

Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 9 October 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,

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<http://www.towerhamlets.gov.uk/committee>

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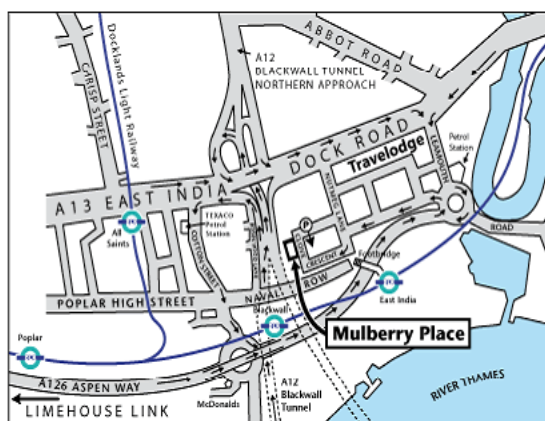
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LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Wednesday, 9 October 2013

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

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

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 12th September 2013.

PAGE NUMBER	WARD(S) AFFECTED
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5 - 16

4. RECOMMENDATIONS

To RESOLVE that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

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

The deadline for registering to speak at this meeting is Monday 4pm 7th October 2013.

6. PLANNING APPLICATIONS FOR DECISION 19 - 20

- | | | | |
|-------------|--|------------------|---|
| 6 .1 | 65 Tredegar Square, London, E3 (PA/13/633 & PA/123/634) | 21 - 34 | Bow West |
| 6 .2 | Dame Colet And Haileybury Centre, Ben Jonson Road, London E1 3NN (PA/13/01433) | 35 - 72 | St Dunstan's & Stepney Green |
| 6 .3 | Old Poplar Baths and rear ball court, East India Dock Road & Lawless Street, London E14 0EH (PA/13/01432) | 73 - 118 | East India & Lansbury |
| 6 .4 | Shoreditch Station, Pedley Street, London E1 (PA/12/02661and PA/12/03383) | 119 - 152 | Weavers |
| 6 .5 | 87 New Road, London, E1 1HH (PA/13/01566) | 153 - 162 | Whitechapel |
| 7. | DEFERRED ITEMS | 163 - 164 | |
| 7 .1 | 85 - 87 New Road, London, E1 1HH (PA/13/01607) | 165 - 192 | Whitechapel |
| 8. | OTHER PLANNING MATTERS | 193 - 194 | |
| 8 .1 | Poplar Baths, 170 East India Dock Road, London E14 0EH (PA/13/01441) | 195 - 208 | East India & Lansbury |
| 8 .2 | PLANNING APPEALS REPORT | 209 - 212 | |

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 12 SEPTEMBER 2013

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Anwar Khan (Vice-Chair)
Councillor Tim Archer
Councillor Judith Gardiner
Councillor Kosru Uddin
Councillor Gulam Robbani

Other Councillors Present:

None.

Officers Present:

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Shahara Ali-Hempstead	– (Planning Officer, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Mary O'Shaughnessy	– (Planning Officer, Development and Renewal)
Adrian Walker	– (Planning Officer, Development and Renewal)
Paul Buckenham	– (Team Leader Pre-applications, Planning & Building Control, Development & Renewal)
Benson Olaseni	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies for lateness were received on behalf on Councillor Anwar Khan.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

However Councillors Helal Abbas, Kosru Uddin, Tim Archer, Gulam Robbani and Judith Gardiner declared an interest in agenda item 7.3, Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB (PA/13/01647) and item 7.4 85 - 87 New Road, London, E1 1HH (PA/13/01607). This was on the basis that the Councillors had received correspondence and had spoken to interested

parties for and against the applications. Councillor Judith Gardiner also declared that she knew the applicant for item 7.3.

Councillor Anwar Khan declared an interest in agenda item 7.4 85 - 87 New Road, London, E1 1HH (PA/13/01607). This was on the basis that the Councillor was a frequent visitor of the area.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 14th August 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

7. PLANNING APPLICATIONS FOR DECISION

7.1 15-19 Rigden Street (PA/13/00188)

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding 15 -19 Rigden Street for the provision of an additional storey to incorporate 1 x 2 bed flat and alterations to the front elevations at first and second floors to provide new balconies.

The Chair invited registered speakers to address the Committee.

Silviya Barrett spoke in objection to the scheme as a local resident of the surrounding area. She referred to the letters of objections and petitions against with 26 signatures in total. She considered that the design and scale of the proposal was out of keeping with the Lansbury Conservation Area and the surrounding buildings that were mainly 2-3 stories in height. She objected to the impact on amenity in terms of loss of sunlight and overshadowing. She objected to the impact on traffic congestion and the lack of parking spaces in the area to accommodate the scheme. She commented that a ward Councillor also had concerns about the application. There was a lack of consultation by the Council with local residents. As a result, Officers did not fully understand the views of residents.

Steve Conlay spoke in support of the scheme. He reported on the amendments to the scheme, scaled down from two additional storeys to one. He considered that the height was acceptable given the modest size of the additional storey. There would be a s106 agreement to secure a car and permit free development. The proposed units would make a positive contribution to the street scene as per similar redevelopments near the host building. Mr Conlay explained the position of the balconies at the front and the size of the proposed windows. He did not consider that the balconies would overlook any gardens or would unduly affect amenity due the modest nature of the proposal.

Mary O'Shaughnessy (Planning Officer) presented the detailed report. She explained the application including the site location, the character of the surrounding area and the Conservation Area. The scheme had been subject to statutory consultation and the main issues raised in objection concerned the design, highways and amenity.

It was considered that the scheme, as amended, was in keeping with the host building and the area given the varied character of the area. It was also considered that the impact on amenity was acceptable due to the scale of the additional storey and the separation distances. Highway Services were satisfied with the proposal. Officers were recommending that the application should be granted permission.

In reply to Members, Officers clarified the location of the balconies near 21 and 23 Rigden Street. The separation distances at that point exceeded the requirements in policy which should prevent any adverse overlooking or impact on sunlight/daylight.

Questions were also asked about the increase in windows. Officers considered that the impact from which on amenity should be consummate to what already existed given the windows were generally in the same position as those on the lower floors. Therefore, Officers were not concerned about this.

Officers also reported that the policy on incremental development was now in place in the Development Plan. However, this did not apply in this instance as the scheme did not propose any affordable housing in accordance with policy. It was proposed that an area of secure car parking would be incorporated into the community open space. Full details would need to be secured by condition.

On a vote of 4 in favour and 1 against, the Committee **RESOLVED**:

1. That planning permission (PA/13/00188) at 15-19 Rigden Street London be **GRANTED** for the provision of an additional storey to incorporate 1 x 2 bed flat and alterations to the front elevations at first and second floors to provide new balconies subject to:
2. 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 Committee report.

Councillor Anwar Khan did not vote on this item having not been present from the beginning of the item.

7.2 429B Roman Road, London, E3 5LX (PA/13/01392)

Jerry Bell (Applications Team Leader) introduced the report at 429B Roman Road, London, E3 5LX (PA/13/01392) regarding the change of use of 4sq meters of estate agent (A2 Use Class) to mini cab call centre use (sui generis) at ground floor level.

Shahara Ali-Hempstead (Planning Officer) presented the detailed report. She explained the site and surrounds that was mainly mixed in character. The scheme complied with policy in terms of land use given that the proposed activities were broadly similar to an Office type use (A2/B1) and compatible with the area and its general commercial usage.

The application had been subject to consultation resulting in 4 letters of objection and a petition with 121 signatures against. Officers had imposed conditions to address any concerns. This included a restriction on the use of the mini cab operation as a control room only with no facilities on site for drivers waiting or for taxis to pick up waiting customers; restrictions on the hours of operation; and a ban on external flashing lights and external signage or advertising.

Subject to these conditions, Officers were recommending that the planning permission be granted.

In reply to questions about the risk of taxis waiting in the streets, adding to congestion, it was reported that Highway Services were satisfied with the proposal subject to the conditions. It was also noted that the Controlled Parking Zone operated until early evening in the area that should minimise

any such problems with vehicles waiting.

On a vote of 2 in favour, 1 against and 2 abstentions, the Committee **RESOLVED:**

1. That planning permission (PA/13/01392) at Site at 429B Roman Road, London, E3 5LX, London be **GRANTED** for change of use of 4sq meters of estate agent (A2 Use Class) to mini cab call centre use (sui generis) at ground floor level subject to:
2. That the Corporate Director Development & Renewal is delegated power to impose conditions on the planning permission to secure the matters set out in the Committee report.

Any other planning condition(s) considered necessary by the Corporate Director of Development & Renewal.

7.3 Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB (PA/13/01647)

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB for the variation to condition 5 (student numbers) and condition 6 (hours of operation) of planning permission dated 10 July 2013, (PA/13/00116) for the change of use of existing light industrial units to a secondary school offering vocational courses for 14-19 year olds.

The Chair invited registered speakers to address the Committee.

Councillor Shiria Khatun spoke in objection to the proposal. Councillor Khatun expressed concern about the lack of consultation with local residents. Many of which only found out about the application and this meeting very recently due to non-receipt of a letter from the Council and as they did not receive the East End Life newspaper.

It was proposed to transfer many students from across the Borough to the new school. A major concern was the additional pressure that this would place on local transport that was already overstretched, especially at peak times, and the impact this would have on local residents in using these services. There was already a café nearby. Councillor Khatun expressed concern about increased anti social behaviour (asb) from congestion from the proposal, given the high levels of asb in the area.

In response to Members, Councillor Khatun considered that there was a lack of consultation by the applicant and confusion about the proposals. The Councillor questioned the exact scope of their consultation as the information provided about this was inconsistent. It was evident that some areas hadn't been canvassed at all. In addition, the Councillor confirmed that she did not

personally receive a letter from the Council about the scheme, as a local resident. The residents main concern was the number of students. Councillor Khatun requested that it be reduced to 280.

Eddie Stride spoke in support of the scheme. He explained the purpose of the scheme to help disadvantaged young people to find employment. The current Free School had a capacity of 486 learners. It was therefore necessary for the new school to accommodate this number to find all students a place. It was expected that most of the students would walk to the school and there would be staggered start and finish times for pupils to minimise the impact in the peak hour on the highway.

The applicant had held discussions at pre and post application stage with the objectors and had canvassed all of the surrounding area and left leaflets for the blocs where entry was not possible. Mr Stride reported on the measures to minimise asb. However, he considered that this was rarely a problem at City Gateway facilities. In fact, the evidence showed that such problems usually decreased where their projects were based.

In response to Members, Mr Stride explained that the current lease for their existing Free School accommodation was about to expire. The response from the community to the proposals was very positive and City Gateway regularly engaged with the community to seek feedback and address and issues. Mr Stride also explained the range of the course offered and the expected footfall from the social enterprise units, that would mainly attract local residents. There was a frequent turnover of learners. Many of which would attend courses off site. There were also internal areas where pupils could enter. Such steps should prevent students congregating outside the site. Mr Stride also explained the security arrangements to address any nuisance behaviour should it occur.

Mary O'Shaughnessy (Planning Officer) presented the detailed report. Ms O'Shaughnessy reminded Members that the principle of the development had already been approved (at the May 2013 meeting of the Committee). Therefore, the purpose of this application was to consider the variation only to condition 5 (regarding pupil numbers) and 6 of the planning permission (regarding the hours of operation). Ms O'Shaughnessy explained the scope of the consultation including letters, a site note and an advert in the East End Life newspaper. The application was before the Committee as it sought to vary the conditions agreed by the Committee not due to the number of representations. The applicant was requesting the changes as they found that the current conditions were overly restrictive in view of the needs of the school.

In response to Members, Officers explained the outcome of the transport assessment. This showed that a substantial number of journeys to the school would be by foot as well as by public transport. In addition, there would be staggered start/finishing times, as highlighted by the speaker and many of the students would be attending courses elsewhere. Such factors should minimise the number of pupils using public transport at any one time.

The applicant had attended a meeting with Transport for London (TfL) and the Planning Officer where there was much discussion about the impact on the transport system. TfL were now satisfied with the suggested capacity of 490, given the staggered operational hours, as this would ensure that the students would generally be travelling outside peak times.

It was also reported that the Student Management Plan would be secured by condition to manage the entrances and exists to the school.

On a vote of 5 in favour, 0 against and 1 abstention, the Committee **RESOLVED:**

1. That application (PA/13/01647) at Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB be **GRANTED** for the variation to condition 5 (student numbers) and condition 6 (hours of operation) of planning permission dated 10 July 2013, reference PA/13/00116 for the "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."
 - Variation of Condition 5 (Student Numbers) to limit the maximum number of students on site to 490.
 - Variation of Condition 6 (Hours of Operation) staggering the arrival time of staff and students as follows:
 - Teachers and staff - 07:00 - 23:00
 - 14 - 16 year old students - 09:30 - 15:00
 - 16 - 19 year old students - 10:00 - 15:30
 - Social enterprise units - 10:00 - 18:00
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 Committee report.

7.4 85 - 87 New Road, London, E1 1HH (PA/13/01607)

Update Report tabled.

Jerry Bell (Applications Team Leader) introduced the report regarding 85 - 87 New Road, London, E1 1HH for change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets and seating for the existing restaurant at 87 New Road. It was noted that the Officers recommendation was for refusal.

The Chair invited registered speakers to address the Committee.

In view of the non attendance of the objectors registered to speak, the Chair invited Khalid Bashir to speak in support of the application

Khalid Bashir explained the nature of the business. He reported that the business contributed positively to the local economy. The purpose of the application was to extend the seating area and provide a waiting area. This should help minimise any noise and disturbance from customers outside the shop. He referred to similar conversions in the area for A3 restaurant use. These included cooking facilities and this application was not proposing this.

The applicant had carried out a survey of commercial uses trading in and off New Road. According to these findings, only 11% were A3 uses with only 5 restaurants contrary to the Officers' survey in the report that suggested that this figure was much higher, 34%.

In response to Members, Mr Bashir explained the plans to link the two units internally and that the adjacent shop had been vacant for approximately 6 months. It was proposed to provide about 25-30 new seats in that unit. It was not proposed to make any alterations to the front of the unit.

Adrian Walker (Planning Officer) presented the detailed report. Mr Walker explained in detail the application. He explained the scope and the outcome of the local consultation resulting in 1 letter in objection, a petition in objection with 21 signatures and 3 supporting petitions with 114 signatures.

One of the main issues for consideration was the loss of a retail unit. Officers considered that this was acceptable due to the number of retail units in the Whitechapel District Centre.

A key issue however, was whether the proposal would lead to an over - concentration of A3 units in the area. In view of this, Officers had also carried out a survey of the commercial units in the area (100 metres along the New Road from the premises). The results showed that there was an over concentration of A3/A5 restaurant/takeaways near the shop (34%) in excess of the threshold for such uses in policy.

Officers explained the method used for their survey and their concerns with the applicants own survey as it covered a much wider area and excluded a large restaurant.

Officers highlighted the negative impact on amenity of a proliferation of restaurants uses. It was also reported that number of similar applications for conversion had been refused on the grounds of over concentration in recent years.

As a result, Officers were recommending that the scheme be refused as it would add to the proliferation of A3 uses on the New Road.

In response, Members noted the benefits of the proposal in supporting the local economy and bringing a vacant unit back in to use. Such enterprises should be encouraged in the current economic climate. Members also questioned whether there was, in practice, an overconcentration of such uses along the New Road having visited the site. Members also considered that there was a lack of a clear policy on this matter and that the application was

modest in nature given it primarily sought to extend the seating area therefore would not harm amenity.

On a vote of 1 in support of the Officer recommendation to refuse planning permission, 4 against, and 1 abstention the Committee **RESOLVED**:

1. That the Officer recommendation to refuse planning permission (PA/13/01607) at 85 - 87 New Road, London, E1 1HH be **NOT ACCEPTED** for change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road.

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

- That the shop at 85 New Road was currently vacant and the loss of the A1 retail use was considered acceptable.
- The Committee were not convinced by the evidence that there was an over-concentration of restaurant uses in the area.
- The lack of clear policy guidance in relation to over – concentration of a specific use in an area.

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

(The Members that voted on this item were Councillors Helal Abbas, Anwar Khan, Tim Archer, Judith Gardiner, Kosru Uddin and Gulam Robbani)

8. OTHER PLANNING MATTERS

8.1 11-31 Toynbee Street and 65-67 Commercial Street, London E1 7NE (PA/11/2306)

Benson Olaseni (Planning Officer) presented the report regarding 11-31 Toynbee Street and 65-67 Commercial Street, for the demolition of the existing commercial buildings on site and redevelopment to provide a ground plus part two, part three and part four storey building comprising commercial units at ground, 19 residential units on upper floors and other works incidental to the application.

Mr Olaseni explained the poor condition of the existing buildings and the quality of the replacements. English Heritage were satisfied with the proposal. It was considered that the regeneration benefits outweighed any loss when assessed against the relevant criteria in policy.

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

That application (PA/11/2306) at 11-31 Toynbee Street and 65-67 Commercial Street, London E1 7NE for the demolition of the existing commercial buildings on site and redevelopment to provide a ground plus part two, part three, part four storey building comprising 5 commercial units at ground for flexible A1/A2/B1 use, 1 commercial unit at ground for flexible A1/A2/A3/B1 use and 19 residential units on upper floors and other works incidental to the application (5 x 1 bed, 11 x 2 bed, 2 x 3 bed and 1 x 4 bed) be **REFERRED** to the Secretary of State with the recommendation that the council would be minded to grant Conservation Area Consent subject to conditions set out in the Committee report.

8.2 Poplar Baths, 170 East India Dock Road, London E14 0EH (PA/13/01581)

Paul Buckenham (Planning Officer) presented the application (PA/13/01581) at Poplar Baths, 170 East India Dock Road, London E14 0EH for the alterations to rear elevation, basement and ground floor to facilitate the creation of new electricity sub-station to serve the Poplar Baths and surrounding buildings.

Mr Buckenham explained the application and the need to seek approval of the works at this stage to accommodate the timetable for the wider scheme. Mr Buckenham explained the level of the local consultation. No letters of representations had been received. English Heritage and the Council's Conservation and Design Officer supported the scheme given that it would preserve the special architectural and historic interest of the listed building.

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

That application (PA/13/01581) at Poplar Baths, 170 East India Dock Road, London E14 0EH for the alterations to rear elevation, basement and ground floor to facilitate the creation of new electricity sub-station to serve the Poplar Baths and surrounding buildings be **REFERRED** to the Secretary of State for Communities and Local Government with the recommendation that the council would be minded to grant Conservation Area Consent subject to conditions set out in the Committee report.

9. PLANNING APPEALS REPORT

On a unanimous vote the Committee **RESOLVED**

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

The meeting ended at 10.10 p.m.

Chair, Councillor Helal Abbas
Development Committee

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Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 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 6

Committee: Development	Date: 9 th October 2013	Classification: Unrestricted	Agenda Item No: 6
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 London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 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 and any other material 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.

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

- 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 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.
- 3.7 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.
- 3.8 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.

Agenda Item 6.1

Development Committee	Date: 9 th October 2013	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Shay Bugler		Ref No: PA/13/633 & PA/123/634	
		Ward(s): Bow West	

1. APPLICATION DETAILS

- Location:** 65 Tredegar Square, London, E3
- Existing Use:** Storage and distribution
- Proposal:** Erection of 8 no self contained houses with 2 no on site car parking spaces. (Full planning permission PA/13/633)
- &
- Demolition of existing warehouse. (Conservation Area Consent PA/13/634)
- Drawing Nos:** Drawing no: 65TS-PL-01; 65TS-PL-02; 65TS-PL-03; 54TS-PL-04; 65TS-PL-05; 65TS-PL-06; 65TS-PL-07; 65TS-PL-08; 65TS-PL-09; 65TS-PL-10; 65TS-PL-11; 65TS-PL-12; 65TS-PL-13; 65TS-PL-14; 65TS-PL-15; 65TS-PL-16; 65TS-PL-17; 65TS-PL-18; 65TS-PL-19; 65TS-PL-20; 65TS-PL-29; 65TS-PL-30; 65TS-PL-40; 65TS-PL-25; 65TS-PL-41; 65TS-PL-42
- Drawing numbers: 65TS-PL-01; 65TS-PL-02; 65TS-PL-03; 65TS-PL-04; 65TS-PL-05; 65TS-PL-06; 65TS-PL-07; 65TS-PL-08; 65TS-PL-09
- Supporting documentation**
- Design and access statement dated March 2013 from Jonathan Freegard Architects
 - CADAP comments dated March 2013 from Jonathan Freegard Architects
 - Impact Statement dated March 2013 from Jonathan Freegard Architects
 - Noise Impact Statement dated April 2013 from Jonathan Freegard Architects
 - Heritage Statement dated March 2013 by Jonathan Freegard Architects
 - Appendix A: Energy Statement by Energist Ltd
 - Appendix B Code for Sustainable Homes Pre- Assessment dated March 2013 from Jonathan Freegard Architects
 - Appendix C Secure by Design Officers comments
 - Appendix D: MEOTRA comments dated March 2013 from Jonathan Freegard Architects.
 - Appendix E CADAP comments dated March 2013 from Jonathan Freegard Architects
 - Appendix F: Recycling and waste management: Tower Hamlets Correspondence dated March 2013 from Jonathan Freegard Architects
 - Appendix G Marketing Report

- Appendix H Daylight Report dated March 2013 from Jonathan Freeguard Architects
- Appendix I Pre application advice dated March 2013 from Jonathan Freeguard Architects
- Design and access statement dated February 2013 by Jonathan Freeguard Architects
- Heritage Statement dated March 2013 by Jonathan Freeguard Architects

Applicant: Persephone Lewin
Owner: Private
Historic Building: Not listed
Conservation Area: Tredegar Square

2. EXECUTIVE SUMMARY

- 2.1 The report considered two linked application for planning permission and conservation area consent to demolish an existing un-listed warehouse and to erect a mews development of eight two and three bedroom houses.
- 2.2 The warehouse makes only a limited contribution to the overall significance of the Conservation Area and to local employment provision. Demolition and redevelopment for housing would be acceptable in principle in land use policy terms and in terms of heritage subject to an acceptable redevelopment scheme.
- 2.3 The residential mews development would be of an appropriate scale and use material sympathetic to the Conservation Area. There would be no demonstrable harm to the amenities of adjoining occupiers.
- 2.4 The constraints of the site combined with the number of dwellings proposed have resulted in various deficiencies in the quality of the residential accommodation, including mono aspect flats, poor quality amenity space, poor outlook to adjoining boundaries and the contrived use of certain architectural features such as internal light wells.
- 2.5 The report concludes that whilst there would be no objection in principle to redevelopment of the site, the current proposals exhibit various symptoms of overdevelopment, which if built would result in substandard accommodation and affect the living conditions of future occupiers.
- 2.6 The report recommends refusal of planning permission and conservation area consent.

3. RECOMMENDATION

- 3.1 That the Development Committee resolve to REFUSE planning permission for the full planning application ref no: PA/13/633 for the following reason:
 - The proposed residential development by virtue of the dwelling mix and design features including mono aspect dwellings, poor outlook, poor quality amenity space; sense of enclosure and narrow pedestrian access would result in an intensive form of development with a sub standard quality of accommodation. This would be symptomatic of over development of the site contrary to National Planning Policy Framework (NPPF); SP02 & SP10 of the Core Strategy (2010); policy DM3, DM4, DM24 & DM25 of the Managing Development Document (2013) which seek to provide high quality design and places which create sustainable forms of development.
- 3.2 That the Development committee resolve to REFUSE Conservation Area consent (PA/13/634) for the following reason:
 - Demolition of the warehouse in the absence of a planning permission for a suitable redevelopment would fail to preserve or enhance the character and appearance of the

Tredegear Square Conservation Area contrary to the National Planning Policy Framework; policies SP10 of the Core Strategy (2010) and DM27 of the Managing Development Document (2013) which seek to ensure that the setting and the character of the Conservation Area is not harmed by inappropriate or premature demolition of buildings within Conservation Areas.

4.0 SITE AND SURROUNDINGS

- 4.1 The site is known as 65 Tredegear square and is situated on land between the southern terrace of houses at Tredegear Square and the rear of terraces fronting onto Mile End Road.
- 4.2 The site currently contains a warehouse which is occupied by Silvermans Ltd, a military surplus on a lease basis and is used as a storage facility for surplus stock. The existing established use of the site is B8 (storage) under the Use Class Order.
- 4.3 The existing warehouse provides approximately 690m² of gross internal floorspace. The overall site is 766m² (0.076ha) and the building occupies almost the whole footprint of the site between tall boundary walls.
- 4.4 The surrounding area is predominantly residential in character and takes the form of terrace housing, many of which are Grade II listed and form significant elements of the character of the conservation area. To the north of the site are the rear gardens at 53-64 Tredegear square.
- 4.5 To the south west of the site are three residential properties known as 1-3 Lyn mews. The rear flank elevation is 6.6 metres in height and abuts the site boundary. Lyn mews has a pitched roof and the overall height of the building is approximately 8 metres.
- 4.6 To the south east of the site, is a two storey development which is approximately 10 metres in height, known as 66 Tredegear Square. The centre of the site fronts onto the rear gardens to the properties 447-455 (odd) along Mile End Road. To the north of the site, are the rear gardens to a row of Grade II 3 storey in height terrace housing at 55-64 Tredegear Square.
- 4.7 The site has a PTAL rating of 6a which means it is highly accessible by Public Transport.
- 4.8 The building is not listed although it falls within Tredegear Square Conservation Area.

DETAILS OF PROPOSAL

- 4.9 The proposals are for the demolition of the existing warehouse (Conservation Area Consent) and for the erection of residential development in the form of a mews terrace of 8 houses in a mews form at elevations facing the east west pedestrian access from Tredegear Square.
- 4.10 The proposed mews style development is two storeys in height comprising 4 x 2 bed units & 4 x 3 bed units. The three bedroom units are located at each end and the centre of the site. The two bed units are located within the site. All units extend over two floors. Key design features of the scheme include pitched roof with roof lights. Obscured lightwells are proposed to the north elevation of the scheme. These provide light to rooms at second floor level. On the southern, eastern and western elevation, all windows at second floor level feature Juliette balconies
- 4.11 The 2 x 3 bed units at the centre of the site expand the entire width of the site. All units front onto the amenity space. Given that these units expand the entire width of the site, there is no through access connecting both ends of the site. All residential units front on to what appears to be two courtyard spaces which are used to provide private amenity space for each of the units. The separate private amenity space also provides space for cycle and refuse facilities for each property.
- 4.12 The proposal makes provision for two accessible car parking spaces, which are located in 2 car ports at each end of the site fronting Tredegear Square.

- 4.13 The site is accessed via a secure entrance gate at either end of the site.
- 4.14 6 of the 8 units are mono aspect and 4 of them front a southern boundary wall ranging between 1.8 metres and 4.9 metres in height.

5.0 RELEVANT PLANNING HISTORY

- 5.1 PA/80/399: Planning permission was approved for the alteration, extension use as office, showroom and toilets ancillary to existing warehouse use.

6.0 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:

1. Government Policy: National Planning Policy Framework (NPPF)
 - Conserving and enhancing the historic environment
 - Conserving and enhancing the natural environment
 - Delivering a wide choice of high quality homes
 - Requiring good design
 - Promoting healthy communities

6.2 The London Plan (2011)

3.4	Optimising housing potential
3.8	Housing choice
6.9	Cycling
7.2	An inclusive environment
7.4	Local character
7.8	Heritage

6.3 Core Strategy (adopted 2010)

SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP10	Creating distinct and durable places

6.4 Managing Development Document (2013)

Policies:	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM24	Place Sensitive Design
	DM25	Amenity
	DM27	Heritage and Historic Environment

6.7 Supplementary planning documents and guidance

Tredegar Square Conservation Area Character Appraisal

7 CONSULTATION

External consultees

7.1 English Heritage (historic environment)

No comments made.

LBTH Borough Conservation Officer

- 7.2
- The proposal appears bulky in the context of the small size of the site
 - The proposed quality of the private amenity space is overlooked, over shadowed and of poor quality.
 - The proposed features such as lightwells, fenestration details; skylight wells and juliet balconies would be an incongruous addition to the area.
 - The proposed design does not bear resemblance to the LBTH Tredegar Square Conservation Area

LBTH Environment Health (contamination land)

- 7.3 Should the Council be minded to grant planning permission, it is recommended that a condition should be attached which requires contamination details to be submitted and approved in writing by the Local Planning Authority.

Environment Health Daylight and Sunlight officer

- 7.4 Environment Health daylight and sunlight levels achieved to the proposed development and the surrounding development is considered acceptable.

LBTH Strategic Policy

- 7.5 The loss of the B8 Use and the principle of residential development on the site accords with policy DM15 and is appropriate for the character of the surrounding area (SP12 Annex).
- 7.6 However, the unit mix would not accord with policy DM3(7) (housing mix) specifically with regard to the lack of one-bedroom units.

LBTH Highways

- 7.6
- The provision of two disabled parking spaces are considered acceptable.
 - The proposed does not make provision for visibly splays within the site boundary.
 - The pedestrian access way is narrow and this would limit the space available to manoeuvre a bicycle into each property. However Highways do not raise an objection on this ground.
 - Should the Council be minded to grant planning permission, a standard planning condition is sought requiring an agreement under Section 278 of the Highways Act 1980. This would both ensure the public highway is kept in good order and enable the necessary changes to the vehicle accesses.

8.0 LOCAL REPRESENTATION

- 8.1 A total of 157 planning notification letters were sent to nearby properties as detailed on the attached site plan. A site notice was also displayed and the application was advertised in East End Life.

8.2	No. of individual responses:	Objecting:	Supporting:
	27	5	22

8.3 Objecting comments

- The proposal would result in the loss of sunlight exposure to the back of Tredegar Square.
- The overall design is excessive and appears to be incongruous to the Conservation Area.
- The proposal would result in the loss of privacy to properties at the rear of the site.
- The proposal would increase noise disturbance.

- Pressure on local amenities in particular Tredegar Square, which is already a magnet for non-residents as it is not a square for exclusive use of residents.
- The applicant has not demonstrated that demolition of the building is necessary.
- The applicant has not properly analysed the contribution which the proposed development would have on the character of the Conservation area.
- The proposed lightwells can still be opened and therefore could result in direct overlooking to residents at Tredegar Square.
- Although the light well windows are to be fitted with obscured glass, and are to have a tilt turn mechanism, they could still be opened wide, giving the opportunity for looking from the first floor directly into neighbouring gardens.
- The shape of the windows is incongruous in the Conservation Area and in relation to the listed buildings.
- The skylights on the northerly roof slope- serving as far as one can tell no habitable rooms are too large.

8.4 Supporting comments

- The proposal is for 8 family houses to replace the warehouse would make a positive addition to the area.
- The proposed dwelling mix is welcomed. The introduction of one bedroom flats would be out of character and would increase the density of the development. The plans are in keeping with the Conservation Area

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by the application are as follows:

- Demolition of the existing warehouse
- Land use
- Design
- Housing density and dwelling mix
- Housing quality for the proposed development.
- Impact on amenity to surrounding properties
- Transport and access
- Human Rights
- Equalities
- Conclusion

Demolition of the existing warehouse

- 9.2 The National Planning Policy Framework (2012) emphasizes the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its preservation, extent of loss or damage as result of development and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset requires clear and convincing justification.
- 9.3 The relevant London Plan policies are policies 7.4 and 7.8 which broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. More specifically, any development affecting a heritage asset and its setting should conserve the asset's significance, by being sympathetic in form, scale, materials and architectural detail.
- 9.4 The Council's Core Strategy (2010) strategic objective SO22 aims to "Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views". This is to be realised through strategic policy SP10 which aims to protect and enhance borough's Conservation

Areas to preserve or enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual distinctive character and context.

- 9.5 Development is also required to utilise high quality building materials and finishes. Detailed criteria for assessing impact on heritage assets are set out by policy DM27. Development is required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places' as defined by the placemaking policy SP12 of the Core Strategy (2010). With regards to alterations to heritage assets, policy DM27 specifies that alterations should not result in an adverse impact on the character, fabric, identity or setting, be appropriate in terms of design, scale form, detailing and materials, and enhance or better reveal the significance of the asset.
- 9.6 Tredegar Square Conservation Area was designed in 1971. The Council's Conservation Area character Appraisal for Tredegar Square is characterised by 3 storey terraced houses with basements. The area was developed to a grid and uniform pattern and the character of most streets is created by the repetition of architectural elements to create a finely textured surface to the continuous building frontages.
- 9.7 Whilst the design and appearance of the warehouse is of some merit, it is not considered to be a significant heritage asset. The eastern and western elevations are industrial in character which is not characteristic of Tredegar Square which is largely defined by residential development. The north and south elevations provide blank facades to the rear gardens of the Tredegar Square and Mile End Road terraces and overall the building is in a state of disrepair. In conclusion, the building makes limited contribution to the overall significance to Tredegar Square Conservation Area.
- 9.8 In conclusion, the proposed demolition of the warehouse would be acceptable in principle, subject to an appropriate re-development scheme that would preserve or enhance the character and appearance of the Conservation Area.

Land Use

- 9.9 The site is currently used for light industrial storage space (B8 within the use class order). The existing warehouse provides approximately 690m² of gross internal area of industrial floorspace. The warehouse is currently occupied by Silvermans Ltd, a military surplus on a lease basis and is used as a storage facility for stock.
- 9.10 The proposal would result in the loss of the B8 storage space onsite. Policy DM15 of the MDD (2013) stipulates that development should not result in the loss of active and viable employment uses, unless it can be shown throughout a marketing exercise that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment uses due to its location, accessibility and site condition.
- 9.11 The applicant notes that the external fabric is in poor condition and in a state of disrepair and notes that many firms would require smaller units. The submission explains that there are sites nearby suitable for industrial units including Bow Industrial Park.
- 9.12 The applicant states that retail and community uses have been considered for the building but deemed to be unsuitable as they would impact on residential amenity, create traffic nuisance and the site is outside designated town centres. The site is currently marketed for B8 Use although there is a lack of substantive marketing information and justification to demonstrate that the existing or a future B8 (warehouse) would be unviable.
- 9.13 Notwithstanding, there is a general decline in the demand for warehouse floorspace in the area. Warehouse uses are not typical in the immediate or nearby area. Given the general decline in the demand of employment floorspace in the area, there is no identifiable over riding demand to justify the retention of employment use in favour of residential development in this location, particularly as the site is not located within a Local Industrial Location. Although the site has good access and the existing site condition is satisfactory for light industrial storage use, the location is not considered appropriate for continued B8 use given that the surrounding site is predominantly

residential in character and the site is located outside a Local Industrial Location (LIL). Furthermore, the Core Strategy (2013) stipulates that new development in Bow should continue to reinforce the special character of Bow with its row of terraced housing and Bow should be promoted as a place suitable for families with terrace housing that offers private back gardens. The Core Strategy's does not promote Bow as an area for light industrial, storage or distribution use. .

- 9.14 The National Planning Policy Framework 2012 (NPPF) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environment benefits. The NPPF promotes the efficient use of land and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets.
- 9.15 The surrounding area is already predominantly residential and would therefore provide a suitable environment for future residents. The provision of additional housing is a key aim of national, regional and local planning policy and the proposal would accord with policies National Planning Policy Framework (NPPF); policy SP02 and the vision for Mile End in the Core Strategy (2010) which seek to ensure developments are sustainable and make the most efficient use of land.
- 9.16 In conclusion there is no objection to the loss of employment floor space and redevelopment for residential use onsite.

Design

- 9.17 The National Planning Policy Framework (NPPF) stipulates that the purpose of the planning system is to contribute to the achievement of sustainable development which can improve the lives of people. Good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.
- 9.18 Core Strategy policy SP10 and policy DM23 & DM24 of the Managing Development Document (2013) seeks to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and seek to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.

Height and scale

- 9.19 The proposed height of the development is considered acceptable as it would not exceed the height of the existing building. Officers consider that the proposed scale of development in isolation of specific design details would have a minimal impact on the character and appearance of Tredegar Square Conservation Area.

Design detailing and materials

- 9.20 The Councils Conservation Area Character Appraisal for Tredegar Square stipulates that design features of the Conservation Area include double-hung timber sash windows with fine glazing bars, good examples of panelled front doors, semi-circular doorways, decorative or plaster moulded window surrounds and door-cases, projecting stone-cills, timber window shutters. Officers are concerned that the proposed fenestration pattern and layout together with the juliet balconies on the east and west elevations and the lightwells on the north elevation would be incongruous features and would create a busy and disordered appearance on the east and west elevations and fronting the proposed access route which would not enhance the character and appearance of the Tredegar Square Conservation Area. Officers are concerned that their function within the scheme contributes to a contrived design response to maximise the development potential of the site in a way that is not sustainable or of high design quality. In addition, these design features do little to contribute to the setting of the Grade II listed terrace at 53-64 Tredegar Square to the north of the site.
- 9.21 With reference to materials, brick is the universal construction material used in the immediate area.

Reclaimed and recycled London stock brick are proposed for all external elevations which would match the appearance of the existing building and the adjacent terraces of Tredegar Square and other house. The boundary wall to the north of the site would be rebuilt using bricks reclaimed and recycled from the removal of the existing warehouse.

- 9.22 Despite the approach taken to mews style development having some merit in itself, it is considered that the design approach applied seeks to maximise the development potential in an unsustainable manner. It does not contribute positively to place-making within this area, is of poor design quality and does not integrate well with its surroundings contrary to NPPF; policy SP10 of the Core Strategy (2010) and policies DM23 & DM24 of the Managing Development Document (2013) which seeks to ensure all new developments are sustainable and are of high design quality.

Housing density and dwelling mix

- 9.23 Policy SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location.
- 9.24 The site area has an area of 936 sqm or 0.0936 of hectare and there would be 32 habitable rooms. The site has a PTAL rating of 6 which means highly accessible by public transport. Table 3A.2 of the consolidated London Plan (2011) suggests a density of 200 to 700 habitable rooms per hectare for sites with a PTAL range of 6. The proposed density equates to 342 hr/ph.
- 9.25 Policy SP02 of the Core Strategy (2010) seek to create mixed communities and policy DM3 of the Managing Development Document (2013) sets out detailed guidance regarding the housing mix expected for new housing development which promotes a mix of tenures and unit sizes. This policy stipulates that development should provide a balance of housing types, including one bed units within the market tenure in accordance with the breakdown of unit types set out within the most up to date housing needs assessment as tabled below:

Tenure	1 bed	2 bed	3 bed	4 bed
Market sector (policy requirement)	50	30	20%	
Proposed		50%	50%	

- 9.26 As illustrated in the table above, the proposal makes provision for 50% x 2 bed units and 50% x 3 bed units. Whilst it is accepted that a strict policy compliant dwelling mix could be difficult to achieve on the site, the zero provision for one bed units in favour of two and three bed units would not provide the appropriate dwelling mix or contribute towards a wider housing choice and make a positive contribution to the housing stock in the borough.
- 9.27 The proposal would not provides an appropriate dwelling mix overall and is therefore contrary to policy SP02 of the Core Strategy (2010) & policy DM3 of the Managing Development Document (2013) which seek to ensure that new developments offer a range of housing choices.

Housing quality for the proposed development

- 9.28 As set out above, the development is not significant dense in numerical terms and would fall within the London Plan density matrix, it would exhibit a number of symptoms of overdevelopment which would compromise the quality of housing and the living conditions of future occupiers.

Design features

- 9.29 The proposed quality of residential development proposed onsite is not considered acceptable. The development and some of its design features such as lightwells and skylights contributes to a contrived design response to maximise the development potential in a way that is not sustainable or of high design quality.
- 9.30 There is an over reliance on roof lights and light wells to provide daylight and sunlight within the

development. Two of the rooflights are used to light bedrooms (although they would have a secondary source of light) and the others are used to light hallways. Given that the windows on the lightwells are obscured, 6 of the 8 units would be mono aspect and this design approach presents a busy and cramped development. The practicalities of maintaining and cleaning the lightwells from the outside are also of concern given that it would not be possible to clean the outside of the windows within the site boundary.

Amenity space

- 9.31 Specific amenity space standards are guided by policy DM4 of the Council's Managing Development Document (2013) would follow the Mayor's Housing Design Guide standards and specifies a minimum of 5sqm of private outdoor amenity space for 1-2 person homes and an extra 1sqm for each additional occupant. It also requires balconies and other private external spaces to be a minimum width of 1.5m.
- 9.32 New housing should include an adequate provision of amenity space, designed in a manner which is fully integrated into a development, in a safe, accessible and usable way, without detracting from the appearance of a building.
- 9.33 The proposal makes provision for private amenity space for each unit which exceeds policy requirements in numerical terms. However the amenity space would be of poor quality due to the relationship at front of the news to passers by and also inter visibility of the amenity space within the development. Furthermore the combination of bin stores, bike stores and the two storey development to the south at Lyn mews (affecting western side of the site) would make these spaces feel cramped, over shadowed and over enclosed.
- 9.34 Overall, it is considered that the scheme would not provide genuinely usable or high quality amenity space and would be contrary to policy DM4 of the Managing Development Document (2013) which seeks to ensure that good quality and usable amenity space is provided.

Daylight and sunlight

- 9.35 With reference to daylight and sunlight assessment on the development itself, although the VSC levels in the scheme are generally below the 27% standard, the ADF levels are considered acceptable in accordance with BRE Guidelines. LBTH Environment Health Officer has reviewed the submission and confirms that the methodology and guidance is acceptable and there would be "no likely on the neighbouring properties in terms of daylight and sunlight".

Outlook

- 9.36 All south facing habitable rooms at ground floor level would have poor outlook. As noted in paragraph 4.5 of the report, the distance between habitable rooms from the part 1.8 metre, part 4.9 metre wall would be between 5-6 metres which given the close proximity would create an oppressive living space. This problem is exacerbated further for some of the habitable rooms at second floor level. The south facing habitable rooms at the 2 x 3 bed units would suffer further poor outlook at second floor level as they would be facing the front elevation at 1-3 Lyn mews which is 6.4 metres from the proposed habitable rooms and 66 Tredegar Square which is 10 metres in height to the south east of the site where the distance between habitable windows and the flank elevation is 5 metres.
- 9.37 This would give rise to an oppressive outlook and unacceptable sense of enclosure for the occupants of these properties. This illustrates the constraints of the site and, together with the abundance of lightwells and rooflights are symptomatic of overdevelopment.

Conclusion on housing quality matters

- 9.39 The outlook from many of the habitable rooms are dominated by large wall.
- 9.40 The proposal represents an overdevelopment of the site by virtue of its scale, poor outlook, poor quality of amenity space and narrow access to the site contrary to SP02 & SP10 of the Core

Strategy (2010); policy DM4, DM24 & DM25 of the Managing Development Document (2013) which seek to provide high quality design and sustainable forms of development.

- 9.41 It is relevant that the Planning Inspectorate arrived at a similar conclusion as regards the impact of the overdevelopment on a similar conclusion as regards the impact on a similar appeal decision where the appeal was dismissed on similar grounds for a proposal which involved the demolition of a former light industrial building and erection of a mews style development and row of terrace houses in a Conservation Area where the Inspector found that:

-Whilst the units may well meet space standards and a Daylight and sunlight study submitted by the appellant concludes that habitable rooms (despite some with a single aspect) receive satisfactory levels of sunlight and daylight, the outlook from the main access walkway above and would be largely dominated by an expanse of wall. This would give rise to an oppressive outlook and unacceptable sense of enclosure for the occupants of these properties.

-Despite the approach taken to mews style development having some merit in itself, the proposal is not appropriate for this site in this location. The proposal would appear as a rather cramped and contrived development of a scale, massing, height and plot coverage which would not successfully preserve or enhance the character or appearance of the Conservation Area.

(Appeal decision reference: APP/E5900/E/13/2193618).

Impact on residential amenity

Daylight

- 9.42 Policy SP10(4) of the adopted Core Strategy (2010) & policy DM25 of the Managing Development Document (2013) require development to protect and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, microclimate, outlook, privacy.
- 9.43 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 9.44 For calculating daylight to neighbouring properties affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 9.45 In term of the impacts on surrounding properties, the eaves height to the roof remains the same as the existing height. Given that the development would not increase in scale and height to that of the existing situation, the daylight and sunlight levels to surrounding properties would not be unduly compromised.

Privacy

- 9.46 The proposed opaque glazing to the lightwells at first floor level would prevent overlooking to the gardens of properties to the north of the site. However, the proposed south facing windows may cause overlooking to the gardens at the properties south of the development on Mile end road.

Transport and Highways

- 9.47 Policy SP08 & SP09 of the Core Strategy (2010) & Policy DM20 of the Managing Development Document (2013) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.48 Each unit would have access to its own cycle storage and as such adequate cycle storage is provided onsite although the location of the cycle storage compromises the quality of private

amenity space proposed. The pedestrian access way is narrow and this limits the space available to manoeuvre a bicycle into each property. This contributes to overdevelopment of the site.

- 9.49 There are two accessible spaces proposed onsite. LBTH Highways team note that the proposal should include visibility splays from the proposed accessible parking spaces to the back of the public footway. These visibility splays should be 2.100 metres at right angles to the footway by 1.500 metres at either side of the access point to ensure that highway safety is not compromised. The applicant was notified of the request but was not willing to incorporate the visibility splays into the design. However, it is not considered that a reason for refusal based on the non provision of visibility splays could be sustained.

