

# DEVELOPMENT COMMITTEE

Tuesday, 26 November 2013 at 7.00 p.m.

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

**Members:**

Chair: Councillor Helal Abbas  
Vice Chair : Councillor Anwar Khan  
Councillor Judith Gardiner, Councillor Kosru Uddin, Councillor Tim Archer, Councillor  
Gulam Robbani and Councillor Harun Miah

**Deputies:**

Councillor Rajib Ahmed, Councillor Denise Jones, Councillor Carli Harper-Penman,  
Councillor Zara Davis, Councillor Peter Golds, Councillor Md. Maium Miah and  
Councillor Fozol Miah

The quorum for this body is 3 Members

Contact for further enquiries:

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Public Information.

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The speaking procedures are attached

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November 2013**

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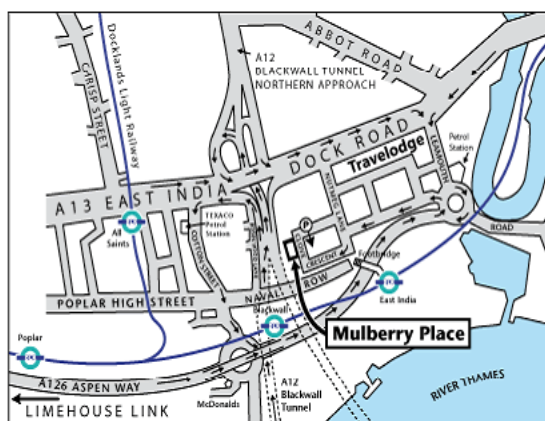
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## **APOLOGIES FOR ABSENCE**

### **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.

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

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

**5 - 18**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 9<sup>th</sup> October 2013.

### **3. RECOMMENDATIONS**

To RESOLVE that:

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

### **4. PROCEDURE FOR HEARING OBJECTIONS**

**19 - 20**

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

<b>5.</b>	<b>DEFERRED ITEMS</b>	<b>21 - 22</b>	
<b>5 .1</b>	<b>65 Tredegar Square, London, E3 (PA/13/633 &amp; PA/13/634)</b>	<b>23 - 44</b>	<b>Bow West</b>
	<p>Proposal: Erection of 8 no self contained houses with 2 no on site car parking spaces. (Full planning permission PA/13/633)</p> <p>Demolition of existing warehouse. (Conservation Area Consent PA/13/634)</p> <p>Recommendation: <b>REFUSE</b> planning permission and Conservation Area Consent for the reasons set out in the report.</p>		
<b>6.</b>	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>45 - 46</b>	
<b>6 .1</b>	<b>18-22 Damien Street, London, E1 2HX (PA/12/00133)</b>	<b>47 - 102</b>	<b>Whitechapel</b>
	<p>Proposal: Extension and alteration of the London Islamic School and Mosque comprising erection of an additional storey to the existing building, erection of a four storey extension and associated work to provide additional classrooms, additional male prayer area, new ladies prayer hall including ablutions facilities, including improvements to access in around the building.</p> <p>Recommendation: <b>GRANT</b> planning permission subject to conditions and informatives.</p>		
<b>6 .2</b>	<b>King Henrys Wharf, Phoenix Wharf, Swan Wharf and Corner of Wapping High Street And Brewhouse Lane, London (PA/13/00982 &amp; PA/13/00983)</b>	<b>103 - 144</b>	<b>St Katharine's &amp; Wapping</b>
	<p>Proposal: Change of use of the existing wharf buildings (King Henry's Wharf and Phoenix Wharf) to provide 35 residential units, the creation of a new three-storey dwellinghouse (on land formerly occupied by Swan Wharf), and the erection of new five storey building (on land on the north-western corner of the junction of Wapping High St and Brewhouse Lane) to provide 18 affordable units.</p> <p>Recommendation: <b>GRANT</b> planning permission and Listed building subject to a legal agreement, conditions and informatives.</p>		

<b>6 .3</b>	<b>4 Crispin Place, E1 (PA/13/00719)</b>	<b>145 - 158</b>	<b>Spitalfields &amp; Banglatown</b>
	<p>Proposal: Change of use from Use Class A3 (Restaurant \ café) to Use Class A4 (Drinking establishment).</p> <p>Recommendation: <b>GRANT</b> planning permission subject to conditions and informatives.</p>		
<b>6 .4</b>	<b>Stepney Green Park, Stepney Way, London (PA/13/02142)</b>	<b>159 - 170</b>	<b>St Dunstan's &amp; Stepney Green</b>
	<p>Proposal: Refurbishment of an existing sports pitch. Resurfacing of external 2G Synthetic Turf Pitch with a 3G surface, installation of ball-stop fencing to the pitch perimeter and replacement of existing pitch lighting with a modern artificial floodlighting system.</p> <p>Recommendation: <b>GRANT</b> planning permission subject to conditions.</p>		
<b>6 .5</b>	<b>Black Lion House, 45 Whitechapel Road E1 1DU (PA/13/02162)</b>	<b>171 - 196</b>	<b>Spitalfields &amp; Banglatown</b>
	<p>Proposal: Change of use, refurbishment and extension to existing office building (Use Class B1), to provide 11, 537 square metres / 217 bed hotel (Use Class C1) including an additional 7th, 8th and 9th storey extension. Erection of a single storey office building measuring 29 square metres (use class B1) and associated works, including associated highways and landscaping works</p> <p>Recommendation: <b>GRANT</b> planning permission subject to a legal agreement, conditions and informatives.</p>		

**7. OTHER PLANNING MATTERS** **197 - 198**

**7 .1 PLANNING APPEALS REPORT** **199 - 206**

Recommendation: To note the report.

**Date of the next Meeting:**

The date of the next meeting of the Committee is Wednesday, 11 December 2013 at 7.00 p.m. in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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# Agenda Item 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Further advice**

For further advice please contact:-

John Williams, Service Head, Democratic Services, 020 7364 4204



## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON WEDNESDAY, 9 OCTOBER 2013**

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

**Members Present:**

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

**Other Councillors Present:**

Councillor Joshua Peck  
Councillor Abdal Ullah

**Officers Present:**

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Fleur Brunton	– (Senior Lawyer - Planning Chief Executive's)
Paul Buckenham	– (Team Leader Pre-applications, Planning & Building Control, Development & Renewal)
Shay Bugler	– (Strategic Applications Planner, Development and Renewal)
Adrian Walker	– (Planning Officer, Development and Renewal)
Adam Williams	– (Planning Officer, Development and Renewal)
Kamlesh Harris	– (Planning Officer, Development and Renewal)
Ann Sutcliffe	– (Service Head Strategic Property, Development and Renewal)
Mark Hutton	– (Team Leader, Development Design & Conservation, Development & Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Kosru Uddin.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

Councillor Judith Gardiner declared an interest in agenda item 6.2, Dame Colet and Haileybury Centre, Ben Jonson Road, London E1 3NN (PA/13/01433). This was on the basis that the Councillor was a ward Councillor and had been lobbied on the application.

Councillors Helal Abbas and Gulam Robbani declared an interest in agenda item 6.4, Shoreditch Station, Pedley Street, London E1 (PA/12/02661 and PA/12/03383). This was on the basis that the Councillors had received correspondence and had spoken to interested parties for and against the application, but had not expressed an opinion.

### **3. UNRESTRICTED MINUTES**

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 12<sup>th</sup> September 2013 be agreed as a correct record and signed by the Chair.

### **4. RECOMMENDATIONS**

The Committee **RESOLVED** that:

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

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

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

### **6. PLANNING APPLICATIONS FOR DECISION**

#### **6.1 65 Tredegar Square, London, E3 (PA/13/633 & PA/123/634)**

Update Report tabled.

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the item at 65 Tredegar Square, London for the erection of 8 no self contained houses with 2 on site car parking spaces (Full planning permission) and

demolition of existing warehouse (Conservation Area Consent).

The Chair invited registered speakers to address the Committee.

Greg Campbell speaking in objection to the application expressed his support for the Planning Officers recommendation for refusal. He reported that he lived near the development in Tredegar Square. He considered that the future occupants of the development would have poor outlooks and poor quality amenity space. There would be cramped housing that would lead to overdevelopment.

The proposal would also have an invasive impact on neighbours due to the close proximity to their boundary, especially from opening and closing the windows. This would spoil the occupants enjoyment of their properties. The proposal would also result in a loss of amenity space and overlooking at the south side of Tredegar Square.

In reply to questions, he reported that the proposed light well windows would be right next to the boundary. When open, the windows would have an intrusive impact on the neighbours and result in direct overlooking to the neighbours. He also expressed concerns about the construction process and security given the proximity to the boundary and the plans to lower the wall that would make access easier.

Mr Campbell highlighted the quality of the square including pleasant gardens, the traditional wall with plants and charming old brickwork. The scheme was very crowded for the site. Given this, his overriding concern was the impact of the scheme on the Square. Any development of this site should be in keeping with this 'Georgian gem'.

Councillor Josh Peck spoke in support. The scheme would meet the need for quality family housing with gardens at market levels in the ward. He drew attention to the Council policies that promoted family housing with gardens. He considered that this policy should be given more weight in this case than the shortfall of one bed units given the need for family sized housing. Councillor Peck referred to similar mews developments that were much poorer in terms of amenity space, outlook etc. However these were still desirable places to live. The proposed wall would be the same height as the current wall and the materials would be similar.

Jonathan Freegard (Applicant's agent) spoke in support. He stated that local residents strongly supported the proposal. The policy requirement for 50% one bed units was not in place when the proposal was submitted so should be given less weight. The scheme would improve access to the site and provide better quality amenity space compared to the present warehouse site. There would be good levels of sunlight/day light as stated in the submitted impact assessment. In response to Members, he reported that the materials would appear very similar to the existing warehouse. There would be a slate roof, replacing asbestos that would match the surrounding area. This would be a major improvement. The Police were satisfied with the proposals given the robust security plans. Access to the site would generally remain the same

as would the height of the wall, maintenance of the gutters would be improved by three small indents which would make it easier for the downpipes to be accessed.

Shay Bugler (Planning Officer) presented the detailed report. He explained the site location that fell within the Tredegar Square Conservation Area. He explained the key features of the Conservation Area and that the site had good transport links. The application was acceptable on land use terms and there would be no undue impact on amenity. However, the scheme was deficient in a number of key areas due to the site constraints combined with the number of dwellings. Mr Bugler explained these issues to the Committee. The amenity space would be of poor quality due to the overlooking and the proximity to bin and cycles stores. As a result the space would feel cramped and overshadowed.

He also highlighted the other key shortcoming including: the lack of one bed units contrary to policy; the mono aspect flats; the poor quality outlooks due to the proximity to a wall and surrounding properties, the contrived design features such as internal light wells that was out of keeping with the Tredegar Square Conservation Area. As a result, the scheme showed symptoms of overdevelopment. Officers were recommending that the scheme should be refused.

In response to questions, it was confirmed that some of the units would have poor outlooks at the upper floors as they would be facing 1-3 Lyn Mews and 66 Tredegar Square. Officers would seek to condition the fencing, if approved, to mitigate the impact on the footpath to protect light levels. Officers had held pre-applications with the applicant where better alternatives to this scheme for the site were discussed. Officers explained some alternatives that could overcome the issues given the site constraints. There were no exceptional circumstances to justify the non provision of one bed units given the 50% requirement in policy for market sales. Whilst the density range complied with the London Plan guidance, it clearly presented symptoms of overdevelopment as explained above. Officers also referred to a similar scheme that on appeal the Inspector concluded would lead to an unacceptable impact. Elements of the scheme would be noticeable from 55-56 Tredegar Square and Mile End Road.

In response, Members considered that the objections to this scheme were common to most developments in the Borough, such as the mono aspect units, quality of the amenity space etc. Any residential scheme on the site would face similar problems due to the site constraints (such as the wall). There was also no objection to the land use in principle.

It was also considered that the properties around Tredegar Square were of mixed design and there was no particular character. Therefore the proposal would be in keeping with the area and also had an innovative design. Furthermore, the expectation that the scheme could incorporate some of the design features of the Conservation Area was unrealistic given the size of the development.

Members also questioned the concerns around the lack of one bed units given this could increase overdevelopment further.

The scheme would also provide much needed family sized housing with amenity space and there was no objection to the impact on amenity.

On a vote of 1 in favour of the Officer recommendation, 3 against and 2 abstentions the Committee **RESOLVED**:

That the Officer recommendation to refuse planning permission and conservation area consent (PA/13/633 & PA/123/634) at 65 Tredegar Square, London, E3 4 be **NOT ACCEPTED** for the erection of 8 no self contained houses with 2 no on site car parking spaces (Full planning permission) and demolition of existing warehouse (Conservation Area Consent PA/13/634).

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

- That the application would provide much needed family housing with amenity space in accordance with the policies in the Council's Core Strategy and the Development Plan for Bow that promoted such housing. On balance, this outweighed the failure to provide any one bed units as required in policy.
- The innovative design that related well to the surrounding Tredegar Square Conservation area.
- That there was no objection in principle to the redevelopment of the site and there would be no demonstrable harm to the amenity of the adjoining occupiers, as concluded in the Officers report.
- That any symptoms of overdevelopment were outweighed by the benefits of the scheme.

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

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

## **6.2 Dame Colet And Haileybury Centre, Ben Jonson Road, London E1 3NN (PA/13/01433)**

Update Report tabled.

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the item for the demolition of Dame Colet House and Haileybury Centre and erection of two four storey residential blocks to provide 40 affordable housing units together with a three storey youth, sport and community centre building with associated landscaping, car parking and other ancillary works.

The Chair invited registered speakers to address the Committee.

Councillor Abdal Ullah speaking in support as a ward Councillor, stated that the youth centres in the ward were in a poor state, so the proposals were much needed and widely supported in the community. There had been lengthy campaigns for this facility. It would provide first class facilities with a roof top Multi Use Games Area (MUGA).

Kamlesh Harris (Planning Officers) presented the detailed application that was a Council led initiative. She explained the site location, the outcome of the local consultation, the quality of the new leisure facilities and the housing mix. This comprised 100% affordable housing at the Council's preferred rent levels with family housing. The housing would be managed by Tower Hamlets Homes. All units would have private amenity space with adequate levels of community space. The under five play space fell marginally short of the policy target. However, the site was very close to play areas. She also described the proposed materials and the design of the development that would preserve views and enhance the setting of the York Square Conservation Area. The impact on amenity was acceptable and there would be conditions to control the hours of construction and the opening hours for the leisure facilities. The s106 had been considered by the Council's Planning Contributions Overview Panel and it was considered that the contributions were appropriate to mitigate the scheme. The scheme could only be delivered with the subsidy.

In response to questions, Officers clarified the policy requirement for one bed units in relation to affordable housing - 30% of the development. In relation to community access, it was reported that the new leisure centre would provide a whole range of inclusive services for all sections of the community in accordance with Council policy and the Equalities Act that had been carefully applied. The specification had been set by the Council's Youth Services to meet with their needs. Officers also explained the access plans to the MUGA. In relation to anti-social behaviour, it was anticipated that the new sports centre should help address this by providing activities for young people.

The Committee also heard from Ann Sutcliffe (Service Head, Strategic Property, Development and Renewal) who reassured Members that the scheme was financially viable and that finance had been earmarked for the scheme. The Council's Chief Finance Officer had assessed the scheme and had concluded that the scheme was viable as stated in the Cabinet reports on the subject.

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

1. That planning permission (PA/13/01433) at Dame Colet And Haileybury Centre, Ben Jonson Road, London E1 3NN be **GRANTED** for the demolition of Dame Colet House and Haileybury Centre and erection of two four storey residential blocks to provide 40 affordable housing units together with the erection of a three storey youth, sport and community centre building with associated landscaping, car parking and other ancillary works subject to:



2. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the planning obligations and non-financial obligations as set out in the Committee report.
3. That the Corporate Director, Development & Renewal and Assistant Chief Executive (Legal Services) is delegated authority to negotiate and approve the legal agreement indicated above.
4. That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the report.

### **6.3 Old Poplar Baths and rear ball court, East India Dock Road & Lawless Street, London E14 0EH (PA/13/01432)**

Update Report tabled.

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the item regarding Old Poplar Baths and rear ball court for the for the demolition of existing garages and ball court and erection of 10 storey residential block to provide 60 affordable housing units; internal and external alterations and refurbishment to Poplar Baths.

The Chair invited registered speakers to address the Committee.

Paul Holliday spoke in objection to the residential block, as a resident of the area. There would be a loss of car parking space and garages and an increase in cars from the development. Whilst the residential scheme would be car free, he had been told by Council Officers that this could not be applied to 2-3 bed units. He objected to the loss of the existing open space and the height of the block that would be twice as high as the existing residential buildings. This would cause a loss of light, views and privacy and would set a dangerous precedent. Furthermore, construction work had already begun on site.

Lilian Collins spoke in support of the proposal as the Chair of the Poplar Baths Steering Group. The group had worked hard to have the baths re-opened and there had been numerous campaigns over the years. She highlighted the proposed new facilities that would bring this much loved centre back into use for local children whilst retaining the valuable features. The area was overpopulated, therefore there was a real need for these facilities. It would have a positive impact on the health of the community.

With the agreement of the Chair, it was agreed that the presentations on this item and item 8.1 - the listed building consent for the works to the Poplar Baths (PA/13/01432) would be considered together. However the Committee would vote on the items separately.

Paul Buckenham (Planning Officer) presented the application which was a

Council led initiative. He explained the plans for the Poplar Baths including the site location and the outcome of the local consultation. None of the objections related to this part of the scheme. He explained the works to refurbish the listed building whilst retaining the important features. The main interventions were to the south and eastern section of the building that was of less architectural merit. Much of the second class baths, the chimney and water tanks were to be demolished. In its place would be the roof top multi use games area (MUGA) that would be built in a style that was in keeping with the listed building.

There would be free access to the roof top MUGA for residents of St Matthias Estate.

The conservation experts supported the scheme (English Heritage, the Borough Conservation Officer) as the plans would preserve the character of the listed building. Highways and Transport for London were supportive of the scheme, subject to the conditions.

The Committee also noted the proposed layout of the new facilities including two swimming pools, a sports hall, gym, fitness studios and a café.

Mr Buckenham also explained the plans for the residential block that had received 17 representations in favour and 4 against. There would be 60 affordable units all at the Council's preferred rents with 45% family housing. Whilst there would be no dedicated under 5 child play space, it was planned to convert a nearby area of hard standing for such space. There were also a number of open spaces and parks in walking distance and the residents would have access to the new leisure facilities. The impact on neighbouring amenity was minimal. No objections had been raised to the loss of the garages from Highway Services. The existing tenants would be found alternative provision. The s106 had been considered by the Council's Planning Contributions Overview Panel and it was considered that the contributions, that were reliant on subsidy, were appropriate to mitigate the scheme.

The Committee also heard from Ann Sutcliffe (Service Head Strategic Property, Development and Renewal) who reassured Members that the scheme was financially viable and that finance had been earmarked for the scheme. The Council's Chief Finance Officer had assessed the scheme and had concluded that the scheme was viable as stated in the Cabinet reports on the subject.

In response to questions, it was reported that the area of hard standing did not have any formal use at present. It was considered that the density range could be accommodated given the good transport links, the sites proximity to the Town Centre and as that as the density was comparable to nearby developments. The scheme showed no signs of overdevelopment.

Whilst there would be some minor loss of light to properties at Woodhall Close, the properties affected were dual aspect and this mainly affected the non habitable rooms. As a result, the properties would continue to receive

adequate levels of light and would also benefit from improved outlooks and more natural surveillance.

On a vote of 3 in favour, 1 against and 2 abstentions, the Committee **RESOLVED:**

1. That planning permission (PA/13/01432) at Old Poplar Baths and rear ball court, East India Dock Road & Lawless Street, London E14 0EH be **GRANTED** for demolition of existing garages and ball court and erection of 10 storey residential block to provide 60 affordable housing units; internal and external alterations and refurbishment to Poplar Baths to reinstate the main pool and create a new learner pool; demolition of chimney and associated ancillary works to provide indoor wet and dry sports and leisure facilities, roof top games area plus ancillary landscaping and vehicular parking, subject to
2. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the planning obligations and non-financial obligations as set out in the Committee report.
3. That the Corporate Director, Development & Renewal and Assistant Chief Executive (Legal Services) is delegated authority to negotiate and approve the legal agreement indicated above.
4. That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the report.

#### **6.4 Shoreditch Station, Pedley Street, London E1 (PA/12/02661 and PA/12/03383)**

Update Report tabled.

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the item for the partial demolition of former Shoreditch Station building, with retention of brick facade and erection of a new 6 storey building to include retail, cafe, office, and art display and studio space at lower ground, ground and residential units.

The Chair invited registered speakers to address the Committee.

Anthony Hoate spoke in support of the scheme as the application was recommended by Officers for refusal. He stated that the proposals were supported by the local community. There had been 23 letters in support with only 4 objections. The scheme would support a range of community activities and would activate the site and provide natural surveillance. As a result it was supported by the Police. The scale and height was acceptable and the design respected the surrounding area. The only works to the station building would be to the roof. Due to this, the application was below the threshold for Conservation Area Consent.

Adam Williams (Planning Officer) presented the detailed report and the update. He highlighted the changes to the Officers recommendation to remove the reason for refusal for the A3 use as this had been removed from the scheme. He also advised of the changes to omit the application for conservation area consent as this application had been withdrawn by the applicant. However, Officers considered that this application was still necessary based on the application and the opinion of English Heritage.

The Committee were advised of the key features of the scheme including the location, the good transport links and the outcome of the local consultation. It was considered the proposal was acceptable in terms of land use, scale and height and would provide an acceptable housing mix. It should also reduce opportunities for crime in the area. However, a key area of concern was the demolition of the Shoreditch Station building in the Conservation Area. The Borough's Conservation Officer considered that the building made a positive contribution to the Conservation Area and the plans would harm the area. English Heritage and the Victorian Society also supported this view and opposed the demolition.

A second concern was the impact from noise and vibration to future occupants given the proposed building's proximity to railway lines. Officers considered that the noise levels would be in excess of the accepted levels, based on the submitted noise report. (The applicant's consultant had advised that a reasonable level of insulation would be provided as opposed to a good standard as required). The applicant had submitted additional information on the day of the Committee regarding this issue. However the Council's Environmental Health considered that this was insufficient to overcome the issues. On balance, Officers considered that the application should be refused.

In response to questions about the importance of the building, the Committee heard from Mark Hutton, a Council specialist on Conservation issues, who highlighted the views of English Heritage and the Victorian Society on this matter and spoke about the historic interest of the building as a station. As a result, it was considered that the proposed demolition should be refused. Instead the Council should seek the retention and repair the building due to its importance to the area.

In terms of the noise levels, it was reported that the site was located immediately adjacent to railway lines and an overground station. As a result, the future residents would be subject to ground borne noise that would travel through the building. It was noted that this issue could be addressed through conditions. However the information needed for this had not been provided.

On a vote of 3 in favour, 2 against and 1 abstention, the Committee **RESOLVED**:

That planning permission (PA/12/02661) at Shoreditch Station, Pedley Street, London E1 be **REFUSED** for the partial demolition of former Shoreditch Station building, with retention of brick facade, and erection of a new 6 storey

building to include retail, cafe, office, and art display and studio space (Use Class A1, A3, B1 and D1) at lower ground, ground and first floor level and 9 residential units (Use Class C3) at second to fifth floor level, comprising 2 x 1 bed, 4 x 2 bed and 3 x 3 bed units (amended proposal) for the reasons set out below:

- It is considered that the former Shoreditch Station building makes a positive contribution to the character and appearance of the Brick Lane and Fournier Street Conservation Area and the proposed demolition of substantial elements of the building would fail to protect and enhance the character and appearance of the Conservation Area. Furthermore, it is considered that the public benefits that would be brought by the proposed development are not sufficient to outweigh the harm to the Conservation Area that would be caused by the proposal. As such, the proposal is contrary to Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27(3) of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).
- Based on the information submitted, the proposed development would fail to adequately protect future residential occupants from unacceptable levels of noise and vibration, to the detriment of residential amenity. The proposal is therefore contrary to Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.

#### **6.5 87 New Road, London, E1 1HH (PA/13/01566)**

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the item at 87 New Road, London for the Variation of Condition 3 of Planning Permission dated 06/02/2009 Ref: PA/08/02662 to extend the hours of operation from between 10.00 am to 10.00 pm to between 11.30 am to 11.30 pm on any day.

Adrian Walker (Planning Officer) presented the detailed report. He explained the outcome of the location consultation resulting in letters in support and against. It was reported that the area was of mixed character where a degree of additional noise and disturbance could be expected. There were also a number of existing restaurants that have permission to operate to similar times as requested by this application. However, there was still a need to control the hours of operation of commercial properties to protect residential amenity.

Taking this into account, it was considered that the hours requested were acceptable and that they would not have a detrimental impact on residents amenity. Environmental Health had not raised any objections to the proposal.

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

That planning permission (PA/13/01566) at 87 New Road, London, E1 1HH be **GRANTED** for the variation of condition 3 of Planning Permission dated 06/02/2009 Ref: PA/08/02662 to extend the hours of operation from between 10.00 am to 10.00 pm to between 11.30 am to 11.30 pm on any day for the following reason.

The proposed variation of condition 3 of planning permission ref: PA/08/02662 to extend the hours of operation of the restaurant is not considered to have a significant impact on the amenity of residential occupiers in the immediate vicinity and is therefore considered acceptable and in accordance to policies SP01(2ci), SP03(2b) and SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013). These policies require development to protect, and where possible improve, the amenity of surrounding existing and future building occupants, as well as the amenity of the surrounding public realm.

## 7. DEFERRED ITEMS

### 7.1 85 - 87 New Road, London, E1 1HH (PA/13/01607)

Update report Tabled.

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the item at 85 - 87 New Road, London for change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road.

Adrian Walker (Planning Officer) presented the detailed report. At the last meeting of the Committee on 12<sup>th</sup> September 2013, Members were minded to approve the planning application contrary to the Officer recommendations to refuse. The reasons given by the Committee for this decision were: that the shop at 85 New Road was currently vacant and the loss of the A1 use was acceptable; that there was a lack of evidence that there was an over - concentration of restaurant uses in the area; that there was a lack of clear policy guidance in relation to this matter.

The Officers recommendation remained unchanged to refuse. However, should the Committee be minded to approve the application, Officers were recommending that a number of conditions be imposed as set out in the report including a condition limiting the opening hours from 11:30am to 11:30pm and the revised condition 3 and 4 in the update regarding the materials and the refuse storage arrangements.

On a vote of 3 in favour, 1 against and 1 abstention, the Committee **RESOLVED:**

That planning permission (PA/13/01607) at 85 - 87 New Road, London, E1 1HH be **GRANTED** for change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road subject to the conditions set out in the committee report with the alterations to the conditions in the update report.

## 8. OTHER PLANNING MATTERS

### 8.1 Poplar Baths, 170 East India Dock Road, London E14 0EH (PA/13/01441)

Paul Buckenham (Planning Officer) presented the detailed report. For a summary of the discussion, see item 6.3 Old Poplar Baths and rear ball court, East India Dock Road & Lawless Street, London E14 0EH (PA/13/01432)

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

That the application (PA/13/01441) at Poplar Baths, 170 East India Dock Road, London E14 0EH for listed building consent for internal and external alterations and refurbishment to Poplar Baths building including demolition of chimney and associated ancillary works to facilitate re-opening of baths as leisure centre and swimming pools be **REFERRED** to the Secretary of State for Communities and Local Government with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out in the committee report.

### 8.2 PLANNING APPEALS REPORT

On a unanimous vote the Committee **RESOLVED**

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

### UPDATE REPORT

The meeting ended at 10.40 p.m.

Chair, Councillor Helal Abbas  
Development Committee

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# Agenda Item 4

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

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

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

# Agenda Item 5

<b>Committee:</b> Development	<b>Date:</b> 26 <sup>th</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Location Reference number	Development	Reason for deferral
9 <sup>th</sup> October 2013	(PA/13/633 & PA/123/634) at 65 Tredegar Square, London.	Erection of 8 no self contained houses with 2 no on site car parking spaces (Full planning permission PA/13/633) and demolition of existing warehouse (Conservation Area Consent PA/13/634).	<p>The Committee were minded to approve the scheme due to the following reasons:</p> <p>That the application would provide much needed family housing with amenity space in accordance with the policies in the Council's Core Strategy and the Development Plan for Bow that promoted such housing. On balance, this outweighed the failure to provide any one bed units as required in policy.</p> <p>The innovative design that related well to the surrounding Tredegar Square Conservation area.</p> <p>That there was no objection in principle to the redevelopment of the site and there would be no demonstrable harm to the amenity of the adjoining occupiers, as concluded in the Officers report.</p> <p>That any symptoms of overdevelopment were</p>

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

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

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

Eileen McGrath (020) 7364 5321

			outweighed by the benefits of the scheme.
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**3. CONSIDERATION OF DEFERRED ITEMS**

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

65 Tredegar Square, London (PA/13/633 & PA/123/634)

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

**4. PUBLIC SPEAKING**

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

**5. RECOMMENDATION**

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

# Agenda Item 5.1

<b>Development Committee</b>	<b>Date:</b> 26 <sup>th</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Shay Bugler		<b>Ref No:</b> PA/13/633 & PA/13/634	
		<b>Ward(s):</b> Bow West	

## 1. APPLICATION DETAILS

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

Hamlets Correspondence dated March 2013 from Jonathan Freeguard Architects

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

- 1.6 **Applicant:** Persephone Lewin  
1.7 **Owner:** Jonathan Freeguard Architects  
1.8 **Historic Building:** Not listed, adjacent to listed buildings  
1.9 **Conservation Area:** Tredegar Square

## 2. BACKGROUND

2.1 These applications for Planning Permission and Conservation Area Consent were reported to the Development Committee on the 9 October 2013 with Officers' recommendation for **REFUSAL** for following reasons:

1. The proposed residential development by virtue of the dwelling mix and design features including mono aspect dwellings, poor outlook, and poor quality amenity space; sense of enclosure and narrow pedestrian access would result in an intensive form of development with a sub standard quality of accommodation. This would be symptomatic of over development of the site contrary to National Planning Policy Framework (NPPF); SP02 & SP10 of the Core Strategy (2010); policy DM3, DM4, DM24 & DM25 of the Managing Development Document (2013) which seek to provide high quality design and places which create sustainable forms of development.
2. Demolition of the warehouse in the absence of a planning permission for a suitable redevelopment would fail to preserve or enhance the character and appearance of the Tredegar Square Conservation Area contrary to the National Planning Policy Framework; policies SP10 of the Core Strategy (2010) and DM27 of the Managing Development Document (2013) which seek to ensure that the setting and the character of the Conservation Area is not harmed by inappropriate or premature demolition of buildings within Conservation Areas.

2.2 The Committee resolved NOT TO ACCEPT Officers' recommendation and were minded to GRANT planning permission for the following reasons:-

- a) The proposal provide much needed family housing with amenity space and, on balance, this outweighed the failure to provide any one bed units as required in policy.
- b) The proposal presents an innovative design that contributes positively to the character and appearance of Tredegar Square Conservation Area
- c) The proposal does not present any demonstrable harm to the amenity of the adjoining occupiers.
- d) Any symptoms of overdevelopment would be outweighed by the benefits of making the most efficient use of the land.

2.3 In accordance with the Committee Procedure Rules, the applications were DEFERRED to

enable a supplementary report to be prepared for a future meeting of the Committee addressing the proposed reasons for approval and to recommend any conditions for the permission and consent.

### 3.0 REASONS FOR APPROVAL

- 3.1 This section of the report responds to each of the reasons for approval identified by the committee:

#### **Full planning permission (ref no: PA/13/633)**

##### Housing mix

- 3.2 With referenceto the proposed dwelling mix, Officers wish to reiterate that the proposal would be contrary to our recently adopted policy DM3 of the Managing Development Document (2013) sets out detailed guidance regarding the housing mix expected for new housing development which promotes a mix of tenures and unit sizes.
- 3.3 This policy seeks 50% one bed units within the market tenure and this policy has been evidence based and the demand for one bedroom units is the greatest within the market tenure. Whilst it is accepted that a strict policy compliant dwelling mix could be difficult to achieve on the site, the zero provision for one bedroom units in favour of two and three bed units would not provide the appropriate dwelling mix or contribute towards a wider housing choice and make a positive contribution to the housing stock in the borough whilst undermining the Councils position on this matter. This application is not considered to be an "exceptional" scheme to deviate from the Borough wide policy.
- 3.4 However the Committee will be ware that the Vision for Mile End set out in the Place-making Annex to the Core Strategy says that amongst other principles Mile End will develop as a place for Families. The scheme would provide four three bedroom houses suitable for families and if members are minded to attach additional weight to the local vision for Mile End, given the small scale nature of the proposals, this would be as suitable reason to justify a departure from the borough wide policy, to grant planning permission.

##### Design

- 3.5 In response to Members views on design, despite the design approach taken to mews style development having some merit in itself, it is considered that the attempt to maximise the development potential in an unsustainable manner has inevitably resulted in design compromises and a scheme that would not respond appropriately to its context and would introduce architectural features not found within the Conservation Area.
- 3.6 Matters of design can be a balanced judgement and in general terms, as set out in the original report, the proposal would provide a mews development of a suitable height, mass and scale, using traditional facing brick work and incorporating slate hung pitched roofs of a similar proportion to the existing warehouse. There are other examples of mews development within the Conservation Area albeit of a smaller scale.
- 3.7 Hence, if the Committee consider that the design of the proposed development would not cause substantial harm to the significance of the Conservation Area as a designated heritage asset, then officers conclude that the other merits and public benefits of the scheme identified by the Committee at the previous meeting would be sufficient to meet the tests set out in the NPPF policies on design and conservation which require harm to be balanced against public benefit.

### Amenity

- 3.8 With reference to amenity, members noted at the meeting that there would be no demonstrable harm to the amenity of adjoining properties to the north of the site. The original report also explains that the daylight and sunlight levels to neighbouring properties would not be unduly compromised. If members are minded to grant permission, conditions requiring the installation and retention of obscured glazing and details of the opening mechanism for the upper level light well windows are recommended.
- 3.9 Members were informed at the meeting that the north facing windows at ground, first and second floor level at 66 Tredegar Square face the boundary wall of the existing warehouse and there was some discussion about the potential for the scheme to overlook this property due to the south facing windows on several of the proposed houses.
- 3.10 The scheme proposes to retain this section of the boundary wall to eaves height, which would prevent direct overlooking at ground and first floor level and given the height relationship and angle of the line of sight from the proposed two storey development towards the second floor windows at 66 Tredegar Square there would be no demonstrable harm in terms of overlooking or loss of privacy,
- 3.11 If members are minded to grant planning permission and conservation area consent, details of the boundary wall treatment would be secured by way of conditions attached to both applications in order to ensure that the privacy of residents at 66 Tredegar Square would be protected.

