

# STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 21 November 2013 at 7.00 p.m.

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

**Members:**

Chair: Councillor Helal Abbas  
Vice Chair : Councillor Marc Francis  
Councillor Rajib Ahmed, Councillor Carli Harper-Penman, Councillor Denise Jones,  
Councillor Zara Davis, Councillor Dr. Emma Jones, Councillor Kabir Ahmed and  
Councillor Md. Maium Miah

**Deputies:**

Councillor Carlo Gibbs, Councillor Joshua Peck, Councillor Helal Uddin, Councillor Tim  
Archer, Councillor Peter Golds and Councillor Shahed Ali

The quorum for this body is 3 Members

Contact for further enquiries:

Zoe Folley, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4887  
E-mail: [Zoe.Folley@towerhamlets.gov.uk](mailto:Zoe.Folley@towerhamlets.gov.uk)  
Web: <http://www.towerhamlets.gov.uk/committee>

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Public Information.

The deadline for registering to speak is **4pm Tuesday, 19 November 2013**  
Please contact the Officer shown above to register.  
The speaking procedures are attached

The deadline for submitting material for the update report is: **Noon Wednesday, 20  
November 2013**

## Public Information

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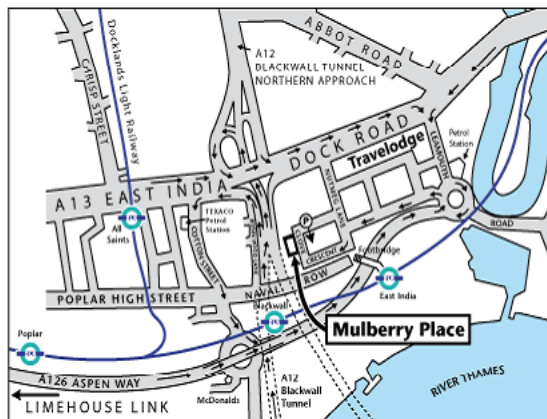
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## **APOLOGIES FOR ABSENCE**

### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)**

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.

### **2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 12)**

To confirm the minutes of the meeting of the Strategic Development Committee held on 29<sup>th</sup> August 2013.

### **3. 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.

### **4. PROCEDURE FOR HEARING OBJECTIONS (Pages 13 - 14)**

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
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### **5. DEFERRED ITEMS**

Nil Items.

6.	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>15 - 16</b>	
6 .1	<b>Suttons Wharf North, Palmers Road, London (PA/13/02108)</b>	<b>17 - 42</b>	<b>Mile End &amp; Globe Town</b>
	<p>Proposal: Application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 to seek minor material amendments to the *approved Suttons Wharf North development comprising the conversion of ground, first and second floor levels to create ten additional residential units and associated minor alternations to Block B.</p>		
	<p>Recommendation: <b>GRANT</b> planning permission subject to the variation to the legal agreement, conditions and informatives.</p>		
6 .2	<b>Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street (PA/13/01638, PA/13/01644)</b>	<b>43 - 118</b>	<b>Weavers</b>
	<p><i>Full Planning Permission PA/13/01638</i></p>		
	<p>Proposal: Demolition and redevelopment to provide a mixed use development comprising two basement floors and between 2 - 14 storeys. The proposal provides 78 residential units (Use Class C3), 456 sqm Class A1, 359 sqm Class A1/B1/D2 and 1,131 sqm A1/A3/A4/D2 at basement and ground floor; parking, plant and ancillary accommodation; a central courtyard and accessible amenity roof terraces.</p>		
	<p>Recommendation: <b>GRANT</b> planning permission subject to any direction by the London Mayor, a legal agreement, conditions and informatives.</p>		
	<p>Conservation Area Consent <i>PA/13/01644</i></p>		
	<p>Proposal: Demolition of 1-5 Chance Street and 28 and 30-32 Redchurch Street in conjunction with the comprehensive redevelopment of the Huntingdon Estate site to provide a mixed use development.</p>		
	<p>Recommendation: <b>GRANT</b> Conservation Area Consent subject to conditions and informatives.</p>		

**6 .3 Land at Fleet Street Hill, London, E2 (PA/13/01637) 119 - 170 Weavers**

Proposal: Redevelopment of the site to provide 34 residential dwellings of mixed tenure (7x 1 bed, 12 x 2 bed, 8 x 3 bed, 6 x 4 bed and 1 x 5 bed) in buildings of part one, two, three, four and eight storeys.

The development includes the provision of 135 sqm of restaurant (Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2), five car parking spaces plus other incidental works.

Recommendation: **GRANT** planning permission subject to any direction by The London Mayor, a legal agreement, conditions and informatives.

**7. OTHER PLANNING MATTERS 171 - 172**

**7 .1 Planning Appeal - Poplar Business Park, Prestons Road E14 (PA/11/03375) 173 - 176 Blackwall & Cubitt Town**

Recommendation: To note the details and outcomes of the Poplar Business Park appeal as outlined in the report.

**Date of the next Meeting:**

The date of the next meeting of the Committee is Thursday, 9 January 2014 at 7.00 p.m. in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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# Agenda Item 1

## **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:-

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 STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 29 AUGUST 2013**

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

**Members Present:**

Councillor Helal Abbas (Chair)  
Councillor Rajib Ahmed  
Councillor Zara Davis  
Councillor Marc Francis (Vice-Chair)  
Councillor Kabir Ahmed  
Councillor Md. Maium Miah  
Councillor Peter Golds (Substitute for  
Councillor Dr. Emma Jones)

**Other Councillors Present:**

None.

**Officers Present:**

Pete Smith	– (Development Control Manager, Development & Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Jane Jin	– (Planning Officer, Development and Renewal)
Mary O'Shaughnessy	– (Planning Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Denise Jones, Carli Harper-Penman and Councillor Emma Jones for whom Councillor Peter Golds was deputising.

Apologies for lateness were received from Councillor Zara Davis.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

Councillors Helal Abbas, Peter Golds, Rajib Ahmed, Md. Maium Miah and Kabir Ahmed declared an interest in agenda item 7.1, Former Queen

Elizabeth Hospital, Hackney Road (PA/13/00384 & PA/13/00386). This was on the basis that they had received correspondence from interested parties.

Councillors Zara Davis, Peter Golds and Md. Maium Miah declared an interest in agenda item 7.2 Heron Quays West, Heron Quay, London, E14 (PA/13/01150). This was on the basis that they had received hospitality from the Canary Wharf Group that were connected to the applicant.

Councillor Rajib Ahmed declared an interest in agenda item 7.2 Heron Quays West, Heron Quay, London, E14 (PA/13/01150). This was on the basis that the Speakers Charity had received donations from the Canary Wharf Group whilst he was acting as Speaker of the Council.

### **3. UNRESTRICTED MINUTES**

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 18<sup>th</sup> July 2013 be agreed as a correct record and signed by the Chair.

### **4. RECOMMENDATIONS**

The Committee **RESOLVED** that:

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

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

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

### **6. DEFERRED ITEMS**

Nil Items.

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

**7.1 Former Queen Elizabeth Hospital, Hackney Road (PA/13/00384 & PA/13/00386)**

Update Report Tabled

Pete Smith (Development Control Manager) introduced the report for the demolition of all buildings on the site apart from facades of the building fronting Hackney Road; erection of two courtyard buildings to provide 188 residential units and 90sq.m of flexible commercial/community floorspace, a shared surface street to the north of the development allowing access to basement parking for 30 cars; and associated highways and landscaping works.

The application also sought Conservation Area Consent for retention of the facades of the building fronting Hackney Road and demolition of the remaining parts of the building.

Officers drew attention the update report. In particular, the Planning Inspectorates report on the Revised Early Minor Alterations to the London Plan (REMA). It was reported that the Inspector's main recommendations to give Boroughs a greater role in agreeing affordable rent levels had been rejected by the Mayor of London. In his view, this would allow Boroughs to set rent caps below 80% of market rent that could compromise the delivery of affordable housing. The Authority would consider any necessary amendments to the Affordable Housing SPD in light of the REMA.

Members were reminded of the current status of the REMA pending approval by the London Assembly and the need for them to be mindful of the document.

The Chair then invited registered speakers to address the Committee.

Mark Harris spoke in objection to the proposal. He stated that he lived near to the development site and was speaking on behalf of many residents. There had been 183 objections and an online petition with over 200 signatures.

He referred to the concerns of the LB Hackney Planning Committee that objected to the application. The local community valued the historic hospital buildings and it was proposed to replace them with poor quality buildings contrary to the spirit of the London Plan. He expressed concern about overdevelopment given the density range exceeded the London Plan guidance. He also considered that the proposal would overshadow Hackney City Farm and Haggerston Park. There also would be a loss of light to the units at Goldsmith's Row from the development that would affect vulnerable occupants. He also objected to the sunlight levels within the proposed communal courtyards. The southern parts failed the day light and sunlight tests. There would also be a high number of single aspect units that would receive poor quality light.

In response to Members, he stated that he had discussed the project with many residents and had attended many of the consultation meetings so had a good understanding of residents views. He stressed the heritage value of the existing buildings that had been designed by a specialists and had earned a lot of recognition. If renovated, the buildings would make a positive contribution to the area. A more fuller study of retaining the existing buildings should be carried out along with the Hackney Road façade.

Oliver Lazarus spoke in objection to the proposal. He stated that he was speaking on behalf of local residents and the Trustees of the City Farm. He expressed concern about future noise nuisance claims against the City Farm from the development. A legal agreement should be put in place to protect the farm from this. He objected to the lack of commercial units given that the area was an important market link with vibrant markets. Therefore the plans conflicted with the policies in the London Plan for place shaping. The application should be refused and a better solution found. In response to Members, he considered that the area was a town centre and a hub. However it was proposed to build 188 residential units without any social enterprise units which was out of keeping with the nature of the area.

Jonathan Murch spoke in support of the scheme on behalf of the applicant. He reported on the extensive work carried out with Officers in preparing the scheme including the work with the Council's Conservation Officer and also English Heritage to retain the important heritage aspects. They did not believe that anything of value would be lost. The applicant had fully explored the potential to preserve the existing buildings to be demolished. However, this would require a substantial amount of repair work that would significantly reduce the housing offer and therefore the viability of the scheme. The scheme proposed 43% affordable housing, that could only be afforded through the cross subsidy. There would be an acceptable level of family housing. The applicant was exploring the potential for using the commercial units for local community activities.

In response to Members, Mr Murch emphasised the scale of consultation carried out by the applicant including exhibitions at the City Farm. The majority of units were dual aspect and they would receive adequate levels of light. He explained the location of the commercial units with a small number on Goldsmith's Row. He clarified that the application was submitted to the LB Hackney Planning Committee for information. The comments made by the Members mainly concerned overshadowing to the park. This had since been clarified. Mr Murch reassured Members that there would be no major impact in this regard.

Jane Jin (Planning Officer) presented the detailed report. She explained in detail the site location in relation to the Conservation Area and surrounding listed buildings. She explained the outcome of the consultation. To date the Council had received 183 objections, 1 online petition with 177 signatures (as corrected in the update report). She also explained the housing mix, the design and appearance of the new buildings that had been redesigned in parts in view of the surrounding area.

Officers had fully explored the options for retaining the buildings on the former hospital site (save for the Hackney Road Façade) at pre application stage. However, all of the studies found that the buildings to be demolished were of low architectural value and would require major works to make them fit for purpose. This would in turn reduce the development potential of the site and the viability. Given this, Officers considered that proposal to demolish the buildings were acceptable on planning grounds. The Council's urban design expert was present at the meeting and supported this view. The Conservation and Design Officer was supportive of the plans and considered that the scheme would respect the local character of the area. English Heritage had not raised any objections.

It was considered that the loss of the hospital site was acceptable given that the hospital use ceased in the 1990s and had been declared surplus to NHS requirements. It was also considered that the site was suitable for a residential development given that it was a brownfield site with no special designations in a mainly residential area. The location and use classes of the commercial units for small business were explained.

There were measures to protect amenity and mitigate the impact on bio diversity. Whilst there would be a minor increase in overshadowing to the park, the Biodiversity Officer considered that the impact on the park was acceptable and that the scheme would not harm the natural habitat subject to the conditions. There would be a minor impact on light to the neighbouring properties. However this was because the site was currently vacant and, on balance, it was not considered that this justified refusal.

The Borough Highway Officer had no concerns with the scheme. Overall, the plans generally complied with policy and should be granted permission.

In response to Members, it was reported that discussions had taken place with the relevant Council Departments to secure affordable rents levels for the start up business in the commercial units as part of the s106. Officers also highlighted the policy changes since the initial development brief was produced, for a mixed used development, such as the Council's Core Strategy and the London Plan. They also highlighted and the targets for housing growth within these policies since the initial plans were produced and that the area was now mainly residential. As a result, the current policy supported the change to a residential led scheme on this site.

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

1. That planning permission and Conservation Area Consent at former Queen Elizabeth Hospital, Hackney Road be London (PA/13/00384 & PA/13/00386) be **GRANTED** for

- PA/13/00384: Demolition of all buildings on the site apart from facades of the building fronting Hackney Road; erection of two courtyard buildings of part 5,6,7 and 9 storeys to provide 188 residential units

(Use Class C3) and 90sq.m (GIA) of flexible commercial/community floorspace (A1 and/or A2 and/or A3 and/or A4 and/or B1 and/or D1 and/or 'Community Enterprise' Use); the creation of a new shared surface link between Kay Street and Haggerston Park; a shared surface street to the north of the development allowing access to basement parking for 30 cars; and associated highways and landscaping works.

- PA/13/00386: Conservation Area Consent for retention of the facades of the building fronting Hackney Road and demolition of the remaining parts of the building.

Subject to

2. Any direction by The London Mayor
3. The prior completion of a legal agreement to secure the planning obligations set out in the committee report.
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
5. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the committee report.
6. Any other condition(s) and informative(s) considered necessary by the Corporate Director Development & Renewal.
6. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

## **7.2 Heron Quays West, Heron Quay, London, E14 (PA/13/01150)**

Update Report Tabled

Councillor Zara Davis joined the meeting for the consideration of this item.

Pete Smith introduced the report regarding Heron Quays West, Heron Quay, for outline planning application (all matters reserved) for the demolition of existing buildings and structures and erection of a new building comprising a office floor space and flexible floor space along with associated works.

Mary O'Shaughnessy (Planning Officer) presented the detailed report and update explaining the key elements of the scheme covering: the site and surrounds and the extant scheme that could be built out. She explained the



outcome of the consultation to which 4 letters of objection had been received regarding a number of issues including the impact on amenity, biodiversity, transport, infrastructure, the environment and design. On balance Officers considered that the plans were acceptable on these grounds, as detailed in the Committee report.

Members were being asked to approve the outline scheme with all matters reserved (such as the appearance, layout, materials). The outline plans would be subject to control documents to ensure the delivery of a high quality and acceptable development. The site was located in a Preferred Office Location as designated in the Council's Planning Policies and there would be no net loss of office floor space. The applicant was committed to working with the current occupiers to find alternative locations in Canary Wharf. The occupants were Skillsmatch, East London Business Place and the George Brumwell Learning Centre.

It was considered that the impact on amenity was acceptable given the distance to the nearest residential properties. Transport for London and the Borough Highway Officer supported the scheme subject to conditions and the s106 to mitigate the highway impact. The s106 complied with the Council's s106 Supplementary Planning Document (SPD) which was strictly followed when calculating the request. There were minimum/maximum ranges for certain contributions to be finalized at the reserved matters stage.

In response to Members, it was reported that the application included generous walkways around the development. These could be furnished with soft landscaping to improve the pedestrian environment. It was anticipated that Environmental Health would carry out further testing of the environmental impact of the development at reserved matters stage to ensure any mitigation required.

Officers confirmed the details of the s106 agreement for the extant scheme compared to this scheme. They also highlighted the policy changes since the previous scheme, (such as the adoption of the Council's SPD, the Community Infrastructure Levy and the need for cross rail contributions). Given the differences, the respective s106 agreements were difficult to compare. The Committee should consider this proposal on its own merits.

Councillor Marc Francis proposed that the application be deferred pending further information on the s106 offer in relation to the extant scheme. On being put to a vote, the proposal fell.

On a vote of 5 in favour, 0 against and 2 abstentions, the Committee **RESOLVED:**

1. That planning permission at Heron Quays West, Heron Quay, London, E14 PA/13/01150 be **GRANTED** for outline planning application (all matters reserved) for the demolition of existing buildings and structures and erection of a new building with a maximum height of 191.5 metres AOD comprising a maximum of 129,857 square metres GIA of office

floor space (Use Class B1) and a maximum of 785 square metres GIA of flexible floor space (Use Class A1, A2, A3, A4 and A5) along with a decked promenade to the South Dock, access and highways works, landscaping and other associated works.

Subject to:

2. Any direction by The London Mayor.
3. The prior completion of a legal agreement to secure the planning obligations set out in the committee report.
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
5. 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.

**7.3 Indescon Court (Phase 2 site), 20 Millharbour (PA/13/00846 and PA/07/03282)**

That application was withdrawn from the agenda by Officers.

The meeting ended at 9.00 p.m.

Chair, Councillor Helal Abbas  
Strategic Development Committee

# Agenda Item 4

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

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

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

# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 21 <sup>st</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

## 3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
  - the 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.

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### 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

<b>Committee:</b> Strategic Development	<b>Date:</b> 21 <sup>st</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Jane Jin	<b>Ref No:</b> PA/13/02108
	<b>Ward:</b> Mile End and Globe Road

## 1. APPLICATION DETAILS

**Location:** Suttons Wharf North, Palmers Road, London  
**Existing Use:** Residential Development  
**Proposal:** Application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 to seek minor material amendments to the \*approved Suttons Wharf North development comprising the conversion of ground, first and second floor levels to create ten additional residential units and associated minor alternations to Block B.

\*see planning history for the approved Suttons Wharf North Development

**Drawing Nos/Documents:** Drawings:  
303/PL/001; 491/PL/011 Rev B; 491/PL/012 Rev B;  
491/PL/013 Rev B; 491/PL/014 Rev A; 491/PL/015 Rev A;  
491/PL/016 Rev B; 491/PL/017 Rev A; 491/PL/018 Rev A;  
491/PL/019 Rev A; 491/PL/020 Rev A; 491/PL/021 Rev B;  
491/PL/022 Rev B; 491/PL/023 Rev A; 491/PL/024 Rev A;  
491/PL/025 Rev 5; 491/PL/026 Rev A; 491/PL/027 Rev A;  
491/PL/028 Rev A; 491/PL/029 Rev A; 491/PL/040;  
491/PL/041 Rev C; 2841/SK/08; 2841/SK/9; 2841/SK/10;  
2841/SK/11; 303/SK/100118/03; 396/PL/203 Rev A;  
396/PL/204 Rev A; 303/PL/102 Rev B; 491/SK/131009-  
CG01;

Environmental Statement Addendum with ref  
11752/IR/BK/CB;  
Additional Internal daylight and sunlight assessment for Block  
B with ref JB/RV/2852/13;

**Applicant:** Hollybrook Limited  
**Ownership:** Barwood Ventures Ltd;  
Barwood (Suttons Wharf) Ltd;  
Barwood Nominees Ltd; and  
One Housing Group  
**Historic Building:** None  
**Conservation Area:** Adjacent to Regents Canal Conservation Area

## 2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document 2013 as well as the London Plan (2011) and its Revised Early Minor Alterations (REMA) 2013 and the National Planning Policy Framework and has found that:

- 2.2 The proposal to remove the consented B1 and A1 uses and to introduce 10 residential units can be considered to be a minor material amendment to the consented scheme.
- 2.3 The loss of B1 and A1 uses are acceptable and have been satisfactorily justified as such these uses are better located in town centres and office locations rather than isolated locations.
- 2.4 The impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental, given the built form of the consented scheme and the urban nature of the site.
- 2.5 Sufficient quantum and quantity of housing amenity space, communal space, child play space and open spaces are already provided for which can cater for the requirement of the 10 additional units and are considered to effectively meet the needs of the development.
- 2.6 Transport matters, including parking, access, and servicing are not altered and additional cycle spaces are provided for the additional 10 residential units which are acceptable and promote sustainable travel modes.
- 2.7 The proposal will provide the full amount of the financial contributions for the 10 additional units in accordance with the Council's Planning Obligation SPD towards health facilities, employment opportunities, libraries, leisure facilities and sustainable transport which would be sufficient to mitigate the impact of the development.

### 3. RECOMMENDATION

- 3.1 That the Strategic Development Committee resolve to **GRANT** planning permissions subject to:

The variation to the **legal agreement** to secure the following additional planning obligations:

#### 3.2 Financial Obligations

- a) A contribution of £1,870 towards employment and enterprise.
- b) A contribution of £1,260 towards libraries
- c) A contribution of £5,419 towards leisure facilities.
- d) A contribution of £12,295 towards health facilities.
- e) A contribution of £150 towards sustainable transport
- f) £419 towards S106 monitoring fee (2%)

**Total: £21,413**

#### 3.3 Non-financial Obligations

- a) Car-free agreement to extend to the 10 new residential units to restrict occupants applying for parking permits
- b) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal



- 3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **CONDITIONS & INFORMATIVES**

- 3.6 Where they have not already been discharged, the conditions on the previous decision notice shall be re-imposed to the new decision notice and there are no new conditions proposed as a result of the proposed minor material amendment. All other pre-commencement conditions which have been discharged will be re-worded to ensure that they are changed to compliance conditions.
- 3.7 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.
- 3.8 **Informatives:**
- S106 planning obligation
- 3.9 Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.10 That, if within 3 months of the date of this committee's resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

#### **4. PROPOSAL AND LOCATION DETAILS**

##### **Site and Surroundings**

- 4.1 Suttons Wharf North is approximately 1.2 ha in size, and is located at the southern-end of Palmers Road. The site originally comprised of a cash and carry warehouse however the warehouse has been demolished since the approval of the re-development in 2006 and half of the development has been completed.
- 4.2 Of the 7 consented residential blocks, the 5 blocks which are the affordable housing units are the only element of the wider consented scheme have been delivered on site and now occupied. The remaining two blocks (A and B) are the private tenure and these blocks are currently under construction.
- 4.3 The site adjoins the Regents Canal (to the east) which is a conservation area, and lies between Meath Gardens (to the west) and Mile End Park (further to the east). Adjoining to the south of the site is Suttons Wharf South that has recently been redeveloped for a predominately a residential scheme.

##### **Proposal**

- 4.4 The consented scheme comprises 7 blocks of predominately in residential use, of which 5 blocks have been constructed and are solely for affordable housing. The ground floors of some of these buildings had consented commercial uses.
- 4.5 The remaining two blocks (A and B) are currently under construction and the subject application is to alter Block B of the consented scheme. The originally consented scheme had a total quantum 3,118sq.m of B1, A1 and D1 uses for the entire site.

- 4.6 Block B comprise of a 18 storey building with retail (118sq.m) and office (628sq.m) floor space on the lower three floors. The proposal is to replace the consented commercial spaces and to provide 10 additional units on the ground, first and second floors within Block B. The proposed mix of the units are, 4x1 bedroom units, 3 x 2 bedroom units and 3 x 3 bedroom units. These would be for private tenure.
- 4.7 The proposed amendment also include associated elevational changes to the façade to the building on the ground, first and second floor levels which will incorporate balconies and other amenities associated with residential use.

## **5 RELEVANT PLANNING HISTORY**

5.1 There is a complex planning history for the site and this can be summarised as below.

### **PA/05/1727**

*Demolition of existing buildings and construction of seven buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 656m<sup>2</sup> of Class B1 (Business) floorspace, 225m<sup>2</sup> of either Class B1 and/or D1 (non-residential institution) floorspace, 330m<sup>2</sup> of Class A1 (shop) floorspace, a health clinic (1,907m<sup>2</sup>), and a day nursery (367m<sup>2</sup>), 183 parking spaces and landscaping was granted on 12 May 2006.*

The consented mixed use scheme included the following residential number of units:

Block A – 154

Block B – 64

Block C – 35

Blocks D, E, F – 150

Block G – 16

Total 419 units.

The total affordable housing provision on site equated to 52% in habitable rooms.

### **PA/06/1336**

*Demolition of existing buildings and construction of seven buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 656m<sup>2</sup> of Class B1 (Business) floorspace, 225m<sup>2</sup> of either Class B1 (Business) and/or D1 (non-residential institution) floorspace, 330m<sup>2</sup> of Class A1 (Shop) floorspace, a 1,907m<sup>2</sup> health clinic and a 367m<sup>2</sup> day nursery, 183 parking spaces and landscaping without compliance with conditions previously attached to the Council's planning permission dated 12th May 2006 (Ref: PA/05/1727) was granted on 13 December 2007.*

This application involved removal of planning conditions and therefore did not alter the make up of the scheme, however a new consent was issued and therefore was the 'Planning Permission' for the site.

### **PA/10/1089**

*Non-material amendment to planning permission dated 13th December 2007, Reference PA/06/1336, for the demolition of existing buildings and construction of seven buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 656 m<sup>2</sup> of Class B1 (Business) floorspace, 225 m<sup>2</sup> of either Class B1 (Business) and/or D1 (non-residential institution) floorspace, 330 m<sup>2</sup> of Class A1 (Shop) floorspace, a 1,907 m<sup>2</sup> health clinic and a 367 m<sup>2</sup> day nursery, 183 parking spaces and landscaping without compliance with conditions previously attached to the Council's planning permission dated 12th May 2006 (Ref: PA/05/1727); by the addition of a condition requiring development to be carried out in accordance with approved plans.*

This non-material amendment saw the insertion of a planning condition to list all approved

plan numbers to allow for an application to be made for a minor material amendment to the scheme under s.73 of the Town and Country Planning Act. This was introduced through the Country Planning Act 1990 which was brought into force on 1 October 2009, via the commencement of s.190 of the Planning Act 2008.

#### 5.5 **PA/10/2697**

*Variation of Condition 22 (Schedule of approved drawings) of the Council's planning permission dated 13th December 2007, Reference PA/06/1336, as amended on 26 June 2010 ref: PA/10/1089 for redevelopment to allow the replacement of eight approved plans with revised versions that would result in minor material amendments to Blocks C and G comprising:*

##### *Block G*

- *Change of 16 studio units to 8 x 1 bedroom units and 4 x 2 bedroom units.*
- *Reconfiguration of nursery space resulting in an increase in floorspace from 367sq.m to 395sq.m.*
- *Reduction in height of glass panelling around the circumference from two storeys to one storey.*
- *Minor reduction in height but remains 6 storey.*

##### *Block C*

*Modifications to ground floor window framing.*

This permission was granted on 4 August 2011 and subsequently increased the number of habitable rooms slightly and therefore the percentage of the affordable housing was reduced to 51%.

The number of residential units in each block has been changed to following:

Block A – 154

Block B – 64

Block C – 35

Blocks D, E, F – 150

Block G – 14

Total 415 units.

#### 5.6 **PA/11/3348**

*Variation of Condition 22 (Schedule of approved drawings) of the Council's planning permission dated 13th December 2007, Ref PA/06/1336, as amended on 26 June 2010 ref PA/10/1089 (and further amended on 4th August 2011), reference PA/10/2697 for the replacement of two approved plans with revised versions to allow the following minor material amendments to blocks D, E and F:*

- *Minor reconfiguration of the 9th floor set back storey of Blocks D, E and F;*
- *Removal of the open walkway's between Blocks D, E and F at ground to second floor levels;*
- *Glazed enclosure of the external stair cores between Blocks D and E, and E and F;*
- *Enclosure of the external walkway's between Blocks D and E, and E and F;*
- *Minor alterations to fenestration and external stair cores of the north elevation of Block F and southern elevation of Block D; and*
- *Chimney flue on the north elevation of Block F.*

This permission was approved on 30 March 2012 and sought minor changes to the physicality of the buildings. However, through the variation of the s.106, Block B became all private tenure and Blocks C and G were allocated for affordable housing. This permission retained the affordable housing provision on site as 51%. A new planning permission was issued and therefore this permission became the implemented permission.

5.7 **PA11/2309**

*Change of use of the ground floor and first floor of Block G of Suttons Wharf North from a nursery (D1 use class) to residential (C3 use class), and associated exterior alterations, to provide six additional one and two bedroom units was approved 30 March 2012.*

This permission was a stand-alone permission and was considered on its own merits for the change of use from D1 use (395sq.m) on the ground floor of Block G to residential. The dwelling mix consented were 6 x 2bedroom units in the intermediate tenure.

**PA/11/2310**

- 5.8 *Change of use on the ground floor of Block C of Suttons Wharf North from non-residential floorspace (Class B1 and/or D1) to residential (C3 use class), to provide three additional units (one x no. one bedroom, one x no. two bedroom and one x no. three bedroom) was granted on 30March 2012.*

This permission was also a stand-alone permission and was for the change of use within Block C from B1/D1 use (225sq.m) to residential to provide 3 private units.

The planning permissions PA/11/3348, PA/11/2309 and PA/11/2310 were all considered at the same time to allow for a holistic assessment. The permissions and variation of the s106 to the original planning obligation provided the number of dwelling units for the site as follows. The affordable housing % was slightly reduced to 50.7% through the permissions but still remains as 51% as a whole number.

Block A – 151

Block B – 64

**Block C – 38**

Blocks D, E, F – 150

**Block G – 18**

**Total 424 units.**

**PA/12/2535**

- 5.9 *Non-material amendment following grant of planning permission dated 30/03/2012, ref PA/11/03348 to Blocks A & B for:*

- *reduction in floor to ceiling heights within Block B in order to introduce two additional floors of development*
- *minor external changes to the elevations of block B associated with the introduction of two new floors*
- *changes to the dwelling mix within Block A and B in order to ensure the overall number of units and bed spaces within the development remains as approved.*

This application was approved on 2 November 2012 for a non-material amendment which altered dwelling schedule of Blocks A and B (private tenure). Whilst the unit numbers stayed the same, the number of habitable rooms increased due to the removal of studios, and increased number of 2 bedroom units which are all in private tenure. This resulted in the increase of habitable rooms in private tenure by 82 rooms and therefore consequently resulted in the reduction of affordable housing to 49.6% on the site.

In conclusion, currently the site has consent for 424 units with 49.6% of affordable housing. It is worthwhile to note that all of the affordable units have been delivered on site as consented and currently Block B and A (private units) are under construction.

In terms of non-residential uses, the planning history of the application resulted in a reduction of commercial spaces (A1, B1 and D1) from a total consented 3,485sq.m to 2,898sq.m. Block A contains the largest quantum of commercial space (D1) at 1,907sq.m which was identified for PCT during the initial application stages in 2005.

## 6. POLICY FRAMEWORK

- 6.1 Following the adoption of the Managing Development Document on 17<sup>th</sup> April 2013 the development plan now consists of the Managing Development Document (MDD), the Core Strategy 2010 and the London Plan 2011 with its Revised Early Minor Alterations (REMA) 2013. The following policies are relevant to the application:

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

Policies:	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking
	SP13	Planning Obligations

### **Managing Development Document (Adopted 2013)**

Policies	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM27	Heritage and Historic Environment
	DM29	Zero-Carbon & Climate Change

### **Supplementary Planning Guidance/Documents and Other Documents**

Planning Obligations SPD 2012

### **Spatial Development Strategy for Greater London (London Plan 2011 and REMA 2013)**

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds

- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.9 Access to Nature and Biodiversity
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature

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

- London Housing Design Guide 2010
- Housing Supplementary Planning Guidance Nov 2012
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004
- Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012

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

- The National Planning Policy Framework 2012 (NPPF)

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

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

#### **Good practice guidance is issued by 'Communities and Local Government'**

- 6.2 The guidance 'Greater flexibility for planning permissions: Guidance', published 23 November 2009 and as amended by 2<sup>nd</sup> edition dated October 2010 provides guidance on the use of measures and to augment policy and advise on the best way of achieving technical outcomes.

#### **Background to Minor Material Amendments**

- 6.3 Changes were introduced to the planning regime in October 2009 to allow minor and non-material amendments to proposals after permission has been granted.
- 6.4 The 'Greater Flexibility Guidance' states that the use of the existing route under s.73 to vary a condition would be the best short term solution for allowing minor material amendments to an approved scheme. However, the use of s.73 depends on the existence of a relevant condition which can be amended, which includes either a condition listing plans numbers or compliance with the approved plans condition.
- 6.5 The implemented permission does have such a condition to vary, allowing the Council to consider the proposed minor material amendment.
- 6.6 Therefore, the current proposal proposed an amendment to Condition 22 which lists the approved plan numbers of the Permission for the proposed minor-material amendment.

## 7. CONSULTATION RESPONSE

- 7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:
- 7.2 The following were consulted and made comments regarding the application:

### **LBTH Housing**

- 7.3 This proposal delivers ten additional private units to the original consented scheme. These units are provided through existing vacant commercial space within the scheme.
- 7.4 The scheme achieved 52% affordable housing by habitable room, when the scheme was originally consented in 2006. Through amendments, the consented scheme has delivered 49.6% affordable housing. This proposal with the additional uplift of (10) ten units (29 habitable rooms) would change the affordable housing habitable provision to 48.6% by habitable rooms.
- 7.5 The 48.6% existing affordable units by habitable rooms still exceeds the Council's minimum affordable housing policy requirement of 35% by habitable rooms, therefore this proposal is acceptable on balance.

## 8. LOCAL REPRESENTATION

- 8.1 A total of 450 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site.
- 8.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application as submitted and amended were as follows:
 

No of individual responses:	30	Objecting:	30	Supporting:	0	Neither:	0
No of petitions received:	None						
- 8.3 The issues raised in the objections received are;-
- 8.4 *Need for commercial spaces within the site*  
[Officer's comment: This is addressed in the Land Use section of this report]
- 8.5 *Need retail uses for the existing residents*  
[Officer's comment: the site is located within 300m of the Roman Road District Centre, and out of town centre retail uses are not supported through current plan documents. This is

further expanded upon in the Land Uses section of this report.]

8.6 *Increase in density resulting in overcrowding*

[Officer's comment: The proposal does not suffer from any of the symptoms of over development and thus resulting in overcrowding conditions. The proposed unit sizes are also in accordance with the minimum dwelling standards as outlined in the Council's Managing Development Document 2013 and in the London Plan 2011.]

8.7 *Problems with refuse disposal*

[Officer's comment: As detailed in the Transport section of this report the site exceeds the minimum required capacity for refuse and recycling provision. The issues raised by the residents are in relation to an on-site management issue and the manner in which waste is disposed of. The development provides sufficient waste and recycling storage capacity to accommodate the projected waste disposal for the units on site.]

8.8 *Fly tipping*

[Officer's comment: Again, this is a site management issue. There is no direct link to suggest that the additional residential units will result in further fly tipping on site]

8.9 *Anti-social behaviour*

[Officer's comment: Objections received indicate that there have been numerous incidents of anti-social behaviour on site (9 reported cases in August 2013) and that the proposed additional new units will further add to anti-social behaviour. There is no clear association between reported cases and occupiers of the development and officers are not aware of any evidence to suggest that the proposed 10 additional units will add to the anti-social behaviour to the area.]

## 9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by this application that the committee are requested to consider are:

- Land Use.
- Housing
- Design
- Amenity
- Transport
- Planning obligations

### Land Use

9.2 The proposal will see the loss of consented commercial uses within Block B and the introduction of additional residential units on the ground, first and second floors.

#### Loss of B1 and A1 Uses

9.3 Building B is comprised of 628sq.m of B1 use and 118sq.m of A1 use on the lower floors. Employment uses are managed in accordance with SP06 of the Core Strategy, which seeks to ensure job opportunities are provided and maintained. Part 1.b of SP06 promotes a sustainable and diverse economy by ensuring a range and mix of employment uses in the borough, with a particular focus on small and medium enterprises (SMEs). Part 3.c of SP06 supports the provisions of units approximately 250sqm or less for SMEs. This is further reiterated in the Managing Development Document (MDD) policy DM15, which sets out how new development will contribute to delivering growth in locations outside designated employment areas. The loss of employment floorspace within the Borough will usually be resisted by the Council unless it can be demonstrated through marketing evidence of 12 months or that the site is unsuitable for continued employment use.



