



Meeting of the

# DEVELOPMENT COMMITTEE

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Wednesday, 15 May 2013 at 7.00 p.m.

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## A G E N D A

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### VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Shiria Khatun	
Councillor Denise Jones Councillor Craig Aston Councillor Md. Maium Miah Councillor Anwar Khan 1 Vacancy	Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Craig Aston) Councillor Khales Uddin Ahmed, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Denise Jones and Shiria Khatun) Councillor Peter Golds, (Designated Deputy representing Councillor Craig Aston) Councillor Tim Archer, (Designated Deputy representing Councillor Craig Aston) Councillor Bill Turner, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Denise Jones and Shiria Khatun)

**[Note: The quorum for this body is 3 Members].**

**Committee Services Contact::**

Zoe Folley, Democratic Services,  
Tel: 020 7364 4877, E-mail: [zoe.folley@towerhamlets.gov.uk](mailto:zoe.folley@towerhamlets.gov.uk)

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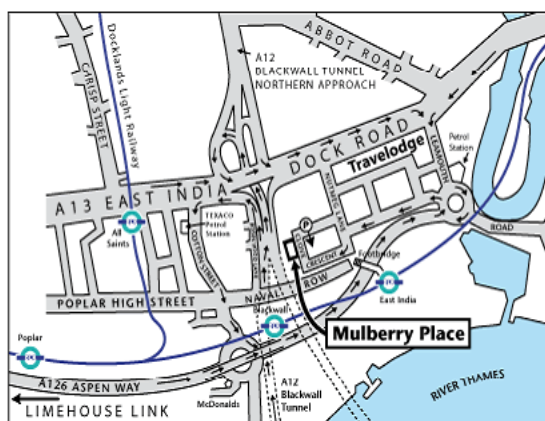
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# LONDON BOROUGH OF TOWER HAMLETS

## DEVELOPMENT COMMITTEE

Wednesday, 15 May 2013

7.00 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

### 3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 11<sup>th</sup> April 2013.

**PAGE  
NUMBER**      **WARD(S)  
AFFECTED**

**5 - 16**

### 4. RECOMMENDATIONS

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 Development and Renewal 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 Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

## **5. PROCEDURE FOR HEARING OBJECTIONS**

To note the procedure for hearing objections at meetings of the Development Committee. **17 - 18**

The deadline for registering to speak is 4pm Monday 13<sup>th</sup> May 2013.

## **6. DEFERRED ITEMS**

**19 - 22**

**6 .1 Land adjacent to railway viaduct, Mantus Road, London (PA/12/01758) **23 - 62** Bethnal Green South**

**6 .2 Bath House, Dunbridge Street, London (PA/12/02632 & PA/12/02633) **63 - 84** Weavers**

**6 .3 Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London (PA/11/03371 - 3372 - 3373) **85 - 164** Bow West**

## **7. PLANNING APPLICATIONS FOR DECISION**

**165 - 168**

**7 .1 Site at corner of King Lane and The Highway and site at 448 Cable Street (Juniper Hall) (PA/12/03138) **169 - 204** Shadwell**

**7 .2 Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB (PA/13/00116) **205 - 228** Millwall**

## **8. OTHER PLANNING MATTERS**

**229 - 230**

**8 .1 Toilet Block, Poplar Recreation Ground, East India Dock Road, London E14 (PA/12/03218) **231 - 236** Limehouse**

**8 .2 Trinity Centre, Key Close, London, E1 4HG (PA/13/00718) **237 - 242** Bethnal Green South**

**8 .3 PLANNING APPEALS REPORT **243 - 248****

# Agenda Item 2

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

**Further advice**

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or  
John Williams, Service Head, Democratic Services, 020 7364 4204

## 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	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>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—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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.</p>

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 11 APRIL 2013**

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Helal Abbas (Chair)  
Councillor Shiria Khatun (Vice-Chair)  
Councillor Craig Aston  
Councillor Anwar Khan  
Councillor Khaled Uddin Ahmed  
(Substitute for Councillor Denise Jones)

**Other Councillors Present:**

None.

**Officers Present:**

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Richard Murrell	– (Deputy Team Leader, Planning, Development and Renewal)
Mary O'Shaughnessy	– (Planning Officer, Development and Renewal)
Benson Olaseni	– (Planning Officer, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted from Councillors Maium Miah and Denise Jones for who Councillor Khaled Uddin Ahmed was deputising.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

However, Councillor Helal Abbas declared an interest in agenda items 7.1 (Land adjacent to railway viaduct, Mantus Road, London) and 7.2 (Bath House, Dunbridge Street, London) as he had received correspondence from interested parties.

Councillor Helal Abbas also declared an interest in item 7.1(Land adjacent to railway viaduct, Mantus Road, London) as he was a Council appointed Member of Tower Hamlets Community Housing.

### **3. UNRESTRICTED MINUTES**

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 13<sup>th</sup> March 2013 be agreed as a correct record and signed by the Chair.

### **4. RECOMMENDATIONS**

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal 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, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

### **5. PROCEDURE FOR HEARING OBJECTIONS**

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

### **6. DEFERRED ITEMS**

Nil Items.

### **7. PLANNING APPLICATIONS FOR DECISION**

#### **7.1 Land adjacent to railway viaduct, Mantus Road, London (PA/12/01758)**

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding Land adjacent to railway viaduct, Mantus Road, London for redevelopment to provide 93 residential units and associated works.

The Chair invited the registered speakers to address the meeting.

Peter Exton addressed the committee in support of the application (as the Officer's recommendation was for refusal). He was speaking on behalf of the applicant Tower Hamlets Community Housing (THCH). He explained the aims of and the track record of THCH to provide genuinely affordable housing and a scheme that benefited the community. He reported on the extensive discussions between THCH and Officers at pre application stage. As a result, the site boundary (red line) had been expanded to take into account land that was a source of anti social behaviour. He considered that the density of the scheme within the red line, as assessed by the applicant, complied with policy and was acceptable. It was unfair to base the density calculation just on the foot print of the building as in the Officer report rather than the wider 'red line' boundary.

He noted the concerns about amenity space. He highlighted the merits of these plans including the landscaping works and the creation of a public space with seating. The scheme proposed a full s106 contribution with a good level of affordable housing. There would be an overprovision of family housing with private amenity space. He stressed the merits of the design in terms of addressing nuisance behaviour.

Benson Olaseni (Planning Officer) presented the detailed report and the update. He described in detail the site location and the proposals. He described the outcome of the consultation. He explained the material issues raised in these representations both in support and against.

He explained the main issues with the application around density and overdevelopment. The density exceeded the London Plan maximum - 1218 per habitual room when accurately assessed. (The lower figure of 461, stated in the application, included existing open space outside the site). The amenity space was of poor quality (communal and private) with gardens and balconies in close proximity to the railway line. The design and materials were out of keeping with the surrounding area. The scheme would affect amenity and there were concerns about the car parking. On balance, Officers considered that the scheme was unacceptable and should be refused.

In response, Members noted the site constraints. However welcomed the plans for additional housing especially affordable housing. It was considered that the level of such complied with policy and would help address the Borough's housing needs. Members also noted the shortfalls in amenity space on site. However, suggested that this could be mitigated by the availability of existing leisure space nearby.

In response, Officers emphasised the issues with the application. It was considered that the site was too small and narrow for a development of this scale. Officers noted the merits of the scheme and the recent measures to improve it such as the homezone. However, considered that on balance the disadvantages outweighed this.

On a vote of 2 in favour and 2 against the Officer recommendation with the Chair using his casting vote to vote against the recommendation, the Committee **RESOLVED:**

That the Officer recommendation to refuse planning permission (PA/12/01758) at land adjacent to railway viaduct, Mantus Road, London for redevelopment to provide 93 residential units in buildings ranging from three to six storeys including amenity space, landscaping, disabled car parking and cycle parking be **NOT ACCEPTED**.

The Committee were minded to approve the scheme due to the following reasons:

- The provision of additional housing, especially social housing in view of the Council's targets in this area.
- The availability of amenity space nearby the site that could supplement the lack of amenity space on site.
- The high quality public transport links servicing the site.

The Committee also requested that Officers discuss with the Applicant the nature of the materials to ensure they reflected the surrounding area.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for approval and conditions on the application.

(The Members that voted on this item were Councillors Helal Abbas, Khales Uddin Ahmed, Craig Aston and Shiria Khatun)

Councillor Anwar Khan joined the meeting during this item therefore did not vote.

## **7.2 Bath House, Dunbridge Street, London (PA/12/02632 & PA/12/02633)**

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding Bath House, Dunbridge Street, London for the removal of existing hipped roof to Block E and replacement with new mansard roof to provide flats.

The Chair invited the registered speakers to address the meeting.

Adam Wilkinson addressed the committee in opposition to the application. He stated that he was speaking on behalf of the residents of the development as a planning consultant. One of the main concerns was the increased height. This would make the building unattractive and would over dominate the listed building. The extension would obstruct visibility of the listed chimney. The drawings were inaccurate as they did not show the full extent of the overshadowing. This should be explained. He referred to the poor quality of the existing building as reported by the residents. (Poor damp proofing, defective roofing, inadequate emergency escape routes). These issues had yet to be addressed, despite requests, and should be - given this was a listed

building. There was also outstanding enforcement action with previous planning conditions.

Jarred McGinnis spoke in opposition to the scheme. He was a resident of Bath House. He reported on the problems with accessing the existing development as a wheelchair user and gave a specific example of this. He questioned what could be done about this. (Officers subsequently confirmed that there were no specific proposals for step free access in this application).

Terrance Kearney (Applicant's agent) spoke in support of the application. He reported on the history of the Bath House and that the subject building was built in the mid 1990s. The current roof was out of keeping and the proposed roof would be more traditional in appearance. The applicant had sought specialist advice on the impact on the listed building and the response was positive. The applicant had engaged in pre - application discussions with Officers and had amended the design in light of the Council's Conservation Officers advice. The scheme would enhance the historic building, provide new houses and facilities for the existing residents. Therefore, should be granted. In reply to Members, he explained the benefits for existing residents in terms of new recycling facilities and cycle spaces.

Richard Murrell (Planning Officer) presented the detailed report and the update. The application was reported to the committee due to the number of objections. Mr Murrell explained the site location and nature of the existing building. He explained the outcome of the local consultation. The objections covered such issues as impact on amenity, design, waste and the construction impact on residents. It was considered that the quality of the proposed flats was acceptable and complied with policy. The design as amended related well with the development. It was proposed to increase the roof height by 2.2 metres which was comparable to the height of the main building. The roof slopped away from residential properties with good separation distances. Therefore, the scheme would protect amenity.

It was noted that there would be a minor impact on views of the chimney from the immediate area. However, the views of the chimney would generally be maintained. Mr Murrell also explained the proposed recycling facilities and new cycling spaces.

In reply to Members, he clarified the measures to protect amenity, especially the impact on sunlight and daylight.

On a vote of 0 in favour and 5 against the Officer recommendation the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission (PA/12/02632 ) and Listed building consent (PA/12/02633) at Bath House, Dunbridge Street, London be **NOT ACCEPTED** for the removal of existing hipped roof to Block E and replacement with new mansard roof to provide 2 x 1 bedroom flats and 1 x 2 bedroom flat including raising the stairwells and associated works to refuse and cycle stores.

The Committee were minded to refuse the scheme due to concerns over the following issues:

- Overdevelopment of the site from pressure on existing facilities.
- Noise and disturbance during the construction period especially for the occupants living directly underneath the scheme.
- Appearance of the scheme in relationship to the existing buildings included listed buildings.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

(The Members that voted on this item were Councillors Helal Abbas, Khales Uddin Ahmed, Anwar Khan, Craig Aston and Shiria Khatun).

### **7.3 Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London (PA/11/03371 - 3372 - 3373)**

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding the site at Bow Wharf adjoining Regents Canal and Old Ford Road, Old Ford Road, London for the demolition of existing buildings to facilitate the redevelopment of the site to provide three buildings.

The Chair invited the registered speakers to address the meeting.

Tom Ridge of the East London Waterway Group addressed the Committee in opposition to the application. He stated that there was 81 objections and a petition with 152 signatures. The scheme would be two stories higher than the nearest buildings. Therefore, it would be detrimental to the setting of the Regent's Canal Conservation Area, the two locally listed buildings and also the listed Stop Lock bridge. The scheme should be scaled down to protect the listed buildings as recommended by the Planning Inspectors guidance on this subject in 2005 and 2010. The scheme would therefore be dismissed at appeal. He drew attention to the proposals for each unit be installed with fire protection devices as requested by the Fire Authority as a condition of approval. He questioned whether this was acceptable. The fire access route was unacceptable requiring fire engines to use the Stop Lock bridge. This could damage it. He requested that there be weight and height restrictions on the bridge to prevent use by such vehicles.

Malcolm Tucker (Greater London Industrial Archaeology Society) addressed the Committee in opposition to the application. He also objected to the impact on the listed bridge from use by heavy vehicles and requested restrictions to prevent this. He also sought assurances they would be enforced. He considered that there was insufficient space for fire engines to move. The

proposed buildings were too tall and would have an overbearing impact on Conservation Area. The policy stated that such schemes should enhance the surrounding settings. However, this scheme would damage it.

Kieran Rush (Applicant's agent) spoke in support of the application. He reported on the applicant's aim to protect the canal and the bridge. It was in their own interest's to protect these assets. He referred to the pre-application discussions with Officers to address the issues and the public consultation. The height was in keeping with the surrounding buildings. The scheme had been sensitively designed to reinforce the character of the canal. He listed the benefits of the scheme including: family and affordable housing with amenity space, new public space and cafe, s106 contributions, a car free agreement and the good public transport links. The Fire Authority were now satisfied with the scheme following testing. It was proposed to maintain the weight restrictions on the bridge, to be secured by condition.

Mary O'Shaughnessy (Planning Officer) presented the detailed report and the update. The application was for planning, listed and conservation area consent. She explained in detail the scheme including the site location and the surrounding area. She described the height and make up of the proposed buildings and measures to protect the listed assets. She explained the outcome of the local consultation (carried out twice) and the issues raised. She explained the previously refused schemes and the improvements in terms of reduced height amongst other issues. The impact on the Conservation Area had been carefully considered. Overall, Officers considered that the impact was acceptable. The scheme would preserve its character with no undue impact on amenity.

The Fire Authority had recently tested the access route from Grove Road and found that it could be accessed by fire engines. However, it was proposed that one of the existing chalets be demolished to facilitate access. As a result, the Fire Authority were now satisfied with the scheme subject to the conditions and had removed their objection. The Fire Authority were aware that Fire engines could not cross the Stop Lock Bridge. The scheme sought to provide 29% affordable housing by habitable room with s106 contributions. It was considered that the maximum amount of each had been secured following testing whilst ensuring viability. The s106 had been considered by the Council's Planning Contributions Overview Panel and allocated accordingly.

Members asked questions about the materials in relation to the surrounding area. In response, Officers explained the design in more detail. In particular the plans to use pitched roofs and brick to ensure the design responded to the surrounding area. It was required (under condition) that details of the materials be submitted for approval to ensure this. This was a standard condition.

On a vote of 0 in favour, 2 against the Officer recommendation and 3 abstentions the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission (PA/11/03371), listed building consent (PA/11/03372) and conservation area consent

(PA/11/03372) at Bow Wharf Adjoining Regents Canal and Old Ford Road, Old Ford Road, London be **NOT ACCEPTED** for the demolition of existing buildings to facilitate the redevelopment of the site to provide three buildings ranging in height from 3 - 6 storeys including Block A (part 3 part 4 storeys to the north of the Hertford Union Canal), Block B (6 Storeys to the south of the Hertford Union Canal) and Block C (4 storeys to the south of the Hertford Union Canal) to provide 34 residential units comprising 10 x 1 bedroom, 15 x 2 bedroom, 4 x 3 bedroom and 5 x 4 bedroom houses, 74.8 square metres of commercial floor space to be used as either Use Class A1, A2, A3,B1 or D1, including provision of one accessible parking space, cycle parking, public and private amenity space and associated works.

The Committee were minded to refuse the scheme due to concerns over the following issues:

- Failure to protect the character and appearance of the Conservation Area.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

(The Members that voted on this item were Councillors Helal Abbas, Khaled Uddin Ahmed, Anwar Khan, Craig Aston and Shiria Khatun).

Councillor Shiria Khatun left the meeting following the consideration of this item.

#### **7.4 69-89 Mile End Road, London E1 4UJ (PA/12/03357)**

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding 69-89 Mile End Road, London E1 4UJ for the change of use at first floor from retail to a 24 hour gym and external alterations

The Chair invited the registered speakers to address the meeting.

Adam Bunn addressed the Committee in opposition to the application. He stated that he was speaking on behalf of local residents as a planning consultant. He objected to the lack of a sequential site assessment for the application. Therefore, the application was contrary to the National Planning Policy Framework. As a result, the decision to grant would open to challenge at appeal.

Charles Moran (Applicant's agent) spoke in support of the application. He considered that the scheme would reactivate a vacant site, empty for some time, would create new jobs and enhance the wellbeing of the community with new fitness facilities. He explained the measures to address the objectors



concerns. This including moving the servicing plant area to the roof and also soundproofing. As a result, a number of objections had been withdrawn. Many residents supported the scheme and were present at the meeting. The site benefited from an existing town centre use permission. Therefore, he questioned the weight that could be given to the speakers objections about lack of sequential testing. In reply to Members, he explained the need for a 24 hour use of the gym. This would enable people with commitments during the day to use the facility.

Benson Olaseni (Planning Officer) presented the detailed report and the update. He explained the nature of the proposal. He explained the site location and nature of the uses on the other floors of the building. He explained the outcome of the local consultation. The objections covered noise, cumulative impact and impact on the highways. It was considered that the gym use was appropriate for the site given it was at the edge of the Town Centre. It therefore complied with policy.

He explained the conditions to address the objections. This included CCTV, a controlled entrance system and safety and security measures. The main entrance would be located on Mile End Road at a distance from residential properties. The objection about sequential testing had been considered by the relevant Council experts in planning policy. The advice was that such an assessment was unnecessary given the existing retail use on the upper floors and the edge of Town Centre location. Overall, Officers considered that the conditions would overcome any concerns and the application should be granted.

Members asked questions about the impact on the highways from vehicle use from the proposal. In response, Officers explained the measures to minimize this. Transport for London and Highways Services had no objections subject to the condition on cycle parking. The site had good public transport links. The applicant would take steps to minimise the impact on parking and the highway. There would be an outright restriction on classes during the night time to avoid groups of people arriving/leaving at the same time. The gym would also encourage sustainable forms of transport and would not refer to parking near the site.

It was unlikely that there would be a major increase in vehicles in the evening given the visitor numbers projected in the report, (based on comparable gym usage at this time)

On a vote of 2 in favour and 2 against with the Chair using his casting vote in support of the recommendation, the Committee **RESOLVED**:

1. That planning permission (PA/12/03357) at 69-89 Mile End Road, London E1 4UJ be **GRANTED** for the change of use at first floor from retail (Use Class A1) to a 24 hour gym (Use Class D2) and external alterations including new access door to Mile End Road and installation of roof top servicing plant subject to the following:

2. That the Corporate Director of Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the committee report.

#### 7.5 Site At 3-11 Goulston Street And 4-6 And 16-22 Middlesex Street, Middlesex Street, London E1 (PA/12/02045)

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding the site at 3-11 Goulston Street and 4-6 and 16-22 Middlesex Street, Middlesex Street, London E1 for the demolition of the existing buildings and erection of a nine storey hotel and associated works.

There were no speakers registered to address the Committee.

Richard Murrell (Planning Officer) presented the detailed report and the update. The scheme was before the Committee due to the scale. Mr Murrell explained the outcome of the consultation with one letter in support and one in objection. Mr Murrell referred to the previously approved scheme (2008) on site for an office use, which was broadly similar and established the land use. He highlighted the improvements in relation to the previous scheme.

It was considered that the change to a hotel use was acceptable given the issues with re-establishing an office use at that site. Furthermore, the site was located within the Central Activities Zone which encouraged the provision of hotels in such areas. The scheme would help meet the Council's targets for hotel accommodation and contribute to the local economy. The sunlight and day light assessment complied with policy with relatively minor impacts.

The application had been accompanied by an assessment on servicing. Details of which would be secured by condition. This included measures to prevent conflict with the functioning of the local markets in relation to servicing. The Council's Markets Team were satisfied with the scheme subject to the implementation of the conditions on this matter. There would also be a Construction Management Plan to avoid conflict with other major projects such as TfLs proposed changes to the gyratory.

Mr Murrell drew attention to the revised Head of Terms for the s106 agreement as detailed in the update report. The s106 contributions fully complied with the Council's Supplementary Planning Document. In reply to Members, it was clarified that any proposal to convert to a residential use would require a separate planning application.

On a unanimous vote, the Committee **RESOLVED:**

1. That planning permission (PA/12/02045) at Site At 3-11 Goulston Street And 4-6 and 16-22 Middlesex Street, Middlesex Street, London E1 be **GRANTED** for the demolition of the existing buildings and

erection of a nine storey building to provide a 395 room hotel (Use Class C1), together with the creation of a new pedestrian route and other works incidental to the development subject to the following

2. The prior completion of a **legal agreement** to secure the planning obligations set out in the report AND the revised S106 Heads of Terms in the update report.
3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.
5. That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

## 8. OTHER PLANNING MATTERS

### 8.1 Planning Appeals

On a unanimous vote the Committee **RESOLVED**

That the details and outcomes as set out in the report be noted.

The meeting ended at 9.30 p.m.

Chair, Councillor Helal Abbas  
Development Committee

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# Agenda Item 5

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1<sup>st</sup> class post at least five clear working days prior to the meeting.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee Members may ask questions of a speaker on points of clarification only.
- 6.14 In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

# Agenda Item 6

<b>Committee:</b> Development	<b>Date:</b> 15 <sup>th</sup> May 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Application	Proposal	Reason for deferral
11th April 2013	Land adjacent to railway viaduct, Mantus Road, London (PA/12/01758)	Planning Application PA/12/01758 Redevelopment to provide 93 residential units in buildings ranging from three to six storeys including amenity space, landscaping, disabled car parking and cycle parking.	The Committee were minded to approve the scheme due to  The provision of additional housing, especially social housing in view of the Council's targets in this area.  The availability of amenity space nearby the site that could supplement the lack of amenity space on site.  The high quality public transport links servicing the site.
11th April 2013	Bath House, Dunbridge Street, London (PA/12/02632 & PA/12/02633)	Removal of existing hipped roof to Block E and replacement with new mansard roof to provide 2 x 1 bedroom flats and 1 x 2 bedroom flat including raising the stairwells and associated works to refuse and cycle stores.	The Committee were minded to refuse the scheme due to concerns over the following issues:  Overdevelopment of the site from pressure on existing facilities.  Noise and disturbance during the construction period

**LOCAL GOVERNMENT ACT 2000 (Section 97)  
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

Application, plans, adopted UDP, Interim Planning Guidance and London Plan

Eileen McGrath (020) 7364 5321

			<p>especially for the occupants living directly underneath the scheme.</p> <p>Appearance of the scheme in relationship to the existing buildings including listed buildings.</p>
11th April 2013	Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London (PA/11/03371 - 3372 - 3373)	Demolition of existing buildings to facilitate the redevelopment of the site to provide three buildings ranging in height from 3 - 6 storeys including Block A (part 3 part 4 storeys to the north of the Hertford Union Canal), Block B (6 Storeys to the south of the Hertford Union Canal) and Block C (4 storeys to the south of the Hertford Union Canal) to provide 34 residential units comprising 10 x 1 bedroom, 15 x 2 bedroom, 4 x 3 bedroom and 5 x 4 bedroom houses, 74.8 square metres of commercial floor space to be used as either Use Class A1, A2, A3, B1 or D1, including provision of one accessible parking space, cycle parking, public and private amenity space and associated works.	<p>The Committee were minded to refuse the scheme due to concerns over the following issues:</p> <p>Failure to protect the character and appearance of the Conservation Area.</p>

### 3. CONSIDERATION OF DEFERRED ITEMS

3.1 The following deferred applications are for consideration by the Committee. The original report along with any update are attached.

- Land adjacent to railway viaduct, Mantus Road, London (PA/12/01758)
- Bath House, Dunbridge Street, London (PA/12/02632 & PA/12/02633)
- Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London (PA/11/03371 - 3372 - 3373)

3.1 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

### 4. PUBLIC SPEAKING

4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally



where substantial new material is being reported to Committee and the recommendation is significantly altered.

**5. RECOMMENDATION**

- 5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

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# Agenda Item 6.1

<b>Committee:</b> Development Committee	<b>Date:</b> 15 <sup>th</sup> May 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
<b>Report of:</b> Director of Development and Renewal		<b>Title:</b> Town Planning Application	
<b>Case Officer:</b> Jane Jin/Jerry Bell		<b>Ref:</b> PA/12/01758	
		<b>Ward:</b> Bethnal Green	

## 1 Application Details

**Location:** Land adjacent to railway viaduct, Mantus Road, London

**Existing Use:** Vacant Site (cleared site)

**Proposal:** Planning Application PA/12/01758  
Redevelopment to provide 93 residential units in buildings ranging from three to six storeys including amenity space, landscaping, disabled car parking and cycle parking.

### **Submission Documents and Drawings**

83747-100 (D); 83747-101; 83747-110(E); 83747-111 (F); 83747-112 (B); 83747-113(B); 83747-200(E); 83747-201(E); 83747-202(H); 83747-203(H); 83747-204(E); 83747-205(E); 83747-206(F); 83747-207(E); 83747-208(G); 83747-230(F); 83747-231(E);83747-232(F); 83747-232(F); 83747-233(F); 83747-236(D); 83747-240(B); 83747-241(B); 83747-242(B); 83747-243(B); 83747-244(B); 83747-245(C); 83747-246(B); 83747-247(B); 83747-248(C); 83747-250(H); 83747-260; 83747-261(A); 83747-262(A); 83747-263 (A); 83747-264; 83747-265; 83747-266; 83747-267; 83747-290 (B); 83747-291 (B); 511-3367 01;511-3367 02; 511-3367 03; 1207 001;1207 002(C); 1207 003 (B); 1207 004; 83747-700; Accommodation Schedule (Rev c)

Design Statement September 2012  
Planning Statement dated August 2012  
Planning and Impact Statement dated August 2012  
Transport Assessment dated August 2012  
Air Quality Assessment dated August 2012  
Noise and vibration Assessment dated October 2012  
Energy Strategy Report dated May 2012  
Code for Sustainable Homes Assessment dated May 2012  
Code for Sustainable Homes Flood Risk Assessment dated May 2012  
Drainage Strategy dated May 2012

**Applicant:** Tower Hamlets Community Housing

**Owner:** Tower Hamlets Community Housing and Network Rail

**Historic Building:** Grade II Listed Railway Viaduct

**Conservation Area:** No

## 2. BACKGROUND

2.1 This application was reported to the Development Committee on the 11<sup>th</sup> of April 2013 with Officers' recommendation for **REFUSAL** for following reasons:

1. The proposal would represent an overdevelopment of this constrained, brownfield site with the density of development exceeding density standards as set out in the London Plan, with insufficient external amenity space standards for future residential occupiers, insufficient levels of on-site disabled car parking facilities and an over-emphasis on larger family units which places undesirable pressures on existing and proposed on and of site amenity spaces, contrary to Policy 3.4 of the London Plan 2011, Policy SP02 of the adopted Core Strategy 2010, Policy HSG1 of the Interim Planning Guidance 2007 and the National Planning Policy Framework which seek to ensure the use of land is appropriately optimised in order to create sustainable places.
2. The proposed amenity space, in particular the private and communal amenity space would be of poor quality and insufficient quantity to the detriment of the amenity of future residential occupiers of the site and would place unacceptable pressures on existing open spaces in the vicinity of the site. As such, the proposal is contrary to policy 3.6 of the London Plan (2011), saved Policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (Submission Version 2012 with modifications) and Policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residential occupiers.
3. The development, in view of its proposed scale, form, layout, mass and elevational treatment would not provide a high quality design solution for this constrained site and would introduce an incongruous and alien built form, failing to respect existing townscape character and the local streetscene, contrary to Policies 7.1, 7.4, and 7.6 of the London Plan 2011, Policy SP10 of the adopted Core Strategy 2010, saved Policy DEV1 of the Unitary Development Plan 1998, Policy DM24 of the Managing Development - Development Plan Document (Submission Version May 2012 with modifications) and Policy DEV2 the Interim Planning Guidance (2007). These policies seek to ensure high quality design within the Borough whilst respecting and enhancing the existing local character and setting.

2.2 The Committee resolved **NOT TO ACCEPT** officers' recommendation to refuse planning permission and officers recorded that the Members were minded to grant planning permission for the following reasons:

- 2.3
1. The provision of additional housing, especially social housing in view of the Council's targets in this area.
  2. The availability of amenity space nearby the site that could supplement the lack of amenity space on site.
  3. The high quality public transport links servicing the site.

2.4 During the preceding discussions relating to the proposal, Members requested that Officers discuss with the Applicant the nature of the materials to ensure they reflected the surrounding area.

## 3.0 PROPOSED REASONS FOR APPROVAL

3.1 Officers have drafted reasons for approval below to cover the matters raised.

3.2 Members would be aware that the Managing Development Document was adopted by Full Council on 17th April 2013. As such it has full weight as part of the Council's 'development

plan' in determining applications. Full Council also agreed to remove the retained Unitary Development Plan (1998) and Interim Planning Guidance (2007) policies. As such these policies should no longer be used to determine planning applications.

- 3.3
1. *The proposal provides acceptable amount of affordable housing which helps to add to the needed housing stock within the borough. As such, the proposal is in line with policies 3.8, 3.10, 3.11, 3.12, 3.13 of the London Plan 2011, strategic policy SP02 of the Core Strategy Development Plan Document 2010 and policy DM3 of Managing Development Document (adopted 2013) which seeks to ensure that new developments offer a range of housing choices.*
  2. *On balance, the proposal would have access to sufficient amenity space nearby together with proposed upgrading of Bancroft Green Space. This is considered to be in line with policies 3.6 and 7.18 of the London Plan 2011, strategic policies SP02 and SP04 of the Core Strategy Development Plan Document 2010, policies DM4 and DM10 of the Managing Development Document (adopted 2012) which seek to improve amenity and liveability for residents and to secure the delivery of new public open space.*
  3. *The application site is located in a high public transport accessible area and therefore it is considered that the proposal is in line with the Mayor of London and the Council's policies which seek to maximise the development potential sites. As such, the development complies with policy 3.4 of the London Plan (2011), strategic policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development Document (adopted 2013).*

#### **Conditions for Full Planning Permission – PA/12/1758**

##### **Compliance Conditions**

1. Time limit – Five Years
2. Compliance with plans – development in accordance with the approved schedule of drawings and documents
3. Hours of Construction (08.00 until 17.00 Monday to Fridays; 08.00 until 13.00 Saturdays. No work on Sundays or Bank Holidays).
4. Residential accommodation – compliance with Life Time Homes
5. Code for Sustainable Homes Code Level 4
6. Shrubs to be cleared outside the nesting season and Small-leaved Contoneaster is appropriately disposed to ensure it is not re-introduced into the wild.

##### **Pre-commencement Conditions**

7. Submission and approval of Construction Management Plan
8. Contaminated Land – site investigation and remediation
9. Submission of verification report
10. Full details of scheme of lighting and CCTV
11. Submission of sample materials
12. Full details of soft and hard landscaping including home zone and ways to improve biodiversity
13. Details of impact piling to be submitted and approved in consultation with Thames

## Water

14. Full details of fire access and water supplies to be submitted and approved in consultation with London Fire and Emergency Planning.
15. Submission of a sample of SAP (to show TER and DER) calculations to demonstrate deliverability of the energy strategy and compliance with energy strategy
16. Details of cycle parking spaces in 1:20 scale
17. Details of 10% wheelchair units
18. Submission and location of disabled parking spaces
19. Submission of Construction Logistics Plan

### **Prior to Occupation Conditions**

20. Post-completion noise testing for residential
21. Full details of refuse and recycling management plan
22. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### **Informatives**

1. Associated S106
2. Compliance with Environmental Health Legislation
3. Compliance with Building Control Regulations
4. Thames Water
5. Submission of Listed Building Consent for proposed Cycle Parking Provision

### **Planning Obligations**

As detailed in the main report (paragraphs 7.100 to 7.105), the following will be secured through a Section 106 Agreement.

#### Financial Obligation

Education £482,893

Enterprise & Employment £19,649.52

Community Facilities: £128,260

Health £152,966

Sustainable Transport £3,360

Public Realm Improvements: £194,988.60

Monitoring and Implementation 2% of total

Total financial contribution £1,001,769.66

#### Non-Financial

36.3% Affordable Housing – as per Table 1 Below

Access to employment initiatives<sup>1</sup>

Permit free agreement

Travel Plan

Code of Construction Practice

### **Table 1 (Tenure Mix)**

	Affordable Rent	Intermediate	Private
Studio/1bed		10	17
2 bed		6	21
3 bed	4		24
4 bed	11		
<b>Total</b>	<b>15</b>	<b>16</b>	<b>62</b>

#### 4. CONSIDERATION

- 4.1 Members requested that Officers discuss with Applicant the nature of materials to ensure that they reflect the surrounding area.
- 4.2 Officers have discussed the nature of the materials and the applicant has agreed to revisit the materials to ensure that it reflects the character of the surrounding Area. Therefore, a condition (No. 11) has been imposed for details of materials to be submitted and approved prior to commencement of development.

#### 5.0 OFFICER RECOMMENDATION

- 5.1 The officers' recommendation as at 11<sup>th</sup> April 2013 to refuse planning permission remains unchanged. Accordingly, the Committee are recommended not to approve the application and to resolve to **REFUSE** planning permission as previously detailed within the published report and addendum report at the Development Committee meeting held on 11<sup>th</sup> April 2013. The suggested reasons for refusal are outlined in the main report, appended as Appendix B of this report.

#### 6.0 APPENDICIES

- 6.1 Appendix One – Report to Development Committee 11<sup>th</sup> April 2013  
Update Report – See Appendix for item 6.3

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<b>Committee:</b> Development	<b>Date:</b> 11th April 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.1
<b>Report of:</b> Corporate Director of Development and Renewal <b>Case Officer:</b> Mandip Dhillon/Jerry Bell		<b>Title:</b> Planning Application for Decision <b>Ref No:</b> PA/12/01758 (Full Planning Permission) <b>Ward(s):</b> Bethnal Green South	

## 1. APPLICATION DETAILS

**Location:** Land adjacent to railway viaduct, Mantus Road, London

**Existing Use:** Vacant (cleared site)

**Proposal:** Planning Application PA/12/01758  
Redevelopment to provide 93 residential units in buildings ranging from three to six storeys including amenity space, landscaping, disabled car parking and cycle parking.

**Drawing No's:** 83747-100 (D); 83747-101; 83747-110(E); 83747-111 (F); 83747-112 (B); 83747-113(B); 83747-200(E); 83747-201(E); 83747-202(H); 83747-203(H); 83747-204(E); 83747-205(E); 83747-206(F); 83747-207(E); 83747-208(G); 83747-230(F); 83747-231(E); 83747-232(F); 83747-232(F); 83747-233(F); 83747-236(D); 83747-240(B); 83747-241(B); 83747-242(B); 83747-243(B); 83747-244(B); 83747-245(C); 83747-246(B); 83747-247(B); 83747-248(C); 83747-250(H); 83747-260; 83747-261(A); 83747-262(A); 83747-263 (A); 83747-264; 83747-265; 83747-266; 83747-267; 83747-290 (B); 83747-291 (B); 511-3367 01; 511-3367 02; 511-3367 03; 1207 001; 1207 002(C); 1207 003 (B); 1207 004; 83747-700; Accommodation Schedule (Rev c)

Supporting documentation

Design Statement September 2012  
Planning Statement dated August 2012  
Planning and Impact Statement dated August 2012  
Transport Assessment dated August 2012  
Air Quality Assessment dated August 2012  
Noise and vibration Assessment dated October 2012  
Energy Strategy Report dated May 2012  
Code for Sustainable Homes Assessment dated May 2012  
Code for Sustainable Homes Flood Risk Assessment dated May 2012  
Drainage Strategy dated May 2012

**Applicant:** Tower Hamlets Community Housing

**Owner:** Tower Hamlets Community Housing and Network Rail

**Historic Building:** Grade II listed railway viaduct

**Conservation Area:** No

## 2. RECOMMENDATION

That the Committee resolve to **REFUSE** planning permission for the following reasons:

- 2.2
1. The proposal would represent an overdevelopment of this constrained, brownfield site with the density of development exceeding density standards as set out in the London Plan, with insufficient external amenity space standards for future residential occupiers, insufficient levels of on-site disabled car parking facilities and an over-emphasis on larger family units which places undesirable pressures on existing and proposed on and of site amenity spaces, contrary to Policy 3.4 of the London Plan 2011, Policy SP02 of the adopted Core Strategy 2010, Policy HSG1 of the Interim Planning Guidance 2007 and the National Planning Policy Framework which seek to ensure the use of land is appropriately optimised in order to create sustainable places.
  2. The proposed amenity space, in particular the private and communal amenity space would be of poor quality and insufficient quantity to the detriment of the amenity of future residential occupiers of the site and would place unacceptable pressures on existing open spaces in the vicinity of the site. As such, the proposal is contrary to policy 3.6 of the London Plan (2011), saved Policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (Submission Version 2012 with modifications) and Policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residential occupiers.
  3. The development, in view of its proposed scale, form, layout, mass and elevational treatment would not provide a high quality design solution for this constrained site and would introduce an incongruous and alien built form, failing to respect existing townscape character and the local streetscene, contrary to Policies 7.1, 7.4, and 7.6 of the London Plan 2011, Policy SP10 of the adopted Core Strategy 2010, saved Policy DEV1 of the Unitary Development Plan 1998, Policy DM24 of the Managing Development - Development Plan Document (Submission Version May 2012 with modifications) and Policy DEV2 the Interim Planning Guidance (2007). These policies seek to ensure high quality design within the Borough whilst respecting and enhancing the existing local character and setting.

## 3. PROPOSAL AND LOCATION DETAILS

### Proposal

- 3.1 This application seeks consent for the erection of 93 residential units, located in two blocks which would lie to the east and west of Malcolm Road, along the southern boundary of the existing railway Viaduct. The development comprises of part 4 stories rising to a maximum of six stories in parts of the development.
- 3.2 The proposal includes the provision of refuse and cycle storage on site and the creation of a 'Homezone' on Mantus Road. An area of child play space is proposed on-site, and a public piazza/thoroughfare is incorporated at the junction of Malcolm and Mantus Road. Improvements are also proposed to the public realm immediately surrounding the proposed housing (within the red line boundary) including upgrading of the estate roads and public spaces.
- 3.3 The proposal include works within the Grade II listed railway viaduct to provide cycle storage for the proposed development submitted under planning application PA/12/01759. This will be dealt with under delegated authority.

## Site and Surroundings

- 3.4 The site, which measures 0.7 hectares and comprises of a strip of land bounded by the main Liverpool Street railway line to the north and a stopped up access road to the south, which is adjacent to existing residential properties of Lang Street, Ibbott Street, Kenton House, Hadleigh House and Braintree and Wickford House. Block A as proposed is located to the west of Malcolm Road with vehicular access from Wickford Street and Block B as proposed is located to the east of Malcolm Road and has its main frontage onto Mauntus Road, which is currently closed to vehicular traffic.
- 3.5 The existing residential blocks surrounding the application sites range between three and five stories in height and form the Bancroft Housing Estate. There are a mixture of flatted developments alongside some single family dwellinghouses. Bancroft Green comprises a large area of public open space located between Hadleigh and Kenton House to the south of the application site. This open space also comprises an area of children's play space with dedicated play equipment.
- 3.6 To the north of the railway viaduct lie a number of commercial units which are located within the railway arches. Further to the north lie a number of community buildings including a primary school, the Wessex Community Centre and a Mosque. To the north also lies Bethnal Green Gardens, a designated public open space within the borough.
- 3.7 The application site is not located within a conservation area, although the railway viaduct is Grade II listed. For this reason the applicants have submitted a parallel Listed Building Consent application which will be considered under delegated authority.
- 3.8 The site is well served by public transport links, it is located approximately 450 metres (10 minute walk) from Bethnal Green Underground Station which is served by the Central line. There are also numerous bus stops on Cambridge Heath Road and Bethnal Green road located within walking distance of the site and offering links in and around the borough. The site has the highest Public Transport Accessibility Level (PTAL) rating achievable of 6a.

## Planning History

- 3.9 The following planning decisions are relevant to the application:

Application Site:

- PA/03/00264 Erection of a new 3 storey building in connection with the use of the site as a Community Centre and ancillary accommodation (Class D1) plus 12 parking spaces and loading bay (Outline Application).  
Permitted 22nd April 2003
- PA/08/02406 Outline permission for the erection of five, five storey blocks with ground floor retail space with 37 flats above, amenity space, private gardens, refuse stores, cycle stores and four wheelchair accessible parking spaces.  
Withdrawn 9th April 2009 following concerns from the Council relating to:
- Design
  - Proposed Retail floorspace
  - Loss of employment
  - Noise and Vibration
- PA/09/1626 and 1627 Outline permission and Listed Building Consent for Erection of five, blocks from three to five storeys with ground floor business space and 29 flats above including private and communal roof terraces, amenity space, private

gardens, refuse stores, cycle stores and three wheelchair accessible parking spaces. Retention of employment uses within arches  
Refused 20<sup>th</sup> November 2009

Reasons for Refusal:

PA/09/1626:

1. The proposed extension, by virtue of its inappropriate design, massing, scale and appearance, coupled with its proximity to the existing railway line would constitute a form of development that would be incongruous with its location, resulting in a building that would be out of keeping with the adjacent surroundings to the detriment of the existing environment. For these reasons the proposal would be contrary to Saved Policy DEV1 of the Unitary Development Plan (1998) and Policy DEV2 of the Interim Planning Guidance: Core strategy and development control plan (October 2007), which seek to ensure appropriate design and to consider the development capabilities of sites within the Borough.
2. The applicant has failed to provide sufficient information relating to the proposed elevational treatment of the buildings and how the proposals would relate to the existing street scene. Therefore, it is considered that the proposal does not demonstrate how the buildings would be of an appropriate design and would be contrary to Saved policy DEV1 of the Unitary Development Plan (1998) and Policies DEV2, CP4 and CP19 of the Interim Planning Guidance: development control plan and core strategy which seek to minimise negative environmental impacts when considering new developments, new developments to respect local character and for new developments to integrate well with their surroundings.
3. The applicant has failed to provide sufficient information relating to the noise and vibration levels on site due to the close proximity of the proposal to the railway line, and the impacts this would have upon the proposed and existing residential units. Therefore, it is considered that the proposal does not demonstrate how the amenities of residential occupiers will be safeguarded and is contrary to Saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998) and Policy DEV1 and DEV10 of the Interim Planning Guidance: Core strategy and development control plan (October 2007), which seek to safeguard the amenities of residential occupiers and ensure minimal disturbance in relation noise pollution within the Borough.
4. The quality of the proposed amenity space, in particular the playspace to the east of the site would be a poor quality to the detriment of the amenities of future residential occupiers of the site. As such, the proposal is contrary to Policy DEV2 of the Unitary Development Plan (1998) Policies DEV1 and HSG7 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) as well as Policy 3A.6 of the London Plan (2008) which seeks to ensure quality development, adequate provision and quality amenity spaces within new developments and to safeguard the amenity of future and existing residential occupiers of the Borough.
5. The quantity of the child play space proposed is unacceptable and does not accord with Policy 3D.13 of the London Plan (2008), Policy DEV1 of the adopted UDP (1998) and policy DEV2 of the Interim Planning Guidance (2007), as well as supplementary planning Guidance: Providing for Children and Young People's Play and Informal Recreation published by the Mayor of London which seek to improve amenity and liveability for residents including children and young people.

6. It is considered therefore that insufficient information has been submitted to demonstrate the appropriateness of the proposed B1 units in terms of their access, location and relationship with the proposed residential units. As such, the proposal contrary to Saved Policies DEV2, DEV50, EMP1 and T16 of the Unitary Development Plan (1998) and Policies DEV1 and DEV10 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007), which seek to retain employment sites, minimise noise disturbance and to ensure that business have reasonable operational access to their premises.

7. The applicant has failed to provide sufficient information relating to the levels of daylight and sunlight at the proposed units, particularly in relation to the habitable rooms with small window openings. Therefore, it is considered that the proposal does not demonstrate how the amenities of future residential occupiers will be safeguarded and is contrary to Saved Policy DEV2 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance: Core strategy and development control plan (October 2007), which seek to safeguard the amenities of residential occupiers within the Borough.

8. The proposed development, by virtue of its inclusion of small window openings within some habitable rooms would result in a built form that would create a poor outlook for the users of those rooms. Therefore, the proposal would be contrary to Saved Policy DEV2 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance: Core strategy and development control plan (October 2007), which seek to safeguard the amenities of residential occupiers within the Borough.

PA/09/1627:

1. Insufficient information has been submitted to allow for proper consideration of the proposal and its impact upon the Grade II listed viaduct. As such, the proposal fails to comply with Saved Policies DEV1 in the Unitary Development Plan 1998 and Policies DEV2 and CON1 of the Interim Planning Guidance: development control plan and core strategy (October 2007) as well as Planning Policy Guidance 15 which seek to ensure that developments would not have an adverse impact upon the fabric, character or identity of listed buildings within the borough.

PA/98/00003 Planning permission for the use of the land as garden centre. Granted 18<sup>th</sup> May 1998.

Surrounding Area: Bancroft Green and Site on Braintree Street

PA/12/2685 Planning application for Installation of temporary portacabin on Bancroft Green area for use as a mosque whilst building is being erected at 49 Braintree Street under planning permission PA/11/00987. Granted 1<sup>st</sup> February 2013

PA/11/00987 Planning application for Demolition of existing temporary structures and construction of purpose built Mosque and Cultural centre. Granted 5<sup>th</sup> September 2011

#### **4. POLICY FRAMEWORK**

For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

#### 4.1 Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Archaeology
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Nature Conservation and Ecology
	DEV69	Efficient Use of Water
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Residential Amenity
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	OS9	Children's Playspace

#### 4.2 Core Strategy Development Plan Document 2010 (CS)

Policies:	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking
	SP13	Planning Obligations

#### 4.3 Managing Development Plan Document - Submission Version May 2012 with modifications (MD DPD)

Policies:	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity

DM27	Heritage and Historic Environment
DM29	Zero-Carbon & Climate Change
DM30	Contaminated Land

#### 4.4 Interim Planning Guidance (2007) for the purposes of Development Control (IPG)

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
	OSN2	Open Space

#### 4.5 Spatial Development Strategy for Greater London (London Plan 2011)

2.18	Green Infrastructure: the network of open and green spaces
3.1	Ensuring Equal Life Chances for All
3.2	Improving Health and Addressing Health Inequalities
3.3	Increasing Housing Supply
3.4	Optimising Housing Potential
3.5	Quality and Design of Housing Developments
3.6	Children and Young People's Play and Informal Recreation Facilities
3.7	Large Residential Developments
3.8	Housing Choice
3.9	Mixed and Balanced Communities
3.10	Definition of Affordable Housing
3.11	Affordable Housing Targets
3.12	Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
3.13	Affordable Housing Thresholds
3.14	Existing Housing
3.16	Protection and Enhancement of Social Infrastructure
3.17	Health and Social Care Facilities

- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

**4.6 London Plan Supplementary Planning Guidance/Documents**

- London Housing Design Guide 2012
- London View Management Framework 2010
- Draft London View Management Framework 2011
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004

**4.7 Supplementary Planning Guidance/Documents**

- LBTH Planning Obligations SPD 2012

**4.8 Government Planning Policy Guidance/Statements**

- NPPF National Planning Policy Framework

**4.9 Community Plan** The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

**5. CONSULTATION RESPONSE**

The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

**English Heritage (Statutory Consultee)**



5.1 Comments relate to the Listed Building Consent works specifically:

EH advise that the application should be determined in accordance with national and local policy guidance, and on the basis of LBTH specialist conservation advice.

#### **London Fire and Emergency Planning Authority**

5.2 No information has been related to fire service access and water supplies has been submitted. The LFEPA recommends that this information is made available (agreed) at the earliest opportunity.

(**Officer comment:** As an access road is proposed to be re-opened at the site, additional access to serve the existing estate and proposed residents is available. A condition could be imposed to secure full details of fire service access and water supplies, to be agreed and approved prior to the commencement of any works on site.)

#### **Thames Water**

5.3 The following comments have been received:

- The applicant is advised to install a non-return valve (or alternative device) to avoid the risk of backflow during storm conditions.
- Applicant is advised to contact Thames Water regarding surface water drainage and public sewers.
- Impact piling details to be submitted and approved in consultation with Thames Water
- Informative to be included regarding the minimum pressure provided by Thames Water.
- Surface Water Drainage should preferably be disposed of on site using SUDs-include as an informative.

(**Officer Comment:** The requested conditions and informatives will be included if planning permission is granted.)

#### **LBTH Biodiversity Officer**

5.4 A summary of the comments received are set out below:

- The application site currently has no significant biodiversity value. Therefore there will be no significant adverse impacts on biodiversity.
- Small-leaved Cotoneaster have been identified on site, a potentially invasive non-native species. A condition should be imposed to ensure that the shrubs are cleared outside the nesting season. A condition should also ensure that the Small-leaved Cotoneaster is disposed of in a way which will not allow it to grow in the wild.
- The proposed landscaping includes tree and shrub planting which will at least replace the shrub beds which are to be lost.
- A condition should require the applicant to demonstrate how the landscaping, including any green roofs, will enhance biodiversity.

(**Officer comment:** the requested conditions will be imposed on any planning permission issued.)

#### **LBTH CLC Department**

5.5 Comments

Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough.

- 5.6 The comments and requests for s106 financial contributions set out below are supported by the Planning Obligations Supplementary Planning Document (SPD). The development proposed will result in 224 new residents within the development. As a result the following planning obligations are required to mitigate against the impact of the development:

**Idea Stores, Libraries and Archives**

A total contribution of £28,224 is required towards Idea Stores, Libraries and Archives.

**Leisure Facilities**

A total contribution of £100,036 is required towards Leisure Facilities.

**Public Open Space**

A total contribution of £179,746.60 is required towards Public Open Space.

**Smarter Travel Contribution**

A total contribution of £3,360 is required towards Smarter Travel.

**Public Realm/Streetscene Contribution**

A total contribution of £15,252 is required towards public realm improvements.

**(Officer Comment:** The applicant has agreed to provide all of the above contributions requested to mitigate against the impacts of the development.)

**LBTH Access Officer**

- 5.7 No comments received to date.

**Crime Prevention Officer**

- 5.8 No comments received to date.

**LBTH Education**

- 5.9 No comments received to date.

Based on the Planning Obligations SPD 2012, the contributions required to mitigate against the impacts of this development for new school places in the borough are:

£482,893 (for primary and secondary school places).

This is based on provision for 19 primary school places and 9 secondary school places in the borough.

**(Officer Comment:** The applicant has agreed to provide the full contributions requested towards further school places.)

**LBTH Energy**

- 5.10 The energy strategy is principally supported and proposes to achieve a 41% reduction in CO2 emissions purely through energy efficiency and CHP. This exceeds the requirement of DM 29 but does not include any renewable energy technologies as required by Core

Strategy Policy SP11. We would therefore seek that the development be constructed to allow the future integration on renewable energy technologies i.e. the roof design to accommodate PV and include appropriate access for any future maintenance.

Conditions are requested for the following:

- Submission of a sample of the SAP (to show TER and DER) calculations to demonstrate the deliverability of the energy strategy.
- A code for sustainable homes level 4.

**(Officer Comment:** The scheme encompasses a flat roof design providing for the incorporation of renewables at a later date. The requested conditions will be included on the decision notice if planning permission is granted.)

### **LBTH Employment and Enterprise**

5.11 No comments received to date.

Based on the Planning Obligations SPD 2012, the contributions required to mitigate against the impacts of this development are:

£19,649.52 alongside non-financial contribution requests.

**(Officer Comment:** The applicant has agreed to provide the full financial and non-financial contributions requested towards employment and enterprise.)

### **LBTH Environmental Health- Noise and Vibration**

5.12 Based on the noise report submitted with the application, a post completion testing review is required to ensure the amenity of future occupants. This should be secured by condition if planning permission is granted.

**(Officer Response:** *The requested condition will be included on any planning permission issued*).

### **LBTH Environmental Health- Land Contamination**

5.13 No comments received to date.

**(Officer Comment:** *A condition for preliminary investigative works will be imposed to safeguard future residents should planning permission be granted.*)

### **LBTH Housing**

5.14 A summary of the comments provided are set out below:

- The scheme provides a good level of affordable housing, giving 39% by habroom with a split of 69 / 31% between rent and intermediate housing.
- The mix of unit sizes within each tenure is quite far off our policy ideal, but is considered overall to make a very useful contribution to meeting local needs. The development produces the high level of 41% of family-sized units which overall provides a useful response to local demand.
- Many units are provided with private outdoor space at the front and back of the building which is welcomed
- The building design is not distinguished by tenure which is supported
- There are 10 units identified for wheelchair accessible use and there are all either maisonettes or within the one core which provides 2 lifts. The Wheelchair units are 6

for sale and 4 for rent, with the rented units being 3 beds and 4 beds which is welcome. Further details are required of future lift provision and layouts.

