

Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 19 June 2013 at 7.00 p.m.

A G E N D A

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 Anwar Khan Councillor Tim Archer Councillor Judith Gardiner Councillor Kosru Uddin Councillor Gulam Robbani 1 Vacancy	Councillor Zara Davis, (Designated Deputy representing Councillor Tim Archer) Councillor Peter Golds, (Designated Deputy representing Councillor Tim Archer) Councillor Md. Maium Miah, (Designated Deputy representing Councillor Gulam Robbani) Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Judith Gardiner, Anwar Khan and Kosru Uddin) Councillor Rajib Ahmed, (Designated Deputy representing Councillors Helal Abbas, Judith Gardiner, Anwar Khan and Kosru Uddin) Councillor Carli Harper-Penman, (Designated Deputy representing Councillors Helal Abbas, Judith Gardiner, Anwar Khan and Kosru Uddin)

[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

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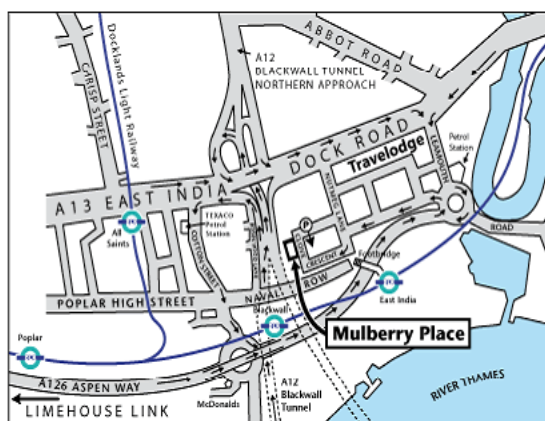
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LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Wednesday, 19 June 2013

7.00 p.m.

1. ELECTION OF VICE-CHAIR FOR 2013/2014.

To elect a Vice-Chair of the Development Committee for the Municipal Year 2013/2014.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. 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.

4. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 15th May 2013.

PAGE NUMBER	WARD(S) AFFECTED
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5 - 16

5. 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.

6.	DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS	17 - 26	
7.	PROCEDURE FOR HEARING OBJECTIONS		
	To note the procedure for hearing objections at meetings of the Development Committee.	27 - 28	
	The deadline for registering to speak at this meeting is 4pm Monday 17 th June 2013.		
8.	DEFERRED ITEMS		
	Nil items.		
9.	PLANNING APPLICATIONS FOR DECISION	29 - 32	
9 .1	Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London (PA/11/03371 - 3372 - 3373)	33 - 102	Bow West
9 .2	11 Solebay Street, London E1 4PW (PA/13/00444)	103 - 120	Mile End & Globe Town
9 .3	225 Armagh Road (PA/13/00683)	121 - 148	Bow East
9 .4	86 Brick Lane, London, E1 6RL (PA/13/00494, PA/13/00495)	149 - 188	Spitalfields & Banglatown
10.	OTHER PLANNING MATTERS	189 - 190	

Agenda Item 3

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 WEDNESDAY, 15 MAY 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 Md. Maium Miah
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)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Richard Murrell	– (Deputy Team Leader, Planning, Development and Renewal)
Mary O'Shaughnessy	– (Planning Officer, Development and Renewal)
Benson Olaseni	– (Planning Officer, Development and Renewal)
Amy Thompson	– (Deputy Team Leader, Development and Renewal)
Shay Bugler	– (Strategic Applications Planner, Development and Renewal)
Iyabo Johnson	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

Order of Business.

The order of business was varied at the meeting as follows:
Items 6.1, 6.2, 7.1,6.3,7.2. The remaining part of the agenda remained unchanged. However for ease of reference, the items in these minutes follow the agenda order.

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillors Craig Aston and Denise Jones for who Councillor Khaled Uddin Ahmed was deputising. Apologies for lateness was received on behalf of Councillor Anwar Khan.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

However Councillor Shiria Khatun declared a personal interest in agenda item 7.2 (Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB (PA/13/00116) as she was a resident of the ward concerned.

Councillor Khaled Uddin Ahmed declared a personal interest in agenda item 6.3 (Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London (PA/11/03371 - 3372 - 3373) as he had received telephone calls from interested parties.

Councillor Md. Maium Miah declared a personal interest in agenda items 6.3 (Site At Bow Wharf Adjoining Regents Canal And Old Ford Road, Old Ford Road, London (PA/11/03371 - 3372 - 3373) and 7.2 (Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB (PA/13/00116). He had received telephone calls and had been approached by interested parties.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 11th April 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

6.1 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.

Benson Olaseni (Planning Officer) presented the report. At the last meeting of the Committee in April, Members were minded to approve the application for three reasons regarding the delivery of new housing, sufficient amenity space off site to accommodate the scheme and the good transport links for the site. Officers had since considered these reasons and had drafted suggested reasons for approval, based on the initial views as set out in the report with proposed conditions on the application. This included condition 11 covering the materials in accordance with the Committees wishes. Mr Olaseni highlighted the key aspects of the scheme for the committee. The Officers' initial recommendation remained unchanged to refuse permission.

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

That planning permission for Land adjacent to railway viaduct, Mantus Road, London (PA/12/01758) be **GRANTED** 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 for the reasons set out in paragraph 3.0 of the 15th May 2013 Committee report subject to the conditions, informatives and planning obligations set out in the 15th May 2013 committee report.

6.2 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.

Richard Murrell (Planning Officer) presented the report. At the last meeting of the committee in April, Members were minded to refuse the application for a number of reasons. Since that time, Officers had drafted suggested reasons for refusal based on Members initial views as set out in the report. The report

also detailed the implications of such a decision. The Officers recommendation remained unchanged to grant permission.

On a vote of 3 in favour and 0 against the Committee **RESOLVED**:

That planning permission (PA/12/02632) and Listed building consent (PA/12/02633) at Bath House, Dunbridge Street, London be **REFUSED** 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 for the following reasons as set out in paragraph 4 of the May committee report :

Planning Permission

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.

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).

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).

Listed Building Consent

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).

6.3 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.

At the last meeting of the Committee, Members were minded to refuse the applications for planning permission, conservation area and listed building consent. Officers had since considered Members initial reasons and had drafted suggested reasons for refusal. However, the Officer recommendation remained unchanged to grant permission.

Listed building consent.

Mary O'Shaughnessy (Planning Officer) presented the detailed report and the update on the application.

It was noted that the listed building application could be considered separately as the work could be carried out independently of the main development. With the permission of the Chair, the application was therefore considered accordingly.

Ms O'Shaughnessy gave a presentation on the key aspects of this scheme. She highlighted the views of the historical societies as reported at the last meeting. (The East London Waterway Group and the Greater London Industrial Archaeology Society). It was noted that whilst these groups objected to the main scheme, they supported this aspect of the work to resurface the bridge. The Borough's Conservation Officer supported this application.

On a vote of 4 in favour and 0 against the Committee **RESOLVED:**

That listed building consent (PA/11/03372) at Bow Wharf Adjoining Regents Canal and Old Ford Road, Old Ford Road, London be **GRANTED** for proposed alterations for the stop lock listed bridge subject to the conditions and informatives set out in the 11th April 2013 committee report.

Planning Permission and Conservation Area Consent

Mary O'Shaughnessy gave a presentation on these applications. In particular, she explained the proposed materials as design and appearance was a key issue for Members. The main material would be brick and was in keeping with the surrounding area. Samples of the brick work were on display for the

committee. The materials also included slate roof and aluminium windows and doors. Officers considered that they would preserve the character of the area.

Members raised questions about the s106 funding. It was proposed that the funding be ring fenced to a particular ward.

In response, Officers explained the requirements as set out in policy for s106 agreements for seeking and allocating the funding. They also highlighted the need to pool certain contributions. It was noted that further consideration would need to be given to the suggestion in light of the policy.

Accordingly Councillor Anwar Khan proposed an amendment to the application that the s106 contributions be ring fenced to the Bow West ward. This was seconded by Councillor Shiria Khatun and agreed by the Committee on a vote of 3 in favour and 1 against.

The Chair then took a vote on the suggested reasons for refusal in the report. On a vote of 0 in favour, this proposal fell.

Decision.

On a vote of 4 in favour and 0 against the Committee **RESOLVED:**

That planning permission (PA/11/03371) and conservation area consent (PA/11/03372) at Bow Wharf Adjoining Regents Canal and Old Ford Road, Old Ford Road, London be **DEFERRED** for the demolition of existing buildings to facilitate the redevelopment of the site.

The application was deferred to enable Officers to investigate the possibility of ring fencing the s106 agreement for the Bow West ward. A supplementary report would be brought back to a future meeting of the Committee setting out the implications of the proposal.

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

7. PLANNING APPLICATIONS FOR DECISION

7.1 Site at corner of King Lane and The Highway and site at 448 Cable Street (Juniper Hall) (PA/12/03138)

Update report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding site at corner of King Lane and the Highway and site at 448 Cable Street (Juniper Hall) (PA/12/03138) to provide residential units with associated works.

The Chair invited the registered speakers to address the meeting.

John Wright spoke in objection to the application. He expressed concern about the King David's site application about the following issues:

- Increased noise from the highway and the junction. The highway was already very busy and noisy. This would significantly worsen if granted. The noise assessment failed to take into account the bus stop on the corner. The noise levels exceeded policy.
- Air quality in relation to the roof top space. The play space was in a very confined area and would be exposed to traffic fumes. There was a danger of pollution and contamination.

The Council had set up the Glamis Estate Board to oversee the redevelopment of the estate. However, the views and feedback from residents in this case had been ignored by the applicant. Mr Wright requested that the application be deferred to enable the applicant to prepare a safer scheme for children and families.

Maria Pennycuick spoke in objection to the application as a resident of Glamis Estate. She considered that the scheme would have a harmful impact on residents amenity (in terms of light levels, privacy). The plans would restrict the emergency access routes. The plans overlooked the two existing covenants for the estate. They related to the right of way and the servicing turning circle. She sought clarity on the s106 assessment. Particularly, the sum for public open space. She questioned who would cover the costs? How had it been calculated? She requested that the application be deferred and a new application be submitted that was financially realistic and based on proper consultation with residents.

Steven Inkpen (Applicant's agent) spoke in support of the application. He highlighted the merits of the scheme, based on extensive public consultation. This included the delivery of new housing, improvements to the community space, public realm and also improved safety and security for the site. He also highlighted the plans to convert the community hall into two affordable units for elderly occupiers at Juniper Hall.

He explained the scope of their public consultation. This included a discussion at the Glamis Estate Board, leafleting and meetings with residents. As a result, the height and density of the scheme had been reduced (from 12 to 10 storeys) due to the feedback. There were also set backs in the design to protect amenity. He referred to the plans for the wider estate works supported by government subsidy. It was intended that the applicant would work with residents to implement these community works.

In reply to Members, he underlined the scope of the public consultation and the alterations made in response (as outlined above). The applicant believed that they had fully taken on board the residents concerns.

David Black (Applicant's agent) spoke in support of the scheme. He referred to the outcome of the air quality testing carried out by specialists. The study took into account the most recent information including the nearby bus stop.

The methodology had been approved by the relevant Council experts. The findings showed that the proposed mitigation (such as the mechanical ventilation systems) could adequately deal with emissions. The findings also showed that the air quality to the play space fell within acceptable standards.

The applicant had appointed a specialist to carry out a similar survey of the noise impact. The methodology had also been approved by the relevant Council experts. This found that the plans could attain a good standard of noise insulation.

Mr Black also considered that the impact on sunlight and day light was acceptable. The majority of windows would achieve the required standards.

Shay Bugler (Planning Officer) presented the detailed report and the update. He explained the site location for the St David Lane site and the surrounding area. He highlighted the good transport links for the site. He explained in detail the floor plans including the access routes, the car parking plans, the child play pace and the housing mix with a good level of social housing.

He explained the outcome of the Council's consultation and the addressed the issues raised. On balance, taking into account the key issues (land use, density, design, amenity, transport, open space), Officers considered that the proposal was acceptable and in line with policy.

The community play space was in excess of policy and there was dedicated play space for younger children. It was also considered that the plans adequately catered for older children given the levels of off site play space and contributions for open space. It was considered that the servicing and emergency vehicle access plans were acceptable with adequate manoeuvring space for such vehicles.

As explained above, a noise and air quality assessment had been carried out of the development. Officers in Environmental Health were satisfied with the findings and had no objections with regard to noise and air quality subject to the imposition of the conditions. Officers listed the mitigations measures to ensure this throughout the scheme and for the roof top space in particular.

Mr Bugler also explained the plans for the Juniper Hall site.

In summary, given the benefits of the scheme, Officers were recommending that the scheme be granted.

Members asked a number of questions. In response, Officers clarified the car parking plans. Officers also explained the purpose of the monitoring fee for the s106 based on a standard calculation. They outlined the scope of the statutory consultation (the findings of which were set out in the report), and the expectations about the applicant's consultation.

On a vote of 1 in favour and 1 against with the Chair using his casting vote in favour, the Committee **RESOLVED:**

1. That planning permission Site at corner of King Lane and The Highway and site at 448 Cable Street (Juniper Hall) (PA/12/03138) be **GRANTED** 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 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 subject to:
2. The prior completion of a legal agreement, to the satisfaction of the Assistant Chief Executive (legal Services), to secure the matters set out in the report
3. That the Corporate Director of Development and Renewal is delegated powers to negotiate the legal agreement indicated above acting with normal delegated authority.
4. That the Assistant Chief Executive (Legal Services) is delegated power to complete the legal agreement.
5. 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 AND the update report.
6. 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.

Councillor Anwar Khan joined the meeting during this item (7:25pm) therefore did not vote.

7.2 Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB (PA/13/00116)

Update report tabled.

Councillor Khales Uddin Ahmed left the meeting before the consideration of this item (8:30pm).

Jerry Bell (Applications Team Leader) introduced the report regarding Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB (PA/13/00116) for change of use for a secondary school.

Mary O'Shaughnessy (Planning Officer) presented the detailed report and the update. She explained the site location and the scope and outcome of the consultation. She addressed the key concerns raised about increased anti-social behaviour (asb) and noise. She described the aims of the school to help young people to return to education and find employment. It was

intended that the applicant would relocate from their existing school site to this new site if approved.

She explained the key aspects of the proposal and the nature of the vocational training and social enterprise. Such uses would be ancillary uses to the school. It was planned to secure a Student Management Plan regarding student movement around the site that would be secured by condition.

Officers displayed figures on predicted school trips. This was based on similar schools elsewhere. This showed that the vast majority of journeys should be on foot and during off peak hours. Staff would also be in attendance to supervise arrivals and exits. There would also be designated walkways to ensure timely and safe arrivals. Therefore, the impact on the highway and disruption to the area should be minimal.

In summary, the plans sought to provide much needed schools places in the Borough with minimal impacts. Officers were recommending that the application should be granted.

In response, Members raised the following issues/concerns:

- Concerns around increased asb at the site, especially in the evening given the crime rates.
- Increased asb due to the 11pm closing time for the social enterprises.
- The plans for supervising pupils around the site. Members questioned the practicalities and enforceability of these plans given the pupil teacher ration.
- The impact on the transport network, including buses, that was already at full capacity.
- The impact on the highway from school drops offs/pick ups.
- The levels of consultation by the applicant.

In response, Officers addressed each question highlighting the following. A public consultation event was held at the site by the applicant at the pre-application stage along with separate consultation with the existing occupants and residents. There was a lack of evidence linking the proposed use to asb. It was hoped that the plans would improve safety in the area and reduce crime by regenerating the area and providing a natural surveillance.

It was confirmed that the maximum capacity of the school was 302 pupils based on consultation with TfL. As a result, TfL had no objections to the development due to this maximum capacity and the expected journey times. They considered that it should not have an adverse impact on the highway.

Officers were confident that the plans for supervising pupils could be implemented given the group sizes (around 10-15) and the staggered teaching times. There would also be limited movements between buildings.

The site had good transport links including a number of bus routes and a nearby DLR station. There was a presumption in favour of school

developments in national planning policy. Therefore the application was supported by policy.

With the permission of the Chair, a representative of the applicant briefly addressed the committee to answer points of clarification. He briefly explained the aim of the social enterprise units. The applicant was willing to reduce the social enterprise uses hours. He highlighted the demand for the school places and the applicant's objectives in respect of pupil capacity at the new school.

Councillor Anwar Khan proposed restrictions on the pupil numbers and opening hours of the social enterprises in view of the concerns raised by Members. The amendments were seconded by Councillor Shiria Khatun and agreed by the committee on a vote of 4 in favour and 0 against.

On a vote of 4 in favour and 0 against, the Committee **RESOLVED**:

1. That planning permission for Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB (PA/13/00116) be **GRANTED** for 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.
2. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the report and update Subject to the following amendments agreed by the Committee

Pupils numbers.

- That the maximum pupil numbers at any one time be restricted to 150.
- That the overall pupil capacity be restricted to 280 pupils.

Social enterprise units.

- That the opening hours of the units be restricted to 10am to 6pm.

8. OTHER PLANNING MATTERS

8.1 Toilet Block, Poplar Recreation Ground, East India Dock Road, London E14 (PA/12/03218)

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

Jerry Bell (Applications Team Leader) introduced the report regarding Toilet Block, Poplar Recreation Ground, East India Dock Road, London for demolition of disused facility.

Iyabo Johnson (Planning Officer) presented the detailed report.

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

That application regarding Toilet Block, Poplar Recreation Ground, East India Dock Road, London E14 (PA/12/03218) for the demolition of disused single storey toilet block in Poplar Recreation Ground be **REFERRED** to the Government Office for West Midlands with the recommendation that the Council would be minded to grant Conservation Area Consent subject to the conditions set out in the report.

8.2 Trinity Centre, Key Close, London, E1 4HG (PA/13/00718)

Jerry Bell (Applications Team Leader) introduced the report regarding Trinity Centre, Key Close, London, for listed building consent for the installation of security bars to front windows.

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

That application at Trinity Centre, Key Close, London, E1 4HG (PA/13/00718) for listed building consent for the installation of internal steel security bars to the ground floor front elevation windows be **REFERRED** to the Government Office for West Midlands with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions set out in the report.

8.3 PLANNING APPEALS REPORT

Jerry Bell presented the report and highlighted the key points.

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

Agenda Item 6

Committee Development Committee	Date 19 th June 2013	Classification Unrestricted	Report No. DC 01/134	Agenda Item No. 6
Report of: Assistant Chief Executive Originating Officer(s) : Democratic Services		Title : Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings Ward(s) affected: N/A		

1. Recommendation

- 1.1 To note the Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

2. Background

- 2.1 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.
- 2.2 The Committee's meetings for the year are set out in Appendix 3 to this report as agreed at the Council meeting on 17th April 2013.
- 2.3 In accordance with the programme, meetings are scheduled to take place at 7.00pm with the exception of the meeting in July which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

3. Comments of the Chief Financial Officer

- 3.1 There are no specific comments arising from the recommendations in the report.

4. Concurrent report of the Assistant Chief Executive (Legal)

- 4.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 22nd May 2013 and 17th April 2013.

5. One Tower Hamlets Considerations

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

6. Sustainable Action for a Greener Environment

6.1 There are no specific SAGE implications arising from the recommendations in the report.

7. Risk Management Implications

7.1 The Council needs to have a programme of meetings in place to ensure effective and efficient decision making arrangements.

8. Crime and Disorder Reduction Implications

8.1 There are no Crime and Disorder Reduction implications arising from the recommendations in the report.

9. Efficiency Statement

9.1 There are no implications arising from the recommendations in the report.

Appendices

Appendix 1 - Development Committee Terms of Reference and Quorum

Appendix 2 - Development Committee Membership 2013/2014

Appendix 3 - Development Committee Meeting Dates 2013/2014

LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED) LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"	If not supplied, name and telephone number of holder:
Council's Constitution Council AGM 22 nd May 2013 – Report and Decision, Agenda item - Appointment to Committees and Panels of the Council Council 17 th April 2013 - Report and Decision Agenda item - Programme of Meetings 2013/14	Zoe Folley, Democratic Services 020 7364 4877 The papers can also be found on the Council webpages www.towerhamlets.gov.uk under Council and Democracy section.

APPENDIX 1

EXTRACT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

3.3.4 Development Committee

<p>Membership: Seven Members of the Council. Up to three substitutes may be appointed for each Member</p>	
Functions	Delegation of Function
<p>1. Planning Applications</p> <p>a) To consider and determine recommendations from the Corporate Director, Development and Renewal to grant planning permission for applications made under the Town and Country Planning Act 1990 to grant listed building consent or conservation area consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 and to grant hazardous substances consent for applications made under the Planning (Hazardous Substances) Act 1990, including similar applications delegated to the Council to determine by other bodies (such as the Olympic Delivery Authority under the London Olympic Games and Paralympic Games Act 2006) that meet any one of the following criteria:</p> <p style="margin-left: 40px;">i) Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential or live-work units.</p> <p style="margin-left: 40px;">ii) Proposals involving the erection, alteration or change of use of buildings, structures or land with a gross floor space exceeding 10,000 square metres.</p> <p style="margin-left: 40px;">iii) Retail development with a gross floor space exceeding 5,000 square metres.</p> <p style="margin-left: 40px;">iv) If in response to the publicity of an application the Council receives (in writing or by email) either more than 20 individual representations or a petition (received from residents of the borough whose names appear in the Register of Electors or by a Councillor and containing signatures from at least 20 persons with residential or business addresses in the borough) raising material planning objections to the development, and the Corporate Director,</p>	<p>The Corporate Director, Development and Renewal (or any officer authorised by her/him) has the authority to make decisions on planning matters with the exception of those specifically reserved to the Development Committee, unless:-</p> <p style="margin-left: 40px;">(i) these are expressly delegated to her/him</p> <p style="text-align: center;">or</p> <p style="margin-left: 40px;">(ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15</p>

Development and Renewal considers that these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.

- b) To consider and determine recommendations from the Corporate Director to refuse planning permission for applications made under the Acts referred to in (a) above, where in response to the publicity of an application the Council has received (in writing or by email) more than 20 individual representations supporting the development or a petition in the form detailed in (a) (iv) supporting the development.
- c) To consider and determine recommendations from the Corporate Director, Development and Renewal for listed building or conservation area consent applications made by or on sites/buildings owned by the Council.

(Representations either individual letters or petitions received after the close of the consultation period will be counted at the discretion of the Corporate Director, Development and Renewal)

2. Observations

- d) To respond to requests for observations on planning applications referred to the Council by other local authorities Government departments statutory undertakers and similar organisations where the response would be contrary to policies in the adopted development plan or raise especially significant borough-wide issues

3. General

- e) To consider any application or other planning matter referred to the Committee by the Corporate Director Development and Renewal where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised).

It shall be for the Corporate Director Development & Renewal to determine whether a matter meets any of the above criteria.

Quorum	
Three Members of the Committee	

Three Members of the Committee

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APPENDIX 3

SCHEDULE OF DATES 2013/14

DEVELOPMENT COMMITTEE

Wednesday 19th June 2013
Wednesday 17th July 2013 **(5.30pm)**
Wednesday 14th August 2013
Thursday 12th September 2013
Wednesday 9th October 2013
Thursday 14th November 2013
Wednesday 11th December 2013
Wednesday 15th January 2014
Wednesday 12th February 2014
Wednesday 12th March 2014
Wednesday 9th April 2014
Wednesday 7th May 2014

Meetings are scheduled to take place at 7.00pm with the exception of the meeting on 17th July which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

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

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Agenda Item 7

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 1st 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 9

Committee: Development	Date: 19 th June 2013	Classification: Unrestricted	Agenda Item No: 9
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): 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 9.1

Committee: Development	Date: 19 June 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application and Conservation Area Consent
Case Officer: Mary O'Shaughnessy	Ref No: PA/11/03371– 3372
	Ward: 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.

Applicant:	H2O Urban (NO.2 LPP)
Ownership:	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. 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 Council's Managing Development Document (April 2013), 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 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.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission 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 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.

- 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’s. 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.

- 4.5 This application for planning permission was reported to Development Committee on 11th April 2013 with an officers' recommendation for approval.
- 4.6 After consideration of this previous report and the update report, Members resolved not to accept the officers' recommendation and were minded to refuse planning permission due to concerns over:
- Impact on the character and appearance of the conservation area.
- 4.7 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.
- 4.8 The supplemental report setting out reasons for refusal and the implications of the decision was presented to the Development Committee held on the 15th May 2013, and is attached at Appendix 2.
- 4.9 In order to address members concerns with regard to impact of the development on the Regents Canal Conservation Area, the applicant provided full details of the proposed materials which are discussed further at paragraphs 8.116 and 8.118 of this report.
- 4.10 At the meeting members were minded to approve planning permission and conservation area consent subject to further discussion around allocation of the s106 contributions for the Bow West Ward only. Members asked officers to look at the possibility of ensuring the s106 pot was spent in the Bow West Ward only instead of being pooled as is normal practice.
- 4.11 The S106 SPD clearly states at paragraph 6.6 that
- "Financial contributions will be pooled where the infrastructure required is of a significant scale and of a more strategic nature, such as for health or education facilities ...In such cases an individual development will provide a financial contribution which is to be added to a pot of contributions provided by other developments, to be spent on key identified infrastructure projects, such as a school or a health centre."*
- 4.12 With regard to this application there are no extenuating circumstances which would merit a departure from established council procedures and process in this instance.
- 4.13 It is important to note that there would be risks to departing from established procedures and processes. Firstly, the council could be vulnerable to a challenge given there is no justification for departing from established procedures and processes of pooling S106 contributions in order to deliver key infrastructure. Secondly, it would set a precedent which could have far reaching implications for the delivery of council infrastructure such as schools in the future if each site's S106 contributions could only be spent by ward. This could mean that key infrastructure which has been identified could not be delivered because contributions are no longer pooled across the borough.
- 4.14 To conclude, given it is established council procedure to pool S106 contributions it would not be possible in this instance to allocate the S106 contributions to be spent in the Bow West Ward only.
- 4.15 The Development Committee resolved to approve listed building consent given the listed building works 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.

- 4.16 Since the April Development Committee the membership of the committee has changed and as such these applications for full planning permission and conservation area consent for the redevelopment of Bow Wharf are being presented in full.

Proposal

- 4.17 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.
- 4.18 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.
- 4.19 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.
- 4.20 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.
- 4.21 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 1bedroom flats, 15 x 2 bedroom flats and 4 x 3 bedroom flats.
- 4.22 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.
- 4.23 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.
- 4.24 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.

Site and Surroundings

- 4.25 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.
- 4.26 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.

- 4.27 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.
- 4.28 The site is located within the newly designated Regents Canal Conservation Area (October 2008). It previously was located within the Victoria Park Conservation Area.
- 4.29 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.
- 4.30 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.
- 4.31 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.
- 4.32 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.
- 4.33 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

- 4.34 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 Condition1, 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 Bow Wharf –The LPA **refused** full planning permission, conservation area 4/1159432, consent and listed building consent on 26th July 2004 and these three 1159733 & consents listed below were the subject of a public inquiry. The appeal was 1159434 dismissed by the Planning Inspectorate on 31stMay 2005.

PA/02/951 The LPA **refused** full planning permission on the 26July 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 26July 2004 for the “*Demolition of a single storey warehouse on the north side of HertfordUnionCanal and demolition of a single storey cottage on the boundary of WenningtonPark to allow for construction of 9no. Class B1 units and 32no. Residential units.*”

PA/03/293 The LPA **refused** listed building consent on the 26July 2004 for the “*Reinforcement and restoration works to the existing bridge.*”

APP/E5900/A/1 Bow Wharf – The LPA **refused** full planning permission on 4 August 2008 0/2121940 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)

Managing Development Document (April 2013) (MDD)

- 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

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 MDD (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.