- 9.4 The application is supported by commercial assessment which looks at the supply and demand for commercial floorspaces in the local area as well as across the borough. It also looks at the appropriateness of the B1 use in this location. The assessment concludes that as the subject location is not an established business location and given the residential nature of the area, a B1 use in this location would have little prospect of it being taken up. It further states that there is a general lack of interest due to the site not benefiting from sufficient parking and not being centrally located (close to other businesses). In summary the site is not suitable due to:
- Insufficient footfall for future businesses;
  - Limited demand within this part of the borough
  - Large number of existing units (operated by workspace- customised employment spaces) are available within a 1 mile radius of the site;
  - Site is not within a preferred office location
- 9.5 It is also noted that within the locality, officers are aware that that the consented 3,000sq.m of B1 office floorspace area within Suttons Wharf South development has been actively marketed since the development was completed in 2008, and it largely remains vacant, with only limited area taken up by the One Housing Group who manages the site and the affordable housing within the application site. An application for a Prior Approval to convert the existing B1 use to residential is being assessed at the time of writing.
- 9.6 It is considered that the loss of B1 use in this location is acceptable in this instance and satisfactorily justified, and therefore accord with policies SP06 Core Strategy 2010 and DM15 of the Managing Development Document 2013.
- 9.7 In relation to the loss of the consented A1 Use, the site is within 300m from the Roman Road District Centre where a wide variety of services is available. The Council's Core Strategy directs A1 uses to town centres and only supports developments for local shops where there is a demonstrable local need which cannot be met within the existing town centre. It is considered that the Roman Road District Centre would provide the demands of the local needs and therefore A1 uses should be directed to town centres. The loss of the A1 Use is supported.

#### Residential Use

- 9.8 In terms of residential use, at strategic level the London Plan policy 3.3 'Increasing housing supply' recognises the pressing need for additional housing in London and supports development which delivers new homes on suitable sites. It seeks an annual average of 32,210 net additional homes across London, of which Tower Hamlets annual target is 2,885.
- 9.9 At the local level, the Core Strategy also identifies that housing needs to be provided in accordance with the London Plan housing targets. It also seeks to deliver more affordable homes and achieve mixed and balanced places that have a range of dwelling sizes, types and tenures, to help create sustainable communities
- 9.10 Given that the predominate use of the site and the area in general is in residential use, and the consented commercial uses are within a residential block, the alternative use on the ground, first and second floors are better suited for a residential use. The development site has already delivered affordable housing which is above the Council's minimum standards which is already in occupation. The proposed residential use is welcomed.
- 9.11 It is considered that the proposed change from B1/A1 to residential is a minor amendment in the context of the site wide scheme as the proposal will see 3% in change of the total floor area on site, and an increase of 2% in residential unit numbers.
- 9.12 The remainder of the report looks at whether the proposed residential quality is in accordance with policies, and whether the proposal will have impact upon the general amenities to the

area. The detail of affordable housing is also discussed below.

## Housing

### 9.13 *Policy summary*

At the national level the NPPF seeks to ensure that wide choices of high quality homes are delivered. Where it is identified that affordable housing is needed this need should be met on-site, unless off-site provision of a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

9.14 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and 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 which can be expressed in absolute terms or as a percentage.

9.16 At the local level, Policy SP02 of the Core Strategy (2010) states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. This policy seeks a split of 70% social/affordable rents to 30% intermediate housing provision.

9.17 The site originally was consented with 419 residential units separated in 7 residential blocks, with a total of 206 units for affordable housing, equating 52% in habitable room numbers. Since the granting of the original permission, various amendments have been sought on site as detailed in the Planning History earlier in this report, and therefore the current consented scheme on site is 424 residential units with the same 206 affordable housing units (49% habitable room).

9.18 The proposed additional 10 units which is the subject of this minor material amendment will be located in Block B which is a private tenure block. This will result in the development delivering an overall 434 residential units for the application site with a minor reduction of the affordable housing provision to 48.6% as a result of the increase in habitable room numbers in private tenure.

9.19 The proposal continues to exceed the minimum required affordable housing units on-site and provides split which retains 72:28 in favour of target rented accommodation and therefore the proposal would still be acceptable and would remain compliant with policies mentioned above.

9.20 It is important to note that the 206 units of affordable housing, of which 136 units are target rents and 70 units are within the Intermediate provision, have already been constructed and delivered on site. Therefore, as part of this proposal for 10 additional units, no further affordable housing is secured. The Council's Housing officer is satisfied with the quantum of the already delivered affordable housing which exceeds the Council's minimum.

### *Housing Mix*

9.21 Pursuant to Policy 3.8 of the London Plan, the development should '*... offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups*'.

9.22 Policy SP02 of the Core Strategy and policy DM3 of the MDD sets out that development should provide a balance of housing types, including family homes, in accordance with the most up-to-date housing needs assessment.

9.23 The proposal will provide 4 x 1 bedroom units, 3 x 2 bedroom units and 3 x 3 bedroom units. The proposed mix for the 10 additional units would provide a range of housing choice within the private tenure which includes 3 bedroom family sized units. The proposed mix is acceptable and is a proposal which does not alter quantum and the mix of affordable housing tenures.

#### *Density*

9.24 In terms of the proposed density, Policy 3.4 of the London Plan sets out the optimum housing densities for a site based on how accessible they are. For an urban area with a PTAL of 4-6 the anticipated density range is 200-700 habitable rooms per hectare or 70-260 units per hectare. The application site lies in PTAL within PTAL 4 and 5 and has a density of 1162hr/ha or 361u/ha and therefore would be above the recommended density range. However, the intent of the London Plan and Council's MDD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity.

9.25 It should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:

- Access to sunlight and daylight;
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Loss of outlook;
- Increased traffic generation; and
- Impacts on social and physical infrastructure.

9.26 As detailed within this report, officers consider that the subject site can accommodate the density of the proposed development, and the above symptoms of over-development are not present in this case.

#### **Design**

9.27 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

9.28 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.

9.29 Core Strategy policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

9.30 The proposal includes minor elevational changes to the first three floors of Block B. Due to the commercial use on the ground, first and second floors, the building would be predominately glazed on these floors however the proposal will now have design elements which reflect the residential use.

9.31 The proposed changes are minor in nature and do not alter the building form in its entirety. The proposed balconies and elevational treatments, including the double height main communal residential entrance follows the typology of the architecture and the use of the consented materials will continue to the lower floors. The ground floors still maintain the visual break-up of the Block B of the upper floors and lower floors and therefore the proposed elevational changes are acceptable in principle and as a minor material amendment to the entire scheme.

9.32 Consented North Elevation Block B



9.33 Proposed North Elevation – Block B



9.34 Consented West Elevation (canal side)



### 9.35 Proposed West Elevation (canal side)



#### *Quality of residential accommodation*

- 9.36 The GLA produced a supplementary planning guidance note on housing in November 2012. Part 2 of the document provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 9.37 The proposed units on the lower three floors are laid out appropriately to ensure that the majority of the units do have dual aspect and all of the family sized units benefit from private garden spaces on the street level. All of the ground floor units have sufficient setback and are designed with defensible spaces around them and therefore provide sufficient privacy to the occupiers of these units. The block was originally designed with two lifts and with sufficient circulation spaces and therefore this will continue with the lower floors.
- 9.38 With regards to the internal layout, Policy 3.5 of the London Plan sets out minimum standards for all residential dwellings, and these requirements are echoed in policy DM4 of the MDD. Each of the units within this development exceed the required standard by at least 10sq.m.
- 9.39 The proposed residential accommodation complies with the standards as set out in the GLA’s Supplementary Planning Guidance Note, and the standards which are repeated in the Council’s Core Strategy and the Managing Development Document. It is therefore considered that the proposal constitutes a development which would provide a high quality residential accommodation for the future occupiers.

#### *Amenity space*

- 9.40 Private amenity space is a set figure which is determined by the size of the dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. These spaces can be provided in the form of balconies, private gardens, and terraces. All of the proposed units have private amenity spaces which exceed the minimum standards as set out in the said policy. As mentioned, the proposed 3 family sized units benefit from garden space on the ground floor and all units have balconies of sufficient width and size.

- 9.41 Policy DM4 of the MDD requires residential developments to provide an on-site communal open space and this is calculated by the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. In the case of the proposed development, the 10 additional units will require 10sq.m additional communal open space on site. The consented scheme provides a comprehensive landscaping scheme that includes a tree-lined central avenue, an ecology pool, and a landscaped pedestrian link that creates a connection between the canal and Meath Gardens. In addition, a canal-side walkway will be provided running the entire length of the canal frontage.
- 9.42 As part of the originally consented development, a financial contribution was also delivered towards the construction of the pedestrian bridge over the Regents Canal linking Meath Gardens to Mile End Park which is now in place. It is considered that the consented scheme provides sufficient amenity benefits and the 10 additional square metres can comfortably be met within the site.
- 9.43 Policy DM10 of the Managing Development Document 2013 seeks developments to provide or contribute to the delivery of open spaces. Public open space is determined by the number of residents anticipated from the development, the planning obligations SPD sets out that 12sqm of public open space should be provided per resident, otherwise a financial contribution towards the provision of new space or the enhancement of existing spaces.
- 9.44 Whilst the consented scheme contributed financially towards the linkage of the two Parks through the construction of the pedestrian bridge, it is likely that the 10 additional units will generate further demand and pressure on the existing open spaces. The total projected population from the 10 additional units is 20 people, using the Tower Hamlets Planning for Population Growth Capacity Assessment. The applicant has agreed to fully mitigate the impact by contributing towards open spaces as outlined later in this report.

### **Amenity**

- 9.45 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MDD require developments to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.

### *Privacy*

- 9.46 Any loss of privacy which may occur to the neighbouring residents needs to be considered. Within policy DM25 a distance of 18m is suggested as a distance which is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.
- 9.47 The location of the windows to the proposed 10 additional units would follow the location of windows of consented upper floors. Therefore, the proposed windows would be located so as to be comfortably separated by more than 18m. The main facing habitable room windows are located within the development site at Block A (which is being constructed) and Suttons Wharf South Development. The relationship between Block A and Block B is approximately 25m between habitable rooms and more than 18m to the northern elevation of the Suttons Wharf Development.

### *Outlook / sense of enclosure*

- 9.48 Unlike the impact upon daylight and sunlight, or even measuring privacy, analysing a sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. As explained above, there is not considered to be any significant detrimental impact in terms of a loss of light or privacy.
- 9.49 Overall it is considered that the proposed development would not result in any significant loss of outlook or create a sense of enclosure that would be significantly detrimental to the

surrounding residential occupiers.

#### *Daylight and sunlight*

- 9.50 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 9.51 Core Strategy Policy SP10 and Policy DM25 of the Managing Development Document seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 9.52 Given that the proposed units will be within the consented building footprint, there will be no further implications to the availability of the sunlight and daylight to the neighbouring dwellings. However it is important to assess daylighting conditions within the proposed units to ensure that satisfactory levels of daylight are received by the future occupants.
- 9.53 For calculating daylight to proposed units, British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 9.54 The applicant has submitted ADF values for the proposed units and 22 out of 29 rooms tested would be well within the BRE compliant levels of daylight. Of the 6 windows which fall below the required values, only 1 window falls significantly below the required value and remaining 5 are a marginal variance. The windows which do not comply with the guidelines are as a result of limiting factors such as overhanging balconies. It is considered that as majority of the rooms will meet the minimum standard and therefore on balance, the failures do not warrant refusal.

#### **Transport**

- 9.54 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 9.55 CS Policy SP08 & SP09 and Policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network; ensuring new development has no adverse impact on safety and road network capacity; a requirement of assessments of traffic generation impacts; and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.56 As detailed earlier in this report, the site has a public transport accessibility level (PTAL) of 4 and 5 (1 being poor and 6 being excellent) which is a moderate/good rating.

#### *Servicing / Deliveries and Refuse*

- 9.57 London Plan Policy 6.13 states that developments need to take into account delivery and servicing.
- 9.58 There are no new highways implications as a result of the proposed development, rather details as to whether sufficient provision is available for servicing and deliveries and refuse collection is considered. Given that the proposal is to change commercial use to a residential, the changes to the servicing requirements and trips to the site is likely to be neutral as residential uses have lower frequency dependency on servicing than commercial. Nonetheless, there is sufficient vehicular access on site to accommodate deliveries associated with the residential use off the highway and the frequency of the deliveries associated with residential use is likely to be on an ad-hoc basis which is not likely have a

noticeable impact on the highway network.

#### *Car Parking*

- 9.59 Policies 6.13 of the London Plan, Policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 9.60 The consented scheme had a total of 183 car parking spaces, of which 178 are located within the basement level. The proposal does not alter the number of consented car parking spaces, and the additional units would be subject to a car free agreement which is already in place for the wider development site but will apply to the additional units.

#### *Provision for Cyclists*

- 9.61 The consented scheme provided a total of 464 cycle spaces and the additional 10 units will require additional 13 spaces. The proposal includes 13 additional spaces within the basement of Block B and therefore sufficient cycle parking has been provided for and is considered to be acceptable which would help to promote cycling for the residents of the development.

#### *Refuse/recycling*

- 9.62 The consented scheme utilises 'iceberg type' underground refuse storage system which was designed to hold a capacity of 60,000litres across the whole site, held in 12 separate containers. Currently the site has a total provision of 6 underground storages and further two underground storage areas will be created as a result of Block B phases. The remaining four will be provided with Block A phase of construction. The consented scheme would generate 57,320 litres of waste and the additional 10 would require additional 1,960litre capacity. The provision of 60,000litres across the site would exceed the total weekly projected waste generation of 58,420litres.
- 9.62 In relation to recycling, the consented scheme had 7 x 'node type' underground storage facility with a capacity of 3,200litres per node which equates to 22,400litres in total. As part of the subject amendments, the proposal will provide a total number of 11x nodes which will equate to a total capacity on site of 35,200litres for weekly collection. The total current requirement in accordance with the standards as set out in Appendix 2 of the MDD 2013 for recycling storage provision for the proposed 10 additional units together with the consented units is 28,940litres. Therefore, the site will exceed the requirements for recycling for the entire site.
- 9.63 In relation to the objections received, it was noted during the officers' site visits that rubbish was being dumped around the bins rather than in the bins itself. Therefore, the rubbish dumping was not due to the lack of capacity within the underground storage rather it would appear that there was lack of management and the storage provisions not being used appropriately. This is clear from the current provision of 6 x iceberg storage bins which provides 30,000litres and the requirement for the occupied blocks in accordance with the policy would be 29,020litres for weekly collection. Nonetheless, the existing affordable housing blocks are being managed by the One Housing Group and the applicant is directly liaising with One Housing Group to overcome this management issue. It was also evident during officer's site visit that notices for residents to utilise the bins properly were being displayed on bins to ensure that rubbish is disposed of properly.
- 9.64 As stated, the proposal would provide sufficient waste and recycling storage capacity for weekly collection and would accord with the policies with the Managing Development Document 2013.

#### **Environmental Considerations**

- 9.65 The Environmental Statement (ES) addendum accompanied the application which supplements the Environmental Statement prepared in October 2005 to accompany the



original planning application for the Suttons Wharf North development (ref: 05/01727). The ES addendum analyses each chapter on the effects of the current proposed changes on each of the technical EIA analyses. The proposal only affects Transportation and Socio Economic chapters and the overall conclusions of the original ES Chapters remain applicable to the amended development. The Council's EIA officer has reviewed the detailed report and supports the conclusion.

### **Health Considerations**

- 9.66 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.
- 9.67 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.
- 9.68 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.
- 9.69 The applicant has agreed to a financial contribution of £12,295 to allow for expenditure on health care provision within the Borough.
- 9.70 The application has already proposed public accessible routes and contributed towards a pedestrian bridge linking two Parks, which provide connectivity with the Canal, Mile End Park and Meath Gardens. This contributes to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.
- 9.71 It is therefore considered that the financial contribution towards healthcare and consented access routes 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 and CIL**

- 9.72 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 9.73 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 9.74 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 9.75 Securing appropriate planning contributions is further supported by policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through

financial contributions to mitigate the impacts of a development.

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

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

9.77 In line with the Council's SPD, the applicant has agreed to the additional Heads of Terms for the proposed 10 additional units which will be secured through a deed of variation. The calculations of the following contributions are based on 20 additional people and zero uplift in child yield utilising the Tower Hamlets' Planning for Population Capacity Assessment.

- a) A contribution of £1,870 towards employment and enterprise.
- b) A contribution of £5,419 towards leisure facilities.
- c) A contribution of £12,295 towards health facilities.
- d) A contribution towards £1,260 towards libraries
- e) A contribution towards £150
- f) £410 towards S106 monitoring fee (2%)

**Total: £21,413**

#### Non-Financial Obligations

- a) Car free agreement to be extended to the future occupiers of the 10 residential units.

#### **Local Finance Considerations**

9.78 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides: "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."

Section 70(4) defines "local finance consideration" as:

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

9.79 In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes and their use.;

Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

- 9.80 As regards 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 'altered' element of the scheme. The likely CIL payment associated with proposed amendment would be in the region of £25,130.
- 9.81 With regards to the New Home Bonus. 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 un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 9.82 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 £14,392 in the first year and a total payment £86,353 over 6 years.

#### **Human Rights Considerations**

- 9.83 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:-
- 9.84 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".
- 9.85 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.
- 9.86 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

- 9.87 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.88 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.89 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.
- 9.90 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

- 9.91 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.92 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 9.93 Furthermore, the requirement of the original s.106 Agreement to use local labour during construction enabled local people to take advantage of employment opportunities.
- 9.94 The community related uses and contributions (which will be accessible by all), help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 9.95 The contributions to affordable housing support community wellbeing and social cohesion.

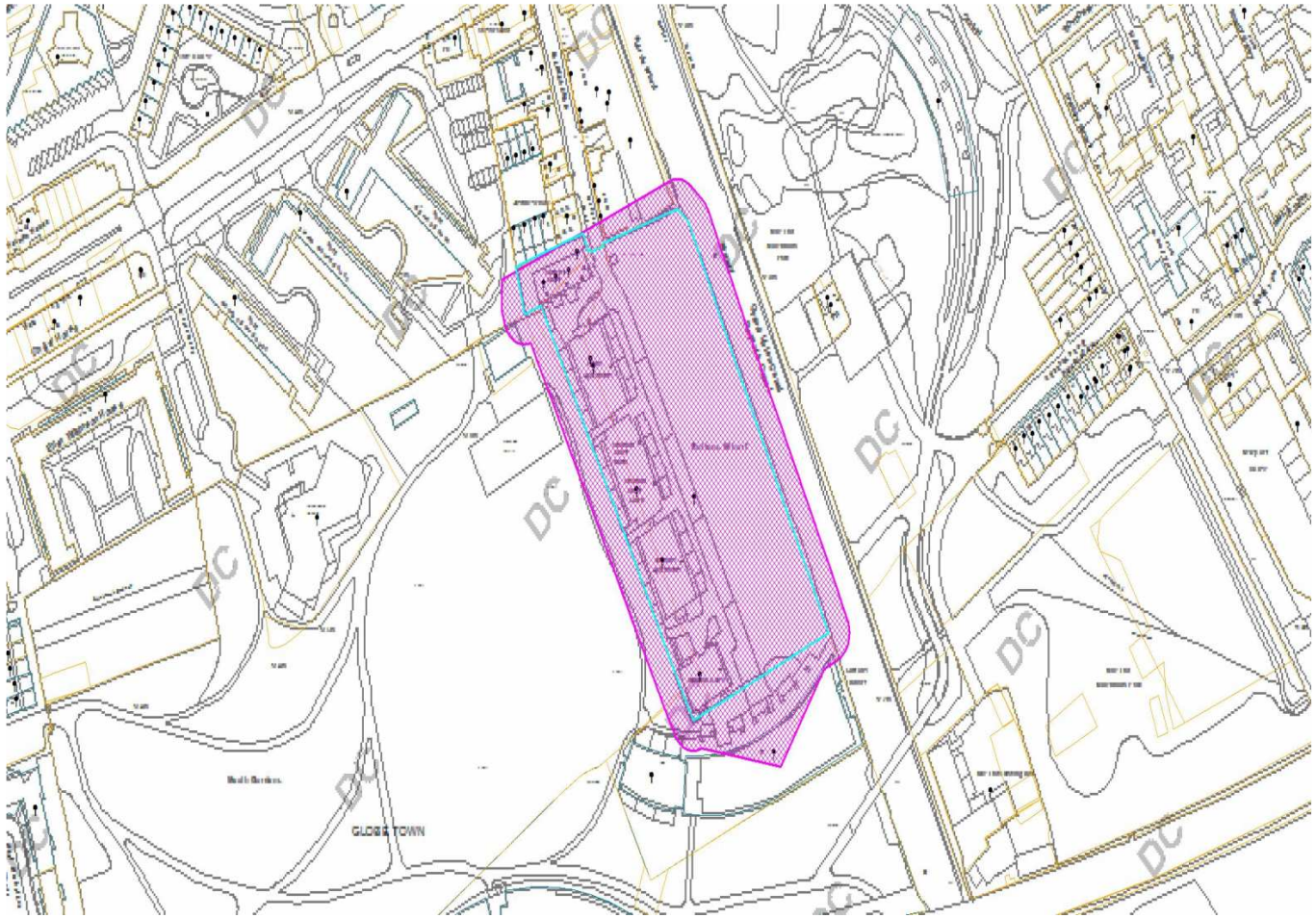
## **10 Conclusions**

- 10.1 The proposed amendments are minor in nature in the context of the site wide re-development and the proposal represents a high quality, well designed residential units in the market tenure. The site has already delivered much need affordable housing which is already in occupation and the proposal broadly complies with the national, London and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.

10.2 All other relevant policies and considerations have been taken into account. Planning permission for the s.73 application should be granted for the reasons set out in the EXECUTIVE SUMMARY and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

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Planning Application Site Map  
PA/13/02108



Not to scale.

This Site Map displays the Planning Application site boundary and the neighbouring Occupiers/Owners who were notified as part of the Planning Application process.

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# Agenda Item 6.2

<b>Committee:</b> Strategic	<b>Date:</b> 21 <sup>st</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Nasser Farooq	<b>Ref No:</b> PA/13/01638- Full Planning Permission PA/13/01644- Conservation Area Consent
	<b>Ward:</b> Weavers Ward

## 1. APPLICATION DETAILS

**Location:** Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street

**Existing Use:** Huntingdon Industrial Estate: Light Industrial Buildings (Use Class B1) and temporary D1 and B2 uses.  
30-32 Redchurch Street: Vacant

**Proposal:** *FPP PA/13/01638*  
Demolition and redevelopment to provide a mixed use development comprising two basement floors and between 2 - 14 storeys. The proposal provides 78 residential units (Use Class C3), 456 sqm Class A1, 359 sqm Class A1/B1/D2 and 1,131 sqm A1/A3/A4/D2 at basement and ground floor; parking, plant and ancillary accommodation; a central courtyard and accessible amenity roof terraces.

*CAC PA/13/01644*  
Demolition of 1-5 Chance Street and 28 and 30-32 Redchurch Street in conjunction with the comprehensive redevelopment of the Huntingdon Estate site to provide a mixed use development.

**Drawing and documents:** A\_PL\_010 001, A\_PL\_011 001, A\_PL\_020 001, A\_PL\_021 001, A\_PL\_022 001, A\_PL\_023 001, A\_PL\_024 001, A\_PL\_025 001, A\_PL\_026 001, A\_PL\_027 001, A\_PL\_028 001, A\_PL\_030 001, A\_PL\_031 001, A\_PL\_032 001, A\_PL\_033 001, A\_PL\_034 001, A\_PL\_035 001, A\_PL\_036 001, A\_PL\_037 001, A\_PL\_098 002, A\_PL\_099 001, A\_PL\_100 001, A\_PL\_101 001, A\_PL\_102 001, A\_PL\_103 001, A\_PL\_104 001, A\_PL\_105 001, A\_PL\_106 001, A\_PL\_107 001, A\_PL\_108 001, A\_PL\_109 001, A\_PL\_110 001, A\_PL\_111 001, A\_PL\_112 001, A\_PL\_113 001, A\_PL\_114 001,

A\_PL\_115 001, A\_PL\_201 001, A\_PL\_202 001,  
A\_PL\_203 001, A\_PL\_204 001, A\_PL\_205 001,  
A\_PL\_206 001, A\_PL\_301 001, A\_PL\_302 001,  
A\_PL\_303 001, A\_PL\_304 001, A\_PL\_401 001,  
A\_PL\_402 001, A\_PL\_403 001 and A\_PL\_404 001.

Planning Statement dated July 2013 prepared by DP9  
Community Involvement Report dated July 2013  
Design and Access Statement dated July 2013  
prepared by Robin Partington Architects  
Assessment of economic viability dated July 2011  
prepared by BNP Paribas Real Estate  
Environmental Statement – Non technical summary  
dated July 2013  
ES Volume 1: Main report Part 1: Chapters 1.0 -9.0  
dated July 2013  
ES Volume 1: Main report Part 2: Chapters 10.0 -19.0  
dated July 2013  
ES Volume 2: Townscape, Heritage and Visual Impact  
Assessment reports dated July 2013  
ES Volume 3 – Part 1 Transport Assessment dated  
July 2013 prepared by Motion  
ES Volume 4 – list of Appendices  
Appendix 2.1 Scoping Report for Huntingdon Industrial  
Estate and Fleet Street Hill 2013  
Appendix 2.2 Scoping Opinion of London Borough of  
Tower Hamlets 2013  
Appendix 2.3 Letter from NATS regarding no objection  
on safeguarding for Huntingdon Industrial Estate  
Appendix 2.4 Letter to H Peacock (LBTH) regarding  
Transport scoping and EIA  
Appendix 6.1 Site Waste Management Plan for  
Huntingdon Industrial Estate and Fleet Street Hill  
(EPAL 2013)  
Appendix 7.1 Open Space and Playspace Assessment  
(Quod 2013)  
Appendix 9.1 Huntingdon Industrial Estate Noise  
Assessment (Hoare Lea 2013)  
Appendix 10.1 Dust Risk Assessment (APPLE) for  
Huntingdon Industrial Estate and Fleet Street Hill  
(EPAL 2013)  
Appendix 10.2 IAQM Risk Assessment Procedure  
adopted for Assessment  
Appendix 10.3 Description of ADMS Roads 3.1.2 Air  
Quality Model (EPAL 2013)  
Appendix 11.1 ENVIROCHECK Report for Huntingdon  
Industrial Estate  
Appendix 11.3 Site Investigation and Risk Assessment  
Ramboll Whitby Bird (2007)  
Appendix 11.4 Asbestos Survey Report 1 Huntingdon  
Industrial Estate by Caswell  
Appendix 11.5 Asbestos Survey Report 2 Huntingdon  
Industrial Estate by Caswell  
Appendix 11.7 Drainage Report for Huntingdon  
Industrial Estate by AKTII (2013)

Appendix 12.1 Desk-Based Archaeological Assessment for Huntingdon Industrial Estate (Museum of London Archaeology 2011)  
 Appendix 13.1 Wind Tunnel Test Report for Huntingdon Industrial Estate (by RWDI Anemos 2013)  
 Appendix 14.1 Huntingdon Industrial Estate including:  
 Appendix 14.1.A Principles of Daylight and Sunlight  
 Appendix 14.1.B HIE: Drawings of the Existing and Proposed Situations  
 Appendix 14.1.C HIE: Permanent Overshadow Studies  
 Appendix 14.1.D HIE: Transient Overshadow Studies  
 Appendix 14.1.E HIE: Detailed results of the Daylight and Sunlight to the Surrounding Properties  
 Appendix 14.1.F HIE: Internal Daylight, Sunlight and Overshadowing Assessment  
 Appendix 14.1.G HIE: Reflected Solar Glare Assessment  
 Appendix 15.1 HIE and FSH Ecology survey data: Species Lists and Photographs (2013)  
 Appendix 17.1 Hard TV Shadow Plan for Huntingdon Industrial Estate (2013)  
 ES Volume 5 part 1 Energy Statement dated May 2013 revision 3 prepared by Scotch Partners  
 ES Volume 5 part 1 Sustainability Statement dated May 2013 revision 2 prepared by Scotch Partners  
 Travel Plan prepared by TTP consulting dated October 2013  
 Letter dated 25<sup>th</sup> October 2013 prepared by Citydesigner  
 30/32 Redchurch Street options review 20/02/2013  
 Environmental Statement Addendum Regulation 22 dated October 2013

**Applicant:** UKI (Shoreditch) Limited

**Ownership:** Applicant

**Historic Building:** Adjoins Grade II listed Owl and Pussycat Public House

**Conservation Area:**

- Partially located within the Redchurch Street Conservation area,
- Adjacent to South Shoreditch Conservation Area (located within London Borough of Hackney)
- In close proximity to Brick Lane/ Fournier Street and Boundary Gardens Conservation areas.

**2. EXECUTIVE SUMMARY**

2.1. The local planning authority has considered the particular circumstances of this application against the Development Plan and other material considerations as set out in this report and recommends approval of planning permission, including maximising housing, creating employment and the overall regeneration benefits of redeveloping two sites within the borough.

- 2.2. This application seeks planning permission for the residential led redevelopment of Huntingdon's Industrial Estate. The proposal would provide 78 dwellings, the majority of which would be for private sale. The scheme would be linked to an associated planning application for the redevelopment of Fleet Street Hill (also on the agenda for this meeting of the Strategic Development Committee) which would provide the majority of the affordable housing required by both schemes.
- 2.3. Officers consider that linking the schemes and accepting the provision of a largely off-site affordable housing offer, results in significant regenerative benefits to the Borough. This is because the linked approach allows the delivery of 43.8% affordable housing across the two sites and a fully SPD compliant package of planning obligations. This is significantly more affordable housing than could be viably provided if the sites were to be redeveloped on an individual basis. Officers also consider that linking the schemes will benefit the Borough by facilitating the redevelopment of Fleet Street Hill which will lead to a significant improvement in the quality of public realm around this site.
- 2.4. This application proposes the erection of a building ranging from 2 – 14 storeys in height. Members need to carefully consider the acceptability of the height of the building. There is significant local opposition to the proposals, with objectors considering that the building is too high and that it has a detrimental impact on surrounding heritage assets.
- 2.5. Officers have considered these representations and have also taken into account the view of English Heritage who consider that the proposals will harm the conservation area (though it is noted that English Heritage also comment that the overall quality of the proposals is very high).
- 2.6. Officers consider that the height of the building is challenging, and is at odds with the 'Principles' for the Shoreditch area set out in the Core Strategy Vision - which states that development should '*retain and enhance the traditional street pattern and medium-rise character of the area*'. Officers agree with the assessment made by English Heritage that, in some places, the scheme will cause harm to the conservation area and the setting of the Grade II Listed Owl and Pussycat.
- 2.7. However, Officers consider that the degree of harm is '*less than substantial*' and that this harm needs to be weighed against the public benefits of the scheme. The overall design quality of the proposed building is very high, with the choice of brick as finishing material and architectural detailing resulting in a development that would make a positive contribution to built environment. Officers consider that the delivery of a high proportion of affordable housing together with the improvement of the quality of the built environment at this site and at Fleet Street Hill represent significant public benefits. On balance these benefits are considered to outweigh the harm to views from the conservation area and the setting of listed buildings. The proposed building is therefore considered to be acceptable terms of design.
- 2.8. The local planning authority has considered the particular circumstances of this application which include maximising housing, creating employment and the redevelopment of two sites within the borough against the Development Plan and other material considerations as set out in this report and recommends approval of planning permission.
- 2.9. Lastly, Members will also need to be satisfied that the proposed development by meeting the full s106 ask and additional contributions to improve the surrounding public realm appropriately mitigates against its impact.

### 3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by The London Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:

#### Financial Obligations:

- a) A contribution of **£39,679.66** towards employment, skills, training and enterprise.
- b) A contribution of **£82,728.36** towards Community Facilities
- c) A contribution of **£1,995.00** towards Sustainable Transport.
- d) A contribution of **£57,921.31** towards Education
- e) A contribution of **£286,250.89** towards Public Realm.
- f) A contribution of **£89,328.00** towards the provision of health and wellbeing.
- g) A contribution of 2% of the total financial contributions would be secured towards monitoring.

Total Contribution financial contributions **£569,061.28**

#### Non-financial contributions

- h) Delivery Affordable Housing comprising 9 Intermediate units at HIE and 27 units at FSH (3 x intermediate units and 24 rented units), with appropriate triggers
  - i) Occupation clauses to ensure FSH is delivered
  - j) Permit Free for future residents
  - k) 10% Wheelchair units
  - l) TV reception and monitoring
  - m) Requirement to enter into S278 agreement for highway works including servicing bays on Ebor Street and Chance Street and 5 Sheffield stands on Bethnal Green Road
  - n) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
  - o) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
  - 3.5. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
  - 3.6. Conditions
    - 1) Three year time limit
    - 2) Compliance with approved plans
    - 3) Samples of materials
    - 4) Detailed design drawings
    - 5) Details of the Landscape plan
    - 6) Full details of the biodiversity enhancement measures
    - 7) Full details of the brown roofs proposed
    - 8) Submission of a Piling Method Statement

- 9) Submission of a Hydrogeological Risk Assessment
- 10) Submission of a Written Scheme of Archaeological Investigation
- 11) Contaminated Land Condition
- 12) Submission of a Parking Management Plan
- 13) Electrical Charging Points
- 14) Retention of car parking inc disabled spaces
- 15) Retention of cycle spaces
- 16) Retention of refuse spaces
- 17) Submission of a Travel Plan
- 18) Delivery and Service Management Plan
- 19) Construction management and logistics plan
- 20) Restriction on commercial uses
- 21) Compliance with Energy Statement
- 22) Code for sustainable homes level 4
- 23) Breeam Excellent for commercial uses
- 24) Noise 1: Ground Borne condition
- 25) Noise 2: Air Borne condition
- 26) Noise 3: Details of any extraction systems
- 27) Noise 4: Hours of operation for any A3/D1 and D2 uses
- 28) Wheelchair Units 1:50
- 29) Details of micro-climate mitigation measures
- 30) Surface Water Drainage condition
- 31) Removal of permitted development rights from A1 to A3 or from B1 to C3
- 32) Details of screening of terraces

### 3.7. **Informatives**

- 1) Subject to s278 agreement
- 2) Subject to s106 agreement
- 3) CIL liable
- 4) Thames water informatives
- 5) English Heritage Archaeology Informative
- 6) Environmental Health informatives
- 7) London City Airport Condition

3.8. That Committee Resolve to GRANT Conservation Area Consent.

3.9. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

- 1) Three year time limit
- 2) Compliance with approved plans
- 3) Construction contract for redevelopment of the site

## 4. **PROPOSAL AND LOCATION DETAILS**

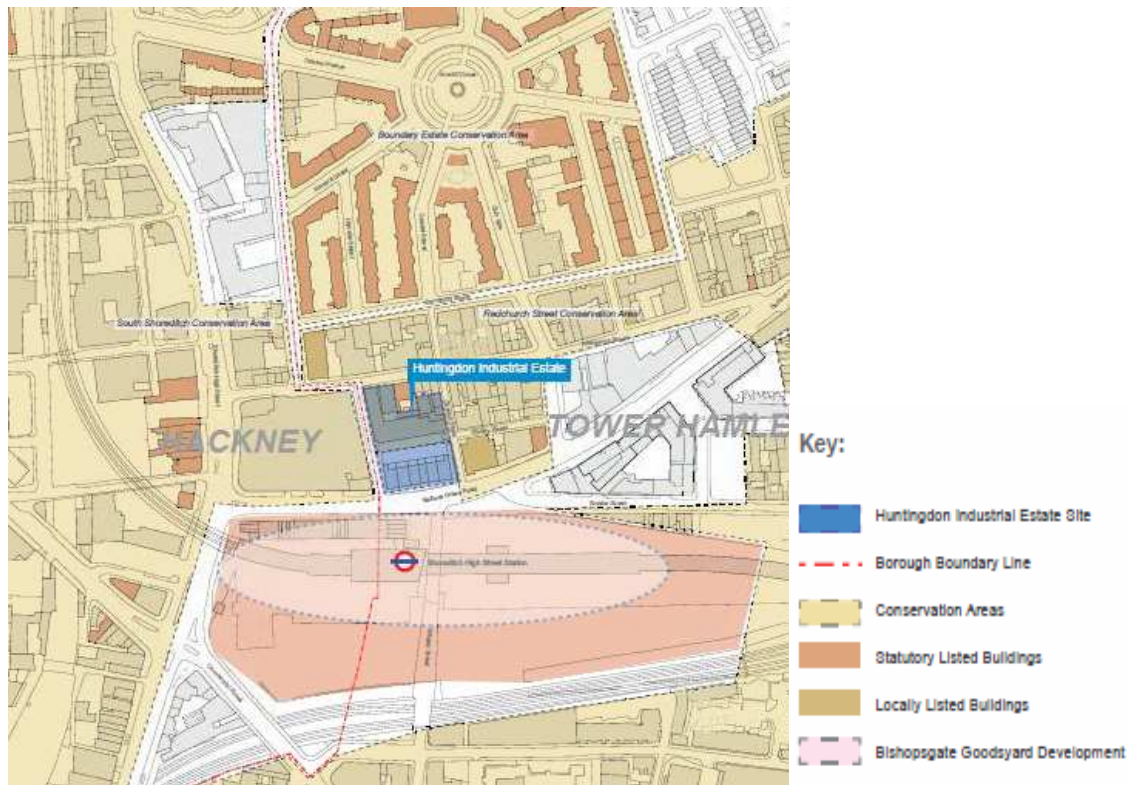
### **Proposal**

4.1. Two planning applications have been submitted by the applicant, this application at Huntingdon Industrial Estate ("HIE") which is discussed further within this report and the planning application at Fleet Street Hill (LBTH Ref PA/13/01637) which is to be considered on this agenda..