Human Rights Considerations

- 9.50 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:-

- 9.51 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".

- 9.52 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.

- 9.53 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 and acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

- 9.54 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.

- 9.55 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

- 9.56 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.

- 9.57 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.

Equalities Act Considerations

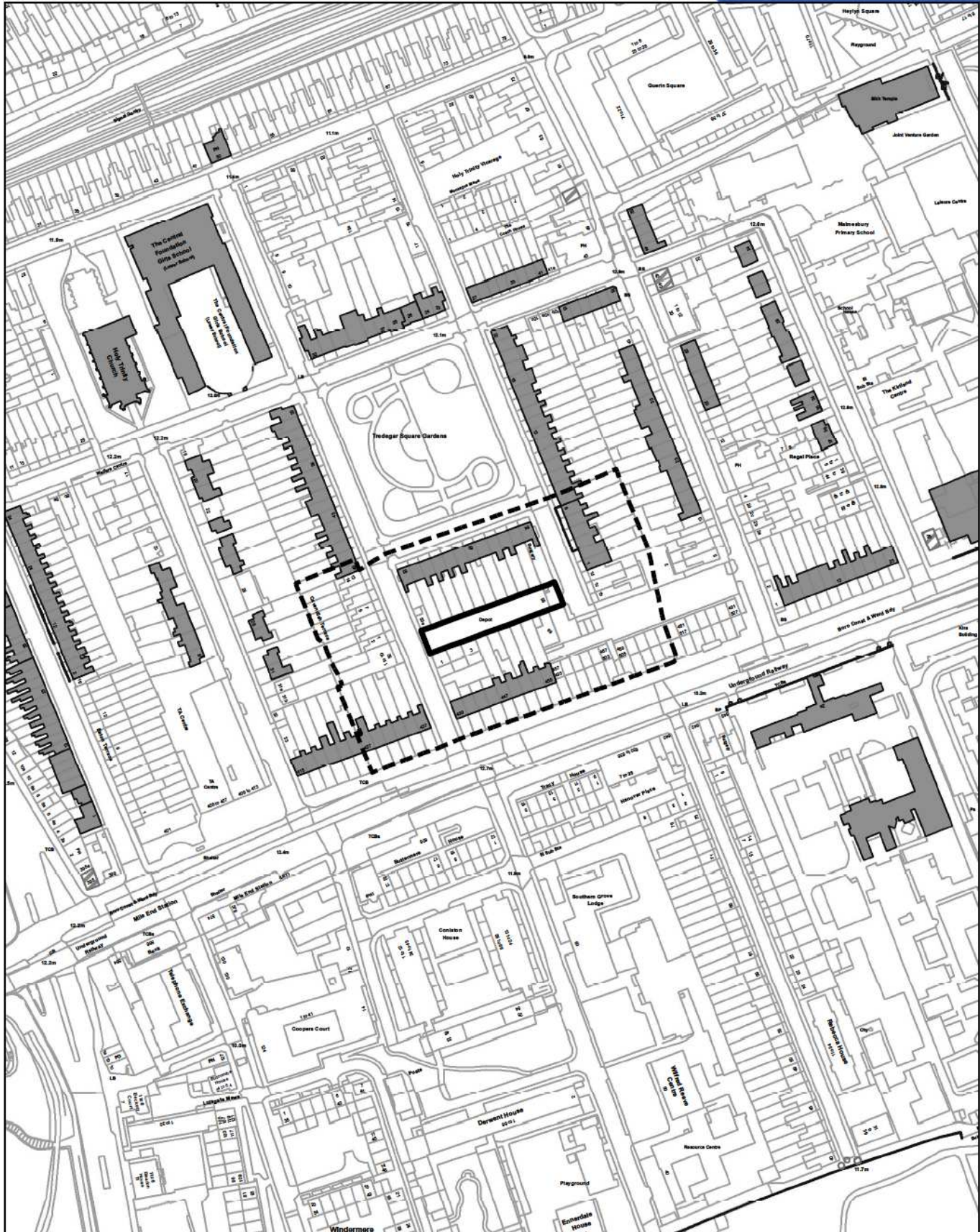
9.58 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard 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.

10 CONCLUSION

- 10.1 Redevelopment of the site for residential purposes is considered acceptable in principle, however the proposed development exhibits various symptoms of overdevelopment which would result in poor quality accommodation affecting the living conditions for future occupiers.
- 10.2 All other relevant policies and considerations have been taken into account. Planning Permission and Conservation Area Consent should be REFUSED for the reason set out in paragraph 2.1 of this report.

Planning Application Site Map
PA/13/00633 & PA/13/00634



- Planning Application Site Boundary
- Consultation Area
- Locally Listed Buildings
- Statutory Listed Buildings

0 20 m



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 6.2

Committee: Development	Date: 9 October 2013	Classification: Unrestricted	Agenda Item Number: 6.2
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Kamlesh Harris / Piotr Lanoszka	Ref No: PA/13/01433 (Full Planning Application)
	Ward: Saint Dunstan's and Stepney

1. APPLICATION DETAILS

Location: Dame Colet And Haileybury Centre, Ben Jonson Road, London E1 3NN

Existing Use: Community and play facilities

Proposal: Demolition of Dame Colet House and Haileybury Centre and erection of two four storey residential blocks to provide 40 affordable housing units together with the erection of a three storey youth, sport and community centre building with associated landscaping, car parking and other ancillary works.

Drawings and documents: List of Plans:

1917-00-DR-0010 P01, 1917-00-DR-0011 P01,
1917-00-DR-0101 P01, 1917-00-DR-0110 P04,
1917-00-DR-0111 P02, 1917-00-DR-0112 P02,
1917-00-DR-0113 P02, 1917-00-DR-0114 P02,
1917-00-DR-410 P02, 1917-00-DR-611 P03,
1917-00-DR-615 P021, 1917-00-DR-616 P02,
1917-00-DR-617 P01, 1917-00-DR-1010 P01,
1917-00-DR-1011 P01, 1917-00-DR-1012 P01,
1917-00-DR-1013 P01;

A/100/01G, A/100/02G, A/100/03F, A/100/04,
A/100/05, A/100/41D, A/100/42D, A/100/61F,
A/100/62F and A/100/63F.

Documents:

- Design and Access Statement
- Statement of Community Involvement
- Transport Statement
- Travel Plan
- Planning and Impact Statement
- Socio-economic and Regeneration report

- Ground investigation
- Ecology Report/Bat Survey
- Sustainability Report
- Daylight and Sunlight Assessment
- Construction Management Plan
- Verified views
- Energy Statement
- Archaeology Assessment
- Noise Assessment
- Acoustic Report
- Heritage Statement

Applicant:	Guildmore Limited and London Borough of Tower Hamlets
Ownership:	London Borough of Tower Hamlets
Historic Building:	None
Conservation Area:	None

2. EXECUTIVE SUMMARY

- 2.1 The report considers an application to demolish Dame Colet House and Haileybury Youth Centre, located in Stepney and to redevelop the site to provide a new indoor youth and sports centre and to provide 40 affordable homes, within two linked four storey buildings.
- 2.2 The proposals are a Council led initiative and the applications are submitted jointly by Tower Hamlets Council and its procured developer partner, Guildmore.
- 2.3 The development of the youth centre would involve the loss of an outdoor sports pitch to the rear of Haileybury Youth Centre. This would be mitigated through the provision of a similar open air ball court on the roof of the proposed youth facility.
- 2.4 The residential development would be focussed around a private courtyard accommodating a play area for under-5 year old children and gardens for the ground floor flats. All upper floor flats would have access to private balconies.
- 2.5 The residential scheme would provide a policy compliant mix of one, two, three and four bedroom homes for rent at Tower Hamlets preferred affordable rents.
- 2.6 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver good quality affordable homes and a much improved youth centre in a sustainable location. The youth centre proposals would relate well to the corner location in terms of their design and appearance, the buildings would preserve and enhance the setting of York Square Conservation area to the south and would open up views from Ben Johnson Road towards Saint Dunstan's Church (Grade I listed).
- 2.7 In addition to the provision of a new public leisure facility and 100% affordable housing, the scheme would provide financial contributions, secured as planning

obligations, towards education and health facilities, off site open space and public realm improvements

- 2.8 The application is recommended for approval subject to the completion of a Section 106 agreement.

3. RECOMMENDATION

- 3.1. That the Development Committee resolve to **GRANT PLANNING PERMISSION** for application PA/13/01433 subject to:

- 3.2 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:

- § £72,595 towards primary education
- § £67,493 towards secondary education
- § £14,020 towards primary healthcare
- § £30,000 towards public realm improvements
- § £15,892 towards public open space improvements

Total £200,000

- 3.3 In addition the following non-financial obligations would be secured:

- § 100% affordable housing (Tower Hamlets preferred rents)
- § Car free agreement

- 3.4 That the Corporate Director, Development & Renewal and Assistant Chief Executive (Legal Services) is delegated authority to negotiate and approve the legal agreement indicated above.

- 3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 3.6 Compliance

1. Time Limit 3 years
2. Demolition to take place within 2 years (requirement for further bat survey)
3. Compliance with plans and documents
4. Compliance with Energy and Sustainability Strategy submitted
5. All residential accommodation to be completed to lifetime homes standards
6. Communal play space and child space accessible to all future residents of the development
7. Refuse and Recycling to be implemented in accordance with approved plans
8. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
9. Ensure pedestrian access points are level or gently ramped
10. Hours of opening for the youth, sport and community centre including all ancillary facilities (07:00 until 22:00 Monday to Saturday, 08:00 until 21:00 on Sundays and Bank Holidays)
11. Vegetation clearance/removal to take place outside bird nesting season

3.7 Prior to commencement

12. Demolition/Construction Environmental Management Plan/Construction logistics
13. Ground contamination – investigation and remediation
14. No impact piling shall take place until a piling method statement has been submitted and approved
15. Drainage details and mitigation of surface water run-off
16. Submission of details and samples of all facing materials
17. Approval of sound insulation measures in accordance with agreed standards
18. Crossrail requirement regarding detailed design and method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent),
19. Crossrail requirement regarding works below ground level
20. Scheme of Highways Works (S.278)
21. Travel plan
22. Details of all external lighting and CCTV
23. Details of brown and green roofs and other ecological enhancement/mitigation measures
24. Landscaping and boundary treatment details including Landscaping Management Plan
25. Submission of details of the wheelchair housing specification/standards to show at least 10% units are wheelchair adaptable
26. Details of cycle parking/storage
27. Details of external plant and ventilation, including noise attenuation measures
28. Archaeological investigation and historic buildings recording
29. Details of all Secure by Design measures
30. Details of future capability to connect the site to a district wide CHP system
31. Details of rooftop PV array
32. Details of play equipment

3.8 Prior to Occupation

33. Delivery and Servicing Plan
34. Waste Management Plan
35. Code for Sustainable Homes post completion assessment
36. BREEAM post completion assessment

3.9 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

3.10 Informative

1. Associated S106
2. Compliance with Environmental Health Legislation
3. Compliance with Building Regulations

4. **SITE AND SURROUNDINGS**

4.1 The application relates to the site of the existing part single, part two storey Dame Colet House and two storey Haileybury Youth Centre buildings. The site is located on the southern side of Ben Jonson Road at the corner with Stepney High Street. The southern boundary adjoins Durham Row which is a pedestrian lane running between Stepney High Street and White Horse Road. Directly across Stepney High Street to the west is the Stepney City Farm. Stepney Maths and Computing College lies north

of Ben Jonson Road; to the east is a 4 storey residential block – Pevensey House and further to the south east are residential properties on either sides of Durham Row. The site is located 100m west of the Ben Jonson Road Town Centre, a vibrant parade of shops and community facilities.

- 4.2 On the opposite side of Durham Row lies the Grade I listed Parish Church of St Dunstan and All Saints with its historic churchyard and green space. The churchyard's iron railings, gate piers and gates are Grade II listed. The church and surrounding area fall within the York Square Conservation Area which was designated in January 1973 and extended in October 2008. Whilst the application site overlooks the church, no parts of this site fall within the conservation area. Further to the east along Durham Row is a Grade II listed terrace.
- 4.3 The site measures 0.29 hectares in area. The buildings on site have an established use as a community and youth centre with ancillary facilities. The site includes an existing open air football pitch behind Haileybury Youth Centre. They are modern 1960's blocks built in bricks and sit quite low within the street scene. The Haileybury Youth Centre is still in use today but is in a very poor condition. It also serves as community function space. The Dame Colet House did have some community and residential use but has not been in use for many years and is in poor state of repair. All existing buildings on site would be demolished to accommodate the new proposal.
- 4.5 The site has a PTAL (public transport accessibility) of 5, being very accessible (where level 6 is regarded as being excellent levels of accessibility). There are several bus routes serving the local area. Limehouse DLR station is about 550m south of the site and Stepney Green Underground station lies to the north about 600m away. There is also a Barclays Cycle Hire station nearby.
- 4.6 There are a number of schools in the vicinity of the application site in nursery, primary and secondary stages. In addition to the public open space around the church, there are several children's play areas scattered within walking distance of the application site, in Belgrave Street and White Horse Road. Besides the St Dunstan and All Saints church, the Stepney City farm is one of the main attractions in the area.

5 RELEVANT PLANNING HISTORY

Dame Colet House

- 5.1 On 14 December 2001, planning permission was granted for the construction of a purpose built nursery extension to replace current portakabin and storage shed, together with a new lift extension to existing building (LBTH Ref: PA/01/000870). This planning permission was not implemented and has now lapsed.

Haileybury Youth Centre

- 5.2 On 25 January 2002, planning permission was granted for the construction of first floor extension to the current sports hall comprising music room, offices, ground floor car parking & new lift extension to the existing building. (LBTH Ref: PA/01/000869).
- 5.3 On 08 April 2013, an EIA Screening Opinion was issued which confirmed that an EIA submission was not required for the construction of a four storey residential development and sports/youth centre. (LBTH Ref: PA/13/00568).

6 DETAILS OF THE PROPOSED DEVELOPMENT

- 6.1 Planning permission is sought for demolition of the single storey Dame Colet House and the two storey Haileybury Youth Centre, and erection of two residential buildings of four storeys and a two/three storey youth, sport and community centre.
- 6.2 The new Haileybury Youth Centre would comprise a sports hall, a rooftop MUGA pitch, a gym, studios, classrooms and a café. The youth centre would sit in a prominent corner position and while itself at 3 storeys in height, due to higher floor to ceiling heights, would broadly match the height of the adjoining 4 storey residential development. The building would be faced in London Stock brick, benefit from large areas of glazing, especially to the entrance, and louvered panels enclosing the rooftop MUGA games court. Artwork on glazing would add visual interest to the building.
- 6.3 The residential buildings would be 100% affordable with all of the 40 units designed to Lifetime Homes standards and Sustainable Homes Code 4. The mix would consist of 12 one bedroom, 10 two bedroom, 12 three bedroom and 6 four bedroom units. The units would be arranged in two buildings with separate entrances from Ben Jonson Road, linked by a central courtyard and child play space in the centre and at rear. Each residential unit would have access to a balcony or private garden. Amenity space consists of a communal courtyard with dedicated child play space measuring approximately 100sqm. The two buildings would be set 5 metres apart to allow views of the church and linked by a wall with railings on Ben Jonson Road to provide privacy and security for residents. Both buildings would be formed in an L shape with a flat roof, faced in London Stock brick with glazed balconies. Contrasting bricks are proposed within the rear elevation. This architectural approach would give the building a strong vertical emphasis – in particular to the south, facing the York Square Conservation Area and the Grade I listed church.
- 6.4 The proposal would be car free and existing permit holders would be allowed to transfer their parking permits (for the 3 bed and above). A total of 3 disabled parking spaces and 58 cycle spaces would be dedicated to residents, with 6 spaces for visitors. Cycle parking for the Haileybury Youth Centre consists of 12 secure, covered spaces for staff and 20 for visitors.

7 POLICY FRAMEWORK

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

7.1 Government Planning Policy

NPPF - National Planning Policy Framework

7.2 Spatial Development Strategy for Greater London - London Plan 2011

2.9 Inner London

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

3.8 Housing Choice

3.9 Mixed and Balanced Community

3.10 Definition of Affordable Housing

- 3.11 Affordable Housing Targets
- 3.14 Existing Housing
- 3.16 Protection and enhancement of social infrastructure
- 3.19 Sports facilities
- 4.7 Retail and town centre development
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable drainage
- 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
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing Traffic Flow and Tackling Congestion
- 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 and Archaeology
- 7.18 Protecting Local Open Space
- 7.19 Biodiversity and access to nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

7.3 Tower Hamlets Adopted Core Strategy 2010

- 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
- 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 place making
- SP13 Planning Obligations

7.4 Managing Development Documents 2013

- DM0 Delivering sustainable development
- DM1 Development within the town centre hierarchy
- DM3 Delivering Homes
- DM4 Housing standards and amenity space
- DM8 Community Infrastructure
- DM10 Delivering Open Space
- DM11 Living Buildings and biodiversity
- DM13 Sustainable Drainage
- DM14 Managing Waste

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
DM27 Heritage and the built environment
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

7.5 Supplementary Planning Documents

Designing out Crime Parts 1 and 2
Planning Obligations SPD 2012
York Square Conservation Area Appraisal

7.6 Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

8.0 CONSULTATION RESPONSE

8.1 The following were consulted with regard to the application. Responses are summarised below. Full representations are available to view on the case file. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report which addresses the various material planning considerations but where appropriate, comment is also made in response to specific issues raised as part of the consultation process.

8.2 As the proposed development was amended, to address concerns raised as part of the initial consultation process, officers have determined that it was not necessary to carry out any re-consultation on the amended plans.

LBTH Housing Development & Private Sector

8.3 The bedroom size mix is fully policy compliant. All properties comply with Lifetime Homes and would benefit from separate kitchens and living areas.

8.4 Wheelchair accessible units are welcome and the mix would be in line with the needs of families waiting for fully accessible housing on the Common Housing Register.

8.5 Given the size of the development, a 100% affordable scheme is considered acceptable. The Affordable Housing Team fully supports this proposal.

LBTH Environmental Health

8.6 The proposed development should 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. Construction works to be carried out only during the following hours: 8am- 6pm Monday to Friday. 8am – 1pm Saturdays. No

works allowed on Sundays and Public Holidays. Piling methods and construction management plan should also be agreed. The construction noise limits should not exceed 75dBA LAeq 10 hours at residential facade and should not exceed 65dBA LAeq 10 hours at the facade of noise sensitive premises such as schools. It is recommended that the developer applies for section 61 COPA 1974 consent. Details of plant and equipment should be provided to comply with noise assessment submitted.

- 8.7 The development must satisfy the design requirements of BS8233: 1999 - 'good standard' and Approved Document E (ADE) of Building Regulation 2003. Approved Document E stipulates the insulating specifications that must be met to ensure that building design and construction provides reasonable resistance to sound from other parts of the same building and from adjoining buildings – Dntw 45 and Lntw 62.
- 8.8 A condition should be included to ensure a detailed land contamination remediation method statement is submitted prior to the commencement of the development.

(OFFICER'S COMMENT – suggested conditions have been included as part of the recommendation to grant planning permission to deal with all the issues raised above).

LBTH Biodiversity Officer

- 8.9 A preliminary bat survey identified part of Dame Collet House as having high potential to support bat roosts, and several other features on site as having low potential to support bat roosts. Results of further survey found no evidence of roosting bats, so there is no need for any further bat mitigation or surveys at this time. If demolition does not take place within 2 years, a precautionary bat survey should be undertaken before demolition commences. This would be secured by condition.
- 8.10 It is important that the development does not increase the current levels of lighting within the churchyard where small numbers of bats have been recorder. Details of external lighting should be secured by condition.
- 8.11 Vegetation clearance should be undertaken outside the bird nesting season. If this is not possible, vegetation to be removed should be surveyed for nesting birds - if any nests are found, these must be left undisturbed until the young have fledged. This should be secured by condition.
- 8.12 A condition should require details of ecological enhancements, including green roofs, landscaping and boxes for animals.

(OFFICER COMMENT: suggested conditions have been included).

LBTH Energy Efficiency Unit

- 8.13 The energy strategy is policy compliant. Initial assessment confirms that the proposed development would achieve Sustainable Homes Code 4, reducing CO2 emissions by more than 35%, and BREEAM Excellent at a score of at least 70. Relevant pre-assessments and post completion assessment should be conditioned to ensure that the above targets are met.
- 8.14 London Plan Policy 5.6 requires the applicant to investigate communal systems if they cannot connect to a district system or have an on-site CHP. The applicant has

demonstrated that in this instance individual gas boilers are an acceptable solution. Details of provision for future connection to a district wide CHP network should be conditioned.

(OFFICER COMMENT: Appropriate conditions dealing with the issues raised have been included.)

LBTH Communities, Localities & Culture (Strategy)

8.15 The units proposed will result in an estimated 111 new residents within the development. A number of financial contributions are required to mitigate the impact of the proposed development based on the Planning Obligations SPD.

8.16 £14,011 is required towards Idea Stores, Libraries and Archives.
£46,169 is required towards Leisure Facilities.
£89,231 is required towards Public Open Space.
£1,668 is required towards Smarter Travel.
£91,020 is required towards public realm improvements.

(OFFICER COMMENT: The financial contributions are explained in detail in Section 10 of this report)

LBTH Transportation & Highways

8.17 The principle of residential development at this location and of the scale proposed is supported by Transport and Highways.

8.18 A Construction Management Plan, S278 agreement and a Travel Plan should be secured by condition. A car free agreement and financial contributions towards sustainable travel should be secured through S106.

8.19 Details of disabled bays should be revised to ensure appropriate access - amended plans have been received and the number of disabled bays has been reduced to 3 together with changes to their orientations. Furthermore, the steps have been omitted and a direct step free access to the lobby area has been provided.

8.20 Provision of secure cycle parking in accordance with standards is welcome. Details should be conditioned.

8.21 The deliveries and servicing area should be appropriately designed to encourage drivers to give way to pedestrians.

(OFFICER COMMENT: suggested conditions have been included, highway matters will be addressed in Section 10 of this report.)

LBTH Waste Policy and Development

8.22 The bin store locations are acceptable. Sufficient capacity of the bin stores should be ensured.

(OFFICER COMMENT: a Waste Management Strategy condition has been included)

LBTH Children Schools and Families (Education Development)

8.23 Standard contributions towards primary and secondary school places are requested.

(OFFICER COMMENT: Educational contributions feature as part of the S106 Agreement).

LBTH Enterprise & Employment

Construction Phase

- 8.24 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets.
- 8.25 The Council will seek to secure a financial contribution of **£5,695** to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.

(OFFICER COMMENT: The financial contributions are explained in detail in Section 10 of this report)

External consultation responses

Transport for London (TfL)

- 8.26 TfL supports this proposal in principle. Construction Logistics Plan and a Delivery and Servicing Plan should be secured by condition.
- 8.27 The Travel Plan submitted with the application failed the ATTrBuTE toolkit assessment and as such will need to be revisited, amended and assessed through ATTrBuTE before being re submitted to the Borough.

(OFFICER COMMENT: This would be sought through the imposition of a planning condition).

Environment Agency

- 8.28 The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. Measures to ensure sustainable drainage and reduction in water runoff should be conditioned.

(OFFICER COMMENT: An appropriate condition dealing with the issues raised have been included)

English Heritage Archaeology

- 8.29 The application site lies inside an area of archaeological potential connected with the historic core of Stepney and both prehistoric and early medieval remains have been encountered close by.
- 8.30 The submitted Archaeological assessment has been examined and also the geotechnical reports from the site. Archaeological remains may be affected by the

proposed development and a programme of field evaluation followed by any necessary mitigation work would be appropriate in this case.

- 8.31 A condition should be attached with regards to the safeguarding of any heritage assets of archaeological interest.

(OFFICER COMMENT: An appropriate condition dealing with the issues raised have been included)

Metropolitan Police (Crime Prevention Officer)

- 8.32 Detailed Secure by Design comments were received. The matters raised will be conditioned appropriately.

(OFFICER COMMENT: An appropriate condition dealing with the issues raised have been included)

Crossrail

- 8.33 Detailed design of the proposed development needs to take account of the construction of Crossrail.

- 8.34 Crossrail request conditions regarding 1) detailed design and method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), and 2) Condition regarding works below ground level

(OFFICER COMMENT: An appropriate condition dealing with the issues raised have been included)

Thames Water Utilities

- 8.35 Thames Water raise no objections and request for a number of informatives to be included on the decision notice.

(OFFICER COMMENT: An informative has been included dealing with the advice and issues raised)

9. Local Representation

Statutory Consultation

- 9.1 Site notices were displayed on 06 August 2013. The proposal was also advertised in the press on 08 July 2013. A total of 138 neighbouring addresses were notified in writing. 1 letter of objection has been received from a local resident and 5 letters of support have also been received.

- 9.2 For completeness, all issues raised in objection or in support are summarised below. The full representations are available to view on the case file.

- 9.3 The objection raises the following matters:

- Scale and height of development
- Housing density

- Disruption during works

9.4 The letters in support focus on benefits of the new Haileybury Centre to young people.

Consultation carried out by the applicant

- 9.5 A public exhibition was held on 15 May 2013 at the Haileybury Youth Centre.
- 9.6 A press advert / editorial was published in the East End Life on Monday 6th May 2013 to provide background information about the schemes. A web-site (www.poplarbathsanddamecolet.co.uk) has also been set up by Guildmore to promote the scheme, provide background information and updates for people to view and comment on the plans.
- 9.7 Approximately 60 residents attended the public exhibition. A total of 22 comment forms were completed and returned to Guildmore.
- 9.8 Overall, the majority of attendees welcomed the proposals for the regenerated Youth Centre and provision of new affordable housing.
- 9.9 A number of people expressed an opinion that more affordable housing would be welcomed on the site. There was a view that Durham Row needed to be enhanced through improved lighting and landscape treatment to assist in stopping anti-social behaviour. Many of the concerns and issues raised that evening have already been addressed by the developer.
- 9.10 (OFFICER COMMENT: The response to third party representations in the assessment of the applications is included in Section 10 below.

10. MATERIAL PLANNING CONSIDERATIONS

Background

- 10.1 This planning application has been submitted by Guildmore acting as Developer for London Borough of Tower Hamlets (LBTH) in respect of the Haileybury Youth Centre and Dame Colet House. This marks a key milestone in the Boroughs aspiration to provide 40 much needed residential housing units, in conjunction with a new community youth facility to replace the existing Haileybury Youth Centre.
- 10.2 The Haileybury community youth facility will be provided on an internal repairing lease basis, with the demise of the lease encompassing the whole of the internal space.
- 10.3 The residential units will be provided to LBTH under an internal repairing lease basis, with Tower Hamlets Homes managing and letting the units as LBTH's ALMO.
- 10.4 This project is a local authority led initiative that would deliver key strategic priorities including the provision of a 'state of the art' youth centre and the provision of affordable homes.
- 10.5 Tower Hamlets Council has procured this project through an European Union compliant competitive dialogue process. Initial invitations were sort through an OJEU notice, with respondent's completing Pre-Qualification Questionnaires. Upon completion of PQQ's a number of successful bidders were invited to participate in competitive dialogue.

- 10.6 In July 2012 cabinet permission was received to proceed into stage 2 of the procurement process (ITPCD - detailed solutions). The successful completion of this process as ratified by Council in January 2013 and has allowed the Council's developer to complete detailed design and this subsequent planning application on our behalf.
- 10.7 The main planning issues raised are as follows:
1. Land Use
 2. Housing density, mix and quality
 3. Design and Heritage matters
 4. Amenity
 5. Transport and Highways
 6. Energy efficiency & Sustainability
 7. Contamination
 8. Planning Obligations & CIL
 9. Localism Act (amendment to S70 (2) of the TCPA 1990)
 10. Human Rights Considerations
 11. Equality Act Considerations

Land Use

- 10.8 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 10.9 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.
- 10.10 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.
- 10.11 The Core Strategy place-making policy SP12 identifies a vision for Stepney to be 'A great place for families nestled around the green spine of Stepney Green, Regents canal and Mile End Park Leisure Centre'. The vision places priority on improving the quality of the Ben Jonson Road Neighbourhood Town Centre to ensure it meets local needs and acts as a focal point to the area, and to continue the physical, social and economic regeneration of the Ocean Estate.

- 10.12 The application site carries no site-specific policy designations but is located within an 'edge of centre' area for the Ben Jonson Road Neighbourhood Town Centre, located approximately 150m to the east. The site is occupied by two community centres of approximately 1035sqm and an outdoor sports pitch of circa 600sqm.

Principle of residential use

- 10.13 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885. The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 10.14 The Core Strategy objective SO5 and policy SP01 identify edge of town centre locations, such as the application site, as suitable for mixed use development with the proportion of residential accommodation increasing away from designated town centres. Additionally, the placemaking policy SP12 envisages Stepney as a great place for families.
- 10.15 Given the above and the predominant residential character of the site's environs, the principle of redevelopment of part of this brownfield site for housing purposes is considered desirable in policy terms subject to other land use considerations.

Re-provision of community/sport facilities

- 10.16 Housing growth should be accompanied by and underpinned by provision of social, recreational and cultural facilities and services to reflect the community's needs, promote social cohesion, increase the quality of life and support health, social and cultural wellbeing. In particular, paragraph 73 of the NPPF acknowledges the contribution that opportunities for sport and recreation can make to the health and wellbeing of communities. Accordingly, policies 3.16 and 3.19 of the London Plan support development proposals that increase or enhance the provision of sports and recreation facilities. There is a particular preference for multi-use public facilities.
- 10.17 These national and regional policies are reflected in the Council's Core Strategy policy SP03 and strategic objectives SO10 and SO11 which aim to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and ensure the timely provision of infrastructure to support housing growth. In particular, policy SP03 seeks provision of high-quality, multi-use leisure centres in accessible locations.
- 10.18 The NPPF, policies 3.16 and 4.7 of the London Plan, objectives SO4 and SO5 and policy SP01 of the Core Strategy, and policy DM8 of the Managing Development Document seek to locate leisure, social and community facilities in accessible locations, in or at the edge of town centres or along main roads. This is in order to support the vitality and viability of local town centres and ensure easy access by foot, cycle or public transport.
- 10.19 The Managing Development Document policy DM8 requires protection of health, leisure, social and community facilities where they meet an identified local need and the buildings are suitable for their use. The loss of an existing facility will only be considered acceptable if it can be demonstrated that there is no longer a need for the

facility and the building is no longer suitable, or the facility is being adequately reprovided elsewhere. Paragraph 74 of the NPPF specifies that existing open space, sports and recreational buildings and land should not be built on unless the development is for alternative sports and recreational provision or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity.

- 10.20 The application proposes replacement of the existing community centres of some 1035sqm and an outdoor sports pitch of some 600sqm with a new, purpose-built youth, sport and community centre of 1,271sqm. The centre is to include two primary sport areas – a 323sqm indoor sports hall and a 544sqm outdoor multi-purpose games area, with associated changing facilities, studios, classrooms, gym and café.
- 10.21 While this represents a net gain of 267sqm in the area of dedicated sports pitches, an overall loss of 404sqm of general community floorspace will occur as result of the proposed redevelopment of the site due to introduction of a significant amount of affordable residential accommodation within its eastern part.
- 10.22 It is considered expedient to note that while the 476sqm Hailebury Youth Centre with its external sports pitch of 600sqm is in a very poor condition is still actively used for sport and recreational purposes, the 559sqm Dame Colet House is derelict and has not been in use for many years. The new youth, sport and community centre, being purpose-built would be of much higher quality than the existing buildings on site and include dedicated indoor and outdoor sport area. Thus while some quantitative loss of community floorspace occurs the overall proposal represents a strong qualitative improvement. Furthermore, Sport England were consulted on the proposal and raised no objection.
- 10.23 Overall, on balance, it is considered that the loss of part of the community floorspace on site is acceptable in land use terms as the redevelopment of the site for mixed use purposes will provide a state-of-the-art youth, sport and community centre in an appropriate location while making a significant contribution to delivery of much needed affordable housing. The proposal thus broadly accords with the principles of the abovementioned land use policies.

Development on open space

- 10.24 Outdoor sport facilities such as the 600sqm sports pitch, which forms part of the Haileybury Youth Centre, are defined as open space for the purpose of the Managing Development policy DM10 and Core Strategy policy SP04.
- 10.25 Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection and safeguarding of open space such that there is no net loss. Policy DM10 specifies that development on areas of open space will only be allowed in exceptional circumstances where a higher quality open space outcome is achieved as part of a wider redevelopment proposal. As mentioned above, paragraph 74 of the NPPF specifies that existing open space, sports and recreational buildings and land should not be built on unless the development is for alternative sports and recreational provision or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity.
- 10.26 The 600sqm artificially surfaced outdoor sports pitch is to be replaced by a 323sqm, indoor, multi-purpose, sports hall and a 544sqm rooftop, outdoor, multi-purpose,

games area. While a small reduction in the area of outdoor sport facilities occurs, there would be an overall qualitative and quantitative improvement to the sport facility. In light of the provision of large outdoor sport pitches in the vicinity of the site within Stepney Green and Mile End parks, it is considered that, on balance, the proposal broadly accords with the above policies.

Inclusion of café use

- 10.27 Core Strategy policy SP01 and objectives SO4 and SO5 seek to ensure that the scale and type of development is proportionate to the town centre hierarchy and to promote mixed use at the edge of town centres and along main streets. The policy also seeks to ensure that town centres are active, well-used and safe during day and night and to encourage evening and night time economy uses that contribute to the vibrancy, inclusiveness and economic vitality. Evening and night time uses such as cafes should not be over-concentrated where undue detrimental impact on amenity would result, should be of a balanced provision and complementary to the adjoining uses and activities. Policy DM1 of the Managing Development Document expands on the above strategic policy and, to support the vitality and viability of town centres, directs restaurants and cafes to town centres.
- 10.28 Provision of a small café on site, in an edge-of-centre location, is acceptable as it would not be uncommon for a community or sport centre to house a publicly accessible café to supplement the leisure offer on site, the café use would be clearly ancillary to the principal youth, sport and community centre use and would not compete with the offer of the nearby town centres.
- 10.29 The redevelopment of the site to provide affordable residential accommodation and a purpose-built youth, sport and community facility with an ancillary café would be acceptable in land use terms as it would continue the physical, social and economic regeneration of the Ocean Estate, constitute a sustainable and efficient use of a brownfield site, contribute significantly to meeting local housing needs and provide an improved leisure, recreational and community facility in line with the broad objectives of planning policies at the national, regional and local levels.

Design and Heritage matters

- 10.30 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 10.31 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. 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. Policy 7.8 seeks to identify London's heritage assets and historic environment so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.

- 10.32 Policy SP10 sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings. This policy also seeks to protect and enhance the borough's heritage assets, their setting and their significance.
- 10.33 The Managing Development Document deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context. Policy DM27 of the MDD seeks to protect and enhance the borough's heritage assets, their setting and their significance. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure that they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. More importantly, it states that development should enhance or better reveal the significance of the asset or its setting.

Layout, height and scale

- 10.34 The application site is rectangular in shape and occupies a corner plot along a busy junction and near the Ben Jonson Road town centre. The surrounding area is interesting in its diverse uses and different architecture. St Dunstan's church dominates this area; however, it is also equally important to look at the layout of the roads, the adjacent Stepney City Farm, the Stepney Green Maths and Computer College and the surrounding conservation areas, York Square and Stepney Green. The several housing blocks scattered around these different buildings offer a wholesome palette of materials and design that complement the whole area.
- 10.35 The proposal would occupy the entire plot of land, running from north to south but with a significant gap in between. The two residential buildings would be in an "L" shape; the youth centre building would mould the corner edge with a wraparound element that brings together both roads, Ben Jonson Road and Stepney High Street. The ground floor and the courtyard of the residential buildings would be raised by 0.75m which matches the raised level of the churchyard. A small basement is proposed in the stand-alone residential building. At 3/4 storeys in height, the new buildings would complement the existing surrounding buildings along this frontage which are between 2 to 6 storeys in height. The new buildings would be built close to the street edge with a setback of 0.7m in the Ben Jonson Road elevation. At rear the buildings would be constructed abutting Durham Row. This layout will reintroduce in Ben Jonson Road a typical and traditional urban form of dwelling frontages and offer an active frontage at rear, along Durham Row and the churchyard.
- 10.36 The two residential buildings would have separate level accesses at front along Ben Jonson Road. These would be situated at either ends of the residential sections. A recessed brick wall with railings joins the two buildings at street level. The youth centre building would have a recessed level access from Ben Jonson Road on the corner with Stepney High Street. The wide forecourt would give this community/sports building a greater street presence in line with its usage. Furthermore, it would offer a generous set back from the corner junction of both streets and complements the use and activities of this building. Terraces and balconies overlook the courtyard. All ground floor properties would be provided with gardens at rear within the courtyard.
- 10.37 A rooftop mini football pitch and MUGA complete the youth centre layout. There would be a viewing terrace on the roof which will be accessed from the MUGA and

which faces the farm. The two buildings whilst close together would function separately and would be independent of each other. One of the residential buildings would be stand-alone and the other would be joined together with the youth centre building. When viewed from a distance, the two buildings would read as one in terms of their height.

- 10.38 The total height of the development is taller than the existing buildings on the site but it relates well to other heights in the surrounding area and the corner location of the site. The viewing corridor between the two residential elements helps to break the mass that could have created a negative impact on the setting of the Grade I listed church to the south. The buildings have street prominence along Ben Jonson Road without appearing bulky and dominating.
- 10.39 The Haileybury youth centre building occupies a prominent corner location. Besides being a corner building, it would also be a public building with activities that would attract a lot of people, in particular the younger generations. The rooftop MUGA creates another feature to this site together with the high perimeter enclosure which adds interest to the building. The youth centre building also complements the existing school opposite the site and the farm.
- 10.40 Overall, the proposed buildings would be appropriate in terms of height, layout and scale and relate well to the surrounding street layout and townscape. They would also preserve and enhance the setting of the York Square Conservation Area and would not affect the setting of the Grade I church and Grade II railings and gate.

Architectural appearance and landscape

- 10.41 The lower sections of the youth centre building would be faced in London Stock brick and benefit from large areas of glazing, especially to the entrance, while the upper section would be defined by louvered panels enclosing the rooftop MUGA games court. Artwork on glazing would add visual interest to the building. An out of hour's access would be introduced on the Stepney High Street elevation near the loading bays. Boundary fencing would be introduced at this point together with sliding gates. The high level terrace facing Stepney High Street would be set behind a parapet wall and a canopy would mark the upper level out-of-hours staircase.
- 10.42 The two residential buildings would also be faced in London Stock brick with glazed balconies. Contrasting grey bricks in basket weave bond are proposed within the rear elevation. This architectural approach would give the building a strong vertical emphasis – in particular to the south, facing the York Square Conservation Area and the Grade I listed church. Two soldier courses at first floor level and a single soldier course at parapet level add further character to the front elevation of the residential building. The windows are set within appropriate recesses and expressed in grid form. The bottom section of the windows at ground floor level would be finished in a toughened obscured glass spandrel panel to offer added privacy and add visual interest to the ground floor raised elevation. The windows and wrap-around windows would be finished in grey powder coated frames as are the patio doors. On the side of both entrance doorways the walls would be finished in a blue/grey stock brick panel with basket weave bond.
- 10.43 The majority of the projecting balconies face the internal courtyard and would be finished with toughened glass balustrade. No balconies are proposed on the front and rear elevations which is welcome. None of the balconies would project over the public highway or extend beyond the site boundary.

- 10.44 External boundary treatment has been carefully considered with low brick walls defining the edges of the site. The low wall is mounted with high railings which would be conditioned to ensure that they are of high quality and match the railings surrounding the church yard in terms of design and detailing. The low wall joining the two residential buildings would be appropriately recessed and carried out in contrasting brickwork.
- 10.45 In conclusion, the external appearance of the buildings has been carefully considered and designed to complement each other and the different uses that they serve. The materials proposed would be high quality and the buildings would create visual interest and relate well to the street at ground level. Overall the development would provide a positive enhancement to the street scene and the setting of the York Square Conservation Area and the Grade I St Dunstan and All Saints Church and surrounding churchyard.

Impact on designated heritage assets

- 10.46 Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Paragraph 131 specifically requires that in determining planning applications, local planning authorities 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.”*
- 10.47 Guidance at paragraph 132 states that any consideration of the harm or loss of a designated heritage asset or its setting 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). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (advice at paragraph 134).
- 10.48 The closest heritage asset to the application site is the Grade I St Dunstan and All Saints Church which lies within York Square Conservation Area (designated in 1973 and extended in October 2008). The appraisal document for this conservation area describes the church as *“one of the most important parish churches in England.”* The appraisal document also states that the purpose of designating the York Square Conservation Area was to *“protect the public open space and the high quality townscape around the Grade I Parish Church and its churchyard which forms the northern boundary of the conservation area”*. It is noted that the churchyard's iron railings, gate piers and gates are Grade II listed.
- 10.49 Durham Row is also very close to the application site and has a significant architectural and historic interest. Numbers 3-19 Durham Row are Grade II listed and these properties represent a typical example of a Regency terrace. The houses also lie on the northern boundary of the church and its open space/church yard. The other side (north) of Durham Row is not listed and faces the rear elevation of Pevensey House.

- 10.50 In accordance with the York Square Conservation Area character appraisal, the preservation of the historic setting of the church and public churchyard gardens of utmost importance and views of these should be maintained and protected where appropriate, thus ensuring that the historic ties between the church and community is continued and enhanced. The new development aims to do exactly that. The existing buildings on site are low rise and there is no break between these buildings. No views are currently afforded from Ben Jonson Road to the church and churchyard.
- 10.51 The new proposal would provide views towards the church and churchyard and establish a visual connection with Ben Jonson Road. As described above, the buildings are brick built with balconies facing the internal courtyard. The viewing corridor would also allow secondary view into the development itself onto its private landscaped courtyard area situated in between the two residential buildings and at rear. The youth centre building would be built “as one” with the residential block to the west. The landscaped courtyard would create an active frontage along Durham Row and would complement the churchyard.
- 10.52 Subject to conditions to ensure high quality materials, boundary treatments and finishes, the proposal would preserve the setting, character and appearance of the Grade I Listed Church and Grade II listed railings, Grade II listed Durham Row terrace and the York Square Conservation Area.

Safety and security

- 10.53 The scheme would deliver significant benefits in terms of safety and security by providing active frontages to Ben Jonson Road and Durham Row. The residential development would offer natural surveillance along this narrow pedestrian walkway through over-looking from all floors.
- 10.54 The entrance area to the new Haileybury Centre is designed appropriately and together with the centre facilities and ground floor café would provide appropriate passive surveillance without creating opportunities for loitering.
- 10.55 Details of all Secured by Design measures as well as external lighting and CCTV would be conditioned.
- 10.56 Overall, the scheme would properly take into account secure by design requirements, improve safety and security in the location of the site and would not introduce undue risk of crime to future occupiers as a result of detailed design.
- 10.57 To conclude this section of the report, officers are satisfied that the scheme accords with the London Plan, the Core Strategy and the Managing Development Document policies which seek to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.

Housing

- 10.58 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development” Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

- 10.59 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885. The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.

Residential density

- 10.60 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 10.61 The application site adjoins the Ben Jonson Road Neighbourhood Town Centre, benefits from an urban context and very good public transport accessibility - PTAL score 5. In areas of PTAL 5 and urban setting, the density matrix associated with policy 3.4 of the London Plan supports densities of up to 700 habitable rooms per hectare. The policy acknowledges that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment.
- 10.62 The proposal, at 40 units, represents a density of 694 habitable rooms per hectare. Officers consider that the proposal would provide good quality affordable homes at an appropriate mix, including a high proportion of family sized units in a high quality scheme that positively responds to local context and does not result in any of the abovementioned symptoms of overdevelopment. As such, taking into account the context of the site, it is considered that the proposal optimises the use of the site and that the site can comfortably accommodate the proposed density in line with the relevant local, regional and national policies.

Affordable housing

- 10.63 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period.
- 10.64 The application is for a 100% affordable development of 40 Affordable Rent flats including a significant proportion of family units. This substantially exceeds the minimum on-site requirement of 35% affordable as specified by the Core Strategy policy SP02 and will make a significant contribution towards the Council's overall strategic target for 50% of new homes across the borough to be affordable.

- 10.65 The application also follows the Council's stated approach to provide Affordable Rent homes significantly below the national level of maximum 80% of private rent. All of the units will be managed by Tower Hamlets Homes and rented at levels determined to be genuinely affordable to local residents as assessed by the POD partnership. The one and two-bed properties are capped at equivalent to 65% of private rent, the 3 and 4 bed units are capped at 45% of market rent whilst the 5 bed units would be below 40% of market rent. This fits with the Council's approach to prioritise the larger family homes for social rent, or as in this case, as close as possible to social rent. Furthermore, development of a 100% Affordable Rent scheme at POD level rents is also supported by the LBTH Housing Team.
- 10.66 Although the proposal is for all of the new flats to fall in the Affordable Rent tenure, it is considered that the London Plan and the Council's objective of creating mixed and balanced communities and avoiding creation of mono-tenure areas would not be jeopardised in this instance as a significant number of Market Sector and Intermediate units is being delivered in the immediate area through the on-going regeneration of the Ocean Estate.

