe Opportunity Area where the site is located, are also highlighted.

Consideration of the objection

- 3.16. The objection was referred to the council’s arboricultural officer who disagrees that it is not expedient to protect these trees with a TPO. This is because there is a clear and foreseeable threat to these trees, evidenced by the ongoing pre-application discussions in which the removal of the trees is proposed.
- 3.17. The arboricultural officer points out that the effectiveness of a TPO goes beyond the development management process (where the retention or

removal of trees is discussed and agreed in accordance with BS 5837) and extends to other circumstances. For example, a TPO would ensure the ongoing protection of the trees if planning proposals were withdrawn. A TPO would also continue to protect trees where development has taken place and one or both trees have been retained. It is foreseeable that, even if development which retained the trees took place, this would place them under continued pressure and their retention would remain under threat.

- 3.18. The arboricultural officer also states that it is not unusual for trees that are subject to planning proposals to be protected by a TPO. The purpose of a TPO is identify and protect trees with significant amenity value. The fact that a tree is protected by an order does not necessarily mean that it cannot be removed to allow development to take place. The value of trees, and their contribution to amenity, is a material planning consideration and will always be taken into account when determining a planning application, whether or not they are subject to a TPO. The presence of a TPO highlights the importance of a tree in development management decision making and, as set out above, also provides protection outside of this process.
- 3.19. Regarding the objection on the grounds of a lack of amenity, as noted above, both trees were objectively assessed by the council using a tree evaluation method for preservation orders (TEMPO). The assessment gives the trees scores against a range of factors, the scores translate to a degree of suitability for a TPO in relation to each amenity factor. In terms of their physical condition, anticipated remaining lifespan and degree of public visibility, both trees were assessed as being either 'suitable', 'very suitable' or 'highly suitable' for protection. Both trees were not considered to have any additional redeeming features which would mean that any other factors should be considered, such as being a veteran tree, being part of an important group or having historic, commemorative or habitat importance. Nonetheless, the trees scored highly enough against the other factors to mean that their amenity value is sufficient to merit protection by a TPO.
- 3.20. As noted above, the trees were re-assessed before issuing the second TPO. The amenity value of the trees was assessed as being slightly lower in this

second assessment compared to the first. T1 was reassessed as being a 'large', as opposed to 'very large' tree, which is clearly visible from the public highway. The retention span of T2 was reassessed as being between 20 and 40 years and as opposed to 40 to 100 years. Notwithstanding the lower amenity score resulting from this, both trees are still considered to be suitable for protection with a TPO.

4. EQUALITIES IMPLICATIONS

- 4.1. In determining whether to confirm, amend or revoke this TPO the council is required to have regard to the provisions of the public sector equality duty, that came into force in April 2011.
- 4.2. This means the council must, in summary, have due regard to three aims of the general equality duty, that is they must ensure that proposed actions:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 4.3. The Equality Act 2010 explains that the second aim (advancing equality of opportunity) involves having due regard to the need to:
- Remove or minimise disadvantages suffered by people due to their protected characteristics.
 - Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
 - Encourage people with certain protected characteristics to participate in public life or in other activities where their participation is disproportionately low.

- 4.4. Officers have considered the impacts this TPO has on people with protected characteristics and consider that there would be no adverse impacts on people sharing these characteristics. Protection of these two trees' amenity value will benefit everyone equally and would not result in discrimination or disadvantage due to protected characteristics.

5. **OTHER STATUTORY IMPLICATIONS**

- 5.1. There are no other statutory implications.

6. **COMMENTS OF LEGAL SERVICES**

- 6.1. Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 states:

“7. Procedure for confirmation of a tree preservation order

The authority shall not confirm an order which they have made unless they have first considered objections and representations duly made in respect of it and not withdrawn.

(2) An authority may confirm an order with or without modifications.