- 4.2. The applications are linked to facilitate the delivery of both sites and to maximise the provision of housing including affordable housing.
- 4.3. The proposal involves the demolition of the Huntingdon Industrial Estate and 30-32 Redchurch Street and the re-development of the site to provide a mixed use development comprising two basement floors and between 2 - 14 storeys.
- 4.4. The proposal provides 78 residential units (Use Class C3), 456 sqm Class A1, 359 sqm Class A1/B1/D2 and 1,131 sqm A1/A3/A4/D2 at basement and ground floor and parking, plant and ancillary accommodation; a central courtyard and accessible amenity roof terraces.

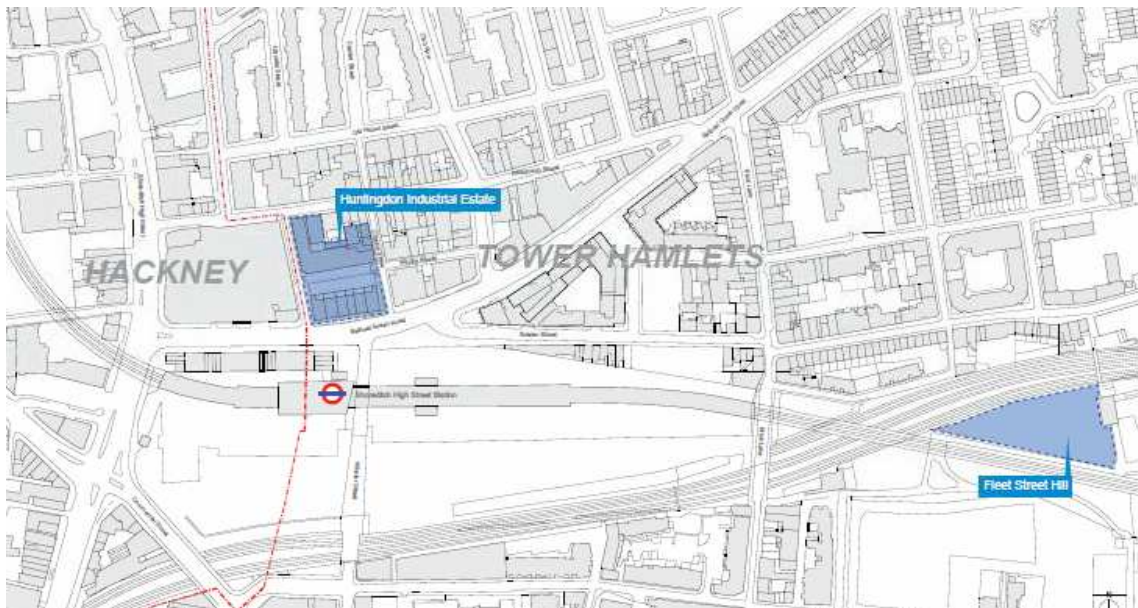
### **Site and Surroundings**

- 4.5. The application site currently consists of the Huntingdon Industrial Estate and 30-32 Redchurch Street. The site is bounded by Redchurch Street to the north, Chance Street to the east and Bethnal Green Road to the south. Ebor Street forms the western boundary of the site and also forms the boundary with the London Borough of Hackney.
- 4.6. The Huntingdon Industrial Estate (HIE) consists of two, 1970's two-storey buildings. The site was bisected by Whitby Street, however the part of Whitby Street that runs through the site was formally 'stopped up' in the 1980s. The light industrial uses are further outlined within the land use section of this report, under 'Material Planning Considerations'. 30-32 Redchurch Street consists of a Victorian Building within a commercial terrace.
- 4.7. The surrounding area consists of a variety of building types and land uses. Ground floors tend to be occupied by commercial and retail uses, whilst the upper storeys are in residential, hotel or further commercial uses.
- 4.8. On the northern boundary of the site on Redchurch Street, lies a terrace of three storey, brick buildings. Of these buildings, number 34 Redchurch Street is the Owl and Pussycat public house, a grade II listed building.
- 4.9. The Estate is situated between the 6-9 storey Tea & Biscuit Building on Ebor Street to the west and lower single and 2-3 storey buildings on Chance Street to the east. Further afield on 32-48 Bethnal Green Road lies the 'AvanteGarde tower' which is a recently completed 25 storey residential building, around 75metres in height above ground floor level (LBTH Ref: PA/07/02193)
- 4.10. The northern half of the site is within the Redchurch Street Conservation Area and close to the Boundary Conservation Area which lies further to the north. The location of the application site in relation to these heritage assets is shown in the following Plan.



- 4.11. The site has a very good public transport accessibility level (PTAL) of 6, with 1 being the lowest and 6 being highly accessible. The new Shoreditch High Street Overground Station is directly opposite the site on Bethnal Green Road as shown in the above plan.
- 4.12. The application site falls within the Central Activity Zone (CAZ), boundary of the London Plan and is within the City Fringe Opportunity Area. The site also falls within the London View Management Framework and is within the Redchurch Street Conservation Area.
- 4.13. An application at the Fleet Street Hill (LBTH Ref:PA/13/01637) has been submitted concurrently to provide the majority of the affordable housing requirements arising from this application and to further the regeneration of that site also.
- 4.14. The application sites location in relation to Fleet Street Hill is shown in the following map and discussed further within the main body of this report.





### Relevant Planning History

- 4.15. The previous applications to redevelopment HIE and FSH
- 4.16. PA/11/00460- Full Planning Application and PA/11/00461- Conservation Area Consent Application was received on 1st March 2011 on the Huntingdon Industrial Estate.
- 4.17. The applications sought the demolition of existing buildings (and those at 1-5 Chance Street and 28 Redchurch Street) and redevelopment of site by the erection of a building from 1 to 25 storeys (78m above street level) in height plus two basement levels.
- 4.18. The development proposed 116 residential units (Use Class C3), retail (Use Class A1), cafe/restaurant (Use Class A3), office (Use Class B1), community/education (Use Class D1) and assembly and leisure (Use Class D2) floor space at basement, ground and first floor levels; together with parking and plant at basement level plant; roof gardens at first floor level and associated landscaping across site.
- 4.19. At land known as Fleet Street Hill the affordable housing element of this planning application was proposed (application reference PA/11/00459)
- 4.20. Both applications were withdrawn on 21st November 2011, following concerns raised by Council officers and a recommendation to refuse planning permission for the development. The key concerns of HIE at the time related to the height and the overall design approach of the proposal and its impact on the heritage assets. The proposed application seeks a building of a maximum height of 56m above ground level. The following is an illustrating outlining the change in design and appearance from both schemes.



- 4.21. The image on the left is currently proposed, whilst the image on the right was the one proposed within PA/11/00460. As the CGI were drawn from two slightly different positions the images are not exactly comparable.
- 4.22. The current applications seek to overcome these concerns and are a result of detailed pre-application discussions.

Other Relevant history:

- 4.23. A number of temporary planning permission have been granted on the site since 2008 as the applicant sought to retain employment on the site whilst the regeneration proposals were developed.

Site At 1 To 5 Chance Street And 28 Redchurch Street, Chance Street, London

- PA/08/00640

Application for a temporary use of ground floor for a Gallery and Exhibitions with associated uses within Class Use D1 for a period of 15 months. This was approved on 23/05/2008 and have been extended on several occasions, most recently in 2012, under planning reference PA/12/00724.

**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) and the Revised Early Minor Alterations to the London Plan published 11th October 2013**
- 2.15 Town centres
  - 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 peoples play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 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
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency

- 7.19 Biodiversity and access to nature
  - 7.21 Trees and woodland
  - 7.30 London's canals and other river and waterspaces
  - 8.2 Planning obligations
  - 8.3 Community Infrastructure Levy (CIL)
- 5.4. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP01 Refocusing on our town centres
  - SP03 Creating a green and blue grid
  - SP04 Creating a Green and Blue Grid
  - SP05 Dealing with waste
  - SP06 Delivering successful employment hubs
  - SP08 Making connected Places
  - SP09 Creating Attractive and Safe Streets and Spaces
  - SP10 Creating Distinct and Durable Places
  - SP11 Working towards a Zero Carbon Borough
  - SP12 Delivering placemaking
  - SP13 Planning Obligations
- 5.5. **Managing Development Document (adopted April 2013) (MDD)**
- DM0 Delivering Sustainable Development
  - DM1 Development within the town centre hierarchy
  - DM2 Local shops
  - DM8 Community infrastructure
  - DM9 Improving air quality
  - DM10 Delivering open space
  - DM11 Living buildings and biodiversity
  - DM12 Water spaces
  - DM13 Sustainable drainage
  - DM14 Managing Waste
  - DM15 Local job creation and investment
  - DM16 Office locations
  - DM20 Supporting a Sustainable transport network
  - DM21 Sustainable transportation of freight
  - DM22 Parking
  - DM23 Streets and the public realm
  - DM24 Place sensitive design
  - DM25 Amenity
  - DM26 Building heights
  - DM27 Heritage and the historic environments
  - DM28 World heritage sites
  - DM29 Achieving a zero-carbon borough and addressing climate change
  - DM30 Contaminated Land
- 5.6. **Supplementary Planning Documents include**
- Planning Obligations SPD – LBTH – January 2012
  - Town Centres Draft Supplementary Guidance(January 2013)
  - Draft Sustainable Design and Construction SPG (July 2013)
  - Shaping Neighbourhoods: Character and Context - draft (February 2013)
  - Housing Supplementary Planning Guidance (November 2012)
  - Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)
  - Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
  - London View Management Framework SPG (March 2012)
  - London World Heritage Sites - Guidance on Settings SPG (March 2012)

SPG: Planning for Equality and Diversity in London (October 2007)  
SPG: Sustainable Design and Construction(May 2006)  
SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

**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

**5.8. Other Material Considerations**

EH Guidance on Tall Buildings  
Seeing History in the View  
Conservation Principles and Practice

**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:

**Crossrail Limited**

6.3. Crossrail Limited do not have any comments on this application.

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

**LBTH Parks and open spaces**

6.5. No comments received

**LBTH Landscape Section**

6.6. No comments received

**Environmental Health - Contaminated Land**

6.7. Environmental Health Contaminated Land have reviewed the submitted information and consider there is a possibility for contaminated land to exist. A condition should be recommended to ensure any contaminated land is appropriately dealt with.

6.8. *[Officer Comment: The suggested condition is recommended to this application]*

**Environmental Health - Air Quality**

6.9. No comments received.

6.10. *[Officer Comment: The air quality has been fully considered within the submitted Environmental Assessment and conditions will be imposed to ensure a construction management plan which includes measure to reduce the impact on air quality are fully adhered to]*

**Environmental Health –Noise and Vibration**

- 6.11. Following several meetings with the applicant and the submission of a revised Noise Report by Hoare Lea with Supplementary Vibration Measurements for Huntingdon Industrial Estate (HIE), Environmental Health does not have any objections for planning permission to be considered, subject to compliance with the mitigation measures within the reports.
- 6.12. *[Officer Comment: This is noted and compliance with the noise reports will be recommended as conditions to the consent]*

#### **Communities, Localities and Culture (CLC)**

- 6.13. CLC note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. Various requests for s106 financial contributions are sought.
- 6.14. *[Officer Comment: The various Section 106 financial contributions sought have been agreed with the applicant and are discussed within the main body of this report]*

#### **Natural England**

- 6.15. No comments received

#### **London Borough of Hackney (LBH)**

- 6.16. LBH do not consider the application to raise any significant cross borough issues and consequently do not have any comments to make on the application.
- 6.17. *[Officer Comment: This is noted]*

#### **City of London Corporation**

- 6.18. City of London have no observations to make on this application.

#### **Conservation And Design Advisory Panel (CADAP)**

- 6.19. CADAP were consulted on the application at pre-application stage. They welcomed the applicant's attempt to reduce the scale and break up the frontage along Redchurch Street by respecting existing plot widths, however they considered that the frontage should be permanently divided into smaller units at ground floor and basement levels.
- 6.20. Some CADAP members advised that the 30-32 Redchurch Street buildings should be retained, even if only the facades, though incorporated into the building structure itself and not just a stand alone facade with the new building behind it. Other members considered that the reconstruction of these facades could be acceptable, subject to detail.
- 6.21. CADAP members considered the height reduction from earlier schemes to be an improvement; however concerns remained over the impact of the taller 14 storey element on views from the surrounding Conservation Areas, particularly the Boundary Estate. It was suggested that these views should be tested as part of the application.

- 6.22. CADAP also considered the single storey element on the corner of Bethnal Green Road to be 'weak' however acknowledged that this was due to right of light issues.
- 6.23. *[Officer Comment: The application as submitted has proposed two separate retail units, and provided the verified views. These have been assessed within the material planning section of the report, as has the proposed demolition of 30-32 Redchurch Street]*

### **BBC Reception Advice**

- 6.24. No comment received

### **London City Airport (LCY)**

- 6.25. LCY has no safeguarding objection. However, in the event that during construction, craning or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation with LCY.
- 6.26. *[Officer Comment: This is noted and an informative advising the applicant of this is recommended to this consent]*

### **English Heritage**

- 6.27. English Heritage consider the height and scale of the proposed development to be in marked contrast to the existing small scale blocks that make up the conservation area, or to the larger six-seven storey warehouses fronting Bethnal Green Road to the west. The introduction of this amount of development to the conservation area, its setting and to the setting of the grade II listed building will, in English Heritages view, harm the conservation area.
- 6.28. English Heritage also considered two buildings [30-32 Redchurch Street] to make a positive contribution to the conservation area, and the loss of these buildings along with the partial closure of the historic street pattern to add to that harm on the Conservation Area.
- 6.29. However, English Heritage also noted that the proposed development is generally of high quality and has the potential to benefit the area in a variety of ways and therefore considered that these benefits must be weighed against the harm that the proposals cause to the historic environment--the conservation area and its setting, and to the setting of the grade II listed pub, as part of the assessment of the application before coming to a decision in accordance with the relevant NPPF policies.
- 6.30. *[Officer Comment: The Borough conservation officer has requested 30-32 Redchurch Street is retained. The consideration of the proposal in accordance with local polices and the National Planning Policy Framework is discussed further within this report]*

### **English Heritage Archaeology (EHA)**

- 6.31. EHA have advised the proposed development may affect remains of archaeological importance. However any further work is not required to be undertaken prior to determination of this planning application.

- 6.32. In the event planning permission is granted a EHA have requested a condition to secure detailed investigations to ensure any remains are extensively investigated.
- 6.33. *[Officer Comment: EHA have advised on the wording of the condition, which is recommended to this planning permission]*

**Environment Agency (EA)**

- 6.34. 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.
- 6.35. Environmental Agency have not raised objections to the scheme, however have requested conditions and aninformative in relation to any piling to ensure any piling does not disturb or contaminate aquifers.
- 6.36. Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided.
- 6.37. *[Officer Comment: These comments have been taken into account and the relevant conditions and informatives are recommended on the consent]*

**London Fire and Emergency Planning Authority**

- 6.38. No comments received.
- 6.39. *[Officer Comment: Given this matter will be further considered within the building control stage no further action is considered necessary]*

**Tower Hamlets Primary Care Trust**

- 6.40. The proposed number of residential units generates an Health Contribution of £89,328.00
- 6.41. *[Officer Comment: This is noted and the s106 is discussed in greater detail within the material planning section of the report]*

**London Bus Services Ltd.**

- 6.42. No comments received.

**TFL London Underground**

- 6.43. No comments received

**The Twentieth Century Society**

- 6.44. No comments received

**Network Rail Infrastructure Ltd.**

- 6.45. No comments received.

**The Victorian Society**



- 6.46. No comments received

#### **Thames Water Utilities Ltd.**

##### TheWaste Comments

- 6.47. Thames Water have recommended a piling method statement to be submitted to and approved in writing by the local planning authority to ensure potential to impact on local underground sewerage utility infrastructure is suitably addressed.
- 6.48. Thames Water have advised that a groundwater discharge permit will be required for any discharged into the ground.
- 6.49. Lastly, in respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

##### Water Comments

- 6.50. Thames Water have recommended an informative advising of the minimum pressure for water that they would be able to supply for future residents.
- 6.51. *[Officer Comment: The comments have been noted and all requested conditions and informatives are recommended on the planning permission.]*

#### **Greater London Authority**

##### Principle of redevelopment

- 6.52. The GLA consider the redevelopment of this site for residential use, with a mix of ground floor commercial uses, in accordance with strategic policies, and the draft emerging City Fringe OAPF.
- 6.53. The GLA have requested the applicant to explore further whether the provision of B1 floorspace could be increased in accordance with the emerging priorities within Tech City.
- 6.54. *[Officer comment: The provision of additional floorspace, has been discussed further with the applicant who considers any loss of residential floorspace to facilitate the creation of additional B1 uses on the upper floors to further undermine the viability of the scheme. The applicant has also outlined that further commercial floorspace (Use Classes A1/A2/A3/B1a) are also proposed as part of the linked application at Fleet Street Hill (application reference PA/13/01637). This increases the range of commercial opportunities within the area. As such, officers considered the B1 floorspace has already been maximised]*

##### Housing

- 6.55. The GLA in earlier applications and in this application considered the provision of off-site affordable housing at Fleet Street Hill to be acceptable, subject to confirmation that the overall housing is suitably maximised.
- 6.56. *[Officer comment: the viability of the scheme has been independently verified and outlines that the off-site suggestion not only maximises housing but also maximises affordable housing and as such, is supported. This is discussed further within the design section of the report]*

##### Housing choice

- 6.57. GLA consider that overall the two sites provide an appropriate balance of units given the context of each site and the nature of the development, and prioritise family affordable provision, and as such is supported.

#### Density

- 6.58. The density of the proposed development is 696 habitable rooms per hectare, which is within the density range for central sites with a public transport accessibility level of six, as detailed in London Plan. As such, the density is strongly supported by the GLA.

#### Housing Quality

- 6.59. The GLA consider the overall residential quality to be high, and is in accordance with strategic policy.

#### Child Play Space

- 6.60. The GLA support the number of shared amenity spaces, which will provide opportunities for door-stop play.

#### Urban design

- 6.61. The GLA consider the proposed building appropriately respond to the townscape in the vicinity, which is one of low and medium-rise buildings, with very tall buildings visible beyond the immediate area, and addresses concerns raised previously regarding scale, and particularly potential impacts on the adjacent conservation areas and heritage assets. The GLA also support the overall approach to materials within the development.

- 6.62. The GLA have advised that the application site does fall within the Background Assessment Area of the Protected Vista of St. Paul's Cathedral from Westminster Pier (SAI), and that the proposal does not adversely impact on this strategic view.

#### Impact on heritage assets

- 6.63. The GLA suggest that the detailing at ground and first floors is of particular importance and given the impact on the Owl and Pussycat public house is mainly on the upper floors, on balance, the proposal does not adversely impact on the setting of the listed building.
- 6.64. They also consider that the proposed buildings at 30-32 Redchurch Street to have a harmonious relationship with the adjacent pub, and make a positive contribution to the character and appearance of the conservation area, which is also considered acceptable.

#### Climate change

- 6.65. The GLA consider an appropriate range of passive design features, and demand reduction measures, have been included, in addition to the use of appropriate measures to minimise the demand for cooling. The also consider the overall carbon dioxide emissions savings of 38.8% exceeding the targets established within London Plan Policy 5.2, which they support.
- 6.66. *(Officer Comment: as a result of this direction, the recommendation made on this application is to refer the application back to the London Mayor with a recommendation to grant planning permission)*

### **Transport for London**

#### Car Parking

- 6.67. TfL in recognition of the site's excellent accessibility as well as the level of congestion in the area considered that the scheme should be car free and that any car parking should be fully justified. TfL have also outlined that in line with the London Plan Housing SPG, each accessible unit should be provided with a blue badge space and the applicant will need to provide Electric Vehicle Charging Points (EVCP) in line with the London Plan Standard (20% active and 20% passive).
- 6.68. The applicant in response to these comments has reduced the car parking by 10 spaces to 18 spaces with 8 being dedicated disabled spaces. The disabled parking equates to 44% of the total parking and ensures 1 parking space per accessible unit.
- 6.69. The applicant has also provided the following justification for the level of parking:
- a) there is an overall reduction in car parking numbers at the site from (at least) 20 spaces at the existing industrial estate to 18 spaces for the proposed residential development.
  - b) the change of use from employment to residential will lead to a reduction in vehicle movements during the traditional weekday peak hours when congestion and air pollution are also generally accepted to be at their peak; and
  - c) the number of spaces proposed will cap the level of car ownership to a level below the existing levels of car ownership in the surrounding area and as such encourage an overall reducing level of vehicles owned per household.
- 6.70. TfL have advised that the reduction of 10 spaces is welcomed and left it to the local planning authority to consider whether this provision is acceptable. If acceptable TfL consider that a Car Park Management Plan whereby the 8 blue badge parking will only be available to those who require accessible parking should be secured by the development.
- 6.71. *[Officer comment: Officers are aware that the proposed development is seeking a high quality residential development and that the loss of parking spaces could adversely impact on the viability of the scheme further (the viability is discussed further within the material planning section of the report) having a knock-on impact on housing and s106 contributions. Taking this and the justification of the applicant into account, it is considered that on balance the level of car-parking proposed by the applicant is acceptable. This is discussed further within the highways section of the report under material planning considerations. The request for 20% active and 20% passive Electric Vehicle Charging Points are recommended to be conditioned whilst a car free obligation is proposed as an obligation on the s106 to restrict future residents from applying to park on the local highway network]*
- 6.72. *TfL have advised that the approach to trip generation, mode share and trip distribution presented in the Transport Assessment is considered acceptable and in compliance with, London Plan Policy 6.3 "Assessing the Impacts of Development on Transport Capacity". As such, TfL advises that the development will not have any unacceptable impact on the transport networks in the area]*
- Cycling and Walking
- 6.73. TfL have reviewed the Pedestrian Environmental Review System and considered it acceptable. TfL have also recommended that a contribution is sought to provide a crossing facility on Bethnal Green Road

- 6.74. TfL have advised that number and locations of cycle parking spaces, secure storage, changing rooms and showers for staff who cycle are all supported and will need to be subject to a planning condition.
- 6.75. *[Officer comments: As per the SPG, the CIL acts as a credit to the Crossrail contribution and the greater of the two amounts is sought to fund Crossrail. The resulting impact in this instance is discussed further within the material planning section of the report]*

#### Community Infrastructure Levy/ Crossrail

- 6.76. The site is located within the Central Activity Area and as such, is eligible for a Crossrail contribution. This is calculated based on the 'Use of planning contributions in the funding of Crossrail, and the mayoral community infrastructure levy' supplementary planning guidance April 2013.
- 6.77. TfL have estimated that the Crossrail Contribution would be £22,990. TfL therefore expects that once the CIL payment has been agreed it should be secured through the section 106 agreement.
- 6.78. The TfL have also advised that the application will be CIL liable based on £35 per sqm.
- 6.79. *[Officer comments: As per the SPG, the CIL acts as a credit to the Crossrail contribution and the greater of the two amounts is sought to fund Crossrail. The resulting impact in this instance is discussed further within the material planning section of the report]*

#### **LBTH Highways**

- 6.80. Highways have advised a s278 agreement would be required to the surrounding streets to mitigate the impact of the development.
- 6.81. Given the footprint of the site and the various options for servicing, details of a Delivery and Service Plan (DSP) demonstrating the arrangements for control of the arrival and departure of vehicles servicing the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
- 6.82. Construction Management Plan should be attached by condition to any planning permission and must be approved by the Local Planning Authority and Local Highway Authority prior to commencement of construction.
- 6.83. The development should be operated in accordance with the approved Travel Plan (or any amended Travel Plan that may be approved from time to time by the Local Planning Authority) for a minimum period of 5 years from occupation of the premises.

#### Car Parking

- 6.84. The proposed car parking has been reduced by ten spaces, however is still in excess of the maximum level specified in the MDD which for this development is nine spaces of which 10% should be allocated for Blue Badge holders.
- 6.85. However, as the applicant is proposing a generous supply of on-site parking for Blue Badge holders highways suggest the parking is reduced by one further space to proposed 9 residential spaces and 8 disabled spaces for use of visitors and residents.

6.86. In addition, a condition requiring a car parking management plan should be approved by the local authority prior to occupation of the site.

6.87. *[Officer comment: Given the significant reduction of car parking from the application as submitted, it is considered difficult to seek a further reduction of one parking space, and officers on balance, consider the proposed level acceptable. This has been discussed further within TfL comments above and also with the material planning section of this report]*

#### Cycle Parking

6.88. The outstanding issue regarding visitor parking is resolved. The applicant has agreed to fund installation of cycle parking adjacent the site frontage on Bethnal Green Road. This will of course need to be covered in the s278 condition.

6.89. *[Officer comment: This is noted]*

#### Servicing

6.90. Following additional information showing how servicing can take place on the northern servicing bay on Ebor Street, Highways concerns have been overcome.

#### **LBTH Refuse**

6.91. Waste strategy as described in design and access statement and demonstrated in the Basement Level 1 and Ground Level Plan is satisfactory and as such no objections are raised to the proposal.

6.92. *[Officer comments: This is noted]*

#### **Commission for Architecture and Built Environment CABE**

6.93. No comments received. However, the design was presented to CABE during pre-application discussions and the general principles of the design were supported. It was suggested that a stronger presence should be achieved on the Bethnal Green Road and Chance Street corner.

6.94. The strong vertical emphasis and the height on Ebor Street was considered acceptable.

6.95. *[Officer comments: These comments were noted and considered at pre-application stage. The single storey element on the Bethnal Green Road and Chance Street has been designed to respect right of light constraints on the adjoining property]*

### **7. LOCAL REPRESENTATION**

7.1. At pre-application stage the applicant undertook their own community consultation. This took place at St Hilda's East Community centre on three consecutive days in February 2013. Separate meetings were also held with groups/individuals that were unable to attend. The Community Involvement Report submitted with the application indicates that as a result of these meetings, additional works were undertaken to address specific concerns raised. Including different view and overshadowing analysis.

7.2. At application stage a total of 1142 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 820      Objecting: 799      Supporting: 21  
 No of petitions received: 0

7.3. The following is a breakdown of the objections received.

734 Pro-forma letters

From	Number
Residents from LBTH	147
Residents from adjoining Hackney postcodes E2, E8 and E9	113
Other	386
No name or address	88

65 Non pro-forma letters

From	Number
Residents from LBTH	26
Residents from Local Hackney	13
Other	24
No name or address	2

\*due to the volume of responses it is considered reasonable to make allowance for a small degree of error in the exact figures.

7.4. The following is a breakdown of the support letters received.

From	Number
Residents from LBTH	18
Residents from Local Hackney	2
Other	1
No name or address	0

7.5. The following were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report. The full representations are available to view on the case file.

**Objections**

- 7.6. Landuse  
*"loss of existing commercial floorspace and introduction of upmarket residential not appropriate within the area"*
- 7.7. [Officer comments: *The acceptability of the loss of the existing floorspace and the gain of residential uses are discussed further within the landuse section of the report*]
- 7.8. Design and appearance  
*"Proposed height and scale is unacceptable"*  
*"loss of existing buildings not acceptable"*  
*"Out of character within the surrounding area"*  
*"Not in keeping with local peoples view and aspirations of the area"*

- 7.9. *[Officer comments: The majority of objections received consider the design to be out of character with the surrounding area and Shoreditch as a place, the objection primarily relate to the height of the building being higher than surrounding properties. An analysis of the design and a justification why officers consider the height to be acceptable is located within the following section of this report]*
- 7.10. Conservation  
*"Adversely impacts on the listed building and conservation area"*  
*"Loss of Whitby Street"*
- 7.11. *[Officer comments: These objections are noted, and the impacts of the proposal on the local heritage assets are discussed within the following section of this report]*
- 7.12. Housing  
*"Lack of affordable housing on Huntingdon"*  
*"inappropriate location of affordable and principle of two linked sites not acceptable"*
- 7.13. *[Officer comments: This is noted, the lack of affordable housing on this site and the level of affordable housing across both sites are discussed further within this report]*
- 7.14. Amenity  
*"Adverse impact on daylight ,sunlight, privacy and overlooking including to creative workshops"*  
*"Impact on the Tea Building"*  
*"Loss of local businesses"*
- 7.15. *[Officer comments: This is noted, the impact on amenity is discussed further within this report]*
- 7.16. Transport  
*"Provision of sustainable transport not considered"*
- 7.17. *[Officer comments: It is considered that the impact on local transport has been fully considered within the submission and this is discussed within the following section of this report]*
- 7.18. Other
- 7.19. *"proposed development adversely impacts on the City of London and London's Tourism"*  
*"adverse impacts on local services"*
- 7.20. *[Officer comments: This representation was included within the response by a local ward councillor from the City of London. Officers take a contrary view that the redevelopment of the site, by creating additional housing and commercial uses has the potential to benefit the local economy. It is also noted that the City of London have no objections to the proposal. With regards to the impact on local services, s106 contributions have been agreed to mitigate these impacts, as discussed further within this report]*
- 7.21. Support  
 -*"Regeneration benefits"*  
 - *"Supportive of new housing"*

- “proposal will enhance the area”
- “increase employment benefits”
- “supportive of materials”
- “Proposed development will address Shoreditch Station”
- “Proposal will benefit the Owl and Pussycat public house”
- “Proposed design in keeping with the area”

7.22. [Officer Comment: These comments have been noted and considered within the assessment of the application]

7.23. One anonymous letter was also received, questioning whethersignatories of the objections letters had knowledge of the scheme. This is noted and given no details of the author limited weight is given to this letter.

## 8. MATERIAL PLANNING CONSIDERATIONS

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

- ⊗ Land Use
- ⊗ Urban Design
- ⊗ Heritage Assets
- ⊗ Transport, Connectivity and Accessibility
- ⊗ Amenity
- ⊗ Energy and Sustainability
- ⊗ Biodiversity
- ⊗ Environmental Considerations (Air Quality, Microclimate, Contaminated Land)
- ⊗ Environmental Statement
- ⊗ Planning Contributions and Community Infrastructure Levy
- ⊗ Local Finance Considerations
- ⊗ Human Rights
- ⊗ Equalities

### Proposal

8.2. This application seeks planning approval for the residential led redevelopment of Huntingdon’s Industrial Estate. The proposal would provide 78 dwellings, the majority of which would be for private sale. The scheme would be linked to an associated planning permission for the redevelopment of Fleet Street Hill (also on the agenda for this meeting of the Strategic Development Committee) which would provide the majority of the affordable housing required by both schemes.

8.3. Officers consider that linking the schemes, and accepting the provision of a largely off-site affordable housing offer results in significant regenerative benefits to the Borough. This is because the linked approach allows the delivery of 43.8% affordable housing across the two sites, and a fully SPD complaint package of planning obligations. This is significantly more affordable housing than could be viably be provided if the sites were to be redeveloped on an individual basis. Officers also consider that linking the schemes will benefit the Borough by facilitating the redevelopment of Fleet Street Hill which will lead to a significant improvement in the quality of public realm around this site. These issues are discussed in greater detail within this report.

### Land Use



### Principle of development

- 8.4. The application site is located within a Central Activity Zone (CAZ) as identified by the London Plan and the Councils Managing Development Proposals Map. Policy 2.10 of the London Plan outlines the strategic priorities within CAZ locations stating that boroughs should enhance and promote the unique international, national and Londonwide roles of the Central Activities Zone (CAZ), supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses and forming the globally iconic core of one of the world's most attractive and competitive business locations.
- 8.5. The strategic function of CAZ areas (policy 2.11 of the LP) require boroughs to seek solutions to constraints on office provision and other commercial development imposed by heritage designations without compromising local environmental quality, including through high quality design to complement these designations.
- 8.6. There is also an aim (identified within policy 2.12 of the LP) to identify, protect and enhance predominantly residential neighbourhoods within CAZ, and elsewhere to develop sensitive mixed use policies to ensure that housing does not compromise CAZ strategic functions in the zone.
- 8.7. As the site is also within an opportunity area, policy 2.13 of the London Plan seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and where appropriate, contain a mix of uses and support wider regeneration (including in particular improvements to environmental quality) and integrate development proposals to the surrounding areas especially areas for regeneration.
- 8.8. As such, by virtue of the sites designation, it is considered that the principle of re-development on the site to optimise residential and non-residential development is considered acceptable

### Loss of existing uses and gain proposed commercial uses

- 8.9. Policy SP01 of the adopted Core strategy (CS) seeks to support the boroughs Town Centres. Policy SP01(5) seeks to promote areas outside, and at the edge of town centres, as places that support and assist in the creation of sustainable communities.
- 8.10. This is to be achieved by promoting mix use development at the edge of town centres and promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.
- 8.11. As the site is within the CAZ policy DM1 of the MDD is applicable. This policy seeks the continued enhancement and promotion of the CAZ. The guidance within paragraph 1.3 states that policy DM1 seeks to promote CAZ at the top of the town centre hierarchy and to promote a vibrant mix of uses including retail towards the CAZ in order to consolidate their London wide importance.
- 8.12. The proposal seeks to create 456 sqm Class A1, 359 sqm Class A1/B1/D2 and 1,131 sqm A1/A3/A4/D2 within the basement and ground floor of the development. This seeks to replace 3459 sqm of existing light industrial floorspace, leading to an overall reduction of 1513 sqm.
- 8.13. The existing site contains 3459 sqm of light industrial floorspace some of which has had temporary change of uses to gallery uses. Policy DM15 of the MDD states that

development should not result in a loss of active and viable employment uses, unless it can be shown through a marketing exercise, that the site is unsuitable for continued employment uses due to its location, viability, accessibility, size and condition.

- 8.14. According to the application documents, the site supports 68 jobs which when taking into account the sites location within the CAZ area and that the existing two storey building is surrounded by much taller buildings, it is considered that the loss of this floorspace can be supported, given the overall provision of commercial floorspace which is expected to generate between 100 to 115 jobs.
- 8.15. In addition, given the provision of residential above the ground floor is maximised and there is a net gain of 806sqm commercial floorspace at Fleet Street Hill, the reduction in floorspace is accepted to deliver a high quality development.
- 8.16. With regards to the proposed uses, a wide range of uses are proposed to ensure the ground frontages are suitably animated. As per the Town Centre hierarchy the proposed uses are considered to be appropriately located within the CAZ and taking the above policies into consideration, there is considered strong policy support for the provision of these uses within this location.

#### Housing Provision

- 8.17. At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.
- 8.18. The regeneration of sites such as this within East London is also a strategic target of the LP (2011) Policy 1.1 states “the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”.
- 8.19. Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework, Strategic Objectives 7, 8 and 9 of the CS (2010) and policy 3.1 of the London Plan which gives Boroughs targets for increasing the number of housing units.
- 8.20. Policy SP02 of the CS (2010) sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025.
- 8.21. An important mechanism for the achievement of this target is reflected in LP (2011) policies 3.3 and 3.4 which seek to maximise the development of sites and thereby the provision of family housing to ensure targets are achieved.
- 8.22. The site does not have an housing allocation in the MDD (2013), however is within a wider surrounding area that contains a mix of uses including residential, it is therefore considered that this development would be an acceptable use of previously developed land in accordance with the above mentioned policies.
- 8.23. The proposed development is therefore in accordance with policy SP02 of the adopted CS which seeks to deliver 43,275 new homes and policies 3.3 and 3.4 of the LP (2011).