Dwelling sizes and mix

- 10.67 In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council's Core Strategy policy SP02 and policy DM3 of the Managing Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant targets and the breakdown of the proposed accommodation is shown in the table below.

- 10.68 Table 3: Proposed new build housing mix

Unit size	Affordable Rented		
	Units	%	Target %
Studio	0	0	0
1 bed	12	30	30%
2 bed	10	25	25%
3 bed	12	30	30%
4 bed	6	15	15%
Total	40	100	100

- 10.69 The proposed mix of units fully corresponds with the above policy requirements and includes an appropriately high proportion of family homes at 45% of all units.

Standard of accommodation

- 10.70 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance.
- 10.71 The internal space standards are set at 50sqm for 1 bed 2 person flats, 74sqm for 2 bed 4 person flats, 95sqm for 3 bed 6 person flats and 99sqm for 4 bed 7 person flats. All of the proposed 1 bed, 3 bed and 4 bed flats meet or exceed this target. Out of the ten 2 bed flats proposed, seven measure 70sqm which is considered to be within an acceptable margin of 74sqm as specified by policy. It is noteworthy that the majority of 3 and 4 bedroom units are particularly generously sized which is welcome

for Affordable Rented family units. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings can accommodate the furniture, access and activity space requirements relating to the declared level of occupancy. Moreover, all of the units benefit from separate kitchens and living rooms and adequate dedicated storage areas.

- 10.72 The majority of units are to be dual aspect with only 9 single aspect one bed properties. None of the proposed single aspect properties are north facing while all of the two, three and four bedroom units are dual aspect and benefit from south facing living rooms. While a small number of individual bedroom and kitchen windows (8 out of 152) fall short of the day lighting standard for new-built properties, the level of day lighting would generally remain good for the affected units bearing in mind their ground floor location in an inner city area. As such, it is considered that all of the proposed units will enjoy adequate daylight, and outlook.
- 10.73 As the habitable rooms on the opposite sides of the courtyard are 22m apart and there are no windows in the side elevation of the adjoining Pevensey House, all of the proposed flats will benefit from adequate privacy. Even though there is no defensible space boundary to the ground floor bedrooms facing onto Ben Jonson Road, the difference in levels of 1m and location of the bottom of street facing windows at 2.05m from pavement level will, in officers' opinion, ensure an adequate level of privacy.
- 10.74 Overall, it is considered that the proposed layouts are well thought through and will provide a high standard of living accommodation and amenity to the future occupiers.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 10.75 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 10.76 Four wheelchair accessible homes are proposed. 2 x two bed, 1 x three bed and 1 x four bed. The LBTH Housing Team confirmed that this is in line with the needs of families waiting for fully accessible housing on the Common Housing Register. The homes would all be located on the ground floor – due to the difference in floor levels wheelchair lifts are to be provided next to each residential entrance.
- 10.77 Overall, in compliance with the above policies, the scheme would be built to the Lifetime Homes Standards and provide 10% wheelchair accessible units with a good spread across dwelling sizes.

Private and communal amenity space

- 10.78 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 10.79 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the upper storey flats would have adequately sized balconies none of which are in the northern elevation. All of the ground floor units benefit from private gardens which substantially exceed the policy requirement.

10.80 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 80sqm is required for a development of 40 flats. The development will exceed this target and provide 370sqm of communal amenity space. Once areas of child playspace and defensible space for the northernmost ground floor flats are deducted, 180sqm of usable communal amenity space remains in the form of a south facing garden courtyard which is overlooked and well integrated with the development and its environs.

Child play space

10.81 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. 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.

10.82 Using the LBTH child yield calculations, the development is anticipated to yield 42 children and accordingly the policy sets an overall benchmark of 420sqm of child play space to be provided. Play space for children under 5 should be provided on-site while older children can reasonably use spaces off-site, within a short walking or cycling distance.

10.83 It is anticipated that the development will yield 14 under 5s and accordingly 140sqm of dedicated play space should be provided on-site. Even though the proposal incorporates 105sqm of under 5s play space within the garden courtyard, it is considered that the minor deficiency in on-site provision is acceptable due to close physical proximity and ease of access to formal play areas and informal play opportunities near the site. A gate is provided for easy access to the adjoining green spaces which benefit from various informal play opportunities and formal play facilities such as: the adjoining green space within the St Dunstan's Churchyard, the Adventure Playground and green space in the White Horse Road Park - 150m walking distance over quiet or pedestrianized streets, and the White Horse Road One O'clock Club - some 300m away. Additionally, the children play facilities in Stepney Green Park are less than 400m walking distance.

10.84 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. In addition to the youth activities which will be on offer at the adjoining Haileybury Centre, the multi-use games court in the northern part of White Horse Park is located within a 200m walking distance, Stepney Green Park with its play facilities, general games areas and floodlit football pitches is under 400m away, there are also sport facilities in Trafalgar Gardens, under 300m away, and in Shandy Park, some 400m walking distance. Mile End Park, with its sport centre, football pitches and skateboard park, is located 600m to the east.

Open space

10.85 Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection, improvement, and creation of open spaces. Managing Development

policy DM10 states that development will be required to contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy.

- 10.86 The Core Strategy notes that to achieve the 1.2 hectare of open space per 1000 population standard the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the built up urban character of Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standard to help justify local need.
- 10.87 To meet the above standard, based on a likely population yield of 111 new residents, the scheme would need to include 1332sqm of open space on top of 532sqm covered by the private gardens and communal amenity space provided, which in light of housing demand and the need to optimise the use of scarce development land would not be reasonable for a site measuring just under 2 hectares. It is considered that a financial contribution towards improvement of existing public open spaces would successfully mitigate the lack of on-site publicly accessible open space.
- 10.88 On balance, given the objectives to maximise delivery of affordable housing, it is considered that the proposed on-site provision would be at an acceptable level for children under 5 and that the lack of on-site provision for older children is acceptable in this instance as there are ample opportunities for play, sport and leisure within a short walking distance of the application site.

Residential amenity

- 10.89 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 10.90 The nearest residential property is the adjoining, 4 storey Pevensey House, located immediately to the east of the application site. To the southeast is a small terrace on the northern side of Durham Row, while to the northeast, on the opposite side of Ben Jonson Road is the 3 storey Edith Ramsay House.

Overlooking and privacy

- 10.91 Due to the lack of fenestration in the side elevation of the adjoining Pevensey House, no overlooking or privacy intrusion to adjoining residential properties would occur. The minor increase in overlooking of the rear gardens of the ground floor maisonettes within Pevensey House would have no material effect on the amenity of adjoining occupiers due to the existing levels of overlooking from other flats within Pevensey House. Due to the degree of physical separation, there would be no impact on Edith Ramsay House or the Durham Row properties.

Outlook and sense of enclosure

- 10.92 Due to the physical relationship between the adjoining Pevensey House and the proposed development and the large degree of separation to Edith Ramsey House and Durham Row, the outlook of adjoining residential properties would not be affected. The proposed 4 storey building would also not appear as overbearing or lead to an unacceptable sense of enclosure.

Daylight and sunlight

- 10.93 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value.
- 10.94 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology. The assessment demonstrates that none of the adjoining residential properties would be materially affected with regards to their daylighting while only minor reductions would occur to the afternoon sunlighting enjoyed by residents of Pevensey House. The minor reductions in sunlighting to Pevensey House would not result in poor lighting condition to any of the flats and are considered in line with what can reasonably be expected in an urban location.

Noise and vibration

- 10.95 The site is located on a relatively busy road and, as such, the majority of background noise results from vehicular traffic. The main sources of noise within the proposal are likely to arise from the use of the café, sports hall and the rooftop multi-use games area or from any comings and goings. Residents are likely to be particularly sensitive to disturbance during the evening and at weekends when they may be at home for longer periods of the day. Both uses are however compatible with a residential environment and would not be inappropriate as part of a mixed use development in this location, subject to control over opening hours, servicing hours and details of the location and type of any external ventilation or extraction plant and machinery.
- 10.96 The LBTH Environmental Protection Team recommended planning conditions to ensure noise insulation to meet the "good" design standard of BS8233 in any bedroom or living room and appropriate noise insulation between the residential and community premises. Conditions are also recommended to restrict construction times and require submission of details of piling works and a general construction management plan to ensure that the temporary disturbance to adjoining residential occupiers and the adjoining school premises is minimised.
- 10.97 Conditions are also recommended to control the opening times of the youth, sport and community facility and cafe to 7am – 10pm, Mondays to Saturdays and 8am – 9pm on Sundays and Bank Holidays.
- 10.98 Overall, subject to conditions, no undue disturbance to the amenity of adjoining occupiers would occur as a result of the proposed development.

Transportation and access

- 10.99 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.

- 10.100 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met, including emphasis that the Council will promote car free developments in areas of good access to public transport.
- 10.101 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that development is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 10.102 The site enjoys very high public transport accessibility with a PTAL rating of 5. There are several bus routes serving the local area. Limehouse DLR station is about 550m south of the site and Stepney Green Underground station lies to the north, about 600m away. There is also a Barclays Cycle Hire station on White Horse Lane within 100m walking distance.
- 10.103 The Transport Statement accompanying the application concludes that given the anticipated small increase in movements created by the development and the high volume of sustainable travel connections in vicinity of the sites, the development would not have a detrimental impact on highway and pedestrian safety or operation of the highway and public transport systems. In line with recommendation of the Council’s Highways Officer, the Travel Plan would be secured via a condition.
- 10.104 Overall, Transport for London and LBTH Transportation & Highways Team support the principle and quantum of proposed development at this location.

Cycle Parking

- 10.105 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for various types of development.
- 10.106 The new Haileybury Centre would benefit from 20 spaces for visitors – these are to be located within the enlarged pavement on Stepney High Street, outside the proposed entrance; and 12 spaces for employees – these are to be protected from the elements and located within the deliveries and servicing area. This provision was confirmed as adequate by the LBTH Transportations & Highways Team.
- 10.107 The residential development would benefit from 6 spaces for visitors located within the enlarged pavement on Ben Jonson Road, outside residential entrances; and 58 spaces for residents – these are to be located within the car park area and appropriately covered. The proposed provision exceeds the minimum cycle parking standards.

Car Parking

- 10.108 Policy DM22 refers to the parking standards set out in its appendix 2. These state that for residential use in locations with a PTAL of 5, parking for 1 and 2 bedroom units should be provided at a maximum of 0.1 spaces per unit and not exceed 0.2

spaces per unit for 3 bedroom homes or larger. Leisure centres or sports facilities should not provide any parking spaces while parking spaces for community centres would be acceptable only if supported by a Transport Assessment.

10.109 In line with the above policies, the application proposes no car parking spaces for the Haileybury Centre which is expected to draw the majority of its users and visitors from residents local to the area.

10.110 Three disabled car parking spaces would be provided for the residential development. The 3 car parking spaces have been designed to be fully accessible to serve the occupiers of the ground floor wheelchair accessible dwellings. Furthermore, in accordance with policy, a car free agreement would be secured to prevent new residents from acquiring an on-street parking permit, apart from those transferring within the borough from another affordable family home under the Council's Permit Transfer Scheme (PTS).

Servicing and refuse requirements

10.111 Policy DM14 of the Managing Development Document sets out the Council's requirements for adequate waste storage facilities to be provided in all developments.

10.112 A dedicated servicing, deliveries and refuse area is proposed for the Haileybury Centre, in the southwestern part of the site, off Stepney High Street. Full details of refuse storage, a waste management plan and a deliveries and servicing plan will be secured by condition.

10.113 Two dedicated refuse storage areas are proposed for the residential part of the development. The capacity of the proposed storage facilities complies with the relevant policy standards.

Sustainability, energy efficiency and climate change

Energy efficiency

10.114 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.

10.115 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 emerging Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

10.116 The Managing Development Document policy 29 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.

10.117 According to initial assessments, the residential part of the development would achieve Sustainable Homes Code level 4 and the community centre would achieve BREEAM Excellent with a score of at least 70. Overall CO2 emissions would be reduced by more than 35%. Appropriate conditions would be imposed to ensure that the above targets are met.

10.118 The London Plan 2011 Policy 5.6 requires Major development proposals should select energy systems in accordance with the following hierarchy:

- Connection to existing heating or cooling networks
- Site wide CHP network
- Communal heating and cooling.

10.119 The applicant has demonstrated that in this instance individual gas boilers are the most cost-effective solution which still delivers appropriate energy savings. The applicant has also made provisions for future connection to a district-wide CHP network should one be developed in the area. Full details would be reserved by condition.

10.120 The LBTH Energy and Sustainability Officer has confirmed that the Energy Strategy submitted with the application is acceptable and in line with policy.

Ecology and biodiversity

10.121 The application is supported by a Preliminary Ecological Appraisal, carried out in October 2012. Neither of the sites are formally designated nature conservation sites. There are two trees on site which will be retained. There are several TPO trees within the churchyard.

10.122 A preliminary bat survey identified part of Dame Collet House as having high potential to support bat roosts, and several other features on site as having low potential to support bat roosts. Results of further survey found no evidence of roosting bats, so there is no need for any further bat mitigation or surveys at this time. However, if demolition does not take place within 2 years, a precautionary bat survey should be undertaken before demolition commences. This would be secured by condition.

10.123 It is important that the development does not increase the current levels of lighting near the churchyard to safeguard the presence of Pipistrelle bats that have been recorded foraging over the application site. It is noted that a condition would seek details of lighting and ensure that the lighting scheme should ensure no light spill onto the treeline in the churchyard. Further biodiversity enhancements can be achieved through the development by including green and brown roofs and by including (as a minimum) native planting schemes and external and integrated wildlife boxes within the development proposal.

10.124 In conclusion, officers are satisfied that the scheme would provide appropriate biodiversity and ecological enhancements and subject to appropriate conditions, would comply with national, London Plan and Tower Hamlets Core Strategy and Managing Development Policies with respect to biodiversity.

Health Considerations

10.125 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.

10.126 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.

10.127 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.

10.128 The applicant has agreed to a reduced financial contribution of £55,000 to be pooled to allow for expenditure on health care provision within the Borough.

10.129 The application would facilitate the delivery of a youth centre with sports facilities, gym and a roof top MUGA which would promote access to high quality leisure, sport, play and recreation facilities. These factors will contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby in particular the younger residents.

10.130 It is therefore considered that the financial contribution towards healthcare and new open space 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.

Planning obligations

10.131 Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.

10.132 Policies 6A.5 of the London Plan (2008), saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.

10.133 The Planning Obligations Supplementary Planning Document sets out Tower Hamlets priorities for planning obligations and the types of development for which obligations may be sought. Where obligations take the form of financial contributions, the SPD sets out relevant formula that will be applied to calculate the contribution or whether the contribution will be negotiated on a case by case basis.

10.134 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. open space and public realm improvements).

10.135 The table below provides a summary of the financial contributions that would normally be sought in accordance with the standard methodology in the Council's adopted Planning Obligations SPD.

Standard heads of terms and third party requests	Requested contribution	Proposed contributions	Comments
Employment and enterprise - construction	£3,310.96	0	Commitments incorporated within development contract with the Council
Employment and training – end user phase	£1,220	0	Commitments incorporated within development contract with the Council
Community facilities (Idea Stores & libraries)	£14,197	0	Community facility provided on site as part of the application
Leisure facilities	£46,169	0	Community facility provided on site as part of the application
Primary Education	£316,561	£72,595	Pro-rata % of combined Education and Health
Secondary Education	£294,310	£67,493	Pro-rata % of combined Education and Health
Healthcare	£61,135	£14,020	Pro-rata % of combined Education and Health
Sustainable transport	£1,668	0	Sum considered negligible by PCOP
Street scene / public realm	£182,286	£30,000	Durham Row public realm and lighting improvements towards public safety and security
Public open space	£15,892	£15,892	Obligation in proposed legal agreement to provide off site child play space.
Monitoring	£19,326	0	Monitoring included in overall contract delivery monitoring
TOTAL	£956,077	£200,000	

Reasons for recommended allocation

10.136 Planning policy states that planning obligations may be subject to development viability or considered on a case by case basis. In this case, it is important for the Committee to note that this mixed use development does not include any commercial elements and it would not be possible to carry out a conventional viability assessment. The proposals would not be viable under normal market conditions and can only be delivered through capital investment and subsidy from the local authority.

10.137 Advice from the Council's independent viability consultants confirms this position as follows:

1. The buildings do have an existing use value, which could be used as a benchmark for the purposes of viability negotiations.
2. However, the fact that both schemes contain a community use element (which will require long term revenue subsidy from the Council to survive) and affordable housing (which in all likelihood will cost more to build than its capital value when it is constructed) mean that the value of the proposed developments would probably be lower than the existing use value. This means that on a viability basis, it could be demonstrated that the schemes cannot sustain any planning obligations.
3. Policy (e.g. London Plan) recognises that viability needs to take account of the likely availability of public subsidy and scheme viability
4. Essentially, in providing a community use and affordable housing, the scheme is delivering significant planning gain benefit by their very nature. The Planning Authority should decide whether the planning benefit of new affordable homes and community facilities outweighs the opportunity cost of the planning gain payments that would be generated on a policy compliant (35% affordable housing) scheme that are foregone as a result of the provision of 100% housing.

10.138 Notwithstanding the above, the developer has ring fenced a maximum of £200,000 to cover financial planning obligations considered necessary to mitigate the impact of the development.

10.139 The table above confirms that if all standard Planning Obligations SPD contributions were sought, the total would significantly exceed the maximum set aside within the scheme budget.

10.140 The proposals were considered by the Council's Planning Contributions Overview Panel (PCOP), who were asked to consider how the financial contributions should be apportioned and prioritised in order to mitigate the impacts of the proposed development in line with the priorities in the Council's adopted Planning Obligations SPD. PCOP came to the following conclusions:

- Education and health should be prioritised on a percentage pro-rata basis to the full SPD requirements ;
- There would be scope to accept a lower value health contribution given the scheme will include a new leisure facility and swimming baths which can contribute towards healthy and active lifestyles;
- The contract in place with the Council includes substantial commitments to local employment, training and apprenticeships at both the construction and operational phases of the development;
- There would be no requirement to mitigate the impact of the residential development on community facilities (indoor leisure, libraries and idea stores) given the scheme would deliver a substantial new leisure facility.

- A contribution towards public realm improvements focussed on measures to improve safety, security and to deter anti-social behaviour on Durham Row at the rear of the development would be appropriate;
- A reduced open space contribution would be appropriate given the scheme includes some open space, in the form child play space suitable for under 5's.
- The relatively low value of the contribution towards sustainable transport would negate the potential benefits of receiving this sum in terms of mitigating development impacts.
- There would be no requirement to secure a 2% monitoring charge to cover Section 106 monitoring given the delivery of the whole proposal would be monitored by the local authority.

Conclusion

10.141 In summary, taking into account the special circumstances of the case and the view of PCOP officers recommend the following contributions and obligations would be appropriate and sufficient to mitigate the impact of the development:

Financial contributions

- £72,595 towards primary education
- £67,493 towards secondary education
- £14,020 towards primary health care facilities
- £30,000 towards local public realm and street scene improvements
- £15,892 towards public open space improvements

Non-financial obligations:

- 100% affordable housing (Tower Hamlets preferred rents)
- Car free agreement

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

10.142 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:

10.143 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.

10.144 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.

10.145 In this context "grants" might include the New Homes Bonus.

10.146 These issues are material planning considerations when determining planning applications or planning appeals.

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

10.148 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 £71,153 in the first year and a total payment of £426, 917 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the planning obligation contributions and therefore this initiative does not affect the financial viability of the scheme.

10.149 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

Dame Colet Community Centre	519 sqm gross	£18,165
Dame Colet: Affordable Housing	855 sqm circulation	£29,925
Total		£48,090

Human Rights Considerations

10.150 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:-

10.151 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".

10.152 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.

10.153 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.

10.154 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.

10.155 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

10.156 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.

10.157 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

10.158 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, gender 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:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.159 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.

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

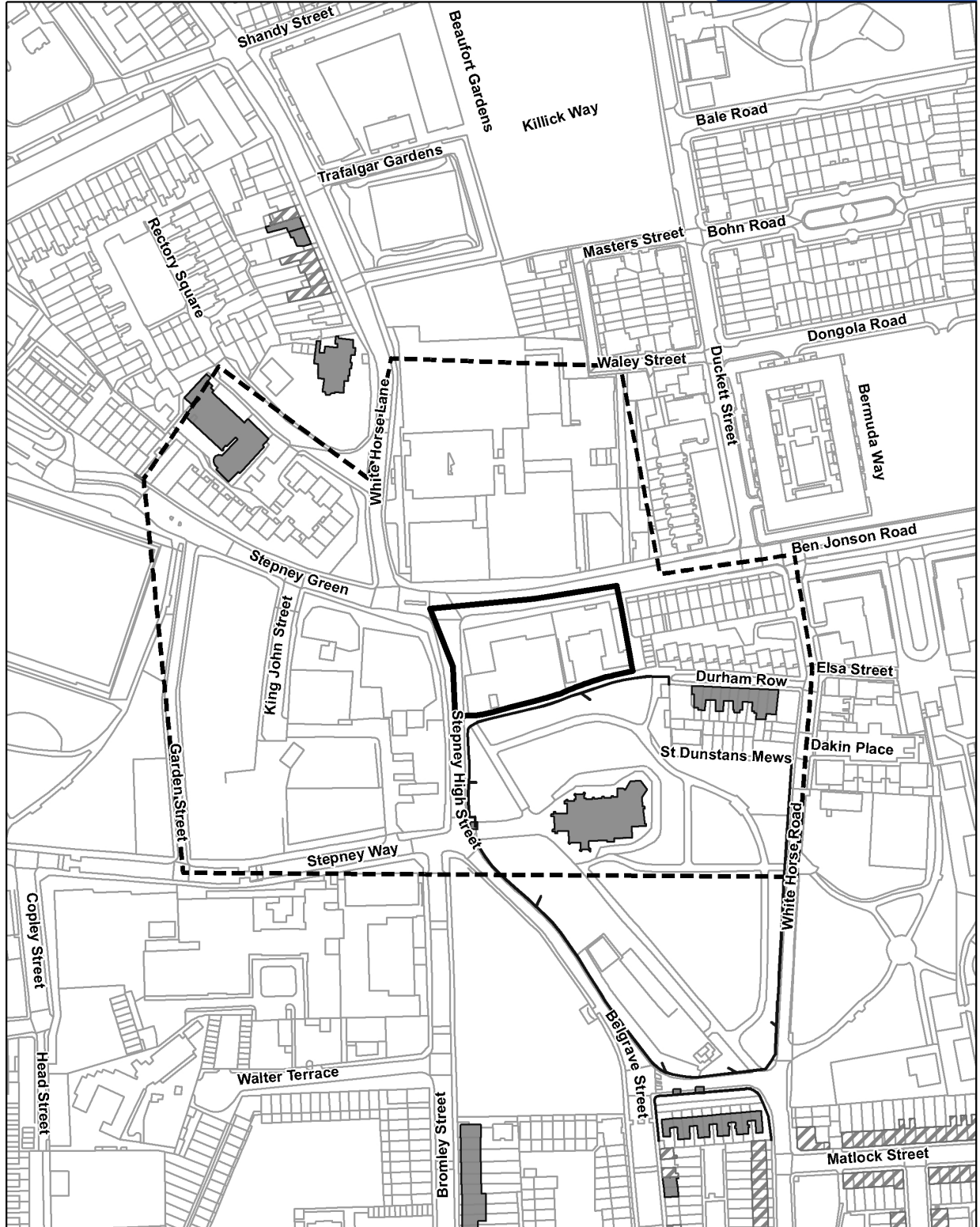
10.161 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community





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

11. CONCLUSION

11.1 All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map
PA/13/01433



-  Planning Application Site Boundary
-  Consultation Area
-  Locally Listed Buildings
-  Statutory Listed Buildings

0 20 m



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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1:2,500

Agenda Item 6.3

Committee: Development	Date: 9 October 2013	Classification: Unrestricted	Agenda Item Number: 6.3
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Kamlesh Harris / Piotr Lanoszka	Ref No: PA/13/01432
	Ward: East India and Lansbury

1. APPLICATION DETAILS

Location: Old Poplar Baths and rear ball court, East India Dock Road & Lawless Street, London E14 0EH

Existing Use: Disused baths and play facilities

Proposal: Demolition of existing garages and ball court and erection of 10 storey residential block to provide 60 affordable housing units; internal and external alterations and refurbishment to Poplar Baths to reinstate the main pool and create a new learner pool; demolition of chimney and associated ancillary works to provide indoor wet and dry sports and leisure facilities, roof top games area plus ancillary landscaping and vehicular parking.

Drawings and documents: List of Plans:

Poplar Baths Residential

1884-20-DR-0011_P01, 1884-20-DR-0101_P01
1884-20-DR-0109_P01, 1884-20-DR-0110A_P04
1884-20-DR-0111A_P01, 1884-20-DR-0112A_P01
1884-20-DR-0113_P01, 1884-20-DR-0119_P02
1884-20-DR-0120_P01, 1884-20-DR-0200_P01
1884-20-DR-0201_P01, 1884-20-DR-0600_P03
1884-20-DR-0601_P03, 1884-20-DR-0602_P04
1884-20-DR-0603_P03, 1884-20-DR-1106_P01
1884-20-DR-1107_P01, 1884-20-DR-1112_P01
1884-20-DR-1113_P01, 1884-20-DR-1117_P01

Poplar Baths

100_N_00_REV_A, 100_N_01_REV_A,
100_N_02_REV_A, 100_N_03_REV_A
100_N_04_REV_A, 100_N_05_REV_A
100_N_61_REV_A, 100_N_62_REV_A
100_N_63_REV_A, 100_N_64_REV_A
100/A/00 REV_T, 100/A/01 REV_Q

100/A/02 REV_P, 100/A/03 REV_J
100/A/04 REV_J, 100/A/05 REV_G
100/A/41 REV_E, 100/A/42 REV_E
100/A/43 REV_D, 100/A/44 REV_F
100/A/45 REV_B, 100/A/61 REV_G
100/A/62 REV_G, 100/A/63 REV_G
100/A/64 REV_E, 200/A/01 REV_F
and POP&PBR-500/A/01 Rev_A

Documents:

- Design & Access Statement
- Statement of Community Involvement
- Transport Statement
- Travel Plan
- Planning & Impact Statement
- Socio-economic and Regeneration Report
- Flood Risk Assessment
- Acoustic Assessment
- Ground Investigation
- Ecology Report
- Bat Survey
- Sustainability Report
- Daylight/Sunlight Assessment
- Construction Management Plan Statement
- Verified Views
- Energy Assessment
- Archaeology Assessment
- Heritage Statements.

Applicant: Guildmore Limited and London Borough of Tower Hamlets

Ownership: London Borough of Tower Hamlets

Historic Building: Grade II Listed

Conservation Area: n/a

2. EXECUTIVE SUMMARY

2.1 The report considers an application to comprehensively refurbish, alter and extend the Poplar Baths Grade II listed building and bring it back into use as an indoor leisure and swimming baths along with the erection of 60 affordable homes in a ten storey building to the rear.

2.2 There is a separate report dealing with a parallel listed building consent application for the works to the Baths.

- 2.3 The proposals are a Council lead initiative and the applications are submitted jointly by Tower Hamlets Council and its procured developer partner, Guildmore.
- 2.4 The refurbishment of the Baths to provide a new leisure facility for the borough is a long standing Strategic objective and is included in the Managing Development Document (2013) as a site allocation. The proposed works are considered appropriate in planning policy, design and heritage terms. Suitable access and servicing arrangements are proposed.
- 2.5 The residential development is proposed on a site currently occupied by an open-air games court and lock up garages. The loss of the existing open space would be mitigated through the provision of a new multi-use games court situated on the flat roof of part of the Poplar Baths building.
- 2.6 The residential scheme would provide a policy compliant mix of one, two, three and four bedroom homes for rent at Tower Hamlets preferred affordable rents.
- 2.7 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver good quality affordable homes in a sustainable location. There would be minimal impact on residential amenity – insufficient harm to warrant refusal.
- 2.8 The proposed flats would be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements. Whilst there would be no on-site child play space, the applicant has agreed to an obligation to convert an area of hard standing adjacent to the site to provide a landscaped children’s play area for under 5’s.
- 2.9 In addition to the provision of a new public leisure facility and 100% affordable housing, the scheme would provide financial contributions, secured as planning obligations, towards education and health facilities and to improvements to local bus stops.
- 2.10 The application is recommended for approval subject to completion of a Section 106 agreement.

3. RECOMMENDATION

- 3.1. That the Development Committee resolve to **GRANT PLANNING PERMISSION** for application PA/13/01432 subject to:
- 3.2 A. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:
 - £133,446 towards primary education
 - £124,067 towards secondary education
 - £27,487 towards primary healthcare
 - £15,000 towards local bus stop improvements

Total £300,000

In addition the following non-financial obligations would be secured:

- 100% affordable housing (Tower Hamlets preferred rents)
- Car free agreement
- Travel plan
- Free access to the rooftop MUGA, for residents of St Matthias estate
- Provision of child play space for under 5 year olds on land outside Storey House

3.4 That the Corporate Director, Development & Renewal and Assistant Chief Executive (Legal Services) is delegated authority to negotiate and approve the legal agreement indicated above.

3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions for Full Planning Permission – PA/13/01432

3.6 Compliance

1. Time Limit 3 years
2. Demolition to take place within 2 years (requirement for further bat survey)
3. Compliance with plans and documents
4. Compliance with Energy and Sustainability Strategy submitted
5. All residential accommodation to be completed to lifetimes homes standards
6. Refuse and Recycling to be implemented in accordance with approved plans
7. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
8. Ensure pedestrian access points are level or gently ramped
9. Hours of opening for the youth, sport and community centre including all ancillary facilities (07:00 until 22:00 Monday to Saturday, 08:00 Sundays and Bank Holidays)
10. DLR requirement – no structure must be installed within a distance of 5 meters from outer edge of the railway
11. Restrictions on use of sports hall for functions

3.7 Prior to commencement

12. Demolition/Construction Environmental Management Plan
13. Ground contamination – investigation and remediation
14. No impact piling shall take place until a piling method statement has been submitted and approved
15. Drainage details and mitigation of surface water run-off
16. Submission of details and samples of all facing materials
17. Approval of sound insulation measures in accordance with agreed standards
18. DLR requirement regarding detailed design and method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent),
19. Scheme of Highways Works (S.278)
20. Travel plan
21. Details of all external lighting and CCTV
22. Details of brown roofs and other ecological enhancement/mitigation measures
23. Landscaping and boundary treatment details
24. Submission of details of the wheelchair housing specification/standards to show at least 10% units are wheelchair adaptable

- 25. Details of cycle parking/storage
- 26. Details of external plant and ventilation, including noise attenuation measures
- 27. Archaeological investigation and historic buildings recording
- 28. Details of all Secure by Design measures
- 29. Details of rooftop PV array
- 30. Relocation of existing vehicular barrier on Poplar Baths Street

3.8 Prior to Occupation

- 31. Delivery and Servicing Plan
- 32. Waste Management Plan
- 33. Code for Sustainable Homes post completion assessment
- 34. BREEAM post completion assessment
- 35. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

3.9 Informative

- 1. Associated S106
- 2. Compliance with Environmental Health Legislation
- 3. Compliance with Building Regulations
- 4. Applicant to contact Thames Water with regards to water pressure and the water main crossing the development site.
- 5. Section 257 Agreement – stopping up of highway land.

4. **SITE AND SURROUNDINGS**

- 4.1 Poplar Baths is located to the south of East India Dock Road opposite Chrisp Street town centre and markets. The site is bounded by Poplar Bath Street to the west, Grove Villas to the east and Lawless Street to the south. Further to the east of the site is All Saints Docklands Light Railway station.
- 4.2 The building is listed as a building of special architectural and historic interest (Grade II). The most significant external elevation of the baths in heritage terms is the front elevation facing East India Dock Road. The rear and side elevations are less significant and are viewed mainly from the residential streets and estate access roads.
- 4.3 The site for the proposed residential development lies to the rear of the Grade II listed Poplar Baths building. This site is an outdoor ball court area and garages lying south of Lawless Street and north of Woodall Close. There are 17 garages lying on both sides of the ball court, north and south. To its west is the 7 storey Storey House, a residential block of flats and maisonettes. Woodall Close is made up of 5 two storey houses. The area immediately surrounding the application site to the south and west is mainly residential.
- 4.2 Further east is the Grade II listed All Saints Rectory and All Saints Church and Spire with its public gardens which lie within the All Saints Church Poplar Conservation Area. The iron railings are also Grade II listed. The application site lies within viewing distance of the church and rectory building; it is also surrounded by conservation areas to its north, east and west. However, no parts of the site fall within the conservation area.
- 4.3 The application site measures 0.5 hectares. The Poplar Baths building was originally a public bath/swimming pools which closed down in 1988. Later in the same year, full

planning permission was granted to change the use of the public swimming baths into a training centre for the construction industry training board. All existing buildings on site would be demolished to accommodate the new proposal.

- 4.4 The site has a PTAL (public transport accessibility) of 4, being of good accessibility (where level 6 is regarded as being excellent levels of accessibility). There is also a Barclays Cycle Hire station on the opposite side of East India Dock Road. Several bus routes serve the local area, namely numbers 15, 115, D6, D7, D8 and 227.
- 4.5 The nearest primary school to the site is Woolmore, about 500m to the east; to the west is Holy Family RC approximately 600m away; and to the north-west are the Mayflower and Bygrove primary schools. Poplar College is also close to the site on the west side. In addition to the public open space around the All Saints Church, there are several children's play areas scattered within walking distance of the application site, the closest being behind Storey House. Poplar Recreation Ground and St Matthias Church and gardens are further west.

5.0 RELEVANT PLANNING HISTORY

- 5.1 Current undetermined applications as follows:
- 5.2 PA/13/01441 (19 June 2013) – Application for listed building consent for internal and external alterations and refurbishment to Poplar Baths building including demolition of chimney and associated ancillary works (AMENDED PLANS - PROPOSED LEARNER POOL).
- 5.3 This listed building consent application (PA/13/01441) will be reported to the 09 October Development Committee with a recommendation that listed building consent should be granted subject to necessary conditions and that the application should be referred to the Secretary of State for determination as required by Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.
- 5.4 PA/13/01586 (19 June 2013) – Application for listed building consent for the alterations to rear elevation, basement and ground floor to facilitate the creation of new electricity sub-station to serve the Poplar Baths.
- 5.5 This application (PA/13/01586) has already been reported to the Development Committee (12 September) with a recommendation that listed building consent should be granted subject to necessary conditions and that the application should be referred to the Secretary of State for determination as required by Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990. The Development Committee accepted the officer's recommendation and the application will now be referred to the Secretary of State for determination.
- 5.6 On 15 April 2013, an EIA Screening Opinion was issued which confirmed that an EIA submission was not required for the refurbishment of the Old Poplar Baths building and construction of a 10 storey residential development at rear. (LBTH Ref: PA/13/00570).
- 5.7 On 24 October 1988, full planning permission was granted for the change of use of public swimming baths into a training centre of the construction industry training board, installation of two windows to rear elevation at first floor level and provision of seven associated car parking spaces. LBTH ref: PA/88/00494.

6.0 DETAILS OF THE PROPOSED DEVELOPMENT

- 6.1 Full planning permission is sought for a mixed use development comprising external alterations and change of use of the baths to create new swimming pools, a learner pool, gym and associated sports facilities including a roof top multi use games area (MUGA) with enclosure. A café is proposed at ground floor and a landscaped area would be created on the forecourt of the building along East India Dock Road. Refurbishment of all windows with double glazed metal windows and installation of louvres in plant area.
- 6.2 The works to the listed building are also covered under a separate Listed Building Consent application (PA/13/01441). These include the complete internal and external refurbishment works and alterations to the Old Poplar Baths Grade II listed building to facilitate, repairs, restoration and refurbishment of the first class pool and hall, demolition of second class pool area; retention and relocation of the existing Vapour Baths and plunge pool would also be retained and relocated. The alterations works also comprise changing and toilet facilities together with landscaped forecourt and a new café at ground floor.
- 6.2 A residential 10 storey block is proposed at rear comprising 60 units to be designed to Lifetime Homes standards. All structures on site would be demolished. The residential units would be 100% affordable and the overall mix would consist of 18 one bedroom, 15 two bedroom, 18 three bedroom and 9 four bedroom units. All units would benefit from their own private amenity space in the form of balconies and at ground floor all four units would have private terraces. The upper floors balconies generally face east and west.
- 6.3 The proposal would also provide soft landscaping to the east along Grove Villas and at rear alongside Woodall Close. Refuse and recycling storage areas are proposed on the ground floor with access directly from Woodall Close. Cycle storage and parking spaces are provided in the basement. All floors would be served by a lift. Access to the basement would be via stairs and lift.
- 6.5 The residential proposal would be car free and existing permit holders would be allowed to keep/transfer their parking permits (for the 3 bed and above). A total of 4 disabled parking spaces are proposed at the back of the listed building.

7.0 POLICY FRAMEWORK

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

7.2 Government Planning Policy

NPPF - National Planning Policy Framework

7.3 Spatial Development Strategy for Greater London - London Plan 2011

2.9 Inner London

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
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Community
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.14 Existing Housing
- 3.16 Protection and enhancement of social infrastructure
- 3.19 Sports facilities
- 4.7 Retail and town centre development
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable drainage
- 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
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing Traffic Flow and Tackling Congestion
- 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 and archaeology
- 7.18 Protecting Local Open Space
- 7.19 Biodiversity and access to nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

7.4 Tower Hamlets Adopted Core Strategy 2010

- 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
- 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 place making
- SP13 Planning Obligations

7.5 Managing Development Documents 2013

- DM0 Delivering sustainable development
- DM1 Development within the town centre hierarchy
- DM3 Delivering Homes
- DM4 Housing standards and amenity space

DM8 Community Infrastructure
DM10 Delivering Open Space
DM11 Living Buildings and biodiversity
DM13 Sustainable Drainage
DM14 Managing Waste
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
DM27 Heritage and the built environment
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

7.6 Supplementary Planning Documents

Designing out Crime Parts 1 and 2
Planning Obligations SPD 2012
York Square Conservation Area Appraisal

7.7 Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

8.0 CONSULTATION RESPONSE

8.1 The following were consulted with regard to the application. Responses are summarised below. Full representations are available to view on the case file. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report which addresses the various material planning considerations but where appropriate, comment is also made in response to specific issues raised as part of the consultation process.

8.2 The proposed development was amended and re-consultation on the amended plans was carried out. All initial and revised responses received are summarised below.

LBTH Housing Development & Private Sector

8.3 The application for the reuse of the baths is supported together with the proposed development delivering 100% affordable housing with all affordable rent based on POD rents. Given the size of the development, this is considered acceptable.

8.4 The bedroom size mix is fully policy compliant consisting of 30% 1 beds, 25% 2 beds and 45% of 3+ beds. All properties comply with Lifetime Homes. The Design and Access statement demonstrates that most of the homes will be delivered in line with the space standards set by the London Plan for the 1 bed units.

8.5 Wheelchair accessible units are welcome and the provision of 2 two bed, 3 three bed and 1 four bed units are in line with the needs of families waiting for fully accessible housing on the Common Housing Register. This contributes towards the 10% requirement for this type of housing as stated in the Managing Development Document. Furthermore, all units would be designed with separate kitchens and

living areas.

- 8.6 This proposal is made by the Council and the homes would be managed by Tower Hamlets Homes.

LBTH Environmental Health

- 8.7 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. Building works to be carried out only during the following hours: 8am- 6pm Monday to Friday. 8am – 1pm Saturdays. No working allowed on Sundays and Public Holidays. Any piling methods and construction management plan should also be agreed.
- 8.8 Concerns were raised with regards to noise level and revision showing adequate glazing specification for all floors and facades were sought. The EH officer is now satisfied with the additional information subject to appropriate conditions on plants noise.
- 8.9 The site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. Therefore, a condition should be included to ensure a detailed remediation method statement is submitted prior to the commencement of the development.

(OFFICER'S COMMENT – suggested conditions have been included as part of the recommendation to grant planning permission to deal with all the issues raised above).

LBTH Biodiversity Officer

- 8.10 If works do not begin by spring 2015, a further precautionary bat survey will be required immediately before demolition to ensure no bats are roosting.
- 8.11 To maximise the benefit to biodiversity, the trees should include native species as recommended in paragraph 5.11 of the Preliminary Ecological Appraisal, and the planter and herbaceous border should include a range of flowering plants to provide nectar through as much of the year as possible.
- 8.12 A living roof should be provided if possible.

(OFFICER'S COMMENT – suggested conditions have been included as part of the recommendation to grant planning permission to deal with all the issues raised above).

Borough Conservation Officer

- 8.13 The proposed block of flats at the rear of Poplar Baths will be visible in views of the Baths and in views of other heritage assets including All Saints Church and the All Saints Church Poplar Conservation Area.
- 8.14 The Baths building has a very bold and distinctive architectural form. As seen from directly across East India Dock Road, the proposed flats would be barely visible rising slightly above the roofline of the existing First Class element. The impact is

considered to be very minor in terms of this important view. In other views where the Baths are seen against a backdrop of varied structures including (in some views), the taller structures of Canary Wharf, the impact of the proposed block is considered to be acceptable.

- 8.15 The proposed block is also considered to be acceptable in terms of its impact on the setting of the Grade II listed All Saints Church and in terms of the setting the All Saints Conservation Area.

(OFFICER COMMENT: The conservation matters are covered in Section 9 of this report)

LBTH Energy Efficiency Unit

- 8.16 Following receipt of clarifications from the applicant's energy consultant, the energy strategy is considered policy compliant. Initial assessment confirms that the proposed development would achieve Sustainable Homes Code 4, reducing CO2 emissions by more than 35%, and BREEAM Excellent at a score of at least 70. Relevant pre-assessments and post completion assessment should be conditioned to ensure that the above targets are met. A site-wide CHP system would be provided in accordance with the London Plan.

(OFFICER COMMENT: Suggested conditions have been included.)

LBTH Communities, Localities & Culture (Strategy)

- 8.17 The units proposed will result in an estimated 167 new residents within the development. A number of financial contributions are required to mitigate the impact of the proposed development based on the Planning Obligations SPD.

- 8.18 £21,017 is required towards Idea Stores, Libraries and Archives.
£69,462 is required towards Leisure Facilities.
£133,847 is required towards Public Open Space.
£2,502 is required towards Smarter Travel.
£181,506 is required towards public realm improvements.

(OFFICER'S COMMENT: Planning obligations are covered in section 10 of this report.)

LBTH Transportation & Highways

- 8.19 The proposed area of soft landscaping below the east facing balconies currently forms part of a public highway (Grove Villas). The Head of Transport & Highways accepts that in order to provide the balconies, without danger to users of the public highway, it is necessary to stop up the area of public highway identified for soft landscaping on the eastern side of the development. This would be permissible under S257 of the Town and Country Planning Act 1990 subject to details of lighting and landscaping being reserved by condition.
- 8.20 There needs to be adequate and safe coach parking to accommodate the vehicles bringing school parties to the Baths. The revisions locate a coach drop-off point half way down the Baths building on Poplar Bath Street. Whilst this may be acceptable in principle, coach parking in this location could create obstruction to access and the safe manoeuvring of the coach in order to exit in a forward gear onto East India Dock Road. Condition should require the applicant to submit & have approved a revised

location for the gate, supported by autotracking for a coach, before the development can be occupied.

8.21 Overall, Highways raise no objection subject to the following conditions being included:

- S278 scheme of highway improvements necessary to serve the development
- Car free agreement with respect of the residential part of the development
- Details of cycle parking and its retention in perpetuity
- Details of lighting and landscaping adjoining public highways
- Details of revised location for gate restricting access through St Matthias estate
- All elements of the scheme to be required to promote only sustainable modes of transport in all marketing material
- Construction Management Plan
- Servicing Management Plan
- Travel Plan

(OFFICER COMMENT: All of the above conditions have been included. Transport and access matters are addressed in section 10 of this report)

LBTH Waste Policy and Development

8.22 Following receipt of amended drawings the officer is now satisfied with the location of the bin stores and the auto-tracks for the refuse vehicles. Turning circles would also be achieved within the stipulated 20m.

(OFFICER'S COMMENT – suggested conditions have been included as part of the recommendation to grant planning permission to deal with all the issues raised above).

LBTH Children Schools and Families (Education Development)

8.23 Standard contributions towards primary and secondary school places are requested in line with the Council's Planning Obligations SPD.

(OFFICER'S COMMENT: Planning obligations are covered in section 10 of this report.)

LBTH Enterprise & Employment

Construction Phase

8.24 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The council will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.

8.25 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place.

- 8.26 The Council will seek to secure a financial contribution of **£16,628** to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.

(OFFICER'S COMMENT: Planning obligations are covered in section 10 of this report.)

External consultation responses

Transport for London (TfL)

- 8.27 TfL raised no objection to the proposal however a number of conditions, planning obligations and or further details/revisions were asked for.

- 8.28 Conditions:

- Delivery and Servicing Plan including Parking Management Plan
- Construction Management Plan and Construction Logistics Plan
- Details of landscaping
- S278 scheme of highway works
- Travel Plan

- 8.29 Planning Obligations:

- Car Free
- Financial contribution of £45,000 towards upgrading of three bus stops in the vicinity

- 8.30 TfL also noted that the transport assessment submitted with the application should have considered the site as a vacant one for the purposes of the assessment because the facilities have been closed for a long period of time. Additionally, swept paths were asked for to demonstrate that vehicles entering/exiting the site would be able to access/leave Poplar Baths Street to/from East India Dock Road.