[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:	87	Objecting:	82	Supporting:	05
		(including 36 Pro			
		Forma Letters)			
No of petitions received:	1	objecting containing	152	signatories	
	1	objection containing	77	signatories	
	0	supporting			

7.3 It is noted that the petition containing 77 signatories was an electronic petition and that there were a total of 115 signatories. However, 38 of the signatories provided postcodes which were not located within the borough and/or did not provide a name and were listed as 'anonymous'.

7.4 It is noted that three residents who have already registered letters of objection sent in further letters. Given they have already objected this has not affected the total number of objections, however, the contents have been taken into account and are addressed below.

7.5 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.

7.6 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:

7.7 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.

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

7.9 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.]

7.10 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:Listed Building Consent for works to the listed bridge have been granted following resolution by Development Committee and these matters were fully addressed.]

7.11 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.]

7.12 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.]

7.13 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.]

7.14 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.]

7.15 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.]

7.16 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.]

7.17 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

8.2 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.

- 8.3 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.
- 8.4 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.
- 8.5 The site does not have an allocation within the MDD. 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.
- 8.6 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.
- 8.7 The application site was designated for Leisure, Recreation, Arts/Craft, Retail and Water Recreation in the previous Unitary Development Plan (UDP) which has now been superseded by the MDD. This designation has not been carried forward by the adopted CS or the adopted MDD.
- 8.8 Furthermore, 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."* Finally, 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 seeks 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 MDD 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 MDD 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), financial services (A2), restaurant (A3), office (B1), and/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 MDD 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 then 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 objective 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.

- 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 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
Total	7	24	3	8	24	79	34	111

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 MDD, 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 Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009). Table three shows the proposed housing and tenure mix.

8.45 Table 3: Housing Mix

		Affordable Housing						Private Housing		
		Affordable Rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	LBTH target %	Unit	%	LBTH target %	Unit	%	LBTH target %
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			5		
5bed	0	0	0%	15%	0			0		
Total	34	7	100%	100	11	100%	100	24	100%	100

- 8.46 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.
- 8.47 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.
- 8.48 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.
- 8.49 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.
- 8.50 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 MDD 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:

- 8.51 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5, the London Housing SPG and MDD policy DM4 requires new development to make adequate provision of internal residential space.
- 8.52 Policy DM4 also sets out standards for new housing developments with relation to private amenity space. These standards are in line with the London Housing SPG, 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.
- 8.53 The proposed development is designed to the London Housing SPG 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:

- 8.54 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.
- 8.55 Policy 3.6 of the LP, strategic policy SP02 of the CS and policy DM4 of the MDD 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).

- 8.56 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 MDD's standard of 10sq.m per child. The application is not proposing any child play space.
- 8.57 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.
- 8.58 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.
- 8.59 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:

- 8.60 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.
- 8.61 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:

- 8.62 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.

- 8.63 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.
- 8.64 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.”*
- 8.65 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).
- 8.66 PPS5 Practice Guide also provides guidance and clarification to the principles of assessing the impact of the development proposals on heritage assets.
- 8.67 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.
- 8.68 Policy DM27 part 2 of the MDD 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.
- Designated Heritage Assets:
- 8.69 The Stop Lock Bridge is Grade II Listed and is a designated heritage asset and an important example of industrial heritage.
- 8.70 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.”
- 8.71 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.
- 8.72 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.”

8.73 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.

8.74 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:

8.75 The applicant has received listed building consent for the proposed 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.

8.76 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.

8.77 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.

8.78 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 and it would not be anticipated that it would give rise to a large number of servicing trips. Notwithstanding, this would be controlled via condition restricting any servicing from Old Ford Road.

8.79 Finally, the development only includes one accessible car parking space. A car is within the weight limit allowed for the bridge.

8.80 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 which has been secured as part of the listed building consent.

8.81 To conclude it is considered that through the appropriate use of conditions including a Construction Management Plan, details of protection measures for the listed bridge during construction, restriction of servicing from Old Ford Road and a Service Management Plan that the designated heritage asset would be protected during construction and following occupation of the development.

Principle of demolition – Conservation Area Consent:

8.82 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.

- 8.83 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.
- 8.84 With regard to the criteria found within policy DM27 of the MDD, 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.
- 8.85 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.
- 8.86 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:

- 8.87 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.
- 8.88 Policy SP10 of the CS and 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.
- 8.89 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:

- 8.90 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.
- 8.91 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.

- 8.92 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.
- 8.93 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.
- 8.94 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.
- 8.95 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.
- 8.96 The proposal includes a new public piazza to the south of Hertford Canal.

Comparison with the 2009 and 2002 refused schemes:

- 8.97 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.
- 8.98 Table 4: Comparison between schemes

2002 Application	2009 Application	Current Application
Proposal		
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.
Layout		
<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</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>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>Union Canal and to the west of the locally listed building. Block E was located adjacent to Wennington Gardens to the south.</p> <p>This layout included a new bridge linking the northern and southern parts of the site.</p>	<p>See layout plan at figure 2 below.</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>
Height		
<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: Layout of current proposal



Building A:

- 8.99 The massing of Building A has been carefully considered in light of previous Inspectors 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.
- 8.100 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.
- 8.101 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.”

8.102 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”

8.103 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:

8.104 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.

8.105 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.

8.106 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.

8.107 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.

8.108 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.

- 8.109 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.
- 8.110 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.
- 8.111 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.
- 8.112 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.
- 8.113 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.
- 8.114 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.
- 8.115 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.
- 8.116 With regard to materials, 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 11th April 2013.
- 8.117 Full details of the schedule of materials can be viewed at appendix 1. 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.

- 8.118 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.
- 8.119 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.
- 8.120 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

- 8.121 Part 4 a and b of policy SP10 of the CS and policy DM25 of the MDD 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.
- 8.122 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.
- 8.123 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.
- 8.124 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:

- 8.125 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).
- 8.126 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.
- 8.127 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.

- 8.128 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.
- 8.129 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”*.
- 8.130 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.
- 8.131 With regard to the proposed development all of the rooms would receive acceptable levels of daylight and sunlight and accord with BRE guidance.
- 8.132 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:

- 8.133 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.
- 8.134 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.
- 8.135 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.
- 8.136 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:

- 8.137 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.

- 8.138 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.
- 8.139 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.
- 8.140 Finally, in line with Environment Health requirements the details of any plant and ventilation equipment for this use would be controlled via condition.
- 8.141 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.
- 8.142 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

- 8.143 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.
- 8.144 CS Policy SP08 & SP09 and Policy DM20 of the MDD 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.
- 8.145 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:

- 8.146 Policies 6.13 of the London Plan, strategic policy SP09 of the CS and policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.147 The most up to date parking standards are found within Appendix 2 of the MDD. 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:

- 8.148 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:

- 8.149 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing.
- 8.150 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.
- 8.151 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.
- 8.152 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:

- 8.153 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.
- 8.154 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.
- 8.155 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.”
- 8.156 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:

- 8.157 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:

- 8.158 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.
- 8.159 To conclude, the proposed development is considered acceptable with regard to highway's impacts and accords with policy.

Energy & Sustainability

- 8.160 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 8.161 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)
- 8.162 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).
- 8.163 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).
- 8.164 Whilst the proposed energy strategy falls short of the requirements of emerging Policy DM29 of the MDD (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.
- 8.165 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

- 8.166 In terms of policy designations within the CS, MDD; 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.
- 8.167 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.
- 8.168 Policy 7.19 of the LP, strategic policy SP04 of the CS and DM11 of the MDD 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.
- 8.169 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.
- 8.170 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.
- 8.171 Policy DM12 of the MDD 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.
- 8.172 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.
- 8.173 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.
- 8.174 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.

- 8.175 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 bat boxes and enhancement to the canal wall which would be secured via condition.
- 8.176 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.
- 8.178 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.
- 8.179 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.
- 8.180 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.
- 8.181 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.
- 8.182 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

- 8.183 The NPPF and policy DM30 of the MDD provide guidance with regard to the assessment of contamination risk.
- 8.184 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

- 8.185 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.
- 8.186 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.
- 8.187 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.
- 8.188 The applicant has agreed to financial contributions towards leisure, community facilities and health care provision within the Borough.
- 8.189 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.
- 8.190 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

- 8.191 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.
- 8.192 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.
- 8.193 Securing appropriate planning contributions is further supported by 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.
- 8.194 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

- 8.195 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.
- 8.196 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.
- 8.197 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.
- 8.198 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.
- 8.199 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.
- 8.201 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

8.202 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. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.

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

8.203 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:

8.204 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.

8.205 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.

8.206 In this context "grants" might include the new homes bonus and payment of the community infrastructure levy.

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

8.208 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.

8.209 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.

8.210 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

- 8.211 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:-
- 8.212 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"*.
- 8.213 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.
- 8.214 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.
- 8.215 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.
- 8.216 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.217 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.
- 8.218 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

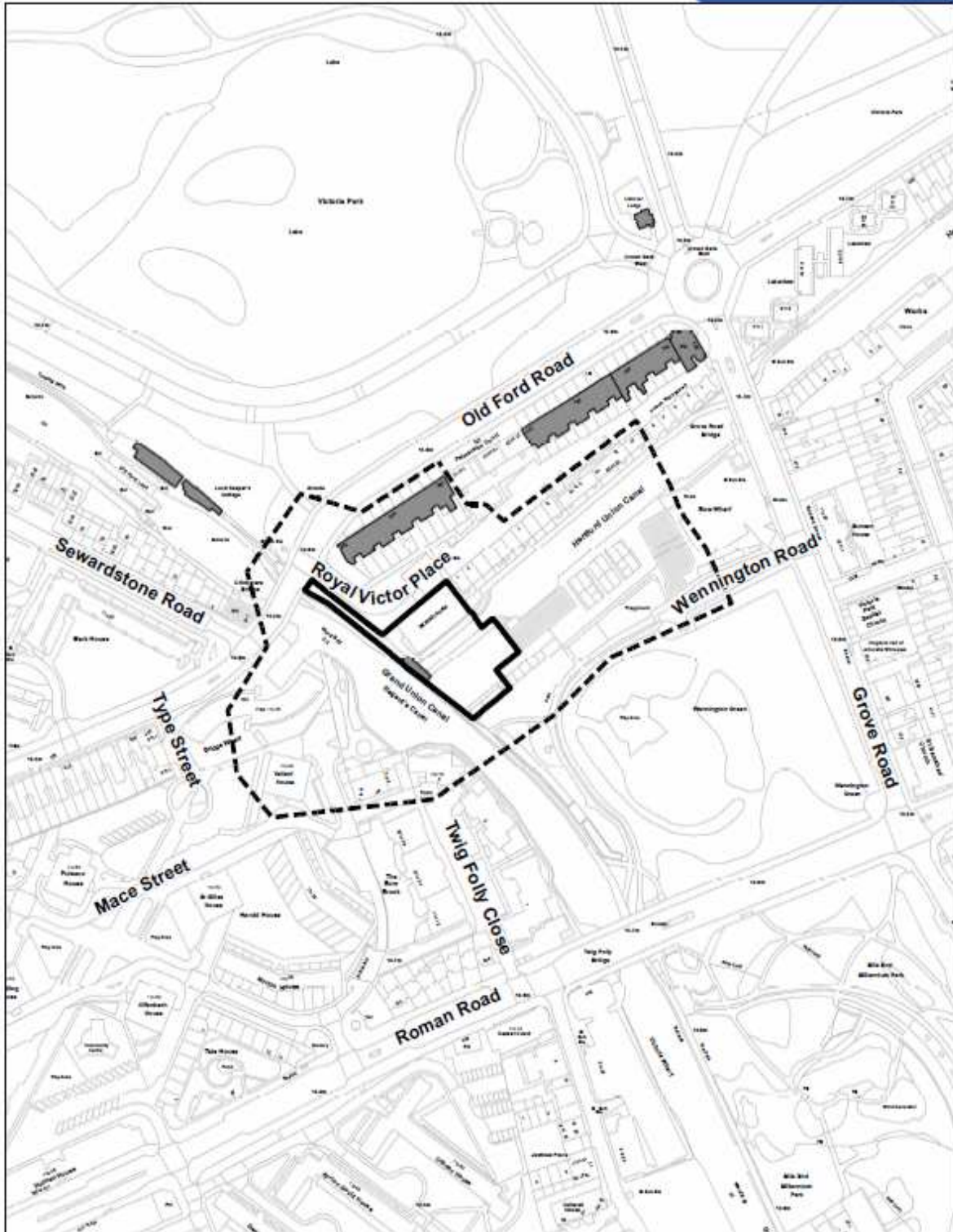
Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

Equalities Act Considerations

- 8.219 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.
- 8.220 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.
- 8.221 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.222 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.
- 8.223 The contributions to affordable housing support community wellbeing and social cohesion.

Conclusions

- 8.224 All other relevant policies and considerations have been taken into account. PLANNING PERMISSION 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.



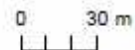
Planning Application Site Boundary

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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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#
Roof Cladding				
- 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
Wall Cladding				
- 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
Windows & Curtain Wall Glazing	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
Balcony Doors	Velfac	PPC aluminium double-glazed windows and doors (RAL 7016 Matt) with stained timber inner frame.		8
Building 'B' Entrance & Retail Unit Glazing	Kawneer	PPC aluminium double-glazed curtain wall and doors (RAL 7016 Matt).		8
Skylights	Velux	Centre-Pivot white finish (internal) roof window. External finish (RAL 7016 Matt).		8
Smoke Vents	Colt	Coltite LWT 28 Ventilator. Double-glazed louvers with PPC frame (RAL 7016 Matt).		8

ELEMENT	MANUFACTURER / SUPPLIER	DESCRIPTION/ REF.	IMAGE	SAMPLE REF#
External Doors				
- 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
Fascias		PPC pressed aluminium (RAL 7031 Matt).		9
Flashings & Trims		PPC pressed aluminium (RAL 7016 Matt).		8
Balconies		PPC steel frame (RAL 7016 Matt) with 8mm Cembonit cement board (colour: Granit) soffit and hardwood ribbed decking.		7 & 8
Soffit (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#
Balustrades		Bespoke PPC steel balustrades (RAL 7016 Matt).		8
Entrance Canopies		Painted steel frame (RAL 7016) with hardwood timber siding and Cembonit Granite cement board soffit.		8
Rainwater Goods	Marley Alutec	Concealed eaves gutters. PPC square downpipes and hoppers (RAL 7016 Matt).		8
PV Panels	Solarcentuty	185W Solar Module. Black coloured to blend in with slate roofing.		

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Committee: Development	Date: 15 May 2013	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Town Planning Application, Conservation Area Consent and Listed Building Consent	
Case Officer: Mary O'Shaughnessy		Ref No: PA/11/03371 – 3372 - 3373	
		Ward: 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 11th 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 11th 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 15th April 2013
Appendix Two – Update Report to Members on 15th April 2013
Appendix Three – Materials Schedule

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Agenda Item 9.2

Committee: Development	Date: 19 June 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Jane Jin	Ref No: PA/13/00444
	Ward: Mile End and Globe Town

1. APPLICATION DETAILS

Location: 11 Solebay Street, London E1 4PW
Existing Use: Office/Warehouse (Use Class B1/B8)
Proposal: Change of use from office/warehouse use (Use Class B1/B8) to a two form entry primary school (Use Class D1). The proposal involves minor alterations to infill existing parking and service bays and a roof-top extension providing additional teaching and external play space.

Drawing Nos/Documents: Drawings:
Site Location Plan
112010/B001 Rev 2
112010/B005 Rev 1
112010/P001
112010/P002
112010/P003
112010/P004
112010/P005
112010/P007
112010/P008
112010/P013 Rev 3
112010/P014 Rev 4
112010/P015 Rev 1
112010/P017 Rev 5
112010/P018 Rev3
112010/B600

Documents:
Draft School Travel Plan as amended and received May 2013
Noise Assessment by Cole Jarman ref 12/6770/R1
Small scale modulating CHP systems – Load Tracker
CHP Design Guide
Method Statement for CET 11 Solebay Street
Transport Statement with reference 2671/029/R01 dated Feb 2013

Planning and Impact Statement by tp bennett dated Feb 2013
Energy and Renewable Energy Statement by BSD with ref 130030 Rev 01, dated Jan 2013
Solar System Design dated 03/05/13
Design and Access Statement by WGI dated Feb 2013
Statement of Community Involvement by tp bennett dated Feb 2013

Applicant: CET Primary Schools
Ownership: David Barry
Historic Building: No
Conservation Area: No

2.0 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 well as the London Plan (2011) and the relevant Government Planning Policy Guidance including the National Planning Policy Framework and has found that:
- 2.2 The proposed loss of office/warehouse floor space (Use Class B1/B8) is considered acceptable given its loss has been justified in accordance with strategic policy SP06 of the Core Strategy (2010), and polices DM15 and DM16 of the Managing Development Document (2013).
- 2.3 The change of use to a Primary school (Use Class D1) is considered acceptable given there is a need for a Primary school in this accessible location and this accords with policy 6.13 of the London Plan, 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 adverse impact on the highway network which accords with strategic policies SP07 and SP09 of the Core Strategy (2010) which seek to manage the impact of new development on the borough highway network.
- 2.5 The proposal includes alterations at ground floor level and roof level which are acceptable interventions 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 Subject to conditions, it is not considered that the proposed development would have an adverse 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.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.4 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- 3.5 **Conditions:**
- § Time Limit for implementation 3 years
 - § Compliance with plans
 - § Construction Management Plan / Construction Logistics Plan
 - § School Management Plan
 - § Travel Plan
 - § Scheme of Highway Works (S278 agreement)
 - § Delivery and Servicing Plan
 - § Full details of Materials
 - § Energy
 - § BREEAM
 - § Restricted use of the open roof top play area during school hours only.
 - § A strategy for coach/mini-bus parking.
- 3.6 **Informatives**
- § Section 278 would be required
 - § Consultation with School Travel Plan Officer

4.0 **PROPOSAL AND LOCATION DETAILS**

Proposal and Background

- 4.1 The proposal is for the change of use of an office/warehouse block to a primary school (Use Class D1). The Primary school would be a two form entry school with a maximum total school roll of 350 pupils aged 4-11. On opening which is timetabled for September 2014, the school would have 175 pupils and it will expand by 50 pupils in subsequent years and is expected to reach its capacity in September 2018.
- 4.2 The School would be managed by CET Primary Schools. CET primary school in Tower Hamlets is a new Free School that opened in a temporary location off the Mile End Road (The Kirkland Centre) in September 2012 and is funded through the 'Free Schools Programme' by the Department for Education. The school plans to make the application site a permanent location and would predominantly serve children from a catchment area within 3km radius.

Site and Surroundings

- 4.3 The application site is a four storey building with warehouse building with two floors located at the corner of Solebay Street and Toby Lane.
- 4.4 The site is neither listed nor located within a conservation area.
- 4.5 The area is mixed in character with B1 and B8 immediately adjacent to the east, and residential dwellings further east, along the canal. The Council's Depot abuts the site to the north, and student housing to the west of the site, opposite side of Toby Lane. To the south of the site, on the opposite side of Solebay Street, is post-war six storey residential blocks.

Within the vicinity of the site, predominately post-war housing estates prevails to the south

and west, and along Mile End Road to the north is predominately recent developments including student housing buildings. To the east, lies Mile End Park.

- 4.6 The site is well served by Public Transport with PTAL of 6(b), being the highest accessibility level.

Planning History

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

Application Site:

- 4.8 PA/01/01771 Demolition of existing warehouse building and erection of a part two storey warehouse and a part four storey office/showroom building together with parking, servicing and loading areas was approved 17th December 2002.

5.0 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 Government Planning Policy Guidance/Statements

National Planning Policy Framework (NPPF) (March 2012)
Policy Statement – planning for schools development (August 2011)

5.3 Spatial Development Strategy for Greater London (London Plan)

Policies:	Policy No.	Title
	3.18	Education Facilities
	4.1	Developing London’s economy
	4.2	Offices
	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
	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

5.4 Core Strategy Development Plan Document 2025 (CS)

Spatial	Policy No.	Title
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Policies:

SP01	Refocusing on our town centres
SP03	Creating healthy and liveable neighbourhoods
SP05	Dealing with waste
SP06	Delivering successful employment hubs
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 – Shadwell Area
SP13	Delivery and implementation

5.5 Managing Development Document (2013)

Development Management Policies:

Policy No.	Title
DM14	Managing waste
DM15	Local job creation and investment
DM17	Delivering schools and early learning
DM20	Supporting a sustainable transport network
DM22	Parking
DM23	Streets and public realm
DM24	Place-sensitive design
DM25	Amenity
DM29	Achieving a zero-carbon borough and addressing climate change

5.6 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

6.0 CONSULTATION RESPONSES

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:

Transport for London (TfL)

6.3 With regards to the above mentioned site, TfL offers the following comments and recommendations:

6.4 TfL supports nil parking on site which promotes alternative sustainable method of travel. The proposal to stagger finish times is also supported which reduce the demand on transport capacity on School days.

6.5 TfL commented that whilst 39 cycle parking spaces would be required on site and less is provided, cycle parking should be monitored through the travel plan and additional spaces provided if it regularly exceeds 80% capacity. Scooter parking spaces are also proposed

which is welcomed.

- 6.7 The following would be required to be secured via condition
- § Delivery & Servicing Plan.
 - § School Travel Plan
- 6.8 Subject to the above, TfL would not have objections to the application.
- 6.9 **[Officer Comment:** These matters are fully dealt with at paragraphs 8.21-8.46 of this report.]

LBTH Highways

- 6.10 Highways, have no objection on balance, and recognise that the success of the scheme will depend on the rigour with which the School Travel Plan is implemented and reviewed. Whilst this land use could in principle slightly increase peak time vehicular trips compared to the current land use, a School Travel Plan produced in liaison with expert help will successfully mitigate and reduce the potential for car-borne trips to the school. The School Travel Plan Coordinator already assists the school at its temporary location and would assist further with the plan production; implementation and review.
- 6.11 Finally the following conditions should be secured:
- § Secure Travel Plan and monitoring
 - § S278 agreement to be secured.
 - § Construction Management Plan
 - § Servicing Management Plan
 - § School Management Plan
- 6.12 **[Officer Comment:** These matters are fully dealt with at paragraphs 8.21 - 8.46 of this report.]

LBTH Environmental Health – Noise and Vibration

- 6.13 Environmental Health is unable to support this application; Whilst the site may be suitable for a school, a playground area is not particularly suited to this location and should not be located on the roof of the building. Such provision result in negative feedback from local residents in close proximity.
- 6.14 **[Officer Comment:** These matters are fully dealt with at paragraphs 8.47-8.51 of this report.]

LBTH Education

- 6.15 The Children, Schools and Families Directorate have advised that there is a steeply rising need for additional school places in Tower Hamlets. Over the next 10 years, the total primary school roll is anticipated to increase by 34%. The Local Authority has created additional capacity and continues to plan to provide further school places. The CET free school contributes to the overall supply of primary school places for local residents although it is not part of Local authority's provision. The proposed location is in an area of the borough where there is new residential development and some pressure for admission to primary schools. The proposed accommodation does not comply with Building Bulletin 99 standards for a full 2 form entry school of 420 pupils. A maximum roll of 350 pupil is proposed. However, the Department of Education uses a lower standard of accommodation for free schools than the Local Authority aims to achieve in its proposal.

- 6.16 **[Officer Comment:** The proposed school will absorb the rising demand for primary school places over the coming years. The school anticipates the maximum roll of 350 pupils to be fulfilled by 2018.]

7.0 LOCAL REPRESENTATION

- 7.1 A total of 174 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. 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: 14 Objecting: 14 Supporting: 0

No of petitions received: 2 in objection with 10 signatures, and 14 signatures respectively

- 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:

§ The site is located in an industrial site and therefore not suitable for a school.

[Officer comment: The site is in an area of a mixed character, and whilst some light industrial activities do occur in the immediate vicinity, the site is located in an area with good public transport accessibility and local amenities. With a good school management plan and travel plan, the proposed location is suitable subject to conditions. This matter is fully dealt with at paragraphs 8.2-8.20]

§ Increase in traffic and congestion in the area

[Officer Comment: The success of the scheme depends on a good School Travel Plan. The School is currently working with the Council's School Travel Plan Co-ordinator and will continue to do so when it is re-located. The draft Travel Plan submitted with the application was also developed in consultation with the Council's School Travel Plan Co-ordinator. Whilst some traffic in the area is likely to increase, the impact would be managed through the School's Travel Plan. This matter is fully dealt with at paragraphs 8.21-8.46]

§ Pollution in general

[Officer Comment: The proposed school activity alone is unlikely to create significant pollution problems in the area. The noise issue is addressed below, and expanded upon in paragraphs 8.47-8.51]

§ Narrow pavement which is not suitable for children to gather

[Officer Comment: The proposed school provides holding areas inside the building which include the use of the school halls. In addition, the school is proposing staggered finish times and also the start times will naturally be staggered through the school's morning clubs and therefore large amount of students and parents are not likely to congregate outside of the school at the same time. This can further be prevented through a school management plan, which will be secured through a condition]

§ Level of noise created by the children playing on the roof

[Officer Comment: School activities are likely to generate some noise from children playing, whether it be from a playground at ground level or roof level. Noise generated outside unsocial hours will be restricted by a condition to ensure that other community uses or after school hours uses does not take place on the roof level after 1730.]

§ There is sufficient tenant interest for commercial property in this area and therefore there is no justification for change of use.

[Officer Comment: The application is accompanied by marketing evidence which indicates that the property has been marketed since August 2011, without any significant interest. This is addressed in more detail in paragraphs 8.3-8.5]

§ Was not aware of the public consultation carried out by the applicant.

[Officer Comment: Whilst early consultation with local residents is recommended this is not a requirement, although encouraged. As part of the planning application consultation as set out at paragraph 7.1 has been carried out in accordance with statutory requirements and the Council's Statement of Community Involvement.]

§ Traffic movement and pedestrian safety and impact to the business nearby

[Officer Comment: Please refer to paragraphs 8.21-8.46 of this report where these matters are fully addressed.]

§ Loss of employment area

[Officer Comment: Please refer to paragraphs 8.3-8.5 of this report where these matters are fully addressed.]

8.0 MATERIAL PLANNING CONSIDERATIONS

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

- § Land Use
- § Highways
- § Amenity
- § Design
- § Energy and Sustainability
- § Human Rights

Land Use

8.2 The site currently provides 2300 square metres of vacant office and warehouse floor space (Use Class B1/B8) arranged over four floors for office space and two floors for warehouse building. The main pedestrian access is located on the corner of Toby Lane and Solebay Street and on-site servicing bay is accessed from Solebay Street.

Loss of Employment Floor Space (B1/B8):

8.3 The application site is has no designation. It is noted that the office/warehouse floor space is not located within any Strategic Industrial Location or Local Industrial Location or any of the preferred office locations where there are specific policies to protect such employment floor space.

8.4 Strategic policy SP06 of the CS, and DM15 of the MDD require supporting information to justify the loss of employment floor space, which should include marketing evidence that the site has been actively marketed for approximately 12 months or that the site is unsuitable for continued employment use.

8.5 The application is accompanied by marketing information to show evidence of active marketing since August 2011. Whilst the existing building was constructed and completed in 2006 by the current owners for their business in the fashion industry, since the economic down turn in 2008 the existing business has not been able to sustain a building of this size. The supporting marketing evidence demonstrates that the existing building has been actively marketed without success and it is considered that the loss of

employment floor space is justified in this instance.

Principle of School:

8.6 The proposal is for the change of use to a Primary school (Use Class D1) and this section of the report will focus on the land use implications of the proposed educational use.

8.7 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.”*

8.8 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.”

