

# STRATEGIC DEVELOPMENT COMMITTEE

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**Tuesday, 25 February 2014 at 7.00 p.m.**  
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG**

**The meeting is open to the public to attend.**

**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 Judith Gardiner, Councillor  
Tim Archer, Councillor Peter Golds and Councillor Shahed Ali

The quorum for this body is 3 Members

Public Information.

The deadline for registering to speak is **4pm Friday, 21 February 2014**

Please contact the Officer below to register. The speaking procedures are attached

The deadline for submitting material for the update report is: **Noon Monday, 24 February 2014**

Contact for further enquiries:

Zoe Folley, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4877  
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Web: <http://www.towerhamlets.gov.uk/committee>

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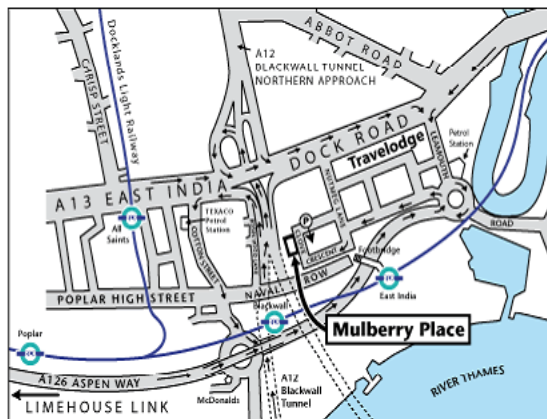
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## **APOLOGIES FOR ABSENCE**

### **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 - 20)**

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 9<sup>th</sup> January 2014.

### **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 AND MEETING GUIDANCE (Pages 21 - 22)**

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee and the meeting guidance

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

Nil Items.

- |             |   |                |   |
|-------------|---|----------------|---|
| <b>6.</b>   | <b>PLANNING APPLICATIONS FOR DECISION</b>   | <b>23 - 24</b> |   |
| <b>6 .1</b> | <b>Ocean Estate Site H, west of Aston Street, including Allonby, Channel and Studland Houses (PA/13/02911)</b>  | <b>25 - 80</b> | <b>St Dunstan's &amp; Stepney Green</b> |
|             | <p>Proposal: Demolition of existing buildings on site and construction of three residential blocks between two and thirteen storeys high comprising 225 residential dwellings (64 one-bed, 106 two-bed, 30 three-bed, 15 four-bed and 10 five-bed) with associated landscaping and basement parking.</p> <p>Recommendation: That the Committee resolve to GRANT planning permission subject to any direction by the London Mayor, prior completion of a legal agreement, conditions and informative(s).</p> |                |   |
| <b>6 .2</b> | <b>Sceptre Court, 40 Tower Hill, London EC3N 4DX (PA/13/02692)</b>  | <b>81 - 98</b> | <b>St Katharine's &amp; Wapping</b>     |
|             | <p>Proposal: Change of Use from Office (Use Class B1) to a dual use as Higher Educational Establishment (Use Class D1) and Office (Use Class B1).</p> <p>Recommendation: That the Committee resolve to GRANT planning permission subject to any direction by the London Mayor, prior completion of a legal agreement, conditions and informative(s).</p>  |                |   |

**7. OTHER PLANNING MATTERS**

Nil Items.

**Next Meeting of the Strategic Development Committee.**

**Thursday, 13 March 2014 at 7.30 p.m.** to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

# 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:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

## 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, 9 JANUARY 2014**

**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 Dr. Emma Jones (Item 7.2)  
Councillor Kabir Ahmed (Executive Advisor to the Mayor and Cabinet)  
Councillor Md. Maium Miah (Advisor to the Mayor and Cabinet on Third Sector and Community Engagement)  
Councillor Judith Gardiner (Substitute for Councillor Denise Jones)  
Councillor Peter Golds (Substitute for Councillor Dr. Emma Jones)(Items 1-6.1) (Leader of the Conservative Group)

**Other Councillors Present:**

None

**Apologies:**

Councillor Marc Francis, Councillor Carli Harper-Penman and Councillor Denise Jones

**Officers Present:**

Pete Smith – (Development Control Manager, Development & Renewal)  
Jane Jin – (Planning Officer, Development and Renewal)  
Richard Murrell – (Deputy Team Leader, Planning, Development and Renewal)  
Megan Nugent – (Legal Services Team Leader, Planning, Chief Executive's)  
Pat Watson – (Head of Building Development)  
Adam Williams – (Planning Officer, Development and Renewal)  
Zoe Folley – (Committee Officer, Chief Executive's)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

Councillor Md. Maium Miah declared an interest in agenda item (5.1) Suttons Wharf North, Palmers Road, London (PA/13/02108). This was on the basis that the Councillor was an Island Area Board Member for One Housing Group.

Councillor Zara Davis declared an interest in agenda item (6.1) Former News International Site, 1 Virginia Street, London, E98 1XY (PA/13/01276 and PA/13/01277). This was on the basis that the Councillor owned property in the nearby area.

**2. MINUTES OF THE PREVIOUS MEETING(S)**

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 21<sup>st</sup> November 2013 be agreed as a correct record and signed by the Chair.

**3. 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

**4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE**

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

## 5. DEFERRED ITEMS

### 5.1 Suttons Wharf North, Palmers Road, London (PA/13/02108)

Update Report Tabled.

Pete Smith (Development Control Manager) introduced the report regarding Suttons Wharf North, Palmers Road, London seeking minor material amendments to the approved Suttons Wharf North development.

Jane Jin (Planning Officer) presented the deferred report. It was reported that the Committee were minded to refuse the variation at its last meeting due to the perceived need for commercial units in the development and the lack of marketing work to inform the proposal. However, since then the applicant had amended the variation to reduce the number of residential units sought to 8 units (from 10) to allow the retention of some commercial floor to address the concerns.

Officers had considered the Members reasons for refusal and taking into account the amendment, considered that the suggested reasons would be very difficult to defend at appeal on planning grounds. Therefore, the Officers recommendation remained to grant the application. However, should Members be minded to refuse the application, the Committee were directed to the draft reasons for refusal in the report, based on the Committee's initial concerns.

In response to Members, it was confirmed that the commercial units could be for either A1 or B1 use. The residential mix remained broadly the same save the reduction of two residential units. Officers also clarified the servicing plans. The level of which should be minimal.

At the conclusion of the discussion, Officers sought permission to amend the s106 agreement to reflect the changes to the proposal, since last reported to the Committee regarding the reduction in residential units. Officers would work with the applicant to agree the revised contributions should the application be agreed.

On a vote of 6 in favour of the Officer recommendation, the Committee **RESOLVED:**

1. That the 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 be **GRANTED** to seek minor material amendments to the approved Suttons Wharf North development comprising the conversion of a part ground floor, first and second floor levels to create **8 residential units and retain 107sq.m of commercial floor space on the ground floor**; and associated minor alterations to Block B, SUBJECT to:

2. The variation to the legal agreement to secure the additional planning obligations set out in the Committee report of 21<sup>st</sup> November 2013 subject to amendment to reflect the changes to the housing offer since reported to that meeting.
3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority AND to amend the s106 agreement as indicated above to reflect the amended proposal.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the main committee report.
5. 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.

**5.2 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)**

Pete Smith (Development Control Manager) introduced the report regarding Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street for Planning Permission and Conservation Area Consent for the demolition and redevelopment to provide a mixed use development. Mr Smith noted that it was open for Members to refuse the application and approve the Fleet Street Hill application, should they wish to do so.

Richard Murrell (Planning Officer) presented the deferred report. It was reported that the Committee were minded to refuse the application at its last meeting due to concerns over the impact on the heritage assets of the development and the imbalance in the proposed housing tenure. Officers had since considered the Members reasons for refusal and were of the view that they could be defended at appeal.

Mr Murrell advised Members that further representations from the developer had been received regarding the proposed reasons for refusal. The developer had carried out a review, informed by Counsel, of the reasons, who did not consider the reasons gave sufficient weight to the regenerative benefits of the scheme.

Mr Murrell stated that he thought Members had carefully weighed the possible regenerative benefits of the linked schemes against the harm caused by the proposal and had come to a reasonable conclusion. In light of the representations made by the developer, Members were asked to consider this point before making a final decision.

The Officers recommendations remained unchanged to grant the application. However, should Members be minded to refuse the application, the Committee were directed to the draft reasons for refusal in the report, based on the Committee initial reasons for refusal.

In response to a Member, Officers considered that the suggested reasons for refusal were reasonable on planning grounds as set out in the deferred report. The reasons related to subjective matters around the architecture of the buildings and their impact on the historic environment. The reasons could be defended on appeal. Although ultimately, any decision on this was likely to be made by the Secretary of State.

#### FPP PA/13/01638 – Planning Permission

On a vote of 2 in favour of the Officer recommendation and 4 against, the Committee refused to accept the recommendation to grant Planning Permission for the application.

On a vote of 4 in favour of the reasons for refusal and 2 against, the Committee **RESOLVED** subject to any direction from the Mayor of London:

1. That planning permission (PA/13/01638) at Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street be **REFUSED** for the 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 for the following reasons as set out in paragraph 3.2 of the Committee report:
2. The proposed development, by virtue of its excessive height and bulk, is insensitive to the context of its surroundings and as such would not incorporate the principles of good design. By failing to relate well to the scale of the buildings in the immediate surrounds the proposal would not preserve or enhance the character and appearance of the Redchurch Street Conservation Area and fail to preserve or enhance the setting of surrounding conservation areas. The proposal would therefore be contrary to Core Strategy (2010) Strategic Policies SP10 (2, 3 and 4) and SP12 (b and i) and Annex: 9 Delivering Place-Making 'Shoreditch'; Managing Development Document (2013) policies DM24, DM26 and DM27; and London Plan (Revised Early Minor Alterations to the London Plan 2013) policies 7.4, 7.6, 7.7 and 7.8d.
3. The detailed design of the building including the use of a stepped massing, a Roman profile brick, balconies and terraces with balustrades would be out of character with its surroundings and as such, would be contrary to: Core Strategy (2010) Strategic Policies

SP10(2, 3 and 4) and SP12(b and i) and Annex: 9 Delivering Place making 'Shoreditch'; Managing Development Document (2013) policies DM24, DM26 and DM27; and London Plan (Revised Early Minor Alterations to the London Plan 2013) policies 7.4, 7.6, 7.7 and 7.8d.

4. The demolition of 30/32 Redchurch Street would result in the loss of a building which makes a positive contribution to the character and appearance of the Redchurch Street Conservation Area. The public benefits of the proposal are not considered to outweigh the harm caused by the loss of the buildings and the proposal is therefore contrary to Core Strategy policy SP10, Managing Development Document policy DM27(3), London Plan policy 7.8( c and d) and guidance set within the Redchurch Street Character Appraisal dated 4<sup>th</sup> November 2009.
5. The development would be constructed over the historic route of WhitbyStreet and as such, would result in the loss of the traditional street pattern of the area, failing to reserve or enhance the character and appearance of the Redchurch Street Conservation Area. The proposal would therefore be contrary to Core Strategy (2010) Strategic Policies SP10 (2, 3 and 4) and SP12 (b and i) and Annex: 9 Delivering Place-Making 'Shoreditch'; Managing Development Document (2013) policies DM24, DM26 and DM27 and London Plan (Revised Early Minor Alterations to the London Plan 2013) policies 7.4, 7.6, 7.7 and 7.8d. The proposal would also be contrary to guidance set within the Redchurch Street Character Appraisal dated 4<sup>th</sup> November 2009.
6. The development by virtue of the lack of on-site affordable housing (particularly housing falling within the rented tenure) would fail to contribute to the creation of a mixed and balanced community in the area. The proposal would therefore be contrary to Strategic Objective S08 of the Core Strategy (2010), policy DM3(a) of the Managing Development Document and London Plan policy 3.9.
7. In the absence of a planning permission for the redevelopment of a linked scheme at Fleet Street Hill (LBTH Ref PA/13/1637) the development would not secure the provision of an appropriate level of affordable housing and S106 contributions. The proposal would therefore be contrary to policies (legal agreement to secure an appropriate level of affordable housing and s106 contributions) and would fail to deliver affordable housing and mitigate against its impact. As such, the proposed development would fail to accord with policy 3.12 of the London Plan, policies SP02 and SP13 of the adopted Core Strategy and policy DM3 of the Managing Development Document (2013).

PA/13/01644- Conservation Area Consent

On a vote of 2 in favour of the Officer recommendation and 4 against the Committee refused to accept the recommendation to grant Conservation Area Consent for the application.

On a vote of 4 in favour of the reasons for refusal and 2 against the Committee **RESOLVED:**

- (1) That Conservation Area Consent (PA/13/01644) at Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street be **REFUSED** for the 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 for the following reasons as set out in the paragraph 3.2 of the Committee report.
- (2) The proposed demolition of 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) without the grant of planning permission for an acceptable replacement, would neither preserve nor enhance the Redchurch Street Conservation Area. As such, the proposed demolition would be contrary to policy SP10 of the adopted Core Strategy 2010, and Policy DM27 of the of the Managing Development Document (Adopted 2013).
- (3) The demolition of 30/32 Redchurch Street would result in the loss of a building which makes a positive contribution to the character and appearance of the Redchurch Street Conservation area. The public benefits of the proposal are not considered to outweigh the harm caused by the loss of the buildings and the proposal would therefore be contrary to Core Strategy policy SP10, Managing Development Document policy DM27(3), London Plan policy 7.8 (c and d) and guidance set within the Redchurch Street Character Appraisal dated 4th November 2009.

**6.2 Land at Fleet Street Hill, London, E2 (PA/13/01637)**

Pete Smith (Development Control Manager) introduced the report regarding Land at Fleet Street Hill, London, E2 for the redevelopment of the site to provide 34 residential dwellings of mixed tenure, restaurant use, flexible commercial and community space, five car parking spaces plus other incidental works.

Richard Murrell (Planning Officer) presented the deferred report. It was reported that the Committee were minded to refuse the application at its last meeting due to concerns over the suitability of the site for family housing, the imbalance in the proposed housing mix and concerns over the long term occupancy of the commercial units. Officers had since considered the

Members reasons for refusal and were of the view that they could be defended at appeal.

The Officers recommendations remained unchanged to grant the application. However, should Members be minded to refuse the application, the Committee were directed to the draft reasons for refusal in the report, based on the Committee initial reasons for refusal.

On a vote of 2 in favour of the Officer recommendation and 4 against, the Committee refused to accept the recommendation to grant Planning Permission for the application.

On a vote of 4 in favour of the reasons for refusal and 2 against, the Committee **RESOLVED:**

1. That planning permission (PA/13/01637) at Land at Fleet Street Hill, London, E2 be **REFUSED** 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, 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 due to the following reasons as set out in paragraph 3.1 of the Committee report:
2. The proposed development by virtue of the over-provision of affordable accommodation (particularly in the rented tenure) would fail to create a mixed and balanced community contrary to Strategic Objective 8 and policy SP02 of the Core Strategy 2010, policy DM3 of the Managing Development Document 2013, policy 3.9 of the London Plan 2011 and the National Planning Policy Framework which seeks to promote sustainable development through fostering social diversity and redressing social exclusion.
3. The proposed development, by virtue of its location between two railway lines, is very constrained. The access to site via the footbridge over the railway to Cheshire Street and the underpass from Allen Gardens are poor and make the site unsuitable for the provision of a large amount of family accommodation. The proposal is therefore contrary to the design objectives set within policy 7.1 of the London Plan 2011, policy SP10 and SP12 of the adopted Core Strategy and policies DM23 and DM24 of the Managing Development Document.
4. The provision of a large quantity commercial floorspace is inappropriate given the location of the site outside of a designated Town Centre. The provision of commercial floor space would not create a sustainable place and would be contrary to the objectives of Strategic Objective S06 and Strategic Policy SP10 of the Core Strategy 2010



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

### **7.1 Former News International Site, 1 Virginia Street, London, E98 1XY (PA/13/01276 and PA/13/01277)**

Update Report Tabled.

Pete Smith (Development Control Manager) introduced the report regarding planning permission at Former News International Site, 1 Virginia Street, London, E98 1XY for a hybrid application (part outline/part detailed) comprising demolition of all buildings and structures on the site with the exception of the Pennington Street Warehouse and Times House and comprehensive mixed use development.

The Chair then invited registered speakers to address the Committee.

John Schuster spoke in objection on behalf of the nearby Quay 430 development and Telford's Yard. He objected to a number of issues regarding the development around:

- Loss of light. The submitted assessment of the impact on neighbouring properties was flawed as it was missing parts of the Quay 430 development. The assessment also underestimated the sunlight/daylight failings within the development itself.
- Design of the development. There were many issues with the design of the units. The standards fell below the accepted design standards.
- The noise impact on the neighbours. The Council's own Officers considered that the noise impact was too much. This should be mitigated.
- The impact from the construction works given the proximity to neighbouring properties. No noise assessment of this had been carried out. A more suitable lorry route for such activity should be found.
- Parking and congestion. The proposed ration between cars and units breached policy. Therefore, the development would worsen parking stress and congestion in the vicinity.
- The location and design of the proposed school. As a result, the roof top play space would be exposed to noise and pollution.

Jon Aldenton, speaking in objection on behalf of the Turk's Head Charity, also expressed concerns about the proposed school given the issues with pollution and the quality of the environment. He drew attention to another school with similar problems and the adverse affects on the pupils.

He expressed concern about the underground car parking. The car park would generate 260 movements a day if used.

He also expressed concerns about the design (the mixture of tower blocks with large amount of open space), the excessive amount of ponds, the safety of these features and the shape of the buildings. The flattened blocks would create a 'blade runner' element. He also considered that the density range was out of keeping with the area.

He considered that the scheme conflicted with Council policy and should be refused on the grounds of poor quality design, overbearing height, insufficient s106, unusable public space and harmful impact on the Tower of London.

Ross Faragher spoke in support. He advised that it was planned to start work, if granted, by March 2014. The scheme would allow Wapping and the wider area to connect and provide significant public realm improvements and public open space. He drew attention to the level of affordable housing. A significant amount of which would be delivered at an early stage. He also highlighted the proposed health care facilities, the new school and the plans to bring the listed Pennington Street Warehouse building back into use. The applicant was in advanced negotiations with technology businesses with a view to them occupying some of the units.

He drew attention to the s106 agreement. He also highlighted the extensive nature of the local consultation that had informed the key features of the scheme as described above and had also resulted in a number of changes. This included the reduction in height, moving part of the building away from the Quay 430 development, increasing the affordable housing offer and s106 contributions for highway improvements. He also highlighted the employment and enterprise package in addition to the s106 package. The applicant was working with Skills Match to secure local employment opportunities for residents and had employed a local resident to work as the workforce coordinator within the community for the scheme.

In response to Members, Mr Faragher confirmed the reduction in parking spaces – down from 1200 spaces to about 1000. Experience showed that the residents of similar developments didn't tend to use their cars everyday. So the impact on parking and congestion should be far less than anticipated by the objector. He noted the concerns around the potential for conflict between traffic from the development and the school. However, he considered that, given the distance between both and the school's operating times, both elements of the scheme should safely coexist without any safety impact.

The scheme had been reduced in height to address the concerns of English Heritage and the Pennington Street Warehouse had been redesigned to

address the concerns from the Greater London Authority. English Heritage considered that the scheme should be considered on balance.

Pete Smith (Development Control Manager), Richard Murrell and Adam Williams (Planning Officers) gave a detailed presentation on the scheme.

Richard Murrell firstly explained the application site and the extent of the pre application consultation including 45 events. He also confirmed the changes to the scheme regarding the affordable housing offer, the height and design. English Heritage and the GLA welcomed the improvements. English Heritage considered that, whilst the scheme would cause some harm, it should be considered in the balance. Mr Murrell highlighted the outcome of the local consultation including the objections from nearby Telford's Yard and the Smokehouse Studios regarding the construction impact.

Mr Murrell explained the policy support for the development. The plans would improve the permeability of the area and should attract visitors to the site given the quality of the public spaces.

Members also heard about the plans for the various plots, the height of the proposal, the design, the quality of the public squares, the servicing arrangements, the changes to the Times House building to provide affordable housing at an early stage, the works the Pennington Street Warehouse, the employment space and the plans to use local labour and to provide local apprenticeships.

Members were also advised of the outline plans for the secondary school. A lot of testing had been carried out to ensure that the site was suitable for such use and would comply with the relevant regulations. The scheme had been designed to separate the access routes of the school from vehicle movements from the main development. There would also be highway safety improvements to ensure this.

The housing offer complied with policy with 30% affordable housing. Officers considered that this offer was acceptable given the plans to delivery a new schools as well given the viability of the scheme.

Mr Murrell showed the Committee a wide range of views of the proposal from the surrounds including the impact on the setting of the Tower Bridge and the World Heritage Site. Members were advised of the views of English Heritage who considered that the proposal could cause harm to the setting of the Tower Bridge and that this needed to weighed against the public benefits.

Adam Williams gave a detailed presentation on the amenity impact of the scheme on the surrounding properties and also the proposed school. On balance, Officers considered that, despite the minor losses, the properties would generally continue to receive adequate levels of light. He also explained the views of Transport for London (TfL) and Highways regarding congestion in the vicinity. The applicant considered that the car parking plans were necessary for viable reasons, which Officers considered to be

acceptable given the benefits of the scheme. He also explained the plans to minimise the construction impact and to achieve acceptable levels of noise insulation within the development to be secured by condition.