(3) Where an order is confirmed it shall be endorsed to that effect and the endorsement shall also indicate—

(a) that the order was confirmed with modifications or without modifications, as the case may be; and

(b) the date on which it was confirmed”

- 6.2. It is for the Development Committee to decide on the basis of the information in this report and the presentation at committee whether it wishes to either:

- a) Confirm the order (ie. in respect of TPOs on both T1 and T2);
- b) Confirm the order with modifications (ie. in respect of either T1 only or T2 only); or
- c) Not confirm the order (in which case the provisional TPO will lapse)

Linked Reports, Appendices and Background Documents

Linked Report

NONE

Appendices

Appendix 1: Interim TPO dated 1 February 2024

Appendix 2: TEMPO assessment dated 26 June 2023

Appendix 3: TEMPO assessment dated January 2024

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- Delegated report recommending serving an interim TPO on two trees at the Dinmont Estate E2
- Letter of objection and appendices dated 23 September 2023

Officer contact details for documents:

Vicki Lambert (vicki.lambert@towerhamlets.gov.uk)

Tree Preservation Order

Town and Country Planning Act 1990

Dinmont Estate, London E2 Tree Preservation Order 2024/2

The London Borough of Tower Hamlets in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the Dinmont Estate, London E2 Tree Preservation Order 2024/2

Interpretation

2.— (1) In this Order “the authority” means the London Borough of Tower Hamlets
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 01 FEBRUARY 2024

The Common Seal of THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF TOWERHAMLETS was hereunto affixed
By Order:-



DULY AUTHORISED

Richard Word
Head of Contracts
&
Commercial.



CONFIRMATION OF ORDER

This Order was confirmed by the London Borough of Tower Hamlets without modification on the day of

or

This Order was confirmed by the London Borough of Tower Hamlets, subject to the modifications indicated by on the day of

The Common Seal of THE MAYOR AND
BURGESSES OF THE LONDON BOROUGH
OF TOWERHAMLETS was hereunto affixed
By Order:-

DULY AUTHORISED SIGNATORY

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the London Borough of Tower Hamlets on the day of

The Common Seal of THE MAYOR AND
BURGESSES OF THE LONDON BOROUGH
OF TOWERHAMLETS was hereunto affixed
By Order:-

DULY AUTHORISED SIGNATORY

VARIATION OF ORDER

This Order was varied by the London Borough of Tower Hamlets on the
under the reference number

day of

.....
Authorised Officer

REASON FOR MAKING THE ORDER

The reasons for making the order are that these trees are highly visible from the public highway sited on open space to the rear of the fence line in the courtyard space between Seabright House and Beechwood House. They are large healthy specimens which offer significant amenity value offering relief within what is a predominantly a hard landscaped courtyard between Seabright House and Beechwood House.

CONFIRMATION OF ORDER

It is anticipated that the order will be confirmed as it is, with variations, or alternatively revoked within six months of the date that it is made.

Objections or other representations with respect to the tree specified in this order may be made to the authority for a period of at least 28 days from the service of this notice.

OBJECTIONS AND REPRESENTATIONS

Objections or other representations with respect to the group of trees specified in this order may be made to the authority for a period of at least 28 days from the service of this notice.

Objections and representations should be made in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012. The relevant paragraph is copied below for ease of reference.

OBJECTIONS AND REPRESENTATIONS

6.—(1) Subject to paragraph (2), objections and representations—

(a) shall be made in writing and—

(i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or

(ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;

(b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in

respect of which such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	London Plane Platanus x Hispanica	Dinmont Estate In the courtyard close to Teale Street
T2	Whitebeam Sorbus Aria	Dinmont Estate In the courtyard close to Teale Street

Trees specified by reference to an area

(Within a dotted black line on the map)