8.9 State-funded schools are defined by the policy statement and include ‘Free Schools’.

8.10 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.”

8.11 The policy also supports proposals which maximise the extended or multiple use of educational facilities for community or recreational use.

8.12 Part 2, of strategic policy SP07 of the 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 primary schools and states that:

“Primary schools should be located to be integrated into the local movement routes, the neighbourhood they serve, and be easy to access on foot or by bicycle.”

8.13 Part 3 of the policy supports co-location and clustering of services as well as the encouragement of the use of schools after hours.

8.14 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.

8.15 The proposal is for the creation of new primary school (Use Class D1) which is not

located on an allocated 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.

- 8.16 Given the site is not allocated for education use, consideration is given to the need for a new primary school. The Children, Schools and Families Directorate have advised that there is a steeply rising need for additional school places in Tower Hamlets. Over the next 10 years, the total primary school roll is anticipated to increase by 34%. As such, the proposal accords with part (i) of the policy given there is a need for additional primary school places within the borough. In conclusion the proposed primary school would have a capacity of 350 students by 2018 which would contribute to the delivery of Primary school places in accordance with policy.
- 8.17 With regard to part (ii) design and layout this is discussed at paragraphs 8.66 - 8.74 of this report. Part (iii) does not apply in this instance given the proposal does not involve the loss of school play space.
- 8.18 As discussed within the highway's section of this report the site is in a highly accessible location which accords with part (iv) of the policy. Furthermore, it is considered that the site is suitably located within the context of the current catchment area for the existing temporary school location at 1-3 Colborn Street, E3.
- 8.19 To conclude, in land use terms, the principle of an educational use accords with policy given there is a need for a new primary school and it meets the other tests of the policy. Furthermore, it accords with national policy which encourages educational uses.
- 8.20 The applicant state whilst there is no firm programme established, it is the school's intention to enable access and use by community groups outside normal school hours. The principle of shared facilities and co-location is promoted by policy and the sharing of school facilities would be acceptable however, a condition will be included to restrict the use of the roof top play area outside school hours to ensure impacts to the neighbours are minimised.

Highways and Access

- 8.21 Policy SP07 of the CS states that primary schools should be located to be integrated into local movement routes, the neighbourhood they serve and be easy to access on foot or bicycle. Also relevant is policy SP09 which seeks to ensure that new development has no adverse impacts upon the safety and capacity of the road network.
- 8.22 The subject site is positioned on the corner of Solebay Street and Toby Lane and is within close proximity to Mile End Road. The area has a Public Transport Accessibility Level (PTAL) of 6b which indicates 'excellent' and the highest level of accessibility. The nearest tube stations are Mile End and Stepney Green stations which can be reached within a ten minute walk. There are several bus stops close to the site which are located on Mile End Road, Harford Road and Burdett Road and the distances range from 145m to 300m which are all within 3-5 minutes walking distance. These bus stops serve several bus routes going in all directions – north, east, south and west.
- 8.23 The proposal is for the creation of a new primary school with a maximum capacity of 350 students including up to 40 teachers and staff.
- 8.24 The KS1 and visitor entrance to the school would be from Solebay Street and KS2 entrance to the school would be from the corner of Solebay and Toby Lane. The ground

floor layout includes holding areas and the use of the school hall to prevent congregating on the footways adjacent.

- 8.25 The main concern for officers has been the assessment of the impact of locating a primary school in this location in relation to the traffic congestion and safety impact surrounding highway network for all users. Local residents have similar concerns.
- 8.26 At pre-application stage officers clearly set out the information officers required to assess the impact of the proposed school. This information has been provided in the form of a detailed Transport Statement prepared by Robert West. This has been assessed by TfL and the borough highway officer and both are satisfied with the way in which the assessment has been carried out. In accordance with the NPPF guidance which gives great weight to educational development, officers have sought to mitigate any impacts through the use of conditions.
- 8.27 Whilst, it is noted the school would have a capacity of 350 students and 40 staff, this would not be reached until 2018. However, the Transport Statement has carried out an assessment based on the maximum capacity of the school.
- 8.28 In order to provide a forecast of trips for the proposed school, this was modelled against the existing travel data for the current school located at the Kirtland Centre. The existing pupil trips are outlined in table 1 below. Table 2 shows predicted pupil travel patterns.

Table 1: Existing Pupil Trips at the Kirtland Centre

Bicycle/ Scooter	Bus	Car	Car- share	Train/ Tube	Walk	Total
4 (5.3%)	14 (18.7%)	11 (14.7%)	0 (0%)	6 (8%)	40 (53.3%)	75 (100%)

Table 2: Predicted Pupil Travel Patterns

Bicycle/ Scooter	Bus	Car	Car- share	Train/ Tube	Walk	Total
19 (5.3%)	65 (18.7%)	51 (14.7%)	0 (0%)	28 (8%)	187 (53.3%)	350 (100%)

- 8.29 This data indicates that the majority of pupils would travel to school by sustainable means of transport; cycling/scooter, tube, walking or taking the bus. A further analysis of the existing catchment area for the school was reviewed in order to assess the feasibility of these travel modes. The vast majority of existing pupils live within close proximity of the existing school and would continue to do so as the proposed location is within a kilometre of the same. Currently, 79% live within a 2km radius of the existing site at Kirtland Centre and therefore, it can be envisaged that similar percentage of the pupils would live within 2km radius of the proposed school site which is considered to be a walkable distance.
- 8.30 It is not proposed to provide any staff car parking on site. This is considered acceptable and the lack of provision of on-site car parking facilities for teachers would further encourage the use of sustainable modes of transport.

Impact of vehicle trips / Pupil pick up and Peak Times:

- 8.31 The proposed primary school based on these results would be forecast to generate 51 vehicular trips in the peak hours and this represents a worst case scenario. In order to mitigate against the vehicular trips it is proposed to have the finish times of KS1 and KS2 pupils staggered by 15 minutes. The KS1 pupils will finish at 15:30 and KS2 pupils will finish at 15:45. This would potentially reduce congestion during the peak hour times in the afternoon. This would be secured via condition. In addition, the school will operate

morning breakfast club and after school activities and clubs which will further stagger the start and finish times of some pupils. The breakfast club would operate from 08:00 in the morning and the after school activities and clubs will finish from 16:30 to 17:30.

- 8.32 It is noted that residents are concerned that parents would park adjacent to the school and congest the adjacent highways given they may live within the same parking zone which would worsen parking stress. However, it is considered that the staggering of finish times, and before and after school activities would limit any potential adverse impacts.
- 8.33 In addition, the draft school travel plan has been developed in consultation with the Borough's School Travel Plan Co-ordinator. Whilst the main objective of the Plan is to discourage parents/guardians from driving to the site it acknowledges that some may still drive. Therefore it outlines the way the school can encourage and influence the ways some parents may pick up and drop off their children if a mode of private transport is chosen. It proposes a Voluntary One Way System (VOWS). This system will work by vehicles only being allowed to arrive at the school site once all pupils and parents who walk are clear of the school site. This VOWS will be communicated to all parents and controlled and managed by staff. Vehicles will need to turn from Harford Street into Toby Lane, undertake pick up/drop and then leave the area via Solebay Street back to Harford Street. See Diagram 1 below. A staff member(s) will supervise the pick up/ drop off of pupils and therefore, parents with cars will be discouraged to park their cars within the vicinity but would allow pick up/drop off and drive away from the school site in a swift manner.

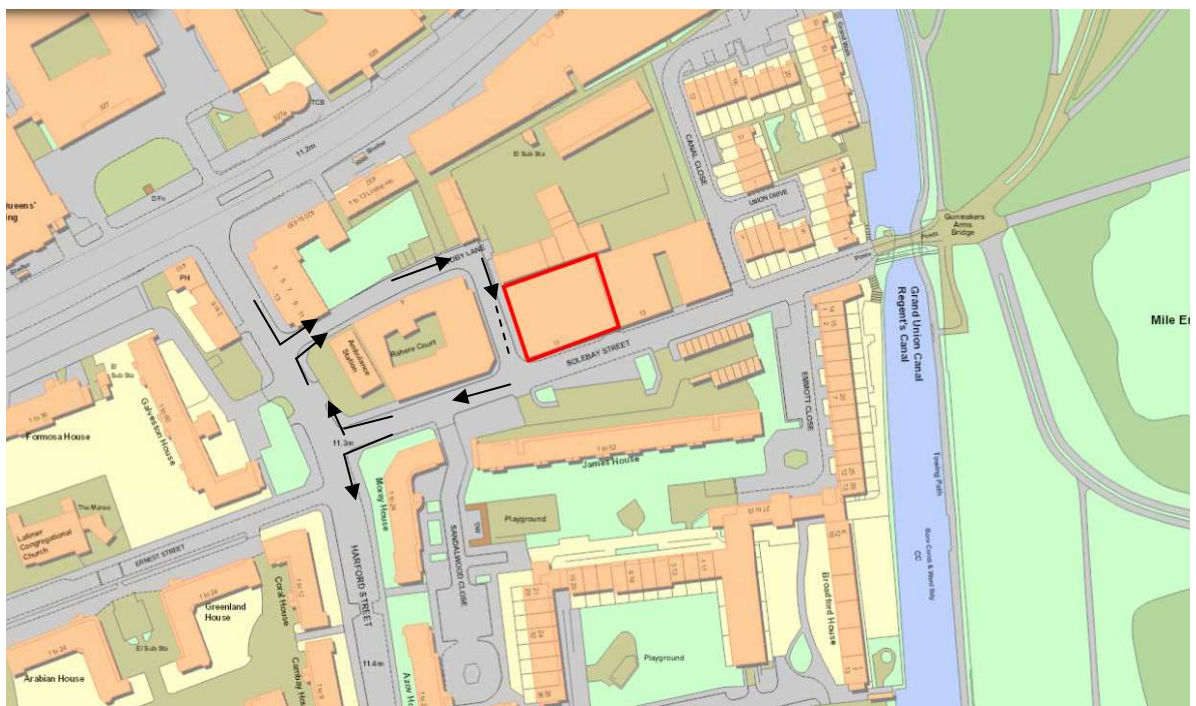


Diagram 1: Voluntary One Way System

Pedestrian Impacts:

- 8.34 Residents have also raised concerns about impacts of the proposed school on pedestrian movement given the footpaths in the area and nearby activities. This concern relates to the perceived congestion caused by the increased footfall associated with the school and concern about children and their chaperones congregating on the footway before, during and after school. There have also been concerns raised about the vicinity of the school entrance to the servicing bay/parking area for the adjoining premise at No 13 Solebay Street. The school is forecast to have 53% of their pupils to walk to and from the school

and 27% to be arriving to the school from either a bus or train stations.

- 8.35 Directly outside the proposed entrance of the school from Solebay Street the footpath measures approximately 2.5 metres in width. The width of the pavement outside the KS2 entrance (corner of Toby lane and Solebay Street) is approximately 2 metres and footway narrows on Toby Lane.
- 8.36 Given, it is anticipated that the majority of students would walk to school consideration has been given to managing the impacts on the local pedestrian network. Firstly, the ground floor has been designed to include two entrances to the school. This is considered to be a satisfactory solution given the narrow pavement widths.
- 8.37 Secondly, the ground floor layout has been carefully considered in order to ensure there is sufficient circulation space internally to cater for students arriving and departing from the school. This includes holding/waiting areas directly inside the entrances and also the use of the school halls as waiting area. This would assist with alleviating any issues with students queuing on the pavement to access the school during the morning and means staff can manage students leaving during the afternoon.
- 8.38 Thirdly, start and finish times for the school would be staggered in order to limit impacts. As such this would reduce the number of students arriving and departing the school at the same time.
- 8.39 Officers consider that residents concerns with regard to students congregating within the vicinity of the school would be further managed by the school management who have advised teachers would patrol at peak times encouraging students to access the school immediately.
- 8.40 A total of 191 accidents have been recorded within the vicinity of the site over the past five years. Of these 191 accidents, eight accidents occurred involving person under 16 during the school peak times. All of these accidents occurred because of pedestrian or driver error. There appears to be no specific pattern of accidents which would indicate an issue with the local highway.
- 8.41 Through mitigation and the imposition of conditions the impact on the pedestrian network would be minimised.

Cycle Parking:

- 8.42 With regard to the level of cycle parking it is noted that the school generates a requirement for 39 cycle parking spaces in order to accord with policy. The proposal provides 14 secure cycle parking area, 4 immediately outside the KS1 entrance on Solebay Street and 10 inside the building in a dedicated area which is also shared with waiting/holding area for children. The proposal also includes 30 scooter storage in a three tier system. Whilst the proposed cycle parking is short of the minimum standard, it is recognised that the school is a primary school and therefore, it is likely that there will not be a high demand for cycle parking spaces by pupils and therefore more likely to be taken up by staff of the school. Nonetheless, it is recommended that the bicycle parking area is consistently monitored as part of the school travel plan and if it nears its capacity, additional spaces shall be provided and school hall should be used as a permanent holding/waiting area for the children.

Coach and Mini-bus Parking:

- 8.43 Given the constrained nature of the site there is no potential for on-site coach or mini bus parking. The submitted Transport Statement outlines the intended travel modes to other sites which for the most part rely on walking to the near-by Mile end Park for PE lessons

and swimming sessions at Mile End Leisure Centre which is within 5 min walk.

The requirement for coach parking would be infrequent, however the school should ensure that any pick-up is from an appropriate location within the wider local vicinity. Such details of the coach / mini-bus parking, set-down and pick-up strategy would be managed via condition.

School Travel Plan:

- 8.44 The purpose of a School Travel Plan is to encourage sustainable means of transport for staff, students and visitors. The Council has a School Travel Plan Coordinator who assists schools to develop School Travel Plans which are reviewed regularly. As part of this application the school has submitted a draft School Travel Plan setting out the commitment to encouraging sustainable mode of transport which has been developed along with the Council's School Travel Plan Coordinator. The development of this into a formal School Travel Plan and its regular review would be secured via condition. It is noted that the School Travel Plan would play an integral role in mitigating any adverse impacts of the development on the surrounding highway network by encouraging sustainable modes of transport.

Servicing:

- 8.45 Servicing of the site would be on-street which is to take place on a single yellow line on Toby Lane or Solebay Street, where an existing crossover would be made redundant. Whilst this is not an ideal situation the school does not anticipate it would generate a significant level of servicing demand. The applicant has committed to developing a Service and Management Plan in accordance with the London Freight Plan and TfL's best practice guidance. The full details of this would be contained within a delivery and servicing management plan secured via condition. This would need to set out details of when and how servicing would occur.
- 8.46 In conclusion, it is evident that careful consideration of the impact of the school on the surrounding highway network and in this particular location has been carried out. In order to ensure that the proposed school would not have an impact on capacity and safety of the surrounding highway network, measures such as staggering start and finish time, and encouraging sustainable transport options would need to be carefully managed. However, officers consider through the use of conditions that this impact can be managed. As such, whilst there were concerns about the suitability of this site for a school, in line with policy officers have sought to manage impacts through the use of conditions and as such the proposed development is considered to be in accordance with policy.

Amenity

- 8.47 Strategic policy SP10 of the CS and policy DM24 of the MDD seek to protect the amenity of residents of the borough.

Noise and Vibration:

- 8.48 With regard to noise impacts the school includes an open roof top play area.
- 8.49 The hours of operation of the school would be from 09:00 to 17:30. It is noted that there may be intention to allow community groups to use the school facilities for meetings after school hours however there are no current plans from the school to do so. Nonetheless, policy also supports proposals which maximise the extended or multiple use of educational facilities for community or recreational use.
- 8.50 It is not considered that the comings and goings of students during the day nor the use of the roof terrace would result in an unacceptable level of noise and disturbance. However,

the use of the roof terrace would be restricted after 17:30 through the imposition of a planning condition.

- 8.51 As such, 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:

- 8.52 Strategic policy SP10 of the CS and 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.
- 8.53 The existing building is a four storey office building with a two storey warehouse building. The proposed school only proposes minor external alterations to the building itself. The proposal includes the formation of a new external play area within the existing warehouse roof through the removal of part of the roof and replacement with sports netting between rafters.
- 8.54 The existing loading bay off Solebay Street will be closed off and create an entrance and new teaching area on the first floor. The external materials are to match existing building. The proposal also includes an infill extension to the roof area above the warehouse building. It is proposed for the extension to be setback from Toby Lane and materials to match the existing office building.
- 8.55 In conclusion, the design, bulk, scale and massing of the proposed infill extension is considered acceptable. Furthermore, the open roof top play area will not be highly visible from the streetscene and the sports netting would prevent any objects flying out of the site. The proposed materials would be controlled via condition in order to ensure a high design quality.

Energy and Sustainability

- 8.56 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.
- 8.57 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).
- 8.58 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).
- 8.59 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. 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.

- 8.60 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 all residential developments to achieve a Code for Sustainable Homes Level 4 rating and all non-residential schemes to achieve a BREEAM Excellent rating.
- 8.61 The applicant has submitted an Energy and Renewables Strategy (dated January 2013) detailing that carbon emission reduction would form an integral part of the proposal to convert the existing office/warehouse building to a school. The submitted Strategy, advises that adopting best practice including the London Plan energy hierarchy significant carbon reduction has been achieved through sustainable technologies. Such details include the CHP installation to provide 60% of building heating and hot water energy demand and 8sq.m of photovoltaic installation on the roof. Whilst the scheme is not fully meeting Policy DM29 of MDD requirements for CO2 emissions reductions, in this specific instance this is considered acceptable given the proposed change of use.
- 8.62 In terms of sustainability, policy DM29 of MDD seeks for development to achieve the highest levels of sustainable design and construction. BREEAM Assessment result of 'Excellent' is normally required. Due to the nature of the application (change of use), achieving BREEAM 'Excellent' may be technically and financially unviable. Nonetheless, a condition will be imposed to seek to secure BREEAM 'Excellent' and to submit the final BREEAM certificates to demonstrate achievement of the rating agreed.

Human Rights

Equalities Act 2010

- 8.63 The Equalities Act 2010 provides that in exercising its functions (which include the functions exercise 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 characteristics 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.
- 8.64 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.
- 8.65 The proposal is for a non-denominational mixed sex primary school which will improve the choice of schools and number of primary 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.
- 8.66 The building already has, and where new access is entrance is created, would provide accessible entrances to the building. In addition, the proposal also include lift provision allowing all levels of the school to be accessible by persons with a disability requiring use of a wheelchair or persons with less mobility.

- 8.67 With regard to age, gender reassignment, pregnancy and maternity, and sexual orientation there are no identified equality considerations.
- 8.68 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:-
- 8.69 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:-
- 8.70
- § 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"*.
- 8.71 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.
- 8.72 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.
- 8.73 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.
- 8.74 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.75 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.
- 8.78 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.

9.0 CONCLUSION

- 9.1 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.

Agenda Item 9.3

Development Committee	Date: 19 June 2013	Classification: Unrestricted	Agenda Item No: 9.3
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Iyabo Johnson		Ref No: PA/13/00683	
		Ward(s): Bow East	

1. APPLICATION DETAILS

- 1 **Location:** 225 Armagh Road
- 1.2 **Existing Use:** Estate office and contractors base
- 1.3 **Proposal:** Demolition of existing building on site and the erection of No. 8 new residential units and ancillary caretakers facility.
- 1.4 **Drawing Nos:** AA3313R/2.3/001 (site plan)
AA3313/R/2-3/100
AA3313/R/2-3/101
AA3313/R/2-3/102
AA3313/R/2-3/103
AA3313/R/2.1/010
AA3313/R/2.1/011
AA3313/R/2.1/100
AA3313/R/2.1/101
AA3313/R/2.1/102
AA3313/R/2.1/103
AA3313/R/2.1/104
- 1.5 **Supporting documentation** Design and Access Statement, prepared by Old Ford Housing Association, Circle and PRP Architects.
Planning Statement, prepared by PRP Planning, Dated March 2013.
Report on Daylight and Sunlight, prepared by Calford Seaden, Dated 11 February 2013.
Energy Statement Issue 02, prepared by PRP Planning dated 14 March 2013.
Code for Sustainable Homes Pre-Assessment Issue 01, prepared by PRP Planning, Dated 15 March 2013.
Air Quality Assessment Reference 33046p7r1 prepared by REC Ltd. Dated 22 October 2012
Archaeological Desk Based Assessment, prepared by CGMS, Dated February 2013.
Transport Statement, prepared by Transport Planning Consultants, Dated January 2013
- 1.6 **Applicant:** Old Ford Housing Association
- 1.7 **Owner:** Old Ford Housing Association
- 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 development, the scheme will maximise the use of previously developed land and will 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 mix of units overall. As such, the proposal is in line with policies 3.8; 3.10; 3.11, 3.12 and 3.13 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development Document (2013) which seek to maximise the provision of affordable housing in the Borough.
- 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 are acceptable given the constrained and 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, bulk and detailed design of the scheme is considered acceptable and in accordance with chapter 7 of the London Plan (2011); policies SP10 and 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 and 6.13 of the London Plan (2011), policy SP09 of the adopted Core Strategy (2010) and 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, noise, loss of privacy or increased sense of enclosure would

not result in an unduly detrimental impact to the amenity of existing residential occupants, given the urban nature of the site. As such, the proposal accords with policy SP10 of the Core Strategy (2010) and 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 and 5.8 of the London Plan (2011), policy SP11 of the Core Strategy (2010) and policy DM29 of the Management Development Document (2013) which promote sustainable development practices

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 obligation:

- a) Affordable Housing
- b) On street parking permit free development

That the Corporate Director of Development and Renewal is delegated powers to negotiate the legal agreement indicated above acting with normal delegated authority.

That the Assistant Chief Executive (Legal Services) is delegated power to complete the legal agreement.

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 photovoltaic panel array with a minimum peak output of 10kWp shall be installed and operational
6. Control over hours of construction to 0800-1800 Monday to Friday; 0800-1300 Saturday
7. Implementation and compliance with energy efficiency strategy

Prior to commencement conditions

8. Submission of details of all proposed external facing materials
9. Submission of ground contamination- investigation, remediation and verification
10. Submission of landscape and public realm details (including boundary

- treatment, surface treatment, planting scheme, external lighting and CCTV)
- 11. Submission of a Secure by Design Statement
- 12. Submission of Construction Environment Management Plan
- 13. Submission, approval and implementation of archaeology investigation, recording and mitigation strategy
- 14. Submission of Code for Sustainable Homes Level 4 certification
- 15. Details of obscure glazing for windows on western elevation abutting Pulteney Close

3.2 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
- 6. Metropolitan Police Advice

Any other informative(s) considered necessary by the Head of Development Decisions.

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 site is located on the corner of Armagh Road and Pulteney Close within the Parkside Estate. The site lies to the north of Roman Road and to the south of Old Ford Road and Victoria Park.
- 4.2 The site forms an island between Armagh Road and Pulteney Close. To the north of the site is the Old Ford Methodist Church; to the east of the site is Annie Besant Close, to the south of the site is surface car parking with houses on Pulteney Close beyond these bays, as well as to the east of the site.
- 4.3 Purpose built ex-local authority housing form the predominant built form in the immediate vicinity. Building heights range from two storey houses to the south, a large four storey block to the west and three storey houses to the east.
- 4.4 The site is currently occupied by a single storey building which is being used as an estate office and base for construction contractors carrying out works within the Parkside Estate, and there is also some construction related training on site.
- 4.5 The site has a Public Transport Accessibility (PTAL) rating of 2. The nearest underground station is Bow Road and the closest DLR station is Bow Church. Both are located to the south of the site approximately 15 minutes walking distance. Roman Road to the south is served by a number of bus routes.
- 4.6 The site does not fall within a Conservation Area and there are no listed structures on the site.

Relevant Planning History

- 4.7 **PA/68/00201– 225 Armagh Road**
The erection of 510 dwellings, 87 garages and 170 parking spaces, tenant's clubroom and old people's clubroom
Approved – 17/10/1968
- 4.8 **BW/88/00098 – 225 Armagh Road**
Change of use of building from drinking club to an estate based office. Approved – 8/12/1988.
- 4.9 **PA/12/00611 – Ollerton Green**
Change of use of basement car park to provide construction training facility and storage / office space for grounds & gardens maintenance contractor.
Approved – 31/05/2013
- 4.10 **PA/12/03272 – Old Ford Methodist Church, 522 Old Ford Road**
Demolition of existing buildings and redevelopment of Old Ford Methodist Church into a mixed use building comprising a community hall with ancillary spaces and 9 new dwelling (2 x 3 bedroom units, 2 x 2 bedroom units and 5 x 1 bedroom units)
Approved – 18/04/2013

5 DETAILS OF PROPOSAL

- 5.1 The application seeks permission for the demolition of the existing single storey estate office building and its replacement by part two, part three and part four storey residential development comprising 4 x 4 bed houses, 1 x 3 bed house and 3 x 2 bed flats (eight new dwellings in total).
- 5.2 Each of the four bedroom houses are accessed directly from Armagh Road and the access to the three bedroom house is from Pulteney Close. A stair core which is also accessed from Pulteney Close provides access to the three two bedroom flats on the first, second and third floor levels.
- 5.3 A communal refuse store together with a bike store for the three two bedroom flats is located at ground floor at the Pulteney Close frontage. The houses are all provided with their own integrated refuse stores. The flats are provided with a cycle store at ground floor level. The houses are not allocated formal cycle stores.
- 5.4 At its highest point, the building rises to four storeys at the eastern and southern sides of the site. The massing of the building is set back from the western edge of the site where private gardens to the rear of the four bedroom houses form a buffer. The majority of the building comprises of a light coloured brick, similar to buildings to the north, east and south of the site. Window frames are formed of a black aluminium and timber composite and the proposed balconies have glazed balustrades and hardwood timber sliding screens.
- 5.5 All residential units would have access to private amenity space. No communal amenity space or child play space is proposed.
- 5.6 An ancillary caretaker's office is to be located at ground floor, adjacent to the communal entrance on the southern elevation.

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)

- 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 recreational facilities
- 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
- 3.16 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
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity
- 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
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

6.3 Core Strategy (adopted 2010)

SP01	Refocusing on our town centres
SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
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	Delivery and monitoring

6.4 **Managing Development Document (adopted April 2013)**

6.5 The Managing Development Document (adopted April 2013) was formally adopted by full Council on 17 April 2013.

6.6 The Managing Development Document (adopted April 2013) 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
	DM19	Further and higher education
	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
	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**

LBTH Arboricultural Officer

7.1 The Council's Arborist requested that an up to date British Standard 5837 arboricultural report be prepared and submitted in support of the application given the presence of a number of trees within the site, three of which are to be removed. The report would be expected to include a tree survey, a tree constraints plan, an arboricultural assessment,

a method statement and a tree protection plan.

- 7.2 **[Officer Comment:** Given that the site does not fall within a Conservation Area and that the applicants could carry out works to the trees without seeking prior approval from the Council, it is not considered that this issue is material to the outcome of this planning application. Nonetheless, in the interest of good arboricultural practice, it is recommended that a condition be imposed requesting the submission and approval of an arboricultural survey prior to commencement of development.]

LBTH Biodiversity Officer

- 7.3 The Council's Biodiversity Officer noted the presence of trees within the site and the lack of information provided about these and the biodiversity value of the site in general. The Biodiversity Officer does however note that the site appears to be of limited biodiversity value.
- 7.4 The Biodiversity Officer requested that a condition be imposed requiring the submission and approval of a Biodiversity Strategy prior to commencement of development. The Biodiversity Strategy will be required to demonstrate how biodiversity is to be provided within the new development, how impacts will be mitigated against and how the development will provide a net benefit for biodiversity. The report should also scope out potential for the inclusion of green roofs within the development.
- 7.5 **[Officer Comment:** This matter will be controlled via a suitably worded condition to ensure that the development maximises opportunities to bring about biodiversity benefits].