### Over development

- 3.12 The principle reason for refusal set out in the original report was that whilst the scheme is able to meet most minimum quantitative standards for residential development (e.g. internal space standards, minimum amenity space standards) the layout of the proposals, the constraints of the site and the contextual relationship to the surroundings would result in substantial compromises in the quality of accommodation provided.
- 3.13 However on this point the committee concluded that the benefits of having a development which includes four family sized units would outweigh any of the symptoms of overdevelopment. This is clearly a balanced judgement and Officers continue to be of the opinion that the development would deliver poor quality accommodation for future residents by virtue of the dwelling mix and design features including mono aspect dwellings, poor outlook, poor quality amenity space; sense of enclosure and narrow pedestrian access and would result in an intensive form of development. This would be symptomatic of over development of the site.
- 3.14 Nevertheless, members will be aware that the NPPF promotes the presumption in favour of sustainable development. It also encourages the delivery of new homes and the most effective use of land by reusing land which is under-utilised. If members are minded to give additional weight to the policy direction of the NPPF, there would be grounds for setting aside concerns about over development in favour of optimising the residential capacity of the site and hence granting planning permission.

### **Conservation Area Consent for the demolition of the existing warehouse (Ref no: PA/13/634)**

- 3.15 With reference to the existing warehouse, Members did not raise any formal objections to its demolition. Officers are of the view that whilst the design and appearance of the warehouse is of some merit, the building makes limited contribution to the character and appearance of the Conservation Area and raised no objection in principle to its demolition.



- 3.16 The reason for recommending refusal of the Conservation Area Consent for demolition was related to the fact that officers had not recommended permission be granted for the replacement scheme, However if members are minded to grant planning permission for the replacement scheme as set out above, then Conservation Area Consent for demolition should also be granted.

#### **4 RECOMMENDATION**

##### Full Planning permission (Ref no: PA/13/633)

- 4.1 In accordance with the full report presented to members on the 9<sup>th</sup> of October, Officers recommend that planning permission for this development is REFUSED for the reasons set out at paragraph 3.1 of that report.

- 4.2 However if the Committee is minded to grant Planning Permission the following planning conditions are recommended:

1. Permission valid for 3 years;
2. Development in accordance with approved plans;
3. Details of retained boundary wall treatment;
4. Development in accordance with Lifetime Homes Standards;
5. Control over hours of construction;
6. Submission of details of all proposed external facing materials, fenestration, fixtures and fittings;
7. Submission of ground contamination- investigation, remediation and verification;
8. Submission of hard and soft landscaping, boundary treatment, surface materials and external lighting;
9. Submission of Construction Management Plan;
10. Scheme of Highway improvement works to serve the development;
11. Requirement for obscure glazing to be installed and retained in north facing light well windows;
12. Details of means of opening and cleaning of proposed light well windows.

##### Informatives:

1. Section 278 (Highways) agreement required
2. Site notice specifying the details of the contractor required
3. Construction Management Plan Advice
4. Environmental Health Department Advice

##### Conservation Area Consent (Ref no: PA/13/634)

- 4.3 In accordance with the full report presented to members on the 9<sup>th</sup> of October, Officers recommend that Conservation Area Consent for this development is REFUSED for the reasons set out at paragraph 3.2 of that report.

- 4.4 However if members are minded to grant Conservation Area Consent the following conditions are recommended:

1. Time limit;
2. Hours of demolition;
3. Demolition in accordance with approved plans
4. No demolition to commence until arrangements are in place to deliver replacement development;
5. Details of measures to retain the existing southern boundary wall, and treatment

to make good the upper sections at existing eaves level.

## **5 APPENDICES**

### **5.1 Appendix One – Report to Development Committee 09 October 2013**

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

## 1. APPLICATION DETAILS

<b>Location:</b>	65 Tredegar Square, London, E3
<b>Existing Use:</b>	Storage and distribution
<b>Proposal:</b>	Erection of 8 no self contained houses with 2 no on site car parking spaces. (Full planning permission PA/13/633)
	&
	Demolition of existing warehouse. (Conservation Area Consent PA/13/634)
<b>Drawing Nos:</b>	Drawing no: 65TS-PL-01; 65TS-PL-02; 65TS-PL-03; 54TS-PL-04; 65TS-PL-05; 65TS-PL-06; 65TS-PL-07; 65TS-PL-08; 65TS-PL-09; 65TS-PL-10; 65TS-PL-11; 65TS-PL-12; 65TS-PL-13; 65TS-PL-14; 65TS-PL-15; 65TS-PL-16; 65TS-PL-17; 65TS-PL-18; 65TS-PL-19; 65TS-PL-20; 65TS-PL-29; 65TS-PL-30; 65TS-PL-40; 65TS-PL-25; 65TS-PL-41; 65TS-PL-42
	-Drawing numbers: 65TS-PL-01; 65TS-PL-02; 65TS-PL-03; 65TS-PL-04; 65TS-PL-05; 65TS-PL-06; 65TS-PL-07; 65TS-PL-08; 65TS-PL-09
<b>Supporting documentation</b>	<ul style="list-style-type: none"> <li>- Design and access statement dated March 2013 from Jonathan Freegard Architects</li> <li>- CADAP comments dated March 2013 from Jonathan Freegard Architects</li> <li>- Impact Statement dated March 2013 from Jonathan Freegard Architects</li> <li>- Noise Impact Statement dated April 2013 from Jonathan Freegard Architects</li> <li>- Heritage Statement dated March 2013 by Jonathan Freegard Architects</li> <li>- Appendix A: Energy Statement by Energist Ltd</li> <li>- Appendix B Code for Sustainable Homes Pre- Assessment dated March 2013 from Jonathan Freegard Architects</li> <li>- Appendix C Secure by Design Officers comments</li> <li>- Appendix D: MEOTRA comments dated March 2013 from Jonathan Freegard Architects.</li> <li>- Appendix E CADAP comments dated March 2013 from Jonathan Freegard Architects</li> <li>- Appendix F: Recycling and waste management: Tower Hamlets Correspondence dated March 2013 from Jonathan Freegard Architects</li> <li>- Appendix G Marketing Report</li> </ul>

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

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

## 2. EXECUTIVE SUMMARY

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

## 3. RECOMMENDATION

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

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

#### **4.0 SITE AND SURROUNDINGS**

- 4.1 The site is known as 65 Tredegear square and is situated on land between the southern terrace of houses at Tredegear Square and the rear of terraces fronting onto Mile End Road.
- 4.2 The site currently contains a warehouse which is occupied by Silvermans Ltd, a military surplus on a lease basis and is used as a storage facility for surplus stock. The existing established use of the site is B8 (storage) under the Use Class Order.
- 4.3 The existing warehouse provides approximately 690m<sup>2</sup> of gross internal floorspace. The overall site is 766m<sup>2</sup> (0.076ha) and the building occupies almost the whole footprint of the site between tall boundary walls.
- 4.4 The surrounding area is predominantly residential in character and takes the form of terrace housing, many of which are Grade II listed and form significant elements of the character of the conservation area. To the north of the site are the rear gardens at 53-64 Tredegear square.
- 4.5 To the south west of the site are three residential properties known as 1-3 Lyn mews. The rear flank elevation is 6.6 metres in height and abuts the site boundary. Lyn mews has a pitched roof and the overall height of the building is approximately 8 metres.
- 4.6 To the south east of the site, is a two storey development which is approximately 10 metres in height, known as 66 Tredegear Square. The centre of the site fronts onto the rear gardens to the properties 447-455 (odd) along Mile End Road. To the north of the site, are the rear gardens to a row of Grade II 3 storey in height terrace housing at 55-64 Tredegear Square.
- 4.7 The site has a PTAL rating of 6a which means it is highly accessible by Public Transport.
- 4.8 The building is not listed although it falls within Tredegear Square Conservation Area.

#### **DETAILS OF PROPOSAL**

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

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

## 5.0 RELEVANT PLANNING HISTORY

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

## 6.0 POLICY FRAMEWORK

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

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

### 6.2 The London Plan (2011)

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

### 6.3 Core Strategy (adopted 2010)

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

### 6.4 Managing Development Document (2013)

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

### 6.7 Supplementary planning documents and guidance

Tredegar Square Conservation Area Character Appraisal

## 7 CONSULTATION

### External consultees

#### 7.1 English Heritage (historic environment)

No comments made.

LBTH Borough Conservation Officer

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

LBTH Environment Health (contamination land)

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

Environment Health Daylight and Sunlight officer

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

LBTH Strategic Policy

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

LBTH Highways

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

**8.0 LOCAL REPRESENTATION**

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

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

8.3 Objecting comments

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

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

#### 8.4 Supporting comments

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

## 9. MATERIAL PLANNING CONSIDERATIONS

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

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

#### **Demolition of the existing warehouse**

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



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

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

## **Land Use**

- 9.9 The site is currently used for light industrial storage space (B8 within the use class order). The existing warehouse provides approximately 690m<sup>2</sup> of gross internal area of industrial floorspace. The warehouse is currently occupied by Silvermans Ltd, a military surplus on a lease basis and is used as a storage facility for stock.
- 9.10 The proposal would result in the loss of the B8 storage space onsite. Policy DM15 of the MDD (2013) stipulates that development should not result in the loss of active and viable employment uses, unless it can be shown throughout a marketing exercise that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment uses due to its location, accessibility and site condition.
- 9.11 The applicant notes that the external fabric is in poor condition and in a state of disrepair and notes that many firms would require smaller units. The submission explains that there are sites nearby suitable for industrial units including Bow Industrial Park.
- 9.12 The applicant states that retail and community uses have been considered for the building but deemed to be unsuitable as they would impact on residential amenity, create traffic nuisance and the site is outside designated town centres. The site is currently marketed for B8 Use although there is a lack of substantive marketing information and justification to demonstrate that the existing or a future B8 (warehouse) would be unviable.
- 9.13 Notwithstanding, there is a general decline in the demand for warehouse floorspace in the area. Warehouse uses are not typical in the immediate or nearby area. Given the general decline in the demand of employment floorspace in the area, there is no identifiable over riding demand to justify the retention of employment use in favour of residential development in this location, particularly as the site is not located within a Local Industrial Location. Although the site has good access and the existing site condition is satisfactory for light industrial storage use, the location is not considered appropriate for continued B8 use given that the surrounding site is predominantly

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

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

### **Design**

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

#### *Height and scale*

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

#### *Design detailing and materials*

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

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

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

**Housing density and dwelling mix**

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

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

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

**Housing quality for the proposed development**

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

Design features

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

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

#### Amenity space

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

#### Daylight and sunlight

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

#### Outlook

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

#### Conclusion on housing quality matters

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

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

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

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

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

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

### **Impact on residential amenity**

#### Daylight

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

#### Privacy

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

### **Transport and Highways**

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

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

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

### **Human Rights Considerations**

- 9.50 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 9.51 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 9.52 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.53 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance and acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 9.54 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.55 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.56 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.57 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

### **Equalities Act Considerations**

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

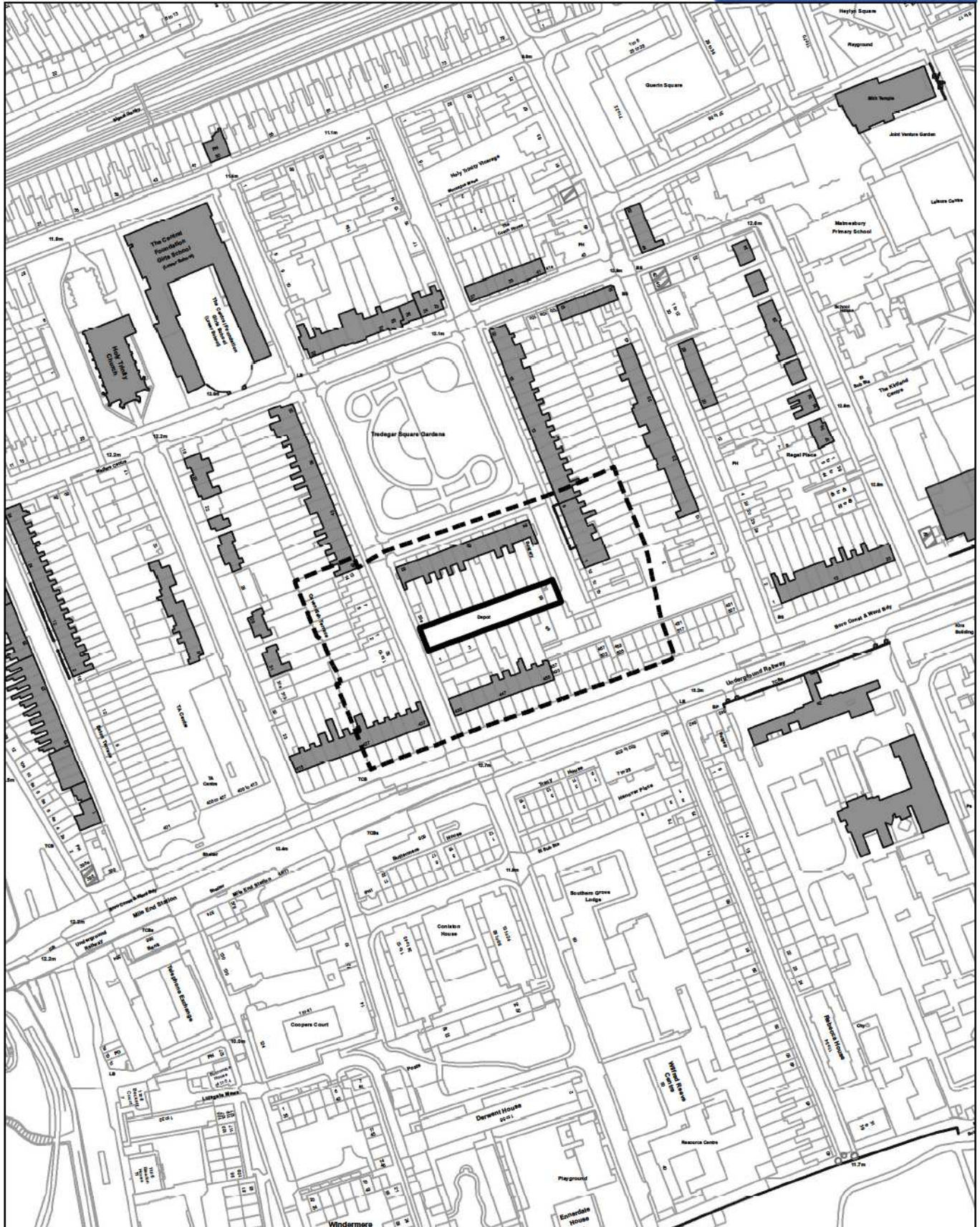
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share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

## **10 CONCLUSION**

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

# Planning Application Site Map

## PA/13/00633 & PA/13/00634



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

0 20 m



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

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1:2,500



**LONDON BOROUGH OF TOWER HAMLETS**

**DEVELOPMENT COMMITTEE**

09 October 2013

**UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL**

**INDEX**

Agenda item no	Reference no	Location	Proposal
6.1	PA/13/633 & PA/13/634	65 Tredegar Square	Erection of 8 no self contained houses with 2 no on site car parking spaces. (Full planning permission PA/13/633)  &  Demolition of existing warehouse. (Conservation Area Consent PA/13/634)
6.2	PA/13/01433	Dame Colet House and Haileybury Centre, Ben Jonson Road, E1	Demolition of Dame Colet House and Haileybury Centre and erection of two four storey residential blocks to provide 40 affordable housing units together with the erection of a three storey youth, sport and community centre building with associated landscaping, car parking and other ancillary works.
6.3	PA/13/01432	Old Poplar Baths and rear ball court, East India Dock Road & Lawless Street, London E14	Demolition of existing garages and ball court and erection of 10 storey residential block to provide 60 affordable housing units; internal and external alterations and refurbishment to Poplar Baths to reinstate the main pool and create a new learner pool; demolition of chimney and associated ancillary works to provide indoor wet and dry sports and leisure facilities, roof top games area plus ancillary landscaping and vehicular parking.
6.4	PA/12/02661 PA/12/03383	Shoreditch Station, Pedley Street, London E1	Partial demolition of former Shoreditch Station building, with retention of brick facade, and erection of a new 6 storey building to include retail, cafe, office, and art display and studio space (Use Class A1, A3, B1 and D1) at lower ground, ground and first floor level and 9 residential units (Use Class C3) at second to fifth floor level, comprising 2 x 1 bed, 4 x 2 bed and 3 x 3 bed units (amended proposal).

7.1	PA/13/01607	85 - 87 New Road, London, E1 1HH	Change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area, toilets (including one disabled) and seating for the existing restaurant at 87 New Road.
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<b>Agenda Item number:</b>	6.1
<b>Reference number:</b>	PA/13/633 & PA/13/634
<b>Location:</b>	65 Tredegar Square
<b>Proposal:</b>	Erection of 8 no self contained houses with 2 no on site car parking spaces. (Full planning permission PA/13/633)  &  Demolition of existing warehouse. (Conservation Area Consent PA/13/634)

**1. CLARIFICATIONS**

- 1.1 Paragraph 9.30 should read: "There is an over reliance on light wells to provide daylight and sunlight within the development. Two of the lightwells would be used as a source of natural light to bedrooms (although they would have a secondary source of light) and the others are used to light hallways".

**2. RECOMMENDATION**

- 2.1 Officers' recommendation remains as outlined in the main report.

# Agenda Item 6

<b>Committee:</b> Development	<b>Date:</b> 26 <sup>th</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

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

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
  - the London Plan 2011
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
  - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7**

Brief Description of background papers:  
Application, plans, adopted UDP, Interim  
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:  
Eileen McGrath (020) 7364 5321

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### **4. PUBLIC SPEAKING**

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out in the attached guidance note.

#### **5. RECOMMENDATION**

- 5.1 The Committee to take any decisions recommended in the attached reports.

# Agenda Item 6.1

<b>Committee:</b> Development	<b>Date:</b> 26 <sup>th</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Mary O'Shaughnessy	<b>Ref No:</b> PA/12/00133
	<b>Ward:</b> Whitechapel

## 1. APPLICATION DETAILS

<b>Location:</b>	18-22 Damien Street, London, E1 2HX
<b>Existing Use:</b>	Mosque and Madrassa (Secondary School) Use Class D1
<b>Proposal:</b>	Extension and alteration of the London Islamic School and Mosque comprising erection of an additional storey to the existing building, erection of a four storey extension and associated work to provide additional classrooms, additional male prayer area, new ladies prayer hall including ablutions facilities, including improvements to access in around the building.
<b>Drawing and documents:</b>	Drawings:  P01 REVB, P02 REVF, P03 REVE, P04 REVE, P05 REVE, P06 REVD, P07 REVC, P08 REVC, P09, P10, P11, P12, P13, 09364-02, Illustrative View 1, Cavell Street, Illustrative View 2 Cavell Street, Illustrative View 2, Damien Street, Illustrative View 3, Damien Street.  Documents:  Design and Access Statement REVA, June 2012, prepared by Webb Gray. Transport Statement REV01, Reference: 12187, dated 18 May 2012, prepared by David Tucker Associates. Draft Travel Plan, prepared by David Tucker Associates. Energy Strategy REV1.0, dated August 2013, prepared by AJ Energy Consultants Limited. Daylight and Sunlight, Reference: 1173, dated 1 <sup>st</sup> July 2013, prepared by Waldrams Chartered Surveyors.
<b>Applicant:</b>	Esha'atul Islam Mosque/Bamfords Trust Plc
<b>Ownership:</b>	Esha'atul Islam Mosque/Bamfords Trust Plc
<b>Historic Building:</b>	Not applicable.
<b>Conservation Area:</b>	Directly to the south of Old Ford Square Conservation Area.

## **2. Executive Summary**

- 2.1. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013) as amended, the London Plan (2011) and the National Planning Policy Framework 2012, and have found that:
- 2.2. The main matters for consideration are the impacts of the proposal with regard to design, amenity, highways and equalities.
- 2.3. The scale of the proposed building is in keeping with the surrounding area and is considered acceptable for this reason. It is considered that the proposed Minaret which denotes the use of the building as a religious building would be an acceptable design feature subject to the control of materials via a condition. It is considered that the proposal would not adversely affect the character and appearance of the Ford Square Conservation Area located directly to the north. Subject to the use of high quality materials the design of the proposed extensions are considered acceptable and in keeping with the local context. In design terms the proposal is considered acceptable.
- 2.4. With regard to overlooking and privacy, through the use of conditions to secure the use of obscure glazing, direct overlooking would not be possible and residents would not be unduly impacted. With regard to daylight and sunlight it is acknowledged that two ground floor flats located at 54 Cavell Street would experience a material loss of daylight and sunlight. However, taking account of their current view across an open site, the urban context and the overall benefits of the proposal it is considered that the loss of daylight and sunlight for these two flats would not, on balance, merit a refusal of the application in this instance. Finally, with regard to noise impacts through conditions controlling the hours of operation, the maximum number of worshipers overnight and a condition to secure detailed noise insulation and post completion testing it is considered that on balance the proposal would not unduly impact on local residents with regard to noise and disturbance.
- 2.5. With regard to highways sufficient mitigation has now been agreed to ensure that the proposed extension would not have an unduly detrimental impact on highways safety and capacity with the local area.
- 2.6. An Equalities Assessment has been carried out and it is has been concluded that the proposal would comply with equalities legislation because due regard has been given to all groups with protected characteristics and where possible improvements have been sought.

## **3. RECOMMENDATION**

- 3.1. That the Committee resolve to GRANT planning permission as set out in the description of development.
- 3.2. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

### 3.3. Conditions

#### Compliance:

1. Time Limit for implementation 3 years.
2. Compliance with plans.
3. Compliance with hours of operation 06:00 am – 11:30 pm on any day with no more than 75 persons allowed to use the Mosque between 11:30pm and 06:30 am.
4. Compliance with hours of operation 08:00 and to 05:30 pm for the secondary school.
5. Photovoltaic to be provided at roof level in accordance with energy strategy (LBTH Energy and Sustainability).
6. No window openings allowed on the facades facing the vent shaft (London Overground (LO)).
7. Development to be carried out in accordance with LO's document entitled 'Special Conditions for Outside Parties developing on or near the railway'.
8. A minimum of 3 metres must be maintained between the outer face of LO's vent shaft and the outer face of the development (LO).
9. No amplified calls to prayer, public address system or music system.
10. Compliance with Energy Strategy (Energy Officer).

#### Prior to Commencement

11. Construction Management Plan (LBTH Highways).
12. Construction Code of Practice.
13. Full details of demolition, design and construction methodology (LO).
14. Compliance with Network Rail assurance procedure for assets which are at risk (LO).
15. Full CFD analysis or Fire Safety Report (LO).
16. Background noise assessment over a 24 hour period to assess ground-borne noise and vibration from the LO to be carried out and full details of mitigation to be provided to ensure the proposed development would be in accordance with Planning Standard 2 Noise of the MDD for ground-borne noise which is 35dB LAmax.
17. Background noise assessment over a 24 hour period to assess air-borne noise from the proposed extensions of the Mosque to be carried out and full details of mitigation to be provided to ensure the proposed development would be in accordance with Planning Standard 2 Noise of the MDD for air-borne noise which is L90 minus 10 dBA.
18. Full details of safety during the construction of the development to ensure that debris/equipment cannot fall or be blown onto LO railway or associated structures (LO).
19. If cranes are required during construction full details of their base design, erection methodologies and operation methodologies will be required (LO).
20. Radio signal survey prior to the commencement of development and post completion survey of radio signals (LO).
21. Full details of maintenance regimes for facades of the proposed building which faces the vent shaft (LO).
22. Highway works to remove guard rails along Damien Street and replace with bollards – S278 (Highways).

#### Prior to commencement of rear extension and roof extension

23. Sample board of proposed materials including
  - Buff brick and red/brown brick samples including details of mortar and banding
  - Sample of Zinc Faced Aluminium for fourth storey extension

- Drawings at scale 1:50 of proposed windows including full specification and samples
- 24. Full details of amended design of Minaret at scale 1:50 showing details of brick glazing in keeping with the brick approved under condition 21 for the proposed extension.
- 25. Full details of specification of obscure glazing for all windows on the southern elevation and western elevation of the proposed extension which shall be retained in perpetuity.
- 26. Full details of women's entrance including lighting to ensure it is safe and secure

Prior to Occupation:

- 27. Post completion testing to be carried out to demonstrate the mitigation required by condition 14 ensures accordance with Planning Standard 2 Noise of the MDD for air-borne noise which is L90 minus 10 dBA.
- 28. Post completion testing to be carried out to demonstrate the mitigation required by condition 15 ensures accordance with Planning Standard 2 Noise of the MDD for air-borne noise which is L90 minus 10 dBA.
- 29. Secure by Design Statement (Secure by Design Officer).
- 30. Event Management Plan (LBTH Highways).
- 31. Travel Plan to ensure a 20% reduction in car trips (LBTH Highways).
- 32. Delivery and Servicing Plan (LBTH Highways).
- 33. Energy – full details of roof plan including details of photovoltaic siting and location (LBTH Energy).
- 34. Biodiversity enhancements – swift boxes (LBTH Biodiversity).

### 3.4. Informatives

- 1. Consultation with School Travel Plan Officer
- 2. Written consent required from LO for the demolition and construction techniques.
- 3. Precaution that nothing falls onto the railway either during or after construction.
- 4. Compliance with Party Wall Act 1996 as amended and LO advise that this may need to be invoked.

## 4. PROPOSAL AND LOCATION DETAILS

### Proposal and Background

- 4.1. Old Ford Mosque and London Islamic School are currently located within a three storey building located on the western side of Damien Street. This application seeks to expand these facilities comprising erection of an additional storey to the existing building, erection of a four storey rear extension and associated work to provide additional classrooms, additional male prayer area, new ladies prayer hall including ablutions facilities, and including improvements to access around the building.

### Site and Surroundings

- 4.2. The existing building is three storeys in height along Damien Street where the main entrance is currently located. The building façade comprises white render with some brick elements which is in keeping with the render buildings to the north which face onto Old Ford Square.
- 4.3. The rear plot which extends towards Cavell Street is currently used as a garden and has no buildings. However, it would appear that historically there would have been a structure here.



- 4.4. Directly to the north of the site is the boundary of the Ford Square Conservation Area which is a designated heritage asset. There are no listed buildings within the immediate vicinity.
- 4.5. Along, Damien Street the building heights vary from three to four storeys. Directly to the south is Damien Court (numbers 1-30) which is four storey residential building. Planning permission for two additional storeys was granted in 2012 (PA/12/00823) which is detailed in full within the planning history section of this report.
- 4.6. To the east of the site on the opposite side of Damien Street is a block known as numbers 24-52 Damien Street which is another four storey residential block.
- 4.7. Directly to the north of the site are three storey buildings which face onto Old Ford Square.
- 4.8. Moving to Cavell Street the buildings also range in height from three to five storeys.
- 4.9. 54 Cavell Street directly to the north of the application site is a four storey brick building. Planning permission for the change of use from commercial to live work units was granted in the 1990s (Reference: PA/97/00005 - see planning history section for full details). Planning permission has also been granted for an additional storey (References: PA/08/02411 and PA/11/00544 – see planning history for full details) which could still be implemented.
- 4.10. To the south of the application site there is a park known as Cavell Street Gardens.
- 4.11. On the western side of Cavell Street between the junction of Varden Street and Nelson Street the buildings range in height from four to five storeys. Further, to the south of Cavell Street adjacent to Commercial Road, there is a Holiday Inn located on the junction of Commercial Road and Cavell Street which rises to five storeys. Opposite is a terrace of two storey properties.
- 4.12. The Royal London Hospital is located to the north of the application site.

### **Relevant Planning History**

#### Application Site – 18 – 22 Damien Street:

- 4.13. **ST/95/00149** – The LPA granted planning permission on the 22 February 1996 for the “*Erection of a conservatory (20m<sup>2</sup>) as a rest area for adjoining proposed recording studios, on existing flat roof (to rear of 19 Ford Square, E1).*”
- 4.14. **ST/95/00061** – The Local Planning Authority (LPA) granted planning permission on the 1 March 1996 for the “*Change of use and retention of part of the first floor as a mosque and madrassa use.*”
- 4.15. **PA/98/1288** – The LPA granted planning permission on the 16 August 1999 for the “*Change of use and retention of the basement, ground and first floor from showroom/warehouse/storage, light industrial to a Mosque, Madrassa and Cultural Centre.*”
- 4.16. **PA/02/00652** – The LPA granted planning permission on the 22 November 2002 for the “*Alterations to building elevations and the insertion of a main entrance at ground floor level.*”

- 4.17. **PA/08/00881** – The LPA granted planning permission on the 17 October 2008 for the *“Change of use of second floor from music studio complex (Use Class B1) to educational facilities (Use Class D1) together with internal alterations.”*
- 4.18. **PA/10/02130** – The LPA refused planning permission on the 17 January 2011 for the *“Four storey extension to London Islamic school, to provide additional classrooms, additional male prayer area, new ladies prayer hall including additional ablutions facilities, including improvements to access in and around the building.”*
- 4.19. **PA/11/01894** – The LPA granted planning permission on the 17 October 2011 for *“Alterations to the front elevation consisting of the removal of the existing windows and replacement with double glazed windows in smaller openings. Alterations to the facade consisting of the replacement of the brick appearance with Render.”*
- 54 – 54A Cavell Street and site formerly known as 13-15 Ford Square:
- 4.20. **PA/97/00005** – The LPA granted planning permission on the 27 August 1997 for the *“Change of use of premises to provide live and work units plus, if required, the introduction of A1 or A2 use on ground floor of the premises.”*
- 4.21. **PA/00/01918** – The LPA granted planning permission on the 06 September 2002 for *“Change of use and refurbishment of 54-54a Cavell Street to eight ‘live-work’ units and development of 13-15 Ford Square to provide six flats in a new three-storey building”.*
- 4.22. **PA/02/01844** – The LPA granted planning permission on the 16 January 2003 for *“Upgrading of existing telecommunications equipment by addition of 3 additional antennas on existing roof-top stub-tower.”*
- 4.23. **PA/08/02411** – The LPA granted planning permission on the 05 January 2009 for the *“Removal of existing telephone mast from roof level and erection of a single storey roof extension to create 1 x 2 bedroom flat.”*
- 4.24. **PA/11/00544** – Flat 2 - The LPA granted planning permission on the 3 May 2011 for the *“Use as a residential unit (Use Class C3).”*
- 4.25. **PA/11/02349** – The LPA granted planning permission on the 14 December 2011 for the *“Removal of existing telephone mast at roof level and erection of a single storey roof extension to create 1 x 2 bed flat. Application to replace extant permission ref PA/08/02411 dated 05 January 2009 in order to extend the time limit for implementation.”* This permission could still be implemented.
- Damien Court – 18 – 22 Damien Street:
- 4.26. **PA/12/00823** – The LPA granted planning permission on the 5 November 2012 for the *“Erection of two additional floors at roof level to create eight new duplex residential units to Damien Court as well as introduction of new lifts to serve the existing and new levels and general landscaping work.”*

## 5. POLICY FRAMEWORK

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

- 5.3. **Government Planning Policy Guidance/Statements**  
National Planning Policy Framework (March 2012) (NPPF)  
Policy Statement – planning for schools development (August 2011)
- 5.4. **Spatial Development Strategy for Greater London - London Plan 2011 (London Plan 2011)**
- 3.1 Ensuring equal life chances for all
  - 3.2 Improving health and addressing health inequalities
  - 3.16 Protection and enhancement of social infrastructure
  - 3.18 Education facilities
  - 5.1 Climate change mitigation
  - 5.2 Minimising carbon dioxide emissions
  - 5.3 Sustainable approach and construction
  - 5.4 Retrofitting
  - 5.7 Renewable energy
  - 5.9 Overheating and cooling
  - 5.13 Sustainable drainage
  - 6.1 Strategic approach
  - 6.3 Assessing effects of development on transport capacity
  - 6.5 Funding Crossrail and other strategically important transport infrastructure
  - 6.7 Better streets and surface transport
  - 6.9 Cycling
  - 6.10 Walking
  - 6.12 Road network capacity
  - 6.13 Parking
  - 7.1 Building London’s neighbourhoods and communities
  - 7.2 An inclusive environment
  - 7.3 Designing out crime
  - 7.4 Local character
  - 7.5 Public realm
  - 7.6 Architecture
  - 7.8 Heritage assets and archaeology
- 5.5. **The London Plan Spatial Development Strategy for Greater London Revised Early Minor Alterations Consistency with the National Planning Policy Framework – published 11 October 2013 (London Plan 2013).**
- 3.18 Education facilities – Supporting text amended
  - 5.7 Renewable energy – Supporting text amended
  - 5.13 Sustainable drainage– Supporting text amended
  - 6.1 Strategic approach– Supporting text amended
  - 6.5 Funding Crossrail and other strategically important transport infrastructure – Policy and supporting text amended
  - 6.9 Cycling– Supporting text amended and Table 6.3 Cycle parking standards amended
  - 6.13 Parking- Paragraph 6A.1in the parking addendum amended
  - 7.1 Building London’s neighbourhoods and communities– Supporting text amended
  - 7.3 Designing out crime
  - 7.8 Heritage assets and archaeology – Supporting text amended
- 5.6. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP03 Creating health and liveable neighbourhoods
  - SP07 Improving education and skills
  - SP08 Making connected Places
  - SP09 Creating Attractive and Safe Streets and Spaces

- SP10 Creating Distinct and Durable Places
- SP11 Working towards a zero-carbon borough

5.7. **Managing Development Document (adopted April 2013) (MDD)**

- DM8 Community infrastructure
- DM13 Sustainable drainage
- DM14 Managing waste
- DM18 Delivering schools and early learning
- DM20 Supporting a Sustainable transport network
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM27 Heritage and the historic environment
- DM29 Achieving a zero-carbon borough and addressing climate change

5.8. **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 (TfL)**

6.3. This development sites directly above London Overground's (LO) railway tunnel between Shadwell Station and Wapping Station and adjacent to a vent shaft for this tunnel. Correspondence dated 21st August 2012 referring to the impact of this development on LO's assets and operation has been sent separately by Simon Pope.

6.4. An additional 100 walking trips will be undertaken as a result of these proposals. Accordingly pedestrian desire lines within the locality should be identified and subsequently assessed with a pedestrian environment audit. Any deficiencies such as lack of dropped kerbs, lack of tactile paving or lack of appropriate pedestrian crossing facilities at junctions should also be highlighted so that an appropriate contribution can be set to address the deficiencies that are identified.

6.5. **[Officer Comment:** The borough highway officer after carrying out a detailed site visit considers that a Pedestrian Audit is not required in this instance. As outlined in their comments below specific areas for improvement of the footway along Damien Street would be secured. TfL have been advised of the borough's position and to date no further comments have been received.]]

6.6. London Plan policy 6.9 'Cycling' requires 1 space per 10 staff and 1 per 10 visitors. Based upon the peak demand of 900 people this would equate to a minimum

requirement of 90 spaces. Since TfL were initially consulted further discussion has taken place between TfL and the applicant with the conclusion that it is not possible to locate this number of spaces within the site. Nevertheless, an additional 11 spaces are now proposed and therefore the total provision equates to 33 spaces. This is now considered acceptable to TfL.