#### Density

- 8.24. Policies 3.4 of the LP (2011) and SP02 of the CS (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.25. The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of LP Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Policies S07 and SP02 of the CS also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.26. The site has an excellent public transport accessibility level (PTAL) of 6. In terms of density characteristics, the site is considered to have an urban character. Table 3.2 of the LP sets out that where accessibility to public transport is good, densities in central area should be between 650-1100 hr/ha habitable rooms per hectare.
- 8.27. Officers have calculated the density to be 696hr/ha, which is well within the recommended guidelines and as such is acceptable.

### **Urban Design**

- 8.28. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.29. Chapter 7 of the LP places an emphasis on good design in new developments. Policy 7.4 specifically seeks high quality urban design having regard to the local character, 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 optimising the potential of the site.
- 8.30. 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.
- 8.31. 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. The Core Strategy vision for Shoreditch seeks to reinforce and reflect the historic qualities of Shoreditch to shape future growth. The principles of the development within Shoreditch in order to achieve the vision should seek to retain and enhance the traditional street pattern and medium-rised character of the area.
- 8.32. The existing buildings on site are to be demolished to make way for a building up to 14storeys in an height of 56 metres above ground floor level.
- 8.33. The southern elevation looks out onto Bethnal Green Road with views over the Shoreditch High Street Station and the vacant Bishopsgates Goods Yard to the city beyond.

- 8.34. The application seeks to provide a mix of commercial uses at ground floor along Bethnal Green Road, with the building rising from 1 storey on the corner with Chance Street to 6 storeys at the corner with Ebor Street adjacent to the Tea Building which is located within the London Borough of Hackney. A series of glazed terraces, rising from the 2nd to 7th floor, are set back from the forward line of the brick façade on Bethnal Green Road.
- 8.35. Along Ebor Street the west elevation continues from 6 storeys on the Bethnal Green Road corner to ground plus 14 storeys mid-way along the street. The building height drops back down to 3 storeys before reaching the Redchurch Street corner.
- 8.36. The height of the proposed building continues at three storeys along Redchurch Street to match the height of the existing buildings, including the most important building the Owl and Pussycat Public House (PH). The application seeks to demolish the existing 30/32 building which adjoins the PH and construct a new façade finished with a London stock brick.
- 8.37. Along Chance Street, the east façade is proposed to remain between 1 and 2 storeys high responding to the lower scale of Chance Street.
- 8.38. The existing site is separate by a closed part of Whitby Street. The application seeks to remove Whitby Street and redevelop over this part of the site as well. To retain reference to the street an glazed panel is to be inserted into the recess on Chance Street and provide a view into the site
- 8.39. The commercial uses at ground floor level are to have their own direct entrances on to the street. The main residential entrance is to be located off Ebor Street, along a distinctively designed as a 4 storey high atrium space, shaped by curving walls
- 8.40. The northern section of the façade has two residential entrances interspersed between the retail units.
- 8.41. The following is a computer generated image of the proposed building from the opposite side of Bethnal Green Road. The Bethnal Green Road and the partial façade of Ebor Street are shown in the Image.



### Building Heights

- 8.42. Policy 7.7 of the London Plan states that tall and large buildings should:
- Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
  - Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
  - Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
  - Individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
  - Incorporate the highest standards of architecture and material, including sustainable design and construction practices;
  - Have ground floor activities that provide a positive relationship to the surrounding streets;
  - Contribute to improving the permeability of the site and wider area, where possible;
  - Incorporate publicly accessible areas on the upper floors, where appropriate;
  - Make a significant contribution to local regeneration.
- 8.43. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. The policy seeks a hierarchical approach for building heights, with the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expecting to be lower in Central Activity Zones and Major Centres and expected to faller even more within neighbourhood centres. The lowest heights are expected areas of outside town centres. This relationship is shown within figure 9 of the Managing development Document, which is located below and referenced within policy DM26 of the MDD.



Figure 9: Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy

*DM26(1) Building heights will be considered in accordance with the town centre hierarchy (as illustrated in Figure 9) and the criteria stated in part 2.*

- 8.44. The proposed building is located within a Central Activity Zone and is within an Activity Area. As such, the proposed height at ground plus 14 storeys is considered appropriate in relation to the above hierarchy.
- 8.45. The proposed height at 56 metres is lower in height to the approved and implemented development at 34-48 Bethnal Green Road which is around 75 metres above ground floor level.

*DM26(2)a. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;*

- 8.46. As outlined above, the proposed building is appropriate within the town centre hierarchy. In relation to its surroundings, fronting Bethnal Green Road, Chance Street and Redchurch Street the proposal is of a height and scale that is proportionate to its surroundings.
- 8.47. With regards to Ebor Street, the proposed building is significantly taller than the adjacent building. However, given Ebor Street is a narrow, side road, the impact and harm arising from the height within this location is confined to an extent.
- 8.48. The main impact of the height is likely to be from Shoreditch Station opposite the application site and from views from the different surrounding conservation areas. The latter impact is discussed within the heritage section of this report.
- 8.49. When viewing the site along the northern side of Bethnal Green Road the proposed building will appear taller than any of the surrounding buildings. However, it is important to note that the streetscape would also include panoramic views and in this regard, the proposed height is considered acceptable in its context when viewed with the much taller building approved on 34-48 Bethnal Green Road and the Interim planning guidance approved for the vacant Bishopsgate Goodsyards, which is expected to deliver up to 2000 new residential units (as outlined within the site allocation within the MDD).

- 8.50. Overall, with regards to the surrounding context the acceptability of the height is dependent on its impacts on amenity and heritage matters, both of which are discussed further within this report.

*DM26(2)b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.*

- 8.51. As outlined above, the development has been carefully designed to respond to local context, the proposed heights (with the exception of Ebor Street) largely follow the adjacent building heights. This has been sufficiently demonstrated within the submitted design and access statement.

*DM26(2)c. Achieve high architectural quality and innovation in the design of the building,*

- 8.52. The design has been extensively consulted on during pre-application and application stage. It is widely acknowledged by English Heritage and the borough Conservation Officer that subject to detailed conditions the proposed building is of high quality. The Councils Conservation and Design Advisory Panel (CADAP) and the Commission for Architecture and the Built Environment were involved within the pre-application stage and raised no in principle objections to the design.

*DM26(2)d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;*

- 8.53. By virtue of the proposed design, the proposed building will be experienced differently when viewed from different streets and within both during the day and night. The proposed palette of materials with a combination of recessed balconies and cantilevered balconies will seek to ensure the fenestration and overall appearance is distinctive and attractive within the streetscape.

- 8.54. The application has been accompanied by a Townscape, Heritage and Visual Impact Assessment, which contains a series of computer generated images outlining existing and proposed visual impacts of the development. Officers are satisfied that the visual impact to the local skyline will be positive and as such is considered acceptable.

*DM26(2)e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;*

- 8.55. This is discussed further within the Heritage section of this report, which follows the design considerations. In summary, officers consider the overall impacts to be less than substantial, which are not considered to out-weigh the regenerative benefits of the scheme and the level of affordable housing.

*DM26(2)f. Present a human scale of development at the street level;*

- 8.56. The proposed development on the Bethnal Green Road, Chance Street and Redchurch Street, all follow the existing building lines and heights, which along with the proposed ground floor retail uses will ensure the proposed development will have an human scale at street level.

8.57. With regards to Ebor Street, the retail units on both Bethnal Green Road and Redchurch Street both turn into Ebor Street, continuing this scale. The tallest elements of the proposal are to be centrally located within Ebor Street. This element does not represent what is normally considered a human scale at street level, however it is considered that due to the narrowness of the road and the design of the development, especially how the buildings are broken up, one would not experience the height of the proposed building, with focus retained at the ground and first floors.

*DM26(2)g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;*

8.58. The proposed development by virtue of its design enables the options of providing a wide range of high quality and useable amenity spaces within the development. This is shown by the plan to the right.

8.59. A wide range of terraces and courtyards are proposed, along with various cantilevered balconies and inset balconies. This is considered acceptable and in accordance with policy.

Landscape Proposals



*DM26(2)h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;*

8.60. This is discussed further within the amenity section of the report. In summary the micro-climate impacts have been considered acceptable.

*DM26(2)i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;*

8.61. The existing site does not have any biodiversity value and there are not any watercourses and water bodies within the surrounding area. As such, the proposed development is considered to comply with the requirements of this policy.

*DM26(2)j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;*



- 8.62. This is discussed further within the report. In summary, it is considered that the proposed development resulting in a socially balanced and inclusive development and when taking into account the proposal at Fleet Street Hill, enabling substantive regenerative benefits arising from the re-development of both sites.

*DM26(2)k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and*

- 8.63. The proposed height is considered to be suitably low to ensure it does not adversely impact on Civil Aviation requirements. In addition, television and radio transmission testing and mitigation will be required as a S106 obligation to mitigate against the impact of the development.

*DM26(2)l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.*

- 8.64. The proposed design has taken into account the various safety requirements involved in residential development including issues such as means of escape. Discussions have also taken place with the secure by design officer to ensure the proposed development is secure by design.

- 8.65. As such, the proposed development is considered to broadly comply with the requirements of policy DM26 of the Managing Development Document.

#### *Local/ Strategic Views*

- 8.66. The application site does fall within the Background Assessment Area of the Protected Vista of St. Paul's Cathedral from Westminster Pier, although it does not fall within the protected viewing corridor. The applicant's submitted townscape, heritage and visual impact assessment confirms that the proposal lies below the threshold plane, and does not therefore adversely impact on the strategic view.

- 8.67. The main local views are considered to be acceptable, some of which are illustrated and discussed further within the Heritage section of this report.

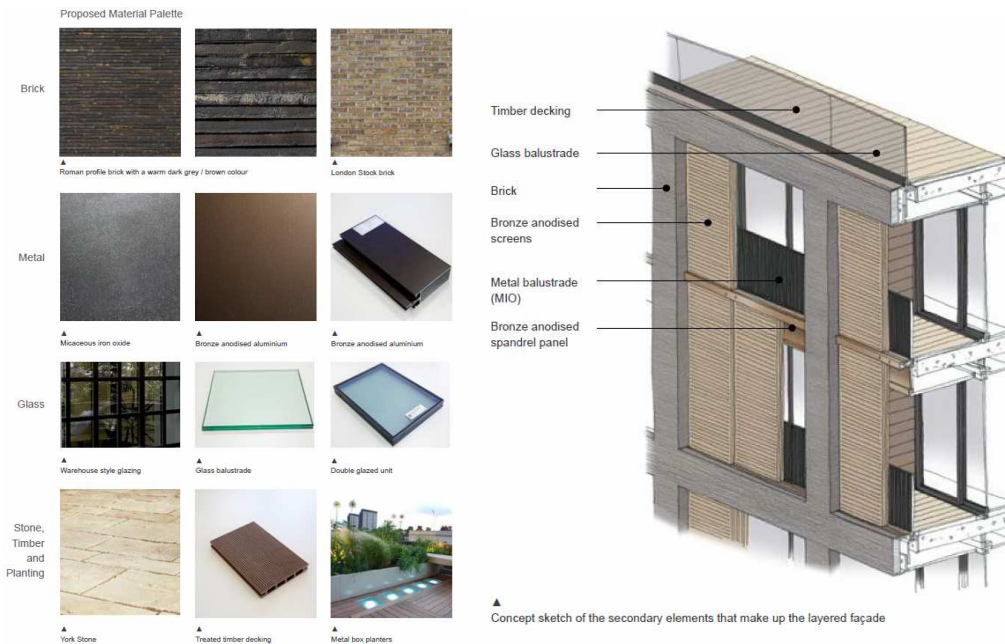
- 8.68. Overall, the development would form a positive addition to London's skyline, without causing detriment to local or strategic views, in accordance policies 7.8 of the London Plan (2011), and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance designated and local views

#### *Materials and Elevation Treatment*

- 8.69. The main façade is to be a textured 'roman' profile brick with a dark grey/brown colour. The aim is to respond to provide an alternative, yet complimentary brick to the red bricks of the Boundary Estate or the brown London stock bricks prevalent along Redchurch Street.

- 8.70. A variety of other materials are to be used to create a distinctively designed building. A combination of recessed and cantilevered balconies are proposed along with anodised aluminium screens to provide external solar shading where required and provide privacy at lower levels.

8.71. The following images outlined the proposed material palette and an indicative sketch of how they will be applied to the façade of the building.



8.72. The new build at 30 – 32 Redchurch Street is to be designed differently to ensure a more acceptable relationship with the grade II listed public house. To achieve a transition between the main building the ‘roman’ profile brick will not be used for this façade. Instead, a standard profile brick is proposed in order to change the scale appropriate to the smaller 3 storey façades.

8.73. The overall, design of the building is considered an challenging but appropriate addition within the streetscape, which draws on references to the surrounding contemporary developments. Whilst the building will appear taller than neighbouring buildings, the proposed design is considered to appropriately respond to the different scales of the immediate Streets.

8.74. Overall, it is considered that the proposed design and materials are broadly considered acceptable. The final detailing will be conditioned to ensure they are acceptable.

Secure by Design

8.75. Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.

8.76. The Secure by Design officer as fed into the design development, and is satisfied that the proposal will achieve secure by design approval. A condition to ensure secure by design measures are incorporated into the development is recommended to ensure the resulting scheme is safe and secure for residents.

8.77. With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the LP and policy DM23 of the MDD.

Design Conclusions

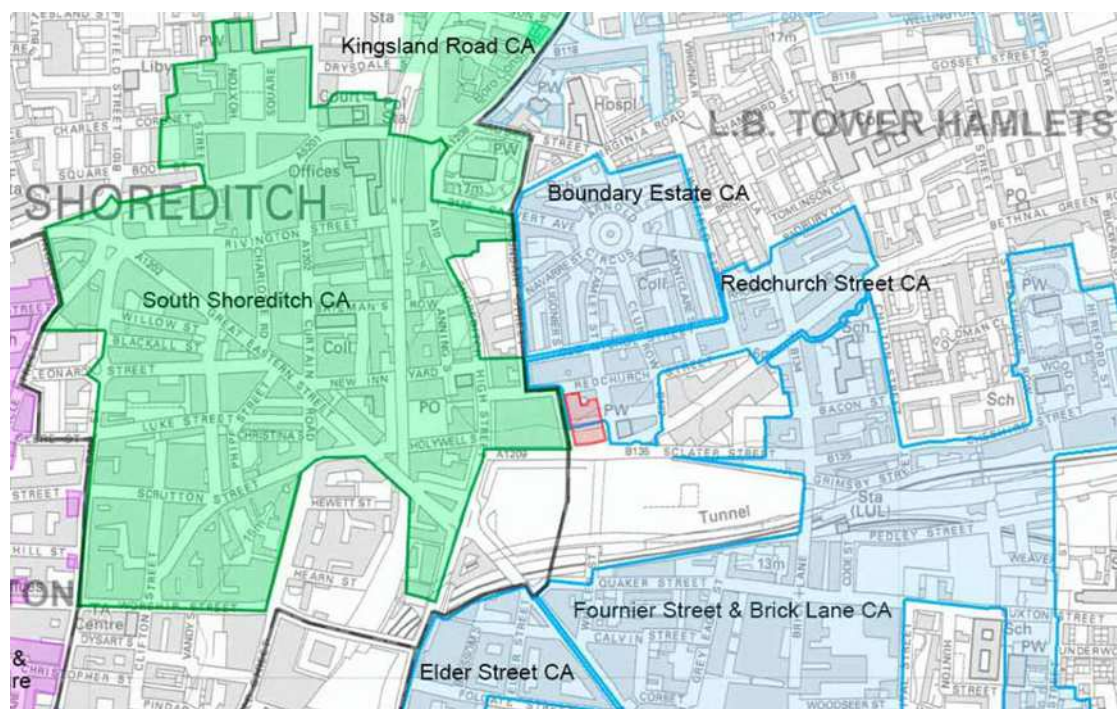
8.78. In terms of detailed design, materials and finishes, whilst the building represents a bold and contemporary development, it is considered that that the proposed

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.

- 8.79. As such, the urban design, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance with Chapter 7 of the London Plan (2011); Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

Heritage Assets

- 8.80. The National Planning Policy Framework defines heritage assets a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
- 8.81. The development site is situated partly within the Redchurch Street Conservation Area. It is also immediately adjacent to Hackney's South Shoreditch Conservation Area and surrounded at some distances by other conservation areas in the borough and the adjoining borough of Hackney. This is shown in the following plan.



- 8.82. The northern boundary adjoins a Grade II listed building (Owl and Pussycat Public House), whilst the eastern boundary of the site is adjacent to a locally listed building (nos 15 Bethnal Green Road).

Heritage Considerations

- 8.83. Paragraph 131 of the National Planning Policy Framework states. In determining planning applications, local planning authorities should take account of:

- the 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 vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.84. 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.
- 8.85. 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.
- 8.86. Lastly, policy DM27 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'.
- 8.87. The following are considered to be the main issues relating to Heritage Assets and these are discussed further within this report.
- 1) Whether the demolition within the Redchurch Street Conservation Area and building over the historic highway of Whitby Street is acceptable?
  - 2) Whether the proposed height (and design) preserve or enhance the Redchurch Street Conservation Area and its locally listed building and the adjoining conservation areas
  - 3) Whether the proposed height of the building preserves or enhances the setting of the Grade II listed Owl and Pussycat Public House and the setting of the locally listed building?
  - 4) Overall, whether the benefits of the regeneration outweigh any of the impacts on these heritage assets?
- 8.88. Local objections including a document prepared by Richard Griffiths Architects (RGA) commissioned by local interest groups believe the development causes substantial harm and should be refused on these grounds.
- 8.89. The document raises concerns over the height, scale, and massing of the proposed development and considers it inappropriate within the Redchurch Street Conservation Area and the other designated heritage asset. It is also not considered to retain or enhance the traditional street pattern and medium-rise character in accordance with the adopted principles of the LBTH Core Strategy for Shoreditch (2010).
- 8.90. The Applicant has prepared a response to the RGA report. The response states that *'They (RGA) do not acknowledge, however, the part of the scheme which does indeed extend that character and scale into the development site. They do not*

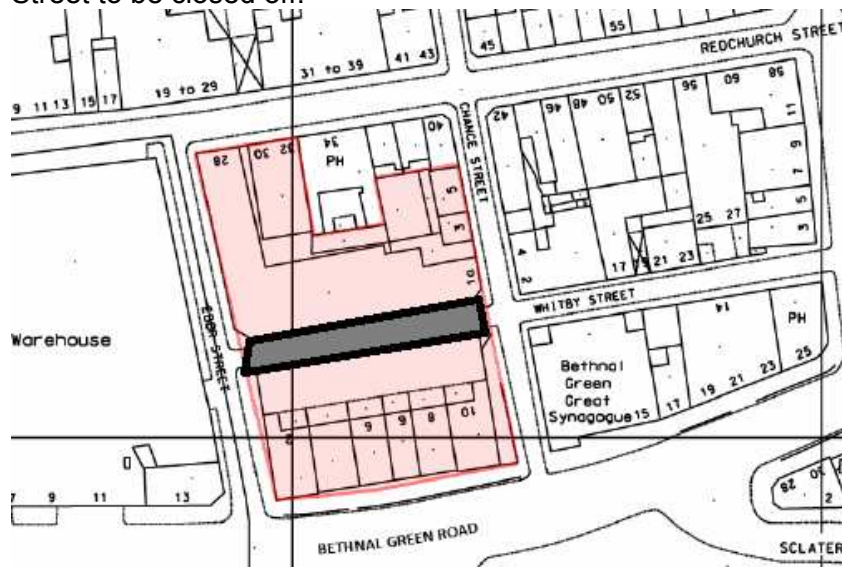
*describe the existing setting of the conservation area but claim nevertheless that it is damaged. We have shown that the majority of our site, with the exception of the Redchurch Street frontage, contains no part of the built townscape forming the character and appearance and provides a setting where one is currently missing. This applies also to the southerly setting of the listed Owl and Pussycat Pub. In not acknowledging the current lack of a setting to the south and the fact that the scheme does in fact extend the character and appearance to the south, RGA devalue the status of their criticism.'*

- 8.91. Both responses have been considered within the assessment of whether the proposed design and in particular in relation to its impacts on heritage assets is acceptable. This is outlined further within the following section.

*1 .Whether the demolition within the Redchurch Street Conservation Area and the building over the Whitby Street is acceptable?*

- 8.92. 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.
- 8.93. English Heritage and the Boroughs Conservation Officer consider the proposed development does cause some harm and as such, should be considered in relation to its benefits. Therefore paragraph 134 of the NPPF is application. This paragraph states 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.
- 8.94. 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.
- 8.95. The application site lies within the Redchurch Conservation Area, which was designated in October 2008. It is abutted to the north by the Boundary Estate Conservation Area and to the south by the Fournier Street/ Brick Lane Conservation Area.

- 8.96. The character appraisal states that the purpose of designation is to safeguard the remaining street pattern and the buildings within it. The vision for Shoreditch seeks to reinforce and reflect the historic qualities in Shoreditch to shape future growth.
- 8.97. The proposal seeks to develop over part of Whitby Street, thus permanently removing part of a street pattern which the conservation area appraisal seeks to retain. The Tower Hamlets historic maps dated 1896 indicate 'Little York Street' ran across the site linking Club Row to Ebor Street. This was later renamed Whitby Street and part of the site was later closed off as a public highway. It continued to provide off street parking and servicing to the existing Huntingdon Estate.
- 8.98. The proposal seeks to remove this access route resulting in a larger parcel of land to be developed. The borough conservation officer has not raised any objections over the loss of this route, whilst English Heritage consider it to have less than substantial harm which is to be weighed against the benefits of the scheme. To retain reference to the street a glazed panel is to be inserted into the recess on Chance Street and provide a view into the site and to the entrance on Ebor Street.
- 8.99. The following plan shows the application site outlined, and the portion of Whitby Street to be closed off.



- 8.100. Whilst the proposed reference to the existing street is relatively minor, officers feel the loss of this portion of Whitby Street, which is a narrow and relatively insignificant route and one that has been closed off for several years as an adopted highway to be acceptable in order to facilitate such a high quality and well-designed development. It is also important to note, the main side streets off Redchurch Street – Chance and Ebor Streets will both be retained continue to be served as adopted highways, as will be the remaining portion of Whitby Street.
- 8.101. The proposal seeks to demolish the two storey HIE (including 28 Redchurch Street) and developed on part of Whitby Street to facilitate the development. HIE is a modern two storey warehouse building with limited heritage value. No objections are raised to the demolition of this building to enable a more intensive better utilised site.
- 8.102. The following photographs show 28, 30 and 32 Redchurch Street.



Fig.5.14: 30-32 Redchurch Street.



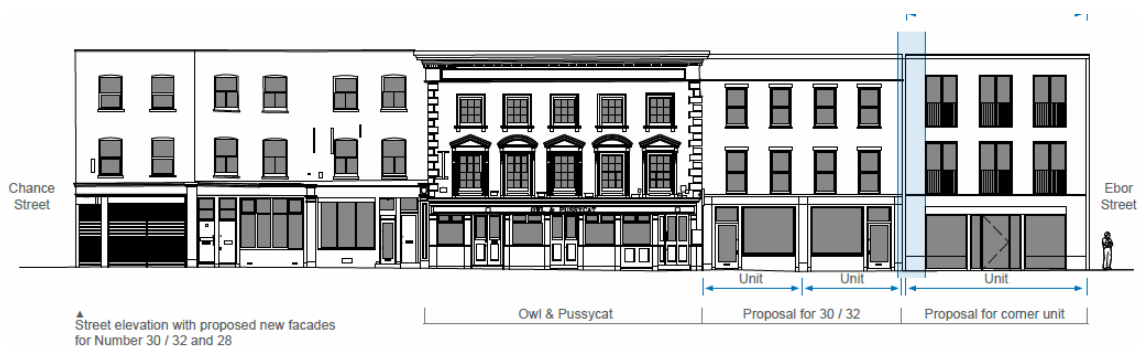
Fig. 5.15: No. 28 Redchurch Street.

- 8.103. English Heritage considers the loss of 30-32 Redchurch Street, to make a positive contribution to the conservation area and that this loss, along with the loss of part of the Whitby Street pattern to the harm on the Redchurch Street Conservation Area. The Borough Conservation officer also shares the belief that the existing 30-32 Redchurch Street makes a positive contribution to the conservation area, and has requested the scheme is amended to have the façades of these buildings retained.
- 8.104. English Heritage also advise they believe the proposed development is generally of high quality and has the potential to benefit the area in a variety of ways and that these benefits should be weighed the harm outlined in accordance with the relevant NPPF policies, when making a final view over the acceptability of the development.
- 8.105. The four policy tests to be considered when assessing the loss of these buildings are found within policy DM27 of the MDD.
- 8.106. DM27(3a) of the MDD (2013) requires the loss of heritage assets to be assessed with regard to the significance of the asset, architecturally, historically and contextually. As outlined above, and taking the advice of specialist heritage officers, consider that the buildings makes a positive contribution to the character and appearance of the Redchurch Street Conservation Area. However, given the buildings are not listed, and are not considered to have their own unique merit they are considered to have less than significant value and the overall harm resulting from the loss of these buildings on the Redchurch Street Conservation Area can be considered as 'less than substantial harm' to the significance of a designated heritage asset and can be weighed against the public benefits of the proposal, in accordance with paragraph 134 of the NPPF.
- 8.107. Policy DM27(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. Whilst policy DM27(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. Lastly, DM27(3d) requires this application to be assessed in terms of the merits of any alternative proposal for the site.

- 8.108. The applicant has submitted a '30 / 32 Redchurch Street Options Review' which looks at the different options available. These include, the retention and refurbishment of the buildings, the redevelopment involving the retention of the facades and lastly, the complete demolition and rebuilding of the buildings.
- 8.109. With regards to the first option, in order to deliver an affordable residential offer of approximately 7 apartments a partial demolition of the existing building and roof is required. Removal of the rear portion of the building would provide the space required for the new access core.
- 8.110. However, the development would also need to comply with the following requirements.
1. Current building regulations
  2. The requirements of the London Housing Design Guide
  3. Code for Sustainable Homes - Level 4
  4. Secure by Design
- 8.111. It is suggested that in order to meet the above standards significant work will be required which will not only be expensive, but likely to reduce the usable space within the building and as such, provide less affordable housing than that proposed.
- 8.112. The second option is to retain the façade and re-develop the building behind the façade. This option has been favoured by officers during the pre-application discussions; however the viability conclusions arising from the submitted viability assessment indicate that any further costs (which would be incurred if the façade is to be retained) would render the scheme lessviable. As such, the suggested additional costs of £350,000 to £400,000 to retain the façade have led to this option being discounted.
- 8.113. The following plans show the existing streetscape, with the listed Owl and Pussycat in the centre and option 3 which is proposed within this application.



Existing Redchurch Street Elevation



Proposed Redchurch Street Elevation



- 8.114. The final option, as shown above seeks to demolish and rebuild the façades; the main advantage is the lack of constraint over existing floor plates and façades. The rebuilding allows the existing alleyway to be filled by both buildings thus keeping the proportions of both new buildings (28 & 30-32 Redchurch Street) similar.
- 8.115. 30-32 Redchurch Street will continue to have a horizontal row of four sash windows, with 28 Redchurch Street having three. The proposed simple, yet traditional design along with the window alignment and height of the buildings will ensure the setting of the grade II listed building is preserved.
- 8.116. As such, whilst officer's preference is for the facades of 30-32 Redchurch Street to be retained as a minimum, given the design and overall quality of the proposed buildings, it is considered that in line with the test required by the NPPF the harm arising from the loss is lessened sufficiently by the proposed buildings. In addition, when taking into account the overall quality of the scheme and the regenerative benefits of both HIE and FSH the loss is considered, on balance acceptable.

*2. Whether the proposed height (and design) preserve or enhance the Redchurch Street Conservation Area and the adjoining conservation areas (and their locally listed/ listed buildings)?*

Redchurch Street Conservation Area

- 8.117. Firstly, in relation to the Redchurch Street Conservation Area, Whitby Street currently running through the site also forms the boundary of the conservation area. The northern part of the application site falls within the conservation area.
- 8.118. As outlined above, the proposed replacement buildings have been assessed in relation to their location and have been considered acceptable. In terms of their impact on the conservation area, this is also the case. The main impact on the conservation area is considered the impact from the tallest element of the proposal, which is significantly above the identified scale of 3 – 4 stories as outlined within the conservation area appraisal.
- 8.119. As the application site is located within the south-east corner of the conservation area, and the narrow streets, the proposed height will only be visible from certain views within the conservation area.
- 8.120. The submitted Townscape, Heritage and Visual Impact Assessment report, considers many of these views which have been assessed by officers. With the impact on the Owl and Pussycat PH considered separately below, officers consider the greatest impacts to be when viewing the site east to west from (1) Redchurch Street along Ebor Street, (2) Whitby Street, and when (3) viewing the site from the north east corner of Chance Street and Redchurch Street. CGI's of these views are shown below.

VIEW 16 - JUNCTION OF REDCHURCH STREET AND EBOR STREET

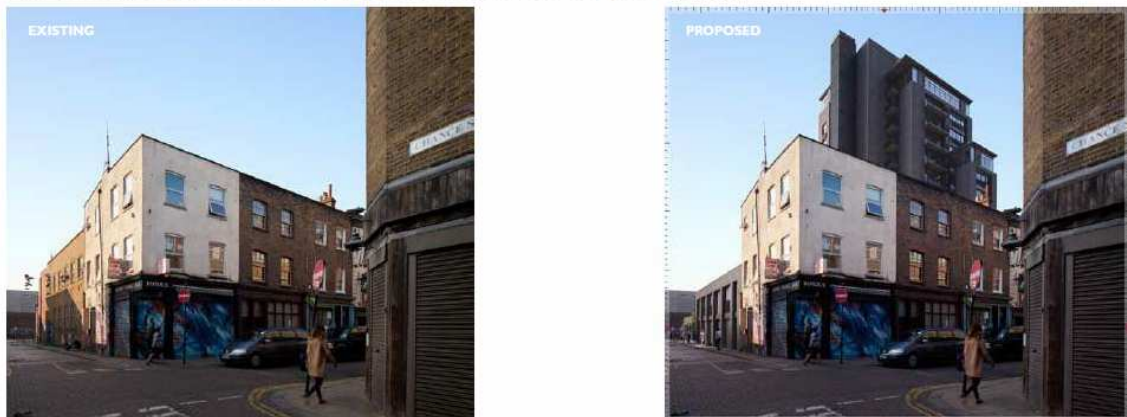


(1) Existing and proposed view of the application site from Redchurch Street, looking along Ebor Street.

8.121. This view of Redchurch Street to the corner of the application site has two main impacts; the first is considered a beneficial impact of the corner building providing an emphasis to the site in comparison to the site and resulting in a better relationship along the streetscape of Redchurch Street. The second is the impact of the taller element. With the stepped approach to the height, the proposed impact of the height is reduced on this view.

8.122. When considering the partial viewpoint from this corner, the quality of the corner building, and the proposed stepped approach, the impact on this part of the conservation area is considered acceptable.

VIEW 12- CHANCE STREET BETWEEN OLD NICHOL STREET AND REDCHURCH STREET



(2) Existing and proposed Chance Street facing Redchurch Street view.

8.123. When travelling east to west along the northern side of Redchurch Street (from 65 Redchurch Street to 45 Redchurch Street), the main tower will appear gradually culminating at the corner of 45 Redchurch Street to the above view. When experiencing Redchurch Street kinetically, this building is most likely to appear within the background of the street and as such, the actual harm is not considered substantial and on balance is acceptable.

VIEW 8 - EAST END OF WHITBY STREET



(3) Existing and proposed east west view along Whitby Street

8.124. The proposed view along Whitby Street shows a significant change from the existing; however this view in itself is not considered a significant view within the conservation area. As such, whilst there is an impact the impact itself is not considered particularly negative and the introduction of a building in this location draws attention along the narrow street.

8.125. Adjacent to the application site is the locally listed 15 Bethnal Green Road. As outlined above, the application has been carefully designed to respect the setting of this building by keeping the Chance Street elevation at single storey. This measure is sufficient and considered acceptable.

8.126. The views from other aspects of the conservation area have also been assessed and considered acceptable.

South Shoreditch Conservation Area

8.127. With regards to South Shoreditch Conservation Area, the proposed building will appear as a distant back ground building, like the Avant-Garde Tower on Bethnal Green Road and is considered to have an acceptable impact on the conservation area. This is shown in the following CGI's



CGI from the corner of Shoreditch High Street, looking towards Bethnal Green Road.

8.128. The 'Tea Building' located on the corner appear prominent and by virtue of the separation distance largely shields the height of the application site. The proposed building is shown by a faint outline.

8.129. The greatest impact is likely to be felt along southern part of the conservation area, on Shoreditch High. The existing and proposed views are shown in the following images. Given Former BishopsgateGoodsyard is located in the foreground, the overall impact and sensitivity of this view is minor as is its impact.

VIEW 23 - SHOREDITCH HIGH STREET AT JUNCTION WITH PLOUGHYARD



#### Boundary Gardens Conservation Area

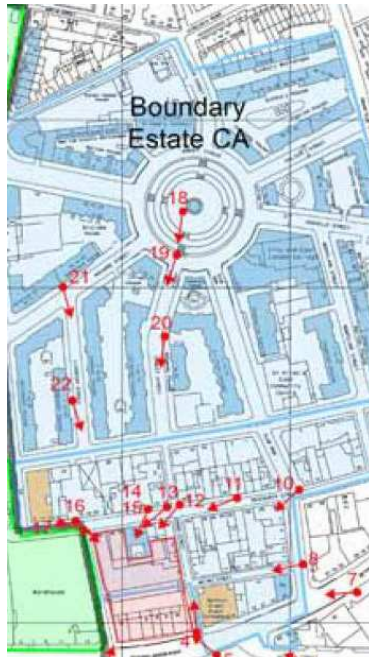
8.130. Boundary Gardens Conservation Area, unlike other conservation areas is not based on linear streets. Instead it is based on a central listed bandstand which has several residential buildings running off this bandstand. As this is one of the first example of social housing in the Country, the majority of building are also grade II listed.

8.131. The application site is located to the south of this estate and the proposed development will be viewed from the bandstand (Arnold Circus) and some of the surrounding streets.

8.132. The following plan shows the relation of the application site in to the Conservation Area. The arrows indicate the various views considered within the application.

8.133. Given the conservation area includes a large number of mature trees the actual impact of the development will largely be confined to winter months.

8.134. The following are a couple of the existing and proposed views considered within the application.



VIEW 20W - CAMLET STREET NORTH OF OLD NICHOL STREET (WINTER)



Existing and proposed view from Camlet Street.

VIEW 21 - NAVARRE STREET AT JUNCTION WITH LIGONIER STREET

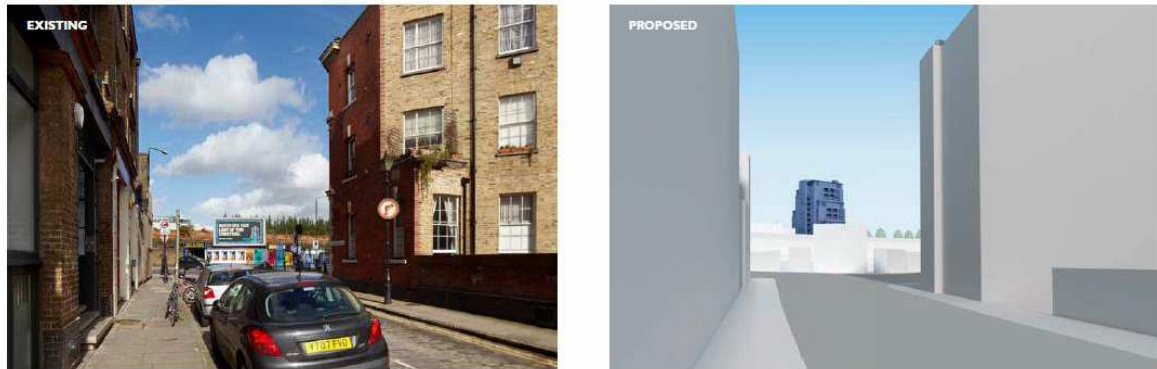


Existing and proposed view from Ligonier Street.

8.135. From these views, the proposal is considered as a tall building located within the background of these listed buildings. As such, officers consider the overall impacts on the setting of the conservation area and the listed buildings to be minor and acceptable.