Finally, Officers explained the s106 agreement drawing particular attention to a letter from TfL (submitted on the day of the Committee) further requesting that contributions be allocated to improvements to Shadwell DLR station. The letter highlighted that London Plan Policy prioritises transport mitigation over other mitigation. However, Officers were recommending that this funding should be directed to health care facilities given the needs in this area. Officers explained the reasons for their recommendation as assessed by the Council's Planning Contributions Overview Panel and TfL's reasons for their request.

Overall, Officers recognised the issues with the scheme. However, considered that, on balance, the merits of the scheme outweighed the impacts. Therefore, the scheme should be granted permission.

Following the presentations, some Members expressed concern over the length of the presentation and Officers explained that this was a complex case that required a detailed presentation.

The Committee asked questions about: the impact on the heritage assets, the scale and height of the proposal; the impact from the construction activity on residents (given the potential for the disturbance to last many years).

Members also asked about the s106 contributions, particularly the plans to mitigate the transport impact. There was some discussion about the need to relocate the contributions to meet the TfL request for transport given the scale of the development.

Questions were also asked about the new school given the site constraints and the proximity to a busy highway, the impact on parking and the possibility of conditioning the car parking spaces to prevent the letting of unused spaces.

Officers responded to the questions. It was considered that the scheme would enhance the setting of the area due to the quality of the public realm improvements. For example, it would add value to the Tobacco Dock/Pennington Street Warehouse area and could bring in more visitors and trade to the area. However, it would inevitable cause some harm to the longer views such as to the Tower Bridge – a detailed assessment of this being given in the report.

Officers noted the issues around the proposed school given that the site could only provide 40% of the external area. Whilst there were no similar schools in the Borough, the model was based on an established school in Chelsea. With careful management, it could successfully operate as showed by the testing. No specific air quality monitoring of the school plot itself had been carried out. However, the Environmental assessment assessed the air quality of the proposed school site.

Members might review the s106 proposals in view the comments around the DLR contributions. The sum for off site community facilities could possibly be used for community facilities within the development itself. It was possible to condition the car parking spaces to prevent the letting of spaces to non residents of the development.

Planning permission (PA/13/01276)

On a vote of 4 in favour and 3 against, the Committee **RESOLVED:**

That planning permission (PA/13/01276) at Former News International Site, 1 Virginia Street, London, E98 1XY be **GRANTED** for a hybrid application (part outline/part detailed) comprising:

- (1) Outline submission for demolition of all buildings and structures on the site with the exception of the Pennington Street Warehouse and Times House and comprehensive mixed use development comprising a maximum of 221,924 sqm (GEA) (excluding basement) of floorspace.
- (2) Detailed submission for 82,596 sq m GEA of floorspace (excluding basement) in five buildings – the Pennington Street Warehouse, Times House and Building Plots A, B and C comprising residential (C3), office and flexible workspaces (B1), community and leisure uses (D1/D2), retail and food and drink uses (A1, A2, A3, A4, A5) together with car and cycle parking, associated landscaping and new public realm  
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 impose the conditions and informatives as set out in the Committee report and the Update report (or add or remove conditions acting within normal delegated authority) in relation to the planning permission.

Listed Building Consent Application (PA/13/01277)

On a vote of 4 in favour and 3 against, the Committee **RESOLVED:**

1. That Listed Building Consent Application (PA/13/01277) at Former News International Site, 1 Virginia Street, London, E98 1XY be

**GRANTED** for works to the Grade II Listed Pennington Street Warehouse both internally and externally subject to

2. Any direction by The London Mayor
3. That the Corporate Director Development & Renewal is delegated authority to impose the conditions and informatives (or add or remove conditions acting within normal delegated authority) in relation to the planning permission on the matters set in the report and the update report.

## 8. OTHER PLANNING MATTERS

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

It was reported that this application had been withdrawn from the agenda by the applicant.

### 8.2 Block D, Professional Development Centre, English Street, London, E3 4TA (PA/13/02242)

Councillor Emma Jones replaced Councillor Peter Golds on the Committee for this item.

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

That the Committee resolve to REFER the application Block D, Professional Development Centre, English Street, London, E3 4TA (PA/13/02242) for the repair and refurbishment works to external store to include removal of existing non original windows and replacement with new external infill walls to the National Casework Unit with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out in the Committee report.

## **PETE SMITH (DEVELOPMENT COMMITTEE MANAGER) - LAST MEETING OF THE COMMITTEE**

The Chair reported that this would be last meeting of the Committee that Pete Smith (Development Committee Manager) would be attending as he would be leaving the Authority to take up another post at another Authority. The Committee thanked Mr Smith for his very valuable contributions and expertise in supporting the Committee and wished him well for the future.

The meeting ended at 10.00 p.m.

Chair, Councillor Helal Abbas  
Strategic Development Committee

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## Guidance for Development Committee/Strategic Development Committee Meetings.

### Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters.  This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> <li>• Three minutes for one objector speaking.</li> <li>• Six minutes for two objectors speaking.</li> <li>• Additional three minutes for any Committee and non Committee Councillor speaking in objection.</li> </ul>
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

### What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) under Council Constitution, Part.4.8, Development Committee Procedural Rules.

### What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

### How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair's discretion. The procedure for considering applications for decision shall be as follows:  
Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

### How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council's website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p><b>Deadlines.</b> To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"><li>• Development Committee Procedural Rules - Part 4.8 of the Council's Constitution (Rules of Procedure).</li><li>• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council's Constitution (Responsibility for Functions).</li><li>• Terms of Reference for the Development Committee - Part 3.3.4 of the Council's Constitution (Responsibility for Functions).</li></ul>	 <p>Council's Constitution</p>

# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 25 <sup>th</sup> February 2014.	<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 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 4.

#### **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> 25 February 2014	<b>Classification:</b> Unrestricted
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Piotr Lanoszka	<b>Ref No:</b> PA/13/02911
	<b>Ward:</b> Saint Dunstan's and Stepney

## 1.0 APPLICATION DETAILS

**Location:** Ocean Estate Site H, west of Aston Street, including Allonby, Channel and Studland Houses

**Existing Use:** Residential

**Proposal:** Demolition of existing buildings on site and construction of three residential blocks between two and thirteen storeys high comprising 225 residential dwellings (64 one-bed, 106 two-bed, 30 three-bed, 15 four-bed and 10 five-bed) with associated landscaping and basement parking.

**Applicant:** East Thames Group

**Ownership:** Freehold - London Borough of Tower Hamlets  
Leasehold - 37 individual leaseholders

**Historic Building:** Adjoins Grade I listed Parish Church of St Dunstan and All Saints with its Grade II railings, gate piers and gates, Grade II terrace at 3-9 Durham Row, Grade II Mercer's Cottages at 1-10 Whitehorse Road and locally listed terraces on Matlock Street and within the York Square Conservation Area.

**Conservation Area:** Adjoins York Square Conservation Area

For the list of drawings and documents submitted with the application please refer to paragraphs 10.1 and 10.2 at the end of the report.

## 2.0 EXECUTIVE SUMMARY

2.1 The report considers an application to demolish the three residential towers on site and to redevelop the site to provide a residential development of 225 new dwellings arranged over three blocks of between two and thirteen storeys in height.

2.2 The officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.

- 2.3 The development would result not only in reprovision of the existing affordable units on site but also in a substantial uplift. Out of the 225 proposed residential units, 121 would be provided as affordable - this constitutes 53.78% by unit number and 61.2% by habitable rooms and represents an uplift of 36.18% by unit number and 54.52% by habitable room. The development would be tenure blind with a balanced mix of tenures and an appropriate distribution of access cores.
- 2.4 The residential quality of the scheme would be very high. Out of the 92 affordable rented units 58.8% would be of a size suitable for families. The family-sized units would be provided as a mix of three, four and five bedroom units. A large proportion of these units would be provided as ground floor maisonettes or townhouses with sizeable private gardens and individual front doors. Three shared ownership units would also be provided as townhouses. All of the proposed units would meet or exceed the floorspace and layout standards with family sized units being more spacious, especially in the affordable rent tenure. All but 2 of the 121 affordable rented units would be provided with separate kitchens and living/dining rooms. All of the dwellings would meet Code of Sustainable Homes and Lifetime Homes standards and 10% would be provided as wheelchair accessible. Dual aspects have been maximised.
- 2.5 In addition to private amenity space for every dwelling and 1,225sqm of high quality communal amenity space, the proposals also include provision of 3,018sqm of landscaped publicly accessible open space and creation of four wide public through routes integrating the development with the Whitehorse Road Park, the Ben Jonson Town Centre and the adjoining residential areas. All of the play space needs of under 5s and 6-10 year olds would be met on site.
- 2.6 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.7 The amenity impact of the development would be acceptable. Officers consider that the design of the development and distribution of massing throughout the site minimise any adverse amenity impacts.
- 2.8 The design of the scheme as a whole, including the proposed massing, siting, architectural design and response to the site's setting, is of a high quality. The proposed heights do not cause concern. High quality materials and detailing would be used throughout.
- 2.9 The proposed 13 storey towers would be partially visible within the backdrop of the Grade I St Dunstan's Church and within numerous views of the other heritage assets in the vicinity of the site. Whilst English Heritage note the efforts which have been made by the applicant to reduce the impact of the new development, they consider that the proposed height would cause some harm to the significance of the surrounding heritage assets. Likewise, the Borough's Conservation Officer considers that the proposal has been carefully developed to minimise the impact upon the setting of the adjoining heritage assets but also acknowledges that the new development would be more prominent in sensitive views. Nevertheless, in the Conservation Officer's opinion, the new buildings, while being partially visible within the backdrop of St Dunstan's, would not compete with it - the tower of the church would remain the dominant feature at all times.
- 2.10 English Heritage and the Council's Conservation Officer consider that careful management of the external facing materials would help to ensure that the proposals

recede as far as possible into the background of the heritage assets and do not appear unduly visually prominent. Officers are confident that any adverse impact on the setting of the adjoining heritage assets would be successfully mitigated through careful selection of facing brick and mortar as well as the type of joint and bond.

- 2.11 The scheme would provide a financial contribution towards education facilities in the Borough. Nevertheless, the financial obligations proposed would not fully mitigate the impact of the development proposal, in particular with regard to provision of education, healthcare and community facilities. Having taken into account the special circumstances of the case and the results of the independently reviewed viability assessment, officers consider that, on balance, the substantial public benefits and the regenerative potential of the proposal outweigh the proposal's inadequacies with regard to the mitigation of all of the infrastructure impacts of the development.

### **3.0 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 under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:

3.4 Financial Obligations:

A contribution of £200,000 towards education facilities

3.5 Non-financial Obligations:

- a) Affordable housing 61.2% by habitable room (121 units)
  - 81.59% Affordable Rent at East Thames levels (92 units)
  - 18.59% Intermediate Shared Ownership (29 units)
- b) Access to employment
  - 20% Local Procurement
  - 20% Local Labour in Construction
  - 1 new apprenticeship per £3m of contract value; and
  - 5 waged trainees placed on site
- c) Car free agreement
- d) Public access to publicly accessible open space and through routes
- e) In-kind delivery of improvement works to the Whitehorse Park (estimated cost £340,000)
- f) Provision of 10% active and 30% passive electric vehicle charging points with monitoring of their use to indicate when further active provision is required
- g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

- 3.4 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.

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

3.6 Conditions:

1. Three year time limit
2. Compliance with approved plans and documents
3. Samples and details of all facing materials, trial panels of brick work
4. Details of hard and soft landscaping, including boundary treatment and a Landscaping Management Plan
5. Pedestrian access points to be level or gently ramped
6. Details of play equipment
7. Details of all external lighting and CCTV
8. Details of future capability to connect to a district wide CHP system
9. Details of rooftop PV array
10. Details of biodiversity enhancement measures
11. Details of brown and green biodiverse roofs
12. Details of drainage and mitigation of surface water run-off
13. Details of any mechanical and extraction plant including noise attenuation measures
14. Details of electric vehicle charging points
15. Details of elevation treatment of the west facing elevation of Block A, within the undercroft. Glazing to residents' gym not to be obscured.
16. Details of all Secure by Design measures
17. Details of signage and wayfinding
18. Hours of construction and demolition
19. Demolition and Construction Management Plan
20. Delivery and Servicing Management Plan
21. No motor vehicle access to public open space except for servicing
22. Parking Management Plan
23. Travel Plan
24. Code for Sustainable Homes Level 4 post completion testing
25. Lifetime Homes
26. Compliance with Energy Statement
27. Retention of car parking
28. Retention of refuse storage
29. Retention of cycle parking
30. Gym accessible to residents of the scheme only, not to cause perceptible vibration or noise to adjoining residential units, to be retained and be accessible to residents of all three blocks in perpetuity
31. Crossrail concurrent working condition as requested by Crossrail
32. Details of piling, all below ground works and mitigation of ground borne noise as requested by Crossrail, Thames Water and LBTH Environmental Health
33. Ground borne noise post-completion testing as requested by LBTH Environmental Health
34. Relocation of Cycle Hire docking station to take place prior to occupation
35. Scheme of highway improvement works as requested by LBTH Highways
36. Protection of retained trees

3.7 Any other conditions considered necessary by the Corporate Director Development & Renewal.

3.8 Informatives:



1. Subject to a S106 agreement
  2. Thames Water standard informative
  3. Building Control
  4. CIL
- 3.9 Any other informatives considered necessary by the Corporate Director Development & Renewal.

#### **4.0 PROPOSAL AND LOCATION DETAILS**

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

- 4.1 The application site is located within the southernmost part of the Ocean Estate in Stepney and lies on the western side of Aston Street, to the south of the Ben Jonson Neighbourhood Town Centre, and to the north of the residential terraces of the York Square Conservation Area. To the west of the site is the Whitehorse Road Park with an adventure playground, a multi-use games court and a one o'clock club.
- 4.2 Further to the west lies the Grade I listed Parish Church of St Dunstan and All Saints with its historic churchyard and green space. The churchyard's iron railings, gate piers and gates are Grade II listed. To the north of the churchyard is a Grade II listed terrace at 3-19 Durham Row. The churchyard, as well the locally and statutorily listed 19<sup>th</sup> century terraces of the Mercer's Estate to the south of the application site, fall within the York Square Conservation Area which was designated in January 1973 and subsequently extended in October 2008. No part of the application site falls within the curtilage of a listed building or within a conservation area.
- 4.3 The vicinity of the site is of a predominantly residential character with commercial uses concentrated within the designated Ben Jonson Neighbourhood Centre. There is a number of schools within a short walking distance of the application site - these include the Old Church and Harry Roberts nurseries, the Cayley, Halley and Ben Jonson primary schools, the Stepney Maths and Computing College, and Sir John Cass Foundation & Redcoat secondary school.
- 4.4 The site is within approximately 500m walking distance from the Limehouse Station to the south and 1000m from the Stepney Green Station to the north. A number of local buses stop on Ben Jonson Road and a Cycle Hire Station is located within the adjoining footway of Aston Street. The site enjoys good public transport accessibility with a PTAL level of 4.
- 4.5 Site H is currently occupied by three residential towers: Studland House, Allonby House and Channel House. The towers date back to the 1960s, are ten storeys in height and of a prefabricated concrete construction. Surrounding the towers is a generous amount of communal amenity space with a number of trees, as well as car parking and general circulation space. The towers comprise 120 flats with a mix of 8 studios, 25 one-bed, 56 two-bed, 23 three-bed and 8 four-bed flats. Of these, 82 are social rent and 38 are leasehold purchased under the Right-to-Buy. None of the existing flats benefit from private amenity space. The flats also do not meet the Decent Homes standard or the current energy efficiency standards.

##### **Planning History and Project Background**

- 4.6 Planning permission was granted on 23rd March 2010 (ref PA/09/02584 and PA/09/02585, S73 amendment ref PA/11/01294) for the regeneration of the Ocean

Estate, including the refurbishment of approximately 1,300 existing residential units to bring them up to the Decent Homes standard and for the redevelopment of Urban Blocks E and F and Feeder Sites 2, 3 and 4 to provide over 800 new homes. Construction of sites E and F was completed last year and it is anticipated that all works would be completed by summer 2014. The new build incorporates 33% affordable housing and the S106 package provides for a contribution of £9,403,500 for landscaping and environmental improvements to Ocean Estate, £320,892 towards provision of educational facilities, £270,000 to Transport for London towards improvements to capacity of local bus services, £105,608 towards local highway improvements to Ben Jonson Road and £250,000 towards environmental improvements in the vicinity of Ben Jonson Road.

- 4.7 As part of the regeneration proposals, the three residential towers within site H were identified for refurbishment to bring the properties up to the Decent Homes standard. However, upon further investigation, a number of structural issues were found. The three blocks are of a prefabricated construction and were built in the mid-1960s - as structural and fire safety standards have increased since construction, the blocks would require structural and fire safety improvements. While two levels of possible strengthening works were originally identified, the higher level has been ruled out as impractical in a retrofit situation. The lower level would provide improvements but these would not make the blocks sufficiently robust to have gas supply reintroduced and would always require management interventions to ensure that residents do not bring liquid propane gas or other high risk materials into the buildings. It is also noteworthy that due to the intrusive nature of the works required to achieve even the lower standard, the residents of the blocks would need to be rehoused for the duration of the refurbishment project which would incur significant additional cost.
- 4.8 On 4th July 2012, the Cabinet agreed to proceed with the alternative option to wholly redevelop the site in partnership with East Thames Group a registered housing provider and a social regeneration charity - the Council's partner in previous phases of Ocean Estate regeneration.
- 4.9 On 30<sup>th</sup> January 2013 a screening opinion was issued confirming that the proposed development is not EIA development within the meaning of the EIA regulations (ref PA/12/03284).

### **Proposal**

- 4.10 Full planning permission is sought for demolition of the three 10 storey residential towers on site and erection of a residential development of 225 new dwellings (64 one-bed, 106 two-bed, 30 three-bed, 15 four-bed and 10 five-bed) arranged over three blocks of between two and thirteen storeys in height.
- 4.11 Out of the 225 proposed units, 121 would be provided as affordable (92 for rent and 29 intermediate). Out of the 92 affordable rented units, 58.8% would be suitable for families. A large proportion of these family sized affordable units would be provided as ground/first floor maisonettes or townhouses with sizeable private gardens. Three intermediate units would also be provided as three-bed townhouses with gardens.
- 4.12 In addition to private amenity space for every dwelling and 1,225sqm of communal amenity space, the proposals also include provision of 3,018sqm of landscaped publicly accessible open space and creation of four public through routes integrating the development with the Whitehorse Road Park, the Ben Jonson Neighbourhood Town Centre and the adjoining residential areas.

## **5.0 POLICY FRAMEWORK**

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

### **5.2 Government Planning Policy**

National Planning Policy Framework 2012

### **5.3 London Plan 2011 with Revised Early Minor Alterations published 11/10/2013**

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 3.1 - Ensuring equal life chances for all
- 3.2 - Improving health and addressing health inequalities
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people’s play and informal recreation facilities
- 3.7 - Large residential developments
- 3.8 - Housing choice
- 3.9 - Mixed and balanced communities
- 3.10 - Definition of affordable housing
- 3.11 - Affordable housing targets
- 3.12 - Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 - Affordable housing thresholds
- 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
- 5.8 - 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
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London’s neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm

- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 7.9 - Heritage led regeneration
- 7.13 - Safety, security and resilience to emergency
- 7.14 - Improving air quality
- 7.15 - Reducing noise and enhancing soundscapes
- 7.18 - Protecting local open space and addressing local deficiency
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodland
- 8.2 - Planning obligations

#### 5.4 **Core Strategy 2010**

- SP01 - Refocusing on our town centres
- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking (Stepney)
- SP13 - Planning Obligations

#### 5.5 **Managing Development Document 2013**

- DM0 - Delivering Sustainable Development
- DM1 - Development within the town centre hierarchy
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM13 - Sustainable drainage
- DM14 - Managing Waste
- DM20 - Supporting a sustainable transport network
- DM21 - Sustainable transportation of freight
- DM22 - Parking
- DM23 - Streets and the public realm
- DM24 - Place sensitive design
- DM25 - Amenity
- DM26 - Building heights
- DM27 - Heritage and the historic environments
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

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

##### Heritage

- Seeing History in the View (English Heritage 2011)
- The Setting of Heritage Assets (English Heritage 2011)
- Conservation Principles, Policies and Guidance (English Heritage 2008)
- Guidance on Tall Buildings (English Heritage & CABI 2007)

- PPS5: Planning for the Historic Environment Practice Guide (English Heritage 2010)
- York Square Conservation Area Character Appraisal (LBTH 2009)

#### Mayor of London

- Further Alterations to the London Plan - Draft (2014)
- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context - Draft (2013)
- Sustainable Design and Construction - Draft (2013)
- Sustainable Design and Construction (2006)
- Accessible London: Achieving an Inclusive Environment (2004)
- Planning for Equality and Diversity in London (2007)
- All London Green Grid (2012)
- East London Green Grid Framework (2008)
- Housing (2012)
- London Planning Statement - Draft (2012)

#### Other

- Planning Obligations SPD (LBTH 2012)
- Affordable Housing SPD - Engagement Version (LBTH 2013)
- By Design 'Urban Design in the Planning System: Towards Better Practice' (CABE 2000)

### 5.7 **Tower Hamlets Community Plan objectives**

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

### 6.0 **CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

6.2 The following were consulted regarding the application:

#### **External Consultees**

##### Greater London Authority (stage 1 referral)

#### STRATEGIC ISSUES:

- 6.3 The principle of ongoing regeneration of the Ocean Estate is fully supported. The delivery of an uplift in affordable housing is welcome. The provisions for maintaining affordability and allowing return of existing tenants to the redeveloped proposals should be further clarified.
- 6.4 The proposal represents high quality urban design which meets and exceeds the Mayor's space standards and delivers excellent amenity space. The impact of the taller buildings on the local heritage assets is not a concern.