(OFFICER'S COMMENT: Requested conditions have been included. Transport and Access and Planning obligations are covered in section 10 of this report.)

Docklands Light Railway

- 8.31 The proposal is supported in principle. However, conditions should be attached to safeguard the DLR's infrastructure.

(OFFICER'S COMMENT – suggested conditions have been included as part of the recommendation to grant planning permission).

Environment Agency – No comments received

English Heritage Archaeology

- 8.32 The application site lies outside an area of archaeological potential but its size means it warrants archaeological impact consideration. Archaeological fieldwork is not needed; however, the presence of the Grade II baths would have an impact on local heritage matters, therefore appropriate recording and analysis is advisable.

- 8.33 A condition should be attached with regards to the safeguarding of any heritage assets of archaeological interest.

(OFFICER'S COMMENT – suggested conditions have been included as part of the recommendation to grant planning permission to deal with all the issues raised above).

English Heritage

- 8.34 English Heritage advised that the planning application should be assessed in accordance with the council's own policies and on the basis of the authority's own conservation advice. Comments related to the listed building application/Grade II Poplar Baths building have been reported under PA/13/01441.

Metropolitan Police (Crime Prevention Officer)

- 8.35 Proposal should be delivered through a commitment to secured by design

(OFFICER COMMENT: These aspects are matter of detail and can be addressed through discharge of planning conditions relating to boundary treatment and approval of elevational details).

9 LOCAL REPRESENTATION

Statutory Consultees

- 9.1 A total of 681 neighbouring properties within the area shown on the map appended to this report were notified about the full planning permission and listed building consent applications and invited to comment.
- 9.2 The applications have also been publicised in East End Life and on site. Re-consultation also took place following receipt of amended drawings
- 9.3 21 letters of representation have been received. 17 are in favour of the proposal and 4 objecting to it. It is noted that none of the objections relate to the works proposed for the Grade II listed Poplar Baths building.
- 9.4 The objections relate to the following matters:
- Loss of garages and parking spaces
 - Loss of existing ball park facility
 - New 10 storey block close to existing residential buildings; this would lead to overshadowing, loss of view, loss of light and privacy
 - Height and mass not in keeping with surrounding area;

(OFFICER COMMENT: The above issues are fully discussed in the Land Use, Design and Amenity sections of this report)

The letters of support on the whole had the same message:

- Affordable housing provision is welcome;
- The reuse of the Old Poplar Baths as a community and leisure facility is welcome.

Applicant's consultation

- 9.5 The applicant has provided details of consultation that was undertaken separately prior to the formal submission of the applications.
- 9.6 A press advert / editorial was published in the East End Life on Monday 6th May 2013 to provide background information about the schemes. A web-site has also been designed by Guildmore to promote the scheme, provide background information and updates for people to view and comment on the plans. poplarbathsanddamecolet.co.uk.
- 9.7 St Matthias Drop-in Session 8th May 2013 - 30+ people attended the drop-in session which had an exhibition of the proposals. 10 comment forms were completed. The majority of comments were favourable.
- 9.8 Public Exhibition – 13th and 14th May 2013 - 140+ people attended during the two days of the exhibition held at the Idea Store. A total of 95 comments forms were completed. Overall, the vast majority of respondents and those attending the exhibition welcomed the proposals for the regenerated Baths and provision of new affordable housing.
- 9.9 In particular, there was strong demand expressed for men and women only sessions. A learner pool would be helpful. It was considered that the project would help youth unemployment through the provision of apprenticeships. There was a preference for the new affordable flats to be car free.

10. MATERIAL PLANNING CONSIDERATIONS

Background information

- 10.1 The following background information is provided to help the committee understand the context of the application proposals.
- 10.2 This planning application has been submitted by Guildmore acting as developer for London Borough of Tower Hamlets (LBTH) in respect of Poplar Baths. This marks a key milestone in the Boroughs aspiration to transform Poplar Baths from a derelict building into a first class community asset, in conjunction with the construction of 60 much needed affordable housing units.
- 10.3 The Poplar Baths procurement is based on a Design, Build and Operate model. The Developer would subcontract the delivery of the Poplar Baths leisure facility to a Leisure Operator as part of their consortium. This operator would manage and maintain the facility for the duration of the contract, whilst the Developer would retain lifecycle and asset maintenance responsibility.
- 10.4 The residential units would be provided to LBTH under an internal repairing lease basis, with Tower Hamlets Homes managing and letting the units as LBTH's ALMO.
- 10.5 The Poplar Baths project is a local authority led initiative that would deliver some of the Council's strategic priorities and commitments. These include the provision of Affordable Homes and reopening of the Poplar Baths.
- 10.6 Tower Hamlets Council has procured this project through a European Union compliant competitive dialogue process. Initial invitations were sort through an OJEU notice, with respondent's completing Pre-Qualification Questionnaires. Upon

completion of PQQ's a number of successful bidders were invited to participate in competitive dialogue.

- 10.7 In July 2012 Cabinet permission was received to proceed into stage 2 of the procurement process. The successful completion of this process as ratified by Council in January 2013 has allowed the Council's developer to complete detailed design and this subsequent planning application on behalf of the Council.
- 10.8 In terms of the application to be considered by the Development Committee, the main planning issues raised are as follows:
1. Land Use
 2. Housing density, mix and quality
 3. Design and Heritage matters
 4. Amenity
 5. Transport and Highways
 6. Energy efficiency & Sustainability
 7. Contamination
 8. Section 106 Agreement
 9. Localism Act (amendment to S70 (2) of the TCPA 1990)
 10. Human Rights Considerations
 11. Equality Act Considerations

Land Use

- 10.9 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 10.10 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.
- 10.11 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.
- 10.12 The Core Strategy place-making policy SP12 identifies a vision to regenerate Poplar into 'a great place for families set around a vibrant Chrisp Steet and a revitalised Bartlett Park'. The vision places priority on comprehensive regeneration, new development and housing estate renewal. Higher densities are to be located in and around the town centres and adjoining transport nodes. The vision and the Managing

Development Document site allocation No 10 also specifically seek to bring Poplar Baths back into sport/leisure use.

- 10.13 The Poplar Baths part of the application site is located within the Chrisp Street District Town Centre while the residential site at rear is considered to fall within an edge of centre location. The site is occupied by disused public baths, 17 garages and an outdoor games court of circa 350sqm.

Principle of residential use

- 10.14 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885. The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 10.15 The Core Strategy objective SO5 and policy SP01 identify edge of town centre locations, such as the proposed site of the residential part of the development, as suitable for mixed use development with the proportion of residential accommodation increasing away from designated town centres.
- 10.16 Given the above and the predominant residential character of the site's environs, the principle of redevelopment of the site for housing purposes is considered desirable in policy terms subject to other land use considerations.

Re-provision of community/sport facilities

- 10.17 Housing growth should be accompanied by and underpinned by provision of social, recreational and cultural facilities and services to reflect the community's needs, promote social cohesion, increase the quality of life and support health, social and cultural wellbeing. In particular, paragraph 73 of the NPPF acknowledges the contribution that opportunities for sport and recreation can make to the health and wellbeing of communities. Accordingly, policies 3.16 and 3.19 of the London Plan support development proposals that increase or enhance the provision of sports and recreation facilities. There is a particular preference for multi-use public facilities.
- 10.18 These national and regional policies are reflected in the Council's Core Strategy policy SP03 and strategic objectives SO10 and SO11 which aim to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and ensure the timely provision of infrastructure to support housing growth. In particular, policy SP03 seeks provision of high-quality, multi-use leisure centres in accessible locations.
- 10.19 The NPPF, policies 3.16 and 4.7 of the London Plan, objectives SO4 and SO5 and policy SP01 of the Core Strategy, and policy DM8 of the Managing Development Document seek to locate leisure, social and community facilities in accessible locations, in or at the edge of town centres or along main roads. This is in order to support the vitality and viability of local town centres and ensure easy access by foot, cycle or public transport.
- 10.20 The Managing Development Document policy DM8 requires protection of health, leisure, social and community facilities where they meet an identified local need and

the buildings are suitable for their use. Paragraph 74 of the NPPF specifies that existing open space, sports and recreational buildings and land should not be built on unless the development is for alternative sports and recreational provision or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity.

- 10.21 The baths building has been vacant for approximately 20 years. Prior to closure in 1994, for a number of years, the building was used as a construction trading centre. The application proposes to return the building to its original leisure/sports use through a number of internal and external alterations. While the alterations would result in some increase in overall floorspace, the most significant improvement would happen to the provision of dedicated sports and recreation areas.
- 10.22 The original Poplar Baths building housed a large swimming pool - converted every winter into a hall, an all year smaller pool as well as some other ancillary facilities. While these have been infilled with concrete when the baths closed, it is useful to note that the pools measured 360sqm and 160sqm respectively, 520sqm in total. Following the proposed refurbishment and alterations the building is to house the following state-of-the-art sport and recreation facilities: a 312sqm Sport England Compliant swimming pool, a 90sqm learner pool, 300sqm gym, two fitness studios, a 630sqm Sport England 4 Court sports hall and a 594sqm rooftop multi-purpose games area. If the gym, fitness studios and other ancillary areas are discounted, the principal sport/recreation facilities on site add up to 1626sqm which is significantly in excess of the previous provision of 520sqm and easily mitigates for the loss of the poor quality outdoor games court of circa 350sqm.
- 10.23 As such, the proposal represents a strong quantitative and qualitative gain in provision of much needed sport and leisure facilities in an accessible town centre location. Officers consider that the proposed redevelopment of the baths would be highly desirable from the land use perspective and would fully accord with the abovementioned planning policies.

Development on open space

- 10.24 Outdoor sport facilities such as the 350sqm games court, which is located on the site of the residential part of the development, are defined as open space for the purpose of the Managing Development policy DM10 and Core Strategy policy SP04.
- 10.25 Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection and safeguarding of open space such that there is no net loss. Policy DM10 specifies that development on areas of open space will only be allowed in exceptional circumstances where a higher quality open space outcome is achieved as part of a wider redevelopment proposal. As mentioned above, paragraph 74 of the NPPF specifies that existing open space, sports and recreational buildings and land should not be built on unless the development is for alternative sports and recreational provision or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity.
- 10.26 As the games court is considered to constitute local provision for the surrounding St Matthias estate, and in response to an objector questioning access arrangements, free access to the rooftop MUGA for residents of St Matthias Estate would be secured as a non-financial S106 contribution.

10.27 The 350sqm outdoor games court is to be replaced with a state-of-the-art 594sqm rooftop multi-purpose games area. There would also be an improved offer of other sports facilities within the baths building, such as two swimming pools, sports hall, gym and two fitness studios. The applicant would also make a contribution towards improvements to local open space / play space. In officers' view, on balance, these qualitative and quantitative improvements successfully mitigate for loss of this limited area of open space while facilitating development of a high number of much needed affordable housing units.

Inclusion of café use

10.28 Core Strategy policy SP01 and objectives SO4 and SO5 seek to ensure that the scale and type of development is proportionate to the town centre hierarchy and to promote mixed use at the edge of town centres and along main streets. The policy also seeks to ensure that town centres are active, well-used and safe during day and night and to encourage evening and night time economy uses that contribute to the vibrancy, inclusiveness and economic vitality. Evening and night time uses such as cafes should not be over-concentrated where undue detrimental impact on amenity would result, of a balanced provision and complementary to the adjoining uses and activities. Policy DM1 of the Managing Development Document expands on the above strategic policy and, to support the vitality and viability of town centres, directs restaurants and cafes to town centres.

10.29 It is considered that provision of a small café on site, within the Chrisp Street District Town Centre, is appropriate and desirable from the policy perspective as it will reinforce the vitality and viability of the designated town centre. In any case, it would not be uncommon for a community or sport centre to house a publicly accessible café to supplement the leisure offer on site and the café use would be clearly ancillary to the principal use.

10.30 In conclusion, officers are confident that the mixed use development of the site to provide affordable residential accommodation and much improved sports and leisure offer would be highly desirable in land use terms as it would continue the physical, social and economic regeneration of Poplar, benefit the residents of the borough as a whole, constitute a sustainable and efficient use of a brownfield site, contribute significantly to meeting local housing need and aid creation of a healthy community in line with the broad objectives of planning policies at the national, regional and local levels.

Design and Heritage matters

10.31 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.

10.32 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. 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. Policy 7.8 seeks to identify London's heritage assets and historic environment so that the desirability of sustaining and enhancing their

significance and of utilising their positive role in place shaping can be taken into account. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.

- 10.33 Policy SP02 of the adopted Core Strategy (2010) states that the Council will ensure that new housing assists in the creation of sustainable places by optimising the use of land. Policy SP10 sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings. This policy also seeks to protect and enhance the borough's heritage assets, their setting and their significance.
- 10.34 The Managing Development Document deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context. Policy DM27 of the MDD seeks to protect and enhance the borough's heritage assets, their setting and their significance. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure that they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. More importantly, it states that development should enhance or better reveal the significance of the asset or its setting.

Layout, height and scale

- 10.35 The entire application site comprises the Old Poplar Baths building together with the ball court at rear flanked by low level garages on both sides of the ball court. The surrounding area is interesting in its diverse uses and different architecture, being close to the busy East India Dock Road and opposite Chrisp Street town centre. The site is dominated by the Grade II listed Poplar Baths building. The All Saints and Poplar Church and Spire are visible on the east elevation and the backdrop of Canary Wharf is further south. The housing blocks within St. Matthias Estate are of various typologies ranging from 2 to 7 storeys in height.

Listed Poplar Baths building

- 10.36 Due to the use of the building as a construction training centre some 25 years ago, many significant heritage features have invariably been lost or covered up. However and despite the possible loss or damage, it is noted that the interior of this building holds the special interest in heritage terms and would be affected by the proposed works. On that basis, the full details of the internal works for the listed building are covered in detail under the accompanying listed building consent application PA/13/01441 (which will be reported to committee together with this current full planning permission). Externally the building has suffered the usual decay that a vacant and underused building would. In terms of height and scale, no significant changes are noted.
- 10.37 The layout of the baths would change as a result of the refurbishment and repair works. It is proposed to demolish the redundant chimney and water tanks and substantial parts of the former second class baths – the south and east section of the building. In its place would be a re-built modern section with the proposed outdoor MUGA in the south eastern corner of the roof. Therefore, substantial changes would occur to the east and part south elevations to accommodate this MUGA and the perimeter cladding and louvred fencing.

- 10.38 Whilst this would add a significant height to this elevation, it would still however be subordinate to the height of the roof of the first class pool (one of the more significant part of the listed building). The scale of the baths building would therefore remain comparable to its original form. The proposed external alterations to the south and east elevations would have a contemporary appearance but have been designed to be sympathetic to the listed building in general in terms of architectural form and materials. The Borough Conservation Officer and English Heritage support this proposal and state that the removal of the chimney stack and the other external changes would not significantly affect the architectural and historic importance of the listed baths building. Furthermore the setting of the adjoining Lansbury Conservation Area and All Saints Church Conservation would and would not be adversely affected.
- 10.39 In summary, in design and heritage terms, the internal and external alteration works to this Grade II listed building would be appropriate in terms of scale, height and use of materials. The works would be sympathetic to the architectural fabric of this listed building and would preserve the character, integrity and identity of the listed building in a manner that would support the proposed re-use of the building. This would be in line with the NPPF which advises that any minor harm to a heritage asset should be balanced against the public benefit which would arise.

Poplar Baths residential

- 10.40 The built form of the development comprises a 10 storey building on the existing ball court site to provide 60 units. At approximately 30m tall, the total height of the development is considerably higher than the height of some of the adjacent and surrounding residential buildings. Woodall Close is a two storey building and Storey House is seven storeys. The main focus of the area is the generous four storey Grade II Poplar Baths building at front. Whilst trying not to detract from the character and setting of this heritage asset, it is also considered that the new residential block should nonetheless be at scale that stands out and complement the Poplar Baths building and surrounding taller buildings along East India Dock Road and the backdrop of Canary Wharf.
- 10.41 The tall element of the proposed development must be considered in the context of the Managing Development Policy for building heights, DM26. The starting point of policy DM26 is that outside of identified tall building clusters, building heights should be considered against the town centre hierarchy. The amended table to support policy DM26 indicates that outside of town centres, building heights should respond to the local context. As stated above, the local context is extremely varied but does contain some tall buildings albeit not immediately in the vicinity of the application site. The other point to note is that besides height, scale, form, massing and footprint should also be considered. Storey House for example, at 7 storeys occupies a much larger footprint and form but is not necessarily high.
- 10.42 There is no prevailing building height in the surrounding area. The landscape is dotted with some large buildings and some taller ones. Hence officers are satisfied that there is scope for taller elements in the development; furthermore, the location of this tall block is at rear of the heritage asset, thereby conforming with policy DM26 which states that buildings should not adversely impact on heritage assets. The policy also states that new buildings should not impact on local views, amenity and microclimate. In addition to the detailed plans, the application also includes CGI views of the development along key public routes and from vantage points along East India Dock Road and Chrisp Street Market.

- 10.43 The proposed ten storey element would remain subservient to the robust bulk of the Poplar Baths building. Its tall and vertical rhythm would complement the listed building and act as a contrast in terms of form, massing and silhouette. Based on the information provided, officers are confident that the proposed taller element of the proposal would be of a high architectural quality, provide a positive contribution to the skyline and enhance east and west local views towards the two conservation areas.
- 10.44 The proposal would occupy the entire plot of land and would be built close to its boundary. The site constraints and clearly defined existing street movements provide the design approach for the tall building. The ground floor level would be raised to provide improved privacy for all low level units. The main entrance to the building is strategically placed on the north-west corner where the roads are wider and the area more opened. This layout would provide a building which seeks to bring a street presence in a dense urban area whilst complementing the Grade II listed building.
- 10.45 Despite being consistent in form and shape, the residential block is partly and sensitively set back from Woodall Close, achieving a separation distance of between 12 - 14.5m between the two. The separation is achieved by a 3m soft landscaped area and terrace areas. The end unit along the corner has just the terrace and soft landscaping. The site is also bounded by a 1.8m high railing in part of the south elevation and running all around the building on the east side and terminates on the north elevation. The soft landscaping follows the same perimeter. The tall building offers animation in terms of glazed entrances on the west side where an entrance canopy is also proposed.
- 10.46 In conclusion, officers are satisfied that the height of the proposed building would comply with the relevant criteria in the Managing Development Document policy DM26 and would also be appropriate in terms of meeting other policy objectives to optimise residential development and to provide much needed affordable housing. The proposed building would be appropriate in terms of design, mass and bulk and would appear subservient to the Poplar Baths building.

Architectural appearance and landscape

- 10.47 The new residential block would be constructed from traditional materials, predominantly brick which would also complement the Poplar Baths building. This would be in facing bricks of a reddish brown tinge. The proposal includes a flat roof. In general, the building elevation takes two main forms; on the east and west there is a horizontal language that reads well with the surrounding area; and on the north and south, the elevations appear more vertical and narrow, thus introducing its street presence. This is more pronounced in the north elevation where a central wall and glazing.
- 10.48 The building would be built with the same facing materials throughout with balconies clad in contrasting reflective metallic and glass finishes. The balconies and windows offer further articulation to the elevations of the building. Balconies are either inserted into the building as is the case for the north and south elevations; and protruding balconies are proposed on the east and west elevations. The windows are set within recesses and expressed in grid form. Use of wrap around corner windows gives the building a sympathetic form. The windows and wrap around windows would be finished in grey metal frames.
- 10.49 The projecting balconies would be designed within the site boundary. The cornice over the roof on the west/south/east elevations has been amended. At 1625mm, it was considered overly large and protruding and gave the entire building a top heavy

appearance. This has now been shrunk to approximately 1075mm which is acceptable and makes the building more uniform with the rest of the floors. The cornice on the north side was and remains at 900mm.

- 10.50 In conclusion, officers are satisfied that the external appearance of the buildings has been carefully considered and designed to complement each other and the different uses that they serve. The materials proposed would be high quality and the buildings would create visual interest and relate well to the street at ground level. Overall the development would provide a positive enhancement to the street scene and the setting of the York Square Conservation Area and the Grade I St Dunstan and All Saint Church and surrounding churchyard.

Exposing the Poplar Baths architectural and historic appearance and creation of new landscaped area

- 10.51 The proposal would facilitate the refurbishment of the listed baths building with a sympathetic and careful restoration work programme to bring back the building to its former glory and bring into use a community leisure facility including its original element of the swimming baths. It is the front elevation of this building that commands the most interest externally. The “Egyptian” style elevation with its double height entrance portico and reception would undergo various restoration, repair and refurbishment works. The special masoned stone cornices and window detailing would be repaired. The replacement of windows is considered necessary on this elevation and this would be sympathetically replaced with new thermally broken bronzed metal heritage windows.
- 10.52 The front elevation would be restored in the silver grey matching bricks which will be repaired and cleaned. The main entrance door would be as existing, from East India Dock Road. The original first class entrance door would be restored and retained together with the provision of a level access. A café is also proposed at ground floor level in the eastern corner. This would involve glazed doors opening on the forecourt with some seating areas. The other elevations are generally faced in red brick and are subservient to the front elevation. Interventions on these elevations would have less impact on the whole building. It is noted that some works on the south elevation have already been dealt with under a separate listed building consent application (PA/13/01581) which was reported to committee last month.
- 10.53 Further to the restoration works to the front elevation, the proposal consists of extensive landscape works to the forecourt. This would be a key factor to the success of the new baths/leisure centre. A large piazza is proposed with seating arrangements, hard and soft landscaping. The existing statue of Richard Green would be retained and a planted rectangle raised to 300mm would be created and would be designed for seating all around the base. Planting is also proposed in this area plus the removal of all railings to give the forecourt a more inviting and welcome entrance to the entire facility. Some accessible parking and bicycle parking would also be introduced on the western edge.
- 10.54 In terms of windows on all the other elevations, the proposal would seek to replace all existing single glazed, bronzed metal windows with new, thermally broken, double glazed, bronzed metal windows to match the Crittall windows. English Heritage welcomes this approach and officers would condition all replacement windows. However, concerns have been raised with regards to the manually operated external opening mechanisms, which is a subtle but noticeable feature of the east and west elevations. This would be difficult to safeguard in terms of original functionality;

however, in terms of appearance this would be preserved. A condition would be attached to secure this.

- 10.55 The external works proposed, at the front of the building facing East India Dock Road are welcome. The restoration and retention of the Grade II statue of Richard Green is also supported together with the seating areas around it. The whole ensemble would have a positive impact on the setting of the street scene, Chrisp Street Market and the Idea Store.

Impact on the significance of Designated Heritage Assets

- 10.56 Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Paragraph 131 specifically requires that in determining planning applications, local planning authorities 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.”*

- 10.57 Guidance at paragraph 132 states that any consideration of the harm or loss of a designated heritage asset or its setting 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). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (advice at paragraph 134).

Poplar Baths

- 10.58 The closest heritage asset to the application site is the Grade II Poplar Baths building. English Heritage have been fully involved in the development of the proposal and have welcomed the proposed repair and regeneration of this iconic and highly significant listed building. Together with the Borough Conservation Officers and Twentieth Century, they fully support this proposed restoration of the Grade II listed building and its special interior.
- 10.59 The current proposal would be fully in accordance with Policy 134 of the National Planning Policy Framework which states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.
- 10.60 The entire building would be subject to repair works, restoration and refurbishment. Whilst the building is listed, it is the front elevation which is of special interest externally and internally it is the first class pool and fenestration details together with the tiered seating arrangement. The first class baths interior would be restored and retained; the second class pool and hall would be removed and rebuilt with a much larger pool and other facilities. The exterior of the front elevation would be restored with insertion of new bricks to match the existing where necessary; thermally broken Crittal steel framed double glazed windows would be installed to match the existing single glazed Crittal windows. Key features of the First Class Pool Hall will be

restored as would finishes within the very distinctive Entrance Vestibule along with the reconstruction of the plunge pool (one of the buildings most distinctive features).

- 10.61 On the whole, the works to this building would facilitate its reuse together with the creation of a modern sports and leisure venue. Planning Officers in conjunction with the Conservation Design Officer have reviewed the revised proposed scheme which has been the subject of extensive negotiation and is now considered acceptable in principle. However, further details would be required to ensure that the work protects the special architectural and historic character of the building which would be secured through conditions.
- 10.62 The works to be carried out and the internal or external features that may be lost through this major refurbishment are mitigated by the end gain for the community and the borough as a whole. The building itself would be retained and would be restored. Subject to conditions to ensure high quality materials and finishes, the proposal would preserve the character, appearance and fabric of the Grade II Listed Building. The necessary alteration works would represent an acceptable level of intervention in the overall fabric of the listed Baths. No objections have been raised to the works by English Heritage or the Borough Conservation Officer.
- 10.63 The proposed works are therefore generally considered sympathetic and would preserve the character, fabric, integrity and identity of the listed building. The works would be appropriate to facilitate viable re-use of the heritage asset. This proposal therefore meets the requirements outlined in the National Planning Policy Framework (2012), Policy SP10 of the adopted Core Strategy (2010) and Policies DM24 and DM27 of the Managing Development Document (adopted April 2013).

Relationship of proposed housing to surrounding heritage assets

- 10.64 Further east is the Grade II listed All Saints Rectory and All Saints Church and Spire with its public gardens. The church lies within the All Saints Church Poplar Conservation Area. The application site lies within viewing distance of the church and rectory building; it is also surrounded by conservation areas to its north, east and west. In accordance with the Conservation Area character appraisal, the preservation of the historic setting of the church and public gardens of utmost importance and views of these should be maintained and protected where appropriate.
- 10.65 The proposed block of flats at the rear of Poplar Baths would be visible in views of the Baths and in views of other heritage assets including All Saints Church and the All Saints Church Poplar Conservation Area. In particular, the residential block would be highly visible from Newby Place and the backdrop of the church. This view is considered important and should be protected. The rectory partially obscures the new building but it is still largely there to be seen along Newby Place.
- 10.66 The Baths building has a very bold and distinctive architectural form. As seen from directly across East India Dock Road, the proposed block would be barely visible rising slightly above the roofline of the existing First Class element. The impact is considered to be very minor in terms of this important view. In terms of the long views eastwards, it is considered that the heritage asset and the new build are sufficiently far away from each other so as not to cause a negative impact on the setting of the heritage assets and surrounding areas. Furthermore, the views are flanked by modern blocks and structures already.
- 10.67 A viewing corridor has been created to the All Saints Church Spire comprising of progressive setback. Therefore, as the new build is seen against a backdrop of

varied structures including (in some views), the taller structures of Canary Wharf, the impact of the proposed block is considered to be acceptable. The proposed block is also considered to be acceptable in terms of its impact on the setting of the Grade II listed All Saints Church and in terms of the setting the All Saints Conservation Area.

- 10.68 Officers in conjunction with the Conservation Design Officer and Urban Design Officer have reviewed this proposal which has been the subject of extensive negotiation. Subject to conditions this proposal is considered acceptable in principle. Further details will be required to ensure that the new development protects the special architectural and historic character of the surrounding areas. The use of appropriate materials is of paramount importance, and the boundary treatments especially at the rear would be equally important. This will be secured by planning conditions.
- 10.69 As such, subject to conditions to ensure high quality materials and finishes, the proposal would preserve or enhance the setting and views to the Grade II Listed Church in accordance with Policy SP10 of the Council's adopted Core Strategy (2010), Policies DM24 and DM27 of the Managing Development Document (April 2013) and government guidance set out in the London Plan and Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development is well designed and it preserves or enhances the setting, character and appearance of heritage assets and the Borough's Conservation Areas.

Secured by design

- 10.70 The scheme would deliver significant benefits in terms of safety and security by providing active frontages to most of the public highways or public spaces adjoining the site. East India Dock Road would receive principal benefits due to the location of the main entrance and café areas. Grove Villas would benefit from passive surveillance from the café, gym and rooftop MUGA, while Lawless Street at rear would be overlooked from both the MUGA and the residential block. The location of the entrance to the residential block would also increase the amount of pedestrian activity on Grove Villas and Poplar Baths Street. The residential block would have windows in all elevations and thus enhance safety of all adjoining estate areas. All of the above would enhance safety and provide a deterrent to loitering and anti-social behaviour. No concealment points or poorly overlooked areas would be created.
- 10.71 Details of all Secured by Design measures as well as external lighting and CCTV would be conditioned.
- 10.72 Overall, the scheme would properly take into account secured by design requirements, for both the baths and residential buildings, improve safety and security and would not introduce undue risk of crime to future occupiers and users as a result of detailed design.
- 10.73 To conclude this section of the report, officers are satisfied that the scheme accords with the London Plan, the Core Strategy and the Managing Development Document policies which seek to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.

Housing

- 10.74 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and

buildings. Section 6 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development” Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

- 10.75 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885. The need to address the pressing demand for new residential accommodation is embraced by the Council’s strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.

Affordable housing

- 10.76 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London’s population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period.
- 10.77 The application is for a 100% affordable development of 60 Affordable Rent flats including a significant proportion of family units. This substantially exceeds the minimum on-site requirement of 35% affordable as specified by the Core Strategy policy SP02 and would make a significant contribution towards the Council’s overall strategic target for 50% of new homes across the borough to be affordable.
- 10.78 The application also follows the Council’s stated approach to provide Affordable Rent homes significantly below the national level of maximum 80% of private rent. All of the units will be managed by Tower Hamlets Homes and rented at levels determined to be genuinely affordable to local residents as assessed by the POD partnership. The one and two-bed properties are capped at equivalent to 65% of private rent, the 3 and 4 bed units are capped at 45% of market rent whilst the 5 bed units would be below 40% of market rent. This fits with the Council’s approach to prioritise the larger family homes for social rent, or as in this case, as close as possible to social rent. Furthermore, development of a 100% Affordable Rent scheme at POD level rents is also supported by the LBTH Housing Team.
- 10.79 Although the proposal is for all of the new flats to fall in the Affordable Rent tenure, it is considered that the London Plan and the Council’s objective of creating mixed and balanced communities and avoiding creation of mono-tenure areas would not be jeopardised in this instance as a significant number of Market Sector and Intermediate units is being delivered through the on-going regeneration of the adjoining estates and through private developments in the local area.

Dwelling sizes and mix

- 10.80 In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council’s Core Strategy policy SP02 and policy DM3 of the Managing

Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant targets and the breakdown of the proposed accommodation is shown in the table below.

10.81 Table 3: Proposed new build housing mix

	Affordable Rented		
Unit size	Units	%	Target %
Studio	0	0	0
1 bed	18	30	30%
2 bed	15	25	25%
3 bed	18	30	30%
4 bed	9	15	15%
Total	60	100	100

10.82 The proposed mix of units fully corresponds with the above policy requirements and includes an appropriately high proportion of family homes at 45% of all units.

Standard of accommodation

10.83 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance.

10.84 The internal space standards are set at 50sqm for 1 bed 2 person flats, 74sqm for 2 bed 4 person flats, 95sqm for 3 bed 6 person flats and 99sqm for 4 bed 7 person flats. All of the proposed 1 bed, 3 bed and 4 bed flats meet or exceed this target. It is noteworthy that the majority of 3 and 4 bedroom units are particularly generously sized which is welcome for Affordable Rented family units. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings can accommodate the furniture, access and activity space requirements relating to the declared level of occupancy. Moreover, all of the units benefit from separate kitchens and living rooms and adequate dedicated storage areas.

10.85 The majority of units are to be dual aspect with only 15 single aspect one beds and 1 two bed property. The majority of the single aspect units would be south facing. None of the proposed single aspect properties are to be north facing. All of the three and four bedroom units are dual aspect. Overall, all of the proposed units would benefit from adequate day lighting and sun lighting.

10.86 All of the proposed units would benefit from adequate privacy and would not be subject to undue overlooking.

10.87 Overall, it is considered that the proposed layouts are well thought through and will provide a high standard of living accommodation and amenity to the future occupiers.

Wheelchair Accessible Housing and Lifetime Homes Standards

10.88 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

- 10.89 6 wheelchair accessible homes are proposed. 2 x two bed, 3 x three bed and 4 x four bed. The LBTH Housing Team confirmed that this is in line with the needs of families waiting for fully accessible housing on the Common Housing Register. Three of the accessible homes would be located on the ground floor, two on the first floor and one on the second floor. The building would have two lifts in line with policy.
- 10.90 Overall, in compliance with the above policies, the scheme would be built to the Lifetime Homes Standards and provide 10% wheelchair accessible units with a good spread across dwelling sizes.

Private and communal amenity space

- 10.91 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 10.92 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the upper storey flats would have adequately sized balconies none of which are in the northern elevation. All of the ground floor units benefit from private terraces which exceed the policy requirement. It is noted that while the policy compliant provision of private amenity space for the whole residential development would be at 447sqm, the development would provide 585sqm which would be 138sqm in excess of the standard and would have a marked positive impact on the quality of living accommodation.
- 10.93 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 100sqm is normally required for a development of 60 flats. The development would however fail to provide any communal amenity space on site.
- 10.94 The intention of the above policies is to provide adequate open space to ensure an appropriate standard of living for the future residential occupiers and to provide opportunities for residents to lead healthy and active lifestyles. Supporting text to policy DM4 specifies that variations to the provision of adequate communal amenity space can be considered acceptable if there is adequate provision of publicly accessible space within 300m and that in such cases financial contributions will be sought towards the improvements of local open spaces through planning obligations.
- 10.95 There is a number of publicly accessible open spaces in the vicinity. Approximately 30m away, to the south of the adjoining Storey house is a green square of some 2000sqm, the All Saints Church Yard is located some 150m to the east, and the Poplar Recreation Ground and the St Matthias Church Gardens are located some 200-250m walking distance to the west.
- 10.96 Officers consider that while the footprint of the residential site is relatively small, at some 850sqm - including some private gardens and defensible space planting, the size of the site does not, in itself, make provision of an area of communal amenity space unfeasible. While this is noted, the proposed dwellings would be particularly spacious, well designed and all would benefit from particularly large private balconies. It is also noteworthy that the improved sport and leisure facilities at Poplar Baths would provide significant opportunities for residents to lead healthy and active lifestyles in accordance with the aforementioned policies.

10.97 On balance, as the site benefits from close proximity to adequate existing local open spaces, residents would have easy access to the refurbished Poplar Baths, a non-financial contribution to play space has been secured and the dwellings proposed would be well designed and particularly spacious, officers are satisfied that in this instance lack of provision of communal amenity space on site would be acceptable and would not lead to creation of a poor quality living environment for the future residents.

Child playspace

10.98 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. 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 10sqm of useable child play space per child.

10.99 Using the LBTH child yield calculations, the development is anticipated to yield 63 children and accordingly the policy sets an overall benchmark of 630sqm of child play space to be provided. Play space for children under 5 should normally be provided on-site while older children can reasonably use spaces off-site, within a short walking or cycling distance.

10.100 It is anticipated that the development will yield 23 under 5s and accordingly 230sqm of dedicated play space should be provided. The proposal however does not incorporate any on-site play space.

10.101 While normally play space for under 5s would be provided on-site, the Mayor's SPG specifies that lack of on-site provision can be accepted if there are existing play facilities within a 100m walking distance of the site and financial contributions could secure their expansion to fully satisfy the needs of the development whilst continuing to meet the needs of the existing residents. The playground within the green space south of Storey House, 30m away from the residential site, would be particularly accessible.

10.102 Furthermore, an area of hard standing to the south of Storey House and adjoining the existing playground, as shown on the proposed ground floor plan, has been identified by the applicant as a possible location for under 5s playground facilities. The landscaping and erection of play equipment covering at least 230sqm area, in this location, would be secured through a non-financial planning obligation. As such, play space for under 5s would effectively be provided on site, in accordance with relevant policies.

10.103 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. In addition to the youth activities which will be on offer at the adjoining Poplar Baths, tennis courts and multi-use games area at the Poplar Recreation Ground is located some 200-250m walking distance, and the floodlit pitches of the Stoneyard Lane Leisure Centre are within 500m walking distance.

10.104 On balance, given the objectives to maximise delivery of affordable housing and the fact that a new area of playspace for under 5s would be secured through the S106 agreement, it is considered that the lack of on-site play space provision for older

children is acceptable in this instance as there are adequate opportunities for play, sport and leisure within a short walking distance of the application site.

Open space

- 10.105 Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection, improvement, and creation of open spaces. Managing Development policy DM10 states that development will be required to contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy.
- 10.106 The Core Strategy notes that to achieve the 1.2 hectare of open space per 1000 population standard the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the built up urban character of Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standard to help justify local need.
- 10.107 To meet the above standard, based on a likely population yield of 167 new residents, the scheme would need to include 2004sqm of open space on top of any private gardens or communal amenity space provided, which in light of housing demand and the need to optimise the use of scarce development land would not be reasonable, or indeed physically possible, for a site measuring 0.11 hectares. It is considered that a planning obligation towards improvement of the area outside Storey House and development of an under 5s playground would help to mitigate the lack of on-site publicly accessible open space.

Residential density

- 10.108 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 10.109 The proposed residential site abuts the Crisp Street District Town Centre, benefits from an urban context and good public transport accessibility - PTAL score 4. In areas of PTAL 4 to 6 and urban setting, the density matrix associated with policy 3.4 of the London Plan supports densities of between 200 and 700 habitable rooms per hectare. The policy acknowledges that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment.
- 10.110 A high residential density, particularly one that exceeds the indicative density range in the London Plan, can be an indicator of overdevelopment. However, a high residential density does not, in itself, make a scheme undesirable in planning terms. Indeed it is not uncommon for housing schemes to exceed the density suggested by the matrix. For residential density to be considered too high for a given site or, in other words, amount to overdevelopment, the excessive density would need to manifest itself in ways that cause significant harm to interests of acknowledged importance, such as:

- inadequate access to sunlight and daylight for proposed or neighbouring homes;
- sub-standard dwellings (size and layouts);
- insufficient open space (private, communal and/or publicly accessible);
- unacceptable housing mix;
- unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
- unacceptable increase in traffic generation;
- detrimental impacts on local social and physical infrastructure; and
- detrimental impacts on visual amenity, views or character of surrounding area.

10.111 Section 1.3 of the Mayor of London Housing SPG provides further guidance on determining density in accordance with policy 3.4. The guidance acknowledges that small sites have specific opportunities and constraints with regards to density. When establishing the appropriate density for such sites, particular attention should be given to factors influencing the setting of a development site, including existing streetscapes, massing and design of the surrounding built environment. The document also acknowledges that small development sites may require little land for infrastructure such as access roads and it is appropriate for density to reflect this. Consideration should be given to allowing development of a site at a higher density if the infrastructure and amenity requirements can be appropriately met off-site. Exceptionally higher densities on individual development sites may be acceptable where they can be robustly justified by local circumstances. The SPG also notes that higher density housing can be particularly suitable for town centres and locations adjacent to transport hubs, and that account should be taken of planned future improvements to public transport accessibility and capacity, such as development of the Canary Wharf Crossrail Station.

10.112 The proposal, at 60 units, would represent a density of 1768 habitable rooms per hectare and would thus be at 2.5 times the density suggested by the London Plan. Such a density would not be uncommon for blocks of flats on small, effectively infill sites and would be comparable to the densities of both post war and contemporary developments within Chrisp Street town centre, on the northern side of East India Dock Road. As explained above it would not be appropriate to apply the density matrix mechanistically to arrive at what would be an appropriate density for the site – the Mayor of London Housing SPG defines optimising density as “developing land to the fullest amount consistent with all relevant planning objectives”.

10.113 The residential part of the proposal is considered to be satisfactory with regards to all but one of the possible manifestations of overdevelopment as listed above – this is to do with lack of communal open space provision within the site. As explained in the relevant sections above, officers consider that the site is in close proximity to a range of publicly accessible open spaces and leisure opportunities in the area and lack of on-site communal amenity space provision would not make the proposal unacceptable in planning terms. It is also noted that the proposed dwellings would be particularly spacious, well designed and would benefit from more than adequate private amenity space.

10.114 Overall, officers consider that the proposal would provide a significant amount of much needed good quality affordable homes at an appropriate mix, including a high proportion of family sized units, in what is a high quality scheme that positively responds to its surroundings. As such, taking account of the existing dense, urban context of the site, location abutting the Chrisp Street District Town Centre, the pending transport improvements and the planning obligation to mitigate the impact on nearby play space and open space, it is considered that the proposal optimises the

use of the site and that the site can reasonably accommodate the proposed density in line with the relevant local, regional and national policies.

Residential amenity

- 10.115 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 10.116 The residential properties nearest to the entrance to the Poplar Baths are located within the Chrisp Street town centre on the opposite side of East India Dock Road, some 40m to the north of the entrance area. Some 80m to the west of the entrance, adjoining the fire station, is Balsam House - a 4 storey block of flats. To the south of the baths and closest to the servicing and plant areas, some 20m away, is the 7 storey Storey House.
- 10.117 The residential part of the application site adjoins residential premises adjoins Storey House to the west - some 7m to the flank elevation, Nos 1-5 Woodall Close some 12m to the south and Abbot House 18m to the southwest.

Overlooking and privacy

- 10.118 Due to the lack of habitable room fenestration in the side elevation of the adjoining Storey House, no overlooking or privacy intrusion would occur to its occupiers. Residents of Abbot House would also not be affected as their habitable rooms face to the east and west, away from the application site. The terrace of 1-5 Woodall Close is located at a distance of only about 12m between windows of habitable rooms. 1-5 Woodall Close is a terrace of 5 two storey, dual aspect properties. A distance of 12m, while below the guideline of 18m as specified by the supporting text to policy DM25 of the Managing Development Document, would not be uncommon in the borough where similar distances between windows of habitable rooms normally exist for properties on either side of a small street. It is also noted that 1-5 Woodall Close have principal living rooms in their southern elevations, away from the application site. It is thus considered that no undue overlooking or privacy intrusion would occur to the residential occupiers of 1-5 Woodall Close.

Outlook and sense of enclosure

- 10.119 Due to the physical relationship between the site and the adjoining Storey House and Abbot House which all have habitable room windows facing away from the development site, the outlook of these adjoining residential properties would not be affected. Erection of a 10 storey building on site would however be likely to have some impact on the residents of 1-5 Woodall Close who could perceive it as overbearing. Woodall Close properties have south facing living rooms and north facing kitchens on ground floor and bedrooms on 1st floor. Nevertheless, as only the secondary, northern aspect of these properties would be affected, and bearing in mind the fact that only part of the outlook would be affected, it is considered that no unacceptable harm would occur to the amenity of these residential occupiers.

Daylight and sunlight

- 10.120 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value.
- 10.121 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting.
- 10.122 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology. The assessment demonstrates that only the easternmost maisonettes within Storey House and the northernmost ground floor maisonettes within Abbot House would be affected and only to a minor degree which would be likely to have no impact on the living conditions of the residential occupiers of these properties.
- 10.123 The daylighting to the north facing rooms of 1-5 Woodall Close would however be significantly affected with VSC results of 0.65-0.40 of the former value. The resultant VSC value for 1-5 Woodall Close would be on average at 16.39 which is not uncommon in inner city locations and would not be considered unacceptable for only some of the rooms in a dual aspect property. The most significant reduction would occur to Nos 2 and 3 Woodall Close where the resultant VSC value would be at 13 to 14. These are at the lower range of what would be considered satisfactory but not unacceptable daylighting within the borough. Half of the north-facing rooms to 1-5 Woodall Close would meet the BRE guidance whereas the rooms that do not would retain daylight distribution results ranging between 0.71 and 0.44 times their former value. It is again noted that the spaces affected within 1-5 Woodall Close would be kitchens on ground floor and bedrooms on 1st floor – such spaces are generally less sensitive to reductions in daylighting. Overall, the reductions to daylighting to the dual aspect properties at 1-5 Woodall Close, which benefit from south facing living rooms, are considered acceptable as they would not result in substandard living conditions to their existing occupiers.
- 10.124 Due to the spatial relationship between the application site and the adjoining properties, only the southern elevation of Storey House would be affected with regards to its sunlight. This would nevertheless be a minor impact to only a small number of bedrooms which would receive less early morning sunlight. The overall sunlighting conditions including winter sunlighting at Storey House would remain significantly above the BRE guidelines.

Noise and vibration

- 10.125 The site is located on a relatively busy road and, as such, the majority of background noise results from vehicular traffic. Some noise also occurs from operation of the adjoining DLR. The main sources of noise within the proposal are likely to arise from the use of the café, sports hall and the rooftop multi-use games area, from any comings and goings and from plant associated with the sports hall and swimming pools. Residents are likely to be particularly sensitive to disturbance during the evening and at weekends when they may be at home for longer periods of the day.

Both uses are however compatible with a residential environment and would not be inappropriate as part of a mixed use development in this location, subject to control over opening hours, servicing hours and details of the location and type of any external ventilation or extraction plant and machinery.