### Other conservation areas

- 8.136. Lastly, in relation to other nearby conservation areas, the building will appear as a distant background building as shown in the following view from the Elder Street Conservation Area. The overall impacts are acceptable.



### *3. Whether the proposed height of the building preserves or enhances the setting of the Grade II listed Owl and Pussycat Public House and the locally listed building?*

- 8.137. According to the submitted Townscape, Heritage and Visual Impact Assessments suggests The Owl and the Pussycat Pub (known as the Crown Public House earlier) had its origins in the 1670's and that it was perhaps always used as a public house.
- 8.138. The pub and its small rear courtyard is adjacent to and enclosed on 3 sides by the development site and faces Redchurch Street. It is also within the Redchurch Street Conservation Area.
- 8.139. The taller elements of the development will be visible within the back-drop of the listed building from the opposite (north side) of Redchurch Street and distant views will exist further east on Redchurch Street. Due to the relatively narrow nature of Redchurch Street the longer views of the site in relation to the Owl and Pussycat are not considered to adversely impact on its setting.
- 8.140. An existing image Computer generated images (CGI) from the northern side of Redchurch is shown below along with two proposed images, one is taken from the edge of the pavement, whilst the second is taken against the edge of the adjacent building.

EXISTING



8.141. It is clear the proposed building will be visible above its parapet. Whilst the proposed building will be visible, its impact is restricted to only the upper most storeys. Furthermore, the main architectural detail of interest when considering the building is the first floor detailing and ground floor frontage, which remain the focal element in views. On balance, the proposal does not adversely impact on the setting of the listed building. This is also a view shared by the GLA within their stage 1 response.

*4. Overall, whether the benefits of the regeneration outweigh any of the impacts on these heritage assets?*

8.142. The main regenerative benefits of the scheme the regeneration of both sites (HIE and FSH) with high quality developments and the provision of much needed affordable housing 43.8%. When considering the lack of substantial harm caused by

the proposal on the heritage assets overall, the proposed benefits that will be brought by the regeneration are considered to significantly outweigh the less than substantial harms on the neighbouring heritage assets. As such, the proposal is considered to comply with 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).

## Housing

- 8.143. Paragraph 49 of the National Planning Policy Framework seeks to ensure Housing applications are considered in the context of the presumption in favour of sustainable development.
- 8.144. Policy 3.3 of the LP seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 8.145. Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the LP.
- 8.146. HIE proposes 78 residential units the breakdown of which is shown in the following table. Out of the 78 units, 69 are proposed to be market housing and 9 intermediate.

	MARKET		INTERMEDIATE		Total units	
	Number	Hab Rooms	Number	Habrooms	Units	Habrooms
STUDIO	12	12	0	0	12	12
1B	27	54	5	10	32	64
2B	24	72	3	9	27	81
3B	5	21	1	4	6	25
4B	1	6	0	0	1	6

## Affordable Housing

- 8.147. As noted earlier, the scheme has been submitted in conjunction with a development at the Fleet Street Hill which is reported separately on the agenda. The applications are linked regarding the provision of affordable housing and dwelling mix. It is proposed that the majority of the affordable housing is delivered at Fleet Street Hill in lieu of the bulk of the affordable housing obligation arising from the HIE development, which will contain the majority of the market accommodation.
- 8.148. At the national level, the NPPF seeks to ensure that a wide choice of high quality homes are delivered. Where it is identified that affordable housing is needed this need should be met on-site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities
- 8.149. The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and 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 which can be expressed in absolute terms or as a percentage.

8.150. Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites having regard to:

- a) Current and future requirements for affordable housing at local and regional levels
- b) Affordable housing targets
- c) The need to encourage rather than restrain development
- d) The need to promote mixed and balanced communities
- e) The size and type of affordable housing needed in particular locations
- f) The specific circumstances of the site.
- g) Recourses available to fund affordable housing, to maximise affordable housing output
- h) the priority to be accorded to the provision of affordable family housing.

8.151. The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Borough's should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained. The GLA development control toolkit is an acceptable way of evaluating whether a scheme is providing the maximum reasonable amount of affordable housing.

8.152. Paragraph 3.74 of the London Plan states that affordable housing is normally required on-site. However, in exceptional circumstances it may be provided off-site on an identified alternative site where it is possible to:

- a) Secure a higher level of provision
- b) Better address priority needs, especially for affordable family housing
- c) Secure a more balanced community
- d) Better sustain strategically important clusters of economic activities, especially in parts of the CAZ and the north of the Isle of Dogs where it might be part of a land 'swap' or 'housing credit'.

8.153. The issue of affordable housing and off-site provision is similarly dealt within policy SP02 of the Core Strategy which sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).

8.154. Policy DM3 of the MDD requires developments to maximise affordable housing on-site. Off-site affordable housing will be considered where it can be demonstrated that:

- i. It is not practical to provide affordable housing on-site
- ii. To ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area.
- iii. It can provide a minimum of 50% affordable housing overall
- iv. It can provide a better outcome for all of the sites including a higher level of social rented family homes and
- v. Future residents living on all sites use and benefit from the same level and quality of local services.

8.155. In light of the above policies when considering national, regional and local policies, off-site affordable housing is generally only acceptable in exceptional circumstances,

if it is to be accepted it should provide a higher quantum than if it were on-site (subject to viability), should not undermine the objectives of providing a mixed and balanced community, should better address a priority need i.e. affordable family homes and would not reduce future residents access to services and amenities which would be available to residents of the private housing site.

#### Proposed Affordable Housing

- 8.156. The applicant is seeking to provide Intermediate and Market housing on HIE and Intermediate, Rented and Market on FSH. Based on habitable rooms, the percentage affordable on HIE is 12% whilst at FSH is 87%. When combined this equates to an overall affordable housing percentage of 43.8%.

#### Quantum of affordable housing

- 8.157. MDD policy DM3 requires a minimum of 50% affordable housing to be provided across both sites when off-site affordable housing is offered. This however is subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasis that development should not be constrained by planning obligations.
- 8.158. Paragraph 173 of the NPPF states that “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 8.159. A viability toolkit has been submitted with the scheme and this has been independently reviewed by Allsops. It has been concluded that the 43.8% affordable housing is more than what can viably be provided across the two sites and that to achieve this level, the applicant is relying on the housing market to pick up in the medium term to enable this provision of affordable housing.
- 8.160. As part of the viability exercise consideration was given to two scenarios if Huntingdon Industrial Estate was to be developed as two stand-alone applications. The first scenario was with the scheme proposing 35% affordable housing. This was discounted as the residual land value would have been lower than the existing use value and as such would have been unviable.
- 8.161. The second scenario considered a situation where 22% affordable housing was provided on site. This would still generate a negative residual land value and would have been similarly unviable.
- 8.162. It is also noted, that in both scenarios, without introducing separate lift cores which in itself would reduce the overall housing provision, the proposed affordable units would be liable to greater service charges making them less appealing to registered providers and unlikely to come forward in the design currently submitted.
- 8.163. The proposal seeks to provide 12% affordable on Huntingdon which enables the development to fund the site at Fleet Street Hill and enable a greater proportion of affordable housing overall to be delivered.
- 8.164. The level of affordable housing provided across the HIE and FSH sites is considered acceptable on balance when assessed against the viability constraints of the site and accords with policy SP02 of the Core Strategy which seeks to provide 35-50% affordable housing on all sites which provide more than 10 residential units (subject to viability). The combined schemes are offering 43.8% affordable housing. The

acceptability of the FSH for an off-site affordable housing scheme is also weighed against the quality of family accommodation which can be provided at this site compared to within the HIE, the development is lower density with more outdoor space which is better suited for families. Further assessment of why, on balance officers support the off-site provision of affordable housing in this instance is set out below.

#### Mixed and balanced communities

- 8.165. The proposed development on HIE represents a mix of tenure by providing some intermediate units properties. This is considered to meet the objectives of mixed and balanced communities in this instance.
- 8.166. It is also noted that the applicant has used census in the socio-economic chapter of the ES to outline that Weavers ward has a higher proportion of social rented housing than LBTH as a whole, and a significantly higher proportion than the London average. Over 43% of homes in the ward are under social rented tenures, compared to 39% across LBTH and 24% in London. This further provides justification that a larger than normal percentage of market housing at Huntingdon Industrial Estate will not lead to an overall dis-balance in mixed and balanced communities within the locality as a whole.
- 8.167. As outlined within the land use section, a number of commercial units are also proposed within the development. These will further encourage a range of mix and balanced community.
- 8.168. Overall, officers are satisfied that a wide range of measures have been adopted to ensure that despite the high proportion of rented accommodation the proposed development will result in a mixed and balanced community.

#### Better addressing a priority housing need

- 8.169. The FSH scheme provides a high proportion of rented family units which are a priority for the Borough. Policy SP02 seeks to ensure that within the social rented tenure 45% of housing would be suitable for families. At FSH, 58% of this site would be three, four and five bedroom properties which would all be provided at social rent levels. Each of these units have their own private amenity space, some of which are in the form of back gardens which is considered to be a good quality amenity space particularly for families with young children.
- 8.170. The provision of ground level, private amenity space is not possible on the HIE site due to its restricted size. The majority of amenity space within that development [HIE] is provided by way of roof terraces, whilst some child's play space could be provided within these floors it would be difficult to provide the quantum and range of spaces required for the additional child yield associated with the provision of social rented units. There is also a higher quantum of communal and public open space that can be provided on this site when compared to the HIE site which is more suitable for non-family accommodation.
- 8.171. Overall it is considered to be a better solution to allow rented units to be provided on the FSH as it can provide a better standard of family housing.

Future residents living on all sites use and benefit from the same level and quality of local services.

- 8.172. The proposed development at FSH is considered to be of a high quality design which would be located within an established residential area. It is just 500m from the HIE site and will therefore benefit from the same local infrastructure as that site. The FSH site also has the added advantage of having Allen Gardens immediately south of the site.
- 8.173. If the HIE scheme were a stand-alone development seeking to provide all of the affordable housing requirement on-site there would be a number of implications for the overall quantum of affordable housing and the quality of accommodation for residents.
- 8.174. The high-rise living environment within HIE is not necessarily suitable for families, particularly families within the social rented tenure due to the larger child yield. Whilst it could be accommodated, an off-site solution in this instance would maximise housing on HIE whilst ensuring the overall provision of family sized rented accommodation is maximised on FSH. The amenity floors and pavilion within HIE provide a sufficient quantum of space for the current scheme but this is on the basis that the majority of the accommodation is smaller, private units, where the child yield is significantly lower than if social rented family accommodation were to be provided. The FSH site is able to allow more family sized units with their own private, outdoor gardens. There is also a more generous provision of communal outside space for children and adults to use as outlined above with Allen Gardens immediately to the south of the site.
- 8.175. The inclusion of social rented units within HIE would reduce the viability of the scheme, it would not be possible to provide the same quantum (or quality) of rented accommodation if all affordable housing were to be 'on-site'. This is compounded by the service charges which would be applicable to within HIE. The cost of service charges within this development would be relatively high for a number of reasons including the provision of several lifts, 24-hour security, and maintenance of the internal amenity spaces. Whilst it would be possible for the developer to not pass on the service charges to the affordable units, this would be at the cost of the viability of the scheme, thereby further reducing the amount of affordable housing (or financial contributions) which could be provided on-site.

#### Conclusion.

- 8.176. On balance, it is considered, in this instance that the provision of off-site affordable housing is acceptable. Whilst the scheme is unable to provide 50% affordable housing as per the policy requirement, officers are satisfied that the developer is maximising the provision of affordable housing beyond what is currently viable.
- 8.177. The benefits of the scheme, including the provision of housing, including the ability to provide a large number of family units within the social rented tenure, the quality of amenity space and the overall benefit of the regeneration of two sites is considered to outweigh the inability of the scheme to provide 50% affordable housing.

#### **Housing Mix**

- 8.178. If the committee decides that the principle of providing the majority of the affordable housing arising from the HIE within the FSH development is acceptable, the Committee also needs to determine whether the proposed dwelling mix is satisfactory.

#### Housing Type and Tenure Mix

8.179. Policy 3.11 of the LP requires 60/40% split of affordable housing in favour of rented accommodation. Policy SP02(4) of the adopted CS requires a 70/30 split in favour of rented accommodation given Tower Hamlets greater need for rented units. The proposed schemes combined delivers a tenure split of 77% rented accommodation and 23% intermediate which is policy compliant.

Mix of units

8.180. The proposed scheme is considered to broadly comply with Policy SP02(5) of the adopted CS and policy DM3(7) of the MDD which requires schemes to deliver a mix of units. The first table shows the mix for HIE as a stand alone application. Whilst the second table shows the combined mix of units.

Unit size	Total units	Scheme %	Affordable Housing						Market Housing		
			rented			intermediate			private sale		
			scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	12	15%	0	0%	0%	0	0%	0%	12	17%	0%
1 bed	32	41%	0	0%	30%	5	56%	25.00%	27	39%	50.00%
2 bed	27	35%	0	0%	25%	3	33%	50.00%	24	35%	30.00%
3 bed	6	8%	0	0%	30%	1	11%	25%	5	7%	20%
4 bed	1	1%	0	0%	15%	0	0%		1	1%	
5 bed	0	0%	0	0%	0%	0	0%		0	0%	
6 bed	0	0%	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>78</b>	<b>100%</b>	<b>0</b>	<b>0%</b>	<b>100%</b>	<b>9</b>	<b>100%</b>	<b>100%</b>	<b>69</b>	<b>100%</b>	<b>100%</b>

Table showing HIE in isolation.

8.181. Besides the lack of affordable rented accommodation, it is noted that there is a higher proportion studios, one beds and two beds within the market accommodation, which would normally be unacceptable. However, in this instance given the development is maximising housing overall, including a large provision of family housing within the rented section at FSH, it is on balance, considered acceptable.

8.182. The number of intermediate (9 respectively) considered too low for a percentage comparison against policy to be useful. Instead it is considered that this is better made when assessing the mix of units for both sites collective as shown in the following table.

Unit size	Total units	Scheme %	Affordable Housing						Market Housing		
			rented			intermediate			private sale		
			scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	12	11%	0	0%	0%	0	0%	0%	12	16%	0%
1 bed	39	35%	2	8%	30%	6	50%	25.00%	31	41%	50.00%
2 bed	39	35%	8	33%	25%	5	42%	50.00%	26	34%	30.00%
3 bed	14	13%	7	29%	30%	1	8%	25%	6	8%	20%
4 bed	7	6%	6	25%	15%	0	0%		1	1%	
5 bed	1	1%	1	4%		0	0%		0	0%	
6 bed	0	0%	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>112</b>	<b>100%</b>	<b>24</b>	<b>100%</b>	<b>100%</b>	<b>12</b>	<b>100%</b>	<b>100%</b>	<b>76</b>	<b>100%</b>	<b>100%</b>

Table showing FSH and HIE combined.

8.183. It is clear from the above table, within the rented accommodation and market units overall, there is a strong imbalance between the higher number of studio, one bedroom and two bedrooms than the Core Strategy target which is at the expense of

family sized units. In terms of intermediate units only 8% are suitable for families (3 bedroom +) and within the market just 9% are suitable for families.

- 8.184. The bulk of the intermediate and market are located within the HIE development and as such, the justification for this mix is explained in greater detail within this item on the agenda.
- 8.185. The provision of family sized accommodation across both sites is 19% against the 30% target set within policy SP02 of the Core Strategy, however officers consider HIE to be unsuitable for a large number of family sized units and the provision of studios, one bedroom and two bedroom market units on HIE, allows an over provision of larger number of rented family size units to be sustained at FSH, which is considered acceptable.

#### Overall housing conclusions

- 8.186. Overall, it is considered that the benefits of the scheme in this instance outweigh the shortfalls and that the proposal would provide an acceptable mix of housing and would contribute towards delivering mixed and balanced communities across the wider area. Furthermore, the provision of 43.8% overall affordable housing is acceptable on balance. Therefore, it is considered that the application provides an acceptable mix and percentage of affordable housing in accordance with policy 3.3 of the LP (2011), policy SP02 of the CS and policy DM3 of the MDD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

#### **Quality of accommodation**

- 8.187. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.

#### Internal Space Standards

- 8.188. LP policy 3.5, policy DM4 of the MDD requires new development to make adequate provision of internal residential space.
- 8.189. The proposed development is designed to the Housing Design Guide standards and therefore is acceptable in terms of internal space standards. Furthermore, the units are sufficiently large to meet policy requirements.

#### Wheelchair Housing and Lifetime Homes Standards

- 8.190. Policy 3.8 of the LP and Policy SP02 of the LBTH CS require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.191. Within HIE, 10.25% of all the units (8 units) are proposed to be provided as wheelchair accessible. These four units are also to be family sized units which is supported by housing colleagues as it would meet a demonstrated housing need.
- 8.192. If planning permission is granted a condition would be attached to ensure that the wheelchair accessible units are delivered within the scheme.

#### Private and Communal Amenity Space

- 8.193. Policy DM4 of the MDD sets out standards for new housing developments with relation to private and communal amenity space. These standards are recommend that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant. Each residential unit within the proposed development provides private amenity space in accordance with the housing design guide and policy requirements, in the form of balconies and gardens.
- 8.194. For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 78 units the minimum communal amenity space required would be 118sqm.
- 8.195. The proposal delivers approximately 353sqm of usable communal amenity space within a dedicated areas with both the private and intermediate units have separate but areas both in excess of policy levels. This exceeds policy requirements and is considered acceptable.

#### Child Play Space

- 8.196. Policy 3.6 of the LP, Policy SP02 of the CS and Policy DM4 of the MDD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' (which sets a benchmark of 10 sq.m of useable child play space per child).
- 8.197. Using LBTH child yield calculations, the overall development is anticipated to accommodate 8 children and accordingly the development should provide a minimum of 80sq.m of play space. This is below the threshold whereupon on-site play facilities are required, as detailed in the Mayor's SPG. However, the proposal includes a number of shared amenityspaces, which will provide opportunities for door-stop play, which is supported.
- 8.198. Overall, the provision of amenity space to provide doorstep child playspace is considered acceptable in relation to policy DM4 of the MDD and policy 3.6 of the LP.
- 8.199. In addition to the Child Play Space requirements, the Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. There are areas in the vicinity of the site listed below, including the Allen Gardens which provides a local area of designated amenity space for future residents

#### Public Open Space

- 8.200. The Core Strategy has a Strategic Objective to create a green and blue grid of well connected, high quality green spaces and water spaces. The Core Strategy sets out the spatial policies for achieving this objective including protecting all existing open space and wherever possible creating new open spaces. The Core Strategy notes that to achieve the 1.2 hectare per 1000 population standards the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the physical constraints in Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standard to help justify local need, and secure financial contributions towards the improvement of public open space.

- 8.201. In this instance, a contribution of £286,250.89 has been requested towards Public Realm and streetscene improvements. This is discussed further within the 'Planning Obligations' section of this report.
- 8.202. To meet the 1.2 hectare per 1,000 population monitoring standard, the scheme would need to include 1596sq metres based on a likely population yield of 133 new residents.
- 8.203. The accompanying text to policy DM10 states that in instances where public open space cannot be provided on-site then a contribution will be sought towards open space to deliver or improve existing open spaces within the borough. In this instance, using the Planning Obligations SPD as a basis, a contribution has been secured towards public open space. This is discussed further within the amenity section of the report.
- 8.204. Officers acknowledge that due to the site constraints it is not possible to deliver the full suggested open space amount. Given this figure is only guidance and taking the public space contribution into account along with the quality and design of the proposed pocket park, officers feel in this instance the provision of open space is acceptable.

#### **Daylight/ Sunlight for future occupiers.**

##### Daylight

- 8.205. Daylight for future residents is calculated by Average Daylight Factor (ADF). ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylight appearance.
- 8.206. BRE guidelines recommend the following values for dwellings. These are:  
2.0% - Kitchens  
1.5% - Living Rooms  
1.0% - Bedrooms
- 8.207. The applicant has submitted a daylight and sunlight assessment which has been independently reviewed by the Council. The review outlines that some of the rooms do not meet the standards outlined above and these primarily located on Ebor Street, where they face towards the relatively tall structures of the Biscuit House and Tea Building. The worst affected are those to the centre of the Ebor Street elevation, 9 of these types of rooms not meeting the required standard and based on this, the appropriateness of residential facing Ebor Street is a challenge.
- 8.208. The applicant has provided a response to this review outlining further why they consider some of the failures to be acceptable. They point out that only a very small proportion of the rooms fail and that the majority meet and exceed the recommended minimum levels.
- 8.209. They also highlight that the majority of living areas affected on Ebor Street (7 out of 12) are located on the lowest 2 residential floors and by level 3 there's only 1 flat per floor which falls short of the recommended minimum guidance. Officers agree with the suggestion made by the applicant that this is typical of most residential accommodation located in central London.
- 8.210. In addition, the applicant also outlines that the single rooms falling short of guidance on the levels above the third floor, do so because they are served by balconies,



which trade private amenity with reduced daylight levels and that if the balconies be removed they would enjoy levels of daylight in excess of the minimum recommendations.

- 8.211. Officers taking the above into consideration and in particular that the vast majority of units fully meet the ADF standards the minor losses are on balance acceptable.

#### Sunlight

- 8.212. The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in BS 8206:2008 as follows:
- 8.213. “Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probably sunlight hours should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary”
- 8.214. The applicants report identifies that only the Ebor Street and Bethnal Green Road elevations qualify for sunlight assessment, as facing within 90 degrees due south. There are generally poor results to the lower elevations on Ebor Street and to centre windows on Bethnal Green Road.
- 8.215. Officers consider that it is inevitable that sunlight results would be poor on Ebor Street due to that elevation facing almost due east and due to the height of the Biscuit House and Tea Building and that overall, sunlight levels are acceptable as a result.

#### Noise and Vibration

- 8.216. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.217. Policy 7.15 of the LP, policies SP03 and SP10 of the CS and policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.218. The proposed development will be exposed to noise and some vibration from local road and railway transport in close proximity to the development.
- 8.219. The submitted noise report considers existing noise levels from ground borne vibration and air borne noise from the adjacent overground line and also from the surrounding highway.

#### Groundborne Noise and Vibration

- 8.220. In order to address the Groundborne noise and vibration, a noise and vibration report has been submitted with the application, this is accompanied with supplementary vibration measurements which were carried out at the request of the Councils

Environmental Health Officer. The vibration levels were originally measured using 'eVDV' estimated Vibration Dose Values. Following comments from Environmental Health, the applicant undertook additional testing which involved actual VDV.

Land Use / Time Period	Low probability of adverse comment VDV (m/s <sup>1.75</sup> )	Adverse comment possible VDV (m/s <sup>1.75</sup> )	Adverse comment probable VDV (m/s <sup>1.75</sup> )
Residential Buildings 16-hour day	0.2 to 0.4	0.4 to 0.8	0.8 to 1.6
Residential Buildings 8-hour night	0.1 to 0.2	0.2 to 0.4	0.4 to 0.8

Table showing criteria for Assessing the Effects of Vibration on Human Response (VDV)

- 8.221. All VDV values recorded on site fall within the recommended 'Low probability of adverse comment'.
- 8.222. The applicants submitted information confirms that the proposed development is unlikely to have any groundborne noise and vibration issues. This has been reviewed by the Councils Environmental Health department who consider the information acceptable.
- 8.223. It is also noted that the Councils Environmental Health department have the powers under the Environmental Protection Act 1990 to prevent occupation of the building.
- 8.224. As such, subject to condition, it is considered that groundborne noise and vibration will be suitably addressed within the development.

#### Airborne noise

- 8.225. Airborne noise is more concerned with noise within internal rooms. The applicant in discussions with colleagues from the Environmental Health Department has agreed to the following standards. This would ensure during the night 'Good' standards during the day 'Reasonable-Good' are achieved. The standards are reflective of WHO and BS8233 documents.

Living Rooms 35dB LAeq  
 Bedrooms 30dB LAeq  
 Bedrooms 45dB LAmx

- 8.226. In order to ensure this is the case, an additional condition will be required ensuring this standard is met.
- 8.227. The terraces are proposed with solid screening to ensure a range of 41 to 51 LAeq (day time) and 36-45 LAeq (night-time) is achieved. These are lower than the upper limits suggested by the WHO and are considered acceptable.

#### Noise arising from commercial uses at ground floor level to residential uses above.

- 8.228. This is a matter that would largely be dependent on construction which is required by Building Control. The mitigation proposal against Airborne noise is conditioned to meet 60dB DnTw between the commercial use and the residential uses.
- 8.229. Lastly, noise from the operations of the commercial uses in particular the A3 use will be controlled via the imposition of conditions as no end user has been identified at this stage.

- 8.230. Taking into account the above, and the imposition of robust conditions, it is considered that the proposed development would adequately protect future residential occupants from unacceptable levels of noise and vibration, and as such, preserve the residential amenity for future occupiers. The proposal is therefore in accordance with 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.

#### Air Quality

- 8.231. Policy 7.14 of the LP seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 8.232. The Air Quality assessment (chapter 12 of the Environmental Statement) suggests there will be a negligible impact in relation to air quality. The report advises that during construction good site practices such as erecting solid site boundaries, using water as a suppressant, enclosing stockpiles, switching off engines, minimising movements and creating speed limits within the site all can mitigate against any impacts. Officers recommend a Construction & Environmental Management Plan to be secured via condition to ensure suitable measures are adopted to reduce any Air Quality impacts.
- 8.233. It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction & Environmental Management Plan.

As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution

#### **Neighbouring Amenity**

- 8.234. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

#### Daylight, Sunlight and Overshadowing

- 8.235. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.236. Surrounding the application site exist a number of residential and commercial properties which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council, which are discussed below.

## *Daylight*

8.237. For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.

8.238. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.

8.239. The impacts of daylight/ sunlight are also categorised as Minor, Moderate and Major.

- Minor: Only just fails to meet the BRE guidelines or may be one failing window within a room that has numerous windows.
- Moderate: A loss of VSC/NSL (or loss of sunlight) of approximately 31.99% - 45.99%.
- Major: A significant loss of daylight to the property (i.e. 46% loss or more) or may be numerous windows failing within a room.

8.240. The daylight, sunlight and overshadowing assessment for the neighbouring properties has been carried out by testing regular points on the elevations of the buildings surrounding the development site. Given the dense nature of the surrounding area a large number of properties have been considered as part of the application. The following properties demonstrate compliance with the above standard and as such the impact on these properties is considered acceptable.

- 41/43 Redchurch Street;
- 45 Redchurch Street;
- 47 Redchurch Street;
- 51 Redchurch Street;
- 53 Redchurch Street;
- 42 Redchurch Street;
- 44 Redchurch Street;
- 46 Redchurch Street;
- 17 Whitby Street;
- 19 Whitby Street;
- 11 Club Row;
- 7/9 Club Row;
- 25 Bethnal Green Road; and
- 65/66 Bethnal Green Road.

8.241. The following properties do not meet all the standards; however, the results have been reviewed by the independent consultant and are considered the overall impact to be negligible or minor adverse.

- 15/17 Redchurch Street;
- 31/39 Redchurch Street;
- 34 Redchurch Street;

- 36 Redchurch Street;
- 38 Redchurch Street;
- 2/4 Chance Street; and
- 15 Bethnal Green Road.

8.242. The following properties have a greater impact in terms of VSC and NSL and these are discussed in greater depth.

*19/29 Redchurch Street*

8.243. 19-29 Redchurch Street is located to the north east of the site, on the northern side of Redchurch Street. It is currently under development, with planning permission granted in 2008, and amended several times since then. In 2012 (planning reference PA/12/00221) amendments were proposed to the earlier applications, this consent was granted and finalised the proposal as the change of use of existing ground floor B1 (office) space to provide three A1(retail) units and the change of use of existing B1 (office) space at second floor to provide 9 flats (2 x 1-bed, 2 x 2-bed, 4 x 3-bed and 1 x 4-bed) over second, third and fourth floor levels, and associated external alterations.

8.244. The daylight/sunlight report for this property suggests that this property would experience VSC reductions of between 20% and 49% to residential rooms including a 49% reduction to a living room. In terms of NSL, the rooms which see a reduction of VSC do not see a significant reduction of NSL, which means light will still penetrate within these rooms. There is a five % loss of NSL to the Living room which sees the greatest loss of VSC.

8.245. The council's independent consultant considers that as a result of the minor loss of NSL the perception of light obstruction to a person in the inner part of the rooms will not be materially different and on balance considered acceptable.

*40 Redchurch Street*

8.246. 40 Redchurch Street is located at the corner of Redchurch Street with Chance Street is an 'L' shaped block located at the corner of Redchurch Street and Chance Street. The windows tested are located at the rear perpendicular to the rear façade of 38 Redchurch Street. Both windows on this flack elevation were tested, with one residential room experiencing a 30% reduction in VSC. That room experiences very little change in daylight distribution and on balance considered a minor adverse impact by the independent consultant. It is also considered that given the window is located at the rear of what is a tight narrow site, and that the property is dual aspect this overall impact is considered acceptable.

*13 Bethnal Green Road*

8.247. 13 Bethnal Green Road, is located within the London Borough of Hackney. Under Hackney planning reference 2008/1404 planning permission was granted for the change of use of ground floor and basement from B1 (Business) to A1 (Retail) use, use of upper floors (first to fifth) for C1 (Hotel) purposes, and three-storey roof extension following removal of existing mansard roof at third floor level.

8.248. Some of the bedrooms serving the hotel face Ebor Street will experience very high reductions in VSC with a substantial number experiencing reductions in VSC of more

than 50%, up to reductions of over 80%. In addition, there are also significant failures of daylight distribution with NSL reductions of over 50% to many rooms.

- 8.249. The following is a plan of the third floor. The windows located at the bottom of the plan face Ebor Street and are likely to be affected. The corner bedrooms are dual aspect and are likely to maintain a view over Bethnal Green Road, the bedroom nearest to the corner room has a window close to the flank wall and as such, the impact of the greatest mass is unlikely to be felt here.



- 8.250. This leaves two most southerly windows on each of the 1st, 2nd and 3rd floors which are likely to be affected. The fourth and fifth floor rooms are set back, some with dual aspect and contain private balconies which should ensure the impact is less severe.
- 8.251. On balance, officers consider that given the use is as a Hotel which has a transient population that is most likely to use the hotel in the evening the loss of VSC and NSL is considered acceptable when weighed against the regenerative benefits of the scheme.

#### *The Biscuit House and Tea Building (Shoreditch House)*

- 8.252. The Biscuit House and Tea Building are commercial premises, used as offices, with a private members club on the upper floors. This property is located to the north of 13 Bethnal Green Road also within the London Borough of Hackney. This property faces Ebor Street where the tallest part of the building is to be located.
- 8.253. The results show significant reductions in VSC to windows in that building, primarily those windows located directly facing the taller tower part of the proposed development, across Ebor Street. The distribution results show rooms with losses of NSL of between 70% and 82%. Some of these losses occur to staircases which are considered to be of minimal significance but there will be offices where the available light will be significantly reduced.
- 8.254. Given the building is very large bounded by Shoreditch High Street, Redchurch Street, Ebor and Bethnal Green Road, the impact of the proposal is most likely to be

felt near Ebor Street with the rest of the building unlikely to be affected. Therefore the independent daylight consult considers that there is some justification for the applicant's assessment of the impact as 'minor adverse'. However given the actual loss of VSC and NSL the independent consultant considers it would be more appropriate for it to be identified as 'moderate adverse'. Given the affected floors are predominantly office (and a restaurant on the top floor), the impact of the VSC and NSL losses would mean artificial lighting would most likely be required more often. This dis-benefit is not considered to outweigh the overall benefit of maximising residential use at the application site and as such, the impact on balance is considered acceptable.

- 8.255. During the course of the application an objection has been received raising daylight/sunlight impacts on 52 & 54 Redchurch Street. Given properties nearer to the site have been tested and pass the relevant tests and given it is flanked by a much larger building at 48-50 Redchurch Street, both the applicant and the Councils independent consultant consider testing on this property is not required.

#### *Sunlight*

- 8.256. The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 8.257. The submitted reports outline the sunlighting conditions for the following residential properties which are relevant for assessment:

The GIA report identifies that the following properties meet the required standard for APSH:

- 8.258.
- 31/39 Redchurch Street;
  - 41/43 Redchurch Street;
  - 45 Redchurch Street;
  - 51 Redchurch Street;
  - 53 Redchurch Street;
  - 36 Redchurch Street;
  - 38 Redchurch Street;
  - 44 Redchurch Street;
  - 46 Redchurch Street;
  - 17 Whitby Street;
  - 19 Whitby Street;
  - 15 Bethnal Green Road;
  - 17 Club Row;
  - 7/9 Club Row;
  - 25 Bethnal Green Road; and
  - 13 Bethnal Green Road.

- 8.259. GIA have identified the following properties as not meeting the required sunlight standard, but where the impact on APSH can be considered to be negligible or minor

adverse. On balance, the independent consultant agrees this assessment for the following properties:

- 15/17 Redchurch Street;
- 47 Redchurch Street;
- 34 Redchurch Street;
- 40 Redchurch Street;
- 42 Redchurch Street;
- 2/4 Chance Street; and
- Biscuit House and Tea Building.

8.260. Two properties have a greater loss of sunlight these are 19/29 Redchurch Street and 49 Redchurch Street.

8.261. 19/29 Redchurch Street, there are failures of both the annual and winter sunlight to a number of bedrooms. Given these rooms are used as bedrooms, the impact is considered less significant. Furthermore, given the existing sunlight hours are low, any loss as a percentage appears logically greater. Overall, the impact on this property is considered to be moderately adverse, however not unduly detrimental.

8.262. With regards to 49 Redchurch Street, there are significant failures in winter sunlight, with a reduction of 100% winter sunlight in the case of one room. This is an obscured glazed window serving that appears as a ground floor residential unit. The window appears to be a former shopfront window which has been frosted over, this would naturally reduce light entering the building. The independent consultant has reviewed the finding and advises that given the reduction in annual sunlight is compliant the indication is that the location of the window (at ground floor level) resulting in a low angle of winter sun which is the cause of the failures of winter APSH standards. It is considered that impact is moderate adverse. Again officers consider that in relation to the scheme, the impact is considered acceptable on balance and partially a result of the sites design as well as from the impact of the development.

8.263. Overall, the proposed development is not considered to have an unduly detrimental impact in terms of Daylight or Sunlight to existing residents.

#### Overshadowing

8.264. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March".

8.265. The report demonstrates that the majority of the amenity area within the rear of surrounding properties are already in almost total permanent shadow under the existing situation and so would not comply with BRE guidelines now. The proposed development will not adversely impact these properties.

8.266. The amenity space between Hedsor House and Laleham House within the Boundary Estate will achieves at least the recommended 2 hours of sun to 39.4% of its area which is below the BRE recommended 50% and is therefore not compliant with the BRE guidelines.

8.267. Overall, given this amenity space is already restricted by the buildings they serve, and it is only a 11% failure, it is considered acceptable on balance.



#### Privacy

- 8.268. The proposed development has been sensitively designed to ensure acceptable separation distances between the new buildings and existing buildings.
- 8.269. The proposed residential uses on Ebor Street would face commercial uses, and the residential uses on Chance and Redchurch Street would maintain an existing street relationships and separation distances.
- 8.270. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

#### Impact on Shoreditch House

- 8.271. Officers acknowledged the importance of Shoreditch House, located at the adjacent Tea and Biscuit building as a local enterprise which has a positive impact on the surrounding area. The vibrant nature of the uses at the premises, the private members club and the hotel all partially face the applicant site. Due to the existing buildings being of two storeys, Shoreditch House has enjoyed wide views over the eastern part of Tower Hamlets. The proposed development will significantly obscure these views.
- 8.272. Loss of views is not normally a material planning consideration, however, given the views of experienced by the private members club are a unique benefit of this facility they have been considered in this instance and discounted as not being of sufficient weight to restrict a development of the scale proposed and the associated benefits which have been discussed within this report.
- 8.273. Officers also consider that the proposed development would result in an overlooking relationship between commercial and residential to not result in an unduly detrimental impact to justify a refusal of this application.
- 8.274. The concern over 'reverse sensitivity' has been noted. However, given future occupiers of the application site will be aware of Shoreditch House when considering whether they would live at the premises and the noise insulation already proposed by the applicant, it is considered that the proposed development will not in the long term have an adverse impact on Shoreditch House to warrant a refusal of the application.