- 6.7. **[Officer Comment:** the proposed ground floor plan shows the provision of 21 Sheffield stands which provides parking for 42 cycles.]
- 6.8. To ensure full compliance with London Plan policy 6.7 'Better Streets and Surface Transport' and to promote inclusive accessibility to all users of the proposed development, an audit of the two closest bus stops is required and any schedule of works required to bring them up to current accessibility standards should be identified as per TfL Bus Priority Team Technical Advice Note BP1/06 available from TfL's website:  
[http://www.tfl.gov.uk/assets/downloads/businessandpartners/accessibile\\_bus\\_stop\\_design\\_guidance.pdf](http://www.tfl.gov.uk/assets/downloads/businessandpartners/accessibile_bus_stop_design_guidance.pdf). Upon TfL's receipt of the audit, a capped contribution of £20,000 maybe requested to ensure full compliance with accessibility guidelines.
- 6.9. **[Officer Comment:**The borough highway officer does not consider that a bus stop audit is considered necessary in this instance. TfL have been advised of the borough's position and to date no further comments have been received.]

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

- 6.10. With regard to Town and Country Planning, the Fire Authority needs to consider Access and Water Supplies. It is noted that no information directly related to Fire Service Access and Water Supplies have been provided.
- 6.11. **[Officer Comment:** The applicant did not provide a specific document which related to Fire Service Access and Water Supplies. Notwithstanding, London Fire and Emergency Planning Authority were able to provide comments from assessing the application documents.]
- 6.12. Notwithstanding the above statement plan P10 would indicate that, if the existing water supplies are maintained, the provision of water supplies for the use of the Fire Service should be adequate. Moreover, the said plan would also indicate that Brigade access should not be problematic.

#### **London Overground (LO)**

- 6.13. This application follows an application made in 2011 for this site which LO previously commented on. Since this last application, the applicant has consulted with LO and accommodated certain safety requirements into the design of the proposal to mitigate many of LO's initial concerns.
- 6.14. The proposed redevelopment of this site is for the redevelopment of existing buildings and the additions of new buildings which will be located directly above LO's tunnels and front a vent shaft also owned by LO.
- 6.15. Whilst LO now supports this application in principle there are a number of conditions which LO would like to see included in any consent for this development to ensure the safe, efficient and economic operation of LO is maintained:

### Conditions

- No window openings allowed on the facades facing the vent shaft.
- Development to be carried out in accordance with LO's document entitled 'Special Conditions for Outside Parties developing on or near the railway'.
- A minimum of 3 metres must be maintained between the outer face of LO's vent shaft and the outer face of the development.
- Full details of demolition, design and construction methodology
- Compliance with Network Rail assurance procedure for assets which are at risk
- Full CFD analysis or Fire Safety Report
- Background noise assessment over a 24 hour period to assess ground-borne noise and vibration from the LO to be carried out and full details of mitigation to be provided to ensure the proposed development would be in accordance with Planning Standard 2 Noise of the MDD for ground-borne noise which is 35dB LAmax.
- Post completion testing to be carried out to demonstrate the mitigation if necessary ensures accordance with Planning Standard 2 Noise of the MDD for ground-borne noise which is 35dB LAmax.
- Full details of safety during the construction of the development to ensure that debris/equipment cannot fall or be blown onto LO railway or associated structures.
- If cranes are required during construction full details of their base design, erection methodologies and operation methodologies will be required.
- Radio signal survey prior to the commencement of development and post completion survey of radio signals.
- Full details of maintenance regimes for facades of the proposed building which faces the vent shaft.

### Informatives

- Written consent required from LO for the demolition and construction techniques.
- Precaution that nothing falls onto the railway either during or after construction.
- Compliance with Party Wall Act 1996 as amended and LO advise that this may need to be invoked.

6.16. [Officer Comment: All conditions and informatives requested would be attached.]

### **LBTH Biodiversity**

- 6.17. There does not appear to be any adverse impact on biodiversity.
- 6.18. No soft landscaping is proposed, which is understandable in the very confined space. This does mean, however, that the current proposals would not provide any biodiversity enhancement. There are opportunities for biodiversity enhancements which could be incorporated into the building.
- 6.19. Apart from the minaret, the roof appears to be flat, and could therefore potentially support a green roof. The minaret, being taller than surrounding buildings, would be an ideal place to incorporate nest boxes for swifts. The applicant could be asked to consider these enhancements.
- 6.20. [Officer Comment: It is proposed to locate Photovoltaic (PV) at roof level which is being controlled via condition. As such, in this instance there is no potential for green roofs. A condition would be attached to secure the provision of swift boxes within the

minaret which the applicant has agreed to. The level of biodiversity enhancement is considered acceptable in this instance given the proposal would not have an adverse impact on biodiversity.]

#### **LBTH Corporate Access Officer**

- 6.21. It was requested that the following be addressed:
- a redesign of women's entrance to improve visibility
  - Reorganise the space/wall opposite the stairs in the women's entrance to provide sufficient space to manoeuvre around the door that exits the men's prayer hall
  - Shoe storage for women's entrance at ground floor
  - Access within ablution room in both male and female areas for someone in a wheelchair to wash their hands and feet.
- 6.22. **[Officer Comment:**A condition would be attached to ensure the women's entrance would be safe secure and accessible should planning permission be granted. The applicant considers that the space opposite the lift complies with Part M of the Building Regulations and as such allows sufficient space for manoeuvring. They have advised that shoe storage would be dealt with. Given this is an internal layout issue this would not merit inclusion as a condition or refusal of the planning application. The applicant has amended the layout to address the above matters. Finally accessible abulation facilities have been provided for both males and females.]

#### **LBTH Crime Prevention Officer**

- 6.23. My main concern is to ensure the right Secure by Design (SBD) standards are used so that the extension building is safe and secure for all the users.
- 6.24. The design shows a number of shapes that leave recesses and entrances that are set back, not very conducive to a safe and secure environment.
- 6.25. Having dealt with some problems at religious buildings in Tower Hamlets, it is often the case that security was not thought a priority when they were first built, mainly because they were not built with religious use in mind. I think it highly important that this building takes security seriously.
- 6.26. **[Officer Comment:** A condition will be attached to ensure that the proposed extension achieves SBD standards. With regard to the Women's entrance through the use of appropriate lighting and materials it will be possible to ensure that this is a well-designed and safe entrance. This would also be controlled via condition. ]

#### **LBTH Energy and Sustainability Officer**

- 6.27. Initial comments noted that there were no details of the sustainability features and energy efficiency features in accordance with policy. This information was requested.
- 6.28. Following the receipt of an Energy and Sustainability Strategy the following comments were provided:
- 6.29. The Energy Strategy (August 2013) sets out the proposals to deliver CO2 emission reductions of 35.9% (~9tonnes/CO2/Yr). This is proposed through the integration of 24kWp photovoltaic array. The location of the array is shown in figure 4 and would comprise 190m2 of PV's.

6.30. The proposals would meet Policy DM29 requirements and should be secured through an appropriately worded Condition.

6.31. [**Officer Comment:** Compliance with the energy strategy and the provision of photovoltaic at roof level would be secured via condition as requested.]

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

6.32. The Hours of opening for School use would be 08:00 to 17:00hrs which is considered acceptable.

6.33. The Hours of opening for Mosque's use is listed as variable.

6.34. EH is not able to recommend planning permission without knowing the hours of operation of the Mosque, given this has the potential to cause noise nuisance to local residents during sensitive hours of sleep and rest.

6.35. [**Officer Comment:** The hours of operation of the Mosque have been confirmed as follows 6am to 11.30pm on any day. Outside of these hours no more than 75 persons may be present in the Mosque.]

#### **LBTH Building Control**

6.36. To date no comments have been received.

#### **LBTH Parks and Open Spaces**

6.37. To date no comments have been received.

#### **LBTH Transportation and Highways**

6.38. It is standard practice for Highways to consider the worst case impact of a proposed development. Thus, the comments on highways impact relate to the proposed expansion of the mosque operations during its 'peak' – Friday lunch time prayers. The anticipated increase in trips associated with the school is considered by Highways to likely have a minor impact on safety and efficient operation of the public highway.

#### Existing Highway Impact:

6.39. The current operation at the site on Friday lunch time prayers generates demand for on-street parking that exceeds the available supply. Survey results presented in the Transport Statement (TS) recorded the existing level of parking during Friday prayers between 12:30 and 14:15, the busiest period of operation at the site. The survey study area was agreed in advance by Highways and covers all on-street parking up to approximately 200m from the site.

6.40. The survey results indicate parking occupancy levels exceed 80% (the level at which Highways regard on-street parking as stressed) across the entire study area. The survey also recorded numerous instances of illegal parking close to the mosque, including cars parked on yellow line, over dropped kerbs, at bus stops and at ambulance bays. This has knock-on impacts for other users of the public highway: pedestrian routes are obstructed, sight lines and space at junctions are reduced-increasing the risk of accidents in these locations and congestion -and bus services are disrupted.



#### Forecast Highways Impact:

- 6.41. The development will increase demand for on-street car parking which Highways anticipate would add further to problems experienced and raised above.
- 6.42. The data presented in the TS for the increased school and Mosque forecasts an additional 20% car trips will be generated by Friday lunch time prayers. The applicant contends this is a “*negligible increase that will not have a material impact on the Highway network*” and that in any case, the demand for car trips “*will be suppressed through lack of parking availability*”.
- 6.43. While highways acknowledge the latter point may be a factor in reducing the number of trips made to the site by car overall, they do not accept that a 20% increase in car trips would have a negligible impact in an area already suffering parking stress at these times.
- 6.44. Highways wish to prevent existing problems from becoming worse. By generating demand for parking for an additional 40 vehicles where it has been shown to be extremely limited, Highways believe it is highly likely there would be an increase in the sort of unauthorised parking recorded in the survey. The outcome would exacerbate the existing problems mentioned above making the development non-compliant with DM20 of the Managing Development Document (MDD) and Core Strategy (CS) policy SP09.3.

#### Cycle Parking:

- 6.45. Highways regards cycle parking as an essential element of any strategy the occupiers implement to tackle the additional traffic congestion and parking stress caused by the increased capacity of the mosque.
- 6.46. The site currently has cycle parking for up to 20 cycles for the use of staff and visitors to the site. The submitted TS suggest use of this parking is low. Under the cycle parking standards set out in the MDD, the proposed development should provide dedicated cycle storage for a minimum of:
- D1 (place of worship): 15 cycles
  - D1 (school): 6 cycles
  - Total: 21 cycles
- 6.47. 22 new cycle parking spaces will be provided within the site in a safe and secure location which is welcomed and should be secured by a condition requiring them to be retained and maintained for the lifetime of the development.
- 6.48. However, it is unclear why the new cycle parking shown on the ground floor plan is annotated with ‘for TfL removal when required’. Highways consider these cycle stands should be permanent and seek clarification from the applicant over what was meant by this.
- 6.49. [**Officer Comment:** In order to provide access to the vent shaft the cycle stands may have to be removed.]

### Pedestrian Flows:

- 6.50. Highways are concerned that the existing pedestrian facilities are not adequate for the anticipated number of people attending Friday prayers.
- 6.51. The width of the footway adjoining the site on Damien Street is not wide enough to accommodate the large number of people exiting the site at the end of Friday prayers. Highways have observed how this forces people onto the carriageway on Damien Street, placing them at increased risk of collision with vehicles.
- 6.52. To help reduce this risk and effectively manage the dispersal of the large amount of people at the end of prayers, a condition should be attached to any permission requiring approval of an Event Management Plan prior to occupation of the site. The Plan would set out how the site operators would manage the safe dispersal of worshippers from the site using the multiple site access on both Damien Street and Cavell Street.
- 6.53. The applicant should fund works to replace the guard railing on Damien Street opposite the site with bollards. The existing guard rail on footway along Damien Street restricts pedestrian movements and encourages congregation on Damien Street. Worshippers lean on the carriageway side of the railing. Removing the rail would improve permeability of pedestrians crossing Damien Street, while the bollards would prevent any unauthorised parking.
- 6.54. The applicant should fund installation of a raised table at the junction of Damien Street and Ford Square. Damien Street is a one-way (southbound) street and is generally lightly trafficked. However, Highways foresee a risk of turning movements conflicting with users of the site, particularly just after Friday lunch time prayers. There is little scope to widen footways so funding for a raised table at the junction of to slow traffic entering Damien Street is sought to mitigate this risk.
- 6.55. For clarification, Highways does not seek a PERS assessment for this application. Following a visit to the site and surrounding area, Highways consider the most critical issue relating to the pedestrian environment is the insufficient footway capacity on Damien Street.
- 6.56. For clarification, Highways does not seek a bus audit.
- 6.57. **[Officer Comment:** The applicant has agreed to an Event Management Plan which would be secured via condition. Furthermore, the removal of the existing guard railing and the installation of bollards would be secured via condition. However, in light of further information which has been received which is discussed below it was no longer considered that by the borough highway officer that a raised table would be required.]

### Servicing:

- 6.58. The applicant has not supplied sufficient information for highways to assess the servicing arrangements. Highways indicated at the pre application stage that on street servicing at the expanded site would not be acceptable and asked for information on the likely number of service trips generated by the development. The applicant has not provided this information and addresses this issue briefly in the TS by asserting that service trips "*will not increase*". Highways are concerned that the applicant may not adhere to our advice and pursue an on-street servicing strategy. It

is essential that the applicant gives adequate information so we can fully assess the possible impacts.

- 6.59. **[Officer Comment:** A Delivery and Service Management Plan would be secured via condition.]

Refuse:

- 6.60. The submitted plans do not show any space for on-site refuse storage. It is not acceptable for bins to be stored on public highways in between collections. It should only be put out on the street at the expected time of collection. Highways expect the expansion of the site to allow for accommodation of refuse storage. Not enough information has been provided to allow us fully assess the potential impact.
- 6.61. They assume colleagues in Waste Management have been consulted.
- 6.62. **[Officer Comment:** Refuse and recycling storage facilities would be controlled via condition. Waste Management were consulted. To date no comments have been received.]

Travel Plan:

- 6.63. A Travel Plan for the school and mosque should be attached by condition to any planning permission and should be submitted for approval by Highways prior to occupation of the proposed development. The mosque travel plan should set out plans to incorporate results from the on-site worshipper travel surveys undertaken with the first six months of the increased capacity.
- 6.64. The applicant has submitted a draft Travel Plan which Highways does not support. It includes a target for a reduction in the proportion of congregation that travels to the mosque by car of 1% per year over five years (after occupation of the development). This fails to address Highways key concerns over the number of car trips generated by the development at Friday lunch time prayers. The applicant should commit to ensuring that there is no net increase in car trips at this time and reflect this in the Travel Plan targets. Highways also require a restriction on the maximum number of people allowed in the mosque should this target not be met after three years.
- 6.65. The travel survey to establish the baseline for modal split must be conducted prior to occupation. The travel plan commits the applicant to conducting a 'detailed travel survey' to establish baseline mode splits which is welcomed.
- 6.66. However to ensure the baseline related to the proposed car trips target is robust it must be based on the modal share of the existing operation. Highways requires commitment from the applicant that this survey will be taken before any expansion in capacity of prayer space and based on the size of the current operation.
- 6.67. The proposed Travel Plan actions are not likely to achieve the proposed targets. Highways recommend the applicant consider additional measures such as travel announcements to encourage non-car travel before or after services, a mosque car-share scheme and mosque mini-bus service.
- 6.68. **[Officer Comment:** The applicant has committed to reducing car travel by 20% and this would be secured through a bespoke worded Travel Plan condition.]

### Conclusion:

- 6.69. Highway objects to the application to increase the capacity of the mosque. The survey data on car parking close to the site and the anticipated increase in vehicle trips during Friday prayers demonstrates that there is insufficient spare capacity for car parking. Given the existing conditions around the site, Highways anticipates that this will further degrade pedestrian amenity, increase risk of road traffic accidents, increase local traffic congestion and disrupt bus services. The applicant has not proposed sufficient mitigation to give Highways comfort around our concerns. Highways cannot support the application in its present form.
- 6.70. If the Planner is minded to grant permission, the following should be secured (further details above):
- Condition requiring a Travel Plan
  - Condition requiring Event Management Plan
  - Condition requiring cycle parking retained and maintained for this purpose only for the lifetime of the development
  - Funding of public realm improvements (s278 or s106)
- 6.71. **[Officer Comment:** The applicant sought to address these comments and following discussion provided further information to demonstrate that the creation of two new entrances (women's entrance along Damien Street and a new Cavell Street entrance) would disperse pedestrians use of the site. Furthermore, they agreed to the conditions requested by Highways. The only matter they did not agree with was the raised table and this was because they considered that the dispersal of patrons would reduce the level of impact along Damien Street and thus a raised table would no longer be required.]
- 6.72. The borough highway officer reviewed the further information. They advised that if the distribution of people entering and exiting the site follows the distribution between Cavell Street and Damien Street described by the applicant, then the pressure on Damien Street would be reduced and Highways do not require the raised table on the junction of Damien Street and Ford Square. This is of course to be reinforced by an Event Management Plan, secured by condition, which they note the applicant has agreed to.
- 6.73. In terms of managing growth in car trips associated with the development, they note also that the applicant has agreed to a condition requiring a Travel Plan with requirements to reduce car trips by 20% (or a suitable form of words that commits the applicant to working to ensure the development generates no increase in car trips). This should be explicitly outlined in the condition.
- 6.74. In conclusion having considered the agreed measures and conditions to mitigate the issues outlined in Highways' comments on the scheme, they remove their objections.
- 6.75. **[Officer Comment:** The conditions as requested would be attached should planning permission be granted.]

## **7. LOCAL REPRESENTATION**

- 7.1. A total of 339 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.

- 7.2. A total of 171 representations were received. 108 in favour and 63 against.
- 7.3. A total of 3 petitions were received.
- 7.4. 2 in favour: A petition dated 27 August 2012 contained 728 signatures. A petition dated 19 August 2013 contained 938 signatures. It is noted that many people signed both petitions which responded to the two separate consultation periods.
- 7.5. 1 against containing 20 signatures.
- 7.6. The first consultation was carried out in August 2012 and a second consultation was carried out following the receipt of amended drawings in August 2013.
- 7.7. The following matters were raised which are material to the determination of the application.

**Summary of letters of support:**

- 7.8. There is a need for the facilities the organisation provides.
- 7.9. There is an urgent need for improved prayer facilities given existing facilities are cramped.
- 7.10. The school needs extra space to expand and there is demand for spaces with 100 applicants applying for 30 spaces per year group.
- 7.11. The new women's prayer hall would benefit local women and could be used to hold women's group sessions to discuss current issues and a space to seek advice and guidance. There is currently a lack of women's prayer facilities.
- 7.12. It would help local youth by encouraging education.
- 7.13. Would create job opportunities for locals.
- 7.14. Would attract new business to the area.
- 7.15. Would improve the look and feel of the site.
- 7.16. Their youth services and outreach programmes benefit the local community.

**Summary of letters of objection:**

Land Use:

- 7.17. A play area for the expanded school should be provided.

**[Officer Comment:** This is an existing school without any outdoor space. Given the constrained site nature the provision of play space on site is not feasible. It is noted that the final decision as to the acceptability of the teaching facilities at the school is the responsibility of the Department of Education.]

- 7.18. The use of Ford Square, by the school for play affects the ability of local residents to use this public space.

**[Officer Comment:** Within the area there are two parks Cavell Street Gardens and Old Ford Square. These are both public open spaces and can be used by members of the public and any schools within the area.]

- 7.19. Against the London Square Preservation Act 1931.

**[Officer Comment:** The management of the Ford Square is the responsibility of the Borough Parks Department. The submitted planning application does not include Ford Square as part of the site and does not propose any works to Ford Square. It is not considered that the status of Ford Square as a London Square protected by the above act would be affected given there are no proposals to alter the square. As advised, all members of public including school children may use the public open space and its use is not restricted.]

Design:

- 7.20. The proposed design is not appropriate for its location and surroundings and is overbearing and conspicuous along Cavell Street.
- 7.21. The building is not in keeping with the heights of surrounding buildings when you consider the height of the minaret.
- 7.22. The proposed materials are not in keeping with the local area.
- 7.23. The character of Ford Square would be altered by the design of the proposals and no impact assessment has been carried out.
- 7.24. **[Officer Comment:** The application was accompanied by detailed drawings and a Design and Access Statement which accords with statutory requirements and the Council's Local List. Officers consider that sufficient information has been submitted to assess the impact of the proposed development on the adjacent Conservation Area. A full assessment of the design is contained within the main body of the report.]

Amenity:

- 7.25. During Ramadan noisy crowds gather in Ford Square until the early hours causing noise disturbance.
- 7.26. **[Officer Comment:** Ford Square is a public space and does not form part of this application. Any issues regarding Anti-Social Behaviour (ASB) within Ford Square would be dealt with by the police using their powers. Furthermore, environment health legislation would deal with noise and disturbance complaints.]
- 7.27. Concern about increased sense of enclosure.

**[Officer Comment:** The amenity section of this report contains a full discussion of the assessment of the above matters.]

- 7.28. Plans inaccurate and label 54 Cavell Street as Commercial.

**[Officer Comment:** Officers are aware that the majority of the live/work units are now solely used as residential albeit only one flat has regularised this in planning terms by applying for a Certificate of Lawfulness of Existing Use as residential. The applicant has subsequently taken account of resident's representations in their assessment of

daylight and sunlight using the plans of the building provided by occupants of 54 Cavell Street.]

- 7.29. Insufficient information submitted to assess noise and no hours of operation proposed. Concern about noise and disturbance from the number of people which would be using the enlarged Mosque.

**[Officer Comment:** Given no new plant is proposed a noise report would not be required in this instance. However, the Environmental Health Officer has been consulted and they have raised concern about the lack of a condition controlling the hours of operation. Such a condition is now proposed and would seek to limit the impact of patrons exiting and entering the Mosque between 11:30 pm and 6:00 am by limiting the number of patrons to 75.]

- 7.30. Residents are concerned about impact of noise during night time prayers. The hours of operation should be restricted to daytime hours.

**[Officer Comment:** The hours of operation condition seeks to limit the impact of the development at night time by limiting the number of people who can prayer within the Mosque between 11:30 pm and 06:00 am to 75. Furthermore, the windows proposed to the new extension would be non-opening which would further limit noise impacts from within the building. Finally, a condition to seek details of the measures to prevent the transmission of noise from the building would be attached should planning permission be granted.]

- 7.31. Concern about impact of noise from 'call to prayer'.

**[Officer Comment:** A condition would restrict the use of any amplification for a 'call for prayer'.]

- 7.32. Concern about noise during construction.

**[Officer Comment:** Noise during construction is controlled by environmental health legislation and construction work is only permitted between 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays with no work on Sundays and Bank Holidays. Furthermore, a construction management plan would be secured via condition which would seek to limit the impact of construction traffic.]

- 7.33. Rights to light

**[Officer Comment:** Rights of light is a civil matter.]

- 7.34. Litter and rubbish left on the streets and not removed.

**[Officer Comment:** The Tower Hamlets Street Care Team are responsible for street cleaning and the Waste Management Team are responsible for waste collection. Both provide various methods of contact should there be an issue within an area. From a review of the representations received it is not considered that there is a direct link between the cleansing problems within the area and the existing Mosque. Notwithstanding, details of refuse storage have been requested and would be controlled via condition. This would ensure that any waste associated within the Mosque would be stored within the site until collection day.]

- 7.35. Loss of privacy resulting in feeling unsafe

**[Officer Comment:** Full consideration has been given to overlooking, loss of privacy and perceived impacts of overlooking and loss of privacy as discussed within the amenity section of this report. The separation distance would be approximately 14 metres which in this urban location would be considered acceptable. However, given the use of the proposed extension as a public building and the surrounding residential uses it is considered that obscure glazing should be introduced to the west and south facing Mosque windows to prevent direct overlooking and loss of privacy. By merit, of the use of obscure glazing, there would be no direct overlooking and feelings of being overlooked and feeling unsafe would be addressed.]

Loss of daylight and sunlight:

- 7.36. The impact on residents of 54 Cavell Street with regard to daylight and sunlight would not accord with BRE Guidance.
- 7.37. It is not considered that the amended plans which set back the fourth storey would make a material difference to the levels of daylight and sunlight reaching the worst affected windows/rooms at 54 Cavell Street.
- 7.38. Residents of 54 Cavell Street commissioned SP Planning to carry out a review of the applicants Daylight and Sunlight Report. They submitted a letter dated 21 August 2012 which reviewed the submitted scheme and sent a further letter dated 28 August 2013 which reviewed the amended scheme.
- 7.39. They note that the *“key consideration is the effect on the bedrooms and living/kitchen/dining rooms in the ground and first floor flats of 54 Cavell Street.”* SP Planning conclude that with regard to Vertical Sky Component (VSC) that *“it is evident ... that the amendments to the scheme would result in VSC levels at ground and first south-facing windows that are not materially different to those previously reported”* by the applicants. As such, they consider that the reduction in light available from the sky would be noticeable.
- 7.40. With regard to daylight distribution tests they now understand that this assessment is based on reasonably accurate drawings of the internal layouts of the ground and first floor flats in 54 Cavell Street. However, the results indicate that for the bedroom and living/kitchen/dinner at ground floor level they would fail the BRE test in this respect too.
- 7.41. The applicant’s report suggests that adequate levels of natural sunlight will be maintained post-development. However, the proposal would have serve effects on the sunlight availability during winter months (September to March) particularly at ground floor level.
- 7.42. SP Planning conclude on behalf of the residents of 54 Cavell Street that *“the slight setting back of the top floor of the proposed development would not make a material difference to the levels of sunlight reaching the worst-affected windows/rooms at 54 Cavell Street ... for this reason... [they] conclude that the proposal would result in unacceptable loss of daylight and sunlight to nearby residential properties and would have an unacceptable effect on residents living conditions.”*

**[Officer Comment:** The applicant has taken on board the representations of the residents of 54 Cavell Street and used the layout plans they provided in their amended Daylight and Sunlight Report. A full discussion on the impact of the proposal with regard to daylight and sunlight is contained within the amenity section of this report.]



Highways:

- 7.43. Congestion on Cavell Street is over capacity because of recent developments including the following: Royal London Hospital Extension, new bus routes, Holiday Inn hotel and existing Islamic School. Local residents, business, deliveries and visitors are currently not able to find parking spaces. Any increase in capacity cannot be supported.
- 7.44. Concern about the increase in numbers of people using the Mosque and the school on traffic congestion.
- 7.45. Existing problem with double parking in the area on Fridays.
- 7.46. Increase in pedestrians coming to and from the Mosque and increase in congregation of people on the public highway. Footway too narrow along Cavell Street.

**[Officer Comment:** The above concerns about highways impacts are addressed within the highways section of this report.]

- 7.47. It is considered that local parking restrictions are neither observed nor enforced.
- 7.48. **[Officer Comment:** Any illegal parking on the public highway is controlled by separate legislation and the Council Parking Services Team, are responsible for enforcing parking controls. This is carried out by Civil Enforcement Officers and CCTV.]
- 7.49. Concern submitted Transport Assessment is out of date and does not fully assess the current situation.

**[Officer Comment:** The Highways Officer has reviewed the submitted Transport Assessment and carried out a site visit and has advised that the Transport Assessment is acceptable and assesses the existing situation.]

- 7.50. Were Barts and the London NHS Trust consulted? Has consideration been given to the impact of increased congestion on the path of ambulances?

**[Officer Comment:** They were not consulted directly about the application. This would accord with statutory requirements and the Council's Statement of Community Involvement. In assessing the application the Highway's Officer fully considered the impact of the proposal and concluded that subject to conditions that the impact on the local highway network would be acceptable. This includes consideration of all users of the public highway including ambulances.]

- 7.51. Cavell Street residents commissioned Paul Mew Associates who are Traffic Consultants to submit an objection on their behalf. This document was passed to the Borough Highway Officer for review as part of their assessment of the proposals.
- 7.52. The parking survey within the applicants Transport Statement (TS) demonstrates that there is parking stress within the area as witnessed by local residents.
- 7.53. From their review of the applicants Transport Statement (TS) they have observed that there were instances of illegal parking and there also appears to be an

enforcement issue as for some motorists parking illegally on single yellow lines or over dropped kerbs is clearly not a sufficient deterrent.

**[Officer Comment:** Any illegal parking on the public highway is controlled by separate legislation and the Council Parking Services Team, are responsible for enforcing parking controls. This is carried out by Civil Enforcement Officers and CCTV.]

- 7.54. It is noted that illegal parking at Cavell Street junction with Stepney Way is the main cause of congestion on Cavell Street opposite the Royal London Hospital entrance as it makes the turning into/out of Stepney Way very difficult for buses and other larger vehicles.
- 7.55. They were concerned that the applicants parking survey was carried out before the completion of the 133 bed Holiday Inn at the junction Cavell Street and Commercial Road. They commissioned a fresh parking survey which covered the same area surveyed by the applicants Transport Consultants. Their survey was carried out at 08:30, 12:30, 14:30 and 18:30 which extend the timeframes surveyed by the applicants.
- 7.56. They found that parking stress was at 92% at 08:30, 93% at 12:30, 87% at 14:30 and 89% at 18:30. The results at 12:30 and 14:30 largely corroborate with those undertaken by the applicant.
- 7.57. In summary they are concerned that the intensification of the use of the Mosque and School will give rise to an increase in traffic movements and demand for parking in an area where congestion problems have been witnessed and where high parking stresses have been surveyed. Furthermore, the applicant has not submitted any evidence to demonstrate that the traffic impact of the development would be mitigated.

**[Officer Comment:** The submitted report has been fully reviewed by planning officers and the borough highway officers. Mitigation has been sought which would be secured via condition to mitigate against the impact of the proposed extension. The Highways section of this report fully discusses these matters.]

- 7.58. Residents consider the Transport Statement should not be relied upon.

**[Officer Comment:** The borough highway officer has advised that the scope of the submitted Transport Statement is acceptable. Furthermore, it is noted that the results of residents own parking survey collaborates the applicants Transport Statement.]

- 7.59. Impact on London Overground Infrastructure.

**[Officer Comment:** London Overground (LO) objected to a previous application. Their concerns have now been addressed through detailed dialogue between the applicant and LO. Subject to conditions LO do not object to the proposals. Their comments are discussed in full above.]

Energy:

- 7.60. Energy effects has not been given adequate consideration

**[Officer Comment:** The applicant has now submitted an Energy and Sustainability Report which has been reviewed by the Energy Officer and found satisfactory subject to conditions. This matter is fully discussed within the energy section of this report.]

Biodiversity:

- 7.61. Affect microclimate of southern elevation of 54 Cavell Street and devalue quality, amenity and use of existing public open space to the south.

**[Officer Comment:** The Biodiversity Officer has advised in his comments that the proposal would not result in an adverse impact on biodiversity. Furthermore, the Daylight and Sunlight Report assessed the impact of overshadowing of the proposed building on this public open space and demonstrated it accords with BRE Guidance.]

- 7.62. Impact on trees

**[Officer Comment:** There are no trees on the site. It is noted that there are trees within Cavell Street Gardens however they are not located directly adjacent to the development site. As such, it is not considered that the construction works would impact on the trees given their distance from the extension.]

Other:

- 7.63. Loss of view of the park.

**[Officer Comment:** This is not considered capable of being a material consideration in the determination of this application.]

- 7.64. Residents do not consider sufficient consultation has been carried out with local residents and note that they attempted to organise a meeting with the applicants but their request was declined.

**[Officer Comment:** Since the submission of the application two consultations have been carried out as set out at paragraph 7.6 above. This is in line with statutory consultation and the Council's Statement of Community Involvement. It is noted that whilst public consultation carried out by the applicant is desirable it is not required.]

- 7.65. Residents are concerned about the timing of the second consultation period held in August 2013.

**[Officer Comment:** The consultation carried out as set out at paragraph 7.6 above is in accordance with statutory requirements and the Council's Statement of Community Involvement. Any representations received have been taken into account.]

- 7.66. Anti-social behaviour and vandalism associated with the school and Mosque.

**[Officer Comment:** Local residents consider there are issues with regard to students and patrons of the local Mosque and instances of anti-social behaviour (ASB) within the vicinity. However, there is no evidence of a direct link. Furthermore, it is noted that local residents have brought to our attention that one of the services the Mosque provides is an outreach programme for young people to address issues. Notwithstanding, the local police have been consulted in order to understand if there are issues with ASB within the local area and their response will be reported in an update report. ]

7.67. Concern about impact on value of property.

**[Officer Comment:** This is not considered capable of being a material consideration in the determination of this application.]

7.68. Social cohesion in the area would be negatively impacted by further expansion of the Mosque.

**[Officer Comment:** This matter has been fully considered in the Equities Assessment attached at Appendix 1. It is evident from an analysis of the local representations that the proposal has raised tension within the local community which evidences that there is an impact on social cohesion. A full discussion of equalities is discussed within the equalities section of this report.]

7.69. Gender equality issues in the community given the school caters to educating young men.

**[Officer Comment:** This matter has been fully considered in the Equities Assessment attached at Appendix 1. A full discussion of equalities is discussed within the equalities section of this report.]

7.70. Concern that the planning application is likely to be approved because there is a majority of Muslims on the committee who may feel pressured by the Mosque Elders and without due regard to the facts of the matter.

**[Officer Comment:** Members of the planning committee conduct themselves in a professional manner in accordance with the Code of Conduct. All planning applications are considered taking account of material planning considerations and adopted planning policy. There would be no difference because the application is for a religious use a Mosque in this instance.]

7.71. Illegal trading

**[Officer Comment:**The proposals do not include any on-street trading. Furthermore, any instances of illegal trading would be covered by separate legislation.]

7.72. Have English Heritage been consulted?

**[Officer Comment:** In line with statutory requirements it was not necessary to consult English Heritage about this application.]

7.73. Description of development – The proposal is labelled as an extension when in fact it is a new building.

**[Officer Comment:** It is considered that the description of development accurately reflects the proposal.]

7.74. Insufficient information submitted and drawings misleading

**[Officer Comment:** It is considered that the submitted drawings and documents provided are sufficient to allow the application to be assessed. It is noted that the drawings are to a stated scale and show adjacent properties where relevant.]

7.75. There is an unauthorised extension to the original building with a window opening onto a neighbouring yard.

[**Officer Comment:** From a review of the statutory planning register it would not appear that planning permission was ever granted for a rear extension. No formal complaints have been submitted to the Planning Enforcement Team regarding the extension. During an officers site visit residents advised that the extension had been in situ for more than four years. As such, it would appear that the extension would now be immune from enforcement action. The matter concerning the window opening outward onto a yard would be a party wall issue which is a civil matter.]