- 10.126 The LBTH Environmental Protection Team recommended planning conditions to ensure noise insulation to meet the "good" design standard of BS8233 in any bedroom or living room and appropriate noise insulation between the residential and community premises. Conditions are also recommended to restrict construction times and require submission of details of piling works and a general construction management plan to ensure that the temporary disturbance to adjoining residential occupiers is minimised.
- 10.127 The plant associated with the baths would be located within the southern part of the bath building, some 20m away from Storey House and at least 10m away from the proposed residential accommodation. Following revised clarifications the EP officer is satisfied with the glazing specification. However, conditions for plant noise usage should be attached to be discharged at a later date when the detailed design of the plant and any sound mitigation measures are confirmed.
- 10.128 Conditions are also recommended to control the opening times of the sport facility and cafe to 7am – 10pm, Mondays to Saturdays and 8am – 9pm on Sundays.
- 10.129 Overall, subject to conditions including sound insulation, plant specification and design, and appropriate opening and servicing hours, no undue disturbance to the amenity of adjoining occupiers and future residents would occur as a result of the proposed development.

Transport and Access

- 10.130 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 10.131 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: "Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle." Policy SP09 provides detail on how the objective is to be met, including emphasis that the Council will promote car free developments in areas of good access to public transport.
- 10.132 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that development is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.

- 10.133 The site enjoys very good public transport accessibility with a PTAL rating of 4/5. The All Saints DLR Station is located immediately to the east of the site. There are several bus routes serving the local area. There is also a Barclays Cycle Hire station on the opposite side of East India Dock Road. Several bus routes serve the local area, namely numbers 15, 115, D6, D7, D8 and 227.
- 10.134 Given the high volume of sustainable travel connections in the vicinity of the site and the fact that the majority of users are likely to be local to the area, the development would not have a detrimental impact on highway and pedestrian safety or operation of the highway and public transport systems. In line with recommendation of the Council's Highways Officer, the Travel Plan submitted with the application would be secured through a condition. Subject to conditions, the LBTH Highways Officer raises no objection to the proposed development.

Cycle Parking

- 10.135 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for various types of development.
- 10.136 The Poplar Baths would benefit from 46 spaces for visitors – these are to be located outside the proposed entrance on East India Dock Road; and spaces for employees – these would be located in a secure, covered area accessed from Poplar Bath Street, full details would be reserved by condition. This provision was confirmed as adequate by the LBTH Transportations & Highways Team.
- 10.137 The residential development would benefit from 85 spaces for residents – these are to be located within the basement which is accessible by stairs and two lifts. The proposed provision meets cycle parking standards.

Car Parking

- 10.138 Policy DM22 refers to the parking standards set out in its appendix 2. These state that for residential use in locations with a PTAL of 5, parking for 1 and 2 bedroom units should be provided at a maximum of 0.1 spaces per unit and not exceed 0.2 spaces per unit for 3 bedroom homes or larger. Leisure centres or sports facilities should not provide any regular parking spaces.
- 10.139 In line with the above policies, the application proposes no regular car parking spaces for the baths which is expected to draw the majority of its users and visitors from residents local to the area. Two disabled bays would be provided for visitors to the baths. These are to be located at the front of the baths building.
- 10.140 Four disabled car parking spaces would be provided for the residential development. The 4 car parking spaces have been designed to be fully accessible to serve the occupiers of the wheelchair accessible dwellings. Furthermore, in accordance with policy, a car free agreement would be secured to prevent new residents from acquiring an on-street parking permit, apart from those transferring within the borough from another affordable family home under the Council's Permit Transfer Scheme (PTS).
- 10.141 The proposals would result in the loss of 17 existing lock up garages within the application site. The Council's Highways team have raised no objection to their loss. Furthermore, the applicant has confirmed that existing residents and users of the garages have been offered alternative arrangements elsewhere in the locality.

Servicing and refuse requirements

- 10.142 Policy DM14 of the Managing Development Document sets out the Council's requirements for adequate waste storage facilities to be provided in all developments.
- 10.143 A dedicated servicing, deliveries and refuse area is proposed for both the residential scheme and the Poplar Baths building at rear. The locations of the bin stores are acceptable and the auto-tracks for the waste collection vehicle are also acceptable.
- 10.144 Two dedicated refuse storage areas are proposed for the residential and swimming baths. The capacity of the proposed storage facilities complies with the relevant policy standards.
- 10.145 Full details of refuse storage, a waste management plan and a deliveries and servicing plan would be conditioned.
- 10.146 In order to prevent negative impacts on the capacity of the road network and to safeguard vehicular and pedestrian safety, there needs to be adequate and safe coach parking to accommodate the vehicles bringing school parties to the Baths. The revisions locate a coach drop-off point half way down the Baths building on Poplar Bath Street. This location is acceptable to the Council's Highways officer subject to relocation of the existing vehicular access gate on Poplar Baths Street to enable safe manoeuvring of coaches. A suitable condition would be imposed should permission be granted.
- 10.147 Overall, the proposal would not result in a negative impact on the boroughs transport network and would safeguard highway and pedestrian safety and encourage use of sustainable modes of transport in accordance with local, regional and national planning policies.

Sustainability, energy efficiency and climate change

Energy efficiency

- 10.148 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.
- 10.149 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 emerging Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 10.150 The Managing Development Document policy 29 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.
- 10.151 According to initial assessments, the residential part of the development would achieve Sustainable Homes Code level 4 while the refurbished Poplar Baths would achieve BREEAM Excellent with a score of at least 70. Overall CO2 emissions would be reduced by more than 35%. Appropriate conditions would be imposed to ensure that the above targets are met.

10.152 The London Plan 2011 Policy 5.6 requires Major development proposals should select energy systems in accordance with the following hierarchy:

- Connection to existing heating or cooling networks
- Site wide CHP network
- Communal heating and cooling.

10.153 In accordance with the above policy a site-wide CHP system will provide energy to the baths and residents of the block.

10.154 The LBTH Energy and Sustainability Officer has confirmed that the Energy Strategy submitted with the application is acceptable and in line with policy.

Ecology and biodiversity

10.155 The application is supported by a Preliminary Ecological Appraisal, carried out in October 2012. Neither of the sites are formally designated nature conservation sites.

10.156 If works do not begin by spring 2015, a further precautionary bat survey will be required immediately before demolition to ensure no bats are roosting.

10.157 In terms of the landscaped area provided in front of Poplar Baths, it is advised that so as to maximise the benefit to biodiversity, any trees proposed should include native species as recommended in paragraph 5.11 of the Preliminary Ecological Appraisal, and the planter and herbaceous border should include a range of flowering plants to provide nectar through as much of the year as possible.

10.158 In conclusion, officers are satisfied that the scheme would provide appropriate biodiversity and ecological enhancements and subject to appropriate conditions, would comply with national, London Plan and Tower Hamlets Core Strategy and Managing Development Policies with respect to biodiversity.

Health Considerations

10.159 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.

10.160 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.

10.161 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.

10.162 The application would facilitate the delivery of a swimming baths with indoor and outdoor sports facilities, gym and a roof top MUGA which would promote access to

high quality leisure, sport, play and recreation facilities. These factors will contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby in particular the younger residents.

10.163 Furthermore, the applicant has agreed to a financial contribution to be pooled to allow for expenditure on health care provision within the Borough.

10.164 It is therefore considered that the financial contribution towards healthcare and new open space 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.

Planning obligations

10.165 Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.

10.166 Policies 6A.5 of the London Plan (2008), saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.

10.167 The Planning Obligations Supplementary Planning Document sets out Tower Hamlets priorities for planning obligations and the types of development for which obligations may be sought. Where obligations take the form of financial contributions, the SPD sets out relevant formula that will be applied to calculate the contribution or whether the contribution will be negotiated on a case by case basis.

10.168 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. open space and public realm improvements).

Financial contributions

10.169 The table below provides a summary of the financial contributions that would normally be sought in accordance with the standard methodology in the Council's adopted Planning Obligations SPD, plus any additional contributions sought by statutory consultees. All of the standard SPD requirements arise from the need to mitigate the impact of residential development. The request from TfL to improve local bus infrastructure arises from the impact of the leisure use as set out in the applicants Transport Assessment. The table also confirms the applicant's offer based on the financial circumstances of the scheme.

Standard heads of terms and third party requests	Requested contribution	Proposed contributions	Comments
Employment and enterprise - construction	£14,780	0	Commitments incorporated within development contract with the Council

Employment and training end user phase	£11,643	0	Commitments incorporated within development contract with the Council
Community facilities (Idea Stores & libraries)	£22,791	0	Community facility provided on site as part of the application
Leisure facilities	£69,046	0	Community facility provided on site as part of the application
Primary Education	£474,841	£133,446	Pro-rata % of combined Education and Health
Secondary Education	£441,464	£124,067	Pro-rata % of combined Education and Health
Healthcare	£97,806	£27,487	Pro-rata % of combined Education and Health
Sustainable transport	£2,502	0	Sum considered negligible by PCOP
Street scene / public realm	£614,508	0	Local area improvements included within planning application proposals and S278 agreement
Public open space	£142,302	0	Obligation in proposed legal agreement to provide off site child play space.
Bus infrastructure improvements	£45,000	£15,000	Contribution towards improvement of one local stop with other major developments to contribute to remaining.
S106 monitoring	£41,483	0	Monitoring arrangements in place for delivery of entire scheme.
TOTAL	£1,901,318	£300,000	

Reasons for recommended allocation

10.170 Planning policy states that planning obligations may be subject to development viability, considered on a case by case basis. In this case, it is important for the Committee to note that this mixed use development does not include any commercial elements and it would not be possible to carry out a conventional viability assessment. The proposals would not be viable under normal market conditions and can only be delivered through capital investment and subsidy from the local authority. However, the developer has ring fenced £300,000 to cover planning obligations deemed necessary to mitigate the impact of the development.

10.171 Advice from the Council's independent viability consultants confirms this position as follows:

1. The buildings do have an existing use value, which could be used as a benchmark for the purposes of viability negotiations.
2. However, the fact that both schemes contain a community use element (which will require long term revenue subsidy from the Council to survive) and affordable housing (which in all likelihood will cost more to build than its capital value when it is constructed) mean that the value of the proposed developments would

probably be lower than the existing use value. This means that on a viability basis, it could be demonstrated that the schemes cannot sustain any planning obligations.

3. Policy (e.g. London Plan) recognises that viability needs to take account of the likely availability of public subsidy and scheme viability
4. Essentially, in providing a community use and affordable housing, the scheme is delivering significant planning gain benefit by their very nature. The Planning Authority should decide whether the planning benefit of new affordable homes and community facilities outweighs the opportunity cost of the planning gain payments that would be generated on a policy compliant (35% affordable housing) scheme that are foregone as a result of the provision of 100% housing.

10.172 The table above confirms that if all standard Planning Obligations SPD contributions were sought plus an additional sum of £45,000 requested by Transport for London, the total would significantly exceed the maximum set aside within the scheme budget,

10.173 The proposals were considered by the Council's Planning Contributions Overview Panel (PCOP), who were asked to consider how the financial contributions should be apportioned and prioritised in order to mitigate the impacts of the proposed development in line with the priorities in the Council's adopted Planning Obligations SPD. PCOP came to the following conclusions:

- Education and health should be prioritised on a percentage pro-rata basis to the full SPD requirements ;
- There would be scope to accept a lower value health contribution given the scheme will include a new leisure facility and swimming baths which can contribute towards healthy and active lifestyles;
- The contract in place with the Council includes substantial commitments to local employment, training and apprenticeships at both the construction and operational phases of the development;
- There would be no requirement to mitigate the impact of the residential development on community facilities (indoor leisure, libraries and idea stores) given the scheme would deliver a substantial new leisure facility.
- The contact with the Council includes proposals to upgrade the quality of the public realm and street scene on East India Dock Road and between the proposed residential development and Grove Villas;
- The developer partner will bring forward proposals to upgrade concrete hard standing area adjacent to Storey House as a requirement of their contract and also secured through a non-financial planning obligation. An initial draft proposal shows works to the value of £80,000.
- The relatively low value of the contribution towards sustainable transport would negate the potential benefits of receiving this sum in terms of mitigating development impacts.

- A reduced contribution towards bus stop improvements should be considered in the light of potential future contributions that could be negotiated on other major scale development proposals within Crisp Street Town Centre;
- There would be no requirement to secure a 2% monitoring charge to cover Section 106 monitoring given the delivery of the whole proposal would be monitored by the local authority.

Conclusions

10.174 In summary, taking into account the special circumstances of the case and the view of PCOP officers recommend the following contributions and obligations would be appropriate and sufficient to mitigate the impact of the development:

Financial contributions:

- £133,446 towards primary education
- £124,067 towards secondary education
- £27,487 towards primary healthcare
- £15,000 towards local bus stop improvements

Non-financial obligations:

- 100% affordable housing (Tower Hamlets preferred rents)
- Car free agreement
- Free access to the rooftop MUGA for residents of St Matthias estate
- Provision of child play space for under 5 year olds at land outside Storey House

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

10.175 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:

10.176 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.

10.177 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.

10.178 In this context “grants” might include the New Homes Bonus.

10.179 These issues are material planning considerations when determining planning applications or planning appeals.

10.180 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides non-ring fenced finance to support local infrastructure development. The

New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

10.181 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 £106, 729 in the first year and a total payment £640, 376 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the planning obligation contributions, and therefore this initiative does not affect the financial viability of the scheme. The bonus is capable of being a material planning consideration

10.182 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

• Poplar Baths building, 5,218 sqm gross	£182,630
• Affordable Housing, 1,224 sqm circulation	£42,840
• Total	£225,470

Human Rights Considerations

10.183 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:-

10.184 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".

10.185 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.

- 10.186 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.
- 10.187 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.
- 10.188 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.189 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.
- 10.190 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 Considerations

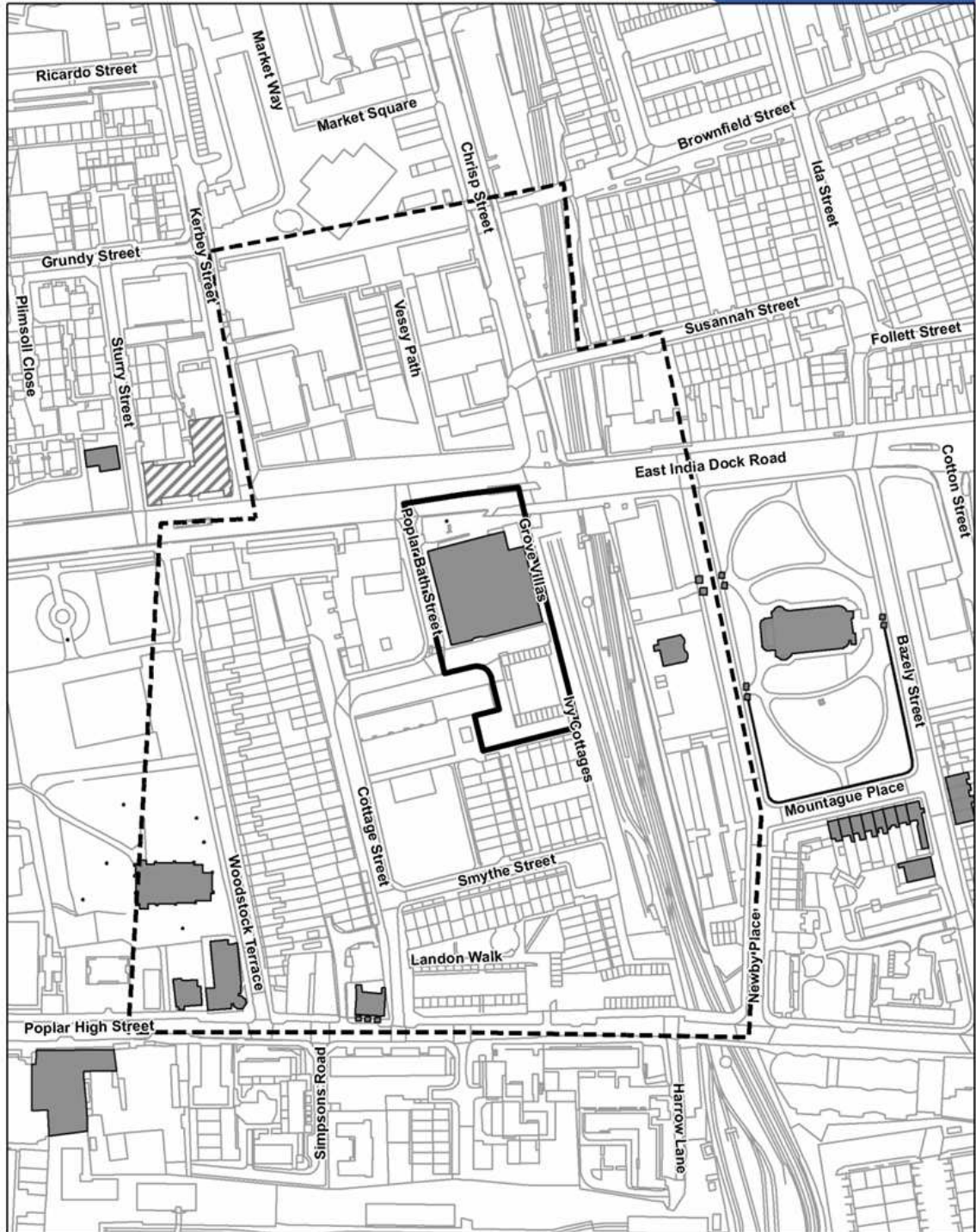
- 10.191 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due 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:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.192 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.
- 10.193 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 10.194 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.

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

11. CONCLUSION

11.1 All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map
PA/13/01432



- Planning Application Site Boundary
- Locally Listed Buildings
- Consultation Area
- Statutory Listed Buildings

0 20 m



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

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Agenda Item 6.4

Committee: Development Committee	Date: 9 th October 2013	Classification: Unrestricted	Agenda Item Number: 6.4
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Report of: Corporate Director of Development and Renewal	Title: Planning Application and Conservation Area Consent Application for Decision
Case Officer: Adam Williams	Ref No: PA/12/02661 and PA/12/03383
	Ward: Weavers

1. APPLICATION DETAILS

Location: Shoreditch Station, Pedley Street, London E1

Existing Use: Vacant former railway station.

Proposal: Partial demolition of former Shoreditch Station building, with retention of brick facade, and erection of a new 6 storey building to include retail, cafe, office, and art display and studio space (Use Class A1, A3, B1 and D1) at lower ground, ground and first floor level and 9 residential units (Use Class C3) at second to fifth floor level, comprising 2 x 1 bed, 4 x 2 bed and 3 x 3 bed units (amended proposal).

Drawing and documents: C-00C;C-10B;C-11E;C-12B;C-13.1;C-13.2;C-13A;C-15B;C-17B;C-20D;C-21B;C-22B;C-30B;C-31B;C-32B;C-40D;C-41E;C-42B;C-43D;C-50A;C-60;D-00Z;D-11I;D-20.3ZA;D-21.3Z;D-22.3Z;D-23.3Z;D-24.3Z;D-25.3Z;D-27.3Z; D-28.3Z;D-30.3ZA;D-31.2Z;D-40.4ZA;D-41.4Z;D-42.4Z;D-43.4Z;D-53ZA;D-71Z;D-72Z;D-73Z;D-74Z;D-75Z;D-76Z;D-77Z;D-78Z;D-79Z;D-300;D-301;D-302;D-600G;D-601A;D-602A;D-603A;D-604A;D-605A;D-606A;D-607A;D-608A;D-609A;D-610A;D-611A;D-615A;D-616;D-617;Design and Access Statement, prepared by WHAT_architecture, dated 7 May 2013;Planning and Public Supporting Statement, prepared by WHAT_architecture, dated 2 April 2012;Heritage and Visual Impact Statement, prepared by WHAT_architecture, dated 2 April 2012;Statement of Significance, prepared by WHAT_architecture, dated 2 April 2012;Statement of Community Involvement, prepared by WHAT_achitecture, dated 21 May 2012;Sunlight and Daylight Assessment, prepared by WHAT_architecture, dated 2 April 2012;Transport Statement, prepared by WHAT_architecture, dated 11 September 2012;Waste Management Statement, prepared by WHAT_architecture, dated 7 August 2012;Energy Strategy Report, prepared by Syntegra Consulting, dated December 2011;Code for Sustainable Homes Report, prepared by Anthony

Wing-King;PPG 24 – Noise and Vibration Assessment Report, prepared by Sandy Brown Associates LLP, dated 16 December 2011;127sho_Shoreditch Overground PA 12/02661: Additional Information.

Applicant:	Mr Parminder Singh Sandhu
Ownership:	Mr Parminder Singh Sandhu and Network Rail
Historic Building:	N/A
Conservation Area:	The site lies within the Brick Lane and Fournier Street Conservation Area

2. EXECUTIVE SUMMARY

- 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), adopted supplementary planning guidance and documents, the London Plan (2011) and the National Planning Policy Framework (2012), and have found that:

Application for Planning Permission Reference PA/12/02661

- 2.2. The proposed A3 use within the development would exacerbate the existing overconcentration of A3/A4/A5 uses in the vicinity of the site and wider Brick Lane District Centre and would compound the associated levels of disturbance to local residents, contrary to Policy SP01(2c) of the Council's adopted Core Strategy (2010) and contrary to the objectives of Policy DM1(6b) of the Council's adopted Managing Development Document (2013).
- 2.3. It is considered that the former Shoreditch Station building makes a positive contribution to the character and appearance of the Brick Lane and Fournier Street Conservation Area and that the proposed demolition of substantial elements of the building would fail to protect and enhance the character and appearance of the Conservation Area. Furthermore, it is considered that the public benefits that would be brought by the proposed development are not sufficient to outweigh the harm to the Conservation Area that would be caused by the proposal. As such, the proposal is contrary to Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27(3) of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).
- 2.4. The proposed development would fail to adequately protect future residential occupants from unacceptable levels of noise and vibration, to the detriment of residential amenity. The proposal is therefore contrary to Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted 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 the amenity of the surrounding public realm.

- 2.5. It is considered that the former Shoreditch Station building makes a positive contribution to the character and appearance of the Brick Lane and Fournier Street Conservation Area and the demolition of substantial elements of the building would fail to protect and enhance the character and appearance of the Conservation Area. Furthermore, it is considered that the public benefits that would be brought by the proposed development are not sufficient to outweigh the harm to the Conservation Area that would be caused by the proposal. As such, the proposal is contrary to Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27(3) of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

3. RECOMMENDATION

- 3.1. That the Committee resolve to REFUSE Planning Permission and Conservation Area Consent for the reasons cited in paragraphs 2.1 to 2.5 of this report.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. The proposal is for the partial demolition of the former Shoreditch Station building, with the retention of the brick façade, and the erection of a new six storey building to include retail, cafe, office, and art display and studio space (Use Class A1, A3, B1 and D1) at lower ground, ground and first floor level and 9 residential units (Use Class C3) at second to fifth floor level, comprising 2 x 1 bed, 4 x 2 bed and 3 x 3 bed units.

Site and Surroundings

- 4.2. The application site is the former Shoreditch Station, which is a single storey brick built structure with arched windows and a shallow pitched slate roof that includes an undercroft below the building at railway line level that used to house the station platform (see Figure 1). The site is bounded by the National Rail railway tracks and London Overground railway viaduct to the west and north, by public open space (grassland) within Allen Gardens to the east and south-east, and by the public highway at Code Street and the north elevation of the four storey sheltered housing block at Daniel Gilbert House, 1 Code Street to the south.

Figure 1: Photo of the site from Allen Gardens (facing north-west)



- 4.3. The application site is located immediately to the east of Brick Lane and is situated adjacent to an alleyway that links Brick Lane to Allen Gardens. The site also lies adjacent to, although outside of, the Brick Lane District Centre and the City Fringe Activity Area, as designated in the Council's adopted Managing Development Document (2013). The surrounding area is mixed use in character, with Brick Lane including a large number of retail, restaurant, bar and hot food takeaway uses, whilst buildings around Allan Gardens to the south and east of the site are predominantly in residential use.
- 4.4. The application site is located within the Brick Lane and Fournier Street Conservation Area, which was designated in July 1969 as 'Fournier Street' and extended in 1978 and again in 1998, when its name was changed to reflect Brick Lane's contribution to the character of the area. It is one of the largest in Tower Hamlets, running along Brick Lane from Bethnal Green Road in the north down to Whitechapel in the south. It contains some of the most architecturally and historically significant buildings in the Borough, including the exceptional group of 18th Century houses around Fournier Street. They comprise the most important early Georgian quarter in England and include Christ Church Spitalfields, designed by Nicholas Hawksmoor. The site and surrounds do not include any Statutory Listed Buildings.
- 4.5. The site benefits from good access to public transport, with a Public Transport Access Level (PTAL) of 4/5 (on a scale from 1a to 6b where 6b is excellent). The site lies approximately 290 metres to the east of Shoreditch London Overground Station and also lies 250 metres to the south of Bethnal Green Road and 350 metres to the east of Commercial Street, both of which are served by a number of bus routes.

Relevant Planning History

- 4.6. The following planning decisions are relevant to the application:
- 4.7. PA/06/00884
On 21 September 2006 conservation area consent was granted for the demolition of bridge GE19, arches and other structures between Brick Lane, Pedley Street and Fleet Street Hill, including bridges at Bratley Street and Weaver Street.
- 4.8. PA/11/01382 & PA/11/01383
On 9 June 2011 applications for planning permission and conservation area consent were withdrawn by the applicant for 1. Material change of use from Sui Generis - former London Underground train station to a mix used space including: D1 gallery, D1 workshops, D2 cinema, D2 gymnasium, D2 dancehall, A3 pop up restaurant 2. Material change in appearance via : a) Installation of ATM cash machine b) Installation of security lighting and security cameras c) Graphic treatment to the elevation.
- 4.9. PA/11/01863 & PA/11/01864
On 5 October 2010 planning permission was granted for the retention of temporary change of use until January 3rd 2012 from vacant Train Station (sui generis) to a D1 Gallery, to include erection of seating at basement level. The Council deemed that conservation area consent was not required for the proposed development.
- 4.10. PA/11/03903 & PA/11/03905
On 28 March 2012 applications for planning permission and conservation area consent were withdrawn by the applicant for the demolition of the existing building and erection of a seven storey building to provide 15 residential units, 405 square metres of commercial/office (Use Class A1, A2, A3 and B1) at ground floor and basement level and 245 square metres of community use (Use Class D1/D2) at sixth floor level.
- 4.11. PA/12/00900
On 29 May 2013 planning permission was granted for change of use from Sui Generis former London Underground station to mixed used including A1 for the display of goods for sale, A1 Internet Cafe, D1 for the display of works of art (otherwise than for sale or hire), D1 public hall or exhibition hall and D2 dance class.

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. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)
- 5.3. **Spatial Development Strategy for Greater London - London Plan 2011 (LP)**
- 3.3 Increasing Housing Supply
 - 3.4 Optimising Housing Potential
 - 3.5 Quality and Design of Housing Developments
 - 3.8 Housing Choice
 - 4.1 Developing London's economy
 - 4.2 Offices

- 4.3 Mixed Use Development and Offices
 - 4.7 Retail and town centre development
 - 4.8 Supporting a Successful and Diverse Retail Sector
 - 5.1 Climate Change Mitigation
 - 5.2 Minimising Carbon Dioxide Emissions
 - 5.3 Sustainable Design and Construction
 - 5.7 Renewable Energy
 - 5.8 Innovative Energy Technologies
 - 5.9 Overheating and Cooling
 - 5.21 Contaminated Land
 - 6.9 Cycling
 - 6.12 Road Network Capacity
 - 6.13 Parking
 - 7.1 Building London's Neighbourhoods and Communities
 - 7.2 An Inclusive Environment
 - 7.3 Designing OutCrime
 - 7.4 Local Character
 - 7.5 Public Realm
 - 7.6 Architecture
 - 7.8 Heritage Assets and Archaeology
 - 7.9 Heritage Led Regeneration
 - 7.15 Reducing Noise and Enhancing Soundscapes
 - 8.3 Community Infrastructure Levy (CIL)
- 5.4. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SO3 Achieving Wider Sustainability
 - SO5 Refocusing on our Town Centres
 - SO6 Refocusing on our Town Centres
 - SP01 Refocusing on our Town Centres
 - SO7 Urban Living for Everyone
 - SO9 Urban Living for Everyone
 - SP02 Urban Living for Everyone
 - SP03 Creating a Healthy and Liveable Neighbourhood
 - SP04 Creating a Green and Blue Grid
 - SO14 Dealing with Waste
 - SP05 Dealing with Waste
 - SO16 Delivering Successful Employment Hubs
 - SP06 Delivering Successful Employment Hubs
 - SO21 Creating Attractive and Safe Streets and Spaces
 - SP09 Creating Attractive and Safe Streets and Spaces
 - SO22 Creating Distinct and Durable Places
 - SP10 Creating Distinct and Durable Places
 - SP11 Working towards a Zero Carbon Borough
 - SP12 Delivering Placemaking
- 5.5. **Managing Development Document (adopted April 2013) (MDD)**
- DM1 Development within the Town Centre Hierarchy
 - DM2 Local Shops
 - DM3 Delivering Homes
 - DM4 Housing Standards and Amenity Space
 - DM8 Community Infrastructure
 - DM11 Living Buildings and Biodiversity
 - 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
- DM27 Heritage and the Historic Environment
- DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
- DM30 Contaminated Land

5.6. **Supplementary Planning Documents**

Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)
 Town Centres Boundaries and Balance of Uses Review, LBTH (2012)
 Housing Supplementary Planning Guidance, Mayor of London (2012)
 Conservation Principle, Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2009)

5.7. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

6. **CONSULTATION RESPONSE**

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

6.2. The following were consulted regarding the application:

LBTH Environmental Health (Noise & Vibration)

6.3. This development will experience high levels of noise and vibration from the railway in close proximity and is considered to fall within the Significant Observable Adverse Effect Level (SAOEL). If the site is used a high degree of noise insulation and vibration isolation will be required, to meet the “good standard” of BS2333. The applicant’s noise consultant has suggested a “reasonable standard” of BS8233 is used, but this is not acceptable and is contrary to our Planning Standard requirements. Areas that would have previously fallen within category “C” and “D” of PPG24 would have either been refused planning permission or required a high degree of noise insulation. If the “reasonable standard” approach is adopted, the living room areas would be allowed to be 10 dB higher internally and the bedrooms 5 dB higher, this would equate to a doubling of perceived railway and road noise level internally and some of the rooms may be considered uninhabitable.

6.4. Any future development at Shoreditch Station should have foundations that are designed to mitigate any possible transmission of noise or vibration or groundborne noise. Bedrooms or any habitual rooms should not be allowed to overlook the railway at this development; it is suggested that only bathrooms, kitchens or toilets are allowed. The premises will also require adequate ventilation, such as through whole house ventilation from the quieter side of the building, although trickle vents will not be acceptable and acoustic vents may not meet our requirements.

- 6.5. Environmental Health are also concerned that high levels of groundborne noise may exist at the development. This hasn't been (but should be) taken into account in the design to meet the council's rail noise policy limit of 35 dBA. Environmental Health recommends that the development is refused in its present form, as it is highly likely that residential properties may be uninhabitable and complaints will be very likely after occupation.
- 6.6. Other conflicts of use may occur at the development between residential and any mechanical and electrical plant noise from commercial activities; servicing and delivery noise should also be taken into consideration.
- 6.7. Officer Comments: *This is discussed further in Section 8 of this report.*

LBTH Environmental Health (Health & Housing)

- 6.8. The premises must comply with relevant statutory requirements including the Housing Act 2004, or comply with relevant Building Regulations. The development should comply with the standards in the GLA's London Housing Design Guide. Licensing may be required under the Housing Act 2004 Part 2, unless the premises has Building Control approval.
- 6.9. Officer Comments: *Noted.*

LBTH Environmental Health (Contaminated Land)

- 6.10. It is noted from our records that the site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. If planning permission were to be granted a condition should be included to ensure that the developer carries out a site investigation to investigate and identify potential contamination, to be submitted for written approval prior to the commencement of development.
- 6.11. Officer Comments: *If planning permission were to be granted it is recommended that the afore mentioned land contamination condition be included.*

LBTH Environmental Sustainability Officer

- 6.12. The sustainable development team do not support the current recommendations to utilise electric storage heaters for the proposed residential units. The current proposals offer the worst scenario for CO2 emissions as they would result in the highest dwelling emission rate. Also, the system would have the highest operating costs of any of the proposals for future residents.
- 6.13. The sustainable development team recommends that the applicant deliver 'option 2' as detailed in the energy strategy. This would deliver a gas boiler system alongside a >14kwp of photovoltaic array to result in dwelling emission rates <10. This is greater than a 50% improvement on the current proposals for electric storage heaters. The implementation of 'option 2' would deliver CO2 emission reductions in excess of Policy DM29 requirements. Additional information should be submitted relating to the provision of the PV array and a roof plan showing the size and location of array for the different building uses should be submitted. In relation to sustainability, the proposals are for Code for Sustainable Homes Level 4. This is supported and should be secured through an appropriately worded Condition.

- 6.14. Officer Comments: *If planning permission were to be granted it is recommended that a condition be included to require the submission for approval of an updated Energy Strategy for the current development, which is omit the use electric storage heaters, to provide a single strategy in line with 'option 2' of the submitted strategy, provide additional information relating to the provision of the PV array and a roof plan showing the size and location of array for the different building uses. In addition, a further condition should be included to require the residential element of the development to meet Code for Sustainable Homes Level 4.*

LBTH Crime Prevention Officer

- 6.15. It is recommended that the proposed pavement lighting is revised to overhead lighting, ideally with the building being 'lit up'. CCTV installation is recommended. There should not be a recessed lobby and separate commercial entries should be provided. There should also be improvements to the existing pavement which is in poor condition to accommodate the new entry location.
- 6.16. Officer Comments: *During the course of the application the scheme was amended to address the above issues. This is discussed further in Section 8 of this report.*

LBTH Transportation & Highways

- 6.17. The site is located in an area of very good public transport accessibility (PTAL4/5) and connectivity and is suitable for the car free approach undertaken by the applicant and is also suitable for a s106 residential on-street car parking permit free agreement. Highways note that applicant has not identified where a Blue Badge holder can safely, conveniently and accessibly park to use the development.
- 6.18. Eight cycle parking spaces should be provided for staff and visitors, to be segregated from the residential cycle parking. In addition, the use of wall fixed, vertical cycle stands is not supported as this type of cycle stand requires a level of physical effort that is beyond many individuals and thus would exclude them from secure cycle storage on this site
- 6.19. Highways request additional information on the likely number and size of service and delivery vehicles to the site. If the applicant intends for deliveries to take place from Code Street they will need to demonstrate that vehicles can safely perform a turn in the road. Highways wishes to prevent a situation where vehicles are reversing for significant distances along Code Road, or ramping up on to the footway. Highways' preference would be for service vehicles to use the loading bays on Brick Lane adjacent to the north of the pedestrian link serving the site.
- 6.20. Conditions should be included to secure a Construction Management Plan, to secure a scheme of highway improvements necessary to serve this development, to require all private forecourt/areas to be drained within the site and not into the Public Highway.
- 6.21. The development shall not be occupied until the Owner, his agents or representatives shall through S278 Agreement to secure the cost for any damage caused to the public highway adjacent/surrounding to the development during any preparatory operation or the implementation of the Planning permission.
- 6.22. Officer Comments: *This is discussed further in Section 8 of this report.*

LBTH Waste Policy & Development

- 6.23. The waste Storage arrangements for the residential units are satisfactory. In relation to the trade waste, a combined waste storage has been presented for the residential and commercial units; however, there must be a clear demarcation between commercial units and residential units. The Council does not provide the collection service for the commercial units and it is the applicant/operator's own responsibility to have a private contract in place. The wheeling distance for the bins should be no more than 10 metres. If it is more than 10 metres then internal arrangements have to be made to pull the bin out on to the agreed collection point on the collection day.
- 6.24. *Officer Comments: If planning permission were to be granted it is recommended that a condition be included to require the submission of full details of segregated waste storage facilities for the residential and commercial uses.*

LBTH Communities, Localities and Culture

- 6.25. As the scheme is below the threshold of seeking contributions according to the SPD, CLC have no comments.

LBTH Parks and Open Spaces

- 6.26. No comments have been received.

Spitalfields Joint Planning Group

- 6.27. No comments have been received.

The Spitalfields Historic Buildings Trust

- 6.28. No comments have been received.

English Heritage

- 6.29. English Heritage provided comments on this application in November 2012 (our ref: P00198000). We indicated then that the former station displays evidential value in respect of the distribution and form of Victorian transport infrastructure in London, historic value in respect of its relationship to the development of the 19th century character of the conservation area, and architectural value as a reserved but robust example of mid-Victorian architecture. We concluded that the former train station makes a positive contribution to the character and appearance of the conservation area and that the proposals did not, in our view, provide clear justification of any public benefits outweighing the loss of the building, nor did the scheme secure its optimum viable use. Therefore the proposal could not satisfy paragraph 134 of the National Planning Policy Framework (NPPF, March 2012) and we urged your Council to encourage a scheme that retains and repairs the existing building.
- 6.30. The revised drawings demonstrate that the scale of the building has been reduced, and elevations of the original station building are incorporated at ground level. However, incorporating these elements would likely involve the dountaking and rebuilding of the elevations, which we still consider to be substantial demolition. Added to this, the removal of the roof structure and the 5 storey roof extension would significantly harm the character of the building. Therefore we do not consider that these revisions satisfy our concerns made in November 2012.

- 6.31. We appreciate that the public gallery, public art space and community offices would provide the scheme with strong public benefits. However, we consider that these much needed facilities could be housed within the refurbished station building and associated platform levels, and additional space could be provided via the introduction of catslide dormers into the roof structure. A separate residential block of a modest scale could be built in the area immediately to the east of the building which could be connected to the station building by a discreet glazed link.
- 6.32. In our view these proposed changes do not fully address our previous concerns. We consider that the former Shoreditch Station building makes a positive contribution to the character of the conservation area and we reiterate that your Council should encourage the retention and repair of the building in order to satisfy national historic environment policy.
- 6.33. *Officer Comments: The heritage and conservation implications of the scheme are discussed further in Section 8 of this report.*
- 6.34. **English Heritage Archaeology (Greater London Archaeological Advisory Service)**
- 6.35. No comments have been received.

The Victorian Society

- 6.36. The significance of the building in the conservation area lies in its importance to the community, its indication of the local development of Victorian transport infrastructure, and its simple but appealing design. The revised proposal for the site would preserve more of the original structure, in its original location, than the previous iteration. However, in adding a five-storey extension to the roof of the single storey building, the former station would be reduced to merely the ground floor walls of a new building on a much larger scale. The roof structure would be completely lost, as well as all sense of scale and form of the previous building; it would no longer be readable as the former railway station. We therefore cannot consider that this proposal retains the former station building in a meaningful way. The building makes a positive contribution to the conservation area, and this proposal would therefore constitute harm to that area.
- 6.37. According to section 134 of the NPPF, any proposal which would cause harm to a conservation area must weigh up the public benefits against any loss, and consider the optimum use of a site. Comments submitted by English Heritage on 23 August 2013 propose an alternative approach to achieving the public benefits of this proposal, as well as the commercial gains, without the loss to the conservation area. The site appears to be generous enough to allow a residential block to be built alongside the station, enabling the Victorian structure to be retained and converted for community use, and achieving community benefits without the damage to local heritage. We join English Heritage in urging that the Council encourages the retention and renovation of this building.
- 6.38. *Officer Comments: The heritage and conservation implications of the scheme are discussed further in Section 8 of this report.*

Ancient Monuments Society

- 6.39. No comments have been received.

Council for British Archaeology

- 6.40. The Committee endorsed the Victorian Society's objection to demolition and visual impact. It was considered that the building - albeit somewhat graffiti laden - was important in terms of the Conservation Areas and communities to the south. It was also considered that there was a need to look at the wider heritage site including the Bishopsgate Goods yard with the Listed Walls and Gates at the entrance and the Braithwaite Viaduct and other (unlisted) structures running the length of the site. The former station could form an important link between (and contain facilities for) the proposed new elevated park atop the Braithwaite Viaduct and Allen Gardens. The present proposal which would be detrimental to the character and appearance of the area should be refused and other options explored.
- 6.41. *Officer Comments: The heritage and conservation implications of the scheme are discussed further in Section 8 of this report.*

Garden History Society

- 6.42. No comments have been received.

Georgian Group

- 6.43. No comments have been received.

The Society for the Protection of Ancient Buildings

- 6.44. No comments have been received.

20th Century Society

- 6.45. No comments have been received.

London Underground

- 6.46. London Underground Infrastructure protection has no comment to make on this planning application.
- 6.47. *Officer Comments: Noted.*

Thames Water Authority

- 6.48. No objections. If permission is granted a condition should be included to require the applicant to submit a piling method statement for written approval by the local planning authority in consultation with Thames Water due to the proximity to underground sewerage infrastructure. In addition, an informative should be included to advise the applicant to take into account minimum water pressure requirements in the design of the development.
- 6.49. *Officer comments: If planning permission were to be granted it is recommended that such a condition and informative be included.*

Network Rail

- 6.50. No objection subject to the developer taking appropriate measures to ensure that the development (including demolition and construction works) will not adversely impact on Network Rail property or the safe operation of the railway.
- 6.51. Prior to any works to adjacent to Network Rail property the applicant must secure in writing agreement from Network Rail and the local authority should immediately contact Network Rails asset protection team on AssetProtectionaAnglia@networkrail.co.uk who will assist in managing the construction and commissioning of the project.
- 6.52. Officer Comments: Noted.

London Overground Infrastructure

- 6.53. London Overground (LO) supports this application in principle. Due to the proximity to LO's East London Line, if planning permission is granted conditions should be included to ensure that the development will not adversely affect the safe efficient and economic operation of the East London Line through ground heave, settlement and other changes in ground levels. Full details of the design and construction methodology, particularly concerning foundations and superstructure, should be submitted to and approved by LBTH and LO. Precaution must also be taken that nothing can fall onto the railway either during or after the construction, with particular reference to the use of cranes or other equipment used above the height of the railway.
- 6.54. Officer Comments: If planning permission were to be granted it is recommended that such conditions be included.

7. LOCAL REPRESENTATION

- 7.1. A total of 152 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses	27	Objecting:	4	Supporting:	23
No of petitions received:	0				

- 7.2. The following issues were raised in objection to the proposal that are material to the determination of the application and are addressed in the next section of this report. For completeness, all issues raised are summarised. The full representations are available to view on the case file.

- (a). The neighbourhood has been bombarded by new blocks of flats and the area is rapidly losing its character.
- (b). The old Shoreditch Station is a feature to Brick Lane and its surroundings and should not be demolished.
- (c). The building is a part of the Brick Lane culture and has a lively, unique detailed brick front. The building should be kept for future locals to use and should not be lost like so many of the old pubs.
- (d). There is no need for a modern high rise building in this location.

- (e). The proposed building would overlook the green park which many people use and prefer to keep more private.
- (f). The development is out of keeping with the local area, is too tall, will cause traffic and parking problems and restrict daylight and sunlight to neighbouring properties.
- (g). The wonderful period architecture that makes London the city it is, is being systematically ravaged by developers into a soulless metropolis – this is yet another example of the decline of our beautiful city.
- (h). Concern is expressed about blocking sunlight on Allen Gardens.
- (i). The development should be subject to a 'no licences' covenant - the Brick Lane night-time economy needs to be contained and not allowed to seep into residential side streets.

7.3. Officer Comments: *The above points are addressed in Section 8 of this report.*

7.4. The following representations have been submitted in support of the application:

- (a). The existing building is a mess and has a bad effect on the alleyway.
- (b). There is a lack of housing in Tower Hamlets.
- (c). The proposal will create employment opportunities and a charity will use the building.
- (d). The charity use is commendable, in providing purpose-built space for a local charity with specific needs (i.e. rehearsal and office space).
- (e). The proposed building will become part of the garden and the old station will be transformed into a 'bridge' between the trendy Brick Lane and the hidden garden.
- (f). The old station has not been in use for some years and the application presents the most suitable scheme with a mix of uses, including residential and commercial uses.
- (g). This corner of Allen Gardens is not friendly, particularly at night, and the proposal will solve the problem of a lack of safety, security and lighting in Code Street and the Pedley Street alleyway.
- (h). The new different spaces have the possibility of increasing security, as well as improving the environment and connection between Brick Lane and the garden.
- (i). The proposed development will surveil the hidden garden.
- (j). The proposal will greatly improve the area and make it an area for the local community to enjoy and feel safe walking through.
- (k). Anti-social behaviour is a major issue in the area, which will be reduced if the proposal is given permission by bringing a new mix of people to the surrounding park.
- (l). The scheme would potentially bring the access lane to Allen Gardens back into the public realm from being a dead end, which is a haven for anti-social behaviour.
- (m). The retention of the brick part of the station as 'sustainable heritage' is supported.
- (n). Spitalfields Music supports the proposals as we would like to establish a new home at the site which combines office accommodation and workshop/rehearsal space.
- (o). Spitalfields City Farm supports the proposals as the proposed mixed-use residential and community focusing building will have a significant positive impact on the area.
- (p). The proposed building is of a scale, design and form that will enhance the local Conservation Area while introducing attractive modern architecture into the locale, supporting the existing context rather than challenging it.

- (q). The proposed architecture makes reference to the site's former life as a railway station, whilst it's uses will add to the local character and provide much needed security to the existing small street which it overlooks.