## RECOMMENDATION:

6.5 Whilst the application is broadly acceptable in strategic planning terms, on balance, the application does not comply with the London Plan. The following changes could address this:

6.6 - Housing: The provisions to maintain affordability would need to be secured through the legal agreement, if appropriate. The viability report should also be provided when available.

[OFFICER COMMENT: Affordable housing would be secured through the S106 agreement, details would be provided at stage 2 referral. Affordable housing is addressed further in paragraphs 8.20 - 8.27]

6.7 - Urban design: The response from English Heritage in relation to the impact on heritage assets should be shared when available.

[OFFICER COMMENT: English Heritage response has been received and is summarised in paragraphs 6.34 - 6.38, discussed in paragraphs 8.83 - 8.100 and would be provided at stage 2 referral]

6.8 - Climate change: The general approach is supported, although the applicant should recalculate the carbon savings based on regulated emissions only and the CHP should be sized to meet hot water demand.

[OFFICER COMMENT: An amended Energy Strategy has been submitted and is considered to address GLA's concerns. Details of the Energy Strategy are discussed further in paragraphs 8.144 - 8.150]

6.9 - Transport: TFL requests active electric vehicle charging points are increased to 20% of overall parking provision and further discussion on the proposed relocation of the Cycle Hire Docking Station. A contribution towards Legible London should be secured through the section 106 agreement along with a Car Parking Management Plan, Travel Plan and restricting future occupants from applying for parking permits. Construction Logistics Plan and a Delivery and Servicing Plan should be secured by condition.

[OFFICER COMMENT: Provision of electric vehicle charging points is addressed in paragraphs 8.135 - 8.137, wayfinding is discussed in paragraphs 8.141 - 8.143 and the Cycle Hire Station in paragraph 8.167]

## GENERAL COMMENTS:

6.10 Provision of a wide range of tenures as well as an increase in the quantum of units, habitable rooms and floorspace is in line with strategic policy and is welcomed.

6.11 The ratio of affordable rent to intermediate accommodation broadly complies with policy aspirations. The priority in this instance is to ensure the re-provision of affordable rented floorspace and this is achieved.

6.12 The scheme provides a mix of units broadly in line with the dwelling size priorities of the Council and this is welcomed as it meets local need. Lack of three-bed units in the private tenure is acceptable given that 50% of the affordable rented units are three-bedroom or larger, exceeding the local policy target in line with the high demand for family accommodation in the area.

- 6.13 The scheme has a proposed density of 234 units per hectare and 730 habitable rooms per hectare, falling within the density range for units but marginally exceeding the density range for habitable rooms. The habitable rooms count on the scheme is larger owing to the large number of family sized units in recognition of identified housing needs. Given the high quality design of the proposal and the re-provision of affordable housing, this is acceptable.
- 6.14 The proposal complies with policies with regard to the internal space standards, private amenity standards, and the number of single aspect units has been kept to a minimum. Officers have no strategic concern in relation to play space provision and the distribution and type of spaces is acceptable.
- 6.15 The proposed scheme is well designed, creating a legible and permeable environment, providing good quality housing and improving the quality of the surrounding public realm. The proposal also continues the improvements made on earlier phases of the estate regeneration through the site, which is welcomed.
- 6.16 The overall approach of locating linear blocks enclosing public streets and spaces is strongly supported, ensuring most of the public realm is well defined and flanked by good quality frontage. The proposed routes between Aston Street and Whitehorse Road are strongly supported, creating a legible and permeable environment. The alignment of one of these routes with St Dunstan's and All Saints Church is particularly welcomed, establishing this as an important element in the character of the area.
- 6.17 An important aspect of the scheme is the connection between the Banjo and Whitehorse Road Park, a route which is currently underused. Whilst concern was expressed at the pre-application stage about the quality of this connection, the applicant has since amended the scheme to locate a small row of terraces that would provide good levels of activity and overlooking on to this route ensuring it would feel safe and would be well used, which is welcomed and is strongly supported. The only edge of the development which lacks frontage is the western edge of Block B, however the applicant has worked hard to ensure that this edge would not undermine the levels of activity and overlooking onto the park by providing direct access to the courtyard to ground floor units and providing a visually permeable boundary treatment allowing views between the park and the properties facing the courtyard, which is welcomed.
- 6.18 The residential quality of the scheme is very high. The provision of maisonettes at the lower levels of the apartment blocks is strongly supported, creating an excellent streetscape with a generous distribution of front entrances. The use of deck access typologies ensures that the scheme provides a very high proportion of dual aspect units, which is also strongly supported.
- 6.19 The proposal includes buildings of up to 13 storeys in height in Blocks A, the gateway to the site from the north, and in Block B, fronting onto the Whitehorse Road Park. Whilst marginally taller than the height of buildings in the surrounding area, the design of the scheme as a whole is of a high quality, and its height does not create any particular concern. The applicant has been careful to consider the impact of the proposals on the nearby heritage assets of the Grade I listed church and the impact on the adjacent York Square Conservation Area. In terms of the impact on the Church, it is noted that the proposals are only three storeys taller than the existing development on the site and that the open space provides a useful buffer for the development. In addition, the top floors of the 13-storey building have been set back.

Block C has been carefully considered to provide a link in scale and massing between the taller Blocks A and B and the two storey terraced housing on the edge of the York Square Conservation Area. The proposals would not harm the setting of the listed building and would preserve the character of the conservation area.

- 6.20 Overall the applicant is to be commended on the high quality of design proposed.
- 6.21 Issues relating to inclusive design have been satisfactorily addressed in line with strategic policy.

[OFFICER COMMENT: These comments are noted]

#### Transport for London

- 6.22 A total of 39 car parking spaces have been proposed for the 225 residential units, this includes the provision of 22 Blue Badge car parking spaces for the 22 accessible units, in accordance with London Plan and welcomed by TFL. The Car Parking Management Plan should include a mechanism for allocation of bays, ensuring that the supply and demand of blue badge spaces is regularly monitored.
- 6.23 The applicant proposed to provide 10% active Electric Vehicle Charging Points with a further 30% passive. For the development to be in accordance with the London Plan TFL requests 20% active and 20% passive. The applicant's commitment to entering into a 'car free' agreement is welcomed.
- 6.24 The development proposed 280 basement cycle parking spaces for the residential units, with a further 28 visitor spaces to be provided in convenient locations around the site, in accordance with the London Plan and welcomed by TFL.
- 6.25 The application proposes to relocate the Cycle Hire docking station on Aston Street to accommodate a new pedestrian and cycle access point. Whilst TFL does not object to the principle of this, the relocation must be undertaken at nil cost to TFL. TFL requests a Grampian condition is imposed on any consent requiring TFL's written agreement to a design and build programme for the relocated docking station prior to any works commencing on site.
- 6.26 To encourage walking in accordance with London Plan policy 6.1, TFL request the applicant to contribute towards implementation of Legible London within the local area. Legible London is a way finding initiative to encourage walking and cycling and the applicant should note that a pair of signs costs around £15,000.
- 6.27 TFL welcomes the submission of a Travel Plan and Delivery and Servicing Plan. This should be secured along a Construction Logistics Plan.

[OFFICER COMMENT: Transport matters are addressed within paragraphs 8.125 - 8.143. Provision of electric vehicle charging points is addressed in paragraphs 8.135 - 8.137, wayfinding is discussed in paragraphs 8.141 - 8.143 and the Cycle Hire Station in paragraph 8.167.]

#### Crossrail

- 6.28 The implications of the Crossrail proposals for the application have been considered and the detailed design of the proposed development needs to take account of the construction of Crossrail. The following conditions should be applied:



- 6.29 - Development should not be commenced prior to approval of detailed design and construction method statements to accommodate the location of Crossrail structures, accommodate ground movement arising from construction of Crossrail, mitigate the effect of noise and vibration arising from the operation of Crossrail and mitigate the effect on Crossrail of ground movement arising from development.
- 6.30 - Development should not be commenced prior to approval of method statements to ensure that construction of Crossrail would not be impeded during concurrent working. No below ground works to take place when tunnelling works are undertaken within the vicinity of the site.

[OFFICER COMMENT: Requested conditions have been included]

London Fire and Emergency Planning Authority

- 6.31 Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation, however they appear adequate provided access is not inhibited by local landscaping, particularly to Cores A1, A2 and A4. In other respects the proposal conforms to the requirements of Section B5 of Approved Document B.

[OFFICER COMMENT: Access to the cores has been considered in the design of the landscaping. Full details have been reserved by condition and would be approved in consultation with the London Fire and Emergency Planning Authority. Autotracking diagrams were also provided showing that large vehicles can access areas outside each core]

Natural England

- 6.32 The proposal is unlikely to affect any statutorily protected sites or landscapes.
- 6.33 Natural England have not assessed the application for impacts on protected species outside statutory nature conservation sites. Standing Advice on protected species should be applied. Impact on local wildlife sites should be considered. Biodiversity and landscape enhancements should be considered.

[OFFICER COMMENT: LBTH Biodiversity Officer's response addresses the above points. The matters raised are discussed in paragraphs 8.151 - 8.156]

English Heritage

- 6.34 English Heritage do not wish to comment in detail but offer general observations. English Heritage ask the Local Planning Authority to address the below issues and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of the Local Planning Authority's specialist conservation advice.
- 6.35 Loss of the three existing ten storey towers is not considered contentious. Concerns are however raised regarding the proposed replacement buildings and their impact on the setting of some of the most important heritage assets in the borough, including the Grade I listed St Dunstan's Church and the early 19<sup>th</sup> Century York Square Conservation Area with its numerous listed terraces.
- 6.36 The proposals include two thirteen storey towers and two nine storey blocks built above two to five storey blocks. These would greatly increase the density of

dwellings on the site and would require an associated increase in the height and bulk of the built form. The thirteen storey towers would stand three and a half stories taller than the existing towers and would be more prominent in sensitive views of these heritage assets. Their greater height means they would draw attention away from, and visually compete with, the smaller scale historic building with their finer grain traditional details. The nine storey blocks would be as tall as the existing towers and would individually and cumulatively affect the setting of the historic church yard and longer views of the church itself.

6.37 English Heritage notes the efforts made by the architects to reduce the impact of the new development, but still considers that the proposed height, notably of the two tower blocks, would cause harm to the setting of the ancient church and the conservation area. This harm should be considered in line with paragraphs 132 and 134 of the National Planning Policy Framework. These note that great weight should be given to conservation of heritage assets when considering a planning application, as they are an irreplaceable resource. The NPPF also requires harm to heritage assets to be weighed against the public benefits of the proposal.

6.38 If the Council is minded to approve the scheme, English Heritage also considers that paragraph 129 of the NPPF is highly pertinent. This requires for conflict between the conservation of heritage assets and their setting and any aspect of a new development to be minimised. Careful control of the facing materials of the new buildings (bricks and glazing) should help minimise their harmful visual impact. If the towers are built from a very uniform white/cream/buff brick, as used previously within the courtyards on similar developments on Ocean Estate, the degree of harm would be much greater than if a more traditional range of light coloured bricks is used. It is important to ensure that the towers are a recessive feature in the background of the historic buildings rather than a prominent feature on the skyline. This is not to say that the towers should be bland or poor quality. English Heritage would encourage the Council to ensure that all the new buildings are of the highest quality, with a subtle range of good quality bricks, laid with attractive details such as Flemish or English bond, raked or flush joints and junctions marked with appropriate details such as soldier courses. This would ensure that the new development adds positively to the wider character of the area, which has been much improved in recent years through investment in the built environment.

[OFFICER COMMENT: The above concerns are noted and addressed in paragraphs 8.83 - 8.100. Details of facing materials have been conditioned and the Council's Conservation Officer's views are set out in paragraphs 6.50 - 6.54]

#### English Heritage - The Greater London Archaeological Advisory Service

6.39 The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No archaeological works are recommended.

[OFFICER COMMENT: These comments are noted]

#### Thames Water

6.40 No objection raised with regard to sewerage infrastructure capacity.

6.41 Standard informatives should be attached.

6.42 Conditions are requested to ensure that piling works do not affect subsurface sewerage infrastructure.

[OFFICER COMMENT: Conditions and informatives have been included as requested]

### **Internal Consultees**

#### Biodiversity

- 6.43 There is nothing of significant biodiversity value on the application site and bat surveys confirm no signs of bat roosts. There would therefore be no adverse impact on biodiversity. The scheme includes numerous features on and around the buildings which should ensure significant biodiversity benefits.
- 6.44 Green roofs are proposed throughout the development. The Design & Access Statement identifies some of these as 'brown roofs' and the rest as 'green roofs with wild flowers', suggesting that all would be biodiverse roofs. This would be a significant biodiversity enhancement. Full details of living roofs, as well as bat and bird boxes should be reserved by condition.
- 6.45 The landscaping includes numerous features which would benefit biodiversity. These include 'themed planting beds', swales and rain gardens, woodlands planting swathes, bulb planting and extensive use of native species. Overall this landscaping should be a significant enhancement for biodiversity. Full details of planting should be subject of a condition.
- 6.46 [OFFICER COMMENT: The above comments are noted. Requested conditions have been included]

#### Trees Officer, Parks & Open Spaces

- 6.47 No objection in respect of the overall tree removal and replacement scheme within the site. The trees within the Whitehorse Road Park would however require replacement and this would need to be secured under the S106 agreement.

[OFFICER COMMENT: The applicant has agreed to deliver in-kind works to the boundary with the park. These works would cover removal and replacement of trees]

#### Environmental Health - Noise and Vibration

- 6.48 As Crossrail tunnels run below the site the applicant would need to address the issue of ground borne vibration so that the operation of the railway line would not affect the living conditions of the future occupiers of the development.
- 6.49 Conditions should be imposed for the full details and method statements of all ground floor and below ground floor structures, including piling, to be submitted and approved in writing to ensure that no perceptible ground borne vibration occurs to the residential properties. Post completion tests should also be conditioned.

[OFFICER COMMENT: The presence of Crossrail tunnels below the site has been taken into account in the structural design of the proposal. The suggested conditions have been included]

#### Borough Conservation Officer

- 6.50 The proposals are for redevelopment of a sensitive site within the setting of the Grade I listed St Dunstan's Church and the 19<sup>th</sup> Century York Square Conservation Area with its numerous listed terraces. The three existing towers to the east of the church are to be replaced by two thirteen storey towers and two nine storey blocks built above two to five storey blocks.
- 6.51 The proposals have been carefully considered to minimise the impact upon the setting of the heritage assets, however, there is no doubt that the new development would be more prominent in sensitive views of these heritage assets than the existing development, and would encroach upon the views of the church from particular locations such as in views from Stepney Way and Stepney High Street. However, the church would remain the dominant feature within these views. The new buildings would appear within its backdrop but would not compete with the tower of St Dunstan's.
- 6.52 In accordance with the National Planning Policy Framework, any harm caused by the proposals must be balanced against the public benefits. If on balance it is felt that the proposals are acceptable, it would be important to ensure that any potential detriment is mitigated as far as possible. It is important to ensure that the new towers would not appear unduly prominent and compete visually with the tower of St Dunstan's.
- 6.53 Careful management of the materials for the development would help to ensure that the proposals recede as far as possible into the background of the church. They should be distinct from the Church which is a silvery grey, and should not draw undue attention to themselves.
- 6.54 The proposals indicate a brick which on the CGIs looks very light and similar in colour to the church, which raises some concern, however, when shown as a photograph of a panel within the Design & Access Statement, the proposed brick is an interesting colour mix, which might well be appropriate. It is suggested that this is treated as a reserved matter and that a panel of brickwork with various mortar mixes and pointing should be reserved by condition. This should be prepared on site and be visible in conjunction with the church. Other elements of the scheme such as details of windows, balconies, landscaping and boundary treatment should also be conditioned.

[OFFICER COMMENT: These comments are noted and addressed in paragraphs 8.83 - 8.100. Requested details and samples have been conditioned]

Urban Design Officer

#### SUMMARY

- 6.55 The high quality proposal makes an appropriate architectural response to the local context. The detailed design of the scheme and choice of materials and landscaping would appropriately integrate the scheme with the local area. The proposal would make a positive contribution to the regeneration of the Ocean Estate.

#### MATERIALS

- 6.56 The scheme proposes a simple palette of materials. The bricks have been carefully selected to complement the existing local context of the conservation area and the listed church. Furthermore, through variation in the bricks used within the blocks, the communal and public spaces within the development would each have distinct character.

## DESIGN OF TALL ELEMENTS

- 6.57 The proposal would replace the three existing 10 storey tower blocks with two perimeter blocks and an L-shaped block. The taller elements of the scheme would rise to 13 storeys with a setback at top floor level. The two 9 storey elements would frame the east-west link that would connect Aston Street with the Whitehorse Park.
- 6.58 The taller blocks would be much smaller in foot print and in townscape terms would read as part of the perimeter block rather than as standalone towers. Furthermore, the design of the taller elements, including the lack of projecting balconies, would serve to reduce the perceived bulk and massing in long distance views. The detail design of the tall buildings including the approach to provision of private amenity space, fenestration, and the choice of brickwork would ensure that the buildings would make a positive contribution to the skyline and result in a better relationship in views from the conservation area.

## PLACEMAKING

- 6.59 The scheme would strengthen the existing north-south link from the Banjo through the site by creating a wider and more open entrance plaza to the north, and creating active frontage along the pedestrian route. The northernmost block (block A) would create a well-defined street edge and facilitate passive surveillance to the link between the Banjo and Aston Street, along the northern edge of the application site. The lower floors of block A would be pulled further away from the site boundary to create a gateway space/plaza creating a transition from the linear space of the Banjo and the town centre to the quiet and green open space of the Whitehorse Park. This would create a sense of openness and continuity that would make a positive contribution to the public realm.
- 6.60 Aston Street is characterised by 2-3 storey buildings. The demolition of the tower blocks provides an opportunity to create a proper street frontage along the street. The blocks facing Aston Street would vary in height from 4-5 storeys to 3 storeys to the south where they would reduce in scale to relate to the low rise terraces of the York Square Conservation Area. The blocks would articulated through variations in massing, recessed upper storeys and through the use of balconies and window treatments. The introduction of perimeter blocks would restore a traditional active street frontage and introduce passive surveillance by introducing entrances and front gardens along the street.
- 6.61 By reducing the massing in the southern part of the proposal, the scheme seeks to establish a better relationship with the low rise residential terraces. Furthermore, by moving the taller elements away from the street edge and giving them a slender square foot print the design of the proposal ensures that the views from within the conservation area would be improved.
- 6.62 The design of the perimeter blocks along the open spaces would create an edge that is both active and gives a sense of passive surveillance to the links and to the open spaces. This would contribute positively to the public realm by making the existing open space more accessible and useable. The design of block A and massing is further refined to augment the scale of the pedestrian link and the open space. The low 2 storey houses nestled between the two arms of the courtyard block help to create a more intimate scale to the pedestrian link.

- 6.63 Block B would be distinct from that of block A with a courtyard which would open out to the Whitehorse Park. This would make the block appear as part of the open space yet the design of the boundary treatment and the courtyard creates an appropriate distinction between communal and public spaces. Block C would provide a more neutral edge and act as a bookend to the open space. The links from Aston Street to Whitehorse Park that would run between the blocks would make an important contribution to the quality of the public realm and enhance the connections to St Dunstan's and its churchyard.

[OFFICER COMMENTS: These comments are noted]

#### Planning Policy

- 6.64 The proposals would complete the wider regeneration of the Ocean Estate and are therefore supported by the Core Strategy. The quality of re-provision of publicly accessible open space should be considered to ensure compliance with policy DM10 of the Managing Development Document.

[OFFICER COMMENT: Matters raised are addressed in paragraphs 8.2 - 8.14]

#### Environmental Health - Housing

- 6.65 Standard comments were provided with relation to thermal insulation, heating and ventilation of the dwellings as well as automatic fire detection and alarm systems.