## 8. MATERIAL PLANNING CONSIDERATIONS

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

- § Land Use
- § Design
- § Amenity
- § Highways
- § Energy
- § Biodiversity
- § Human Rights
- § Equalities

### Land Use

*Principle of Community Use Extension:*

- 8.2. The application site is located in an area outside of town centre being to the north of Watney Market District Centre and to the south of Whitechapel District Centre. Policy SP01 (5) seeks to promote areas outside and at the edge of town centres as places that support and assist in the creation of sustainable communities by promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale. Furthermore, Policy SP03 (5) seeks to provide high quality social and community facilities in accessible locations in order that local people can easily use them.
- 8.3. Policy DM8 of the MDD seeks at part 1 to protect existing health, leisure and community facilities. Part 4 of the policy advises that extensions to existing facilities located outside of town centres will only be supported where they are local in nature and scale and where a local need can be demonstrated.
- 8.4. The proposal is for the extension of the existing Community Facility which is used as a Mosque in order to address the need of the local community. There has been a Mosque operating from this site for several years and it is an important community facility. The size of the Mosque is not sufficient to meet the needs of the local community especially during Friday prayer time and this is the reason for the proposed extension.
- 8.5. The Mosque is located outside of a town centre and full consideration has been given to the need for expansion. The applicant has demonstrated that there is a local need for the expansion of the Mosque in this location because the current facilities are not sufficient. Furthermore, it is considered that the extension is in keeping with the scale of surrounding development which will be fully discussed in the design section of this report. Full consideration of amenity impacts of the development will be considered

later in this report. Finally, the existing Mosque which serves a local need is located within an accessible location. Highway impacts will be considered fully later in this report.

*Principle of Secondary School Extension:*

- 8.6. The proposal also includes the extension of the existing Secondary School.
- 8.7. The NPPF states that:
- “The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*
- § *give great weight to the need to create, expand or alter schools;*
  - § *and work with schools promoters to identify and resolve key planning issues before applications are submitted.”*
- 8.8. Policy 3.18 of the London Plan supports proposals which enhance education and skills provision including change of use to educational purposes. It continues to state that:
- “Proposals for new schools should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations.”*
- 8.9. The policy also supports proposals which maximise the extended or multiple use of educational facilities for community or recreational use. Finally the policy encourages co-location of services between schools to maximise land use.
- 8.10. Part 2, of strategic policy SP07 of the Core Strategy (2010) (CS), seeks to increase the provision of both primary and secondary education facilities to meet an increasing population.
- 8.11. Part 3 of the policy supports co-location and clustering of services as well as the encouragement of the use of schools after hours.
- 8.12. DM18 of the MDD sets out criteria for the assessment of new schools and states *“for existing schools, there is no net loss of school play space.”*
- 8.13. The proposal is for the extension of an existing secondary school with the aim of improving facilities. It is clear that policy direction seeks to promote the expansion of existing and creation of new educational facilities. However, given the principle of a secondary school in this location has been established the main matter for consideration is the principle of the extension in land use terms. With regard to policy DM18 (iii) which provides advice for the extension of existing schools the proposals would not result in the net loss of existing school play space. As such, in land use terms the principle of an extension of the secondary school is considered acceptable and accords with policy.
- 8.14. To conclude, in land use terms, the principle of extending the existing community use is considered acceptable given there is a local need. Full consideration of design, amenity and highways will be considered later in the report and will also demonstrate

compliance with policy. Furthermore, the principle of the extension of an existing educational use accords with policy which encourages the expansion of existing educational uses.

## **Design**

- 8.15. Chapter 7 of the LP places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.
- 8.16. Strategic policy SP10 of the CS and policies DM23 and DM24 of the MDD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.17. The proposal includes the erection of an additional storey along Damien Street which would be set back from the front elevation. The existing building is three storeys in height and with the additional storey the building would be four storeys in height. The design of the extension would incorporate glazing with zinc rolled cladding.
- 8.18. The pattern of development along Damien Street is characterised by residential blocks between three and four storeys that are set back from the highway with landscaping surrounding the developments.
- 8.19. Directly to the south is Damien Court which is four storey residential building with planning permission granted for two additional storeys in 2012 (PA/12/00823) which is detailed in full within the planning history section of this report. To the east of the site on the opposite side of Damien Street is number 24-52 which is another four storey residential block. Directly to the north of the site are three storey buildings which face onto Old Ford Square.
- 8.20. The design of the proposed additional storey along Damien Street is considered acceptable. The use of lightweight materials is considered acceptable in the context of the host building and Damien Street. The extension is set back at fourth floor level and reads as a subservient addition to the host building. Furthermore, increasing the height of the building to four storeys would be in keeping with the scale of development along Damien Street.
- 8.21. To the rear of the exiting building and extending towards Cavell Street it is proposed to erect a four storey extension with the fourth storey set back. The extension would incorporate contrasting masonry panels with curtain wall glazing. The top floor would be similar to the additional storey along Damien Street and reads as a lightweight structure because of the use of glazing and zinc.
- 8.22. The proposed massing of the extension is in keeping with the scale of development along Cavell Street which varies in height from three to five storeys. Of importance is the fact the massing is in keeping with number 54 Cavell Street which is a four storey building albeit with permission for an additional storey. In conclusion the massing of the proposed four storey extension is considered acceptable.
- 8.23. The use of brick is welcome and would be in keeping with 54 Cavell Street which is a brick building. To ensure the use of high quality materials the submission of brick samples would be secured via condition. With regard to the windows the use of large

window forms is considered acceptable however full details of windows would also be secured via condition. Material samples and details would also be secured for the fourth storey.

- 8.24. The design also incorporates a Minaret this would be the highest part of the development. The proposed Minaret would rise about the existing building line and would be visible from around the area. Given, this is a Mosque; the incorporation of a Minaret which distinguishes this as a place as worship and a community building is considered acceptable. It is currently proposed to use Glass Reinforced Plastic (GRP). However, officers are concerned the minaret is not in keeping with the quality of the design of the extension. As such, it has been agreed that the minaret would have brick cladding in keeping with the extension. This would ensure the minaret is in keeping with the appearance of the existing building. This would be controlled via condition.
- 8.25. The application site is not located within a Conservation Area; however, Old Ford Conservation Area sits directly to the north. The proposed extensions are in keeping within the local area and would not affect the setting of the Conservation Area. The main effects to consider would be views of the minaret from the conservation area. Through the use of a condition the materials to be used for the minaret will be controlled. This will ensure that this will be in keeping with the host building. The minaret will be taller and would be visible in the wider area. However, given this denotes a religious use and community building it is not considered that the proposals would affect the character and appearance of the Old Ford Conservation Area.
- 8.26. In conclusion, it is considered that the bulk, scale and massing of the extensions are in keeping with the pattern of development within the local area. Furthermore, the proposed materials are considered acceptable within the local context given the use of brick subject to conditions to ensure a high quality finish is considered acceptable. As such, the proposals accord with policy in design terms.

### **Amenity**

- 8.27. Part 4 a and b of policy SP10 of the CS, and policy DM25 of the MDD seek to protect, and where possible improve, the amenity of surrounding existing and future residents. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy, an increase in overlooking, increased sense of enclosure or result in a material deterioration of daylight and sunlight conditions.
- 8.28. The application site is bounded by the following residential properties:
- Damien Court – 21 Damien Street
  - 22-52 Damien Street
  - 16-19 Ford Square
  - 54 Cavell Street
  - 39-45 Cavell Street
  - 37-49 Cavell Street
  - 1-21 Wilson Court
  - 2-50 Clark Street



### Daylight, Sunlight and Overshadowing:

- 8.29. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice - Second Edition' (2011).
- 8.30. In respect of daylight, there are three methods of calculating the level of daylight received known as Vertical Sky Component (VSC), Daylight Distribution Contours (DDC) and Average Daylight Factor (ADF). BRE guidance sets out that the first test applied should be VSC and if this fails consideration of the DDC test may also be taken into account.
- 8.31. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.32. In respect of sunlight, BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.33. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *"it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March"*.
- 8.34. A Daylight and Sunlight Report (prepared by Waldrams and dated 10 July 2012) has been submitted as part of the application documents. Following the submission of amended plans an updated Daylight and Sunlight Report (prepared by Waldrams and dated 1 July 2013) has been submitted.
- 8.35. Local residents also instructed SJ Planning to submit representations on their behalf outlining why they considered the proposals would have a material impact on daylighting levels of local residents. This report is summarised within the consultation response section of the report.
- 8.36. Antsley Horne were commissioned on behalf of the Council to review the submitted Daylight and Sunlight Report along with neighbour's representations and provide advice regarding the impact of the proposed development on the daylight and sunlight levels of surrounding residents.
- 8.37. The Applicants Daylight and Sunlight Report covers the following residential properties in the vicinity of the site including the relevant areas of the following properties: -
- Cavell House, 39-45 Cavell House (first floor and above).
  - 37a and 49 Cavell Street (first floor and above).
  - 1-21 Wilton Court.
  - 21 Ford Square.
  - 2-50 Clark Street.
  - 24-52 Damien Street.
  - 1-3 Damien Street.

- 17-18 Ford Square.
- 54 Cavell Street.

8.38. All of the above have been tested for daylight. For sunlight, the orientation of these properties meant it was only necessary to test windows to the south elevation of 1-21 Wilton Court, certain windows to 21 Damien Street, 2-50 Clark Street, 1-30 Damien Court and windows to the south elevations of 16-19 Ford Square and 54 Cavell Street. They also tested overshadowing to Cavell Street Gardens to the south of the proposed four storey extension.

*Daylight:*

8.39. The following properties were tested with regard to Daylight and would comply with BRE Guidance:

- Cavell House, 39-45 Cavell House (first floor and above).
- 1-21 Wilton Court.
- 21 Ford Square.
- 2-50 Clark Street.

*37a and 49 Cavell Street:*

8.40. The results for 37a and 49 Cavell Street (first floor and above) confirm that two windows would not be strictly in accordance with the recommendations of the BRE Guide for VSC. These windows are located at first floor level most directly opposite the proposed extension, but Anstey Horne have advised that these results are sufficiently close to the BRE guidelines not to be of particular concern. To conclude, it is not considered that there would be a sufficiently material impact on the daylighting standards to merit refusal of the scheme.

*24-52 Damien Street:*

8.41. 24-52 Damien Street will be opposite the new fourth floor to the existing Mosque on Damien Street. The results confirm that the VSC results to windows at first floor level would not meet the targets within the BRE Guidance. However, the windows in question are set below deep overhangs which cause their existing VSC to be very low compared to the upper floors. A small reduction in VSC results to these windows therefore translates into disproportionately large percentage reductions which are beyond the recommendations of the BRE Guide. This is a phenomena recognised by the BRE Guide, albeit the example the Guide refers to is the effect of balconies above windows to existing buildings. The results for the floors above where windows are not undershot give a clear indication that the results at first floor level would be acceptable were it not for the presence of the deep overhang. It is therefore considered that these results are acceptable and the accord with BRE Guidance.

*1-30 Damien Court:*

8.42. 1-30 Damien Court is located directly to the south of the application site. The applicant tested a group of windows at ground floor level which would not comply with BRE Guidance. However, from investigation during the site visit and a review of the statutory planning register it has been established that these windows serve non-habitable rooms such as entrance to the flats and a bathroom which do not normally require testing. The results confirm that all other VSC and Daylight Distribution results would comply with BRE Guidance.

*16-19 Ford Square:*

8.43. 16-19 Ford Square is located directly to the north of the application site. All of the windows except one would comply with the targets within the BRE Guide. Whilst, it

was not possible to view the window from the rear, it could be assumed from the location of the window within the elevation that it serves a staircase. However, it was not possible to confirm this. Notwithstanding, given only one window which is likely to serve a non-habitable room does not accord with BRE Guidance it is not considered that this would merit refusal of the scheme.

*54 Cavell Street:*

- 8.44. 54 Cavell Street is located to the north of the proposed rear extension. Whilst, the permitted use of the majority of the flats is live/work for the purposes of this assessment it has been assumed that all of the flats are in residential use. It is noted that Flat 2 located at ground floor level and directly facing the application site has been granted a Lawful Development Certificate for the use of the flat as residential.
- 8.45. It is noted that the applicant updated their modelling and analysis of 54 Cavell Street following receipt of a letter from SJ Planning which included room layouts for 54 Cavell Street.
- 8.46. Officers carried out a site visit with Antsley Horne on the 4 April 2013 and residents provided access to flat 1 and 2 at ground floor level of 54 Cavell Street which faces directly onto the proposed rear extension.
- 8.47. Firstly, examining the existing conditions, the results confirm that all windows tested except those at ground and first floor level on the east elevation would have VSC values in excess of the BRE target of 27%.
- 8.48. As a result of the proposed extension only windows at ground and first floor level to the south elevation would not meet the recommendations in the BRE Guide in the proposed conditions (ie less than 27% VSC and less than 0.8 times their existing value).
- 8.49. It is noted that there at first floor level which faces west, which doesn't accord with BRE Guidance. However, given this window serves a room with five windows, four of which accord with BRE Guidance for both VSC and NSL, Antsley Horne have confirmed that given the room as a whole would continue to enjoy very good access to daylight this would be acceptable.
- 8.50. All the rooms tested to 54 Cavell Street currently have good access to direct sky light and those with windows to the south and west elevations have DDC results to almost their entire area. The results from the Daylight and Sunlight Report confirm that only the south facing single aspect bedrooms and LKDs at ground and first floor level would have any loss in their existing DDC as a result of the proposed extension.

*First Floor Level Flats:*

- 8.51. At first floor level there are two flats. Flat 3 is a two bedroom dual aspect flat with windows facing south on the development site and east onto Cavell Street. Both a bedroom and LKD face south onto the Development site.
- 8.52. The first floor bedroom has two windows each with a VSC of approximately 32.5% in the existing conditions. These windows would have VSCs of 23.25% and 23.0% respectively in the proposed conditions representing 0.71 and 0.7 of their existing values. As a result of the amendments the VSC would increase to 23.81 and 23.59 respectively representing 0.73 and 0.72 of its exiting VSC value.
- 8.53. The first floor LKD is also served by a large window. It has a VSC of 31.73% in the existing conditions and would be 21.21% in the proposed conditions representing

0.67 of its existing value. As a result of the amendments the VSC would increase to 21.86 representing 0.69 of its existing VSC value.

- 8.54. The first floor bedroom to flat 1 and LKD would retain 0.86 and 0.9 of their existing daylight areas respectively and with the amendments this would increase to 0.90 and 0.92 respectively so the recommendations of the BRE Guide would be met. These rooms would meet the recommendations in the BRE Guide for DDC and continue to have access to direct skylight to a large majority of their area despite both being over 5m deep. As such, when you consider both the VSC and DDC results it is considered that overall the first floor bedroom and LKD comply with BRE Guidance.

*Ground Floor Level Flats:*

- 8.55. At ground floor level there are two flats both of which are dual aspect.
- 8.56. Flat one comprises a two bedroom flat. One bedroom faces south and overlooks the proposed development. The other rooms face onto Cavell Street.
- 8.57. The ground floor bedroom of flat one has two windows whose VSCs would be just over 29% in the existing conditions and 17.88% and 17.6% respectively with the extension as proposed. They would retain 0.61 and 0.60 of their existing VSC values compared to the BRE target of 0.8.
- 8.58. The applicant has amended the proposals and set back the fourth floor level with the aim of reducing the level of impact. As a result of these amendments the VSC for the ground floor bedroom would increase to 18.58% and 18.32% respectively with the amended extension as proposed. They would retain 0.63 and 0.63 of their existing VSC values compared to the BRE target of 0.8.
- 8.59. Flat 2, is a dual aspect flat with rooms facing south and east. The living/kitchen/dining room (LKD) faces south on the development site.
- 8.60. The ground floor LKD is served by one large window which has a VSC of just over 28% in the existing condition and would be 15.74% in the proposed conditions representing 0.55 of its existing VSC value. As a result of the amendments the VSC would increase to 16.39 representing 0.58 of its existing VSC value.
- 8.61. The VSC values for the ground and first floor windows to the south elevation would not be unusual for urban locations, but because the rooms they serve currently enjoy an unobstructed view to the south, the reduction in light available from the sky would be of a level that the BRE Guide says would be noticeable.
- 8.62. The BRE Guide states that the total amount of sky light and its distribution within the building are important so the VSC results should not be considered in isolation and it is necessary to examine the DDC results for the rooms in question.
- 8.63. The bedroom of flat one at ground floor level would retain 0.61 of its existing daylight areas compared to a BRE target of 0.8. Anstley Horne note that the BRE Guide specifically mentions that daylight to bedrooms is less important than to living rooms.
- 8.64. The LKD of Flat 2 at ground floor level would retain 0.73 of its existing daylight areas compared to the BRE target of 0.8. The DDC results to the LKD would encroach on the kitchen worktop which is an area where the BRE Guide indicates that the loss of direct skylight would be noticeable. On the east side of the room, although the area where DDC would be lost is not particularly deep, the area of DDC which would be lost would encroach on kitchen work tops which are arranged in an 'L' shape against

the walls in the north east corner of the room. Paragraph 2.2.9 of the BRE Guide mentions that as well of the loss of skyline being noticeable to the occupants of a room if it is reduced to less than 0.8 times its former value, this will also be true if the no sky line encroaches on key areas such as kitchen sinks and work tops.

- 8.65. To summarise, the VSC results for the ground floor bedroom and LKD do not accord with the BRE Guide and are such that the BRE Guide indicates the occupants of the building will notice the loss of skylight. Furthermore, the DDC results confirm that they would not accord with BRE Guidance.
- 8.66. Before drawing final considerations it is important to also consider the impact with regard to Sunlight. Both the bedroom and LKD would continue to have total Annual Probable Sunlight Hours (ASPH) well in excess of the BRE target of 25%, but would have their winter APSH reduced from their current very high figures to 3% and 2% respectively (compared to the BRE target of 5%). Although this sort of level of winter sun is not unusual in urban locations, because the south elevation of 54 Cavell Street currently enjoys a very open aspect to the south and consequently high existing levels of sun, the change will be noticeable to the occupants as would be the case for the daylight to these rooms.
- 8.67. Anstey Horne have emphasised the fact that the BRE Guidance itself states that its numerical guidelines should be interpreted flexibly, and this is particularly important in circumstances where an existing building enjoys unusually good access to sunlight and daylight in the existing condition as is the case with the south elevation of 54 Cavell Street. But the guide's tests for existing buildings are comparative, and undoubtedly there will be a noticeable change in the current amenity enjoyed by the ground floor rooms in particular. They stated that *"If LBTH conclude that the loss of sunlight and daylight (especially to the ground floor LKD) is such that the proposed extension to the Mosque should be amended to improve the situation, it is our opinion that this could be done by altering the north west corner of the extension adjacent to Cavell Street and/or altering the upper floors of the extension directly opposite the rear of 54 Cavell Street. This would also improve the situation for the ground floor bedroom both in terms of sunlight and daylight and the rooms at first floor level would retain a greater proportion of their existing VSC values as a consequence."*
- 8.68. The applicant has amended the proposed fourth floor of the rear extension and set this back by approximately 3 metres. The applicant has provided an updated Daylight and Sunlight Report which demonstrates that VSC results for the ground floor flats indicate a marginal improvement.
- 8.69. It is evident that any form of development to the south of ground floor windows of 54 Cavell Street would result in an impact on the daylight and sunlight levels currently enjoyed because of the open aspect of the site. It is acknowledged that both these flats would experience a material impact with regard to daylight and sunlight and they would notice the difference.
- 8.70. In assessing this application consideration also needs to be given to overall level of impact of the scheme. Aside from these two flats the majority of local residents would not be unduly impacted with regard to daylight and sunlight.
- 8.71. Consideration is also given to the urban context of Tower Hamlets. This is a dense urban area and it is acknowledged that the BRE Guidance was developed with suburban and rural areas in mind. Taking account of this whilst the level of Daylight Loss will be noticeable the remaining level of VSC and DDC must be taken into

account. Officers consider that the remaining level of VSC which ranges between 16.39% and 18.58% for these two rooms is not an usual level of daylight for this area.

- 8.72. Consideration is also given to the fact that both flats are dual aspect. However, for flat two which has west facing windows it is acknowledged that these windows have limited outlook. For flat one the east facing windows look onto Cavell Street and given they are ground floor level window directly on the street the limitation of these windows are also acknowledged.
- 8.73. Consideration has also been given to the amendments the applicant has made to endeavour to improve the scheme. Firstly, it is noted that this is much improved over the refused application scheme (PA/10/02013). Given the siting of the building has now been set back the level of impact with regard to daylight has reduced. Secondly, the amendments to this scheme by setting back the fourth storey have marginally reduced the level of impact.
- 8.74. To conclude, whilst the ground floor level flats do not accord with BRE guidance and would experience a loss of daylight and sunlight taking account, of their current open aspect, the urban setting of area, the amendments made and the scale of impact on other residents in this instance on balance it is considered that the failure to these two rooms would not merit refusal of the overall scheme.

*Sunlight:*

- 8.75. The following properties were tested with regard to Sunlight and would comply with BRE Guidance:
- 1-21 Wilton Court.
  - 21 Ford Square.
  - 2-50 Clark Street.
  - 1-30 Damien Court.
  - 16-19 Ford Square.

*Overshadowing:*

- 8.76. The only area in the vicinity of the site which would require testing for overshadowing in accordance with the BRE Guide is Cavell Gardens situated to the south of the proposed extension to the Mosque.
- 8.77. The results of overshadowing analysis of this area confirms that it currently receives levels of sun which easily satisfy the targets in the BRE Guide and would be unaffected by the proposed Mosque extension so that the recommendations of the BRE Guide are satisfied.

Privacy, overlooking, sense of enclosure:

- 8.78. The main residents to consider with regard to privacy, overlooking and sense of enclosure are the residents of 54 Cavell Street.
- 8.79. Residents have raised concerns about direct overlooking and lack of privacy because of the large windows along the northern elevation of the mosque. There are also windows along the west elevation of the extension which could cause potential overlooking.

- 8.80. The separation distance between the southern elevation of 54 Cavell Street and the northern elevation of the proposed extension would be approximately 14 metres. Taking account of residents' concerns and the different way in which both buildings would be used it is considered that all of the windows along the northern and western elevation of the proposed extension will be required to have obscure glazing to prevent overlooking. The type of obscure glazing would be secured via condition and it's retention in perpetuity would also be controlled via condition.
- 8.81. With regard to sense of enclosure, given the building is now set back three metres from the LO vent shaft it is considered that the impact with regard to sense of enclosure would be reduced. By merit of the separation distance of approximately 14 metres it is not considered in this instance that there would be an unduly detrimental impact with regard to sense of enclosure.
- 8.82. With regard to residents on the opposite side of Cavell Street (to the west) the proposed building follows existing street lines and there would be a separation distance of approximately 13 metres. Given the building follows existing street lines this level of separation is considered acceptable.

#### Noise and disturbance:

- 8.83. From review of representations local residents consider that there is currently an impact with regard to noise and disturbance from the exiting Mosque. The issue is twofold and relates to noise from people exiting and entering the Mosque late at night and noise from services disturbing residents late at night especially during the summer when windows are open.
- 8.84. The Environmental Health Officer considers that a condition would be required to control the hours of operation of the Mosque. A condition has been proposed which would mean the Mosque could open from 6am to 11:30 pm on any day. The Mosque may also open from 11:30 pm to 06:00am for night time prayers however the number of worshipers would be limited to 75. This would ensure that large numbers of people would not be causing noise disturbance late at night.
- 8.85. The proposed extension is prohibited from having any windows opening which face on the LO vent shaft. This would also assist however with noise disturbance. However, in order to ensure the proposed extension would ensure that noise from the Mosque would not be audible over exiting background noise levels a further condition would be attached to secure this.
- 8.86. Noise and disturbance during construction would be controlled via Environmental Health Legislation which would limit construction hours between 08:00 am to 06:00 pm Monday to Friday and between 08:00 am and 01:00 pm on Saturdays with no work allowed on Sundays and Bank Holidays.
- 8.87. In conclusion subject to conditions it is not considered that there would be an unduly detrimental impact with regard to noise and disturbance during construction or when the use is operating.

#### **Highways**

- 8.88. The NPPF and Policy 6.1 of the London Plan 2011 and London Plan 2013 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.

- 8.89. Policy SP09 of the CS and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development doesn't have an unduly detrimental impact on road safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment. Policy seeks to achieve this by ensuring development is appropriately located depending on its type and scale with developments generating a higher number of trips to be located in town centres and/or other areas well served by public transport.
- 8.90. Policy SP03 (5) seeks to provide high quality social and community facilities in accessible locations in order that local people can easily use them. Finally, policy SP07 of the CS states that secondary schools should be located in highly accessible locations and integrated into secondary and main movement routes.
- 8.91. The site has an excellent public transport accessibility level (PTAL) of 6a (1 being poor and 6 being excellent).
- 8.92. The applicant has submitted a Transport Statement prepared by David Tucker which has been reviewed by the Borough Highway Officer and TfL. Local residents have also commissioned their own review of the Transport Statement which included a parking survey which has also been considered.
- 8.93. It is noted that it is standard practice for the borough highway officer to consider the worst case impact of a proposed development. Thus, the comments on highways impact relate to the proposed expansion of the mosque operations during its 'peak' – Friday lunch time prayers.

Forecast Highways Impact:

- 8.94. The Transport Statement (TS) included parking surveys and they illustrate that there is currently parking stress within the vicinity of the site. The surveys were carried out during Friday prayer time which is considered to be the peak use of the Mosque. It is noted that survey's submitted by local residents are in keeping with these results.
- 8.95. The development would increase demand for on-street car parking which Highways anticipate would add further to parking stress and congestion of the highway if no mitigation is sought.
- 8.96. The data presented in the TS for the increased school and Mosque forecasts an additional 20% car trips would be generated by Friday lunch time prayers.
- 8.97. The borough highway officer did not accept the Transport Statement's conclusion that a 20% increase in car trips would have a negligible impact in an area already suffering parking stress at these times.
- 8.98. The borough highway officer has sought to prevent existing problems worsening through the use of a detailed Travel Plan condition which would be worded to ensure that the travel patterns of users of the Mosque would alter to reduce car use. The applicant has agreed to commit to ensuring that there is no net increase in car trips at this time and reflect this in the Travel Plan targets which would be controlled via condition.
- 8.99. It is acknowledged that there is parking stress within this area. It is accepted that parking stress can act as a deterrent to people driving to their destination given the



lack of spaces. However, this cannot be relied on as the sole mode of reducing reliance on travel by car. As such, it is considered through the applicants commitment to no net increase in car trips which would be secured via a Travel Plan would mitigate the impact of the enlargement of the existing Mosque and School and on balance the level of impact on the capacity of the local highway would not be sufficiently detrimental to merit refusal of the planning application.

- 8.100. The anticipated increase in trips associated with the school is considered by Highways to likely have a minor impact on safety and efficient operation of the public highway. A Travel Plan would also be secured for the School which would also seek to reduce reliance on travel by car.

Cycle Parking:

- 8.101. The level of cycle parking proposed accords with Local Plan policy which is welcome and would be secured via condition requiring them to be retained and maintained for the lifetime of the development.

Pedestrian Flows:

- 8.102. Highways are concerned that the existing pedestrian facilities are not adequate for the anticipated number of people attending Friday prayers.
- 8.103. The width of the footway adjoining the site on Damien Street is not wide enough to accommodate the large number of people exiting the site at the end of Friday prayers. Highways have observed how this forces people onto the carriageway on Damien Street, placing them at increased risk of collision with vehicles.
- 8.104. To help reduce this risk and effectively manage the dispersal of the large amount of people at the end of prayers, a condition would be attached requiring approval of an Event Management Plan prior to occupation of the site. The Plan would set out how the site operators would manage the safe dispersal of worshippers from the site using the multiple site access on both Damien Street and Cavell Street.
- 8.105. The applicant should fund works to replace the guard railing on Damien Street opposite the site with bollards. Removing the rail would improve permeability of pedestrians crossing Damien Street, while the bollards would prevent any unauthorised parking. The applicant has agreed to this and it would be secured via a highway improvements condition.
- 8.106. The borough highway officer also sought funding for the installation of a raised table. However, further information from the applicant with regard to the impact of the new entrance on Cavell Street and the new Women's entrance would disperse pedestrians along Damien Street and Cavell Street has demonstrated that the proposed extension would relieve pressure on the footway along Damien Street and the borough highway officer agrees that funding for a raised table is not required.

Servicing:

- 8.107. The applicant has not provided details of servicing and notes that it would continue as existing. The lack of this information is not sufficient to merit refusal of the application given this matter is often controlled via condition and could also be controlled via condition in this instance. The borough highway officer agrees with this approach.

### Refuse:

- 8.108. The submitted plans do not show details for on-site refuse storage and this matter would be controlled via condition which is an acceptable approach. It is noted that refuse would need to be stored internally and only put out on the street at the expected time of collection.

### Travel Plan:

- 8.109. A Travel Plan for the school and mosque should be attached by condition to any planning permission and should be submitted for approval by Highways prior to occupation of the proposed development. The applicant has agreed to this condition and to ensuring there would be no net increase of car travel above existing numbers.

### Conclusion:

- 8.110. The main effects of the proposed expansion would be an increase in vehicle trips to the site during Friday Prayers at which time it is evident there is not sufficient capacity for parking close to the site. If no mitigation was sought this would further degrade pedestrian amenity, increase risk of road traffic accidents, increase local traffic congestion and disrupt bus services. The applicant has now proposed sufficient mitigation to give the borough highway officer comfort around their concerns as follows:
- Condition requiring a Travel Plan,
  - Condition requiring Event Management Plan,
  - Condition requiring cycle parking retained and maintained for this purpose only for the lifetime of the development,
  - Funding of public realm improvements,
  - Full details of servicing, and;
  - Full details of refuse.
- 8.111. Highways now support the application.
- 8.112. With regard to TfL their comments requested a pedestrian audit and a bus audit. However, taking advice from the borough highway officer it was not considered that this further work was required. This was because the borough highway officer instead identified key improvements which could be carried out directly opposite the Mosque.
- 8.113. Subject to the mitigation above being secured by condition it is considered that the impact of the proposed extension would not be such that it would adversely affect the capacity and safety of the surrounding highway network.

### **Energy**

- 8.114. Climate change policies are set out in Chapter 5 of the London Plan 2011 and Early Alterations 2013. Strategic policy SP11 of the Core Strategy and policy DM29 of the MDD. These collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.115. The London Plan sets out the Mayor of London's energy hierarchy which is to:
- § Use Less Energy (Be Lean);
  - § Supply Energy Efficiently (Be Clean); and
  - § Use Renewable Energy (Be Green).

- 8.116. The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.117. Policy SO3 of the CS seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Strategy policy SP11 of the CS requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.118. Policy DM29 of the MDD requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require non-residential schemes to achieve a BREEAM Excellent rating.
- 8.119. The Energy Strategy (August 2013) sets out the proposals seek to deliver CO2 emission reductions of 35.9%. This is proposed through the integration of a photovoltaic array to be sited at roof level.
- 8.120. Given the the application was submitted prior to the first of October 2013, it would not be reasonable to apply the changes in targets within the policy. As such, the proposals would accord with Policy DM29 requirements and the details would be secured through an appropriate worded Condition.

### **Biodiversity**

- 8.121. Policy 7.19 of the London Plan 2011, strategic policy SP04 of the CS and DM11 of the MDD seek to wherever possible ensure that development, makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value this should be protected and development which would cause damage to SINC's or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.122. The Borough Biodiversity Officer has advised that there does not appear to be any adverse impact on biodiversity.
- 8.123. Given, the constrained nature of the site there is limited potential for soft landscaping. However, it is considered that there are opportunities for biodiversity enhancement which could be incorporated into the building.
- 8.124. The Borough Biodiversity Officer has suggested that there is potential for incorporation of nest boxes for swifts within the Minaret as well as potential for a green roof.
- 8.125. Given, the siting of photovoltaics at roof level the potential for a green roof may be limited. Furthermore, depending on the detailed design of the Minaret it may be difficult to incorporate nest boxes. As such, it is suggested that a condition be attached to secure the provision of biodiversity enhancements where possible.

## Human Rights

- 8.126. 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:-
- 8.127. 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".
- 8.128. 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.
- 8.129. 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.
- 8.130. 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.
- 8.131. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.132. 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.
- 8.133. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions to be entered into.

## Equalities

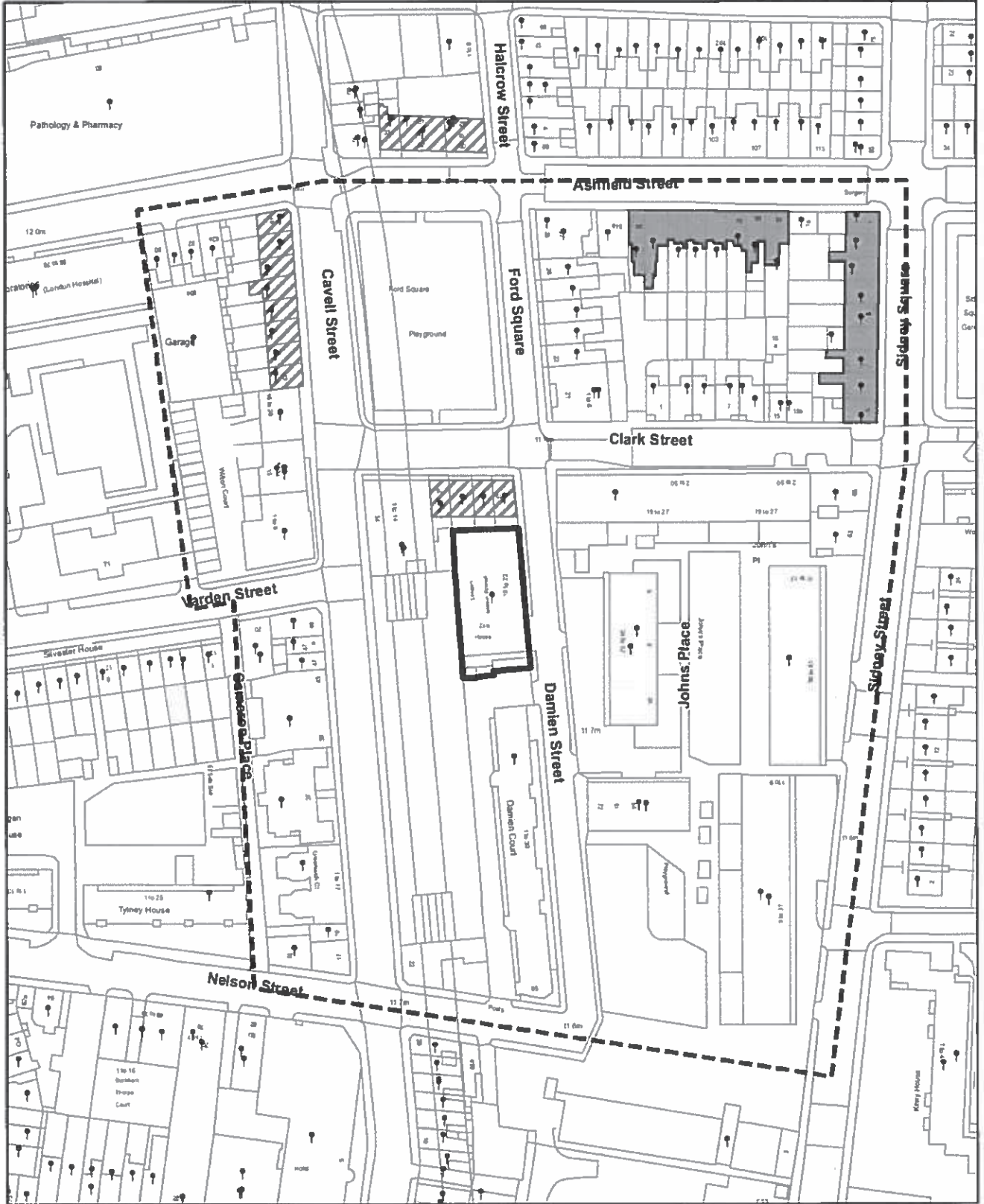
- 8.134. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation 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.
- 8.135. 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.
- 8.136. The proposal is for the extension of an existing Mosque and boys Madrassa Secondary School which will improve provision of prayer facilities for men and women within the local area and improve the existing school facilities and expand their intake.
- 8.137. Given the evidence that came to light when assessing the representations received an Equalities Assessment was carried out for the proposal which is attached at appendix 1.
- 8.138. With regard to religion or belief, age, pregnancy and maternity having given the evidence due regard it is considered there would be a neutral impact for the reasons set out within the Equalities Assessment attached at Appendix 1.
- 8.139. With regard to gender reassignment, sexual orientation, marriage and civil partnerships having given the evidence due regard it is considered there would be an adverse impact for these groups for the reasons set out within the Equalities Assessment attached at Appendix 1.
- 8.140. With regard to race, disability and gender having given the evidence due regard it is considered there would be a positive impact for these groups for the reasons set out within the Equalities Assessment attached at Appendix 1.
- 8.141. The proposal is for the extension of the existing Mosque and Madrassa Secondary School and would only be used by members of the Muslim community who would benefit from the expansion because it would address a local need for such facilities.
- 8.142. However, other non-Muslim groups within the community would not benefit directly from the proposals and there is a perception that they would experience an Adverse Effect.
- 8.143. Through the use of conditions which limit the hours of operation and the number of people that can use the Mosque overnight local concerns about noise and disturbance can be addressed. Furthermore, there could be a condition preventing the Mosque having an amplified call for prayer.
- 8.144. Concerns about overlooking have also been addressed through the introduction of obscure glazing and its retention could be secured in perpetuity via condition.