#### Visual amenity / sense of enclosure

- 8.275. These issues are considered to be subjective. Following an assessment of the application, officers consider that given the separation distances proposed between the application sites and surrounding buildings the proposed development will not give rise to any adverse impacts in terms of visual amenity or sense of enclosure.
- 8.276. In conclusion, it is considered that there would be no unduly detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

#### Landscaping and Biodiversity

- 8.277. The London Biodiversity Action Plan (2008), policy 7.19 of the LP, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.

- 8.278. The Council's Biodiversity officer has advised that the application site is of negligible biodiversity value. There is no vegetation and the buildings are not suitable for roosting bats.
- 8.279. The proposals include significant areas of soft landscaping, which will ensure an overall benefit for biodiversity. Green roofs are proposed on several parts of the building. Some of these are shown as "brown" or "biodiverse" roofs. This is recommended to be secured by the imposition of a condition.
- 8.280. Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS.

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

#### Car Parking

- 8.281. 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 levels (PTAL) to be secured as 'permit free'.
- 8.282. The application site is located opposite the Shoreditch High Street Station which serves the Overground line. Opposite the site lie two bus routes (8 & 388) and the site is within walking distance of the A10 which is a major bus corridor, as such the site has an excellent PTAL rating of between 6a and 6b, which is the highest possible level.
- 8.283. In areas of high PTAL, appendix 2 of the MDD which is read in conjunction with policy DM22 seeks 0.1 parking space for units less than 3 bedrooms and 0.2 parking spaces for units containing 3 bedrooms plus.
- 8.284. Based on this standard, the scheme generates a maximum of 9 parking spaces, and a minimum of two required for accessible parking.
- 8.285. The application as submitted proposed 28 car parking spaces with 8 accessible parking, to be located within the basement of the site and served by two car- lifts which are accessed from Ebor Street. Given the PTAL rating, this was considered unacceptable to both the Council's Highways and Transportation section and Transport for London. The GLA stage1 report also suggested that this level should be reduced.
- 8.286. In response to these comments the level of parking has been reduced to 18 spaces with 8 to remain as accessible parking. As noted in the consultation section of this report, this reduction is welcomed by TfL, and the boroughs highways department who wish to see a further reduction of one space.
- 8.287. Whilst this level is still double the policy requirement, several factors in combination have resulted in officers considering this level acceptable on balance. These are outlined below:
- 8.288. Firstly, the existing estate provides at least 20 parking spaces for light business type uses, these uses tend to result in higher trip rates during am and pm peak periods. The proposed 18 car parking for residential uses, is unlikely to generate the same level of trips and would be lower than the existing arrangement.

- 8.289. Secondly, the proposed level of parking enables a higher % of disabled parking to be accommodated on site, which could reduce a potential increase in disabled parking on the surrounding area, which may arise if the parking is reduced further.
- 8.290. Lastly, the proposed development by providing a high –end residential product is required to achieve the projected sales values which will in part aid the development of Fleet Street Hill. Any further reduction may reduce the need for the two car lifts and the basement, potentially having a knock on impact on parking on the surrounding highway and also servicing.
- 8.291. As such, taking the above into consideration, it is considered an appropriate balance has been struck between the level of car parking in this instance.

#### Cycle Parking

- 8.292. 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.

8.293. 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

- 8.294. The scheme 150 cycle spaces for residents (118 in the basement and 8 at grade, both within secure stores), which exceeds the policy requirements. A further 24 cycle parking spaces are provided at grade for the retail units.
- 8.295. No visitor parking is proposed by the application. The applicant considers this would be better provided on Bethnal Green Road where the pavement width can accommodate the spaces and where it is likely to be used. This is considered acceptable to LBTH Transportation and Highways who have suggested it is provided under a s278 agreement.
- 8.296. The overall, provision is supported by LBTH Transportation & Highways and will be conditioned to ensure it's retention.

#### Servicing

- 8.297. 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.
- 8.298. The proposal includes retail, café, office and community uses at basement, ground and first floor level which will require goods deliveries and servicing

- 8.299. The proposals have been assessed by LBTH Transportation & Highways, who originally raised concerns over one of the servicing bays provided at Ebor Street. Following additional plans demonstrating vehicles would still be able to pass, this concern has been overcome.
- 8.300. Highways also have no objections to the other servicing bays on Ebor and Chance Streets. These will be implemented under a s278 agreement.
- 8.301. The servicing for the retail uses will be secured under a Delivery and Servicing Management Plan as end users have not been identified at this stage.
- 8.302. 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

- 8.303. 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.
- 8.304. The proposed development includes a designated refuse store in the basement. These have been reviewed by officers from the waste collection team and considered acceptable.
- 8.305. As such, subject to condition requiring the provision and retention of refuse facilities, 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).

#### **Public Transport Improvements**

##### *Crossrail*

- 8.306. In line with London Plan Policy 6.5 and the Crossrail SPG the development would be required to make a contribution towards Crossrail.
- 8.307. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London.
- 8.308. It is noted that the CIL payment has been estimated at between £181,973 for this development. As this acts as a credit towards Crossrail and is the greater of the two amounts no additional Crossrail contribution is required.

##### Conclusion:

- 8.309. The principles of the development are supported by both TfL and the borough highway officer. It is acknowledged that the development would have an impact on the local transport network. Conditions to secure a construction logistics plan, a delivery and service management plan and a travel plan would further lessen the impact of the development. In conclusion, the proposed development subject to

mitigation would not have an unduly detrimental impact on the safety and capacity of the surrounding highway and public transport network.

### **Energy and Sustainability**

- 8.310. Climate change policies are set out in Chapter 5 of the London Plan, strategic policy SP11 of the Core Strategy and policy DM29 of the MDD. These collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.311. The London Plan sets out the Mayor of London's energy hierarchy which is to:
- § Use Less Energy (Be Lean);
  - § Supply Energy Efficiently (Be Clean); and
  - § Use Renewable Energy (Be Green).
- 8.312. The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2). Policy DM29 requires a 35% CO2 reduction between 2011 to 2013, and a 50% CO2 reduction between 2013 to 2016. The Councils Sustainability Team have confirmed that the 50% reduction will be sought on applications received after 1st October 2013. Given, this application has been submitted before 1st October the 35% reduction is applicable.
- 8.313. Policy SO3 of the CS seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Strategy policy SP11 of the CS requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.314. Policy DM29 of the MDD requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require non-residential schemes to achieve a BREEAM Excellent rating.
- 8.315. Lastly, policies 5.5 and 5.6 of the LP and DM29(2) of the MDD promote the use of decentralised energy within development proposals through the use of Combined Heat and Power (CHP) systems.
- 8.316. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and CO2 emissions by 18%. A site wide CHP to deliver an additional 22% reduction in CO2 emissions at the 'Be Clean' stage of the energy hierarchy.
- 8.317. The total anticipated CO2 savings from the developments are 36%, through a combination of energy efficiency measures and a CHP system. There are no renewable energy technologies proposed for the site and this is accepted as the policy target of 35% has been achieved.

#### Sustainability:

- 8.318. 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 developments to achieve a minimum BREEAM Excellent rating, and a code for sustainable homes Level 4. The proposals have been designed to achieve this rating and are therefore

supported by the sustainable development team. An appropriately worded condition should be applied to secure the submission of the BREEAM certificates post occupation of the building.

### **Environmental Considerations**

#### Contaminated Land:

- 8.319. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 8.320. The Council's Environmental Health Officer has reviewed the documentation, and has requested that supplementary soil investigation be carried out. The submission of these details would be secured via condition should planning permission be granted.

#### Microclimate:

- 8.321. Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 8.322. Chapter 13 of the submitted ES assesses the likely significant effects of the development on the local wind microclimate within and around the development. In particular, it considers the likely significant effects of wind upon pedestrian comfort and safety and summarises the findings of a full wind tunnel testing exercise undertaken in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonable level of comfort whereas for more transient activities such as walking pedestrians can tolerate stronger winds.
- 8.323. In the absence of any mitigation, the development would give rise to a full range of wind effects. Depending on the location within and surrounding the site, the season and the type of pedestrian activity taking place, wind conditions were found to be both suitable for the intended pedestrian use in some locations and windier than desired in others.
- 8.324. Further detailed design of the building (to include building form and articulation and entrance locations) would allow an opportunity to improve the wind conditions where required. This could include detailed landscape planting within the site and the implementation of possible wind screens. These measures are recommended to be secured by condition in the event that planning permission is granted.

### **Environmental Impact Assessment**

- 8.325. The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 8.326. As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment (EIA) before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's

Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

- 8.327. The Council has an appointed environmental consultant - Land Use Consultants (LUC) - to examine the applicant's ES and to confirm whether it satisfies the requirements of the EIA Regulations. This is supported by reviews by LBTH's internal environmental specialists. Following that exercise, LUC confirmed their view that following a Regulation 22 request the ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.
- 8.328. In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental effects are acceptable in the context of the overall scheme, subject to conditions/ obligations providing for appropriate mitigation measures.

### **Planning Contributions and Community Infrastructure Levy**

- 8.329. Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- § Necessary to make the development acceptable in planning terms;
  - § Directly related to the development; and
  - § Are fairly and reasonably related in scale and kind to the development.
- 8.330. This is further supported by policy SP13 of the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.331. The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy.
- 8.332. The document also set out the Borough's key priorities being:
- Affordable Housing
  - Employment, skills, training and enterprise
  - Community facilities
  - Education
- 8.333. The Borough's other priorities include:
- Health
  - Sustainable Transport
  - Environmental Sustainability
  - Public Realm
- 8.334. The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

- 8.335. In considering how to deal with the section 106, in light of the fact this is an outline scheme and the scale of development is not fixed at this stage, Officers have calculated the level of contributions taking account of the minimum and maximum level of commercial floor space provision. The minimum and maximum range of planning contributions required to mitigate the impact of development dependent on the final level of commercial floor space provided are listed below.
- 8.336. The section 106 agreement would include the formulas contained within the section 106 SPD and the final level of the contribution would be agreed as part of the reserved matters applications once the fixed amount of commercial floor space is agreed.
- 8.337. This approach ensures that the level of financial mitigation is proportion to the scale of development and accords with the CIL regulations. Officers presented this approach to the Planning Contributions Overview Panel (PCOP) who agreed with the approach.
- 8.338. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL will contribute towards the funding of Crossrail. It is noted that the CIL payment has been estimated at £181,973.00. This is higher than the Crossrail SPg contribution.
- 8.339. Finally, the monitoring fee has been agreed at 2% in this instance in line with the S106 SPD.
- 8.340. To mitigate for the impact of this development on local infrastructure and community facilities the following contributions accord with the Regulations and have been agreed.
- 8.341. The proposed heads of terms are:

Financial Obligations:

- A contribution of between **£39,679.66** towards employment, skills, training and enterprise.
- A contribution of between **£82,728.36** towards Community Facilities
- A contribution of between **£1,995.00** towards Sustainable Transport.
- A contribution of **£57,921.31** towards Education
- A contribution of between **£286,250.89** towards Public Realm.
- A contribution of **£89,328.00** towards Health
- A contribution of 2% of the total financial contributions would be secured towards monitoring.
- Total Contribution financial contributions **£569,061.28**

Non-financial contributions

- Delivery Affordable Housing comprising 9 Intermediate units at HIE and 27 units at FSH (3 x intermediate units and 24 rented units).
- Occupation clauses to ensure FSH is delivered
- Permit Free for future residents
- 10% Wheelchair units
- TV reception and monitoring



Requirement to enter into S278 agreement for highway works including servicing bays on Ebor Street and Chance Street and 5 Sheffield stands on Bethnal Green Road

Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)

8.342. The above contribution have been secured and negotiated in line with the S106 SPD and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

### **Local Finance Considerations**

8.343. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:

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

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

8.345. 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.

8.346. In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes and their use.

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

8.348. Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

8.349. As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region £181,973.00

### **Human Rights**

8.350. 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:-

8.351. 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".

- 8.352. 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.
- 8.353. 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.
- 8.354. 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.
- 8.355. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.356. 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.
- 8.357. 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.

### **Equalities**

- 8.358. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.359. 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.

8.360. With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

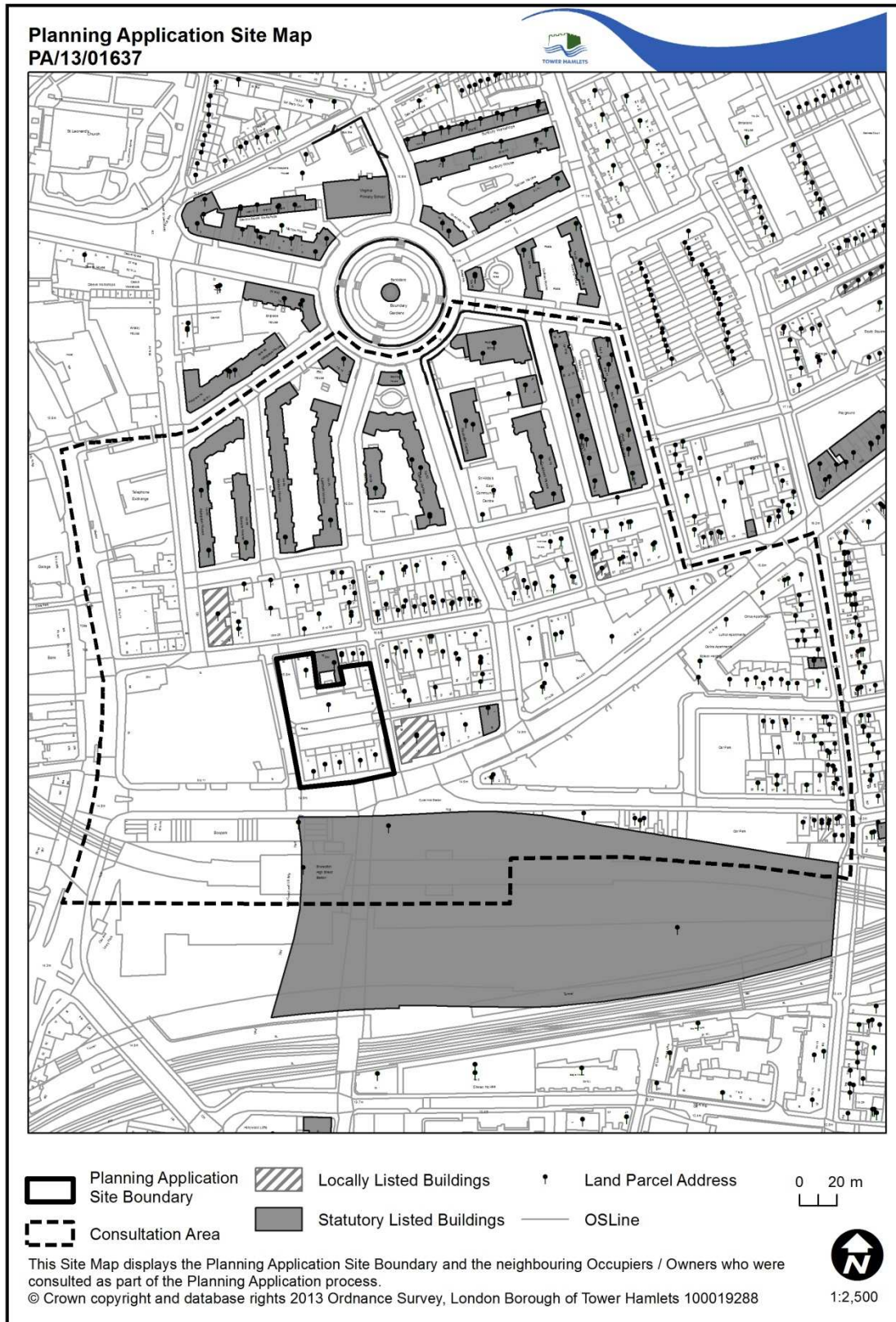
## **9.0 OTHER MATTERS**

9.1. Officers would advise Members that the images included in this report are for illustrative purposes. The submitted Townscape Assessment includes Accurate Visual Representations of the scheme, and this will be available to view at the Committee Meeting.

## **10.0 CONCLUSION**

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

Appendix 1: Consultation map



# Agenda Item 6.3

<b>Committee:</b> Strategic	<b>Date:</b> 21 <sup>st</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Nasser Farooq	<b>Ref No:</b> PA/13/01637
	<b>Ward:</b> Weavers Ward

## 1. APPLICATION DETAILS

**Location:** Land at Fleet Street Hill, London, E2

**Existing Use:** Vacant site

**Proposal:** Redevelopment of the site to provide 34 residential dwellings of mixed tenure (7x 1 bed, 12 x 2 bed, 8 x 3 bed, 6 x 4 bed and 1 x 5 bed) in buildings of part one, two, three, four and eight storeys.

The development includes the provision of 135 sqm of restaurant (Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2), five car parking spaces plus other incidental works.

**Drawing and documents:** 092\_P\_0001092\_P\_0002,092\_P\_0003, 092\_P\_1000 rev B, 092\_P\_1001 rev B, 092\_P\_1002 rev B, 092\_P\_1003 rev B, 092\_P\_1004 rev B, 092\_P\_1011 rev A, 092\_P\_4000 rev B, 092\_P\_4001 rev B, 092\_P\_4002 rev A, 092\_P\_4003 rev B, 092\_P\_4004 rev A, 092\_P\_4005 rev B, 413.001 A, 413.002 A and 413.003

Preliminary Accommodation Schedule dated 23<sup>rd</sup> October 2013

Design and Access Statement dated October 2013

Community Involvement Report dated July 2013

Long-Term Commercial Success Strategy dated 09 July 2013

Assessment of economic viability dated July 2011 prepared by BNP Paribas Real Estate

Planning Statement dated July 2013

Environmental Statement – Non technical summary dated July 2013

ES Volume 1: Main report Part 1: Chapters 1.0 -9.0 dated July 2013

ES Volume 1: Main report Part 2: Chapters 10.0 -19.0 dated July 2013

ES Volume 2: Townscape, Heritage and Visual Impact

Assessment reports dated July 2013  
ES Volume 3 – Part 2 Transport Assessment dated July 2013 prepared by Motion  
ES Volume 4 – list of Appendices  
Appendix 2.1 Scoping Report for Huntingdon Industrial Estate and Fleet Street Hill 2013  
Appendix 2.2 Scoping Opinion of London Borough of Tower Hamlets 2013  
Appendix 2.4 Letter to H Peacock (LBTH) regarding Transport scoping and EIA  
Appendix 6.1 Site Waste Management Plan for Huntingdon Industrial Estate and Fleet Street Hill (EPAL 2013)  
Appendix 7.1 Open Space and Playspace Assessment (Quod 2013)  
Appendix 9.2 Fleet Street Hill Noise Assessment (Hoare Lea 2013)  
Appendix 10.1 Dust Risk Assessment (APPLE) for Huntingdon Industrial Estate and Fleet Street Hill (EPAL 2013)  
Appendix 10.2 IAQM Risk Assessment Procedure adopted for Assessment  
Appendix 10.3 Description of ADMS Roads 3.1.2 Air Quality Model (EPAL 2013)  
Appendix 11.2 Phase 1 Desk-Based Ground Conditions Assessment WYG Environmental (2011)  
Appendix 11.6 Unexploded Ordnance Assessment for Fleet Street Hill by EOD  
Appendix 11.8 Drainage Assessment for Fleet Street Hill (2013)  
Appendix 12.2 Desk-Based Archaeological Assessment for Fleet Street Hill (WYG Environment 2011)  
Appendix 13.2 Desk-based pedestrian level wind assessment for Fleet Street Hill (by RWDI Anemos 2013)  
Appendix 13.3 Wind Tunnel Test Report for previous Fleet Street Hill Scheme (by RWDI Anemos 2011)  
Appendix 14.2 Fleet Street Hill including:  
Appendix 14.2.A FSH: Transient Overshadowing Assessment  
Appendix 14.2.B FSH: Internal Daylight and Sunlight Assessment  
Appendix 14.2.C FSH: Overshadowing Assessment  
Appendix 14.2.D FSH: Daylight and Sunlight Results for previously submitted scheme.  
Appendix 15.1 HIE and FSH Ecology survey data: Species Lists and Photographs (2013)  
Es Volume 5 part 2 Energy and Sustainable Design Statement revision 1 dated May 2013 prepared by Hoare Lea  
Response to LBTH comments on Energy and Sustainability Statement prepared by Hoare Lea.  
Environmental Statement Addendum Regulations 22 dated October 2013

Supplementary Vibration Measurements prepared by  
Hoare Lea  
Date: 8th November 2013 Application Reference:  
PA/13/01637  
Fleet Street Hill Vibration Measurements methodology  
dated 8<sup>th</sup> November 2013

**Applicant:** UKI (Fleet Street) Limited  
**Ownership:** Transport for London property  
**Historic Building:** N/A  
**Conservation Area:** The site is located within the Brick Lane / Fournier Street conservation area.

## 2. EXECUTIVE SUMMARY

- 2.1. The local planning authority has considered the particular circumstances of this application against the Development Plan and other material considerations as set out in this report and recommends approval of planning permission.
- 2.2. Officers consider the mixed use redevelopment of Fleet Street Hill will offer substantial benefits to the regeneration of the local area. The scheme is linked with the associated application to redevelopment Huntingdon's Industrial Estate. This application relies on an element of cross subsidy from the Huntingdon's Estate to make the scheme viable.
- 2.3. The innovative design of the scheme is considered to respond well to the constraints of this challenging site. The scheme maximises opportunities to introduce active frontages and natural surveillance. The scheme would create an attractive development around a central courtyard with distinctive architecture giving a strong sense of place. The scheme will significantly improve the linkages between Pedley Street, Cheshire Street and Brick Lane in accordance with policy.
- 2.4. The dwellings are well designed and all units have dual aspect with generous areas of private external amenity space. The potential impact of the railway on the occupiers of these dwellings, in terms of disturbance from noise and vibration, has been very carefully considered. Officers are satisfied that, providing the buildings are constructed with suitable insulation (which is secured by a series of rigorous conditions) the dwellings will offer an acceptable standard of accommodation for future occupiers.
- 2.5. The scheme proposes a mix of commercial and residential (both private and affordable) land-uses. The scheme proposes a high percentage of affordable housing, including larger family sized units. Officers are satisfied that the mix of uses is acceptable, and will contribute to policy objectives to create balanced and sustainable communities.
- 2.6. The scheme fully meets the S106 obligations specified in the adopted Planning Obligations SPD, which mitigates the impact of the development on local infrastructure. The scheme also makes a contribution towards the upgrading of the railway bridge from Cheshire Street to Fleet Street Hill which is necessary to ensure the development is properly integrated with its surroundings.

### 3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by the London Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:

#### Financial Obligations:

- a) A contribution of between **£54,435.95** towards employment, skills, training and enterprise.
- b) A contribution of between **£139,298.31** towards Community Facilities.
- c) A contribution of between **£3,525.00** towards Sustainable Transport.
- d) A contribution of **£383,441.03** towards Education.
- e) A contribution of **£416,228.17** towards Public Realm.
- f) A contribution of **£58,373.00** towards Health
- g) A contribution of **£250,000.00** towards Network Rail bridge improvements and other connectivity and security works in the vicinity
- h) A contribution of 2% of the total financial contributions would be secured towards monitoring.

#### Non-financial contributions

- i) 27 affordable housing units at Fleet Street Hill comprising:
    - 1 x 1 bedroom (intermediate)
    - 2 x 2 bedroom (intermediate)
    - 2 x 1 bedroom (affordable rent)
    - 8 x 2 bedroom (affordable rent)
    - 7 x 3 bedroom (target rent)
    - 6 x 4 bedroom (target rent)
    - 1 x 5 bedroom (target rent)
  - j) Car Free agreement
  - k) Commercial floorspace rent capped at £15 psf for five years
  - l) Council first option on D1 floorspace
  - m) Wheelchair adaptable units 1 x 3 bed and 2 x 4 bed
  - n) First refusal of commercial floorspace to any company that has been based at Huntingdon Industrial Estate for more than 10 years
  - o) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
  - p) Obligation to enter into S278 for highway improvement works following adoption of Fleet Street Hill
  - q) Clause requiring market units to be retained as wholly market.
  - r) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
  - 3.5. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
  - 3.6. **Conditions**
    - 1) Three year time limit
    - 2) Compliance with approved plans



- 3) Samples of materials
- 4) Detailed design drawings
- 5) Details of acoustic wall
- 6) Full details of the Landscape/ Child play space
- 7) Full details of the biodiversity enhancement measures
- 8) Development to achieve secure by design standards
- 9) Full details of the brown roofs proposed
- 10) Submission of a Piling Method Statement
- 11) Submission of a Hydrogeological Risk Assessment
- 12) Full details of surface water draining and sustainable urban design methods
- 13) Submission of a Written Scheme of Archaeological Investigation
- 14) Contaminated Land Condition
- 15) Submission of a Parking Management Plan
- 16) Electrical Charging Points
- 17) Retention of car parking inc disabled spaces
- 18) Retention of cycle spaces
- 19) Retention of refuse spaces
- 20) Submission of a Travel Plan
- 21) Delivery and Service Management Plan
- 22) Construction management and logistics plan
- 23) Restriction on commercial uses
- 24) Compliance with Energy Statement
- 25) Code for sustainable homes level 4
- 26) Breeam Excellent for commercial uses
- 27) Noise 1: Ground Borne condition
- 28) Noise 2: Air Borne condition
- 29) Noise 3: Landscaping and Terrace condition
- 30) Noise 4: Details of any extraction systems
- 31) Noise 5: Hours of operation for any A3//D1 and D2 uses
- 32) Hours of construction
- 33) Removal of permitted development rights from A1 to A3 or from B1 to C3

### 3.7. **Informatives**

- 1) Subject to s106 agreement
- 2) CIL liable
- 3) Thames water informatives
- 4) English Heritage Archaeology Informative
- 5) Environmental Health informatives
- 6) Any necessary approvals form Network Rail

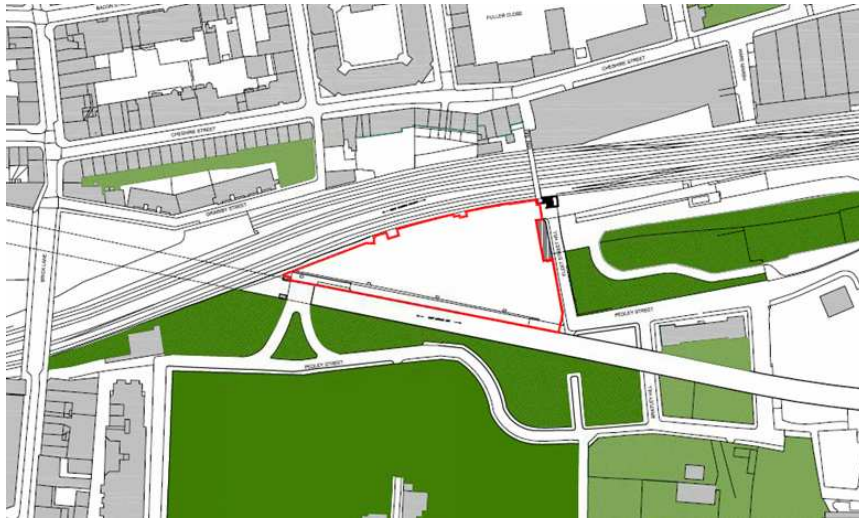
## 4. **PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1. The proposal is for the redevelopment of the site to provide 34 residential dwellings of mixed tenure (7x 1 bed, 12 x 2 bed, 8 x 3 bed and 7 x 4 bed) in buildings of part one, two, three, four and eight storeys in height.
- 4.2. The development includes the provision of 135 sqm of retail (Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2), five car parking spaces plus other incidental works.

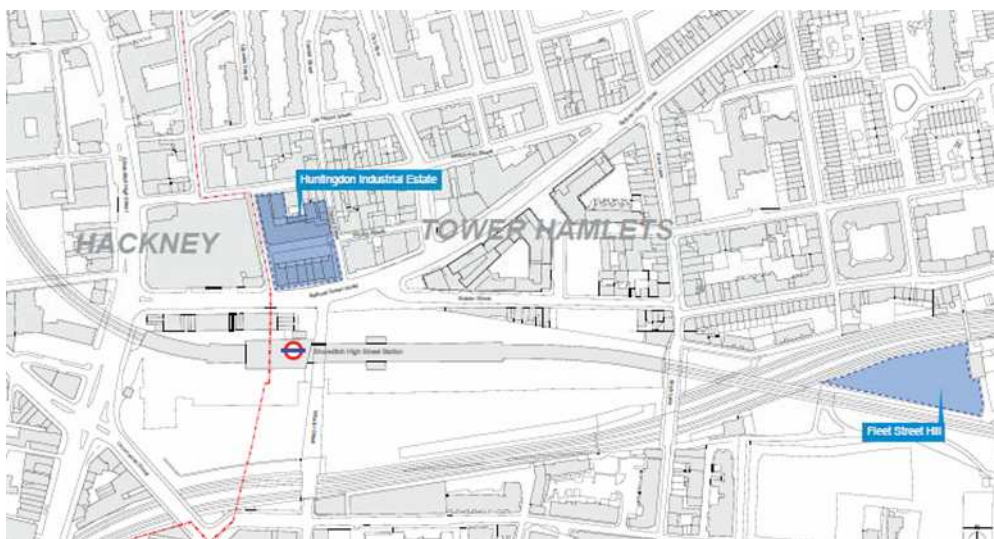
### **Site and Surroundings**

- 4.3. The application site is known as 'land at Fleet Street Hill'. It is a vacant parcel of land roughly triangular in shape and measures approximately 0.39ha. It was formally used for the construction of the East London Line Extension and historically contained a railway viaduct which led to then Bishopsgate Goods Yard.



- 4.4. The site is bounded by the East London Overground line to the south and the National Rail lines serving East Anglia to the north. To the east of the site is Fleet Street Hill. This is road can be accessed by vehicles, however it is not adopted Highway.
- 4.5. The site can be accessed via an under pass to the south west leading to Allen Gardens - which then connects the site to Brick Lane via a walkway past the Old Shoreditch Station. A Network Rail owned and managed pedestrian footbridge is located outside the application site to the north-east and connects the site to Cheshire Street. The site can also be accessed via Fleet Street Hill, which leads to Pedley Street.
- 4.6. The site is also located within the Brick Lane Conservation Area. None of railway structures on or abutting the site are listed.
- 4.7. The surrounding area consists of a variety of different uses. To the south of the railway viaduct lies Public Open Space at Allen Gardens, which also includes Spitalfields Farm and Thomas Buxton Junior and Infants School.
- 4.8. Pedley Street runs perpendicular from Fleet Street Hill to the east of the site and primarily comprises social housing, the nearest being Weavers House, a four storey, London stock brick building consisting of sixteen maisonettes.
- 4.9. Further along Pedley Street, planning permission has been granted under planning reference PA/12/02228 for the redevelopment of site (including land at Fakrauddin Street) to provide a car free development of 63 units (14 x 1 bed flats, 28 x 2 bed flats, 12 x 3 bed and 9 x 4 bed house) for 100% affordable housing within three blocks measuring between two and seven storeys including associated shared and private amenity space, the provision of allotments, disabled parking, cycle parking, child play area and community centre (273sqm).

- 4.10. The site has a public transport accessibility level (PTAL) of 3, with 1 being the lowest and 6 being highly accessible. A dedicated TfL cycle route also runs along a strip of land within the southern boundary of the site.
- 4.11. This application has been submitted concurrently with an application to redevelop Huntingdon Estate, located on the north side of Bethnal Green Road. The Fleet Street Hill site represents an off-site offer for the bulk of the affordable housing provision for Huntingdon Estate. The report on this related application appears elsewhere on this agenda.
- 4.12. The application sites location in relation to Huntingdon Industrial Estate is shown in the following map. The sites are roughly 500 metres apart along a route through Sclater Street, Cheshire Street and the earlier mentioned Network Rail bridge.



### Relevant Planning History

- 4.13. PA/11/00459- Full Planning Application was received on 1st March 2011 on the application site.
- 4.14. The application sought consent for the erection of buildings of part 1, 2, 3, 4 & 11 storeys in height comprising 43 dwellings (Use Class C3); a community centre (Use Class D1); the relocation of the existing pedestrian and cycle route together with hard and soft landscaping across the site, plus other works incidental to the application.
- 4.15. The application also proposed the affordable housing element of a planning application at the Huntingdon Industrial Estate (application reference PA/11/00460)
- 4.16. Both applications were withdrawn on 21st November 2011, following concerns raised by Council officers and a recommendation to refuse planning permission for the development. The key concerns of FSH at the time relating to placemaking and liveability.
- 4.17. In addition, concerns were highlighted over the quality of the amenity space provision; the separation distances between habitable facades; the lack of defensible space and the juxtaposition with the surrounding railway infrastructure.

- 4.18. The current applications seek to overcome these concerns and are a result of detailed pre-application discussions.

## 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) the Revised Early Minor Alterations to the London Plan published 11th October 2013**

- 2.15 Town centres
- 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 peoples play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 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
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure

- 6.9 Cycling
  - 6.10 Walking
  - 6.12 Road network capacity
  - 6.13 Parking
  - 7.1 Building London's neighbourhoods and communities
  - 7.2 An inclusive environment
  - 7.3 Designing out crime
  - 7.4 Local character
  - 7.5 Public realm
  - 7.6 Architecture
  - 7.7 Location and design of tall and large buildings
  - 7.8 Heritage assets and archaeology
  - 7.9 Heritage led regeneration
  - 7.11 London view management framework
  - 7.12 Implementing the London view management framework
  - 7.13 Safety, security and resilience to emergency
  - 7.14 Improving air quality
  - 7.15 Reducing noise and enhancing soundscapes
  - 7.18 Protecting local open space and addressing local deficiency
  - 7.19 Biodiversity and access to nature
  - 7.21 Trees and woodland
  - 8.2 Planning obligations
  - 8.3 Community Infrastructure Levy (CIL)
- 5.4. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP01 Refocusing on our town centres
  - SP03 Creating a green and blue grid
  - SP04 Creating a Green and Blue Grid
  - SP05 Dealing with waste
  - SP06 Delivering successful employment hubs
  - SP08 Making connected Places
  - SP09 Creating Attractive and Safe Streets and Spaces
  - SP10 Creating Distinct and Durable Places
  - SP11 Working towards a Zero Carbon Borough
  - SP12 Delivering placemaking
  - SP13 Planning Obligations
- 5.5. **Managing Development Document (adopted April 2013) (MDD)**
- DM0 Delivering Sustainable Development
  - DM1 Development within the town centre hierarchy
  - DM2 Local shops
  - DM8 Community infrastructure
  - DM9 Improving air quality
  - DM10 Delivering open space
  - DM11 Living buildings and biodiversity
  - DM12 Water spaces
  - DM13 Sustainable drainage
  - DM14 Managing Waste
  - DM15 Local job creation and investment
  - DM16 Office locations
  - DM20 Supporting a Sustainable transport network
  - DM21 Sustainable transportation of freight
  - DM22 Parking
  - DM23 Streets and the public realm
  - DM24 Place sensitive design

DM25 Amenity  
DM26 Building heights  
DM27 Heritage and the historic environments  
DM28 World heritage sites  
DM29 Achieving a zero-carbon borough and addressing climate change  
DM30 Contaminated Land

**5.6. Supplementary Planning Documents**

Planning Obligations SPD – LBTH – January 2012  
Town Centres Draft Supplementary Guidance (January 2013)  
Draft Sustainable Design and Construction SPG (July 2013)  
Shaping Neighbourhoods: Character and Context - draft (February 2013)  
Housing Supplementary Planning Guidance (November 2012)  
Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)  
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)  
London View Management Framework SPG (March 2012)  
London World Heritage Sites - Guidance on Settings SPG (March 2012)  
SPG: Planning for Equality and Diversity in London (October 2007)  
SPG: Sustainable Design and Construction (May 2006)  
SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

**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

**5.8. Other Material Considerations**

EH Guidance on Tall Buildings  
Seeing History in the View  
Conservation Principles and Practice

**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:

**Crossrail Limited**

6.3. Crossrail Limited do not wish to make any comments on this application as submitted.

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

**English Heritage**

6.5. English Heritage do not have any comments to make on this application.

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

### **English Heritage Archaeology (EHA)**

- 6.7. EHA have advised the proposed development may affect remains of archaeological importance. However, any further work is not required to be undertaken prior to determination of this planning application.
- 6.8. Should planning permission be granted a condition is requested by EHA to secure detailed investigations to ensure any remains are extensively investigated prior to the commencement of development.
- 6.9. *[Officer Comment: EHA have advised on the wording of the condition, which is recommended by officers]*

### **Environment Agency (EA)**

- 6.10. Whilst Environmental Agency have not raised objections to the scheme, they have requested conditions and informatives in relation to any piling. The purpose of these conditions and informatives are to ensure any piling does not disturb or contaminate aquifers.
- 6.11. Environmental Agency have advised that a Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided.
- 6.12. *[Officer Comment: These comments have been taken into account and the relevant conditions and informatives are recommended on the consent]*

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

- 6.13. No comments received
- 6.14. *[Officer Comment: The application has been accompanied with tracking diagrams demonstrating how vehicles will be able to access the central courtyard in emergencies and given this matter will be further considered within the building control stage no further action is considered necessary]*

### **Tower Hamlets Primary Care Trust**

- 6.15. The proposed number of residential units generates an Health Contribution of £58,373.
- 6.16. *[Officer Comment: This is noted and the s106 is discussed in greater detail within the material planning section of the report]*

### **Transport for London**

- 6.17. Transport for London have advised that the level of cycle parking and car parking is consistent with the London Plan and have requested electric vehicle charging points (1 active and 1 passive) to be provided within the development.
- 6.18. Transport for London have also recommended a parking management plan to allocate the parking within the development.