[OFFICER COMMENT: These areas are appropriately controlled under the Building Regulations and Building Control approval would be required]

#### Transportation and Highways

- 6.66 Subject to the below matters being secured through S106 or conditions, Highways has no objection to the application:
- Car Parking Management Plan
  - Construction Management Plan
  - Deliveries and Servicing Plan
  - Travel Plan
  - Scheme of highway works (S278)
  - All areas to be drained within the site
  - Access to the new vehicular routes for service and refuse vehicles only
  - 'Car free'

#### CAR PARKING:

- 6.67 The site is located in an area of good public transport accessibility (PTAL4/5 but largely PTAL4) and should be subject to a s106 agreement prohibiting all occupants of the development from obtaining residential on-street car parking permits.
- 6.68 Under the car parking standards set out in the MDD, the proposed development could provide a maximum of 73 car parking spaces for the residential units (51 for the 1-2 bedroom units, 22 for the larger units). The applicant has proposed 40 spaces (39 car space along with 5 motorcycle spaces) which is within this limit.
- 6.69 The analysis in the transport assessment shows a small increase in the number of car trips in the AM and PM peaks thus the development is likely to have a minor impact on local highway network and the proposed level of car parking is acceptable.

- 6.70 22 of the proposed spaces would be accessible for wheelchair users (which is welcome) and management of the spaces to ensure Blue Badge holders are prioritised for spaces would be enshrined in a Car Park Management Strategy which should be secured to any permission by condition.
- 6.71 The car park access and layout are acceptable. The applicant has shown there is an area of hard standing between the highway on Aston Street and controlled entry point to the basement car park. This would prevent vehicles waiting to access the car park from obstructing the footway.

#### CYCLE PARKING:

- 6.72 The proposed cycle parking is acceptable.
- 6.73 Under the cycle parking standards set out in the MDD, the proposed development should provide dedicated storage for a minimum of 280 cycles for the residential units. The proposals commit to providing this level of cycle parking 'in secure, covered and well lit cycle store' which is welcomed.
- 6.74 The plans show the on-site cycle parking would be a mix of Sheffield stands in ground floor stores and private gardens and double stacked stands in basement stores. The storage areas are distributed across the site in a manner that would ensure each residential unit is located within a convenient distance to cycle parking.

#### SERVICING

- 6.75 The proposed servicing arrangements are acceptable. The applicant has demonstrated that that goods vehicles would be able to enter and exit the site in forward gear from two separate access points on Aston Street (to service the southern and central sections of the site) and by creation of a controlled access point with Elsa Street to service the northern part of the site. This should help to minimise the impact of deliveries and servicing of the development on the immediate highway network.
- 6.76 Highways require access via Elsa Street is restricted by condition to vehicles servicing the site only. The development would create a new vehicle route through the site. It is imperative access is restricted to vehicles essential to the site so as not to create a general access through route. Highways request a compliance condition is attached to any permission to secure this and that operation and management of the controlled access point is provided in a Delivery and Service Plan – to be secured by condition. Construction of new vehicle access points and removal of redundant crossovers to be secured under a scheme of highway improvement works.

[OFFICER COMMENT: The above comments are noted. Suggested conditions and planning obligations have been included]

#### Housing

- 6.77 The proposed housing provision would meet and exceed policy targets. The 225 proposed units include 121 affordable units (92 affordable rent and 29 intermediate) which amounts to 61.2% by habitable room. The new affordable rent units would be replacing the 83 social rent units which form the majority of the 120 units to be demolished, the rest being long leaseholders, equivalent to the private sector in the new provision.

- 6.78 Agreement was reached between the council and the developing RP at an early stage of this proposal regarding the rent levels for the 92 affordable units for rent. The rents sit in between the POD affordable rents for E14 and E1, as the scheme is right on the border between the two areas, with E1 rents being considerably higher than the E14 averages. The rents have been graded so that the family rents are considerably lower than the POD level, to assist with affordability. Early assessment of the proposed regeneration of this part of the Ocean Estate showed that the scheme could not produce an adequate number of new units if social rent levels were charged. The scheme is in receipt of a very low level of grant from the GLA compared to the earlier phases of the Ocean regeneration which enabled the re-provision of social rent units. Overall, the replacement of the existing poor quality social rent housing with an increased number of much higher standard affordable rent units at under POD levels for E1 is fully supported.
- 6.79 The tenure mix within the affordable housing is 82/18 intermediate, which is a higher proportion of rented units than the Council's policy 70/30 ideal split but this is required in order to ensure that the full number of replacement rented units is provided and the proposal provides for a far better mix of tenures than currently exists on site.
- 6.80 The proposed mix of unit sizes is good. Within the affordable rent units the splits (with policy target in brackets) are as follows: one-bed 14% (30%) two-bed 29% (25%) three-bed 29% (30%) four-bed 16% (10%) and five-bed 11% (5%). The provision of a generous number of larger family units is especially welcome and the slight shortfall in one-bed units is not a major concern. Within the intermediate tenure provision is one-bed 38% (25%), two-bed 52% (50%) and three-bed 10% (25%). In the market sale tenure there are one-bed 38% (50%) two-bed 62% (30%) and no three-beds (20%). The applicant justifies the shortfall in family units in private sale and intermediate tenures by referring to the lack of demand shown for these sized units in the earlier phases of the Ocean development, and we consider that this is acceptable.
- 6.81 The design of the blocks has been subject to a long process of discussion with the council and GLA officers and the form and location of the 3 blocks appears well thought out and likely to result in an excellent living environment. The open spaces surrounding the blocks are well thought out and much of the ground floor of each block is formed of new family maisonettes with front doors onto the existing streets or new pedestrian routes which would add to security and be welcomed by the new tenants.
- 6.82 All units are designed to meet the London Housing Design Guide and Lifetime Homes. Internal layouts are good, with most flats provided with dual aspect and all flats with balcony space. Open plan layout (kitchen/diner/living rooms) has been avoided for all affordable family sized units and for all smaller rented units with the exception of two wheelchair accessible flats where it would not be possible to provide appropriate circulation space.
- 6.83 23 wheelchair units are to be provided and there are a good mix of sizes and tenures. 5 family sized wheelchair units are to be provided in the affordable rented tenure and these units would be particularly useful in answering identified needs of tenants on the Council's accessible housing waiting list. The layouts and location of all wheelchair units should be reviewed by the Council's Inclusive Access Officer.



[OFFICER COMMENT: The above comments are noted. The response of the Council's Inclusive Access Officer is detailed in paragraph 6.84]

#### Inclusive Access Officer

- 6.84 The detailed floor layouts for the proposed wheelchair accessible units have been reviewed and following receipt of minor amendments are considered to be acceptable and to fully meet the appropriate requirements.

#### Housing Regeneration - Projects Team

- 6.85 In June 2012, the Council made the decision to decant and demolish Allonby, Channel and Studland Houses for housing redevelopment. The decanting of Council tenants (and qualifying waiting list applicants living with tenants) has been progressing well; 16 secure council tenants remain to be re-housed. More than 50 tenants have now been re-housed successfully, many opting to accept an offer of a new home nearby from East Thames, a local housing association.
- 6.86 Leaseholder negotiations are ongoing with a number of purchases in progress. Most resident owners are choosing to buy a replacement shared equity home from East Thames on the main Ocean scheme which is nearing completion.
- 6.87 Prior to the Cabinet making the decision to redevelop the site, LBTH Housing Regeneration carried out residents' consultation. Letters were sent to residents with an explanation of the structural issues relating to the blocks, the need for more extensive works than had been envisaged, and the effects which the strengthening works would have.
- 6.88 Three consultation sessions have been held for residents of the three towers. 59 households have spoken to officers about the proposals, with the majority of these choosing to attend the events and 3 households contacting officers by phone. Of these, 45 expressed a clear preference for redevelopment, with only 4 seeking refurbishment. The remainder expressed no strong views in either direction preferring to keep an open mind on the options.
- 6.89 The main issues raised by tenants related to:
- Security of tenure of new units/ability to remain a secure tenant (with associated rights)
  - Remaining in the area for reasons of work or schools
  - Size of new houses/numbers of bedrooms they would be entitled to
  - Being able to increase choice
- 6.90 Leaseholders raised overlapping issues:
- Having the ability to stay local
  - Size of new homes locally available
  - Ability to obtain a mortgage
  - What the value of their existing home would be and how this might affect their ability to acquire a new home

[OFFICER COMMENT: These above comment are provided by way of background only and are noted]

#### Employment and Enterprise

- 6.91 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce would be local residents of Tower Hamlets.
- 6.92 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 6.93 The Council seeks to secure a financial contribution of £43,774 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution would be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.
- 6.94 Due to the nature and scale of the proposed development, we would also be keen to secure apprenticeships.

[OFFICER COMMENT: The applicant has agreed to the non-financial obligations and these would be secured through the S106. The financial obligations are discussed in paragraphs 8.172 - 8.184]

#### Energy Efficiency and Sustainability

- 6.95 The proposals have followed the London Plan energy hierarchy of Be Lean, Be Clear and Be Green, and sought to minimise CO2 emissions through energy efficiency and energy supply (CHP ~ 40kWe) to achieve a 41.4% reduction in CO2 emissions against the benchmark of Building Regulations 2010. The proposal also includes the installation of 180sqm (21kWp) photovoltaic array to further reduce emission by 2.38%.
- 6.96 The overall CO2 emissions reductions considered achievable for the development are 46% and the development has been designed to achieve a minimum Code of Sustainable Homes Level 4.
- 6.97 The proposed energy efficiency and sustainability measures are supported and should be secured by condition. It is however recommended that a figure of £8,970 is sought for carbon offset projects in the vicinity of the proposed development to make up for the shortfall of 4% (6.5 tonnes of regulated CO2 emissions) against the Council's policy target of 50% reduction.

[OFFICER COMMENT: These matters are discussed in paragraphs 8.144 - 8.150. Requested conditions have been included while the request for a financial planning obligation is disused further in this report]

#### Waste Collection

- 6.98 Waste management plan is satisfactory. No objection to the proposal.

[OFFICER COMMENT: This is noted]

## **7.0 LOCAL REPRESENTATION**

#### Statutory Consultees

- 7.1 On 16<sup>th</sup> December 2013, a total of 407 letters were sent to occupiers of neighbouring properties, five site notices were displayed outside the application site, and a press advert was published in the East End Life Newspaper.
- 7.2 The number of representations received in response to notification and publicity of the application is as follows:
- |                             |              |               |
|-----------------------------|--------------|---------------|
| No of individual responses: | Objecting: 1 | Supporting: 1 |
| No of petitions received:   | 0            |               |
- 7.3 The single objection letter was received from occupiers of one of the residential properties on the northern side of Matlock Street, immediately to the south of the application site. The objectors are concerned that the new buildings would block views and result in privacy intrusion and overlooking. The issues raised are addressed in paragraphs 8.10 - 8.124.
- 7.4 A letter of support was received from the Chairman of the Ocean Regeneration Trust (the Ocean Regeneration Trust is the successor body of the Ocean New Deal for Communities Partnership). The Trust notes that the development would provide improved street frontage and a better relationship to Whitehorse Park. The affordable homes would be safeguarded while providing a sensible increase in density and widening housing choice. The Trust considers that the careful design of the new development would respect the surrounding areas and the listed St Dunstan's Church and welcomes inclusion of balconies, spacious entrances and new pedestrian routes through the site. The letter concludes that the proposed development would be a substantial and welcome addition to the continuing improvement of the Ocean neighbourhood.

#### Applicant's Consultation

- 7.5 The applicant has provided a Statement of Community Involvement detailing the extent of consultation that was undertaken prior to the submission of the application.
- 7.6 The applicant has organised a number of Site H specific consultation events. The proposals were first presented to the local community at the Ocean Estate Funday on 14<sup>th</sup> July 2013. Revised proposals were presented for further comment at public exhibitions on the 17<sup>th</sup> and 19<sup>th</sup> October 2013. These events were advertised to all households within a 200m radius of the site.
- 7.7 Prior to submission of the application, a letter was sent to all residents invited to the October events advising them of their opportunity to comment formally on the application proposals.
- 7.8 According to the Statement of Community Involvement submitted by the applicant, the proposals were generally received favourably; however some residents raised concerns about the height of the proposed buildings and about green space on site being built on. These issues are addressed in the Material Planning Considerations section of this report.

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the Committee are requested to consider are:
- Land Use

- Housing
- Design and Heritage
- Amenity
- Transport, Access and Servicing
- Sustainability and Environmental Considerations
- Planning Obligations

## **Land Use**

- 8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 8.3 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 8.4 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there. Ocean Estate forms part of an area identified for regeneration in policy 2.14 of the London Plan and within the Reinventing the Hamlets Vision Statement of the Core Strategy
- 8.5 The Core Strategy place-making policy SP12 identifies a vision for Stepney to be 'A great place for families nestled around the green spine of Stepney Green, Regents canal and Mile End Park Leisure Centre'. Stepney is to remain largely residential and offer high quality new housing alongside regenerated housing estates. Enhancements to the network of green spaces are to draw people from one green space to another and bring residents and visitors into the area. The vision places priority on improving the quality of the Ben Jonson Neighbourhood Town Centre to ensure it meets local needs and acts as a focal point to the area, to continue the physical, social and economic regeneration of the Ocean Estate, to upgrade and enhance local green spaces, and to improve the public realm through way-finding schemes.
- 8.6 With the exception of a part of the application site which is designated for publicly accessible open space, the site carries no site-specific policy designations. The site is located in an 'edge of centre' area of the Ben Jonson Neighbourhood Town Centre and is located in an area of a predominantly residential character. The site is currently occupied by three residential tower blocks housing a total of 120 flats.

### Principle of residential use

- 8.7 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets, for years 2011-2021 is set at 28,850 with an annual monitoring target of 2,885; however the Draft Further Alterations to the London Plan revise the Council's ten year target to 39,314 with an annual monitoring target of 3,931, for years 2015-2025. The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 8.8 The Core Strategy place-making policy SP12 pictures Stepney as a largely residential area with high quality housing and regenerated housing estates. One of the priorities for the area is identified as completion of the physical and continuation of the social and economic regeneration of the Ocean Estate.
- 8.9 Given the above, the Council's longstanding intention to regenerate the Ocean Estate and the predominantly residential character of the site's environs, the principle of intensification of housing use on this brownfield site is strongly supported in policy terms.

#### Development on open space

- 8.10 Paragraph 73 of the NPPF acknowledges that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles, furthermore policy SP04 provides a basis for creation of a network of open spaces across the borough through protection and safeguarding of open space such that there is no net loss.
- 8.11 Policy DM10 specifies that development on areas of publicly accessible open space would only be allowed in exceptional circumstances where a higher quality open space outcome is achieved as part of a wider redevelopment proposal - this is supported by paragraph 74 of the NPPF which states that existing open space should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality.
- 8.12 The Core Strategy vision for Stepney focuses on enhancement to the extensive network of green spaces to draw people from one green space to another, and to bring residents and visitors into the area. The central green spine is to act as a wildlife haven and a lung for the area, and to supports the area's suitability for family housing.
- 8.13 In the Council's Policies Map 2013, part of the application site has been designated as publicly accessible open space. This designation relates to an area of approximately 2,875sqm of soft and hard landscaping in the centre of the site and which is currently mostly inaccessible to the general public. The designation in fact relates to what is communal amenity space and circulation space for the existing tower blocks and service charges are collected from residents for its upkeep. This space is heavily subdivided by metal railings and brick walls and effectively only serves as visual amenity. It does not form part of the adjoining Whitehorse Road Park and there are no public rights of access.No play or recreational areas are currently provided.

- 8.14 The supporting text to policy DM10 of the Managing Development Document, in paragraph 10.2, states that for the purposes of this policy, protected open spaces do not include areas of communal residential amenity space which are not publicly accessible. Nevertheless the applicant has agreed to fully reprovide the quantum of designated publicly accessible open space. The application thus proposes for approximately 3,000sqm of landscaped open space to be distributed through the site to provide for improved integration with the surrounding area and the Whitehorse Road Park. The high quality open space would be genuinely publicly accessible with rights of access secured through the S106 agreement and would provide a substantially better open space outcome in line with policy. The proposed redistribution of open space on site would also allow for east-west Green Grid links to be reinforced and for a north-south green link to be provided between the Ben Jonson Town Centre, the previous phase of Ocean Estate Regeneration and the Whitehorse Road Park. The quality of the spaces proposed is discussed further in paragraphs 8.73 and 8.82.

### **Housing**

- 8.15 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development” Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 8.16 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally.

### Residential density

- 8.17 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council’s town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.18 The application site measures approximately 0.96 hectares, adjoins the Ben Jonson Town Centre, benefits from an urban context, and good public transport accessibility - PTAL score 4. In areas of PTAL 4 and urban setting, the density matrix associated with policy 3.4 of the London Plan supports densities of up to 260 units or 700 habitable rooms per hectare. The policy acknowledges that it is not appropriate to apply the matrix mechanically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment.
- 8.19 The proposed density would be at 234 units or 730 habitable rooms per hectare and thus fall within the density range for units but marginally exceed the density range for habitable rooms. Taking into account the context of the site and the high overall quality of the design of the proposal, it is considered that the proposal successfully optimises the use of the site and that the site can comfortably accommodate the proposed density in line with the relevant local, regional and national policies.

## Affordable housing

- 8.20 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.
- 8.21 The Council's policy SP02 of the Core Strategy sets an overall strategic target for affordable homes of 50% of new construction, with a minimum of 35% provision sought, subject to viability. The overall strategic tenure split for affordable homes is set as 70% social rented and 30% intermediate. According to policy DM3 of the Managing Development Document, affordable housing provision is to be calculated by using habitable rooms as a primary measure to allow for the most suitable mix of affordable housing. In estate regeneration schemes the Council seeks full reprovision of existing affordable housing with an uplift of at least 35%.
- 8.22 Out of the 225 proposed units, 121 would be provided as affordable (92 as affordable rent and 29 as intermediate). This constitutes 53.78% by unit number and 61.2% by habitable room. The new affordable rent units would be replacing the 83 social rent units which form the majority of the 120 units to be demolished, the rest being long leaseholders units, equivalent to the private sale in the new provision. The introduction of 29 intermediate and 104 private units would cross-subsidise the development and widen the housing choice in the area.
- 8.23 In terms of the uplift, 38 additional affordable units would be provided on site, of which 9 would be affordable rent and 29 intermediate (an uplift of 36.18% by unit number). The increase is more significant in respect of habitable rooms where 187 additional habitable rooms would be provided - 108 affordable rented and 79 intermediate (an uplift of 54.52% by habitable room). The higher increase in habitable rooms is due to the additional number of family-sized units.
- 8.24 The affordable rented accommodation would be let in accordance with East Thames' rents policy. The proposed rents sit in between the POD affordable rents for E14 and E1, as the scheme is right on the border between the two areas. The proposed rents have been graded so that the rents for the larger, family-sized units would be considerably lower than the POD level, to assist with affordability and take account of the changes to the housing benefit system. The viability assessment submitted with the application and independently reviewed by external consultants demonstrates that the scheme would not be able to produce an adequate number of new units if social rent levels were charged. The scheme is also in receipt of a much lower level of grant funding compared to the earlier phases of the Ocean Estate regeneration which enabled the reprovision of social rent units. The intermediate properties are to be provided as shared ownership and would accord with affordability levels of the London Plan.
- 8.25 The proposed tenure mix within the affordable tenure is 82% affordable rent and 18% intermediate, which is a higher proportion of rented units than the Council's

preferred split of 70/30 but is required in order to ensure that the full number of replacement rented units is provided.

- 8.26 The development would be tenure blind with tenures distributed throughout the site without undue concentrations of any single tenure. Separate access cores would be provided for affordable rent and private sale tenures. In general, ground floor maisonettes and town houses would be in affordable tenures along with flats on upper levels of the perimeter blocks, while private sale flats would be provided within the taller elements.
- 8.27 Overall, the proposal meets and exceeds policy targets and would not only result in re-provision of existing affordable rented units on site but also in a significant uplift in the quantum of much needed affordable accommodation. The overall tenure mix on site would also be significantly improved and assist in creation of a balanced community.

#### Dwelling mix

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

Unit size	Affordable Rented			Intermediate			Private Sale		
	Units	%	Target	Units	%	Target	Units	%	Target
1 bed	13	14%	30%	11	38%	25%	40	38%	50%
2 bed	27	29%	25%	15	52%	50%	64	62%	30%
3 bed	27	29%	30%	3	10%	25%	-	-	20%
4 bed	15	17%	15%	-	-		-	-	
5 bed	10	11%		-	-		-	-	

- 8.29 Within the affordable rent units the housing mix (with policy target in brackets) would be as follows: one-bed 14% (30%), two-bed 29% (25%), three-bed 29% (30%), four-bed 17% (10%) and five-bed 11% (5%). The proposed provision of a substantial number of larger family units - 58.8% of three-bed plus including four and five-bed units against a policy target of 45%, is especially welcome and supported by Housing colleagues. The slight shortfall in one-bed units is not considered to be of concern.
- 8.30 Within the intermediate tenure the mix would be: one-bed 38% (25%), two-bed 52% (50%) and three-bed 10% (25%). In the market sale tenure it would be: one-bed 38% (50%), two-bed 62% (30%) and 0% three-beds (20%). The applicant justifies the shortfall in family units in private sale and intermediate tenures by referring to the lack of demand shown for these units in the earlier phases of the Ocean Estate redevelopment and because the majority of three bedroom apartments were sold to investors or sharers rather than families. Officers note that the shortfall in the proportion of larger intermediate and private sale units assists with the viability of the proposal and thus enables for a larger proportion of affordable housing to be provided overall. It is also noteworthy that a large proportion of the proposed family sized affordable units would be provided as ground floor maisonettes or townhouses with sizeable private gardens. Three intermediate units would also be provided as townhouses with private gardens.