8.145. Due regard has been given to the impact the proposals would have on all groups with protected characteristics. It is acknowledged that not all groups would experience a positive or neutral impact. However, through the use of conditions the impacts can be lessened. Consideration has also been given to the fact that this is an existing Mosque within the community and many of the perceived impacts are currently experienced. It is acknowledged that the proposal would improve impacts with regard to gender by the introduction of a women's prayer hall. It has been concluded that the proposal would comply with equalities legislation given due regard has been given to all groups with protected characteristics and where possible improvements have been sought.

## **9. CONCLUSION**

9.1. All other relevant policies and considerations have been taken into account. The recommendation to grant Planning permission should be supported for the reasons set out in this report.

**Planning Application Site Map**  
**PA/12/00133**



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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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# Equality Analysis (EA)

## Section 1 – General Information (Aims and Objectives)

Name of the proposal including aims, objectives and purpose:

*(Please note – for the purpose of this doc, 'proposal' refers to a policy, function, strategy or project)*

A planning application has been submitted which seeks to extend the existing Mosque and Madrassa Secondary School located at 18 – 22 Damien Street. The planning application is currently under assessment.

Who is expected to benefit from the proposal?

The proposed extension would result in the creation of additional teaching space for the school which would create more school spaces.

The proposed extension would create a women's prayer hall which will provide access for local Muslim women to pray at a Mosque.

The proposed extension would create additional prayer space for local Muslim males to pray.

Service area:

Planning and Building Control

Team name:

Applications

Service manager:

Owen Whalley

Name and role of the officer completing the EA:

Mary O'Shaughnessy – Principal Planning Officer

## Section 2 – Evidence (Consideration of Data and Information)

What initial evidence do we have which may help us think about the impacts or likely impacts on service users or staff?

### Application Documents

#### Planning Policy Documents:

London Plan (2011), Early Revised Amendments to the London Plan (2013), Core Strategy (2012) and Managing Development Document (2013). Policy SP03: Creating health and liveable neighbourhoods and DM8: Community infrastructure provide specific planning guidance relating to the location of community facilities including Mosques within the borough.

#### Statutory and non-statutory consultation responses:

Responses have been received from Transport for London, London Fire and Emergency Planning, London Overground, LBTH Biodiversity, LBTH Corporate Access Officer, LBTH Crime Prevention Officer, LBTH Energy and Sustainability Officer, LBTH Environmental Health –

Noise and Vibration and LBTH Transportation and Highways. None of the responses received raised specific issues concerning the nine target groups listed.

**Public Consultation Responses:**

A total of 171 representations were received. 108 in favour and 63 against.

A total of 3 petitions were received.

2 in favour: A petition dated 27 August 2012 contained 728 signatures. A petition dated 19 August 2013 contained 938 signatures.

1 against containing 20 signatures.

**Census Data 2011:**

**Sex:**

- 254,096 persons within **Tower Hamlets** of which:
  - 130,906 (51.5%) are male, and;
  - 123,190 (48.5%) are female.
- 53,012,456 persons within **England** of which:
  - 26,069,148 (49.2%) are male, and;
  - 26,943,308 (50.8%) are female.

**Marital and Civil Partnership status:**

- **Within Tower Hamlets:**
  - 112,740 (55.3%) persons are single,
  - 65,514 (31.6%) are married, and;
  - 1,163 (.6%) are in a registered same sex civil partnership.
- **Within England:**
  - 14,889,928 (34.6%) persons are single,
  - 20,029,369 (46.6%) are married, and;
  - 100,288 (.2%) are in a registered same sex civil partnership.

**Ethnic Group:**

- 254,096 persons within **Tower Hamlets** of which:
  - 114,644 (45.1%) are white,
  - 175 (.1%) are Gypsy/Traveller/Irish Traveller,
  - 10,360 (4.1%) are Mixed / Multiple Ethnic Groups,
  - 6,787 (2.7%) are Asian – British Indian,
  - 2,442 (1%) are Asian – British Pakistani,
  - 81,377 (32%) are Asian – British Bangladeshi,
  - 8,109 (3.2%) are Asian – British Chinese,
  - 5,786 (2.3%) are Asian – British Other,
  - 18,629 (7.3%) are Black, African, Caribbean, Black British, and;
  - 5,787 (2.3%) are Other Ethnic Group.
- 53,012,456 persons within **England** of which:
  - 45,226,247 (85.3%) are white,
  - 54,895 (0.1%) are Gypsy/Traveller/Irish Traveller,
  - 1,192,879 (2.3%) are Mixed / Multiple Ethnic Groups,
  - 1,395,702 (2.6%) are Asian – British Indian,
  - 1,112,282 (2.1%) are Asian – British Pakistani,
  - 436,514 (0.8%) are Asian – British Bangladeshi,
  - 379,503 (0.7%) are Asian – British Chinese,

- 819,402 (1.5%) are Asian – British Other,
- 1,846,614 (3.5%) are Black, African, Caribbean, Black British, and;
- 548,418 (1.0%) are Other Ethnic Group.

**Religion:**

- **Within Tower Hamlets:**
  - 68,808 (27.1%) persons are Christian,
  - 2,726 (1.1%) persons are Buddhist,
  - 4,200 (1.7%) persons are Hindu,
  - 1,283 (0.5%) persons are Jewish,
  - 87,696 (34.5%) persons are Muslim,
  - 821 (0.3%) persons are Sikh,
  - 825 (0.3%) persons are Other Religion,
  - 48,648 (19.1%) are No Religion, and;
  - 39,089 (15.4%) are Religion not stated.
  
- **Within England of which:**
  - 31,479,876 (59.4%) persons are Christian,
  - 238,626 (0.5%) persons are Buddhist,
  - 806,199 (1.5%) persons are Hindu,
  - 261,282 (0.5%) persons are Jewish,
  - 2,660,116 (5%) persons are Muslim,
  - 420,129 (0.8%) persons are Sikh,
  - 227,825 (0.4%) persons are Other Religion,
  - 13,114,232 (24.7%) persons are No Religion, and;
  - 3,804,104(7.2%) persons are Religion not stated.

**Section 3 – Assessing the Impacts on the 9 Groups**

**How will what you're proposal impact upon the nine Protected Characteristics?**

For the nine protected characteristics detailed in the table below please consider:-

- **What is the equality profile of service users or beneficiaries that will or are likely to be affected?**
  - Use the Council's approved diversity monitoring categories and provide data by target group of users or beneficiaries to determine whether the service user profile reflects the local population or relevant target group or if there is over or under representation of these groups
- **What qualitative or quantitative data do we have?**
  - List all examples of quantitative and qualitative data available  
(include information where appropriate from other directorates, Census 2001 etc)
  - Data trends – how does current practice ensure equality
- **Equalities profile of staff?**
  - Indicate profile by target groups and assess relevance to policy aims and objectives e.g. Workforce to Reflect the Community. Identify staff responsible for delivering the service including where they are not directly employed by the council.
- **Barriers?**
  - What are the potential or known barriers to participation for the different equality target groups?  
Eg, communication, access, locality etc

- **Recent consultation exercises carried out?**

-Detail consultation with relevant interest groups, other public bodies, voluntary organisations, community groups, trade unions, focus groups and other groups, surveys and questionnaires undertaken etc. Focus in particular on the findings of views expressed by the equality target groups. Such consultation exercises should be appropriate and proportionate and may range from assembling focus groups to a one to one meeting.

- **Additional factors which may influence disproportionate or adverse impact?**

-Management Arrangements - How is the Service managed, are there any management arrangements which may have a disproportionate impact on the equality target groups

- **The Process of Service Delivery?**

-In particular look at the arrangements for the service being provided including opening times, custom and practice, awareness of the service to local people, communication

Please also consider how the proposal will impact upon the 3 One Tower Hamlets objectives:-

- Reduce inequalities
- Ensure strong community cohesion
- Strengthen community leadership.

**Please Note -**

Reports/stats/data can be added as Appendix

Target Groups	Impact – Positive or Adverse	Reason(s)
Race	<p>What impact will the proposal have on specific groups of service users or staff?</p> <p>Positive</p>	<ul style="list-style-type: none"> <li>• Please add a narrative to justify your claims around impacts and,</li> <li>• Please describe the analysis and interpretation of evidence to support your conclusion as this will inform decision making</li> </ul> <p>Please also how the proposal with promote the three One Tower Hamlets objectives?</p> <ul style="list-style-type: none"> <li>-Reducing inequalities</li> <li>-Ensuring strong community cohesion</li> <li>-Strengthening community leadership</li> </ul> <p>Within, the borough 87,696 (34.5%) persons are Muslim and they represent the dominant faith group. This compares to 2,660,116 (5%) persons who are Muslim within England. As such, it is evident that the Muslim faith is the dominant faith group within the Borough and this is reflected by the need to expand the existing Mosque facilities.</p> <p>It is considered that there would be a Positive Impact for the local Muslim community through the provision of improved school and prayer facilities.</p> <p>The local non-Muslim community will not benefit from improved facilities at the Mosque and moreover there is a perception that they will be more marginalised by the expansion which is evident in the representations received. As such, it is considered that this sector of the community would experience an Adverse Impact.</p> <p>However, when consideration is given to the faith makeup of the borough, the ethnicity of the borough and the level of support from the local community it is evident that there is a need for the Muslim Community to have improved facilities where they can pray. It is noted that this is an existing Mosque within the community and this proposal is for its expansion, thus whilst there would be an Adverse Impact to the non-Muslim community it is considered that overall the impact on Race would be Positive because of the benefits the proposals bring to the members of the Muslim faith within the local area.</p>
Disability	Positive	The proposal would result in better access arrangements for those with disabilities and as such it is considered that there would be a Positive Impact for those with a disability.
Gender	Positive	Within Tower Hamlets there are 30,906 (51.5%) males and 123,190 (48.5%) females. For England the figures show that there are 26,069,148 (49.2%) males and 26,943,308 (50.8%) females. The figures illustrate that the borough split between males and females is broadly in line with the national split.

		<p>The Mosque currently provides prayer facilities for men and educational facilities for men. The proposals would result in the creation of a women's prayer hall thus providing new prayer facilities for women at the Mosque which would be a Positive Impact for the local female Muslim Community. It is noted that female non-Muslim members of the community would not directly benefit from the proposals through using them. However, it is noted that local female non-Muslim members of the community have raised concerns about the dominance of men within the local area. As such, by the introduction of a women's prayer hall which would allow Muslim women to also use this Mosque there would be a Positive Impact for the wider community.</p> <p>Within, the borough there is a choice of single sex and co-educational schools and the continuation an existing single sex school in this location would have a Neutral Impact.</p>
Gender Reassignment	Adverse	See Sexual Orientation.
Sexual Orientation	Adverse	From the representations received from members of the Lesbian, Bisexual, Gay and Transgender (LBGT) community there is a perception that there is a lack of tolerance by people of the Muslim faith of their community. From the Census Data 2011 it is evident that this is a minority group and it is considered that they would experience an Adverse Effect.
Religion or Belief	Neutral	The proposal is not expected to have any Adverse effects on any other faith based communities based in the local area. Furthermore, the Census Data reflects within the borough 87,696 (34.5%) persons are Muslim and they represent the highest number of persons when considered against the number of persons who belong to other faiths.
Age	Neutral	The proposal is not expected to have any Adverse effects with regard to age.
Marriage and Civil Partnerships.	Adverse	See Sexual Orientation.
Pregnancy and Viaternity	Neutral	The proposal is not expected to have any Adverse effects with regard to pregnancy and maternity.
Other	Adverse	From a review of the Census Data it is evident that the borough has a diverse ethnic mix. Of the

Socio-economic  
Carers

population 2.7% are British Indian, 1% are British Pakistani, 32% are British Bangladeshi, 3.2% are British Chinese and 2.3% are Asian other. As such, 41% of persons within the borough consider themselves to be of Asian heritage. Other groups include White – 45.1%, Gypsy/Traveller/Irish Traveller – 0.1%, Mixed / Multiple Ethnic Groups – 4.1%, Black, African, Caribbean, Black British – 7.3% and Other Ethnic Groups 2.3%.

It is evident from an analysis of the local representations that the proposal has raised tension within the local community which evidences that there is an impact on social cohesion. A numerical analysis of the letters of support and objection suggest that more people support the proposal. A total of 171 representations were received. 108 in favour and 63 against. Furthermore, 3 petitions were received, with 1,666 signatories in support and 20 against.

It is considered that the expansion of the Mosque would not encourage or enhance social cohesion and this could be viewed as a missed opportunity. There is already an Adverse Impact from the existing Mosque and its extension would continue to have an Adverse Impact.

## Section 4 – Mitigating Impacts and Alternative Options

From the analysis and interpretation of evidence in section 2 and 3 - Is there any evidence of or view that suggests that different equality or other protected groups (inc' staff) could have a disproportionately high/low take up of the new proposal?

Yes?  No?

If yes, please detail below how evidence influenced and formed the proposal? For example, why parts of the proposals were added/removed?

*(Please note – a key part of the EA process is to show that we have made reasonable and informed attempts to mitigate any negative impacts. AN EA is a service improvement tool and as such you may wish to consider a number of alternative options or mitigation in terms of the proposal.)*

The proposal is for the extension of the existing Mosque and Madrassa Secondary School and would only be used by members of the Muslim community would benefit from the expansion because it would address a local need for such facilities.

However, other non-Muslim groups within the community would not benefit directly from the proposals and there is a perception that they would experience an Adverse Effect.

Social Cohesion could have been improved with more open dialogue between local residents and the applicants. This was a missed opportunity.

However, through the use of conditions which limit the hours of operation and the number of people that can use the Mosque overnight local concerns about noise and disturbance can be addressed. Furthermore, there could be a condition preventing the Mosque having an amplified call for prayer.

Concerns about overlooking have also been addressed through the introduction of louvers and their retention could be secured in perpetuity via condition.

## Section 5 – Quality Assurance and Monitoring

Have monitoring systems been put in place to check the implementation of the proposal and recommendations?

Yes?  No?

How will the monitoring systems further assess the impact on the equality target groups?

Conditions have been attached to the planning permission to ensure that it is implemented as per the approved documents. The Council has a dedicated enforcement team whose role is to enforce against any breaches of the planning permission including non-compliance with the conditions.



Does the policy/function comply with equalities legislation?  
(Please consider the OTH objectives and Public Sector Equality Duty criteria)

Yes?  No?

If there are gaps in information or areas for further improvement, please list them below:

The proposal would comply in that we have given due regard to the impact of the proposals on all equalities groups with protected characteristics.

How will the results of this Equality Analysis feed into the performance planning process?

This Equalities Assessment would accompany any Committee Report.


## Section 6 - Action Plan

As a result of these conclusions and recommendations what actions (if any) will be included in your business planning and wider review processes (team plan)? Please consider any gaps or areas needing further attention in the table below the example.

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
<b>Example</b>				
1. Better collection of feedback, consultation and data sources	1. Create and use feedback forms. Consult other providers and experts	1. Forms ready for January 2010 Start consultations Jan 2010	1. NR & PB	
2. Non-discriminatory behaviour	2. Regular awareness at staff meetings. Train staff in specialist courses	2. Raise awareness at one staff meeting a month. At least 2 specialist courses to be run per year for staff.	2. NR	

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
Not applicable.	Not applicable.	Not applicable.	Not applicable.	Not applicable.

**Section 7 – Sign Off and Publication**

<p><b>Name:</b> (signed off by)</p>	
<p><b>Position:</b></p>	<p>Head of Planning Brentwood</p>
<p><b>Date signed off:</b> (approved)</p>	<p>05/11/13</p>

**Section 8 Appendix – FOR OFFICE USE ONLY**

This section to be completed by the One Tower Hamlets team

**Policy Hyperlink :**

Equality Strand	Evidence
Race	
Disability	
Gender	
Gender Reassignment	
Sexual Orientation	
Religion or Belief	
Age	
Marriage and Civil Partnerships.	
Pregnancy and Maternity	
Other	
Socio-economic	
Carers	

Link to original EQIA	Link to original EQIA
EQIAID	
(Team/Service/Year)	

# Agenda Item 6.2

<b>Committee:</b> Development	<b>Date:</b> 26 <sup>th</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application and Listed Building Consent
<b>Case Officer:</b> Adrian Walker	<b>Ref No:</b> PA/13/00982& PA/13/00983
	<b>Ward:</b> St Katherines's and Wapping

## 1. APPLICATION DETAILS

**Location:** King Henrys Wharf, Phoenix Wharf, Swan Wharf and Corner of Wapping High Street And Brewhouse Lane, London

**Existing Use:** B8 Storage

**Proposal:** Change of use of the existing wharf buildings (King Henry's Wharf and Phoenix Wharf) to provide 35 residential units, the creation of a new three-storey dwellinghouse (on land formerly occupied by Swan Wharf), and the erection of new five storey building (on land on the north-western corner of the junction of Wapping High St and Brewhouse Lane) to provide 18 affordable units.

**Drawing No:** 1827-10-DR-0001 rev P03, 1827-10-DR-0100 rev P02, 1827-10-DR-0101 rev P02, 1827-11-DR-0020 rev P02, 1827-11-DR-0021 rev P02, 1827-11-DR-0022 rev P02, 1827-11-DR-0023 rev P02, 1827-11-DR-0024 rev P02, 1827-11-DR-0025 rev P02, 1827-11-DR-0026 rev P02, 1827-11-DR-0027 rev P02, 1827-11-DR-0028 rev P02, 1827-11-DR-0029 rev P02, 1827-11-DR-0030 rev P02, 1827-11-DR-0100 rev P04, 1827-11-DR-0101 rev P04, 1827-11-DR-0102 rev P04, 1827-11-DR-0103 rev P04, 1827-11-DR-0104 rev P03, 1827-11-DR-0400 rev P03, 1827-11-DR-0401 rev P03, 1827-11-DR-0600 rev P03, 1827-11-DR-0601 rev P03, 1827-11-DR-0602 rev P03, 1827-11-DR-1400 rev P03, 1827-11-DR-1401 rev P03, 1827-11-DR-1402 rev P03, 1827-12-DR-0020 rev P02, 1827-12-DR-0100 rev P04, 1827-12-DR-0400 rev P03, 1827-12-DR-0401 rev P03, 1827-12-DR-0600 rev P03, 1827-12-DR-0601 rev P03, 1827-13-DR-0019 rev P02, 1827-13-DR-0020 rev P02, 1827-13-DR-0021 rev P02, 1827-13-DR-0022 rev P02, 1827-13-DR-0023 rev P02, 1827-13-DR-0024 rev P02, 1827-13-DR-0025 rev P02, 1827-13-DR-0026 rev P02, 1827-13-DR-0027 rev P02, 1827-13-DR-0028 rev P02, 1827-13-DR-0029 rev P02, 1827-13-DR-0030 rev P02, 1827-13-DR-0031 rev P02, 1827-13-DR-0032 rev P02, 1827-13-DR-0033 rev P02, 1827-13-DR-0099 rev P04, 1827-13-DR-0101 rev P05, 1827-13-DR-0102 rev P05, 1827-13-DR-0103 rev P05, 1827-13-DR-0104 rev P05, 1827-13-DR-0105 rev P05, 1827-13-DR-0105 rev P04, 1827-13-DR-0106 rev P04, 1827-13-DR-0400 rev P03, 1827-13-DR-0401 rev P03, 1827-13-DR-0402 rev P03, 1827-13-DR-0403 rev P03, 1827-13-DR-0404 rev P03, 1827-13-DR-0405 rev P03,

1827-13-DR-0406 rev P03, 1827-13-DR-0407 rev P03,  
1827-13-DR-0600 rev P03, 1827-13-DR-0601 rev P03,  
1827-13-DR-0602 rev P03, 1827-13-DR-1400 rev P03,  
1827-13-DR-1401 rev P03, 1827-13-DR-1402 rev P03,  
1827-13-DR-1403 rev P03, 1827-13-DR-1404 rev P03,  
1827-13-DR-1405 rev P03, 1827-13-DR-1406 rev P01,  
1827-23-DR-0100 rev P04, 1827-23-DR-0101 rev P03,  
1827-23-DR-0102 rev P02, 1827-23-DR-0105 rev P04,  
1827-23-DR-0401 rev P03, 1827-23-DR-0402 rev P03,  
1827-23-DR-0601 rev P05, 1827-23-DR-0602 rev P04,  
1827-23-DR-0603 rev P03, 1827-23-DR-0604 rev P05,  
1827-23-DR-1601 rev P02, 1827-23-DR-1602 rev P02  
1827-23-DR-1000 rev P01, 1827-23-DR-1602 rev P01

**Documents:** Design and Access Statement, Planning Statement and Affordable Housing Statement, Affordable Housing Economic Appraisal and Report, Sustainability Statement, Sol Acoustics 9 April 2013, Sol Acoustics 22 July 2013, Conservation Management Plan, Residential Waste Management Plan, Construction Logistics Plan, Addendum Construction Logistics Plan, Daylight and Sunlight Report, Desktop Land Contamination Assessment, Energy Statement, Archaeological Desk-Based Assessment & Built Heritage Appraisal, Initial Bat Survey, Extended Phase 1 Habitat Survey, Nocturnal and Dawn Bat Survey, Transport Statement, Travel Plan, Statement of Community Involvement, Flood Risk Assessment, Flood Risk Assessment (Landside), Report on Impact of Development at Swan Wharf Wapping High Street and Adjacent Thames Flood Defence.

**Applicant:** Bridewell (Thames)

**Ownership:** Bridewell (Thames)/LBTH

**Historic Building:** Grade II Listed

**Conservation Area:** Wapping Pierhead

## 2. EXECUTIVESUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Local Development Framework Core Strategy (2010), the Managing Development Document (April 2013), associated supplementary planning guidance, the London Plan (2011) and the National Planning Policy Framework (2012), and found that:
- 2.2 Sufficient evidence has been provided to justify the loss of employment floorspace in this instance, in accordance with the requirements of Policy DM15 (1) of the Managing Development Document (2013). This policy seeks to resist the loss of employment floorspace in the Borough unless it can be demonstrated that the floorspace in questions is unsuitable for continued employment use or is surplus to requirements.
- 2.3 The proposed delivery of 54 new residential dwellings accords with the objectives of Policy SP02(1) of the Council's adopted Core Strategy (2010) and Policy 3.3 of the London Plan (2011), which support the delivery of new housing in the Borough in line

with the housing targets set out in the London Plan.

- 2.4 The proposed development would provide 36% affordable housing by habitable room, in accordance with Policy SP02(3) of the Council's adopted Core Strategy (2010), Policy DM3 of the Managing Development Document (April 2013), and Policies 3.8, 3.9 and 3.11 of the London Plan (2011). These policies seek to maximise the delivery of affordable housing in line with the Council's target of 50% affordable housing provision, with a minimum provision of 35%.
- 2.5 The proposed development provides a mix of unit sizes, including a high proportion of 1, 2 and 3 bed market units, as well as a high proportion of family sized (3 bed+) affordable units, which responds well to the identified housing need in the Borough. The proposal therefore accords with Policy SP02(5) of the Council's adopted Core Strategy (2010), Policy DM3(7) of the Managing Development Document (2013) and Policy 3.8 of the London Plan (2011)
- 2.6 The proposed room sizes and layouts have been assessed against the standards set out in the Mayor of London's Housing Design Guide, Interim Edition (2010), and are considered to be acceptable. As such, the proposal accords with the requirements of Policy 3.5 of the London Plan (2011) and Policy DM4(1) of the Managing Development Document (2013). The policies require residential development to include adequate internal space in order to function effectively.
- 2.7 The proposed building incorporates good design principles and takes into account and respects the local character and setting of the development site and its surroundings in terms of scale, height, bulk, design details, materials and external finishes. The proposal therefore accords with the requirements of Policy SP10(4) of the Council's adopted Core Strategy (2010), Policy DM24 of the Managing Development Document (2013), and Policy 7.4 of the London Plan (2011).
- 2.8 The proposal accords with the requirements of Policy SP04(4) of the Council's adopted Core Strategy (2010), Policy DM12(4) of the Managing Development Document (2013), and Policies 7.28 and 7.29 of the London Plan (2011). These policies seek to resist developments that would adversely impact on the character, setting, views, operation and ecology value of waterways within the Borough
- 2.9 The proposal has been sensitively designed within the context of the historic built form and public realm and would preserve and enhance the character and appearance of the Wapping Pierhead Conservation Area. The proposal therefore accords with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development Document (2013), Policy 7.8 of the London Plan (2011) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and either preserve or enhance the character and appearance of the Borough's Conservation Areas and river frontages within the Thames Policy Area.
- 2.10 Subject to conditions the proposed internal and external works are considered to preserve the character and appearance of the Grade II Listed Buildings and would not cause significant harm to the architectural heritage. The design, appearance and use of materials would be acceptable and would not harm the significance of the heritage assets in accordance with National Planning Policy Framework, strategic policy SP10 of the Core Strategy 2010 and policies DM24 and DM27 of the Managing Development Document (April 2013). These policies seek to ensure appropriate design within the Borough which respects the local context and

preserves the character and appearance of local conservation areas and the setting of listed buildings.

- 2.11 The proposal would not result in any significant detrimental impacts on neighbouring residential amenity in terms of daylighting and sunlighting conditions, outlook or noise disturbance, in accordance with Policy SP10(4) of the adopted Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013). These policies require development to protect the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm.
- 2.12 The proposal includes adequate provision of private amenity space, in accordance with Policy SP02 (6d) of the Council's adopted Core Strategy (2010) and Policy DM4 of the Managing Development Document (2013).

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission and Listed building consent subject to:

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

#### **3.2 Financial Contributions**

- (a). A contribution of £23,755.00 towards Employment & Skills Training
- (b). A contribution of £14,515.20 towards Idea Stores, Libraries and Archives.
- (c). A contribution of £53,242.00 towards Leisure Facilities.
- (d). A contribution of £201,323.90 towards Education.
- (e). A contribution of £70,290 towards Health.
- (f). A contribution of £1,728 towards Sustainable Transport.
- (g). A contribution of £92,441.09 towards Public Open Space.
- (h). A contribution of £75,270.00 towards Streetscene and Built Environment.
- (i). A contribution of £96,000 towards Brewhouse Lane improvements
- (j). A contribution of £10,651.30 towards Monitoring.

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

- (k). 36% affordable housing by habitable room all to be provided for social rent within 18 units in the landside building.
- (l). Secure a permit free agreement to prevent future residential occupiers from applying for on-street parking permits.
- (m). The section of land as shown on drawing no. 1827-23-DR-0100 Rev.



P05 to be dedicated as public highway.

(n). A commitment to 20% local employment during construction phase and end user phase and procurement during the construction phase in accordance with the Planning Obligations SPD.

(o). Code of Construction Practice

(p). Travel Plan

(q). Any other obligation(s) considered necessary by the Corporate Director Development and Renewal.

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

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

### **3.6 Conditions**

1. Time limit
2. Development to be carried out in accordance with the approved plans.
3. Samples and details and external materials to be submitted for approval.
4. Full details of Landscaping to be submitted for approval
5. Details of the combined heating and hot water
6. Development to comply with Lifetime Homes standards.
7. Details of 10% wheelchair accessible units to be submitted.
8. Details of biodiversity enhancements to be submitted.
9. Compliance with Energy Strategy.
10. Submission of Code for Sustainable Homes certificates to demonstrate the development achieves a minimum "Level 4" rating.
11. Submission of BREEAM certificates to demonstrate the development achieves a minimum "Excellent" rating within 3 months of occupation.
12. Submission of the final BREEAM domestic refurbishment certificate showing achievement of Very good rating within 3 months of occupation
13. Submission of detailed specification of the proposed PV array (in accordance with the proposals for (218m<sup>2</sup> / 28.5kWp)
14. Developer to consult with LPA if any suspected contamination, or unusual or odorous ground conditions are encountered during any ground works.
15. Full details of noise and vibration mitigation measures for proposed dwellings.
16. Construction Management Plan to be submitted.
17. Full details of the demolition, design and construction methodology, including full details of cranes, to be submitted.

18. All private forecourt/areas to be drained within the site and not into the Public Highway
  19. Scheme of highway improvement works to be submitted.
  20. Cycle parking to be retained.
  21. Waste and recycling storage to be retained
  22. Development to be carried out in accordance with the approved Flood Risk Assessment
  23. Environment Agency Flood defences condition
  24. Archaeological and historic buildings recording work
  25. Precautionary bat survey immediately before demolition if demolition has not begun by April 2015.
  26. Clearance of vegetation, particularly scrub, to take place outside the bird breeding season (not during March to August inclusive).
  27. Full details of the extent, design, construction and planting of the living roof.
  28. Post-completion noise testing
  29. Secured by design accreditation
- Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

### **3.7 Informatives**

1. This development is to be read in conjunction with the S106 agreement.
2. The developer is to enter into a S278 agreement for works to the public highway.
3. The developer is to contact the Council's Building Control service.
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

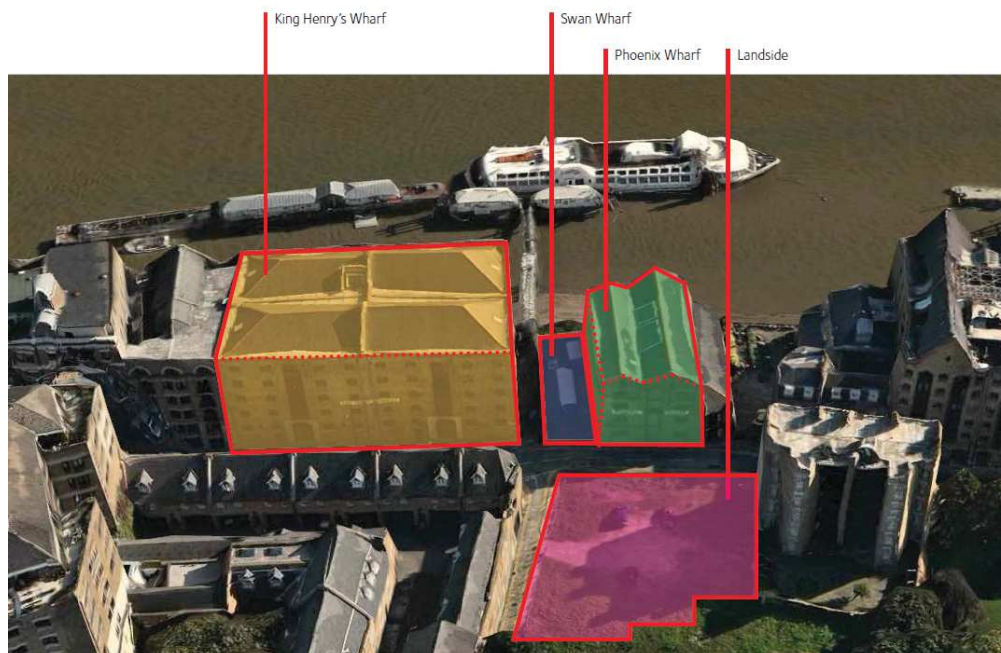
That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

## 4. PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1 The application proposes the conversion of two Grade II Listed riverside warehouses King Henry's and Phoenix Wharves (Use Class B8) in Wapping for residential use (Use Class C3). The redevelopment of the Wharves would provide 35 residential units without any extensions or any significant external alterations.

**Figure1. Site Layout**



- 4.2 The application proposes a new four storey dwelling house, on land formally occupied by Swan Wharf in-between the two listed buildings. The design aims to replicate the original form of the Wharf building that previously occupied the site.
- 4.3 The application also proposes the erection of a five storey building containing 18 residential units on the empty plot on the corner of Wapping High Street and Brewhouse Lane, adjacent to New Tower building. The proposed building has facades faced in brick and render, similar to that of the neighbouring building to the west. The front elevation of the building includes recessed balconies, whilst the rear elevation includes part recessed/part projecting balconies. This building will provide all of the Affordable Housing.
- 4.4 The proposed scheme delivers 36% affordable housing by habitable room and includes separate entrance lobbies, lift cores, bin stores and cycle stores for both the market and affordable units, with all units in the new buildings having private amenity space and those in the existing buildings having private amenity space where possible.
- 4.5 All proposed dwellings are to be built to 'Lifetime Homes' standards and 10% of dwellings are wheelchair accessible. The residential units in the new build element of the scheme have been designed to a Code for Sustainable Homes Level 4 rating, whilst a BREEAM 'Very Good' rating is targeted for domestic refurbishment element

of the scheme.

### **Site and Surroundings**

- 4.6 The application site comprises three adjacent wharves dating from the mid-19<sup>th</sup> Century and a plot of land separated from the rest of the site by Wapping High Street. King Henry's Wharf and Phoenix Wharf are Grade II listed buildings fronting the river Thames currently used as warehouses (Use Class B8). Swan Wharf sits between the two warehouses and is currently vacant. The plot of land on to the north of Wapping High Street (referred to as 'Landside') is currently used as car parking associated with the warehouses.
- 4.7 The site is bounded by the River Thames to the south, the residential development Gun House (1988) to the east, Bridewell Place and Old Tower Buildings to the north, and New Tower Buildings and 110b Wapping High Street to the west. Between Swan Wharf and King Henry's Wharf lies King Henry's Stairs which is a public right of way leading to Wapping Pier which is currently operational.
- 4.8 The surrounding area is predominantly residential in character, comprising a mix of 19<sup>th</sup> century warehouses that have been converted to residential use, together with more recent residential developments constructed in the 1980's and 1990's. The site is located a short distance to the east of Wapping Lane, which includes some local shops and restaurants.
- 4.9 The site lies within the Thames Policy Area as designated in the London Plan (2011) and lies within Flood Risk Zone 3. The River Thames and adjacent section of foreshore is designated as a Site of Importance for Nature Conservation (SINC). In addition, the site lies on land designated as being of Archaeological Importance or Potential. The site also forms part of the Blue Ribbon Network as designated by the London Plan.
- 4.10 The application site lies within the Wapping Wall Conservation Area, which was designated in January 1983 by the London Docklands Development Corporation (LDDC). Wapping Wall follows the eastern part of the road along the top of the dyke or river wall, after which it is named. Breaching of the wall was a serious problem until the 1580s when it was strengthened by the construction of a continuous line of wharves. The Docklands heritage has provided the framework for the area's regeneration.