- The units are all double aspect and all have balcony space facing south.
- I think that the communal areas to the south of the main block works well in providing a new area of open space which will be vehicle free apart from refuse servicing and access to wheelchair unit car spaces. The provision of 10 spaces (one for each wheelchair unit) is very welcome, but we would expect that if insufficient wheelchair users do not have a need for these spaces, they are not used for general parking purposes.
- I approve of the location of some cycle parking in covered shelters in front of the block. The arrangements to access the cycle stores under the arches will need to be carefully managed to keep the route behind the block secure from unauthorised access.
- I am pleased to see that the scheme incorporates URS for refuse as this provides a big improvement over normal refuse stores.
- It does not appear clear from the application the extent of the works that are to be carried out to improve the open space currently providing amenity space to the adjacent estate, although the application refers to carrying out improvements. It would seem sensible to clarify this item and include reference to it in the S106 agreement.

*(Officer response: The application is proposing to make a wider contribution towards public open space works which will include upgrading the Bancroft Green space).*

#### **Network Rail**

- 5.15 No comments received to date, although Network Rail are the applicants in this instance, therefore it is not necessary to seek their comments.

#### **Primary Care Trust**

- 5.16 The planning obligations sought to mitigate against the impacts of this development are £152,966.

**(Officer Comment:** the applicant has agreed to provide all health contributions requested.)

#### **LBTH Highways**

- 5.17 A summary of the officer comments are set out below:

- Should consult LFEPA following concerns raised by residents
- Cycle parking is sufficient and details of stands should be secured by condition
- Proposals for URS are acceptable
- Car and permit free agreement is supported at the site
- Provision of 8 spaces for the affordable family units is proposed and supported in line with the Councils permit transfer scheme, these spaces are proposed within the existing estate and will therefore need to be secured by legal agreement between the various interested parties.
- Condition required to secure a Construction Management Plan and details of cycle parking on site and final landscaping details.
- Objection is raised to the proposal to provide 10 disabled parking bays on-street within the Bancroft Green estate. The spaces should be located on-site and within adequate proximity of the accessible unit.

## **6. LOCAL REPRESENTATION**

- 6.1 A total of 666 neighbouring properties within the area shown on the map appended to this

report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The application underwent two separate consultations in September 2012 and following revisions received, further consultation was undertaken in February 2013. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No. of individual responses: 4	Against: 3	In Support: 1
No of Proforma Responses: 196	Against: 196	In Support: 0
No. of petitions: 1	Against: 0	In Support: 26

## 6.2 Density and land use

- Proposal will not bring benefits to the existing Bancroft Estate residents
- The majority of homes to be provided are to be private homes and not affordable for local residents
- No offices proposed as part of the application
- Insufficient affordable housing on site
- Proposals do not overcome the previous reasons for refusal and should therefore be refused
- Overly dense development

## 6.3 Design and Impact on Conservation Area

- Poor design of new buildings
- New development does not relate to the existing estate buildings

## 6.4 Amenity Impacts

- Proposal results in an increased demand in playspace
- Proposals do not contribute to the existing play area
- Proposed flats will be subject to noise and vibration impacts from railway line
- Loss of light to the proposed residential units
- Building line should be moved to minimise the impact of noise and vibration
- Increased overlooking/loss of privacy
- Loss of light to Ibbott Street

## 6.5 Impact of Transport

- Insufficient accommodation of new resident parking
- Loss of car parking space on Mantus Road
- Do not want to see Mantus Road opened- rat running will be a problem within the estate
- Refuse areas may cause nuisance

### Impact on local infrastructure

- Proposals provide no community facility as part of the proposals
- Insufficient access for fire and emergency vehicles
- Proposals may impact on the delivery of future infrastructure such as internet cables

6.6 The following issues were raised in representations that are not considered material to the determination of the application:

- 6.7
- Residents within Bancroft Green should be given priority to move into the new units as part of a transfer scheme in current overcrowded units.
  - Developers are only concerned with maximising profits
  - Impact on local property prices

Support:

- Good use of a vacant site
- Need for rented social accommodation
- Relieves overcrowding
- Improves anti-social behaviour
- Improves safety for walking and cycling

## **7. MATERIAL PLANNING CONSIDERATIONS**

7.1 The main planning issues raised by the application that the committee must consider are:

- 7.2
1. Land-use
  2. Density
  3. Design – Proposed Development
  4. Housing
  5. Amenity
  6. Transport Impacts
  7. Other planning matters

### **Land-use**

7.3 The sites for blocks A and B are vacant sites with no policy designations. The previous application (PA/09/1626) although refused, did not raise any issue with the principle of a residential development in this location. At National level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets. Local Authorities are also expected to boost significantly the supply of housing and housing applications should be considered in the context of the presumption in favour of sustainable development.

7.4 At the local level, the Core Strategy also identifies that housing needs to be provided in accordance with the London Plan housing targets. These sites are within Bethnal Green South Ward and over the Plan period a total of 1,200 new homes are predicated to be delivered.

7.5 The subject site is a vacant brownfield site with no specific designations and is located within a predominantly residential area. In light of the above policies it is considered that the site is suitable for a form of residential development, However, for the reasons set out below, it is considered that the scale of development proposed on this site would be unacceptable and would not provide a satisfactory standard of accommodation for the future residents.

### **Density**

- 7.6 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 7.7 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Policies S07 and SP02 of the Core Strategy and Policy HSG1 of the Interim Planning Guidance 2007 (IPG) also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 7.8 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 6a.
- 7.9 In terms of density characteristics, the site and surrounding area has a largely urban character. Table 3.2 of the London Plan sets out that where accessibility to public transport is highest, densities in urban settings can reach up to 700 habitable rooms per hectare. The applicant has provided an accommodation schedule which states that the density of the proposal will be 461 habitable rooms per hectare (hr/ha). This density calculation relates to an application site which extends across the redline boundary shown below. This includes a substantial area of Bancroft Green and also Mantus Road which is an access road which runs through part of the site. In order to provide a more accurate assessment of density, public thoroughfares within the Bancroft Estate and also the Mantus Road estate road have been excluded from the red line boundary and this results in a reduced site area of 0.28 hectares (as outlined in green below). Based on this site boundary the density of the proposal will be 1218 habitable rooms per hectare. In the simplest of numerical terms, the proposed density would appear to suggest an overdevelopment of the site. However, the intent of the London Plan and the Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.



- 7.10 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to the standard of accommodation for prospective occupiers, impact on neighbours and associated amenity standards.
- 7.11 Policy HSG1 of the IPG states that solely exceeding the recommended density range (on its own) would not be sufficient reason to warrant refusing a planning application. It would

also be necessary to demonstrate that a high density was symptomatic of overdevelopment of the site. Typically an overdeveloped site would experience shortfalls in other areas which include:

- Access to sunlight and daylight
- Sub-standard dwelling units
- Increased sense of enclosure
- Loss of outlook
- Increased traffic generation
- Detrimental impacts on local social and physical infrastructure
- Visual amenity
- Lack of open space; or
- Poor housing mix

7.12 Whilst the proposed development is assessed in greater detail below, it is considered that the density of this development does experience a number of the shortfalls identified above which indicate an overdevelopment of this site.

- Lack of play space within the estate
- Poor housing mix
- Poor quality design
- Impact on the local streetscape
- Poor quality private amenity space abutting the railway lines

7.13 In overall terms, officers consider that the proposed scheme gives rise to a number of symptoms of overdevelopment. As such, the density is considered to be unacceptable and gives rise significant adverse impacts.

7.14 The proposals exceed the density standards set out within the London Plan and represents overdevelopment of this brownfield site contrary to Policy 3.4 of the London Plan 2011, Policies SP02 of the Core Strategy 2010, Policy HSG1 of the Interim Planning Guidance 2007 and the National Planning Policy Framework which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

### **Design**

7.15 Policy DM24 of the MD DPD requires development proposals to be designed to the highest quality standards, incorporating principles of good design. Some of these principles include ensuring design is sensitive to and enhances the local character and setting of the development.

7.16 The development can be seen as two related but distinct blocks. Block A is the smaller of the blocks and is located to the west of Malcolm Road. Block B is substantially longer and located to the east of Malcolm Road. Block A is predominantly four storeys with a six storey element at the eastern end, adjacent to Malcolm Road. Block B is a range of heights between three and six storeys (with lift towers above this). The taller elements of the



scheme would be located at the western end and towards the centre of the block and within the centre.

- 7.17 The design of the two blocks would follow a similar theme, which involves a building of varying depth, both at the front and rear, with sections on the upper floors projecting forward of the main building line in the form of projecting rectangular blocks. As a general rule the lower two floors would be positioned along a similar building line, albeit with elements are garden / defensible space cutting into part of the building line. The stair cores would project beyond this building line by 1.5m in most cases. The projecting box elements tend to be located at second floor and above, thus creating an overhang over the lower floors. The depth of the projection is varied at between 3m and 4m.
- 7.18 The design to the rear of the building is simpler with less projecting elements. Similar materials would be used but the building form would have more solid sections and decked access to the flats in some sections.
- 7.19 The materials to be used would be a mixture of brick, glazing and cladding. The lower two floors of both blocks would be a blond brick, the stair cores would be clear glazed, the upper floors, including the projecting boxes would be clad in metal in a mixture of blond, gold and brown.



#### Assessment of the Design

- 7.20 The architecture of the surrounding area, whilst not remarkable, is understated and befits a residential estate away from a town centre location or a busy thoroughfare. The buildings are comprised predominantly yellow stock brick/London brick buildings with sloping tiled roofs and generally UPVC windows. The architecture is calm in nature and the surrounding development generally respects this
- 7.21 By contrast, the treatment of the elevations of the proposed building, which is bold and exuberant, as portrayed by the overall variety of styles, materials and depth of projections, is not considered to suitably reflect the surrounding context. There is little relationship with

the existing townscape and it would sit uncomfortably within the streetscene.

- 7.22 Other good design principles include street patterns, building lines, setbacks and streetscape rhythm. Whilst there are a number of linear buildings within the Bancroft Green Estate, the Mantus Road block provides a linear form which exceeds that of any other building in the area. This is not reflective of the local street rhythm in the area and is uncharacteristic of the local streetscape. Whilst discussions were held to encourage the applicants to break up the Mantus Road block, this was not progressed by the applicants. This is considered unfortunate, as it would have helped resolve the current streetscape problems. The current design also provides substantial setbacks, overhangs and balconies which create a façade which is busy and somewhat confused.
- 7.23 Whilst the NPPF at paragraph 60 discourages the imposition of architectural styles or tastes, it does properly promote reinforce local distinctiveness. This proposal fails to take sufficient account of Policy DM24 above and the NPPF (para.60) as it is not sensitive to the existing local character and fails to enhance the local character and setting. It provides a design which, whilst contemporary in nature, imposes itself on the local streetscene and appears incongruous by reason of its overly detailed façade and mixed material palette.

#### Scale and Massing

- 7.24 The scale of the surrounding development is varied and the housing estate to the south consists of blocks of flats which generally sit at 90 degrees to the development site. These are generally between three and five storey blocks. The railway viaduct which borders the site to the north is approximately equivalent 3 storeys in height. Further away from the site to the west of Cambridge Heath Road there are a number of larger, more modern blocks, up to 11 storeys.
- 7.25 In the context of solely its height, it is considered that the proposal is not unacceptable, however as discussed in the previous section the scheme is considered to represent an overdevelopment of the site not least because of the narrow size of the plot which results in an unforgivingly lengthy building on plot Band the overly dense nature of the proposal.
- 7.26 The NPPF provides at paragraph 58 that development proposals should establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. It is considered that the proposal fails in this regard as it dominates the existing surrounding buildings both in architectural style and mass, resulting in a poor streetscape that pays little respect to the surrounding context.
- 7.27 It is possible that with a wider plot that this scale of building could be accommodated without appearing unduly out of character and over-dominant with the local context.

#### Permeability and Security

- 7.28 Saved UDP policy DEV1 and IPG policy DEV4 require development to consider the safety and security of users. Regard should also be given to the principles of Secure by Design. However, these matters must also be balanced against the requirements to promote site permeability and inclusive design.
- 7.29 The proposal seeks to redevelop this vacant site in an area where it is understood there is existing anti-social behaviour. The design of the building allows for the Mantus Road block to provide a significant degree of natural surveillance over the Bancroft Green open space which was encouraged by the Secure by Design pre-application discussions and in principle is supported.
- 7.30 The main pedestrian access into the development site is via Mantus Road and a pedestrian access off Malcolm Road, away from the Railway viaduct. Restricted access for

residents only will be provided to the rear of the site to allow residents to access the bike stores which are provided under the railway viaduct arches. Whilst this arrangement is not ideal as residents will have to traverse a significant distance from the eastern end of the block B, the rear of the site is also heavily overlooked by windows from the proposed development and on balance, given its limited use, is considered to be acceptable, subject to the detailing of the lighting and security.

- 7.31 As such it is considered that the layout of the development has improved the permeability and security of the application site, and the surrounding area of the Bancroft green estate. The proposal is therefore considered to accord with the requirements of saved UPD policy DEV1 and IPG policy DEV4.

## Housing

- 7.32 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 7.33 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan
- 7.34 The application proposes 93 residential (Class C3) units in the following mix when split into 62 market units (private sale), 15 affordable rent units and 16 shared ownership units.
- 7.35 This section of the report considers the acceptability of the housing provision on site in terms of affordable housing, mix of tenures, mix of dwellings sizes and provision of wheelchair units.

### Affordable Housing

- 7.36 As detailed in table 1 below, the proposal seeks to deliver 36.3% affordable housing provision by habitable room, which meets Council policy requirements.

Table 1	Units	% of units	Habitable rooms	% Hab rooms
Affordable Rent	15	16.1%	86	25.2%
Social Rent	0	0%	0	0%
Intermediate/ Shared Ownership	16	17.2%	38	11.1%
<b>Total Affordable</b>	<b>31</b>	<b>33.4%</b>	<b>124</b>	<b>36.3%</b>
Market Sale	62	66.6%	217	63.7%
Total	93	100%	341	100%

### Housing Mix and Tenure Mix

- 7.37 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 7.38 Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of 3 bedrooms and above.

7.39 Policy SP02 of the CS also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families. The application proposes to provide 41% family sized accommodation throughout the development and exceeds the requirement of 45% of all affordable homes to be provided as family sized units.

Table 2 shows the applicants unit and tenure mix against policy requirements:

		Affordable Housing						Private Housing		
		Affordable Rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	LBTH target %	Unit	%	LBTH target %	Unit	%	LBTH target %
Studio/1bed	27	0	0%	30%	10	62.5%	25%	17	27.4%	50%
2bed	27	0	0%	25%	6	37.5%	50%	21	33.9%	30%
3bed	28	4	26.7%	30%	0			24		
4bed	11	11			0	0%	25%	0	38.7%	20%
5bed	0	0			0			0		
			73.3%	15%						
<b>Total</b>	<b>93</b>	<b>15</b>	<b>100%</b>	<b>100</b>	<b>16</b>	<b>100%</b>	<b>100</b>	<b>62</b>	<b>100%</b>	<b>100</b>

7.40 Within the Affordable Housing tenure, the application proposes affordable rented and Intermediate housing.

7.41 Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.

7.42 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. Home Buy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.

7.43 The Council's Housing team are supportive of the provision of affordable housing and also family sized units as part of the application proposal. The housing department do however acknowledge that overall mix is not ideal and does not comply with planning policy requirements. In broad terms, the mix as proposed provides no smaller affordable rented units, no larger family sized shared ownership units and an under provision of smaller private rented accommodation, namely studios and 1 bedroom units.

- 7.44 Whilst the level of affordable housing should be welcomed in pure housing delivery terms, particularly the level of larger family units (4+ bed unit in the affordable rented tenure) with all affordable rented units being delivered at POD rents, there is some concern that the proposed mix does not accord with the mix of housing size and types. The main concern however is that the over-emphasis on family affordable accommodation (4+ bedrooms) on such a constrained site would place further pressure on very limited on site amenity space provision and the existing amenity spaces that form part of the adjacent Bancroft Estate. This over-emphasis on larger family housing (in the affordable rented tenures) adds to the overall feeling that the proposal would represent an over-development of the site as highlighted above.

#### Wheelchair Housing and Lifetime Homes

- 7.45 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 7.46 Across the development, 10 residential units are proposed to be provided as wheelchair accessible which is 10% of all units and accords with Council policy. The units are to be distributed across the proposed tenures which is supported by LBTH housing. The delivery of 10% wheelchair accessible units is considered acceptable. If planning permission is granted a condition would be attached to ensure that the 10 wheelchair accessible units are delivered within the scheme and further details of the layout are submitted and approved. The applicants have also stated that 10 disabled car parking spaces are proposed to be provided for these units, however they are not identifiable within the revised drawings and may be proposed to be provided as on-street parking within the Bancroft Estate. In this circumstance, it is encouraged to provide on-site disabled car parking, as residents can apply for a blue badge and will have to compete for on-street spaces with existing residents. Given the existing level of parking stress, this is not considered to be an acceptable solution.
- 7.47 In terms of compliance with lifetime homes standards, each home has been designed to comply with Lifetimes Homes Standards. A condition will be included to ensure that these standards are secured.
- 7.48 In overall terms, the units fully comply with lifetime homes standards and are readily adaptable and the level of wheelchair housing provision is in accordance with the requirements of London Plan policy 3.8 and policy SP02 of the Core Strategy 2010.

#### **Amenity**

##### Internal Space Standards

- 7.49 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5, MD DPD policy DM4 and saved UDP policy HSG13 requires new development to make adequate provision of internal residential space.
- 7.50 The proposed development is designed to the Housing Design Guide standards and therefore is acceptable in terms of internal space standards.

##### Daylight and Sunlight

- 7.51 Daylight is normally calculated by two methods - the Vertical Sky Component (VSC) and No Sky Line (NSL). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching

windows. These figures should be read in conjunction with other factors including NSL. NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value, or there will be a discernible loss of daylight.

7.52 Many of the existing residential units comprise external/overhanging balconies providing private amenity space. The balconies provide additional alternative amenity, but are also responsible inhibiting the daylight levels received to the windows below. BRE guidance acknowledges that this is a common occurrence and allows applicants to undertake a daylight assessment both with the balcony in place and without the balcony, to provide a level of flexibility in the interpretation of the results in the instance of windows beneath balconies.

The submitted assessment undertook a review of the following surrounding buildings:

- Wickford House
- Braintree House
- Sceptre House
- Lang Street
- Hadleigh House
- Kenton House
- Ibbott Street
- Rickman Street

7.53 The report demonstrates that of the 145 windows tested, 110 pass the daylight test, resulting in 35 failures in various buildings. Many of these buildings comprise balcony overhangs and therefore in accordance with the BRE guidance, the daylight assessment was undertaken again it was found that there were only 12 failures. The failures are relatively marginal and for clarification of the failures are set out below:

Block	VSC Ratio (against a target of 0.8)	Pass/Fail	Room served (if known)
Wickford House (East facing)	0.79	Marginal Failure	Unknown (Ground floor)
Braintree House (West Facing)	0.79	Marginal Failure	Unknown (Ground floor)
20 Lang Street	0.79	Marginal Failure	Unknown (First floor)
22 Lang Street	0.67	Minor Failure	Unknown (Ground floor)
22 Lang Street	0.65	Minor Failure	Unknown (First Floor)
22 Lang Street	0.74	Marginal Failure	Unknown (Second floor)
Hadleigh House (North East facing)	0.79	Marginal Failure	Unknown (Ground floor)
Kenton House	0.77	Marginal Failure	Unknown (Ground Floor)
Ibbott Street (Front, no's 1-15)	0.72	Marginal Failure	Unknown (Ground floor)

Ibbott Street (Front, no's 1-15)	0.76	Marginal Failure	Unknown (Ground floor)
Ibbott Street (Front, no's 1-15)	0.79	Marginal Failure	Unknown (Ground floor)
Ibbott Street 14 (Rear of)	0.71	Marginal failure	Kitchen, ground floor level.

7.54 The submitted assessment also reviewed loss of sunlight for windows facing within 90 degrees of due south. All windows analysed meet the guidelines for daylight requirements.

7.55 Whilst the new development will result in some loss of daylight to a small number of windows within the existing Bancroft Green estate, Officers consider that given the low number of failures, the urban location of the site, the separation distances and building heights which have been integrated with the site and surroundings, that on balance, impact of the development on daylight to neighbouring properties is considered to be acceptable.

#### New Build Residential Development

7.56 The daylight assessment for the new blocks to be constructed has been carried out by testing the 15 rooms within the proposed development, of the rooms tested; all but one met the daylight requirements. All units are proposed to be dual aspect and on balance, it is considered that the proposed light within the new development will be acceptable.

#### Sense of Enclosure, Outlook and Privacy

7.57 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MD DPD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. These policies are further supported by policies DEV1 of the IPG and DEV2 of the UDP.

7.58 In terms of impacts upon neighbouring properties, those which are the most sensitive are residential blocks which lie to the south of the site, however all blocks lie at right angles the proposed development and therefore only flank elevations of existing residential blocks will face the proposed development. The majority of these dwellings and residential blocks have no windows within the flank elevation and will have limited impact on the privacy enjoyed by existing residents.

7.59 In accordance with policy DM25 of the MD DPD, a reasonably acceptable separation distance between directly facing habitable rooms' windows to ensure privacy is maintained is 18 metres.

#### Noise

7.60 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.

7.61 As discussed above, the application site adjoins the Railway Viaduct route which has the potential to cause noise disturbance to the future residents located to the rear of the site. Environmental Health officers have reviewed the submitted report and consider the details to be acceptable subject to post completion testing. Should consent be granted a condition for such testing would be requested. With these controls the occupants of the development would not suffer from any unreasonable noise or disturbance and the proposal would be

acceptable.

### Residential Amenity Space

- 7.62 Policy DM4 of the MD DPD sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor's Housing Design Guide (2010), recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant. Each residential unit within the proposed development provides private amenity space, in the form of balconies and gardens.
- 7.63 Housing Supplementary Planning Guidance 2012 provides details of the baseline requirements that development proposals should seek to achieve. Whilst the residential units accord in meeting the required private amenity space by virtue of quantity, there are concerns over the quality of the space which is proposed to be provided. The baseline requirements, (section 4.10.3) within the Housing Supplementary Planning Guidance 2012, requires all external amenity spaces to be at least 1.5 metres in depth, to ensure they provide a usable space for future residents. This is not achieved in a number of instances across the development site. At ground floor level, some of the rear garden are less than 1 metre deep and comprise a long thin strip of amenity space which is not considered to be a usable quality private amenity space for future residents. This is compounded by the poor light that would be received by these gardens as they are bounded to the north by the 2 storey high railway viaduct and to the south the development itself.
- 7.64 For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 93 units the minimum communal amenity space required would be 263sqm. Overall, the proposal is said to deliver 1650sqm of communal amenity space located in a re-landscaped area at the junction of Malcolm Road and Mantus Road which seeks to create a Piazza environment with some seating and upgraded landscaping. Communal amenity space is also provided by the homezone along Mantus Road, details of which, if accepted would be subject to a condition. The space is designed to provide incidental play elements and informal courtyard/spill out areas. However, whilst it would be closed to general traffic, it also provides access for servicing and refuse collection, and would be accessible to the public. The provision of this space is supported as usable amenity space; however given its multi-functional use and public access, it could not be regarded as communal amenity space for the purposes of DM4 of the MD DPD.

### Child Play Space

- 7.65 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' (which sets a benchmark of 10 sq.m of useable child play space per child).
- 7.66 Using the GLA SPG child yield calculations, the overall development is anticipated to accommodate 34 children and accordingly the development should provide a minimum of 340 sq.m of play space in accordance with the London Plan and the emerging MD DPD's standard of 10sq.m per child. This requirement is broken down as follows:

	London Plan/SPG Policy Req't	%	Proposed within scheme
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Child Play Space-Under 5	60 sq.m	18%	80sq.m
Child Play Space-Under 5-11	190 sq.m	56%	
Child Play Space-Under 12+	90 sq.m	26%	
Total	340sq.m		
Shortfall Child Play Space	260sq.m		

- 7.67 The scheme delivers 80sqm of on-site playspace; this caters for the children aged 0-5 only. There is an obvious shortfall of on-site playspace for some 5-11 year olds and the 12 and above age groups. The details of this playspace would be conditioned to ensure appropriate landscaping and equipment was provided within the space.
- 7.68 The Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. Bethnal Green Gardens and Bancroft Green are located to the south and north of the site, less than a 3 minute walk away. Planning obligations have been secured towards local public open spaces and this would include Bethnal Green Gardens and Bancroft Green. Whilst no child play space is provided on site for some 5-11 year olds and the 12 + age groups, it is considered that there are adequate facilities within close proximity to the site to accommodate these children.
- 7.69 Whilst on balance the proposal is considered to provide child play which accords with policy requirements, the quality of the private amenity space proposed on site is not considered to be of a standard which offers quality amenity space for future residents. In addition, the provision and balconies and gardens 3 metres from the railway viaduct would not render the amenity spaces usable by future residents for amenity purposes.
- 7.70 On balance, it is considered that the scheme fails to deliver quality and usable private amenity space for future residential occupiers. It is considered that proposal fails to accord with saved UDP Policy HSG 16 (1998) and policy HSG7 of IPG (2007) and London Plan policy 3D.13.

### **Transport, Connectivity and Accessibility**

- 7.71 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 7.72 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the MD DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 7.73 As detailed earlier in this report, the site has an excellent public transport accessibility level (PTAL) of 6a (1 being poor and 6 being excellent). The site is located within 580m walk of Bethnal Green Station providing access to the Central line and 620m walk of Stepney Green providing access to the District Line and the Hammersmith and City lines. It is served by 7 different bus services detailed in the transport assessment, all of which provide for 55 buses per hour in each direction.

### Car Parking

- 7.74 Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the CS and Policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 7.75 IPG Planning Standard 2 sets a policy maximum car parking ratio of 0.5 spaces per residential unit, where it can be shown that the proposed level would not result in a detrimental impact on the safe and free flow of traffic on the surrounding highway network. MD DPD Parking Standards sets specific parking levels based on the PTAL of a given site, at the development site, units with less than 3 bedrooms have a minimum parking standard of 0.2 spaces per unit with 3 bedrooms plus being 0.3 spaces per unit. At the application site, the MD DPD policy parking standards would permit the provision of a maximum 18.6 spaces. The proposed development seeks to deliver 0 car parking spaces is considered to accord with planning policy.
- 7.76 A travel plan will also be secured for the new development to encourage future residents to use public transport and alternative modes for all journeys.

### Disabled Car Parking

- 7.77 The proposal is required to provide 10% disabled car parking spaces that must be in an accessible and convenient location in relation to the wheelchair-accessible flats. If they are not to be on-site, they can only be in the adjoining estate's car parking provision, as on-street parking is very stressed. The applicant is unable to clarify where the disabled spaces would be located and it is considered that this cannot be conditioned as the co-operation of third party (i.e. LBTH and THH) would be required to secure these spaces. Without an understanding of where the spaces would or even could be, unless provided on-site, officers cannot be satisfied that they would be in a convenient location in relation to the wheelchair accessible flats.
- 7.78 Accordingly, it is the view of officers that whilst the level of general car-parking is considered acceptable, the provision of disabled car-parking is unsatisfactory and this is considered to be a symptom of the overdevelopment of the site.

### Servicing and Deliveries

- 7.79 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in IPG CS Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.
- 7.80 Deliveries and servicing, and in particular refuse servicing are proposed from Malcolm Road and Mantus Road along the homezone. A Delivery and Servicing Plan would be requested by condition alongside a Construction Logistics Plan to minimise the impact on the local highway.

### Waste, Refuse & Recycling

- 7.81 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the development.
- 7.82 Notwithstanding the above, the scheme shows adequate storage facilities on site to serve the proposed development and indicative locations for URS systems along Mantus Road, and this arrangement is therefore considered to be acceptable. .

### Provision for Cyclists

7.83 In accordance with cycle parking requirements, 137 cycle parking spaces have been provided in various storage locations around the site. This provision includes visitor parking to serve the development. 43 of the spaces would be located in the listed arches to the rear of the site forming part of the viaduct. This element of the proposal requires listed building consent and can only be implemented if both Listed building consent and planning permission is approved. The proposal therefore complies with London Plan policy 6.13.

### **Energy & Sustainability**

7.84 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.

7.85 The London Plan sets out the Mayor of London's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green)

7.86 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

7.87 The information provided in the submitted energy strategy is principally in accordance with adopted the climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The Council's Sustainability & Renewable Energy Team have commented that the proposed development exceed with draft Policy DM29 of the draft Managing Development DPD (2012) which requires:

- 2011-2013 = 35% CO2 emissions reduction;
- 2013-2016 = 50% CO2 emissions reduction; and
- 2016-2031 = Zero Carbon

7.88 The planning application follows the Mayor's energy hierarchy and sets out that the development seeks to make use of energy efficiency and passive measures to reduce energy demand (Be Lean), integrate a communal heating scheme incorporating a Combined Heat and Power engine to supply the development (Be Clean) and utilise photovoltaic panels (Be Green) to reduce overall CO2 emissions. The CO2 emissions achievable from this approach are noted as circa 41%. This exceeds the policy requirements of emerging policy DM29 and the London Plan Policy 5.2 requirements and is considered acceptable.

7.89 Code (Level 4) ratings are currently proposed as minimum levels for all new residential units, and considered acceptable.

### **Contamination**

7.90 In accordance with the requirements of the NPPF, saved UDP policy DEV51 and policy DM30 of the MD DPD.

7.91 Whilst the Councils Environmental Health Officer has not responded a condition to secure and whilst a desk study has been submitted with the application, further exploratory works

and remediation would be requested.

### **Flood Risk**

- 7.92 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process.
- 7.93 The development falls within Flood Risk Zone 1 and therefore by a flood risk assessment is not required to be submitted with the application.

### **Health Considerations**

- 7.94 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 7.95 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 7.96 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.
- 7.97 The applicant has agreed to financial contributions towards leisure, community facilities and health care provision within the Borough.
- 7.98 The application will also propose open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.
- 7.99 It is therefore considered that the financial contribution towards healthcare and community facilities and leisure will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

### **Section 106 Agreement**

- 7.100 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 7.101 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 7.102 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and Policy IMP1 of the Council's IPG and policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial

contributions to mitigate the impacts of a development.

7.102 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

7.103 This proposal provides 36.3% affordable housing alongside the full contribution request of planning obligations. The scheme is therefore able to mitigate against the full impacts of the proposed development by providing contributions to all key and other priority areas, whilst delivering a lower affordable housing contribution overall.

7.104 Based on the Council's s106 SPD, LBTH Officers sought to deliver 36.6% on-site affordable housing and a full contribution of planning obligations, to mitigate against the impacts of the development.

7.105 The obligations can be summarised as follows:

**Financial Obligations**

- Education: £482,893
- Enterprise & Employment: £19,649.52
- Community Facilities: £128,260
- Health: £152,966
- Sustainable Transport: £3,360
- Public Realm Improvements: £194,998.60
- Monitoring & Implementation 2% of total

Total Financial contribution: 1,001,769.66

**Non-Financial Obligations**

- 36.6% affordable housing
- Access to employment initiatives
- Permit free agreement
- Travel Plan
- Code of Construction Practice

**Localism Act (amendment to S70(2) of the TCPA 1990)**

7.106 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

7.107 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

7.108 Section 70(4) defines “local finance consideration” as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

7.109 In this context “grants” might include the new homes bonus and payment of the community infrastructure levy.

7.110 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

7.111 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to a scheme of this size is £543,060 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 36.3% affordable housing and will therefore qualify for social housing relief on a proportion of this sum.

7.112 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

7.113 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £135,617 within the first year and a total of £813,701 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

### **Human Rights Considerations**

7.114 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

7.115 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. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention

Article 8); and

○ Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.

- 7.116 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 7.117 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 7.118 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.
- 7.119 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.120 As set out above, it is necessary, 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.
- 7.121 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

- 7.122 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.123 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

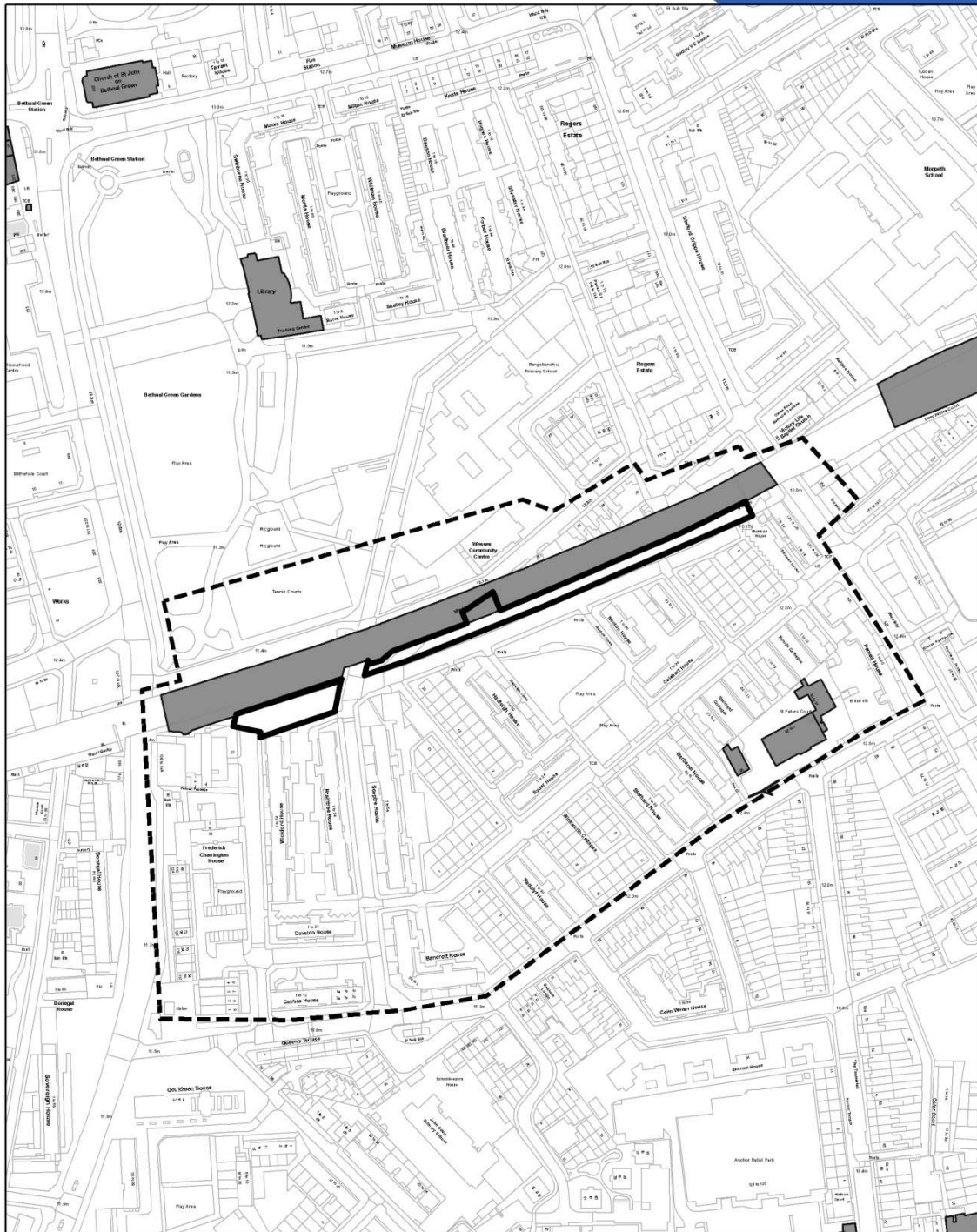
- 7.124 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 7.125 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces and play areas, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 7.126 The contributions to affordable housing support community wellbeing and social cohesion.


### **Conclusions**


- 8.0 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



# Planning Application Site Map PA/12/01758



 Planning Application Site Boundary

 Locally Listed Buildings

 Consultation Area

 Statutory Listed Buildings



1:3,000

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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# Agenda Item 6.2

<b>Committee:</b> Development	<b>Date:</b> May 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application & Listed Building Consent
<b>Case Officer:</b> Adrian Walker	<b>Ref No:</b> PA/12/02632 & PA/12/02633
	<b>Ward:</b> Weavers

## 1.0 APPLICATION DETAILS

<b>Location:</b>	Bath House, Dunbridge Street, London
<b>Existing Use:</b>	Roofspace above residential block
<b>Proposal:</b>	Removal of existing hipped roof to Block E and replacement with new mansard roof to provide 2 x 1 bedroom flats and 1 x 2 bedroom flat including raising the stairwells and associated works to refuse and cycle stores.
<b>Drawing Nos/Documents:</b>	2008/5/01, 2008/5/02, 2008/5/03 Rev. A, 2008/5/04 Design and Access Statement, Heritage Statement and NPPF Considerations, Townscape & Visual Impact Assessment, 2013/3/R1, Bicycle Rack details, and Site Plan showing cycle rack location and refuse and recycling stores.
<b>Applicant:</b>	Valbella Business SA
<b>Ownership:</b>	Repton Boys Club, The Bath House, C/O RBMS Management Ltd, The Owners 1-51, The Bath House, C/O RBMS Management Ltd
<b>Historic Building:</b>	Grade II Listed
<b>Conservation Area:</b>	Fournier Street/Brick Lane

## 2.0 BACKGROUND

- 2.1 These applications for planning permission and listed building consent were reported to Development Committee on 11th April 2013, with an officer recommendation for approval. The Committee resolved **NOT TO ACCEPT** the recommendation to GRANT permission.
- 2.2 Copies of the case officers' report and update report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations are attached as Appendices 1 & 2 of this report.
- 2.3 Members indicated that they were not minded to accept the Officer recommendation because they had concerns in relation to:-
  - Overdevelopment of the site from pressure on existing facilities.
  - Noise and disturbance during the construction period especially for the occupants living directly underneath the scheme.

- Appearance of the scheme in relationship to the existing building.

2.4 In accordance with the Constitution and the Development Procedure Rules, these applications were deferred to a future meeting of the Planning Committee to enable officers to present a supplementary report setting out reasons for refusal and the implications of the decision.

### **3.0 CONSIDERATION OF REASONS**

3.1 Officers consider that the three areas of concern (as highlighted in paragraph 2.3) are best expressed as three separate reasons for refusal.

3.2 Since the applications were originally reported to Committee in April, the Managing Development Document was adopted by Full Council on 17th April 2013. As such it has full weight as part of the Council's 'development plan' in determining applications. Full Council also agreed to remove the retained UDP and IPG policies. As such these policies should no longer be used to determine planning applications. Officers do not consider that the change in policy and weight to be given to the Managing Development Document has any material impact in terms of the reasons for refusal given by members at the April meeting, but members should be mindful of these changes.

### **4.0 PROPOSED REASONS FOR REFUSAL**

4.1 The application for Planning Permission should be refused for the following reasons:-

4.2 The proposal by reason of overdevelopment of the site resulting in the increased pressure on the existing facilities such as adequate provision for the storage of refuse and recycling and cycle parking. The proposal is therefore contrary to policy SP05(1b) of the Tower Hamlets Core Strategy (Adopted 2010), policies DM14(2) and DM22(4a) of the Managing Development Document (2013), which require development to make adequate provision for waste and cycle storage.

4.3 The proposal by virtue of noise and disturbance created by the demolition of the existing roof and the construction of a mansard roof would be detrimental to the amenity of existing residential occupiers within the building. Insufficient information has been submitted to demonstrate how impacts on residents would be mitigated to acceptable level and as such the proposal is contrary to policy SP10(4b) of the Core Strategy (Adopted 2010) and DM25(e) of the Managing Development Document (2013).

4.4 The proposed roof extension appears excessively bulky compared to the form of the building below and those surrounding in the bathhouse complex. The addition increases the prominence of Block E, and in doing so means it does not appear subsidiary to the original Bathhouse building. The proposal is therefore considered to detract from the setting of the original Grade II Listed Bathhouse, and the other surrounding Listed Buildings. The benefits of the proposal do not outweigh the harm caused to a designated heritage asset and the proposal is contrary policy SP10 of the Core Strategy (Adopted 2010) and policies DM24 and DM27 of the Managing Development Document (2013).

4.5 The application for Listed Building Consent should be refused for the following reason:-

4.6 The proposed roof extension appears excessively bulky compared to the form of building below and those surrounding in the bathhouse complex. The addition increases the prominence of Block E, and in doing so means it does not appear subsidiary to the original Bathhouse building. The proposal is therefore considered to detract from the setting of the original Grade II Listed Bathhouse, and the other surrounding Listed Buildings. The benefits of the proposal do not outweigh the harm caused to a designated heritage asset and the proposal is contrary to policy SP10 of the Core Strategy (Adopted 2010) and policies DM24 and DM27 of the Managing Development Document (2013).

## **5.0 ADDITIONAL REPRESENTATIONS**

5.1 Since the deferral of the committee item, the Council has received no additional representation from local residents or the wider community.

## **6.0 CONCLUSIONS**

6.1 Officers consider that the first and second reasons (at paragraphs 4.2 and 4.3) could potentially be dealt with by way of conditions, if additional information is supplied by the Applicant. Officers are satisfied that they can be defended as reasons for refusal based on the material before members at the current time.

6.2 Officers consider that the reason given at 4.4 relates to a subjective assessment on the merits of the architectural approach, and that this reason can be defended at appeal.

## **7.0 IMPLICATIONS OF DECISION**

7.1 Should Members decide to re-affirm their previous resolution and refuse planning permission and listed building consent, there are a number of possibilities open to the Applicant. These would include (though not limited to) :-

1. The Applicant may choose not to pursue the proposal.
2. The Applicant may enter into discussions with Officers to discuss an amended scheme to address the reason for refusal.
3. Applicant could submit an appeal against refusal. Officers would defend this appeal.

## **8.0 OFFICER RECOMMEDATION**

8.1 Officer's original recommendation remains unchanged, however should Members decide to re-affirm their previous resolution and refuse permission Members are recommended to resolve to **REFUSE** Planning Permission and Listed Building Consent for the reasons set out in Section 4 of this report.

## **9.0 APPENDICES**

9.1 Appendix One – Committee Report to Members on 11th April 2013  
Appendix Two – Update Report to Members on 11th April 2013

## APPENDIX 1

<b>Committee:</b> Development	<b>Date:</b> April 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application & Listed Building Consent
<b>Case Officer:</b> Adrian Walker	<b>Ref No:</b> PA/12/02632 & PA/12/02633
	<b>Ward:</b> Weavers

### 1.0 APPLICATION DETAILS

<b>Location:</b>	Bath House, Dunbridge Street, London
<b>Existing Use:</b>	Roofspace above residential block
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<b>Drawing Nos/Documents:</b>	2008/5/01, 2008/5/02, 2008/5/03 Rev. A, 2008/5/04 Design and Access Statement, Heritage Statement and NPPF Considerations, Townscape & Visual Impact Assessment, 2013/3/R1, Bicycle Rack details, and Site Plan showing cycle rack location and refuse and recycling stores.
<b>Applicant:</b>	Valbella Business SA
<b>Ownership:</b>	
<b>Historic Building:</b>	Grade II Listed
<b>Conservation Area:</b>	Fournier Street/Brick Lane

### 2.0 **SUMMARY OF MATERIAL PLANNING CONSIDERATIONS FOR FULL PLANNING PERMISSION**

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission Version 2012 with modifications), the London Plan 2011 and the National Planning Policy Framework and has found that:

1. The proposed external alterations and roof extension have been sensitively designed and are appropriate in terms of design, finished appearance and building height within the context of the surrounding built form. As such, it is considered that the proposal would preserve the character and appearance of the Grade II Listed Building and the Fournier Street/Brick Lane Conservation Area, in accordance with Policy SP10 of the Council's adopted Core Strategy (2010), saved Policies DEV1, DEV27, DEV30 and DEV37 of the Unitary Development Plan (1998), Policies DM24 and DM27 of the Managing Development DPD (Submission Version 2012 with modifications), Policies

DEV2, CON1 and CON2 of the Interim Planning Guidance (2007) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development is well designed and that it preserves or enhances the character and appearance of the Borough's Conservation Areas.

2. The proposal makes efficient use of the site and provides an increase in the supply of housing. As such, the proposal would accord with Policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (submission version 2012) which seek to ensure the use of land is appropriately optimised.
3. The layout and size of the proposed residential units accords with the requirements of Policy 3.5 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development DPD (Submission version 2012 with modifications) and the Housing Supplementary Planning Guidance - London (2012). These policies seek to ensure that all new housing developments have adequate provision of internal space in order to provide an appropriate living environment.
4. It is considered that the overall provision of amenity space is adequate and is in accordance with Policy SP02 of the Council's adopted Core Strategy (2010), saved Policy HSG16 of the Unitary Development Plan (1998), Policy DM4 of the Managing Development DPD Submission version 2012 and Policy HSG7 of the Interim Planning Guidance (2007). These policies require adequate provision of housing amenity space for new homes.
5. The proposal does not result in any unduly detrimental impacts in terms of privacy, overlooking, sunlight and daylight or sense of enclosure for existing or future residents. As such, the proposal would accord with Policy SP10 of the Core Strategy (2010), saved policies DEV2 and DEV50 of the Council's Unitary Development Plan (1998), policy DM25 of the Managing Development DPD (Submission Version 2012 with modifications) and Policies DEV1 and DEV10 in the Interim Planning Guidance (2007), which seek to protect residential amenity.
6. Subject to a condition, the proposal includes adequate provision of secure cycle parking facilities, in accordance with the requirements of policy DM22 of the Managing Development DPD (Submission Version 2012 with modifications), Policy DEV16 of the Interim Planning Guidance (2007) and Policy 6.9 of the London Plan (2011). These policies promote sustainable forms of transport and seek to ensure that development proposals include adequate provision of secure cycle parking facilities.
7. The development would be secured as car free and as such it complies with policies 6.1 and 6.13 of the London Plan (2011), policy SP09 of the Adopted Core Strategy (2010) and policy DM22 of the Managing Development DPD (Submission Version 2012 with modifications). These policies seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.
8. Subject to a condition, the proposal includes adequate facilities for the storage of waste and recyclables, in accordance with saved Policies DEV55 and DEV56 of the Unitary Development Plan (1998), policy DM14 of the Managing Development DPD (Submission Version 2012 with modifications),

Policy DEV15 of the Interim Planning Guidance (2007) and Policy 5.17 of the London Plan (2011).

### **3.0 RECOMMENDATION FOR FULL PLANNING PERMISSION**

3.1 That the Committee resolve to **GRANT** planning permission subject to the following conditions and informatives:

#### **3.2 Conditions on Planning Permission**

- (1) Time Limit (Three Years)
- (2) Development to be built in accordance with approved plans
- (3) Full details of facing materials to be used for the development
- (4) Section 106 no on-street parking permits
- (5) Refuse
- (6) Cycle parking provision
- (7) Restriction on the hours of construction (8am - 6pm Monday to Friday and 8am - 1pm Saturday only)
- (8) Construction Management Plan
- (9) Highways

Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

#### **3.3 Informative on Planning Permission**

- (1) CIL
- (2) Contact Building Control

### **4.0 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS FOR LISTED BUILDING CONSENT**

4.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission Version 2012 with modifications), the London Plan 2011 and the National Planning Policy Framework and has found that:

1. Subject to conditions requiring the submission of materials, the proposed roof extension, is sympathetic to the fabric of the Grade II Listed building and will preserve the appearance and character of the Fournier Street/Brick Lane Conservation Area in line with the National Planning Policy Framework (2012), policies 7.4, 7.6 and 7.8 of the London Plan (2011), policy SP10 of the Core Strategy (2010), saved policies DEV1, DEV9, DEV27, DEV31 and DEV37 of the Unitary Development Plan (1998), policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007), and policies DM24 and DM27 of the Managing Development DPD (submission version 2012). These policies aim to ensure that development is of high quality design, positively responds to its setting, and preserves the architectural quality and setting of borough's heritage assets.



## **5.0 RECOMMENDATION FOR LISTED BUILDING CONSENT**

- 5.1 That the Committee resolve to GRANT listed building consent subject to the following conditions and informatives:

### **5.2 Conditions on Listed Building Consent**

- (1) Time Limit (Three Years)
- (2) Development to be built in accordance with approved plans
- (3) Full details of facing materials to be used for the development

Any other conditions(s) considered necessary by the Corporate Director  
Development & Renewal

## **6.0 PROPOSAL AND LOCATION DETAILS**

### **The Proposal**

- 6.1 The applicant is seeking planning permission for the demolition of existing hipped roof to Block E and replacement with new mansard roof to provide 2 x 1 bedroom flats and 1 x 2 bedroom flat including raising the stairwells and associated works to refuse and cycle stores.

### **Site and Surroundings**

- 6.2 The proposal relates to a three storey residential building known as block E within Bath House complex. The entire Bath House complex is bounded by Ramsey Street to the north and east and Cheshire Street runs south. The west elevation faces the rear of properties along Hereford Street. The application site lies on the corner of the eastern end of Ramsey Street close to the junction with Cheshire Street. The application site faces a residential block of maisonettes consisting of 3 double storeys. The site lies within the Fournier Street/Brick Lane Conservation Area and consists of several Grade II listed buildings.
- 6.3 The Bath House complex is made up of 7 blocks of solely residential units and 1 block consisting of a boxing club with residential units below. Within the site there are a number of Grade II Listed buildings with the others being listed within the curtilage of a Grade II Listed Building. The complex was first developed in the early 1990's into a 47 residential units; a further 3 were added in 2009. Block E was built in the first stage of the development in the 1990's and is attached to block D which was part of the original Bath House.
- 6.4 The area surrounding the application site is predominantly residential in character. The surrounding built form within Bath House is made up of buildings which are mostly low rise, 2/3 storeys; however, the local area consists of buildings about four to six storeys in height.

### **Planning History**

- 6.5 **PF/12/00030:** Creation of a mansard roof extension to facilitate the creation of three one bedroom units. Pre Application Closed 21/05/2012

**PA/09/02033:** Submission of details pursuant to condition 2 (further details) of listed building consent dated 1 April 2008, reference TH12285/PA/07/01974. Permitted 02/11/2009

**PA/09/01643:** Submission of details pursuant to conditions 3 (bin store) and 6 (construction management plan) of Council's planning permission dated 1 April 2008, reference: TH12285/PA/07/01973. Permitted 02/11/2009

**PA/07/01974:** Works in connection with conversion of part of basement to provide 4 flats (2x2 bedroom and 2x1 bedroom) and associated works including 2 new lightwells and relocation of bin store. Permitted 01/04/2008

**PA/07/01973:** Conversion of part of basement to provide 4 flats (2x2 bedroom and 2x1 bedroom) with associated works including 2 new lightwells and relocation of bin store.(Additional information received). Permitted 01/04/2008

### **Enforcement**

**ENF/12/00382:** Breaches of conditions of PA/07/01973 and PA/07/01974 (detailing of bin store, windows, paintwork and finishing). On-going enquiry

**ENF/09/00352:** Breach of conditions 5 (noise insulation) and 6 (construction management plan) of planning permission PA/07/01973 dated 1st of April 2008 of LBTH. Case closed

## **7.0 POLICY FRAMEWORK**

7.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

### **7.2 The London Plan Spatial Development Strategy for Greater London (July 2011)**

Policies	3.3	Increasing housing supply
	3.4	Optimising housing potential
	3.5	Quality and Design of Housing Development
	3.8	Housing Choice
	3.9	Mixed and Balanced communities
	5.1	Climate change mitigation
	5.2	Minimising carbon dioxide emissions
	5.3	Sustainable design and construction
	5.5	Decentralised energy networks
	5.6	Decentralised energy in developments
	5.7	Renewable Energy
	5.13	Sustainable Drainage
	5.17	Waste Capacity
	6.5	Funding Cross rail and other strategic transport
	6.9	Cycling
	6.10	Walking
	6.13	Parking
	7.1	Buildings London Neighbourhoods and community
	7.2	An Inclusive environment
	7.3	Designing out Crime

7.4	Local character
7.6	Architecture
7.8	Heritage Assets and Archaeology

### 7.3 Adopted Core Strategy 2025 Development Plan Document (September 2010)

Strategic Objectives	SO7 – SO9	Urban Living for everyone
	SO10	Creating Healthy and Liveable Neighbourhoods
	SO14	Dealing with waste
	SO19	Making connected places
	SO21	Creating attractive and safe streets and spaces
	SO23	Creating Distinct and durable places
	SO24	Working towards a zero carbon borough
	SO25	Delivering Place making
Policies	SP02	Urban Living for Everyone
	SP05	Dealing with waste
	SP09	Creating attractive and safe streets and places
	SP10	Creating Distinct and Durable Places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Successful Place making

### 7.4 Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV6	Energy Efficiency
	DEV9	Control of Minor Works
	DEV12	Provision of landscaping within new developments
	DEV30	Roof storeys within conservation areas
	DEV50	Noise
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	HSG7	Dwelling Mix and Type
	HSG13	Housing Space Standards
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the road network
	T21	Pedestrian needs in new developments
	T21	Pedestrian needs in new developments

### 7.5 Managing Development Plan Document (Submission Version 2012 with modifications)

Policies	DM3	Delivering Homes
	DM4	Housing Standards and amenity
	DM8	Community infrastructure
	DM9	Improving air quality
	DM13	Sustainable drainage
	DM14	Managing Waste
	DM20	Supporting a sustainable transport network
	DM22	Parking

DM24	Place Sensitive Design
DM25	Amenity
DM27	Heritage and the Historic Environment

## 7.6 Interim Planning Guidance for the purposes of Development Control (October 2007)

Policies	DEV1	Amenity
	DEV2	Character and Design
	DEV4	Safety and security
	DEV6	Energy efficiency and renewable energy
	DEV5	Sustainable design
	DEV10	Disturbance from noise pollution
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes
	DEV19	Parking for motor vehicles
	CON1	Conservation Areas
	CON2	Conservation Areas
	HSG2	Housing Mix
	HSG7	Housing Amenity Space

## 7.7 Government Planning Policy Guidance/Statements

NPPF 2012 National Planning Policy Framework

## 7.8 Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

Healthy Communities  
Safe and Supportive Communities

## 7.9 Supplementary Planning Guidance/Documents

Housing Supplementary Planning Guidance - London (2012).  
Fournier Street/Brick Lane Conservation Area Appraisal

## 8.0 CONSULTATION RESPONSE

### 8.1 LBTH Transportation & Highways

- *The subject site is located in an area of good public transport accessibility (PTAL 4)*
- *Highways is satisfied with the provision of 15 secure cycle storage spaces for the proposed new flats and some of the existing flats.*

*If planning permission is granted please include the following:*

- *A S106 car and permit free agreement is to be secured.*
- *Section 278 Agreement of the Highways Act 1980 to secure the cost for any damage caused to the public highway*
- *The footway and carriageway on the surrounding highway must not be blocked during the construction and maintenance of the proposal.*
- *No skips or construction materials shall be kept on the footway or carriageway on the surrounding highway at any time.*
- *All construction vehicles must only load/unload/park at locations and within*

*the times permitted by existing on-street restrictions*

(Officer comment: Conditions/Informatives will be imposed to ensure LBTH Transportation and Highways requirements are secured.)