- 8.31 Overall, in light of the proposed quantity and quality of family housing in the affordable rented tenure, the shortfall in intermediate and private sale tenures is considered to be acceptable and would not prejudice the relevant policy objectives.

Standard of residential accommodation

- 8.32 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime.”
- 8.33 All of the proposed units would meet or exceed the baseline floorspace standard, in particular the proposed family sized units would be more spacious, especially in the affordable rent tenure. It is also noteworthy that all but two units in the affordable rent tenure would be provided with separate kitchens (the two units without separate kitchens would be two-bed wheelchair accessible units where it would not be possible to introduce separation without impacting on the circulation space required by wheelchair users). In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements. A large proportion of family sized affordable rent units would be provided as ground/first floor maisonettes or townhouses, all with sizeable private gardens. Three intermediate units would also be provided as townhouses with gardens.
- 8.34 The proportion of dual aspect units has been maximised, with only 20 one-bed units (8.88%) to be provided as single aspect, although a majority of these would be facing north. None of the single aspect one-bed units would be in the affordable rent tenure.
- 8.35 The distances between opposite elevations with habitable rooms exceed the requirements of policy DM25. All of the proposed units would benefit from adequate privacy and defensible space, and would not be subject to undue overlooking.
- 8.36 The applicant has submitted a Daylight & Sunlight report addressing daylighting and sunlighting to the proposed units. The report has been independently reviewed by a qualified consultant appointed by the Council. Most of the proposed rooms would meet the average daylight factor (ADF) requirements of the British Standard with the exception of a small number of kitchens within Blocks A and B and couple of living rooms to Block B, all at low level and all to dual aspect units. While they would not meet target values, reasonable levels would still be obtained. The Council’s consultant notes that the unit layouts and fenestration were well thought through to allow seating or dining areas to be located closest to the windows and therefore provide a satisfactory standard of amenity. The work surfaces would have lower levels of light than recommended for kitchen use but this could be successfully mitigated with appropriate lighting, particularly under unit lighting, providing direct illumination to work surfaces. All of the proposed units would receive adequate sunlighting where the orientation of the units makes it a reasonable requirement.
- 8.37 The maisonettes and townhouses would be provided with individual access doors to the street to provide a sense of ownership and to generate activity and passive surveillance of all spaces around the development. Entrance areas have been designed with safety and security in mind. Access cores to the flats within the upper storeys are also spread throughout the development and have similarly been

designed and sited to ensure safety, security and passive surveillance. The number of residential units per core and per corridor has been kept to a minimum.

- 8.38 Overall, it is considered that the proposal would meet and exceed the relevant qualitative and quantitative design standards and would represent an exemplary standard of living accommodation and amenity to the future occupiers of the scheme.

#### Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.39 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.40 23 wheelchair accessible homes are proposed across all tenures and unit sizes. The LBTH Housing Team confirmed that this is in line with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the blocks for the wheelchair accessible homes have been reviewed by the Council's Inclusive Access Officer and are considered to meet the appropriate requirements. 22 accessible parking spaces would be provided within the basement car park and allocated in accordance with need.

#### Private and communal amenity space

- 8.41 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 8.42 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the upper storey flats would have adequately sized winter gardens, balconies or terraces all meeting or exceeding the minimum standard. All of the ground floor units would benefit from large private gardens or patios which substantially exceed the policy requirement.
- 8.43 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 265sqm is required for a development of 225 flats. The proposed development would substantially exceed this target and provide a total of 1,210sqm (754sqm excluding play space) of landscaped communal amenity space. The communal space would be provided in the form of two courtyards within Blocks A and B measuring 782sqm and 428sqm respectively. The spaces would be well overlooked, provide visual amenity and opportunities for play and recreation. Due to the depth of adjoining private gardens they would also feel more spacious. The smaller courtyard on Block B would be enclosed only on three sides to provide a visual continuation of Whitehorse Road Park.
- 8.44 Overall, the proposed provision of private and communal amenity space would significantly exceed the policy requirements and make a significant contribution to creation of a sustainable, family friendly environment. The details of landscaping are discussed in full in later sections of this report.

#### Child play space

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

residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.

- 8.46 Using the LBTH child yield calculations, the development is anticipated to yield 110 children (35 under 5s, 43 of 6-10 year olds and 32 11-15 year olds). Accordingly, 780sqm of on-site play space is required for under 5s and 6-10 year olds. Not including the doorstep play space of private gardens, the application proposes a total of 791sqm of on-site play space divided between publicly accessible open space and the two communal courtyards. Proposed play facilities concentrate on younger children where doorstep play is critical. It is also noted that the Whitehorse Adventure Playground and Whitehorse One O'clock Club adjoin the application site, across the Whitehorse Park. Full details of play space facilities and equipment would be reserved by condition but the general approach to provision is discussed in the Landscape section of this report.
- 8.47 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. The proposal does not include any dedicated on-site play space for older children, nevertheless substantial quantity of public and communal landscaped space and a residents' gym would be provided. The application site also adjoins a multi-use games court and youth activities and a multi-use games area and sports hall would be on offer at the new Haileybury Centre which is anticipated to open prior to occupation of the proposed development. Sports pitches are also available in Trafalgar Gardens (450m), Stepney Park (600m) and Mile End Park (500m). The Mile End Park Leisure Centre also includes a swimming pool and a skateboard park.
- 8.48 Overall, it is considered that the proposal would provide an excellent play environment for younger children while the lack of dedicated provision for older children and teenagers does not raise concerns bearing in mind the provision of a residents' gym and the recreational opportunities which are or would in the near future be on offer within a short walking distance of the application site.

#### Open space

- 8.49 Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection, improvement, and creation of open spaces. Managing Development policy DM10 states that development would be required to contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy.
- 8.50 The Core Strategy notes that to achieve the 1.2 hectare of open space per 1000 population standard the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the built up urban character of Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standard to help justify local need.
- 8.51 According to the Council's population yields, the proposal would be likely to be occupied by 537 residents (an increase of 259). The total open space requirement

would thus be 6,444sqm or a financial contribution towards public open spaces. Including the private rear gardens (800sqm), the communal areas (1,210sqm) as well as the publicly accessible areas (3,000sqm), the proposal would include approximately 5,000sqm of on-site open space of which 3,000sqm would be fully publicly accessible which is considered to be a good, policy compliant outcome bearing in mind the urban character and the size of the application site. The quality, functionality and distribution of the proposed open spaces are discussed in the Landscaping section of this report.

- 8.52 Nevertheless, as the application site directly abuts the Whitehorse Road Park and part of the access to the park from Aston Street is currently provided through the application site, the proposed development would necessitate hard and soft landscaping works to the park so that the landscaping and access layouts fully match. The necessary works have been costed by the applicant and would be carried out at no cost to the Council. The delivery of the works would be secured through the S106 agreement. Details of these works are discussed further in the Landscaping section of this report.
- 8.53 Overall, the proposal would deliver a substantial improvement to the quantum and quality of open space in this part of the Borough while providing improved Green Grid connections through the application site.

### **Design and Heritage**

- 8.54 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.55 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
  - establish a strong sense of place, creating attractive and comfortable places to live,
  - respond to local character and history, and reflect the identity of local surroundings and materials,
  - create safe and accessible environments, and
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.56 Chapter 7 of the London Plan places an emphasis on robust design in new development. In particular:
- Policy 7.1 seeks creation of distinct, liveable neighbourhoods and requires new buildings to interface with surrounding land, improve access to social and community infrastructure, local shops and public transport. The character, legibility, permeability and accessibility of neighbourhoods should be reinforced.
  - Policy 7.2 seeks creation of an inclusive environment catering to the needs of all sections of the population, while policy 7.3 requires development to reduce the opportunities for criminal behaviour and to contribute to a sense of safety and security.
  - Policy 7.4 requires development to respect local character - this should be achieved by a high quality design response informed by the surrounding historic environment and which has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Development should be human in scale, ensuring that buildings have a positive relationship with street level activity.

- Policy 7.5 the public realm should be secure, accessible, inclusive, and legible. Opportunities for greening should be maximised.
- Policy 7.6 specifies that in terms of assessing the architecture of a development as a whole the development should make a positive contribution to a coherent public realm, streetscape and wider townscape. It should incorporate the highest quality materials and design appropriate to the site's context.
- Policy 7.7 gives detailed guidance on design of tall and large buildings which should not have an adverse effect on the character of their surroundings, should relate well to the surrounding buildings, urban grain and public realm, and incorporate the highest standard of architecture and materials.

8.57 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces. The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

#### Design, massing and scale, placemaking

- 8.58 The proposal would replace the three existing tower blocks on site with three blocks housing buildings ranging from 2 to 13 storeys. Blocks A and B, in the northern and central part of the application site, would be of a larger scale, reflecting the proximity to the Ben Jonson Road Town Centre, while block C would be of a substantially smaller scale, providing a transition with the low rise conservation area to the south.
- 8.59 The blocks would be sited in such a way as to reintroduce traditional street frontage to Aston Street, reflect the historical street pattern and to provide improved east-west and north-south connections through the site, towards the town centre, the Whitehorse Park and St Dunstan's churchyard.
- 8.60 The perimeter blocks facing Aston Street within both block A and block B would be 5 storeys high with setbacks at 4<sup>th</sup> floor level. The elevation treatment and massing to this frontage has been well thought through and the architects have employed a number of imaginative architectural devices to break up the mass, create articulation and introduce a more traditional rhythm of narrow frontages. The blocks would be faced with a dark, warm-toned brick, referencing the recently completed previous phase of the Ocean Estate regeneration project. The ground and first floors would have raked jointing, darkening the brickwork and creating a plinth base. Brick reveals with large setbacks would vary the roofline and introduce a varied townhouse rhythm. This articulation would be reinforced through a coherent strategy of creating vertical bands of fenestration as well as through introduction of short access decks in parts of the frontage. The treatment to window reveals would vary, adding visual interest. The ground floor would provide a more traditional street scene with front doors and private front gardens to maisonettes. Officers consider that the lower perimeter blocks would appropriately frame the new public spaces and east-west links and would relate well to the 1950s public housing development to the north of the

application site and to the post-war terraces located on the opposite side of Aston Street.

- 8.61 The southernmost block, block C, at 3 to 4 storeys in height, would be of a considerably smaller scale than blocks A and B to provide a transition to the low rise York Square Conservation Area to the south and to preserve the dominant position of the 5 storey Cayley Primary School, located on the opposite side of Aston Street. The block would generally consist of 3 storey high terraced houses with vertically articulated elevations, backing onto the 2 storey terraces on the northern side of Matlock Street, and a corner 4 storey block of flats, stepping down to 3 storeys where it adjoins the conservation area. The material palette employed would be softer and calmer to ensure a sensitive transition to the conservation area. This block would be faced in light tone buff brick, reflective of the light yellow London Stock brick of the listed terraces to the south. The brick would be laid in the traditional Flemish bond.
- 8.62 The courtyard facing elevations of the perimeter blocks A and B would have a more uniform, homogenous treatment but due to the use of contrasting brickwork within the taller elements as well as creation of a projecting plinth base to block A, would each have individual character. Additionally, the courtyard of block A would be partially enclosed on its western side with a row of three 2 storey terraced houses to provide an active edge and a more intimate scale to the public connection between the town centre and the park.
- 8.63 The 5 storey perimeter blocks, towards the western part of the application site and away from Aston Street, would each adjoin 9 storey blocks - sited towards the centre of the site, and 13 storey towers - located adjoining the northernmost and southernmost through routes. These blocks would be set away from Aston Street and present a slim profile in views from the west and east. The blocks would not appear prominent in the street scene of Aston Street and through variation in footprint size, height and elevation treatment, would form a visually interesting, recessive element in local views.
- 8.64 The lower, 9 storey blocks which would frame the gateway to the Whitehorse Park would be faced in medium toned, red brick and provide a slim profile to long and medium distance views from within the Whitehorse Park and St Dunstan's churchyard, to the west, and from Maroon Street, to the east. The blocks would be of a high architectural quality and would relate appropriately to the park and the development.
- 8.65 The northernmost 13 storey tower, on block A, would provide a focal point to the Banjo and the commercial area of the Ben Jonson Road Town Centre while serving as a gateway to the development. A triple height undercroft with an entrance area, concierge and a residents' gym would open views and facilitate access into the development and the Whitehorse Park. The flats within the lower storeys of the tower would have recessed balconies while the upper would have winter gardens. These elements would be set in a robust frame of light tone buff brick to reduce the prominence of the tower in long views. The top storey would be recessed. Overall, the high quality design would serve to reduce the perceived bulk and massing in longer views and the tower would appropriately relate to its surroundings.
- 8.66 The southernmost 13 storey tower, on block B would be also be faced in light tone buff brick and would be of similar proportions and would have a recessed upper storey. Similar architectural elements and devices have also been employed to reduce the perceived bulk and massing. Additionally, in its response to the Whitehorse Park setting, the modulation within the western façade and the vertical

stacking of balconies, winter gardens and windows, would add articulation and reference the slimmer profiles of the 9 storey blocks in the centre of the development.

- 8.67 In terms of the materials, the scheme proposes a simple, robust range of high quality bricks which have been carefully selected to complement the existing local context of St Dunstan's and the York Square Conservation Area as well as to provide visual interest and reference the previous phases of Ocean Estate. The elevations would be carefully detailed with soldier courses, brick reveals as well as through variations in joint and bond types. Careful consideration has been given to the approach to fenestration and balcony locations as well as to the design of entrances.
- 8.68 The design of the proposal has been subject to extensive pre-application discussions between the applicant and the officers as well as with the GLA. While marginally taller than the existing buildings on site and of a higher bulk overall, officers are satisfied that the proposed buildings would be of a very high architectural quality, relate well to their surroundings and enhance the local street scene. The layout and distributions of buildings within the site would serve to create and reinforce a coherent network of public spaces while variations in use of materials and the detailed design of each elevation and block would create a series of high quality environments.

#### Safety and security

- 8.69 The proposed maisonettes and houses would benefit from individual front doors and private front gardens while flats above would be served by relatively spacious glazed cores. Entrances as well as fenestration to habitable rooms would be distributed throughout the development and result in a high proportion of active frontage. This would result in a high level of passive surveillance and have a positive effect on actual and perceived safety and security. No concealment points or poorly overlooked areas would be created.
- 8.70 All of the new public routes to be created and both of the communal courtyards would be well overlooked. An external lighting strategy has also been submitted. Officers are satisfied that the lighting proposed would make an appropriate contribution to creation of safe public spaces. Appropriate consideration has also been given to the boundary treatment to different areas and general circulation through the site.
- 8.71 The above measures would ensure that the proposal enhances safety and provide a deterrent to loitering and anti-social behaviour. Furthermore, a concierge would be provided within the ground floor of the tower on block A, at the approach to the development from the Ben Jonson Neighbourhood Centre.
- 8.72 The applicant has engaged with the Tower Hamlets Crime Prevention Design Advisor whose comments influenced the detailed development of the scheme. Details of all Secured by Design measures as well as external lighting and CCTV would be conditioned.

#### Landscaping

- 8.73 A number of key landscape areas, each with its own, distinct character are proposed:
- 8.74 - 'Urban Walkway', running along the northern boundary of the site and forming a link between the Aston Street, the Banjo and Elsa Street would expand on the existing footpath creating a wide, tree lined, pedestrian street. A semi-formal landscape would

be created with granite kerb-edged planting beds. This area would incorporate two seating benches, at either end.

- 8.75 - 'The Square', located at the foot of the block A tower has been envisaged to act as a public square and the principal connection between the Ben Jonson Town Centre and its commercial area of the Banjo and the proposed development. The space would be formed of formal hard and soft landscaping creating a public area in front of the glazed entrance and concierge to the northernmost tower. The landscaping for this area would appropriately define the edge of the application site, terminate the public space of the Banjo and the town centre and provide a buffer towards the residential development to the west.
- 8.76 - 'Park Gateway' would form the primary access route between Aston Street and Whitehorse Park. It has been designed to entice pedestrians into the park, offering framed views of St Dunstan's Church and churchyard. A number of thematic planting beds and rain gardens would be provided as well as a row of trees and a number of benches. A doorstep play area would also be incorporated. Hedges would provide a buffer between the public street and the private front gardens.
- 8.77 - 'Neighbourhood Parkway' would be the southernmost pedestrian link providing a degree of transition between the park, the larger scale blocks to the north and the lower scale, terrace typology block to the south. The space would be partially enclosed by low hedges as approached from Aston Street but would then open out towards the park offering a series of features such as planting beds, blossoming trees, archways and doorstep play features. Raised beds with planting would be designed to be potentially taken over by residents as mini-allotments. The parcel of land at the western end of the route would effectively form part of the Whitehorse Park. Hedges would define the boundary between the public and private areas.
- 8.78 - Block A courtyard would be the larger of the two. It has been envisaged as more inward-facing but there would be views out onto the adjacent pedestrian link between the town centre and the park. The courtyard would be arranged around a central undulating green space with smaller green buffers delineating the boundary between the communal space and private rear gardens. Seating and a dedicated play area would be provided along with a deck terrace and a large number of small and medium sized trees.
- 8.79 - Block B courtyard has been designed to form a visual extension of the Whitehorse Park and as such, is enclosed by buildings only on three sides. A series of large parkland type trees would be situated at the centre with smaller trees lining the edges of the courtyard. Hedges would serve as a buffer between communal space and private rear gardens. The undulating green area in the centre of the courtyard would also contain play areas. Benches would be located at either side. The boundary treatment to the edge of the park has been designed sensitively to provide inter-visibility and visual continuity.
- 8.80 - Front and rear gardens would be appropriately defined by consistent, high quality boundary treatment. Front gardens would serve as defensible space to the ground floor maisonettes while dwarf walls with railings would help to reinforce the traditional street typology of the Aston Street frontage. Rear gardens would open onto communal courtyards but provide an appropriate sense of ownership and privacy.
- 8.81 Works are also proposed to the edge of the Whitehorse Park to integrate the proposed public open spaces with the park. These would be delivered in-kind as a



planning obligation and would, together with the application proposals, make a significant contribution to the quality and usability of the park.

- 8.82 The proposed landscaping to the public, communal and private areas has been well thought out and would be of a particularly high quality. It is evident that the site's context has been a key driver in development of the landscape strategy and the landscaping would make a contribution to defining a series of places, each with their own character. The landscaping would also successfully integrate the proposed buildings with the site's environs and make a positive contribution to the public realm and the Council's Green Grid.

#### Impact on the significance of nearby heritage assets

- 8.83 The National Planning Policy Framework emphasizes the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its preservation, the extent of loss or damage as result of the development and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset requires clear and convincing justification
- 8.84 Policy 7.8 of the London Plan specifies that developments affecting heritage assets and their setting should conserve the assets significance by being sympathetic to their form, scale, materials and architectural detail.
- 8.85 The Council's Core Strategy strategic objective SO22 aims to "Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views". This is to be realised through strategic policy SP10 which aims to protect and enhance the Borough's heritage assets to enable creation of locally distinctive neighbourhoods with individual character and context. Further policy guidance is also provided by policy DM27 of the Managing Development Document.
- 8.86 Further to the aforementioned policies, in considering whether to grant planning permission for a development which affects the setting of a listed building, according to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required to have special regard to the desirability of preserving the setting of the building and any features of special architectural or historic interest which it possesses. In accordance with Section 72 of the above act, special attention shall also be paid to the desirability of preserving or enhancing the character and appearance of designated conservation areas.
- 8.87 The proposals are for redevelopment of a sensitive site, lying in the backdrop of the Grade I listed Parish Church of St Dunstan and All Saints, located some 140m to the west of the site boundary, on the opposite side of the Whitehorse Park. The churchyard with its iron railings, gate piers and gates is Grade II listed. To the north of the churchyard lies a Grade II listed terrace of 3-19 Durham Road, while to the south lie locally and statutorily listed early 19<sup>th</sup> century terraces of the Mercer's Estate. All of the above mentioned heritage assets lie within the York Square Conservation Area. The Victorian Cayley Primary School, on the eastern side of Aston Street and the 1950s buildings on the southern side of Ben Jonson Road lie outside of the conservation area and are not listed but are considered to be of some heritage value. No part of the application site falls within the curtilage of a listed building or within a conservation area.