LBTH Crime Prevention

- 7.6 No comments received to date.

LBTH Cleansing Officer

- 7.7 No objections.

LBTH Energy Efficiency and Sustainability

- 7.8 The Energy and Statement (14th March 2013), 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) and CO2 emissions by 11%. High efficiency boilers are proposed to supply the space heating and hot water requirements.
- 7.9 Photovoltaic cells are proposed to provide a source of onsite renewable energy (Be Green). The proposed 10kWp system is anticipated to reduce CO2 by 34% and the cumulative CO2 savings are anticipated to be 41%. The applicant should provide a sample of the SAP calculations to demonstrate that the CO2 savings have been appropriately modelled and are deliverable.
- 7.10 In terms of sustainability, the submitted Code Pre-assessment demonstrates how the development is currently designed to achieve a Code Level 4 rating. This is considered appropriate for the development and should be secured through an appropriately worded condition.
- 7.11 **[Officer Comment:** This matter will be controlled via a suitably worded condition to ensure that the Energy strategy is implemented in full and that a sample of SAP calculations are provided].

LBTH Environmental Health – Contaminated Land

- 7.12 The Council's Environmental Health Officer noted that as the site may have been subject to historical uses, there may be ground borne contaminants. The Environmental Officer therefore recommended that suitably worded conditions be imposed requiring the applicant to notify the Council if potential contaminants are encountered during ground works. In addition, the applicant would be required to classify any waste soil arising from the ground works, to allow the citing of an appropriately licensed landfill facility for disposal of the waste.
- 7.13 **[Officer Comment:** The requested condition would be attached should planning permission be granted.]

LBTH Environmental Health – Health and Housing

- 7.14 The Environmental Officer stated that the proposed units would need to comply with Housing Act 2004 and relevant Building Regulations.

Environmental Health – Noise and Vibration

- 7.15 No comments received to date.

LBTH Housing Development and Private Sector

- 7.16 The Council's housing officer made a number of observations:
- A preference for the units to be let at affordable POD levels
 - A preference for the inclusion of a wheelchair accessible unit
 - The three bedroom house has no bathroom window
 - A window within the communal stairwell overlooks the three bedroom house
 - Views of the Crime Prevention officer should be sought
- 7.17 **[Officer Comment:** The applicant has confirmed that all eight of the proposed units are to be let at POD rent levels. The applicant will be required to enter into a Section 106 legal agreement to ensure the provision of the units at POD levels in perpetuity.
- 7.18 Regarding the wheelchair accessible unit, it is accepted that the majority of units are three storey family homes which do not easily lend themselves to wheelchair adaptability. The applicant has explained that if a wheelchair unit were to be provided, it would be at the cost of one of the family sized units which doesn't have an obvious landing point on the first floor. On balance and in view of the Borough's specific housing needs, it is considered that the provision of family sized dwellings at the site should be maximised. This view is supported by the Council's Housing department who have explained that there would be limited demand for a two bedroom wheelchair accessible house., and in this instance the approach is therefore accepted.
- 7.19 Regarding the lack of a bathroom window in the three bedroom house, the applicant has explained that this is a deliberate design solution intended to minimise overlooking and loss of privacy from the rear of the site. The applicant has also explained that the window in the communal stairwell is intended to provide access for estate management personnel and is to be kept locked at all times.
- 7.20 The Council's Crime Prevention Officer has been consulted about the application but to date has not provided any comments. It is understood that the applicants liaised with the Crime Prevention Officer prior to submitting the application. Notwithstanding, it is recommended that a condition be imposed requiring the submission and approval of a detailed Secure by Design strategy]

LBTH Highways and Transportation

- 7.21 The Highways Officer made a number of comments about the application:
- Recommendation that future occupiers enter into a Section 106 permit free agreement
 - Recommendation that a minimum of two disabled parking bays be provided through the adaptation of two of the existing bays
 - Supportive of net reduction in off street parking bays
 - Recommendation for compliance with Council's cycling standards
- 7.22 [**Officer Comment:** Regarding the permit free agreement, policy DM22 of the Managing Development Document (adopted April 2013) states that permit free agreements should be sought in areas of good public transport accessibility. Whilst the site is within an area of poor public transport accessibility, the submitted Transport Assessment does not suggest that walking, cycling and public transport cannot cater for demand. This indicates that the site would still be suitable for a car free agreement. In addition, the applicant has expressed that future occupiers would be able to apply for private parking permits for spaces managed by the Estate management and located within the estate, and that provided that the internal criteria was met, that there would be sufficient capacity to meet demand. As such, in this instance the restriction of future occupiers from applying for on-street parking permits on public roads would be considered acceptable.]
- 7.23 Regarding the adaptation of existing parking bays for wheelchair users, it is considered that as the scheme proposes no wheelchair adaptable units, there is no justification for the requirement of wheelchair adaptable parking bays. Notwithstanding, if the need for accessible parking bays arises in the future, it is considered that there would be scope to convert existing off street bays to the south of the site at Pulteney Close.
- 7.24 Regarding the cycling provision, it is noted that cycle stands are only provided for the two bedroom flats. The family sized dwellings do not have formal cycle parking spaces, however all are provided with generously sized private gardens where bicycles could feasibly be stored. Given the constraints associated with the development of this infill site, this arrangement is considered to be acceptable on balance.

LBTH Head of Building Control

- 7.25 No comments received to date.

LBTH Street Naming and Numbering

- 7.26 No comments received to date.

LBTH Corporate Access Officer

- 7.27 No comments received to date.

LBTH Development Design and Conservation

- 7.28 The Design officer raised no objections to the scheme but emphasised that details of materials, entrances and boundaries will need to be submitted to the Council for consideration and approval prior to construction of the scheme.

8. LOCAL REPRESENTATION

- 8.1 A total of 303 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment.

No. of individual responses:	1	Objecting:	1	Supporting:	0
No of petitions:	1	21 signatures In total - objecting			

8.2 The following issues have been raised which are material to the determination of the application:

- *Concerns about overdevelopment of the site*
- **[Officer Comment:** This matter is discussed in further detail in the “Amenity” section of this report. But in general, it is not considered that the proposal gives rise to any unduly detrimental symptoms of overdevelopment.]

- *Loss of daylight to neighbouring residents*
- **[Officer Comment:** As discussed within the Amenity section of this report, it is considered that the submitted Daylight and Sunlight Report sufficiently demonstrates that the proposal will not give rise to any unduly detrimental impacts on neighbouring residents.]

- *Overlooking and loss of privacy*
- **[Officer Comment:** This matter is discussed in further detail in the Amenity section of this report. However, given the separation distances between the site and neighbouring properties, it is not considered that the development would give rise to an unduly detrimental increase in overlooking and loss of privacy.]

- *Lack of communal open space*
- **[Officer Comment:** This matter is discussed in further detail in the Housing section of this report. However, the Council's policies do not require the provision of open space for developments of less than 10 units.]

- *Disruption during construction*
- **[Officer Comment:** It is considered that concerns about construction disruption can be addressed through the imposition of suitably worded conditions restricting hours of construction, and requiring the submission of a Construction Management Plan in order to protect residential amenity.]

- *Proposed tenure mix*
- **[Officer Comment:** This matter is discussed in further detail in the Housing section of this report. In view of the Council's strategic focus on the delivery of affordable family homes and the small scale nature of the proposal, the proposed tenure mix is considered to be acceptable on balance.]

- *Provision of parking spaces*
- **[Officer Comment:** This matter is discussed in further detail in the Highways section of this report. The Council's Highways Officer supports the provision of a car free development at this location, given the overall thrust of the Council's policies which seek to promote sustainable transport. Notwithstanding, the applicant has explained that future occupants of the development would be eligible to apply for private, off street parking bays under the Estate's existing parking allocation framework.]

8.3 It is also understood that the applicants undertook their own community consultation exercises prior to the submission of the application. Two consultation events were undertaken in October 2012 and then in November 2012.

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
4. Design and layout
5. Amenity
6. Highways
7. Sustainability and Energy efficiency

Land Use

9.2 The main land use issues to consider are as follows:

- The principle of residential development
- Loss of construction training facility

Proposed residential development

9.3 Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework (2012) (NPPF), Strategic Objectives 7, 8 and 9 of the Core Strategy (2010) and policy 3.1 of the London Plan (2011) which gives Boroughs targets for increasing the number of housing units.

9.4 Strategic policy SP02 of the adopted Core Strategy (2010) sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025. An important mechanism for the achievement of this target is reflected in London Plan 2011 policies 3.3 and 3.4 which seek to maximise the development of sites and thereby the provision of family housing to ensure targets are achieved.

9.5 The site does not have an allocation in the Managing Development Document (adopted April 2013). Taking this into account, and given that the surrounding area is predominantly residential in character, it is considered that a residential development would be an acceptable use of previously developed land and would be in accordance with the above planning policies.

9.6 The site is currently under-utilised and it is considered that redeveloping this site would act as a catalyst for regeneration for the site in accordance with the Core Strategy. 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 key requirement for affordable housing which is a priority focus for the borough.

9.7 The proposal complies with the National Planning Policy Framework (NPPF), policy SP02 and the vision for Bow identified in the Core Strategy (2010) all of which seek to ensure that developments are sustainable and make the most efficient use of land.

9.8 Some construction related training is currently being delivered at the site. The proposal would result in the displacement of this facility.

9.9 Policy SP07 of the adopted Core Strategy (2010) states that the Council will

support developments that promote local enterprise, and the employment and skills training of local residents. Policy DM19 seeks to support the expansion of further education facilities in appropriate locations.

- 9.10 The applicant (Old Ford Housing Association) has recently secured planning permission (PA/12/00611) for the conversion of a basement parking area at Ollerton Green, to the north of the site, to a dedicated construction training facility. As the existing training facilities are to be re-provided elsewhere on the Parkside Estate, the proposal will not result in the loss of a local training facility and would therefore meet the aims and objectives of policy SP02 of the adopted Core Strategy and policy DM19 of the Managing Development Document (adopted April 2013).

Conclusion on land use matters

- 9.11 The principle of the loss of the training facility has been justified in this instance given it is being re-provided nearby. Furthermore, the principle of a residential development in this location is acceptable and accords with policy. Finally, the proposal would deliver sustainable regeneration of the area and make the most efficient use of this land.

Density

- 9.12 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing.
- 9.13 The London Plan density matrix within policy 3.4 suggests that densities within urban sites with average transport links (ie PTAL levels 2 to 3) should be within the range of 200-450 habitable rooms per hectare.
- 9.14 Policies SO7 and 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.
- 9.15 The application site has a public transport accessibility (PTAL) rating of 2 and proposes a density of around 600 habitable rooms per hectare. In the simplest of numerical terms, the proposed density would appear to suggest an overdevelopment of the site, given the density exceeds the London Plan guidance for sites with a relatively low PTAL rating such as this.
- 9.16 However, the intent of the London Plan (2011) is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity. Furthermore, 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.
- 9.17 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.

9.18 On review of the above issues, as discussed later within 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 unduly detrimental impacts upon the amenity of existing and future residents.
- The provision of the required housing mix, including dwelling size and type and affordable housing is acceptable.
- The proposal is unlikely to result in adverse impacts in terms of traffic generation and pressure on local infrastructure given the low number of units proposed

Conclusion

9.19 It is important to note that density only serves as an indication of the likely impact of a development and as discussed above and in later sections of this report, the development does not present prevalent 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 of the London Plan and Policy SP02 of the adopted Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Housing mix and quality

Affordable housing

9.20 Policies 3.10, 3.11 and 3.12 of the London Plan (2011) 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.

9.21 Policy SP02 of the adopted Core Strategy (2010) together with policy DM3 of the Managing Development Document (adopted April 2013) seek 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.

9.22 The proposed new development will provide eight new residential units. All of the units are affordable and are to be provided at the following local POD rent levels (inclusive of service charge):

- 2b - £198.32
- 3b - £218.76
- 4b - £250.01

- 9.23 A petition against the proposal has been received in which local residents have expressed concerns about the over provision of affordable homes within the development.
- 9.24 The Council would, typically on larger development sites, require a blend of housing tenures in the interests of creating sustainable communities, however the proposal has arisen out of a specific need identified by the applicant; a Registered Social Landlord.
- 9.25 The supporting text to policy SP02 of the adopted Core Strategy explains that Tower Hamlets faces “significant housing challenges”. At the time of adoption of the Core Strategy, there was an affordable homes shortfall of 2,700 homes per year. In addition, rates of overcrowding were running at 16.4%, significantly higher than the national average (2.7%).
- 9.26 These statistics demonstrate that there is an acute need for family sized affordable homes in the Borough. In view of this need and the general intent of the Council’s policies, the delivery of a 100% affordable scheme comprising of eight units is considered to be acceptable on balance.

Dwelling Mix

- 9.27 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.
- 9.28 Policy SP02 of the Core Strategy (2010) seeks 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.
- 9.29 Policy DM3 (part 7) of the Managing Development Document (adopted April 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.
- 9.30 The scheme is proposing a total of eight residential units comprising the following:
- 4 x 4bed houses
 - 1 x 3bed house
 - 3 x 2bed flats
- 9.31 The application proposes the provision of five family sized dwellings which equates to 63% of the total number of dwellings. The scheme therefore exceeds the Council’s minimum requirement for family homes within the affordable tenure.
- 9.32 Again, in view of the general thrust of the Council’s policies which seek to reduce overcrowding in the borough through the provision of affordable family homes, the proposed dwelling mix is considered to be acceptable.

Wheelchair housing and lifetime homes

- 9.33 Policy 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.
- 9.34 All proposed dwellings have been designed to Lifetimes Homes standards. No wheelchair accessible units are proposed. The applicant has explained that if a wheelchair accessible unit with a lift were to be provided, it would be at the cost of a bedroom in the three bedroom house as there is limited circulation space on the first floor. Given that the demand for three bedroom houses is greater than the demand for wheelchair accessible two bedroom houses, the lack of wheelchair accessible units is considered acceptable on balance in this instance.

Quality of accommodation

- 9.35 Policy 3.5 of the London Plan (2011) sets out minimum internal space standards which are recommended for all residential developments. The Housing SPG also gives advice on the quality of the internal space. For example storage areas should be provided; separate living rooms and kitchens are encouraged as are dual aspect flats.
- 9.36 Policy DM4 of the Managing Development Document (adopted April 2013 sets out the Council’s housing standards in respect of internal floorspace, and amenity space
- 9.37 In terms of size, all the units would exceed the Council’s minimum internal space standards. In addition, all units are provided with separate kitchens and built in storage.

Play Areas and External Amenity Space

- 9.38 Policy 3.5 of the London Plan, policy SP02 of the Core Strategy and policy DM10 of the Managing Development Document (adopted April 2013) promote the good design and the provision of amenity spaces within developments. Furthermore, policy 3.6 of the London Plan (2011), policy SP02 of the adopted Core Strategy (2010) and policy DM4 of the Managing Development Document (adopted April 2013) require the provision of appropriate child play space within residential developments of 10 units or more.
- 9.39 At ground floor, all of the family sized dwellings are provided with private west facing gardens to the rear ranging in size from approximately 53sqm to 28 sqm. In addition, at first floor level, the family homes are all provided with private terraces. The three two bedroom flats are all provided with balconies measuring approximately 12 sqm.
- 9.40 Private amenity space is expected to be provided at a rate of 5sqm for 1 bedroom flats with an additional 1sqm for each additional occupant. This is set out in the Mayor’s housing design guide and within policy DM4 of the Managing Development Document (adopted April 2013).
- 9.41 Based on the above policy a total of 160sqm of private amenity space would need to be provided. This application proposes around 300sqm which is clearly in excess of the Council’s minimum requirements.

Outdoor space – communal and child play space

- 9.42 Adopted policy does not require communal amenity space and child play space for

a development of this size. Notwithstanding, Victoria Park as well as a number of public play grounds for younger and older children are located within a short walking distance from the site.

Conclusion on housing matters

- 9.43 The proposal provides an acceptable amount of affordable housing, mix of units and an acceptable quality of accommodation.

Design and Appearance

- 9.44 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.
- 9.45 Chapter 7 of the London Plan (2011) 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.
- 9.46 Core Strategy policy SP10 and policies DM23 and DM24 of the Managing Development Document (adopted April 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 of high-quality, sustainable, accessible, attractive, durable and well integrated with their surroundings.

The proposed scheme

- 9.47 The application proposes the erection of a part two, part three and part four storey building. The built mass is focussed at the Armagh Road frontage, to the south east of the site. At the rear of the site (west) the mass is broken by rear gardens at ground floor level.
- 9.48 In terms of height, the proposal seeks to respond to the existing buildings in the immediate context. At the northern end of the site, the proposal rises to three storeys to mimic the height of the existing Old Ford Methodist Church and sit a storey lower than the consented new building at that site. The tallest element of the scheme is located at the southern end of the site, where the site is most open, creating a suitable setting for increased height (four storeys).
- 9.49 The proposed building would be faced in a light coloured brick; details of which will be agreed through the discharge of a suitably worded condition. As there are a range of brick types in the surrounding area, the proposal seeks to complement these rather than match any of them. The fenestration follows a simple and regular pattern, the windows are formed of black framed metal composite of aluminium and timber. On the flank elevation, balconies on the upper levels feature glass balustrades and hardwood timber sliding screens to provide enclosure. At the rear elevation, the hardwood timber sliding screens are replaced by opaque glass sliding screens.
- 9.50 At the eastern elevation, the four bedroom houses are arranged in a terrace, reflecting the arrangement of houses on Annie Besant Close immediately opposite. The flats in addition to an estate office at ground floor are located in the southern

corner where the height is focussed. A two storey three bedroom house is located to the rear.

Conclusion on design matters

- 9.51 The design and use of materials sensitively responds to the adjacent buildings.
- 9.52 The building height, scale, bulk and design is acceptable and the proposal would create a sustainable, accessible, attractive development which is well integrated into its surroundings in accordance with regional and local policy.

Safety and security

- 9.53 Policy 7.3 of the London Plan and policy DM24 of the Managing Development Document (adopted April 2013) seek to ensure that developments are safe and secure.
- 9.54 As a result of the island nature of the site, it benefits from four frontages. Three active frontages are provided at the northern, eastern and southern elevations, thus increasing the level of natural surveillance in the immediate surrounds. In addition, all of the street facing ground floor units are provided with adequate defensible space.
- 9.55 However, no details of how the development will meet the secured by design standards have been provided. In order to ensure that the development maximises the safety of residents, details of how the development meets secured by design standards should be submitted for approval and it is recommended that this is required by condition. Based on the current design of the proposal, officers are of the view that secured by design standards will be achievable.
- 9.56 With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the London Plan (2011) and policy DM24 of the Managing Development Document (adopted April 2013).

Amenity

- 9.57 Policy SP10(4) of the adopted Core Strategy (2010) and 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

- 9.58 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 9.59 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 the 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.

- 9.60 British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 9.61 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties, as well as its impact upon itself.
- 9.62 The BRE Guidance is a guidance document for architects and designers. It sets out general principles to assist them in designing residential developments which achieve good levels of lighting for existing and future residents. However, it is intended to be considered in the round, taking into account the constraints and context of individual sites.

Proposed units

Daylight

- 9.63 Of the 53 windows tested, 25 windows achieve a 27% VSC or more, which suggests that the internal lighting of those rooms would be acceptable. Of the remaining windows which don't achieve 27%, 17 achieve 20% or more. When further interrogating the data, it is clear that the windows which fail, are located on the northern or north-western elevations, which to agree is expected given the orientation of the units. Furthermore, as the units are dual aspect and in most cases spread over three floors, the units as a whole receive adequate daylight from other facades within the houses.
- 9.64 On balance, the daylighting to proposed units is therefore considered acceptable.
- 9.65 The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in British Standard 8206:2008 as follows:
- 9.66 *“Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probably sunlight hours should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary”*
- 9.67 All eight of the proposed units would be dual aspect and in all of the family sized dwellings, the communal living areas are orientated to the south in order to maximise availability of sunlight hours.
- 9.68 The submitted Daylight and Sunlight report shows that of a total of 30 rooms tested, 16 would fail to achieve at least 25% probable sunlight hours, a failure rate of approximately 53%. However, it should be noted that of the 16 failures, 3 are negligible (0%-20% failure), 4 are minor adverse (20%-35% failure) and 5 are moderately adverse (35% - 50% failure). The remaining 4 rooms experience substantially adverse failure meaning that they would experience a 50% or greater reduction in annual probable sunlight hours over the 25% target. Of these four failures, two relate to a ground floor living room window and patio door which are north facing. Here, the failures are considered to be compensated by the fact that

both the window and the door look on a large private garden. The two failures on the first floor relate to full height bedroom windows which open on to private terraces that face west.

- 9.69 All rooms within the proposed development would satisfy the BRE (2011) guidelines for ADF.
- 9.70 It is considered that given the urban location, scale and density of the development, that daylight and sunlight levels within proposed development would overall be acceptable in accordance with the BRE guidelines.

Existing units

- 9.71 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties on Pulteney Close, Annie Besant Close and at Old Ford Methodist Church.

Daylight

- 9.72 The daylight and sunlight assessment shows that there are isolated (2) instances of VSC reduction of greater than 20% and which result in a VSC of less than the recommended 27%. A ground floor window at a property on the eastern corner of Pulteney Close would experience a negligible impact (0.72) in terms of VSC reduction. The function of the room is unknown but it is likely to be a living room. Notwithstanding, this property benefits from dual aspect and a rear garden. Taking this into account and the minor nature of the impact, the reduction in sunlight is not considered to be unduly detrimental.

- 9.73 The other failure is at a ground floor window at the north western corner of Pulteney Close. Again, the failure is relatively minor. Although the function of the room is unclear, it is noted that the existing view of the sky (NSL) from ground floor windows at Pulteney Close are inhibited by the overhanging first floor in their existing condition. In addition, properties on this portion of Pulteney Close have benefitted from an open aspect over an under developed site.

Sunlight

- 9.74 East and west facing dwellings in the surrounding area already experience limited sunlight availability as a result of their orientation. Of the 23 rooms tested on Pulteney Close, Annie Besant Close and Old Ford Methodist Church, 7 would fail to achieve at least 25% probable sunlight hours, a failure rate of approximately 30%. Of the 7 failures; 4 are negligible (0%-20% failure), 1 is minor adverse (20%-35% failure) and 2 are moderately adverse (35% - 50% failure). The moderately adverse failures are limited to the Pulteney Close which is east facing. All properties within this block benefit from dual aspect.

- 9.75 Therefore, in view of the relatively minor nature of the failures, the impact of the existing recessed ground floor and the urban context of the site, the daylight and sunlight impacts are considered to be within an acceptable range that will not have an unduly detrimental impact on the amenity of neighbouring residents.

Overshadowing

- 9.76 BRE guidelines state for an amenity space to appear adequately sunlit throughout the year, at least half of the area should receive at least two hours of sunlight on 21 March (Spring Equinox). If as a result of new development an existing amenity area does not meet the above, and the area which can receive two hours of sun on

21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

- 9.77 The submitted Daylight and Sunlight Assessment includes an overshadowing assessment. It demonstrates the extent of permanent overshadowing that would arise from the proposed development.
- 9.78 The study showed that on 21st March, two rear gardens serving one of the proposed four bedroom houses and the three bedroom house would experience over shadowing on both 21st March and 21st June. These spaces sit immediately north of the southern wing of the building and are north facing. . The applicant has not quantified the degree of overshadowing but rather has provided diagrams which simulate the likely overshadowing conditions.
- 9.79 Given the generous size of the rear gardens (approximately 30sqm) and the overall amenity of the proposed units, the potential overshadowing impacts are considered to be within an acceptable range and unlikely to result in unacceptable amenity for future occupants of the development.

Sense of enclosure, outlook and privacy

- 9.80 These issues are considered to be subjective. Following an assessment of the application, officers consider that given the separation distances involved between the application site and surrounding buildings the proposed development will not give rise to any adverse impacts in terms of visual amenity or sense of enclosure. Typically a separation distance of 18 metres between directly facing habitable room windows is deemed to be acceptable. An occupant of one of the properties in Pulteney Close to the south of the site has objected to the proposal siting overlooking and loss of privacy as a reason. Given the separation distance between the property and the site, it is not considered that a loss privacy or overlooking would occur as a result of the proposed development.
- 9.81 The separation distance to the west of the site reduces to approximately 12 metres from the front elevation of the block on Pulteney Close to the western elevation at the southern end of the site. On this elevation, the scheme proposes secondary bedroom windows and kitchen windows. In order to ensure that the proposal would not result in an unduly detrimental loss of privacy, it is recommended that a condition be attached to any planning consent, securing details of obscurely glazing these windows.
- 9.82 In conclusion, it is considered that the proposal would not result in unduly detrimental impacts upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

Air Quality

- 9.83 Policy 7.14 of the London Plan (2011) and policy SP03 of the Core Strategy seek to ensure that air quality is protected. Air pollution has an impact on human health, biodiversity, crops and forests, materials, buildings and cultural heritage. Air Quality testing has identified that the whole of the London Borough of Tower Hamlets has poor air quality. As such, London Borough of Tower Hamlets is an air quality control zone.
- 9.84 An air quality assessment has been submitted with the application. This sets out a

number of mitigation measures to limit the effects of construction dust and traffic on air quality.

- 9.85 A baseline air quality assessment was also undertaken. This found that levels of nitrogen oxide are likely to be above recommended levels which is not uncommon for sites within Tower Hamlets. The report explains that given the proximity of the site to sources of road vehicle exhaust emissions, the inclusion of a mechanical ventilation system within the development would not be desirable.

Conclusion on amenity matters

- 9.86 The proportion of properties affected and the level of any losses in excess of BRE guidelines is considered to be relatively low particularly given the urban context of the site, 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.

Highways

- 9.87 The site has a Public Transport Accessibility Level (PTAL) of 2 which is 'poor'.
- 9.88 There are parking policies to be found in the London Plan (2011) and the Managing Development Document (adopted April 2013), these are as follows:
- London Plan (2011) the standards are 1 – 1.5 spaces per 3 bed flats and less than one space per 1-2 bed flats.
 - The Managing Development Document (adopted April 2013) has a requirement of zero parking provision for 0-2 bedroom units and 0.1 for three bedroom units or more.
- 9.89 The proposal will result in the displacement of six existing car parking spaces from the surface car park to the south of the site. However, the applicant has explained that these spaces are used by contractors and not residents of the estate. The applicant has indicated that future occupants of the development may be able to apply for estate (private) parking spaces in the future, provided that the developer's parking lettings criteria is satisfied.
- 9.90 In order to prevent future occupants from seeking on street permits and thus increasing parking stress on surrounding roads, it is recommended that the developers be required to enter into a Section 106 car free agreement. The Council's Highways Officer supports this approach.

Cycle Parking

- 9.91 Policy 6.1 of the London Plan (2011) seeks 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.
- 9.92 Core Strategy policies SP08 and SP09, together with policy DM20 of the Managing Development Document (2013) seek to deliver an 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.

- 9.93 For the proposed development, a total of 13 cycle parking spaces would be required to accord with policy. Thoree of the two bedroom flats are provided with formal cycle spaces which equates to three in total. However, given that the large gardens would allow for the informal storage of bicycles, the under-provision of formal spaces is considered acceptable on balance.