None

Groups of trees

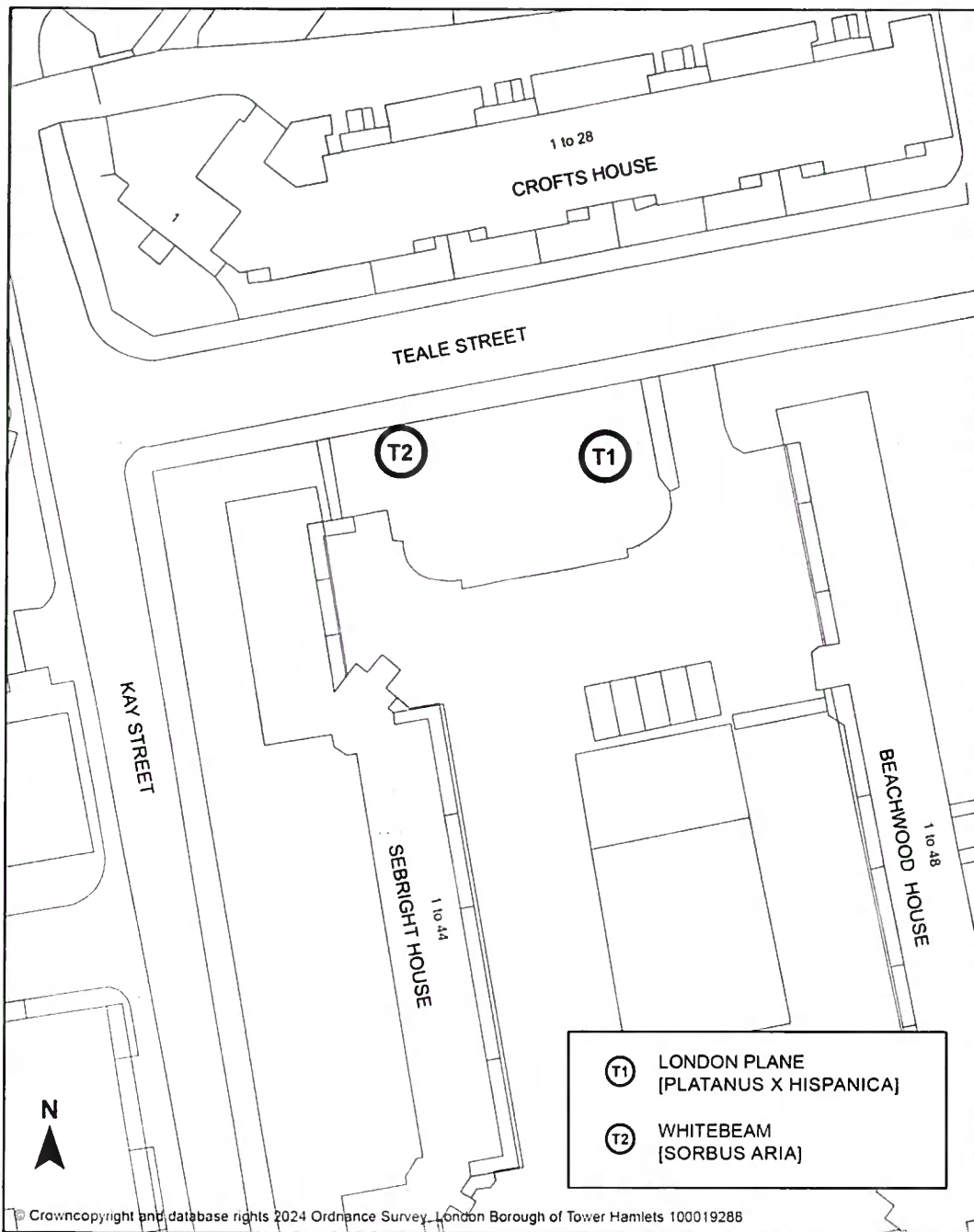
(Within a broken black line on the map)

None

Woodlands

(Within a continuous black line on the map)

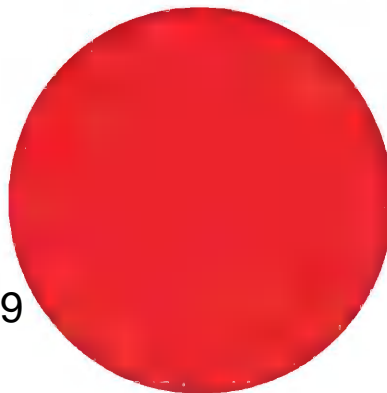
None



**DINMONT ESTATE E2
TREE PRESERVATION ORDER 2024/2**



Richard Ward
 Richard Ward
 Head of Contracts &
 Commercial
 TPO 2024/2



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TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 24/1/24 Surveyor: FARID NANNIA