- 8.88 The applicant has submitted a detailed heritage impact assessment and officers have sought advice of the English Heritage and the Council's Conservation Officer who provided detailed responses as summarised in the Consultation Response section of this report.
- 8.89 The Grade I St Dunstan's and All Saints Church is of national significance. It is built of Kentish ragstone, rubble and flint with stone dressings. It is of Saxon origin with a 13<sup>th</sup> century chancel and it is the oldest church in the East End. It has many medieval additions and was extensively restored in the 19<sup>th</sup> century, after a fire in 1901 and following war damage. The churchyard contains tombs and monuments as well as mature trees and is enclosed by Grade II listed railings and gates. The setting of the church is an important part of its special historic and architectural interest and, in particular, the views of the church tower are very important to the area. Currently the tower is silhouetted on the skyline and appears as the most prominent element in views from Stepney Way and Stepney High Street where it is not obstructed by the mature trees of the churchyard. These trees form the immediate backdrop in the most important views of the church - it is noted that the mature trees of the churchyard obscure the development site for large parts of the year. The Whitehorse Park also provides a further buffer.
- 8.90 The townscape of the York Square Conservation Area with its many statutorily and locally listed terraces, to the south of the application site, is characterised by a grid of mainly two storey terraced houses with butterfly roofs and front parapets, constructed to a consistent Regency design. Significant value derives from the homogenous layout of small scale streets and uniform, modest terraces.
- 8.91 The development would not affect the setting of the other two conservation areas in the vicinity, the Regent Canal Conservation Area and the Stepney Green Conservation Area. This is due to the distance to the application site, and position of the taller elements within the site.
- 8.92 No objections are raised to demolition of the three tower blocks on site. The blocks are monolithic in appearance, have a poor relationship with their surroundings and disrupt the local street pattern. The blocks are not considered to be a valuable example of post-war public housing architecture in the Borough.
- 8.93 The proposals have been subject to considerable pre-application discussions and have evolved in response to the conclusions of the heritage assessment. In particular:
- the northernmost tower has been slimmed down and visually simplified as well as reduced in height and moved east, further away from the Grade I listed church; a setback has been incorporated to the top stories,
  - the new east-west route has been realigned along an axis formed by the church and Maroon Street ,
  - the external facing materials have been chosen so as not to detract from the visual primacy of the church tower and not to dominate the low rise townscape of the conservation area,
  - the southernmost block has been reduced in scale to provide a degree of transition between different townscapes, and

- the proposed blocks and public routes have been aligned to restore the historical street pattern.
- 8.94 The proposed 13 storey towers would be visible within the backdrop of the Grade I St Dunstan's Church and within numerous views of the other heritage assets in the immediate vicinity of the site. English Heritage have submitted no formal objections but raised concerns about the impact the two thirteen storey towers would have on the setting of the church and the conservation area. English Heritage note the efforts made by the applicants to reduce the impact of the new development but still consider that the proposed height would cause harm to the significance of the heritage assets.
- 8.95 The Borough's Conservation Officer considers that the proposals have been carefully considered to minimise the impact upon the setting of the adjoining heritage assets, however, there is no doubt than the new development would be more prominent in sensitive views of these heritage assets than the existing development, and would encroach upon the views of the church from particular locations such as in views from Stepney Way and Stepney High Street. Nevertheless, in the Conservation Officer's opinion, the new buildings would appear within the backdrop of St Dunstan's but would not compete with it. The tower of the church would remain the dominant feature in all views.
- 8.96 English Heritage and the Council's Conservation Officer consider that careful management of the materials for the development would help to ensure that the proposals recede as far as possible into the background of the heritage assets and do not appear unduly visually prominent in their context. Full details and samples of facing materials would be secured by condition, including submission of brick panels with various mortar mixes and pointing, to be assessed in accordance with English Heritage and the Council's own conservation advice.
- 8.97 Officers are confident that through careful selection of the external facing materials, the impact of the proposal on the setting of the adjoining heritage assets can be appropriately mitigated and minimised in line with English Heritage advice. The taller elements would not appear unduly prominent and would not compete visually with the tower of St Dunstan's or in the long views from within the York Square Conservation Area.
- 8.98 Officers consider that the proposal has been sensitively thought out and designed with regard to the nearby heritage assets. The following parts of the proposal would make a noteworthy positive contribution to the setting of the nearby heritage assets:
- The new public spaces and pedestrian routes would recreate the historic street pattern and provide new connections and views to the church and the churchyard,
  - The blocks facing Aston Street would re-introduce a traditional street frontage and provide visual continuity between the conservation area to the south and the town centre to the north,
  - The higher quality of design and materials, the revised massing and slender silhouettes as well as the fact that the taller elements are set away from street frontage and away from the conservation area, would ensure that the proposal would have a lower impact on views from within the conservation area to the south, than the existing towers,

- The southernmost block through its reduced scale and traditional terrace typology would provide a suitable transition between the denser development of the Ben Jonson Town Centre and the York Square Conservation Area.

8.99 In line with paragraph 134 of the National Planning Policy Framework, where a development proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.

8.100 In conclusion, on balance and subject to conditions, officers consider that the substantial public benefits of the proposal would clearly outweigh the minor, less than substantial harm likely to result to the setting of the adjoining heritage assets. Furthermore, officers consider that, subject to conditions, the proposal would preserve the character and appearance of the adjoining conservation areas.

### **Amenity**

8.101 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

8.102 The application site is surrounded by residential properties on all sides. The new built three to four storey blocks of flats of Dakin Place and Elsa Street are located to the west, the three 1950s four storey public housing blocks of Solent House, Lorne House and Cromarty House, are to the north of the site, two and three storey post war terraces on the opposite side of Aston Street are to the east, and the two storey early 19<sup>th</sup> Century terrace on the northern side of Matlock Street is to the south of the application site.

8.103 The site also adjoins the Whitehorse Park with Adventure Playground, One O'clock Club and games court, all located immediately to the west, as well as the Cayley Primary School, located to the east, on the opposite side of Aston Street.

### **Overlooking and privacy**

8.104 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people.

8.105 Due to lack of habitable room fenestration in the side elevation of the flatted developments of Elsa Street and Dakin Place, no overlooking or privacy intrusion would occur to the respective residential occupiers. The separating distance towards the terraces located on the opposite side of Aston Street would be at between 20 and 25 metres and thus ensure that no overlooking or privacy intrusion would occur. The distance between Block A of the proposal and the habitable room windows of Lorne and Cromarty Houses to the north would however be smaller, at 15 to 18 metres. Nevertheless such a separating distance would not be uncommon in an urban area and the elevations would be located at an angle which should reduce perceived overlooking and privacy intrusion to an extent which would not affect the living

conditions of neighbours. The rear elevations of the two storey terraced properties at 14 to 18 Matlock Street would be located some 20m from the proposed southern elevation of Block C - an objection letter has been received from occupiers of one of these properties. Residents are concerned that their privacy and living conditions would be affected from overlooking, nevertheless, it is considered that at 20m which is above the policy guideline, no undue privacy intrusion or overlooking would occur.

- 8.106 No overlooking would occur to the one o'clock club or to the adventure playground, to the west of the application site or to the Cayley Primary School, to the east. It is not considered that overlooking of the multi-use games court within Whitehorse Park would be of concern.

#### Outlook and sense of enclosure

- 8.107 The distance between the development proposal and habitable rooms of adjoining properties would be mostly at around 20m and outlook to these properties would not be significantly impacted. The proposed massing would also not result in an overbearing appearance. The 13 storey tower of Block A would however be at 15m distance to the south facing rooms at 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor of Lorne House. This would not be an uncommon separation distance in an urban location and bearing in mind that the area would be fully landscaped and that the flats within Lorne House are dual aspect, it would not result in unacceptably poor outlook or sense of enclosure. The three terraced houses on the corner of Matlock Street and Aston Street would face a flank elevation of proposed Block C, at a distance of 7.5m and a height of three storeys. The outlook of these properties would not be restricted to an unacceptable extent because the flank elevation would be relatively narrow, would not be high and because the affected properties are all dual aspect. The application also proposes mitigation measures in the form of climbing plants which could further reduce any perceived impact on outlook.

#### Daylight and sunlight, overshadowing

- 8.108 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value.
- 8.109 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur, they should be less than 20% of the existing.
- 8.110 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology. This assessment has been reviewed by an independent, qualified consultant appointed by the Council.
- 8.111 The assessment identifies that residential properties of Dakin Place, Elsa Street, Matlock Street and the Cayley Primary School would not be materially affected with

the exception of two windows within the ground floor of 14b Matlock Street. However, material impacts would occur to flats within Lorne House, Cromarty House and houses on Aston Street.

- 8.112 To the east of the application site, the proposal would result in minor but noticeable reductions to daylighting to the residential properties at 42 to 86 Aston Street with no material impact to the terrace at 88 to 96 Aston Street. All of the Aston Street properties are dual aspect terraced houses. The Council's consultant also noted that the properties that would experience a noticeable reduction in VSC would also experience a corresponding reduction in daylight distribution. The impact to the affected properties at Aston Street would be as follows:
- 8.113 At 72 to 86 Aston Street, the northernmost affected terrace, 7 out of 8 ground floor habitable room windows would be affected with VSC of 0.67-0.76 of the former value. The resultant VSC would be at 21.30-24.43. At first floor, 12 out of 16 windows would be affected, with VSC of 0.71-0.77 of the former value, and resultant VSC of 21.59-25.15. At 2<sup>nd</sup> floor level none of the windows would be affected so as to result in lesser VSC than the standard of 27. While the reductions to the ground and first floor would be material and noticeable to the occupiers, the resultant VSC values indicate that the daylighting conditions would remain good or very good for an urban area.
- 8.114 At 62 to 70 Aston Street, 8 of 10 ground floor windows would be affected with VSC of between 0.71-0.79 and resulting VSC of 19.79-21.95. At first floor, 7 out of 10 windows would be affected and the values would be 0.74-0.79 and 21.84-22.10 respectively. Similarly, the daylighting conditions would be materially affected but good or very good daylighting conditions would remain.
- 8.115 At 42 to 60 Aston Street, the southernmost affected terrace, 10 out of 10 ground floor habitable room windows would be affected. Windows to two properties in the terrace are located under canopies/porches and due to this have lower existing VSC values; these would be affected to a much higher extent than the other eight properties - the VSC would be at 3.26 and 4.95 or 0.21 and 0.32 of the former value. This would represent poor daylighting conditions. The eight remaining ground floor windows would have VSC of 0.57-0.79 the former value and final VSC of 17.46-23.78. 19 out of 20 first floor windows would be affected, with resultant VSC of 19.58-23.17 or 0.61-0.77 of the former value. As with the northern and central terraces, the properties within the southernmost terrace would experience material and noticeable reductions to daylighting. Nevertheless, the resultant VSC values would remain at a level not uncommon in a residential area and generally representing good daylighting conditions.
- 8.116 To the south of the application site, the only materially affected property would be 14b Matlock Street, nevertheless the reductions would be minor and good daylighting conditions would be maintained. The two ground floor windows would have VSC of 0.76 and 0.79 of the former value and resultant values of 19.10 and 16.97 respectively.
- 8.117 More significant impacts would occur to the Lorne House and Cromarty House to the north of the application site. The impacts would be similar in nature, although Lorne House would face a 13 storey tower and Cromarty House would face a 5 storey perimeter block. The properties have south facing windows and balconies serving habitable rooms and currently enjoy large levels of daylighting and sunlighting, due to the current open aspect over the communal amenity space of Site H. Windows located below balconies would be particularly impacted but it is noted that each

habitable room with a balcony window also has two further narrow, unobstructed windows. All of the affected properties are dual aspect.

- 8.118 With regard to materially affected windows at Lorne House, there is no residential accommodation on the ground floor. The VSC of the affected windows at 1<sup>st</sup> floor level would be reduced to between 0.30 for the window under the balcony to 0.62-0.69 for the windows on either side. At 2<sup>nd</sup> floor, the reductions would be smaller, with 0.39 for the windows under the balcony and 0.66-0.72 for side windows. At 3<sup>rd</sup> floor the balcony window would receive 0.44 while the side windows 0.72-0.78 of existing VSC. With regard to the resultant VSC values, these would be at between 2.24 and 5.26 for balcony windows and at 13.39 to 20.21 for side windows.
- 8.119 Similarly, at Cromarty House, the VSC of the ground floor balcony window would be at 0.56 of the former value with side windows at 0.61-0.78. At 1<sup>st</sup> floor level, 0.53 for balcony and 0.67-0.77 for side windows. At 2<sup>nd</sup> floor level, 0.68 for balcony and 0.73-0.74 for side windows. With regard to the resultant VSC values, these would be at between 8.00-12.37 for balcony windows and at 17.94-25.33 for side windows. Windows to the 3<sup>rd</sup> floor would not be materially affected.
- 8.120 Overall, the three south facing flats within Lorne House would be affected to a greater extent with lesser but still material impact on the three properties within Cromarty House. The resultant VSC values would also be lower within Lorne House than Cromarty House and in both cases would fall below recommended guidelines. The present good daylighting conditions to these properties are due to their unusually open aspects over the communal amenity area of Site H and any substantial development on Site H would in any case result in a material impact on these properties. The daylight distribution would only be significantly affected for the 2 rooms with balconies at 1<sup>st</sup> and 2<sup>nd</sup> floor levels of Lorne House where the area receiving direct light would be at between 0.57 and 0.69 of the former value - these rooms would nevertheless maintain an Average Daylight Factor (ADF) in excess of the recommended levels and despite the reduction in the daylight distribution would remain reasonably well lit. In summary, while the southernmost flats at Lorne House and Cromarty House would be affected to a material extent, with resident experiencing a clear reduction to their daylighting condition, the properties would remain reasonably well lit for an urban area. The living standard of the occupiers of even the most affected flats at 1<sup>st</sup> and 2<sup>nd</sup> floor of Lorne House would not be affected to an unacceptable extent.
- 8.121 With regard to sunlight, the only residential properties which would be materially affected are again the south facing flats of Lorne House and Cromarty House to the north of the application site, however, only some windows would have sunlight hours reduced by more than 20% from the existing levels and generally the sunlighting conditions would remain good for an urban area.
- 8.122 Shadow diagrams were submitted showing the pattern of shadow on the ground at 2 hourly intervals for both the existing and proposed development sites. Having assessed the diagrams, the Council's consultant is satisfied that there would be no adverse impact on the amenity of neighbouring residential properties. Whilst there would be additional shadowing to the communal open space between Lorne House and Cromarty House, and to the private front gardens of the houses on Aston Street, the period of shadowing would be relatively short.
- 8.123 Overall, while some material impact would occur, officers consider that the design of the development and distribution of massing throughout the site minimises any adverse amenity impacts.

### Summary - Amenity

- 8.124 In conclusion, it is considered that the amenity impact of the development on the neighbouring residential occupiers would not be uncommon for a major development in an urban area. Whilst there would be a loss of daylight which would be noticeable to some of the surrounding occupants, the loss would not be significantly detrimental to the occupiers' living conditions. As any redevelopment of the application site seeking to maximise the site's housing potential and to deliver a large quantum of affordable housing would lead to a reduction in daylight to the surrounding occupiers, the loss of daylighting to a small number of properties would, on balance, be acceptable.

### **Transport, Access and Servicing**

- 8.125 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.126 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: "Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle." Policy SP09 provides detail on how the objective is to be met.
- 8.127 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.128 The site is within approximately 500m walking distance from the Limehouse Station to the south and 1000m from the Stepney Green Station to the north. A number of local buses stop on Ben Jonson Road and a Cycle Hire Station is located within the adjoining footway of Aston Street. The site enjoys good public transport accessibility with a PTAL level of 4.
- 8.129 Overall, the proposal's likely highways and transport impact are considered to be minor and acceptable to TFL and the Council's Transportation & Highways section. The relevant issues are discussed below.

### Cycle parking

- 8.130 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for residential development. In accordance with these standards, the application proposes 280 secure, covered spaces for residents and 28 visitor cycle parking spaces. The cycle stands would be distributed across the development site with an adequate number of spaces provided



within each access core, within private rear gardens and within the basement. Spaces for visitors would mainly be located outside the access cores with some spaces within communal courtyards. The storage areas are distributed across the site in a manner that would ensure each residential unit is located within a convenient distance to cycle parking.

#### Car parking

- 8.131 Policy DM22 sets out the Council's parking standards in new developments. The application site falls mainly within PTAL 4. Under the car parking standards set out in the Managing Development Document, the proposed development could provide maximum of 73 car parking spaces for the residential units. The application proposes a total of 40 spaces (39 car spaces along with 5 motorcycle spaces) which is within the policy limit and supported by Highways colleagues. In addition, officers note that the existing number of car parking spaces on site is also 40.
- 8.132 22 of the proposed spaces would be designed to be accessible to wheelchair users and management of the spaces to ensure Blue Badge holders are prioritised for spaces would be enshrined in the Parking Management Strategy secured by condition.
- 8.133 All of the proposed car parking would be located within a basement stretching under most of the application site. There would be a single vehicular access point, off Aston Street, in the northern part of the site. The car park access and layout are acceptable to Highways Officers and a sufficient area would be provided so that the vehicles waiting to access the car park would not obstruct the footway. All of the residential units would be located within a convenient distance to the car park.
- 8.134 The development would also be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme. Additionally, long term impacts would be managed through a Travel Plan.

#### Electric vehicle charging points

- 8.135 In accordance with London Plan and the Council's parking standards, developments should provide 20% active and 20% passive electric vehicle charging points. This is a requirement of both the Council's Highways team and TFL.
- 8.136 As currently there is generally little uptake of electric vehicles, the application proposes that 10% of parking spaces would be delivered as active and 30% as passive. Appropriate arrangements within the S106 agreement would ensure the review of their usage and trigger installation of further charging points.
- 8.137 Officers consider that this approach is acceptable in this instance and would ensure that the proposal appropriately encourages the uptake of low or zero emission motor vehicles in accordance with the broad aims of the relevant policies.

#### Servicing and refuse storage

- 8.138 The servicing of the development would take place mostly on site with access routes provided to each core. The proposed servicing arrangements are acceptable to the Council's Highways Officers. The applicant has demonstrated that goods vehicles would be able to enter and exit the site in forward gear from two separate access points on Aston Street (to service the southern and central sections of the site) and

by creation of a controlled access point with Elsa Street to service the northern part of the site. This would help to minimise the impact of deliveries and servicing of the development on the immediate highway network. Access to all of the vehicular routes on site would be restricted to refuse collection and servicing vehicles only so as not to create a general access through route.

- 8.139 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards.
- 8.140 Flats on the upper storeys as well as single aspect flats on the ground floor would use communal general waste and recycling stores located next to access core entrances. Ground floor units with access to the public realm would have individual stores within front gardens. The proposed capacity of the waste storage has been calculated for once-weekly collections, in accordance with policy standards and the Council's Waste Officer raises no objection.

#### Permeability, accessibility and way finding

- 8.141 With regard to permeability, accessibility and creation of a pedestrian environment, the proposal would improve the existing poor quality connections through the site and lead to creation of three east-west routes and one north-south route. All of the routes would be wide, well lit, well overlooked, fully landscaped and suitable for wheelchair users. The routes would not be accessible to motor vehicle traffic, except for servicing or in an emergency.
- 8.142 The proposal would thus provide for increased permeability and accessibility and improve connections to the adjoining green spaces and the town centre.
- 8.143 TFL have however requested the applicant to contribute towards development of the Legible London scheme with a financial contribution of £15,000 to pay for two Legible London signs; this in TFL's view would be necessary to ensure that the proposal encourages walking in line with the London Plan policy 6.10. Nevertheless, bearing in mind the benefits of the proposal in terms of permeability, accessibility and creation of a pedestrian environment, as outlined above, officers consider that the requested contribution is not necessary to make the development acceptable in planning terms and that it would be more appropriate to condition a wayfinding signage scheme across the site.

### **Sustainability and Environmental Considerations**

#### Energy efficiency and sustainability standards

- 8.144 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.145 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

- 8.146 The Ocean Estate is identified in the Core Strategy as a 'low carbon area' with an indicative heat main route passing through. In line with London Plan policy 5.6, the Core Strategy policy SP11 seeks to implement a network of decentralised heat and energy facilities that connect into a heat and power network. Policy DM29 requires development to either connect to, or demonstrate a potential connection to a decentralised energy system.
- 8.147 The Managing Development Document policy 29 includes the target for new developments to achieve a 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 8.148 The proposals have followed the London Plan energy hierarchy of Be Lean, Be Clean and Be Green, and sought to minimise CO2 emissions through energy efficiency and energy supply (CHP ~ 40kWe) to achieve a 41.4% reduction in CO2 emissions against the benchmark of Building Regulations 2010. The proposal also includes the installation of 180sqm (21kWp) photovoltaic array to further reduce emission by 2.38%. The CHP would be site-wide with plant room designed to enable a connection to a district wide heating network, should one be developed in the area in the future.
- 8.149 The overall CO2 emissions reductions considered achievable for the development are 46% and the development has been designed to achieve a minimum Code of Sustainable Homes Level 4.
- 8.150 The proposed energy efficiency and sustainability measures are supported by the Council's Energy Efficiency and Sustainability section. Nevertheless, as the proposal would fall short of the target 50% CO2 emission reduction, a contribution in-lieu is sought by the Energy Efficiency and Sustainability section for carbon offset projects in the vicinity of the site. As the shortfall is minor and the energy efficiency measures have been maximised taking into account the viability of the proposal, it is considered that the proposal broadly complies with the relevant policies and that no further mitigation is required.