#### **4.11 English Heritage Listing descriptions;**

**Name:** A,B,C and D Warehouse, King Henry's Wharves

**List Entry Number:** 1065809

**Location:** A,B,C And D Warehouse, King Henry's Wharves, Wapping High Street E1

**County:** Greater London Authority

**District:** Tower Hamlets

**District Type:** London Borough

**Grade:** II

**Date First Listed:** 27-Sep-1973

**Details:**

1. *WAPPING HIGH STREET E1 4431 (South Side) King Henry's Wharves TQ 3480 22/794 II GV 2. First half C19 warehouse block. Brown brick with red brick dressings. Hipped slate roof with red tile clad ridges. 5 storeys and*

*basement, 10 bays with door ranks each side. Ground floor doors have massive stone surround. Windows with red brick segmental arches and red painted sills; all with glazing bars. Iron hoists beside to floor doors.*

- 2. The river front has a more monumental elevational treatment with a giant pilastrade rising from stylobate ground floor, frieze with brick corbel string, cornice and blocking course. Segmental arched windows, those on ground floor contained in segmental arched recesses. Loading bays in ground floor below the hatch ranks have same granite surrounds as on street front. Large wall mounted lattice jibbed crane to centre of first floor and smaller one to second floor right.*

**Name:** K WAREHOUSE, ST JOHNS WHARF

**List Entry Number:** 10658108

**Location:** K WAREHOUSE, ST JOHNS WHARF, 112, WAPPING HIGH STREET E1

**County:** Greater London Authority

**District:** Tower Hamlets

**District Type:** London Borough

**Grade:** II

**Date first listed:** 27-Sep-1973

**Details:**

- 1. 4431 WAPPING HIGH STREET E1 No 112 'K' Warehouse St John's Wharf 22/791 II. c1870 alterations to earlier C19 four storey stock brick warehouse. Three bay front with parapet coping raised up in 2 gables. Changes in brickwork and blocked windows on the east elevation where there is a cornice below the parapet and the brick string courses on the left hand gabled bay of front indicate a rebuilt of an earlier structure. Front has 2 arched lights in gables. Segmental arched windows otherwise with engineering brick trim painted\_ red. Off centre hatch rank with bull nosed engineering brick reveals. Jibbed plate steel' hoist. The riverside elevation is similar with 2 unequal gables and off centre hatch rank. Workshop 2 storey range built on to west side with splayed end to read with hatch and hoist*

**Name:** Lamp Standard At King Henry's Stairs

**List Entry Number:** 1065810

**Location:** Standard At King Henry's Stairs, Wapping High Street E1

**County:** Greater London Authority

**District:** Tower Hamlets

**District Type:** London Borough

**Grade:** II

**Date first listed:** 27-Sep-1973

**Details:**

- 1. WAPPING HIGH STREET E1 4431 (South Side)b Lamp Standard at King Henry's Stairs*
- 2. 1908. Tall painted cast iron lamp standard with decorative floral and leaf designs. Elaborate lamp bracket, in use. No 94 (The Old Aberdeen Wharf), St John's Wharves and King Henry's Wharves form a group with No 110 and King Henry's Stairs and associated lamp standard, the intervening unlisted Police Station is not obtrusive*

## Planning History

4.12 The following planning decisions are relevant to the application:

### **PA/80/01076**

Planning permission for alterations to and change of use of existing buildings to form 34 residential units with parking, a public house, six office suites with parking, a craft centre and a public walkway **permitted** 20/11/1980

*King Henry's Wharf*

### **PA/92/00513**

Planning permission for External and internal alterations including formation of new entrance was **permitted** 27/03/1997

### **WP/92/00026/L**

Listed building consent for alterations involving reduction in the height of parapet walls at roof level was **permitted** 03/04/1992

### **WP/81/00060**

Planning permission for the change of use of existing building to residential, offices and car parking was **permitted** 22/02/1982

### **PA/81/01066**

Listed building consent for the alteration to existing building to accommodate change of use to residential, offices and car parking was **permitted** 22/02/1982

*Phoenix Wharf*

### **WP/92/00078**

Planning permission for minor internal and external alteration to effect redevelopment was **permitted** 27/03/1997

### **WP/92/00076**

Change of use from warehouse, together with redevelopment involving erection of 5 storey extension for use as offices including extension to riverside walkway **permitted** 01/06/1999

### **PA/71/00770**

Planning permission for alterations and change of use of top floor of warehouse to restaurant was **permitted** 18/10/1971

### **PA/71/00768**

Planning permission for the conversion of the existing warehouse buildings and their use as a restaurant with ancillary uses as offices and as residential accommodation together with the provision of private open space was **permitted** 29/03/1971

*Landside*

### **PA/04/00244**

Certificate of Lawfulness for existing use of land as car parking for staff and operatives of Samuel Smith relating to the warehouse operation at 116 - 120 Wapping High Street, London E1 was **permitted** 13/01/2005

## 5. POLICY FRAMEWORK

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

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

- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people’s play and informal recreation facilities
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy network
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London’s neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings

7.8	Heritage assets and archaeology
7.9	Heritage-led regeneration
7.13	Safety, security and resilience to emergency
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.18	Protecting local open space and addressing deficiency
7.19	Biodiversity and access to nature
7.29	The River Thames
8.2	Planning Obligations
8.3	Community Infrastructure Levy

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

SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP04	Creating a green and blue grid
SP05	Dealing with waste
SP08	Making connected places
SP09	Creating attractive and safe streets
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP13	Delivering placemaking and Implementation

#### **Managing Development Document (April 2013) (MDD)**

DM0	Delivering Sustainable Development
DM1	Development within the Town centre hierarchy
DM3	Delivery 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
DM15	Local job creation and investment
DM20	Supporting a sustainable transport network
DM21	Sustainable transportation of freight
DM22	Parking
DM23	Streets and the public realm
DM24	Place-sensitive design
DM25	Amenity
DM27	Heritage and the built environment
DM29	Achieving a zero carbon borough and addressing climate change

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

LBTH Planning Obligations Supplementary Planning Document (2012)  
 LBTH Wapping Wall Conservation Area Appraisal (2007)  
 Housing SPG(2012)

## **6. CONSULTATION RESPONSE**

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

### **LBTH Biodiversity**



6.2 No objection to the development. Recommended conditions are;

- Precautionary bat survey immediately before demolition if demolition has not begun by April 2015.
- Clearance of vegetation, particularly scrub, to take place outside the bird breeding season (not during March to August inclusive). If this is not possible, vegetation to be cleared should be checked for nesting birds by a suitably-qualified person immediately before clearance is due to start. If any nests are found, the vegetation must be left undisturbed until the young have left the nest.
- Full details of the extent, design, construction and planting of the living roof to be agreed by the Council before work starts, and the roof to be subsequently installed as agreed.
- Landscape details will be the subject of a condition. This condition should indicate that the Council expects the landscaping to benefit biodiversity.

*(Officer comment: Biodiversity is discussed in the main section of the report. The recommended conditions will be place upon any permission)*

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

6.3 The initial concerns of Environmental Health Noise and Vibration have been satisfied by the submission of an additional Acoustic Report. EH Does not object to the proposal subject to the following conditions;

- Post-completion noise testing
- Full details of noise and vibration mitigation measures for proposed dwellings. The M&E Plant assessment should be designed to meet BS4142 L90 - 10dB(A) so as not to cause noise nuisance to local and future residents;

*(Officer comment: The recommended conditions will be place upon any permission)*

#### **LBTH Energy Efficiency Unit- Sustainability**

6.4 The SAP calculations show an average 37% reduction in CO2 so LBTH Sustainability are satisfied subject to the following conditions:

- Submission of the final Code for Sustainable Homes certificates showing achievement of Code 4 within 3 months of occupation
- Submission of the final BREEAM domestic refurbishment certificate showing achievement of Very good rating within 3 months of occupation
- Submission of detailed specification of the proposed PV array (in accordance with the proposals for (218m<sup>2</sup> / 28.5kWp)

*(Officer comment: Energy and Sustainability is discussed in the main section of the*

*report. The recommended conditions will be place upon any permission)*

### **LBTH Transportation & Highways**

- 6.5
- Highways welcome the dedicated a strip of land beside Brewhouse Lane and Wapping High Street as public Highway and the contributions to fund improvements to the footway. This would be effected through a s72 agreement (Highways Act) in parallel with a s278 design agreement, which itself would be finessed when the developer is gearing up to implement any permission.
  - The narrow road (unsuitable for vehicles) running between the two buildings to King Henry's Steps and then to the Pier should be improved through s278 or s106, especially as a public ferry service might be introduced, which could conceivably be used by residents.
  - The combined cost of improvements to Brewhouse Lane and to put a crossover in to the footway at the point where the High Street meets the northern end of the highway called King Henry's Steps, comes to an estimated £96,000.
  - The estimate's total cost includes improving the quality of the materials, using York Stone paving along Brewhouse Lane and making good any patches in the granite setts (we want to retain the setts).
  - Infrastructure colleagues are currently looking into the possibility of making Brewhouse Lane one way north-south, if this is still being pursued when the s278 agreement is being drawn up.
  - Please include a condition to retain and maintain the cycle storage areas as shown on the approved plans.

*(Officer comment: The applicant has agreed to the scheme of highway improvements and have submitted amended drawings of Brewhouse Lane to show the extended carriageway and pavement)*

### **LBTH Crime Prevention Officer**

- 6.6 Secured By Design standards should be followed for this development.

*(Officer comment: A condition shall be placed on any permission requiring the Secured by Design accreditation to be obtained).*

### **LBTH Communities, Localities & Culture**

- 6.7 Financial contributions are required towards Idea Stores, Libraries and Archives, Leisure Facilities, Public Open Space, Smarter Travel and Public Realm Improvements, in line with the Planning Obligations SPD.

*(Officer comment: This required financial contribution has been agreed and it is*

*recommended that it is secured through a S106 agreement).*

### **LBTH Waste Policy and Development**

- 6.8
- Please provide with a clear drawing of where the vehicle will access the bins from
  - Please provide information on how many bins required and the sizes, also ensure that where needed, a dropped kerb is in place and that the refuse collection vehicle has adequate space to stop
  - Consideration must be made to ensure waste can be collected within 10 metres wheeling distance from parked collection vehicle.

*(Officer comment: This information has been provided and a condition shall be placed on any permission requiring the provision to be provided prior to the occupation of the development and shall be made permanently available for the occupiers of the building).*

### **LBTH Directorate of Children's Services**

- 6.9 A financial contribution of £201,323.90 towards Education is required for this development to secure appropriate capacity within local education facilities.

*(Officer comment: This required financial contribution has been agreed and it is recommended that it is secured through a S106 agreement).*

### **Environment Agency**

- 6.10 No objection subject to flood defence condition

*(Officer comment: The recommended condition will be placed upon any permission)*

### **LBTH Enterprise & Employment**

- 6.11 A financial contribution of £23,755.00 towards Employment & Skills Training is required for this development to support and provide the training and skills needs of local residents.

*(Officer comment: This required financial contribution has been agreed and it is recommended that it is secured through a S106 agreement).*

### **LBTH Environmental Health and housing**

- 6.12 Health and Housing Premises must comply with relevant statutory requirements including the Housing Act 2004, or comply with relevant Building Regulations. Damp, excess heat and excess cold are hazards under the Health and Housing Risk Rating Scheme.

### **English Heritage Archaeology**

- 6.13
- Archaeological impacts could be covered by a condition to include recording of the dock itself as well as a staged programme of investigation into buried

deposits.

*(Officer comment: The recommended condition will be place upon any permission)*

#### 6.14 **English Heritage**

English Heritage consider that the harm of the proposed work to the listed building would be less than substantial, however they are not convinced that the current floor proposals are the optimum solution. English Heritage recommended that the Council request the applicant commission a targeted specialist investigation.

*(Officer comment: The applicant provided a report looking at alternative proposals for the flooring. This is discussed in the material planning considerations section of the report)*

#### **Georgian Group - Georgian Group**

6.15 To date no comments have been received.

#### **Port of London Authority**

6.16 Port of London Authority raised concerns regarding the noise and smells due to the proximity of the proposal to the River Thames and Wapping Pier.

*(Officer comment: LBTH Environmental Health have suggested conditions to ensure a suitable acoustic environment for the residents of the building. Comfort cooling has been suggested for any units that have a bedroom on the riverside of the buildings in order to enable the windows to be kept shut during the summer period.)*

#### **LBTH Public Health Strategist**

6.17

- A financial contribution of £70,290 towards Health is required for this development to secure appropriate capacity within local healthcare facilities.

*(Officer comment: This required financial contribution has been agreed and it is recommended that it is secured through a S106 agreement).*

#### **The Society for the Protection of Ancient Buildings**

6.18 To date no comments have been received.

#### **The Twentieth Century Society**

6.19 To date no comments have been received.

#### **Thames Water Authority**

6.20 To date no comments have been received.

#### **The Victorian Society**

6.21

- The proposal would cause irrevocable harm to the last of the historic warehouses which can be appreciated in their original form

- The Society seeks to achieve greater internal openness at the expense of maximum fabric conservation, character and secure long term stewardship.

*(Officer comment: These issues will be addressed in the Material Planning Considerations section of the report)*

### **Transport for London**

- 6.22
- It is welcomed that the development will be car free with the exception of the three bed unit. The developer shall enter into a 'car free' agreement with the local authority to exempt eligibility of future residents from obtaining on-street parking permit.
  - The proposed provision is 74 cycle parking spaces (combined) is welcomed by TfL and should be secured by condition.
  - The final submission and implementation of travel plan should be secured by s106 agreement. The finalised travel plan should pass the 'ATTrBute' on line travel plan assessment.
  - Following the Mayor's manifesto pledge to double the number of river service passengers by 2020, the TfL River Action Plan has identified that Wapping Pier in close vicinity of the site could be better served by river services; therefore TfL recommend that the council to secure contribution toward upgrading existing passenger piers from this development, bringing existing non-passenger piers into service as passenger piers.

*(Officer comment: Contributions towards the improving the pedestrian access to Wapping Pier and King Henrys Steps have been agreed and will be secured through a s278 and s106 agreement)*

### **London Borough of Southwark**

- 6.23 London Borough of Southwark chose not to make a formal response.

### **London Fire & Civil Defence Authority**

- 6.24 To date no comments have been received.

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 375 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 23      Objecting: 23      Supporting: 0  
 No of petitions received: 1 objecting containing 4 signatories

7.2 The following issues were raised in representations in objection to the scheme, and they are addressed in the next section of this report:

### **Housing**

- 7.3
1. Area is not suitable for large family sized residential units
  2. Affordability of the large family units in the Landside building
  3. Ratio of affordable housing to private housing is already very high in Wapping
  4. Lack of one bedroomed flats
  5. Anti-social behaviour due to more residents
  6. Social housing increases litter

### **Design**

- 7.4
1. Height of the Landside development
  2. Design and materials of the Landside development not in keeping with the conservation area
  3. Design of Swan Wharf not in keeping with the conservation area
  4. Density of the Landside building
  5. Positioning of the Landside building

### **Amenity**

- 7.5
1. Overlooking from the Landside development
  2. Loss of light due to the Landside development
  3. Disruption during the construction of the development
  4. Loss of views
  5. Noise from family sized units
  6. Effect of the operational Wapping Pier on proposed residential units

### **Highways**

- 7.6
1. Lack of car parking
  2. Narrow pavements
  3. Increased pressure on existing infrastructure, buses, and trains
  4. Vehicular Access along Wapping High Street and Bridewell Place during both the construction phase and the occupation
  5. Increased traffic and congestion

### **Other**

- 7.7
- 8.1 Loss of Lampposts and historic bollards
  - 8.2 Lack of school places
  - 8.3 Wapping pier should be safeguarded

## 8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
- (a). Land Use
  - (b). Housing
  - (c). Works to the Listed Buildings
  - (d). Design and Conservation
  - (e). Amenity
  - (f). Highways
  - (g). Planning Obligations

### Land Use

#### Loss of Use Class B8 Employment Floorspace

- 8.2 King Henrys Wharf is a four storey wharf building and comprises 5,965 sqm of floorspace. The warehouse is typical of many built in this part of London and is still used in part on the ground floor and basement for storage. The upper floors are vacant. The property is very under-used and internal access between floors is very restricted.
- 8.3 Phoenix Wharf extends over four floors and comprises 1,377 sqm of floorspace. The property is now used for storage. The internal floorspace is restricted by a large number of structural columns.
- 8.4 The proposal would result in the loss of 7,492 square metres of existing Use Class B8 storage floorspace at the site, which the Council will normally seek to resist unless it can be shown that the floorspace in question is unsuitable for continued employment use due to its location, accessibility, size and condition, or that has been marketed at prevailing values for a prolonged period.
- 8.5 Design and Access Statement and Planning Statement that accompany the application explain that employment uses on the site were evaluated by the applicant's surveyors who advised that there is no market for B8 uses in the buildings due to the listed status, physical constraints and location of in what has now become a primarily residential area. The Planning Statement goes on to explain that conversion to B1, whilst physically possible, would not be viable due to the cost and expected rental values. The idea of a hotel or apart-hotel was explored and a marketing exercise was undertaken which received no responses. This has been supported by an examination of the potential for the redevelopment of the listed buildings for commercial use by Hanily McGarry dated 23<sup>rd</sup> of October. The uses considered as part of the exercise were hotel, leisure, education and office space. The examination concluded that due to the listed status, accessibility, size, and condition the listed buildings are unsuitable for continued employment use.
- 8.6 Commercial uses were considered for the ground floors of the listed warehouses as commercial uses can create active frontages which benefit the character and quality of the public realm especially as ground floors are often less suitable for residential use. However after consideration it was decided that due to the ground floor of King Henry's Wharf being raised above the street level by 1.2 metres, commercial uses would not be suitable due to the major challenges to provide level access. It would not be possible to mitigate this challenge without severe intrusion to the fabric of the Listed

building and furthermore if the ground floor was kept at the high level it would not create any visual interrelationship between the activity of the building and the street.

- 8.7 Sufficient evidence has been provided to justify the loss of employment floorspace in this instance, in accordance with the requirements of Policy DM15(1) of the Managing Development Document (2013). This policy seeks to resist the loss of employment floorspace in the Borough unless it can be demonstrated that the floorspace in question is unsuitable for continued employment use due to its location, accessibility, size and condition.

#### Proposal Residential Use

- 8.8 Government guidance set out in paragraph 51 of the National Planning Policy Framework (2012) supports proposals for change of use of commercial buildings (within Use Class B) to residential use where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. In addition, Policy 3.3 of the London Plan (2011) and Policy SP02(1) of the Council's adopted Core Strategy (2010) seek the delivery of new homes in the Borough in line with the housing targets set out in the London Plan.
- 8.9 The proposal would deliver a total of 54 new residential dwellings at the site. In addition, the surrounding area is predominantly residential in character and would therefore provide a suitable environment for future residents. It is noted that the application site is not designated for any specific use in the Site Allocations section of Managing Development Document (April 2013). As such, it is considered that the introduction of residential use at the site is acceptable in principle in land use terms.

#### Housing

- 8.10 The proposed development will deliver a total of 54 residential units. The proposed housing mix for the scheme is 36 market units and 18 affordable units delivered as social rented.
- 8.11 This section of the report considers the acceptability of the housing provision with regard to the level of affordable housing, mix of tenures, mix of dwelling sizes and provision of wheelchair units.

#### Affordable Housing

- 8.12 Policies 3.8, 3.9 and 3.11 of the London Plan (2011) state that Boroughs should seek to maximise affordable housing provision. Policy SP02(3) of the Council's adopted Core Strategy (2010) requires a minimum provision of 35% affordable housing on schemes providing 10 or more dwellings. Policy DM3 of the Managing Development Document (April 2013) reiterates this and states that affordable housing provision should be calculated using habitable rooms as the primary measure.
- 8.13 Policy 3.11 of the London Plan (2011) states that affordable housing provision should include a mix of tenures with a split of 60% social rented to 40% intermediate. Policy SP02(4) of the Council's adopted Core Strategy (2010) and Policy DM3 of the Managing Development Document (April 2013) requires a tenure split of 70% social rented to 30% intermediate given the housing needs identified within the Borough.
- 8.14 The proposal provides 161 habitable rooms of which 58 are affordable which equates to an overall provision of 36% all of which coming forward as social target rent. It can be seen that the development proposal has sought to exceed the Council's target



tenure split of 70:30 which is supported.

- 8.15 The proposal provides 36% affordable housing by habitable room, in accordance with Policy SP02(3) of the Council's adopted Core Strategy (2010), Policy DM3 of the Managing Development Document (April 2013), and Policies 3.8, 3.9 and 3.11 of the London Plan (2011). These policies seek to maximise the delivery of affordable housing in line with the Council's target of 50% affordable housing provision, with a minimum provision of 35%.

#### Mix of Dwelling Sizes

- 8.16 Policy SP02(5) of the Council's adopted Core Strategy (2010), and Policy 3.8 of the London Plan (2011) require developments to offer a range of housing choice. In addition, local policies place an emphasis on the delivery of family sized dwellings given the shortfall of family units across the Borough identified in the LBTH Strategic Market Housing Assessment (2009), which forms part of the evidence base for Policy SP02 of the Core Strategy (2010).
- 8.17 Policy DM3(7) of the Managing Development Document (April 2013) sets out the Council's targets for the mix of dwelling sizes by tenure. These targets and the breakdown of the proposed accommodation mix are shown in Table 3 below:

**Figure 2: Dwelling Mix**

		Market Sale			Affordable Housing		
					Social Rented		
Unit Size	Total Units	Units	%	LBTH target	Units	%	LBTH target
Studio	4	4	11%	0%	0	0%	0%
1 Bed	9	5	14%	50%	4	22%	30%
2 Bed	32	24	67%	30%	8	44%	25%
3 Bed	7	2	8%	20%	5	28%	30%
4 Bed	1	0			1	6%	15%
5 Bed	1	1					
<b>Total</b>	<b>54</b>	<b>36</b>	<b>100%</b>	<b>100%</b>	<b>18</b>	<b>100%</b>	<b>100%</b>

- 8.18 The proposed development provides a mix of unit sizes, including a good range of market units, as well as a high proportion of family sized (3 bed+) affordable units. Whilst it is noted there is a high proportion of 2 bed units, it is considered that the overall mix, including a high proportion of family sized units, is acceptable. The proposal therefore accords with Policy SP02(5) of the Council's adopted Core Strategy (2010), Policy DM3(7) of the Managing Development Document (April 2013) and Policy 3.8 of the London Plan (2011).

#### Residential Space Standards

- 8.19 Policy 3.5 of the London Plan (2011) and Policy DM4(1) of the Managing Development Document (April 2013) require all housing developments to have adequate provision of internal space in order to provide an appropriate living environment, meeting the minimum space standards for new development in the London Plan.
- 8.20 The submitted drawings and details of the units show that the overall standard of accommodation is high with all 54 dwellings exceeding the Council's minimum space standards for dwellings. In addition, the proposed room sizes and layouts have been assessed against the standards set out in the Mayor of London's Housing Design Guide, Interim Edition (2010), and are considered to be acceptable. As such, the

proposal accords with the requirements of, Policy 3.5 of the London Plan (2011) and Policy DM4(1) of the Managing Development Document (April 2013).

#### Wheelchair Housing and Lifetime Homes

- 8.21 Of the 54 proposed units, 6 units are wheelchair accessible. Two fully accessible units are located at ground floor level of the landside building and two disabled parking spaces are also provided within the landside site. These units are affordable rented and represent 10% of the overall number of affordable homes. Two easily adaptable wheelchair accessible units are located on the second and fourth floor of King Henry's Wharf and two fully accessible units on the ground floor of Phoenix Wharf.
- 8.22 Details provided at application stage indicate that proposed residential units comply with 'Lifetime Homes' standards and the proposed provision of 10% of wheelchair accessible units accords with the requirements of Policy SP02(6) of the Council's adopted Core Strategy (2010). It is recommended that a condition is included to ensure that these standards are met during construction.

#### **Works to the Listed Buildings**

- 8.23 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.24 With regards to applications within conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.25 Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:
- *"desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and*
  - *the desirability of new development making a positive contribution to local character and distinctiveness."*
- 8.26 Guidance at paragraph 132 states that any consideration of the harm or loss requires clear and convincing justification as well as an assessment of the impact of the proposal on the significance of the designated heritage asset and establish if it would lead to substantial harm or loss (advice at paragraph 133) or less than substantial harm (advice at paragraph 134).
- 8.27 Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at part 2 of the policy that the borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the boroughs heritage assets, their setting and their significance.
- 8.28 Policy DM27 part 2 of the MDD applies when assessing the proposed alterations to the Grade II Listed building. The policy provides criteria for the assessment of

applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.

### Residential Conversion of King Henry's Wharf

8.29 King Henry's Wharf is a Grade II Listed warehouse building, the statutory list description reads:

*'First half C19 warehouse block. Brown brick with red brick dressings. Hipped slateroof with red tile clad ridges. 5 storeys and basement, 10 bays with door ranks eachside. Ground floor doors have massive stone surround. Windows with red bricksegmental arches and red painted sills; all with glazing bars. Iron hoists beside topfloor doors.'*

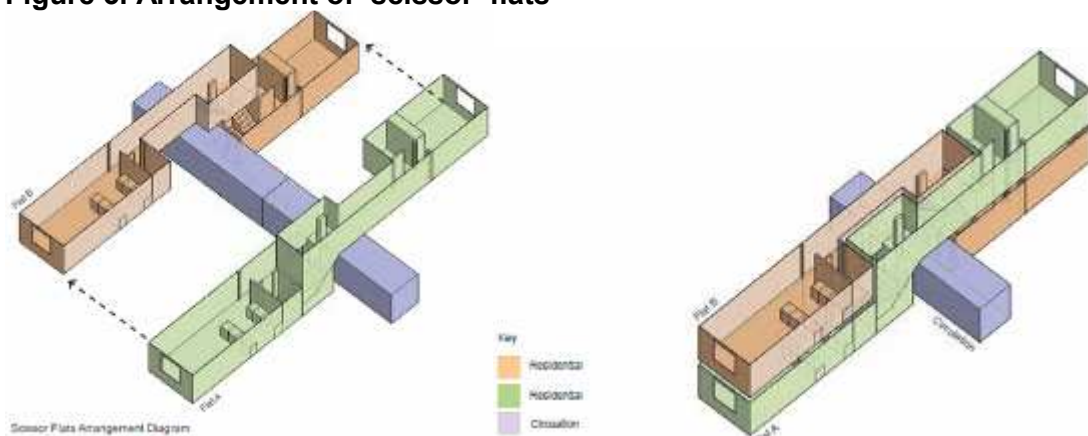
8.30 The alterations to King Henry's Wharf have been designed to have as minimum intervention, both in elevation externally and with regard to the character of the interior.

8.31 A number of challenges have been addressed in the design;

- Achieving dual aspect apartments
- The depth of the building (26 metres)
- Lack of fenestration
- Minimising lift and stair cores

8.32 To address these challenges concept of the "scissor" arrangement, where dual-aspect is maintained across a corridor, in effect by using the floor above as a bridge across it shared between two apartments, this maximises the excess building depth through the introduction of staircases within the apartments, internally linking them both to the floors above.

**Figure 3. Arrangement of 'scissor' flats**

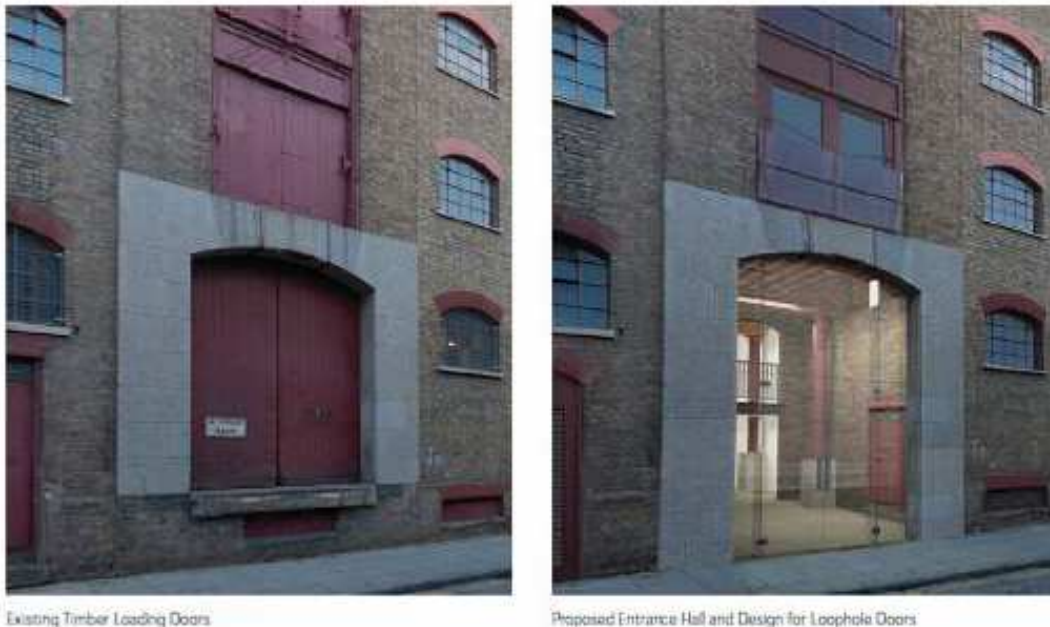


8.33 Initially concerns were raised by LBTH regarding the degree of intervention around the longitudinal division wall. In response, the plans were revised to provide a few

more, slightly larger, apartments and some smaller studio units. This was considered acceptable as it required less intervention with the original fabric of the listed buildings and although studio apartments are generally resisted in this instance it would be accepted due to the size and quality of these studio apartments.

- 8.34 The alterations to the listed building have been designed to minimise any intervention. Creating accessible entrances to the building has required more noticeable alterations. Currently the building has a single minor 'personnel' door at street level, in one half, and a single cantilevered-stone enclosed stairway connecting all levels in the other half. The ground floor is not at street level, being approximately mid-way between basement and a raised ground floor, and the personnel door opens at right-angles directly onto a short unenclosed stair flight leading to the upper ground floor – a lift of some 1.2 metres, the floor level being a useful loading dock height. The significance of this loading function to the upper ground floor is strongly emphasised in the architecture, the centre bay of each half being dominated by a large pair of timber loading doors within an opening arched and quoined in robust grey granite.
- 8.35 The main intervention with the fabric of the King Henry's Wharf is the lowering of an area of the upper ground floor to street level in two places to provide access to the entrance halls stair cores and lift.

**Figure 4. King Henry's Wharf Entrances**



- 8.36 It is intended that architecturally the treatment of these entrance halls is within the palette of the building – its internal enclosure will be exposed brickwork with arched openings, the granite quoins of the opening continued down to street level and the columns within the entrance hall. The external enclosure within the archway will be a frameless structural glass assembly, implying that the entrance halls are really recesses open to the street.
- 8.37 The enclosure of the new cores will be structural, masonry or concrete, enabling them to resupport slightly shortened existing beams (timber in the east, steel in the west) where existing columns have to be removed. The removals total 2 no. columns and 1 no. beam per floor in the east and 4 no. columns and 2 no. beams per floor in the

west, all with associated timber floors. The introduction of the street level entrance hall requires the demolition of a section of brick vault with support beams and 2 no. additional columns in the east basement, and a section of timber floor with steel beams and 2 no. columns in the west.

### Residential Conversion of Phoenix Wharf

8.38 Similar to King Henry's Wharf, Phoenix Wharf is a Grade II Listed warehouse building the statutory list description (Grade II) reads:

*'c. 1870 alterations to earlier C19 four storey stock brick warehouse. Three bay front with parapet coping raised up in 2 gables. Changes in brickwork and blocked windows on the east elevation where there is a cornice below the parapet and the brick string courses on the left hand gabled bay of front indicate a rebuilt of an earlier structure. Front has 2 arched lights in gables. Segmental arched windows otherwise with engineering brick trim painted red. Off centre hatch rank with bull nosed engineering brick reveals. Jibbed plate steel hoist. The riverside elevation is similar with 2 unequal gables and off centre hatch rank. Workshop 2 storey range built on to west side with splayed end to read with hatch and hoist.'*

8.39 A number of challenges have been addressed in the design;

- Depth of the building
- Lack of fenestration
- Inadequate floor heights
- 'Forest of Iron Columns'

8.40 It has been identified in the Design and Access Statement accompanying the application that the first and second floors, are uninhabitable as horizontally defined dwellings using the existing floor structure. A number of options were considered however maintaining the existing floor structure was not considered possible.

8.41 In order to make the building capable of containing dwellings, the existing columns along the line of a former separating wall will be removed and replaced with a new masonry wall being naturally capable of carrying load spanning this width. Options were explored in order to maintain all the columns within the building however due to the number of columns the resultant floor plan would be 'maze like' and impractical for residential room divisions.

8.42 This facilitates the introducing of new, much thinner, floor structures at second and third floor levels providing adequate storey heights. The new structures will be concrete slabs clear-spanning laterally using shallow down-stand beams along the same grid lines as the existing timber beams, but eliminating alternate lines. The existing columns will be re-installed along these lines, the density of columns now reduced to a level where the internal planning of apartments is practicable whilst maintaining the character of the existing structure through long front-to-back vistas.