- 6.19. Due to the unattractiveness of the pedestrian bridge over the railway, TfL expect improvements to be proposed. Due to its location, TfL also recommended a contribution of £15,000 for Legible London signing.
- 6.20. TfL is content a Construction Logistic Plan (CLP) and a Delivery and Servicing Plan (DSP) will be secured by conditions.
- 6.21. As this is a small site TfL do not require a travel plan, however, as this site is linked with the former Huntingdon Industrial Estate development, TfL recommends that once the travel plan for that site is agreed, the objectives and measures should be adopted for this site.
- 6.22. *[Officer Comment: These comments have been noted. The electric charging points, cycle parking, parking management plan, CLP, DSP and travel plan will be secured via the imposition of conditions. These matters along with the improvements to the pedestrian bridge are discussed further within the material planning section of the report. With regards to legible London, the applicant has agreed to a s106 contribution of £250,000.00 which includes signage and lighting improvements]*

**London Bus Services Ltd.**

- 6.23. No comments received.

**GLA**

- 6.24. No comments received within this application. Comments received on Huntingdon Industrial Estate confirm the GLA consider Fleet Street Hill to provide the affordable housing obligation of Huntingdon to be acceptable.

**TFL London Underground**

- 6.25. No comments received

**The Twentieth Century Society**

- 6.26. No comments received

**London Overground Infrastructure**

- 6.27. No comments received

**Network Rail Infrastructure Ltd.**

- 6.28. Network Rail that we have been working with London and Newcastle on the above planning application and support the planning application.

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

**The Victorian Society**

- 6.30. No comments received

**Thames Water Utilities Ltd.**

Waste Comments



- 6.31. Thames water advise that no impact piling shall take place until a piling method statement has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Piling has the potential to impact on local underground sewerage utility infrastructure.
- 6.32. In addition, it is advised that where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required.
- 6.33. It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

#### Water Comments

- 6.34. Thames Water also recommended informatives advising of the Thames Water main crossing the site and also of the minimum water pressure that will be able to be provided at the site.
- 6.35. *[Officer Comment: The comments have been noted and all requested conditions and informatives are recommended on the planning permission.]*

#### **Conservation And Design Advisory Panel (CADAP)**

- 6.36. CADAP were consulted on the application at pre-application stage. CADAP members questioned quantum of ground floor commercial units and their long-term sustainability and suggested measures were put in place for the subsidy and management of these units.
- 6.37. CADAP members considered off-site improvements should also be secured to the railway arch to the east and railway undercroft to the south-west, for example lighting.
- 6.38. The overall reduction in density was welcomed. This has helped relieve the pinch point to the western end of the site and reduce the height of the tower element. The 'folly' walls are supported as an innovative way of achieving enclosure and acoustic protection.
- 6.39. Overall, CADAP strongly supported the Fleet Street Hill scheme as an inventive and thoughtful design for a heavily constrained site.
- 6.40. *[Officer Comment: The support of CADAP is noted. In order to ensure the commercial units are affordable and used, as part of the s106 the applicant has agreed to reduced rents, as discussed further within this report. Contributions have also been secured to the public realm improvements.]*

#### **Communities, Localities and Culture (CLC)**

- 6.41. CLC note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. Various requests for s106 financial contributions are sought.

- 6.42. *[Officer Comment: The various Section 106 financial contributions sought have been agreed with the applicant and are discussed within the main body of this report]*

#### **Parks & Open Spaces**

- 6.43. No comments received.

#### **Education Development Team**

- 6.44. No comments received.

- 6.45. *[Officer Comment: An education contribution which is in line with the child yields set within the planning obligations SPD have been agreed with the applicant]*

#### **Environmental Health - Contaminated Land**

- 6.46. Environmental Health Contaminated Land have reviewed the submitted information and consider there is a possibility for contaminated land to exist. A condition should be applied to ensure any contaminated land is appropriately dealt with.

- 6.47. *[Officer Comment: The suggested condition is recommended to this application]*

#### **Environmental Health - Air Quality**

- 6.48. No comments received.

- 6.49. *[Officer Comment: Conditions will be imposed to ensure the impact on air quality is appropriately mitigated during the construction of the development]*

#### **Environmental Health – Noise and Vibration**

- 6.50. Environmental Health have reviewed the Supplementary Vibration Measurements by Hoare Lea and a review of the planning conditions suggested by the case officer. Based on the conditions Environmental Health has no objection to the planning application.

- 6.51. *[Officer Comment: Detailed conditions have been agreed with the applicant, Environmental Health and an independent consultant to ensure the proposed development is suitably designed to protect the amenity of future residents]*

#### **Transportation & Highways**

- 6.52. The site is located in an area of moderate public transport accessibility (PTAL3). However, Highways regards this rating as an underestimate of the accessibility of the site given its relatively central location and proximity to Shoreditch High Street and Whitechapel stations.

- 6.53. Given the number of residential units proposed in the development, there is clear potential for demand for on-street parking to overwhelm local supply. Given this and the underestimate of public transport accessibility, the development should be subject to a s106 agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.

- 6.54. *[Officer Comment: The applicant has agreed to future residents of the development being prohibited from obtaining on-street car parking spaces subject to permit transfer scheme]*
- 6.55. The development proposals include 5 parking spaces, three of which meet the space requirements for Blue Badge holders. The Blue badge spaces are acceptable in principle, as is passive provision for a Car Club space. However, the applicant has not stated to whom the remaining two parking spaces will be allocated. This information is required to ensure that the development is in line with the maximum car parking standards set out in the MDD.
- 6.56. *[Officer Comment: These parking spaces will be allocated to the residents of the proposed development and will be management via a parking management plan which is to be conditioned]*
- 6.57. The proposed development should provide dedicated storage for a minimum for 49 cycles for residents of the development. The residential cycle parking is shown within unit 1a of the development and while this will offer, safe and secure storage, it appears that there are only 42 cycle spaces.
- 6.58. *[Officer Comment: The submitted plans show the provision of 49 cycle parking spaces which is in line with this policy]*
- 6.59. The application documents show storage for 16 cycles in a safe and secure store allocated to the non-residential uses and stands for a further 26 cycles located in areas across the site. Highways recommend that the cycle store is dedicated for staff cycle parking, while the remaining outdoor parking is primarily for visitors to the site.
- 6.60. *[Officer Comment: This is noted]*
- 6.61. The proposed servicing arrangements will require service and refuse vehicles to either reverse into or from the site. Following adoption of Fleet Street Hill this will take place on public highway. Following a consideration of the anticipated use of Pedley Street and Fleet Street Hill, Highways are willing to accept a servicing arrangement that uses Fleet Street Hill to turn goods vehicles. This is considered acceptable subject to a Delivery Service Plan and the applicant providing funding for road signage and other measures to instruct goods vehicle to reverse into rather than out of the site.
- 6.62. *[Officer Comment: The applicant has agreed to this condition and confirmed that vehicles will reverse into the site.]*

#### **Crime Prevention Officer (CPO)**

- 6.63. The CPO is supportive of any development that integrates the surrounding areas. This can be done by ensuring that natural surveillance is enhanced using clear lines of sight, cctv coverage and the proposed development maintains clear natural surveillance to all aspects of the development and surrounding areas.
- 6.64. The use of 106 payments to ensure that all surrounding areas have cctv, lighting and general upgrading is supported.
- 6.65. The railway bridge towards Cheshire St is particular run down and any upgrading of this is supported.

- 6.66. *[Officer Comment: The scheme will be conditioned to ensure compliance with secure by design standards, and section 106 contributions have been agreed with regards to rail improvement works to the Network Rail bridge and lighting]*

## 7. LOCAL REPRESENTATION

7.1. At pre-application stage the applicant undertook their own community consultation. This took place at St Hilda's East Community centre on three consecutive days in February 2013. Separate meetings were also held with groups/individuals that were unable to attend. The Community Involvement Report submitted with the application indicates that as a result of these meeting, additional works was undertaken to address specific concerns raised, including different view and overshadowing analysis. The application was also presented to Strategic Development Committee at pre-application stage on 6<sup>th</sup> March 2013.

7.2. A total of 375 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	17	Objecting:	0	Supporting:	17
No of petitions received:	0				

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

7.4. – The proposed designs are interesting, creative and in keeping within the feel of the area.

7.5. – The proposals will contribute to the necessary regeneration of the area

7.6. – The proposal is an improvement on the existing site which blights the area and promotes anti-social behaviour

7.7. – Site is appropriate for residential use

7.8. *[Officer Comment: These comment have been noted and the principle of development and design matters are discussed further within this report]*

## 8. MATERIAL PLANNING CONSIDERATIONS

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

- § Land Use
- § Urban Design
- § Heritage Assets
- § Transport, Connectivity and Accessibility
- § Amenity
- § Energy and Sustainability
- § Biodiversity
- § Environmental Considerations

- § Environmental Statement
- § Planning Contributions and Community Infrastructure Levy
- § Local Finance Considerations
- § Human Rights
- § Equalities

## **Land Use**

- 8.2. The proposed development seeks a mix of commercial and residential uses located around the perimeter of the site facing inwards towards an internal amenity area. The ground floor consists of the commercial units with four residential units, the upper floors contain the rest of the residential accommodation. This section discusses the principle of both uses.

### Commercial Uses

- 8.3. Policy SP01 of the adopted Core Strategy (CS) seeks to support the Boroughs Town Centres. Policy SP01(5) seeks to promote areas outside and at the edge of town centres, as places that support and assist in the creation of sustainable communities.
- 8.4. This is to be achieved by promoting mix use development at the edge of town centres and promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.
- 8.5. As the site is not located within any designated Town Centre, policy DM2 of the Managing Development Document also applies. This policy seeks to ensure the existing level of local shop provision throughout the borough is maintained and complements the town centre network. Part 2 of this policy states development of local shops outside of town centres will only be supported where there is a demonstrable local need that cannot be met within an existing town centre; they are of an appropriate scale to their locality, they do not affect amenity or detract from the character of the area and they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.
- 8.6. The proposal seeks the provision of 135 sqm of restaurant use (within Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2). The restaurant use is to be in the form of a café which would provide a large frontage to the amenity area of the site. The purpose of this use is to animate and provide natural surveillance within the site and to serve the proposed residential and commercial uses.
- 8.7. The remaining floorspaces are to be interchangeable between a variety of different uses within 13 individual units which measure between 28 to 53sq metres in size. Whilst the units are individually labelled, the applicant is seeking to retain the option of merging some of the units should the need arise. The purpose of these units is to provide low cost affordable floorspace which would help to deliver a genuinely mixed use development. The applicant has agreed to cap the rent levels to 15psf for a five year period to ensure the commercial floorspace is affordable, this is proposed to be secured as an s106 obligation.
- 8.8. In accordance with policies SP01 of the CS and DM2 of the MDD, it is considered that the proposed commercial use will meet a local need created by the development, is of an appropriate size and scale within the development and will not undermine the nearby Brick Lane Town Centre.

- 8.9. As such, and in order to create a vibrant and attractive place to live, the proposed commercial uses can be supported in this instance. As there is considered to be an over-concentration of A3 uses within the nearby surrounding area, the applicant has restricted the A3 use to the one unit. This approach is also supported and a condition restricting change of uses to A3 will be secured as a condition.

#### Housing Provision

- 8.10. At National level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.
- 8.11. The regeneration of sites such as this within East London is a strategic target of the London Plan (2011) as outlined within policy 1.1 which states “the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”.
- 8.12. Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework, Strategic Objectives 7, 8 and 9 of the CS (2010) and policy 3.1 of the London Plan which gives Boroughs targets for increasing the number of housing units.
- 8.13. Policy SP02 of the CS (2010) sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025.
- 8.14. An important mechanism for the achievement of this target is reflected in LP (2011) policies 3.3 and 3.4 which seek to maximise the development of sites and thereby the provision of family housing to ensure targets are achieved.
- 8.15. The site does not have an allocation in the MDD (2013); however it is located within a wider surrounding area that contains a mix of uses including residential, it is therefore considered that this development would be an acceptable use of previously developed land in accordance with the above mentioned policies.
- 8.16. The proposed development is therefore in accordance with policy SP02 of the adopted CS which seeks to deliver 43,275 new homes and policies 3.3 and 3.4 of the LP (2011).

#### Density

- 8.17. Policies 3.4 of the LP (2011) and SP02 of the CS (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.18. The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of LP Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Policies S07 and SP02 of the CS also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.19. The site has a moderate public transport accessibility level (PTAL) of 3. In terms of density characteristics, the site is considered to have an urban character. Table 3.2

of the LP sets out that where accessibility to public transport is moderate, densities in urban settings should be between 200-450 habitable rooms per hectare.

- 8.20. Officers have calculated the density to be 361hr/ha, which is well within the recommended guidelines.
- 8.21. The proposal is supported by national, regional and local planning policy, complying with Policy 3.4 the LP (2011) and policies SP02 and SP10 of the CS (2010).

### **Urban Design**

#### Policy Context:

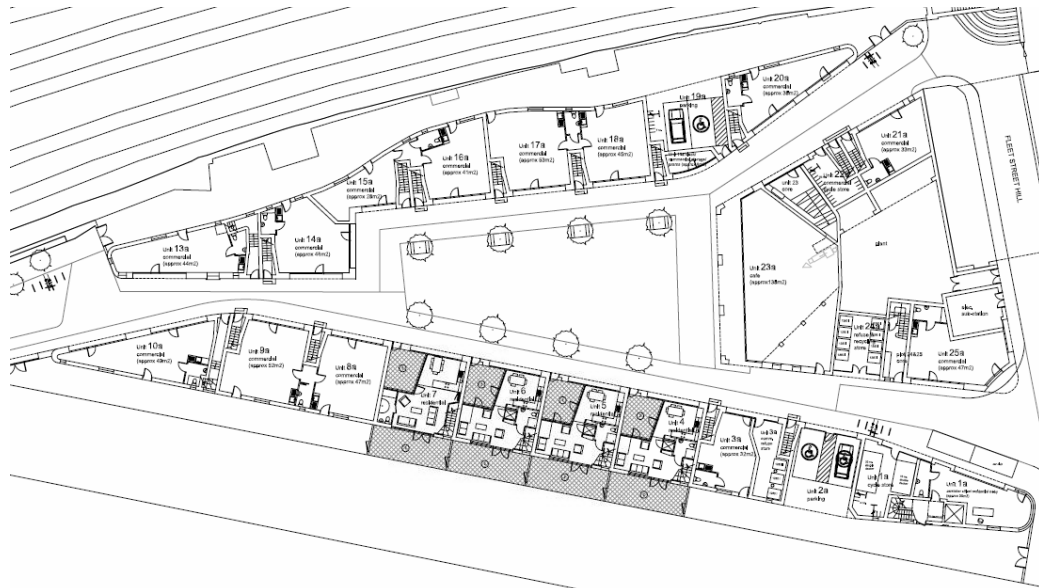
- 8.22. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.23. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.
- 8.24. Policy SP10 of the CS and DM23 and DM24 of the MDD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

#### Proposal:

- 8.25. The proposal seeks the erection of three buildings on this roughly triangular site. Two would be extended along the northern and southern perimeters of the site and the third would be sited alongside the eastern boundary of the site, nearest to Fleet Street Hill.

#### Layout:

- 8.26. The following plan shows the proposed layout of the site. The majority of the ground floor would be in commercial usage, with some ancillary residential uses (such as a communal lobby, refuse/recycling facilities and cycle and vehicular parking).



Proposed ground floor plan

- 8.27. Four residential units are also to be located at ground floor level, with the remaining units having separate entrances along the northern and southern strips. Three of the four ground floor residential units are to be wheelchair accessible. The third building is proposed to have access via communal entrances.
- 8.28. The proposed layout enables the majority of properties to have their own individual entrances and private amenity space. The upper floors are designed to provide dual aspect units without resulting in direct overlooking to adjoining flats.
- 8.29. Overall, the quality of the layout is considered to be high and is considered to contribute to the sense of place-making that is proposed by the application.

#### Building Heights

- 8.30. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. The lowest heights are expected areas of outside town centres.
- 8.31. The existing site is vacant and enclosed by chain-link fencing. A path / cycle route runs along the southern boundary. The site is unattractive in appearance, and creates an unsafe environment for pedestrians and cyclists moving between Pedley Street and Allen Gardens or Cheshire Street.



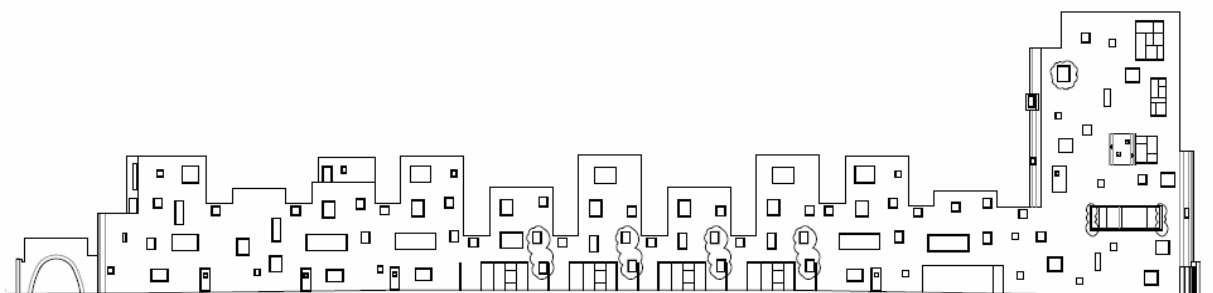


Photo showing existing site

8.32. The building heights of the proposed development vary up to 8 storeys in height. The majority of the height varies between three and four storeys as shown in the following plan.



8.33. The following elevation shows the south elevation of the southern block, outlining the variances in building heights.



Plan showing the south facing elevation of the residential building.

- 8.34. In terms of context, the rail infrastructure which bounds the site to the north and south helps to isolate the site and proposed development from a townscape context. The nearest building to the application site is Weavers House which is around four storey in height on Pedley Street. Similarly, the buildings approximately 40m north of the site on Cheshire Street are also four storeys in height.
- 8.35. In terms of responding to this context the proposed heights with the variations proposed are considered to respond well to the wider townscape. The eight storey element is proposed as a focal point to the site. Whilst this element is taller than immediate properties, it is consistent to consented schemes within the vicinity at the development approximately 100m east of the application site 'Land at Fakruddin Street and Pedley Street, London E1' which under planning reference PA/12/02228 consent was given 63 units within three blocks measuring between two and seven storeys. The taller element also plays an important role in wayfinding as it highlights the location of the site (and with it the routes through the site) in longer views from Allen Gardens.
- 8.36. The proposed buildings at this height would enable the majority of flats to be above the railway line to the south and have an additional benefit of providing natural surveillance to Allen Gardens. The existing and proposed computer generated images demonstrate this.



Existing and proposed views from Allen Gardens

- 8.37. Overall, it is considered that the proposed heights are consistent with the surrounding context and are considered acceptable in this instance.

#### Use of Materials

- 8.38. The submitted design and access statement outlines in a high level of detail of the materials to be used within the proposal. These are briefly outlined below.
- 8.39. The elevations are proposed to be clad in facing brick with a variation in the positioning and size of windows and balconies. At ground floor level arched recesses are proposed in the facades facing the public square and mews streets. These reflect the brick arches found within the surrounding area.
- 8.40. The proposed brick is a pale, rustic brick that would enhance the natural light within the courtyard. The windows would differ in size to would reflect the type of rooms they serve. This also gives variation to the appearance of the building facades. Some of the windows will be fairly larger to maximise the use of natural light.

- 8.41. The proposed non-residential frontages would be located within the recessed brick arches in a combination of painted timber and glazing with a stable door and stall riser.
- 8.42. The architects (Peter Barbour Associates) for the scheme have extensive experience in designing social housing in constrained urban locations. Examples of which are found within the borough at Donnybrook within Bow and Hannibal Gardens in Stepney. As part of the assessment of this application, officers have visited these sites and remain confident that subject to detailed conditions, the design is of high quality, responds well to the site constraints and is of an appropriately high standard.

### **Heritage Assets**

#### Policy Context:

- 8.43. Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:
- *“desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and*
  - *the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 8.44. Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at Part 2 of the policy that the Borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the Boroughs heritage assets, their setting and their significance.
- 8.45. Policy DM27 Part 2 of the MDD provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.
- 8.46. 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-east corner of the conservation area and to the north of Allen Gardens.

#### Impact on Heritage Assets:

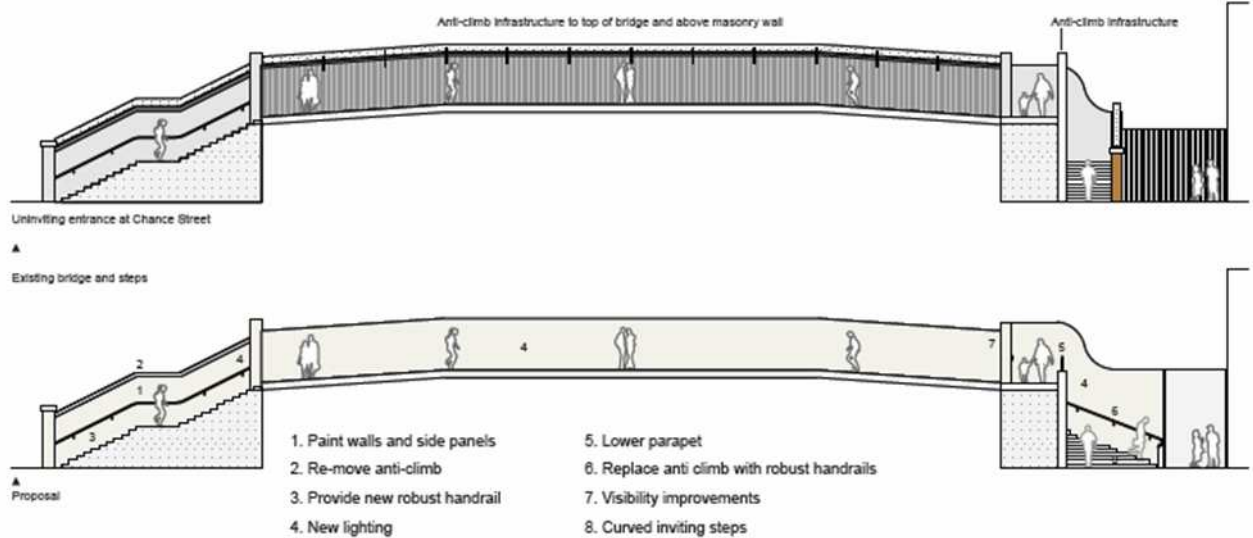
- 8.47. The site is located within the Brick Lane/ Fournier Street Conservation Area. In its existing vacant condition the site clearly detracts from the quality of the conservation area.
- 8.48. The redevelopment of site, in particular given the quality of the design and the use of materials as outlined above, is considered to enhance the character and appearance of the Brick Lane/ Fournier Street Conservation Area.

#### Bridge Improvements

- 8.49. To the north east of the site lies a pedestrian bridge, owned by Network Rail, the bridge provides access from Cheshire Street to Fleet Street Hill (and the Thomas Buxton School) across the railway line
- 8.50. This bridge is in a poor state of repair, has high walls and poor natural surveillance. This is considered to promote anti-social behaviour within the area. The following photograph shows the entrance of the bridge from Cheshire Street.



- 8.51. The applicant has agreed £250,000.00 contribution for public realm improvements in the vicinity of the site, including works to this bridge. The following works are proposed:
- Improved lighting and security to the underpass beneath the London Overground elevated track at the western end of the site
  - Improved lighting and security to the pedestrian route between Allen Gardens and Brick Lane
  - Improved lighting and materials to the footbridge crossing over the Network Rail line at the north east corner of the site
  - Improved lighting, way-finding and hard and soft landscaping within the western portion of Allen Gardens, including the creation of a new pedestrian link to Burton Street
- 8.52. The following image gives an indication of the alterations that could be made to the bridge (subject to agreement from Network Rail and the improvements works being brought forward). The works would include a re-configured entrance from Fleet Street Hill - which will enable greater natural surveillance.



8.53. These works are overall considered to be a major benefit to the area and are strongly supported by officers. The S106 agreement would secure funding to bring these works forward, and would require the developer to use 'all reasonable' endeavours to work with Network Rail to deliver the improvements.

#### Safety and Security

8.54. 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.

8.55. 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.

8.56. 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.

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. These will be secured via the imposition of conditions.

8.58. 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).

### Housing

8.59. Paragraph 49 of the National Planning Policy Framework seeks to ensure Housing applications are considered in the context of the presumption in favour of sustainable development.

8.60. Policy 3.3 of the LP seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

8.61. Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the LP.

8.62. A total of 34 residential units are proposed on this site, the breakdown of which is shown in the following table. Out of the 34 units, 7 are proposed to be market housing, 3 intermediate and 24 for affordable rented accommodation. Fourteen of the 24 rented units are to be family sized (between 3 and 5 bedrooms) and would be at social target rent levels.

	Market	H/Room	Intermediate	H/Room	Rented	H/Room	Total Units	Total H/Rooms
One Bed	4	8	1	2	2	4	7	14
Two Bed	2	7	2	8	8	29	12	44
Three Bed	1	5	0	0	7	35	8	40
Four Bed	0	0	0	0	6	36	6	36
Five Bed	0	0	0	0	1	7	1	7
Total	7	20	3	10	24	111	34	141

### Affordable Housing

8.63. As noted earlier, the scheme has been submitted in conjunction with a development at the Huntingdon Industrial Estate which is reported separately on the agenda. The applications are linked regarding the provision of affordable housing and dwelling mix. It is proposed that the majority of the affordable housing obligation arising from both sites is delivered at Fleet Street Hill, with a correspondingly higher level of market housing at Huntingdon Industrial Estate.

8.64. At the National level, the NPPF seeks to ensure that a wide choice of high quality homes are delivered. Where it is identified that affordable housing is needed, this need should be met on-site unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

8.65. The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and 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 which can be expressed in absolute terms or as a percentage.

- 8.66. Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites having regard to:
- a) Current and future requirements for affordable housing at local and regional levels
  - b) Affordable housing targets
  - c) The need to encourage rather than restrain development
  - d) The need to promote mixed and balanced communities
  - e) The size and type of affordable housing needed in particular locations
  - f) The specific circumstances of the site.
  - g) Recourses available to fund affordable housing, to maximise affordable housing output
  - h) the priority to be accorded to the provision of affordable family housing.
- 8.67. The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained. The GLA development control toolkit is an acceptable way of evaluating whether a scheme is providing the maximum reasonable amount of affordable housing.
- 8.68. Paragraph 3.74 of the London Plan states that affordable housing is normally required on-site. However, in exceptional circumstances it may be provided off-site on an identified alternative site where it is possible to:
- a) Secure a higher level of provision
  - b) Better address priority needs, especially for affordable family housing
  - c) Secure a more balanced community
  - d) Better sustain strategically important clusters of economic activities, especially in parts of the CAZ and the north of the Isle of Dogs where it might be part of a land 'swap' or 'housing credit'.
- 8.69. The issue of affordable housing and off-site provision is similarly dealt within policy SP02 of the Core Strategy which sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).
- 8.70. Policy DM3 of the MDD requires developments to maximise affordable housing on-site. Off-site affordable housing will be considered where it can be demonstrated that:
- i. It is not practical to provide affordable housing on-site
  - ii. To ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area.
  - iii. It can provide a minimum of 50% affordable housing overall
  - iv. It can provide a better outcome for all of the sites including a higher level of social rented family homes and
  - v. Future residents living on all sites use and benefit from the same level and quality of local services.

- 8.71. In light of the above policies when considering national, regional and local policies, off-site affordable housing is generally only acceptable in exceptional circumstances. If it is to be accepted it should provide a higher quantum than if it were on-site (subject to viability), should not undermine the objectives of providing a mixed and balanced community, should better address a priority need i.e. affordable family homes and would not reduce future residents access to services and amenities which would be available to residents of the private housing site.

#### Proposed Affordable Housing

- 8.72. The applicant is seeking to provide Intermediate and Market housing on HIE and Intermediate, social target, affordable rent, and Market on FSH. Based on habitable rooms, the percentage affordable on HIE is 12.2% whilst at FSH is 86%. When combined this equates to an overall affordable housing percentage of 43.8%.

#### Quantum of affordable housing

- 8.73. MDD policy DM3 requires a minimum of 50% affordable housing to be provided across both sites when off-site affordable housing is offered. This however is subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasis that development should not be constrained by planning obligations.
- 8.74. Paragraph 173 of the NPPF states that “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 8.75. A viability toolkit has been submitted with the scheme and this has been independently reviewed by Allsops. It has been concluded that the 43.8% affordable housing is more than what can viably be provided across the two sites.
- 8.76. As such, the level of affordable housing provided across the HIE and FSH sites is considered acceptable on balance when assessed against the viability constraints of the site and accords with policy SP02 of the Core Strategy which seeks to provide 35-50% affordable housing on all sites which provide more than 10 residential units (subject to viability). The combined schemes are offering 43.8% affordable housing. The acceptability of FSH for an off-site affordable housing scheme is also weighed against the quality of family accommodation which can be provided at this site compared to within the HIE, the development is lower density with more outdoor space which is better suited for families. Further assessment of why, on balance, officers support the off-site provision of affordable housing in this instance is set out below.

#### Rent Levels

- 8.77. Within the Affordable Housing tenure, the application proposes affordable rented, social target rent and Intermediate housing.
- 8.78. Social target rented housing is defined as rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental



arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.

- 8.79. Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.
- 8.80. Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents. These can include shared equity products, other low cost homes for sale and intermediate rent but does not include affordable rented housing.

#### Actual Rent levels

- 8.81. The following are the agreed rent levels for the application:

Unit size	Rent Level	
1 bed	£207.12	Affordable 'POD' level
2 bed	£220.54	Affordable 'POD' level
3 bed	£147.70	Affordable 'POD' level
4 bed	£155.47	Social Target Rent
5 bed	£163.24	Social Target Rent

- 8.82. The Council's Housing team are supportive of the provision of affordable housing. Furthermore, the independent review of the applicant's viability toolkit revealed that this is the maximum level that can be provided, whilst ensuring the proposal is deliverable.
- 8.83. The proposed rented levels include affordable rent levels are in line with research POD undertook for the Council to ensure they are genuinely at affordable levels and social target rented levels for the family units (the Affordable POD Rents are inclusive of service charges, whereas the social target rents are not). The LBTH Housing team supports this approach, which is consistent with draft Affordable Housing SPD (engagement version 2013).

8.84.

#### Mixed and balanced communities

- 8.85. Concerns were raised in earlier schemes about the high proportion of rented accommodation and the lack of market housing failing to provide mixed and balanced communities. The main change within the proposal is the introduction of market accommodation and the overall reduction in family accommodation.
- 8.86. The proposed development on FSH represents a mix of tenures providing some private (14% by habitable room) shared ownership (7%) properties but a majority of social/affordable rented properties (79%). The policies which seek to ensure mixed and balanced communities do so because of the legacy of mono-tenure estates in London.

- 8.87. As outlined within the land use section, a number of commercial units are also proposed within the development. These will further encourage a range of mix and balanced community.
- 8.88. In addition, careful consideration has been given to the design of the development (as outlined within the design section of the report). This has also involved site visits to existing housing developments designed by the architects Peter Barber (Donnybrook Court and Hannibal Gardens within LBTH and Tanner Street in Barking), who have demonstrated experience in designing high quality social housing. The following is an indicate CGI of a prospective view of the internal amenity area which demonstrates the indicative level of design consideration within the development.



CGI of the internal amenity area.

- 8.89. Overall, officers are satisfied that a wide range of measures have been adopted to ensure that despite the high proportion of rented accommodation the proposed development will result in a mixed and balanced community.
- 8.90. The applicant has also sought to engage with Registered Housing Providers at an early stage in the design process to ensure that the housing is designed in a manner that would be acceptable to housing providers and enable ease of management and maintenance.

#### Better addressing a priority housing need

- 8.91. The FSH scheme provides a high proportion of affordable family units for rent which are a priority for the Borough. Policy SP02 seeks to ensure that within the rented tenure 45% of housing would be suitable for families. At FSH, 58% of this site would be three, four and five bedroom properties which would all be provided at social target rent levels. Each of these units have their own private amenity space, some of which are in the form of back gardens which is considered to be a good quality amenity space particularly for families with young children.

- 8.92. The provision of ground level, private amenity space is not possible on the HIE site due to its restricted size. The majority of amenity space within that development [HIE] is provided within roof terraces, and whilst some child's play space could be provided within these floors it would be difficult to provide the quantum and range of spaces required for the additional child yield associated with the provision of affordable units for rent. There is also a higher quantum of communal and public open space that can be provided on FSH when compared to the HIE site which is more suitable for non-family accommodation.
- 8.93. Overall it is considered to be a better solution to allow the affordable units for rent to be provided on the FSH as it can provide a better standard of family housing.
- 8.94. The proposed development at FSH is considered to be of a high quality design which would be located within an established residential area. It is just 500m from the HIE site and will therefore benefit from the same local infrastructure as that site. The FSH site also has the added advantage of having Allen Gardens immediately south of the site.

#### Conclusion.

- 8.95. On balance, it is considered in this instance that the provision of off-site affordable housing is acceptable. Whilst the schemes combined are unable to provide 50% affordable housing as per the policy requirement, officers are satisfied that the developer is maximising the provision of affordable housing as tested by an independent consultant.
- 8.96. The benefits of the scheme, including a large number of family units within the rented tenure, the quality of amenity space and the overall benefit of the regeneration of two sites is considered to outweigh the inability of the scheme to provide 50% affordable housing.

#### **Housing Mix**

- 8.97. Should Members decide that the principle of providing the majority of the affordable housing arising from the HIE within the FSH development is acceptable, the members also need to determine whether the proposed dwelling mix is satisfactory.

#### Housing Type and Tenure Mix

- 8.98. Policy 3.11 of the London Plan requires 60/40 split of affordable housing in favour of rented accommodation. Policy SP02(4) of the adopted CS requires a 70/30 split in favour of rented accommodation given Tower Hamlets greater need for rented units. The proposed scheme delivers a tenure split by habitable rooms of 77% rented accommodation and 23% intermediate which is policy compliant.

#### Mix of units

- 8.99. The proposed scheme is considered to broadly comply with Policy SP02(5) of the adopted CS and policy DM3(7) of the MDD which requires schemes to deliver a mix of units. The first table shows the mix for FSH as a stand-alone application. The second table shows the combined mix of units.

Unit size	Total units	Scheme %	Affordable Housing						Market Housing		
			rented			intermediate			private sale		
			scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0%	0	0%	0%	0	0%	0%	0	0%	0%
1 bed	7	21%	2	8%	30%	1	33%	25.00%	4	57%	50.00%
2 bed	12	35%	8	33%	25%	2	67%	50.00%	2	29%	30.00%
3 bed	8	24%	7	29%	30%	0	0%	25%	1	14%	20%
4 bed	6	18%	6	25%	15%	0	0%		0	0%	
5 bed	1	3%	1	4%		0	0%		0	0%	
6 bed	0	0%	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>34</b>	<b>100%</b>	<b>24</b>	<b>100%</b>	<b>100%</b>	<b>3</b>	<b>100%</b>	<b>100%</b>	<b>7</b>	<b>100%</b>	<b>100%</b>

Table showing FSH in isolation.