Servicing and Refuse

- 9.94 Policy 5.17 of the London Plan, policy SP05 of the adopted Core Strategy and policy DM14 of the Managing Development Document (adopted April 2013) require developments to make suitable waste and recycling provision within the development.
- 9.95 All of the proposed houses are provided with integrated bin stores with sufficient capacity to accommodate three wheeled bins. A communal bin store with an equivalent capacity is provided on the ground floor for the three flats. The Council's waste officer is satisfied with the proposed arrangements.
- 9.96 To ensure that the waste storage areas are retained it is recommended a condition of consent is imposed if permission for the development is granted. With such a condition imposed ensuring that the waste storage facilities are retained for the lifetime of the development, it is considered that appropriate provisions for waste and recycling facilities are provided within the development in accordance with policy 5.17 of the London Plan, policy SP05 of the Core Strategy and policy DM14 of the Managing Development Document (adopted April 2013).
- 9.97 Overall, the proposed development will not have an unduly detrimental impact upon the safety and free flow traffic, and is in line with DM20 and DM22 of the Managing Development Document (2013) and policies SP08 and SP09 of the adopted Core Strategy (2010) which seek to ensure developments minimise parking and promote sustainable transport options.

Conclusion on transport/highway matters

- 9.98 Overall, it is considered that the proposal will not have a detrimental impact on the public highway.

Energy efficiency & sustainability

- 9.99 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 Document (adopted April 2013) Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.100 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).

- 9.101 The Managing Development 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 DM29 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.
- 9.102 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.
- 9.103 Energy efficiency measures such as a well insulated building fabric, best practice controls, mechanical ventilation with heat recovery (MVHR) and low energy lighting have been maximised in order to achieve a reduction in carbon dioxide emissions of 11%.
- 9.104 In addition, 10kWp photovoltaic panels are proposed to be installed on the roof which are projected to achieve an additional 34% reduction in carbon dioxide emissions.
- 9.105 The total anticipated carbon dioxide savings from the developments are 41%, through a combination of energy efficiency measures and renewable energy technologies. The carbon dioxide 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.
- 9.106 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 Managing Development Document (adopted 2013).

Summary on energy and sustainability matters

- 9.107 Subject to the recommended conditions, it is considered that energy and sustainability matters, including energy, are acceptable and in line with policies SO3 and SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development Document (adopted 2013) which seek to promote sustainable development practices.

Human Rights Considerations

- 9.108 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:-

- 9.109 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".
- 9.110 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.
- 9.111 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.
- 9.112 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.
- 9.113 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.114 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.
- 9.115 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

- 9.116 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.

9.117 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.

9.118 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

9.119 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.

9.120 The contributions to affordable housing support community wellbeing and social cohesion.

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

9.121 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:

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

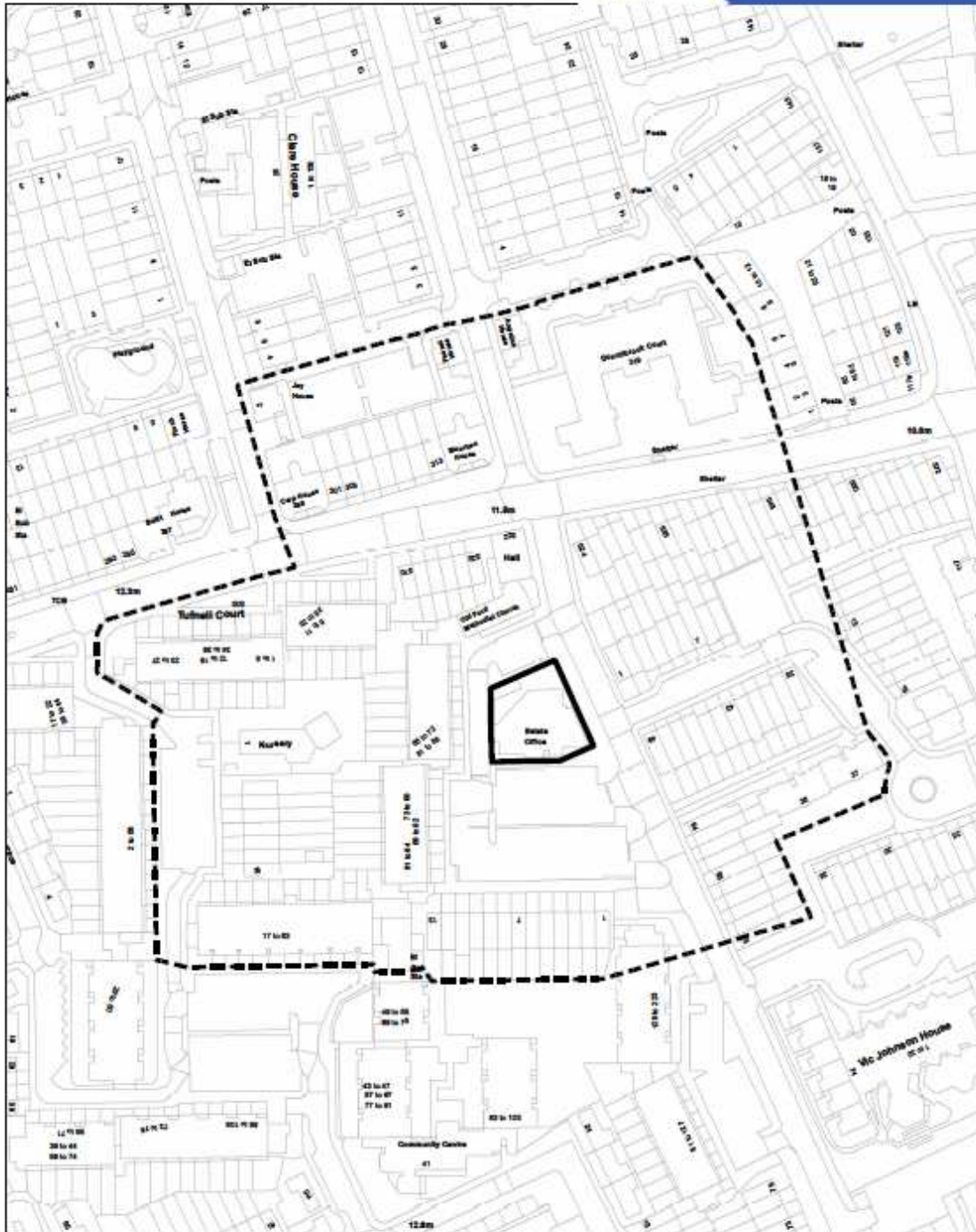
- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

9.123 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 £16,700.

10 Conclusions

- 10.1 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.

Planning Application Site Map



	Planning Application Site Boundary		Locally Listed Buildings	 0 30 m	 1:1,500
	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 9.4

Committee: Development	Date: 19 th June 2013	Classification: Unrestricted	Agenda Item No: 9.4
Report of: Corporate Director of Development and Renewal		Title: Planning Application and Conservation Area Consent Application for Decision	
Case Officer: Graham Harrington		Ref No: PA/13/00494 + PA/13/00495	
		Ward(s): Spitalfields and Banglatown	

1. APPLICATION DETAILS

Location: 86 Brick Lane, London, E1 6RL

Existing Use: Retail (A1 use) BanglaCity continental supermarket.

Proposal: Demolition of existing building and erection of a part 4 and part 5-storey (plus lower ground floor) building to provide a hotel (5,077sqm) and a ground floor level unit (15sqm) for use as A1 (Shops) or A2 (Financial & professional services)

and

Conservation Area Consent for the demolition of existing supermarket (ref no: PA/13/00495).

Drawing Nos: Site Plan Location (2317-T-00-0001-Z00 Rev 01), Existing Site Plan (2317-T-00-0002-Z00 Rev 01), Existing Demolition Plan (2317-T-00-0003-Z00 Rev 01), Existing Elevation West (2317-T-00-0004-ZWE Rev 01), Existing Elevation South (2317-T-00-0005-ZS0 Rev 01), Existing Elevation East (2317-T-00-0006-ZEA Rev 01), Existing Elevation North (2317-T-00-0007-ZNO Rev 01), Proposed Lower Ground Floor Plan (2317-T-01-0001-ZB1 Rev 02), Proposed Ground Floor Plan (2317-T-01-0002-Z00 Rev 03), Proposed First Floor Plan (2317-T-01-0003-Z01 Rev 02), Proposed Second Floor Plan (2317-T-01-0004-Z02 Rev 02), Proposed Third Floor Plan (2317-T-01-0005-Z03 Rev 02), Proposed Fourth Floor Plan (2317-T-01-0006-Z04 Rev 02), Proposed Roof Plan (2317-T-01-0007-Z05 Rev 02), Proposed Elevation West (2317-T-01-0008-ZWE Rev 02), Proposed Elevation South (2317-T-01-0008-ZWE Rev 01), Proposed Elevation East (2317-T-01-0010-ZEA Rev 02), Proposed Elevation North (2317-T-01-0011-ZNO Rev 02), Proposed Elevation West (2317-T-01-0014-ZWE Rev 02) and Shop Front Detail (2317-T-01-0015-ZWE Rev 02).

Supporting documentation

- Design and Access Statement by EPR Architects (February 2013)
- Planning Statement by GL Hearn (February 2013)
- Historic Environment Assessment by Museum of London Archaeology (February 2013)
- Noise Assessment by SKM (22 February 2013)
- Daylight and Sunlight Report by GIA (26 February 2013, supplemented by letter dated 26 April 2013)
- Transport Statement by SKM (February 2013, supplemented by

letters dated 26 April 2013 and 'Existing Traffic Flows and Revised Trip Rates' notes dated 27 May and 4 June 2013)

- Hotel Travel Plan by SKM (May 2013)
- Existing Utilities Report by Grontmij (February 2013)

Applicant: Endurance Land (Spitalfields) Limited
Owner: Banglatown Business Complex Limited and London Power Networks
Historic Building: No
Conservation Area: Brick Lane and Fournier Street Conservation Area

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 Core Strategy (2010), Managing Development Document (2013), associated supplementary planning guidance, the London Plan and associated supplementary planning guidance and the National Planning Policy Framework and has found that:

Planning Permission

- On balance, the wider benefits to the Brick Lane District Centre outweigh the loss of retail floorspace in this instance, and, given this, the scheme accords with the requirements of Core Strategy Policy 01 and Policy DM1 of the Managing Development Document. These policies seek to promote the vitality and viability of the Borough's district centres, including the Brick Lane District Centre.
- The proposed hotel is an appropriate use within this location and accords with the requirements of Policy SP06 (4) of the Council's adopted Core Strategy (2010), Policy DM7 (1) of the Managing Development Document and Policy 4.5 of the London Plan (2011). These policies seek to ensure that new hotel developments are appropriately located within the town centre hierarchy in areas with good access to public transport, with at least 10 per cent of rooms being wheelchair accessible, and not resulting in an overconcentration of hotel uses on the surrounding area, nor compromising the supply of land for new housing.
- The proposed demolition of the existing building would not harm the character or appearance of Brick Lane and Fournier Street Conservation Area or the setting of the nearby Listed Buildings and the design of the proposed replacement building is of sufficiently high quality to preserve and enhance the character and appearance of the Area. The proposal therefore accords with the requirements of policy 7.8 of the London Plan 2011, policy SP10 of the Core Strategy 2010 and policy DM27 of the Managing Development Document (2013), which seek to ensure high quality development that preserves and enhances the character of conservation areas and does not harm the setting and special architectural or historic interest of surrounding Listed Buildings.
- The proposed building incorporates good design principles and takes into account and respects the local character and setting of the development site and its surroundings in terms of scale, height, bulk, design details, materials and external finishes. Subject to a condition requiring the submission of further external material samples, the proposal therefore accords with the requirements of Policy SP10(4) of the Council's adopted Core Strategy (2010), Policy DM24 of the Managing Development Document (2013) and Policy 7.4 of the London Plan (2011).
- The proposed hotel includes adequate means of accessible and inclusive access, in accordance with Policy 7.2 of the London Plan (2011). This policy seek to ensure that development can be used safely, easily and with dignity by all persons regardless of disability, age, gender, ethnicity or economic circumstance.

- Subject to conditions, the proposal would adequately protect both users of the development and neighbouring residents from undue noise disturbance and satisfactorily safeguard daylight and sunlight conditions and privacy. The proposal therefore accords with the requirements of Policy SP10 (4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013). These policies 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.
- Subject to conditions, it is considered that the proposed servicing arrangements for the hotel/retail unit are satisfactory and would not significantly impact on the capacity or safety or the road network, which accords with the requirements of Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Managing Development DPD (2012).
- Subject to conditions and obligations, transport matters, including the safeguarding of the Crossrail project, pedestrian movement, cycle parking and facilities and travel planning, are acceptable and in line with the requirements of London Plan policies 6.2, 6.9, 6.11 and 6.13, 08 and SP09 of the Core Strategy 2010 and policies DM20 and DM22 of the Managing Development Document (2013), which seek to safeguard railways projects and ensure that developments encourage walking, cycling and use of public transport and manage car parking provision to promote sustainable transport options.
- Subject to condition and a planning obligation, the development, thorough a series of methods would result in a satisfactory reduction in carbon emissions in accordance with the energy hierarchy within London Plan policies 5.2 and 5.7, policy SP11 of the Core Strategy and policy DM29 of the Managing Development Document (2013), which seek to reduce carbon emissions from developments by using sustainable construction techniques and energy measures.
- Planning obligations have secured the provision of public realm enhancements, training, sustainable transport initiatives, community facilities and public open space in line with Regulation 122 of Community Infrastructure Levy 2010 and policies SP02 and SP13 of the Core Strategy 2010, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- The Local Planning Authority has worked with the applicant in a positive and proactive manner by making available and employing a formal pre-application process, including free duty officer advice. The Local Planning Authority has also produced policies and provided written guidance, all of which are available on the Council's website and which has been followed in this instance.

Conservation Area Consent

- The proposed demolition of the existing building would not harm the character or appearance of Brick Lane and Fournier Street Conservation Area or the setting of the nearby Listed Buildings and the design of the proposed replacement building is of sufficiently high quality to preserve and enhance the character and appearance of the Area. The proposal therefore accords with the requirements of policy 7.8 of the London Plan 2011, policy SP10 of the Core Strategy 2010 and policy DM27 of the Managing Development Document (2013), which seek to ensure high quality development that preserves and enhances the character of conservation areas and does not harm the setting and special architectural or historic interest of surrounding Listed Buildings.

3. RECOMMENDATION

3.1 That the Committee resolve to GRANT Planning Permission and Conservation Area Consent subject to:

3.2 The prior completion of a legal agreement to secure the following planning obligations:

Non-financial contributions and obligations

a) Access to employment initiatives for construction through 20% of non-technical total operational jobs to be advertised through the Council's job brokerage service and an introduction to the hotel operator prior to occupation and provide Skillmatch with information on all non-technical hotel vacancies prior to general release.

b) A target of 20% of total value of contracts which procure goods and services are to be to be achieved using firms located within the borough.

c) Provision of apprenticeships during the operational phase

d) The submission and approval of a full Travel Plan and the implementation of an approved Plan.

e) No acceptance of coach party bookings or promotion of group bookings

Financial Contributions

a) **£13,226** towards Employment Initiatives for the construction phase.

b) **£9,193** towards Employment Training initiatives for the operational phase.

c) **£750** towards Sustainable Transport initiatives

d) **£1,091** towards Idea Stores and Library facilities.

e) **£200,000** towards Public Open Space

f) **£14,664** towards Streetscene Improvements

g) **£3,743** towards Leisure facilities

h) **£100,000** towards possible further traffic management/calming measures for Fournier Street

i) **£35,639** as a 'top up' to Crossrail CIL

j) **£7,566** for the 2% monitoring fee.

Total Contribution financial contributions **£385,872**

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

3.4 That if, within three months of the date of this committee meeting the legal agreement has not been completed, the Corporate Director of Development & Renewal has delegated authority to refuse planning permission

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

3.6 Conditions - Planning

1. Time limit

2. Proposal to be in strict accordance with approved drawings

3. Hotel (C1) - use of guest bedrooms to be limited to maximum 90 day occupancy.

4. Hotel (C1) – no bar/restaurant is to be open to non-hotel guests without prior written approval of LPA.

5. Limit hours of operation of A1/A2 unit (Mon-Sun 8am to 11pm).

6. No roof structures, masts, antennae etc (removal of PD rights).

7. Submission and approval of a Construction Management Plan (to include lorry routes to be used) before development commences.
8. Limit hours of construction (including demolition) to 08.00 to 18.00 (Monday to Friday) and 08.00 to 13.00 (Saturdays).
9. Submission and approval of Service Management Plan for hotel and retail unit (to include permitted servicing times, vehicle sizes and routes and use of banksperson) before development becomes operational.
10. Submission and approval of details of extract/odour abatement equipment (including any ducting) (with any necessary equipment installed and maintained for the life of the use).
11. The new rooftop plant hereby approved and any associated equipment shall be designed to a level of 10db below the lowest measured background noise (LA90, 15 minutes) as measured one metre from the nearest affected window of the nearest affected residential property
 - (i) Before the approved hotel is first brought into use detailed results of a noise survey measuring the operation of the plant working at full capacity and details of any necessary screening shall be submitted to and approved in writing by the LPA (with any necessary screening erected and maintained for the life of the use)
 - (ii) The plant shall not create an audible tonal noise nor cause perceptible vibration to be transmitted through the structure of the building.
12. Submission and approval of a Written Scheme of Investigation with regards to archaeology.
13. Submission and approval of details of biodiversity planting boxes (including plant species) to be submitted to and approved prior to commencement and for approved details to be implemented before the hotel use starts.
14. Submission and approval of full details of external materials and samples - general
15. Submission of additional details for Brick Lane frontage - including window reveals and frames, type of timber and finish of proposed solid wooden gates for delivery bay, shopfronts, brick bond and mortar type and colour.
16. No external lighting of Brick Lane façade above shopfront level
17. Installation and maintenance of ceiling light to light recessed area immediately outside the means of escape exit on the Brick Lane frontage.
18. No development shall be commenced until detailed design and method statements for all ground floor structures, foundations and basements and any other structures below ground (including temporary and permanent piling) have been submitted to and approved by the LPA (Crossrail).
19. Achievement of a BREEAM 'Excellent' rated building (including submission of certificates to demonstrate achievement).
20. Delivery of energy strategy set out in the Environmental Performance Statement and submission of confirmation that the proposed CHP system will supply all parts of the hotel and retail unit uses will be supplied by the CHP in accordance with London Plan policy 5.6.

3.7 Informatives

1. Thames Water (water pressure)
2. Advertisement Consent is required for the proposed non-illuminated sign
3. To be read in conjunction with s.106 Agreement

3.8 Conditions – Conservation Area Consent

1. A scheme setting out the proposed treatment and use of the site following the demolition of the existing building pending the erection of the permitted building shall be submitted to and approved in writing by the LPA prior to any demolition taking place.

3.9 Informatives

1. To be read in conjunction with Planning Permission PA/13/00494.

- 3.10 Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

- 4.1 The proposal (as revised) is for the demolition of the existing part-one/part two-storey supermarket building and the erection of a part-four and part-five storey, plus lower ground floor, building to provide a hotel comprising:
- 189 bedrooms and associated ancillary space (5,053sqm GIA);
 - Small retail unit (A1/A2 use) (15sqm GIA) at ground floor level fronting Brick Lane; and
 - Vehicle delivery bay off of Brick Lane.
- 4.2 The proposed building would be four-storey on the Brick Lane frontage for a depth of about 25m, before stepping up to a five-storey building about 30m back from the frontage. A lower ground floor would sit under the entire building. The proposed plan form is based around four light wells. Two of these would extend from the lower ground floor upwards and two would start at first-floor level and extend upwards. All would be open to the sky and naturally lit. There would also be a small artificially lit well at lower ground level. The proposed bedrooms would be served by two main corridors and be clustered around these light wells and be located at all levels (including the lower ground floor).
- 4.3 The lower ground floor would also accommodate plant, cycle storage, a store, staff room and showers/changing. The ground floor would also accommodate an entrance/lobby area from Brick Lane, reception area, 'breakfast zone', kitchen, bin storage and lift lobby (2 x lifts) and two separate stair cores. A double height space next to Brick Lane would accommodate a delivery bay, electricity sub-station, cycle parking and a small retail unit.
- 4.4 The four-storey part of the building fronting onto Brick Lane (rising to about 13.4m above ground level to cornice level and about 15.3m above ground to the top of a pitched roof) would be organised around a central two-storey arch with solid timber gates that give access to the proposed delivery bay. The proposed bay would be flanked at ground floor by the hotel entrance on one side and a small retail unit on the other. There would also be a fire escape door. The upper floors of the western (Brick Lane) frontage would be organised around seven windows, with the central one being 'blind'. The elevation would be in stock brick work with red gauged arches above window openings. Proposed shopfronts would be in timber and the roof would be in slate. The proposed shallow 1.6m southern elevation on to Brick Lane would also include a shopfront and windows to the upper floors.
- 4.5 The five storey north and south elevations (rising to about 15.3m above ground level) would be in yellow London stock brickwork, with all faces to the light well areas being in white render. The eastern elevation (facing the car parking area for the housing at Nos. 48-62 Princelet Street) would be in yellow London stock brick. Windows would comprise double-glazed aluminium frame units, openable for cleaning purposes. The building would have a flat roof, punctuated by some open and enclosed areas of plant (rising to a maximum of about 18.2m above ground level) and a lift overrun (rising to about 16.95m above ground level).

Site and Surroundings

- 4.6 The application site falls within the Brick Lane District Centre and currently accommodates the BanglaCity continental supermarket and a small travel agents office. The site has an area of 0.125ha. The existing building has a gross internal area of approximately 1,300 sqm. The main building is set back from Brick Lane frontage by approximately 26m and a surface parking area provides car parking for about 13 vehicles. Prior to the existing building being built, the site accommodated the former 19th Centurey Russian Vapour Baths.
- 4.7 The property lies on the eastern side of Brick Lane immediately adjacent to the eastern entrance to Fournier Street and falls within the Brick Lane and Fournier Street Conservation Area. The buildings to the north of the Brick Lane site-frontage are 4-storey brick faced and

the buildings to the south are 3-storey (with a fourth storey in the attic) brick faced. Many of the Georgian buildings along Fournier Street are Listed Grade II. The two buildings opposite the Brick Lane site-frontage are also listed buildings – the London Jamme Masjid mosque at No. 59 brick lane (Grade II*) and the 4-storey commercial/residential building at No. 57 Brick Lane (Grade II).

- 4.8 The buildings around the northern, eastern and southern boundaries of the site vary in scale and character. The relationship between the site and existing properties is varied and complex, with most immediate surrounding buildings presenting imperforate walls to the site. However, a number of commercial and residential buildings that front Heneage Street, Princelett Street and Brick Lane include windows that overlook the site.
- 4.9 The site is in an area with a Public Transport Accessibility Level (PTAL) accessibility rating of 6b. The site is therefore considered to have an 'excellent' level of accessibility to public transport links. Close by is one network rail station (Liverpool Street) and 3 London underground stations (Algate East, Liverpool Street and Old Street). Also, the site is currently served by eight London bus routes within a 550m radius of the site.

Planning History

- 4.10 PA/11/03145: New planning permission to replace an extant planning permission PA/08/01911 dated 24th of December 2008 for the erection of a four storey (plus two basements) building to provide 101 bedroom hotel ~ (5,588sqm GIA) and ancillary health spa, gymnasium and restaurant at basement levels (1150sqm boutique (19.5sqm GIA); juice bar (14.6 sqm GIA) at ground floor level. Granted 28/03/12. The same financial contributions as were secured in relation to the 2008 permission were secured by way of a s.106 agreement.
- 4.11 PA/11/03157: CAC to replace the extant Consent reference PA/08/1913 dated 24th December 2008 to demolish the existing supermarket prior to development. Granted 28/03/12.
- 4.12 PA/08/1911: Planning permission for the erection of a four storey (plus two basements) building to provide a 101 bedroom hotel (5,588sqm GIA) and ancillary health spa, gymnasium and restaurant at basement levels (1150 sqm), boutique (19.5sqm GLA) and juice bar (14.6sqm GIA) at ground floor level. This was approved on 24/12/2008. This permission was subject to planning conditions and a s.106 agreement that secured the following financial contributions:
- £175,000 towards public realm improvements;
 - £200,000 towards visitor and heritage improvement works (Jamme Masjid Trust); and
 - £25,000 towards employment initiatives.
- 4.13 PA/08/1913: CAC for demolition of existing supermarket prior to redevelopment. This was approved on 24/12/2008.
- 4.14 PA/03/01052. Planning permission for alterations to existing elevations and extension of existing mezzanine to create retail unit at ground and basement levels and offices at mezzanine level. Granted 12/03/04. A legal agreement secured the dedication of a slice of the site along the Brick lane frontage (approx. 14.7sqm) to be dedicated as public highway and for improvements to this land to enable it to become part of the Brick lane footway. This agreement was subject to the permission being implemented. The permission has not been implemented
- 4.15 The scheme that benefits from extant permission that was approved under delegated officer authority was proposed speculatively by the applicant. The applicant now intends to develop the site with a tenant and has undertaken further detailed design to amend the permitted scheme to ensure a deliverable project. The proposed main differences in terms of

floorspace/uses are set out in Table 1 below.

Table 1: Comparison between extant and proposed scheme (as revised)

	Extant Permission	Proposed
Hotel floorspace (sqm) (GIA)	5,588	5,053
Hotel number of bedrooms	101	189
Ancillary spa, gym and restaurant (sqm) (GIA)	1,184	-
Retail (sqm) (GIA)	34	15

4.16 The proposed revised massing would be only marginally taller than the building envelope established by the extant scheme (by about 300mm). The overall footprint of the hotel at upper levels and the height of the southern elevation would be smaller than in the consented scheme as a result of introducing light wells that would divide the building. Essentially, the omission of the previously proposed ancillary uses, smaller bedrooms and more efficient layout enables a greater number of bedrooms within a smaller overall floorspace.

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 Core Strategy (2010)

SP01	Refocusing on our Town Centres
SP03	Creating Healthy and Liveable Neighbourhoods
SP04	Creating a Green and Blue Grid
SP05	Dealing with Waste
SP06	Delivering Successful Employment Hubs
SP09	Creating Attractive and Safe Streets and Spaces
SP10	Creating Distinct and Durable Places
SP11	Working Towards a Zero-carbon Borough
SP13	Delivering and Implementation

5.3 Managing Development Document (2013).

DM1	Development Within the Town Centre Hierarchy
DM7	Short Stay Accommodation
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 Public Realm
DM24	Place-sensitive Design
DM25	Amenity
DM27	Heritage and the Historic Environment
DM29	Achieving a Zero-carbon Borough and Addressing Climate Change
DM30	Contaminated Land

5.4 Spatial Development Strategy for Greater London (July 2011)

2.10	Central Activities Zone (Strategic Priorities)
2.11	Central Activities Zone (Strategic Functions)
4.2	Offices
4.5	London’s Visitor Infrastructure
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
- 5.8 Innovative Energy Technologies
- 5.9 Overheating and Cooling
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies
- 5.17 Waste Capacity
- 5.21 Contaminated Land
- 6.2 Providing Public Transport Capacity and Safeguarding Land for Transport
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.8 Coaches
- 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
- 7.9 Heritage-led Regeneration
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 8.2 Planning Obligations

5.5 Government Guidance

National Planning Policy Framework (NPPF)

5.6 Supplementary Planning Guidance/Documents

LBTH Planning Obligations SPD (2012)
 LBTH Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines (2007)
 Mayor of London Use of Planning Obligations in the Funding of Crossrail SPG (2013)
 Accessible Hotels in London (2010)

6. CONSULTATION RESPONSE

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

Transport and Highways

- 6.2 No objection in principle. However, there are some concerns about the proposed servicing arrangements, the lack of on-site disabled parking and the projection of the building line along Brick Lane. The application provides an opportunity to review the highway issues to ensure the public highway serving the development and broader public is laid out in the best

possible manner, as appropriate in one of Tower Hamlet's most noteworthy streets.