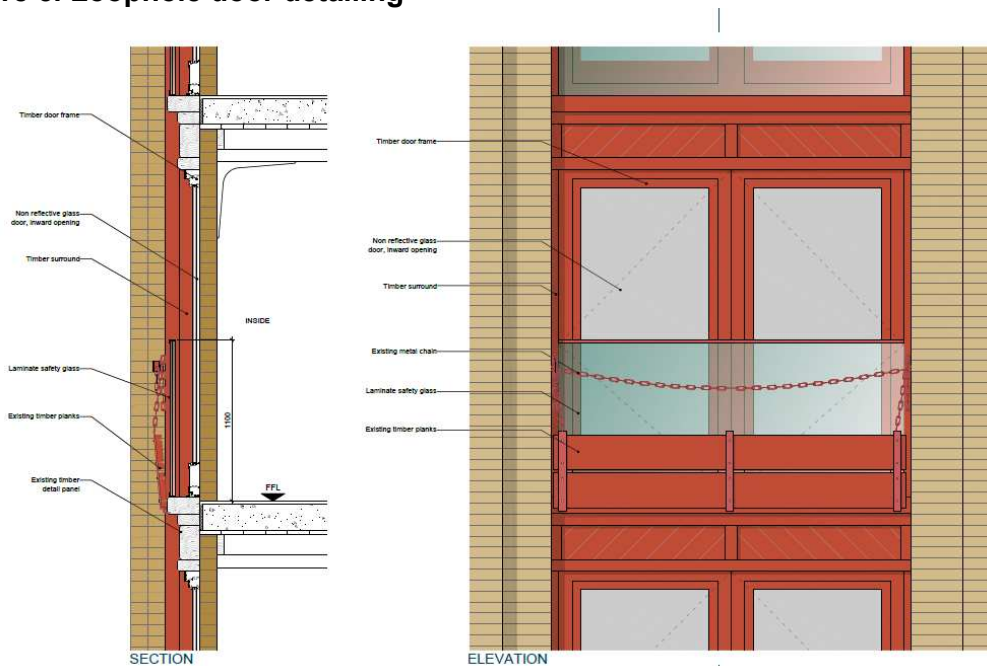
8.43 Concrete slab floor structures have been proposed for both King Henry's Wharf and Phoenix Wharf. LBTH Conservation Design Officer and English Heritage raised concerns in regards to the installation of concrete floors and the associated extensive alteration to, and loss of, the historic floor structures. Whilst replacing the floor in Phoenix Wharf was considered necessary to achieve the floor to ceiling heights English Heritage suggested that the applicant looked onto other ways of providing the

necessary insulation with less of an impact on the fabric of the listed building for the floors in King Henry's Wharf where floor to ceiling heights were not an issue. A report was provided by the applicant in which looked into two alternative floor constructions that would provide the necessary sound and thermal insulation and fire resistance for residential accommodation. The two options explored were considered to have a much greater impact on the fabric of the listed building. It was therefore considered on balance that the concrete slab floor structures were the most suitable option which involved the least intervention with the historic fabric of the listed building.

8.44 In order to provide increased daylight into the proposal a number of original openings that had been in filled on the eastern elevation of Phoenix Wharf will be reopened retaining the existing brick arches above.

8.45 Both in King Henry's and Phoenix Wharves the large double loading doors (loophole) are to be treated in accordance to the character of the buildings. The double loading doors will be pinned back inside the units and new replicas that conform to modern fire and safety standards incorporating glass openings to provide sufficient natural light. The timber planks of the existing upstands are to be retained with laminated safety glass safety barriers behind, maintaining natural light levels as well as provide a safety barrier by adding an extra glass plank.

**Figure 5. Loophole door detailing**



8.46 The building has an essential inter-relationship with the adjacent Swan Wharf. Archives have revealed that Swan Wharf was a semi-independent structure, with an artisanal ground floor partially sharing the party wall, and a mostly detached dwelling above. Examination of the party/boundary wall reveals infilled original openings, visible externally by the presence of a series of semi-circular arches, and internally with specific recesses. It is proposed that at ground level an external access way leads to an opening in the boundary wall which connects via an entrance hallway to the lift core, with selected suitable openings being re-formed in the upper floors to permit an increase in daylight to the centre of this deep-plan building.

8.47 Planning Officers in conjunction with the Conservation Design Officer have reviewed the revised proposed scheme, which has been the subject of extensive negotiation,

and is now considered acceptable in principle. The proposal is considered to preserve the important features of the Listed Buildings for years to come and prevent them from falling into disrepair. However, further details will be required to ensure that the work protects the special architectural and historic character of the building which will be secured through conditions.

- 8.48 As such, subject to conditions to ensure high quality materials and finishes, the proposal would preserve the character and appearance of the Grade II Listed Buildings and the Wapping Wall Conservation Area, in accordance with Policy SP10 of the Council's adopted Core Strategy (2010), Policies DM24 and DM27 of the Managing Development Document (April 2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development is well designed and that it preserves or enhances the character and appearance of the Borough's Conservation Areas.

#### New Residential Buildings

- 8.49 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.
- 8.50 Policy SP10 of the CS 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.

#### Swan Wharf

- 8.51 Historic documents included in the application show that this part of the site formally housed a ground floor workshop built right onto the river wall accessed via a yard off the street. The ground floor wall still exists as the boundary of the site onto King Henry's Stairs and Wapping High Street. Above it, set back from the river and separated from Phoenix by a two metre gap was a three-storey free-standing dwelling comprising two storeys topped by a mansard roof.
- 8.52 The proposal replicates the former building as four storey house, set back from the street by a courtyard and set back from the river at first floor. The proposal uses London Stock brick above the partially existing ground floor. The Design and Access statement describes the building giving a 'more humble, contrasting presence – an expression of 'dwelling' in the composition, framed by the two brick structures typifying the commerce of the era.' The design of the building has used appropriate detailing such as timber shutters which complements the two listed buildings either side and is sympathetic to the conservation area.

**Figure 5. Swan Wharf CGI**



8.53 As such it is considered that the proposed building has been sensitively designed within the context of the historic built form and public realm and would preserve and enhance the character and appearance of the Wapping Wall Conservation Area. The proposal therefore accords with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development Document (April 2013), Policy 7.8 of the London Plan (2011) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and either preserve or enhance the character and appearance of the Borough's Conservation Areas and river frontages within the Thames Policy Area.

#### Landside

8.54 The building has been designed to match the height of the adjacent New Tower Buildings. The scale enables the repetition of the elevated ground floors of New Tower Buildings, providing privacy and security, and the set back from the pavement defined by railings.

8.55 The proposed building has facades faced in brick and render, sympathetic to the surrounding buildings and of a scale matching that of the neighbouring building to the west. The front elevation of the building includes recessed balconies, whilst the rear elevation includes part recessed/part projecting balconies. These design features provide a degree of texture and architectural detailing to the façades and are considered aesthetically in keeping with the surrounding built form. The south elevation incorporates a regular pattern of windows and balconies, with private amenity space being maximised through the use of recessed terraces at the front in combination with small projecting balconies at the rear.

8.56 The architectural character of the design has been in response to the large windows to the rear of Old Tower Buildings, and using the recessed balcony, here as private amenity space rather than communal access, as a device for breaking down the overall mass and providing vertical emphasis. The palette of masonry is yellow/buff with London Stock and smooth-faced buffs with painted render perforated with powder coated aluminium faced timber windows.



**Figure 6. Landside Building**



8.57 The off-street zone provides access to two disabled parking spaces at ground level connected to the building via a weather-protected ramp up to the raised ground floor within the building, enabling a through-the-building route connecting both streets and the communal amenity space with the lift servicing the upper floors.

8.58 Taking into account the above, it is considered that the proposed building has been sensitively designed within the context of the historic built form and public realm and would preserve and enhance the character and appearance of the Wapping Wall Conservation Area. The proposal therefore accords with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development Document (April 2013), Policy 7.8 of the London Plan (2011) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and either preserve or enhance the character and appearance of the Borough's Conservation Areas and river frontages within the Thames Policy Area.

### **Amenity**

8.59 Policy SP10(4) of the adopted Core Strategy (2010), and Policy DM25 of the Managing Development Document (April 2013) require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, outlook and privacy.

8.60 It should be noted that whilst a some local residents have objected to the proposal on the grounds that it will result in a loss or partial loss of views from their property, which in turn could reduce the value of their homes, matters pertaining to impacts on views and property values are not normally considered to be material planning considerations and it is not considered that there is any special circumstances which would justify treating them as such in this case.

### Daylight / Sunlight

- 8.61 Daylight is normally calculated by two methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be no less than 20% of the former value, in order to ensure that sufficient light is still reaching windows. These figures should be read in conjunction with other factors, including NSL, which takes into account the distribution of daylight within the room, and figures should not exhibit a reduction beyond 20% of their former value.
- 8.62 A number of objections have been received from neighbouring residents within blocks to the north and west of the site on the grounds that the proposal would result in a significant deterioration in the daylighting and sunlighting conditions and levels of outlook from habitable rooms within their properties. The application is accompanied by a Daylight/Sunlight Report, prepared by Anstey Horne, dated 21 March 2013, which was reviewed in an independent assessment by BRE which identifies the affected neighbouring blocks outside the standard BRE guidelines and these are addressed in turn below:

#### 110B Wapping High Street

- 8.63 The surrounding building which is most affected by the proposal is 110B Wapping High Street. The one window which faces the Landside site will retain 0.58 times the former VSC value with a residual VSC of 14.47% VSC. There will also be an impact to the window's daylight distribution which will retain 0.46 times the former value. BRE specify that a window should retain at least 0.8 times the former VSC /DD values. A plan of the building at 110B Wapping High Street shows that this window serves a communal kitchen used for staff accommodation. However in this instance the loss of light to this window is considered acceptable.

#### 1-40 Brewhouse Lane – Old Tower Buildings

- 8.64 Four rooms within the residential development at 1-40 Brewhouse Lane – Old Tower Buildings did not meet the BRE target guidelines. These rooms will retain between 0.74 and 0.79 times the former VSC value. The BRE assessment explains that the windows are only marginally outside the BRE guidelines. This is also due to the windows being set back and heavily obstructed to either side by their own building. Given that these are not substantial failures, it is not considered that the proposal would result in a significant deterioration in the daylighting conditions of these rooms.

#### 13-16 Brewhouse Lane

- 8.65 BRE also identifies two rooms within 13/16 Brewhouse Lane where there will be a noticeable change of daylight. The residual values of 22.77 VSC within room R13/50 and 25.16 within room R6/51 combined with the daylight distribution would not result in a significant deterioration in the daylighting conditions of these rooms.

### Sense of Enclosure / Outlook

- 8.66 The properties that are most likely to be affected in terms of an increased sense of enclosure and loss of outlook are the flats located to the north and east of the Landside part of the development site. Whilst it is acknowledged that the outlook from some properties will be reduced as a result of the development, given the design of the proposed building and setbacks from neighbouring windows, it is not considered

that there would be any significant detrimental impacts on the outlook of neighbouring residents.

#### Overlooking and Loss of Privacy

- 8.67 It is noted that a number of objections have been received from neighbouring residents located to the north and east of the site respectively, on the grounds that windows and balconies within the proposed development will result in overlooking and a loss of privacy to neighbouring residents.
- 8.68 Design guidance documents usually recommend a visual separation distance of 18 metres between facing habitable room windows or balconies in order to preserve the privacy of existing and future residents. Section 5.1 of the Mayor of London's Housing Design Guide, Interim Edition (2010) acknowledges this standard, whilst also noting that strict adherence can limit the variety of urban spaces and housing types in the city and can sometimes unnecessarily restrict density.
- 8.69 In response to the concerns raised by local residents, it is noted that there is a distance of approximately 20 metres between the Landside part of the application site and 1-40 Old Tower Buildings. This is sufficient to prevent to prevent any unreasonable loss of privacy.

#### Residential Amenity Space

- 8.70 Policy SP02 (6d) of the Council's adopted Core Strategy (2010) and Policy DM4 of the Managing Development Document (April 2013) require adequate provision of housing amenity space for new homes, including private amenity space in every development and communal amenity space for developments providing 10 units or more.

#### King Henry's Wharf and Phoenix Wharf

- 8.71 Of the 27 residential units in King Henry's Wharf 3 have the provision of private amenity space in the form of roof terraces which are located in the valley between the two longitudinal pitches of the roof. Given, the constraints of the listed building where intervention would be undesirable it would not be possible to provide private amenity space for all the units. As such, the introduction of balconies and new door openings for the most part would affect the historic fabric of the listed building and would not be acceptable. Given the fact this is a listed building in this instance non-compliance with private amenity space standards is considered acceptable.
- 8.72 Of the 8 residential units in Phoenix Wharf 3 have the provision of private amenity space in the form of terraces, two at ground floor level overlooking the Thames and one at first floor level to the eastern side of the building. As with King Henry's Wharf non-compliance with private amenity space standards is considered acceptable given that the listed status of the building.

#### Swan Wharf and Landside

- 8.73 All of the residential units within the new buildings (which include all of the affordable housing) include private amenity space form of balconies or terraces which meets the minimum provision of 5 square metres of private amenity space for a 1 bed, 2 person dwelling, with an additional 1 square metre per additional occupant.

#### Communal Amenity Space

- 8.74 Under the terms of Policy DM4 Managing Development Document (April 2013), 96 square metres of communal amenity space is also required for the 54 units proposed. The proposal markedly exceeds this target through the provision of 150 square metres of communal amenity space. This provision is made at the rear of the landside building, and would serve the affordable units.
- 8.75 Taking into account the above, it is considered that the proposal includes adequate provision of private and communal amenity space, in accordance with Policy SP02 (6d) of the Council's adopted Core Strategy (2010) and Policy DM4 of the Managing Development Document (April 2013)

### **Highways**

- 8.76 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.77 CS Policy SP08 & SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development does not have an adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

Originally the development proposals included converting Brewhouse Lane to a shared level surface by removing the footway along the western side. However, this was not supported by LBTH Highways and Transport. The proposals now include the applicant dedicating a strip of their land to the west of Brewhouse Lane as public Highway as well as funding to improve the footway. This will allow for the widening of the footway to a minimum of 1.8m and the carriageway by an additional 0.2m This additional width will benefit vehicular and pedestrian movements in and out of the southern part of Bridewell Place onto Brewhouse Lane. This is now fully supported by LBTH Transport and Highways as set out in section

- 8.78 A number of representations have been received in objection to the proposal relating to pedestrian and vehicular access around the site during both the construction and occupation of the development.
- 8.79 A framework Construction Logistics Plan accompanies the planning application which provides an informative / recommended strategy for the efficient movement and management of construction traffic associated with the proposed development.

Disturbance during construction as a result of construction vehicles would be kept to a minimum, with the following key points to be implemented:

- Vehicle routes to/from the site and the A13 Commercial Road identified and will be relayed to all contractors associated with the site;
- A pre-booking system would be in place to ensure that one vehicle at a time is unloaded and the local highway obstruction is kept to a minimum;
- Use of the river for the transport of material will be used where possible;
- Hours of construction would potentially be planned to avoid the key weekday peak hours on the highway network.

- 8.80 A minimum carriageway width of at least 3.7 metres would be maintained throughout the construction process to allow emergency access to be maintained along Wapping High Street. That the majority of construction vehicles will require direct access to the development site; vehicles will have to stop on the main carriageway of Wapping High Street, resulting in temporary lane closure of the carriageway. The framework Construction Logistics Plan addresses this matter and advises that temporary restrictions would be sought that restrict access to Wapping High Street to 'Local Access Only' during times when such construction traffic movements take place. Details of the restrictions, including time periods and general arrangements, would be submitted to the Council by the Contractor and agreed prior to the works commencing. The restrictions would be timed to avoid the need to divert scheduled refuse and other service vehicles movement.
- 8.81 The southern part of Bridewell Place has access points for vehicles, one onto Brewhouse Lane and one onto Wapping High Street. These will be maintained at all times during the construction works and will be unaffected by any scaffolding restrictions. Brewhouse Lane will remain open throughout the construction process.
- 8.82 The erection of scaffolds will be phased in order to prevent simultaneous closures of the northern and southern footways on Wapping High Street. Clear diversion signage for pedestrians will be provided. The Contractor would be required to explore all possible safeguards for pedestrians and minimise the duration for which the scaffolding is required.
- 8.83 The construction process will be managed to ensure that a continuous footway of at least 1.5 metres is maintained along Wapping High Street. This will vary along either the northern side or the southern side depending on the construction schedule. In accordance with the Code of Construction Practice, the footway would be constructed of non-slip materials, would provide dropped kerbs wherever possible and would be clearly signed to advise pedestrians of the available route. The layout and signage would be agreed with the Highway Authority prior to any works taking place.

#### Car Parking

- 8.84 The proposal includes two disabled car parking spaces for the Landside building and one parking space on the forecourt of Swan Wharf. The proposal has been assessed by LBTH Transportation & Highways, who note that the Public Transport Accessibility Level (PTAL) for the site is 3/4, which is at the cusp of the level at which the Local Planning Authority seek for developments to be 'car free' on the grounds that they are located in areas with good access to public transport. However, given that the site is situated close to the Wapping Overground Station and is located a short distance from local bus stops, and given the existing levels of on-street parking stress in the surrounding area, Highways consider this site to be suitable for a car and permit free agreement, which should be secured by condition.
- 8.85 It is noted that a number of objections have been received from local residents on the grounds that the proposed omission of any on-site car parking will put a significant strain on on-street parking in the area. However, it should be noted that if planning permission were granted and the development was secured as car and permit free, as is recommended by officers, then future residents at the site would be unable to obtain residents parking permits and thus the proposal would not (subject to the operation of the Council's parking permit transfer scheme for residents in Social Housing) place any further strain on the capacity of on-street residents' parking bays.

- 8.86 Subject to condition, it is considered that the proposal accords with Policy SP09(4) of the Council's adopted Core Strategy (2010), Policy DM22(2) of the Managing Development Document (April 2013) and Policy 6.13 of the London Plan (2011). These policies seek for developments located in areas with good access to public transport to be secured as car and permit free.

#### Cycle Parking

- 8.87 The proposal includes the provision of a total of 74 cycle parking spaces located in suitable areas of the development. Subject to condition, it is considered that the proposal includes adequate secure cycle parking facilities, in accordance with Policy DM22(1) of the Managing Development Document (April 2013), and Policy 6.9 of the London Plan (2011). These policies promote sustainable forms of transport and seek to ensure the developments include adequate provision of secure cycle parking facilities.

#### **Waste and Recyclables Storage**

- 8.88 The proposal includes the provision of separate refuse and recyclables storage areas for each of the buildings located at ground floor level and within 10m of the operators' collection point on the public highway.
- 8.89 Subject to condition, it is considered that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with Policy DM14 of the Managing Development Document (April 2013). This policy requires planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.

#### **Other Issues**

##### **Flood Risk**

- 8.90 The NPPF, Policy SP04(5) of the Council's adopted Core Strategy (2010) and Policy 5.12 of the London Plan (2011) seek to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk.
- 8.91 The application site lies within Flood Risk Zone 3, which comprises land assessed as having a 1 in 100 or greater annual probability of river flooding. The application is accompanied by a Flood Risk Assessment, prepared by Peter Brett Associates, which has been assessed by the Environment Agency and is considered to be acceptable. In accordance with the advice given by the Environment Agency, it is recommended that a condition be included to require the development to be carried out in accordance with the approved Flood Risk Assessment.
- 8.92 Subject to condition, it is considered that the proposed development incorporates adequate flood resilient design and would not increase the risk or impact of flooding at the site. The proposal therefore accords with Policy SP04(5) of the Council's adopted Core Strategy (2010), Policy 5.12 of the London Plan (2011), and government guidance set out in Section 10 of the National Planning Policy Framework (2012).

##### **Archaeological Impacts**

- 8.93 The application site lies within an Archaeological Importance or Potential as designated in the Managing Development Document (April 2013). Accordingly, the application is accompanied by an Archaeological Desk-Based Assessment & Built Heritage Appraisal, prepared by AOC.
- 8.94 The proposals and submitted Archaeological Statement have been assessed by English Heritage Archaeology who state that the present proposals archaeological impacts could be covered by a condition.
- 8.95 Taking into account the above, it is considered that subject to conditions the proposed development would not adversely affect any buried archaeological remains, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development Document (April 2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

### **Biodiversity and the Blue and Green Grid**

- 8.96 Policy 7.19 of the LP, strategic policy SP04 of the CS and DM11 of the MDD seek to wherever possible ensure that development, makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value this should be protected and development which would cause damage to SINCs or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.97 Strategic policy SP04 also sets out the Council's vision to create a high quality well connected and sustainable nature environment of green and blue spaces that are rich in biodiversity and promote active and healthy lifestyles. Policy 7.24 of the LP sets out the strategic vision of the Blue Ribbon Network which should contribute to the overall quality and sustainability of London by prioritising the use of waterspace and land alongside it safely for water related purposes. Policy 7.27 seeks to support infrastructure and recreation use by amongst other aims protecting existing access points and enhancing where possible, increasing habitat value and protecting the open character of the Blue Ribbon Network.
- 8.98 The proposal has been assessed by the LBTH Biodiversity Officer, who notes that the initial bat survey report recommends dusk and dawn bat surveys, as the preliminary surveys could not determine whether or not bats are roosting in the existing buildings. Further surveys were undertaken that showed that there were no bats present on the site.
- 8.99 The only biodiversity interest on the site is the rough grassland, tall herbaceous vegetation and scrub on the Landside part of the site. A condition should require clearance of vegetation, particularly scrub, to take place outside the bird breeding season (not during March to August inclusive).
- 8.100A condition should require full details of the extent, design, construction and planting of the living roof to be agreed by the Council before work starts, and the roof to be subsequently installed as agreed.

### **Energy & Sustainability**

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

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

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

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

8.104 The applicant has proposed to achieve a Code for Sustainable Homes Level 4 rating, whilst a BREEAM 'Very Good' rating is targeted for domestic refurbishment element of the scheme which is supported by Sustainable Development Team. It is recommended that the energy strategy and sustainability assessment ratings are secured through appropriate conditions.

### **Planning Obligations**

8.105 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.

8.106 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.

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

8.108 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.

8.109 The obligations agreed can be summarised as follows:

#### **Financial Obligations**

- Education: £201,324
- Enterprise & Employment: £23,755
- Public Open Space: £92,441
- Streetscene and Built Environment: £75,270
- Leisure Facilities: £53,242
- Idea Stores, Libraries and Archives: £14,515
- Health: £70,290
- Sustainable Transport: £1,728
- Brewhouse Lane improvements: £96,000
- Monitoring & Implementation 2% of total (£10,651)

#### **Non-Financial Obligations**

- 36% affordable housing
- Access to employment initiatives



- Permit free agreement
- The section of land as shown on drawing no. 1827-23-DR-0100 Rev. P05 to be dedicated as public highway.
- Code of Construction Practice
- Communal play space and child space accessible to all future residents of the development

These represent 100% of the planning obligations as requested by the Planning Obligations Supplementary Planning Document, 2012

8.110 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas. Finally, it is considered that the S106 contributions should be pooled in accordance with normal council practice.

## **9.0 Human Rights Considerations**

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

9.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.

9.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

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

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

- 9.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

## **10.0 Equalities Act Considerations**

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

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

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

amended section 70(2) as follows:

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

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

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

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

11.4 In this context "grants" might include:

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

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

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

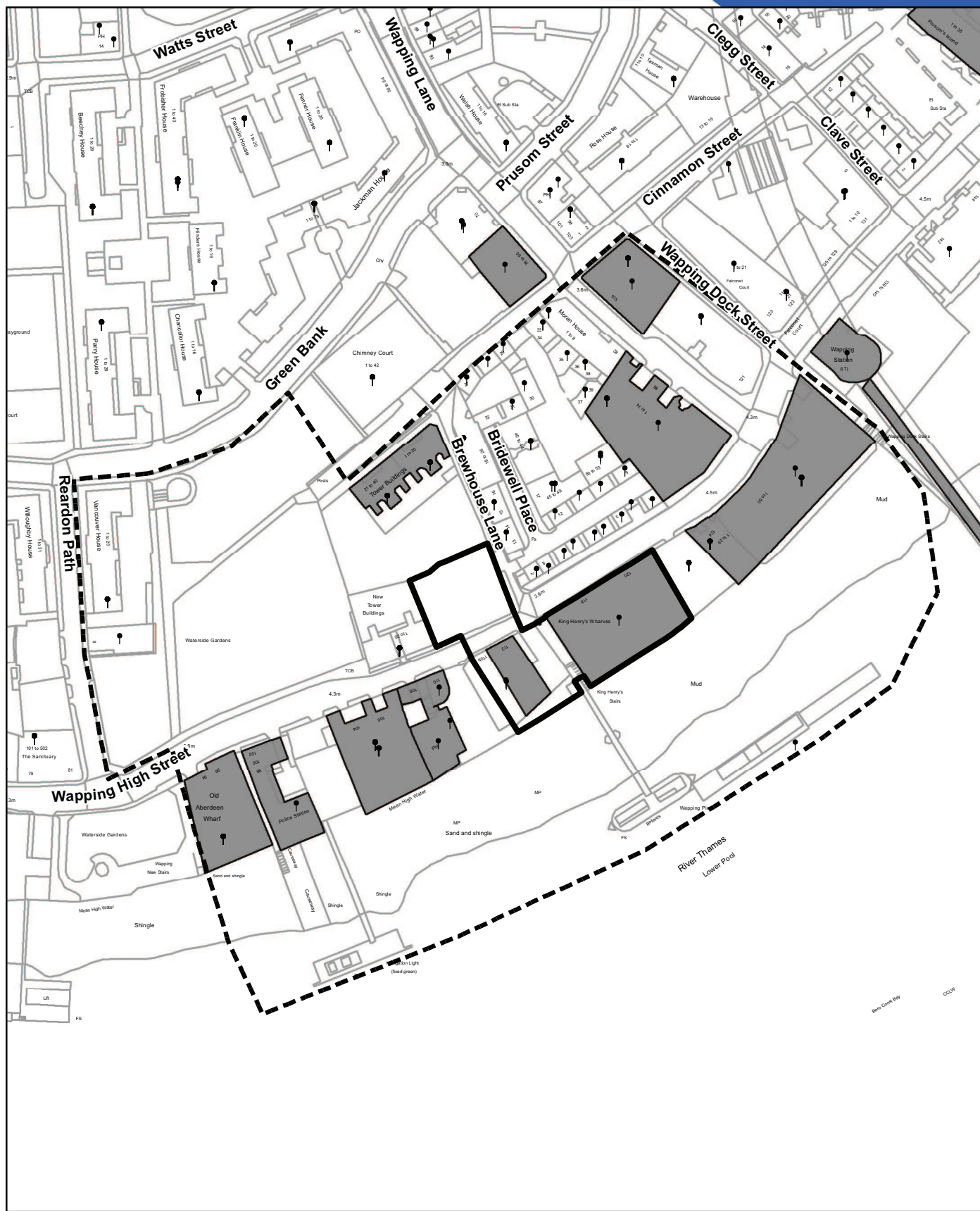
## **12.0 CONCLUSIONS**

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

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# Planning Application Site Map

## PA/13/00982



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	0 20 m
	Consultation Area		Statutory Listed Buildings		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 6.3

<b>Committee:</b> Development	<b>Date:</b> 26 <sup>th</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Richard Humphreys		<b>Ref No:</b> PA/13/00719	
		<b>Ward:</b> Spitalfields and Banglatown	

## 1. APPLICATION DETAILS

- Location:** 4 Crispin Place, E1.
- Existing Use:** Restaurant.
- Proposal:** Change of use from Use Class A3 (Restaurant \ café) to Use Class A4 (Drinking establishment).
- Drawing Nos:** 1/1250 Site plan, SLK.01 Proposed Ground Floor Plan, Unnumbered Proposed Site Plan, Unnumbered Proposed Floor Plan Rev A, 45L and Unnumbered site context plan.
- Supporting Documents:** Planning Statement.  
Noise Impact Assessment WSP 15/05/2013  
Photographs of site and surroundings  
Brochure 'The Grocer, Spitalfields'
- Applicant:** Bishops Square Sari
- Owner:** Corporation of London and RanuMiah
- Historic Building:** Grade 2 listed Horner Building (Spitalfields Market) adjoins.
- Conservation Area:** Fournier Street / Brick Lane adjoins.

## 2. EXECUTIVE SUMMARY

- 2.1 The local planning authority has considered the circumstances of this application against the planning policies contained in the National Planning Policy Framework (NPPF), the London Plan 2011, Tower Hamlets Core Strategy 2010 and Tower Hamlets Managing Development Document 2013 and has found that:
1. A Class A4 (Drinking establishment) use is appropriate within the Central Activities Zone and the change of use accords with Chapter 2 'Town Centres' of the NPPF, policy 2.11 of the London Plan 2011, spatial policy SP01 of the Tower Hamlets Core Strategy and policy DM1 of the Tower Hamlets Managing Development Document 2013.

2. Subject to safeguarding conditions regarding noise, hours of operation, restriction of the use of outdoor areas, loading, and the implementation of a Building Management Statement, the development would accord with policy 4.6 of The London Plan 2011 and policy DM25 of the Tower Hamlets Managing Development Document 2013 that require development to protect the amenity of surrounding residents and building occupants, and the amenity of the surrounding public realm, by not creating unacceptable levels of pollution including noise, odour and fumes.

### **3. RECOMMENDATIONS**

- 3.1 That the Committee resolves to **GRANT** planning permission subject to the following conditions:

#### **Conditions**

1. Development to begin within 3 years.
2. There shall be no use of the northern terrace after 20.00 hours.
3. Any music noise emanating from the premises must not be audible at the nearest affected facade. No music to be played on outside terrace areas.
4. Noise of mechanical plant or equipment shall be at least 10dB below the recorded background noise level.
5. The opening hours of the premises shall only be Monday to Saturday 10:00 hours to 23:00 hours and on Sundays and public holidays 10:00 hours to 22:00 hours.
6. Loading and unloading shall be restricted to: Monday to Friday (8.00 am to 6.00 pm); Saturday (8.00 am to 1.00 pm); and not at all on Sunday & all public holidays.
7. No occupation of the drinking establishment hereby permitted shall take place until a Building Management Statement has been submitted to and approved in writing by the local planning authority. The statement shall demonstrate that measures are in place to ensure that no undue disturbance is caused to the amenity of residents in the vicinity caused by the operation of the use and shall include: Details of full time management including contact details and security staff; the means of managing the use of the outdoor areas including the hours permitted; the means of ensuring that customers are not able to take drinks outside the demise of Unit 4; and signage asking customers to respect the amenity of adjoining residents. The drinking establishment shall thereafter be managed in accordance with the approved Building Management Statement.
8. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

#### **Informatives**

1. The operator of the permitted Class A4 (Drinking establishment) is requested to regularly attend the neighbour meetings organised by the Spitalfields' Management Team.
2. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

### **4. BACKGROUND**



- 4.1 **PA/02/00299.** Planning permission for the Bishops Square development, which includes Crispin Place, was granted on 19<sup>th</sup> November 2002. The scheme included ground floor and basement buildings for flexible use within Class A1 (Shops) and the then Class A3 (Food and drink) of the Town and Country Planning (Use Classes) Order 1985 with twelve floors of Class B1 office use over.
- 4.2. Condition 5 of planning permission PA/02/00299 limits the hours of operation of any A3 use to between 8 am and 11.30 pm Monday to Saturday and 8 am to 8 pm Sundays and Public Holidays unless otherwise agreed by the local planning authority. The reason is to protect the amenity of adjoining premises and the area generally.
- 4.3. Condition 11 of the permission stipulated that a maximum of 25% of the overall floorspace for Class A1/A3 uses should be Class A3 (Food and drink). The reason was to ensure an appropriate level of retail floorspace within the development. Condition 12 required the location of the A3 units to be agreed with the local planning authority before the units were fitted out. The reason was to safeguard the amenities of nearby residents and the character of the area.
- 4.4. **PA/04/1683.** On 16<sup>th</sup> March 2005, the Council varied condition 11 of planning permission PA/02/299 to allow a maximum of 42% of the overall floorspace for Class A1/A3 uses within the Bishops Square development to be Class A3 (Food and drink).
- 4.5. **PA/05/1894.** On 30<sup>th</sup> June 2006, planning permission was granted for the change of use of 3 Crispin Place (adjoining Unit 4) to a Class A3 restaurant. The permission was accompanied by a section 106 Agreement between the developer and the Council that stipulated in the 4 year period following the change of use no further units within the Bishops Square development would be put to A3 restaurant use. That obligation has now time expired.
- 4.6. **PA/11/00176.** On 5<sup>th</sup> August 2011, a planning permission Ref. PA/07/3205 was renewed for the erection of a two-storey building over the service ramp alongside the north elevation of Bishops Square adjacent to 4 Crispin Street. The permission is unimplemented but would provide 462 sq. m. of retail floorspace (Class A1) on the ground floor and eight serviced apartments (Class C1) above.

## **5. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 5.1. Application is made for planning permission to change the use of the Class A3 (Restaurant) at Unit 4 Crispin Place to a drinking establishment (Class A4). The application site includes two outdoor seating areas fronting Lamb Street and Crispin Place located behind fixed planters. Nominal external seating capacity is 80 people.

### **Site and surroundings**

- 5.2. 4 Crispin Place lies on the ground floor of the new Spitalfields Traders Market, part of the Bishops Square development east of Bishopsgate. The site is bounded to the north by Lamb Street and the new Spital Square, to the east by the Old Spitalfields Market (Horner Building) and to the south and west by the remainder of the Traders Market. The

premises comprise a corner unit fronting Lamb Street and Crispin Place that runs through the market to Brushfield Street. The unit currently trades as the 'Scarlet Dot' restaurant (Use Class A3). It has 68 covers, comprises 92.5 sq. m. and opens seven days a week from 9 am until 11 pm.

- 5.3. Immediate adjacent uses are three further A3 restaurants at Units 1, 2 and 3 Crispin Place and B1 (offices) above. All three adjoining restaurants have outdoor, seated eating areas.
- 5.4. The nearest A4 (Drinking establishment) uses are 'The Gun' public house, 90 m. away on Brushfield Street; and 'The Golden Heart' 120 m. away on Commercial Street. The Horner Building of the Old Spitalfields Market contains residential accommodation, the nearest being located above the 'Teasmith Café' on Lamb Street, approximately 16 m. away, with a blank gable wall facing the application site.
- 5.5. Diagonally opposite, Dandridge House No. 31 Lamb Street, accommodating sixteen flats, lies 27 m. north east of the application site. Residential accommodation in Vanburgh House and Priory House, Folegate Street, lie 50 m. and 63 m. respectively north of the application site separated from it by Spital Square and Elder Gardens.
- 5.6. The site lies within the Central Activities Zone (CAZ). It abuts but does not lie within the Fournier Street / Brick Lane Conservation Area. The adjoining Old Spitalfields Market Building is listed Grade 2.
- 5.7. The site is highly accessible by public transport with a PTAL Index 6b (excellent). It is located close to Liverpool Street Main Line and Underground stations and Shoreditch High Street Overground station. London Transport buses serve Bishopsgate and Commercial Street.

## **6. POLICY FRAMEWORK**

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

- 6.2. NPPF

Chapter 2. Town centres.

- 6.3. The London Plan 2011

Policy 2.11 - Strategic functions for the CAZ.

Policy 4.6 – Support for and enhancement of arts, culture, sport and entertainment provision.

Tower Hamlets Core Strategy 2010

- 6.4. Policy SP01 - Refocusing on our town centres.  
Policy SP03 – Creating healthy and liveable neighbourhoods.  
Annex 9 - Delivering Placemaking.
- 6.5. Tower Hamlets Managing Development Document 2013

The Adopted Policies Map shows the application site lying within a 'Preferred Office Location' within the CAZ.

Policy DM1 - Development within the town centre hierarchy.

Policy DM25 – Amenity.

### **Other material considerations**

#### 6.6. Proposed Brick Lane Cumulative Impact Zone (Saturation Zone)

Saturation zones were introduced by the Licensing Act in 2003, as a response to crime, disorder and nuisance arising from the cumulative effect of having a number of licensed premises operating in close proximity to each other in a small area. A saturation zone can only be introduced where there is evidence to show that it is '*appropriate and necessary*' to introduce a policy to control the growth of licensed premises.