8.100. It is clear from the above table, within the rented accommodation there is an under-provision of one bedroom units 8% against a target of 30% and an overall over-provision of family size units 58% against a target of 45%. When taking into account the greater need for larger family sized units, this overprovision is considered acceptable.

8.101. The number of intermediate and private units (3 and 7 respectively) are considered too low for a percentage comparison against policy to be useful. Instead it is considered that this is better made when assessing the mix of units for both sites collectively as shown in the following table.

Unit size	Total units	Scheme %	Affordable Housing						Market Housing		
			rented			intermediate			private sale		
			scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	12	11%	0	0%	0%	0	0%	0%	12	16%	0%
1 bed	39	35%	2	8%	30%	6	50%	25.00%	31	41%	50.00%
2 bed	39	35%	8	33%	25%	5	42%	50.00%	26	34%	30.00%
3 bed	14	13%	7	29%	30%	1	8%	25%	6	8%	20%
4 bed	7	6%	6	25%	15%	0	0%		1	1%	
5 bed	1	1%	1	4%		0	0%		0	0%	
6 bed	0	0%	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>112</b>	<b>100%</b>	<b>24</b>	<b>100%</b>	<b>100%</b>	<b>12</b>	<b>100%</b>	<b>100%</b>	<b>76</b>	<b>100%</b>	<b>100%</b>

Table showing FSH and HIE combined.

8.102. It is clear from the above table that within the intermediate and market units overall, there is a higher number of studio, one bedroom and two bedrooms than the Core Strategy target which is at the expense of family sized units. In terms of intermediate units only 8% are suitable for families and within the market just 9% are suitable for families across both sites.

8.103. Overall, the provision of family sized accommodation across both sites is 19% against the 30% target set within policy SP02 of the Core Strategy, however officers consider HIE to be unsuitable for a large number of family sized units and the provision of studios, one bedroom and two bedroom market units on HIE, allows an over provision of larger number of rented family size units to be sustained at FSH, which is considered acceptable.

- 8.104. Overall, it is considered that on balance the proposal would provide an acceptable mix of housing and would contribute towards delivering mixed and balanced communities across the wider area. Therefore, it is considered that the application provides an acceptable mix and percentage of affordable housing in accordance with policy 3.3 of the LP (2011), policy SP02 of the CS and policy DM3 of the MDD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

#### **Standard of accommodation**

- 8.105. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.

#### Internal Space Standards

- 8.106. LP policy 3.5, policy DM4 of the MDD requires new development to make adequate provision of internal residential space.
- 8.107. The proposed development is designed to the London Housing Design Guide standards and therefore is acceptable in terms of internal space standards. Furthermore, all the affordable family sized units have been designed with separate kitchen areas.

#### Wheelchair Housing and Lifetime Homes Standards

- 8.108. Policy 3.8 of the LP and Policy SP02 of the LBTH CS require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.109. Within FSH, 3 units are proposed to be provided as wheelchair accessible and all units meet the Lifetime Homes Standard. These units 1 x 3 bed and 2 x 4 bed represent 12% of habitable rooms within the development. Policy DM4 allows for wheelchair units to be measured by habitable rooms when this provides a better outcome in terms of provision of larger units.
- 8.110. If planning permission is granted a condition would be attached to ensure that the wheelchair accessible units are delivered within the scheme.

#### Private and Communal Amenity Space

- 8.111. Policy DM4 of the MDD sets out standards for new housing developments with relation to private and communal amenity space. It seeks a minimum of 5 sq. m of private outdoor space for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant. Each residential unit within the proposed development provides private amenity space in accordance with the Housing Design Guide and policy requirements, in the form of balconies and gardens.
- 8.112. For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 34 units the minimum communal amenity space required would be 74sqm.

8.113. The proposal delivers approximately 74sqm of usable communal amenity space within a dedicated area. This meets policy requirements and is considered acceptable.

#### Child Play Space

8.114. Policy 3.6 of the LP, Policy SP02 of the CS and Policy DM4 of the MDD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' (which sets a benchmark of 10 sqm of useable child play space per child).

8.115. Using LBTH child yield calculations, the overall development is anticipated to accommodate 35 children and accordingly the development should provide a minimum of 359sq.m of play space.

8.116. The scheme proposes 359sqm of child playspace which meets the LP and Tower Hamlets requirements.

8.117. In addition, the proposed child playspace and communal amenity space are to be designed flexibly for a wide range of uses which is supported.

8.118. Overall, the provision of child playspace is considered acceptable in relation to policy DM4 of the In addition to the quantum, the London Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. The site is immediately to the north of Allen Gardens and as such, is well within the above walking distances.

#### Public Open Space

8.119. The Core Strategy has a Strategic Objective to create a green and blue grid of well connected, high quality green spaces and water spaces. The Core Strategy sets out the spatial policies for achieving this objective including protecting all existing open space and wherever possible creating new open spaces. The Core Strategy notes that to achieve the 1.2 hectare per 1000 population standards the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the physical constraints in Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standard to help justify local need, and secure financial contributions towards the improvement of public open space.

8.120. In this instance, a contribution of £416,228.17 has been requested towards Public Realm and streetscene improvements. This is discussed further within the 'Planning Obligations' section of this report.

8.121. To meet the 1.2 hectare per 1,000 population monitoring standard, the scheme would need to include 124sq metres based on a likely population yield of 102 new residents.

8.122. The accompanying text to policy DM10 states that in instances where public open space cannot be provided on-site then a contribution will be sought towards open space to deliver or improve existing open spaces within the borough. In this instance, using the Planning Obligations SPD as a basis, the above mentioned contribution has been secured towards public open space.

- 8.123. In conclusion, the proposed development would make a significant contribution to deliver public realm improvements. As such, the proposal accords with policy SP04 of the CS and policy DM10 of the MDD.

#### Daylight/ Sunlight for future occupiers.

##### Daylight

- 8.124. Daylight for future residents is calculated by Average Daylight Factor (ADF). ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylight appearance.
- 8.125. BRE guidelines recommend the following values for dwellings. These are:  
2.0% - Kitchens  
1.5% - Living Rooms  
1.0% - Bedrooms
- 8.126. The applicant has submitted a daylight and sunlight assessment which confirms that all but one habitable room meet the required ADF values. The one room that fails is a bedroom and this achieves an ADF value of 0.9% against a recommended value of 1%. Overall, the level of daylight for future residents is considered to be acceptable.

##### Sunlight

- 8.127. The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in BS 8206:2008 as follows:
- 8.128. "Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probable sunlight hours should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary"
- 8.129. The applicants report confirms that, all the units facing south meet the required sunlight levels, which is in accordance with the guidance and acceptable.

##### Noise and Vibration

- 8.130. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.131. Policy 7.15 of the LP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.132. In terms of noise and vibration, there are a number of potential sources of noise and vibration, the main ones are listed below and discussed in more detail within this report::

- Ground borne noise and vibration as trains pass the site
  - Airborne noise to internal habitable rooms
  - Noise levels to central courtyard and amenity spaces
  - Noise arising from commercial uses at ground floor level to residential uses above
  - Noise arising from A3 uses, including hours of operation, number of patrons and any extraction systems.
- 8.133. Due to the sensitive nature of the site, an independent specialist consultant has been appointed to advise the Council and support the Environmental Health department in their technical review of these matters. The results of the review are discussed further within the report.
- 8.134. LBTH Environmental Health considers 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.
- 8.135. The application site is bounded by two railway lines. To the north lies the main rail line in an out of Liverpool Street(which occasionally carries freight) and a raised section of the London Overground line is to the south.
- 8.136. The rail line to the north is located at ground floor level falling to around 1 metre below ground to the north-west of the site as it approaches Liverpool Street. According to the National Rail website,the last train between Mondays to Friday departs at 1 minute past midnight from Liverpool Street. The service then resumes at 5.45 am.
- 8.137. One minute past midnight is the same last train on Saturdays and Sundays.However, on Saturdays the departures begin 30minutes earlier at 5.15am and on Sundays begin at 7.30am. In all cases given the relative closeness of the site to Liverpool Station, the trains will pass eastbound within a couple of minutes of their departure.
- 8.138. The last trains coming westbound into Liverpool Street westbound are expected to arrive at 36 minutes past midnight Monday to Saturdays and 25 minutes past midnight on Sundays.
- 8.139. The earliest trains to arrive within the next cycle are expected into London Liverpool Street at 5.55 am on Mondays to Saturdays, and 8.18am on Sundays. Again, due to the proximity of the site to London Liverpool Street Station, the trains are expected to pass the site a couple of minutes before their arrival.
- 8.140. The railway line to the south, rises from 1.5 metres above ground floor level to 4.5 metres above ground floor level as it approaches the Shoreditch High Street Overground Station further west of the site.
- 8.141. This railway line serves the Highbury and Islington to New Cross, Crystal Palace, West Croydon and Clapham Junction Line, with a stop at Shoreditch High Street on the way.
- 8.142. The last train is expected at Shoreditch High Street at around 23 minutes past midnight and the earliest around 5:46 in the morning Mondays to Saturdays. The last train is expected at 21 minutes past midnight on Sundays, the earliest at 7:02.



- 8.143. As these trains pass the site, the noise is transmitted through the train tracks, into the ground where they cause vibrations to the surrounding area. The effects of ground-borne vibration if not addressed can include movement of the building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds.
- 8.144. The rumbling sounds caused by the vibrations are referred to as ground borne noise. Given the impact of both is caused by the vibrations traveling underground and into the building via the building foundations, it is at the foundations where new developments can be designed to ensure the impact of groundborne noise and vibration is taken into account and properly mitigated against.
- 8.145. As the trains pass, noise can also travel by air, this is known as airborne noise. This also includes noise from passing cars and other noise sources.

#### Groundborne Noise and Vibration

- 8.146. In order to address the Groundborne noise and vibration, a noise and vibration report has been submitted with the application, which is accompanied by supplementary vibration measurements, which were carried out at the request of the Council's Environmental Health Officer. The vibration levels were originally measured using 'estimated Vibration Dose Values (eVDV)'. Following comments from Environmental Health, the applicant undertook additional testing which involved actual Vibration Dose Values (VDV).

Land Use / Time Period	Low probability of adverse comment VDV (m/s <sup>1.75</sup> )	Adverse comment possible VDV (m/s <sup>1.75</sup> )	Adverse comment probable VDV (m/s <sup>1.75</sup> )
Residential Buildings 16-hour day	0.2 to 0.4	0.4 to 0.8	0.8 to 1.6
Residential Buildings 8-hour night	0.1 to 0.2	0.2 to 0.4	0.4 to 0.8

Table showing criteria for Assessing the Effects of Vibration on Human Response (VDV)

- 8.147. All VDV values recorded on site fall within the recommended 'Low probability of adverse comment'.
- 8.148. The Council's Environmental Health officer also requested PPV (Peak Particle Velocity) testing. This looks at the levels of vibration above which building structures could be damaged. The testing revealed that in one location at Fleet Street Hill the required level of PPV 1.0mm/s was exceeded.
- 8.149. In terms of noise, this is measured in decibels (dB), the higher the dB the greater the noise. The equipment measuring dB provides data which can be used to outline things such as the average noise over a period of time, or the average noise over 90% of the time (excluding the unusual events). It can also outline what is the maximum noise level encountered during the monitoring. The maximum refers to the worst case scenario and is referred to as L<sub>max</sub>. As the human ear picks up sound differently, the data is passed through a set of 'correction terms' to make the data more relevant. This is referred to as 'A' weighting and is represented by an 'A' ie L<sub>A</sub>max. The higher the figure, the greater the noise as a train passes through the site.
- 8.150. In order to address the ground borne noise, you have to restrict the vibrations that are occurring to the building foundations. So naturally by reducing noise to a suitable level, you are also addressing Groundborne Vibrations.

- 8.151. In terms of LASmax, the LASmax figure set by Crossrail in relation to its impact on residential properties is LASmax 40dB. Tower Hamlets, based on local experience has set a more stringent target of noise not to exceed LASmax of 35dB.
- 8.152. The testing revealed that based on the measured vibration levels of the existing ground it is predicted that ground-borne noise levels at the application could be as high as 43dB LASmax. This is higher than the target set for vibrations arising from the Crossrail Tunnel and also the Councils Rail Noise policy standard.
- 8.153. However, as these measurements have taken place on the existing ground they have a degree of uncertainty, due to the condition of the concrete on site, the depth of the concrete, how close the concrete is to the rail track above and below ground etc. These are all subject to change when foundations are to be built. The applicant has suggested further vibration levels should be undertaken when the foundations and /or pilecaps are in place to provide more reliable results.
- 8.154. This more precise measurement of the level of vibration entering the structure can then be used to determine what mitigation is necessary. The applicant has also agreed to the Councils target of 35dB LASmax, the VDV values of between 0.2 to 0.4 during a 16-hour day and 0.1 to 0.2 during an 8-hour night. The applicant has also agreed to ensure the PPV remains less than 1mm/s.
- 8.155. Given the sensitivities of the site, the applicant has agreed to a stringent set of conditions which are outlined below.
- 8.156. Firstly, in accordance with a detailed methodology which has already been agreed with the Council, the applicant will be required to undergo further noise testing once the foundations have been put in place. The results of the findings along with any mitigation required to achieve the above standards are required to be submitted to and approved by the local planning authority.
- 8.157. The development is only allowed to proceed in accordance with the details approved by the Council in order to achieve the standards mentioned above. The final part of the condition will require the results of post completion testing to be submitted to and approved by the local planning authority prior to first occupation of the development.
- 8.158. It is also noted that in the event these standards are not met or complaints arise, the Councils Environmental Health department have the powers under the Environmental Protection Act 1990 to prevent occupation of the building.
- 8.159. As such, subject to condition, it is considered that groundborne noise and vibration will be suitably addressed within the development.

#### Airborne noise

- 8.160. Airborne noise is more concerned with noise within internal rooms. The applicant in discussions with colleagues from the Environmental Health Department has agreed to the following standards. This would ensure during the night 'Good' standards during the day 'Reasonable-Good' are achieved. The standards are reflective of WHO and BS8233 documents.

Living Rooms	35dB LAeq
Bedrooms	30dB LAeq
Bedrooms	45dB LAmax

- 8.161. In order to ensure this is the case, an additional condition will be required ensuring this standard is met.

Noise levels to central courtyard and terraces

- 8.162. The BS8233 suggests it is desirable that the steady noise level for external spaces does not exceed 50 LAeq,T dB and 55 LAeq,T dB should be regarded as the upper limits. The proposed development will create two buildings on either side of the courtyard and a barrier to the north west of the site to ensure noise levels in the Courtyard are in the range of 40-45 dBLAeq. The applicant has outlined that these will be lower than currently experienced at Allen Gardens to the south.
- 8.163. The terraces are proposed with solid screening to ensure a range of 41 to 51 LAeq (day time) and 36-45 LAeq (night-time) is achieved. These are lower than the upper limits suggested by the WHO and are considered acceptable.

Noise arising from commercial uses at ground floor level to residential uses above.

- 8.164. This is a matter that would largely be dependent on construction which is required by Building Control. The mitigation proposal against Airborne noise is conditioned to meet 60dB DnTw between the commercial use and the residential uses.
- 8.165. Lastly, noise from the operations of the commercial uses in particular the A3 use will be controlled via the imposition of conditions as no end user has been identified at this stage.
- 8.166. With regards to the A3 use, an internal location has been identified for the extraction system which is considered acceptable visually. As the final details will be dependent on the end user, further details of all extraction to the A3 use will be conditioned.
- 8.167. Taking into account the above, and the imposition of robust conditions, it is considered that the proposed development would adequately protect future residential occupants from unacceptable levels of noise and vibration, and as such, preserve the residential amenity for future occupiers. The proposal is therefore in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) which 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.

Air Quality

- 8.168. Policy 7.14 of the LP seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 8.169. The Air Quality assessment (chapter 12 of the Environmental Statement) suggests there will be a negligible impact in relation to air quality. The report advises that during construction good site practices such as erecting solid site boundaries, using water as a suppressant, enclosing stockpiles, switching off engines, minimising movements and creating speed limits within the site all can mitigate against any impacts. Officers recommend a Construction & Environmental Management Plan to

be secured via condition to ensure suitable measures are adopted to reduce any Air Quality impacts.

- 8.170. It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction & Environmental Management Plan.
- 8.171. As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution.

### **Amenity**

- 8.172. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

### **Daylight, Sunlight and Overshadowing**

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

### **Daylight**

- 8.174. For calculating daylight to neighbouring properties, the primary assessment is the vertical sky component (VSC) method. The 2011 BRE guidance emphasises the VSC method as the primary method of assessment. The applicant has assessed the impact on adjoining residents in relation to VSC and also daylight distribution.
- 8.175. With regards to VSC, BRE Guidelines advise that a loss of vertical sky of more than 20% becomes noticeable to residents and can potentially be considered as an adverse impact from the development.

### **Sunlight**

- 8.176. The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 8.177. The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties.

### **Neighbouring Properties**

- 8.178. As part of the ES daylight and sunlight chapter prepared for the previously submitted proposals for the Fleet Street Hill site, an analysis was undertaken of the impact from the proposed scheme on the daylight and sunlight levels of surrounding properties.
- 8.179. The previous scheme for the FSH site was larger in scale than the current scheme and revealed no adverse impacts to properties to the north at Cheshire Street and Weaver House, Pedley Street
- 8.180. Given that the previous scheme had no noticeable impacts to the daylight and sunlight levels of relevant surrounding properties, the current scheme will also have no noticeable impacts to relevant surrounding properties. It is therefore not considered necessary for the current scheme to be assessed in respect of daylight & sunlight impacts to surrounding properties.
- 8.181. As such, the impacts from the current FSH Development proposals on surrounding properties are considered to be negligible.

#### Overshadowing

- 8.182. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that “it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight during 21 March”.
- 8.183. The report demonstrates that the majority of the amenity areas within the development would receive at least 2 hours of sunshine during 21st March. As such, the proposal is acceptable in accordance with the above BRE guidance.

#### Privacy

- 8.184. The proposed development has been sensitively designed to ensure acceptable separation distances between the new buildings, with many windows at oblique angles, thus positioned to avoid direct overlooking.
- 8.185. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved in accordance with policy SP10 of the CS and Policy DM25 of the MDD (2013). These policies seek to protect residential amenity.

#### Visual amenity / sense of enclosure

- 8.186. These issues are considered to be subjective. Following an assessment of the application, officers consider that given the separation distances proposed between the application site and surrounding buildings the proposed development will not give rise to any adverse impacts in terms of visual amenity or increased sense of enclosure.
- 8.187. In conclusion, it is considered that there would be no unduly detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the buildings is appropriate for the character of an urban area such as this.

#### Landscaping and Biodiversity

- 8.188. The London Biodiversity Action Plan (2008), policy 7.19 of the LP, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects

and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.

8.189. Given the existing site is devoid of any landscaping and has a negligible biodiversity value, the proposed development which would include 665sqm of brown roofs is considered to substantially impact on the existing site.

- Full details of the biodiversity enhancement measures
- Full details of the sedum/ brown roofs proposed

8.190. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS (2010).

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

#### Car Parking

8.191. 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’.

8.192. The proposal includes the provision of five car parking spaces on-site (one car club space, onegeneral need spaces and three disabled spaces). This level of parking is considered acceptable as the application site is located in an area with good access to public transport, with a Public Transport Accessibility Level (PTAL) of 3. Accordingly, given the PTAL rating, it is recommended that a condition be included to secure the development as ‘permit free’. It is noted that a large number of family sized units are proposed within the development and that they will be eligible to transfer any existing permits. Notwithstanding the comments of the Highways officer, it is considered that any additional parking can be accommodated along Fleet Street Hill and Pedley Street, without adversely impacting on the local highway network.

#### Accessible Car Parking

8.193. Of the four car-parking spaces proposed, three are to be designated for disabled users. This is considered acceptable and should cater for most of the demand generated by the four wheel chair accessible units.

8.194. Given the spatial constraints of the site, officers acknowledge that the provision of any additional on-site accessible car parking space would not be feasible. 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’.

#### Cycle Parking

8.195. 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.

8.196. 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

8.197. Taking into account the above minimum standards, the proposed development would be required 49 cycle parking spaces for the residential units. The commercial uses are to be flexible so it is difficult to work out the exact usage. However, the applicant has provided a further 42 cycle spaces.

8.198. The overall, provision is supported by LBTH Transportation & Highways and will be conditioned to ensure it's retention.

#### Servicing

8.199. 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.

8.200. The proposal includes commercial uses at ground floor level which will require goods deliveries and servicing.

8.201. The proposals have been assessed by LBTH Transportation & Highways, who consider the servicing is likely to be acceptable from Fleet Street Hill, subject to vehicles reversing onto the site. This has been agreed by the applicant and will be secured by condition.

8.202. 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

8.203. 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.

8.204. The proposed development includes a designated refuse stores around the site, the retention of which will be conditioned.

8.205. As such, subject to condition requiring the provision and retention of refuse facilities, 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).

### Mayoral CIL

- 8.206. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL will contribute towards the funding of Crossrail. It is noted that the CIL payment has been estimated at between £46,020 for this development, when taking into account the likely social housing relief.
- 8.207. Overall, conditions to secure a construction logistics plan, a delivery and service management plan and a travel plan would lessen the impact of the development. In conclusion, the proposed development subject to mitigation would not have an unduly detrimental impact on the safety and capacity of the surrounding highway and public transport network.

### Adoption of Fleet Street Hill and Pedley Street

- 8.208. Fleet Street Hill and Pedley historically were adopted Highway, following the application sites use to facilitate the works on the London Overground upgrade, the public rights of way were removed. Therefore, in order to provide access to the site, Fleet Street Hill and Pedley Street will be required to be adopted as a local highway. The Councils Highways department have agreed to adopt the road, although this will be resolved in a separate process.

### **Energy and Sustainability**

- 8.209. Climate change policies are set out in Chapter 5 of the London Plan, strategic policy SP11 of the Core Strategy and policy DM29 of the MDD. These collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.210. The London Plan sets out the Mayor of London's energy hierarchy which is to:
- § Use Less Energy (Be Lean);
  - § Supply Energy Efficiently (Be Clean); and
  - § Use Renewable Energy (Be Green).
- 8.211. The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2). Policy DM29 requires a 35% CO<sub>2</sub> reduction between 2011 to 2013, and a 50% CO<sub>2</sub> reduction between 2013 to 2016. The Councils Sustainability Team have confirmed that the 50% reduction will be sought on applications received after 1<sup>st</sup> October 2013. Given, this application has been submitted before 1<sup>st</sup> October the 35% reduction is applicable.
- 8.212. Policy SO3 of the CS seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Strategy policy SP11 of the CS requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.213. Policy DM29 of the MDD requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures.



At present the current interpretation of this policy is to require non-residential schemes to achieve a BREEAM Excellent rating.

- 8.214. Lastly, policies 5.5 and 5.6 of the LP and DM29(2) of the MDD promote the use of decentralised energy within development proposals through the use of Combined Heat and Power (CHP) systems.
- 8.215. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and CO2 emissions by 18%. A site wide CHP to deliver an additional 22% reduction in CO2 emissions at the 'Be Clean' stage of the energy hierarchy.
- 8.216. The total anticipated CO2 savings from the developments are 36%, through a combination of energy efficiency measures and a CHP system. There are no renewable energy technologies proposed for the site and this is accepted as the policy target of 35% has been achieved.

Sustainability:

- 8.217. 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 developments to achieve a minimum BREEAM Excellent rating, and a code for sustainable homes Level 4. The proposals have been designed to achieve this rating and are therefore supported by the sustainable development team. An appropriately worded condition should be applied to secure the submission of the BREEAM certificates post occupation of the building.

**Environmental Considerations**

Contaminated Land:

- 8.218. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 8.219. The Council's Environmental Health Officer has reviewed the documentation, and has requested that supplementary soil investigation be carried out. The submission of these details would be secured via condition should planning permission be granted.

**Environmental Impact Assessment**

- 8.220. The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 8.221. As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment (EIA) before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received

from consultation bodies or duly made by any person about the environmental effects of the development.

8.222. The Council has an appointed environmental consultant - Land Use Consultants (LUC) - to examine the applicant's ES and to confirm whether it satisfies the requirements of the EIA Regulations. This is supported by reviews by LBTH's internal environmental specialists. Following that exercise, LUC confirmed their view that following a Regulation 22 request the ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.

8.223. In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental effects are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

### **Planning Contributions and Community Infrastructure Levy**

8.224. Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:

- § Necessary to make the development acceptable in planning terms;
- § Directly related to the development; and
- § Are fairly and reasonably related in scale and kind to the development.

8.225. This is further supported by policy SP13 of the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

8.226. The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy.

8.227. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

8.228. The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

8.229. The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

8.230. Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £576,926.25. This has been applied as follows through the SPD.

8.231. In addition, an extra contribution of £250,000.00 has been agreed with the applicant in order to carry out improvements to the pedestrian bridge and connectivity around the site. This bridge is currently in poor condition with poor natural surveillance and for that reason officers strongly support the works to the bridge which are considered necessary for the development to proceed. This figure also includes the following:

- Improved lighting and security to the underpass beneath the London Overground elevated track at the western end of the site
- Improved lighting and security to the pedestrian route between Allen Gardens and Brick Lane
- Improved lighting and materials to the footbridge crossing over the Network Rail line at the north east corner of the site
- Improved lighting, way-finding and hard and soft landscaping within the western portion of Allen Gardens, including the creation of a new pedestrian link to Burton Street.

8.232. The total contribution sought including the two per cent monitoring fee is £863,660.77.

8.233. The requested financial heads of terms have been broken down as follows:

#### Financial Contributions

- a) A contribution of between **£54,435.95** towards employment, skills, training and enterprise.
- b) A contribution of between **£139,298.31** towards Community Facilities.
- c) A contribution of between **£3,525.00** towards Sustainable Transport.
- d) A contribution of **£383,441.03** towards Education.
- e) A contribution of **£416,228.17** towards Public Realm.
- f) A contribution of **£58,373.00** towards Health
- g) A contribution of **£250,000.00** towards Network Rail bridge improvements and other connectivity and security works in the vicinity
- h) A contribution of 2% of the total financial contributions would be secured towards monitoring.

Total Financial Contribution: **£863,660.77**

To add to the non-financial contributions listed below:

#### Non-financial Contributions

- i) 43.8% Affordable housing (based on combined habitable rooms between the Fleet Street Hill site and with associated application at Huntingdon Industrial Estate) with appropriate triggers consisting of a minimum of 27 affordable housing units at Fleet Street Hill measured in habitable rooms comprising of:
  - 1 x 1 bedroom (intermediate)
  - 2 x 2 bedroom (intermediate)
  - 2 x 1 bedroom (affordable rent)
  - 8 x 2 bedroom (affordable rent)
  - 7 x 3 bedroom (target rent)

- 6 x 4 bedroom (target rent)
- 1 x 5 bedroom (target rent)
- j) Car Free agreement
- k) Commercial floorspace rent capped at £15 psf for five years
- l) Council first option on D1 floorspace
- m) Wheelchair adaptable units 1 x 3 bed and 2 x 4 bed
- n) First refusal of commercial floorspace to any company that has been based at Huntingdon Industrial Estate for more than 10 years
- o) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- p) Obligation to enter into S278 for highway improvement works following adoption of Fleet Street Hill
- q) Clause requiring market units to be retained as wholly market.

8.234. The above contribution have been secured and negotiated in line with the S106 SPD and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

### **Local Finance Considerations**

8.235. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:

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

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

8.237. 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.

8.238. In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use.

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

8.240. Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

8.241. The likely CIL payment associated with this development would be in the region £46,020.00

### **Human Rights**

8.242. 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:-

8.243. 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".

8.244. 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.

8.245. 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.

8.246. 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.

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

8.248. 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.

8.249. 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.

### **Equalities**

8.250. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-

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

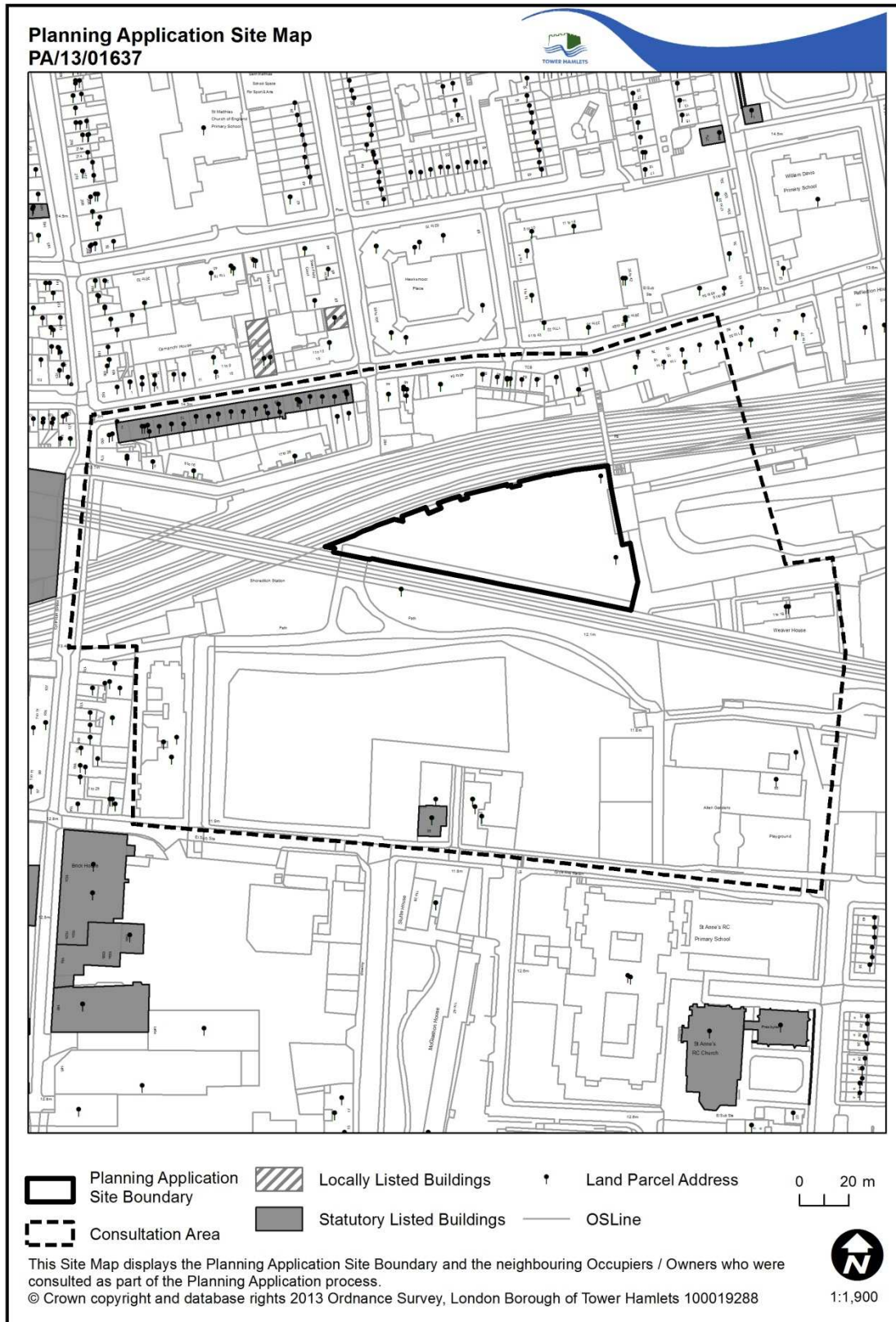
8.251. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

8.252. 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 should be supported for the reasons set out in RECOMMENDATION section of this report.

# Appendix 1: Application site map



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# Agenda Item 7

<b>Committee:</b> Strategic Development	<b>Date:</b> 21 <sup>st</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Other Planning Matters	
<b>Originating Officer:</b>		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

## 3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

## 4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8**

Brief Description of background papers:  
See individual reports

Tick if copy supplied for register:

Name and telephone no. of holder:  
See individual reports

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# Agenda Item 7.1

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 21 November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Pete Smith	<b>Title:</b> Planning Appeal – Strategic Development Committee
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## 1. PURPOSE

- 1.1 Over the last 2 to 3 years, officers have regularly reported details of town planning appeal outcomes to the Development Committee, outlining 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 Occasionally, a case determined by either the Development or Strategic Development Committee is the subject of an appeal and it is considered useful if Members of Strategic Development Committee are advised of appeal outcomes relating to applications which were the subject of Strategic Development Committee consideration.
- 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 Poplar Business Park appeal as outlined below.

## 3. APPEAL DECISION

- 3.1 The following appeal decisions has recently been received by the Council.

<b>Application No:</b>	<b>PA/11/03375</b>
<b>Site:</b>	<b>Poplar Business Park, Prestons Road E14</b>
<b>Proposed Development:</b>	<b>Demolition of existing buildings and redevelopment of the site to provide a mixed use scheme of between 3 and 22 storeys comprising 8,104 sq metres business accommodation (Use Class B1), 392 residential units (Use Class C3), associated parking and landscaping.</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (Strategic Development Committee)</b>

**Appeal Method:**  
**Inspector's Decision**

**PUBLIC INQUIRY (SoS decision)**  
**ALLOWED**

- 3.2 In view of the significance of the issues raised by this appeal, the Secretary of State for Communities and Local Government recovered the appeal for his own determination, with the Planning Inspector providing a recommended course of action.
- 3.3 The planning application was refused by the Strategic Development Committee (April 2012) for two related reasons; inadequate provision of affordable housing and lack of contributions towards education and healthcare.
- 3.4 The level of affordable housing reported to the Strategic Development Committee was 25% by habitable room which equated to 87 units (58 affordable rent units at POD and 24 intermediate units). The total S106 contributions negotiated and secured at the time were £1,763,861. The negotiated educational and healthcare contributions were £652,520 and £136,000 respectively.
- 3.5 At an early stage of the appeal proceedings, the appellants offered to pay the full Planning Obligations SPD contributions for healthcare and education contributions which meant the second reason for refusal fell away.
- 3.6 The Council's main case was that the scheme was more viable than the appellants claimed it to be and was therefore able to afford additional affordable housing. The main items of contention were the sales values of the residential units and the method of construction procurement. The appellant argued that the method of procurement would be via a main contractor which would include allowances for the main contractor's Preliminaries and Overheads & Profit (OHP). The Council argued that it was more likely that a volume house builder or joint venture would procure the construction which would operate on a lower percentage for preliminaries and would not require an allowance for profit (other than the standard profit level agreed in the toolkit.)
- 3.7 There were two other points of contention which were the costs estimated in achieving Code for Sustainable Homes Level 4 and the cost of connecting services and drainage. However, these were smaller items compared to the two main points above.
- 3.8 The Secretary of State found favour with the Council's argument in regard to sales values but did not agree with the Council's judgement on the procurement route. He also concluded that there was insufficient evidence presented to prove the case as regards the costs to achieve Sustainable Code Level 4 and the drainage/services connection.
- 3.9 Two unilateral agreements were submitted by the appellant, which provided two different levels of affordable housing. One was at 12.5% affordable housing provision, on the assumption that the Inspector would agree with all of the appellant's viability evidence. The other was set at 20% affordable housing provision, on the assumption that the Inspector would agree that 12.5% was unreasonable and failed to maximise the affordable housing on-site.
- 3.10 The Secretary of State felt that the scheme could deliver in excess of 12.5% affordable housing and he did not feel that increasing the affordable housing level to 20% would inhibit delivery.

- 3.11 In his decision letter, the Secretary of State noted that the Council did not have evidence of a 5 year housing supply which therefore pointed towards a strong presumption in favour of the development. At the time of the public inquiry, the Council had not provided sufficient evidence, in the form required by the National Planning Policy Framework, to confirm a 5 year deliverable housing supply. This evidence has now been published in accordance with National Planning Policy Framework which can now be used to counter claims that the Borough is not able to meet its 5 year housing supply targets
- 3.12 To conclude, the appeal was ALLOWED on the basis of a 20% affordable housing level by floor area (21%by habitable room) – a total of 71 units (47 affordable rent and 24 intermediate) and a S.106 package of £2,646,222; an additional £882,361 compared to the scheme reported to Strategic Development Committee. Notwithstanding this, the level of affordable housing was less than that offered by the developer when the case was determined by the Strategic Development Committee in April 2012.

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