## **8.2 LBTH Waste Management**

*Waste storage capacity is not sufficient. Please follow the following guidelines. This site would require 7080L of refuse capacity and 3260L of recycling capacity based on total number of existing units (51) and additional proposed units (3).*

(Officer comment: The waste storage arrangements will be dealt with in the refuse section of the report.)

## **8.3 The Spitalfields Historic Buildings Trust**

No comments received

## **8.4 The Spitalfields Society**

No comments received

## **8.5 English Heritage**

Application should be determined in accordance with local specialist advice

## **9.0 LOCAL REPRESENTATION**

9.1 193 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application was publicised on site by way of a site notice. Thirty-three separate representations in objection were received from neighbours and local groups in response to notification and publicity of the application. The following concerns were raised in the letters of objection to the scheme:

### Representation Comments

#### 9.2 Amenity

- The construction works will result in significant disruption for residents, dust and noise, health and safety issues and overall amenity;

(Officer comment: A condition will be imposed to restrict hours of construction. Furthermore, it should be noted that the any disruption/inconvenience arising from the proposal would be for a temporary period only and will be limited to the duration of the proposed works. A condition will also be imposed to submit a construction management plan.)

- Loss of sunlight and daylight to flats and the courtyard
- Loss of privacy

(Officer comment: The matters regarding loss of sunlight, daylight and privacy will be addressed in the amenity section of this report).

### 9.3 Design

- The mansard roof would harm the character and appearance of the Grade II Listed building
- The mansard roof would not be beneficial to the streetscape of Ramsey Street
- Does not complement heritage views from inside the courtyard
- Overdevelopment
- The view of the chimney stack (heritage asset) from the public realm would be restricted

(Officer comment: The proposed roof extension is sensitively designed and would represent an appropriate addition to the building. Furthermore, materials will be conditioned to secure a high quality appearance and finishes.)

### 9.4 Waste

- There is no recycling currently on site
- The bin store is insufficient

(Officer comment: The matters regarding waste and recycling will be addressed in the waste and recycling section of this report).

### 9.5 Transport

- Cycle parking is currently insufficient on the site
- Car parking is currently overcrowded

(Officer comment: The matters regarding cycle parking will be addressed in the Transport and Highways section of this report).

## **OTHER**

### 9.6 A number of possible inaccuracies or misrepresentations in the planning application have been highlighted in the representations received.

These are as follows;

- There are 10 cycle parking spaces currently on the site not as 25 as stated on the application.
- Applicant name stated on the application form is Verbella Ltd is incorrect
- There is currently no recycling on the site however it is stated that there is on the application form
- Block E is not a listed building, it is listed within the curtilage of a listed building
- The application form states there will be no alterations to the internal areas of block E however the ceilings of the stairwells will have to be removed to access the additional floor
- Materials – the existing doors and windows are timber not powder coated aluminium
- Tree in the courtyard is considered by residents an important part of the local landscape character however it is not listed in section of the application
- Roofs and chimney have been drawn inaccurately on plans

- There are 51 flats within bath House not 47
- There is no reference to the four flats created in the basement in 2007
- Proposed extensions are not obscured by the tree
- Courtyard is not in shade for most of the day
- Block E is not the only building that defines the courtyards, blocks C,D and F also play a defining role
- Shadow diagram is inaccurate
- Certificate B was filled out incorrectly as the notice to the owners was dated the 21st September 2012 not 19<sup>th</sup> September 2012 as stated on the form

(Officer comment: These reported inaccuracies have been noted and discussed with the applicant. Any email has been received by the officer correcting a number of mistakes made on the application form. None of these issues would have a significant impact on the overall application.)

9.7 The following issues were raised in representations but it is considered that they should not be attributed any real weight in the determination of the application:

- Loss of views from existing flats
- Removal of private attic space from top floor flats
- Loss of top floor status of the existing flats
- Current enforcement and building regulation issues
- Problems in relation to the quality of works previously done by the freeholder
- The development provides no social or environmental benefits
- The proposal will have a detrimental impact on the major works to the building carried out by the leaseholders at a cost of over £100,000
- Plants grown on balcony would die
- Loss of value to flats
- Car park damage last time
- Construction management plan not adhered to last time

(Officer response: The matters raised relate to tenant and landlord issues and other non-material planning considerations and it is considered that they should not be attributed any significant weight in the determination of the application )

## 10.0 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by the application that the committee must consider are:

- § Land Use
- § Housing
- § Design
- § Amenity
- § Transportation and Highways
- § Localism Act

### Principle of Development

#### Land Use

10.2 Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework, Strategic Objectives

7, 8 and 9 of the Council's Core Strategy (2010) and policy 3.1 of the London Plan, which gives Boroughs targets for increasing the supply of housing.

- 10.3 An important mechanism for achieving the strategic housing objectives outlined in the London Plan is set out in Policies 3.3 and 3.4, which seeks to encourage council's to maximise the development of sites to ensure targets are achieved where feasible.
- 10.4 Policy SP02 of the Core Strategy (2010) sets out the borough's overall target for delivery of 43,275 new homes (2,885 a year) between 2010 and 2025. Policy DM3 in the Managing Development DPD (Submission Version 2012 with modifications) sets out more detailed guidance of how development can help to deliver new homes for existing and future residents of the borough.
- 10.5 The residential use of the site is already established and therefore the principle of additional residential units would be acceptable in land use terms.

### **Housing**

- 10.6 London Plan Policy 3.8 encourages new residential proposals to incorporate housing choice. Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. This is reflected in Policy SP02 of the Core Strategy (2010), Policy DM3 of the Managing Development DPD (Submission Version 2012 with modifications) and Policy HSG2 of the Interim Planning Guidance (2007), which seeks to promote housing choice.
- 10.7 The proposal is for the creation of a mansard extension on the building to create 2 one bedroom and 1 two bedroom residential units.
- 10.8 Whilst it is noted that the mix of flats fails to deliver any family units, officers have taken into account that the proposed flats are on the third floor of the block without a lift. It is therefore considered that it is not an ideal location for family sized units and the mix of flats is acceptable.

### Housing Quality and Residential Space

- 10.9 London Plan Policy 3.5 seeks to ensure that the design and quality of new housing proposals are of the highest standard internally and externally and in relation to the wider environment. Part C of the Policy states that new dwellings should generally conform to specified dwelling space standards, have adequately sized rooms and efficient layouts. Housing Supplementary Planning Guidance - London (2012).sets out further guidance on the implementation of these policies.
- 10.10 Policy SP02 of the Core Strategy (2010) seeks to ensure that new housing has adequate provision of internal space standards in line with the Housing Supplementary Planning Guidance - London (2012). The policy aims are reiterated in Policy DM4 in the Managing Development DPD (Submission Version 2012 with modifications).
- 10.11 The proposed 1 bed flats measure 43 and 46sq metres and the 2 bed flat measures 64sq metres, the London Plan states that minimum space standard for a 1 person flat is 37sq metres and a 2 bed 3 person flat is 61sq metres. As such the proposed units all meet the minimum space standard requirements and it is envisaged that the layout and design of units would be of a high standard internally and each of the flats



are dual aspect and will benefit from good natural lighting. As such the proposal would accord with policy 3.5 of the London Plan 2011 and Policy DM4 in the Managing Development DPD (Submission Version 2012 with modifications) and Housing Supplementary Planning Guidance - London (2012).

## **Design**

- 10.12 Good design is central to all objectives of the London Plan. Policy 7.1 in particular sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to optimising the housing potential of sites, the quality of new housing provision, designing out crime, local character, public realm, architecture and heritage assets. These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 10.13 Section 72(1) of the Listed Buildings & Conservation Areas Act (1990) gives the Local Planning Authority a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and safeguarding the special architectural and historic fabric of listed buildings.
- 10.14 Saved policy DEV 27 of the UDP states that applications for minor alterations in a Conservation Area will be considered having regard to the effect that such alterations will have on the building in question, the group of buildings, the street or Conservation Area and also the probable effect that a number of such applications would have.
- 10.15 Saved policy DEV 30 of the UDP states that within Conservation Areas additional roof storeys may be allowed except:
- (1) Where they would harm the appearance and character of terraces or groups of building where the existing roofline is of predominantly uniform character, and
  - (2) On buildings where the roof construction is unsuitable for roof extensions.
- 10.16 Adopted Core Strategy policy SP10 and policy DM24 of the emerging Managing Development DPD (Submission Version 2012 with modifications) state that the Council will protect and enhance the borough's heritage assets and their settings including Conservation Areas. The Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. This will be achieved through ensuring development respects its local context and townscape, including the character, bulk and scale of the surrounding area.
- 10.17 The application site is within an area where the adjoining buildings vary in heights and form, and the immediate context is predominantly residential with some mixed use pockets. Buildings within the immediate locality incorporate a variety of architectural styles.
- 10.18 The application building was built in the 1990's and is three storeys high. It was designed in a traditional style to complement the Grade II Listed Building it adjoins and currently has a shallow pitched roof with a parapet wall around it.
- 10.19 The applicant proposes a mansard roof addition to this building. The initial proposal

was for a flat topped mansard however after discussions with LBTH Conservation and Design it was decided that a traditional double pitched mansard would be most appropriate for the site in context with the Grade II Listed Building, and revised drawings were submitted.

- 10.20 The existing parapet around the roof will be retained and the proposed roof will extend 2.2m higher than the existing roof. It will be constructed with a timber frame, faced in natural slate, with traditional lead dormers and timber sash windows to match those existing. The fenestration will mirror that of the floors below.
- 10.21 The existing roof was constructed with the rest of the building in 1990's. It is not considered particularly successful in architectural terms, and protrudes above the existing parapet wall. The proposed mansard roof is of traditional form and gives the building more pleasing proportions. The mansard slopes away from the main block D and is lower in height than the gable ends which ensures it appears subsidiary. The mansard roof will still be significantly lower than the listed chimney stack and longer views of the chimney would not be obstructed.
- 10.22 The proposal also includes the extension of the existing stairwells for access to the proposed units. The stairwells will be significantly lower than the height of the mansard roof and will help incorporate the extension into the existing building. The extension to the stairwell will not protrude further out into the courtyard and will be finished in white render to match the existing stairwell.
- 10.23 Given the sympathetic design approach, the local context, the proposal would respond well within the local context and would not appear visually overbearing at street level. Subject to conditions to ensure a high quality materials and finishes, the proposal would preserve the character and appearance of the Grade II Listed Building and the Fournier Street/Brick Lane Conservation Area, in accordance with Policy SP10 of the Council's adopted Core Strategy (2010), saved Policies DEV1, DEV27, DEV30 and DEV37 of the Unitary Development Plan (1998), Policies DM24 and DM27 of the Managing Development DPD (Submission Version 2012 with modifications), Policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development is well designed and that it preserves or enhances the character and appearance of the Borough's Conservation Areas.

### **Amenity**

- 10.24 Policy SP10 (4) of the adopted Core Strategy (2010), Policy DM25 in the Managing Development DPD (Submission Version 2012 with modifications), policies DEV2 and DEV50 of the UDP (1998) and Policy DEV10 of the Interim Planning Guidance (2007), seek to ensure that developments protect and where possible improve the amenity of existing and future residents which includes visual privacy, overshadowing, outlook, noise and vibration levels.

### Privacy/ Overlooking

- 10.25 Saved UDP Policy DEV2 and policy DM25 of the Managing Development DPD (Submission Version 2012 with modifications) requires new developments to be designed to ensure that there is no unduly detrimental reduction in privacy for existing and future occupiers. Given that the proposed windows are directly above the existing windows on the floor below, it is considered that the proposal does not introduce any further impact on the privacy or overlooking of existing residents within

neighbouring blocks.

#### Sunlight and Daylight

- 10.26 Given the location of the proposal above the existing residential block E, the angle of the pitch on the mansard roof and the separating distance between block C (12.5m), block F (5m) and Repton Boys Club (10m), the most affected residents will be in block F. It is recognised that the residents in this block may have a slight reduction in sunlight however this would be very minimal. The shadowing diagram shows that due to the existing parapet wall which is being contained there would only be a very small loss of sunlight to the courtyard area and none to the flats windows of Repton Boys Club. It is considered that on balance, there would not be a significant loss in sunlight/daylight than that already exists. It is therefore considered that the proposed development would accord with policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and policy DEV1 of the IPG, in terms of daylight and sunlight.
- 10.27 The proposal does not result in any unduly detrimental impacts in terms of privacy, overlooking, sunlight and daylight or sense of enclosure for existing or future residents. As such, the proposal would accord with Policy SP10 of the Core Strategy (2010), saved policies DEV2 and DEV50 of the Council's Unitary Development Plan (1998), policy DM25 of the Managing Development DPD (Submission Version 2012 with modifications) and Policies DEV1 and DEV10 in the Interim Planning Guidance (2007), which seek to protect residential amenity.

#### Private Amenity Space

- 10.28 Saved UDP policy HSG16 requires that new development should make adequate provision for amenity space, this is re-affirmed in IPG Policy HSG7.
- 10.29 Policy DM4 of the Managing Development: DPD Submission Version 2012 (with modification) specifically advises that applicants seek to provide a minimum of 5 sq m of private outdoor space for 1-2 person dwellings and an extra 1 sq m should be provided for each additional occupant.
- 10.30 The Bath House site already has a very well cared for and useful shared amenity space for existing residents. No balconies/terraces have been proposed for this development as they would have a negative impact on the appearance of the development. Officers are satisfied that the existing facilities would serve any new occupants and residents adequately in terms of private amenity spaces.
- 10.31 The proposed flats are all provided with amenity space in the form of shared gardens and courtyard. As such the proposal would accord with save policy HSG16 of the Unitary Development Plan (1998), Policy DM4 in the Managing Development: DPD (Submission Version 2012 with modification) and Policy HSG7 of the Interim Planning Guidance (2007) These policies seek to ensure that high quality, useable amenity spaces are incorporated into new developments. These policies seek to ensure that high quality, useable amenity spaces are incorporated into new developments.

#### Refuse

- 10.32 Policy 5.17 of the London Plan, Policy DM14 of the Managing Development DPD (Submission Version, 2012), Policy SP05 of the Core Strategy (2010), Saved Policies DEV55 and DEV56 of the UDP (1998) and Policy DEV15 of the Interim Planning Guidance (2007) require developments to make suitable waste and

recycling provision within developments.

- 10.33 As mentioned in the in the objections the waste storage arrangements on site are not as the approved details (PA/09/01643). A larger area for refuse storage was built currently containing four refuse bins instead of three and a separate area of general storage adjacent to it. This has been discussed with the applicant and it was agreed that whole area of storage will be used solely for refuse storage with additional bins for general refuse and separate bins for recycling provided. Further details have been received showing that seven bins for general refuse and four bins for recycling will be provided in this area. It is therefore considered that the increased provision of waste storage is more than sufficient to meet the need of the additional three units in the proposal. A condition will ensure that the waste storage provisions will be provided prior to the occupation of the flats.
- 10.34 Subject to a condition it is considered that the proposal is acceptable in terms of refuse storage and collection, which accords with saved policy DEV55 of the Unitary Development Plan (1998), Policy DM14 of Managing Development: Development Plan Document (Submission Version 2012 with modifications) and policy DEV15 of the Interim Planning Guidance (2007) which requires waste and recycling facilities to be adequate to service the site.

## **Transportation and Highways**

### Access and Car Parking

- 10.35 Policy 6.9 of the London Plan (2011), policy SP09 of the Core Strategy (2010), Policies DM22 and DM23 in the Managing Development DPD (submission version 2012), and policy DEV19 in the Interim Planning Guidance (2007) seek to facilitate more walking and cycling as part of new developments and create a safer environment for cyclists.
- 10.36 LBTH Transport and Highways have commented that the subject site is located in an area of good public transport accessibility (PTAL 4) therefore, as already agreed with the applicant, the development shall be subject to a section 106 car free agreement for the residential units to promote sustainable modes of transportation and prevent future occupiers from applying for on-street parking permit. Highways have no objections subject to the relevant conditions.

### Cycle Parking

- 10.37 London Plan (2011) Policies 6.1 and 6.9 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.
- 10.38 Policy SP09 of the Core Strategy (2010), Policies DM22 and DM23 in the Managing Development DPD (Submission Version 2012 with modifications) and policy DEV16 of the Interim Planning Guidance (2007) re-affirms this aim and also emphasises the need to provide better facilities and a safer environment for cyclists.
- 10.39 Representations have raised the issue of lack of cycle parking in the Bath House complex. Originally the development of 47 flats did not provide any cycle parking spaces. With the additional flats created under planning application PA/07/01973 a cycle store was created in the basement. A site visit to the property showed that this store did exist but was smaller than shown on the plans. It is the officer's opinion that the store is still adequate for the cycle storage requirements of the four basement

flats created under planning application PA/07/01973. It should be noted that the site currently has 10 additional cycle spaces that were not a requirement of any planning application. The new development is only be required to provide an extra 1 cycle space per dwelling, a total of 3 additional spaces. The applicant has agreed to provide an additional 5 cycle parking spaces as part of this proposal. These will be located on the north wall of block E

10.40 Highways are satisfied with the provision of 5 secure cycle storage spaces for the proposed new flats and to reduce some of the demand from the existing flats.

### **11.0 Localism Act (amendment to S70(2) of the TCPA 1990)**

11.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

11.2 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

11.3 Section 70(4) defines “*local finance consideration*” as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

11.4 In this context “grants” might include:

- a) Great Britain Building Fund: the £400m “Get Britain Building” Fund and government-backed mortgage indemnity guarantee scheme to allow house buyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

11.5 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

11.6 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012.

11.7 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the Communities and Local Government (CLG), with additional information from empty homes and additional social housing included as part of the final calculation. It is

calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

- 11.8 Using the Department for Communities and Local Government's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £4,286 within the first year and a total of 25,719

## **12.0 ANY OTHER ISSUES**

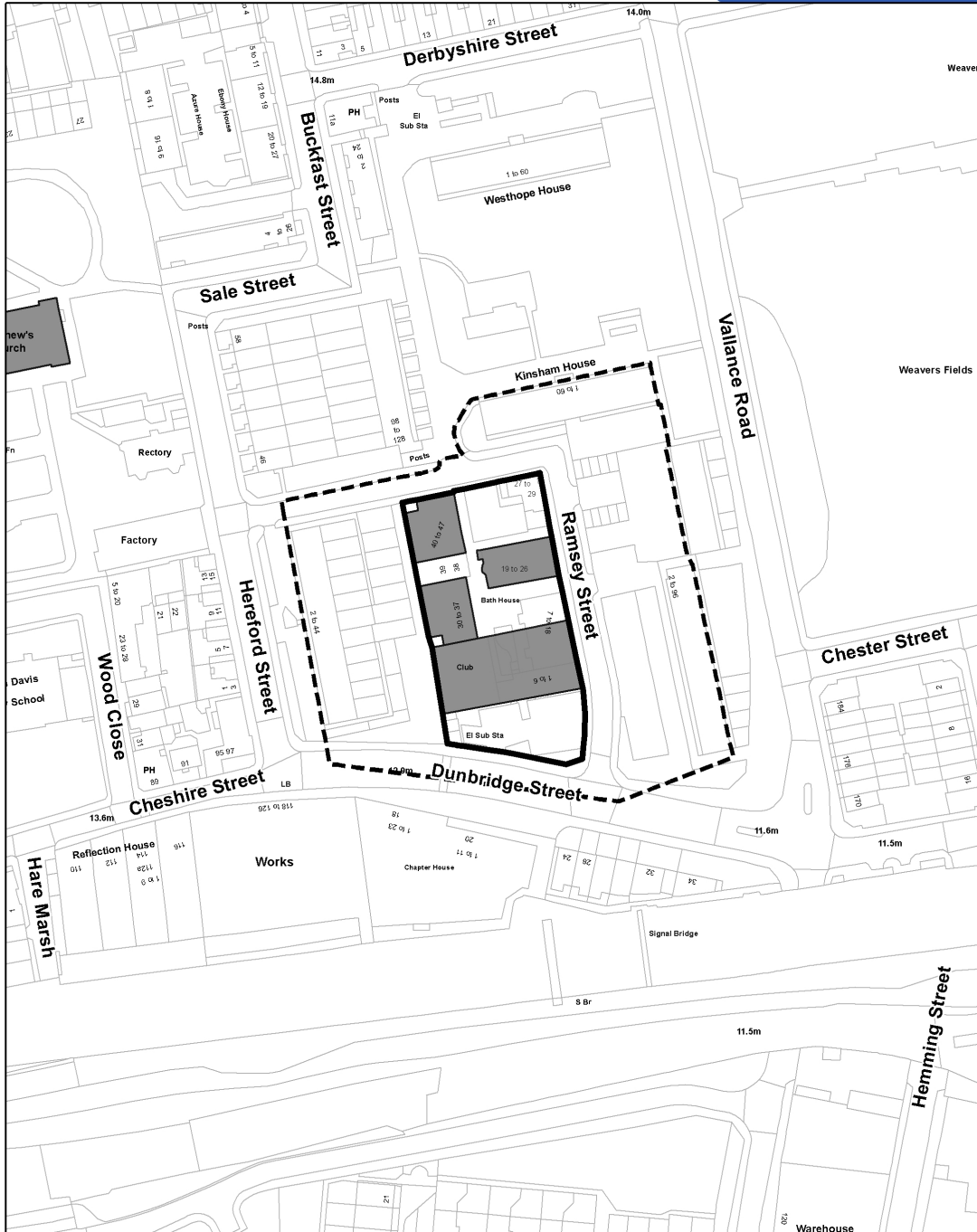
- 12.1 Following the publication of the London Mayor's Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to a scheme of this size is £5,355.00 which is based on the gross internal area of the proposed development.

## **13.0 CONCLUSION**

- 13.1 All other relevant policies and considerations have been taken into account. Planning Permission and Listed Building Consent should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

## **SITE MAP**

Planning Application Site Map PA/12/02632



Planning Application Site Boundary

Locally Listed Buildings

Consultation Area

Statutory Listed Buildings



1:1,500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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## APPENDIX 2

<b>Agenda Item number:</b>	7.2
<b>Reference number:</b>	PA/12/02632 and PA/12/02633
<b>Location:</b>	Bath House, Dunbridge Street, London
<b>Proposal:</b>	Removal of existing hipped roof to Block E and replacement with new mansard roof to provide 2 x 1 bedroom flats and 1 x 2 bedroom flat including raising the stairwells and associated works to refuse and cycle stores.

### 1.0 CONSULTATION RESPONSES

- 1.1 Two supplementary objection letters from earlier objectors have been received. The letters reiterate the original objections regarding the poor standard of the original and remedial building works that have taken place. The second letter further stresses the importance of protecting the historic building and the negative impact that the proposal will have on the building.

No new issues were raised which have not already been addressed in the main report.

### 2.0 RECOMMENDATION

- 2.1 Officer's recommendations remain unchanged.



# Agenda Item 6.3

<b>Committee:</b> Development	<b>Date:</b> 15 May 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Town Planning Application, Conservation Area Consent and Listed Building Consent	
<b>Case Officer:</b> Mary O'Shaughnessy		<b>Ref No:</b> PA/11/03371 – 3372 - 3373	
		<b>Ward:</b> Bow West	

## 1.0 APPLICATION DETAILS

**Location:** Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London

**Existing Use:** Vacant warehouse buildings and commercial units.

**Proposal:** Demolition of existing buildings to facilitate the redevelopment of the site to provide three buildings ranging in height from 3 - 6 storeys including Block A (part 3 part 4 storeys to the north of the Hertford Union Canal), Block B (6 Storeys to the south of the Hertford Union Canal) and Block C (4 storeys to the south of the Hertford Union Canal) to provide 34 residential units comprising 10 x 1 bedroom, 15 x 2 bedroom, 4 x 3 bedroom and 5 x 4 bedroom houses, 74.8 square metres of commercial floor space to be used as either Use Class A1, A2, A3, B1 or D1, including provision of one accessible parking space, cycle parking, public and private amenity space and associated works.

**Drawing Nos:**

- A1-01 REV01 (Site context plan)
- A1-10 REV01 (Ground floor plan)
- A1-11 REV01 (First floor plan)
- A1-12 REV01 (Second floor plan)
- A1-13 REV01 (Third floor plan)
- A1-14 REV01 (Fourth floor plan)
- A1-15 REV01 (Fifth floor plan)
- A1-20 REV01 (Building 'A' typical floor plans)
- A1-21 REV01 (Building 'B' typical floor plans)
- A1-22 REV01 (Building 'C' typical floor plans)
- A1-81 REV01 (Proposed site sections)
- A1-82 REV01 (Proposed site elevations)
- A1-91 REV01 (Proposed Building 'A' external elevations)
- A1-92 REV01 (Proposed Building 'B' external elevations)
- A1-93 REV01 (Proposed Building 'C' external elevations)
- A2-05 REV01 (Existing site plan)
- A2-10 REV01 (Demolition site plan)
- A2-81 REV01 (Existing site conditions)
- A2-82 REV01 (Existing site elevations)
- A4-01 REV01 (Proposed external envelope details)
- A4-02 REV01 (Proposed external envelope details)
- 2011-1129-AT-007 (Entry & Exit Manoeuvre using a 7.9m Pumping Appliance)

**Documents:**

- Design and Access Statement, Reference: L2853/DS1004, dated October 2011, prepared by Lewis and Hickey.
- Planning and Impact Statement, dated October 2011, prepared by Dalton Warner Davis.
- Bow Wharf Heritage Assessment, prepared by Dalton Warner Davis.
- Air Quality Assessment, dated 14 September 2011, prepared by SKM Enviros.

- Extended Phase 1 Habitat Survey – Bat Habitat Suitability Assessment, Reference: H2OURB-BOWWHA-3385, dated July 2011, prepared by Ecosulis.
- The Code for Sustainable Homes – Strategic Report, Version 4, dated 3 October 2011, prepared by EcoConsulting (UK) Ltd.
- Energy Report – Bow Wharf – Version 8, dated 4 October 2011, prepared by EcoConsulting.
- Asbestos Survey Report, Reference: TM0088/1, prepared by Chemtest onsite.
- Transport Statement, October 2011, prepared by TTP Consulting.
- Statement of Community Involvement, October 2011, prepared by Quatro.
- Daylight/Sunlight Report, dated 12 October 2011, prepared by GVA Schatunowski Brooks.
- Geotechnical and Geoenvironmental Report, Report No. 36398-01, prepared by STATS Limited.
- Bow Wharf Proposed fire-fighting access to new residential accommodation, Issue 4, Document Reference: MT13753R, dated 10 October 2012, prepared by ExovaWarringtonfire.
- Introduction to the Landscape Proposals, prepared by Outerspace.
- External Finishes Schedule Ref: L2853/B7/MA/GM, Issue 01, dated February 2012, prepared by Lewis & Hickey.

**Applicant:** H2O Urban (NO.2 LPP)

**Owner:** Canal and River Trust (formerly British Waterways)

**Historic Building:** Stop Lock Bridge – Grade II Listed  
2 Warehouses within the Bow Wharf Complex are locally listed -  
Former British Waterways Warehouse (3 storeys)  
Former Glue Factory (2 storeys)

**Conservation Area:** Regents Canal Conservation Area (formerly within Victoria Park Conservation Area)

## 2.0 RECOMMENDATION

2.1 Whilst officers' views on the planning merits of the scheme remain unchanged, if Members are minded to refuse planning permission, conservation area and listed building consent for this development, it is recommended that Members adopt the reasons for refusal outlined in this report (see paragraphs [6.3](#), [6.5](#), [6.7](#) and [6.8](#) below).

2.2 Since the applications were originally reported to Committee in April, the Managing Development Document was adopted by Full Council on 17th April 2013. As such it has full weight as part of the Council's 'development plan' in determining applications. Full Council also agreed to remove the retained Unitary Development Plan and Interim Planning Guidance policies. As such these policies should no longer be used to determine planning applications. Officers do not consider that the change in policy and weight to be given to the Managing Development Document has any material impact in terms of the reasons for refusal given by members at the April meeting, but members should be mindful of these changes.

## 3.0 BACKGROUND

3.1 This application for planning permission was reported to Development Committee on 11th April 2013 with an officers' recommendation for approval. A copy of the case officers' report and update report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations is attached as Appendix 1 & 2 of this report.

3.2 After consideration of this previous report and the update report, Members resolved not to accept the officers' recommendation and were reminded to refuse planning permission due to concerns over:

- Impact on the character and appearance of the conservation area.

3.3 In accordance with Rule 10.2 of the constitution and Rule 4.8 of the Development Procedure Rules, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision. The proposed reasons for refusal and implications are set out at Sections 6.0 and 7.0 of this report.

#### **4.0 FURTHER RESPONSE TO MEMBERS' PREVIOUS CONCERNS**

##### **Materials**

4.1 The applicant has provided full details of the proposed materials to officers for consideration in light of concerns raised by members at the Development Committee meeting on the 11<sup>th</sup> April 2013.

4.2 Full details of the schedule of materials can be viewed at appendix 3. However, in summary, the proposed materials include slate roof, aluminium double glazed windows and doors with stained timber inner frame and steel balconies. The main materials for the buildings would be brick and samples of a London stock style brick with a weathered appearance which would be in keeping with the existing locally listed warehouse and the surrounding conservation area have been provided.

4.3 Planning Officers in conjunction with the Urban Design Officer have reviewed the proposed materials. It is considered that they are high quality materials which would preserve the character and appearance of the Regents Canal Conservation Area.

#### **5.0 OTHER ISSUES**

If members are minded to refuse planning permission officers are suggesting that a reason for refusal around s106 be included. This would ensure that if the applicant appeals against the council's decision and did not enter into a legal agreement that the Inspector would also need to consider the implications of the lack of any financial contributions or affordable housing being provided.

#### **6.0 CONSIDERATION OF REASONS**

6.1 Members raised one area of concern on which they resolved that they were minded to refuse this application. Outlined below are suggested reason for refusal based on this concern, followed by officer's comments and advice pertaining to the proposed reason.

6.2 Officers have also prepared a reason for refusal for the conservation area consent and the listed building consent application.

##### **Suggested Reasons for Refusal**

##### **Full Planning Permission – reason for refusal**

6.3 The proposal would represent an unacceptable form of development with regard to design, appearance, height, bulk, scale and massing which would fail to preserve or enhance the open character and appearance of this part of the Regents Canal Conservation Area. As such, the proposal would be contrary to strategic policy SP10 of the adopted Core Strategy

(2012), policies DM25 and DM27 of the adopted Managing Development Document (2013), the National Planning Policy Framework and the guidance contained within the Regents Canal Conservation Area Appraisal. These policies seek to ensure development preserves or enhances the character and appearance of the Regents Canal Conservation Area and that development takes account of local context.

- 6.4 **Officer Comment:** The applicant has provided a further document illustrating how the design evolution and materials would preserve the open character and appearance of the Regents Canal Conservation Area which may address Members concerns.
- 6.5 No planning obligations in the form of financial contributions have been secured to mitigate the impacts of the development. As a result, the proposal fails to meet the requirements of policy SP13 of the adopted Core Strategy (2010) and the Planning Obligations Supplementary Planning Document which seeks to agree planning obligations between the Local Planning Authority and developers to mitigate compensate and prescribe matters relating to the development.
- 6.6 **Officer Comment:** Officers are suggesting if members are minded to refuse planning permission that they also include this as a reason for refusal. This would ensure that if the applicant appeals and were not to enter into a legal agreement that the Inspector would also consider the implications of the lack of any financial contributions or affordable housing being provided.

#### **Conservation Area Consent– reason for refusal**

- 6.7 In the absence of an approved planning permission for the re-development of the site, the demolition of the existing buildings would leave an undeveloped site which would represent a blight on the character and appearance of the Regents Canal Conservation Area, contrary to strategic policy SP10 of the adopted Core Strategy (2012), policy DM27 of the adopted Managing Development Document (2013), the National Planning Policy Framework and the guidance within the Regents Canal Conservation Area Appraisal. These policies seek to ensure development preserves or enhances the character and appearance of the Regents Canal Conservation Area.

#### **Listed Building Consent– reason for refusal**

- 6.8 In the absence of an approved planning permission for the redevelopment of the site, the proposal, which includes alterations to the listed bridge, is not considered to protect the setting of the Grade II listed Stop Lock Bridge. As such, this would be contrary strategic policy SP10 of the adopted Core Strategy (2012), policy DM27 of the adopted Managing Development Document (2013), the National Planning Policy Framework and the guidance within the Regents Canal Conservation Area Appraisal. These policies seek to ensure that alterations respect the special architectural and historic interest of Listed Buildings.
- 6.9 **Officer Comment:** Officers consider the proposed alterations to the Grade II listed stop lock bridge are acceptable in principle and could be carried out (subject to the grant of planning permission for the works) without the need for having an approved development for the site.

### **7.0 IMPLICATIONS OF THE DECISION**

- 7.1 Following the refusal of the application the following options are open to the Applicant. These would include (though not be limited to):
1. The applicant could appeal the decisions and apply for an award of costs against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

*“Planning authorities are not bound to accept the recommendations of their officers.*

*However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council".*

2. There are two financial implications arising from appeals against the Council's decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of "unreasonable behaviour". Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122).
3. The Inspector will be entitled to consider the type and amount of affordable housing. This could result in the developers being able to provide affordable rented housing at up to 80% of market rents across this site, as opposed to the current proposed offer which secures the affordable rent at POD levels (especially in view of the Planning Inspector's Report which dealt with the Examination In Public into the Managing Development Document). Similarly, the developer may elect to either renegotiate planning obligations previously agreed or prepare a unilateral undertaking for a subsequent appeal which might well result in a lesser S.106 planning obligations package (both in terms of financial and non-financial obligations negotiated by your officers).

7.2 Whatever the outcome, your officers would seek to defend any appeal.

## **8.0 CONCLUSION**

8.1 All relevant policies and considerations have been taken into account. Whilst officers remain satisfied that planning permission, conservation area consent and listed building consent for this proposed development should be **GRANTED**, subject to suitable conditions and the signing of a S.106 Agreement taking account of the material samples submitted to illustrate that the proposed development would preserve the open character and appearance of the Regents Canal Conservation Area. Members are directed to the draft reasons for refusal and officers comments, viewed alongside the previous report and update report presented to the Development Committee on 11<sup>th</sup> April 2013 (see Appendices 1 and 2) and determine the planning application as appropriate.

## **9.0 APPENDICES**

9.1 Appendix One - Committee Report to Members on 15<sup>th</sup> April 2013  
Appendix Two – Update Report to Members on 15<sup>th</sup> April 2013  
Appendix Three – Materials Schedule

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<b>Committee:</b> Development	<b>Date:</b> 11April, 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application, Conservation Area Consent and Listed Building Consent
<b>Case Officer:</b> Mary O'Shaughnessy	<b>Ref No:</b> PA/11/03371– 3372 - 3373
	<b>Ward:</b> Bow West

## 1. APPLICATION DETAILS

**Location:** Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London

**Existing Use:**  
**Proposal:** Demolition of existing buildings to facilitate the redevelopment of the site to provide three buildings ranging in height from 3 - 6 storeys including Block A (part 3 part 4 storeys to the north of the Hertford Union Canal), Block B (6 Storeys to the south of the Hertford Union Canal) and Block C (4 storeys to the south of the Hertford Union Canal) to provide 34 residential units comprising 10 x 1 bedroom, 15 x 2 bedroom, 4 x 3 bedroom and 5 x 4 bedroom houses, 74.8 square metres of commercial floor space to be used as either Use Class A1, A2, A3,B1 or D1, including provision of one accessible parking space, cycle parking, public and private amenity space and associated works.

**Drawing Nos:**

- A1-01 REV01 (Site context plan)
- A1-10 REV01 (Ground floor plan)
- A1-11 REV01 (First floor plan)
- A1-12 REV01 (Second floor plan)
- A1-13 REV01 (Third floor plan)
- A1-14 REV01 (Fourth floor plan)
- A1-15 REV01 (Fifth floor plan)
- A1-20 REV01 (Building 'A' typical floor plans)
- A1-21 REV01 (Building 'B' typical floor plans)
- A1-22 REV01 (Building 'C' typical floor plans)
- A1-81 REV01 (Proposed site sections)
- A1-82 REV01 (Proposed site elevations)
- A1-91 REV01 (Proposed Building 'A' external elevations)
- A1-92 REV01 (Proposed Building 'B' external elevations)
- A1-93 REV01 (Proposed Building 'C' external elevations)
- A2-05 REV01 (Existing site plan)
- A2-10 REV01 (Demolition site plan)
- A2-81 REV01 (Existing site conditions)
- A2-82 REV01 (Existing site elevations)
- A4-01 REV01 (Proposed external envelope details)
- A4-02 REV01 (Proposed external envelope details)
- 2011-1129-AT-007 (Entry & Exit Manoeuvring a 7.9m Pumping Appliance)

**Documents:**

- Design and Access Statement, Reference: L2853/DS1004, dated October 2011, prepared by Lewis and Hickey.

- Planning and Impact Statement, dated October 2011, prepared by Dalton Warner Davis.
- Bow Wharf Heritage Assessment, prepared by Dalton Warner Davis.
- Air Quality Assessment, dated 14 September 2011, prepared by SKM Enviros.
- Extended Phase 1 Habitat Survey – Bat Habitat Suitability Assessment, Reference: H2OURB-BOWWHA-3385, dated July 2011, prepared by Ecosulis.
- The Code for Sustainable Homes – Strategic Report, Version 4, dated 3 October 2011, prepared by EcoConsulting (UK) Ltd.
- Energy Report – Bow Wharf – Version 8, dated 4 October 2011, prepared by EcoConsulting.
- Asbestos Survey Report, Reference: TM0088/1, prepared by Chemtest onsite.
- Transport Statement, October 2011, prepared by TTP Consulting.
- Statement of Community Involvement, October 2011, prepared by Quatro.
- Daylight/Sunlight Report, dated 12 October 2011, prepared by GVA Schatunowski Brooks.
- Geotechnical and Geoenvironmental Report, Report No. 36398-01, prepared by STATS Limited.
- Bow Wharf Proposed fire-fighting access to new residential accommodation, Issue 4, Document Reference: MT13753R, dated 10 October 2012, prepared by ExovaWarringtonfire.
- Introduction to the Landscape Proposals, prepared by Outerspace.

<b>Applicant:</b>	H2O Urban (NO.2 LPP)
<b>Ownership:</b>	Canal and River Trust (formerly British Waterways)
<b>Historic Building:</b>	Stop Lock Bridge – Grade II Listed 2 Warehouses within the Bow Wharf Complex are locally listed - Former British Waterways Warehouse (3 storeys) Former Glue Factory (2 storeys)
<b>Conservation Area:</b>	Regents Canal Conservation Area (formerly within Victoria Park Conservation Area)

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

### Full Planning Permission – PA/11/03371

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Managing Development - Development Plan Document (Submission version May 2012) and modifications, Interim Planning Guidance (2007), adopted supplementary planning guidance and documents, the London Plan 2011 and the National Planning Policy Framework and has found that:
- 2.2 The proposal is in line with the Mayor of London and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3.4 of the London Plan (2011), strategic policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development - Development Plan Document (Submission version 2012) and modifications which seeks to ensure the use of



land is appropriately optimised.

- 2.3 On balance, the proposed redevelopment of the site which includes the loss of employment floor space to provide a residential led mixed use development including some flexible floor space is considered acceptable. Given, the existing employment floor space is outmoded and has been vacant; its loss would be considered acceptable in this instance. Furthermore, the loss of employment floor space would be partially offset by the provision of a new commercial unit. Finally, the principle of a residential led development in this location is considered acceptable and would not compromise the function of the Bow Wharf Complex which offers a range of flexible commercial floor space. As such, the proposal accords with policies 4.1, 4.2 and 4.3 of the London Plan 2011, strategic policies SP02 and SP06, Core Strategy Development Plan Document 2010, saved policies DEV3, EMP1, EMP3, S7 and ART6 of the Unitary Development Plan 1998 and policies DM1, DM2, DM3 and DM15 of the Managing Development - Development Plan Document (Submission version 2012) and modifications. These policies seek to encourage economic development.
- 2.4 The proposal provides an acceptable amount of affordable housing and mix of units, in light of the viability of the scheme. As such, the proposal is in line with policies 3.8, 3.10, 3.11, 3.12, 3.13 of the London Plan 2011, strategic policy SP02 of the Core Strategy Development Plan Document 2010 and policy DM3 of Managing Development - Development Plan Document (Submission version 2012) and modifications which seek to ensure that new developments offer a range of housing choices.
- 2.5 On balance the proposal provides acceptable residential space standards and layout. As such, the scheme is in line with policy 3.5 of the London Plan 2011, strategic policy SP02 of the Core Strategy Development Plan Document 2010 and policy DM4 of the Managing Development - Development Plan Document (Submission version May 2012) and modifications which seek to provide an acceptable standard of residential accommodation.
- 2.6 On balance the proposal provides an acceptable amount of amenity space including private amenity space in the form of balconies and a new public open space in the form of a piazza adjacent to the existing tow path. This is in line with policies 3.6 and 7.18 of the London Plan 2011, strategic policies SP02 and SP04 of the Core Strategy Development Plan Document 2010, policies DM4 and DM10 of the Managing Development - Development Plan Document (Submission version May 2012) and modifications which seek to improve amenity and liveability for residents and protect existing and secure the delivery of new public open space
- 2.7 The design, appearance, height, scale, bulk, massing and layout of the proposal are considered to be acceptable. The proposed design and appearance has been developed taking account of the industrial heritage of the Bow Wharf site including the setting of the Regents Canal Conservation Area and the Grade II Listed Stop Lock Bridge. Furthermore, the proposed bulk, scale and massing is in keeping with the scale of development within the local and wider area. This is in accordance with policies 7.1, 7.4, 7.6, 7.8 and 7.9 of the London Plan 2011, strategic policy SP10 of the adopted Core Strategy 2010, saved policy DEV1 and DEV37 of the Unitary Development Plan 1998, policies DM24 and DM27 of the Managing Development - Development Plan Document (Submission version May 2012) and modifications and policy DEV2 the Interim Planning Guidance (2007). These policies seek to ensure high quality design within the borough whilst respecting the special architectural and historic interest of listed buildings and ensuring new development preserves or enhances the character and appearance of conservation areas.
- 2.8 The proposal would not give rise to any unduly detrimental impacts in terms of privacy, overlooking, outlook, sense of enclosure, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to

ensure a satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of policy SP10 of the Core Strategy Development Plan Document 2010, saved policy DEV2 of the Unitary Development Plan 1998, policy DM25 of the Managing Development - Development Plan Document (Submission version May 2012) and modifications which seek to protect residential amenity.

- 2.9 Transport matters, including parking, access and servicing, are acceptable and in line with strategic policies SP08 and SP09 of the Core Strategy Development Plan Document 2010, saved policies T16 and T19 of the Unitary Development Plan 1998, policy DM20 and DM22 of the Managing Development - Development Plan Document (Submission version May 2012) and modifications which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.10 The development, through the provision of renewables would result in a satisfactory reduction in carbon emissions and also seeks to secure the code for sustainable homes level 4 which is in accordance with the energy hierarchy within the London Plan 2011 (policies 5.1 to 5.7), strategic policy SP11 of the Core Strategy Development Plan Document 2011 and, and policy DM29 of the Managing Development - Development Plan Document (Submission version May 2012) and modifications, which seek to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.
- 2.11 Contributions have been secured towards the provision of affordable housing, education, community facilities, health, sustainable transport, employment and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy Regulations 2010; strategic policy SP02 and SP13 of the Core Strategy Development Plan Document 2010; saved policy DEV4 of the Council's Unitary Development Plan 1998; and the London Borough of Tower Hamlets Planning Obligations Supplementary Planning Document (2011) which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

#### **Conservation Area Application – PA/11/03372**

- 2.12 The proposed demolition works and proposed redevelopment is considered to preserve the character and appearance of the Regents Canal Conservation Area and would not cause significant harm to the setting of the Grade II Listed Stop Lock Bridge. The design, appearance and position of the proposed development would be acceptable and would not harm the significance of the heritage assets in accordance with National Planning Policy Framework, strategic policy SP10 of the Core Strategy 2010, saved policies DEV1, DEV28, DEV30 and DEV37 of the adopted Unitary Development Plan 1998 and policies DM24 and DM27 of the Managing Development - Development Plan Document (Submission version May 2012) and modifications. These policies seek to ensure appropriate design within the Borough which respects the local context and preserves the character and appearance of local conservation areas and the setting of listed buildings.

#### **Listed Building Application – PA/11/03372**

- 2.13 The proposed repair and alterations to the Grade II Listed Stop Lock Bridge are considered acceptable and would not adversely impact on the character, fabric or identity of the heritage asset which accords with the National Planning Policy Framework, strategic policy SP10 of the Core Strategy 2010, saved policies DEV1 and DEV37 of the Unitary Development Plan 1998 and policies DM24 and DM27 of the Managing Development - Development Plan Document (Submission Version May 2012) and modifications which seek to ensure that proposals protect the character and fabric of heritage assets and preserve the character and

appearance of conservation areas.

### 3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission, listed building consent and conservation area consent subject to:

A. The prior completion of a **legal agreement** to secure the following planning obligations:

#### **Financial Contributions**

- a) A contribution **£105,065** towards education.
- b) A contribution of **£3,837** towards employment, skills, training and enterprise initiatives.
- c) A contribution of **£23,101** towards community facilities.
- d) A contribution of **£574** sustainable transport.
- e) A contribution of **£28,368** towards Health.
- f) A contribution of **£3218 (2%)** towards s.106 monitoring fee.

#### **Non- Financial Contributions**

- g) **29%** affordable housing by habitable room comprising 10 affordable rent residential units in building C and 3 shared ownership units in building B.
- h) The completion of a **car-free agreement**.
- i) **Access to employment** initiatives for construction through 20% of non-technical total construction jobs to be advertised through the Council's job brokerage service.
- j) An expectation that 20% of total value of contracts which procure goods and services are to be achieved using firms located within the borough.
- k) Any other obligation(s) considered necessary by the Corporate Director Development and Renewal.

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions for Full Planning Permission – PA/11/03371**

##### **Compliance Conditions**

1. Time limit – Five Years.
2. Compliance with plans - Development in accordance with the approved schedule of drawings and documents.
3. Hours of Operation of Commercial Unit.
4. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
5. Residential accommodation - compliance with Life Time Homes and 10% Wheel Chair Accessible.
6. Compliance with energy strategy.
7. No servicing from Old Ford Road.
8. Compliance with Arboriculture report and tree protection plan/measures.
9. D1 use restricted.

### **Pre-Commencement Conditions**

10. No works shall commence until conservation area consent has been sought for the demolition of part of the chalet unit and the demolition works carried out.
11. No development shall commence until post completion testing of the fire access route has been carried out in conjunction with the Local Fire Authority.
12. Construction Management Plan including details of use of water for transportation of materials and waste during demolition and construction phases.
13. Contaminated Land.
14. Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water.
15. Survey of the condition of the waterway wall and a method statement and schedule of work.
16. Full details of protection measures for listed bridge during construction.
17. S278.
18. Full details of scheme of lighting for the development demonstrating the lighting would have no adverse impact on biodiversity of the site and would result in a safe and secure development.
19. Full details of secure by design measures including details of lighting and CCTV.
20. Full details of hard and soft landscaping for the access route from Old Ford Road including details of how pedestrian safety would be prioritised and details of weight restriction measures for the Stop Lock Bridge.
21. Full details of hard and soft landscaping for the development as a whole to include planting and other measures to enhance biodiversity and high quality materials appropriate for the conservation area setting.
22. Full details of replacement trees to include Adler Trees.
23. Full details of specification and samples of all facing materials.
24. Full details of specification, samples and detailed design (including drawings at scale 1:20 of all balconies).
25. Full details of specification and detailed design (including drawings at scale 1:20 (plus sections) of detailed design of shop front to be installed prior to completion of development.
26. Full details of specification of stands and drawings at scale 1:20 of detailed layout. Stands to be Sheffield stands or similar.
27. Code for Sustainable Homes for residential units.
28. BREAAAM for commercial unit.
29. Full details of noise mitigation measures for proposed residential units.
30. Compliance with soft demolition techniques and timings with regard to protected species (bats and black red starts).
31. Biodiversity enhancement report and plan to include details of bird and bat boxes and enhancement to canal walls.
32. Full details of ventilation and extraction if required for commercial unit.

### **Prior to Occupation Conditions**

33. Post-completion noise testing for residential units.
34. Full details of Delivery and Service Plan (SSP) including details of refuse and recycling management plan.
35. Secured by Design Assessment.
36. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

### **Informatives**

1. Associated S106.

2. Associated Conservation Area Consent and Listed Building Consent.
3. Compliance with Environmental Health Legislation.
4. Compliance with Building Regulations.

**Conditions for Conservation Area Consent – PA/11/03372**

1. Time limit – Five Years.
2. No works shall commence until conservation area consent has been sought for the demolition of part of the chalet unit and the demolition works carried out.
3. No demolition works shall be carried out until a contract is in place for the redevelopment of the site.
4. Any access to or from the towpath, closures of the towpath or scaffolding oversailing the Canal & River Trust’s land or water during the construction must be agreed in writing with the Canal & River Trust before development commences.
5. The applicant/developer should refer to the current Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust” to ensure that any necessary consents are obtained, and liaise with the Trust’s Third Party Work’s Engineer: <http://canalrivertrust.org.uk/about-us/for-businesses/undertaking-works-on-our-property>.

**Informatives for Conservation Area Consent – PA/11/03372**

1. Associated S106.
2. Associated Full Planning Permission and Listed Building Consent.
3. Compliance with Environmental Health Legislation.
4. Compliance with Building Regulations.

**Conditions for Listed Building Consent – PA/11/03373**

1. Time limit – Five Years.
2. Detailed drawings at scale 1:20 including sections where necessary of replacement wall including a method statement of how existing materials of merit such as coping stone will be retained and reused and schedule of works.
3. Detailed method statement for repair and painting of railings.
4. Dull details of weight restriction measures.

**Informatives for Listed Building Consent – PA/11/03373**

1. Associated Full Planning Permission and Conservation Area Consent.

3.3 That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

**4. PROPOSAL AND LOCATION DETAILS**

**Background**

4.1 The Council refused planning permission on the 4 August 2009 (PA/09/00766) for the “*Demolition of existing buildings and redevelopment to provide two buildings of between four and eight storeys comprising 50 (13 x 1 bed, 31 x 2 beds and 6 x 3 beds) residential units and 322 square metres of commercial floorspace (Use Classes A1, A2, A3 or A4) including parking, loading, cycle parking, public amenity space and associated development*”.