#### Ecology, biodiversity and trees

- 8.151 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and policy DM11 of the Managing Development Document 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 an overall increase in biodiversity.
- 8.152 The applicant has submitted a Habitat Survey, a Bat Survey and a Tree Survey.
- 8.153 Natural England has confirmed in their consultation response that the proposal would be unlikely to affect any statutorily protected sites and landscapes. The Council's Biodiversity Officer has confirmed that there is nothing of significant biodiversity value on the application site and bat surveys confirm no signs of bat roosts. There would therefore be no adverse impact on biodiversity.
- 8.154 The scheme includes numerous features which would ensure significant biodiversity benefits. In particular, the landscaping includes numerous features such as themed planting beds, swales and rain gardens, woodlands planting swathes, bulb planting and extensive use of native species. Green and brown living roofs are proposed throughout the development. Bird and bat boxes are also proposed. Full details would be reserved by condition.

- 8.155 A Tree Survey report has been submitted and reviewed by the Council's Tree Officer who raised no objection subject to suitable replacement planting. In general, the report identifies that there are no category A (high quality) trees on or immediately adjoining the site, with 26 category B (moderate quality), 9 category C (low quality) and 1 category U (unsuitable for retention). All of the trees surveyed would need to be removed to facilitate the development proposal as it would not be practical to retain any trees within the application site. The proposed landscaping provides for planting of approximately 50 trees of varying, predominantly native species.
- 8.156 Taking into account the moderate to low value of the existing trees on site, the proposed quantity and quality of replacement trees, the likely significant biodiversity gains resulting from the scheme and the fact that it would not be possible to develop a high quality scheme delivering a considerable number of homes on this site without substantial tree removal, on balance, it is considered that the proposal would be acceptable in policy terms.

#### Air Quality

- 8.157 Policy SP03 of the Core Strategy and DM9 of the Managing Development Document seek to deliver air quality improvements by promoting the use of public transport, reducing reliance on private motor vehicles and introducing a 'clear zone' in the borough. The whole area of Tower Hamlets qualifies to be an air quality control zone and policy seeks to prevent new development from contributing to poor air quality.
- 8.158 The Air Quality Assessment submitted with the application identifies that the proposal would have a generally negligible effect on air quality and that there would not be a significant increase in pollutant concentrations. Measures to control dust from the demolition and construction process would be secured as part of the Demolition and Construction Management Plan.

#### Land Contamination

- 8.159 There is no history of industrial uses within or immediately adjoining the application site and therefore no land contamination remediation works would be needed.

#### Flood Risk

- 8.160 The application site is located within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding) which means that it is appropriate for residential use without any mitigation measures.
- 8.161 The Flood Risk Assessment submitted with the application identifies that the site is located within an area of medium to low risk of groundwater flooding. The proposed basement would be watertight and would not restrict the flow of ground water. The construction overall would not have any significant effect on local hydrology or flood risk to surrounding areas. The flood risk from surface water and overland flows is also low and would not require special mitigation measures.
- 8.162 Measures for management of surface water run-off and sustainable drainage would be reserved by condition but the applicant has provided details of proposed sustainable urban drainage strategic including brown and green roofs, porous surfaces, water butts, swales and rain gardens. Thames Water raises no objection with regard to sewerage infrastructure capacity.

### **Utilities Infrastructure/Crossrail/TFL Cycle Hire Station**

- 8.163 Two Crossrail tunnels run underneath the application site. Crossrail have been involved in development of the scheme and the implications of the presence of railway tunnels have been taken account of in the development of the proposal.
- 8.164 Crossrail raise no objection subject to the following being secured by condition:
- a) Development should not be commenced prior to approval of detailed design and construction method statements to accommodate the location of Crossrail structures, accommodate ground movement arising from construction of Crossrail, mitigate the effect of noise and vibration arising from the operation of Crossrail and mitigate the effect on Crossrail of ground movement arising from development.
  - b) Development should not be commenced prior to approval of method statements to ensure that construction of Crossrail would not be impeded during concurrent working. No below ground works to take place when tunnelling works are undertaken within the vicinity of the site.
- 8.165 As Crossrail tunnels run below the site the applicant would need to fully address the issue of ground borne vibration so that the operation of the railway line would not affect the living conditions of the future occupiers of the development. In accordance with the request of the Council's Environmental Health Officer, conditions would be imposed to secure the full details and method statements of all ground floor and below ground floor structures, including piling, to be submitted and approved in writing to ensure that no perceptible ground borne vibration occurs to the residential properties. Post-completion tests would also be conditioned.
- 8.166 A Thames Water sewer also runs below the site but would not be affected by the proposal. Subject to imposition of a condition requiring details of below ground works, Thames Water raises no objection. The application also involves relocation of the National Grid substations within the application site.
- 8.167 The application proposals would necessitate the relocation of a TFL Cycle Hire docking station on Aston Street to accommodate access to one of the residential access cores. TFL does not object to the principle of this but requests that a Grampian condition is imposed on any consent requiring TFL's written agreement to a design and build programme for the relocated docking station prior to any works commencing on site. Officers consider that it would be more appropriate to impose a condition preventing occupation of the relevant access core prior to relocation of the cycle hire docking station.

### **Health Considerations**

- 8.168 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 while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.169 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
- Providing high-quality walking and cycling routes.
- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

8.170 The application proposal would lead to creation and enhancement of walking and cycling routes, improve access to the White Horse Park and provide a substantial amount of private, communal and publicly accessible open space and play space. A residents gym would also be provided. Furthermore, the proposal would result in replacement of poor quality housing which does not meet the Lifetime Homes or Decent Homes criteria with high quality contemporary housing. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

8.171 Overall, even though no health infrastructure contributions were secured, it is considered that the proposal broadly accord with the abovementioned policies and would generally contribute to improved health outcomes and opportunities for active and healthy lifestyles.

#### **Planning Obligations and CIL**

8.172 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).

8.173 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) Fairly and reasonably related in scale and kind to the development.

8.174 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

8.175 Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.

8.176 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13.

8.177 The SPG also sets out the Borough's key priorities:

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.178 In order to ensure that the proposed development is deliverable and viable, a financial appraisal has been submitted by the applicant. This appraisal has been independently assessed by a qualified consultant appointed by the Council. The appraisal concludes that using conventional viability assessment methods, the development would be unviable and would not be able to withstand any S106 financial contributions. Even though the development would not be deliverable under ordinary market circumstances, the applicant, a registered housing provider and a regeneration charity, is prepared to internalise the increased risks and able to raise the required funds.

8.179 The applicant recognises the need to mitigate the impacts arising from the development and has made available a financial contribution of £200,000 towards local infrastructure. Having had regard to the viability of the scheme and the Council's priorities, the entire sum has been allocated to provision of educational facilities. This allocation has been discussed and agreed by the Planning Contribution Overview Panel.

8.180 The following non-financial planning obligations were also secured:

- a) Affordable housing 61.2% by habitable room (121 units)
  - 81.59% Affordable Rent at East Thames levels (92 units)
  - 18.59% Intermediate Shared Ownership (29 units)
- b) Access to employment
  - 20% Local Procurement
  - 20% Local Labour in Construction
  - 1 new apprenticeship per £3m of contract value; and
  - 5 waged trainees placed on site
- c) Car free agreement
- d) Public access to publicly accessible open space and through routes
- e) In-kind delivery of improvement works to the Whitehorse Park (estimated cost £340,000)
- f) Provision of 10% active and 30% passive electric vehicle charging points with monitoring of their use to indicate when further active provision is required

8.181 A contribution of £200,000 towards education facilities would however not fully mitigate all of the impacts of the development. In line with the Council's SPD and having discounted the open space contribution due to in-kind provision, the proposal would require a total of £1,393,843 of which £869,493 would be required for provision of education facilities, £156,320 for health facilities, £121,687 for leisure facilities, £43,774 for employment and skills training, £32,634 for Idea Stores, libraries and archives and £166,050 for streetscene improvements. This high amount is reflective of the proposed affordable housing numbers which have higher child and population yields.

- 8.182 Officers consider that the proposal represents a unique opportunity to redevelop the substandard housing on site and deliver a substantial number of high quality affordable homes including a larger proportion of family sized units and a larger proportion of affordable rented accommodation at below POD levels. The proposal would provide an extensive amount of high quality, landscaped, publicly accessible open space including in-kind improvements to the adjoining Whitehorse Park, and in-kind access to employment initiatives. The scheme would also provide a financial contribution, secured as a planning obligation, towards education facilities in the Borough. The public and regenerative benefits of the proposal would be substantial.
- 8.183 Nevertheless, the financial obligations proposed would fail to fully mitigate the impact of the development proposal, in particular with regard to provision of education, healthcare and community facilities.
- 8.184 In conclusion, having taken into account the special circumstances of the case and the results of the independently reviewed viability assessment, officers consider that, on balance, the substantial public benefits and the regenerative potential of the proposal outweigh the proposal's inadequacies with regard to mitigation of all of the infrastructure impacts of the development.

### **Local Finance Considerations**

- 8.185 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.
- 8.186 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.;
- 8.187 Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would normally be payable. However, officers have determined that due to estimated amount of the affordable housing relief and the amount of the existing occupied floorspace on site, it is likely that the proposal would not be liable for any CIL payments.
- 8.188 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.



8.189 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 £163,676 in the first year and a total payment £982,058 over 6 years.

### **Human Rights Considerations**

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

8.191 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".

8.192 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.

8.193 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.194 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.

8.195 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

## **Equalities Act Considerations**

8.196 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

8.197 The proposed contributions towards education infrastructure, qualitative and quantitative improvements to the provision of public open space, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a substantial quantum of high quality affordable housing and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

## **9.0 CONCLUSION**

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

## **10.0 DRAWINGS AND DOCUMENTS SUBMITTED**

### **10.1 Drawings:**

2969.D.001 rev P1, 2969.D.002 rev P1, 2969.D.003 rev P1, 2969.D.014 rev P1, 2969.D.015 rev P2, 2969.D.050 rev P2, 2969.D.051 rev P2, 2969.D.052 rev P2, 2969.D.053 rev P2, 2969.D.054 rev P1, 2969.D.055 rev P2, 2969.D.056 rev P2, 2969.D.057 rev P2, 2969.D.058 rev P2, 2969.D.059 rev P1, 2969.D.060 rev P1, 2969.D.061 rev P1, 2969.D.062 rev P2, 2969.D.063 rev P2, 2969.D.064 rev P1, 2969.D.070 rev P1, 2969.D.071 rev P1, 2969.D.110 rev P2, 2969.D.111 rev P1, 2969.D.112 rev P1, 2969.D.113 rev P1, 2969.D.114 rev P1, 2969.D.115 rev P2, 2969.D.116 rev P2, 2969.D.119 rev P2, 2969.D.121 rev P2, 2969.D.122 rev P1, 2969.D.140 rev P1, 2969.D.141 rev P1, 2969.D.142 rev P1, 2969.D.143 rev P1, 2969.D.144 rev P1, 2969.D.145 rev P1, 2969.D.149 rev P1, 2969.D.151 rev P2, 2969.D.152 rev P1, 2969.D.160 rev P1, 2969.D.161 rev P1, 2969.D.162 rev P1, 2969.D.163 rev P1, 2969.D.210 rev P2, 2969.D.211 rev P2, 2969.D.212 rev P2, 2969.D.213 rev P2, 2969.D.214 rev P1, 2969.D.215 rev P1, 2969.D.216 rev P1, 2969.D.217 rev P1, 2969.D.220 rev P2, 2969.D.221 rev P2, 2969.D.221 rev P2, 2969.D.222 rev P2, 2969.D.223 rev P2, 2969.D.224 rev P1, 2969.D.225 rev P1,

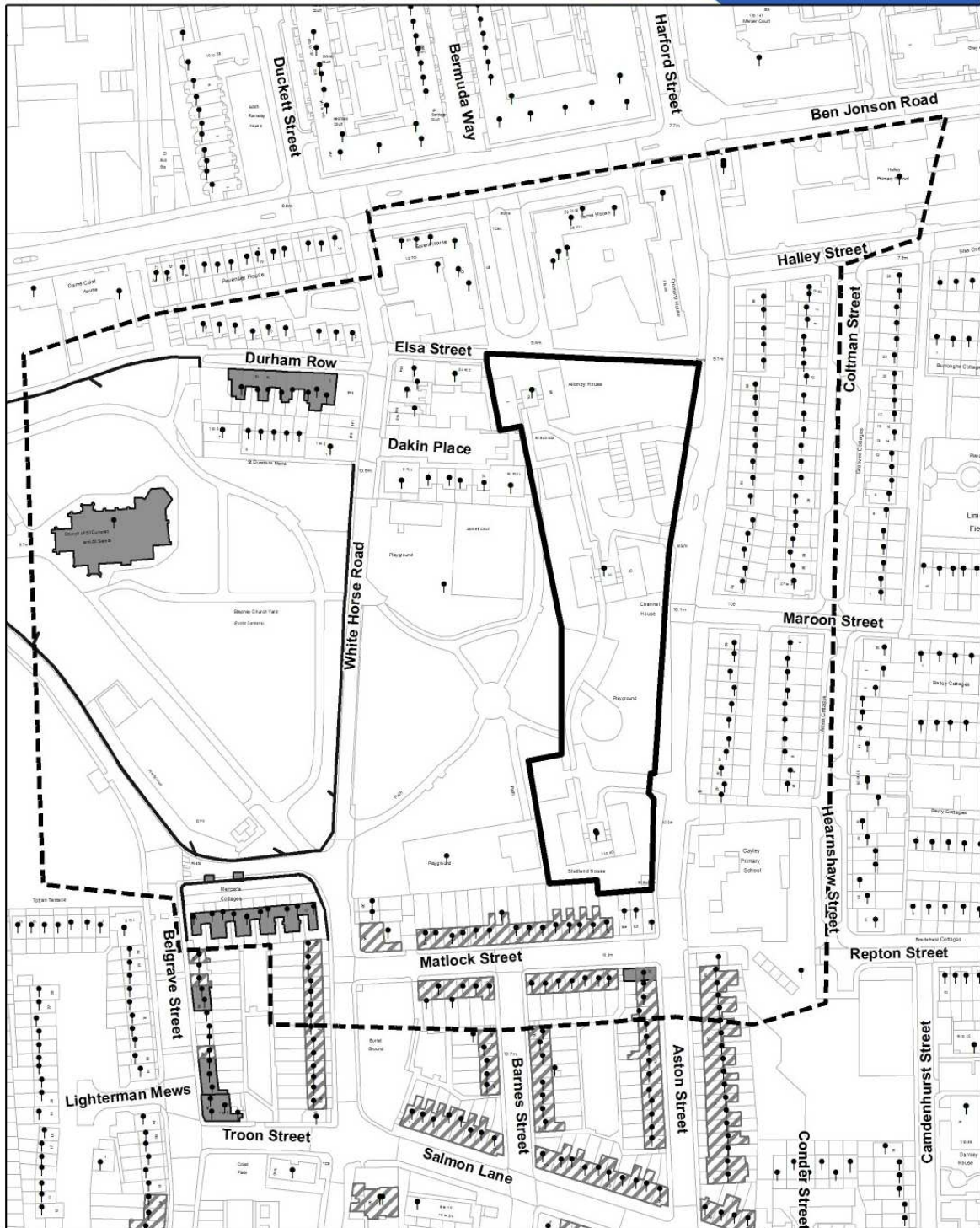
2969.D.226 rev P1, 2969.D.230 rev P1, 2969.D.250 rev P1, 2969.D.251 rev P1, 2969.D.252 rev P1, 2969.D.801 rev P3, 2969.D.803 rev P1, 2969.D.804 rev P1, 2969.D.810 rev P1, 2969.D.811 rev P1, 2969.D.812 rev P3, 2969.D.813 rev P1, 2969.D.815 rev P3, 2969.D.817 rev P3, 2969.D.818 rev P1, 2969.D.820 rev P1, 2969.D.830 rev P3, 2969.D.831 rev P3, 2969.D.834 rev P2, 2969.D.840 rev P1, 2969.D.841 rev P3, 2969.D.842 rev P1, 2969.D.845 rev P1, 2969.D.846 rev P2, 2969.D.851 rev P3, 2969.D.861 rev P3, 2969.D.864 rev P3, 2969.D.865 rev P3, 2969.D.890 rev P1, 2969.D.891 rev P1, 2969.D.892 rev P1, 2969.D.893 rev P1, 2969.D.901 rev P3, 2969.D.902 rev P2, 2969.D.903 rev P1, 2969.D.904 rev P2, 2969.D.905 rev P2, 2969.D.906 rev P1, 2969.D.907 rev P1, 2969.D.908 rev P1, 2969.D.920 rev P1, 2969.D.921 rev P1, 2969.D.950 rev P1, 1000001346-D-SK-01-A, 1000001346-D-SK-02, 1000001346-D-SK-03-A, 1000001346-D-SK-04 and 1000001346-D-SK-05.

## **10.2 Documents:**

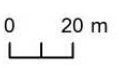
- Design & Access Statement, by Levitt Bernstein, dated December 2013;
- Verifiable photomontage images, by Munrostudios, dated January 2014;
- Planning Statement, by Barton Willmore, dated December 2013;
- Heritage Statement, by Rachel James, rev 06.12.13;
- Archaeological Desk-based Assessment, by Allen Archaeology, ref 2013128, dated October 2013.
- Housing Strategy Statement, by Barton Willmore, dated December 2013;
- Transport Assessment, by Project Centre, dated December 2013;
- Full Residential Travel Plan, by Project Centre, dated December 2013;
- Delivery and Servicing Plan incorporating Construction and Logistics Plan, by Project Centre, dated December 2013;
- Daylight & Sunlight Report, by Schroedersbegg, ref 1068/B, December 2013;
- Flood Risk Assessment, by Price & Myers, dated October 2013, revised December 2013;
- Tre Survey Report, by RGS, dated August 2013;
- Extended Phase 1 Habitat Survey, by D F Clark Bionomique, ref DFCP 2689 rev A, dated 05/12/2013;
- Bat Survey, by D F Clark Bionomique, ref DFCP 2689, dated 31/01/2014;
- Air Quality Assessment, by Hawkins Environmental, dated 07/01/2014;
- Energy Strategy Report, by TUV SUD, dated December 2013;
- Energy Strategy Addendum, by TUV SUD, dated 03.02.2014
- Sustainability Statement, by TUV SUD, dated December 2013;
- Utilities Report, by TUV SUD, dated December 2013;
- Unit Schedule ref 2969.D.005 rev P1;
- Site Location Plan, ref 269.D.010 rev P1.

## **11.0 SITE MAP**

**Planning Application Site Map**  
PA/13/02911



- Planning Application Site Boundary
- Consultation Area
- Locally Listed Buildings
- Statutory Listed Buildings
- Land Parcel Address
- OSLine



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

<b>Committee:</b> Strategic	<b>Date:</b> 25 <sup>th</sup> February 2014	<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> Jane Jin	<b>Ref No:</b> PA/13/02692
	<b>Ward:</b> St Katherines's and Wapping

## 1. APPLICATION DETAILS

<b>Location:</b>	Sceptre Court, 40 Tower Hill, London EC3N 4DX
<b>Existing Use:</b>	Office Use (Use Class B1)
<b>Proposal:</b>	Change of Use from Office (Use Class B1) to a dual use as Higher Educational Establishment (Use Class D1) and Office (Use Class B1)
<b>Drawing and documents:</b>	E13-011/S100; 11045/-1.101; 11045/1.101; 11045/2.101; 11045/3.101; 11045/4.101; 11045/5.101; 11045/6.01; E13-011/P01 Rev A; E13-011/P02 Rev B; E13-011/P03 Rev A; E13-011/P04 Rev A; E13-011/P05 Rev A; E13-011/P06 Rev A; E13-011/P07 Rev A; E13-011/P08 Rev A;  Planning Statement with ref E13-011/PS-NOV13 Rev A; Leasing Issues Report by DTZ dated Oct 2013; Transport Assessment by Travel Plan Services dated September 2013; and Statement of Business Plan for Sceptre Court dated October 2013
<b>Applicant:</b>	London School of Business and Finance
<b>Ownership:</b>	Sceptre Court Holdings Ltd
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	The Tower Conservation Area

## 2. EXECUTIVE SUMMARY

- 2.1. This application is reported to the Strategic Development Committee as the proposal is departure from the Development Plan.
- 2.2. This application is referable under Category 3E of the Schedule to the Order 2008: 'Development – a) which does not accord with one or more provisions of the development policies force in the area in which the application site is situated; and b) comprises or includes the provision of more than 2,500sq.m of floorspace for a use

falling within any of the classes in the Use Classes Order – xi) class D1 (non-residential institutions).

- 2.3. 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.
- 2.4. Officers consider, on balance, the proposed dual use of Higher Education and Office Use would maintain the employment levels to a degree which would not affect the role of the Central Activities Zone and therefore would not undermine the function and the role of the Preferred Office Locations.
- 2.5. The proposed D1 use as a higher educational establishment would complement and support the specialised uses within the Central Activities Zone; and would support the expansion of higher education facilities in the borough.
- 2.6. The proposed uses are not likely to have any varying impact on the public transport network or the adjacent highway and its network to what currently exists as a B1 Use, due to the similarity in the density of the uses.
- 2.7. 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 proposal would also provide scholarship programmes to the local residents which can provide opportunities for the local residents.