7.5. Officer Comments: *The above points are addressed 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:

- § Land Use
- § Housing
- § Design and Conservation
- § Amenity
- § Highways
- § Equality Act

Land Use

- 8.2. The application site is not included in the site allocations of the Council's adopted Managing Development Document (2013) and as such is not designated for any specific use. The site abuts the boundary of the Brick Lane District Centre and the City Fringe Activity Area, as designated in the adopted Managing Development Document (2013).
- 8.3. Policy SP01(2) of the Council's adopted Core Strategy (2010) seeks to ensure that the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre by ensuring town centres are active, well-used and safe during the day and night through appropriate uses and design, and encouraging evening and night-time economy uses provided they are not over-concentrated in areas where they will have a detrimental impact on local people, are of a balanced provision of cater for varied need, and are complimentary to existing uses and activities.
- 8.4. Policy SP01(5) of the Council's adopted Core Strategy (2010) promotes areas at the edge of town centres as places that support and assist in the creation of sustainable communities, to be achieved by promoting mixed use development at the edge of town centres to support the role of town centres.
- 8.5. Policy DM1(4) of the Council's adopted Managing Development Document (2013) directs A3/A4/A5 uses (restaurant and café/ drinking establishment/ hot food takeaway, respectively) to the Central Activities Zone, Tower Hamlets Activities Areas and designated town centres, provided they do not result in an over-concentration of such uses. Policy DM1(6b) of the Managing Development Document (2013) supports A3/A4/A5 uses within the Brick Lane District Centre provided they do not exceed 25% of the total number of units. Policy DM8(4) of the Managing Development Document (2013) seeks to ensure that new community facilities are located either within or at the edge of town centres.
- 8.6. The proposal is for the residential-led mixed-use redevelopment of the former Shoreditch Station, to comprise 225 sqm of office and art studio space (Use Class B1/D1) at basement level, 236 sqm of shop, café and art space (Use Class A1/A3/D1) at ground floor level, 211 sqm of office and community (charity) space

(Use Class B1/D1) at first floor level, together with nine residential units (Use Class C3) at second to fifth floor level, comprising 2 x 1 bed, 4 x 2 bed a 3 x 3 bed units.

- 8.7. The application site is located at the edge of both the Brick Lane District Centre and the City Fringe Activity Area, which is considered to be an appropriate location for mixed use developments in line with Policy SP01(5) of the Core Strategy (2010).
- 8.8. It is noted from the Council's Town Centres Boundaries and Balance of Uses Review (2012), which forms part of the evidence base for Policy DM1 of the adopted Managing Development Document (2013), that the level of A1 retail use within the Brick Lane District Centre was at 44.1% of units at the time of the review, which is well below the target minimum level of 50% as set out in Policy DM1(3) of the MDD. Whilst it is noted that the site is not technically located within the town centre, given that the site abuts the town centre boundary and is in close proximity to, and can be directly accessed from, the public highway on Brick Lane, and given the limited scale of the proposed A1 retail floorspace and the existing deficiency of A1 retail units within the Brick Land District Centre, it is considered that the A1 retail element of the scheme is acceptable in land use terms.
- 8.9. It is understood that the community floorspace at basement, ground and first floor level is intended to be occupied local non-for-profit organisations, including Spitalfields Music, who would utilise the lower ground floor studio as rehearsal space, whilst the ground floor community element would be used for public activities and the first floor offices would provide associated administrative space. It is also noted that a number of letters of representation have been received in support of the proposals, with particular regard to the proposed local community uses, including representations from Spitalfields Music and the nearby Spitalfields City Farm.
- 8.10. In line with Policy DM8(4) of the adopted Managing Development Document (2013) officers are supportive of the proposed D1 community floorspace within the scheme, which is considered to be appropriate in terms of its scale and location at the edge of the Brick Land District Centre.
- 8.11. The main land use issue in the current proposals relates to the inclusion of A3 café use at ground floor level. The site is located at the edge of, although technically outside of, the Brick Lane District Centre and City Fringe Activity Area. Policy DM1(4) of the adopted Managing Development Document (2013) seeks to direct new A3 uses to the CAZ, designated town centres and Tower Hamlets Activity Areas, provided they do not result in an overconcentration of such uses and provided there are at least two non A3/A4/A5 units between new A3/A4/A5 units in town centres.
- 8.12. Policy SP01(2c) seeks to ensure that A3/A4/A5 uses are not over-concentrated in areas where they will have a detrimental impact on local people. Policy DM1(6) of the Council's adopted Managing Development Document (2013) supports the provision of new A3/A4/A5 uses within the Brick Lane District Centre provided they do not exceed 25% of the total number of units.
- 8.13. Brick Lane is a mixed use area with a range of bars and restaurants which contribute to a thriving night time economy. Over the last 10 years the nature of the area has changed considerably with the influx of many restaurants, hot food takeaways, bars and clubs. With the influx of these types of uses has come an influx of people and Brick Lane's reputation as a place to eat and go out has become well known for Londoners and tourists alike. Whilst the Council do not wish to see the unique culture of Brick Lane eroded, there needs to be a balance between entertainment activities and other uses, including the retail function of the town centre. Furthermore, the

cumulative impacts of the existing range and number of entertainment type uses on the amenity of residents within and around Brick Lane remains a significant issue.

- 8.14. The Council's Town Centres Boundaries and Balance of Uses Review (2012), which forms part of the evidence base for Policy DM1 of the adopted Managing Development Document (2013), shows that the level of A3/A4/A5 units within the Brick Lane District Centre was 26% of the total number of units at the time of the review, which exceeds the target maximum level of 25% as set out in Policy DM1(6) of the MDD. It is further noted that the two closest commercial premises to the application site, namely the ground floor units at 174 and 176 Brick Lane, which are both located within the Brick Lane District Centre, comprise an A4 bar (the Exit bar) and an A3 restaurant (Kinkao Thai restaurant).
- 8.15. Given the existing over-concentration of A3/A4/A5 uses within the adjacent Brick Lane District Centre as identified in the Town Centres Boundaries and Balance of Uses Review (2012), together with the close proximity of the site to the A3 and A4 uses at 174 and 176 Brick Lane, it is considered that the proposed A3 use within the development would exacerbate the existing overconcentration of A3/A4/A5 uses in the vicinity of the site and wider Brick Lane District Centre and would therefore compound the associated levels of disturbance to local residents, contrary to Policy SP01(2c) of the Council's adopted Core Strategy (2010) and contrary to the objectives of Policy DM1(6b) of the Council's adopted Managing Development Document (2013).
- 8.16. It is noted that a letter of representation has been received from OPEN Shoreditch, in which it is requested that a 'no [alcohol] covenant' be placed on the development. However, it should be noted that it is beyond the remit of the planning system to place restrictions on the premises licencing system. As such, Officers would advise that the application should be determined with regard to the acceptability of a new A3 use at this location in planning terms, which Officers consider to be unacceptable and contrary to policy for the reasons outlined above.

Housing

- 8.17. Policy 3.3 of the London Plan (2011) seeks to ensure the identified housing need in London is met through the provision of new homes. Policy SP02(1) of the Council's adopted Core Strategy seeks the delivery of new homes in the Borough in line with the housing targets in the London Plan.

Mix

- 8.18. Policy 3.8 of the London Plan (2011) seeks to ensure that new developments offer a range of housing choices in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors. Policy SP02(5) of the Council's adopted Core Strategy (2010) requires a mix of housing sizes on all sites providing new housing. Policy DM3(7) of the Council's adopted Managing Development Document (2013) seeks to ensure that development provides a balance of housing types, including family homes.
- 8.19. The proposed development would provide 9 new residential units, comprising 2 x 1 bed, 4 x 2 bed and 3 x 3 bed units. Whilst only a limited number of units are proposed, it is noted that there is a good balance of 1, 2 and 3 bed units and that 33% (3 units) would be of a size suitable for families (i.e. 3+ bed), which is supported in line with adopted policy. As such, it is considered that the proposed residential mix is acceptable.

Layout and Internal Space Standards

- 8.20. Policy 3.5 of the London Plan (2011) seeks to ensure that new residential developments accord with the minimum space standards set out in Table 3.3 (in the London Plan) and take into account of factors relating to 'arrival' at the building and the 'home as a place of retreat', have adequately sized rooms and convenient and efficient room layouts, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives. Policy DM4(1) of the Council's adopted Managing Development Document (2013) seeks to ensure that all housing developments have adequate provision of internal space in order to provide an appropriate living environment, to accord with the minimum space standards in the London Plan (2011).
- 8.21. The proposed residential dwellings have been assessed against the Council's adopted minimum space standards and against the residential design standards set out in the Mayor of London's Housing Supplementary Planning Guidance (2012). It has been found that that the proposed dwellings all either meet or exceed the relevant residential design and space standards and as such it is considered that the residential component of the development would provide an appropriate living environment for future residents, in accordance with Policy 3.5 of the London Plan (2011) and Policy DM4(1) of the Council's adopted Managing Development Document (2013).

Amenity Space

- 8.22. Policy SP02(6d) of the Council's adopted Core Strategy (2010) requires adequate provision of housing amenity space for new homes, including private amenity space in every development. Policy DM4(2) of the Council's adopted Managing Development Document (2013) requires the provision of a minimum of 5 sqm of private outdoor space for 1-2 person dwellings, with an additional 1 sqm provided for each additional occupant, whilst specifying that balconies and private external spaces should have a minimum width of 1500mm.
- 8.23. Each of the residential units includes provision of private amenity space in the form of recessed terraces. For the 1 bed units, single terraces are provided, ranging from 5 sqm to 8 sqm in size. For the 2 bed units, two have single terraces of 9 sqm, whilst the third benefits from 2 terraces, which combined provide 11 sqm of private amenity space. Each of the 3 bed units include two terraces, which combined provide between 14 sqm and 15 sqm of private amenity space.
- 8.24. Whilst the secondary terraces for the 2 and 3 bed units are small, ranging from 2 sqm to 4 sqm, it is noted that the main terraces for these units are of sufficient size themselves to meet the Council's minimum amenity space standards for 6 person dwellings. As such, it is considered that the provision of amenity space for the residential units is acceptable in accordance with Policy DM4(2) of the Council's adopted Managing Development Document (2013).

Design

Proposed Design, Scale, Height and Mass

- 8.25. Policy 7.4 of the London Plan (2011) seeks to ensure that buildings, streets and open spaces provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets, contributes to a positive relationship

between the urban structure and natural landscape features, is human in scale, allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and is informed by the surrounding historic environment.

- 8.26. Policy SP10(4) of the Council's adopted Core Strategy (2010) seeks 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.
- 8.27. Policy DM24 of the Council's adopted Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design and ensuring that the design is sensitive to and enhances the local character and setting of the development in terms of scale, height, mass, building plot sizes, building lines and setback, roof lines, streetscape rhythm, design details and through the use of high quality building materials and finishes.
- 8.28. The proposal is for the partial demolition of the existing former station building, with retention of the brick façade at ground level and brick walls adjacent to the railway lines at lower ground level, together with the erection of a new six storey building. The proposal includes the building up of the eastern boundary brick wall at ground level and the introduction of new arched openings in the south and east elevation that reflect the design and scale of the existing arched openings within the existing building. At lower ground level it is proposed to enclose the west elevation with full height glazing.
- 8.29. At first floor level the building includes a fully glazed façade set in front of a diagonal lattice of metal trusses that reflect the design of the trusses used on the adjacent London Overground railway viaduct. At second to fifth floor level the building is to be faced in black brick and includes a degree of variation in the detailing through the use of different brick bonds (patterns) on different elements of the upper façade.
- 8.30. The fenestration on the upper floors of the building comprises simple rectangular windows set within deep reveals, with the windows on each floor off-set from those on the floors above and below. The building also incorporates a pitched roof with sloping parapets, which result in a building of varying heights, with the façade and roof being tallest at the south-east and north-west corners and dropping in height towards the north-east and south-west corners (see Figure 2).
- 8.31. In terms of the scale and height, it is noted that the proposed six storey building is two storeys taller than the adjacent Daniel Gilbert House to the south of the site, although is one storey shorter than the seven storey residential block known as Stuttle House, which is located immediately to the south of Allen Gardens at the junction of Spital Street and Buxton Street, situated approximately 130 metres south-east of the application site.
- 8.32. Given the location of the site at the north-west corner of Allen Gardens together with the general scale and height of the surrounding built form, it is considered that the scale and height of the proposed building is acceptable in this instance as it would provide a degree of enclosure to the open space within Allen Gardens and would act as a marker and wayfinding tool for pedestrians from Brick Lane without appearing unduly dominant or overbearing from street level.
- 8.33. In terms of detailed design, materials and finishes, whilst the upper storeys of the building represent a bold and contemporary departure from the simple, utilitarian

architecture of the former station building, it is considered that that the proposed development reads as a cohesive architectural response and includes design elements that respond to the surrounding built form and public realm and incorporates high quality materials, which is supported. As such, it is considered that the overall design of the scheme is acceptable.

Figure 2: CGI Visualisation of the Proposed Development



Demolition and Development within the Brick Lane and Fournier Street Conservation Area

- 8.34. Paragraph 132 of the National Planning Policy Framework (2012) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 133 of the NPPF (2012) states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 8.35. Policy 7.8 of the London Plan (2011) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 of the London Plan (2011) states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration. Wherever possible heritage assets should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality.

- 8.36. Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance the Borough's Conservation Areas and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.37. Policy DM27(1) of the Council's adopted Managing Development Document (2013) requires development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the Borough's distinctive 'Places'.
- 8.38. Policy DM27(3) of the Managing Development Document (2013) states that proposals for the demolition of a designated heritage asset will only be considered under exceptional circumstances where the public benefit of demolition outweighs the case for retention. When exceptional circumstances require demolition to be considered, applications will be assessed on:
- (a). The significance of the asset, architecturally, historically and contextually;
 - (b). The condition of the asset and estimated costs of its repair and maintenance in relation to its significance and demolition, and to the value derived from its continued use;
 - (c). The adequacy of efforts made to retain the asset in use;
 - (d). The merits of any alternative proposal for the site.
- 8.39. The application site lies within the Brick Lane and Fournier Street Conservation Area, which is one of the largest Conservation Areas in Tower Hamlets, running along Brick Lane from Bethnal Green Road in the north down to Whitechapel in the south. The site is located at the north-west corner of Allen Gardens, situated immediately to the south of the National Rail railway lines and London Overground railway viaduct and approximately 30 metres to the east of the public highway on Brick Lane.
- 8.40. The application site comprises the former Shoreditch Station building, which is a single storey brick built structure with arched windows and a shallow pitched slate roof that includes an undercroft below the building at railway line level that used to house the station platform. The south-west corner of the site includes a narrow single storey brick structure with a pitched roof that extends westwards from the main station building along part of the alleyway that links Allen Gardens to Brick Lane. The eastern end of the site is effectively vacant, including timber stairs leading from ground level to the undercroft beneath the station building, together with a single storey timber structure with mono-pitch roof that abuts the eastern brick elevation of the main station building. The building is currently in a poor state of repair and large expanses of the brick façade, most notably the entire south elevation, is covered in graffiti.
- 8.41. The proposal is for the partial demolition of the existing building and erection of a new six storey building, which is to retain the brick façade of the existing building at ground floor level and the brick walls along the northern edge of the site at lower ground (railway) level. The proposal includes the demolition of the narrow single storey brick structure that extends from the south-west corner of the main building, the single storey timber structure that abuts the east elevation of the building and the entire roof of the building. In their letter dated 23 August 2013, English Heritage have also advised that they consider that the proposals will necessitate the dountaking and rebuilding of the elevations and that the level of demolition is considered to be substantial.

- 8.42. English Heritage consider that the existing former station building displays evidential value in respect of the distribution and form of Victorian transport infrastructure in London, historic value in respect of its relationship to the development of the 19th century character of the Conservation Area, and architectural value as a reserved but robust example of mid-Victorian architecture. English Heritage note that the proposed development would provide strong public benefits through the community uses within the scheme. However, they object to the proposals on the grounds that the former Shoreditch Station building makes a positive contribution to the character of the Conservation Area and that the harm caused by the proposed demolition works and development is not outweighed by the public benefits.
- 8.43. The Victorian Society object to the proposals on the grounds that the development would result in the loss of a substantial portion of the building, which would cause harm to the Conservation Area. The Victorian Society consider that the significance of the building within the Conservation Area lies in its importance to the community, its indication of the local development of Victorian transport infrastructure and its simple but appealing design. The Victorian Society further state that the proposed development would reduce the former station to the ground floor walls of a much larger building, which together with the loss of the roof structure, would remove all sense of scale and form of the previous building.
- 8.44. In addition, the London and Middlesex Archaeological Society (LAMAS), on behalf of the Council for British Archaeology, object to the proposals on the grounds that the existing building is important in terms of the Conservation Area and communities to the south and that the proposed development would be detrimental to the character and appearance of the area.
- 8.45. It is noted that the applicant, Mr Sandhu, has provided a written response to the letter of objection from the Victorian Society. In this letter, dated 23 November 2012, Mr Sandhu states the comments from the Victorian Society appear generic and lacking in detail. In addition, Mr Sandhu cites an extract from an English Heritage report on the former station building, in which it is stated that the building “does not meet the standards necessary for listing railway stations to this date”. Mr Sandhu further states that he considers that the building has a detrimental effect on the conservation due to high levels of crime, vandalism and anti-social behaviour at the site.
- 8.46. It is also noted that the applicant’s agent, Mr Hoete, has provided a written response to the letter of objection from LAMAS, in which he states that he considers that the proposed development will form a gate to Allen Gardens and the future regeneration of Spitalfields Farm, Fleet Street Hill and the Shah Jalal Estate and would conform to the existing streetscape that frames Allen Gardens.
- 8.47. Policy DM37(3a) of the MDD (2013) requires this application to be assessed with regard to the significance of the asset, architecturally, historically and contextually. Whilst it is acknowledged that the site is not listed, the LBTH Conservation Officer considers that building has a strong, utilitarian character which recalls the areas industrial past, unlike suburban stations which tend to have a softer more decorative appearance, with the building comprising of two main elements - brick walls with simply detailed arched openings and a straightforward slate roof. For these reasons, officers consider that the building makes a positive contribution to the character and appearance of the Brick Lane and Fournier Street Conservation Area.
- 8.48. Policy DM37(3b) of the MDD (2013) requires this application to be assessed in terms of 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. It is noted that the building is in a poor state of repair, with large expanses of the south and east elevations having been covered in graffiti, and that the site and surroundings have been subject to crime, vandalism and anti-social behaviour. However, no evidence has been provided on the likely cost of repairing the building or values that could be generated from its use.

- 8.49. Policy DM37(3c) of the MDD (2013) requires this application to be assessed in terms of the adequacy of efforts made to retain the asset in use. It is noted that the applicant was granted planning permission in May of this year for change of use of the existing former station building to mixed use including A1 retail and internet cafe, D1 for the display of works of art (otherwise than for sale or hire), D1 public hall or exhibition hall and D2 dance class (planning reference PA/12/00900). However, from observations made by the Case Officer on a recent site visit on 17 September 2013, it would appear that this permission has not been implemented. As such, it is considered that little effort has been made to retain the asset in use.
- 8.50. Policy DM37(3d) of the MDD (2013) requires this application to be assessed in terms of the merits of any alternative proposal for the site. As stated above, there is an extant planning permission for change of use of the site, which is supported by officers as it would bring the vacant building back into use and would provide an appropriate mix and scale of uses for an edge of town centre site.
- 8.51. In addition, officers consider that the application site provides opportunities for more sensitive development proposals, which would include the retention and restoration the existing former station building and roof and could include the erection of a new block within the vacant eastern section of the site. It should also be noted that these aspirations are supported by English Heritage in their letter dated 23 August 2013.
- 8.52. For the reasons outlined above, it is considered that the former Shoreditch Station building makes a positive contribution to the character and appearance of the Brick Land and Fournier Street Conservation Area and that the proposed demolition of substantial elements of the building would fail to protect and enhance the character and appearance of the Conservation Area. Furthermore, it is considered that the public benefits that would be brought by the proposed development are not sufficient to outweigh the harm to the Conservation Area that would be caused by the proposal. As such, the proposal is contrary to Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27(3) of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

Safety and Security

- 8.53. Policy 7.3 of the London Plan (2011) seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating by ensuring that routes and spaces are legible and well maintained, by enabling natural surveillance of publicly accessible spaces and by encouraging a level of human activity that is appropriate to the location, incorporating a mix of uses where appropriate, to maximize activity throughout the day and night, creating a reduced risk of crime and a sense of safety at all times.
- 8.54. Policy DM23(3) of the Council's adopted Managing Development Document (2013) requires development to improve safety and security without compromising good design and inclusive environments by locating entrances in visible, safe and accessible locations, by creating opportunities for natural surveillance, by avoiding

the creation of concealment points, by making clear distinctions between public, semi-public and private spaces and by creating clear sightlines and improving legibility.

- 8.55. Anecdotal evidence has been supplied by the applicant and responses to consultation to suggest that there have been instances of anti-social behaviour and criminal activity within and around the site. It is noted that a number of letters of support have been received from local residents and organisations on the grounds that the proposed development would improve peoples' feelings of safety and security when walking in the area, particularly at night.
- 8.56. It is considered that the proposed mix of residential, commercial and community uses will improve the feeling of security by enabling activity at the site throughout the day and night, whilst the design of the building will provide good levels of natural surveillance to Allen Gardens, Code Street and the alleyway linking Allen Gardens and Brick Lane.
- 8.57. The proposals have been reviewed by the LBTH Crime Prevention Officer, who advised that the development should include additional external lighting on the building, that there should not be recessed lobbies, that separate commercial entrances should be provided and that the pavement in the vicinity of the site should be improved.
- 8.58. The design of the scheme was subsequently amended by the applicant to address these concerns, with the current proposals now including external lighting on the south (front) elevation, whilst the entrance doors have been brought forward to remove the recessed and separate commercial entrances are provided. Improvement to the pavement in the vicinity of the site could be secured through a condition requiring the submission for approval of a scheme of highways improvement works, as requested by LBTH Transportation & Highways (see Section 6 of this report).
- 8.59. Taking into account the above, it is considered that the proposed development would reduce opportunities for criminal behaviour and contribute to a sense of security around the site and surrounding area, in accordance with Policy 7.3 of the London Plan (2011) and Policy DM23(3) of the Council's adopted Managing Development Document (2013).

Energy Efficiency and Sustainability

- 8.60. At a national level, the National Planning Policy Framework (2012) 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), Policies SO24 and SP11 of the Council's adopted Core Strategy (2010) and Policy DM29 of the Council's adopted Managing Development Document Policy (2013) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.61. Policy DM29 of the Council's adopted Managing Development Document (2013) 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.

- 8.62. Policy SO3 of the Council's adopted 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. Policy SP11 of the Core Strategy (2010) requires all new developments to provide a reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.63. The application is accompanied by an Energy Strategy Report, prepared by Syntegra Consulting, which was originally submitted in support of the previous planning application for the redevelopment of the former Shoreditch Station site in 2011 (reference PA/11/03903 – see Section 4 of this report). The strategy has therefore been based on a 7 storey building with 15 residential, as opposed to the current proposed for a 6 storey building with 9 residential units. However, the design approach to the two schemes is broadly consistent.
- 8.64. The submitted Energy Strategy Report includes three options that could be incorporated into the development, with 'Option 1' comprising the use of a communal air source heat pump and a 13kWp photovoltaic array. 'Option 2' comprises the use of a gas combi boiler per flat and a 14.7kWp photovoltaic array. 'Option 3' comprises the use of electric storage heaters and instantaneous electric hot water system per flat, together with a 14.05kWp photovoltaic array. The Energy Strategy Report concludes by recommending the implementation of 'Option 3'.
- 8.65. The LBTH Environmental Sustainability Officer has reviewed the proposals and submitted Energy Strategy Report and does not support the current recommendations to utilise electric storage heaters for the proposed residential units under 'Option 3', which would offer the worst scenario for CO₂ emissions as they would result in the highest dwelling emission rate. However, it is noted that 'Option 2' as detailed in the Energy Strategy Report would deliver CO₂ emission reductions in excess of the Council's Policy DM29 requirements.
- 8.66. The Energy Strategy Report also includes details of a Code for Sustainable Homes pre-assessment, which indicates that the (2011) development could achieve Code for Sustainable Homes Level 4. Given the similarities between the two schemes it is expected that the current development proposals would also attain Code Level 4, although verification would be required.
- 8.67. Taking into account the above, and in line with the recommendations of the LBTH Environmental Sustainability Officer, the proposed energy strategy is considered to be acceptable and to generally accord with the requirement of Policy DM29 subject to the inclusion of a condition to require the submission for approval of an updated Energy Strategy for the current development proposals, which is to provide a single strategy in line with 'Option 2' as currently submitted, to provide additional information relating to the provision of the PV array and to provide a roof plan showing the size and location of array for the different building uses. In addition, a further condition should be included to require the residential element of the development to meet Code for Sustainable Homes Level 4.

Amenity

- 8.68. Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted 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 the amenity of the surrounding public realm. Specifically, development should not result in an unacceptable loss of privacy or outlook, should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding development, should ensure adequate levels of daylight and sunlight for new residential developments, and should not result in unacceptable levels of noise, vibration, artificial light or pollution.

Overlooking and Privacy

- 8.69. The only residential properties in the vicinity of the application site are the four storey sheltered housing block at Daniel Gilbert House, 1 Code Street, located immediately to the south of the site, and the upper floors and rear elements of the three storey plus mansard buildings at 174 and 176 Brick Lane, located to the south-west of the site.
- 8.70. The north elevation to Daniel Gilbert House faces the application site at a distance of approximately 10 metres. However, the only windows facing the application are high level windows at fourth floor level, which would not enable any significant overlooking to or from the proposed development. In addition, the windows on the front (east) elevation of Daniel Gilbert House are set at an oblique angle to the south facing windows within the proposed development and as such would prevent direct overlooking between the two buildings. It is noted that the rear windows on the upper floors of the buildings at 174 and 176 Brick Lane are located over 20 metres from the application site and as such would not result in, or be subject to, any significant overlooking or loss of privacy.
- 8.71. Taking into account the above, it is considered that the proposed development would not result in any significant overlooking or material reduction in privacy to neighbouring residents.

Daylight & Sunlight

- 8.72. The proposed residential units would be located on the second to fifth floors of the building and it is noted that there are no nearby buildings or structures that could adversely impact on daylighting levels to the proposed dwellings to the west, north or east of the site. In addition, whilst the four storey sheltered housing block known as Daniel Gilbert House is located 10 metres to the south of the application site, given that the south-facing habitable rooms within the proposed development are dual aspect and given the location, size and number of windows serving the habitable rooms within the proposed development, it is considered that the proposed dwellings will receive good levels of natural light throughout the day.
- 8.73. With regard to the sunlighting and daylighting conditions of neighbouring properties, given that there are no north-facing habitable room windows within Daniel Gilbert House at first to third floor level, and given that the high level north-facing windows at fourth floor level serve dual aspect rooms, it is not considered that the proposed development would have any significant adverse impacts on the daylighting levels to flats within Daniel Gilbert House. In addition, given that the rear facing (east) windows at 174 and 176 Brick Lane are set back over 20 metres from the application site, and given the height, scale and mass of the proposed development, it is not considered that these windows will be significantly impacted in terms of daylight and sunlight levels.

- 8.74. It is noted that the letter of representation from OPEN Shoreditch has been received, in which concern is expressed that the proposed development could block sunlight to Allen Gardens. However, the application site is located at the north-west corner of the gardens and therefore, given the southerly path of the sun, any overshadowing resulting from the development will predominantly be to the train tracks to the north of the site and not to Allen Gardens, which lies to the south-east of the site.
- 8.75. Taking into account the above, it is considered that the proposed development would not result in a material deterioration on the daylighting and sunlighting conditions of neighbouring properties and would provide adequate levels of daylight and sunlight for future residents within the development.

Noise & Vibration

- 8.76. The application site is located immediately adjacent to the low level National Rail railway tracks and London Overground viaduct. The application is accompanied by a Noise & Vibration Report, prepared by Sandy Brown Associates LLP, which includes the results of background noise survey and tactile vibration survey carried out at the application site on 14 December 2011. The application proposals and submitted Noise & Vibration Report have been assessed by LBTH Environmental Health (Noise & Vibration), who object to the proposals on the grounds that future residential occupants within the development would be subject to unacceptable levels of noise and vibration, including ground borne noise. Comments from LBTH Environmental Health are provided in Section 6 of this report.
- 8.77. LBTH Environmental Health consider that the development falls within a Significant Observable Adverse Effect Level (SAOEL) as defined by the Noise Policy for England and that the development will experience high levels of noise and vibration from the adjacent railway. LBTH Environmental Health note that if the site were used a high degree of noise insulation and vibration isolation would be required, to meet the "good standard" of BS8233 (Sound Insulation and Noise Reduction for Buildings), although the applicant's consultant has advised that a "reasonable standard" of BS8233 would be used. This approach is considered to be unacceptable on the basis that the living room areas would be allowed to be 10dB higher internally and the bedrooms 5dB higher, which would equate to a doubling of the perceived railway and road noise level internally and as such some of the habitable rooms may be considered uninhabitable.
- 8.78. LBTH Environmental Health have also raised concerns that high levels of ground borne noise may exist at the development, which has not been fully taken into account in the design of the development. It is further noted that the applicant's consultant confirms at section 9 of the submitted Noise and Vibration Assessment that the ground borne noise levels within the development would exceed the Council's rail noise policy limit of 35dBA. LBTH Environmental Health therefore recommend that the proposed development is refused planning permission in its current form as it is highly likely that the properties will be uninhabitable and that complaints will likely be received soon after occupation.
- 8.79. Taking into account the above, it is considered that the proposed development would fail to adequately protect future residential occupants from unacceptable levels of noise and vibration, to the detriment of residential amenity. The proposal is therefore contrary to Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted 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 the amenity of the surrounding public realm.

Highways

Car Parking

- 8.80. Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) require development located in areas of good public transport accessibility and/or areas of existing on-street parking street to be secured as 'permit free'.
- 8.81. The proposal does not include provision of any on-site car parking. The application site is located in an area with good access to public transport, with a Public Transport Accessibility Level (PTAL) of 4/5. Accordingly, if planning permission were to be granted it is recommended that a condition be included to secure the development as 'permit free'.

Accessible Car Parking

- 8.82. The Council's parking standards, as set out in Appendix 2(1) of the Council's adopted Managing Development Document (2013), require developments providing new residential units without any off-street car parking to include 1 accessible car parking space to be provided on-site. Where site constraints mean provision is unfeasible, the development must demonstrate how a disabled person can park to use the development with ease.
- 8.83. Given the spatial constraints of the site, Officers acknowledge that the provision of an on-site accessible car parking space is unfeasible. It is noted that any disabled residents would be able to apply for on-street parking permits, even if the development were to be secured as 'permit free'. It is further noted that there are existing resident parking bays on Code Street situated immediately to the south of the application site, which could therefore be used by disabled residents.
- 8.84. Given the limited number of residential units proposed and for the reasons outlined above, it is not considered that the non-provision of accessible parking should constitute a reason for refusal in this instance.

Cycle Parking

- 8.85. Policy DM22(4) of the Council's adopted Managing Development Document (2013) requires development to meet, and preferably exceed, the Council's minimum standards for cycle parking as set out in Appendix 2 of the document. Specifically, the relevant minimum cycle parking requirements for the uses proposed in the current application are provided at Table 1 below

Table 1: Adopted Cycle Parking Standards

Use	Minimum Cycle Parking (minimum 2 spaces)
A1 retail	1 space per 125 sqm
A3 restaurant/café	1 space per 20 seats for staff 1 space per 20 seats for visitors
B1a offices	1 space per 120 sqm
C3 residential	1 space per 1 or 2 bed unit 2 spaces per 3+ bed unit
D1 community use	1 per 10 staff 1 per 5 staff for visitors

8.86. Taking into account the above minimum standards, the proposed development would be required to provide 8 cycle parking spaces for the proposed non-residential (A1/A3/B1/D1) uses, together with a further 12 cycle parking spaces for the residential units.

8.87. The proposed development includes a 15 sqm cycle store room at ground floor level that is indicated as being able to accommodate up to 22 bicycles. LBTH Transportation & Highways have advised the applicant that the 8 cycle parking stands for the non-residential uses are segregated from the residential cycle parking. In the submitted '127sho_Shoreditch Overground PA 12/02661: Additional Information' document the applicant to reduce the number of cycle parking stands in the ground floor cycle store to 12, to be provided in the form of horizontal ground based stands, and to provide 8 cycle parking stands for the non-residential uses outside the building.

8.88. LBTH Transportation & Highways consider that the proposed amendments to the cycle parking arrangements are acceptable in principle, although they advise that the stands must be provided as Sheffield style stands and that external stands would need to be secured through a S278 condition as the stands would be installed on the public highway. As such, subject to condition to secure full details of the cycle parking facilities, together with a S278 agreement for the associated works to the public highway, it is considered that the proposed cycle parking arrangements are acceptable.

Servicing

8.89. Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013) seek to ensure that new development has no unacceptable impacts on the capacity and safety of the transport network.

8.90. The proposal includes retail, café, office and community uses at basement, ground and first floor level which will require goods deliveries and servicing. Due to the spatial constraints of the site and the design of the proposed building it would not be possible to accommodate servicing and goods delivery vehicles on site. As such, servicing will need to take place on the public highway.

8.91. The proposals have been assessed by LBTH Transportation & Highways, who have requested additional information from the applicant on the likely number and size of servicing and delivery vehicles to the site. Given the narrow width of Code Street (with on-street parking bays) and that the street terminates at a dead-end at the application site, LBTH Transportation & Highways have raised concerns that

servicing vehicles on Code Street may be unable to turn around and thus may be forced to reverse up the length of Code Street and possibly mount the kerb.

- 8.92. LBTH Transportation & Highways have therefore advised that servicing and delivery vehicles for the proposed development should use the loading bays on Brick Lane, which are located adjacent to the entrance of the alleyway leading from Brick Lane to the application site, located approximately 25 metres to the west of the site.
- 8.93. Whilst no details have been provided on the number and size of servicing vehicles that would be required, in the submitted '127sho_Shoreditch Overground PA 12/02661: Additional Information' document the applicant confirms that it is not proposed to service the site from Code Street and agree with the Council's recommendation of using the servicing bays on Brick Lane.
- 8.94. If planning permission were to be granted it is therefore recommended that a Delivery and Servicing Management Plan be secured by condition, to include details of the number and size of servicing and delivery vehicles to be used, together with the location, frequency and time of day of servicing and delivery movements.
- 8.95. Taking into account the above, subject to condition, it is considered that the proposed servicing arrangements for the non-residential uses is acceptable and would not have an unacceptable impact on the capacity and safety of the transport network, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013).

Refuse and Recyclables Storage

- 8.96. Policy 5.17 of the London Plan (2011) requires all new developments to include suitable waste and recycling storage facilities. Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013) seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 8.97. The proposed development includes a designated refuse store, located at the north-east corner of the site, situated between the proposed building and the railway tracks, which is to include 5 x 1,280 litre waste bin (6,400 litres total), with 3 bins (3,840 litres) allocated for residential refuse and recyclables storage and 2 bin units and 2 (2,560 litres) allocated for commercial waste storage for the A1/A3/B1/D1 uses at basement, ground and first floor level.
- 8.98. The proposals have been assessed by LBTH Waste Policy & Development, who consider the proposed refuse and recyclables storage facilities for the residential units to be satisfactory, although they note that there is no segregation between the residential and commercial waste storage facilities, which is not supported.
- 8.99. Therefore, if planning permission were to be granted it is recommended that a condition be included to require the submission for approval of details of amended waste storage facilities, to include clear segregation and demarcation of the residential and commercial waste storage facilities.
- 8.100. Subject to condition, it is considered that the proposed refuse and recyclables storage facilities are acceptable, in accordance with Policy 5.17 of the London Plan (2011), Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013).

Community Infrastructure Levy

- 8.101. The London Mayor's Community Infrastructure Levy (CIL) became operational on 1 April 2012. The proposed development is liable for a charge under the CIL Regulations and the likely CIL payment is approximately £ 59,710. This is an initial estimation. Were planning permission to be granted the Council would issue a CIL Liability Notice as soon as possible after a decision notice is issued.

Financial Considerations

- 8.102. 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:
- (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.
- 8.103. 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.
- 8.104. These issues need to be treated as material planning considerations when determining planning applications or planning appeals. In this instance, the payment of CIL and the new Homes Bonus that would be associated with this development are capable of being material considerations.

Human Rights

- 8.105. 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:-
- 8.106. 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".

- 8.107. 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.
- 8.108. 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.
- 8.109. 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.
- 8.110. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.111. 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.
- 8.112. 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 obligations to be entered into.

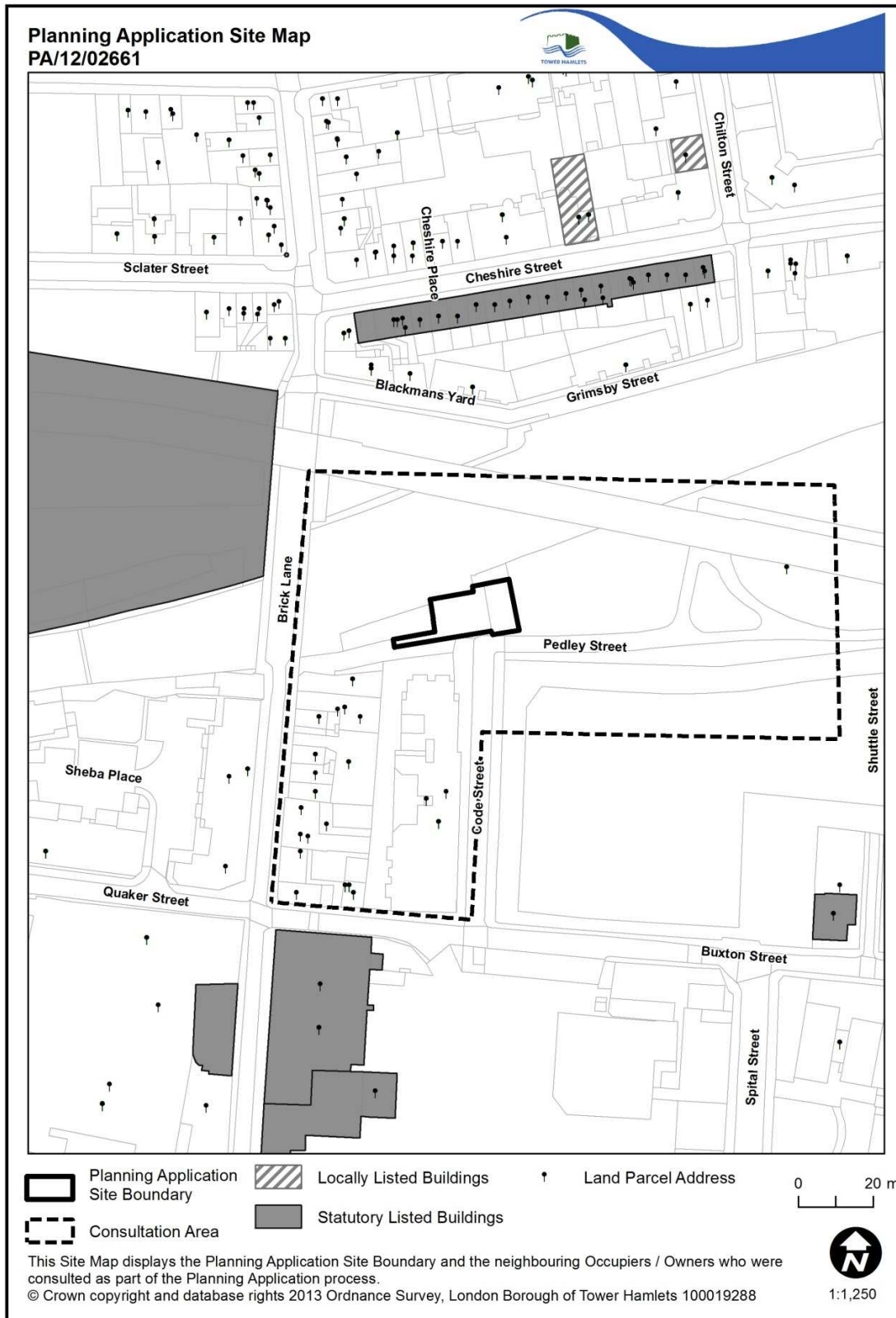
Equality Act

- 8.113. 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
 - (c). protected characteristic and persons who do not share it;
 - (d). foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.114. 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.
- 8.115. With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

9. CONCLUSION

- 9.1. All other relevant policies and considerations have been taken into account. Planning Permission and Conservation Area Consent should be refused for the reasons set out in RECOMMENDATION section of this report.

Application Site Map for PA/12/02661 and PA/12/03383



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Agenda Item 6.5

Committee: Development	Date: 9 th October 2013	Classification: Unrestricted	Agenda Item Number: 6.5
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Adrian Walker	Ref No: PA/13/01566
	Ward: Whitechapel

1. APPLICATION DETAILS

Location:	87 New Road, London, E1 1HH
Existing Use:	87 New Road – Restaurant (Use Class A3)
Proposal:	Variation of Condition 3 of Planning Permission dated 06/02/2009 Ref: PA/08/02662 to extend the hours of operation from between 10.00 am to 10.00 pm to between 11.30 am to 11.30 pm on any day.
Drawing Nos/Documents:	Planning Statement,
Applicant:	Needoo Grill
Ownership:	Mushtaq Ali Naveed Khan Khalid Bashir
Historic Building:	NA
Conservation Area:	Myrdle Street

2. EXECUTIVE SUMMARY

- 2.1 This application seeks permission under section 73 of the Town and Country Planning Act 1990 to vary Condition 3 attached to planning permission PA/08/02662 to extending the hours of operation of the restaurant at 87 New Road (use Class A3) from 10pm to 11.30pm on any day.
- 2.2 The main issue for Members to consider is whether the proposal would lead to an increase in late-night noise, disturbance and general activity in the locality and whether this would have an unacceptable impact on the amenities of local residents.
- 2.3 Officers consider that the hours of operation requested in this application are compatible with the mixed use character of New Road. It is not considered that extending the hours of operation from 10pm to 11.30pm would result in a significant amount of noise and disturbance from patrons coming and going and the proposal would therefore not have a detrimental impact on the amenity of nearby residents.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **APPROVE** planning permission for the reason below;
- 3.2 The proposed variation of condition 3 of planning permission ref: PA/08/02662 to extend the hours of operation of the restaurant is not considered to have a significant impact on the amenity of residential occupiers in the immediate vicinity and is therefore considered acceptable and in accordance to policies SP01(2ci), SP03(2b) and SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013). These policies require

development to protect, and where possible improve, the amenity of surrounding existing and future building occupants, as well as the amenity of the surrounding public realm.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 In February 2009 planning permission was granted for the change of use of the of ground and lower ground floors from retail (Use Class A1) to café/restaurant (Use Class A3) at 87 New Road (PA/08/02662).

4.2 A condition was placed on the permission restricting the time at which the restaurant could operate. The condition states:-

The use hereby approved shall only be carried out between 10:00 Hours and 22:00 Hours, Monday to Sunday including bank holidays.

Reason: In order to safeguard the amenity of adjacent residents and the area generally and to ensure compliance with policies HSG15 and DEV50 of the UDP (1998), together with policy DEV10 of the Interim Planning Guidance (2007).

4.3 This planning application seeks to vary this condition to allow the restaurant to operate between the hours of 11.30am and 11.30pm.

4.4 The amended condition would therefore state:-

The use hereby approved shall only be carried out between 11:30 Hours and 23:30 Hours, Monday to Sunday including bank holidays.

Site and Surroundings

4.5 The application site comprises the ground floor and basement of a three-storey terraced building.

4.6 The site is located on New Road. New Road has a mixed use character, where commercial uses predominate on the ground floor, with residential uses typically located above. To the South the Road becomes more residential. New Road is a relatively busy route linking Whitechapel High Street to Commercial Road. On the opposite side of the road from the site there are the larger buildings associated with the Royal London Hospital.

4.7 There are residential properties to the rear along Romford Road.

4.8 The site is located within the City Fringe Activity Area (which is part of the Tower Hamlets Activity Area 'THAA'). The site is outside the Town Centre boundary of the Whitechapel District Centre. The boundary of this centre lies approximately 50m to the north, past Stepney Way/Fieldgate Street.

4.9 The site is located within the Myrdle Street Conservation Area.

4.10 The site is not Listed.

Planning History

4.11 85 and 87 New Road

- **PA/13/01607** Change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road. This application was heard at September's Development Committee where Members were minded to grant planning permission. This application is currently stands as a deferred item for this committee.
- **PA/13/00823** Change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road (No new cooking and extraction facilities required now or in the future). - **Refused** 11/06/2013
- **PA/13/01566**– 87 New Road – Variation of Condition 3 of Planning Permission dated 06/02/2009 Ref: PA/08/02662 to extend the hours of operation from between 10.00 am to 10.00 pm to between 11.30 am to 11.30 pm on any day. Pending decision
- **PA/09/02482** – 87 New Road – Demolition of raised parapet wall around roof of rear extension at upper ground floor level and reconstruction in brick to match with the existing building (Revised proposal following refusal). **Permitted** 29/01/2010
- **PA/09/01266**– 87 New Road – Retrospective consent for the retention of a 1100mm extension to the parapet on the existing rear extension. **Refused** 09/10/2009
- **PA/08/02662** – 87 New Road – Change of use of ground and lower ground floors from retail (Use Class A1) to café/restaurant (Use Class A3), operating hours from 10am to 10pm Monday to Sunday, including bank holidays, and alterations to shop front. **Permitted** 06/02/2009

Enforcement

- 4.12 **ENF/13/00161** – 87 New Road London E1 1HH - Trading outside of conditioned hours and carrying out works without planning permission. On-going investigation awaiting the outcome of this application.