- 4.2 A subsequent appeal by way of a Hearing was dismissed on the 2 November 2010 and the Inspector considered that the main issues were the “*effect of the proposal on the character and appearance of the surroundings and the Regent’s Canal Conservation Area (CA), and whether the scheme would make satisfactory provision for affordable housing and family housing*”. The appeal was dismissed on the grounds that the proposal would neither preserve nor enhance the character or appearance of the Conservation area because the form and scale of the proposed development “*would dominate existing buildings at Bow Wharf and Royal Victor Place which have been carefully developed to reinforce the historic canalside character.*”
- 4.3 An application for Conservation Area Consent was also submitted for (PA/09/00767) “*Demolition of existing buildings in association with redevelopment of the site for mixed commercial and residential use*”, this was also dismissed given an acceptable redevelopment had not been agreed.
- 4.4 Following the appeal decision the applicant entered into pre-application discussions with planning officers and urban design officers in order to develop a scheme which addressed both the council’s reasons for refusals and the planning inspectorate. Applications were submitted in December 2011 and officers prepared reports to be presented to the Development Committee in March 2012 recommending approval. However, the item was removed from the agenda because of a late objection from London Fire Brigade. The applicant has been working with London Fire Brigade and planning officers in order to overcome this objection and these concerns have now been addressed which is discussed in detail within the main body of this report.

### **Proposal**

- 4.5 Planning permission is sought for the demolition of the existing buildings on site and the redevelopment to provide three new buildings on the site. Building A located on the north side of the Hertford Union Canal would rise from three to four storeys. Buildings B and C would be located on the south side of the Hertford Union Canal and would be six and four storeys in height.
- 4.6 Building A would be located on the north west side of the canal junction and comprises a part three part four storey block (including roof space accommodation) comprising 11 units ( 4 x 1 bed and 2 x 2 bed flats 5 x 4 bedroom three storey town houses.
- 4.7 Building B, located on the south east side of the canal is the largest part of the proposal and comprises a six storey building (also with roof space accommodation) comprising 16 residential units (5 x 1 bed and 11 x 2 bed flats), including 2 wheelchair accessible units.
- 4.8 Building C would comprise a four storey block that includes the proposed commercial use on the ground floor with seven flats on the upper floors, comprising 1 x 1 bed, 2 x 2 bed and 4 x 3 bed flats including the 2 wheelchair accessible units.
- 4.9 The proposal would be residential led and would provide 34 new flats and homes comprising a mix of 5 x 4 bedroom houses, 10 x 1 bedroom flats, 15 x 2 bedroom flats and 4 x 3 bedroom flats.
- 4.10 The proposal also includes the provision of a commercial unit measuring 74.8 square metres which would be located at the ground floor level of building C. This would have a flexible permission including Use Classes A1, A2, A3, B1 and D1.
- 4.11 The proposal would include the creation of new public piazza, together with associated works including landscaping, highway improvements, cycle parking, servicing and plant. The

proposal would be a car free development.

- 4.12 The conservation area application seeks permission for the demolition of two unlisted buildings including a former warehouse building to the north of the canal and a single storey building at the southern boundary of the site.
- 4.13 Listed building consent is also sought for repair and improvement works to the grade II listed Stop Lock Bridge.

### **Site and Surroundings**

- 4.14 The application site is located on the western side of Grove Road adjacent to the junction with Old Ford Road. The site comprises the western most part of the Bow Wharf complex, an enclosed group of buildings with mixed uses including Class A1, A2, A3, B1 and D2. It is bounded by Grove Road to the east, the Hertford Union Canal to the north, the Grand Union Canal (Regents Canal) to the west and Wennington Road and Gardens, to the south.
- 4.15 The application site covers an area of approximately .24 hectares and comprises two separated plots of land that lie north and south of the Hertford Union Canal at its junction with the Regents Canal. The northern plot comprises a vacant single storey warehouse building that adjoins the towpath that runs along the northern boundary of the HertfordUnionCanal. The southern part of the site largely comprises an open plot of land that is used as a car park. A single storey building extends along the southern boundary of the site and this used to accommodate businesses.
- 4.16 Vehicular access to both parts of the site is via the narrow access road from Old Ford Road which leads to the 'Stop Lock Bridge' which is a Grade II Listed structure. Vehicular access is also possible from Grove Road. Access to the site by foot is via the main entrance of the Bow Wharf Complex from Grove Road, from the narrow access road from Old Ford Road and from the canal towpaths.
- 4.17 The appeal site is located within the newly designated Regents Canal Conservation Area (October 2008). It previously was located within the Victoria Park Conservation Area.
- 4.18 The proposed designation protects the special character of the banks of the Regent's Canal and specific canal features such as the locks, bridges, wharves, moorings and towpath all of which are evident within the appeal site.
- 4.19 The application site falls within an area of the Regents Canal which is considered to open in nature with Wennington Gardens to the south and Victoria Park to the north.
- 4.20 Adjoining the eastern boundary of the site are two locally listed buildings which make up the Bow Wharf Complex. The former British Waterways Warehouse rises to three storeys and is included on the Councils list of local buildings of architectural or historic interest. The former Glue Factory is also locally listed and is a large two storey former industrial building. Within the development there are also low rise pavilion style buildings.
- 4.21 Directly to the north of the HertfordCanal is Royal Victor Place which is a residential development which fronts the canal and rises from two to three storeys. To the north of Royal Victor Place, is a row of Grade II listed residential properties which face Victoria Park and are three storeys in height.
- 4.22 To the west of the site on the opposite side of the RegentsCanal is the Cranbrook Estate with buildings adjacent to the Canal rising to four storeys. From the junction of the Regents Canal with Roman Road to the junction with Old Ford Road to the north and within Victoria

Park the nature of the canal is clearly identified by its open nature and low scale development.

### Planning History

4.23 The following planning decisions are relevant to the application:

Application Site – Given the scale of the site there is a lengthy planning history. Only the most relevant permissions are mentioned here.

- BW/93/37 Victoria Park Wharf and Park Wharf (now known as Bow Wharf) – the Local Planning Authority (LPA) **granted** planning permission, 18 November 1993 for the *“Change of use from industrial use to a Canalside arts and crafts village comprising mixed B1 and retail use with artist studios and ancillary music workshop and two restaurants. Provision of ‘Pavilion’ retail units, external alterations to existing buildings, boundary treatment and landscaping together with car parking.”*
- BW/94/62 Victoria Park Wharf and Park Wharf (now known as Bow Wharf) –the LPA granted planning permission on 20 March 1995 for the *“Removal of Condition 1, limiting the use of site for 5 years, imposed on planning permission granted on 18th November 1993 (Ref. No. TH.668/BW/93/97).”*
- APP/E5900/A/0 4/1159432, 1159733 & 1159434 Bow Wharf –The LPA **refused** full planning permission, conservation area consent and listed building consent on 26<sup>th</sup> July 2004 and these three & consents listed below were the subject of a public inquiry. The appeal was dismissed by the Planning Inspectorate on 31<sup>st</sup> May 2005.
- PA/02/951 The LPA **refused** full planning permission on the 26 July 2004 for the *“Demolition of existing buildings and redevelopment of the site to provide a part four and part five storey development (with mezzanine), comprising the provision of 9no. Class B1 units and 32no. Residential units, together with the erection of new first floor level pedestrian footbridge over the canal.”*
- PA/02/952 The LPA **refused** conservation area consent on the 26 July 2004 for the *“Demolition of a single storey warehouse on the north side of Hertford Union Canal and demolition of a single storey cottage on the boundary of Wennington Park to allow for construction of 9no. Class B1 units and 32no. Residential units.”*
- PA/03/293 The LPA **refused** listed building consent on the 26 July 2004 for the *“Reinforcement and restoration works to the existing bridge.”*
- APP/E5900/A/1 0/2121940 Bow Wharf – The LPA **refused** full planning permission on 4 August 2008 and this consent along with the conservation area consent listed below were the subject of a hearing. The appeal was dismissed by the Planning Inspectorate on 2 November 2010.
- PA/09/00766 The LPA refused full planning permission on the 4 August 2008 for the *“Demolition of existing buildings and redevelopment to provide two buildings of between four and eight storeys comprising 50 (13 x 1 bed, 31 x 2 beds and 6 x 3 beds) residential units and 322 square metres of commercial floorspace (Use Classes A1, A2, A3 or A4) including parking, loading, cycle parking, public amenity space and associated development.”*
- PA/09/00767 The LPA successfully defended at appeal an application for conservation area consent for the *“Demolition of existing buildings in association with*



*redevelopment of site for mixed commercial and residential use.”*

## **5. POLICY FRAMEWORK**

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### **Spatial Development Strategy for Greater London (London Plan) (2011) (LP)**

- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people’s play and informal recreation facilities
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private and mixed use schemes
- 3.13 Affordable housing thresholds
- 4.1 Developing London’s economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy network
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.7 Better streets and surface transport
- 6.8 Coaches
- 6.9 Cycling
- 6.10 Walking

6.11	Smoothing traffic flow and tackling congestion
6.12	Road network capacity
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.7	Location and design of tall and large buildings
7.8	Heritage assets and archaeology
7.9	Heritage-led regeneration
7.13	Safety, security and resilience to emergency
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.18	Protecting local open space and addressing deficiency
7.19	Biodiversity and access to nature
7.24	Blue Ribbon Network
7.25	Increasing the Blue Ribbon Network for passengers and tourism
7.26	Increasing the use of the Blue Ribbon Network for freight transport
7.27	Blue Ribbon Network: supporting infrastructure and recreational use
7.28	Restoration of the Blue Ribbon Network
7.30	London's canals and other rivers and waterspaces
8.2	Planning Obligations
8.3	Community Infrastructure Levy

**Core Strategy Development Plan Document (September 2010) (CS)**

SP01	Refocusing on our town centres
SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP04	Creating a green and blue grid
SP05	Dealing with waste
SP06	Delivering successful employment hubs
SP08	Making connected places
SP09	Creating attractive and safe streets
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking and (LAP 5 & 6 – Bow)

**Unitary Development Plan 1998 (as saved September 2007) (UDP)**

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV12	Provision of Landscaping in Development
DEV13	Design of Landscaping Schemes
DEV15	Retention / Replacement of Mature Trees
DEV27	Demolition in Conservation Areas
DEV37	Listed Buildings
DEV46	Protection of Waterway Corridors
DEV48	Strategic Riverside Walkways and New Development
DEV50	Noise

DEV51	Soil Tests
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Development Affecting Nature Conservation Areas
DEV63	Designation of Green Chains
DEV64	Strategic Riverside Walkway Designation
DEV65	Protection of Existing Walkways
EMP1	Encouraging New Employment Uses
EMP8	Encouraging Small Business Growth
T7	The Road Hierarchy
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrian Needs in New Development
T26	Use of the Waterways for Freight
S7	Consideration of Development of Special Uses
S10	Requirements for New Shopfront Proposals
S11	Use of Open Grills
OS1	Reservation of Sites
OS6	Designation of Metropolitan Open Land
OS9	Children's Play Space
ART6	Definition and Purpose
U2	Development in areas at Risk from Flooding
U3	Flood Protection Measures

**Managing Development Development Plan Document (submission version May 2012) with modifications (MD DPD)**

DM1	Development within the town centre hierarchy
DM2	Protecting local shops
DM3	Delivery homes
DM4	Housing standards and amenity space
DM9	Improving air quality
DM10	Delivering open space
DM11	Living buildings and biodiversity
DM12	Water spaces
DM13	Sustainable drainage
DM14	Managing waste
DM15	Local job creation and investment
DM20	Supporting a sustainable transport network
DM21	Sustainable transportation of freight
DM22	Parking
DM23	Streets and the public realm
DM24	Place-sensitive design
DM25	Amenity
DM26	Building heights
DM27	Heritage and the built environment
DM29	Achieving a zero carbon borough and addressing climate change
DM30	Contaminated land

**Interim Planning Guidance for the purposes of Development Control (2007) (IPG)**

DEV1	Amenity
DEV2	Character and Design
DEV3	Accessible and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design

DEV6	Energy Efficiency and Renewable Energy
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycle Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV21	Flood Risk Management
DEV22	Contaminated Land
EE2	Redevelopment /Change of Use of Employment Sites
RT5	Evening and Night-time Economy
HSG1	Determining Residential Density
OSN1	Metropolitan Open Land
OSN2	Open Space
OSN3	Blue Ribbon Network and the Thames Policy Area
CON1	Listed Buildings
CON2	Conservation Areas
U1	Utilities

#### **Supplementary Planning Guidance/Documents**

Riverside Walkways (1998)  
Shop Front Design (1998)  
Canalside Development (1998)  
Landscape Requirements (1998)  
Designing Out Crime (2002)  
LBTH Planning Obligations Supplementary Planning Document(2012) (PO SPD)  
Regents Canal Conservation Area Appraisal (2009) (RCCAA)

#### **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (2012) (NPPF)

#### **Community Plan**

The following Community Plan objectives relate to the application:

A great place to live  
A healthy and supportive community  
A safe and cohesive community  
A prosperous community

### **6. CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

#### **LBTH Biodiversity Officer**

6.3 Although there is little of biodiversity interest on the application site itself, this is a key

location for enhancing biodiversity. It lies at the junction of the two canals, both of which are part of a Site of Metropolitan Importance for nature conservation. The Hertford Union Canal is also a key green corridor, linking the Grand Union Canal system, and Victoria and Mile End Parks, with the Lee Valley.

6.4 The Extended Phase 1 survey report does not address potential impacts of the development on the biodiversity of the canals. There is likely to be a minor adverse impact through shading, particularly of the Hertford Union Canal by building B, a 6-storey building on its southern side. The shading impact is not likely to be serious enough to constitute a reason for refusal of planning permission, but it does increase the importance of maximising biodiversity provision within the development.

6.5 The canals are important feeding areas and commuting routes for bats. Some species of bats avoid light, so there is a potential adverse impact from lighting the development, both during construction and after the buildings are occupied. Lighting should be designed to avoid light spillage over the canals. The removal of the proposed lighting on the south side of the canal (wall lights on building B and the lamp post), and use of directional light on building A to ensure lighting of only the tow-path, might be a way to resolve this issue.

**[Officer Comment:** Full details of external lighting for the development would be controlled via condition and seek to ensure there would be no light spillage onto the canal. If this is not possible further bat surveys would be required to establish if the types of bats roosting and using the flight path are affected by lighting ahead of agreeing a scheme of lighting for the site.]

6.6 The Extended Phase 1 Survey report identifies a small possibility that the existing buildings could be used occasionally for roosting by small numbers of bats. It is also possible that black redstarts could use them for nesting. To ensure no breach of protected species legislation, the buildings should be demolished during the winter (November to March inclusive). If this is not possible, soft demolition techniques with an ecologist present, as recommended in the Extended Phase 1 report, should be used. Additionally, black redstart surveys should be undertaken immediately before demolition if this is to take place between May and July inclusive. If black redstarts are found to be nesting on site, demolition of the building they are nesting in would have to be delayed until the young have fledged. This should be secured by condition.

**[Officer Comment:** The above matters would be controlled via condition as requested.]

6.7 Opportunities to incorporate biodiversity into the development are limited, particularly as Conservation Area considerations appear to rule out green roofs. In this respect, the landscape strip along the south side of the Hertford Union Canal is crucial. The planting scheme for the canal side strip needs to be completely re-thought to consist of locally-native species appropriate to the location.

6.8 An amended planting plan was submitted for review and the Biodiversity Officer has advised that he is broadly satisfied given it's a vast improvement over the original proposals and would include night-flowering plants which would attract moths and hence also be good for bats.

**[Officer Comment:** The applicant has provided an amended planting plan which addresses the Biodiversity Officer's concerns. Full details of landscaping to ensure the enhancement of biodiversity would be controlled via condition.]

6.9 Other possible ecological enhancements include incorporating bird and bat boxes into the new buildings (as recommended in the Extended Phase 1 report) and enhancing the canal

walls. While this section of the Hertford Union is too narrow to allow rafts or baskets to support marginal and emergent vegetation, British Waterways has apparently recently designed and approved methods of enhancing vertical canal walls without using up much space. This should be explored.

**[Officer Comment:** The provision of bird and bat boxes would be secured via condition. Where possible other types of biodiversity enhancement would be encouraged through the landscaping condition.]

#### **LBTH Sustainable Development Team**

- 6.10 Original comments provided raised concern about the proposed energy strategy. Following detailed discussions with the applicant and the submission of further information the sustainable development team are comfortable that the proposals offer an appropriate response to the adopted and emerging policy requirements.
- 6.11 Whilst the proposed energy strategy falls short of the requirements of emerging Policy DM29 of the MD DPD (which seeks a 35% reduction in CO2 emissions) the anticipated CO2 savings are in accordance with policy 5.2 of the LP and the applicant has demonstrated the CO2 savings have been maximised through energy efficiency measures and the integration of renewable energy technologies.
- 6.12 The applicant has provided a robust justification for the omission of a CHP and a communal gas system is also not considered feasible due to the scale of the development and site constraints (including the Hertford Union Canal).
- 6.13 Therefore, the CO2 savings proposed for this development are considered acceptable in this specific instance. The applicant has proposed to achieve a Code for Sustainable Homes Level 4 rating for all units which is also supported by Sustainable Development Team. The energy strategy (including the additional information) and Code for Sustainable Homes level 4 should be secured through appropriate conditions.

**[Officer Comment:** The above matters would be secured via condition as requested.]

#### **LBTH Development Design and Conservation**

- 6.14 The Urban Design Officer advised that following detailed discussion with the case officer no further objections to raise.
- 6.15 The Conservation Officer has advised the demolition proposed on the site has been accepted by the inspector and they do not propose to comment upon this further.
- 6.16 With regard to the Stop Lock Bridge, the works proposed include the resurfacing of the bridge with a resin bonded gravel, the removal of paintwork on the abutment (Hertford Union Canal Side), the demolition of the wall on the north-west side and its replacement with new section of wall and railings.
- 6.17 The repair of the surface with resin bonded gravel is to be welcomed as it allows the existing concrete within the structure to remain. In terms of the other works these are acceptable in principle. However, the current drawings provide insufficient detail of the proposed new section of wall and railings. It will be important that the wall matches existing originals in terms of the details. It is suggested that they be conditioned. The removal of paintwork could also usefully be conditioned.

**[Officer Comment:** Full details of the replacement wall will be controlled via condition as

requested. Given, the principle of reinstating the wall is acceptable. Officers, consider sufficient information has been provided at this stage and the final detail of the wall can be controlled via condition.]

### **LBTH Crime Prevention Officer**

6.18 Detailed discussion and site meetings took place between the Crime Prevention Officer and they have requested that the details be secured via planning condition.

- Lighting and CCTV would be required and the CCTV would need to be monitored through the management of the site. This is specifically required for the undercroft to Building C and the entrance to Building B. Clear signage explaining that people are being recorded via CCTV will also improve security here.
- Metal railings need to be robust and non-climbable and should only be accessible through a secure fob for residents only. Specifically in relating to Building A and Building B.

Other general Secure by Design Requirements (SBD) Tower Hamlets include:

- No Trades Buttons
- Laminated glass 6.4 mm to outer pane
- Letterboxes either in individual doors or in a bank in lobby (not outside through wall)
- Lockable window restrictors to all accessible windows
- All low defensive wall/railings to be designed so they cannot be sat upon
- All boundary walls/fences to be 2.4 meters high
- All external lighting to be photo-electric/dusk to dawn
- Internal lighting same unless no natural light in corridor in which case 50/50 scheme photo electric and detector

These standards are specific to crime problems/concerns in Tower Hamlets. All other SBD standards are shown at [www.securedbydesign.com](http://www.securedbydesign.com).

**[Officer Comment:** A lighting plan and CCTV plan would be secured as part of the landscaping condition. However, a balance between harm to biodiversity and secure by design requirements would need to be struck in assessing the final details of lighting for the development. Finally, a secure by design statement would be secured via condition. It is noted that the applicant has agreed to these recommendations. ]

### **LBTH Waste Management**

6.19 The Planning Application details that all refuse and recycling collections at the Bow Wharf Development will be managed privately by British Waterways (now the Canal and River Trust). As LBTH will not be collecting from this site, no objections have been raised to the planning application. It must however be noted that should the managing agents revert to LBTH collections for their domestic waste, LBTH are not in a capacity to collect compacted waste and other arrangements will need to be discussed.

6.20 Also for in case of future LBTH collections, the commercial units should have adequate storage for waste, segregated from residential units. Access to bin stores must be without hindrance from bollards, trees, parking bays or dropped kerb.

6.21 Capacity of bin stores should meet our Waste Planning Guidelines for both recycling and refuse. The wheeling distance from bin stores to collection vehicles should be less than 10 metres.

**[Officer Comment:** A waste and recycling management plan for both the residential and

commercial users would be controlled via condition. This would also ensure sufficient capacity and separate waste storage for different users.]

### **LBTH Housing**

- 6.22 Following an independent review of the applicant's viability toolkit, it has been established that the scheme cannot deliver more than 29% affordable housing. This is below the Council's minimum requirement of 35%, however policy does allow for viability to be considered.
- 6.23 The affordable element is split 83%:17% in favour of affordable rented, this is outside the Council's policy target of SP02 (4) 70%:30% split.
- 6.24 The unit mix within the affordable rented proposes 14% of one beds against a target of 30%, 29% of two beds against our target 25%, 57% of three beds against our target of 30%. The scheme proposes no four or five within this tenure type. Overall our SP02 target requires 45% affordable family housing within so we would find the higher provision of three beds acceptable.
- 6.25 Within the intermediate the applicant proposes to deliver 50% one beds against our target of 25%, 50% of two beds against our target of 50%. There is no provision of family units within the tenure type.
- 6.26 The applicant is proposing to deliver the rented element at Affordable rent. We need to see the rent assumptions to ensure they are in line with the parameters set by POD for that area.
- 6.27 This offer has undergone independent viability testing and on balance we would be supportive.

**[Officer Comment:** The applicant has confirmed that the rent levels would be in line with the parameters set by POD for that area.]

### **LBTH Environmental Health**

#### General

- 6.28 Premises must comply with relevant statutory requirements including the Housing Act 2004, or comply with relevant Building Regulations.

**[Officer Comment:** The applicant would be advised of the need to comply with relevant Environmental Health legislation via an informative.]

#### Noise and Vibration

- 6.29 The proposed development shall comply with the Tower Hamlets Construction Policy, the Control of Pollution Act 1974 and BS 5228: 2009 (Code of practice for noise and vibration control on construction sites) in order to ensure prevention of noise and dust nuisance and the infringement of the nuisance provisions set out in the Environmental Protection Act 1990. The applicant must also ensure that when construction begins that work is carried out only during the following hours: 8am- 6pm Monday to Friday. 8am – 1pm Saturdays. No working allowed on Sundays and Public Holidays.

**[Officer Comment:** Hours of construction and a Construction Management Plan (CMP) would be secured via condition.]

- 6.30 The application lacks any reference to the impact and implication of noise. An acoustic report examining the noise impact on the proposed development must be submitted to this



department. The report shall demonstrate how noise exposure would be mitigated to ensure that the development satisfies the design requirements of BS8233: 1999 (Sound Insulation and Noise Reduction for Buildings: (noise within premises and from adjacent premises)) and Approved Document E (ADE) of Building Regulation 2003 (Resistance to the Passage of Sound).

**[Officer Comment:** The site is not located directly adjacent to a busy road way or other noise source which would preclude the introduction of residential accommodation. Notwithstanding, details of noise insulation to ensure all residential units would comply would be secured via condition. The Environmental Health Officer has confirmed the use of conditions would be acceptable in this instance.]

- 6.31 The application proposes A3 use for part of the development in relation to commercial use. This would require separate planning application in particular to address the potential noise and smell nuisance that may result from the operation of an A3 premises. Planning for any A3 premises should therefore be considered separately and Environmental Health be consulted on such applications to ensure that specific requirements for 'high level' kitchen extract systems and effective noise abatement measures (via the submission of Noise Survey pursuant to BS4142:1997) are satisfactorily met.

**[Officer Comment:** The application seeks permission for a commercial unit which could be used for a range of uses including Use Class A3. It is noted that if an A3 use were to operate from the commercial unit full details of ventilation and extraction equipment would be required and this matter would be controlled via condition. An indicative location for a flue running internally within the building adjacent to the stair core has been proposed. If it were not possible to agree the siting and location of the necessary equipment the condition would not be discharged and an A3 use could not be commenced. Officers consider through the application of a condition requiring such details there is sufficient control to manage any potential impacts. The Environmental Health Officer has confirmed their agreement with this approach.]

#### Contaminated Land

- 6.32 The Environmental Protection Section is in possession of a report submitted in support of planning application PA/11/03371 for the development of the above site.
- 6.33 The document presents the results of intrusive investigation works that were undertaken at the site that revealed a hot spot of contamination above the assessment criteria. The Environmental Health Officer is in agreement with the recommendations contained within the report for remedial action via breaking the pathways and the importation of geochemically suitable soils in areas of soft landscaping. A condition is required on this application to ensure the developer carries out the outstanding works.

**[Officer Comment:** This matter would be controlled via condition as requested.]

#### **LBTH Highways**

##### Parking

- 6.34 The development proposals incorporate a single on-site disabled parking space which is welcomed. Other than this space the development is to be entirely car-free and this approach is also welcomed. In line with the Highway comments related to PA/09/00766, any future planning permission should be subject to a S106 car and permit free agreement.

##### Cycle Parking

- 6.35 It is stated within the submitted Transport Statement that a total of 38 cycle parking spaces in association with the residential units and a further 2 cycle parking spaces in connection with

the commercial land use. Whilst this level of provision is supported, there is no information outlining the type of stand to be utilised or demonstrating that the minimum number of stands can be accommodated in the areas shown. It is unusual for bin and bicycle storage areas to be shared as the Applicant currently proposes.

**[Officer Comment:** Full details of cycle and bin storage would be secured via condition. The applicant would be advised via an informative of the need to use a Sheffield stand or similar. Colleagues in Waste management have not raised an objection to the proposed bin storage.]

#### Servicing Arrangements

- 6.36 It is acknowledged that the proposed commercial unit (approximately 74.8 square metres sqm) is unlikely to generate large volumes of servicing trips. As identified in the submitted Transport Statement, the development proposals include provision for an area of hard standing adjacent to the proposed commercial unit which can be used by a transit van sized vehicle for the purposes of servicing. It is also possible for the proposed commercial unit to utilise the same servicing arrangements as the existing units on the site whereby vehicles can park in a designated area within the adjacent Bow Wharf car park and then transport the goods to the proposed commercial unit.
- 6.37 A Service Management Plan should be secured via condition to control the servicing (locations, size of vehicle using the area of hard standing, frequency of servicing movements and times during which servicing can take place). The Applicant is advised to avoid service vehicle movements along the access road during peak times of pedestrian and cyclist movement.

#### Refuse Arrangements

- 6.38 Comments pertaining to the suitability of the proposals for the storage and collection of waste should be obtained from the Waste Management team. Refuse collection activities will also have to be managed as part of the Delivery and Servicing Management Plan.

#### Other Comments

- 6.39 If the Case Officer is minded to grant Planning Permission, then Highways will seek a contribution towards public realm/highway improvement works. As identified in the previous Highway comments and within the Transport Statement submitted in support of the current application, works are required at the site access junction onto Old Ford Road and these are to be included as part of a S278 agreement. It is suggested that to review if any further measures be introduced within the site to secure improved/safe passage for pedestrians and cyclists along the access road. There do not appear to be any visibility splays for the site access junction onto Old Ford Road.

**[Officer Comment:** The Borough Highway Officer has confirmed that given this is an existing access route the main aim is to ensure this is improved. Whilst visibility splays would have informed the scale of work required by the S278 they are not essential in this instance subject to a s278 agreement being secured. As part of the hard and soft landscaping works which would be controlled via condition full details of measures to ensure this access route is a safe environment for all would be secured.]

#### Conclusions

- 6.40 In principle Highways have no objections, however further information is required regarding the cycle parking prior to a decision being reached on the application.
- 6.41 If planning permission is granted, please include the following:
- The Applicant is to enter into a S106 car and permit free agreement.
  - A Delivery and Servicing Management Plan is to be secured via condition.

- A Construction Management Plan is to be secured via condition.
- A condition requiring all private forecourt/areas to be drained within the site and not into the Public Highway should be included in any future planning permission. Details to be submitted to and approved by LBTH.
- A condition requiring a S278 agreement should be included.
- Footway and surrounding highway not be blocked during construction.
- All construction vehicles to comply with on-street restrictions.

**[Officer Comment:** These matters have been secured where appropriate, as detailed above.]

6.42 Following, the submission of amended access information to address London Fire Brigade Comments, the Borough Highway Officer advised that regarding revisions to the scheme in they have no further comments.

#### **LBTH Tree Officer**

6.43 Subject to suitable replacement trees which should include Adler no objection has been raised to the removal of existing trees.

**[Officer Comment:** This would be controlled via condition.]

#### **Olympic Delivery Authority (ODA)**

6.44 To date no comments have been received.

#### **Canal and River Trust (formerly British Waterways)**

6.45 The Canal and River Trust (formerly British Waterways) is a development partner in the joint venture development company H2O Urban, which has submitted these applications.

6.46 They note that the Environment Agency (EA) have requested by way of condition the need for a 5 metre buffer zone to the canal edge which they object to.

**[Officer Comment:** The EA, have confirmed via email that the purpose of the condition is to secure the existing landscaped strip is maintained and managed to promote Biodiversity. As such, a five metre buffer is not required.]

6.47 In recent comments received dated 20 November 2012, the Canal and River Trust, in their statutory capacity, have advised that they raise no objection to the proposals for the following reasons:

- Waterspace as the starting point for the design process;
- Full public access to the water's edges part of an integrated public realm, to include improvements to the towpath and accesses for cyclists and pedestrians;
- Active ground floor uses that integrate with and respond to the waterside to create a unique and vibrant waterfront;
- Visual and physical links to open up the site to the water's edge; and
- Safe and enjoyable waterfront with natural surveillance and sensitive lighting.

6.48 They request the following conditions and informatives should planning permission be granted:

#### **Conditions**

- Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water.

- Full details of landscaping.
- Full details of any lighting and CCTV.
- Survey of the condition of the waterway wall and a method statement and schedule of works.

#### Informatives

- Any access to or from the towpath, closures of the towpath or scaffolding oversailing the Canal & River Trust's land or water during the construction must be agreed in writing with the Canal & River Trust before development commences.
- The applicant/developer should refer to the current Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained, and liaise with the Trust's Third Party Work's Engineer: <http://canalrivertrust.org.uk/about-us/for-businesses/undertaking-works-on-our-property>.

**[Officer Comment:** These matters have been secured where appropriate, as detailed above.]

#### English Heritage

- 6.49 Comments with relation to the Full Planning Application (PA/11/03371), Conservation Area Consent Application (PA/11/03372) and Listed Building Application (PA/11/03373) advise that the applications should be determined in accordance with national and local policy guidance and on the basis of LBTH specialist conservation advice.

#### Environment Agency (EA)

- 6.50 The proposed development would only be acceptable if the following condition requiring the provision and management of a buffer zone along the Hertford Union Canal is imposed on any planning permission granted.
- 6.51 The EA initially advised that the buffer zone would need to be a minimum of five metres, however, have subsequently confirmed the purpose of the condition is to secure the existing landscaped strip and secure details of how it would be maintained and managed to promote Biodiversity.
- 6.52 Comments are also provided regarding light spill onto the canal and biodiversity enhancement.

**[Officer Comment:** The Canal and River Trust (British Waterways) objected to this condition however, following further comments from the EA it is evident that the existing landscaped strip which would be maintained would be a sufficient buffer zone. The detailed management of this strip to enhance biodiversity would be controlled via condition.]

#### Tower Hamlets Primary Care Trust (PCT)

- 6.53 They have sought a financial contribution of £393,151 which includes a capital contribution of £54,126 and a revenue contribution of £339,027.

**[Officer Comment:** Full details of how the financial contributions have been agreed are discussed within section eight of this report.]

#### Inland Waterways Association

- 6.54 To date no comments have been received.

### **Canalside Consultee Committee**

6.55 To date no comments have been received.

### **Thames Water**

6.56 To date no comments have been received.

### **London Fire and Emergency Planning**

6.57 Via letter dated 6 March 2012 the Fire Safety Officer stated that *“it has been identified that the requirements for fire appliance access and egress has not been satisfied.”*

**[Officer Comment:** Following the receipt of these comments the application was withdrawn from the March 2012 Committee agenda to allow the applicant to resolve this issue. Subsequently a site visit was organised on 2 May 2012. During this site visit a fire engine accessed the site via the proposed route and the concerns of the Fire Safety Officer were discussed in detail.

6.58 Via letter dated 16 May 2012 the Fire Safety Officer stated that *“with reference to the recent site visit made to the above-mentioned site location a practical fire appliance access and egress trail was undertaken. I confirm that the process was considered to be conclusive that even under ideal circumstances access was not satisfactorily attained. The requirements of approved document B5 of Approved Document B could not be satisfied.”*

**[Officer Comment:** Following receipt of these comments the applicant explored options to overcome the concerns. Whilst, the engine had been able to access the application site from the Grove Road entrance during the May 2 site visit the main issues included the level of obstruction along the route which meant that access was at a very slow pace. The applicant submitted amended drawings showing the proposal to demolish part of the first chalet and also provided further tracking.]

6.59 Via letter dated 13 November 2012 the Fire Safety Officer advised that *“I attach the new proposal for access which I am satisfied that the Fire Authority can now move ahead with provided that we are able to conduct, as before, the physical test to ensure that the revised plan can be proved. We recommend that this is undertaken as soon as practicable.”*

**[Officer Comment:** Following receipt of these comments officers confirmed with the Fire Safety Officer that it would be necessary to assess the proposals based on the submitted tracking drawings given it would be unreasonable to require partial demolition of a building ahead of the grant of any consents for the future redevelopment of another part of the site. It was noted that should planning permission be granted a Grampian condition would be attached to any permission requiring the necessary demolition works to be completed first. It is also noted that should following the demolition of part of the chalet that the Fire Brigade are still not satisfied with access arrangements they could still take action under their legislation.]

6.60 Final comments were received via email dated 9 January 2013 stating that *“I note at this time that you are proposing to demolish part of the building adjacent to the fire path to allow Fire Appliance access in the event of an emergency and improve the current arrangement. However, this will not happen until a later date. While the current proposal is acceptable subject to this building being partially demolished it should be noted that the Fire Authority will consider enforcement action should following construction access not meet our requirements.”*

**[Officer Comment:** Given, the Fire Safety Officer has noted that they are satisfied with the current proposal would be acceptable subject to the partial demolition of one of the chalet buildings officers consider that sufficient information has been submitted to assess this application. Should planning permission be granted a grampian condition would secure the demolition of part of the chalet building before any further works could be carried out. Furthermore, the condition would securer require a post demolition fire appliance access test to be carried out in conjunction with the Fire Safety Officer.]

#### **Lee Valley Regional Park Authority**

- 6.61 Following a review of the documents the Authority has no comments to make regarding this application.

#### **Greater London Industrial Archaeology Society (GLIAS)**

##### Comments on the Full Planning Application (PA/11/03371) and Conservation Area Application (PA/11/03372)

- 6.62 It is noted that the proposed scheme is of a lower density than the previous scheme but they still consider the scheme is too large so as to damage the special existing character of the site for the following reason.
- 6.63 The 3-storey former warehouse is one of the most distinctive buildings on the canals of east London. The proposed Building B would overpower it by its relative height, white its tiers of projecting balconies and crude mansard dormers would dominate the scene and distract from the warehouse's qualities. They suggest the building should be reduced by two storeys.
- 6.64 The present wharf has a feel of open space that supports the open character of views from Stop Lock Bridge. This would be lost, because of the scale of Building B. The proposed landscaped piazza would be tiny and would not offer mitigation.
- 6.65 The listed Stop Lock Bridge is an important surviving example of this type of cast iron bridge. It was not designed for heavy vehicles, so the northern access road carried a 3-tonne weight limit. Concern is expressed about the impact of the anticipated increase in traffic accessing the development over the bridge would have on this designated heritage asset. They request carefully designed physical width restriction measures at the beginning and end of the bridge to prevent all but the smallest vehicles passing over it.

**[Officer Comment:** It is noted that the applicant has agreed to install necessary weight restriction measures and this would be managed via **condition**.]

- 6.66 The narrows in the canal to the east of the Stop Lock Bridge is the 'stop lock' that was historically an important feature of this canal junction. Two lock gates are still there (under the water) although they are in a bad state of repair. It is requested that a condition be attached securing the repair of the stop lock gate.

**[Officer Comment:** The applicant has advised that the Canal and River Trust (formerly British Waterways) are looking into replacing the stop lock gates around the canal system as a standalone project. Restoration is outside the scope of this application and it is noted that the gates are not within the red line boundary for the application. GLIAS welcome that they will be restored and the applicant confirmed, this would be programmed to take place in 2013.

Detailed comments regarding design, impact on the conservation area and listed bridge are discussed within the main body of this report.]

Comments on Listed Building Application (PA/11/03373)

- 6.67 They welcome that the proposed approach to works to the bridge which would comprise re-surfacing with a resin bound surface dressing on and adjacent to the bridge. It is noted that the listed bridge should be a separate focal point from the proposed landmark tree given the bridge already provides a fitting landscape to announce the junction of the canals. Notwithstanding, the comments in the landscape plan, it is not considered that there is a conflict between keeping the parapet wall and having a second focus on the tree.

Replacement Wall

- 6.68 They have raised an objection to the proposed replacement of the north-eastern parapet wall by a railing. Furthermore, the present ungainly Fletton-brick wall should be replaced by one in London stock bricks to match the other corners. If a suitable piece of grit stone cannot be found to make the coping, the one simulated in artificial stone may be acceptable.

[**Officer Comment:** The applicant amended drawings to take account of these concerns.]

- 6.69 Following the review of amended drawings relating to the replacement brick wall a detailed exchange of emails took place which set out the exact detail required for the replacement wall and the concern that this is not at this stage fully reflected in the submitted drawings.

[**Officer Comment:** Whilst, the concerns of GLIAS are noted, officers consider that this level of detail could be secured via condition. Detailed drawings at scale 1:20 and or 1:50 would be required to show how the detail of the replacement wall matches and picks up on the detailing of the existing wall. Samples would also be required. GLIAS would be consulted as part of the discharge of condition.]

Weight Restriction

- 6.70 Comments regarding the need for width restriction measures such as bollards and masonry (which would need to be suitably designed) have been provided as part of the main application comments.

[**Officer Comment:**It is noted that the applicant has agreed to install necessary weight restriction measures and this would be managed via condition. Detailed comments regarding the works to the listed bridge are discussed within the main body of this report.]

## 7. LOCAL REPRESENTATION

- 7.1 Consultation on this application included two rounds of consultation. The first round of consultation took place in November 2011. Following the receipt of amended drawings relating to fire access a second round of consultation was carried out in October 2012.

- 7.2 A total of 298 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	81	Objecting:	80	Supporting:	01
		(including	36	Pro	
		Forma Letters)			
No of petitions received:	1	objecting containing	152	signatories	
		0 supporting			

7.3 The following local groups/societies made representations:

- East End Waterways Group
- 36 Pro Forma letters of objection were received from the residents of Velletri and St. Gilles House.

7.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

7.5 One letter of support was received which set out that they support the scheme which would be an efficient use of land. The development would promote vitality and viability of the Bow Wharf complex and the area generally. It appears that thought has gone into the design in relation to the surrounding designated heritage assets. In order to address concerns about access request improvements of the access arrangements including looking at lighting along the canal.

7.6 The following concerns were raised in the letters of objection to the scheme.

7.7 Conservation and Design

- Concern about demolition of existing buildings.
- The design, height and bulk of proposed blocks A, B, and C would be detrimental to the character and appearance of the Regent's Canal Conservation Area (failing to respect its open nature), the setting of the two locally listed industrial buildings and the setting of the Grade-II-listed Stop Lock Bridge.
- The 1901 Warehouse is one of the few surviving historic canal side warehouses in this area and is an example of a 'layby warehouse' and should remain the dominant and most visible building on the site.
- Concern about impact on views from Roman Road, Grove Road and Victoria Park and loss of visual amenity.
- Concern about principle of inset balconies along the eastern elevation of Building C which are directly adjacent to the tow path.
- Concern about principle of projecting balconies as used in Building B and C which would be alien to the industrial aesthetic and would impact upon the character and appearance of the conservation area setting and the Grade II Listed Stop Lock Bridge.
- Concern about maintaining historic open spaces in this part of the Conservation Area which was mentioned in the previous Inspector's Decision.
- Concern the current proposals do not address previous Inspector's comments.
- Suggest Building A should be replaced with a westward continuation of the existing three storey houses.
- Suggest Building B should be reduced in height by two stories.
- Suggest Building B's projecting balconies are reduced in length and width to reflect the pattern of the glazed loading doorways of the adapted 1901 warehouse.
- Suggest Building C, is shortened (which allows Fire Access from Wennington Green) and reduced in height to three stories.
- Limited benefit of new piazza due to size and furthermore it offers limited relief between buildings unlike the Cranbrook Estate which was sensitive arrangement of buildings with open spaces between them.
- Concern that the development is too modern looking and includes too much aluminium.

**[Officer Comment:** Please refer to the design section of the report which includes a full discussion of these matters. With regard to the suggested alternative scheme officers have assessed the merits of the application as submitted.]

7.8 Stop Lock Bridge



- Initially, concern was raised about the level of information provided for the listed building application.

**[Officer Comment:** During the assessment of the application further information was requested from the applicant which was provided which more fully details the scale and type of works proposed to the listed Stop Lock Bridge.]

- Concern about loss of wall and its replacement with railings, however, note amended drawings have been received and seek confirmation.

**[Officer Comment:** Amended drawings have been received and the resident was contacted and made aware of this both formally as part of re-consultation and informally over the phone.]

- Welcome that metal railing is being retained and painted black.
- Concern about impact of construction on the listed bridge and that post development the weight restriction would not be observed.

**[Officer Comment:** Please refer to the listed building section of the report which includes a full discussion of these matters.]

#### 7.9 Highways

- Concern about the impact of a car free and that in reality residents would secure parking permits.
- Concern about impact further housing would have on already congested buses and tubes in the local area.
- Concern about increased congestion on the roads and along the access route from Old Ford Road.
- Concern about increased congestion of cyclists on the canal tow path because this would be a car free development.
- Concern about safety of access route from Old Ford Road for pedestrians and cyclists.
- Concern about lack of visitor car parking.
- Concern about the impact of an increased number of deliveries on the surrounding highway network.

**[Officer Comment:** Please refer to the highways section of the report which includes a full discussion of these matters.]

#### 7.10 Fire Access

- Concern about safety of residents and others as a result of existing fire access routes.
- Concern that fire engines would access the site over the Stop Lock Bridge (which has occurred previously) and could cause damage given they exceed the weight limit.
- Suggest access is from Wennington Green instead.

**[Officer Comment:** Please refer to the Fire Access comments within section seven and to section eight of the report where this matter is discussed in full.]

#### 7.11 Amenity

- Residents of the Cranbrook Estate would suffer from loss of visual amenity of the established conservation views.
- Residents of Velletri House would suffer from loss of privacy and increased overlooking from the new development.
- Concern about loss of light to Twig Folly House.
- Concern about loss of daylight to Palmerston Court.
- Concern about outlook for residents of Royal Victor Place caused by Building A.
- Loss of sunlight to Royal Victor Place.
- Concern about increase in noise and pollution in the general area during construction

and works taking place on Saturday mornings.

- Concern about increased noise and pollution after the development is complete. Concern that noise carries more because of the canal and the situation would be exacerbated by residents using their balconies.
- Concern about inconvenience caused during construction works.

**[Officer Comment:** Please refer to the amenity section of the report which includes a full discussion of these matters.]

#### 7.12 Biodiversity

- Concern about loss of mature trees.
- Concern about impact of overshadowing of the canal (which forms part of the Blue Ribbon Network) and the impact this would have on local flora and fauna.
- Concern about loss of flora and fauna.
- Concern about impact of light pollution on bats that nest within the vicinity.

**[Officer Comment:** These matters are addressed in full within section seven of the report as part of the Tree Officer and Biodiversity Officer's comments and within the main body of the report.]

#### 7.13 General

- Concern about overdevelopment and increased density of the site.
- Concern about increased demand on utilities including water, sewers, telecoms, health, education, policing, fire brigade, rubbish collection and anti-social behaviour caused by over development and increased density.
- No further capacity for new homes in Tower Hamlets.
- Concern about the increased density and the negative impacts this would have included increased anti-social behaviour,

**[Officer Comment:** Please refer to the density section of the report which includes a full discussion of these matters. With regard to anti-social behaviour early consultation has been carried out the Crime Prevention Officer to ensure where possible this development would meet Secure by Design Standards (which would be secured via condition).]

- Concern about level of affordable housing at 12% which is below policy requirement of 35% and housing mix including lack of family homes.

**[Officer Comment:** Please refer to the housing section of the report which includes a full discussion of these matters.]

- The site is designated for Arts and Crafts and concern about allowing the principle of residential. Would prefer the site to be used for Arts and Crafts.

**[Officer Comment:** Please refer to the land use section of the report which includes a full discussion of these matters.]

- Concern that the commercial space would not be rented quickly and would remain vacant.

**[Officer Comment:** Officers note that there is a risk that when residential development comes forward that the commercial units may not be let as quickly. This is why the applicant has applied for a flexible permission which allows for a wide variety of users to take up the unit.]

- Concern about the type of retail user and that they could potentially detract from the village feel.

**[Officer Comment:** The unit would be less than 100 square metres which is considered to of a size and scale suitable for local shopping parades and out of town centre locations.]

- Exiting problem with rising debris in the canal which will be worsened.  
[**Officer Comment:** The Canal and River Trust have confirmed that any issues with debris should be reported to them and that their maintenance team deal with any issues. They note that this site would be managed by a management company who would be able to deal with any issues that arise.]

- Concern about failure to use renewable energy.  
[**Officer Comment:** The renewable energy proposals are discussed in detail within the main body of the report.]

- Request that conservation area consent should not be granted until a suitable redevelopment scheme has been agreed.

[**Officer Comment:** This is noted.]

7.14 The following issues were raised in representations, but they are not material to the determination of the application:

- Loss of views

[**Officer Comment:** It is noted that the loss of a private view is not a material planning consideration.]

- Impact on value of properties

[**Officer Comment:** It is noted that this is not a material planning consideration.]

7.15 The following procedural issues were raised in representations, and are addressed below:

- Officers note that five on line comments were received which do not relate to the application. The content is mostly political in nature. Given, the comments do not refer to the application in question, or include names and addresses; these comments have not been included.

- Comments relating to a listed building application to replacement the existing water pipe on the Stop Lock Bridge (PA/11/01950) are noted. This was granted listed building consent under delegated powers. It is noted that this application was separate from the current proposals.

- Residents of Old Ford Road consider it remiss that letters were not sent to them.

[**Officer Comment:** It is noted that the listed properties (numbers 236-256) were sent letters which are located directly to the north of the site. Properties further to the east along Old Ford Road were not sent letters. It is considered that the level of consultation was sufficient and exceeded both statutory requirements and the Statement of Community Involvement.]

- Comments were received outlining that they thought the public consultation was insufficient.

[**Officer Comment:** As noted at paragraph 7.1 two rounds of consultation were carried out for this application which included sending letters to local residents, erecting site notices and advertising the application in the local press. The scale of statutory consultation accords with statutory requirements and the Councils Statement of Community Involvement. It is noted that public consultation was carried out by the applicant ahead of submission. However, consultation at this stage is encouraged and not a requirement.]

## 8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Land Use
2. Housing
3. Impact on Designated Heritage Assets
4. Character and Design
5. Amenity
6. Highways
7. Energy
8. Biodiversity
9. Energy & Sustainability
10. Biodiversity and the Green Grid
11. Contamination
12. Health Considerations
13. Section 106 Agreement
14. Localism Act (amendment to S70(2) of the TCPA 1990)
15. Human Rights Considerations
16. Equality Act Considerations

### **Land Use**

- 8.1 At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.
- 8.2 Delivering housing is a key priority both nationally and locally and this is acknowledged within the NPPF, Strategic Objectives 7, 8 and 9 of the CS and policy 3.1 of the LP which gives Boroughs targets for increasing the number of housing units.
- 8.3 Strategic policy SP02 of the CS sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025. The policy also sets out where this new housing will be delivered and identifies the Bow area as having potential for high growth.
- 8.4 The site does not have an allocation in the saved UDP nor the MD DPD. Taking this into account, and given the surrounding area is predominantly residential in character, it is considered that this development would be an acceptable use of previously developed land and would be in accordance with the above planning policies.
- 8.5 Strategic policy SP01 of the CS seeks to promote areas outside of town centres as places that support and assist in the creation of sustainable communities. This will be achieved by promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.
- 8.6 The application site is designated for Leisure, Recreation, Arts/Craft, Retail and Water Recreation in the adopted UDP. This designation has not been carried forward by the adopted CS or the emerging MD DPD. Officers consider that the more recently adopted CS carries more weight and that the designation within the UDP is now out of date. However, this does not preclude that the proposal could not include uses which would be associated with leisure, recreation, arts/crafts, retail nor prohibit the use of the surrounding canal for water recreation.
- 8.7 Finally, it is noted that the principle of a residential led re-development of the site has not been in dispute as part of the assessment of either of the previous applications which were refused. The Inspector's decision letter dated 31 May 2005 concluded that "*it would be reasonable to allow a variation from the current designation, to allow proposed unrestricted B1 use, particularly as this would not preclude the original uses that were envisaged for this site.*" Furthermore, the Inspector stated in his decision letter dated 2 November 2010 that "I

*accept that the appeal site is identified in planning policy as a development opportunity.*”As such, the principle of a residential led re-development of the site is considered acceptable and accords with national, regional and local policy.

- 8.9 Strategic policy SP06 of the CS and policies EMP1 and EMP8 of the UDP seek to maximise and deliver investment and job creation within the borough. This includes supporting the provision of a range and mix of employment uses and spaces in the borough by retaining, promoting and encouraging flexible workspace in town centre, edge-of-town and main street locations and encouraging and retaining the provision of units (of approximately 250 square metres or less) suitable for small and medium enterprises (SMEs).
- 8.10 Policy DM2 of the MD DPD, seeks to protect local shops and sets out criteria for the assessment of new retail uses outside of town centres.
- 8.11 Policy DM15 of the MD DPD resists the loss of active and viable employment uses unless it can be shown through a marketing exercise that the site has been vacant for approximately 12 months or that the site is unsuitable for continued employment use.
- 8.12 The site currently provides 85 square metres of Office floor space (B1) and 581 square metres of storage and distribution floor space (B8). The total amount of employment floor space is 666 square metres. The wider Bow Wharf Complex provides a mix of uses including A1, A2, A3, A4, B1 and D2 uses. The application proposes the redevelopment of the western part of the site to provide a mixed use scheme. The proposal includes the provision of one commercial unit which would be approximately 74.8 square metres and located at the ground floor of Building C. Consent is sought for a flexible use of this unit comprising retail (A1) or financial services (A2), restaurant (A3), office (B1), or non-residential institution (D1).
- 8.13 The northern part of the site is largely occupied by a vacant warehouse measuring approximately 581 square metres which was previously used as a brick store (B8). The brick store has been vacant for at least ten years and has been removed from the ratings list. The applicant notes this is because the Ratings Office agreed that the property would be uneconomic for repair due to the lack of demand. Marketing was undertaken however it was not possible to find occupiers for the store. Currell Commercial, who have acted as Agents for the properties have advised via letter dated 30 September 2011 that the lack of interest in the warehouse building *“is because the commercial space ... is not practical for a modern day occupier [and]the buildings suffer from restricted access and a lack of prominence”*. They also note the difficulty of servicing the warehouse building.
- 8.14 The majority of the southern part of the site is laid out as hard standing and used for informal car parking. Along the southern boundary of the site are a row of single storey work units (approximately 85 square metres) which have been vacant since April 2010. These units have been marketed without success.
- 8.15 The applicant proposes the creation of a flexible commercial unit measuring 74.6 square metres. This would mean the net loss of 597.4 square metres of commercial floor space. With reference to policy DM15 of the MD DPD the applicant has demonstrated that the employment floor space has been vacant for more than a year, has been marketed and due to its condition and location is no longer fit for purpose. As such, the loss of the existing employment floor space is considered acceptable.
- 8.16 The wider Bow Wharf Complex has a wide range of commercial uses and it is considered that the principle of a flexible commercial use would be acceptable. An active use adjacent to the canal would serve to activate the canal-side and could bring new customers into the wider complex. If an office use (A2/B2) or a non-residential institution use (D1) were to be

secured than it is noted that active shop fronts would need to be maintained. Furthermore, a condition would be attached to the permission to restrict the type of D1 uses allowed. This condition is required given an educational use or a community use would have a higher level of activity associated with the use which would need to be fully assessed as part of separate application.

- 8.17 Given, the proposed unit is small in scale and is in keeping with the scale of the smaller commercial units within the wider complex it would not affect the vitality and viability of nearby town centres (Roman Road East and West District Centres)
- 8.18 The principle of a residential led mixed use re-development of the site is considered acceptable. This is a largely residential location and given the justification for the loss of the employment floor space the principle of residential is considered acceptable.
- 8.19 In conclusion, the proposed loss of employment floor space is acceptable given the length of time the units have been vacant, actively marketed and the fact they are no longer fit for purpose. Moreover, the principle of a residential led mixed use re-development of the western part of the Bow Wharf site is considered acceptable. The proposed commercial unit would contribute to activity along the canal and is of a scale which is in keeping with the wider complex.