### 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) Employment (Construction Phase) - £60,436.00
  - b) Employment (End-user Phase)- £69,426.00
  - c) Idea Stores, Libraries and archives - £10,584.42
  - d) Leisure facilities - £30,779.00
  - e) Public Open Space - £50,419.98
  - f) Streetscene and Built Environment - £59,040.00
  - g) Monitoring fee (2%) – £5,613.71
- Total = £286,299.11

#### Non-financial contributions

- a) secure a minimum of 20% of jobs (to be defined as non-technical placements), created by the construction and end-user phases of new development;
- b) seek 20% of the total value of contracts, which procure goods and services during the construction phase of the development;
- c) Work in partnership with the Council to provide a minimum of 10 Scholarship programmes to local residents; and
- d) Car free;

e) 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) 15 years consent – to revert back to Office Use
- 2) Compliance with approved plans
- 3) Use in D1 as Higher Educational Establishment only
- 4) Delivery Servicing Management Plan
- 5) Blue Badge parking bays
- 6) Construction Management Plan
- 7) Travel Plan (with cycle parking monitoring)
- 8) Cycle stand details
- 9) Acoustic Report

3.7. **Informatives**

**4. PROPOSAL AND LOCATION DETAILS**

**Proposal**

4.1. The proposal is for a change of use from an existing B1 office building at Sceptre Court, 40 Tower Hill, to Use Class D1 as a higher educational establishment and associated B1 Office Use.

4.2. The proposal will involve the conversion of the existing 11,600sq.m of B1 office space to 8,700sq.m D1 Use as higher educational establishment and 2,900qs.m will be retained as offices which would be associated with the D1 use.

4.3. The applicant is the London School of Business and Finance (LSBF), working in partnership with the University of Lincoln, who are a recognised provider of higher education. The applicant is seeking to use the application site as D1 Use for the duration up to 15 years.

4.4. There are no external changes proposed however internal re-configuration and alterations would be required to accommodate D1 Use as higher educational establishment.

**Site and Surroundings**

4.5. The application site is a triangular site and is an island site bounded by three streets, Mansell Street fronting the south-east elevation, Shorter Street fronting the north elevation, and Tower Hill fronting the south-west elevation. It is located on the western edge of the borough boundary with The City of London and across Tower Hill is the Tower of London. The existing building is 7 storeys in height and comprises a total of 11,600sq.m of office floor space.

- 4.6 The site falls within the spatial policy designations Central Activities Zone; Tower Hamlets Activity Area; and a Preferred Office Location as identified within the London Plan 2011 and the Council's Core Strategy 2010.
- 4.7 The site lies within The Tower Conservation Area; and is within close proximity of the World Heritage Site, The Tower of London.

### **Relevant Planning History**

- 4.8 An application was submitted for the same proposal in June 2013 however it was withdrawn at the advice of officers due to lack of commercial appraisal/marketing evidence surrounding the justification of the loss of existing office use. Otherwise there is no other relevant planning history for the site however the existing building was a purpose built office building erected in the 1980's.

## **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; and Draft Further Alterations to the London Plan (consultation edition 2014)**

- 2.10 Central Activities Zone – Strategic Priorities
- 2.11 Central Activities Zone – Strategic Functions
- 2.13 Opportunity Areas and Intensification Areas
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.18 Education facilities
- 4.1 Developing London's economy
- 4.7 Retail and town centre development
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.2 An inclusive environment
- 7.4 Local character
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 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  
SP05 Dealing with waste  
SP06 Delivering successful employment hubs



- SP07 Improving education and skills
- SP08 Making connected Places
- SP10 Creating Distinct and Durable Places
- 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
- DM8 Community infrastructure
- DM10 Delivering open space
- 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
- DM27 Heritage and the historic environments
- DM28 World heritage sites

5.6. **Supplementary Planning Documents**

Planning Obligations SPD – LBTH – January 2012

5.7. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

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

**6. CONSULTATION RESPONSE**

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

6.2. The following were consulted regarding the application:

**Transport for London**

6.3. Comments incorporated into GLA Stage I response – See GLA Stage I response below.

**English Heritage**

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

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

**Historic Royal Palaces**

6.6. As there will be no substantive changes to the external appearance of the building, and therefore no direct impact on the setting of the Tower of London WHS, HRP has no objections to the proposals. Indeed, we welcome the diversification of use on the site.

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

#### **City of London**

6.8. The City does not wish to make any observations in relation to this proposal.

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

#### **Greater London Authority (Stage 1 response)**

6.10. The London Plan policies on change of use, education, office use and transport are relevant to this application. The application complies with the London Plan.

Offices: The temporary change of use to education is acceptable, in this instance.

Education: The proposals to enhance education and skills provision are supported.

#### Transport for London

Accessibility of the car parking spaces for Blue Badge holders and the delivery and servicing plan (DPS) should be secured by conditions.

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

#### **Transportation & Highways**

6.12. Insufficient information is provided to adequately assess the proposal in terms of the highways and transportation elements of this proposal. Further detail is required on servicing requirements; detailed plan of the two car parking spaces as proposed; breakdown of numbers of staff and students in order to establish whether an adequate provision for cycle parking is provided; alternative methods of cycle storage provision; and re-design of the cycle store entrance door does not swing outwards.

In addition to the above, the following should be secured as a condition/s106 agreement.

- Travel Plan;
- Servicing Management Plan;
- Construction Management Plan;
- Car-free
- Any s278 agreement with relevant highway authority.

6.13. *[Officer Comment: The requested information has been submitted to the officers to review. Given that the serving and delivery will take place off the highway it is not considered to have any significant impact on the highway network. The applicant has confirmed that the likely servicing and delivery frequency is expected to be similar to that of the existing office use and therefore there would be no net additional impact to the highway network. Nevertheless, a condition will be secured for the submission of a full delivery and servicing management plan and which will need to be agreed with TfL who are the authority for the surrounding roadnetwork. The details of the two car parking space have been provided which is located within the site, and would be*

*designated for blue badge holders. The number of students and staff would mean that a total minimum of 70 cycle parking is required. The submitted details show 90 spaces with double tier stands. The full detail of the cycle parking provision is assessed in detail within the transportation section of this report. In relation to the entrance doors, these are located within the site, off the public highway and therefore are of no concern. The suggested conditions and s106 obligations are recommended.]*

6.14. **Waste**

6.15. Waste storage arrangements are satisfactory. No objection to the proposal.

6.16. **Environmental Health (noise)**

6.17. An acoustic report is required to show that: The Noise Rating level for schools should not exceed the Noise Rating NR35; and D1 & B1 use, all plant and equipment must meet BS4142.

6.18. *[Officer Comment: A condition will be recommended for acoustic report to be submitted and complied with.]*

## 7. LOCAL REPRESENTATION

7.1. A total of 2 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	0	Objecting:	0	Supporting:	0
No of petitions received:	0				

## 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
- § Human Rights
- § Equalities

### **Land Use**

8.2. The proposal is to convert the existing 11,600sq.m of office floor space to a dual use of higher educational establishment and B1 office use. The proposal would see the loss of large quantum of office floor space within the Council's Preferred Office Location, Central Activities Zone and the Tower Hamlets Activity Zone.

### Loss of B1 use

- 8.3. Policy DM1 supports the continued enhancement and promotion of the Central Activities Zone. It also supports the mix uses within the Tower Hamlets Activity Areas.
- 8.4. Employment uses are managed in accordance with SP06 of the Core Strategy, which seeks to ensure job opportunities are provided and maintained. Policy SP06 in the adopted Core Strategy (2010) state that larger floor plate offices should be focussed in Preferred Office Locations (POLs).
- 8.5. This is further reiterated in the Managing Development Document (MDD) policy DM16, which states that 'Developments resulting in the net loss of office floor space in POLs will not be supported'.
- 8.6. In the case of the application proposal, whilst the proposal would see a net loss of B1 Office use through substantial conversion to a D1 Use to be occupied by the London School of Business & Finance in partnership with the University of Lincoln, it has to be considered on the basis of the acceptability of the D1 use within the CAZ and POL designation.
- 8.7. The applicant has submitted a supporting report which looks at the leasing issues in relation to the current use as office and the supply of modern office spaces within the vicinity. The report submitted identifies the availability of office stock which is currently under construction and recently completed compared to lack of demand for these offices in the current market. The application site's previous tenant has already re-located due to the inadequacies of the building as an office and therefore the building has been marketed over 18 months without a successful lease arrangement.
- 8.8. Whilst there may be marketing justification for an alternative use for this building, it is important that the proposed alternative use provide a supporting role and/or a specialised use that is acceptable in CAZ and the POL, and therefore the acceptability of the alternative use is a key consideration in this instance. The acceptability of the proposed use is expanded below.
- 8.9. The applicant have applied for a 'temporary' use as D1/B1 of no more than 15 years, however the Officers consider that the 'temporary' nature is not a key deciding factor, rather, it is the acceptability of the proposed use within the location the application site lies.

#### Higher Education Use (D1)

- 8.10. At the National level, NPPF emphasise the need for planning policies to aim for a balance of land uses within the area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
- 8.11. The London Plan policy 3.18 is supportive of the provision and enhancement of education facilities across the city and states:  
  
*'The Mayor will support the provision of early years, primary and secondary school and further and higher education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice, particularly in parts of London with poor educational performance'.*
- 8.12. Further, the London Plan policy 3.18 states:

*'Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes'.*

- 8.13. The Council's own policy within the Core Strategy SP07 supports growth and expansion of further and higher education facilities in the borough. The policy further supports wider skills training and education of residents within the borough by supporting local universities and colleges.
- 8.14. The Council's Managing Development Document policy DM19 supports new further and higher education facilities where they are in or at the edge of town centres; amongst other things.
- 8.15. The applicant is London School of Business and Finance who provides industry led and further adult education to the employees of City based institutions and professional firms. The college would provide undergraduate and post graduate qualifications; and courses for working professionals, which is aimed at both local and international students and vocational qualifications for people already in the field. LSBF currently have 6 campuses in London and is looking to expand. With the current proposal, it is likely that the site will initially have 120 full and part-time employee associated with running of the premises such as catering, administration and academic staff. However, indirect employment is also likely to be generated associated with the use.
- 8.16. The application site location is considered suitable for educational establishment as the site is well connected with Public Transport providing an accessible location to all; and is within a town centre. The location is also ideal for vocational qualifications for those located within the City and Isle of Dogs, supporting further wider skills training and education for the borough's day time residents and the residents themselves. LSBF is also committed to work with the Council to provide Scholarships for Tower Hamlets residents which would delivered through a s106 planning obligations.
- 8.17. The proposed use is considered to be compatible in the CAZ and POL designations as it would provide a supporting role in providing employment, and given its site's location the educational use can be supported in this instance.
- 8.18. Whilst the employment numbers are not known from the previous tenant of the office use, using the employment density guide from the Homes and Community Agency 2010, it is estimated that the office use alone could accommodate up to 960 jobs however the proposal with D1 and associated B1 is likely that the employment numbers on site can be in the region of 450. Nonetheless, the use is considered to facilitate employment, and qualifications which would lead to general professional employment. The college would also provide opportunities for the borough's residents, and therefore the proposed use is considered to be an appropriate alternative use within this spatial designation that is acceptable.
- 8.19. The proposal, whilst departure from the Development Plan, can be supported in this instance, as the proposed use is acceptable in CAZ and the loss of employment opportunity is limited. On balance, due to the acceptability of the proposed use within the spatial designations, and having regard to the commercial viability of the office use and bringing the site back into a complementary use to the role of the CAZ, the proposed dual use of D1 and B1 is acceptable and would accord with education policies within the London Plan and the Local Plan.

## **Urban Design and Heritage Assets**

### Policy Context:

- 8.20. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.21. Chapter 7 of the London Plan places an emphasis on robust design in new development.
- 8.22. 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:

- 8.23. The proposal does not include any external alterations to the building and would only involve minor internal alterations to make the layout suitable for the intended D1/B1 Uses. Given the existing office floor layout, the required internal changes are very minor and would only involve removal or insertion of partition walls, generally. Therefore, there would no significant urban design implications as a result of the proposal.
- 8.24. In relation to the setting of the World Heritage Site (WHS), The Tower of London, and The Tower Conservation Area which the site lies in, the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Parts 1-3 of strategic policy SP10 of the CS provides 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.
- 8.25. Given the nature of the application it is considered that the proposal would not impact upon the WHS, and the setting of the Conservation Area. The Historic Royal Palaces welcomed the diversification of use on the site whilst English Heritage did not have any comments to make on the proposal. Therefore, it is considered that the proposed change of use would not have any direct impact on the heritage assets.
- 8.26. **Amenity**
- 8.27. Strategic policy SP10 of the Core Strategy and policy DM24 of the MDD seek to protect the amenity of residents of the borough.
- 8.28. The hours of operation and activities associated with the college would be similar to the operations of an office, although it is expected that the college will run after hour's classes/lectures. Nonetheless given the site's location and the in a town centre, such activities is unlikely to have any significant impact to commercial occupiers of nearby buildings, and as the nearest residents being 150m away on Cartwright Street and Star Street, there would be no direct impact. Nonetheless, as required by the Council's Environmental Health Officer, an acoustic report will be required through a condition.
- 8.29. Therefore, subject to a condition, the proposal is not likely to raise any impacts associated with residential amenity.

## Transport, Connectivity and Accessibility

### Car Parking

- 8.30. 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'.
- 8.31. The proposal includes the provision of two on-site car parking spaces (disabled spaces only). This level of parking is considered acceptable as the application site is located in an area with excellent access to public transport, with a Public Transport Accessibility Level (PTAL) of 6. Accordingly, given the PTAL rating, it is recommended that a condition be included to secure the development as 'permit free'.

### Cycle Parking

- 8.32. 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.

- 8.33. Table 1: Adopted Cycle Parking Standards

Use	Minimum Cycle Parking (minimum 2 spaces)
B1a offices	1 space per 120 sqm
D1 higher educati onal establis hment	<i>1 per 8 staff/student</i>

- 8.34. Taking into account the above minimum standards, the proposed development would be required approximately 36 cycle parking spaces based on 120 staff and 2,600sq.m of office space. However it is anticipated that more cycle parking spaces would be required for students. Whilst the total maximum number at one given time cannot be determined, LBSF have indicated that it could be up to 350 students with 50 staff. In this instance the cycle parking requirement would be higher at approximately 70 spaces. The proposal provides approximately 90 cycle parking spaces which would be provided by a double tier cycle stands. The applicant has also provided further cycle parking area in an event that the demand for spaces would arise. It is considered through monitoring of the use secured by a Travel Plan, the demand for cycle parking spaces can be accommodated within the site. It is noted that a variety of cycle parking stands is sought from the Council's Highways Officer and therefore this will be conditioned for the full details of the cycle parking to be submitted and approved.

### Servicing

- 8.35. 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.

- 8.36. The proposal provides an on-site servicing area via the existing undercroft access road accessed off Tower Hill and egress out to Mansell Street. It is likely that the servicing activity for the proposed use would be similar to that of the Office use, and given that on-site facilities are available, it is unlikely to generate significant net additional impact to the highway network. The applicant have stated that the expected deliveries would be similar to that of other campuses in London, in that it is likely to be daily early morning deliveries for perishables and other small scale deliveries at approximately one delivery fortnightly. The TfL have commented that given the very low car parking provision and the low number of forecast vehicle movements associated with servicing and refuse collection, the impact on the Transport for London Road Network and the Strategic Road Network is considered to be acceptable. This can be applied to the Local Road Network.
- 8.37. Taking into account the above, subject to condition requiring a Servicing and delivery Management Plan and Construction Logistics Plan, it is considered that the proposed servicing arrangements for the proposed 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

- 8.38. 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.
- 8.39. The proposed development includes a designated refuse stores within the site, which can be collected off the highway. The Council's Waste officer supports the proposal and therefore the proposed arrangement is acceptable.

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

- 8.40. 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.
- 8.41. 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.
- 8.42. 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.
- 8.43. The document also set out the Borough's key priorities being:



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

8.44. The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

8.45. 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. In the case of the proposed development, the students and employees who come to the site is likely to add pressure to the local services such as open spaces; community facilities; leisure facilities and general public realm. However, the priority of them all is seeking employment opportunities.

8.46. Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £286,299.11. This has been applied as follows through the SPD.

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

#### Financial Contributions

- A contribution of **£60,436.00** towards employment, skills, training and enterprise during Construction Phase.
- A contribution of **£69,426.00** towards employment, skills, training and enterprise during End Use Phase.
- A contribution of **£10,584.42** towards Libraries.
- A contribution of **£59,040.00** towards Public Realm.
- A contribution of **£50,419.98** towards Open Spaces
- A contribution of **£30,779.00** towards Leisure
- A contribution of **£5,613.71** (2%) of the total financial contributions would be secured towards monitoring.

Total Financial Contribution: **£ 286,299.11**

#### Non-financial Contributions

- Car-free
- Scholarship programme offered to Tower Hamlets residents to be agreed with the Council;
- 20% local employment and 20% procurement;

8.48. 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

- 8.49. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:
- 8.50. 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.
- 8.51. 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.
- 8.52. These issues are material planning considerations when determining planning applications or planning appeals.
- 8.53. 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.
- 8.54. The likely CIL payment associated with this development would be in the region £101,500.00

### **Human Rights**

- 8.55. 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:-
- 8.56. 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".

- 8.57. 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.
- 8.58. 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.
- 8.59. 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.
- 8.60. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.61. 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.
- 8.62. 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**

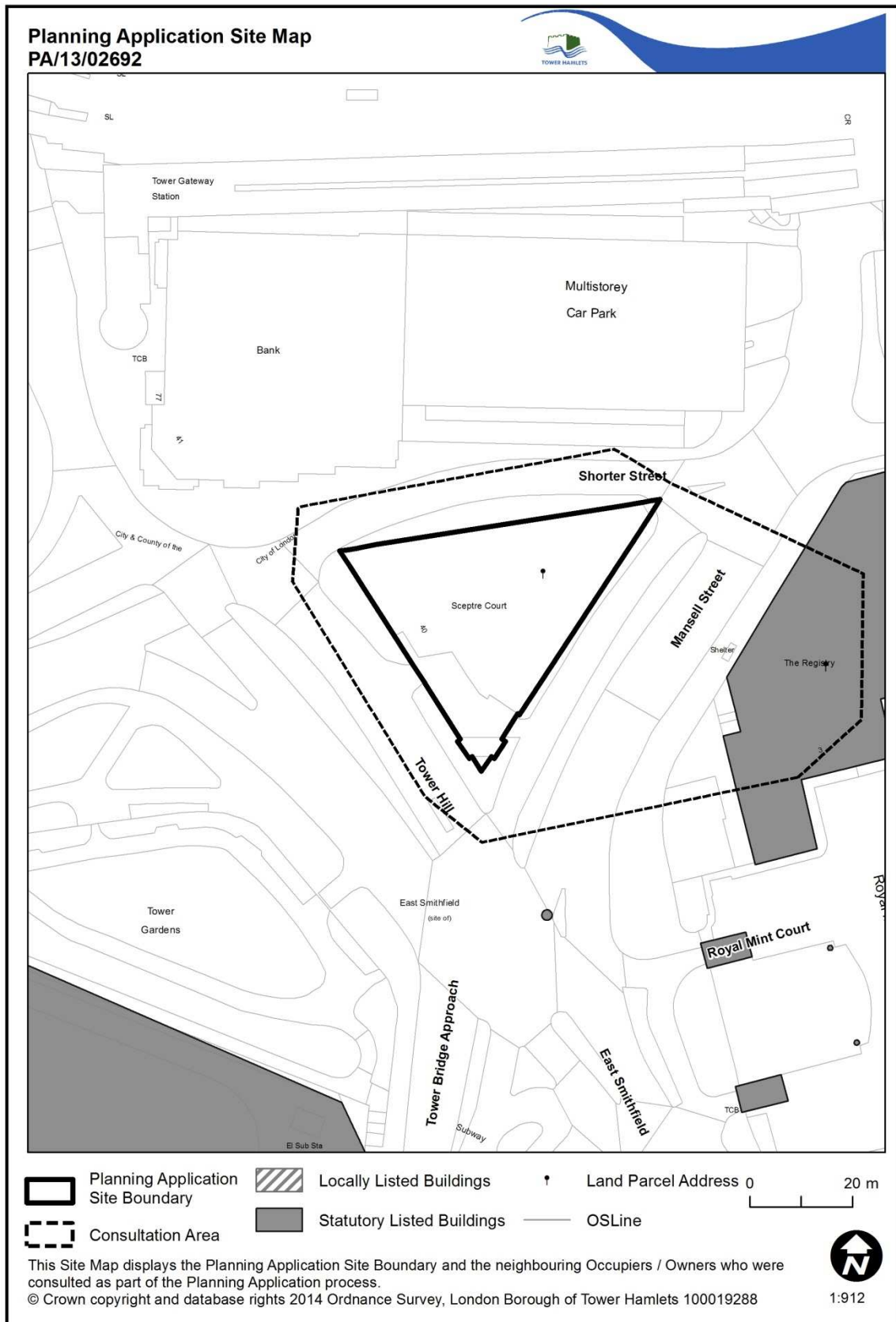
- 8.63. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation 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.
- 8.64. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 8.65. 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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