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:

Government Planning Policy Guidance/Statements:

National Planning Policy Framework 2012

Spatial Development Strategy for Greater London (London Plan):

4.7 - Retail and Town Centre Development
7.15 - Reducing Noise and Enhancing Soundscapes

Core Strategy Development Plan Document 2025 (adopted September 2010):

SP01 - Refocusing on Town Centres
SP03 - Creating Healthy and Liveable Neighbourhoods
SP10 - Creating Distinct and Durable Places

Managing Development Document (Adopted 2013):

DM1 - Development within Town Centre Hierarchy
DM25 - Amenity

Supplementary Planning Guidance:

NA

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:

6.3 **LBTH Environmental Health Officer** –Extract system should have a maintenance contract to ensure that odour and noise are minimised to local residents. Environmental Health raise no objections to the proposal.

(Officer comment: This application relates to hours of operation, the extract system is outside the remit of the proposal.)

7. LOCAL REPRESENTATION

7.1 A total of 31 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. A site notice was also displayed and the application was advertised in East End Life. 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:	2	Objecting:	2	Supporting:	0
No of petitions received:		1 objecting containing	21 signatories		
		14 supporting containing	187 signatories		

7.2 The following issues were raised in objection to the proposal:

- The existing A3 unit at 87 New Road is trading outside the permitted trading times.

(Officer comment: This application is as a result of a Planning Enforcement investigation which is aiming regularise the hours of operation, however the breach of the existing condition controlling the hours of use is not a matter that should be given significant weight in the consideration of this application)

- The proposal will result in an over-concentration of restaurants in the area.

(Officer comment: This comment is not applicable for this application which is only concerned with the hours of operation)

- The proposal fails to have any provision for the management of waste

(Officer comment: This comment is not applicable for this application which is only concerned with the hours of operation)

- The applicant has already started work on the development

(Officer comment: This comment is not applicable for this application which is only concerned with the hours of operation)

- The proposal will adversely impact upon on-street parking provision and traffic congestion.

(Officer comment: It is not considered that extending the hours of operation of the restaurant would have a noticeable impact upon on-street parking provision and traffic congestion.)

- The proposal will result in increased noise disturbance to neighbours

(Officer comment: This will be discussed in the material planning consideration section of the report)

- The proposal will result in increased levels of air pollution and litter

(Officer comment: This will be discussed in the material planning consideration section of the report)

7.3 The following issues were raised in representations supporting the proposal

- Need for a the business to operate longer hours to meet the demands of the customers
- To be in line with other restaurants in the area

(Officer comment: This will be discussed in the material planning consideration section of the report)

8. MATERIAL PLANNING CONSIDERATIONS

The S73 Process

8.1 Section 73 of the Town and Country Planning Act 1990 allows an application to be made to develop land without compliance with conditions previously attached, or to grant planning permission subject to conditions that differ from those on the previous planning permission.

8.2 S73 states that on receipt of such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. The effect of granting an application under S73 is a new planning permission.

8.3 Condition 3 attached to planning permission PA/08/02662 states:-

The use hereby approved shall only be carried out between 10:00 Hours and 22:00 Hours, Monday to Sunday including bank holidays.

Reason: In order to safeguard the amenity of adjacent residents and the area generally and to ensure compliance with policies HSG15 and DEV50 of the UDP (1998), together with policy DEV10 of the Interim Planning Guidance (2007).

- 8.4 The condition was imposed in 2009 to protect those living in the area from excessive noise and disturbance arising from the use of the restaurant. Therefore the main issue for Members to consider is whether the extension of the operating hours are now likely to cause excessive noise and disturbance.

Amenity

- 8.5 Policy SP10 of the Adopted Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.6 The potential amenity impacts of this proposed extension relate to late-night noise, disturbance and general activity in the locality associated with the comings and goings from people using the restaurant beyond the time currently permitted.
- 8.7 It is acknowledged that this part of New Road comprises a mix of commercial and residential uses where a degree of additional noise and disturbance can be expected. However, there is still the need to control the hours of operation of commercial properties to acceptable times in order to safeguard and preserve residential amenity in line with the Council's adopted policies.
- 8.8 The petition that was received in objection to the application was both in relation to this application and the planning application for the change of use of the neighbouring premises at 85 New Road in order to extend the existing restaurant (PA/13/01607). The objections that have been raised that are relevant to this application are the increase of air pollution, litter and noise and disturbance.
- 8.9 There are a number of existing restaurants close to the application site that have permission to operate to similar times as those requested in this application. Restaurants at 83-89 Fieldgate Street (PA/09/02660) and 97 New Road (PA01/00750) have both been granted planning permission to operate until midnight.
- 8.10 The hours of operation requested in this application are considered to be compatible with the mixed use character of New Road. It is also noted that the Council's Environmental Health Section have not objected to the application, nor advised that there is a history of noise complaints in relation to the property. It is not considered that extending the closing time from 10pm to 11.30pm would create a significant amount of noise and disturbance from patrons coming and going. Officers consider that the proposal would therefore not have a materially detrimental impact to the amenity of nearby residents.

9. Other Planning Issues

- 9.1 The hours of operation permitted by this variation of condition should be reflected on any permission given to the change of use at 85 New Road

10. Human Rights Considerations

- 10.1 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:-
- 10.2 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"*.
- 10.4 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.
- 10.5 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.
- 10.6 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.
- 10.7 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.8 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.
- 10.9 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.

11.0 Equalities Act Considerations

11.1 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:

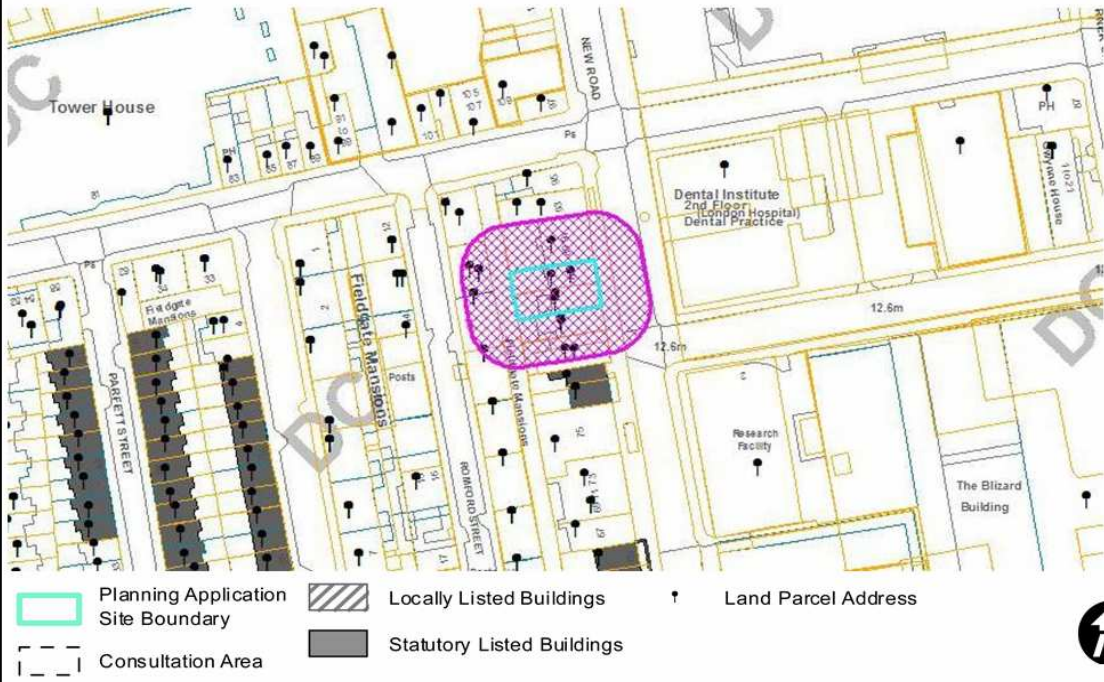
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12.0 Conclusions

12.1 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.

13.0 Site Map

Planning Application Site Map
 Planning Application Reference: PA/13/01607



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. © Crown copyright and database rights 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288

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Agenda Item 7

Committee: Development	Date: 9 th October 2013	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
12 th September 2012	PA/13/01607	85 - 87 New Road, London, E1 1HH	Change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road.	<ol style="list-style-type: none"> 1. The shop at 85 New Road was currently vacant and the loss of the A1 retail use was considered acceptable. 2. The Committee was not convinced by the evidence that there was an over-concentration of restaurant uses in the area. 3. The lack of clear policy guidance in relation to over-concentration of a specific use in an area.

3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred application is for consideration by the Committee. The original reports along with any update reports are attached.

85 - 87 New Road, London, E1 1HH (PA/13/01607)

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

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

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

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

Eileen McGrath (020) 7364 5321

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 7.1

Committee: Development	Date: 9 th October 2013	Classification: Unrestricted	Agenda Item Number: 7.1
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Adrian Walker	Ref No: PA/13/01607
	Ward: Whitechapel

1. APPLICATION DETAILS

Location:	85 - 87 New Road, London, E1 1HH
Existing Use:	85 New Road – Shop (Use Class A1) 87 New Road – Restaurant (Use Class A3)
Proposal:	Change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road.
Drawing Nos/Documents:	01, 02, 03, 04, 05, 06, 07, Survey of businesses on New Road, Planning Statement, Design and Access Statement
Applicant:	Needoo Grill
Ownership:	Mushtaq Ali Naveed Khan Khalid Bashir
Historic Building:	NA
Conservation Area:	Myrdle Street

2. **BACKGROUND**

- 2.1 This application was reported to the Development Committee on the 12th of September 2013 with officers' recommendation for **REFUSAL** for following reason:
1. The proposed restaurant would add to the proliferation this use along New Road. This will result in an over-concentration of this type of use and detract from the objectives of Core Strategy policy SP01, which seeks to promote a vibrant mix of uses in the designated Tower Hamlets Activity Area. The over-concentration of restaurant uses in the area will lead to adverse impacts on residential occupiers of the area in terms of increased noise & disturbance from patrons coming and going to the restaurants. The proposal is therefore contrary to the objectives of policies SP01(2ci); of the adopted Core Strategy (2010) and Policy DM1(4a) of the adopted Managing Development Document (2013).
- 2.2 The Committee resolved **NOT TO ACCEPT** officers' recommendation to refuse planning permission. Officers recorded that the Members were minded to GRANT planning permission for the following reasons:-
- 2.3 1. The shop at 85 New Road was currently vacant and the loss of the A1 retail use

was considered acceptable.

2. The Committee was not convinced by the evidence that there was an over-concentration of restaurant uses in the area.
3. The lack of clear policy guidance in relation to over-concentration of a specific use in an area.

Officer Commentary

- 2.4 In the original Committee report at paragraph 8.2 officers commented that the loss of the retail until was acceptable in terms of policies SP02 and DM2.
- 2.5 The third reason for overturning officers recommendation appears to suggest that Policy DM1(4) is unclear as to the approach adopted in relation to restaurant activity outside town centres. Officers do not accept this contention and remind the Committee that the Development Management Document has been the subject of formal examination and consequently does provide clear guidance. Notwithstanding this and unlike other areas of the Borough (Brick Lane for example), the policy does not provide any specific guidance as to what might constitute over-concentration; the reason being that the policy needs to be applied borough-wide across different situations and circumstances, requiring a flexible approach to considerations of over-concentration and the effect of any over-concentration on neighbouring amenity.
- 2.6 In this particular case, Members have taken a different view from officers on the degree of over-concentration of restaurants in this particular area and the impact of further restaurant activity on the amenities of neighbours. It is not appropriate to infer that the policy is unclear but the Committee adopted an alternative position in relation to the degree of over-concentration in this particular case taking into account the individual planning merits.
- 2.7 Members were presented with different ways of interpreting the level of over-concentration of restaurants in the area, whilst officers maintain their position that the proposal should be refused planning permission, it is considered that it may be reasonable for Members to adopt an alternative view based on the evidence before them in this case.
- 2.8 However, Members will be aware that consistency of decision making represents a material planning consideration. As such, the Committee is reminded of its decision(in November 2012) to refuse planning permission for the change of use of 83 New Road to a mixed A1/A3 use along with alterations to the existing shop front and the retention of air conditioning units, which was also considered against Policy DM1(4) of the Managing Development Document which at the time, was at submission version stage. The reasons for refusal in the case of 83 New Road referred to the proliferation of such uses outside designated town centres, leading to an over-concentration of such uses in the area. It is for this reason why officers are maintaining their previous recommendation to REFUSE planning permission and it is important as part of Members on going deliberations, to consider how the planning merits differ between this previous proposal and the current application.
- 2.9 If Members resolve to approve the scheme, it is recommended that conditions are imposed on the permission. Proposed conditions are outlined in the next section of this report.

Proposed Conditions

- 2.10 Officers would recommend standard conditions in relation to the time to implement the permission, and compliance with the approved plans.
- 2.11 Officers would also recommend the imposition of a condition requiring the submission of details of the materials of the external materials to be used on the proposed rear extension.
- 2.12 The enlarged restaurant would require additional areas for refuse and recycling storage, and these are not currently shown on the plans. A condition would therefore be imposed requiring the submission of these details.
- 2.13 Finally Officers would recommend the imposition of a condition to restrict the hours of opening of the newly enlarged restaurant. Members will be aware that the hours of opening of the existing restaurant at number 87 is restricted by condition 3 attached to planning permission reference PA/08/02662. This condition currently restricts the hours of opening of the restaurant to 10.00am to 10.00pm on any day. The Applicant has submitted an application to vary this condition which appears under Part 6 of this agenda. The varied hours would allow the premises to open 11.30am to 11.30pm on any day.
- 2.14 Officers therefore recommend that this permission is also subject to a condition limiting hours of operation to 11.30am to 11.30pm. These hours of operation are considered to be acceptable given the character of the area, and would satisfactorily protect residents from unacceptable levels of noise and disturbance.
- 2.15 It is therefore recommended that the following conditions are included on any permission that Members chose to grant:-
- 2.16 Conditions for Full Planning Permission
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
 2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Schedule to this planning permission.
Reason: For the avoidance of doubt and in the interests of proper planning.
 3. No development shall take place until samples of the external facing materials for the rear extension have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.
Reason: To ensure that the external appearance of the building is satisfactory in accordance with the requirements of policy SP10(4) of the Tower Hamlets Core Strategy 2010.
 4. Within 3 months from the date of this permission; details of the provision of refuse and recycling storage facilities to serve the development hereby approved have been submitted to and approved in writing by the local planning authority. The storage facilities shall be implemented as approved within 4 months of the

date of the permission and retained thereafter.

Reason: To ensure adequate provision for the storage of refuse in accordance with the requirements of Tower Hamlets Core Strategy policy SP05(1)

5. The use allowed by this permission shall not take place other than between the hours of: -

11:30 -23:30, Mondays - Sunday

Reason: To safeguard the amenity of adjacent residents and the area generally and to accord with policy SP10(4) and policy DM25 of the Managing Development Document (2013).

5.0 OFFICER RECOMMENDATION

5.1 The officers' recommendation as at 12th September 2013 to refuse planning permission remains unchanged. Accordingly, the Committee are recommended not to approve the application and to resolve to **REFUSE** planning permission as previously detailed within the published report and addendum report at the Development Committee meeting held on 12th September 2013. The suggested reasons for refusal are outlined in the main report, appended as Appendix One of this report.

5.2 If Members determine to approve the application it is recommended they impose the conditions recommended at paragraph 2.12.

6.0 APPENDICIES

6.1 Appendix One – Report to Development Committee 12th September 2013

Committee: Development	Date: 12 th September 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Adrian Walker	Ref No: PA/13/01607
	Ward: Whitechapel

1. APPLICATION DETAILS

Location:	85 - 87 New Road, London, E1 1HH
Existing Use:	85 New Road – Shop (Use Class A1) 87 New Road – Restaurant (Use Class A3)
Proposal:	Change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road.
Drawing Nos/Documents:	01, 02, 03, 04, 05, 06, 07, Survey of businesses on New Road, Planning Statement, Design and Access Statement
Applicant:	Needoo Grill
Ownership:	Mushtaq Ali Naveed Khan Khalid Bashir
Historic Building:	NA
Conservation Area:	Myrdle Street

2. EXECUTIVE SUMMARY

- 2.1 The main issue addressed in this report is whether the proposal leads to an over-concentration of restaurant uses (Use Class A3) in the vicinity of the application site. Surveys have been carried out by both the applicant and the planning officer. The decision on this case must be carefully balanced as there is no clear policy guidance on what defines an 'overconcentration' of a specific use in this area. The applicant and the planning officer chose different parameters for their surveys. It is clear from the results it is possible to get very different conclusions depending on the parameters chosen. The applicant's survey shows that only 11% of the commercial units are in restaurant (Use Class A3) use. The planning officer's survey shows that 33% of the commercial units are in restaurant (Use Class A3) use.
- 2.2 The Authority is concerned about the proliferation of restaurant uses along New Road, and the adverse impact that this proliferation could have on the amenity of the residential occupiers of the areas - in terms of potential for increased noise and disturbance from patrons coming and going. There is also concern that a mix of uses should be retained in the area. The results of the planning officer's survey shows that the number of restaurants (Use Class A3) and takeaways (Use Class A5) is at a high level and the introduction of any more units of this nature would lead to an over-concentration in the area.
- 2.3 The proposed restaurant would therefore be contrary to policy which seeks to promote a vibrant mix of uses in the designated Activity Areas and prevent adverse

impacts on residential occupiers of the area in terms of increased noise & disturbance.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **REFUSE** planning permission for the reason below;
- 3.2 The proposed restaurant would add to the proliferation this use along New Road. This will result in an over-concentration of this type of use and detract from the objectives of Core Strategy policy SP01, which seeks to promote a vibrant mix of uses in the designated Tower Hamlets Activity Area. The over-concentration of restaurant uses in the area will lead to adverse impacts on residential occupiers of the area in terms of increased noise & disturbance from patrons coming and going to the restaurants. The proposal is therefore contrary to the objectives of policies SP01(2ci); of the adopted Core Strategy (2010) and policy DM1(4a) of the adopted Managing Development (2013).

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal seeks to change the use of the existing shop (Use Class A1) at 85 New Road to a restaurant (Use Class A3). The unit would be used in conjunction with the existing restaurant at 87 New Road, which trades under the name Needoo. The restaurant would make use of the existing kitchen in 87 New Road, with unit 85 being used to provide an additional 'family area' a 'conference / business meeting area' and a lounge/waiting area.
- 4.2 The proposal involves the erection of a rear extension, and the creation of a new mezzanine floor level. The proposal would involve the loss of circa 100 square metres of A1 floorspace (including storage areas), and the provision of a total (including the change of use and new build elements) of circa 121 square metres of restaurant floorspace (including a storage area).
- 4.3 The main land use issues relate to
1. The loss of the retail unit, and
 2. The provision of new restaurant floorspace.

Site and Surroundings

- 4.4 The application site comprises the ground floor and basement of a three-storey terraced building.
- 4.5 The site is located on New Road. New Road has a mixed use character, where commercial uses predominate on the ground floor, with residential uses typically located above. To the South the Road becomes more residential. New Road is a relatively busy route linking Whitechapel High Street to Commercial Road. On the opposite side of the road from the site there are the larger buildings associated with the Royal London Hospital.
- 4.6 There are residential properties to the rear along Romford Road.
- 4.7 The site is located within the City Fringe Activity Area (which is part of the Tower Hamlets Activity Area 'THAA'). The site is outside the Town Centre boundary of the

Whitechapel District Centre. The boundary of this centre lies approximately 50m to the north, past Stepney Way/Fieldgate Street.

4.8 The site is located within the Myrdle Street Conservation Area.

4.9 The site is not Listed.

Planning History

4.10 85 and 87 New Road

- **PA/13/00823** Change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road (No new cooking and extraction facilities required now or in the future).
- **Refused** 11/06/2013

Reason:

The proposed restaurant would add to the proliferation of this use along New Road. This will result in an over-concentration of this type of use and detract from the objectives of Core Strategy policy SP01, which seeks to promote a vibrant mix of uses in the designated Tower Hamlets Activity Area. The over-concentration of restaurant uses in the area will lead to adverse impacts on residential occupiers of the area in terms of increased noise & disturbance from patrons coming and going to the restaurants.

This application has been resubmitted with additional information to be considered in an attempt to overcome the reason for refusal.

- **PA/13/01566** – 87 New Road – Variation of Condition 3 of Planning Permission dated 06/02/2009 Ref: PA/08/02662 to extend the hours of operation from between 10.00 am to 10.00 pm to between 11.30 am to 11.30 pm on any day. Pending decision
- **PA/09/02482** – 87 New Road – Demolition of raised parapet wall around roof of rear extension at upper ground floor level and reconstruction in brick to match with the existing building (Revised proposal following refusal). **Permitted** 29/01/2010
- **PA/09/01266** – 87 New Road – Retrospective consent for the retention of a 1100mm extension to the parapet on the existing rear extension. **Refused** 09/10/2009
- **PA/08/02662** – 87 New Road – Change of use of ground and lower ground floors from retail (Use Class A1) to café/restaurant (Use Class A3), operating hours from 10am to 10pm Monday to Sunday, including bank holidays, and alterations to shop front. **Permitted** 06/02/2009

Enforcement

4.11 **ENF/13/00161** – 87 New Road London E1 1HH - Trading outside of conditioned hours and carrying out works without planning permission. On-going investigation awaiting outcome of planning application PA/13/01566

Neighbouring Sites

4.12 Café Blanco, 83 New Road London E1 1HH- PA/12/00605

Planning permission was **refused** on 23/11/2012 for the change of use from retail (A1) to mixed use coffee shop and restaurant (A1/A3) with no primary hot food cooking facilities and no associated extract flue system

Reasons:

- Adverse impact on the amenity of residents
- Proliferation of such uses outside of a designated Town Centre
- Over-concentration of such uses in the area

4.13 Café Blanco, 83 New Road London E1 1HH- PA/10/01878

Planning permission was **refused** on 23/12/2010 for the change of use from retail (A1) to restaurant (A3) with ancillary hot food takeaway.

Reasons:

- Over concentration of similar uses within the local area,
- Cumulative impact and levels of disturbance associated with these uses would be detrimental to local residents.
- Insufficient information to determine if the proposed duct riser and flue were acceptable in design terms and in regards to noise disturbance.
- Inadequate provision for the storage and collection of waste refuse and recyclables

4.14 93 New Road London E1 1HH -PA/10/02692

Planning permission was **refused** on 08/08/2011 for the change of use from retail (A1) to a restaurant (A3), together with extract duct and flue.

Reasons:

- Over concentration of similar uses within the local area
- Cumulative impact and levels of disturbance associated with these uses would be detrimental to local residents. .
- The proposed kitchen extract duct riser would neither preserve nor enhance the character and appearance of the Myrdle Street Conservation Area
- Insufficient information to determine if the proposed duct riser and flue was acceptable in design terms and in regards to noise disturbance.
- Inadequate provision for the storage and collection of waste refuse and recyclables

4.15 89-91 New Road London E1 1HH-PA/10/02327

Planning permission was **refused** on 04/01/2011 for the change of use of ground floor from retail shop (A1) to restaurant (A3) with extract system.

Reasons:

- Over concentration of similar uses within the local area
- Cumulative impact and levels of disturbance associated with these uses would be detrimental to local residents. .
- The proposed kitchen extract duct riser would neither preserve nor enhance the character and appearance of the Myrdle Street Conservation Area
- Insufficient information to determine if the proposed duct riser and flue was acceptable in regards to noise disturbance.

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:

Government Planning Policy Guidance/Statements:

National Planning Policy Framework 2012

Spatial Development Strategy for Greater London (London Plan):

4.7 - Retail and Town Centre Development

7.15 - Reducing Noise and Enhancing Soundscapes

Core Strategy Development Plan Document 2025 (adopted September 2010):

SP01 - Refocusing on Town Centres

SP03 - Creating Healthy and Liveable Neighbourhoods

SP10 - Creating Distinct and Durable Places

Managing Development Document (Adopted 2013):

DM1 - Development within Town Centre Hierarchy

DM2 - Local shops

DM15 - Local job creation and investment

DM24 - Place Sensitive Design

DM25 - Amenity

Supplementary Planning Guidance:

Myrdle Street Conservation Area Appraisal

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:

6.3 **LBTH Transportation & Highways**

- Highways have no objection in principle
- The servicing arrangement for this proposal is acceptable
- The developer will be required to provide cycle facilities for staff and visitors based on following criteria. For staff: 1 cycle facility every 20 seats For visitors: 1 cycle facility every 20 seats
- Highways require the developer to provide information about number of cycle facilities they should be providing and proposed location for these facilities
- Further information is needed on the storage of waste and recycling

(Officer's comment: Officers are recommending that the application is refused, however if the application was to be approved a condition could be placed on the permission requiring the provision of cycle parking and waste and recycling to be submitted to and approved by the LPA.)

6.4 **LBTH Waste Policy and Development**

- Further information is needed on the existing waste management arrangement

(Officer's comment: If the application is recommended for approval a condition could be placed on the permission requiring the provision of waste and recycling to be submitted to and approved by the LPA.)

- 6.5 **LBTH Environmental Health Officer** –There has previously been a complaint in regards to noise from the extract fans at 87 New Road which has subsequently been resolved. There has also been complaints regarding the noise and odour from 85-89 Fieldgate Street (Tayyabs) which is still to be addressed. Environmental Health raise no objections to the proposal.

7. LOCAL REPRESENTATION

- 7.1 A total of 31 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. A site notice was also displayed and the application was advertised in East End Life. 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:	1	Objecting:	1	Supporting:	0
No of petitions received:	1 objecting containing 21 signatories				
	3 supporting containing 114 signatories				

- 7.2 The following issues were raised in objection to the proposal that are material to the determination of the application, and they are addressed in the next section of this report:

- The proposal will result in increased levels of air pollution and litter
- The proposal will result in increased noise disturbance to neighbours
- The proposal will result in an over-concentration of restaurants in the area.
- The proposal will adversely impact upon on-street parking provision and traffic congestion.
- The proposal fails to have any provision for the management of waste

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

- Improved accessibility
- Reducing overcrowding when queuing
- Reducing noise to local residents
- Need for a business /meeting room in the locality

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

- The applicant has already started work on the development
- The existing A3 unit at 87 New Road is trading outside the permitted trading times.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. The loss of the retail unit
2. The provision of new restaurant floorspace.
3. The suitability of the rear extension

Loss of Retail Unit.

Policy Considerations

8.2 Consideration has been given to a number of policies which guide development involving the loss of A1 retail uses in certain locations. Policy SP01 (2) of the Core Strategy (2010) seeks to ensure the scale and type of uses within town centres are consistent with the town centre hierarchy and SP02 (Part 5) promotes areas outside and at the edge of town centres as places which support and assist in the creation of sustainable communities. Part (a) of Policy SP02(5) promotes mixed use development at the edge of town centres.

8.3 The site is within the THAA, but outside the boundary of the Whitechapel District Centre. Policy DM2 of the Managing Development Document (Adopted 2013) seeks to ensure the existing level of local shop provision is maintained and complements the town centre network. In summary, this Policy also goes on to explain how the loss of A1 will only be supported where there is another shop within 300m walking distance, the shop has been vacant for more than 12 months, and there is no viable prospect of retail use.

8.4 The following issues are relevant:-

- a) 85 New Road is currently vacant.
- b) No evidence has been submitted to demonstrate that the premises have been marketed for retail use at values prevailing in the area.
- c) Evidence has been provided to demonstrate that there are a number of shops in the locality, which the Applicant considers meet local needs.

8.5 It is noted that the site is in close proximity to other retail shops and that shops of the Whitechapel District Centre are only 50 - 100m away.

8.6 On balancedespite the lack of evidence to demonstrate market or vacancy issues it is considered that the loss of the A1 retail unit is acceptable, due to the proximity of the site to the Whitechapel District Centre.

Introduction of A3 use

8.7 Policy SP01.2c of the Core Strategy (2010) seeks to ensure evening and night time economy uses, including restaurants, are not over-concentrated in areas where they will have a detrimental impact on local people.

8.8 Policy DM1 (2) of the Managing Development Document (Adopted 2013) explains that within the Tower Hamlets Activity Areas (THAA), a mix of uses will be supported. Policy DM1 (4) states that 'restaurants, public houses and hot food takeaways (class A3, A4 and A5) will be directed to the CAZ, THAA and town centres, provided that a)

They do not result in an over concentration of such use.

It is noted that part b of this policy, which states that '*In all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit*' is not relevant here as the site is outside of the Town Centre Boundary.

8.9 The key issue here is whether the proposal leads to an over-concentration of restaurant uses in the vicinity.

8.10 There are other restaurants already trading within the vicinity of the site. These include 131 New Road, 119 New Road, 97 New Road, 95 New Road, 93 New Road, 87 New Road (Needoo), and 49-53 (Sahara Grille) New Road. There is also a large restaurant on Fieldgate Street (Tayabbs).

8.11 Previously submitted planning application PA/13/00823 for the change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) was refused on the basis that the change of use would lead to an over-concentration of these types of uses in the area. This application has been resubmitted with additional information to be considered. The additional information submitted would need to show that there is not an overconcentration of such uses in the area.

8.12 The applicant has submitted a survey of the commercial uses currently trading in and off New Road. This survey has looked at the uses of 53 commercial premises along the whole of New Road and some units just off New Road. The result are as follows;

8.13

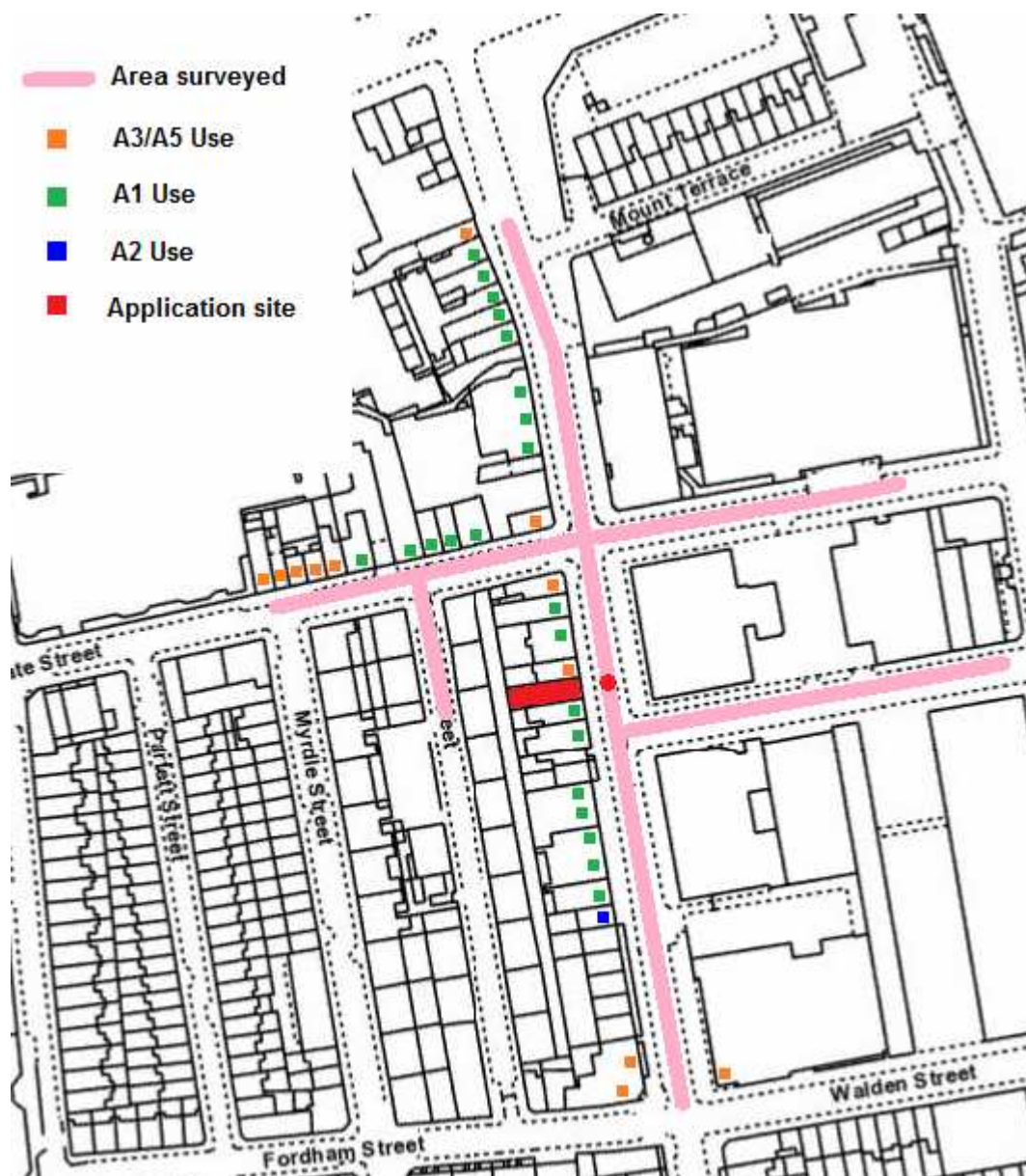
A1 (Retail including sandwich/coffee shops)	35	66%
A2 (Financial and professional)	12	23%
A3 (Restaurants)	6	11%

8.14 The results of the applicant's survey shows that only 11% of the commercial units along the whole of New Road, including some on surrounding roads, are in A3 use.

8.15 However, Officers were concerned that the methodology used by the Applicant excluded the large restaurant on Fieldgate Street (Tayabbs), and included a large number of units further to the South.

8.16 A survey was also undertaken by the case officer. This survey looked at the 36 commercial units within a distance of approximately 100m along the road from the premises as shown on the following plan;

8.17 Plan showing the area surveyed by the Planning Officer



8.18 The results of the officer's survey are as follows;

A1 (Retail including sandwich/coffee shops)	23	64%
A2 (Financial and professional)	1	3%
A3/A5 (Restaurants/Takeaways)	12	33%

8.19 The case officer's survey takes into consideration 36 commercial units within a 100m distance along the road from the application site. The applicant's survey looked at 56 commercial uses along the whole of New Road and a few uses just next to New Road. The difference in results show that there are more A3 units closer to the application site and that there are more A1 and A2 uses further away from the application site along New Road.

- 8.20 It should also be noted that there are 4 café/coffee shops that are trading under use class A1 providing further food based businesses.
- 8.21 It is clear that it is possible to get very different results depending on the parameters of the survey. The results of the planning officer's survey show that there is a higher concentration of A3/A5 uses in closer proximity to the application site compared to the applicant's survey that looked at a wider area.
- 8.22 The Authority is concerned about the proliferation of restaurant uses along New Road, and the adverse impact that this proliferation will have on the amenity of the residential occupiers of the areas - in terms of potential for increased noise and disturbance from patrons coming and going. There is also concern that a mixed balance of uses should be retained in the area.
- 8.23 The application has received 3 petitions with over 100 signatures in support of the application. Whilst this support is noted by the planning officer one letter of objection and one petition has also been received from a number of objectors who are close residents to the premises who have raised concerns about the existing levels of air pollution, litter, and noise disturbance and the increase to this that a new restaurant will create.
- 8.24 The absence of objection from LBTH Environmental Health or history of noise complaints is something that weighs in favour of the scheme. However, the decision on this case must be carefully balanced as there is no clear policy guidance on what defines an 'overconcentration' of a specific use in this area.
- 8.25 The applicant and the planning officer chose different parameters for their surveys. Officers consider that it is more appropriate to look at the concentration of restaurants in the vicinity of the site, rather than assessing New Road as a whole. This is because whilst there are a number of commercial uses interspersed along New Road a significant number are concentrated around this end of New Road due to its proximity to Whitechapel Road and the hospital.
- 8.26 The Officer's survey showed that 33% of the commercial units directly around the application site were currently in A3/A5 use. It is the officer's opinion that this number of A3/A5 is at a high level. For instance, for the purposes of comparison it is noted that this level is higher than the 25% over-concentration threshold set for the Brick Lane District Centre. On balance it is therefore considered that the introduction of any more units of this nature would result in an over-concentration in the area and will lead to adverse impacts on residential occupiers of the area in terms of increased noise & disturbance from patrons coming and going to the restaurants.
- 8.27 This would be contrary to the objectives of policies SP01(2ci); of the adopted Core Strategy (2010) and policy DM1(4a) of the adopted Managing Development (2013).

Other issues associated with change of use to restaurant.

- 8.28 The proposal does not include any new kitchen extraction systems or ducting as there will be no cooking at 85 New Road. Instead food will be cooked in the existing kitchen at 87 New Road. The applicant has provided information showing that a new kitchen extract system has been installed at 87 New Road to mitigate odour and smoke pollution which is regularly serviced. This is acceptable.
- 8.29 The proposal would make use of the existing servicing arrangements (bay outside

front door) for deliveries etc. This would be acceptable.

- 8.30 Additional bin storage to cater for the increased size of the unit could be secured by condition in the event scheme approved.

Design and Impacts of Proposed Extension

- 8.31 The application also proposes the erection of a single storey rear extension. The extension is appropriate in terms of scale and mass given the existence of other similar extensions to commercial units along this section of New Road. Details of materials would be required by condition in event of approval. The extension would not have any adverse impacts on the amenity of neighbouring properties in terms of loss of daylight, sunlight, and outlook.
- 8.32 It is considered that the proposed development is appropriate in terms of design, finished appearance and building height within the context of the surrounding built form. As such, it is considered that the proposal would preserve the character and appearance of the Myrdle Street Conservation Area Conservation Area, in accordance with Policy SP10 (2) of the Council's adopted Core Strategy (2010), Policies DM24 and DM27 of the Managing Development Document (Adopted 2013).and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development is well designed and that it preserves or enhances the character and appearance of the Borough's Conservation Areas and historic buildings.

Highways and Transport

- 8.33 The subject site is located in an area with excellent access to public transport (PTAL 6a). LBTH Highways had no objections to this application. The servicing arrangements for the existing restaurant would continue, and the increase in floor space would not lead to any significant increase in servicing trips.
- 8.34 New Road has very limited on street parking bays and together with the excellent PTAL rating, it is unlikely that there will be a significant increase in vehicular trips from customers to be of concern.

9.0 Other Planning Issues

- 9.1 It should be noted that under Class D of the amended GPDO (2013) development is permitted consisting of a change of use of a building and any land within its curtilage—
- a) to a flexible use falling within either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of the Schedule to the Use Classes Order,
 - b) from a use falling within Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), Class A5 (hot food takeaways), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure) of that Schedule,

for a single continuous period of up to two years beginning on the date the building and any land within its curtilage begins to be used for one of the flexible uses.

9.2 This provision would allow the use of 85 New Road as a restaurant for a temporary period of two years. After two years the premises would have to revert to use as a shop. If planning permission for the development is refused it would not remove the Applicants right to make use of this provision.

9.3 On 5th June 2013 the applicant provided notice that they intend to make use of these provisions.

10.0 Human Rights Considerations

10.1 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:-

10.2 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"*.

10.4 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.

10.5 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.

10.6 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.

10.7 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

10.8 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.

10.9 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.

11.0 Equalities Act Considerations

11.1 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:

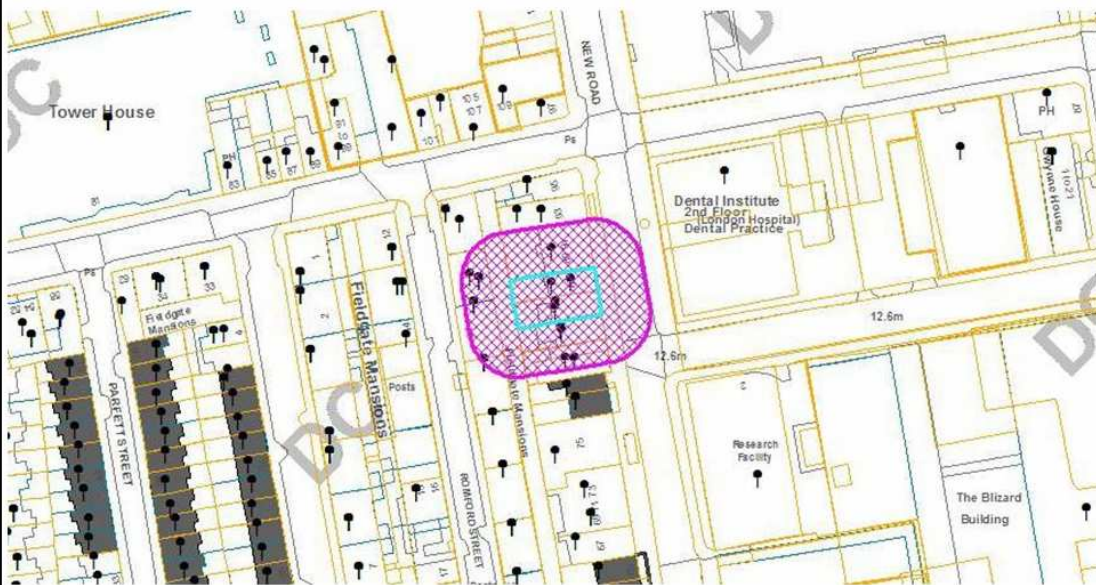
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12.0 Conclusions

12.1 All other relevant policies and considerations have been taken into account. Planning permission should be REFUSED. The details of the decision are set out in the RECOMMENDATION at the beginning of this report.

13.0 Site Map

Planning Application Site Map
 Planning Application Reference: PA/13/01607



- Planning Application Site Boundary
- Consultation Area
- Locally Listed Buildings
- Statutory Listed Buildings
- Land Parcel Address



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. © Crown copyright and database rights 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288

LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

12th September 2013

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda item no	Reference no	Location	Proposal
7.1	PA/13/00188	15-19 Rigden Street	Provision of an additional storey to incorporate 1 x 2 bed flat and alterations to the front elevations at first and second floors to provide new balconies.
7.3	PA/13/01647	Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB	<p>Variation to condition 5 (student numbers) and condition 6 (hours of operation) of planning permission dated 10 July 2013, reference PA/13/00116 for the "<i>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.</i>"</p> <ul style="list-style-type: none"> • Variation of Condition 5 (Student Numbers) to limit the maximum number of students on site to 490. • Variation of Condition 6 (Hours of Operation) staggering the arrival time of staff and students as follows: <ul style="list-style-type: none"> • Teachers and staff - 07:00 - 23:00 • 14 - 16 year old students - 09:30 - 15:00 • 16 - 19 year old students - 10:00 - 15:30 • Social enterprise units - 10:00 - 18:00
7.4	PA/13/01607	85 - 87 New Road, London, E1 1HH	Change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road.
AOB	n/a	All wards	New Homes Bonus

Agenda Item number:	7.1
Reference number:	PA/13/00188
Location:	15-19 Rigden Street
Proposal:	Provision of an additional storey to incorporate 1 x 2 bed flat and alterations to the front elevations at first and second floors to provide new balconies.

1.0 CLARIFICATIONS AND CORRECTIONS

- 1.1** A further petition was received on 11th September 2013 containing 23 signatures. It is noted that the concerns expressed by the objectors are similar in nature to the petitions already received and reported in the main report. It is noted that no further issues were raised which were not addressed in the main report.

RECOMMENDATION

- 1.2** Officers' recommendation remains as outlined in the main report

Agenda Item number:	7.3
Reference number:	PA/13/01647
Location:	Units 24, 26, 28, 30 & 32, Mastmaker Road, London, E14 9UB
Proposal:	<p>Variation to condition 5 (student numbers) and condition 6 (hours of operation) of planning permission dated 10 July 2013, reference PA/13/00116 for the "<i>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.</i>"</p> <ul style="list-style-type: none"> • Variation of Condition 5 (Student Numbers) to limit the maximum number of students on site to 490. • Variation of Condition 6 (Hours of Operation) staggering the arrival time of staff and students as follows: <ul style="list-style-type: none"> • Teachers and staff - 07:00 - 23:00 • 14 - 16 year old students - 09:30 - 15:00 • 16 - 19 year old students - 10:00 - 15:30 • Social enterprise units - 10:00 - 18:00

1.0 CONSULTATION

- 1.1 A letter of objection has been received from a Councillor this week. The following issues were raised:
- 1.2 Concern about the high number of students which will result in congestion on public transport in the area which is already stressed.
- 1.3 **[Officer Comment:** The main report deals with this matter in full at paragraphs 6.3 – 6.12 and 8.5 8.21. To summarise by staggering the start time and arrival times of students TfL are satisfied that this would ensure that it would not result in congestion on the public transport network.]
- 1.4 Concern about the impact of people coming and going to the social enterprise units including hairdressers and the café. It would all add to the human traffic and congestion in the area.
- 1.5 **[Officer Comment:** The main report deals with this matter in full at paragraphs 8.1 – 8.3. To summarise, the principle of the social enterprises was accepted and approved under PA/13/00116 which was considered by Members at the Development Committee in May. This application does not seek to change this part of the proposal. Government advice states that in assessing applications for variation of condition the focus should be on any material planning considerations which have changed (for example policy) and the changes sought. Given, consent was granted in July 2013 it is not necessary to revisit the principles of the application again.]
- 1.6 Concern about an increase in anti-social behaviour which is an existing problem arising from more people is coming to use the shops in the social enterprise units on top of the 490 students.