### **Density**

- 8.20 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of LP Policies 3.4 of the LP and strategic objection SO7 and strategic policy SP02 of the CS seek to ensure new housing developments optimise the use of land by associating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location. Table 3.2 of policy 3.4 of the LP provides guidelines on density taking account of accessibility and setting. Policy HSG1 of the IPG also seeks to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.21 The site has an average Public Transport Accessibility Level (PTAL) (3). For urban sites with a PTAL range of between 2 and 3, table 3.2 of the LP, suggests a density of between 200-450 habitable rooms per hectare. The proposed density would be 456 habitable rooms per hectare (Net site area), which is only marginally higher than the recommended standard.
- 8.22 In the simplest of numerical terms, the proposed density would appear to suggest a slight overdevelopment of the site. However, the intent of the LP and the IPG is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.
- 8.23 It is important to note that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential development. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the LP and Policy SP02 of the CS which seek to ensure the use of land is appropriately optimised in order to create sustainable places.
- 8.24 It is noted local residents are concerned about the impact of any new development coming forward. However, it is noted that the impact of the development has been carefully considered to limit any adverse impacts through the use of conditions and through the provision of financial contributions to be used to delivery infrastructure in the surrounding area. To conclude, the density of development is considered acceptable in this location.

## Housing

- 8.25 Policy 3.3 of the LP seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 8.26 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.
- 8.27 The application proposes 34 new residential units (Use Class C3) within three blocks.

### Affordable Housing:

- 8.28 Policies 3.10, 3.11 and 3.12 of the LP define Affordable Housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.
- 8.29 Policy SP02 of CS seeks to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.30 As detailed in table 1 below, the proposal provides 29% affordable housing provision by habitable room, or 10 units.
- 8.31 Table 1: Affordable Housing Provision

Unit Type	Affordable Housing				Market Housing		Total	
	Affordable Rent		Intermediate		Unit	Hab. Rm.	Unit	Hab. Rm.
	Unit	Hab. Rm.	Unit	Hab. Rm.				
1 bed flat	1	2	1	2	8	16	10	20
2 bed flat	2	6	2	6	11	33	15	45
3 bed flat	4	16	0	0	0	0	4	16
4 bed house	0	0	0	0	5	30	5	30
<b>Total</b>	<b>7</b>	<b>24</b>	<b>3</b>	<b>8</b>	<b>24</b>	<b>79</b>	<b>34</b>	<b>111</b>

- 8.32 The application as submitted proposed 14% affordable housing by habitable room which equated to four units. The was supported by a viability appraisal which sought to demonstrate that the provision of a policy compliant level of affordable housing (35%) and financial contributions in line with the S106 SPD would not be viable.
- 8.33 The submitted viability appraisal was independently assessed on behalf of the Council by DVS who advised that the development could support a higher level of affordable housing. The main area of disagreement related to the benchmark value for the land and construction costs.
- 8.34 Following detailed negotiations and sensitivity testing of different options it was established

that the scheme could provide 29% affordable housing by habitable room and financial contributions of £164,163 (the detail of which is discussed in full later in this report). This is the maximum reasonable amount of affordable housing and planning contributions whilst ensuring the scheme can be delivered and is viable. On balance, the provision of 29% affordable housing by habitable room is considered acceptable and accords with policy.

Housing Tenure:

- 8.35 With regard to the tenure of housing, the application proposes a mix of affordable rent (POD levels) and intermediate rent.
- 8.36 Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.
- 8.37 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. Home Buy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.
- 8.38 In respect of policy DM3 of the MD DPD, it is considered that in this instance the provision of affordable rent product is justified in light of the viability issues discussed above. As part of the independent review of the applicant’s viability toolkit, options to provide the units as social rented accommodation were fully investigated; however it was found that the change in tenure provision would render the scheme unviable and undeliverable. It is noted that the Council’s Housing team are supportive of the provision of affordable housing.
- 8.39 The affordable element is split 75:25 in favour of affordable rented, this is broadly in line with the Council’s policy target of 70:30, as set out in the strategic policy SP02 of the CS.
- 8.40 The scheme proposes to deliver the Affordable Rents, with rent levels in line with research POD undertook for the Council to ensure affordability. The LBTH Housing team supports this approach. The applicants rent levels shown below are inclusive of service charges.
- 8.41 Table 2: Affordable Rent Levels (POD) for E3

	1 bed (pw)	2 bed (pw)	3 bed (pw)	4 bed (pw)
Proposed development POD levels/E4 POD rent levels	£169.85 (inc. service charge)	£198.32 (inc. service charge)	£218.76 (inc. service charge)	£250.01 (inc. service charge)
Social Target Rents (for comparison Only)	£157.57 (including estimated £30 service charges)	£165.06 (including estimated £30 service charges)	£172.57 (including estimated £30 service charges)	£180.07 (including estimated £30 service charges)

Housing Mix:

- 8.42 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 8.43 Strategic policy SP02 of the CS also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.



- 8.44 Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of 3 bedrooms and above.
- 8.45 Policy DM3 (part 7) of the MD DPD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009). Table three shows the proposed housing and tenure mix.

TABLE OVER PAGE

8.46 Table 3: Housing Mix

		Affordable Housing						Private Housing		
		Affordable Rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	<i>LBTH target %</i>	Unit	%	<i>LBTH target %</i>	Unit	%	<i>LBTH target %</i>
1bed	10	1	14%	30%	1	25%	25%	8	33%	50%
2bed	15	2	29%	25%	2	75%	50%	11	46%	30%
3bed	4	4	57%	30%	0	0%	25%	0	21%	20%
4bed	5	0	0%	15%	0			5		
5bed	0	0			0			0		
<b>Total</b>	<b>34</b>	<b>7</b>	<b>100%</b>	<b>100</b>	<b>11</b>	<b>100%</b>	<b>100</b>	<b>24</b>	<b>100%</b>	<b>100</b>

- 8.47 Though there is an under provision of one beds within the affordable rented tenure, this is considered acceptable as it would lead to an above target provision of much needed family accommodation, providing a 57% provision against a 45% target, including 3 bed flats.
- 8.48 Within the intermediate tenure, there is an under provision of family housing, and an over provision of two beds and a policy compliant provision of one beds. However, this is offset by an over provision of family housing within the affordable rent tenure.

- 8.49 Within the market tenure there is an under provision of one beds which is offset by an over provision of two beds. The level of private family housing is broadly policy compliant.
- 8.50 With regard to the housing mix, on balance given that the proportion of family housing within the affordable rented tenures exceeds targets and within the intermediate and private tenure is broadly policy compliant, officers consider the housing mix acceptable.
- 8.51 On balance, it is considered that the proposal would provide an acceptable mix of housing and contributes towards delivering mixed and balanced communities across the wider area. Furthermore, the provision of 29% on site affordable housing is welcomed. Therefore, on balance, it is considered that the application provides an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the MD DPD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

**Housing Layout and Amenity Space Provision:**

Housing Layout and Private Amenity Space:

- 8.52 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5, the Mayor's Housing Design Guide, MD DPD policy DM4 and saved UDP policy HSG13 requires new development to make adequate provision of internal residential space.
- 8.53 Policy DM4 also sets out standards for new housing developments with relation to private amenity space. These standards are in line with the Mayor's Housing Design Guide, recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant.
- 8.54 The proposed development is designed to the Housing Design Guide standards and therefore is acceptable in terms of internal space standards. Furthermore, each residential unit within the proposed development provides private amenity space in accordance with the housing design guide and policy requirements, in the form of balconies and gardens.

Communal Amenity Space and Child Play Space:

- 8.55 For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 34 units the minimum communal amenity space required would be 74sqm. The scheme does not include the provision of any communal amenity space.
- 8.56 Policy 3.6 of the LP saved policy OS9 of the UDP, strategic policy SP02 of the CS and policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' (which sets a benchmark of 10 sq.m of useable child play space per child).
- 8.57 Using the Tower Hamlets SPG child yield calculations, the overall development is anticipated to accommodate 13 children and accordingly the development should provide a minimum of 133 sq.m of play space in accordance with the LP and MD DPD's standard of 10sq.m per child. The application is not proposing any child play space.
- 8.58 The LP allows for the provision of appropriate and accessible facilities within 400 metres for 5-11 year olds and within 800 metres for 12 – 15 year olds. There is child play area located within Wennington Green which forms part of Mile End Park directly to the south of the site and various opportunities for play within Victoria Park to the north of the site.

- 8.59 The proposal does include the provision of a public piazza between building B and C which would include tables and chairs for a potential café use. The creation of this public piazza adjacent to the canal tow path would contribute to tow paths and to the activity within the wider Bow Wharf site. Priority in this instance has been given to the creation of a public piazza accessible to all over amenity space which would be restricted to use of the residents of the development.
- 8.60 It is noted that the site is located within in easy walking distance of public open space and child play space which would mitigate the impact of the lack of provision of on-site facilities. Consideration is also given to the provision of a public piazza between buildings B and C which would contribute to the public realm within the area and would provide on-site opportunities for recreational space. Because of the sites location priority in this instance has been given to creating public spaces between the buildings which are accessible to members of the public. Consideration has also been given to the fact that all of the new residential units include private amenity space in accordance with policy requirements. Finally, it is noted that the lack of on-site provision of play space and communal space has not previously been included as a reason for refusal of the scheme nor has this been included by either of the Planning Inspectors.

Wheelchair Housing and Lifetime Homes Standards:

- 8.61 Policy 3.8 of the LP and strategic policy SP02 of the CS require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.62 Across the development, 4 residential units are proposed to be provided as wheelchair accessible which is 11.76% of all units and accords with Council policy. The units are to be distributed across the intermediate and affordable rent tenures which is supported by LBTH housing. The level of provision exceeds policy standards and is considered acceptable. If planning permission is granted a condition would be attached to ensure that the 4 wheelchair accessible units are delivered within the scheme.

**Impact on Designated Heritage Assets**

Policy Context:

- 8.63 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that the local planning authority shall 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.
- 8.64 With regards to applications within conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.65 Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:
- *“desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and*
  - *the desirability of new development making a positive contribution to local character and distinctiveness.”*

- 8.66 Guidance at paragraph 132 states that any consideration of the harm or loss requires clear and convincing justification as well as an assessment of the impact of the proposal on the significance of the designated heritage asset and establish if it would lead to substantial harm or loss (advice at paragraph 133) or less than substantial harm (advice at paragraph 134).
- 8.67 PPS5 Practice Guide also provides guidance and clarification to the principles of assessing the impact of the development proposals on heritage assets.
- 8.68 Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at part 2 of the policy that the borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the boroughs heritage assets, their setting and their significance.
- 8.69 Policy DM27 part 2 of the MD DPD applies when assessing the proposed alterations to the Grade II Listed Stop Lock Bridge. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.
- 8.70 Policy DEV28 of the UDP and policy DM27 (3) of the MD DPD provide criteria for the assessment of proposals for demolition within a conservation area. Applications for demolition will be assessed on:
- “a. the significance of the asset, architecturally, historically and contextually;  
b. the condition of the asset and estimated costs of its repair and maintenance in relation to its significance and demolition, and to the value derived from its continued use;  
c. the adequacy of efforts made to retain the asset in use; and  
d. the merits of any alternative proposal for the site.”*
- Designated Heritage Assets:
- 8.71 The Stop Lock Bridge is Grade II Listed and is a designated heritage asset and an important example of industrial heritage.
- 8.72 The English Heritage listing description for the bridge states that it dates from 1830 and that the bridge is of interest for its cast iron construction and for forming a significant feature at this late Georgian canal junction. The listing description describes the cast iron work as follows:-  
*“Cast iron span comprising seven arched, moulded beams with latticed deck plates between. Two tie-rods run through the span, which rests on brick abutments.”*
- 8.73 Bow Wharf and the Grade II listed ‘Stop Lock Bridge’ form part of the western end of the Regents Canal Conservation Area. The Conservation Area Appraisal advises that these important designated heritage assets have been included in the conservation area designation to protect the historic junction of the two canals and the setting of the listed bridge.
- 8.74 It continues to provide the following description of the bridge and it’s setting:  
*“This iron bridge was built C1830 over the entrance to the Hertford Union Canal to serve as a towing and accommodation bridge. Stone ramps up to the west part of the iron bridge take the Regent’s Canal towpath over the Hertford Union Canal; whilst the wider east part provided vehicular access from Old Ford Road (via a granite stoneway) to land on the south side of the canal which is now part of Bow Wharf.”*

- 8.75 The application site was originally located within the Victoria Park Conservation which was designated in March 1977. In 2008, following public consultation, the Victoria Park Conservation Area was amended and a new Conservation Area named Regents Canal Conservation Area was designated. The site is located in the Regents Canal Conservation Area.
- 8.76 Within the Bow Wharf complex to the east of the application site, the former British Waterways Building which is locally listed is approximately three storeys in height. It is noted that this is an industrial building. There is a second locally listed building within the Bow Wharf Complex which is similar in scale however it is located towards Grove Road.
- Principle of alterations to Grade II Listed Stop Lock Bridge – Listed Building Application:
- 8.77 The applicant is proposing minor alterations to the Stop Lock Bridge which include painting the existing railings black (existing colour), applying a new light-grey resin bound gravel to the surface of the bridge, erection of a new 1.1 metre high brick wall with a grit stone coping and London Stock Brick to match the existing bridge wall.
- 8.78 It is noted that during the course of the application the proposed removal of the existing brick wall to the south of the bridge and its replacement with railings was removed to address concerns raised by officers, GLIAS and local residents.
- 8.79 The proposed repair works which include the addition of a resin bonded gravel to the existing concrete are considered acceptable given it would allow the existing concrete within the structure to remain. This would ensure that the structural integrity of the bridge and its important industrial features would be retained and limit any potential damage.
- 8.80 The original proposal involved the replacement of a wall adjacent to the bridge with railings which was not supported and amended drawings were submitted to address concerns. As such, the principle of the replacement of the existing wall with a new wall to match the existing better preserved walls adjacent to the bridge are considered acceptable. It is noted that GLIAS have requested that the final detail of the design of the new wall be submitted now. However, planning officers and the conservation and design officer both agree that this matter can be satisfactorily agreed via condition. This would include submitting detailed drawings at scale 1:20, a schedule of works, a method statement showing how existing important features such as the coping stone would be retained and reused and samples of the proposed materials to be used. GLIAS would be consulted on this condition.
- 8.81 With regard to the repair and repainting of the railings this would also be controlled via condition and would include a method statement for these works.
- 8.82 It is noted that GLIAS and local residents are concerned about damage to the Stop Lock Bridge which has a three tonne weight limit. The introduction of bollards has been suggested to ensure that larger vehicles would not use this access route.
- 8.83 A Construction Management Plan (CMP) would be controlled via condition and through this it would be possible to ensure that no breach of the weight limit would occur. A condition would also be sought seeking details of the protective measures required for the bridge during the difference stages of construction.
- 8.84 On completion of the development, it is proposed that servicing would occur from Grove Road utilising the exiting servicing arrangements used by the existing commercial units. The development is proposing one relatively small unit which it would not be anticipated would give rise to a large number of servicing trips. Notwithstanding, this would be controlled via condition restricting any servicing from Old Ford Road.

- 8.85 Finally, the development only includes one accessible car parking space and the car is within the weight limit allowed for the bridge.
- 8.86 The applicant has agreed to a condition setting out in detail the measures which would be used to ensure the weight limit would be adhered to.
- 8.87 To conclude, the proposed repair and alterations to the Grade II Listed Stop Lock Bridge are considered acceptable and would not adversely impact on the character, fabric or identity of the designated heritage asset which accords policy.

Principle of demolition – Conservation Area Consent:

- 8.88 The proposal includes the demolition of two buildings. Firstly, a small scale single storey rendered office building with a concrete slate tiled pitched roof and a brick gable located in the southern part of the site just to the north of Wennington Green.
- 8.89 The second building is a much larger structure that is in the north west bank of the Hertford Union Canal. It is brick built with pitch corrugated roofs and steel trusses and has an area of 586 sq.m and appears to date from the 1950's.
- 8.90 With regard to the criteria found within policy DM27 of the MD DPD, it is considered that these buildings have no architectural quality and are in state of disrepair. It is considered that these designated heritage assets have limited significance.
- 8.91 It is noted that the demolition was accepted in principle in the previous scheme given neither of these buildings contribute to the setting of the conservation area. The planning inspector concurred with this opinion at the appeal raising no objection to the demotion of the buildings provided that they were replaced with an acceptable development.
- 8.92 To conclude, the loss of these buildings would not result in substantial harm to the conservation area given the lack of significance of the buildings by merit of their lack of architectural quality and current state of repair. The proposed demolition would accord with policy given officers are supporting the redevelopment proposals.

**Design**

Policy Context:

- 8.93 Chapter 7 of the LP places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.
- 8.94 Policy SP10 of the CS and DM23 and DM24 of the MD DPD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials.
- 8.95 The detailed policy discussion with regard to the listed building application and conservation area consent application also applies to the assessment of the redevelopment proposals. This includes assessing how the proposed development would affect the setting of the Grade II Listed Stop Lock Bridge and whether development would preserve or enhance the character and appearance of the Regents Canal Conservation Area and heritage assets such as the two locally listed buildings.

Proposal and Assessment:

- 8.96 The site is split into two segments by the Hertford Union canal linked by the Grade II listed Stop Lock Bridge. The site currently houses a redundant building to the north of Hertford Canal. South, of the Hertford Canal, the site is currently used as a car park and has single storey structures.
- 8.97 The proposed development is for the erection of three buildings. Building A would be between three and four storeys in height and would be located to the north of the Hertford Union Canal. It would be directly adjacent to Royal Victor Place which runs east of Building A and is between two and three storeys in height. Royal Victor Place is set back from the canal tow path and gives this stretch of the canal a very domestic scale. To the north of building A, is a row of Grade II Listed residential buildings which are three storeys in height, and face Old Ford Road and Victoria Park.
- 8.98 Buildings B and C would be located in the southern part of the site. Building B would rise to six storeys and building C would be rise to four storeys. Within the Bow Wharf complex to the east of the site, the former British Waterways Building which is locally listed is approximately three storeys in height. It is noted that this is an industrial building. There is a second locally listed building within the Bow Wharf Complex which is similar in scale however it is located towards Grove Road.
- 8.99 The site is located at the narrowest section of the Hertford Union canal. There is a difference in level between the two sides of the canal which are linked by the Grade II listed bridge.
- 8.100 Officers consider that the narrow width of the canals, the difference in level between the banks and the important junction between the two canals which is marked by the Grade II listed Stop Lock Bridge makes the spatial quality of this stretch of the canal distinct.
- 8.101 The wider context of the site is characterised by Wennington Gardens to the south which is open in nature and Victoria Park to the north. On the opposite side of the Regents Canal is the Cranbrook Estate. This is a series of buildings which rise from four stories to thirteen. It is noted that the larger scale development is set back from the Regents Canal.
- 8.102 The proposal includes a new public piazza to the south of Hertford Canal.

Comparison with the 2009 and 2002 refused schemes:

- 8.103 It is noted that the site has a complex planning history included two schemes which have been previously refused and successfully defended at appeal. Officers now consider that the applicant has presented a scheme which successfully addresses previous reasons for refusal and the Inspector's comments. Table four presents a brief comparison of the three schemes.

8.104 Table 4: Comparison between schemes

2002 Application	2009 Application	Current Application
<b>Proposal</b>		
Erection of two buildings between four and five storeys height to provide 9 Class B1 units and 32 Residential units.	Erection of two buildings between four and eight storeys in height to provide 322 square meters of commercial floor space and 50 residential units.	Erection of three buildings between three and six storeys to provide 76 square metres of commercial floor space and 34 residential units.

<b>Layout</b>		
<p>The proposal compromised five blocks (A, B, C, D and E) as detailed by the indicative layout plan below.</p> <p>The buildings to the north of the Hertford Union Canal comprised of block A and block B.</p> <p>Within the southern site, block C and D were located directly to the south of the Hertford Union Canal and to the west of the locally listed building. Block E was located adjacent to WenningtonGardens to the south.</p> <p>This layout included a new bridge linking the northern and southern parts of the site.</p>	<p>Building one to the north of the Hertford Union canal was located adjacent to the canal tow path with limited defensible space in front of the residential properties.</p> <p>Building two within the southern part of the site was set back from the Hertford Union canal creating a public piazza.</p> <p>See layout plan at figure 2 below.</p>	<p>Building A to the north of the Hertford Union canal is located adjacent to the canal tow path and includes defensible space.</p> <p>Building B and C are located within the southern part of the site and are set back from the Hertford Union Canal creating a public piazza along the boundary with the tow path of the Grand Union Canal.</p> <p>Building B extends from the existing locally listed British Waterways Warehouse.</p> <p>Building C, is located to the north of Wennington Green and extends towards the Canal tow path.</p>
<b>Height</b>		
<p>Block A was four storeys in height and block B rose to five storeys at the junction with the canals.</p> <p>Blocks D, C and E were five storeys in height.</p>	<p>Building one ranged in height from four to five storeys adjacent to the junction between the two canals.</p> <p>Building two ranged between five to eight storeys.</p>	<p>Building A ranges from three to four storeys adjacent to the junction between the two canals.</p> <p>Building B would be six storeys in height.</p> <p>Building C would be four storeys in height.</p>

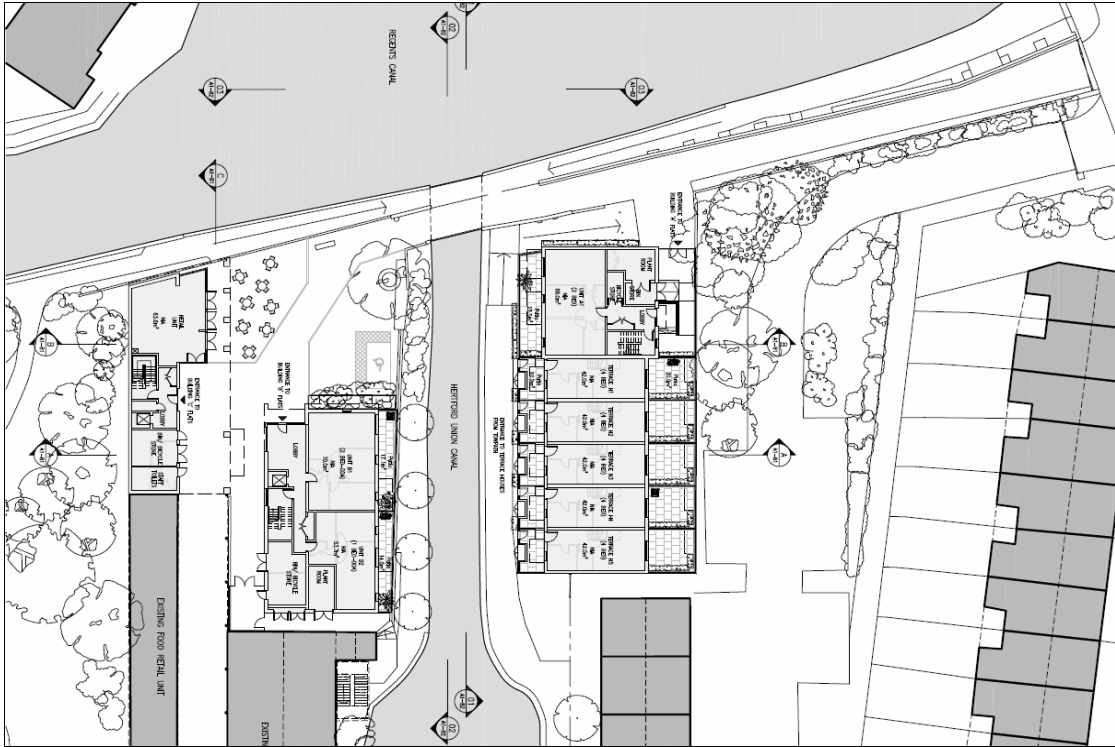
Figure 1: Indicative layout of 2002 Scheme Figure 2: Indicative layout of 2009 Scheme





FIGURE 3 OVER PAGE

Figure 3: Layout of current proposal



**Building A:**

- 8.105 The massing of Building A has been carefully considered in light of previous Inspector comments and taking account of the designated heritage assets which include the Stop Lock Bridge and the character and appearance of the Regents Canal Conservation area at this important junction of the two canals. Through out the pre-application discussions various options were explored with regard to development of this plot in order to ensure the scale of development responded to the level change which occurs at this important junction. By reducing the massing of the town houses it is considered they respond to the domestic scale of Royal Victor Place and do not appear as an overbearing addition to the canal tow path. Furthermore, the addition of defensible space ensures there is a transition between the public and private spaces.
- 8.106 Building A rises to four storeys as it terminates adjacent to the Stop Lock Bridge. The massing of Building A has been carefully considered at this point and the building appears as three storeys from the stop lock bridge and as four storeys from the lower canal tow path. This takes account of the change of level which occurs at this point. The design of building A includes pitched roofs which picks up on the treatment of Royal Victor Place and also the wider Bow Wharf complex. Building A would be a brick building and high quality materials would be required to ensure that the building preserves the character and appearance of the conservation area.
- 8.107 The Planning Inspector commenting on the 2002 scheme noted that:

*“a development of this height, so close to the narrowest part of the canal would bring about a dramatic change to the townscape of the area and I am concerned that it would have an overbearing and detrimental effect on the setting of the listed bridge and detract from the quite and low-key ambience of the tow path... I am not persuaded that the area next to the listed bridge is the right location for a development of this considerable mass and dominance.”*

- 8.108 The Planning Inspector comment on the 2009 scheme noted that:

*“The scale of development would dominate existing buildings at Bow Wharf and Royal Victor Place which have been carefully developed to reinforce the historic canal side character”*

8.109 Officers, consider that the reduction in height of Building A to a part three part four storey building successfully addresses the important setting of the junction of the two canals and the setting of the Grade II Listed Bridge. In local views from Grove Road and from the Cranbrook Estate the development no longer appears as an overbearing addition which would dominate the view.

Building B and C:

8.110 The massing and scale of development for the southern part of the site have been carefully considered in order to ensure that they address the previous concerns raised. The 2009 scheme proposed a modern render eight storey block which dominated views and failed to preserve or enhance the character and appearance of the conservation area nor the setting of the Stop Lock Bridge.

8.111 During pre-application discussions various options were explored to establish how the layout and massing of the southern part of the site could be developed to ensure these important designated heritage assets were respected. This resulted in the proposal to include two buildings as opposed to one.

8.112 Building B would be six storeys in height and extends from the existing three storey locally listed warehouse. The reduction in height at this location and the fact that the building location is set away from the stop lock bridge ensures its setting is protected. The creation of the public piazza allows breathing space between the buildings which furthermore protects the setting of the listed bridge.

8.113 Building B, has been designed to respond to the industrial vernacular of the locally listed British Waterways Warehouse by picking up details such as pitched roofs and through the use of brick. It is noted that the massing of this building is greater than the locally listed warehouse which is of concern for local residents given views of the locally listed warehouse would be obstructed. Currently, the gable of the warehouse is viewed from the west and there are views through the trees of the northern elevation of the warehouse from the opposite side of the canal tow path. This view would in fact be maintained. As such, the main impact would be from the west because building B would obstruct the view of the gable of the building. However, officers consider that the massing of the building responds to the scale of the locally listed warehouse and the loss of views of the gable would be required in order to allow any development to come forward. The more important views of the southern elevation would not be affected. On balance officers consider that protecting the view of the gable of the locally listed building would be outweighed in this instance by the need to ensure that the Grade II Listed Stop Lock Bridge is protected and the overall setting of the conservation area.

8.114 Building B incorporates protruding balconies and officers have considered the design merit of the balconies and if alternatives could be explored. However, should the balconies be removed future residents would not have private amenity space. It would not be possible to provide winter balconies without affecting the internal space standards. Considering the amenity requirements of future residents the provision of balconies are required.

8.115 It is noted that this is a new development which seeks to preserve the character of the Regents Canal Conservation Area by including elements of the industrial vernacular of the canal side location in the detailed design of the building. This results in a modern residential building which preserves the character and appearance of the conservation area through the detailed design. This has included the use of pitched roofs and brick amongst

other things.

- 8.116 The intention was not to provide a pastiche building which seeks to faithfully replica the existing locally listed warehouse. Instead, the new building should be identified as a modern addition which is a residential building. The balance of how much the new building responds to the existing warehouse has been carefully discussed and officers consider that building B is a successful response and the inclusion of protruding balconies would be acceptable. The provision of balconies does not detract from the overall design of the proposed Building B and it is noted that balconies are features found in many riparian developments around Tower Hamlets and London. The detailed design of the balconies would be controlled via condition in order to ensure they are of a high quality design.
- 8.117 Building C, would be a four storey building and is located at the southern boundary with Wennington Green. The building would also have a boundary adjacent to the canal tow path which runs north south. The massing of this building at four storeys is considered acceptable and in keeping with the scale of development within the complex.
- 8.118 Concern has been raised about the siting of this building directly adjacent to the canal tow path and the impact this would have on the open character of the conservation area. The building layout is broadly similar to the existing building on the site albeit there is an increase in massing and scale. However, the massing of Building C has been kept at four storeys in order to ensure the building would not be an overbearing addition when viewed from the park to the south. This was one of the failings of the previous scheme given the eight storey building when viewed from the south appeared as a dominant addition. However, by splitting the massing into two smaller buildings which respond to the layout of the complex officers considered that this would be a successful design response both in terms of scale and layout.
- 8.119 With regard to the green grid the canal tow path provides a clear link between the open spaces along its length. Furthermore, the creation of a public piazza ensures that there is space between the buildings and through carefully hard and soft landscaping this piazza could contribute to the green and blue grid.
- 8.120 By merit, of the low scale of building C at four storeys, officers do not consider it would detract from the open character of the conservation area or affect the aims of the green and blue grid.
- 8.121 This building includes winter balconies along the western elevation directly adjacent to the canal tow path. It is not considered that the use of winter balconies would be an unacceptable design treatment adjacent to the canal. The fact the balconies form part of the main building envelope is welcome.
- 8.122 With regard to materials all three buildings would be brick which would be welcome. The final success of this scheme would rely on the provision of high quality materials for the both the buildings and the landscaped public piazza. With regard to the piazza, proposals currently include concrete sets which would not be acceptable. However, this matter would be controlled via condition to ensure high quality materials which respect the conservation area setting are used.
- 8.123 In conclusion officers have carefully considered the proposed development taking account of previous decisions and considered that the design, bulk, scale and massing are acceptable and in keeping with the scale of development within the surrounding area. The development would protect the setting of the listed bridge and would preserve the character and appearance of the conservation area.

## Amenity

- 8.124 Part 4 a and b of policy SP10 of the CS, saved policy DEV2 of the UDP and policy DM25 of the MD DPD seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or have a material deterioration of daylight and sunlight conditions.
- 8.125 The nearest residential properties to Building A would be number 1 Royal Victor Place which forms part of a terrace of 10 houses with further mix of houses and flats continuing along the terrace.
- 8.126 To the northwest of Building A, there is a row of terraced properties which front Old Ford Road – numbers 236- 256. The shortest separation distance between this group of buildings and the boundary of the development site would be approximately 29.6 metres. Further, east of this terrace is Palmerston Court which has a separation distance of approximately 40 metres from the boundary of the development site.
- 8.127 To the southwest of the development on the opposite side of the canal is the Cranbrook Estate the nearest building to the development site would be Twig Folly House which over 18 metres from the boundary of the development site where building C would be located. Bridge Wharf which is to the northwest of has a separation distance of approximately over 40 metres from the boundary of Building A.

### Daylight, Sunlight and Overshadowing:

- 8.128 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice - Second Edition' (2011).
- 8.129 In respect of daylight, there are three methods of calculating the level of daylight received known as Vertical Sky Component (VSC), No Sky Line (NSL) and Average Daylight Factor (ADF). BRE guidance sets out that the first test applied should be VSC and if this fails consideration of the NSL test may also be taken into account.
- 8.130 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.131 In respect of sunlight, BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.132 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *"it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March"*.
- 8.133 A Daylight and Sunlight Report has been submitted as part of the application documents. The main residential property within the vicinity of the site is Royal Victor Place. Numbers 1 – 3 were tested and the Daylight and Sunlight Report demonstrates that all windows save one at ground floor level retain in excess of 27% VSC which accords with guidance. Given, there is only one failure and this is to a window which serves a dwelling house with dual aspect on balance the impact on daylighting to existing residents is considered acceptable.

- 8.134 With regard to the proposed development all of the rooms would receive acceptable levels of daylight and sunlight and accord with BRE guidance.
- 8.135 It is noted that other residents are also concerned about the impact of the proposed development with regard to loss of daylight and sunlight. However, by merit of the separation distances of these properties all of which are over 18 metres away from the development site there would be no impact.

Sense of Enclosure, Outlook, Privacy and Overlooking:

- 8.136 Focusing first on Royal Victor Place which is the nearest residential property to Building A, it is not considered that there would be an adverse impact with regard to sense of enclosure or outlook given the proposed building A is a continuation of the terrace with windows facing in east and west. Furthermore, the massing of building A at three storeys would not result in an overbearing relationship to 1 Royal Victor Place which is a two storey property.
- 8.137 With regard to privacy and overlooking, it is not considered that the proposed development would result in a loss of privacy or increase in overlooking for existing residents of Royal Victor Place. The separation distance from the location of building B to 1 Royal Victor Place would be approximately 21 metres which exceeds the recommendation of policy which recommends a minimum separation distance of 18 metres to protect residential amenity. It is noted that Building B would have balconies along this elevation however, given the separation distance which exceeds the minimum guidance officers do not consider that this would result in an adverse impact on the amenity of existing residents.
- 8.138 With regard to residents who have concerns about overlooking and loss of privacy located in Twig Folly House on the opposite side of the canal, officers do not consider that there would be an adverse impact on their amenity by merit of the separation distance which exceeds the minimum guidance of 18 metres. Concern has also been raised about the inset balconies proposed for Building C, however, officers do not consider there would be material loss of privacy or increase in overlooking by merit of the separation distance.
- 8.139 With regard to the proposed residential units, the standard of amenity would be acceptable. The scheme has been carefully designed to ensure that there would be no direct overlooking between habitable windows.

Noise and Vibration:

- 8.140 Residents have raised concern about the impact of the proposed development with regard to noise. This relates to noise during construction and the perceived impact from an increase in noise once the development would be completed from both the new residents and the commercial unit.
- 8.141 Firstly, with regard to noise during construction this matter is controlled by environmental health legislation which restricts the hours of construction to between 8 am – 6pm Monday – Friday and 8am – 1pm on Saturdays. Given, the level of concern of residents this could be attached as a condition to the planning permission as well.
- 8.142 With regard to the proposed commercial unit, it is noted that the hours of operation would be controlled via condition. It is proposed to allowing trading from 7am – 10pm on any day. The outdoor seating area would be restricted to 7am – 9pm on any day. It is noted that residents have raised concern about noise travelling across the canal and that they have previously had issues with other evening and night time uses within the Bow Wharf complex. However, officers, consider by managing the hours of operation to restrict late evening operation that this would manage the level of impact.

- 8.143 Finally, in line with Environment Health requirements the details of any plant and ventilation equipment for this use would be controlled via condition.
- 8.144 With regard to proposed residential units a report setting out how the development would have be acceptable with regard to noise insulation and post completion testing would be required via condition.
- 8.145 To conclude, the proposed development would not give rise to any unduly detrimental impacts in terms of privacy, overlooking, outlook, sense of enclosure, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future occupiers which accords with policy.

### **Transport, Connectivity and Accessibility**

- 8.146 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.147 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the MD DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.148 The site has an average public transport accessibility level (PTAL) of 3 (1 being poor and 6 being excellent). The application is supported by a Transport Statement (October 2011, prepared by TTP Consulting). The Borough Highway Officer is in support of the application as set out within section six of this report.

#### Car Parking:

- 8.149 Policies 6.13 of the London Plan, saved policy T16 of the UDP, strategic policy SP09 of the CS and policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.150 The most up to date parking standards are found within Appendix 2 of the MD DPD. Parking standards are based on the PTAL of a given site. This application has proposed no onsite car parking aside from one accessible space which accords with policy. Vehicular access would be from Old Ford Road. It is recommended that the development would be secured as permit free to prevent future residents from securing parking permits for the local area. This would be secured via the s106 agreement.

#### Provision for Cyclists:

- 8.151 In accordance with cycle parking requirements, 38 cycle parking spaces have been provided in various storage areas around the site. This provision includes visitor parking to serve the development. The proposal therefore complies with London Plan policy 6.13.

#### Servicing, Deliveries and Waste:

- 8.152 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing.
- 8.153 The scale of the proposed commercial unit is such that it is not expected to generate a significant numbers of delivery movements. Notwithstanding, the design of the public

piazza is such that it would allow sufficient turning space for a transit van adjacent to the accessible parking space. Furthermore, the existing servicing bay within the Bow Wharf Complex could also be used and goods trollyed to the new commercial unit. All servicing would be from Grove Road in order to avoid use of the Stop Lock Bridge which has a weight limit. This would be secured via condition. Furthermore, a Delivery and Service Plan (DSP) would be secured via condition.

- 8.154 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the development.
- 8.155 Notwithstanding the above, the scheme shows adequate storage facilities on site to serve the proposed development and outlines a feasible strategy for the collection of waste from Grove Road. Waste would be stored in the allocated waste and recycling stores within each building and moved on collection day to the storage area in the Bow Wharf Complex. This would be managed by the management company and would ensure that no refuse truck would be accessing the site using the Stop Lock Bridge.

Fire Access:

- 8.156 Fire access to the proposed development would be from Grove Road. Detailed discussions and site visits have taken place with the Fire Brigade and the applicant as detailed in section six of this report. In order to address the concerns of the Fire Brigade regarding the speed at which a fire appliance could access the site it is proposed to demolish part of one of the exiting chalets. This would be controlled via a Grampian condition which would prevent any works commencing until the demolition works have taken place.
- 8.157 Furthermore, a condition would require post completion testing of the route which would ensure the Fire Brigade are satisfied that they can access the site in a safe and timely manner. The timing for this condition would also be prior to the commencement of any works on site.
- 8.158 It is noted that the final comments from the Fire Officer stated that:  
*“While the current proposal is acceptable subject to this building being partially demolished it should be noted that the Fire Authority will consider enforcement action should following construction access not meet our requirements.”*
- 8.159 To conclude, officers consider that sufficient information has been provided to allow the assessment of this application. Through the use of planning conditions and the ability of the Fire Authority to use their own legislation there is sufficient control to ensure that prior to the commencement of any works that an access route that meets the requirements of the Fire Authority is provided.

Public Transport Improvements:

- 8.160 It has been identified that the improvement of the access from Old Ford Road has been required. It has been agreed with the Borough Highway Officer that this would be secured via a S278 agreement which would be secured via condition. As part of the detailed landscaping scheme for the development full details and specification of the treatment of the access route from Old Ford Road and how this would ensure pedestrian safety would be secured via condition.

Other:

- 8.161 Locally residents have raised concern about the impact of the proposed development on capacity on the surrounding highway network, buses and tubes. The application has been supported by a Transport Statement which has been assessed by the Borough Highway Officer. This assessment demonstrates that the proposed development subject to the



development being secured as permit free and conditions securing s278 works that the proposed development would not have an adverse impact on the surrounding highway network. Additionally, it is not considered that the proposed 34 new units would result in an unduly detrimental impact upon local public transport infrastructure.

- 8.162 To conclude, the proposed development is considered acceptable with regard to highway's impacts and accords with policy.

### **Energy & Sustainability**

- 8.163 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.

- 8.164 The London Plan sets out the Mayor of London's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green)

- 8.165 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

- 8.166 The applicant has provided a robust justification for the omission of a CHP and a communal gas system is also not considered feasible due to the scale of the development and site constraints (including the Hertford Union Canal).

- 8.167 Whilst the proposed energy strategy falls short of the requirements of emerging Policy DM29 of the MD DPD (which seeks a 35% reduction in CO2 emissions) the anticipated CO2 savings are in accordance with policy 5.2 of the LP and the applicant has demonstrated the CO2 savings have been maximised through energy efficiency measures and the integration of renewable energy technologies such as photovoltaics.

- 8.168 Therefore, the CO2 savings proposed for this development are considered acceptable in this specific instance. The applicant has proposed to achieve a Code for Sustainable Homes Level 4 rating for all units which is also supported by Sustainable Development Team. The energy strategy (including the additional information) and Code for Sustainable Homes level 4 would be secured through appropriate conditions.

### **Biodiversity and the Green Grid**

- 8.169 In terms of policy designations within the CS, UDP and MD DP; the canals from part of a green and blue grid and the canal is designated as a Site of Importance for Nature Conservation (SINC). Wennington Green is also within the SINC designation. The site also forms part of the Blue Ribbon Network.

- 8.170 The application has been supported by an Extended Phase 1 Habitat Survey Bat Habitat Suitability Assessment, prepared by Ecosulis and an Arboriculture Report prepared by DPA.

- 8.171 Policy 7.19 of the LP, strategic policy SP04 of the CS and DM11 of the MD DPD seek to wherever possible ensure that development, makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value this should be protected and development which would cause damage to SINC's or harm to protected species will not be supported unless the social or economic

benefits of the development clearly outweigh the loss of biodiversity.

- 8.172 Strategic policy SP04 also sets out the Council's vision to create a high quality well connected and sustainable nature environment of green and blue spaces that are rich in biodiversity and promote active and healthy lifestyles.
- 8.173 Policy 7.24 of the LP sets out the strategic vision of the Blue Ribbon Network which should contribute to the overall quality and sustainability of London by prioritising the use of waterspace and land alongside it safely for water related purposes. Policy 7.27 seeks to support infrastructure and recreation use by amongst other aims protecting existing access points and enhancing where possible, increasing habitat value and protecting the open character of the Blue Ribbon Network.
- 8.174 Policy DM12 of the MD DPD provides guidance for development adjacent to the Blue Ribbon Network. Firstly development should not have an adverse impact. Secondly, with regard to design and layout development should provide appropriate setbacks from the water space edges. Finally, development should identify how it will improve the quality of the water space and provide increased opportunities for access, public use and integration with the water space.
- 8.175 The Borough Biodiversity Officer has advised that although there is little of biodiversity interest on the application site itself, this is a key location for enhancing biodiversity. It lies at the junction of the two canals, both of which are designated as a SINC and a site of Metropolitan importance for nature conservation. The Hertford Union Canal is also a key green corridor, linking the Grand Union Canal system, and Victoria and Mile End Parks, with the Lee Valley.
- 8.176 Due to the fact that canals are importing feeding areas and communing routes for bats and some species avoid light careful consideration will need to be given to the lighting of the development. Full details of external lighting for the development would be controlled via condition and seek to ensure there would be no light spillage onto the canal. If this is not possible further bat surveys would be required to establish if the type of bats roosting and using the flight path are affected by lighting ahead of agreeing a scheme of lighting for the site.
- 8.177 The Extended Phase 1 Survey report identifies a small possibility that the existing buildings could be used occasionally for roosting by small numbers of bats. It is also possible that black redstarts could use them for nesting. To ensure no breach of protected species legislation, the Borough Biodiversity Officer has advised that the buildings should be demolished during the winter (November to March inclusive). If this is not possible, soft demolition techniques with an ecologist present, as recommended in the Extended Phase 1 report, should be used. Additionally, black redstart surveys should be undertaken immediately before demolition if this is to take place between May and July inclusive. If black redstarts are found to be nesting on site, demolition of the building they are nesting in would have to be delayed until the young have fledged. This would be secured by condition.
- 8.178 The Biodiversity Officer has noted that opportunities to incorporate biodiversity into the development are limited, particularly given the design development of the scheme has been informed by the Conservation Area location and uses pitched roofs which limits the potential for green or brown roofs. Further enhancements include the provision of bird and bad boxes and enhancement to the canal wall which would be secured via condition.
- 8.179 Consequently, the landscape strip along the south side of the Hertford Union Canal is crucial. Following comments by the Biodiversity Officer, the planting scheme has been

amended to take account of his comments. The Environment Agency, have also sought the retention of this area of landscaping which would act as a buffer zone. This would be controlled via condition.

- 8.180 The removal of existing trees within the site have been considered by the Borough Tree Officer who has raised no objections aside from ensuring replacement trees would include Alders which would be controlled via condition.
- 8.181 Residents concerns regarding biodiversity and protection of existing flora and fauna have been addressed through careful consideration of the proposals by the relevant technical officers and through the use of appropriate conditions.
- 8.182 To conclude, with regard to biodiversity subject to suitable conditions the biodiversity value of the site has where possible been enhanced and no protected species would be harmed in accordance with policy.
- 8.183 As discussed within the design section of this report the proposed layout and design of the development has been carefully developed. The proposal which includes three buildings allows for the creation of a public piazza. This will serve to enhance the exiting tow paths and provide further breathing space for activity at this important junction of the canals. High quality materials would be required for the public piazza which should preserve the character of the Conservation Area and this would be controlled via condition.
- 8.184 To conclude, the development has been carefully developed to respect its location adjacent to the Blue Ribbon Network. The provision of a new public piazza would be a benefit for the network and would enhance accessibility of the canal tow paths which accords with policy.

### **Contamination**

- 8.185 In accordance with the requirements of the NPPF, saved UDP policy DEV51 and policy DM30 of the MD DPD.
- 8.186 In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which would ensure that the necessary remedial action will be carried out. This would include the need for importing soil for areas of soft landscaping. This would include post completion testing.

### **Health Considerations**

- 8.187 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 8.188 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.189 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.

- Promoting and supporting local food-growing and urban agriculture.

8.190 The applicant has agreed to financial contributions towards leisure, community facilities and health care provision within the Borough.

8.191 The application will also propose a new public piazza within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.

8.192 It is therefore considered that the financial contribution towards healthcare and community facilities and leisure will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

### **Section 106 Agreement**

8.193 The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Are fairly and reasonably related in scale and kind to the development.

8.194 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

8.195 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

8.196 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.197 This application is supported by a viability toolkit which detailed the viability of the development proposal through interrogation of the affordable housing provision and the planning obligations required to mitigate the impacts of this development proposal. The viability appraisal has established that it is not viable for the proposal to deliver more than 29% affordable housing alongside a contribution of £164,163 of planning obligations.

8.198 The toolkit provides an assessment of the viability of the development by comparing the Residual Value against the Existing Use Value (or a policy compliant Alternative Use

value), in broad terms, if the Residual Value equals or exceeds the Existing Use Value, a scheme can be considered as viable, as the requirements of paragraph 173 of the NPPF for competitive returns to the developer and the landowner have been satisfied. In summary, the Toolkit compares the potential revenue from a site with the potential costs of development. In estimating the potential revenue, the income from selling dwellings in the market and the income from producing specific forms of affordable housing are considered and in testing the developments costs matters such as build costs, financing costs, developers profit, sales and marketing costs are considered.

- 8.199 Based on the Council's s106 SPD, the viability of the proposal and the need to mitigate against the impacts of the development, LBTH Officers sought to deliver 29% on-site affordable housing and deliver an offer of £164,163 of financial contributions.
- 8.200 The s106 SPD requirement would be for £313,226 in financial contributions. The proposed offer of £164,163 would be 54% of the full contribution. The monies have been allocated according to the priorities within the s106 SPD.
- 8.201 It is noted that no public realm contribution has been sought. This is because the development provides a public piazza and is advantageously located adjacent to two large parks (Victoria Park and Mile End Park). The public realm contributions have instead been allocated to Education which is a priority for the borough. This was agreed at the Planning Contributions Overview Panel (PCOP) who have supported the recommendations of officers with regard to affordable housing and financial contributions.
- 8.202 The obligations can be summarised as follows:

#### Financial Obligations

- Education: £105,065
- Enterprise & Employment: £3,837
- Community Facilities: £23,101
- Health: £28,368
- Sustainable Transport: £574
- Monitoring & Implementation 2% of total (£3218)

#### Non-Financial Obligations

- 29% affordable housing
- Access to employment initiatives
- Permit free agreement
- Code of Construction Practice
- Public access

- 8.203 The applicant has demonstrated through the submission of a viability assessment that there is no additional provision to deliver further affordable housing or financial contributions without reducing the level of S106 that could be secured. The Council has independently reviewed the submitted viability assessment and concludes that the maximum reasonable amount of affordable housing which can be delivered on this site is 29% by habitable room and the maximum reasonable amount of financial contributions which can be delivered is £164,163. It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas aside from public realm which is justified by merit of the location of the site between two major parks.

#### **Localism Act (amendment to S70(2) of the TCPA 1990)**

- 8.204 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local

planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

8.205 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

8.206 Section 70(4) defines "local finance consideration" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.207 In this context "grants" might include the new homes bonus and payment of the community infrastructure levy.

8.208 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

8.209 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor's Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to a scheme of this size is £88,620 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 29% affordable housing and will therefore qualify for social housing relief on a proportion of this sum.

8.210 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

8.211 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £60,012 within the first year and a total of £360,70 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

### **Human Rights Considerations**

8.212 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

8.213 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. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human

Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "*regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole*".

8.214 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

8.215 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

8.216 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.

8.217 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.218 As set out above, it is necessary, 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.

8.219 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

8.220 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

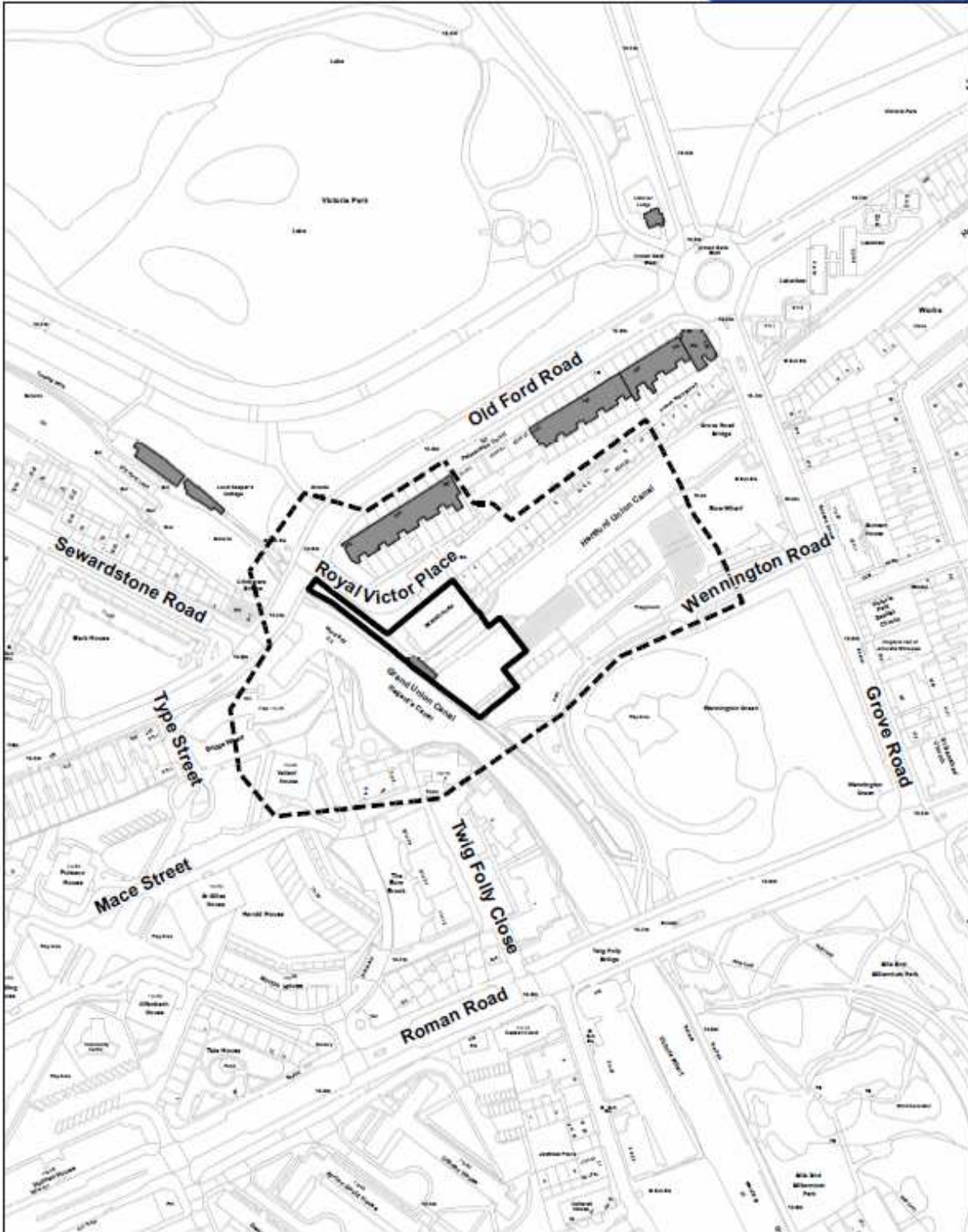
1. eliminate discrimination, harassment, victimisation and any other conduct that is

- prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.221 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 8.222 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.223 The community related contributions (which will be accessible by all), such as the new public piazza, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 8.224 The contributions to affordable housing support community wellbeing and social cohesion.