6.3 Detailed comments:

Traffic generation

- Revised trip rates and assessment is a reasonably robust; it is accepted that the proposal would result in a reduction in the number of vehicles generated by the site and travelling along Fournier Street;

Servicing

- Whilst the proposed hotel is larger than previously permitted, it would not include a restaurant and bar and fewer service trips are predicted;
- There would be a clear reduction in vehicle movements, including Light Goods Vehicles and Medium Goods Vehicles and this is welcomed;
- Servicing space is limited both on-street and any on-street loading facility could not be retained for the proposed hotel. The proposed on-site delivery bay is limited in size would not allow for vehicles to enter and exit the site in forward gear on-site. This is a compromise, but in keeping with the extant permission.
- A Servicing Plan should be secured to limit delivery times to avoid pedestrian peaks, limit vehicle size and require the presence of staff when service vehicles reverse off the highway;

Parking

- The car-free proposal is welcomed, although the lack of parking for disabled visitors and lack of coach parking is contrary to policy. This is not ideal, but in keeping with the extant permission;
- Proposed cycle parking is acceptable;

Waste and refuse

- The swept path analysis for a commercial refuse vehicle reversing into the proposed delivery bay shows that it would reverse over the public footway opposite, further compromising pedestrian activities. This is unwelcome, but again in keeping with the extant permission;
- Alternatively, waste and refuse collection could be carried out from the public highway in a manner similar to cafes and restaurants along Brick Lane. This could be agreed by means of a Servicing Plan (although this raises a question over the need for a delivery bay)

Local concerns

- Local people have raised a concern about taxis, which would make up a portion of trips. However, it is recognised that the overall number of vehicle trips is predicted to be reduced;

Highway Improvement Line

- A small wedge-shaped piece of land projects into the path of pedestrians and this is on Highways' Definitive Map for highway widening;
- Highways would have welcomed proposals that would have provided for the formal dedication of a small sliver of land into Public Highway – however, whilst this would have been desirable, it is not essential.

(Officer Comment: These comments are discussed in detail in Section 8 of this report)

Environmental Health

- 6.4 The submitted Noise Assessment does not confirm that hotel bedrooms would meet the "good" design standard as set out in BS8233. Further information required on glazing and ventilation requirements. Potential noise impacts from air conditioning/handling plant need to be satisfactorily addressed. Details required of extract/odour abatement equipment in relation to kitchen. Demolition and construction activities need to reflect the requirements of the Council's Code of Construction Practice.

(Officer Comment: This is discussed in Section 8 below. Planning conditions are recommended to ensure that relevant details are submitted for the approval of LBTH and

that appropriate noise standards are achieved.

Communities, Localities and Culture - Strategy

- 6.5 The following financial contributions are required to mitigate the impacts of the development in accordance with the Council's Planning Obligations SPD: £1,091 towards Idea Stores, Libraries and Archives; £3,743 towards Leisure facilities; £310,544 towards Public Open Space and £14,644 towards Public Realm.

(Officer Comment: The recommended financial contributions towards Idea Stores, Libraries and Archives and Leisure have been agreed, along with a financial contribution towards sustainable transport initiatives. Officers consider that a reduced contribution of £200,000 towards Public Open Space is acceptable in this case, for the reasons set out in Section 8 of this report.

Enterprise and Employment

- 6.6 The developer should be required to:
- Use reasonable endeavours to ensure that 20% of construction phase workforce will be local residents of Tower Hamlets;
 - Benefit local business by ensuring that 20% of goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets (with LBTH assisting by identifying suitable companies through East London Business Place);
 - Commit to provide apprenticeships during the construction phase, an introduction with the hotel operator prior to occupation and provide Skillmatch with information on all non-technical hotel vacancies prior to general release;
 - Financial contribution of £13,226 to support and/or provide training for local people to help them assess jobs during the construction phase; and
 - Financial contribution of £9,193 towards training for local people to help them access permanent jobs.

(Officer Comment: The applicant has agreed to all of these requests, apart from apprenticeships during the construction phase. It is recommended that the agreed items are secured by way of a s.106 agreement).

Energy Efficiency Unit:

- 6.7
- The applicant has submitted additional details to justify the use of separate systems for space heating (ASHP) and hotwater (CHP). Given the small energy loads associated with space heating compared to hotwater, the requirement of the ASHP to provide the cooling requirements, and the CO2 emission reductions exceed policy DM29 requirements (>35%) this approach is considered acceptable in this specific instance only.
 - Appropriate conditions should be attached to any permission secure the delivery of the energy strategy and achievement of BREEAM Excellent rating for the hotel. A condition should also be attached for details of the CHP system to be provided to demonstrate all uses will be supplied by the CHP in accordance with London Plan policy 5.6.

(Officer Comment: It is recommended that delivery of the proposed energy strategy and BREEAM Excellent rating is secured by way of planning conditions).

Waste Policy and Development

- 6.8 No comment.

Conservation and Design Advisory Panel (CADAP)

6.9 CADAP considered the original application proposal together with possible revisions at its meeting on 8 April 2013. It welcomed the omission of south-facing windows that were proposed as part of the consented scheme, the reduced overall floor area and inclusion of a retail unit. It also considered that the proposed massing was generally acceptable. However, CADAP asked that the Brick lane facade be fundamentally re-designed.

6.10 CADAP considered the revised application proposal at its meeting on 13 May 2013. At this meeting Members:

- Agreed that the guest room windows and the blank windows in the middle of the revised Brick Lane façade were all balanced now and the revised design was a huge improvement to the design presented previously;
- Strongly of the view that reducing the depth of the proposed window recess would improve the design appearance and the views of the street for guests, as well as increasing internal space;
- Of the samples presented to it, Members' preference was for the Vande Moortel Nature 7 and some members considered that the proposed red brick heads (brick) provided a good two tone colour contrast;
- Some members were of the view that the windows could benefit from glazing bars; and
- Suggested that both shop fronts should be the same and comprised painted timber.

(Officers comment: All of these suggested further refinements have been raised the applicant and the issues are discussed in Section 8 of this report).

Crime Prevention Officer

6.11 No comments received.

Head of Market Services

6.12 No comments received.

Statutory Consultees

Crossrail Safeguarding/Applications

6.13 If the Council is minded to grant planning permission, conditions should be applied ensuring that works do not commence until details design and method statements have been approved for all ground floor structures, foundations and basements, piling etc.

(Officer Comment: It is recommended that such conditions are attached to any permission).

English Heritage Historic Buildings

6.14 English Heritage objected strongly to the original application. It has since written in to state that it is pleased that the revised scheme accords with its advice and considers that the design of the west (Brick lane) facade in particular now complements the setting of the nearby listed buildings and this part of the Brick lane and Fournier Street Conservation Area. English heritage go on to state that it now believes that the overall approach is now an appropriate one for this sensitive location and is pleased that a satisfactory outcome has been achieved.

(Officers comment: English Heritage's support is noted. Conservation and design matters are discussed in section 8 of the report).

English Heritage- Archaeology

6.15 Based on the submitted Historic Environment Assessment and given the proposed ground

reduction, a planning condition should be attached to any permission. This should secure the implementation of a programme of archaeological work.

(Officer comment: This is discussed in Section 8 of this report. It is recommended that such a condition is attached to any planning permission).

London Fire and Emergency Planning Authority

- 6.16 Following revisions, the proposal satisfactorily addresses previous areas of concern. Some observations on future internal details.

Thames Water

6.17 Waste

- Proposals should incorporate protection measures, such as non-return valves
- Responsibility of applicant to connect to suitable sewer (no objection in principle)
- Petrol/oil interceptors should be fitted
- Fat traps should be added to kitchen areas

Water

- Informative should be added with regards to water pressure
- No impact piling should take place until piling method statement has been approved by LPA (in consultation with Thames Water).

(Officer Comment: It is recommended that an informative be attached to any permission. The recommended condition requiring details of sub surface works in relation to the Crossrail project would also enable the Council to consider potential impacts on water infrastructure, in consultation with Thames Water)

Transport for London

- 6.18 The coach drop-off should be at the hotel. Deliveries should enter and leave the site in forward gear. The Travel Plan passed the ATTrBuTE assessment.

(Officer Comment: Transport issues are addressed in Section 8 of this report)

7. LOCAL REPRESENTATION

7.1 As outlined in Section 4, the proposal has been revised and additional information submitted. A total of 199 neighbouring properties within the area shown on the map appended to this report were notified about the original planning and Conservation Area Consent applications and invited to comment. The applications have also been publicised in East End Life and by way of site notices. The planning application was revised in early May 2013 and the above local consultation was repeated and individuals that commented on the proposals as originally submitted were also consulted. Additional transport information was received on 27 May and those individuals and local organisations who had commented on the application (together with TfL) were given 14 days to comment. Any additional comments received will be set out in an update report.

7.2 It is not always clear whether comments made by individuals in response to the original applications have been superseded by later comments or whether to two sets of comments should be read together. Given this, representations from individuals are grouped in terms of those made in response to the applications as originally submitted and those made in response to the applications as revised.

Individual Representations on Original Applications

Petition

- 7.3 A petition with 21 signatures has been received in response to the application as originally submitted, stating: "We believe that the scale of the project will place overwhelming demands on inadequate local infrastructure which will have a detrimental effect on the lives of local residents." It goes on to say: "We, the undersigned, wish to express our OBJECTION to the application and request the application is determined by the LBTH planning committee."

Individual representations

- 7.4 No of individual responses: 14 Objecting: 13 Supporting: 0 Commenting: 1

Land Use

- 7.5 Representations:
- There is an over concentration of hotels in the area. The proposed development would provide a large increase in the number of bedrooms that were previously permitted (189 instead of 101). A hotel would bring more people in to a 'saturated zone' and exacerbate problems associated with anti-social behaviour/noise in the Brick Lane area by encouraging more visitors. Licencing hours of any in-house bar should be limited to 11.00pm.
 - Financial contributions should be secured by way of a s.106 to help fund 'pop-up urinals' in the Brick Lane area.
 - People should be discouraged from congregating and smoking outside the entrance – possibly by having a designated smoking area at the rear of the hotel.
 - The proposed accommodation would be poor quality and down market. The previously permitted ancillary businesses (spa, fitness club etc) are no longer being proposed and the proposals would not provide a useful service to the community.
- (**Officer Comment:** Land use is discussed in detail in Section 8 of this report).

Excessive scale/bulk

- 7.6 Representations:
- Proposed height is excessive and insensitive. The fifth storey is out of proportion with surrounding buildings. The proposed buildings would adversely impact views from buildings on the south side of Heneage Street.
- (**Officer Comment:** Design is discussed in detail in Section 8 of this report. The scale of the proposed building is similar to that which was approved in 2008 and 2012).

Brick Lane Elevation

- 7.7 Representations:
- The site terminates the view down Fournier Street and is very important. Inappropriate and poor design. Elevational references to Christ Church are 'kitch'. Use of materials and arches and rondel windows is very poorly conceived and put together. Adverse impact on Brick Lane and Fournier Street Conservation Area and Listed Buildings. Design care and money should be spent on improving the quality and interest of this elevation.
- (**Officer Comment:** The previously proposed facade has been completely revised. Design is discussed in detail in Section 8 of this report)

Archaeology (former Russian Vapour Baths)

- 7.8 Representations:
- The site formerly accommodation the 19th century Baths. Remains should be inspected and if possible conserved and incorporated into a new building.
- (**Officer Comment:** Archaeology is discussed in detail in Section 8 of this report. It is

recommended that a planning condition requires the submission and approval of a Written Scheme of Investigation and that an approved Scheme is carried out)

Traffic, servicing and parking

7.9 Representations:

- Proposal would add to traffic congestion and increase noise and air pollution – during both the construction and operational phases.
- The proposed bigger hotel would need more servicing (deliveries and refuse) with concerns about disturbance early morning and late evening. The likely number of taxi and coach movements has been underestimated by the applicant and would cause disturbance. The Council should carry out an independent assessment.
- Vehicles are likely to access the hotel from western, northern and Central London via Fournier Street – causing particular concerns about increased traffic along this narrow residential street. Some vehicles would be tempted to drive down Fournier Street the wrong way to avoid entering the Brick Lane one-way system. Need traffic calming to mitigate impacts – possibly by way of a locked gate on Fournier Street, similar to others elsewhere in Spitalfields.
- Concern at proposed coach drop-off on Commercial Street would lead to people walking down Fournier Street with luggage (noise and disturbance). Lack of car parking.
- The likely number of service vehicles has been underestimated. Proposed servicing arrangements are unacceptable as they do not allow for vehicles to leave and access the site in forward gear and require the use of the Brick Lane/Fournier Street as a turning area (with vehicles reversing in to the site).
- Concern about use of Fournier Street by large lorries during the construction phase.

(**Officer Comment:** Transport issues are addressed in detail in Section 8 of this report)

Privacy/overlooking

7.10 Revised proposals are probably the best achievable. Concern about loss of privacy for some homes.

(**Officer Comment:** Privacy and Outlook are discussed in detail in Section 8 of this report)

Noise

7.11 Concern about noise from plant (air conditioning etc). Party wall needs to be designed in a way that prevents transmission of noise.

(**Officer Comment:** Noise is considered in detail in Section 8 of this report. It is recommended that a planning condition is imposed on any permission to ensure that noise from proposed plant is acceptable).

Inadequate Consultation

7.12 Inadequate consultation carried out on the proposals.

(**Officer Comment:** Consultation on the applications has included neighbour notification, site notices and press adverts in accordance with statutory requirements and the Council's Statement of Community Involvement – when the applications were first submitted and following the submission of revisions).

Planning Obligations

7.13 Concern at how financial contributions were calculated in relation the previously approved scheme and allocated to the Jamme Masjid Mosque (querying whether it is appropriate for such funding to be used for religious purposes).

(**Officer Comment:** Planning obligations that are considered necessary in relation to the current applications have been identified in accordance with the Council's adopted Planning Obligations SPD)

Individual Representations on applications as revised

Petition

- 7.14 A petition with 16 signatures has been received in response to the application as revised, raising the following objections
- Proposals would have severe impact on residential amenity due to vehicular access from construction vehicles, servicing vehicles and guests arriving by car/taxi;
 - A locked gate should be installed on Fournier Street to stop the street being used as a turning circle for servicing/construction vehicles and as a 'rat run' for taxis and cars
 - The site can only be reached by Fournier Street or by navigating the Brick Lane one-way system. The majority of taxis and cars approaching from Central London will approach by Fournier Street (narrow, single lane, residential street) (navigation aids direct people to the site via Fournier Street)
 - The Council's own refuse trucks drive up Fournier Street the wrong way
 - Reference to Core Strategy and Development Control Plan DEV17)
 - At the moment, circulation routes and traffic calming measures are not sufficient and the development should not go ahead.

Individual representations

- 7.15 No. of individual responses: 2 Objecting 2 Supporting: 0 Commenting: 0

Objection 1

- Large increase in number of hotel bedrooms over what has been allowed previously
- Late night businesses are already having with over capacity and providing the proposed number of bedrooms would make the situation worse
- Poor quality design of the proposed west elevation

Objection 2

- Much improved scheme, but...
- Brick Lane Frontage - Windows should be painted timber, central render lintel should be oak, hotel sign should discreetly located behind the right hand shopfront, extended render parapet breaks the street coping line and should be amended, window arches should be added to the 'blind' window, all brick arches should be rubbed 'buff' bricks (not red). Brick and mortar details will be critical.
- Concern that the proposed timber gates would be open all day. A condition should be imposed to ensure that they are electronically controlled so that they are shut when not in use.
- The proposed 4-storey height would be overbearing when seen from Huguenot Place and should be reduced by one storey.

Local Organisations

Spitalfields Historic Building Trust

- 7.16 The Trust objected to the original scheme on the basis that the site forms the end elevation of probably the most important 18th century street in Tower Hamlets and that the elevation was extremely poorly designed. It has since written in to state that it is generally happy with the revised proposed Brick Lane elevation, but has made the following comments:
- The windows at first, second and third floor level would be such a shape to give the rhythm of sash windows, which is very welcome. However, the Trust request that these actually have timber sash windows installed within these openings with glazing bars either to match the 6 over 6 sash windows on Fournier Street or the 2 over 2 panel Victorian sash windows on adjacent buildings in Brick lane. It seems unsatisfactory to

have created a good elevation to form the end vista of the incredibly important Fournier Street and let it fall down by not going the whole way of giving it correct and suitable window frames;

- The proposed two central blank windows proposed for the second and third floors on the Brick Lane frontage should have proper gauged arches;
- Traditional stone bollards built into jambs on either side of the proposed ground floor service bay would be an attractive detail and also be sensible to avoid damage to the proposed wide doorway; and
- The success of this elevation will depend upon good detailing and high quality materials. A good brick is needed and these need to be laid in a correct brick bond such as Flemish bond in a lime-rich mortar (with pointing being crucial).
- The gauged arches over the proposed openings need to be of good quality and correctly constructed; and
- Well designed shopfronts at ground level are needed.

(Officer Comment: All of these issues have been discussed with the applicant. Design is discussed in detail in Section 8 of this report. It is recommended that the details of external materials including window frames, the type and finish of the proposed solid doors and shopfronts on the for the Brick Lane frontage, together with brick bond and mortar type and colour are reserved by a planning condition).

Spitalfields Community Group

7.17 The Spitalfields Community Group (SCG) objected to the original scheme and made the following comments:

- The proposed Brick Lane elevation is completely unsuitable for such a historically sensitive site. The design should tie in with the adjacent Victorian terrace or comprise a more contemporary solution;
- A fifth storey would be out of character with neighbouring properties (proposed set back from Brick Lane does not make this acceptable);
- Taxi movements underestimated. Lack of taxi drop-off or parking facilities. Proposal would lead to more congestion, noise and air pollution along Brick Lane and neighbouring streets;
- Coach parking on Commercial Street would result in guests trundling luggage down Fournier Street (noise);
- Proposed additional rooms would increase demand for deliveries and collections causing congestion/pollution. There should at least be restrictions on delivery hours;
- Hotel use would exacerbate problems associated with night-time economy in the Brick lane area; and
- The remains of the Russian Vapour Baths lie under the car park – these should be inspected and, if possible, conserved and incorporated into a new building.

7.18 Broad support for the proposal and the regeneration it offers. However, continue to object until clear and supported assessment has been made. The proposed high intensity hotel with a badly located, inaccessible servicing bay would clearly exacerbate problems for residents in Fournier Street (i.e. being used inappropriately as a rat run and/or as a route for circumventing the Brick lane one-way system by driving down it the wrong way illegally and at risk of public safety). Following a site meeting between officers and representatives of the Group, the SDG made the following comments

- The applicant's travel submission is clearly not acceptable. The claim that the proposal would generate just two service trips (made by small vans), no private car trips and only 2 taxi journeys a day is not credible at any level (if it were true the proposed hotel would generate less traffic than a single house on Fournier Street)
- The submitted information does not accord with that provided for similar scale hotel in Folgate Street (where it was predicted that 20% of journeys would be by taxi). This proposal is for a 'city crowd' and this figure is likely to be higher

- The Council should obtain credible trip generation information to inform decision making;
(**Officer comment:** officers had in fact sought clarification on trip generation rates before this comment was made and this is discussed in detail in Section 8 of this report).
- The SDG is frustrated by the apparent subjective and entirely arbitrary officer opinions and request that decision making is based on evidence;
- Commonly used trip generators that the majority of journeys to and from the proposed development from Central, West and North London would arrive by Fournier Street (a narrow, single file, residential street);
- Vehicles, including Council vehicles, commonly drive down Fournier Street the wrong way
- SCG's preference is for Fournier Street to be stopped-up with a gate and for traffic to be diverted via Fashion Street – a wider, largely unused street lined with commercial premises that would benefit from increased circulation. If this is not possible, it is open to discussion on other potential traffic calming measures
- Weight restrictions, a temporary period of CCTV surveillance are not enforceable and quite unsatisfactory
(**Officer comment:** existing traffic movements and the potential use of Fournier Street by traffic accessing the proposed development is discussed in detail in Section 8 of this report)
- Concern that Fournier Street would be used as a turning circle in order to access the proposed delivery bay
- Concern that service vehicles should be able to enter and leave the proposed service bay in forward gear (a point made by TfL)
- The applicant's proposal to ensure that deliveries would be made in 'off-peak' periods suggests that no attention is being paid to residential amenity
(**Officer comment:** servicing is discussed in detail in Section 8 of this report)

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Transport
3. Design
4. Heritage
5. Amenity
6. Energy and Sustainability

Land use

8.2 The site is not designated for a particular use in the Core Strategy or Managing Development Document.

Loss of existing retail

8.3 The application site falls within the Brick Lane District Centre. Core Strategy Spatial Policy 01 defines the town centre hierarchy within the borough and provides guidance on the type, scale and intensity of uses in different centres. Policy DM1 in the Managing Development Document seeks to promote the vitality and viability of the borough's major, district and neighbourhood centres by (amongst other things) protecting A1 uses as a priority, unless it can be demonstrated that: (i) the loss of A1 would not undermine the town centre's position within the town centre hierarchy; (ii) the loss of A1 would not result in the overall level of A1 falling below 50% within the town centre and (iv) the new use supports the function of the town centre.

- 8.4 The existing BanglaCity continental supermarket sells mainly groceries and is both a retail and wholesale outlet. The existing small travel agency is based in part of the first floor of the supermarket building. The proposal would result in the loss of around 1,300sqm of retail (A1) floorspace. The latest Annual Monitoring report (AMR) (March 2012) shows that percentage of A1 uses in the Brick lane District Centre stands at about 37%, already below the 50% referred to in Policy DM1, with vacancy rates of about 4%. However, the site benefits from an extant permission for a hotel (granted before this policy was adopted) which permits this loss. Furthermore, officers do not consider that the proposed loss of this use would undermine the District Centre. There are other supermarket uses in this part of the Centre, including Zaman Brothers wholesale and retail at 17 Brick Lane and Taj Stores at 99 Brick Lane. The northern part of Brick lane is also served by City Food and Costcutter (Nos. 206 and 210 respectively). As discussed below, the proposed hotel and small A1/A2 unit that would be provided on the Brick Lane frontage would make a positive contribution to the vitality and viability of the Town Centre.
- 8.5 On balance, officers consider that the net loss of retail space is acceptable given that the proposal is for a recognised town centre use and the proposed building would present an attractive building to the street, rather than an unattractive car park, and result in a significant improvement in the townscape by the development of this gap site.

Proposed Hotel and A1/A2 Use

- 8.6 Policy 4.5 of the London Plan (2011) and Policy SP06(4) of the Council's adopted Core Strategy (2010) seek to ensure that new hotel developments are sited in appropriate locations within the Borough, including the CAZ and City Fringe Activity Area, and benefit from good access to public transport. In addition, no less than 10 per cent of bedrooms are required to be wheelchair accessible. Policy 4.5 of the London Plan (2011) also includes Mayor's target for the delivery of new hotel accommodation within London, which is set at 40,000 net additional hotel bedrooms by 2031.
- 8.7 Policy DM7 (1) of the Council's Managing Development Document provides further detailed policy guidance for hotel developments, requiring hotels to be appropriate in size relative to their location, to serve a need for such accommodation, not to compromise the supply of land for new homes, not to create an over-concentration of hotels in a given area or harm residential amenity, and to benefit from adequate access for servicing, coach parking and vehicle setting down and picking up movements. Policy DM1 makes clear that development within a town centre will be supported where it does not have an adverse impact upon the function of a town centre use and where it can be demonstrated that new retail uses provide adequate width and depth of floorspace, a shop front has been implemented in the first phase of development and appropriate servicing arrangements have been provided.
- 8.8 The site benefits from an extant permission for a hotel and use and ancillary health spa, gymnasium and restaurant and small juice bar. The proposal is for a larger number of hotel bedrooms than previously permitted (189 as opposed to 101), but the applicant is no longer proposing an ancillary restaurant or leisure facilities. The currently proposed hotel is expected to be a 'budget boutique', offering fairly basic accommodation aimed at business and leisure guests. The proposals are considered to be acceptable in scale and appropriate for Brick Lane Town Centre. Some local people have commented that the lack of ancillary hotel uses (restaurant and health facilities) would mean that the economic benefits would be less than the previously permitted hotel. However, the lack of such facilities would limit activity associated with the site (the applicant estimates that likely average occupancy of the hotel would be 181 people, as opposed to 494 people for the extant scheme) and, arguably, benefit local cafes and restaurants.
- 8.9 The site is not allocated for a particular use and it is not considered that its development as a hotel would compromise the supply of land for housing in the Borough. In terms of

concentration of hotels in the surrounding area, Table 2 below provides a summary of existing hotels and proposed hotels that are subject to a current planning application in the surrounding area (within 400m). There are no approved hotels that have not yet been implemented in this area. This shows that approximately 708 hotel bedrooms either exist or are proposed, with the figure rising to 897 rooms taking account of this proposal. Officers consider that the proposed hotel at 86 Brick Lane would not lead to an over-concentration of hotel uses in the Town Centre/surrounding City Fringe Activity Area.