Tree details
 TPO Ref (if applicable): Tree/Group No: T1 Species: PLATANUS X HISPANICA
 Owner (if known): THCM Location: DINMONT ESTATE

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead Unsuitable
- 0) Dying/dangerous* Unsuitable

Score & Notes THE TREE IS IN GOOD HEALTH AND VITALITY. VERY FEW MINOR 5 - DEFECTS WHICH IS TO BE EXPECTED FROM A TREE OF THIS AGE

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes THIS IS A MATURE TREE THAT IS OVER 100 YEARS OLD. 4 - IN ITS CURRENT CONDITION THE TREE IS EXPECTED TO REACH FULL AGE

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes LARGE TREE 4 - CLEARLY VISABLE FROM THE PUBLIC HIGHWAY

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes 2 - PERCEIVED THREAT TO TREE

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total: 16

Decision: DEFINITELY MERITS TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 24/1/24 Surveyor: FARID NAWIA

Tree details
 TPO Ref (if applicable): Tree/Group No: T2 Species: Sorbus aria
 Owner (if known): THCH Location: DINMONT ESTATE

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead Unsuitable
- 0) Dying/dangerous* Unsuitable

Score & Notes THE TREE IS IN GOOD HEALTH AND VITALITY. A COUPLE OF MINOR 5- DEFECTS WHICH IS TO BE EXPECTED FROM A TREE OF THIS AGE

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes THIS IS A MATURE TREE THAT IS OVER 60 YEARS OLD. 2 - IN ITS CURRENT CONDITION THE TREE IS EXPECTED TO REACH FULL

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the AGI potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes MEDIUM TREES 4-CLEARLY VISABLE FROM A PUBLIC HIGHWAY

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes 2 - PERCEIVED THREAT TO TREE

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total: 14

Decision: TPO DEFENSIBLE

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 2/6/23	Surveyor: FARID NAINIA
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Tree details	Tree/Group No: T1	Species: PLATANUS X HISPANICA
TPO Ref (if applicable):	Location: DINMONT ESTATE	
Owner (if known): THCH		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|---------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead | Unsuitable |
| 0) Dying/dangerous* | Unsuitable |

Score & Notes TREE IS IN GOOD HEALTH AND VITALITY. VERY FEW MINOR DEFECTS WHICH IS TO BE EXPECTED FROM A TREE OF THIS AGE

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes THIS IS A MATURE TREE THAT IS OVER 100 YEARS OLD. 4 - IN ITS CURRENT CONDITION THE TREE IS EXPECTED TO REACH FULL AGE

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes VERY LARGE 5 - TREE CLEARLY VISIBLE FROM THE PUBLIC HIGHWAY

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes 3 - FORESEEABLE THREAT
--

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total: 18

Decision: DEFINITELY MERITS TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 2/6/23 Surveyor: FALID NATINIA

Tree details
 TPO Ref (if applicable): _____ Tree/Group No: T2 Species: SORBUS ARIA
 Owner (if known): THCM Location: DINMONT ESTATE

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead Unsuitable
- 0) Dying/dangerous* Unsuitable

Score & Notes TREE IS IN GOOD HEALTH AND VITALITY. A COUPLE OF VISIBLY 5 - MINOR DEFECTS WHICH IS TO BE EXPECTED FROM A TREE OF THIS AGE.

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes THIS IS A MATURE TREE THAT IS OVER 50 YEARS OLD. IN 4 - IT'S CURRENT CONDITION THE TREE IS EXPECTED TO REACH FULL AGE

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes LARGE TREE 4 - CLEARLY VISIBLE TO THE PUBLIC FROM THE HIGHWAY

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes

1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

3 - FORESEEABLE THREAT

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:

17

Decision:

DEFINITELY MERITS TPO