### **Conclusions**


- 8.225 All other relevant policies and considerations have been taken into account. PLANNING PERMISSION, LISTED BUILDING CONSENT and CONSERVATION AREA CONSENT should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



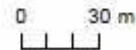


 Planning Application Site Boundary

 Locally Listed Buildings

 Consultation Area

 Statutory Listed Buildings



1:2,500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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## LONDON BOROUGH OF TOWER HAMLETS

### DEVELOPMENT COMMITTEE

11<sup>th</sup> April 2013

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#### UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

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#### INDEX

Agenda item no	Reference no	Location	Proposal
7.1	PA/12/01758	Land adjacent to railway viaduct, Mantus Road, London	Redevelopment to provide 93 residential units in buildings ranging from three to six storeys including amenity space, landscaping, disabled car parking and cycle parking
7.2	PA/12/02632-02633	Bath House, Dunbridge Street, London	Removal of existing hipped roof to Block E and replacement with new mansard roof to provide 2 x 1 bedroom flats and 1 x 2 bedroom flat including raising the stairwells and associated works to refuse and cycle stores.
7.3	PA/11/03371-3372 - 3373	Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London	Demolition of existing buildings to facilitate the redevelopment of the site to provide three buildings ranging in height from 3 - 6 storeys including Block A (part 3 part 4 storeys to the north of the Hertford Union Canal), Block B (6 Storeys to the south of the Hertford Union Canal) and Block C (4 storeys to the south of the Hertford Union Canal) to provide 34 residential units comprising 10 x 1 bedroom, 15 x 2 bedroom, 4 x 3 bedroom and 5 x 4 bedroom houses, 74.8 square metres of commercial floor space to be used as either Use Class A1, A2, A3, B1 or D1, including provision of one accessible parking space, cycle parking, public and private amenity space and associated works.
7.4	PA/12/03357	98-69 Mile End Road, London, E1 4UJ	Change of use at first floor from retail (Use Class A1) to a 24 hour gym (Use Class D2) and external alterations including new access door to Mile End Road and installation of rooftop servicing plant.
7.5	PA/12/02045	Site at 3-11 Gouston Street and 4-6 and 16-22 Middlesex Street, Middlessex Street, London, E1	Demolition of the existing buildings and erection of a nine storey building to provide a 395 room hotel (Use Class C1), together with the creation of a new pedestrian route and other works incidental to the development.

<b>Agenda Item number:</b>	7.1
<b>Reference number:</b>	PA/12/01758
<b>Location:</b>	Land adjacent to railway viaduct, Mantus Road, London
<b>Proposal:</b>	Redevelopment to provide 93 residential units in buildings ranging from three to six storeys including amenity space, landscaping, disabled car parking and cycle parking

## 1.0 CORRECTIONS

- 1.1 Following the publication of the report, the applicant has advised that the child play space has been amended from a provision of 80sqm to 97sqm. As consequence the table at paragraph 7.66 and paragraph 7.67 have been amended as shown below.

	London Plan/SPG Policy Req't	%	Proposed within scheme
Child Play Space- Under 5	60 sq.m	18%	97sq.m
Child Play Space- Under 5-11	190 sq.m	56%	
Child Play Space- Under 12+	90 sq.m	26%	
Total	340sq.m		
Shortfall Child Play Space	243sq.m		

- 1.2 Paragraph 7.67  
The scheme delivers 97sqm of on-site play space; this caters for the children aged 0-5 only. There is an obvious shortfall of on-site play space for some 5-11 year olds and the 12 and above age groups. The details of this play space would be conditioned to ensure appropriate landscaping and equipment was provided within the space.
- 2.1 A typing error in paragraph 7.105 under non-financial obligations stated 36.6% affordable housing. This should state 36.3% affordable housing provision by habitable room, which meets Council policy requirements.
- 2.2 At paragraph 5.14 the Councils housing team have stated that the provision of affordable housing is at 39%. This is a result of an error in calculating the number of habitable rooms. This has been discussed with housing and it has been agreed that the correct figure is 36.3% as per the officer's calculation and this is also consistent with the applicant's affordable housing statement.
- 3.1 In paragraph 8.0 under conclusions, the published paragraph reads:  
*"All other relevant policies and considerations have been taken into account. Planning permission should be **granted** for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report."*

The corrected paragraph now reads:

All other relevant policies and considerations have been taken into account. Planning permission should be **refused** for the reasons set out in the SUMMARY OF

MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

### 3.0 **RECOMMENDATION**

- 3.1 Officer's recommendation remains unchanged. All other relevant policies and considerations have been taken into account. Planning permission should be refused for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of the main report.

<b>Agenda Item number:</b>	7.2
<b>Reference number:</b>	PA/12/02632 and PA/12/02633
<b>Location:</b>	Bath House, Dunbridge Street, London
<b>Proposal:</b>	Removal of existing hipped roof to Block E and replacement with new mansard roof to provide 2 x 1 bedroom flats and 1 x 2 bedroom flat including raising the stairwells and associated works to refuse and cycle stores.

## 1.0 **CONSULTATION RESPONSES**

- 1.1 Two supplementary objection letters from earlier objectors have been received. The letters reiterate the original objections regarding the poor standard of the original and remedial building works that have taken place. The second letter further stresses the importance of protecting the historic building and the negative impact that the proposal will have on the building.

No new issues were raised which have not already been addressed in the main report.

## 2.0 **RECOMMENDATION**

- 2.1 Officer's recommendations remain unchanged.

<b>Agenda Item number:</b>	7.3
<b>Reference number:</b>	PA/11/03371 – 3372 -3373
<b>Location:</b>	Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London
<b>Proposal:</b>	Demolition of existing buildings to facilitate the redevelopment of the site to provide three buildings ranging in height from 3 - 6 storeys including Block A (part 3 part 4 storeys to the north of the Hertford Union Canal), Block B (6 Storeys to the south of the Hertford Union Canal) and Block C (4 storeys to the south of the Hertford Union Canal) to provide 34 residential units comprising 10 x 1 bedroom, 15 x 2 bedroom, 4 x 3 bedroom and 5 x 4 bedroom houses, 74.8 square metres of commercial floor space to be used as either Use Class A1, A2, A3, B1 or D1, including provision of one accessible parking space, cycle parking, public and private amenity space and associated works.

## 1.0 CLARIFICATION AND CORRECTIONS

- 1.1 The list of conditions for the conservation area consent at page 77 of the report contains two suggested conditions numbers four and five which were included in error. The Canal and River Trust had actually requested these be added as informatives to the main planning permission.

## 2.0 CONSULTATION RESPONSES

- 2.1 Since the main report was published further consultation responses have been received the details of which are listed below.
- 2.2 2 further letters of objection were received and one electronic petition containing 115 signatures. No new issues were raised which have not already been addressed in the main report.

## 3.0 RECOMMENDATION

- 3.1 Officer's recommendations remain unchanged.

<b>Agenda Item number:</b>	7.4
<b>Reference number:</b>	PA/12/03357
<b>Location:</b>	98-69 Mile End Road, London, E1 4UJ
<b>Proposal:</b>	Change of use at first floor from retail (Use Class A1) to a 24 hour gym (Use Class D2) and external alterations including new access door to Mile End Road and installation of rooftop servicing plant.

## 1.0 CONSULTATION RESPONSES

- 1.1 A supplementary objection letter from an earlier objector has been received. No new issues were raised which have not already been addressed in the new report.
- 1.2 The letter focuses on amenity impact resulting from breaches of planning control at the 2<sup>nd</sup> floor conferencing and banqueting suite which is not subject to this planning application. A copy has been sent to the Council's enforcement team for necessary action.
- 1.3 A number of further planning conditions are suggested, such as restrictions on servicing, temporary restriction of opening hours and management plan. These were taken into consideration during the planning process. Appropriate conditions have been imposed to make the development acceptable in planning terms.
- 1.4 One original individual objector who is the person who organised the petition in objection has now decided not to oppose the application. The writer confirmed, after reading the published planning, report that the conditions as set out in the main report are satisfactory, hence the withdrawal of objection.

## 2.0 RECOMMENDATION

- 2.1 Officer's recommendation remains unchanged.



<b>Agenda Item number:</b>	7.5
<b>Reference number:</b>	PA/12/02045
<b>Location:</b>	Site At 3-11 Goulston Street And 4-6 And 16-22 Middlesex Street, Middlesex Street, London E1
<b>Proposal:</b>	Demolition of the existing buildings and erection of a nine storey building to provide a 395 room hotel (Use Class C1), together with the creation of a new pedestrian route and other works incidental to the development.

## 1.0 **S106 Obligation**

1.1 S106 obligations in relation to the provision of public open-space and the provision of smarter travel initiatives were omitted from the Heads of Terms given at paragraph 3.1 of the main report.

1.2 Contribution d) should specify an amount of £661, 21, not £27, 613. An additional contribution of £2970 for the promotion of smarter travel initiatives should be included as obligation i). The monitoring fee, which is calculated as a percentage of the overall total should increase by a pro-rata amount.

1.3 For completeness, the full S106 obligations which have been agreed by the Applicant are:-

- a) A contribution of £56,825 towards Employment and Skills Training
- b) A contribution of £4,335 towards Idea Stores, Libraries and Archives
- c) A contribution of £13,867 towards Leisure Facilities
- d) A contribution of £661, 210 towards Public Open Space
- e) A contribution of £51,660 towards the Public Realm
- f) A contribution of £15, 817 towards Monitoring
- g) A commitment to 20% local employment during construction phase and end user phase and procurement during the construction phase in accordance with the Planning Obligations SPD.
- h) A commitment to providing 1 apprenticeship per £1 million total project cost during the construction phase, and for the hotel operator to attend a meeting with LBTH Employment & Enterprise prior to occupation, and for the hotel operator to provide Skillsmatch with information on all non-technical hotel vacancies 72 hours prior to general release.
- i) A contribution of £2970 toward sustainable transport initiatives

## 2.0 **RECOMMENDATION**

2.1 The recommendation should be changed to include the above S106 Heads of Terms.

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Ref: L2853/B7/MA/GM








## **Bow Wharf, E3**








### **External Finishes Schedule**



Issue No. 01

Issue Date: 01 – 02 February 2012

ELEMENT	MANUFACTURER / SUPPLIER	DESCRIPTION/ REF.	IMAGE	SAMPLE REF#
<b>Roof Cladding</b>				
- Flat roofs	Sika	Sarnafil (colour: Lead Grey).		1
- Pitched roofs	Cembrit	250x500mm Duquesa natural slate		2
- Dormers	Rheinzink	Double standing seam zinc cladding (colour: pre-weathered blue-grey).		3
- Lift overruns	Rheinzink	Double standing seam zinc cladding (colour: pre-weathered blue-grey).		3
<b>Wall Cladding</b>				
- Brickwork (Type 1)	Freshfield Lane/ Taylor Maxwell	Danehill Yellow Facing.		4
- Brickwork (Type 2)	Freshfield Lane/ Taylor Maxwell	Selected Dark Facing.		5
- Timber weatherboard	Southern Timber	Stained shiplap Western Red Cedar weatherboards. (Ex 22mm x 150mm)		6

ELEMENT	MANUFACTURER / SUPPLIER	DESCRIPTION/ REF.	IMAGE	SAMPLE REF#
- Metal wall cladding	Rheinzink	Horizontal Panel (colour: pre-weathered blue-grey).		3
- Cement board (fascia returns)	Cembrit	8mm Cembonit (colour: Granit).		7
<b>Windows &amp; Curtain Wall Glazing</b>	Velfac	PPC aluminium double-glazed windows and doors (RAL 7016 Matt) with stained timber inner frame.  PPC aluminium double-glazed curtain wall (RAL 7016 Matt) with grey 18B25 enamel coating to inner glass.		8
<b>Balcony Doors</b>	Velfac	PPC aluminium double-glazed windows and doors (RAL 7016 Matt) with stained timber inner frame.		8
<b>Building 'B' Entrance &amp; Retail Unit Glazing</b>	Kawneer	PPC aluminium double-glazed curtain wall and doors (RAL 7016 Matt).		8
<b>Skylights</b>	Velux	Centre-Pivot white finish (internal) roof window. External finish (RAL 7016 Matt).		8
<b>Smoke Vents</b>	Colt	Coltlite LWT 28 Ventilator. Double-glazed louvers with PPC frame (RAL 7016 Matt).		8

ELEMENT	MANUFACTURER / SUPPLIER	DESCRIPTION/ REF.	IMAGE	SAMPLE REF#
<b>External Doors</b>				
- Terraced Houses	Hormann	TopPrestige Style 570 Aluminium entrance door (External: RAL 7016 Matt, Internal: RAL 9016).		8
- Apartments (main entrance)	Kawneer	PPC aluminium double glazed doors and side lights (RAL 7016 Matt).		8
- Store/ Service Doors	Hormann	Painted steel doorset with side and over panels (RAL 7016 Matt).		8
<b>Fascias</b>		PPC pressed aluminium (RAL 7031 Matt).		9
<b>Flashings &amp; Trims</b>		PPC pressed aluminium (RAL 7016 Matt).		8
<b>Balconies</b>		PPC steel frame (RAL 7016 Matt) with 8mm Cembonit cement board (colour: Granit) soffit and hardwood ribbed decking.		7 & 8
<b>Soffit</b> (Building 'B' entrance, Building 'C' undercroft)	Knauf	Marmorite – Steel Frame Render Only System with fine grain Pico top coat render and Siliconhartz paint finish (colour: off-white)		

ELEMENT	MANUFACTURER / SUPPLIER	DESCRIPTION/ REF.	IMAGE	SAMPLE REF#
<b>Balustrades</b>		Bespoke PPC steel balustrades (RAL 7016 Matt).		8
<b>Entrance Canopies</b>		Painted steel frame (RAL 7016) with hardwood timber siding and Cembonit Granite cement board soffit.		8
<b>Rainwater Goods</b>	Marley Alutec	Concealed eaves gutters. PPC square downpipes and hoppers (RAL 7016 Matt).		8
<b>PV Panels</b>	Solarcentuty	185W Solar Module. Black coloured to blend in with slate roofing.		

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# Agenda Item 7

<b>Committee:</b> Development	<b>Date:</b> 15 <sup>th</sup> May 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

## 3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
- the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
  - the London Plan 2011
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes), Managing Development DPD – Submission Version 2012, Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the National Planning Policy Statement.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application, local finance considerations, so far as material to the application, and any other material

### LOCAL GOVERNMENT ACT 2000 (Section 97)

#### LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:  
Application, plans, adopted UDP, Interim  
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:  
Eileen McGrath (020) 7364 5321

considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, 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.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects 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.
- 3.6 Whilst the adopted UDP 1998 (as saved) is the statutory Development Plan for the borough (along with the Core Strategy and London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 Members should note that the Managing Development DPD has reached the same stage in its development as the 2007 Interim Planning Guidance. With the Managing Development DPD being the more recent document and having regard to the London Plan 2011, it could be considered to be more relevant and to carry more weight than the 2007 Interim Planning Guidance documents.
- 3.9 The Equality Act 2010 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 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.
- 3.10 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, 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 Act.
- 3.11 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

**4. PUBLIC SPEAKING**

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

**5. RECOMMENDATION**

- 5.1 The Committee to take any decisions recommended in the attached reports.

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# Agenda Item 7.1

<b>Development Committee</b>	<b>Date:</b> 15 May 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Shay Bugler		<b>Ref No:</b> PA/12/03138	
		<b>Ward(s):</b> Shadwell	

## 1. APPLICATION DETAILS

- 1 **Location:** Site at corner of King Lane and The Highway and site at 448 Cable Street (Juniper Hall)
- 1.2 **Existing Use:** No existing use at site at corner of King David Lane & The Highway  
Community facility at Juniper Hall
- 1.3 **Proposal:** The construction of a part four/part ten storey building on the corner of King David Lane and the Highway to provide 37 new residential units (comprising 8 x one bed; 21 x two bed; 7 x three bed; 1 x four bed), and the conversion of Juniper Hall to provide 2 x two residential units, together with associated works including disabled parking and cycle parking, landscaped public open space and private amenity space.
- 1.4 **Drawing Nos:** 102 Rev 00; 103 Rev 04; 104 Rev 04; 105 Rev 05; 106 Rev 05  
107 Rev 04; 108 Rev 04; 109 Rev 04; 110 Rev 04; 111 Rev 04  
112 Rev 04; 113 Rev 03; 114 Rev 03; 115 Rev 01; 116 Rev 03  
117 Rev 02; 118 Rev 03; 119 Rev 03; 120 Rev 03; 131 Rev 02  
133 Rev 00; 134 Rev 00; 135 Rev 00; 136 Rev 04; 137 Rev 02  
138 Rev 03; 139 Rev 02
- 1.5 **Supporting documentation**
- Daylight and sunlight report prepared by Waterslade dated November 2012
  - Wind Environment Assessment prepared by WSP November 2012
  - Noise Assessment by Telford Homes prepared by Cass Allen Associates (ref no: RP01-12388)
  - Air quality Assessment for the development at King David Lane and The Highway prepared by Aether dated 9 November 2012
  - TV/radio reception study dated 9 October 2012
  - Design and access statement prepared by Eastend Homes dated November 2012

- Transport Statement prepared by TTP Consulting dated November 2012
- Phase 1 Desk top study report prepared by Herts and Essex site investigations dated October 2012 (report no: 11083)
- Sustainability Statement prepared by Energy Council dated 31 October 2012
- Historic environment assessment prepared by Museum of London Archaeology dated November 2012 Arboricultural Impact Assessment prepared by DF Clark Bionomique Ltd (ref no: DFC 1359)

- 1.6 **Applicant:** Telford Homes  
 1.7 **Owner:** Telford Homes  
 1.8 **Historic Building:** No  
 1.9 **Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010); Managing Development Document (2013), the London Plan (2011) and Government Planning Policy Guidance and has found that:

- Through the provision of a new residential led mixed use development, the scheme will maximise the use of previously developed land and will significantly contribute towards creating a sustainable residential development environment in accordance with policy 3.3 and 3.4 of the London Plan(2011); policies SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development Document (2013)
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3.8; 3.10; 3.11, 3.12 & 3.13 of the London Plan (2011); policy SP02 of the Core Strategy (2010); policy DM3 of the Managing Development Document (2013) which seek to ensure that new developments offer a range of housing choices.
- The scheme would provide acceptable level of housing quality and would meet internal space standards and layout. As such, the scheme is in line with London Plan Housing SPG 2012, policy SP02 of the Core Strategy (2010) & DM4 of the Managing Document (2013) which seek to provide an acceptable standard of accommodation.
- The density of the scheme would not result in significant adverse impacts typically associated with overdevelopment and is therefore acceptable in terms of policy 3.4 of the London Plan (2011); policy SP02 of the Core Strategy (2010); policies DM24 & DM25 of the Managing Development Document (2013) which seeks to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.
- On balance, the quantity and quality of outdoor housing amenity space, communal amenity space, child playspace and open space are acceptable given the urban nature of the site and accords with policy 3.6 of the London

Plan (2011); policy SP02 of the adopted Core Strategy (2010) & DM4 of the Managing Development Document (2013) which seeks to ensure that adequate amenity space is provided.

- The urban design, layout, building height, scale and bulk and detailed design of the scheme is considered acceptable and in accordance with chapter 7 of the London Plan (2011); policies SP10 & SP12 of the Core Strategy (2010) and policies DM23, DM24 and DM27 of the Managing Development Document (2013) which seek to ensure buildings and places are of a high quality design, suitably located and sensitive to its context.
- Transport matters, including parking, access and servicing, are acceptable and in line with policies 6.9 & 6.13 of the London Plan (2011); policy SP09 of the adopted Core Strategy (2010) & policies DM20 & DM22 of the Managing Development Document (2013) which seek to ensure development minimise parking and promote sustainable transport options.
- The impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure would not cause sufficient harm to amenity to warrant refusal, given the urban nature of the site. As such, the proposal accords with policies DEV 1 and DEV 2 of the Council's Unitary Development Plan (1998) , policy SP10 of the Core Strategy (2010), policy DM25 of the Managing Development Document (2013) which seek to ensure development does not have an adverse impact on neighbouring amenity.
- Sustainability matters, including energy, are acceptable and in line with policies 5.1, 5.2, 5.3, 5.5, 5.6, 5.7 & 5.8 of the London Plan (2011); policy SP11 of the Core Strategy (2010); policy DM29 of the Management Development Document (2013) which promote sustainable development practices
- The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, in line with NPPF, policy 8.2 of the London Plan (2011); policy SP13 of the adopted Core Strategy (2010) and the Council's Planning Obligations SPS (adopted 2012) which seek to secure contributions towards infrastructure and services required to facilitate proposed development subject to viability.

### 3 **RECOMMENDATION**

3.1 That the Development Committee resolve to GRANT planning permission subject to:

- A. The prior completion of a legal agreement, to the satisfaction of the Assistant Chief Executive (legal Services), to secure the following:

#### 3.2 Financial contributions

£97,500 directly relating to this development:

- £94,050 towards education facilities
- £1,950 standard Section 106 Monitoring Fee (2%)

### Non financial obligations

- a) 35% affordable housing, as a minimum by habitable rooms (77% social rent & 23% intermediate rent);
  - b) Local training, procurement and access to employment strategy (20% local goods and services procurement; 20% local employment during construction and 20% target for jobs created within the development);
  - c) On street parking permit free development;
  - d) Commitment to deliver public open space & public realm improvements within Glamis Estate to a value equivalent to £140,000
  - e) Commitment to deliver improvement works to the existing Glamis Estate to the value of £15,000
  - f) Travel Plan;
  - g) Code for Construction Practice.
- 3.3 That the Corporate Director of Development and Renewal is delegated powers to negotiate the legal agreement indicated above acting with normal delegated authority.
- 3.4 That the Assistant Chief Executive (Legal Services) is delegated power to complete the legal agreement.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

### CONDITIONS & INFORMATIVES

#### Compliance conditions

1. Permission valid for 3 years
2. Development in accordance with approved plans
3. Development in accordance with Lifetime Homes Standards
4. Implementation of electric vehicle charging
5. Provision of 15% wheelchair accessible homes in accordance with approved plans
6. Provision of a heat network supplying all spaces with King David lane shall be installed and sized to the space heating and domestic hot water requirements
7. Provision of photovoltaic panel array with a minimum peak output of 3.75 kwp shall be installed and operational on King David Lane
8. Control over hours of construction
9. Implementation and compliance with energy efficiency strategy
10. Implementation of road traffic mitigation measures
11. Implementation of air quality mitigation measures

#### Prior to commencement conditions

12. Submission of details of all proposed external facing material
13. Submission of ground contamination- investigation, remediation and verification;
14. Submission of landscape and public realm details (including boundary treatment, surface treatment, planting scheme, street furniture, external lighting and CCTV)
13. Submission of a Secure by Design Statement
14. Submission of Construction Environment Management Plan



15. Submission, approval and implementation of archaeology investigation, recording and mitigation strategy
16. Submission of noise insulation and ventilation measures for residential accommodation to meet "Good" standard of BS8233
17. Submission of delivery and servicing plan
18. Submission of Code for Sustainable Homes Level 4 certification

### 3.6 Informative

1. Section 106 agreement required (car free & affordable housing)
2. Section 278 (Highways) agreement required
3. Site notice specifying the details of the contractor required
4. Construction Environmental Management Plan Advice
5. Environmental Health Department Advice
8. Metropolitan Police Advice

Any other informative(s) considered necessary by the Head of Development Decisions.

- 3.7 That, if within three months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

## 4. APPLICATION SITE AND SURROUNDINGS

- 4.1 The application seeks permission for development on two linked sites, King David Lane and Juniper Hall.

### King David Lane

- 4.2 The King David Lane site is a split level site, comprising land that is currently vacant at street level above a lower level garage court accessed from Redcastle Close, on the edge of the Glamis Estate, adjacent to the junction of King David Lane and The Highway. It is broadly rectangular in shape and occupies an area of approximately 0.12 ha. The lower ground level comprises 16 garages and 4 existing car parking spaces. The top of the garage block is level with the pavement.
- 4.3 A 10 storey building comprising student accommodation lies immediately to the north, facing King David Lane. To the south of the site, and opposite side of the Highway is a range of Victorian buildings. These are built in red/brown brickwork and range in height between three and five storeys with a variety of parapets, pitched and mansard roofs. A Grade II\* church is also located directly across the road
- 4.4 To the east of the site lies an existing residential development which forms part of Glamis Estate. The estate is mostly made up of low level residential terraced housing with taller four storey flats along Cable Street and Glamis Road. To the west of the site on the opposite side of the road is King David Lane primary school.
- 4.5 King David Lane has a PTAL of 4 ranging to 5 which means it is highly accessible by public transport with many bus routes serving the Glamis Estate and Shadwell DLR station approximately 90.2 miles and a 3 minute walk. The site is less than 5 minutes walk from Shadwell DLR and over ground station and right next to a bus stop on The Highway with regular buses to the city.
- 4.6 The site does not fall within a Conservation Area although it is adjacent to St Paul's

Conservation Area to the south.

#### Juniper Hall

- 4.7 Juniper Hall is a part single and part two storey brick building that provides an underused community space on Cable Street. The site adjoins a terrace of houses to the east and is predominantly surrounded by residential development to the west, east and south, with some local shops opposite on Cable Street.

#### **Relevant Planning History**

- 4.8 The western part of King David Lane, directly south of the recently completed Unite student building, has no relevant planning history.

#### King David Lane

- 4.9 Reference number PA/02/69: A planning application was submitted to the Council but subsequently withdrawn in 2003 for the demolition of existing garages and the erection of 2 x 6 bedroom houses.

#### 10 King David Lane (student housing)

- 4.10 Reference number: PA/06/1759: Planning permission was approved on 9 August 2007 for the redevelopment of the site to provide 6-11 storey building comprising 132 bedrooms student accommodation and landscaping.
- 4.11 Reference number PA/11/0004: Planning permission was approved on 17 March 2011 for the temporary change of use of student accommodation (sui generis) to allow occupation by officers.

#### Juniper Hall

- 4.12 No relevant planning history onsite.

### **5 DETAILS OF PROPOSAL**

#### King David Lane

- 5.1 Application seeks permission for the demolition of the existing garage court removal of three car parking spaces for the construction of a part four/part ten storey building on the corner of King David Lane and the Highway to provide 37 new residential units (comprising 8 x one bed; 21 x two bed; 7 x three bed; 1 x four 4 bed) and the conversion of Juniper Hall to provide 2 residential units, together with associated works including disabled parking and cycle parking, landscaped public open space and private amenity space.
- 5.2 At lower ground floor level, the development provides 7 car parking spaces (4 disabled and 3 other spaces); refuse storage; plant room and 24 cycle spaces, within an enclosed parking area accessed from Redchurch close to the north of the site.
- 5.3 At ground floor level, the proposal contains 22 cycle spaces; refuse and recycling facilities and an entrance foyer to the main lift core leading to the upper floor flats at the western end of the floor plan. A number of family units with direct access from

street level are proposed, with main entrances set back behind small front gardens adjacent to the highway and with access to private rear gardens.

- 5.4 The residential development would be four storeys in height on the eastern side of the site stepping up to eight storeys with a further two storeys in height set back (providing a ten storey element in total) to the western end of the site. The majority of the building comprises a yellow/brown brick similar to the dwellings on Glamis Estate. The top two storeys of the building comprise of grey metal standing seam cladding. Windows are grouped regularly and have grey metal frames some of which have solid panels of varying colours. The proposed balconies have grey metal screens and glass window panels. The building is broken up by two masses
- 5.5 All residential units would have access to private amenity space. The communal and child playspace is provided at roof level of the four storey eastern element.

#### Juniper Hall

- 5.6 The proposal involves the conversion of an underutilised community centre to provide two new affordable units within the fabric of the existing building. It would be a part single, part two storey brick building that provides an underutilised community space on Cable Street. private amenity space is provided by way of balconies and 4 bicycle spaces are proposed.

## 6. POLICY FRAMEWORK

- 6.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### 6.2 The London Plan (2011)

- 2.1 London in its global, European and United Kingdom context
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people’s play and informal recreation facilities
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.14 Existing housing
- 3.16 Protection and enhancement of social infrastructure
- 3.17 Health and social care facilities
- 3.18 Education facilities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions

5.3	Sustainable design and construction
5.5	Decentralised energy networks
5.6	Decentralised energy networks in development proposals
5.7	Renewable energy
5.8	Innovative energy technologies
5.9	Overheating and cooling
5.10	Urban greening
5.11	Green roofs and development site environs
5.12	Flood Risk Management
5.13	Sustainable drainage
5.14	Water quality and wastewater infrastructure
5.16	Waste self sufficiency
5.17	Waste capacity
5.21	Contaminated land
6.1	Strategic approach
6.2	Providing public transport capacity and safeguarding land for transport
6.4	Enhancing London's transport connectivity
6.9	Cycling
6.10	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An Inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.7	Location and design of tall and large buildings
7.8	Heritage assets and archaeology
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.18	Protecting local open space and addressing local deficiency
8.2	Planning Obligations
8.3	Community Infrastructure Levy

### 6.3 Core Strategy (adopted 2010)

SP1	Refocusing on our town centres
SP02	Urban living for everyone
SP03	Address the impact of noise pollution
SP05	Provide appropriate refuse and recycling facilities
SP07	Support the growth and expansion of further and higher education facilities
SP08	Making connected places
SP10	Protect and enhance heritage assets and their settings; protect amenity and ensure high quality design in general
SP11	Energy and Sustainability
SP12	Delivering Placemaking
SP13	Planning Obligations
HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space

HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
OSN2	Open Space

#### 6.4 **Managing Development Document (2013)**

6.5 The Managing Development Document (2013) was formally adopted by full Council on 17 April 2013. There does however remain a 6 week legal challenge period ending 30 May 2013 following adoption. This enables any person to make an application to the high court on the grounds that the MDD is not within the appropriate power and/or procedural requirement has not been complied with.

6.6 The MDD has full weight as part of the Council's Development Plan in determining applications.

Policies:	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM17	Local Industrial Locations
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	Tall buildings
	DM29	Achieving a Zero-Carbon borough and addressing Climate Change
	DM30	Contaminated Land & Hazardous Installations

6.7 **Supplementary planning documents and guidance**  
 London Plan Housing SPG (2012)  
 Tower Hamlets Planning Obligations SPD

## 7 **CONSULTATION**

### External consultees

#### **English Heritage (archaeology)**

7.1 No comments received.

#### **Transport for London (TfL)**

7.2 No objection to the application subject to the following conditions:

- A minimum of one visitor's cycle parking space to be provided at both sites.
- 2 active and 2 passive electric vehicle charging points at King David Lane
- A Construction Management Plan

*Section 278 works*

A contribution is sought from improvements works to the pavement outside the development at King David Lane.

(OFFICER COMMENT: The applicant would be required to submit for approval by the Local Planning Authority a scheme of highway improvement measures to serve the development. This would be secured by way of condition and implementation controlled through a Section 278 agreement).

**NHS Tower Hamlets**

- 7.3 A capital contribution of £55,218 should be secured to mitigate against the development.

(OFFICER COMMENT: Planning obligations have been negotiated which partially meet the request for capital contributions)

**Metropolitan Police**

- 7.4 LBTH Crime Prevention Officer is satisfied that the scheme does not present any security concerns but recommend that a Secure by Design Statement is submitted to the Council for approval prior to the commencement of works onsite.

(Officers comment: Conditions recommended to require Secure by Design Accreditation and details of CCTV, external lighting, boundary treatment to be submitted to the Local Planning Authority).

*Internal consultees*

**LBTH Environmental Health**

- 7.5 Noise - The Highway is considered to be one of the noisiest roads in the borough and London and has been highlighted as an area for noise action under the Environmental Noise Directive (END).

- 7.6 The applicant has provided evidence to show how the required level of façade sound insulation might be achieved. The applicant has provided a study that has been prepared for the scheme which includes the testing of an illustrative façade design. The applicant has demonstrated that the building at King David lane could attain a 'good' standard of noise insulation (as defined in BS8233) and therefore they have no objection to the application subject to the following condition which require reasonable levels of noise insulation, including glazing and adequate acoustic ventilation to meet the Council's requirements for good internal living standards.

- 7.7 Ground contamination - The applicant would be required to submit details of contamination on the site prior to the commencement of works onsite.

(Officers comment: The applicant will be required to submit contamination details prior to the commencement of works onsite to ensure that contamination land is properly treated and made safe to protect public health. This would be secured by way of condition).

- 7.8 Air quality - The proposed balconies fronting The Highway may result in direct human exposure to high levels of air pollution and potential associated health impacts. As such, the applicant would be required to submit air pollution mitigation measures for the facades exceeding the Air Quality Objective for nitrogen dioxide to be approved in writing prior to the commencement of development onsite.

(OFFICER COMMENT: The proposed building is mechanically ventilated to minimise sound air pollution, balconies at lower level are protected from air borne pollutants by folding glazed screens. In addition, conditions are recommended to control implementation of road traffic mitigation measures in the design of building facades facing the Highway, assessment of ground contamination, implementation of mitigation measures and implementation of air quality mitigation measures.

#### **LBTH Energy and Sustainability**

- 7.9 The Energy and Sustainability Strategies are considered to be acceptable subject to the following conditions:

- A heat network supplying all spaces within the King David Lane development shall be installed and sized to the space heating and domestic hot water requirements of the Development
- A photovoltaic panel array with a minimum peak output of 3.75kWp shall be installed on the Juniper Hall (Cable Street) development prior occupation.
- A photovoltaic panel array with a minimum peak output of 3.75kWp shall be installed and operational on the King David Lane Development prior to occupation
- Within 3 months of the first occupation of the residential units of the development hereby approved, the applicant shall submit the Final Code for Sustainable Homes Certificate to demonstrate the development the development achieves a minimum 'Code Level 4' rating which shall be verified by the awarding body

OFFICER COMMENT: Conditions are recommended to control the above matters)

#### **LBTH Transportation and Highways**

- 7.10 The proposed development is acceptable subject to the following condition and S106 head of terms:

A Construction Management Plan shall be submitted and approved to the Local Planning Authority

- 7.11 An agreement to prevent future occupiers from applying for on street car parking permits would be required for all new residential units at both sides.
- 7.12 The applicant would be required to enter into a Section 278 Agreement (highway improvement works).

(Officers comment: The applicant would be required to submit details of highway improvement works to be agreed in writing by the Local Planning Authority. This would be secured by way of condition and implemented through a Section 278 Agreement. The applicant has agreed to enter into a car free agreement).

#### **LBTH Directorate of Communities, Localities and Culture (CLC)**

- 7.13 There will be an increase in the permanent population generated by the development estimated to be around 84 new residents within both sites; which will increase demand on community, cultural and leisure facilities. The request for financial contributions are supported by the Planning Obligations Supplementary Planning Document (SPD). Appendix 1 of the Planning Obligations SPD outlines the Occupancy rates and employment yields for new development:

- a): £10,471 towards Idea Stores, libraries and archives
- b): £32,176 towards leisure facilities
- c): £66,685 towards open space
- d): £1,259 towards Smarter Travel Plan
- e) £73,536 towards Public realm improvements

(OFFICER COMMENT: Planning obligations have been negotiated to mitigate the impacts of the development as set out in Section 9 of this report)

#### **LBTH Enterprise and Employment**

- 7.14 The developer should exercise best endeavours to ensure than 20% of the construction phase workforce will be local residents of Tower Hamlets. LBTH Enterprise & Employment team will support the developer in achieving this target through providing g suitable candidates through Skillsmatch Construction Services.
- 7.15 To ensure local businesses benefit from this development, the applicant expects that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. The applicant would support the developer in achieving this target through inter-alia identifying suitable companies through east London Business Place.
- 7.16 The Council will seek to secure a financial contribution of £7,075 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.

(OFFICER COMMENT: The approach to negotiating planning obligations necessary to mitigate the impacts of the development is set out in Section 9 of the report).

### **8. LOCAL REPRESENTATION**



- 8.1 A total of 800 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The applicants also held a public consultation

No. of individual responses: 21            Objecting: 19            Supporting: 0

No of petitions:                            2                            91 signatures  
In total - objecting

- 8.2 The following issues have been raised which are material to the determination of the application:

The ground floor of the tower section is underutilised by having a high entrance hall. This space should be used for extra housing

- The 'right of way' between the proposed development at King David Lane and the adjoining student development has been removed
- The proposal would promote anti- social behaviour
- King David Lane application would remove the existing emergency appliances turnaround for fire truck vehicles
- The proposal would result in the loss of privacy to surrounding properties
- The noise from the highway would have a detrimental impact on future occupiers
- The proposal would result in undue loss of daylight to surrounding properties
- The fact that there is a covenant relevant to this estate relating to any such building work being carried out seems to be overlooked.
- The student hostel was built to ten storeys ignoring the element of light and air which in this case would be noticeable.
- The historic right of way between the new building and John Bell House student block has been removed despite requests from residents.
- 

- 8.3 All representations received are available to view at the committee meeting upon request. The response to concerns raised by local representation is set out within the relevant material considerations section of the report.

## **9. MATERIAL PLANNING CONSIDERATIONS**

- 9.1 The main planning issues raised by the application are as follows:

1. Land use
2. Density
3. Housing mix and quality
2. Design and layout
4. Amenity
- 5:Transport
6. Sustainability and Energy efficiency
7. Planning Obligations

### **Land Use**

- 9.1 The main land use issues to consider are as follows:

- The acceptability of residential use on site at King David Lane

#### Proposed residential development

- 9.2 At National level, the National Planning Policy Framework 2012 (NPPF) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environment benefits. The NPPF promotes the efficient use of land with high density and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets.
- 9.3 The Council's Core Strategy (2010) does not specifically identify the site within its 'Placemaking' Strategy and the Managing Development Document (2013) does not identify the site within its site allocations. However, the wider Glamis Estate lies within the Shadwell area in the Core Strategy (2010), which is projected to experience high residential growth, between 401 and 1000 units, net additional new homes over the period 2010-2015.
- 9.4 Shadwell is predominantly residential in character. This site is located within the Glamis Estate adjacent to a primary school and within a short walk of another primary school, two secondary schools and a sports academy on the north side of the railway line.
- 9.5 The site is currently an under utilised site with good access to public transport facilities and local services. It is considered that redeveloping this site would act as a catalyst for regeneration for the site in accordance with the Core Strategy and contribute to wider estate regeneration objectives. Moreover, the subject proposal would make the most efficient use of the land and bring forward sustainable development which responds to its context and doesn't result in overdevelopment of the site. Furthermore, this subject proposal would help address the great requirement for social rented housing which is a priority focus for the borough.
- 9.6 The proposal complies with National Planning Policy Framework (NPPF); policy SP02 and the vision for Shadwell identified in the Core Strategy (2010) which seek to ensure developments are sustainable and make the most efficient use of land.

#### The loss of the Community use at Juniper Hall

- 9.7 The Managing Development Document (2013) policy DM8.3 states that the loss of a community facility will only be considered if it can be demonstrated that there is no longer a need for the facility and the building is no longer suitable.
- 9.8 Juniper hall is a part single and part two storey brick building that provides an underused community space on Cable Street. This is partly because it offers only a small space and therefore does not function well as a community facility. The applicant has advised that Juniper Hall has been empty for a number of years prior to which it hosted a bridge club once a week. A larger, better equipped community facility at GlamisHall, is provided some 100 metres to the west. A sum of £15,000 has been ring fenced towards the upgrade of Glamis Estate community hall as part of the estate regeneration works on the estate.
- 9.9 The proposed conversion to two residential units would be acceptable in planning terms and the site is appropriate for residential development given the predominantly residential character of the area.

### Conclusion on land use matters

- 9.10 The proposal would deliver sustainable regeneration of the area and make the most efficient use of this land.

### **Density**

- 9.11 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings.
- 9.12 Policy SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location.
- 9.13 The King David Lane site falls within the range of PTAL 4-5. Table 3A.2 of the London Plan (2011) suggests a density of 200-700 habitable rooms per hectare (hrph) in an urban area for sites with a PTAL range of 5. The scheme is proposing 963 habitable rooms per hectare and would therefore exceed the GLA guidance for sites with a PTAL rating of 4-5. However, the Glamis Estate was built to a much lower residential density. If the scheme is taken in context of the wider Glamis Estate, the overall density would be 462hrph, which would be well within the density range set out in the London Plan and Core Strategy.
- 9.14 The London Housing SPG notes that the density matrix within the London Plan and Council's Core Strategy is a guide to development and is part of the intent to maximise the potential of sites, taking into account the local context, design principles, as well as public transport provision. Moreover, it should be remembered that density only serves an indication of the likely impact of development.
- 9.15 Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Loss of privacy and outlook;
  - Small unit sizes
  - Lack of appropriate amenity space;
  - Increased sense of enclosure;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure
- 9.16 On review of the above issues later in this report, officers are satisfied that the proposal does not present any of the symptoms associated with overdevelopment. The density is considered acceptable primarily for the following reasons:
- The proposal is of a high design quality and responds appropriately to its context.
  - The proposal is not considered to result in adverse symptoms of overdevelopment that cannot be mitigated against through financial obligations.
  - The provision of the required housing mix, including dwelling size and type and affordable housing is acceptable.
  - A number of obligations for affordable housing, health, community facilities, education, have been agreed to mitigate any potential impacts on local services and infrastructure within the constraints of the viability of the scheme.
  - Ways to improve the use of sustainable forms of transport would be provided

through a travel plan. This would be secured in the S106 Agreement.

### Conclusion

- 9.17 Officers consider that scheme does not demonstrate many of the problems that a typically associated with overdevelopment.

### **Housing mix and quality**

#### Affordable housing

- 9.18 The draft National Planning Policy Framework notes that : *“where affordable housing is required, (local authorities should) set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities”*.
- 9.19 Policy 3.11 of the London Plan (2011) seeks the maximum reasonable amount of affordable housing, and to ensure that 60% is social housing and 40% is intermediate housing. Policy 3.9 seeks to promote mixed and balanced communities, with a mixed balance of tenures.
- 9.20 Policy 3.12 London Plan (2011) seeks to ensure the maximum provision of affordable housing is secured but does not set out a strategic target for affordable housing and notes that “ boroughs should take into account economic viability and the most effective use”.
- 9.21 Policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development Document (2013) confirms the Council’s approach to seek 35% to 50% affordable housing through a variety of sources, subject to viability, with a 70:30 split between social/affordable rent and intermediate tenures.
- 9.22 The proposed new development at King David Lane will provide a total of 37 units; 26 private (75 habitable rooms) and 11 affordable homes (40 habitable rooms). The proposed development at Juniper Hall would provide two affordable units. The combined proposals at King David Lane and Juniper Hall achieves 37% affordable housing calculated by habitable room, exceeding the Core Strategy minimum target of 35% and is therefore supported by officers.
- 9.23 Eastend Homes and its developer partner Telford Homes have been successful in securing grant funding to deliver 37% of the total new housing provision as affordable units, to be provided at Target Social Rent.

#### Tenure type of affordable housing provision

- 9.24 The proposal makes provision for 8 social rent units and 3 intermediate units.
- 9.25 The following Table 2 summaries the affordable rented / intermediate split proposed against the London Plan and Core Strategy (2010).

Tenure	The Proposal	CS 2010	London Plan
Social –Rent	77%	70%	60%
Intermediate	23%	30%	40%
Total	100%	100%	100%

Table 1: *Tenure split*

9.26 As it can be seen from the table above, there has been a change in the policy position in relation to tenure split over time. The table illustrates that the scheme would provide 77% social rent and 23% intermediate units in accordance with Council policy. Whilst it is acknowledged that the proposed mix is not strictly in accordance with the London Plan policy, it would meet local affordability criteria and is considered acceptable given that overall the Council is securing 37% affordable housing with a high percentage of social rented housing which is of the greater demand within the borough.

9.27 The composition of affordable housing has to be assessed in terms of what is appropriate and deliverable on this site, within the context of the local planning guidance, local housing priorities and available funding. It is within this specific context that this proposal is considered acceptable and therefore recommended for approval. In addition, Officers consider that the applicant's proposal to provide 35% affordable housing by habitable rooms would ensure that affordable housing would be delivered in line with housing needs of the borough.

#### Housing Mix

9.28 Pursuant to policy 3.8 of the London Plan (2011), the development should offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation.

9.29 Policy SP02 of the Core Strategy (2010) seek to create mixed use communities. A mix of tenures and unit sizes assists in achieving these aims. It requires an overall target of 30% of all new housing to be suitable for families (3 bed plus), including 45% of new affordable rented homes to be for families.

9.30 Policy DM3 (part 7) of the Managing Development Document (2013) requires a balance of housing types including family homes and details the mix of units required in all tenures. With specific reference to family sized accommodation, a development should make provision for 20% family units within the market tenure, 25% within the intermediate tenure and 45% within the social rented tenure.

9.31 The scheme is proposing a total of 39 residential units. The dwelling and tenure mix for the two sites across King David Lane & Juniper Hall set out below:

Affordable Housing										Private Housing		
Unit size	Total Unit	Affordable Rent		Social Rent			Intermediate			Market Sale		
		Unit	%	Unit	%	LBTH target	Unit	%	LBTH target	Unit	%	LBTH Target %
Studio	0	0	0	0	0	0	0	0	0	0	0	0
1bed	8	0	0	1	10	30%	0	0	25%	7	27	50%
2bed	23	0	0	5	50	25%	3	100	50%	15	58	330%
3bed	7	0	0	3	30	30%	0	0	25%	4	15	20%
4bed	1	0	0	1	10	15%	0	0		0		
<b>Total</b>	<b>39</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>100</b>	<b>3</b>	<b>100</b>	<b>100</b>	<b>26</b>	100	100

**Table 3:** Proposed dwelling and tenure mix

9.32 As the table illustrates above, the proposed new residential mix would comprise of 39 units in total; 37 at the King David Lane site and 2 at the Juniper hall site. There would be 8 family (three and four bedroom) units in total.

9.33 The scheme makes provision for 40% family housing within the social rented tenure. The scheme does make provision for 15% family units within the market tenure, but none within the intermediate tenure. Overall, the scheme makes provision for 21% family housing. Whilst the proposal does not make provision for family accommodation across all tenures, there is a focus of family accommodation within the social rented units which are of greatest demand in the borough.

9.34 The proposal would provide a broadly acceptable mix of housing and would contribute towards delivering mixed and balanced communities across the wider area. Furthermore, the emphasis on the provision of family housing within the affordable rented tenure is welcomed and supported by the Council's affordable housing team.

9.35 In conclusion the development would provide an acceptable mix in compliance with policy 3.8 of the London Plan (2011), policy SP02 of the CS and policy DM3 of the Managing Development Document (2013) which seek to ensure developments provide an appropriate mix to meet the needs of the Borough.

#### Wheelchair housing and lifetime homes

9.36 SP02 of the Core Strategy (2010) requires housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or "easily adaptable" standard. The applicant proposes to deliver 6 wheelchair accessible units (4 for rent and 2 shared ownership). This equates to 15% which is in excess of the Council's minimum target of 10% and is therefore acceptable.

9.37 Should planning permission be approved, appropriate conditions should be attached to secure the delivery of accessible residential units and parking spaces.

### Residential quality

- 9.38 The submitted plans demonstrate that the applicant has met all of the internal space standards set out within the London Housing SPG and Managing Development Document.
- 9.39 The London Plan Housing SPG notes that a home with opening windows on at least two sides has many inherent benefits such as better daylight, a greater chance of direct sunlight for longer periods, natural cross ventilation and greater flexibility in the use of rooms including future adaptability. Where possible the provision of dual aspect dwellings should be maximised in a development proposal. The SPG states in its policy that north facing single aspect homes or three or more bedrooms single aspect homes should be avoided.
- 9.40 The proposed floor plans show that 23 of the proposed of the proposed flats at King David Lane would be dual aspect. There are 14 single aspect units of which 7 are south facing onto The Highway. All habitable rooms facing The Highway would be fitted with acoustically upgraded glazing to achieve to achieve the appropriate noise levels in those rooms. Recessed balconies provide a buffer between the noise levels in those rooms. Recessed balconies provide a buffer between the noise and the habitable spaces to most units. The building is mechanically ventilated to minimise sound and air pollution, balconies at lower level are protected from air bourne pollutants by folding glazed screens. There would be no north facing flats or single aspect family dwellings.
- 9.41 Both flats proposed Juniper Hall would be dual aspect and have good access to daylight and sunlight.
- 9.42 In terms of daylight and sunlight received by occupiers of the proposed dwellings, the assessment shows that the ADF levels (daylight) are up to 97% meet BRE, while it meets up to 100% with balconies removed. The levels of daylight and sunlight that will be experienced across the proposed residential accommodation in the development are considered to be high, particularly for a development within a relatively built up, high density urban location.
- 9.43 Overall officers are satisfied that the proposed development would offer a high quality of residential accommodation, in line with the NPPF, London Plan and Tower Hamlets LDF policies.

### Conclusion on housing matters

- 9.46 The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal offers a suitable range of housing choices.

### **Design**

- 9.47 The NPPF promotes high quality design and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.48 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces on streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adoptable space, optimising the potential of the site.

- 9.49 Core Strategy policy SP10 and policy DM23 & DM24 of the Managing Development Document (2013) seeks to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and seek to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.

#### Height and massing- King David Lane

- 9.50 The building is arranged as two elements, a taller element on the corner of King David Lane and The Highway proposed as 10 storeys with a lower four storey block. Both blocks sit on a semi basement area, which provides ancillary/service accommodation to the building and is accessed from the lower Redcastle Close behind.

The lower level block would be four storeys in height which would relate well to the adjoining properties to the east – a terrace of 2 storey properties and to the dwellings to the north which are 2-8 storeys.

- 9.51 The taller ‘tower’ element is 29 metres in height which marginally exceeds the height of the student accommodation to the north which measures approximately 26 metres in height. However, given that it is located on the corner site, the proposed height is considered acceptable. In addition, the set back of the top two floors would have the added benefit of reducing overall massing and add to its visual interest.

- 9.52 Overall the approach to massing and height would provide an effective transition between the lower rise properties on Glamis Estate and the larger scale student housing block, Furthermore the location of the site adjacent to The Highway would allow for a larger scale of development than would have been expected for a site set further back within the central part of the estate.

- 9.53 The majority of the proposed building would be a yellow brick, similar to many of the existing buildings on opposite side of The Highway reflect its status on this prominent corner site whilst also fitting within the context of the streetscene and with reference to the listed buildings on the opposite side of The Highway within the Conservation Area. The windows are formed in regular patterns and framed in red metal, some of which have solid panels of varying colours to reflect the colours of brickwork and foliage in the immediate surroundings. The balconies have glass balustrades and large picture windows which are of high design quality

- 9.54 The applicant has provided a view’s analysis of the development from various points along The Highway and King David Lane which demonstrates that the proposed height, massing and materials are appropriate for this site. The building does not have an adverse visual impact on the setting of the Grade II\* Church across the road on the Highway. The proposed design of the main elevations and the use of facing materials including yellow brickwork would ensure that the development would respond well to the listed buildings and on the St Paul’s Church Rectory building at 298 The Highway (Grade II), St Paul’s Church House (Grade II).

#### Height, mass, scale & materials- Juniper Hall

- 9.55 The proposals at Juniper hall provide two new affordable units within the fabric of the existing building and the scale and massing would not change. The external appearance of the building would remain unchanged.

#### Safety and security



- 9.56 The proposed development has been reviewed by the Metropolitan police who note are satisfied that the development does not present obvious concerns around safety or anti social behaviour. The applicant would be required to submit a Secure by Design statement to be submitted and approved in writing by the Local Planning Authority in writing. this would be secured by way of condition,.

#### Conclusion on design matters

- 9.57 The design and use of materials sensitively responds to the adjacent buildings as well as in context with the conservation area and listed buildings on the opposite side of The Highway.
- 9.58 The building height, scale, bulk and design is acceptable as proposal would create a sustainable, accessible, attractive development which is well integrated into its surroundings in accordance with regional and local policy.

#### **Effect on residential amenity**

- 9.59 Policy SP10(4) of the adopted Core Strategy (2010) & policy DM25 of the Managing Development Document (2013) require development to protect and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, microclimate, outlook, privacy and a lack of disturbance through noise and vibration.

#### *Daylight and sunlight*

- 9.60 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 9.61 Policy DM25 of the Managing Development Document (2013) with modifications seeks to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 9.62 For calculating daylight to neighbouring properties affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 9.63 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties.
- 9.64 The following surrounding residential properties were assessed:

: 288-290 The Highway  
: 292 The Highway  
294-296 The Highway  
302 The Highway  
1-12 Redcastle Close  
16 Redcastle Close  
14 King David Lane  
2-22 Tarbert Walk

9.65 The daylight and sunlight assessment shows that there are isolated instances of VSC reduction of greater than 20% and which result in a VSC of less than the recommended 27%. This level of impact is considered to be significant and noticeable by the BRE guidelines. Overall 32 of the 123 windows tested would experience losses of VSC in excess of 20% and have a resulting VSC of less than 27%. This would be equivalent to 26% of the total windows tested. The majority of these fall marginally below the BRE guidance and given the urban context of the site, it is considered acceptable as confirmed by the Councils Environment Health Officer.

9.66 The assessment shows a significant and noticeable impact the proposal made on 2 Tallbert Walk in terms of daylight levels received by a south facing window at ground floor which lights an open plan kitchen and dining/living area. However, there is an additional east facing window to this room, facing into the rear garden of the property. Given that the room is dual aspect, the reduction in daylight would not be significant.