Table 2: Existing and proposed hotels in surrounding area

Address	No. of rooms	Existing/Approved
Brick Lane Hotel, 12 Brick Lane	8	Existing
City Hotel, 12-20 Osbourn Street	110	Existing
Ibis London City, 5 Commercial Street	348	Existing
Tune Hotels Liverpool Street, Folgate Street	183	Existing
45-47 Hanbury Street	59	Proposed
	708	

- 8.10 Based on the jobs/floorspace ratios in the adopted Planning Obligations SPD, the proposal is likely to result in about 64 FTE jobs (a net gain of approximately 50 jobs over the existing uses on the site). The construction phase would also created/sustain jobs. This would provide additional job opportunities for local people. It is recommended that planning obligations secure financial contributions to help provide training during both the construction and operational phases and secure an introduction with the hotel operator prior to occupation and provide Skillmatch with information on all non-technical hotel vacancies prior to general release.
- 8.11 The Council does not have standards for hotels. The proposal is for 179 standard double bedrooms of approximately and 20 wheelchair accessible bedrooms of approximately. Room sizes would vary between about 11.6sqm to 17.6sqm This is more than the 10% required by London Plan Policy 4.5. Most of the rooms would be naturally lit, although 8 of the bedrooms proposed at lower ground level would not be. Floor to ceiling heights would be approximately 2.4m. As discussed under the Amenity heading below, subject to adequate glazing details, the internal noise environment of the proposed hotel rooms is expected to be satisfactory.
- 8.12 The proposed small A1/A2 unit on the Brick Lane frontage would help ensure an active frontage and the proposed range of uses is considered appropriate.
- 8.13 Access, servicing and parking issues are discussed below under the Transport heading below and, subject to conditions, are considered acceptable.
- 8.14 The impact that the proposal would be likely to have on the local area is considered below under the Amenity heading and the conclusion is that the proposal would not result in a significant adverse impact on neighbouring occupiers. It is recommended, however, that a planning condition be attached to any permission limiting the use of the A1/A2 unit to between 8.00am and 11.00pm (Mondays to Sundays).
- 8.15 Taking into account all of the above, subject to the proposed conditions limiting the length of stay to a maximum of 90 days and ensuring that any restaurant/bar that may be established is ancillary and not open to non-guests, the proposed hotel accords with London Plan Policy 4.5, Core Strategy Policy SP06 and Managing Development Document Policies DM1 and DM17 and is considered acceptable in land use terms

Transport

Highway Line

- 8.16 London Plan Policy 6.10 encourages walking. Core Strategy Policy 09 provides the basis for delivering a well-designed, high-quality and durable public realm. Policy DM23 in the Managing Development Document seeks to ensure, amongst other things, that development is well-connected with the surrounding area by ensuring that public realm is integral to development proposals, including by clear definitions of public realm areas, location of entrances and design of shopfronts.
- 8.17 The historic frontage line of this site, established by the former Russian Vapour Baths that used to occupy it, means that the southern edge sticks out approximately 1.6m in front of the shop at No. 84 Brick Lane (the property to the south). The former UDP included in Schedule 1: Major Commitments and Proposals a widening line for the site, to bring the resultant wedge-shaped part of the front of the site (approximately 14.7sqm) into public highway, to facilitate an extension to the footway. This proposal has not been carried forward into the Managing Development Document. The 2004 planning permission (PA/03/1052) referred to in Section 4 of this report secured this land as public highway and improvements to this land to enable it to become part of the Brick Lane footway. However, the planning permission was not implemented and the agreement is null and void. No such agreement was secured in relation to the 2008 permission for a hotel on this site (PA/08/1911) or the extant 2012 permission (PA/11/03145).
- 8.18 The current application proposes a four storey building along the current building line. It is acknowledged that there would be some benefits from setting back the proposed building line to create a straight line between Nos.88 (to the north of the site) and No. 84 Brick lane (to the south of the site). These include the creation of a wider and bigger footway, improved sight-lines for pedestrians and the avoidance of a potentially unsavoury corner immediately to the north of No. 84. However, circumstances have changed since the Council secured an extension to the footway in 2004. Firstly, there is an extant planning permission for what officers consider to be an inferior hotel building which could be implemented. Secondly, there is no longer a specific development plan proposal that supports a widening here. Thirdly, the Council has implemented improvements to Brick Lane which have included narrowing the carriageway immediately outside of the site and introducing car parking and servicing bays along the street. The effect of these changes is that the footway in front of the site is approximately 2.8m wide, whereas parts of the footway to the north and south of the site are approximately 2m wide. Furthermore, officers consider that a footway widening here would also have some disbenefits. These include increasing the opportunity for people congregating outside of the hotel (a concern that has been raised during consultation), the facade of the proposed building no longer being perpendicular to Fournier Street and the potential adverse effect on the development potential of the site (reducing the number of rooms on the site).
- 8.19 The applicant is not prepared to amend the application to accommodate a footway widening. On balance, officers do not consider that, in the current circumstances, the potential benefits associated with such a widening are so substantial as to warrant the appropriation of private land for this purpose. At 2.8m, the existing footway width is considered adequate and does not form a 'pinch-point' along the street. The resultant pedestrian sight lines are considered acceptable and amendments to the proposed scheme have been secured that should help prevent the resultant corner in the footway from being misused. This space would be next to the proposed hotel lobby which would be open 24 hours a day and windows have been introduced at all levels of the narrow southern elevation to introduce natural surveillance).

Trip Generation and Impacts

- 8.20 London Plan Policies 6.9, 6.11 and 6.13 encourage cycling and walking and seek to manage the provision of car parking spaces. Core Strategy SP09 seeks to ensure new development has no adverse impact on the safety and capacity of the road network and promotes schemes that minimise on-site and off-site car parking provision, particularly in

areas with good access to public transport. Policy DM20 in the Managing Development Document makes clear that development needs to be located appropriately, demonstrate that it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the network directing development that generates a higher number of trips to town centre locations.

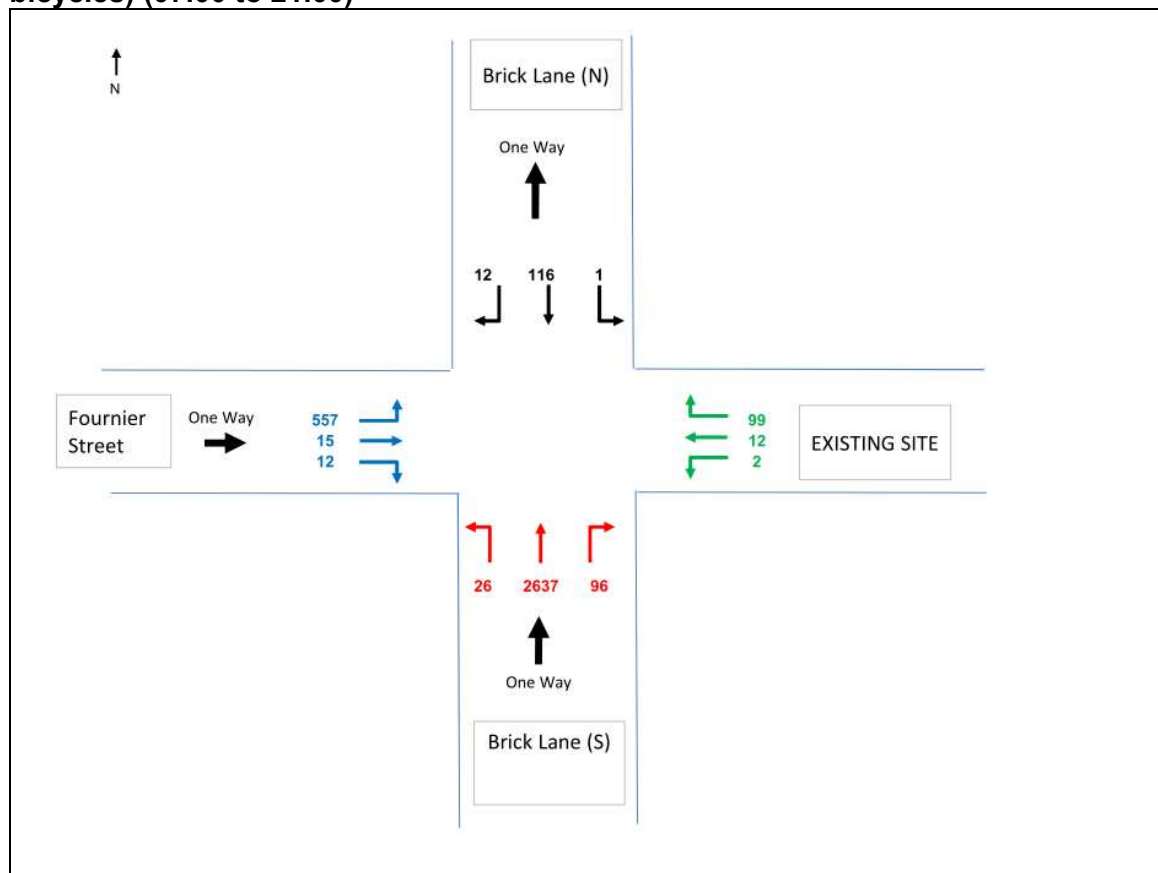
8.21 The site currently accommodates a small supermarket a travel agency (about 1,300sqm) and off-street car parking for approximately 13 cars. The applicant has submitted supplementary information in the form of Existing Traffic Flows and Revised Trip Rates (27 May 2013). This note sets out the findings of a survey of all vehicles at the junction formed by the site access point, Brick Lane and Fournier Street on Wednesday 22 May (between 07.00 and 21.00). The results of this survey are set out in Table 3 below.

Table 3: Existing Total Vehicle Trips to/from Site (07.00 to 21.00)

Mode	Into Site	Out from Site	2-way Flows
Car	89	91	180
Taxi	2	1	3
Light Goods Vehicles (LGV)	8	8	16
Other Goods Vehicles (OGV)	5	5	10
Motorbike	3	2	5
Bicycle	5	6	11
Total	112	113	225

8.22 The note also sets out information on the direction of these movements, which are summarised in Figure 1 below.

Figure 1: Total Vehicle Trips at the Brick Lane/ Fournier Street Junction (including bicycles) (07.00 to 21.00)



8.23 Table 3 and Figure 1 above demonstrate that the site currently generates 225 two-way vehicle trips per day, including 26 goods vehicle movements. They also show that 15 vehicles (11x cars, 1 x LGV and 2 bicycles) travelled down Fournier Street to access the

site. Significantly, the survey also shows that 12 vehicles (10xcars, 1 x LGV and 1 bicycle) left the site by driving the wrong way up the one-way (eastbound) Fournier Street. This means that the site currently generates a total of 27 vehicle trips per day along the stretch of Fournier Street between Brick Lane and at least Wilkes Street (the first opportunity that vehicles travelling the wrong-way west bound would have to exit the street). This figure is 24 vehicle trips, excluding bicycles.

8.24 The proposed hotel would have no off-street car parking spaces (a reduction of 13 spaces) and is located in an area with 'excellent' public transport accessibility. The Existing Traffic Flows and Revised Trip Rates (4 June 2013) and submitted Transport Statement estimates the following two-way trips to and from the site between 07.00 and 24.00 (17 hours):

Table 4: Proposed Hotel Modal Split (excluding servicing)

Mode	Modal Split	Trips		
		In	Out	2-way
Car drivers	1.4%	9	8	18
Taxi	5.5%	42	31	73
Bus	5.8%	41	37	78
Car Passenger	1.1%	8	7	15
Coach*	0.0%	0	0	0
Rail	17.1%	120	108	228
Underground	25.2%	176	158	334
Walk	43.8%	305	275	580
Pedal Cycle	0.0%	0	0	0
Motor Cycle	0.0%	0	0	0
Total	100.0%	701	625	1,326

*As the hotel is not expected to attract coach parties, coach trips from the TRAVL database have been equally distributed to Rail and Bus.

8.25 The above demonstrates that the proposed hotel is likely to generate 91 two-way car and taxi trips per day. As discussed below, the applicant estimates that the hotel would generate at worst 4 service vehicle trips per day (8 two-way movements). This takes the estimated number of car/van/lorry two-way movements over a 17 hour day to 99. This is compared with the existing 209 car/van/lorry movements per day that take place at present (14 hour period – current opening hours). In other words, there is likely to be a halving of car/van/lorry movements per day if the proposed development takes place. Whilst such a reduction in movements is relatively small given the total number of movements along Brick Lane, officers consider this to be a positive aspect of the proposal.

8.26 There is some local concern that the proposed hotel/shop would generate additional traffic along Fournier Street. Set out below are three scenarios that have been identified by the applicant for the proportion of expected traffic movements that would use Fournier Street: 100%, 50% and 33%. It should be noted that, these figures are based on estimated in-bound vehicles only for guests of the proposed hotel on the basis that (1) the very small retail unit would not attract customers by car other than passing trade; (2) servicing vehicles to both the proposed hotel and the retail unit would not use Fournier Street (something which could be controlled by way of the recommended Service Management Plan) and (3) the geometry of the Fournier Street/Brick Lane junction means that it is unlikely that cars/taxis which drop-off/pick-up at the proposed hotel would then travel up Fournier Street the wrong way.

- 100% of in-bound taxi/cars use Fournier Street - 51, compared with 24 at present (an increase of 27 vehicles);
- 50% of in-bound taxi/cars use Fournier Street – 25 vehicles compared with 24 at present (an increase of 1 vehicle); and

- 33% of in-bound taxi/cars use Fournier Street – 17 vehicles compared with 24 at present (a decrease of 7 vehicles).

- 8.27 It is difficult to say which routes traffic would use to access the site in the future. The applicant considers that the 33% scenario is the most likely. Officers consider that the use of Fournier Street could be attractive for people travelling from central, west and north London (a point made by Spitalfields Community Group) and that the majority of cars/taxis could use it to access the proposed hotel. If this were the case, the applicant estimates that somewhere between 1 and 27 extra cars/taxis a day would be likely to use this street.
- 8.28 The applicant's survey of existing traffic movements associated with the site demonstrates that some vehicles leave the site and travel the wrong way up Fournier Street (at least as far as Wilkes Street). The existing car park with an access directly opposite Fournier Street is considered by officers to be the main reason for this, as it is tempting for some drivers to make this manoeuvre to avoid entering the Brick Lane one-way system. However, local people have referred to Council refuse lorries also making this manoeuvre on occasion. The proposed development would not have a car park opposite the end of Fournier Street. Whilst a delivery bay would be located on the Brick Lane frontage, officers are satisfied that a Service Management Plan (discussed below) could prevent service vehicles servicing the hotel/shop from travelling the wrong way up Fournier Street and indeed from using the street at all. As outlined above, officers consider that the geometry of the Fournier Street/Brick Lane junction means that it is unlikely that cars/taxis which drop-off/pick-up at a hotel would then travel back up Fournier Street the wrong way.
- 8.29 Given this, the potential increase in traffic along Fournier Street would, in the worse case, be about 27 extra vehicles a day. LBTH Transport and Highways has not raised any concerns about highway/junction capacity or road safety issues and officers do not consider that such a level of increase would justify the refusal of planning permission.
- 8.30 Officers accept that, subject to consultation with residents and businesses, there may be opportunities to carry out limited highway works and/or better enforce current traffic regulations to reduce any misuse of the Fournier Street/Brick Lane junction as a turning circle and to reduce incidents of vehicles travelling up the street the wrong way. It is recommended, therefore, that funding of £100,000 is secured by way of a s.106 agreement to fund possible further traffic management/calming measures.
- 8.31 Objections from the Spitalfields Community Group and the petition from residents of Fournier Street raise concerns about traffic impacts and call for a locked gate to be installed at the end of this street to stop it being used as a turning circle for servicing/construction vehicles and a 'rat run' for taxis and cars to this the proposed development and to stop vehicles travelling the wrong way up a one-way east-bound street. Any closure of a public highway would need to be made under the Highway Acts, following due consideration of traffic and highway issues and consultation with local residents, businesses, emergency services and other.

Access and servicing

- 8.32 Policy DM21 in the Managing Development Document makes clear that development that generates a significant number of vehicle trips will need to demonstrate how, amongst other things, the impact on the transport network and amenity would be avoided, remedied or mitigated through Construction Management and Logistics plans and Delivery and Servicing plans.
- 8.33 The Existing Traffic Flows and Revised Trip Rates (4 June 2013) estimates that a total of 6 service and delivery trips per day are expected for the hotel (3 in-bound and 3 out-bound). Deliveries are expected to be made by a 7.5 tonne box van would be used for deliveries and refuse picked up by a medium sized commercial refuse vehicle. This note also

identifies the proposed small shop as generating 3 or 4 trips a week (6 to 8 trips two-way movements per week) using a LGV which could make use of existing loading bay on Brick Lane. In the worse case, the proposed development as a whole could generate 8 two-way service movements per day. Whilst this is a relatively modest number of servicing trips, Brick Lane is one-way north bound at this point and the site is directly opposite the end of Fournier Street. The submitted Transport Statement includes swept path analysis that demonstrates that the expected vehicles could back in to the proposed delivery bay (against the flow of traffic) and drive out in a northerly direction within the confines of the Brick Lane carriageway and without having to use Fournier Street (although it should be noted, as Identified by Transport and Highways, a medium refuse vehicle would oversail the footway on the northern side of Brick Lane).

- 8.34 Comments from Transport for London reinforce the concern that if off-street servicing space is provided, then vehicles should be able to enter and exit the highway in forward gear. It is not possible to design an off-street delivery bay here that allows for this. In this sense, officers accept that the proposal represents a compromise that should not be taken forward as a precedent. However, on balance, the provision of an off-street delivery bay (as permitted previously as part of the extant planning permission for a hotel on this site) is considered beneficial and preferential to the alternative on-street servicing with goods being trolleyed across the footway.
- 8.35 It is recommended that a planning condition is attached to any permission which requires a Service Management Plan to be submitted to and approved by the Council before an approved hotel/shop is first brought in to use. This should include detailed servicing arrangements, including times of deliveries/refuse collection (avoiding peak periods), vehicle sizes and routes and the need for a banksperson to safely see vehicles in and out of the delivery bay. The desire to avoid servicing during pedestrian peak periods would need to be balanced against the desire to ensure that servicing does not take place at times that would disturb local residents (or indeed hotel guests).

Coaches

- 8.36 The Council's hotel coach parking standards are set out in Appendix 2(1) of the Managing Development Document. These call for 1 space per 100 bedrooms.
- 8.37 No off-street coach parking is proposed, although the applicant has identified potential on-street coach parking spaces on Commercial Street. The proposed hotel is designed as a 'boutique budget' hotel (with relatively small rooms and limited amenities and facilities). The applicant has stated that this business model does not lend itself to group bookings, which would reduce the likelihood of coach parties arriving/departing, and has made clear that it would accept a planning condition preventing coaches from accessing the proposed hotel. Officers consider that such a condition would be difficult to enforce and recommend, instead, that any permission is subject to a legal agreement that prevents a hotel from accepting coach party bookings or promoting group bookings. This is considered the most effective and practical way of discouraging coach use.

Car parking

- 8.38 The Council's car parking standards are set out in Appendix 2(1) of the Managing Development Document. These do not allow for any off-street parking for small retail uses and provide for a maximum of 1 car parking space per 15 bedrooms.
- 8.39 The lack of any proposed general off-street car parking is in line with policy and is welcome. The lack of any convenient car parking spaces for disabled guests is regrettable, but officers accept that it would not be possible to satisfactorily accommodate a 'blue badge' parking space on-site given the proposed servicing arrangements. However, the applicant has confirmed that an operator would manage the hotel to allow disabled guests

to be dropped-off and picked-up using the proposed delivery bay (if necessary). This is considered acceptable.

Cycle Parking

- 8.40 The Council's cycle parking standards are set out in Appendix 2(1) of the Managing Development Document. These call for a minimum of 1 space for every 10 members of hotel staff, together with 1 space for every 15 hotel guests, and 1 space per 125sqm of retail space.
- 8.41 The proposed hotel would provide 189 guest bedrooms and (based on assumptions in the Council's adopted Planning Obligations SPD) this and the proposed small retail unit would employ 64 FTE members of staff and could accommodate up to 378 guests. This generates a requirement for 25 guest spaces and 8 spaces for staff (33 in total). However, as highlighted in the submitted Transport Statement, the site is well served by Barclays Cycle Hire stations and officers consider that many guests that want to cycle would hire a bicycle from one of these stations. Given this, officers consider that it would be reasonable to provide 13 guest spaces in this case.
- 8.42 The proposals have been revised to provide 11 Sheffield stands at ground floor level close to the hotel reception providing 22 spaces for guests/hotel and retail staff. An additional 17 cycle parking spaces are proposed at lower ground level for staff, close to staff showers and changing facilities. The overall level of cycle parking (39) is considered acceptable and the shower/changing facilities for staff are welcome.

Travel Planning

- 8.43 Policy DM20 in the Managing Development Document states that where significant transport impacts have been identified, development will be expected to provide a Travel Plan. London Plan Policy 6.3 supports the use of Travel Plans to help reduce the impact of development on the transport network.
- 8.44 The submitted revised Travel Plan (which the applicant accepts comprises a 'Travel Plan Framework') sets out the context in which the transport needs of the proposal can be accommodated and encourages sustainable transport choices by staff and visitors. TfL has confirmed that the Plan passed its ATTrBuTE assessment.
- 8.45 Officers consider that further consideration would need to be given to some topics that are identified in the proposed Framework (including the need for further consideration to be given to coach parties and disabled visitors and co-ordination). However, these can be picked up and elaborated on in a full Travel Plan that would be developed and implemented following planning permission being granted. Officers therefore recommend that the implementation of an approved full Travel Plan is secured by way of a planning obligation

Construction

- 8.46 Policy DM21 in the Managing Development Document seeks to avoid or mitigate any significant number of vehicle trips for materials during the construction phase.
- 8.47 Some local people have raised concerns about adverse impacts on traffic during the demolition/construction phase. It is recommended that a planning condition is attached to any permission requiring the submission and approval of a Construction Management Plan (CMP) before works commence. This should include details of proposed lorry routes and restrict the use of Fournier Street for construction traffic.

Design

Scale, design and appearance

- 8.48 Policy SP10 of the Core Strategy seeks to ensure buildings are of a high quality design and Policy SP12 and Annex 9 (Delivering Place Making) provides guidance for each of the 24 identified places in the Borough. This includes establishing a Vision and a number of Priorities and Principles for Spitalfields. The Vision for Spitalfields is as follows:

A historic gateway to the vibrancy of Spitalfields Market, Trumans Brewery and Brick Lane Spitalfields will continue to be a vibrant, diverse and mixed use area. It will continue to be characterised by its diverse ethnic communities and its specialist offer in fashion, arts and restaurants.

Development in Spitalfields will be sensitive and responsive to the mixed use, fine urban grain character that defines the places in the city fringe. It will conserve the historic fabric and enable the integration of new development to reinforce this unique townscape.

Improving Spitalfield's network of streets and spaces will open up access to its many attractions including Banglatown, Brick Lane Market, Bishops Square and Christ Church.

- 8.49 Policy DM24 in the Managing Development Document calls for place-sensitive design and requires new development to be high quality takes account of and responds positively to its context and Policy DM26 seeks to ensure that taller buildings respond positively to their context and address various criteria. London Plan policies 7.5 and 7.6 call for new development to respect local character and be of the highest architectural quality.
- 8.50 This is a strategically important and sensitive site which closes the vista from the west along Fournier Street, one of the most important Georgian Streets in the country, and affects the setting of the Grade II* Listed London Jamme Masjid mosque at No. 59 Brick Lane and the Grade II Listed commercial/residential building at No. 57 Brick Lane.
- 8.51 The proposed Brick Lane facade as originally submitted was a variation on a rather triumphalist design of Portland Stone and glass that has been permitted in the past. This proposal attracted a number of objections from English Heritage, local individuals and local organisations and officers considered that the opportunity should be taken to secure a more appropriate and higher quality design solution. Following research, consideration by CADAP and informal discussions with English Heritage, the Spitalfields Trust, Spitalfields Community Group and others, the applicant has submitted a totally revised proposed facade for Brick Lane.
- 8.52 The revised design draws references from the 'quiet' Georgian houses of Spitalfields (including Fournier Street) and the Russian Vapour Baths that formally occupied the site. The facade would be seven windows wide (with the central window being 'blind'), with window sizes and proportions being similar to those found in the Fournier Street, although they would comprise clear double glazed aluminium framed units. The facade would be built in a yellow stock brick with red brick arches above the windows. The large gates to the delivery bay would be in timber, as would the two shopfronts, and the pitched roof above would be in slate. Officers consider that the proposal as revised would heal a scar in the townscape caused by the current surface level car park and would present a well-considered and appropriate facade to Brick Lane. The revised proposed Brick Lane facade has also been generally well received by CADAP, English Heritage and the Spitalfields Trust.

Figure 2: Proposed West (Brick Lane) Elevation



- 8.53 The north and south facades would be in a mixture of yellow stock brick and white render, which officers consider acceptable.
- 8.54 Given the sensitivity of the site, it is important to ensure that the details of the proposed Brick Lane frontage are to the highest standard. This is a point made by a number of consultees, including the Spitalfields Trust. The applicant has identified a number potential high quality bricks for the use on this frontage. The samples that were discussed at the CADAP meeting on 13 May were: Freshfield Lane Brickworks- selected darks (3 brick mix), dark yellow Vande Moortel Nature 7 and Charnwood Hampshire red brick for gauged arches. Officers welcome the identification of these high quality bricks. However, it is recommended that full details of brick bond and mortar type and colour are reserved for subsequent approval. It is also recommended that details of window frames, shopfronts and the type of timber and finish of proposed solid wooden gates on the Brick Lane frontage are reserved by condition.
- 8.55 It is proposed to incorporate a non-illuminated sign on the Brick Lane frontage, between the third floor and fourth floor windows. This would comprise individual metal letters, spelling out the words 'SPITALFIELDS HOTEL'. Officers have encouraged the inclusion of these details in the planning application, so that the Council can take account of this proposal at this stage – although it should be noted that the proposed sign would need to be the subject of an Advertisement Consent application in due course. Officers consider that such a sign would represent an attractive and appropriate feature on this façade. It is recommended that a condition ensures that no external lighting is located on the building above shopfront level, to ensure that any sign remains non-illuminated.

Inclusive Design

- 8.56 London Plan Policy 7.2 calls for the creation of an inclusive environment based on the principles of accessible and inclusive design and London Plan Policy 4.5 requires at least 10 per cent of hotel bedrooms to be wheelchair accessible. Policy DM24 of the Managing Development Document seeks to ensure that internal design and layout of development maximises comfort and usability for occupants.
- 8.57 As discussed above, the hotel would include 20 larger wheelchair accessible bedrooms, in excess of the 10% minimum required by policy. All rooms are accessed by lift and stairs. The submitted Design and Access Statement sets out how entrances, the reception area, breakfast area and WCs would be designed to meet Part M of the Building Regulations and how physical provision (refuge areas etc) and management arrangements would ensure effective means of escape for disabled people. The lack of an on-site accessible car parking space is discussed under the Transport heading above.

Security and Community Safety

- 8.58 Policy DM23 in the Managing Development Document seeks to ensure that development is well-connected with the surrounding area. Amongst other things, it calls for development to improve safety and security by locating entrances in visible, safe and accessible locations, creating opportunities for natural surveillance and avoiding the creation of concealment points. London Plan Policy 7.3 seeks to ensure that new development designs out crime.
- 8.59 The proposed hotel entrance and small retail unit on the Brick Lane frontage introduce an active frontage to the street. Following revision, the proposal also incorporates windows at ground and upper floors of the narrow southern elevation that stands forward of buildings to the east by approximately 1.6m. Revisions also introduce solid gates to the proposed delivery bay. These elements should help ensure that the proposal makes a positive contribution to the street and help design out anti-social behaviour.
- 8.60 The proposed hotel requires a means of escape out onto the Brick Lane footway. The doors to this means of escape have to open outwards and to prevent the doors opening out onto the footway itself (which is public highway); the doors are proposed to be recessed approximately 0.5m from the building line. Officers have sought to reduce the depth of this space to the minimum necessary. Nevertheless, it could be a problematic space. In order to reduce potential anti-social behaviour, it is recommended that should permission be granted, a planning condition requires the installation and maintenance of a ceiling light to light the recessed area.

Heritage

- 8.61 As outlined above, this is a strategically important and sensitive site. The redevelopment of this site provides an opportunity to significantly improve the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

Los of existing building

- 8.62 Policy SP10 in the Core Strategy seeks to protect and enhance heritage assets. Policy DM27 in the Managing Development Document sets out criteria for the acceptability of demolition in conservation areas, making clear that proposals for the demolition of a such assets will only be considered under exceptional circumstances where the public benefit of demolition outweighs the case for retention against the following criteria:
- 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.

- 8.63 The proposal would result in the loss of an existing post war retail shed type structure which has no historical or architectural merit. The building, car parking area and signage along Brick Lane are considered to have a negative impact on the character of the Brick Lane and Fournier Street Conservation Area. There have been no objections to the demolition of the building and its loss would facilitate the development of a building that officers consider would make a positive contribution to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings. As such, the proposal satisfies Policies SP10 and DM27. In this case, officers do not consider that there is a need to prevent demolition until a contract is signed for the proposed replacement building. However, they do recommend that a condition secures prior approval of a scheme setting out the proposed treatment and use of the site following the demolition of the existing building pending the erection of the permitted building.

Impact on Character of Brick Lane and Fournier Street Conservation Area and Listed Buildings

- 8.64 Core Strategy policy SP10 and policy DM27 of the Managing Development Document require development to protect and enhance the borough's heritage assets (including Conservation Areas and Listed Buildings), their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'. Similar policy objectives are included in London Plan policy 7.8.
- 8.65 The existing building, associated signage and prominent surface car parking area are considered to have a negative impact on the character and appearance of the Brick Lane and Fournier Street Conservation Area. As outlined above, officers consider that the proposal as revised would be of suitable high quality for this important site.
- 8.66 The site closes the vista from the west along the entire length of Fournier Street. Whilst the proposal is generally considered to be an appropriate stop to this important view, it would, obscure an existing view of the Truman's Brewery chimney. However, historically, the view of this chimney would have been similarly obscured by the Russian Vapour Baths building that used to occupy the site. Officers consider that the proposal as a whole would significantly enhance the character and appearance of the Conservation Area and that views of the chimney would continue to be enjoyed from other vantage points. Given this, officers consider that the resultant obscuring of this view of the chimney would be acceptable.
- 8.67 Given the above, officers consider that the proposed development would have a positive impact on the character and appearance of both the Conservation Area and the setting of nearby Listed Buildings at Nos. 57 and 59 Brick Lane and would accord with Policies SP10 and DM17 and London Plan Policy 7.8.