- 1.7 [Officer Comment: The main report deals with his matter in full at paragraph 8.14. Concerns about anti-social behaviour were discussed in full at the May 2013 committee and it was agreed that the hours of operation of the social enterprise units would be restricted to 9 am to 6pm to address these concerns. As advised at paragraph 1.5 the application does not seek to amend this element of the application. It is also worth noting that officers do not consider there is a direct link between anti-social behaviour and such uses. In fact the reverse is often common with more street activity creating safer streets.]
- 1.8 Queried what the projected figure usage wise would be for the social enterprise units.
- 1.9 [Officer Comment: Notwithstanding, that this element of the application is not subject to review as part of this application officers did request this information from the applicant who has advised the follow. The school doesn't know how many local residents will choose to use the social enterprise units. However, they do not expect them to be heavily used. The social enterprise units are primarily to provide work experience placements for learners, rather than profit. These enterprises are very much designed to provide opportunities to train young people.]
- 2.0 **RECOMMENDATION**
- 2.1 Officers' recommendation remains as outlined in the main report.

Agenda Item number:	7.4
Reference number:	PA/13/01607
Location:	85 - 87 New Road, London, E1 1HH
Proposal:	Change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road.

1. CLARIFICATIONS AND CORRECTIONS

- 1.1 Since the publication of this report to committee, an error has been noted on page 142 paragraph 8.10. This paragraph should be amended to read:

There are other restaurants already trading within the vicinity of the site. These include 131 New Road, 119 New Road, 97 New Road, 95 New Road, 87 New Road (Needoo), and 49-53 (Sahara Grille) New Road. There is also a large restaurant on Fieldgate Street (Tayabbs).

- 1.2 Two additional commercial units within the area surveyed by the officer have been added to the results.

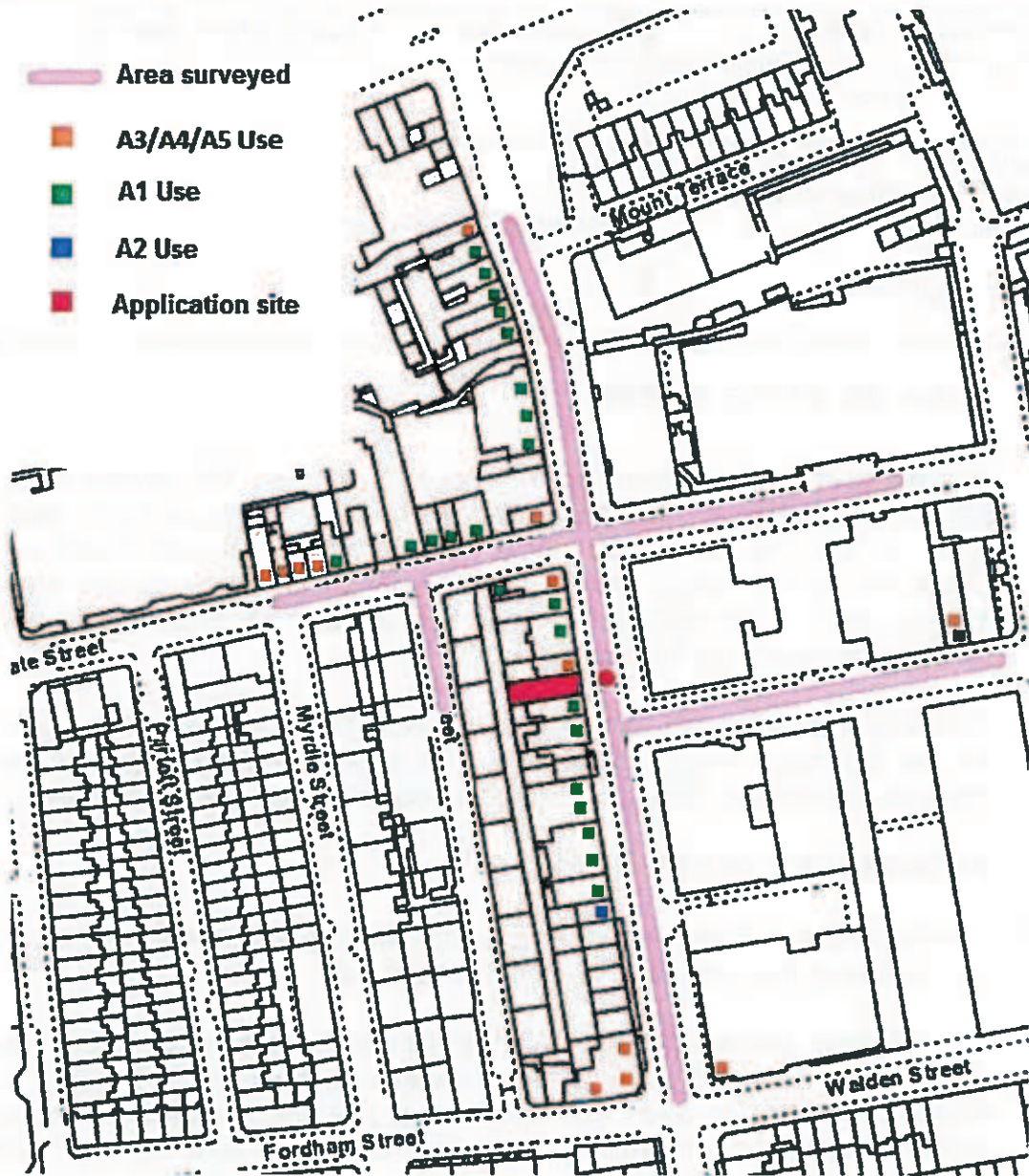
The additional units consist of The Griff Inn a restaurant/bar currently falling within Use Class A3/A4 and the Queen Mary University of London Student Union Shop falling within Use Class A1. These units increase the percentage of A3/A4/A5 units from 33% to 34% and decrease the percentage of A1 units from 64% to 63%.

- 1.3 The details of which can be found below.

119 New Road	El Restaurant	A3
117 New Road	Zaza's	A1
115 New Road	Grate Fame	A1
113 New Road	Amani	A1
111 New Road	Marakech Café	A1
109 New Road	Danis	A1
105 New Road	ETI Style	A1
103 New Road	Shiv Fashions	A1
97 New Road	Maza Desi	A3/A5
109 Fieldgate Street	ARS Catering City	A1
107 Fieldgate Street	ARS Catering City	A1
105 Fieldgate Street	ARS Catering City	A1
103 Fieldgate Street	Hussain Meat	A1
95a Fieldgate Street	Fieldgate News	A1
99 Fieldgate Street	Marakech Café	A1
91 Fieldgate Street	Bayt-Al Attar	A1
89 Fieldgate Street	Tayyabs	A3
87 Fieldgate Street	Tayyabs	A3
85 Fieldgate Street	Tayyabs	A3

83 Fieldgate Street	Tayyabs	A3
95 New Road	Shalamar	A3/A5
89 New Road	Rai Fashion	A1
91 New Road	Rai Fashion	A1
87 New Road	Needoo	A3
83 New Road	Blanco	A1
81 New Road	Junior Kids Ltd	A1
75 New Road	Kids Kemp	A1
73 New Road	NJW London	A1
71 New Road	NJW London	A1
69 New Road	NJW London	A1
67 New Road	NJw London	A1
65 New Road	Crystal Gate Consultant	B1
53 New Road	Sahara Grill	A3
51 New Road	Sahara Grill	A3
49 New Road	Sahara Grill	A3
42 New Road	Costa	A3
BLSA Building Newark Street	Student's Union Shop	A1
BLSA Building Newark Street	The Griff Inn Bar and Kitchen	A3/A4

1.4



1.5

A1 (Retail including sandwich/coffee shops)	24	63%
A2 (Financial and professional)	1	3%
A3/A4/A5 (Restaurants/Drinking Establishments / Takeaways)	13	34%

2. **RECOMMENDATION**

2.1 Officers' recommendation remains as outlined in the main report.

Committee: Development	Date: 12 September 2013	Classification: Unrestricted	Agenda Item Number: AOB
Report of: Director of Development and Renewal		Title: NEW HOMES BONUS	
Author: Paul Buckenham			

1. PURPOSE OF THE REPORT

1.1 At Development Committee on 14 August, Councillor Tim Archer noted that committee reports on planning applications make reference to an estimated level of New Homes Bonus (NHB) grant that the Council might receive. Councillor Archer asked officers how the Council intends to use this grant funding and the Committee requested that a report be presented at the next meeting to respond to this question.

1.2 This report explains the principle behind New Homes Bonus, the legal basis for the estimated level of NHB linked to a proposed development being a material planning consideration and the Council's spending proposals.

2. BACKGROUND TO NHB GRANT

2.1 The New Homes Bonus is a grant paid by central government to local councils for increasing the number of homes and their use.

2.2 The principle behind the New Homes Bonus is to reward authorities that increase the housing stock, either through new build or by bringing empty properties back into use. Each additional Council tax band D equivalent property attracts grant funding equivalent to the band D tax rate and the funding lasts for six years.

2.3 On 15 January 2012 amendments made by the Localism Act to Section 70 of the Town and Country planning Act required that Councils must also have regard to "any local finance considerations, so far as material to the application." Local finance considerations are defined by the section 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;

2.4 Therefore the level of New Homes Bonus (being a grant from a Minister of the Crown to the Council) is capable of being a material planning consideration.

2.5 When assessing the impact of building residential units, it is possible to estimate the likely level of the New Homes Bonus that may be received by the Council as a result of the increase in housing stock, if permission is granted and the development goes ahead. Hence an estimate of the likely NHB are included in any reports on planning applications where the proposed development would attract New Homes Bonus.

2.6 The amount of New Homes Bonus grant that the Council actually receives each year is calculated by, and paid to us by the government. In 2011/12 the council was allocated £4.287m per year for six years, in 2012/13 a further £5.822m, and in 2013/14 an additional £5.961m.

3. TOWER HAMLETS PRIORITIES FOR NHB GRANT

3.1 New Homes Bonus is a non-ring fenced grant, and Members have agreed to set aside the first £11million received by the Authority to support investment in the Decent Homes Backlog programme and works to reduce condensation, damp and fuel poverty.

3.2 The balance of the anticipated New Homes Bonus funding has been included with other non-ring fenced core grants in the Council's medium-term financial plan, in order to support the on-going delivery of general fund services, as the level of New Homes Bonus reflects the fact that the Authority is experiencing the highest level of population growth in the country.

3.3 The 2013 Government Spending Round announced that the New Homes Bonus national funding pot will be top-sliced by 35% in 2015/16, with the money being channelled through regional and sub-regional Local Enterprise Partnerships as part of the Single Local Growth Fund. This was unexpected, and means that the Council will lose 35% of our whole allocation from 2015 onwards.

4. RECOMMENDATION

4.1 That the content of the report be noted.

Agenda Item 8

Committee: Development	Date: 9 th October 2013	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer:		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 8.1

Committee: Development	Date: 9 October 2013	Classification: Unrestricted	Agenda Item Number: 8.1
Report of: Corporate Director of Development and Renewal		Title: Application for Listed Building Consent	
Case Officer: Kamlesh Harris		Ref No: PA/13/01441	
		Ward: East India and Lansbury	

1 APPLICATION DETAILS

Location: Poplar Baths, 170 East India Dock Road, London E14 0EH

Existing Use: Vacant – former community training centre and public baths

Proposal: Internal and external alterations and refurbishment to Poplar Baths building including demolition of chimney and associated ancillary works to facilitate re-opening of baths as leisure centre and swimming pools.

Drawings and documents

List of plans:

100_N_00_REV_A, 100_N_01_REV_A, 100_N_02_REV_A, 100_N_03_REV_A, 100_N_04_REV_A, 100_N_05_REV_A, 100_N_61_REV_A, 100_N_62_REV_A, 100_N_63_REV_A, 100_N_64_REV_A, 100/A/00 REV_T, 100/A/01 REV_Q, 100/A/02 REV_P, 100/A/03 REV_J, 100/A/04 REV_J, 100/A/05 REV_G, 100/A/41 REV_E, 100/A/42 REV_E, 100/A/43 REV_D, 100/A/44 REV_F, 100/A/45 REV_B, 100/A/61 REV_G, 100/A/62 REV_G, 100/A/63 REV_G, 100/A/64 REV_E, 200/A/01 REV_D & POP&PBR-500/A/01 Rev_A

Documents:

- Conservation Management Plan 1 (CMP1);
- Conservation Management Plan 2 (CMP2);
- Conservation Management Plan Gazetteer;
- Heritage Meetings Notes;
- Design & Access Statement (DAS) with planning application;
- Drawings and Plans (see attached schedule 1) with planning application;
- Heritage Statements (respectively for the refurbishment and new residential scheme);
- Planning Performance Agreement (PPA) with planning application.

Applicant: Guildmore Ltd and London Borough of Tower Hamlets

Owner: London Borough of Tower Hamlets

Historic Building: Grade II Listed

Conservation Area: Not applicable

2 EXECUTIVE SUMMARY

- 2.1 This report deals with an application for listed building consent for internal and external alteration works to Poplar Baths, a Grade II Listed building owned by the borough.
- 2.2 The Poplar Baths building makes a positive contribution to the overall character of the area and is of historical and architectural value. The building is in poor condition and included on the Heritage at Risk Register. The key consideration is whether the works to the building would preserve or enhance the special architectural and historic interest of the listed building and whether public benefits arising from the scheme would outweigh any minor loss.
- 2.3 The proposed works would facilitate the regeneration, refurbishment and reuse of the baths through provision of a new primary pool, a secondary learner pool, a sports hall with associated facilities, an outdoor MUGA and a new gym. The existing Vapour baths would also be retained but is going to be carefully dismantled and re-constructed in the basement and will now be The Plunge Pool
- 2.4 The proposals are supported by the Borough Conservation Officer, English Heritage and the 20th Century Society.
- 2.5 This report advises the Development Committee on the officer's recommendation that listed building consent should be granted subject to necessary conditions and that the application should be referred to the Secretary of State for determination as required by Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

3 RECOMMENDATION

- 3.1 That the Committee resolve to refer this listed building consent application to the Secretary of State for Communities and Local Government with the recommendation that the Council would be minded to **GRANT** Listed Building Consent subject to conditions as set out below.
- 3.2 Compliance Conditions
1. Time limit – Three Years.
 2. All works to match the existing in terms of materials and methods
 3. New circular window to match existing
 4. Notification of any hidden historic features
 5. No new plumbing, soil stacks, flues, vents, ductwork or rainwater shall be fixed without prior consent
 6. No new grilles, security alarms, lighting, cameras, display screens or other appurtenances shall be fixed without prior consent
 7. Preservation of manually operated external opening mechanisms for windows,
- 3.3 Pre-Commencement Conditions

8. Programme of building recording and analysis
9. Secure and protect interior and exterior features against accidental loss of damage or theft during execution of authorised works
10. Full details and samples of all new, refurbished, repaired and retained materials and features
11. No demolition or partial demolition to be carried out without evidence of contract
12. Written and photographic schedule of all historic items to be moved or removed including methodology for removal and a salvage strategy for storage, reuse and disposal of items identified in the schedule report.

4 THE LISTED BUILDING

- 4.1 Poplar Baths is located to the south of East India Dock Road opposite Chrisp Street town centre and markets. The site is bounded by Poplar Bath Street to the west, Grove Villas to the east and Lawless Street to the south. Further to the east of the site is All Saints Docklands Light Railway station.
- 4.2 The Old Poplar Baths building is included on English Heritage's Heritage at Risk Register for London. It is currently vacant and in very poor condition both internally and externally.
- 4.3 The English Heritage listing describes the building as follows: *"Former public baths, with slipper and vapour baths. Built 1932-4 for Poplar Borough Council to the designs of Harley Heckford, Borough Engineer and RW Stanton, Chief Assistant".* It was given its listed status in January 2001.
- 4.4 The building is described as follows: *reinforced concrete frame to main 'first class' pool, floors and other internal structure, with exterior of brown and red brick, partly supported on separate steel frame and with stone dressings to front and concrete to upper parts of stepped side elevations. Asphalt roof with many rooflights. Brick chimney to rear.*
- 4.5 Internally were *"large first class baths intended for use as swimming pool in summer and as an entertainment hall in winter, with stage. To side, separated by changing rooms and former slipper baths a smaller 'second class' pool intended for swimming all year round. Boiler house to rear. Below the changing room block is a suite of vapour or Turkish baths with plunge pool. Ancillary offices to front."*
- 4.6 The front elevation is described as a *"monumental tripartite composition, of three stepped brick masses, with stone plinth and cornice and stone surrounds to steel centrepiece. The effect of the massive brick pilasters and pylons is rather Egyptian, although reminiscent too of contemporary Dutch architecture and the work of Sir Giles Scott, with banded brick cornice over second floor and deep brick mullions to the full-height steel staircase windows on either side. The tripartite centrepiece is of two storeys, with large windows to first floor former cloakrooms separated by steel panels from 2+3+2 rhythm of double doors with angled steel handrails. In the centre is the borough crest and the original signage 'PUBLIC BATHS'. Side elevations simpler, with bands of windows under rendered lintels. Above the first floor the giant glazed roof steps up in three flights and the steel frame is expressed on the rear elevation, blind save for two large areas of glazing to either side, and smaller areas either side of ancillary entrance to the filtration plant"*.
- 4.7 Externally, the Poplar Baths front elevation is the main focus of the building. It is in

ahard edged Art Deco style. The front elevation is made of “silver grey” facing bricks with stone dressings. The other elevations have been constructed in simple brickwork with concrete dressings to the upper parts. The façade of the first class pool is strongly ordered and symmetrical, following the internal arrangement of the entrance vestibule and stairs. The second class pool is much simpler. The building’s fenestration details are functional to the internal usage. The vertical strip windows to either sides follow the staircases that rise up to the second floor; the smaller windows correspond to the private parts of the stairs. The north elevation is fronted with a huge tripartite stone frame marking the first class baths’ entrance. The ground floor is adorned with five double doors, directly above them is another series of glazing which bring light into the spectator’s area.

- 4.8 As noted in the English Heritage listing description and in the applicant’s Conservation Management Plan, the interior of the building makes a particular contribution to this Grade II listed building’s special interest. *“Ten-bay first class pool under reinforced concrete hyperbolic ribs, which support the glazed roof structure that was innovative in bringing natural light into swimming baths. The pool has been infilled and the spectator seating areas removed, but the tiled stage surround with borrough coat of arms over survives, as does tiling to the rear wall. Second class pool has conventional roof lights in flat roof. Entrance hall, with staircases either side, fully tiled to shoulder height (banded to stairs), with granolithic tiled floors and steel staircase balustrades over tiling. Similar staircases lead down to tiled Turkish or vapour baths, extended 1937 with foam baths, and with lounge adapted with washing facilities in the 1960s and original stepped plunge pool. In the entrance hall one slipper bath (bath tub) survives as a memorial. Foyer ceiling murals of 1985 by David Bratby, showing the history and function of the baths”*.
- 4.9 Poplar Baths were the first to bring the concept of the stepped rooflights supported on a reinforced concrete hyperbolic frame to a British swimming pool. Poplar was the first building in Britain to develop the idea for a low-cost civic building, and it stands above its contemporaries in architectural importance. In 1934, the baths building was described as *“One of the finest and best equipped baths of comparable purpose in this country”*(Architect and Building News, 19 January 1934, p.103).The baths closed in 1986.
- 4.10 It is also noted that outside of the public baths building stands the fine Grade II listed statue of Richard Green. The English Heritage listing describes this statue as follows: *“Sculptor, Edward W Wyon 1865, cast by Henry Prince and Co, Statue Foundry, Southwark. Bronze statue on pedestal of granite with 2 bas relief bronze panels of ship and ship building yard”*.Richard Green was a local ship owner and philanthropist, and this statue was erected in its present location in 1866.

5 PROPOSALDETAILS

- 5.1 This listed building consent application involves the proposed alterations to the Grade II listed Poplar Baths to facilitate its use as an indoor and outdoor sports and leisure facility, with a swimming pool where the second class pool used to be, badminton courts in the retained first class pool area, new gym facility, studio areas and roof top games area (MUGA); the existing Vapour Baths and plunge pool would also be retained and relocated. The alterations works also comprise changing and toilet facilities together with landscaped forecourt and a new café at ground floor. The application has been amended to incorporate further alterations to the basement level to include a learner pool.

5.2 In broad terms the proposal consists of the following:

5.3 External works

- General repairs to all retained elevations as necessary with closely matching bricks where original are to be removed;
- Demolition and rebuilding of the second class part of the building including demolition of water tanks and chimneystack;
- Rebuild new elevations with closely matching bricks;
- Opening up of separate office as part of its conversion to a café;
- New multi-use games area (MUGA) on roof and its screening with bronzed metal louvres;
- Reconfiguration of upper part of rear elevation of the first class pool including the addition of a plant room;
- Replacement of single glazed Crittall steel windows with thermally broken Crittall steel framed double glazed windows to match existing;
- Replacement of three windows on the lower part of the west elevation with bronzed metal louvres;
- Erection of new sliding entrance doors with step free access to the central part of the main first class entrance;
- Creation of a large piazza at front, including soft landscaping and trees;
- New large sliding folding doors would open onto the new piazza from the café;
- Erection of new lighting to the façade of the front elevation;
- Creation of raised planting bed with stone seat edging at the Richard Green statue;
- New parking and cycle bays would be introduced to the west end of the forecourt; and
- Resurfacing of passage way along Grove Villas together with planting and new lighting and herbaceous planting along east elevation.

5.4 Internal works –Basement

- Removal of the second class part of the building, retaining foundations and retaining walls as well as salvaging the tiles of the plunge pool in the former ablution room;
- Salvage curved attendant's desk and re-use this at ground floor entrance;
- New 25m x 12.5m swimming pool, steam room, sauna and reconstructed plunge pool (previously Vapour Baths) at north end together with plant room at the southern end;
- New learner pool alongside the large pool
- Plunge pool and swimming pool to be separated by a glass wall;
- Formation of new corridor at the west of the new pool together with new structural columns carrying a series of curved concrete structural ribs for the new pool hall;
- Removal of pool in first class part of basement and creation of wet changing facilities, plant room and switch room at the south and west corner;
- Retention of plan form complete with original first class staircases, floor finishes and ladies toilets;
- Installation of two new lifts near staircases rising to second floor; and
- Creation of new public WCs and services.

5.5 Internal works – Ground floor

- Creation of new café, soft play area and meet/greet exhibition space at north of building; plant access and loading area at the south end;
- Installation of salvaged attendant's desk at ground floor entrance;

- Retention and restoration of first class main entrance; removal of western flight of stairs for new lifts both at east and west corners;
- Reception desk restored and maintained in same location with offices at rear;
- Original tiered seating, staircases, balconies and floor slabs to the east and west sides of the pool hall are retained; removal of south western staircase to facilitate a double height plant room; and
- Creation of new substation in the south west corner (already approved), new staircase at south east corner and staff bicycle storage along northern part of the west side of ground floor;

5.6 Internal works – First floor

- Retention of the first class pool hall; new Sport England 4 court sports hall is levelled to match original walkways along east and west sides of pool hall;
- New lift shafts under stepped roof formed behind staircases; glass partitions between arches to form walkway along the east creation of an equipment store along the west; and
- Creation of a new gym in new second class part of building with associated changing rooms and showers.

5.7 Internal works – Second and third floors

- Minor alterations at first class part of building, continuation of two lift shafts in the pool hall and escape staircase at south eastern corner;
- New second class part of building facilitates a changing area for MUGA and creation of MUGA at roof level; and
- Removal of modern partitions at third floor and refurbishment of WCs. Creation of access stair to roof plant at southern end of the building.

6 RELEVANT PLANNING HISTORY

6.1 Current undetermined applications as follows:

6.2 PA/13/01432 (19 June 2013) –Application for full planning permission for the demolition of existing garages and ball court, erection of 10 storey residential block to provide 60 affordable housing units along with external alterations and refurbishment to Poplar Baths building including the demolition of chimney and associated ancillary works to provide indoor wet and dry sports and leisure facilities, roof top games area, plus ancillary landscaping and vehicular parking.

6.3 PA/13/01586(19 June 2013) –Application for listed building consent for the alterations to rear elevation, basement and ground floor to facilitate the creation of new electricity sub-station to serve the Poplar Baths.

6.4 This application (PA/13/01586) has already been reported to the Development Committee with a recommendation that listed building consent should be granted subject to necessary conditions and that the application should be referred to the Secretary of State for determination as required by Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

7 RELEVANT PLANNING POLICIES

Government Planning Policy

7.1 National Planning Policy Framework (2012) - Chapter 12 'Conserving and enhancing the historic environment'

London Plan Spatial Development Strategy for Greater London (2011)

- 7.2 Policies: 7.4 Local Character
 7.6 Architecture
 7.8 Heritage assets and archaeology

Adopted Core Strategy (2010)

- 7.3 Policies: SP09 Creating attractive and safe streets and spaces
 SP10 Creating distinct and durable places

Managing Development Document (adopted April 2013)

- 7.4 Policies: DM24 Place Sensitive Design
 DM25 Amenity
 DM27 Heritage and the historic environment

8 CONSULTATION RESPONSES

- 8.1 The views of the Directorate of Development and Renewal are expressed in the material planning considerations section below.

English Heritage

- 8.2 No objection. English Heritage welcomes the proposed repair and regeneration of this iconic and highly significant listed building, which is in a poor condition and has been vacant for many years, thereby justifying its inclusion on our Heritage at Risk Register for London. It is our view that the assessment of significance has been well considered and the proposals will result in change being focused on those areas of relatively low heritage significance. There are substantial public benefits presented by the proposals, which include the restoration and repair of highly significant historic fabric and reuse of the building for community purposes.

- 8.3 English Heritage has also recommended various conditions to be attached to any consent. These have been included in this report under Section 3 – Recommendation.

Twentieth Century Society

- 8.4 No objection. The re-use of the baths is welcomed. The Society is encouraged by the retention of important elements such as the main entrance glazing on the principal façade, and the existing fenestration pattern, as well as the tiling in the entrance foyer and the retention and relocation of the original vapour baths and plunge pool. While it was regrettable that the second class pool would be demolished and re-built, members felt that on balance the retention of the most significant interior – the first class pool – was more important. Members were concerned with the level of alteration proposed to the floor height in this space which will have a detrimental effect on the proportions of the space – the most important space in the building. Whilst the 20th Century Society on the whole supports this proposal, they stated that they would wish that the developer explored some more options to retain more of the historic fabric on the site.

LBTH - Borough Conservation Officer

- 8.5 Poplar Baths was listed at Grade II in 2001. The building was designed by Harley Heckford, the Borough Engineer and built in 1932 – 4. The relevant list description states that it ‘was the first building in Britain to develop the idea for a low-cost civic building, and it stands above its contemporaries in architectural importance.’ Closed in 1988, it is included on the Heritage at Risk Register of English Heritage.
- 8.6 The current proposal has been subject to rigorous historical analysis and exhaustive detailed design development which has aimed to retain the most significant elements of the historic fabric whilst accommodating a twenty first century leisure centre, thus giving the building a fully sustainable future.
- 8.7 The current proposal is fully in accord with Policy 134 of the National Planning Policy Framework which states that ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use’.
- 8.8 The exterior of the first class element will be restored with new bricks to match the existing and thermally broken Crittal steel framed double glazed windows will be installed to match the existing single glazed Crittal windows. Key features of the First Class Pool Hall will be restored as will finishes within the very distinctive Entrance Vestibule along with the reconstruction of the plunge pool (one of the buildings most distinctive features).
- 8.9 The existing second class pool element, boiler house and chimney will be demolished to accommodate facilities including the replacement pool and trainer pool. This element of the proposal has been subject to much debate. It is considered that this part of the existing building is of far less significance than the exceptional first class element. The proposal includes the rebuilding of the key East India Dock Road facade in a very similar form to the existing whilst incorporating some changes which are necessary to accommodate the café and other uses.
- 8.10 English Heritage have been fully involved in the development of the proposal and have stated that they ‘welcome the proposed repair and regeneration of this iconic and highly significant listed building’.
- 8.11 The Twentieth Century Society have ‘welcomed the re-use of this important designated heritage asset’ whilst raising concerns with regard to the alteration of the floor level within the First Class Pool Hall. Many potential layouts were considered in great detail at pre application stage and the submitted Design and Access Statement and Heritage Statement set out the reasons for the proposed change in floor level which are considered necessary to ensure the scheme is both DDA and Sport England Compliant. As a result of English Heritage and Twentieth Century comments the scheme was amended in order to retain the existing tiered seating area, covering it over for possible reuse at a later date.
- 8.12 The historical analysis at pre application stage has been informed by a comprehensive Conservation Management Plan which has been submitted as part of the proposal. Detailed design will be critical in ensuring the success of the scheme; this will be secured by means of relevant conditions attached to any permission.
- 8.13 The proposal would ensure that this important listed building is saved. It would ensure that its magnificent interiors are once again used and enjoyed by the public.

9 LOCAL REPRESENTATION

- 9.1 A total of 681 neighbouring properties within the area shown on the map appended to this report were notified about the full planning permission and listed building consent applications and invited to comment.
- 9.2 The applications have also been publicised in East End Life and on site. Consultation has been repeated following receipt of amended drawings to include alterations to the basement area and inclusion of a learner pool.
- 9.3 21 letters of representation have been received following joint consultation. 17 in favour of the proposal and 4 objecting to it. It is noted that none of the objections relate to the works proposed for the Grade II listed Poplar Baths building. The issues raised by objectors are summarised in the Full Planning Permission report elsewhere on this agenda.

10 MATERIAL PLANNING CONSIDERATIONS

- 10.1 As this Grade II listed building is owned by the London Borough of Tower Hamlets, the Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity. The terms of reference of the Development Committee require that where the Council is applying for works to a Listed Building that it owns, the application must be considered by the Committee.

Setting and Appearance of the Listed Building

- 10.2 When determining listed building consent applications, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that regard should be paid to the desirability of preserving the building or/and its setting, and any features of special architectural or historic interest.
- 10.3 The National Planning Policy Framework (2012) emphasizes the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its preservation, extent of loss or damage as result of development and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset requires clear and convincing justification.
- 10.4 The relevant London Plan (2011) policies are policies 7.4, 7.6 and 7.8 which broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. More specifically, any development affecting a heritage asset and its setting should conserve the asset's significance by being sympathetic in form, scale, materials and architectural detail.
- 10.5 The Council's Core Strategy strategic objective SO22 aims to "Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views". This is to be realised through strategic policy SP10 which aims to protect and

enhance the borough's Conservation Areas and Statutory Listed Buildings and to preserve or enhance the wider built heritage and historic environment of the borough to enable creation of locally distinctive neighbourhoods with individual distinctive character and context. Policy SP10 also sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.

- 10.6 Preservation of listed buildings and their setting is specifically supported by policy DM27 of the Managing Development Document which requires alterations to listed buildings to preserve the special architectural or historical interest of the building and to retain and repair any architectural features. Any adverse impact on the character, fabric or identity of the listed building is to be resisted.
- 10.7 The Council's general design criteria are set out in policy SP10 of the Adopted Core Strategy and policy DM24 of the Managing Development Document 2013. These policies aim to ensure that development is designed to the highest quality standards and is sensitive to and enhances the local character and setting of the development by respecting the design details and elements, scale, height, mass, bulk and form of adjoining development, building plot sizes, plot coverage and street patterns, building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements in the vicinity. Development is also required to utilise high quality building materials and finishes.
- 10.8 The application proposal would facilitate the reopening and reuse of the old Poplar Baths building with new swimming pools together with sports facilities, a café and MUGA. The Plunge Pool (which was part of the former Vapour Baths) is going to be carefully dismantled and re-constructed in the basement. The scale of the building would be comparable to when it was first opened in 1934. The front and west elevations would be substantially restored and would remain very similar in scale to the original. The chimney would be removed and the east elevation would now be rebuilt in a modified form with some new metal windows and some replacement metal windows especially on the upper parts of this elevation. A 169sqm area of the roof has been earmarked for photovoltaic panels.
- 10.9 The south elevation has already been modified under a separate listed building consent application (PA/13/01586) to introduce the substation. Further changes would be at upper level where the proposed MUGA would be together with bronzed metal louvred fence enclosure and integrated sports lighting. This elevation would not extend higher than the existing water tanks and chimney (now removed). Therefore, the new heights at the MUGA would not introduce an alien feature at this level. The west elevation remains more or less similar in outlook but is repaired and refurbished. The main change would be the reconfigured section to create plant enclosure.
- 10.10 Internally, the first class pool area and hall is the most significant part of this building. This would be retained, restored and brought back into use as an indoor sports hall. The Twentieth Century Society has concerns with regard to the alteration of the floor level within the First Class Pool Hall. Whilst every effort has been made to retain the internal fabric of the building, the reasons for the proposed change in floor level which are considered necessary are to ensure the scheme is accessible for all and Sport England compliant. As a result of English Heritage and Twentieth Century comments the scheme was amended in order to retain the existing tiered seating area, covering it over for possible reuse at a later date. Whilst it is regrettable that the second class pool would be demolished and rebuilt, officers believe that many original features have already been lost when alteration works were carried out after the baths were closed and taken over by another use. This part of the building is also of lesser significance

and hence, on balance, this change would be acceptable to bring the building back into use and any harm would be outweighed by public benefits.

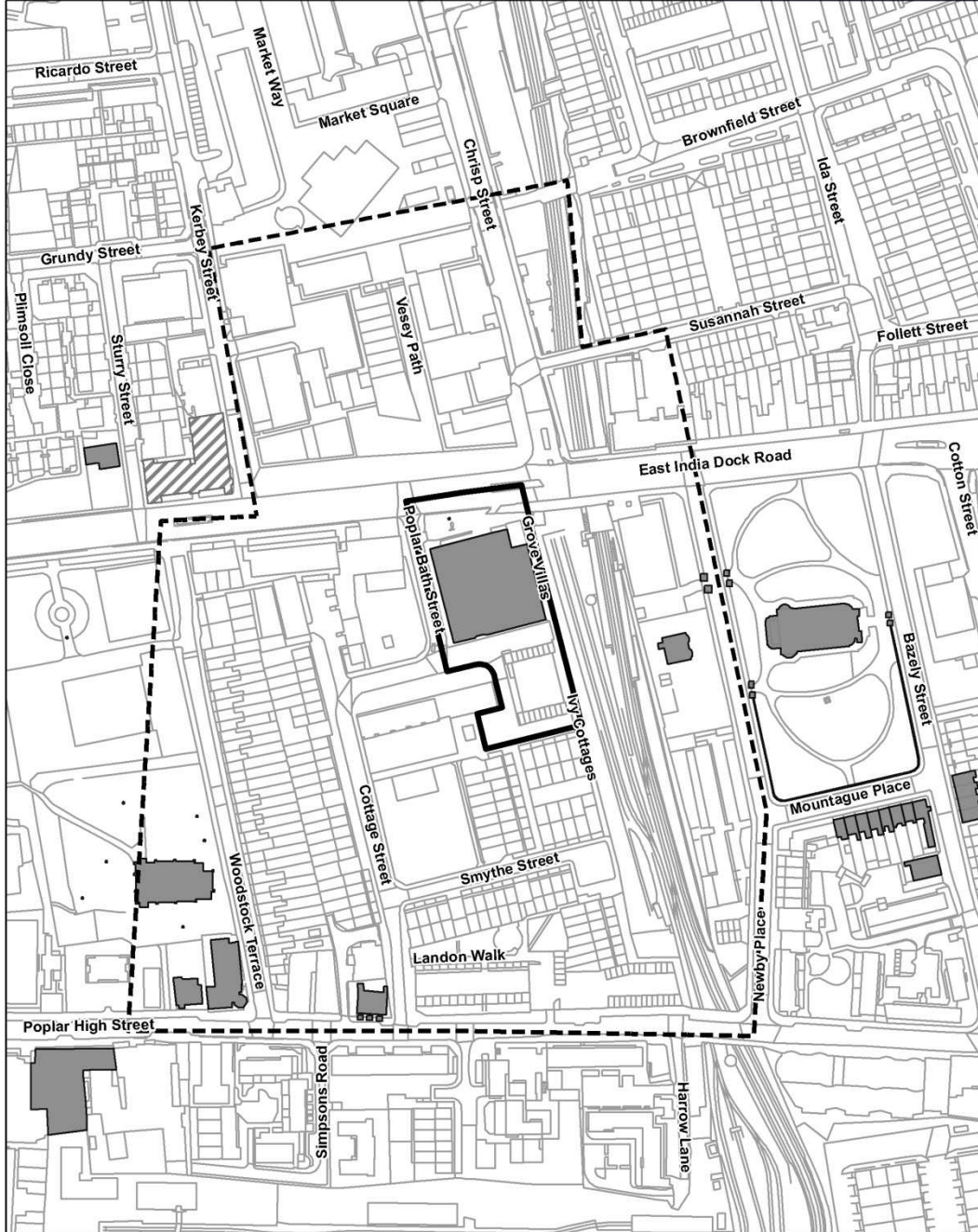
- 10.11 Many of the surviving external and internal materials are of good quality and would be preserved, restored and reused where appropriate. Matching materials would be used where it is necessary to carry out more substantial repair works. The building with its refurbished Art Deco entrance vestibule, large hall and new café area opened onto East India Dock Road would once more be a stylish leisure venue for the community.
- 10.12 In terms of the windows, the proposal would seek to replace all existing single glazed, bronzed metal windows with new, thermally broken, double glazed, bronzed metal windows to match the Crittall windows. English Heritage welcomes this approach and officers would condition all replacement windows. However, concerns have been raised with regards to the manually operated external opening mechanisms, which is a subtle but noticeable feature of the east and west elevations. This would be difficult to safeguard in terms of original functionality; however, in terms of appearance this would be preserved. A condition would be attached to secure this.
- 10.13 In design and heritage terms, the internal and external alteration works to this Grade II listed building would be appropriate in terms of the scale, height and use of materials. The front elevation would be restored in the silver grey matching bricks. The rear elevation is faced in red brick and is subservient to both the front elevation and the west façade. Interventions on this elevation would have less impact on the whole building.
- 10.14 The external works proposed, at the front of the building facing East India Dock Road are welcome. The restoration and retention of the Grade II statue of Richard Green is also supported together with the seating areas around it. The whole ensemble would have a positive impact on the setting of the street scene, Chrisp Street Market and the Idea Store.
- 10.15 It is not considered that the internal alterations would affect features of special architectural or historic significance and interest of the listed building. The necessary alteration works would represent an acceptable level of intervention in the overall fabric of the listed Baths. No objections have been raised to the internal works by English Heritage or the Borough Conservation Officer.
- 10.16 The proposed works are therefore generally considered sympathetic and would preserve the character, fabric, integrity and identity of the listed building. The works would be appropriate to facilitate viable re-use of the heritage asset. This proposal therefore meets the requirements outlined in the National Planning Policy Framework (2012), Policy SP10 of the adopted Core Strategy (2010) and Policies DM24 and DM27 of the Managing Development Document (adopted April 2013).

11 CONCLUSION

- 11.1 In reaching this recommendation to the committee, specific consideration was given to whether the proposed repair, refurbishment and renewal works would preserve the architectural and historic significance of the existing old baths and internal features. Based on the information submitted with the application and the advice from English Heritage and the Borough Conservation Officer, the works would not lead to substantial harm to the significance of the designated asset. The proposal is in accordance with the National Planning Policy Framework which specifies that any harm should be weighed against the public benefit of the proposal and in this case, the harm is outweighed by the public benefit.

11.2 All other relevant policies and considerations have been taken into account and the Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent subject to the conditions set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map
PA/13/01432



- Planning Application Site Boundary
- Consultation Area
- Locally Listed Buildings
- Statutory Listed Buildings

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This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 8.2

Committee: Development	Date: 9 October 2013	Classification: Unrestricted	Agenda Item Number: 8.2
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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. All Members of the Council receive a regular monthly email update of appeals received by the Council.
- 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/13/00776
Site:	49 Vallance Road, London E1 5AB
Proposed Development:	Proposed roof extension and rear extension to an existing town house.
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

- 3.2 The main issue in this case was the effect of the proposed development on the character and appearance of the host property and the surrounding area.
- 3.3 The appeal premises is a three storey end of terrace property and despite some elevational changes to the remainder of the terrace, the Planning Inspector was satisfied that the terrace retained a fairly uniform appearance. As the proposed

roof extension would have taken the form of an additional storey, the Planning Inspector concluded that the extension would have appeared odd and incongruous, giving rise to a harmful visual imbalance, upsetting the proportions and visual unity of the existing terrace. He felt that increases in height would have needed to form part of a more unified approach to the terrace as a whole.

- 3.4 The Planning Inspector concluded that the roof extension would have caused harm to the character and appearance of the area and the host property and the appeal was DISMISSED.

Application No:	PA/12/02824
Site:	Block E, Taylor Place, 5-25 Payne Road, London E3
Proposed Development:	Change of use of Block E from 10 commercial units to 12 residential apartments.
Council Decision:	REFUSE PLANNING PERMISSION (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED

- 3.5 The main issue in this case was the degree to which the proposed change of use was required to deliver affordable housing. Block E previously formed part of a larger redevelopment scheme which comprised 158 flats and 15 commercial units and the Council argued that as the proposed change of use proposed more than 10 residential units, there was a policy requirement to provide a proportion of additional affordable housing.

- 3.6 Whilst the Planning Inspector accepted the Council's arguments that the affordable housing policy applied in this particular case, he agreed with the appellant that it was not appropriate to deliver affordable housing in this particular case. He was persuaded by the developer that as the remainder of the scheme (which was granted planning permission by the Council back in 2004/5) already had a high proportion of affordable housing (61.4 % affordable housing – in excess of the 50% policy levels outlined in SP02), there was no requirement to provide further affordable housing. He accepted the appellant's argument that further private sale units would improve the balance of a mixed neighbourhood and he noted that the Planning Framework emphasised the need for market as well as affordable housing.

- 3.7 The appeal was ALLOWED.

Application No:	ENF/12/00381
Site:	Land at 164 Upper North Street, E14 6BH.
Breach of Planning Control	Use of site as a shisha lounge and the erection of a permanent marquee
Council Decision:	INSTIGATE ENFORCEMENT ACTION (Delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ENFORCEMENT NOTICE FOUND INVALID

- 3.8 This case involved a breach of planning control in respect of an unauthorised shisha lounge. The Inspector, during the site inspection, questioned whether

the enforcement notice had covered the correct planning unit; whether the enforcement notice should have covered only the part of the site occupied by the shisha lounge or whether it should have included other parts of the site (namely an adjacent cash and carry warehouse – which can be accessed via the shisha lounge).

- 3.9 He concluded that the site identified as part of the enforcement notice should have included the larger site (including the adjacent cash and carry) and therefore found the enforcement notice to be invalid and subsequently quashed the notice.
- 3.10 This is most unfortunate outcome and officers are seeking advice on the legal issues associated with this decision. In any case, officers are now considering a re-draft of the enforcement notice and further service in the future.

Application No:	ENF/12/00353
Site:	11 Chapel House Street, London E14 3AS.
Breach of Planning Control:	Two storey rear extension.
Council Decision:	REFUSE PLANNING PERMISSON (Delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	APPEAL DISMISSED

- 3.11 This case involved an unauthorised two storey rear extension to the property which the Council considered to be harmful to the character and appearance to the adjacent conservation area and to the amenities of immediate neighbours. The enforcement notice require the removal of the first floor element of the extension and a reduction in size of the ground floor rear extension. The period of compliance was 3 months from the date of the notice.
- 3.12 The Planning Inspector agreed with the Council's position in respect of the character and appearance of the conservation area. He concluded that the extension appears bulky and incongruous with the design lacking coherence, particularly with regard to the first floor element and its relationship with the ground floor. The Planning Inspector was less concerned about the impact of the development on neighbouring amenities (outlook in particular) and he did not consider that the impact of the extensions on 9 Chapel House Street were sufficient for the extension to be considered overbearing.
- 3.13 Notwithstanding this, the Planning Inspector concluded that the appeal should be DISMISSED and the enforcement notice UPHELD. This is a very satisfying decision and the appellant has until 11 December 2013 to comply with the Notice. Officers are seeking to ensure compliance with said Notice.

Application No:	PA/12/02010
Site:	Bridge Wharf, Old Ford Road, London E2.
Proposed Development:	Erection of a 4 bedroom house
Decision:	REFUE PLANNING PERMISSION (Delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	APPEAL DISMISSED

- 3.14 This is the third occasion that a proposed development of this canal side site

has been considered on appeal and like previous Planning Inspectors, the Inspector on this occasion placed significant value on the canal side setting and the contribution the open site makes to the character and appearance of the conservation area, describing the site as almost sylvan in character, despite its un-kept nature. He concluded that the proposed development would have been detrimental to existing character, by reducing the contrast between the canal and its banks and towpaths with the built development beyond. He was also concerned that the proposed development would have removed the green relief that the space currently provides from its urban surroundings.

3.15 The appeal was DISMISSED