LBTH Environment Health have reviewed the report and noted that the retained VSC level would be reasonable for an urban location and is not significant enough to warrant a refusal.

9.67 In terms of the impact the proposal has on daylight levels to the student accommodation at 14 King David Lane, the majority of windows would comply with the BRE guidelines although there would be windows on the rear elevation at lower levels that would experience noticeable reductions in daylight and sunlight. Given this is purpose built student accommodation and is therefore not the permanent residential address of its occupiers, the effect of the development is considered acceptable.

#### *Sunlighting*

9.68 Sunlight is assessed through the calculation of the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for windows within 90 degrees of due south. The results of the sunlight analysis demonstrate that the majority of windows assessed comply with the BRE guidelines. There are some windows which do not achieve BRE guidelines, however as noted by the Councils Environment Health Officer, the degree of non compliance is not significant and given the urban context of the site, a reason for refusal could not be sustained on this ground.

#### *Overshadowing*

9.69 The submitted Daylight and Sunlight Assessment includes an overshadowing assessment. It demonstrates the extent of permanent overshadowing that would arise from the proposed development. The proposal would not result in any material detrimental impact on existing neighbouring amenity or result in unacceptable levels of overshadowing on the proposed communal and child playspace. This has been achieved through good design, focussing the tallest element of the development adjacent to the existing tall student accommodation.

#### Sense of enclosure, outlook and privacy

9.70 Unlike sunlight and daylight assessments, these impacts cannot be readily assessed in terms of a percentage. Rather it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. Notwithstanding, it is considered by officers, that, given the siting, location and orientation of the proposed buildings and its relationship to surrounding properties to the east and north, it is not

considered that the proposals would result in an unacceptable sense of enclosure or loss of privacy to neighbouring buildings or to the development itself.

- 9.71 In terms of privacy, there is limited direct overlooking from property to property. With specific reference to no 2 Talbert Walk, it is recommended that windows directly facing no 2 Talbert Walk should be obscured. This is to ensure privacy of existing residents is not compromised by the development.

#### Conclusion on amenity matters

- 9.72 Environment Health indicates that the overall picture shows a very limited impact on surrounding properties and does not object on amenity grounds. The proportion of properties affected and the level of any losses in excess of BRE guidelines is considered to be relatively low particularly in an urban context, therefore the proposed development is considered to comply with Core Strategy policy SP10 and policy DM25 of the Managing Development Document (2013) which seeks to protect amenity by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development..

#### Noise

- 9.73 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason. Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies and policies SP03 and SP10 of the Core Strategy (2010) & policy DM25 of the Managing Development Document (2013) seek to minimise the adverse effects of noise.
- 9.74 The development is sufficiently set back from The Highway. At ground floor level, the affordable units have private amenity space which separates The Highway from the residential block. The vast majority of the units are dual aspect and therefore many habitable rooms do not front onto The Highway. Seven single aspect units front The Highway. Habitable rooms facing the main road would be fitted with acoustically upgraded glazing to achieve the appropriate noise levels in those rooms. In addition, recessed balconies provide a buffer between the noise and the habitable spaces to most units. The building is mechanically ventilated to minimise sound and air pollution, balconies at lower level are protected from air borne pollutants by folding glazed screens.
- 9.75 The noise assessment submitted was reviewed by the Councils Environment Health officer who is of the opinion that the development can achieve 'good standard' of BS8233 'Good internal noise design standard'. Conditions are recommended to require reasonable levels of noise insulation, including glazing and adequate acoustic ventilation to meet our requirements, for a good internal living standard.
- 9.76 Conditions are also recommended whilst restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions.
- 9.78 Therefore subject to conditions it is considered that the proposed development would comply with policy 7.15 of the London Plan, policies SP03 & SP10 of the Core Strategy

and policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise minimising the existing potential adverse impact and separate sensitive development from major noise sources and the NPPF.

## **OPEN SPACE PROVISION**

### Communal and Private amenity space

- 9.79 Policy DM4 of the Managing Development Document (2013) sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor's Housing Design Guide (2010) recommending that a minimum of 5 sqm of private outdoor space is provided for 1-2 person dwellings and an extra 1 sqm provided for each additional occupant.
- 9.80 The proposal would provide private amenity space in the form of balconies, terraces and/or private gardens. The total policy requirement for private amenity space arising from the mix of dwellings proposed would be 252sqm and the total proposed amount is 397 sqm. As such, the proposal exceeds the requirement by 163 sqm which is supported by officers.
- 9.81 With reference to communal amenity space, the Council's policy DM4 states that communal amenity space should be calculated on the basis of:
- "50 sqm for the first 10 units, plus a further 5sqm for every 5 additional units thereafter".
- 9.82 The scheme should provide 50 sqm for the first ten units and then a further 30 sqm for the remaining 27 units at the King David Lane site. Therefore a total of 75 sqm of communal amenity space is required for the scheme. The development provides well in excess of this amount of communal amenity space in the form of a landscaped roof garden of 304sqm at the top of the four storey element of the proposed building at King David Lane, Communal open space within the site boundary would not be required to serve the two additional units at Juniper Hall, although the total provision would exceed that required in aggregate.
- 9.83 In addition, Eastend Homes will be carrying out estate improvement works and have agreed to include public open space improvements to the equivalent value of the usual contribution as calculated by the Planning Obligations SPD. In this respect, an analysis of the current provision of open space and the requirements following development of the sites has been carried out. This shows that there is a total of approximately 5, 781 sqm of existing green space on the estate and a As such, the estate with the new development continues to provide sufficient open space to accommodate the increase in demand arising from the proposed development.

	<b>Scheme proposals</b>	<b>LBTH and the London minimum requirement</b>	<b>Variance (+ or -)</b>
Private amenity space (both sites)	397 sqm	252 sqm	+ 145 sqm
Communal amenity space (King David Lane)	304sqm	80 sqm	+ 224sqm
<b>Total</b>	<b>7001sqm</b>	<b>332 sqm</b>	<b>369sqm</b>

9.84 In addition, there are public realm improvements to the north of the proposed King David Lane site within the red line boundary. These are a mix of hard and soft landscaping works which include new shared surface in block paving; cast stone steps, raised planted area and block paved garden space with raised planting beds and boundary hedge. This adds to the overall design quality of the scheme.

Child playspace

8.85 Planning Policy Statement 3 sets out the importance of integrating play and informal recreation in planning for mixed communities.

8.86 Policy 3.6 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM4 of the Managing Development Document (2013) requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor’s SPG on ‘Providing for children and young people’s play and informal recreation’ (which sets a benchmark of 10sqm of useable child plays pace per child).

9.87 Using LBTH child yield calculations and based on the overall submitted unit mix, the overall development is anticipated to accommodate 17 children and accordingly the development should provide a minimum of 164 sq.m of play space in accordance with the London Plan and the emerging Managing Development Document standard of 10 sqm per child. Children’s play space is provided for 0-3 year olds at roof level at King David lane which results in the development delivering 66 sqm of dedicated child playspace, resulting in under provision of 69 sqm for the 4-10 year olds and 29 sqm for the 11-15 year olds onsite.

	<b>Child yield</b>	<b>Provided on site (sqm)</b>	<b>Policy requirement (sqm)</b>	<b>Plus or minus</b>
<b>Under 3’S provision</b>	<b>6.6 (7)</b>	<b>66</b>	<b>66</b>	<b>0</b>
<b>4-10 years provision</b>	<b>6.9 (7)</b>	<b>0</b>	<b>69</b>	<b>-69</b>
<b>11-15 years provision</b>	<b>2.9 (3)</b>	<b>0</b>	<b>29</b>	<b>-29</b>
<b>TOTAL</b>	<b>17</b>	<b>66</b>	<b>164</b>	<b>-98</b>

9.88 The roof top/amenity area has a total area of 280 sqm. The development requires a total of 80 sqm of communal space and a total of 164 sqm of play space. Whilst the plans only show dedicated playspace for the 0-3 age cohort, the roof area in numerical terms would achieve the total policy requirement for communal open space and playspace for the scheme within its site boundary.

9.89 Whilst purpose built child playspace for all groups is not proposed on site, here is an adventure play area adjacent to the estate on Glamis Road. This is located within 5 minute (400 m) walking distance from the site.

9.90 As such, given the on-site provision of children’s play space and adjacent playable soft landscaped area and availability of public play space within Glamis Estate and nearby park your officers are satisfied that the proposed development will have a beneficial impact on play space in the local area. The applicant has taken the view to nominate a

toddler play area on the roof garden and assume that the older children will play elsewhere on the estate and the local area.

A condition has been suggested requiring the submission of details of accessible play equipment.

#### Conclusion on amenity space matters

- 9.91 The provision of private, communal open space and child playspace is acceptable in accordance with relevant policy.

#### **TRANSPORT AND ACCESS**

- 9.92 The NPPF and policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing network.
- 8.92 CS Policy SP08 & SP09 and Policy DM20 of the Managing Development Document (2013) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent).

#### *Highways*

- 9.93 A trip generation assessment has been carried out to assess the change in trip attraction of the site under the development proposals. The traffic impact of the development is expected to be minimal and insignificant on the adjoining highways.

#### Loss of garages

- 9.94 The applicant has advised that the garages onsite have been vacant of many years. They were formally used as private domestic garages operated by Eastend Homes and rented to occupiers on Glamis Estate. As they have been vacant for many years the demolition of these garages are not of concern to Officers and no objections from local residents have been received on this matter.

#### *Servicing and Refuse*

- 9.95 Both refuse and recycling storage would take place onstreet. Two refuse storage areas have been proposed at King David Lane. These can be accessed from King David Lane for the ground floor store and via Redcastle Close for the lower ground floor store. The applicant has identified the single yellow line on King David Lane as a suitable area for refuse vehicles. The carriageway is wide enough to maintain free flow of traffic while refuse collection operations are taking place. The applicant has also submitted a swept path analysis to demonstrate that a refuse vehicle can access and exit the site via Redcastle Close in forward gear.
- 9.96 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation. The servicing and waste collections arrangements are acceptable with

operations taking place off the public highway within the existing Lanark Square courtyard ensuring compliance with London Plan Policy 6.13 and Core Strategy Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.

- 9.97 Local residents raised concerns on the accessibility of an emergency fire truck to the site. LBTH Highways have reviewed the details submitted for assessment and are satisfied that an emergency fire truck could successfully manoeuvre into and out of the site in a forward gear.

Car parking

- 9.98 Policies 6.13 of the London Plan, Policy SP09 of the Core Strategy and Policy DM22 of the Managing Development Document (2013) seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision and refers to the parking standards set out in appendix 2 for the provision of parking for different types of development. As the site of a PTAL rating of 4-5, the following table sets out the policy requirement of sites with PTAL levels of 4 and 5.

Location	Less than 3 bedroom units	3 bedroom plus units
PTAL 3-4	0.3	0.4
PTAL 5-6b	0.1	0.2

- 9.100 Based on the above, sites with a PTAL of 4 can make provision for 5 spaces and sites with a PTAL of 5 should make provision for 12 parking spaces; In terms of accessible car parking, the proposal should make provision for 2 spaces or 10% of the total parking (whichever is the greatest).
- 9.101 The proposal would result in the loss of three existing car parking spaces and the introduction of 7 new car parking spaces on the lower ground floor at King David Lane; 4 of which are accessible parking spaces. It should be noted that the building will be constructed over three existing estate car parking bays and therefore the 3 regular parking spaces proposed will not result in a net increase in parking spaces and in accordance with policy. It should be noted that the building will be constructed over three existing estate car parking bays. The swept path analysis of a 4.3m long car shows there is sufficient room for cars to enter and exit the car park in forward gear. The dimensions for the parking bays is 2.5m x 5.0m with the accessible bays being 3.75m wide which meets the Councils standards.
- 9.102 The application proposes a 'car free' agreement which would prevent residents from applying for car parking spaces onsite. However, should the future occupants be relocated from existing social housing within the borough, they would benefit from the Council's Permit Transfer Scheme which allows the transfer of existing parking permits to new housing within the borough boundary.
- 9.103 Officers are of the view that the proposed car parking onsite is considered acceptable. It will serve to meet the demands of the proposed development, whilst not causing detriment to the free flow of traffic on the surrounding highway network and accordingly complies with policies 6.13 of the London Plan; policy SP09 of the Core Strategy (2010) and policy DM22 of the Managing Development Document (2013) which seeks to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

### Cycle parking

- 9.104 Policy 6.1 of the London Plan (2011) seek to promote sustainable modes of transport and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.
- 9.105 Core Strategy policy SP08 & SP09 and policy DM20 of the Managing Development Document (2013) seek to deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.106 The scheme will accommodate cycle parking to the Council's standards and the mayor's standards within table 6.3 of the London Plan (2011) and the London Housing Design Guide (Interim edition 2010). For the King David Lane site, a total of fifty two cycle spaces are proposed, twenty two spaces proposed at lower ground level. Twelve Sheffield stands would provide capacity for 24 bicycles are proposed at lower ground floor. The ground floor cycle store would hold 22 cycles using the wall mounted vertically hung system. This provision is supported by Officers.
- 9.107 At Juniper Hall, there is now a provision for dedicated and secure cycle storage with a single Sheffield stand to provide one cycle space for each of the two new dwellings.

### Inclusive access

- 9.108 Policy 7.2 of the London Plan (2011), policy SP10 of the Core Strategy and policy DM23 of the Managing Development document (2013) seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.109 There is an existing large level change between The Highway and Redcastle Close making a ramp inappropriate due to its length a stepped access is provided to the east of the site. The lower ground level is also accessed by a lift. The existing level access between Redcastle Close and The Highway via Juniper Street has been replaced with new access that is wheelchair accessible.
- 9.110 Local residents raised concern with regard to the 'right of way' between the proposed development at King David Lane and the adjoining student development has been removed.  
Officers note that this access does not exist at present and previously the site was occupied by garages. In addition the site has been hoarded for at least the last 5 years. The proposed development does not remove any pedestrian access but proposes a new pedestrian access directly between the courtyard area (Redcastle Close) onto the pavement of The Highway and to the nearest bus stop. This new pedestrian access is generous in width and of a high quality and is just 20 metres from the route of the existing pedestrian access. There are also enhancements being made to the quality of the route to the north of the site where step free access is provided from Redcastle Close to Juniper Street and onto King David Lane.

### Conclusion on transport/highway matters

- 9.112 Subject to conditions and appropriate S106 contributions, transport matters, including vehicular and cycle parking, vehicular and pedestrian access are acceptable and the proposal should not have a detrimental impact on the public highway.



## Energy efficiency & sustainability

- 9.113 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development DPD Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.113 The London Plan sets out the Mayor's energy hierarchy which is for development to be designed to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 9.114 The Managing Development 'Development Plan Document' Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a minimum Code for Sustainable Homes Level 4 rating.
- 9.115 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a reduction of carbon dioxide emissions through on-site renewable energy generation.
- 9.116 The Energy Statement, follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of communal heating schemes, incorporating a Combined Heat and Power (CHP) engine for King David Lane and connection to an existing communal boiler system (Cable Street) for Juniper Hall to provide hotwater and space heating requirements is in accordance with policy 5.6 of the London Plan. These measures will result in significant reductions in CO2 emissions (Be Clean) for both of the sites.
- 9.117 The current proposals for delivering the space heating and hot water are considered acceptable; however an appropriately worded condition should be applied to any permission to ensure developments of King David Lane and Juniper Hall are supplied by a CHP (~10kWe) and existing communal system respectively, upon completion and prior to occupation of the developments.
- 9.118 For both sites a ~3.75kWp photovoltaic array is proposed to provide a source of on-site renewable energy (Be Green). The total 7.5kWp technologies employed would result in a 8.6% carbon savings over the regulated energy baseline. Through the maximisation of the communal system to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is technically challenging and not feasible for all developments. Whilst the proposed

development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the applicant has demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.

- 9.119 The total anticipated CO2 savings from the developments are 40.3%, through a combination of energy efficiency measures, a CHP power system/communal system and renewable energy technologies. The CO2 savings exceed Policy DM29 requirements and are supported by the sustainable development team. It is recommended that the energy strategy is secured by Condition and delivered in accordance with the submitted Energy Statement.
- 9.120 In terms of sustainability, the submitted information commits to achieving a Code for Sustainable Homes Level 4 rating and a pre-assessment has been submitted to demonstrate how this level is deliverable. It is recommended that achievement of the Code Level 4 rating is secured through an appropriately worded Condition with the final certificate submitted to the Council within 3 months of occupation. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets Managing Development Document (2013).

#### Summary on energy and sustainability matters

- 9.120 Subject to the recommended conditions, it is considered that energy and sustainability matters, including energy, are acceptable and in line with policies S03& SP11 of the Core Strategy (2010) and DM29 of the Development Management Document (2013) which seek to promote sustainable development practices.

#### **Air Quality**

- 9.121 Policy 7.4 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved policy DEV2 of the UDP, policy SP02 & SP10 of the Core Strategy and policy DM9 of the Managing Development DPD seek to protect the borough from the effects of air pollution.
- 9.122 The development fronts The Highway and as such the quality of air enjoy by local residents must be carefully considered. The building has been mechanically ventilated to minimise sound and air pollution. The residential units are protected from air borne pollutants by folding glazed screens.
- 9.123 Conditions are recommended to control implementation of road traffic mitigation measures in the design of building facades facing the Highway, assessment of ground contamination, and implementation of air quality mitigation measures.

#### **Planning Obligations**

- 9.124 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be:
- (i) Relevant to planning;
  - (ii) Necessary to make the proposed development acceptable in planning terms;
  - (iii) Directly related to the proposed development;
  - (iv) Fairly and reasonably related in scale and kind to the proposed development; and

(v) Reasonable in all other respects.

9.125 More recently, regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Are fairly and reasonably related in scale and kind to the development.

9.126 Policies 8.2 of the London Plan (2011), Saved policy DEV4 of the UDP (1998), and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.

9.127 The Council's draft Supplementary Planning Document on Planning Obligations was adopted in January 2012; this SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

The borough's other priorities include:

- Health
- Sustainable Transport
- Public Realm
- Environmental Sustainability

9.128 The proposal makes provision for 37% affordable housing by habitable rooms with a 70/30 split between social rent/intermediate housing. The applicant has advised that they have been successful in securing grant funding to deliver this affordable housing.

9.129 In order to ensure that the proposed development is deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council and through the course of negotiations. The following section sets out what officers propose should be secured from this development, taking into account advice relating to viability.

#### Financial contributions

9.130 In terms of planning obligations, if the priorities and standard calculations set out in the Planning Obligations are applied, the following contributions should be secured to mitigate against the development:

9.131

<b>Tower Hamlets SPD priority requests</b>	<b>Standard SPD contribution</b>
Health facilities	£55,218
Education facilities	£101,610
Idea stores and libraries	£10,471
Indoor leisure facilities	£32,176
Public Open Space	£66,685
Smarter travel	£1,259

Public realm contributions	£73,536
Employment and Training (construction phase)	£7,076
	<b>£348,031</b>

9.132 As illustrated in the table above, the Planning Obligations sought amounts to £348,031. The total amount of financial contributions sought could not be secured as it would impact on the viability and deliverability of the scheme. The overall financial contributions to the Council which would be secured in the legal agreement would be £97,500. A further £140,211, specifically for public realm and open space which would be ring fenced as part of the wider estate regeneration works at Glamis Estate, to be implemented directly by the applicant.

9.133 It is recommended that the financial contribution of £97,500 would be apportioned as follows:

- £94,050 towards education facilities
- £1,950 towards S106 Monitoring fee

9.134 It is considered that securing contributions towards education facilities is of greater priority in this instance.

#### Public realm & public open space

9.135 The commitment for improvement works for the wider Glamis Estate is part of the stock transfer agreement between Eastend Homes and Telford Homes. The applicant has committed, as part of stock transfer to re-invest the land receipt of £1 million on the estate regeneration works, subject to receipt of affordable housing grant of £400,000 from the GLA.

9.136 If the scheme is not delivered by March 2015 the GLA may withdraw the grant therefore until the applicant has secured planning permission, they can only commit to £600,000 of the £1 million land value for Decent Homes Plus works in the wider estate.

9.137 Notwithstanding the applicant is willing to commit to the ring fencing of £66,685 towards open space works & £73,536 towards public realm works.

#### Community facilities

9.138 Similar to public realm & public open space, the applicant is willing to commit to the ring fencing of £50,000 towards improvements works to Glamis Hall within Glamis Estate.

#### Enterprise and employment

9.139 The SPD on Planning Obligations notes that employment, skills, training and enterprise should be key priority areas. As part of the non financial contributions to be secured in the legal agreement, the following will be secured:

-20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets to ensure local businesses benefit from the development.

-20% of the construction phase workforce will be local residents of Tower Hamlets. LBTH Enterprise & Employment team will support the developer in achieving this target through providing suitable candidates through skillsmatch Construction Services.

-20% target for jobs created within the development.

- 9.140 It is considered that securing the financial contribution of £7, 075 to support private training and skills needs of local residents is not of priority in this instance and could adversely impact on the deliverability of the scheme.

#### Smarter travel

- 9.141 Whilst there is no direct financial contribution attached to smarter travel, the applicant would be required to submit a Travel Plan to promote sustainable modes of transport and this would be reviewed by the Councils Highways team.

#### Idea store, leisure and health facilities

- 9.142 Contributions towards idea stores; leisure and health facilities have not been secured as in this instances contribution towards 37% affordable housing and an financial contribution towards education facilities were of greater priority. Securing further financial contributions could jeopardise the deliverability of the scheme.
- 9.143 Whilst there is no direct financial contribution attached to smarter travel, the applicant would be required to submit a Travel Plan to promote sustainable modes of transport and this would be reviewed by the Councils Highways team.

#### **Human Rights Considerations**

- 9.144 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 9.145 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. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 9.146 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.147 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will

be legitimate and justified.

- 9.148 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.
- 9.149 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.150 As set out above, it is necessary, 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.
- 9.151 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

- 9.152 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.153 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 9.154 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 9.155 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 9.156 The contributions to affordable housing support community wellbeing and social cohesion.

### **Localism Act (amendment to S70(2) of the TCPA 1990)**

9.157 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

9.158 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

9.159 Section 70(4) defines “local finance consideration” as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy

9.160 In this context “grants” might include the New Homes Bonus.

9.161 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals

9.162 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides non-ring fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

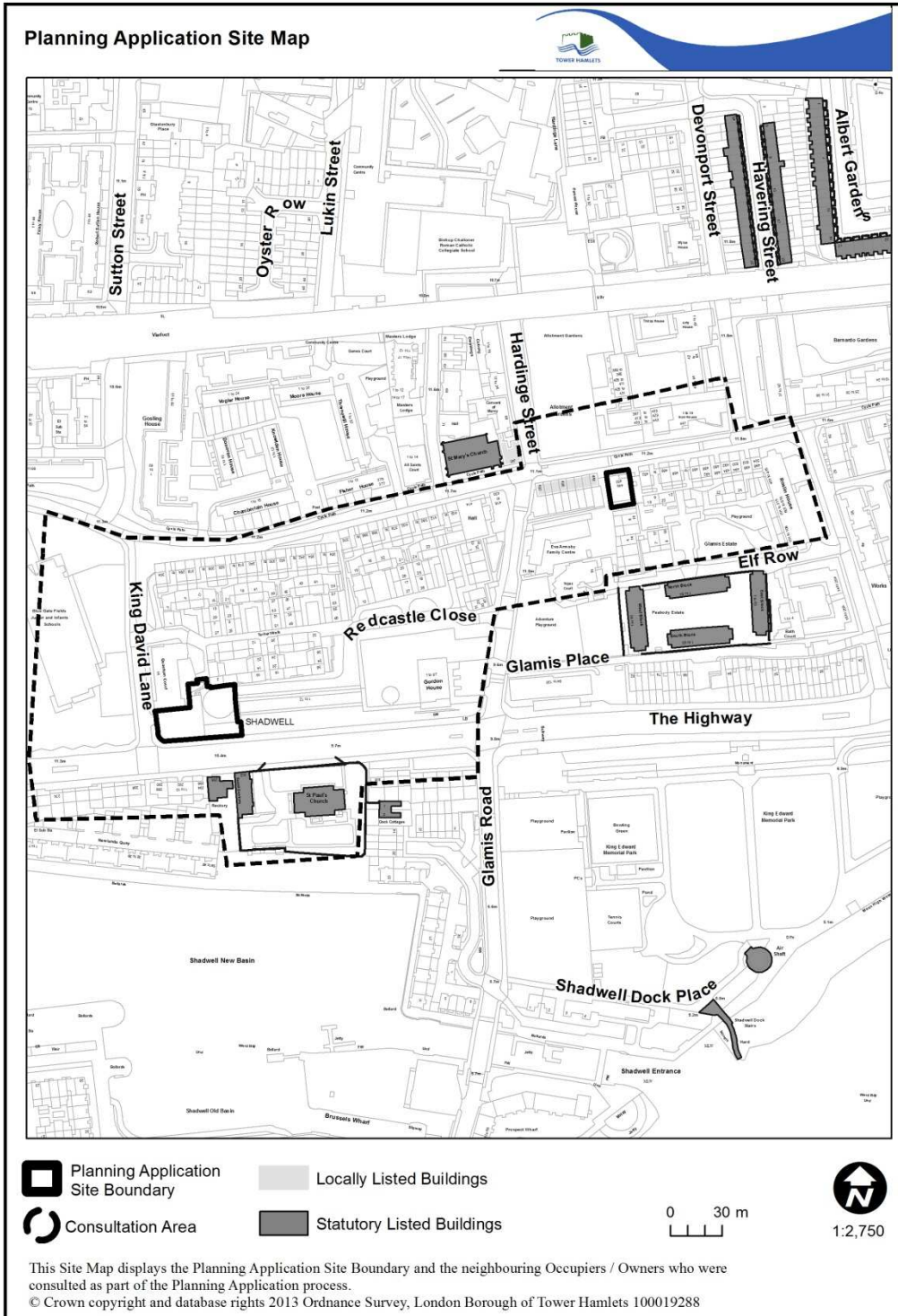
9.163 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £68,675 in the first year and a total payment of approximately £412,050 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the planning obligation contributions, and therefore this initiative does not affect the financial viability of the scheme. the first year and a total payment 6 years

9.164 With regard to Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £93,685.

## **9 Conclusions**

9.1 All other relevant policies and considerations have been taken into account. Planning permission should not be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the

RECOMMENDATION at the beginning of this report.





# Agenda Item 7.2

<b>Committee:</b> Development	<b>Date:</b> 15 May 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Mary O'Shaughnessy	<b>Ref No:</b> PA/13/00116 (Full Planning Application)
	<b>Ward:</b> Millwall (February 2002 onwards)

## 1. APPLICATION DETAILS

**Location:** Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB

**Existing Use:** Light industrial (B Class Uses)

**Proposal:** Change of use of existing light industrial units (Use Class B1) (numbers 24, 26, 28, 30 and 32) to a secondary school (Use Class D1) offering vocational courses for 14-19 year olds.

**Drawing and documents:** Drawings:  
099 REV 0, 100 REV 0, 102 REV 0, 103 REV 0, 110 REV 0, 111 REV 0, 201 REV 0, 202 REV 0, 210 REV 0 and 211 REV 0.

### Documents:

- CRQ Design and Access Statement REVA, dated January 2013, prepared by R H Partnership Architects.
- Planning and Impact Statement, dated January 2013, prepared by T P Bennett.
- Marketing Report, dated January 2013, prepared by T P Bennett.
- Transport Assessment, Ref: JNY7860-01A, prepared by RPS, dated 16 January 2013.
- Environmental noise survey report, Ref: 12437-R01-C, prepared by Sandy Brown, dated 17 January 2013.
- Energy Strategy Report REV 1.0, prepared by Atkins, dated 18 January 2013.
- Mastmaker Court – School Management Plan, prepared by City Gateway, Dated 18 January 2013.
- Flood Risk Assessment, Ref: 131952 – R1 (0) – FRA, dated February 2013, prepared by Kier.
- Construction Management Plan comprising
  - Kier Construction London Traffic Plan – 4337,
  - Kier Construction London City Gateway

- TM Plan REVA, and;
- o Appendix D Traffic Management.

<b>Applicant:</b>	City Gateway
<b>Ownership:</b>	City Gateway
<b>Historic Building:</b>	None
<b>Conservation Area:</b>	None

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013) as amended, the London Plan (2011) and the National Planning Policy Framework 2012, and have found that:
- 2.2. The proposed loss of light industrial floor space (B Class Uses) is considered acceptable in this instance. The applicant has demonstrated that the units have been vacant for approximately a year and have been actively marketed which accords with the requirements of DM15 of the Managing Development Document (2013). Consideration has also been given to the sites location within the Millennium Quarter site allocation within the Managing Development Document (2013), in that this does not require the assessment of the loss of employment floor space to comply with DM15 for strategic redevelopments. As such, the loss of employment floor space accords with strategic policy SP06 of the Core Strategy (2010) and DM15 of the Managing Development Document (2013).
- 2.3. The change of use to a secondary school (Use Class D1) is considered acceptable given there is a need for a secondary school in this accessible location and this accords with policy 6.13 of the London Plan (2011), strategic policy SP07 of the Core Strategy (2010) and DM19 of the Managing Development Document (2013) Furthermore, the proposal accords with the National Planning Policy Framework and Planning policy statement – planning for schools development.
- 2.4. With regard to impact on the safety and capacity of the surrounding highway network, subject to management of impacts through the suitable use of conditions the proposed school would not have an unduly detrimental impact on the highway network, and thus accords with strategic policies SP07 and SP09 of the Core Strategy (2010) and DM21 of the Managing Development Document (2013) which seek to manage the impact of new development on the borough highway network.
- 2.5. The proposal includes minor alterations which are considered acceptable and in keeping with the design and appearance of the host building and accord with strategic policy SP10 of the Core Strategy (2010) and policy DM24 of the Managing Development Document (2013). These policies seek to ensure appropriate design within the borough.
- 2.6. It is not considered that the proposed development would have an unduly detrimental impact on the amenity of existing residents which accords with strategic policy SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development

Document (2013). These policies seek to protect the amenity of residents of the borough.

### **3. RECOMMENDATION**

- 3.1. That the Committee resolve to GRANT planning permission.
- 3.2. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- 3.3. **Conditions**
  - Compliance:
    - § Time Limit for implementation 3 years
    - § Compliance with plans
    - § Compliance with Construction Management Plan
    - § Compliance with School Management Plan
    - § Compliance with hours of operation (07:00 – 23:00)
  
  - Prior to Commencement
    - § Contamination
  
  - Prior to Occupation:
    - § Travel Plan including details of management of short stay car parking spaces.
    - § Delivery and Servicing Plan
    - § Flood Evacuation Plan
    - § Energy
    - § Post completion testing to demonstrate best endeavours to comply with Building Bulletin 98 with regard to noise.
- 3.4. **Informatives**
  - § Consultation with School Travel Plan Officer

### **4. PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 4.1. The proposal is for the change of use of three light industrial units which form part of the Clipper House Industrial Complex to a secondary school (Use Class D1).
- 4.2. The secondary school would be for children aged 14 – 19 and would have capacity for 490 places (115 places for 14 – 16 year olds and 375 places for 16 – 19 year olds) and approximately 150 staff.
- 4.3. The School would be managed and run by City Gateway who are a charity based in Tower Hamlets who run women's projects, youth training, youth centres and a social enterprise hub. Their aim is to assist disadvantaged local communities of Tower Hamlets that haven't benefited from the area's wider economic development. The proposed education centre would assist young people who haven't achieved in mainstream education to enjoy learning, and gain vocational qualifications with the aim to move onto employment or further education.
- 4.4. City Gateway gained 'Free School' status in early 2012 from the Department for Education (DfE). They opened a Free School in September 2012 and currently are based at Ensign Court, Ensign Street and Limehouse Youth Centre, Limehouse Causeway. They currently have a capacity for 266 places and provide vocational

training for 14 – 19 year olds. The intention is to move the Free School to Clipper House should planning permission be granted for the change of use.

#### **Site and Surroundings**

- 4.5. Clipper House is a light industrial complex located on the western side of Mastmaker Road. There are currently eight units of different sizes within the complex. The units are two storeys in height and are planned around an open courtyard with car parking spaces around the site. Two of the units are in active commercial use by small business: Unit 34 is occupied by Party Ingredients who are Private Caterers and WF Senate are Electrical Supplies Distributors who occupy unit 22.
- 4.6. There is currently a boxing gym (with a ring) operating at Unit 28. However, there is no evidence on the statutory planning register that planning permission was ever granted for this use. It would appear that the use of the unit as a boxing gym is unauthorised and this is further discussed within the planning history section of this report. Prior to the use of the unit as a boxing gym it may have been in use as a church which was also unauthorised.
- 4.7. The site is neither listed nor located within a conservation area. There are no designated heritage assets within the immediate vicinity of the site.
- 4.8. The site forms part of the Millennium Quarter site allocation within the Managing Development Document (MDD) which sets out the vision for the development of the area.
- 4.9. Clipper House is one of the last remaining light industrial uses within the site allocation boundary. This marks the transition that has occurred from a mainly industrial area to a more residential area. Directly to the north of the site is Phoenix Heights which is a residential development with commercial uses at ground floor level. To the east of the site is the old Guardian Press Office site. All of the buildings have been demolished and the site is currently surrounded by a hoarding. The site is subject to pre-application discussions. To the south of the site is Gainsborough House which is a residential development. To the west of the site is a row of terraced houses which front Alpha Road. Numbers 9 – 41 Alpha Road have rear gardens which face onto the application site.
- 4.10. **Relevant Planning History**
- 4.11. **PA/97/00651** – The LPA granted planning permission on the 14 August 1997 for Unit 26 for the “Change of use from B1/B8 to car servicing and valeting.”
- 4.12. **ENF/13/00077** – The planning enforcement team are investigating the unauthorised use of unit 28 as a boxing gym (with a ring).

#### **5. POLICY FRAMEWORK**

- 5.1. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items.
- 5.2. The Managing Development Document was adopted by Full Council on 17th April 2013. As such it has full weight as part of the Council’s ‘development plan’ in determining applications. Full Council also agreed to remove the retained UDP and IPG policies. As such these policies should no longer be used to determine planning applications.

- 5.3. Please note that Full Council also agreed to change the name of the document from the Managing Development DPD to the Managing Development Document.”
- 5.4. The following policies are relevant to the application:
- 5.5. **Government Planning Policy Guidance/Statements**  
National Planning Policy Framework (March 2012) (NPPF)  
Policy Statement – planning for schools development (August 2011)
- 5.6. **Spatial Development Strategy for Greater London - London Plan 2011 (LP)**  
3.18 Educational Facilities  
5.1 Climate change mitigation  
5.2 Minimising carbon dioxide emissions  
5.3 Sustainable design and construction  
5.4 Retrofitting  
6.1 Strategic approach  
6.3 Assessing effects of development on transport capacity  
6.7 Better streets and surface transport  
6.9 Cycling  
6.10 Walking  
6.12 Road network capacity  
6.13 Parking
- 5.7. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**  
SP04 Creating a Green and Blue Grid  
SP05 Dealing with waste  
SP08 Making connected Places  
SP09 Creating Attractive and Safe Streets and Spaces  
SP10 Creating Distinct and Durable Places  
SP11 Working towards a Zero Carbon Borough  
SP12 Delivering placemaking  
SP13 Planning Obligations
- 5.8. **Managing Development Document (adopted April 2013) (MDD)**  
DM1 Development within the town centre hierarchy  
DM2 Local shops  
DM14 Managing Waste  
DM20 Supporting a Sustainable transport network  
DM22 Parking  
DM23 Streets and the public realm  
DM24 Place sensitive design  
DM25 Amenity  
DM29 Achieving a zero-carbon borough and addressing climate change  
DM30 Contaminated Land
- 5.9. **Supplementary Planning Documents**  
Planning Obligations SPG 2012
- 5.10. **Tower Hamlets Community Plan**  
The following Community Plan objectives relate to the application:
- A Great Place to Live
  - A Prosperous Community
  - A Safe and Supportive Community

- A Healthy Community

## 6. CONSULTATION RESPONSE

- 6.1. The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2. The following were consulted regarding the application:

### **LBTH Transportation and Highways**

#### Car Parking

- 6.3. The site, despite the moderate PTAL score of 3, is located in an area of good public transport connectivity, within a short walk to DLR services from South Quay station, with nearby onward Jubilee Line connections from Canary Wharf (itself within reasonable walking distance from the site) and several bus routes offering connections to many local destinations. Considering these factors the Borough Highway Officer is content that the location for the school satisfies Core Strategy policy SP07 which seeks to ensure that secondary schools should be located in highly accessible locations, to be integrated into the secondary and main movement routes, as they generate trips from a wider catchment area.
- 6.4. Car parking attached to the units proposed for school use is comprised of a total of 55 spaces. This is a substantial level of car parking and is considered excessive for the proposed use. Highways therefore welcome that the proposals would result in a significant reduction in the number of on-site car parking spaces with seven retained to the rear of the site for use by staff only and five existing spaces will be modified to provide three spaces for disabled users to the front of the site. This level of provision is acceptable.
- 6.5. The applicant also proposes to retain 10 spaces at the front of the site for short stay parking although they have not counted these spaces within the total spaces on site.
- 6.6. The Highway Officer requested further information at the application stage on the management of these spaces including the time limit for occupation, how the school would enforce this and for all operations that take place on the site.
- 6.7. **[Officer Comment:** The applicant spoke with the Borough Highway Officer and provided clarity and further information around this matter.]
- 6.8. Final comments from the Borough Highway Officer advise that it has been agreed that the travel plan should contain a section that would cover the on-going management and monitoring of the short stay car parking spaces by the occupant of site. To secure this, the travel plan condition should be worded as such to ensure this element of the travel plan is secured. The Borough Highway Officer advised this approach was acceptable and that the matter had been resolved.
- 6.9. **[Officer Comment:** The travel plan condition would be worded as requested to ensure detail of the management of the short stay car parking spaces.]
- 6.10. School Travel Plan  
It is noted that a draft School Travel Plan (STP) has been submitted by the applicant. A final version should be secured by planning condition and should be developed following the guidance of the School Travel Plan officer.

6.11. A STP should include a section on the management of the short stay car parking spaces located to the east of unit 28.

6.12. **[Officer Comment:** A STP would be secured via condition as requested. The applicant would be advised via an informative to develop the STP in conjunction with the Council's STP Officer. ]

#### Cycle Parking

6.13. The level of cycle parking proposed is in excess of the LBTH and London Plan minimum requirements for students, staff and visitors and is welcomed in this respect. The plans show that all parking provision will be of the Sheffield stand type preferred by Highways.

6.14. The Borough Highway Officer had requested that the stands be sheltered and that there should be separate allocation for staff and students.

6.15. **[Officer Comment:** Following discussions with the applicant it was established that their preference would be to have uncovered cycle shelters in order to avoid the shelters being used as smoking areas. They also noted that they would prefer to have the cycle parking allocation linked to the year group's location in order to encourage cycling. However, they did note that this would be monitored through the STP.]

6.16. Final comments from the Borough Highway Officer advised this approach was acceptable and that the matter had been resolved.

#### Servicing

6.17. The applicant proposes the school will use the internal car parking areas - predominantly the internal courtyard - for deliveries and service vehicles in keeping with the existing arrangements, which the Highways officer considers acceptable. The applicant proposes to maintain the existing waste collection arrangements; the Waste management team should be consulted on this.

6.18. **[Officer Comment:** The Waste Management Team were consulted and raised no objection to the proposals.]

#### Construction

6.19. Mastmaker Road is a relatively narrow street. Construction vehicles parked on the kerbside adjoining the application site would block the passage vehicles attempting to pass on this section. To help ensure that construction of the development proceeds with the minimum amount of disruption to the safety and operation of the highway network use of the on-site parking areas should be maximised. The detailed arrangements for this should be presented for approval (by Highways) in a Construction Management plan (CMP); to be secured by condition.

6.20. **[Officer Comment:** A CMP has been submitted and reviewed by the Borough Highway Officer who has no further queries with regard to this matter. The CMP would be approved as part of the approved documents and would need to be complied with. No further information is required with regard to the CMP.]

#### Conclusion

6.21. Highways sought further information as outlined above, and annotated in 'officer comments'. Subject to relevant conditions, the Highways section are supportive of the proposal.

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

- 6.22. The submitted Phase 1 Report has been reviewed. It was noted that this appeared to be a scoping report. However, from a review of the design and access statement it is evident there would be limited ground works. However, there is concern with regard to the outdoor nursery play area.
- 6.23. It is recommended that soil samples are retrieved and tested from all areas of landscaped area, with appropriate remedial works if required to be carried out prior to occupation.
- 6.24. A full blown contaminated land condition might be too onerous but alternative wording has been suggested which would suffice.
- 6.25. [**Officer Comment:** The requested condition would be attached as requested.]

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

- 6.26. The proposed development shall comply with the requirement of the Building Bulletin 93 (Acoustics of Schools) and Regulation E4 of Building Regulation Approved Document E 2003, which requires the following:
- “Each room or other space in a school building shall be designed and constructed in such a way that it has the acoustic conditions and the insulation against disturbance by noise appropriate to its intended use.”*
- 6.27. The noise survey submitted by Sandy Brown Associates on-behalf of the developer has been reviewed and the noise levels for the Plant appear to meet BS4142 criteria of L90 - 10dB(A) at the nearest facade. Planning can therefore be considered.
- 6.28. [**Officer Comment:** The applicant has advised that given the constraints of the existing building they may not be able to fully comply with BB93. It is suggested that the condition be worded that they use best endeavours to comply with BB93. It is noted that the DfE have previously advised that Free School are required to comply with the Independent School Regulations and that Ofsted would be carrying out separate review to ensure they are satisfied the building complies with the relevant standards. As such, officers consider it is sufficient to require the developer to use best endeavours to accord with BB93.]

### **LBTH Plan Making Team**

- 6.29. The Plan Making Team raise no objection to the principle of the loss of the employment floor use or the proposed educational use.

### **Directorate of Education, Social Care & Wellbeing**

- 6.30. City Gateway has worked with the Council providing work-based learning. This proposal will allow continuing partnership working with local schools. Additional youth provision out of normal school hours will contribute to the range services available for young people.

### **Environment Agency**

- 6.31. The Environment Agency (EA) raised an objection to the application because a Flood Risk Assessment (FRA) had not been submitted with the application.



- 6.32. The applicant submitted an FRA and the EA removed their objection. They also advised that the FRA identified that a flood evacuation plan could be developed if deemed necessary. The requirement for a flood evacuation plan is a matter for the council to determine.
- 6.33. **[Officer Comment:** A flood evacuation plan would be secured via condition should planning permission be granted.]

### **LBTH Energy**

- 6.34. The submitted information outlines the intentions to reduce energy CO2 emissions through energy efficiency measures and system upgrade works.
- 6.35. The energy officer considers this appropriate in this specific instance due to the application being a change of use application and not including any extensions or new build works.
- 6.36. The energy strategy notes that the upgrades will deliver CO2 savings of 19% compared to Building Regulation L2B requirements.
- 6.37. If a recommended for approval the energy officer recommends that a condition be attached for the applicant to submit full details of the proposed energy efficiency and system upgrade works to deliver a minimum 19% reduction in CO2 emissions. The appropriate energy modelling output sheets must be submitted to demonstrate CO2 savings achievable.
- 6.38. **[Officer Comment:** This matter would be secured via condition should planning permission be granted.]

## **7. LOCAL REPRESENTATION**

- 7.1. A total of 215 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses 3            Objecting: 2            Supporting: 1  
No of petitions received: 1 in objection with 35 signatures

- 7.2. The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report. For completeness, all issues raised are summarised. The full representations are available to view on the case file.
- 7.3. Concern about an increase in anti-social behaviour given there are already problems within the area.
- 7.4. Concern about increased noise levels as a result of the educational use.
- 7.5. Concern about the security of local residents.

- 7.6. **[Officer Comment:** With regard to security concerns of local residents it is noted that this relates to existing crime within the area. It is noted that there is no direct link between educational uses and an increase in crime. Furthermore, the activity created by the café and beauty salon would increase surveillance within the area. Finally, the school would be well managed and this would be secured via a School Management Plan. As such, it is not considered that the proposed use would have an unduly detrimental impact on security of local residents.]
- 7.7. A petition was submitted which raised concern because they believe the impact on the local community and its existing businesses; traders and residents would be negatively affected.
- 7.8. **[Officer Comment:** The submitted petition provides no further details about the type of concerns raised. However, the impacts of the proposal are discussed in full within the main body of the report.]

## 8. MATERIAL PLANNING CONSIDERATIONS

- 8.1. The main planning issues raised by the application that the committee must consider are:
- § Land Use
  - § Highways
  - § Amenity
  - § Design and Layout
  - § Energy and Sustainability
  - § Planning Contributions and Community Infrastructure Levy
  - § Human Rights
  - § Equalities

### Land Use

- 8.2. The site currently provides 3741 square metres of vacant commercial floor space (B Class Uses) arranged over five units within the Clipper House Complex. The main pedestrian and vehicular access is from Mastmaker Road.
- 8.3. The proposal is for the change of use of units 24, 26, 28, 30 and 32 to an education use. City Gateway would run the vocational secondary school as a Free School receiving funding direct from the Department for Education (DfE).
- 8.4. Unit 24 and 26 are located in the north-eastern corner of the site and would provide teaching and training space for 14-16 year old students. These units would include an outdoor seating area and hub where students could have lunch. The training of 14 – 16 year olds who are still required to be in full time education would be more in keeping with a normal secondary school with students attending Monday – Friday. Classes would run from 10am to 4pm. There would be 115 places for 14-16 year olds. For the most part this part of the school would operate solely within units 24 and 26.
- 8.5. Units 28, 30 and 32 are located in the south-western corner of the site. They would provide teaching and training facilities for the 16-19 year old students. There would be 375 places for 16 – 19 year olds and they would visit the site 16 hours a week. They would either attend site Monday – Wednesday or Wednesday – Friday. They would be in training the other two days.

- 8.6. The school includes a nursery, café, media room, and a hair and beauty salon. The purpose of these ancillary uses is to provide on-site training opportunities for students. However, they would also be functioning businesses which would be accessible to the public.
- 8.7. Unit 32 is spread over two floors and contains the main teaching and training spaces and includes a sports hall and gym. The main entrance is from within the site along the northern elevation of Unit 32.
- 8.8. Unit 28 would provide a media facility for students.
- 8.9. Unit 30 would provide a nursery at ground floor level. The nursery would be accessed from the east (off Mastmaker Road) and would have a drop-off and pick-off area in front of the unit. There would also be an enclosed play area for the nursery students at the rear of the unit.
- 8.10. Unit 32 provides the main teaching and training areas. However it would also include a café fronting Cassilis Road. Adjacent to the café would be a hair and beauty salon.

Loss of Employment Space:

- 8.11. The application site forms part of the Millennium Quarter site allocation within the Managing Development Document (2013) (MDD). The allocation site is 22.29 hectares. The vision for the site allocation is for a comprehensive mixed use development to provide a strategic housing development and a district heating facility. Future development would also include commercial floor space, open space and other compatible uses.
- 8.12. DM15 (1) of the adopted MDD aims to protect active and viable employment uses unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition. Paragraph 15.4 of the supporting text outlines that this part of the policy doesn't apply to site allocations albeit it clarifies that this is to allow the strategic redevelopment of these site allocations. It is noted that this is a change of use application and not a comprehensive redevelopment of the site.
- 8.13. A Marketing Report prepared by TP Bennett was submitted with the application.
- 8.14. Unit 30 and 32 have been vacant since 2009. They were first marketed by PSK Knighton based in the West End from early 2009. This involved placing boards on the units as well as putting details on various property systems and mailing exercises. From mid – 2012 Colliers CRE took over the marketing and undertook similar exercises.
- 8.15. Unit 24 and 26 have been vacant since 2011.
- 8.16. With regard to the Boxing gym located in Unit 28, the Planning Enforcement Team have advised that from the information available it is likely the use began in April 2010 as that is when they first started paying Business rates for the property. There is no further information on Council records and no planning permission for this use has ever been granted; as such the use is not lawful, due its being only three years in situ. Given, this is an unlawful use its loss can be considered and furthermore it is noted that the unit may have been vacant if it had not been occupied by an unlawful

use. Notwithstanding, the applicant has advised that they are assisting the boxing gym with finding a new location.

- 8.17. During March and April 2012 Richard Hull Property Consultants acting for the owner undertook a further marketing exercise for all the units which included sending out 4200 letters. The site was also advertised via various property databases. Essentially, circa 500 commercial/industrial agents within London would have been aware the property was being marketed. Onsite boards were also erected.
- 8.18. As a result of this marketing campaign very little interest from traditional industrial/warehouse operators was received. They did receive several enquiries from alternative users such as gyms/sport halls and City Gateway who are the applicant for this application.
- 8.19. During site visits marketing boards were observed.
- 8.20. In conclusion, four of the units have been vacant for some time, two since 2009 and two since 2011. During this time they have been actively marketed. Unit 28 has also been marketed however, there has been occupied by a boxing gym which is unlawful.
- 8.21. The marketing report has been examined and in light of the fact that DM15 (1) doesn't apply to site allocations is considered sufficient in this instance to demonstrate that the units have been vacant for more than a year and that they have been marketed. To conclude, the loss of employment floor space accords with policy and would be acceptable in this instance.

Principle of School:

- 8.22. The proposal is for the change of use to a secondary school (Use Class D1) and this section of the report will focus on the land use implications of the proposed educational use.
- 8.23. The NPPF states that:
- “The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- § give great weight to the need to create, expand or alter schools;*
  - § and work with schools promoters to identify and resolve key planning issues before applications are submitted.”*
- 8.24. Furthermore, Policy Statement – planning for schools development clearly states that:
- “There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.”*
- 8.25. State-funded schools are defined by the policy statement and include ‘Free Schools’.
- 8.26. Policy 3.18 of the London Plan supports proposals which enhance education and skills provision including change of use to educational purposes. It continues to state that:

*“Proposals for new schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.”*

8.27. The policy also supports proposals which maximise the extended or multiple use of educational facilities for community or recreational use. Finally the policy encourages co-location of services between schools to maximise land use.

8.28. Part 2, of strategic policy SP07 of the Core Strategy (2010) (CS), seeks to increase the provision of both primary and secondary education facilities to meet an increasing population. Part 3, of the policy sets out the criteria for the assessment of new secondary schools and states that:

*“Secondary schools should be located in highly accessible locations, to be integrated into the secondary and main movement routes, as they generate trips from a wider catchment area.”*

8.29. Part 3 of the policy supports co-location and clustering of services as well as the encouragement of the use of schools after hours.

8.30. DM18 of the MDD sets out criteria for the assessment of new schools and states that they should be located where:-

- i. a site has been identified for this use or a need for this use has been demonstrated;
- ii. the design and layout accords with relevant standards;
- iii. for existing schools, there is no net loss of school play space; and
- iv. the location of schools outside of site allocations ensure accessibility and an appropriate location within their catchments.

8.31. The proposal is for the creation of new vocational secondary school (Use Class D1) which is not located on an allocated school site. Policy advises that the location of new schools will be guided by the criteria listed above. This provides a positive approach to the development of state funded schools including ‘free schools’, ensuring they are located where they can be easily accessed and that they provide a high quality teaching environment.

8.32. Given the site is not allocated for an education use, consideration is given to the need for a new secondary school. The Children, Schools and Families Directorate have advised that there is a steeply rising need for additional school places in Tower Hamlets. The population is rising due to both rising birth rates and new residential developments. In the period 2012 to 2022 it is projected that the total school roll of 5 -16 year olds in Tower Hamlets will increase by 38%, from 34,172 to 47,069. This equates to a need for 12,897 additional school places. As such, the proposal accords with part (i) of the policy given there is a need for additional secondary school places within the borough. Furthermore, it is noted that the need for a secondary school within this area has also been assessed by the Department for Education as part of the application for funding for a ‘Free School’. In conclusion the proposed vocational secondary school would have a capacity of 490 spaces would contribute to the delivery of secondary school places in accordance with policy.

8.33. With regard to part (ii) design and layout this is discussed at paragraphs 8.75 - 8.81 of this report. Part (iii) does not apply in this instance given the proposal does not involve the loss of school play space.