Archaeology

- 8.68 Core Strategy policy SP10 and policy DM27 of the Managing Development Document make clear that the Council wishes to safeguard archaeological heritage and require an archaeological evaluation report for proposed development that lies in or adjacent to Archaeological Priority Areas. Similar policy objectives are included in saved UDP policy DEV43 and London Plan policy 7.8.
- 8.69 The submitted Historic Environment Assessment reports on a desk-based study on the likely impact the proposal would have on buried heritage assets. This concludes that the site has an uncertain but probably low potential to contain archaeological remains dated to

the prehistoric Roman and early medieval periods and that isolated residual artefacts dating to these periods would be of low significance. It goes on to report that the site has moderate potential to contain archaeological remains dated to the later medieval period, but that remains of medieval quarrying or agriculture would be of low significance. Finally, it states that the site has high potential to contain archaeological remains of the post-medieval Period, including the potential for the remains of a brewery building, shown in the southern half of the site on late 19th century maps, and a late 19th/early 20th century Russian Vapour Baths. However, it notes that remains are likely to be of low significance.

- 8.70 Some local people have raised the importance of the former Russian Vapour Baths in terms of the history of the area and of preserving any archaeological remains. The submitted Assessment identifies any such remains as of low significance that does not warrant preservation in situ and officers agree. English Heritage has recommended that a planning condition should be attached to any permission in order to secure the implementation of a programme of archaeological work. Officers agree and it is recommended that such a condition is attached to any permission.

Amenity

Daylight /Sunlight Access

- 8.71 Core Strategy policy SP10 and policy DM25 of the Managing Development Document seek to protect and where possible enhance residential amenity (including not allowing an unacceptable material deterioration of the sunlighting and daylighting conditions).
- 8.72 The submitted Daylight and Sunlight Report (as supplemented by additional information), sets out an assessment of the impact that the proposal (as revised) would have on the daylight and, where appropriate, sunlight received at homes in 13 properties that surround the site. Following comments received in response to the first round of consultation, this includes flats on the upper floors of Nos. 82-84 Brick Lane. The results of this assessment are summarised below.
- 8.73 The Building Research establishment (BRE) Guidelines 'Site Layout Planning for Daylight and Sunlight' set out the relevant criteria and methodology. This includes the following methodologies that have been used in the assessment:
- Vertical Sky Component (VSC) – the measure of the amount of skylight at the outside of a window. The Guidelines states that if the VSC at a window is less than 27% and less than 0.8 times its former value, the diffuse daylight would be adversely affected;
 - No Sky Line (NSL) – assesses the change in position of the No Sky Line between the existing and proposed situations;
 - Annual Probable Sunlight Hours (APSH) – calculates the annual probable sunlight hours for windows that face within 90degrees of due south. The Guidelines seek to maintain 80% of existing sunlight

48 Prinacleet Street

- 8.74 All of the windows tested meet BRE Guidelines in respect of VSC, NSL and APSH

1 Huguenot Place

- 8.75 Four of the 18 windows tested would experience a greater than 20% reduction in VSC, but would be only just below the recommended minimum level of 27%. Sunlight test not relevant.

5, 5A and 5B Heneage Street

- 8.76 All of the windows tested meet BRE Guidelines in respect of VSC, NSL and APSH and APSH. The Report also outlines an assessment of existing non-residential windows for these properties which found that the windows tested also met the Guidelines.

- 76, 78 and 80 Brick Lane
- 8.77 All of the windows tested meet BRE Guidelines in respect of VSC, NSL and APSH.
- 88 Brick Lane*
- 8.78 Five of the 6 windows tested would experience a greater than 20% reduction in VSC, with resultant levels being between 17.74% and 23.91%. There would be only small reductions in the NSL. Overall, the assessment finds that these windows would retain good daylight levels and that impacts would be acceptable. Officers agree. Sunlight test not relevant.
- 90 Brick Lane*
- 8.79 Two of the 6 windows tested would experience a greater than 20% reduction in VSC, with resultant levels being between 25.24% and 24.43%. There would be only small reductions in the NSL. Overall, the assessment finds that these windows would retain good daylight levels and that impacts would be acceptable. Officers agree. Sunlight test not relevant.
- 92 Brick Lane*
- 8.80 One of the 7 windows tested would experience a greater than 20% reduction in VSC, but at 21.43% this loss would be only marginally greater than allowed for in the Guidelines. There would be only small reductions in the NSL. Overall, the assessment finds that these windows would retain good daylight levels and that impacts would be acceptable. Officers agree. Sunlight test not relevant.
- 57 Brick Lane*
- 8.81 One upper floor residential window would experience a greater than 20% reduction in VSC, but at 22.84% this loss would be only marginally greater than allowed for in the Guidelines.
- 53 and 55 Brick Lane*
- 8.82 All of the residential windows tested meet BRE Guidelines in respect of VSC, NSL and APSH.
- 8.83 The Report demonstrates that the proposal would have no adverse impact on the majority of windows within surrounding residential properties. There would be some transgressions of the VSC and NSL Guidelines at 18 relevant windows, but these are considered acceptable in a densely built up area such as Brick lane. All relevant windows would retain excellent sunlight levels. Officers consider these impacts to be acceptable and that the proposals comply with Core Strategy Policy SP10 and policy D25 of the Managing Development Document.

Privacy and Outlook

- 8.84 Core Strategy policy SP10 and policy DM25 of the Managing Development Document seek to protect and where possible enhance residential amenity (including not resulting in the loss of privacy, nor enable an unreasonable level of overlooking or unacceptable increase in the sense of enclosure or loss of outlook).
- 8.85 The applicant has held detailed discussions with some adjoining occupiers and the orientation of hotel bedrooms in the proposal would result in a much better relationship with surrounding homes than the consented scheme. The proposal also incorporates short screens to some of the proposed hotel windows at second to fourth floors in order to manage the relationship with the existing artist studio at Nos. 5A, 5B and 5C Heneage Street.
- 8.86 A resident of a flat on the south side of Heneage Street has objected to the proposal on the grounds that it would adversely affect the outlook from their home. The proposed development would be visible from a number of surrounding residential properties, including some on the south side of Heneage Street. However, officers do not consider

that the proposed building would have an unacceptable adverse impact on local people's outlook (as opposed to a particular view).

- 8.87 Officers consider that the proposal would safeguard the privacy of adjoining residents (and businesses) and comply with policy SP10 and Policy DM25.

Noise (Quality of proposed development)

- 8.88 The submitted Noise Assessment identifies hotel bedrooms as noise sensitive areas. LBTH Environmental Health officers are not confident that the proposed bedrooms would meet the "good" design standard as set out in BS8233. If permission is granted, it is recommended that a condition requires the details of glazing and ventilation to be submitted to and approved by LBTH to ensure a satisfactory internal noise environment.

Noise (Impact on Neighbouring Residents)

- 8.89 Core Strategy policy SP10 and policy DM25 of the Managing Development Document seek to protect and where possible enhance residential amenity (including not allowing unacceptable levels of noise during construction or operation). London Plan policy 7.15 seeks to minimise potential adverse noise impacts arising from new development
- 8.90 The proposal incorporates some areas of plant at roof level (including air conditioning and air handling units and CHP enclosure). The Submitted Noise Assessment includes the findings of a noise survey to establish existing background noise levels in the area. The Council requires cumulative plant noise to be 10dB below existing background noise levels. The Assessment indicates that this is achievable. However, it notes that in the event that suitable plant source noise emission levels cannot be achieved, an 1.8m high three sided enclosure may be used to provide additional screening (likely to provide up to 10dB reduction in plant noise). It is therefore recommended that, should permission be granted, a condition requires that before an approved hotel is first brought into use, detailed results of a noise survey measuring the operation of the plant working at full capacity are approved in writing by the Council.
- 8.91 In order to manage noise associated with a permitted development, it is recommended that the opening hours of the A1/A2 unit are restricted to 08.00am to 11.00pm (Monday to Sunday).
- 8.92 Demolition and construction are likely to cause some disturbance to the occupiers of neighbouring properties. It is recommended that such likely impacts are managed by attaching a condition to any permission restricting demolition and construction works to between 08.00 and 18.00 Monday to Fridays and 08.00 to 13.00 Saturdays only. It is also recommended that a condition be attached requiring the submission of a Construction Management Plan.

Energy and Sustainability

Energy

- 8.93 Policy DM29 in the Managing Development Document 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. It also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. Policy SP11 in the Core Strategy requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation where feasible. The London Plan also contains a number of relevant policies, including policies 5.2 and 5.6.

- 8.94 The submitted Environmental Performance Statement outlines the passive design features that have been used to reduce energy demand (the 'lean' element of the energy hierarchy). These include the specification of the external envelope and fenestration, the use of ventilation heat recovery, high efficiency lifts, low energy lighting and low energy motors. Together these measures are predicted to reduce total carbon dioxide emissions by around 18.1% when compared to the 'Baseline' emissions.
- 8.95 The applicant has considered the possibility of connecting to an existing district heating network, but no viable options have been identified. The applicant is proposing delivering space heating by Air Source Heat Pumps (ASHPs) and hot water requirements by way of gas fired Combined Heat and Power (CHP). The ASHPs would provide heating and cooling to guest rooms. A separate heat pump boiler would use rejected waste heat from the refrigeration circuit to provide pre-heating of the domestic hot water system. The CHP and boiler plant would top up the heat as necessary
- 8.96 The applicant has considered a variety of potential renewable energy technologies (including biomass, photovoltaic panels, solar hot water heating, wind turbines and Ground Source Heat Pumps), but has rejected them all for a variety of technical, environmental and viability reasons.
- 8.97 The applicant has submitted additional details to justify the use of separate systems for space heating (ASHP) and hotwater (CHP). Given the small energy loads associated with space heating compared to hotwater, the requirement of the ASHP to provide the cooling requirements, and the CO2 emission reductions exceed policy DM29 requirements (>35%) and this approach is considered acceptable in this specific instance. It is recommended that the delivery of the proposed energy strategy and confirmation that all uses within the hotel (rooms, kitchen, breakfast area, offices etc) and retail unit would be connected into a single site-wide hot water network and CHP plant in a single energy, thus facilitating possible future connection to a decentralised energy network or use of on-site low carbon sources are secured by way of planning condition(s).

BREEAM Rating

- 8.98 Policy DM29 in the Managing Development Document states that sustainable development assessment tools will be used to ensure that climate mitigation features are maximised, with justifying text referring to BREAAAM 'Excellent' for non-residential buildings. London Plan policy 5.3 has similar objectives.
- 8.99 The submitted Environmental performance Statement demonstrates how the development would achieve an Excellent rating, when considering available and achieved credits in relation to management, health and wellbeing, energy, transport, water, materials, waste, land use and ecology, pollution and innovation. This is welcome and it is recommended that the achievement of a BREEAM Excellent building is secured by way of a planning condition, requiring BREEAM Certificates to be submitted to the Council to demonstrate that it has been delivered

Biodiversity

- 8.100 Policy DM11 in the Managing Development Document requires developments to provide elements of 'living buildings'. London Plan Policy 5.11 encourages green roofs.
- 8.101 The scheme as revised incorporates proposals for five biodiversity planting boxes at roof level. This is welcome and it is recommended that a condition is attached to any permission requiring details of these areas to be submitted to and approved by the Council before construction begins

Other Issues

Crossrail Safeguarding

- 8.102 London Plan Policy 6.2 makes clear that development proposals that do not provide adequate safeguarding for rail schemes (including Crossrail) should be refused.
- 8.103 The site is within the limits of land subject to consultation under the Crossrail Safeguarding Direction. The Crossrail project has asked that the Council attach a condition to any planning permission ensuring that no development shall commence until detailed design and method statements for all ground floor structures, foundations and basements and any other structures below ground (including temporary and permanent piling) have been submitted to and approved by the LPA.
- 8.104 The Council is obliged to give effect to this request and impose such a condition on any permission unless it has good reason not to and justifies its position by providing written material to the Secretary of State under paragraph 6 of the Crossrail Safeguarding Direction. Officers recommend that a condition is attached to any permission as requested.

Air Quality

- 8.105 Core Strategy policy SP10 and policy DM25 of the Managing Development Document seek to protect and where possible enhance residential amenity (including not allowing unacceptable levels of odour or fumes or dust during construction or operation).
- 8.106 The proposed hotel includes a kitchen to provide breakfasts. LBTH Environmental Health officers have requested that suitable extract/odour abatement equipment (including any ducting) is incorporated and if permission is granted, it is recommended that a condition requires details to be submitted to and approved before the permitted uses are brought into use.
- 8.107 Dust could be created during the demolition/construction phase and if permission is granted it is recommended that conditions are imposed that limit hours of construction activity and ensure that it is carried out in accordance with an agreed Construction Management Plan.

Planning Obligations

- 8.108 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 meet the following tests:
- (a) The obligation is necessary to make the development acceptable in planning terms;
 - (b) The obligation is directly related to the development; and
 - (c) The obligation is fairly and reasonably related in scale and kind to the development.
- 8.109 Policy SP13 of the adopted Core Strategy says that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.110 The amounts have been negotiated taking account of the adopted Planning Obligations SPD and heads of terms are set out below.

Non-financial Contributions and Obligations

Local employment and goods and services

- 8.111 In accordance with CS Policy SP07 and the Planning Obligations SPD, it is recommended that planning obligations secure the use of reasonable endeavours to ensure that 20% of the construction phase workforce are Tower Hamlets residents and that a target of 20% of goods and services procured during the construction phase are from businesses within the borough (noting that this may prove difficult to achieve for such a specialist building). It is also recommended access to employment initiatives for construction through 20% of non-technical total operational jobs to be advertised through the Council's job brokerage service and an introduction to the hotel operator prior to occupation and provide Skillmatch with information on all non-technical hotel vacancies prior to general release. Finally, it is recommended that apprenticeships be secured during the operational phase.

Financial Contributions

Employment and skills training

- 8.112 Core Strategy Policy SP07 seeks, amongst other things, to support developments that promote local enterprise and the employment and skills training of local residents. The Council's Planning Obligations SPD includes employment densities for budget hotels of 1 job per 3-bedrooms and 1 job per 24sqm of retail space (small shops). Using these employment densities, it is estimated that the proposals could generate up to 64 FTE full-time jobs. Based on the formula set out in the SPD, it is recommended that a financial contribution of **£9,193** is secured to help train and develop unemployed residents in Tower Hamlets.
- 8.113 Based on the provisions of the Planning Obligations SPD, it is recommended that a financial contribution of **£13,226** be secured to help support and provide training for local residents in accessing job opportunities during the construction phase.

Libraries and Ideas Stores

- 8.114 In line with the Planning Obligations SPD, it is recommended that a contribution of **£1,091** is secured towards improvements to Idea Stores and Libraries. The proposed development would increase demand on these services and there is a need to development these facilities further to align with population growth.

Sustainable Transport

- 8.115 In line with the Planning Obligations SPD, it is recommended that a financial contribution of **£750** is secured towards the provision of a sustainable transport network within the Borough.

Public Open Space

- 8.116 The Planning Obligations SPD seeks financial contributions towards the costs of improvements to public open space based on the number of employees plus the number of guests and the assumption that each hotel room is occupied by 2 guests and that all rooms are fully booked at all times (the worse case scenario in terms of impact). This assumption would generate 387 guests and employees and the need for £310,544. The applicant and Whitbread, the intended operator, have stated that, given the format of the proposed hotel, the projected occupancy is likely to be less than this maximum and more like 1.2 persons per room for 80% of the time. The SPD is guidance and officers consider that, in this case, it would be reasonable to secure a reduced contribution of **£200,000** towards the provision of improvements to public open space in the Borough.

Leisure

- 8.117 Based on the employment densities in the Planning Obligations SPD, it is estimated that

the proposals could generate up to 64 FTE full-time jobs and that the existing supermarket employs 14 FTE full-time jobs (a net gain of 50). These additional employees would place additional burdens on leisure facilities and warrant a financial contribution of **£3,743**.

Possible further Traffic Management/calming Measures for Fournier Street

- 8.118 Representations from local people and traffic data submitted by the applicant have revealed a degree of misuse of Fournier Street, including some vehicles travelling along the one-way east-bound street the wrong way. It is therefore recommended that funding of **£100,000** is secured to fund, subject to consultation with residents and businesses, possible limited highway works and/or better enforcement of current traffic regulations to reduce any misuse of the Fournier Street/Brick Lane junction as a turning circle and to reduce incidents of vehicles travelling up the street the wrong way.

Crossrail Top-up

- 8.119 The site is within the Central London area as defined in the Mayor of London's 'Use of Planning Obligations in the funding of Crossrail and the Mayoral CIL' SPG (April 2013), with retail being charged at £90 per sqm (GIA) and hotels at £61 per sqm (GIA). This would generate a financial contribution of £310,392.
- 8.120 Paragraph 4.21 of the Mayor of London's SPG states that, where the amount payable under the planning obligations policy is more than that payable in CIL, the CIL will be payable plus a "top up" so that in combination the two payments make up the amount payable under the obligations policy. As outlined below, the application proposal is liable for a CIL payment of approximately £132,195. Under the terms of the Mayor of London's SPG, the proposal is therefore also required to contribute a "top up" of £178,197 by way of a planning obligation. Given the other financial contributions outlined above, and taking account of the additional costs associated with the negotiated higher quality Brick Lane facade, officers accept that this amount would place an unreasonable financial burden on the scheme which could prevent it coming forward. Following discussions with the applicant, it is recommended that the maximum reasonable top-up is 20% of the required amount and it is recommended that **£35,639** is secured as a 'top up' to Crossrail CIL.

Monitoring Fee

- 8.121 A monitoring fee of **£7,566** which is 2% of the total figure as been secured.
- 8.122 Officers consider that the package of financial contributions being secured is appropriate, relevant to the proposed development and accords with the relevant statutory and policy tests.

Community Infrastructure Levy

- 8.123 The London Mayor's Community Infrastructure Levy (CIL) became operational on 1 April 2012. As outlined above, the proposed development is liable for a charge under the CIL Regulations and the likely CIL payment is approximately £132,195. This is an initial estimation. The Council will issue a CIL Liability Notice as soon as possible after a decision notice is issued.

Financial considerations

- 8.124 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires local planning authorities (and the Secretary of State) to have regard to the following:
- The provisions of the development plan, so far as material to the application;
 - Any local finance considerations, so far as material to the application; and
 - Any other material consideration.

- 8.125 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.
- 8.126 These issues need to be treated as material planning considerations when determining planning applications or planning appeals.

Human Rights Considerations

- 8.127 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:-
- 8.128 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*”.
- 8.129 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.
- 8.130 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.
- 8.131 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.
- 8.132 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.133 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.

8.134 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.

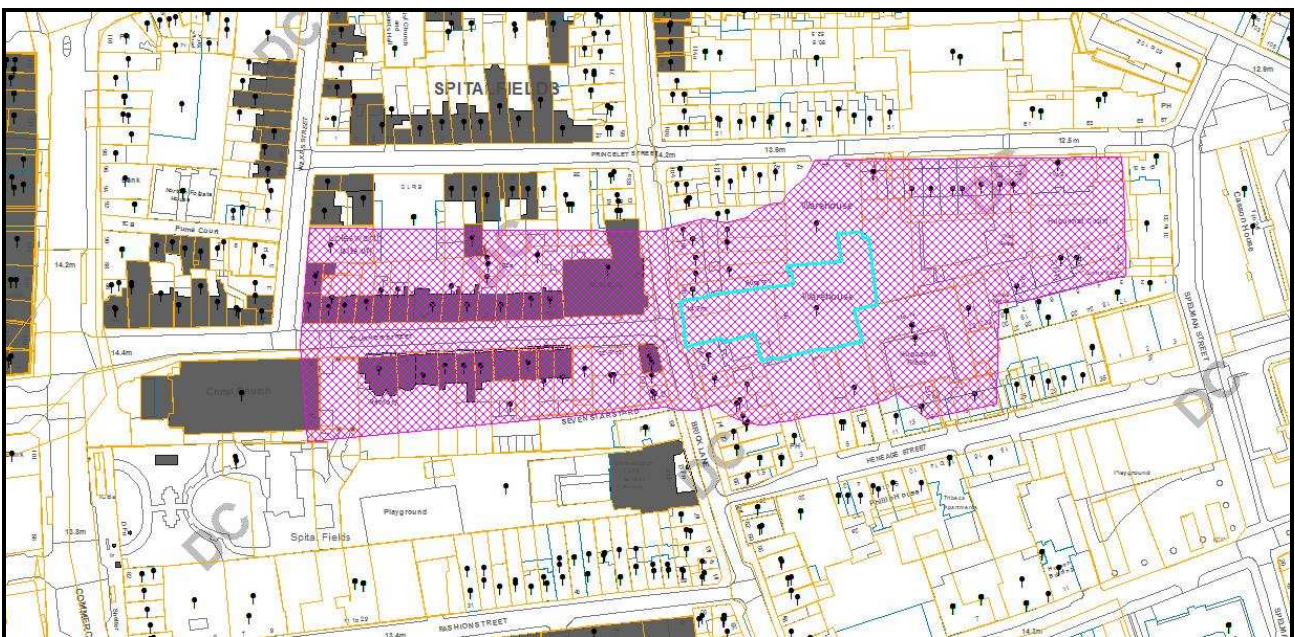
Equalities Act Considerations

8.135 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.

8.136 As discussed above, the proposed hotel would include 20 larger wheelchair accessible bedrooms and would be designed in accordance with inclusive design principles. The access to employment initiatives and financial contributions towards employment initiatives and community infrastructure (Idea Stores and Library facilities, Public Open Space and Leisure Facilities that are recommended to be secured by a s.106 agreement and recommended conditions address, in the short-medium term, the potential perceived and real impacts of construction on the local community, and in the longer term support community wellbeing and social cohesion.

Planning Applications Site Map PA/13/00494 and PA/13/00495



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Agenda Item 10

Committee: Development	Date: 13 th March 2013	Classification: Unrestricted	Agenda Item No: 10
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): 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.

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 10.1

Committee: Development	Date: 19 June 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Pete Smith	Title: 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.

Application No:	PA/12/02901
Site:	52 Twelvetrees Crescent E3
Development:	Demolition of existing dwelling and the erection of a 4 bedroom wheelchair accessible family house
Decision:	REFUSE PLANNING PERMISSION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.2 This is the third time that a planning application for a single family dwelling house has been refused planning permission in respect of this site and has

been the subject of subsequent planning appeal proceedings. As with the previous two appeal cases (both of which were previously dismissed by the Planning Inspectorate) the main issues with this were whether the proposed development:

- would have appeared incongruous with its surroundings by reason of height, scale, bulk and design;
- would have adversely affected the character and appearance of the adjacent conservation area and the setting of the adjacent listed building;
- would have been detrimental to highway safety within Twelvetrees Crescent, due to poor sightlines at and adjacent to the site entrance.

3.3 The Planning Inspector noted that whilst the appeal site occupies a wide frontage, it is narrow and comprises a relatively steep embankment. He concluded that the height of the proposed building would have been substantial for a single family dwelling. He agreed with the previous Planning Inspectors' conclusions that the size of the proposed building would have been disproportionate to the restricted size of the site.

3.4 In terms of the effect on designated heritage assets, the Planning Inspector concluded that the proposed development would have appeared conspicuous and with the proposed retaining walls, would have commanded visual prominence when viewed from the conservation area and the listed bridge. He felt that even with the amendments made, these would not have overcome the harmful effect of the development on the listed building and the setting of the wider surroundings

3.5 Finally and in terms of highway safety, whilst the Planning Inspector was generally satisfied with vehicle inter-visibility and highway safety issues generally, especially as vehicles tend to travel along Twelvetrees Crescent at slower speeds, he was concerned that there would have been inadequate space on site to allow a vehicle to turn and exit the site in forward gear. He recognised that this might have been possible to resolve through modifications to the siting of the building, but there was no basis to require this as part of this appeal process or through the imposition of conditions.

3.6 The appeal was DISMISSED. This is a very worthwhile decision and comprehensively supported your officers' consistent approach in respect of this site.

4. NEW APPEALS

4.2 4.1 The following appeals have been lodged with the Secretary of State following decisions made by the The reason for refusal focussed on the loss of the characteristic valley gutter roof and the inappropriate design of the mansard roof, failing to preserve or enhance the character and appearance of the Clinton Road Conservation Area.

local planning authority:

Application No:

PA/12/02637

Sites:

Ability Place, 37 Millharbour

Development:

Two storey extension to the 13th floor to form 7 duplex apartments with the provision of additional brown and green

Council Decision	roofs.
Start Dates	Refuse (delegated decision)
Appeal Method	24 May 2013
	WRITTEN REPRESENTATIONS

4.3 This proposed development is very similar to that which was previously refused planning permission by Development Committee last year and was successfully defended on appeal. The delegated decision to refuse planning permission for this subsequent amended scheme was made prior to the Planning Inspector's decision to dismiss the previous appeal and interestingly, the Planning Inspector went further that the Council's reason for refusal..

4.4 The reasons for refusal in respect of this subsequent amended scheme were similar to those sited in the previous scheme, focussing on over-development and loss of amenity space – although the previous appeal was also dismissed on grounds of loss of daylight to upper floor flats in Ability Place and the inconvenience of construction taking place (provision for cranes etc.) on such a tight site occupied intensively by existing residential occupiers.

Application No:	PA/12/02893
Sites:	Flat 14 Chandlery House, 40 Gowers Walk E1 8BH
Development:	Alterations to doors on first floor of listed building.
Council Decision:	Refuse (delegated decision)
Start Date	9th April 2013
Appeal Method	WRITTEN REPRESENTATIONS

4.5 This case was refused on grounds of the inappropriate loss of original features of the listed building without justification.

Application No:	PA/12/02554
Site:	91 Fieldgate Street E1 1JU
Development:	Alterations to shop front including the removal of a roller shutter.
Council Decision:	Refuse (delegated decision)
Start Date	8 May 2013
Appeal Method	WRITTEN REPRESENTATIONS

4.6 The Council refused planning permission on grounds that the replacement shop front was poorly proportioned and failed to re-introduce original design features, failing to preserve the character and appearance of the Myrdle Street Conservation Area. There was also concern that the replacement shop front failed to provide step free access into the unit. This development has previously been the subject of planning enforcement investigations.

Application No:	PA/12/03355
Site:	61 Clinton Road E3 4QY
Development:	Erection of a mansard roof extension.
Council Decision:	Refuse (delegated decision)
Start Date	15 May 2013
Appeal Method	WRITTEN REPRESENTATIONS

4.7 The reason for refusal focussed on the loss of the characteristic valley gutter roof and the inappropriate design of the mansard roof, failing to preserve or

enhance the character and appearance of the Clinton Road Conservation Area.

Application No:	PA/12/03350
Site:	63 Clinton Road E3 4QY
Development:	Erection of a mansard roof extension
Council Decision:	Refuse (Delegated decision)
Start Date	1 May 2013
Appeal Method	WRITTEN REPRESENTATIONS

- 4.8 The reason for refusal focussed on the loss of the characteristic valley gutter roof and the inappropriate design of the mansard roof, failing to preserve or enhance the character and appearance of the Clinton Road Conservation Area.