- 8.34. The Borough Highway Officer has advised that despite the Public Transport Accessibility Level (PTAL) of 3 the site is located within an accessible location as evidenced by the local bus routes, South Quay DLR and access to the Jubilee Line at Canary Wharf. With regard to part (iv) of the policy it is noted that the site is located in an accessible location. The catchment for the school would be borough wide and in light of the accessible location students would be able to access the school by public transport from around the borough. As such, the proposed location would be acceptable with regard to part (iv) of the policy.
- 8.35. To conclude, in land use terms, the principle of an educational use accords with policy given there is a need for a new secondary school and it meets the other tests of the policy. Furthermore, it accords with national policy which encourages educational uses.
- 8.36. The applicant has made reference to their intention to allow local community groups use the school outside of school hours. The principle of shared facilities and co-location is promoted by policy and the sharing of school facilities would be acceptable.
- 8.37. City Gateway deliver a number of vocational courses including sport and fitness, IT, customer services, beauty, childcare, media, youth work and hospitality and catering that also work as 'social enterprises' and interact directly with the community.
- 8.38. The 'social enterprises' would range from a new community café (Use Class A3), staffed by local Apprentices; a sports centre with gym, dance studio and indoor sports hall (Use Class D1); a media centre with up to date equipment for music studio, video and graphics work (Sui Generis); an OFSTED certified crèche available to deal with childcare needs (Use Class D1); and a hospitality enterprise able to provide catering services for weddings and functions (Use Class B2). The hospitality enterprise would not include on site hosting of events. It would only involve onsite food preparation. These would all be ancillary uses associated with the secondary school.
- 8.39. These 'social enterprises' would provide services to members of the local community; a number would be accessible during the day time such as the cafe and a number also available in the evening and weekends such as the community gym and sports hall. These 'social enterprises' would develop employment opportunities for local people in the area as well as bring much needed community services.
- 8.40. The proposed nursery use (Use Class D1) is suitably sited facing Mastmaker Road where there would be a drop-off and pick-up zone for parents. Furthermore, dedicated play space for the nursery use would be available at the rear of the existing unit.
- 8.41. As part of the proposal, the vocational school would have a café (use class A3) where students would receive training about the services industry. The café would face the corner of Mastmaker Road and Cassilis Road, which forms part of unit 32. Local residents could also use the café, which would have an entrance from Cassilis Road.
- 8.42. The proposed 'social enterprises' would be ancillary to the main education use of the units and would form an integral part of the vocational teaching offer. In land use terms, the principle of the ancillary 'social enterprises' would be acceptable and accord with policy. Furthermore, the ancillary uses associated with the vocational

secondary school fit in with the overall vision of City Gateway and would contribute to creating employment opportunities both for students and local residents.

### Highways

- 8.43. Policy SP07 of the CS states that secondary schools should be located in highly accessible locations and integrated into secondary and main movement routes. Also relevant is policy SP09 of the CS and DM20 of the MDD which seek to ensure that new development has no adverse impacts upon the safety and capacity of the road network by ensuring new development is appropriately located depending on its type and scale with developments generating a higher number of trips to be located in town centres and/or other areas well served by public transport.
- 8.44. The proposal is for the creation of a new vocational secondary school with a maximum capacity of 490 places for students and 150 teachers and staff.
- 8.45. The site is accessible by public transport with bus stops located a short walk away on Marsh Wall. The bus stops on Marsh Wall are approximately a two to three minute walk from the proposed school site (approximately 190 metres). There is also a bus stop at Westferry Road (Byng Street stop) to the west of the site which is approximately 400 metres from the site (four to five minute walk). The area has a Public Transport Accessibility Level (PTAL) of 3 which indicates 'moderate' level of accessibility.
- 8.46. There are a total of five bus routes operating within 400 metres of the site. The service from Stratford to Asda (Crossharbour) stops at the Marsh Wall bus stops. The D3 (London Chest Hospital to Asda (Crossharbour)), D7 (Poplar to Mile End Station), 135 (Moorefield's Eye Hospital to Asda (Crossharbour)), and N550 (Trafalgar Square to Canning Town Station) services stop at Westferry Road (Byng Street Stop). These services provide links to Canary Wharf, Poplar, Bow, Stratford, Shoreditch, Liverpool Street and Limehouse.
- 8.47. South Quay DLR station is located four to five minute walk of the proposed school site (approximately 380 metres). Finally the centre of Canary Wharf, including the Jubilee Line station is approximately six to seven minute walk from the proposed school site (circa 550 metres).
- 8.48. Mastmaker Road routes traffic north to south. It is a single carriageway road and is street lit along its length with footways on either side of the carriageway up to four metres in width. Mastmaker Road provides access to various business units and residential units and is subject to a 30 mile per hour speed restriction.
- 8.49. The site has existing vehicular access from Mastmaker Road. The site has a total of 84 car parking spaces with 38 spaces at the front of the units facing onto Mastmaker Road, 17 spaces within around the central courtyard within the site and 29 spaces at the rear of the site.
- 8.50. The main pedestrian entrance to the school would be from Mastmaker Road. Students would arrive at the school between 08:30 and 10:00 each school day, the vast majority arriving by foot. During the morning arrival window, City Gateway staff would be in attendance both outside and inside the campus area to ensure safe and timely arrival of the students to the training units. There would be designated pupil walkways to ensure that students use the safest access route to their building. This would also serve to minimise disruption to the existing trading commercial units.

- 8.51. During the school day there would be very little movement between the buildings. Break and lunch times would be staggered and students would not be allowed to leave the training units without prior agreement. Any students moving between buildings, for example to use the sports facilities would be accompanied by a member of staff.
- 8.52. At the end of the teaching day (16:00) staff would be in attendance outside when the students leave the campus to ensure their safe and timely dispersal.
- 8.53. Servicing, disabled parking, cycle parking and refuse would all be provided on-site.

Car Parking and Cycle Parking:

- 8.54. There are a total of 84 existing car parking spaces on site of which City Gateway would be allocated 55. City Gateway do not intend to use all of the spaces and this is welcome given the level of provision would not accord with maximum parking standards within the MDD.
- 8.55. City Gateway School would retain ten car parking spaces for the use of staff only. Three would be accessible spaces located to the front of unit 30. The level of car parking provision is acceptable and accords with policy.
- 8.56. There would also be pick-up and drop-off zone to the front of unit 28 for the use of the nursery. The reduced level of car parking would be acceptable and accord with policy.
- 8.57. There would be 84 cycle parking spaces which exceed policy standards which require a provision of 64 cycle stands. The type of stands would be Sheffield stands which accords with policy. It had been requested that details of shelters for the stands be provided. However, following further discussion with the applicant it was established that the reason for not providing a shelter was to ensure the bike stands would not be used as a smoking shelter. On balance officers consider that in this instance the provision of uncovered cycle parking would be acceptable.
- 8.58. With regard to the provision of separate cycle parking for staff and students this would be monitored by the travel plan. The borough highway officer has accepted the principle of having mixed provision given this allows allocation of cycle parking to the different units.
- 8.59. Subject to control of the drop-off and pick-up zone to ensure this is not used for car parking, the level of car parking provision and cycle parking provision is considered acceptable and accords with policy DM22 and the parking standards within the MDD. The management of the drop-off and pick-off zone would be managed via the School Travel Plan.

Travel Plan:

- 8.60. The purpose of a School Travel Plan is to encourage sustainable means of transport for staff, students and visitors. A draft travel plan has been provided by the applicant which has been reviewed by the Borough Highway Officer. A final version would be secured via condition and this should be developed in conjunction with the Council's School Travel Plan Officer.

Servicing:

- 8.61. The applicant proposes the school would use the internal car parking areas - predominantly the internal courtyard - for deliveries and service vehicles in keeping with the existing arrangements. The Borough Highway Officer agrees that this would



be acceptable. The applicant proposes to maintain the existing waste collection arrangement. The Waste management team have raised no objection to this.

- 8.62. It is not considered that the servicing of the existing two units which are in commercial use would be unduly affected by the proposed school. They would retain their existing parking and servicing arrangements. Furthermore, students would not be wandering independently between buildings during the day. If students needed to move between units they would be accompanied by staff and this is set out in the School Management Plan. Compliance with this plan would be secured via condition.
- 8.63. Pedestrian routes around the site for students would be clearly delineated as shown on plan number 700 REVCP1. Furthermore, at arrival and departure times staff would be supervising students. It is considered that all of these measures would ensure the safety of students and also ensure servicing of the existing units could continue.

#### Construction:

- 8.64. To help ensure that construction of the development proceeds with the minimum amount of disruption to the safety and operation of the highway network, use of the on-site parking areas should be maximised.
- 8.65. The applicant has provided a Construction Management Plan (CMP) which has been reviewed by the Borough Highway Officer, who is satisfied with the details. As such, a condition to ensure compliance with the CMP would be attached to the planning permission.

#### Conclusion:

- 8.66. The proposed site is located in an accessible location which satisfies policy requirement of SP07 of the CS which requires secondary schools to be located in accessible locations. Furthermore, the level of car and cycle parking accords with policy. The servicing and waste collection would happen on site which would be acceptable. Finally, construction impacts have been considered and would limit impact on the highway. Subject to the provision of a Travel Plan, the development would be carried out in accordance with the CMP; it is considered that the proposed development would not have an unduly detrimental impact on the safety and capacity of the surrounding highway network.

#### **Amenity**

- 8.67. Strategic policy SP10 of the CS and policy DM24 of the MDD seek to protect the amenity of residents of the borough.

#### Overlooking and loss of privacy:

- 8.68. No new windows are proposed which would affect the existing levels of indivisibility between the site and the surrounding residential properties.
- 8.69. There would be a new outdoor area for the use of students to the rear of unit 26 which would be located adjacent to the boundary with the rear gardens of the residential properties along Alpha Grove. In order to limit overlooking there would be a boarded boundary fence of 1.8 metres in height painted to match the existing boundary treatment along the northern site boundary. The fence would sit on top of an existing 600mm brick wall. At this point there is a change in gradient which means the neighbour gardens along Alpha Grove are 1.2 metres lower. This would mean

that the proposal would not lead to unduly detrimental impacts with regard to overlooking into these gardens.

Noise, Vibration and Fumes:

- 8.70. With regard to noise impacts, bringing the vacant units back into use would result in increased noise from the new users. The hours of operation of the school would be from 07:00 – 23:00. It is noted that there is an intention to allow community groups to use the school facilities for meetings after school hours which is why the hours of operation would be until 23:00. It is not considered that these hours of operation are unreasonable given the urban location.
- 8.71. The details of how the outdoor seating area at the rear of unit 28 would be managed are detailed within the School Management Plan. This area is overlooked by training rooms and would be supervised at all times. Furthermore, the use of this space would be during school hours only (10:00 – 16:00, Mon-Fri), during which some noise is to be expected.
- 8.72. With regard to noise during construction this is managed by environmental health legislation. The hours of construction would be 8am – 6pm Monday to Friday, 8am – 1pm on Saturdays with no works allowed on Sundays and Bank Holidays.
- 8.73. The proposed school would have a kitchen and a cafe which would serve hot and cold food and would require the installation of plant and flue. The applicant has submitted a noise report which has been reviewed by the Environmental Health Noise Officer who is satisfied with the details submitted and has requested no further details.

Conclusion:

- 8.74. Given, there are no new extensions there would be no impact with regard to daylight and sunlight. To conclude, it is not considered that the proposed development would have an adverse impact on the amenity of surrounding residents which accords with policy.

**Design and layout**

- 8.75. Strategic policy SP10 of the CS and policies DM23 and DM24 of the MDD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.76. The existing units are two storeys in height and only minor external works are proposed. This includes improving entrances to ensure they are accessible.
- 8.77. Two outdoor spaces are proposed. The first space would be associated with the ancillary nursery use within unit 30. The play area would have an all-weather play surface and it would be bounded by a 1.8 metre high fence.
- 8.78. The second outdoor space would be provided at the rear of unit 26 and would provide outdoor seating for students during break times. This space would be bounded by a 1.8 metre boarded fence on top of an existing 600mm brickwork wall. As such there would be limited impact with regard to design and external appearance of the building as a result of this application.
- 8.79. New plant is proposed on the roof of the existing café, which would be screened. The design and siting is considered acceptable given the industrial context of the units.

- 8.80. Other minor works include enlargement of doors, creation of level access, and removal of roller shutters and insertion of curtain walling. All of these works are relatively minor and in keeping with the host building.
- 8.81. With regard to the proposed school, given it's a vocational school; the former industrial units suit the needs of City Gateway. With regard to policy DM18 (d) part (ii) which requires schools to comply with the relevant standards, the Department of Education has previously confirmed that the independent schools need to comply with the Independent School Standards. Ofsted would carry out an assessment to ensure the school meets the necessary standards.

### **Energy and Sustainability**

- 8.82. Climate change policies are set out in Chapter 5 of the London Plan, strategic policy SP11 of the Core Strategy and policy DM29 of the MDD. These collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.83. The London Plan sets out the Mayor of London's energy hierarchy which is to:
- § Use Less Energy (Be Lean);
  - § Supply Energy Efficiently (Be Clean); and
  - § Use Renewable Energy (Be Green).
- 8.84. The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.85. Policy SO3 of the CS seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Strategy policy SP11 of the CS requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.86. Policy DM29 of the MDD requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require non-residential schemes to achieve a BREEAM Excellent rating.
- 8.87. The submitted information for the scheme being considered outlines the intentions to reduce energy CO2 emissions through energy efficiency measures and system upgrade works.
- 8.88. This is considered appropriate in this specific instance due to the application being a change of use application and not including any extensions or new build works.
- 8.89. The energy strategy notes that the upgrades will deliver CO2 savings of 19% compared to Building Regulation L2B requirements as set out in document L2B. This document forms part of the approved Building Regulations documents which set out the requirements for compliance. Document L2B relates to conservation of fuel and power in existing buildings other than dwellings.

- 8.90. The Borough Energy Officer has recommend that if planning permission were to be granted a condition should be attached for the applicant to submit full details of the proposed energy efficiency and system upgrade works to deliver a minimum 19% reduction in CO2 emissions. The appropriate energy modelling output sheets would be required to demonstrate CO2 savings achievable. This condition would be attached as requested.
- 8.91. In conclusion, given this is a change of use of an existing industrial building the energy and sustainability measures are considered acceptable and subject to conditions the proposal accords with the relevant energy policies.

### **Planning Contributions and Community Infrastructure Levy**

- 8.92. Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- § Necessary to make the development acceptable in planning terms;
  - § Directly related to the development; and
  - § Are fairly and reasonably related in scale and kind to the development.
- 8.93. This is further supported by policy SP13 of the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.94. The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development.
- 8.95. The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012, and sets out the criteria for assessing the need for financial contributions. The proposal is for an educational use and as such does not trigger the need for financial contributions.
- 8.96. The proposed development is not liable for CIL.

### **Human Rights**

- 8.97. Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-
- 8.98. 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. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- § Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- § Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- § Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 8.99. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.100. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of increased traffic generation on the highway and any noise associated with the use are acceptable and that any potential interference with Article 8 rights would be legitimate and justified.
- 8.101. 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.
- 8.102. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.103. As set out above, it is necessary, 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.
- 8.104. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions to be entered into.

### **Equalities**

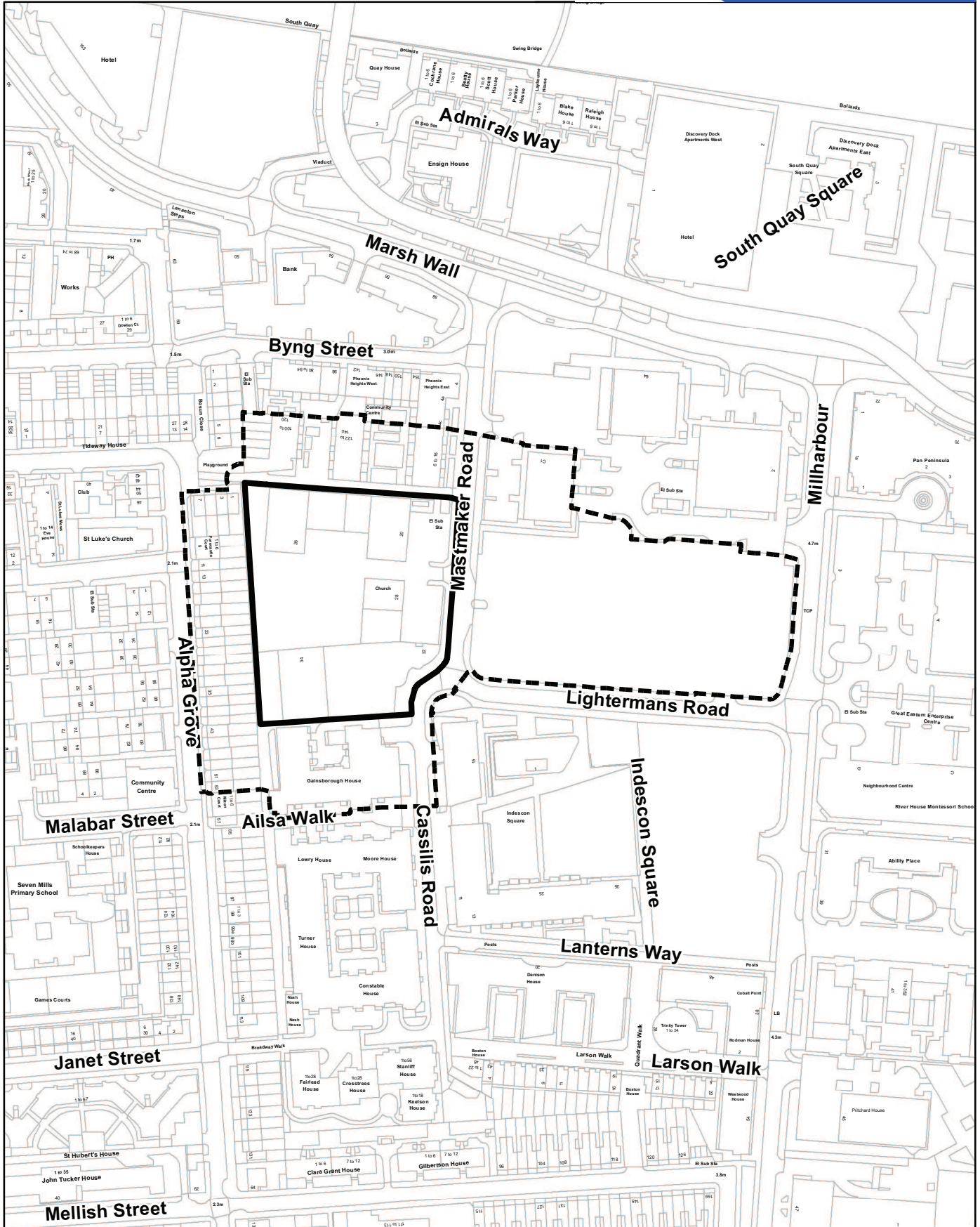
- 8.105. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the 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.
- 8.106. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, 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 Act.

- 8.107. The proposal is for a non-denominational mixed sex secondary school which will improve the choice of schools and number of secondary school places within the borough, as such it is considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief will be positive.
- 8.108. The proposed works associated with the change of use include creating accessible entrances to the buildings which would make the buildings more accessible at ground floor level which would improve access for persons with a disability. However, it is noted that persons with a disability requiring use of a wheelchair would only be able to access the ground floor level of the school. However, given that they can receive a full teaching experience or visitors can access all the key activities it is considered that this would not result in inequality.
- 8.109. With regard to age, gender reassignment, pregnancy and maternity, and sexual orientation there are no identified equality considerations.

## **9. CONCLUSION**


- 9.1. All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in RECOMMENDATION section of this report.

# Planning Application Site Map

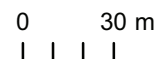


 Planning Application Site Boundary

 Locally Listed Buildings

 Consultation Area

 Statutory Listed Buildings



1:2,500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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# Agenda Item 8

<b>Committee:</b> Development	<b>Date:</b> 15 <sup>th</sup> May 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 8
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Other Planning Matters	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

## 3. PUBLIC SPEAKING

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

## 4. RECOMMENDATION

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

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8**

Brief Description of background papers:  
See individual reports

Tick if copy supplied for register:

Name and telephone no. of holder:  
See individual reports

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# Agenda Item 8.1

<b>Committee:</b> Development	<b>Date:</b> 15 <sup>th</sup> May 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Conservation Area Consent Application for Decision	
<b>Case Officer:</b> Iyabo Johnson		<b>Ref No:</b> PA/12/03218	
		<b>Ward(s):</b> Limehouse	

## 1. APPLICATION DETAILS

- Location:** Toilet Block, Poplar Recreation Ground, East India Dock Road, London E14
- Existing Use:** Disused toilet block
- Proposal:** Demolition of disused single storey toilet block in Poplar Recreation Ground
- Drawing Nos:**
- Site Location Plan
  - SK-01
- Supporting Documents:**
- Historic Building Appraisal by ARCOS Chartered Surveyors. Dated March 2010.
- Applicant:** London Borough of Tower Hamlets  
**Owner:** London Borough of Tower Hamlet  
**Historic Building:** Toilet Block – Poplar Recreation Ground  
**Conservation Area:** Limehouse

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the Council's Managing Development Document (adopted April 2013), the London Plan 2011 and the National Planning Policy Framework and has found that:
1. The proposed demolition of the disused toilet block is acceptable as the building has little architectural interest or quality and is derelict. The building makes a limited contribution to the St Matthias Church Conservation Area and the application sufficiently demonstrates that efforts have been made to retain the building in use. Therefore the proposal accords with policy SP10 of the Core Strategy 2010 and policy DM27 of the Managing Development Document (adopted April 2013). These policies seek to ensure that proposals for demolition do not result in unduly detrimental impacts on the character and appearance of the Borough's conservation areas.
  2. The application sufficiently demonstrates that the building is no longer suitable for use as a community facility. The proposed loss of the public toilet facility therefore accords with policy DM8 of the Managing Development Document (adopted April 2013).

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to refer the application to the Government Office for The West Midlands with the recommendation that the council would be minded to **GRANT** conservation area consent subject to the following conditions:

#### **Conditions on Conservation Area Consent**

- 3.2
1. Time Limit for demolition
  2. Submission of details of rebuilt boundary wall using recycled bricks
  3. Submission of landscaping details
  4. Full details of screening equipment

#### **Informative on Conservation Area Consent**

- 3.3 1. Re-use of existing tiles and bricks

### **4. PROPOSAL AND LOCATION DETAILS**

#### **The Proposal**

- 4.1 The Applicant is seeking conservation area consent for the demolition of a disused toilet block in north western corner of Poplar Recreation Ground.

#### **Background**

- 4.2 The site is owned by the Council. The Council's Asset Management service has been appointed by the Parks and Business Service to seek consent for the building's demolition.
- 4.3 The Council's scheme of delegation requires that where the Council is applying for the consent of a building in a conservation area that it owns, the application must be brought before Members.
- 4.4 The Council cannot determine applications for Conservation Area Consent for works to buildings that it owns. Section 74 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.5 The purpose of this report is to allow Members to consider officers' recommendation for approval to recommend to the Secretary of State that the Council would be minded to grant Conservation Area Consent, were it empowered to do so itself.

#### **Site and Surroundings**

- 4.6 The application site is a disused toilet block located at the north west corner of the Poplar Recreation Ground on the southern side of East India Dock Road at the junction with Hale Street.
- 4.7 The toilet block is a single storey building that is separated into both male and female areas. The building is constructed from yellow stock brick and features red brick voussoir arches and dressings.
- 4.8 The park is open from dawn until dusk each day.
- 4.9 The site is located within the St Matthias Church conservation area and the toilet block is not listed. There is a historic building on the western side of Hale Street (immediately opposite) which is Grade II listed.

#### **Planning History**

#### 4.10 **PA/11/00015 – Full Planning Permission**

On 15 March 2011, planning permission was granted for the conversion of the disused public WC into a public café with dual use as a community centre; providing a new public toilet, a secure pantry and store for café furniture.

**OFFICER COMMENT:** *This is discussed in more detail in the “Material Considerations” section of this report.*

### 5. **POLICY FRAMEWORK**

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

#### 5.2 **Adopted Core Strategy 2025 Development Plan Document (September 2010)**

SP10 Creating Distinct and Durable Places

#### 5.3 **Managing Development Document (adopted April 2013)**

DM24 Place Sensitive Design

DM25 Amenity

#### 5.4 **Government Planning Policy Guidance/Statements**

NPPF National Planning Policy Framework

2012

#### 5.5 **Community Plan – One Tower Hamlets**

The following Community Plan objectives relate to the application:

A Great Place To Be

Safe and Supportive Communities

### 6. **CONSULTATION RESPONSE**

#### 6.1 **LBTH Development Design and Conservation:**

The Conservation Officer acknowledged the poor condition of the building and the social problems associated with it but expressed a preference for the building’s retention. The Conservation Officer stated that the ultimate decision should be based on amenity and that should demolition be permitted, details of landscaping and the new boundary treatment would need to be resolved.

**OFFICER COMMENT:** *Officers recommend the imposition of a condition requiring submission of full details of the landscaping and boundary treatments prior to any demolition. The merits of the proposed demolition are discussed in detail in the “Material Planning Considerations” section of this report.*

6.2 **English Heritage:** No objections

### 7. **LOCAL REPRESENTATION**

7.1 A total of 186 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has been publicised on site. No representations were received from neighbours and/or local groups in response to notification and publicity.

### 8 **MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the committee must consider are, the principle of the demolition, the principle of the loss of the community facility and the provision of public open space.

**Principle of demolition**

- 8.2 The application seeks Conservation Area Consent for the demolition of the single storey toilet block to enable the creation of additional open space within Poplar Recreation Ground.

- 8.3 Policy DM27 of the Managing Development Document (adopted April 2013) states that proposals for the demolition of buildings in conservation areas will be considered against the following four criteria which are discussed in turn below.

*The significance of the asset, architecturally, historically and contextually*

- 8.3 The St. Matthias Church Conservation Area Character appraisal documents the significant heritage assets that contribute to the character and appearance of the conservation area.

- 8.4 St. Matthias Church itself forms the centre piece of the Conservation with the Poplar Recreation Ground providing a retreat from the surrounding urban character of the area and protection for the setting of the church.

- 8.5 It is noted that the toilet block is not referred to specifically in the character appraisal which would suggest that its contribution to the Conservation Area is limited and certainly not on the same scale as other buildings, including those not statutorily listed.

*The condition of the asset and estimated costs of its repair and maintenance in relation to its significance and demolition, and to the value derived from its continued use*

- 8.6 In respect of the condition of the building and the feasibility of restoring it, the applicant has sufficiently demonstrated that the likely costs of repairing and maintaining the building are unfeasible.

- 8.7 The applicant commissioned ARCOS Chartered Surveyors to produce a "Historic Building Appraisal" and submitted this as part of their application. The report describes the building as "derelict" and "lacking in architectural merit". The report also notes that the former cast iron rainwater goods have been replaced with plastic. In addition, these observations are also noted:

- 8.8 *"There are no ceilings and the rafters are exposed. The close boarding to the roof is in a very poor condition having been exposed to the elements for some time. The rafters while being in better repair are of no historic or aesthetic interest."*

- 8.9 Officers have come to understand that the costs involved in repairing and converting and now maintaining the building have become prohibitively high following a significant cut in funding.

*The adequacy of efforts to maintain the building in use*

- 8.10 Officers understand that the building has not functioned as a toilet block for several years due to the unavailability of funding to maintain public facilities such as these. In that time has fallen into a serious state of disrepair.

*The merits of any alternative proposal for the site*

- 8.11 Officers consider that the site's planning history serves as evidence of the applicant's efforts to retain the building in use. In 2011, planning permission was granted for its conversion into a dual use public café/community centre. This permission has not been implemented to due to the unavailability of funding.

- 8.12 Policy DM27 of the Managing Development Document (adopted April 2013) states that

proposals for the demolition of a heritage asset will only be considered under exceptional circumstances where the public benefit of demolition outweighs the case for retention. The "Historic Building Appraisal" explains that drug paraphernalia is "very apparent" in the building which suggests that it has become something of a haven for crime and anti-social behaviour. In view of the impact of such activity on the local residents and useage of the park, it is considered that the public benefit from demolishing the building outweighs the case for its retention.

#### **Loss of community facility**

- 8.13 Policy DM8 of the Managing Development Document (adopted April 2013) states that the loss of a facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and that the building is no longer suitable. The submitted Historic Building Appraisal demonstrates that the building has been unused for a considerable length of time, that it is now derelict and that it now attracts crime and anti-social behaviour. On this basis, it is considered that the loss of the public facility is acceptable in principle.
- 8.14 Policy DM8 also seeks to ensure that lost community facilities are adequately re-provided elsewhere in the Borough. On a site visit, the case officer noted the presence of public toilets on East India Dock Road approximately 700m west of the site.

#### **Provision of public open space**

- 8.14 The proposed demolition would result in the creation of approximately 33 square metres of public open space which is in alignment with the principles of policy DM10 of the Managing Development Document (adopted April 2013) which seeks to increase the amount of public open space in the Borough.

#### **Design**

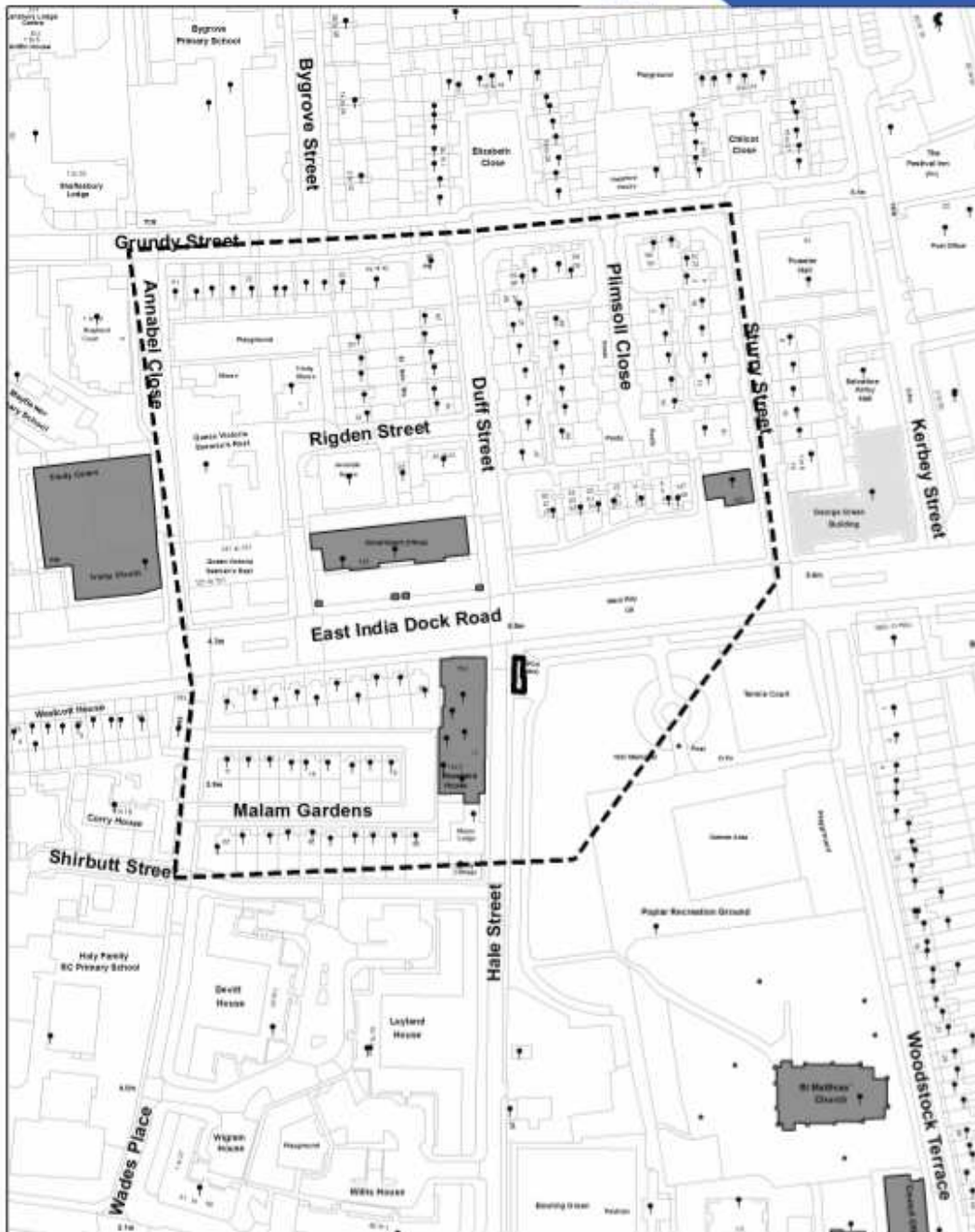
- 8.15 The flank wall of the existing block forms part of the boundary to Poplar Recreation Ground at Hale Street. The wall currently comprises of yellow stock brick. This wall would be demolished as part of this proposal.
- 8.16 The applicant has not provided details showing how the boundary would be reconstructed or how the resulting new public space would be treated.
- 8.17 Suitably worded conditions would be attached to the Conservation Area Consent requiring the submission of full details of the treatment to the boundary and landscaping prior to any demolition works. This is to ensure that subsequent works incorporate principles of high quality design that are sensitive to the setting of the St Matthias Conservation Area.








#### **CONCLUSION**

- 8.15 Whilst the loss of the existing facility is regrettable, the building has not been in use as a public toilet for several years. Furthermore, whilst efforts have been made to bring the building into an alternative use, funding has not been forthcoming for this venture, and subsequently the building has fallen into a state of disrepair. Accordingly, on balance, it is considered that the proposed demolition of the building and introduction of 33sqm of public open space is acceptable in this instance.
- 8.16 All other relevant policies and considerations have been taken into account. Conservation Area Consent should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report

#### **9 SITE LOCATION PLAN**

Planning Application Site Map



	Planning Application Site Boundary		Locally Listed Buildings		Land parcel address
	Consultation Area		Statutory Listed Buildings	 	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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# Agenda Item 8.2

<b>Committee:</b> Development	<b>Date:</b> 15 <sup>th</sup> May 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item</b> <b>Number: 8</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Town Planning Application	
<b>Case Officer:</b> Shahara Ali-Hempstead		<b>Ref No:</b> PA/13/00718	
		<b>Ward:</b> Bethnal Green South	

## 1. APPLICATION DETAILS

- Location:** Trinity Centre, Key Close, London, E1 4HG
- Existing Use:** Community use (former chapel)
- Proposal:** Application for listed building consent for the installation of internal steel security bars to the ground floor front elevation windows.
- Drawing Nos:** Site location plan, plan showing location of windows, letter dated 20<sup>th</sup> March 2013 from S & D Contracting Services Ltd, drawing showing: details, front elevation, side view of front window with method of fixing, photograph of window (undated and unnumbered).
- Applicant:** S & D Contracting Services Ltd
- Owner:** London Borough of Tower Hamlets
- Historic Building:** Grade I Listed.
- Conservation Area:** Stepney Green

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), the Managing Development Document (adopted April 2013), associated Supplementary Planning Guidance, the London Plan and National Planning Policy Framework (2012) and has found that:
- 2.2 The proposed internal alterations are considered sympathetic in terms of design, scale and material, as they relate satisfactorily to the listed building. As such, the proposal would preserve the character, fabric and identity of the listed building and its heritage asset. This proposal therefore meets the requirements outlined in the National Planning Policy Framework (2012), Policy SP10 of the adopted Core Strategy (2010) and Policies DM24 and DM27 of the Managing Development Document (adopted April 2013).

### RECOMMENDATION

3. That the Committee resolve to refer the application to the Government Office for Communities and Local Government with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out below.
- 3.1 1. The works hereby granted consent shall be begun before the expiration of three

years from the date of this consent.

Reason: As required by Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 to avoid the accumulation of Listed Building Consents.

2. All new internal works and finishes and works of making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition(s) attached to this consent.

Reason: To ensure that the special architectural or historic interest of this building is safeguarded in accordance with the requirements of Tower Hamlets Core Strategy policy SP10.

#### **4. BACKGROUND**

- 4.1 This application for Listed Building Consent proposes to the installation of internal steel security bars to the ground floor south elevation windows. As this Grade I listed building is owned by the London Borough of Tower Hamlets, the terms of reference of the Development Committee requires that where the Council is applying for works to a Listed Building that it owns, the application must be brought before Members.
- 4.2 As Members will recall, the Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.3 The purpose of this report is to allow Members to recommend to the Secretary of State that the Council would be minded to grant Listed Building Consent, were it empowered to do so itself.

#### **5. PROPOSAL AND LOCATION DETAILS**

##### **Proposal**

- 5.1 Installation of internal steel security bars to the ground floor south elevation windows.

##### **Site and Surroundings**

- 5.2 The Trinity Centre, a former Chapel, is located within Trinity Green and forms part of the Almshouses development constructed between 1693 and 1697 for the "Corporation of Elder Brethren of Trinity House" to house retired and incapacitated mariners.
- 5.3 The site is located on the northern side of Mile End Road. The site itself is fairly concealed by properties, with Key Close properties to the west and Vawdery Close properties to the east. Open green space lies to the north and Trinity Green to the south.
- 5.4 The former chapel and almshouses are Grade I Listed; the former chapel is 2 storeys in height with a bell tower facing Trinity Green. The chapel has distinctive architectural features such as modillioned cornice and pediment. The main entrance of the chapel is from Trinity Green via a flight of stone steps curving outwards with iron balustrade. The chapel was extensively damaged by bombing in 1941 with the interior and roof

completely destroyed, with restoration taking place in the 1950's and 1960's. The rear of the chapel is a later addition in brick.

- 5.5 The northern, eastern and western curtilage of the site forms the boundary of the Stepney Green Conservation Area. The surrounding area is primarily residential in character with commercial uses along Mile End Road.

## **6. PLANNING HISTORY**

- 6.1 PA/00/01692  
Listed Building Consent was granted on 23<sup>rd</sup> march 2001 erection of a sign above the doorway facing the car park.

PA/12/02410

Application for listed building consent to carry out repairs to roof, roof access and bell tower to prevent water ingress to internal ceilings. Decision pending (application referred to Government Office for Communities and Local Government)

## **7. RELEVANT POLICIES**

### **Government Planning Policy**

- 7.1 National Planning Policy Framework (2012) - Chapter 12 'Conserving and enhancing the historic environment'

### **London Plan Spatial Development Strategy for Greater London (2011)**

- 7.2 Policies:           7.4       Local Character  
                          7.6       Architecture  
                          7.8       Heritage assets and archaeology

### **Adopted Core Strategy (2010)**

- 7.3 Policies:           SP09    Creating attractive and safe streets and spaces  
                          SP10    Creating distinct and durable places

### **Managing Development Document (adopted April 2013)**

- 7.4 Policies:           DM24    Place Sensitive Design  
                          DM25    Amenity  
                          DM27    Heritage and the historic environment

## **8. CONSULTATION RESPONSE**

- 8.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

### **English Heritage**

- 8.2 No objection was raised by English Heritage. The Comments received state that English Heritage recommends that "the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice." Authorisation is provided by English Heritage to determine the

Listed Building Consent as considered appropriate.

### **LBTH Development Design and Conservation**

8.3 No objection was raised by LBTH Development Design and Conservation officers

## **9. LOCAL REPRESENTATION**

9.1 A total of 13 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. No letters of representation have been received.

## **10.0 MATERIAL PLANNING CONSIDERATIONS**

10.1 When determining listed building consent applications, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.

10.2 The application proposal seeks to address the on-going problems of break-ins and vandalism, resulting in damaged caused to the existing lead windows.

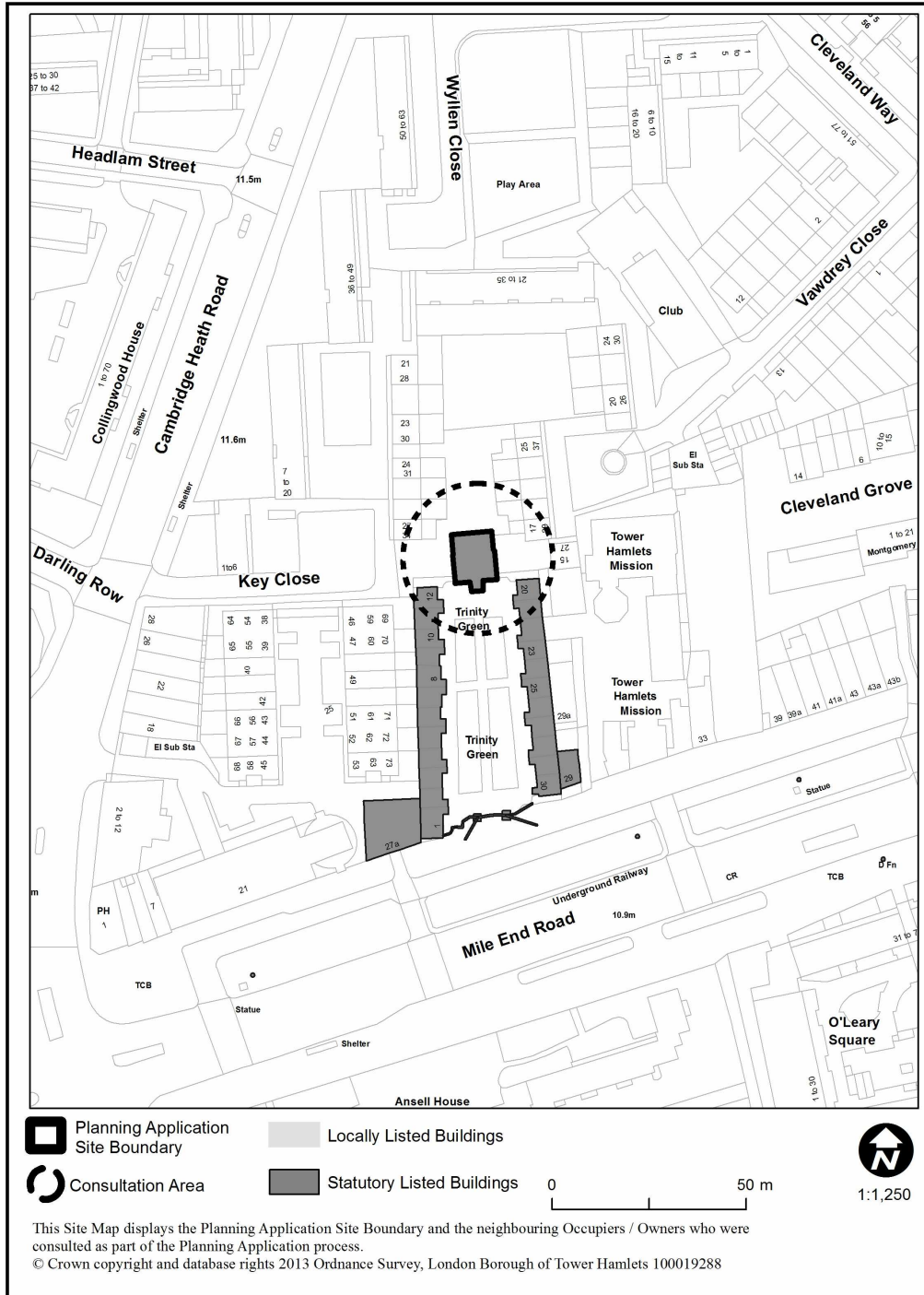
10.3 The works will comprise of the installation of steel security bars behind the existing lead windows at ground floor level south elevation.

10.4 Six individual security bars will be installed to the two windows at ground floor level, the bars will be internally installed only and will be the full height of the window casements, the vertical bars will be painted white to minimise the visual impact externally. These works are reversible and thus will retain the historic elements of the listed building while addressing the security concerns.

10.5 In conclusion, the proposed installation of steel security bars behind the existing lead windows at ground floor level south elevation are considered sympathetic in terms of design, scale and siting, as they relate satisfactorily to the listed building. As such, the proposal would preserve the character, fabric and identity of the listed building. This proposal therefore meets the requirements outlined in the National Planning Policy Framework (2012), Policy SP10 of the adopted Core Strategy (2010) and Policies DM24 and policy DM27 of the Managing Development Document (adopted April 2013). The Borough's Conservation Officer has concluded that on balance the works are acceptable as the proposed works preserve the architectural merit of the existing building.

## **11.0 Conclusions**

11.1 All other relevant policies and considerations have been taken into account and the Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



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# Agenda Item 8.3

<b>Committee:</b> Development	<b>Date:</b> 15 May 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Pete Smith	<b>Title:</b> Planning Appeals
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## 1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. It also provides information of appeals recently received by the Council, including the methods by which the cases are likely to be determined by the Planning Inspectorate.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

## 2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

## 3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

<b>Application No:</b>	<b>PA/12/02455</b>
<b>Site:</b>	<b>50 Coldharbour Lane E14 9NS</b>
<b>Proposed Development:</b>	<b>Erection of a two storey side extension, loft conversion and a rear roof dormer extension and other external alterations</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.2 The appeal property is a simple, modern end of terrace house facing onto a Victorian terrace located on the opposite side of the street. The proposed

development would have modified this modest house from a two bedroom housing into a three storey five bedroom property. The main issues were the effect and the proposed works on the character and appearance of the Coldharbour Conservation Area and the effect of the extensions of the living conditions of neighbours.

- 3.3 The Planning Inspector was concerned that the extensions would have overwhelmed the cottage style terrace and would have struck a discordant presence at this corner of the street. He felt that the alterations and extensions would have appeared more complex and would have been very visible from the street and would have appeared unbalanced. He concluded that the proposal would have been excessive in terms of height, bulk and scale and would have been inappropriate in its local context.
- 3.4 In terms of the effect of living conditions, he concluded that with such small gardens, the scale of the extension would have appeared dominant and oppressive when viewed from 52 Coldharbour and could have reduced sunlight reaching the rear rooms and garden early in the day.
- 3.5 The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/PA/12/00049</b>
<b>Site:</b>	<b>393 Cambridge Heath Road, London E2</b>
<b>Proposed Development:</b>	<b>Formation of a flat to the rear of the buildings at second floor level by way of a proposed roof extension</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.6 The main issue in this case was the effect of the proposed extension works on the character and appearance of the immediate locality and the appearance of the host building (which is locally listed).
- 3.7 The Planning Inspector was concerned that the proposed extension would have introduced a roof extension structure which would have harmed the character of the roof profiles and would have neither respected the established character of the appeal premises nor that of the adjacent property to the south. He felt that the traditional roof form contributes towards the interest of the building which he considered was a positive asset, clearly visible from various viewpoints.
- 3.8 The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/10/01458</b>
<b>Site:</b>	<b>Redundant Railway Viaduct North of Pooley House</b>
<b>Site:</b>	<b>Erection of two blocks (4, 8 and 10 storeys) containing 412 student rooms with shared facilities) along with storage facilities for Queen Mary University.</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (Strategic Development Committee –</b>



**Appeal Method:  
Inspector's Decision**

**Refuse) – (Officer Recommendation –  
GRANT)  
PUBLIC INQUIRY  
ALLOWED**

3.9 The main issues in this case were as follows:

- The effect of the proposed development on the supply mix and balance of housing in the immediate locality and the wide area
- The effect of the development on the character and appearance of the area
- The effect of the development on the living conditions of neighbours.

3.10 In respect of the first issue, it was the Council's position that the site would be better served by providing for general needs housing (instead of student accommodation for which there is limited identified need). The inquiry considered evidence as to the relative merits of student accommodation versus general needs housing and the Inspector concluded that demand for dedicated student accommodation had not been satisfied at either strategic or local level, especially as Queen Mary University had confirmed that if the student accommodation was built, it would be fully occupied. Whilst the Planning Inspector accepted that general needs housing could be put on the site, he was satisfied that such provision would have required a lower density and he felt that the sites close proximity to student accommodation would have had the potential to create an uncomfortable relationship between the occupiers of differing backgrounds and tenures, likely to be exacerbated by the fact that the adjacent railway would have constrained the design. He concluded that the site would not have been suited to general needs housing.

3.11 In terms of character and appearance, the Inspector referred to various comments and consultations with CAGE, Council officers and the GLA. The Council's concern however was in relation to concerns about over-development and the inability of the scheme to provide a suitable relationship with Pooley House (the existing student block to the south) The Planning Inspector accepted that the proposed development would represent a significant quantum of development on a constrained site. He accepted that there would be little room for landscaping between the blocks but was content with the proposed buildings' relationship with the adjacent railway line to the north with considerable separation between the proposed building and Meath Crescent and Suttons Wharf (to the north on the north side of the railway viaduct. Furthermore, he was satisfied with the separation distance between the proposed building and Pooley House, especially as the proposed building would be set at 4 storeys along part of its length and the separation would not be that dissimilar to other relationships elsewhere on the campus.

3.12 Whilst he acknowledged that the site lies to the west of the Regents Park Canal Conservation Area, he concluded that the proposed development would not site uncomfortably close to Pooley House and would not have been harmful to the general townscape and the character of the adjacent conservation area

3.13 Turning to the effect of the development on the living conditions of neighbours, he accepted that the student residents of Pooley House would be likely to have reductions in outlook, light and an increased sense of enclosure. However, as the residents of Pooley House are not permanent residents (being students) he was satisfied that these occupiers were unlikely to be as sensitive a residents

living in general needs housing. He was concerned about daylight penetration into study bedrooms, but again he acknowledged that students were somewhat transitory occupiers and that Queen Mary University had not objected to the application.

- 3.14 The Inquiry debated the effect of students returning to their rooms late at night through the Longnor Estate as well as the effect of noisy or otherwise anti-social activities on the proposed roof terraces. He was satisfied that if not properly controlled, students returning late at night would disturb residents of Lognor Estate but felt that it could be controlled through the use of conditions governing later night access to the development from Bradwell Street. He concluded that noise from the terraces could be controlled through the use of an Estate Management Plan.
- 3.15 The Inspector referred to objections raised by the East End Waterways Group concerning the loss of the viaduct which had historic associations with "coal drops" which they considered an asset of high historic significance. Notwithstanding this, the Inspector saw no reason to set aside the findings of a Museum of London Report on the matter which found that the viaduct had only medium evidential historical, communal and aesthetic value.
- 3.16 The appeal was ALLOWED. There was no application for costs.
- 3.17 This is a significant decision in respect of the relative value between general needs housing and the need to provide for student accommodation. The close proximity to Queen Mary University campus and potential limitations of general needs housing in this particular case weighed heavily in favour of the proposed development. Officers worked hard when justifying the stated reasons for refusal and the Inspector accepted the potential noise nuisance associated with additional student accommodation and the issues associated with potential access through the Longnor Estate. However, these issues were satisfied by the use of planning conditions.

#### **4. NEW APPEALS**

- 4.1 The following appeals have been lodged with the Secretary of State following a decision by the local planning authority:

<b><i>Application Nos:</i></b>	<b><i>PA/13/00059/00060</i></b>
<b><i>Site:</i></b>	<b><i>35 Coborn Street, E3 2AB</i></b>
<b><i>Development</i></b>	<b><i>Planning permission and listed building consent for installation of 3 replacement windows, the installation of glazed doors, rendering to the lower ground floor and the installation of a shower into the garden room.</i></b>
<b><i>Council Decision</i></b>	<b><i>REFUSE (delegated decision)</i></b>
<b><i>Start Dates</i></b>	<b><i>15 April 2013</i></b>
<b><i>Appeal Method</i></b>	<b><i>WRITTEN REPRESENTATION</i></b>

- 4.2 These applications for planning permission and listed building consent were refused as it was considered that the replacement windows and the frameless replacement doorway would have been an unsympathetic and incongruous modern addition to the listed building, resulting in the loss of old fabric, undermining the special architectural and historic interest of the listed building.

**Application No:** PA/12/02757  
**Sites:** 504 Roman Road E3 5LU  
**Development:** Erection of a ground, first and second floor extension in connection with the use of the continued use of the ground floor for retail purposes with a 1x2 bed flat on the enlarged first floor and 2 studio units proposed at second floor level.  
**Council Decision:** REFUSE (delegated decision)  
**Start Date:** 4 April 2013  
**Appeal Method:** WRITTEN REPRESENTATIONS

- 4.3 The reason for refusal in this case was related to the effect of the extensions on neighbouring residential occupiers (overdevelopment of the site) resulting in increased overshadowing and an increased sense of enclosure, with the proposed residential units being cramped and lacking required amenity space.

**Application No:** ENF/10/00317  
**Sites:** 566-568 Mile End Road E3 4PH  
**Development:** Use of first floor as a self-contained flat  
**Council Decision:** INSTIGATE ENFORCMENT  
**PROCEEDINGS (delegated decision)**  
**Start Date:** 9 April 2013  
**Appeal Method:** WRITTEN REPRESENTATIONS

- 4.4 The enforcement notice was served on grounds that the residential accommodation resulted in the loss of commercial foorspace and failed to provide adequate amenity space. There was also concern about the failure to provide adequate refuse storage arrangements for the flats as well as space for cycle storage. The owner has appealed on grounds that planning permission should be granted for the conversion.

**Application No:** ENF/10/00319  
**Sites:** 260 Canton Street, E14 6EP  
**Development:** Extension of ground floor front extension to dwelling house  
**Council Decision:** INSTIGATE ENFORCMENT  
**PROCEEDINGS (delegated decision)**  
**Start Date:** 17 April 2013  
**Appeal Method:** WRITTEN REPRESENTATIONS

- 4.5 The enforcement notice was issued on grounds that the extension to the property does not respect of appearance of the host building, neighbouring properties and the character and appearance of the Lansbury Conservation Area. The owner feels that planning permission should be granted and has questioned whether a breach of planning control has in fact taken place.

**Application No:** ENF/10/00659  
**Sites:** 504 Roman Road E3 5LU  
**Development:** Appeal against a discontinuance notice served in respect of a high level pole hanging advertisement.  
**Council Decision:** SERVE DISCONTINUANCE NOTICE

<b>Start Date</b>	<b>(delegated decision)</b>
	<b>4 April 2013</b>
<b>Appeal Method</b>	<b>WRITTEN REPRESENTATIONS</b>

- 4.6 Discontinuance action was taken in respect of this sign, as it was considered that the high level sign detracts for the appearance of the property, the Victorian terrace and the character and appearance of the Medway Conservation Area.