- 6.7. The Council has recently undertaken consultation with local residents, business and interested bodies on the possible introduction of a Brick Lane Cumulative Impact Zone. The application site lies within the proposed zone towards its western edge. The policy has not been agreed by Members - see comments from Licensing at paragraph 7.3 below.

#### The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

- 6.8. From 31<sup>st</sup> May 2013, for a period of up to two years, Class D of the above Order grants planning permission for development consisting of a change of use of 150 sq. m of a building and any land within its curtilage—

(a) to a flexible use falling within either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of the Schedule to the Use Classes Order,

(b) from a use falling within Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), Class A5 (hot food takeaways), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure).

During this period the site retains its existing use class and the Order requires the site to revert to its previous lawful use no later than the end of the two year period.

## **7. CONSULTATION**

### 7.1. Transportation and Highways

No objection. The area has excellent public transport accessibility where A4 uses are prevalent. The proposed change of use would not result in a material impact on the local transport or the highway network.

### 7.2. Environmental Protection

Agrees with the methodology in the submitted Noise Impact Assessment with recommendations to minimise noise impact having been adopted by the applicant. If necessary, Environmental Protection can use primary legislation to abate any nuisance. Recommends that any planning permission is conditioned as follows:

- 1) Any music noise emanating from the site must not be audible at the nearest affected facade.
- 2) Noise of mechanical plant or equipment must be at least 10dB below the recorded background noise level.
- 3) The hours of operation should be restricted to protect the amenity of local residents. Recommends the terminal hour should be 9.00 pm or 10.00 pm.
- 4) Loading and unloading should be restricted to: Monday to Friday (8.00 am to 6.00 pm); Saturday (8.00 am to 1.00 pm); and not at all on Sunday & all public holidays.
- 5) Any external usage for eating or drinking should have a terminal hour of 9.00 pm.
- 6) A maximum of 5 smokers allowed outside at any one time.

### 7.3. Licensing

There is a current licence in place at the premises:

- Alcohol: Monday to Saturday 10:00 hrs to 23:00 hrs Sunday 10:00 hrs to 22:00 hrs.
- Opening hours Monday to Saturday 10:00 hrs to 23:00 hrs, Sunday 10:00 hrs to 22:00 hrs.

Licensing is unable to use the proposed Brick Lane Saturation Policy to object to planning applications. Although a 'Cumulative Impact Policy' has been consulted upon, it has yet to be adopted by the Council.

### 7.5. Metropolitan Police Crime Prevention Officer

No representations received.

## 8. **LOCAL REPRESENTATION**

### Initial consultation

8.1 212 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. A site notice was also displayed and the application advertised in East End Life. The number of individual representations received from neighbours is as follows:

No of individual responses:	45	Objecting:	41	Supporting:	4
No of petitions received:	0				

8.2. Grounds of objection may be summarised as:

- The site faces residential areas on two sides - on Lamb Street and above the Old Market. The premises are large and there would be serious adverse impact on the amenity of local residents due to the congregation of potentially large numbers of

customers (including smokers) on Lamb Street and Crispin Place. The corner position makes the containment of people and noise all but impossible. The surrounding tall stone buildings amplify and echo noise.

- Increased anti-social behaviour, crime, disorder and rubbish.
- Inadequate soundproofing. Noise leakage from the premises, including music.
- Disturbance from customers leaving after hours.
- Erosion of the quality of life.
- Spitalfields already has abundant drinking establishments. The area is saturated with four public houses, two wine bars and numerous licensed restaurants within 100 yards of the property. The Council should implement a Saturation Policy limiting the number of bars in Spitalfields.
- "Degeneration." The Council should decide whether the area is to be gentrified or become "party central."
- Unwelcome change to the area's atmosphere. The market should remain a venue for restaurants not bars. If a bar is permitted, other A3 units in Bishops Square could seek a change of use to A4.
- Class A3 of the Use Classes Order was disaggregated and drinking establishments are materially different from restaurants.
- Closing time should be 10.00 pm.
- No additional employment.

8.3. Non material objections raised by local residents are:

- Property values may deteriorate.
- There should be alternative type of restaurant/food.

8.4. Grounds of support may be summarised as follows:

- The proposal would assist a thriving local economy and create jobs.
- Historically, Spitalfields has been a bustling market area full of people food and drink. Anyone moving to the area should embrace the character not try to change it.
- Many traditional pubs have closed. The proposal would be a worthy addition to the area and benefit the market.
- There are no flats above the premises. Those in the area are some distance away and would not be disturbed by people within the pub. People leaving the pub would be no different from those leaving the bars within the existing restaurants.

8.5. Representations have also been received from the following organisations:

#### Spitalfields Market Tenants Group

Objects. Concerned about the number of applications to sell alcohol in Spitalfields and increasing rates of anti-social behaviour. The premises has a big outdoor area that would allow large numbers of noisy drinkers to congregate, particularly during the summer, disturbing residents. The Council should promote a wider range of shops.

#### Spitalfields Society

Objects. Negative impact on the amenity of local residents. The premises are large and able to accommodate "excessive" numbers of customers. The surrounding open spaces of

Lamb Street and Crispin Place would enable large numbers of drinkers to congregate. The premises does not have adequate soundproofing. There is no precedent in the Market for premises trading only as a bar. Spitalfields residents suffer high levels of anti-social behaviour and the spread of pure drinking to the Market area would make matters worse.

St. George Residents Association (Representing 193 occupiers of Lamb Street, Elder Gardens and Folgate Street)

Objects. Concerned about the prospect of "vertical drinking" (i.e. standing) caused by a bar in this "acoustically reflective" environment that would focus noise into nearby homes and reflect it around the locality. Smoking is not permitted in Bishops Square so smokers will congregate on pavements and Elder Gardens close to homes. A3 and A4 uses are materially different. It would be appropriate to apply the much awaited Saturation Policy for the number of bars permitted in Spitalfields.

Allen and Overy (Occupier of One Bishops Square above 4 Crispin Place)

No objection but their accommodation should not be disturbed by music. The external area is within a no smoking zone. Patrons may move away into Lamb Street to smoke. This should be managed by the applicant.

(Officer comment. Consideration of the points raised by local residents and organisations are set out in 'Material Planning Considerations - Amenity' below).

### Reconsultation

- 8.6. A Noise Impact Assessment by WSP was submitted by the applicant after the first round of public consultation. Following its submission, re-consultation has been undertaken with all local residents and organisations that objected initially.
- 8.7. The Noise Impact Assessment considers the use and impact of the outside seating areas. The North Terrace comprises 70 sq. m. and can accommodate nominally 32 seated customers. WSP assume a 'worst case scenario' of a similar number of standing customers (i.e. a density of 1 patron per available sq. m.). A total of 64 patrons. The area outside the south façade comprises 90 sq. m. accommodating nominally 48 seated customers with an estimated 96 customers under the worst case scenario. This results in a combined maximum estimate of 150 outdoor customers.
- 8.8 Two further representations had been received from local residents as follows:
- WSP's assumption that A3 premises have the same clientele and occupancy as A4 uses is challenged. Believe the A4 proposal is significantly different from the current use and consider WSP underestimate the density of patrons standing outside by a factor of between 2 to 4 times.
  - Consequently, the Noise Impact Assessment is misinformed with noise levels underestimated.

The Committee is asked to reject the application. Should permission be granted the following conditions are requested:

- No external vertical drinking or consumption of alcohol outside without food.
- All external and areas controlled by the tenant to be vacated by 20.00 hours except for those eating food.
- A maximum number of people allowed outside.

(Officer comment: The objector's estimate of outside use would result in between 320 to 578 outdoor patrons which appears excessive. The applicant has agreed to close the northern terrace (closest to residential accommodation) at 20.00 hours, to adhere to additional mitigating conditions, and to submit and implement a Building Management Statement. A cap on the number of outside patrons, and differentiated by whether they stand or have food, is not considered enforceable under planning legislation).

## **9. MATERIAL PLANNING CONSIDERATIONS**

- 9.1 In 2005 the Government split the then A3 (Food and drink) use class into Class A3 (Restaurants/ cafes), Class A4 (Drinking establishments) and Class A5 (Hot food take away). Planning permission is now consequently required for the change of use of Unit 4 Crispin Place from Class A3 to Class A4. The main planning issues raised by the application that the Committee must consider are land use and the effect on the amenity of local residents.

### **Land Use**

#### NPPF

- 9.2 Chapter 2 of the NPPF is concerned to ensure the vitality of town centres. Paragraph 23 requires local planning authorities to promote competitive town centre environments and sets out policies for the management and growth of town centres. Authorities should:
- Recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
  - Promote competitive town centres that provide customer choice.
  - Allocate a range of suitable sites to meet the scale and type of town centre uses. It is important that needs for main town centre uses are met in full and not compromised by limited site availability.

- 9.3 A drinking establishment is an appropriate town centre use and the proposed change of use accords with the NPPF in principle.

#### The London Plan 2011

- 9.4 London Plan policy 2.11 provides Strategic Functions for the CAZ. The London Boroughs are asked to recognise, improve and manage the strategic clusters of night time activities in and around the CAZ in line with policy 4.6. Paragraph 2.49 says the CAZ night time economy presents particular challenges, meeting the needs of Londoners on a substantial scale, as well as visitors.
- 9.5 London Plan policy 4.6 identifies strategic clusters of night time activities, providing

guidance on the balance to be struck in managing tensions between these and other uses. Boroughs Local Development Frameworks (LDFs) should:

- Develop innovative approaches to managing pressures on high volume visitor areas and their environments,
- Identify, manage and co-ordinate strategic and more local clusters of evening and night time entertainment activities to:

– address need,

– provide public transport, policing and environmental services; and,

– minimise impact on other land uses taking account of the cumulative effects of night time uses and saturation levels beyond which they have unacceptable impacts on the environmental standards befitting a world city and quality of life for local residents.

9.6. Paragraph 4.36 of the Plan adds that London is a great city for night time entertainment and socialising and the night time economy forms an important part of London's economy. The Mayor encourages a supportive approach to planning these diverse night time activities in appropriate locations. LDFs should recognise and address the opportunities and challenges posed by the strategically important clusters of night time activities concentrated in some of the main town centres and parts of the CAZ.

9.7. Paragraph 4.37 says boroughs should manage the night time economy through an integrated range of measures including planning, licensing, policing, transport and street cleaning. The Plan says this requires the co-ordination and co-operation of local authorities and their partners, as well as residents, businesses and their customers. It is essential to manage unacceptable cumulative impacts and saturation of night time economy activities. When addressing saturation, licensing-based policies can be used to form part of an integrated package of measures. When managing cumulative impact, boroughs are encouraged to include policies in their LDFs to influence the scale and nature of night time economy development, regarding the use class, time of operation, size of premises and proportions of retail frontages in different night time economy areas.

9.8. Paragraph 4.38 says that local circumstances will determine whether night time economy activities should be encouraged to develop in a specific zone, or be spread more widely. In large centres the development of a night time economy 'quarter' or zone may be more appropriate for management purposes and enable an appropriate mix of uses to be encouraged.

#### Tower Hamlets Core Strategy 2010 (CS)

9.9. The Vision for Spitalfields at Annex 9 'Delivering Placemaking' of the Core Strategy is that Spitalfields will continue to be a vibrant, diverse and mixed use area. Uses should reinforce the city fringe character of small shops and businesses alongside residential, while managing negative impacts of development adding to the vibrancy, economy and character of the area and using planning management to protect residential amenity in the area.

9.10. Amongst the 'Priorities' for Spitalfields (also in Annex 9 'Delivering Placemaking') Priority 4 is:

- *"To protect residential amenity using night-time environmental, safety, licensing and*



*planning management.”*

Amongst the development ‘Principles’ for Spitalfields Principle 3 is:

- *“To promote a mix of uses that successfully reinforce the city fringe character of small shops and businesses alongside residential.”*

- 9.11. Core Strategy spatial policy SP01'Refocusing on our town centres'aims to apply London Plan policy on the CAZ. It seeks to ensure that town centres are active, well-used and safe during the day and night through appropriate uses. Policy SP01. 2 encourages evening and night time economy uses that contribute to the vibrancy, inclusiveness and economic vitality of the town centre hierarchy, ensuring such uses are:
- Not over-concentrated in areas where they will have a detrimental impact on local people (SP 01.2c i);
  - Of a balanced provision to cater for varied needs (SP01.2c ii); and
  - Complementary to existing uses and activities (SP01 2c iii).
- 9.12. Core Strategy spatial policy SP03.1d seeks to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.

Tower Hamlets Managing Development Document 2013(MDD)

- 9.13. MDD policy DM1 sub policy 4 states that to further enhance the vitality and viability of town centres, restaurants, public houses and hot food takeaways (A3-A5 uses) will be directed towards the CAZ provided they do not result in overconcentration of such uses.
- 9.14. MDD paragraph 1.8 adds that a dynamic mix of uses is beneficial to the borough's town centres including the CAZ.
- 9.15. In principle, the proposed A4 use accords with the NPPF, the London Plan, the Council's Core Strategy and the MDD. All these documents recognise A4 uses as appropriate within, and should be directed towards, the CAZ.
- 9.16. The land use issue is therefore whether the change of use would result in overconcentration of A3-A5 uses.MDD policy DM1 sub policy 4 does not define "overconcentration" within the CAZ.
- 9.17. All four of the units within the Bishops Square development on the west side of Crispin Place are used for A3 purposes but none are used for A4 purposes. Thus, there would be no concentration of A4 uses within Bishops Square or the immediate area. Further, the application does not propose the introduction of a "new" A3-A4 use. Also, were planning permission refused, it would not necessarily mean that Unit 4 would change its use to a non-A3, A4 or A5 use, rather it appears more likely that the existing A3 use would remain.
- 9.18. The variation of condition 11 of the 2002 planning permission (PA/04/1683),controlling the amount of A3 (Food and drink use) within Bishops Square,stipulated that no more than 42% of the A1/A3 floorspace within the Bishops Square development should be used for A3 purposes. The land owner confirms this is being adhered to, save for Unit 3 Crispin Place which operates under a separate planning permission.

- 9.19. The flexibility provided Part 3 Class E of the General Permitted Development Order 1995 (which allows a change from A1 to A3 and vice versa during a 10 year period from the grant of planning permission in 2002 no longer applies) and thus all such changes to A3 now require the express permission of the Council. Thus the need for and relevance of Condition 11 has now changed. Any individual applications for further A3 (or A4 or A5) use would now require planning permission and the Council thus remains in the full control of the mix of uses in the Bishops Square development regardless of the operation of Condition 11 and the original flexibility granted.

### **Amenity**

- 9.21. ODPM Circular 3/2005 advised that the disaggregation of the former A3 (Food and drink) use class would give local planning authorities a greater degree of precision in making development control decisions, with a clearer view of the likely and continuing impact of those uses. The new use classes were intended to enable local planning authorities to secure a satisfactory balance in an area between the numbers of restaurants/cafés, pubs/bars, and takeaways/fast food premises. This was to help to ensure that no one use predominates to the detriment of local amenity or the vitality of the area. Local planning authorities were asked to treat applications on their merits with regard to the potential environmental impacts. The more specific use classes were intended to give greater clarity in determining the effects on amenity of particular uses.

#### Tower Hamlets Core Strategy 2010

- 9.23. 'Priorities' for Spitalfields at Annex 9 'Delivering Placemaking' include
- *“To protect residential amenity in the area using night-time environmental, safety, licensing and planning management particularly in and around Brick Lane.”*

#### Tower Hamlets Managing Development Document 2013

- 9.24. MDD policy DM25 'Amenity' requires development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm by inter-alia not creating unacceptable levels of pollution including noise, odour and fumes.
- 9.25. The applicant has suggested the following conditions should permission be granted:
- Only background music
  - Restrict customers leaving the premises with alcohol.
  - Restrict use of the Northern Terrace after 8 pm.
  - Appropriate signage asking customers to respect local residents.
  - Attend the neighbour meetings organised by the Spitalfields' Management Team.
  - To provide a Management Plan including management's contact details.
- 9.26. The adjoining restaurants Nos. 2 and 3 Crispin Place both have outdoor seating areas. No. 2 is licensed to sell alcohol from 08.30 to 23.30 and the licence is conditioned so that the external seating area shall not be used after 22:00 hours on Monday to Thursday and 23:00

hours on Friday and Saturday. No. 3 Crispin Place is licensed to sell alcohol from 10:00 hours to midnight and conditioned so that the external area shall only be used on Sundays to Thursdays until 22:00 hours and Friday and Saturdays until 23:00 hours.

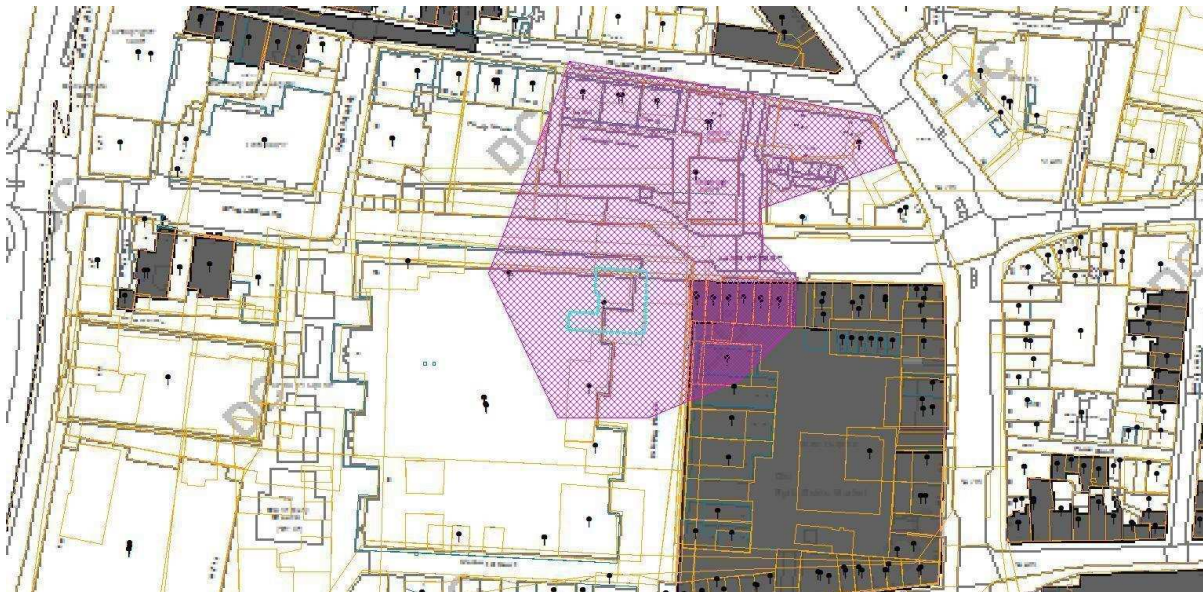
- 9.27. Within the Noise Impact Assessment, WSP Acoustics has carried out a long-term environmental noise survey at a location representative of the nearest noise sensitive receptor in order to establish existing ambient noise levels in the vicinity.
- 9.28. Existing ambient noise levels were found not to significantly vary over typical day, evening and night-time periods or from weekday to weekend periods. This is mainly due to the proximity of the Spitalfields Traders Market, and the central London location.
- 9.29. An assessment of potential internal customer activity has determined that the existing building fabrication is adequate to contain related noise levels such that they will not typically be audible at the nearest residential dwellings.
- 9.30. No live music or entertainment events would normally take place within the premises. Any music noise would be at background level, i.e. lower than the internal customer activity levels and hence, not typically audible at the nearest residential dwellings. It is recommended this is secured by condition.
- 9.31. Detailed assessments have been carried out for the potential noise levels that may arise from the use of external seating areas. Where applicable, measures to pro-actively control customer noise have been discussed and the resultant impact is deemed to be within acceptable tolerances of the existing ambient noise levels in the vicinity.
- 9.32. Noise associated with the use of mechanical ventilation equipment would not change from the current A3 use. Any additional mechanical plant requiring planning permission would be assessed as a stand-alone application in accordance with the Council's planning requirements.
- 9.33. Deliveries to the proposed A4 premises would not change from the existing delivery patterns of the A3 use. Noise levels associated with deliveries would represent no change over the current levels and condition limiting loading hours is recommended. Furthermore, Spitalfields Market Management have adopted training and control measures to ensure deliveries do not give rise to noise and other potential nuisances at surrounding residential premises.
- 9.34. WSP Acoustics consider that the proposals represent a very good acoustic standard, typically at the lower end of the range of noise levels associated with A4 use premises.
- 9.35. Based on the results of the assessments, in the context of the location of the proposed A4 premises and the mitigation measures offered to control external noise levels, Officers consider that there would insufficient noise impact arising from the change of use from A3 to A4 that would unduly impact on the amenity of residents in the area sufficient to warrant a refusal of planning permission. Environmental Protection concur drawing attention to the Council's legislative safeguards in place. Bishops Square is a suitable location for activities forming part of the evening and night time economy. It is not considered that that the development would erode the quality of local life, result in degeneration, or that planning permission should be refused due to concerns about increased anti-social behaviour, crime,

disorder or rubbish.

## 10. CONCLUSION

- 10.1 All relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the EXECUTIVE SUMMARY and the details of the decision are set out in the RECOMMENDATIONS at the beginning of this report.

### SITE LOCATION PLAN



# Agenda Item 6.4

<b>Committee:</b> Development	<b>Date:</b> 26 <sup>th</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Application for Planning Permission
<b>Case Officer:</b> Piotr Lanoszka	<b>Ref No:</b> PA/13/02142
	<b>Ward:</b> Saint Dunstan's and Stepney

## 1. APPLICATION DETAILS

<b>Location:</b>	Stepney Green Park, Stepney Way, London
<b>Existing Use:</b>	Sports pitch
<b>Proposal:</b>	Refurbishment of an existing sports pitch. Resurfacing of external 2G Synthetic Turf Pitch with a 3G surface, installation of ball-stop fencing to the pitch perimeter and replacement of existing pitch lighting with a modern artificial floodlighting system.
<b>Drawings and documents:</b>	List of Plans:  1633 01 rev. 00; 1633 02 rev. 00; 1633 03 rev. 00; 1633 04 rev. 00; and HL250D15/2/AL5760  Documents:  Design & Access Statement rev. A; and Technical Specification for Challenger 1 Floodlights.
<b>Applicant:</b>	London Borough of Tower Hamlets
<b>Ownership:</b>	London Borough of Tower Hamlets
<b>Historic Building:</b>	None
<b>Conservation Area:</b>	None

## 2. EXECUTIVE SUMMARY

- 2.1 The report considers an application to refurbish an existing sports pitch within the Stepney Green Park. The refurbishment would involve replacement of existing fencing and floodlighting and re-surfacing of the pitch.
- 2.2 The main issues to consider are the impact of the proposal on the amenity of adjoining residential occupiers, and design and heritage impact of the proposed structures.

- 2.3 The report explains that even though hockey players would no longer be able to use the sports pitch as 3G surfaces are only suitable for football, limited weight can be given to this concern as the applicant benefits from a strong fall-back position since the re-surfacing of the pitch by the Local Authority would constitute permitted development under Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Nonetheless, the applicant has confirmed that the works form part of a wider sports pitch strategy and that the 2 pitches at John Orwell Centre and Mile End Stadium would be refurbished with 2G surface which is suitable for hockey and that these pitches would then become borough's hockey centres with priority given to hockey clubs.
- 2.4 The proposed works to the sports pitch would be of an acceptable visual appearance, protect the amenity of adjoining residents and enhance the quality of the football pitch without prejudice to provision of an adequate amount of hockey sport pitches in the borough in accordance with local, regional and national planning policy.
- 2.5 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.

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to **APPROVE** planning permission.
- 3.2 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions to secure the following matters:

#### **Conditions**

1. Time Limit 3 years.
2. Compliance with approved plans and documents.
3. Fencing to be painted black.

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

#### **Proposal**

- 4.1 The application proposes improvement works to the existing 2G sports pitch which is in a poor condition. The proposed works include installation of ball-stop fencing to the pitch perimeter, replacement of existing pitch lighting with a modern floodlighting system and resurfacing of the sports pitch with a 3G surface.

#### **Site and Surroundings**

- 4.2 The application relates to an existing artificially surfaced sports pitch with floodlighting and enclosed by perimeter fencing. The pitch lies in the northern part of the Stepney Green Park. The pitch is used nightly until 10pm and is accessible through gates on Stepney Street or through the Stepney Park.
- 4.2 The site is neither listed nor located in a conservation area and carries no policy designations. The nearest conservation area is the Stepney Green Conservation Area which stretches to the north of the application site, largely on the opposite side of Stepney Green, while the nearest listed buildings are the Grade II listed drinking fountain and clock tower located respectively 20m and 40m to the north east.

- 4.3 The vicinity of the site is predominantly residential in character with the closest residential properties located on the opposite side of Stepney Green - some 40m to the north-west, at the corner of Redman's Road and Stepney Green - some 60m to the north-east and at the corner of Diggon Street and Stepney Way - some 70m to the south.

#### **Planning History**

- 4.4 **PA/80/00856** planning permission approved on 13/11/1980 for provision of playing fields and tennis courts.
- 4.5 **ST/90/00107** planning permission approved on 06/08/1990 for erection of eight floodlight columns, each with three lights to provide floodlighting to pitch.

### **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**

NPPF - National Planning Policy Framework

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

3.19 Sports facilities

7.1 Building London's Neighbourhoods and Communities

7.2 An Inclusive Environment

7.4 Local Character

7.5 Public Realm

7.6 Architecture

7.18 Protecting Local Open Space

7.19 Biodiversity and access to nature

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

SP03 Creating Healthy and Liveable Neighbourhoods

SP04 Creating a Green and Blue Grid

SP10 Creating Distinct and Durable Places

SP12 Placemaking

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

DM0 Delivering sustainable development

DM8 Community infrastructure

DM10 Delivering Open Space

DM11 Living buildings and biodiversity

DM24 Place sensitive design

DM25 Amenity

DM27 Heritage and the built environment

#### **5.6 Supplementary Planning Documents**

N/A

## 5.7 Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

- A Great Place to Live
- 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.

6.2 The following were consulted regarding the application:

### **LBTH Environmental Health**

6.3 No comments received.

### **LBTH Biodiversity Officer**

6.4 The proposals are unlikely to have any significant impact on biodiversity. Stepney Green Park is not known to be important for bats, though bats are known to feed in nearby St Dunstan's Churchyard. Floodlighting can adversely affect bats, but there are already floodlights around the pitch and the proposed new floodlights minimise light spill outside the pitch area.

## 7. Local Representation

7.1 A site notice was displayed on 16 September 2013. A total of 129 neighbouring addresses were notified in writing as shown on attached plan.

7.2 102 representations were received, all in objection to the application proposal.

7.3 All of the 102 objectors are concerned about the replacement of 2G multi-sport surface with a 3G surface which is not suitable for hockey. The proposal would thus reduce the provision of hockey suitable pitches in the borough.

7.4 The choice of the proposed surface material was queried with the applicant, the LBTH Head of Sport and Physical Activity who provided the following response:

7.5 *Tower Hamlets has a well-documented deficiency in open space, which also includes artificial pitches. The Sport England Facility Calculator indicates that for its population of 254,000 people, Tower Hamlets has a deficiency of 10 full size artificial pitches. This deficiency increases the importance of the existing artificial pitches within the borough, which cannot meet latent demand.*

7.6 *The Stepney Green Astro-turf is a well used community facility that is coming to the end of its life and as a result of the reduction in Council resources the £500,000 funding required to replace the astro-turf and make the other improvements is not available. Following a successful funding application to the Football Foundation, the Stepney Green Astro-turf pitch, floodlights and fencing will be re-developed, at no*



cost to the Council. The pitch will be refurbished from 2G sand filled to 3G, which is a football only compatible surface. The Football Foundation will only fund 3G pitches, so a hockey compatible surface will not be possible as part of this development. Consequently, hockey clubs, which currently play their matches at Stepney Green will be displaced to other pitches elsewhere.

7.7 To address this issue, the Council has made provision for the astro-turf pitches at John Orwell Sports Centre and Mile End Stadium to be refurbished with 2G astro-turf pitches capable of hockey training and match play. Both of these facilities will then become hockey centres with hockey teams given priority for bookings and where appropriate football teams being relocated to Stepney Green and other facilities to increase hockey capacity at both of these sites. Whilst there are only two hockey clubs (with approx 35 teams) in the borough, there are 83 affiliated football clubs with over 130 teams, clearly demonstrating that the demand for football in the borough far exceeds that of hockey. Whilst the displacement of hockey provision on the site is regrettable, provision is being made to accommodate and increase hockey capacity at both John Orwell Sports Centre and Mile End Stadium. In addition, the Council is currently in discussions with Lee Valley Regional Park Authority for Tower Hamlets Hockey Clubs to gain access to the Hockey & Tennis Development Centre (formerly the Eaton Manor Olympic venue) for hockey training and match play. Should these negotiations be successful, this will increase hockey capacity locally even further, as well as provide local teams with the option of accessing the best hockey facility in the capital.

7.8 This development provides considerable inward investment into the borough and enables the Tower Hamlets community to benefit from a completely refurbished facility, at no cost to the Council. The holistic approach to facility development adopted by the Council maximises investment in the borough's artificial pitches, provides new pitches at three different borough sites and provides the opportunity for local clubs to gain access to state of the art facilities at the Lee Valley Hockey and Tennis Development Centre.

7.9 It is also important to note that a change in artificial playing surface does not require planning permission as it is regarded as permissible development. It is for this reason that we believe that the objections to the playing surface should not be a sufficient reason to decline the application for this development.

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised are as follows:

1. Land Use
2. Design and Heritage
3. Amenity
4. Human Rights Considerations
5. Equality Act Considerations

## 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 Housing growth in the borough should be accompanied by and underpinned by provision of social, recreational and cultural facilities and services to reflect the community's needs, promote social cohesion, increase the quality of life and support health, social and cultural wellbeing. In particular, paragraph 73 of the NPPF acknowledges the contribution that opportunities for sport and recreation can make to the health and wellbeing of communities. Accordingly, policy 3.19 of the London Plan support proposals that increase or enhance the provision of sports and recreation facilities and specifies that where possible, multi-use facilities for sport and recreational activity should be encouraged.
- 8.4 These national and regional policies are reflected in the Council's Core Strategy policy SP03 and strategic objectives SO10 and SO11 which aim to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and ensure the timely provision of infrastructure to support housing growth. In particular, policy SP03 seeks provision of excellent access to leisure and recreation facilities. Furthermore, the Managing Development Document policy DM8 requires protection of sport facilities where they meet a local need.
- 8.5 The application proposes installation of new perimeter fencing, floodlighting and resurfacing of the sports pitch. Even though the surface would be changed from 2G to 3G and as a result would only be suitable for football, the change would not constitute a material change of use and the use of the site would remain as a sports pitch.
- 8.6 The proposed works form part of a wider strategy for sport pitches within the borough and the applicant has confirmed that the existing 2 pitches at John Orwell Centre and Mile End Stadium would be refurbished with 2G surface which is suitable for hockey and that these pitches would then become borough's hockey centres with priority given to hockey clubs. Thus the capacity for hockey within the borough would be maintained and improved through provision of dedicated facilities and the application site would provide a higher quality surface for football players.
- 8.7 It is noteworthy that the applicant confirmed the need and their willingness to resurface the pitch regardless of planning permission being granted and that, as such, the applicant benefits from a strong fall-back position since the re-surfacing of the pitch by the Local Authority would constitute permitted development under Schedule 2, Part 12, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 8.8 As such, noting the applicant's fall-back position and the pending implementation of a wider sports pitch strategy which would maintain and improve borough's capacity for hockey, it is considered that the proposed works are in accordance with local,

regional and national land use planning policy and would not prejudice the Council's objective to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles.

### **Design and Heritage matters**

- 8.9 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 8.10 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site. Policy 7.8 seeks to identify London's heritage assets and historic environment so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.
- 8.11 The Council's Policy SP10 sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings. This policy also seeks to protect and enhance the borough's heritage assets, their setting and their significance.
- 8.12 The aims of policy SP10 with regards to general design criteria are set out in policy DM24 of the Managing Development Document. The policy aims to ensure that development is designed to the highest quality standards and is sensitive to and enhances the local character and setting of the development. High quality building materials and finishes should be utilised.
- 8.13 The above design and heritage policies also act in support of the Council's place making role realised through strategic objective SO25 and policy SP12 of the Core Strategy which aim to create locally distinctive, well designed, healthy and great places which interconnect with, respond and integrate into the wider London area.
- 8.14 The parts of the proposal which could have implications on the appearance of the area or the character and appearance of the adjoining Stepney Green Conservation Area are installation of 4.5m high ball-stop fencing to the pitch perimeter and replacement of 15m high floodlights.
- 8.15 The 4.5m high ball-stop perimeter fencing would be largely set within the existing 2m high perimeter fence. The fence would be made of steel mesh providing security and ball retention but also enabling a high degree of intervisibility and minimising the visual impact. Furthermore, a condition would ensure that the fencing is painted black to match the colour of street furniture in the Stepney Green Conservation Area to the north and to minimise the visual impact and ensure a utilitarian appearance. It is also noted that in most views from within the park and from within the conservation area, the proposed fencing would be largely obscured by vegetation and appear as a non-intrusive, utilitarian element in the landscape.
- 8.16 The proposed 15m high floodlights replace the existing albeit in slightly different alignment along the southern and northern perimeter of the pitch. The columns would be galvanised steel – brushed silver coloured, and as such would match the appearance of the existing lighting columns on site.

- 8.17 Overall, the proposed fencing and floodlighting to the pitch would be of a high quality and appropriate scale and would not detract from the appearance or openness of the Stepney Green Park or the character and appearance of the adjoining Stepney Green Conservation Area. As such, the proposal is in accordance with national, regional and local planning policy.

### **Residential amenity**

- 8.18 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 8.19 The nearest residential properties are located on the opposite side of Stepney Green - some 40m to the north-west, at the corner of Redman's Road and Stepney Green - some 60m to the north-east and at the corner of Diggon Street and Stepney Way - some 70m to the south.
- 8.20 The proposed perimeter ball-stop fencing would be fitted with neoprene rubber gaskets to every fence post/mesh fixing point to minimise rattle and vibration from ball impacts.
- 8.21 The current floodlights are approximately 20 years old and do not satisfy Football Association requirements. The application proposes installation of a new, modern floodlighting system to provide adequate lighting for the life term of the refurbished pitch. The floodlights would be secured to eight 15m columns – this height would enable all luminaries to be angled to minimise light-spill and glare.
- 8.22 It is considered that the proposal would not result in any additional disturbance to the amenity of the adjoining occupiers and should in all likelihood reduce the existing amenity impact of the use through provision of modern fencing and floodlighting. As such, the proposal accords with national, regional and local planning policy.

### **Human Rights Considerations**

- 8.23 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:-
- 8.24 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".
- 8.25 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.
- 8.26 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.27 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.
- 8.28 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.29 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. It is unlikely that any private property rights arise in the context of this application.
- 8.30 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

### **Equalities Act Considerations**

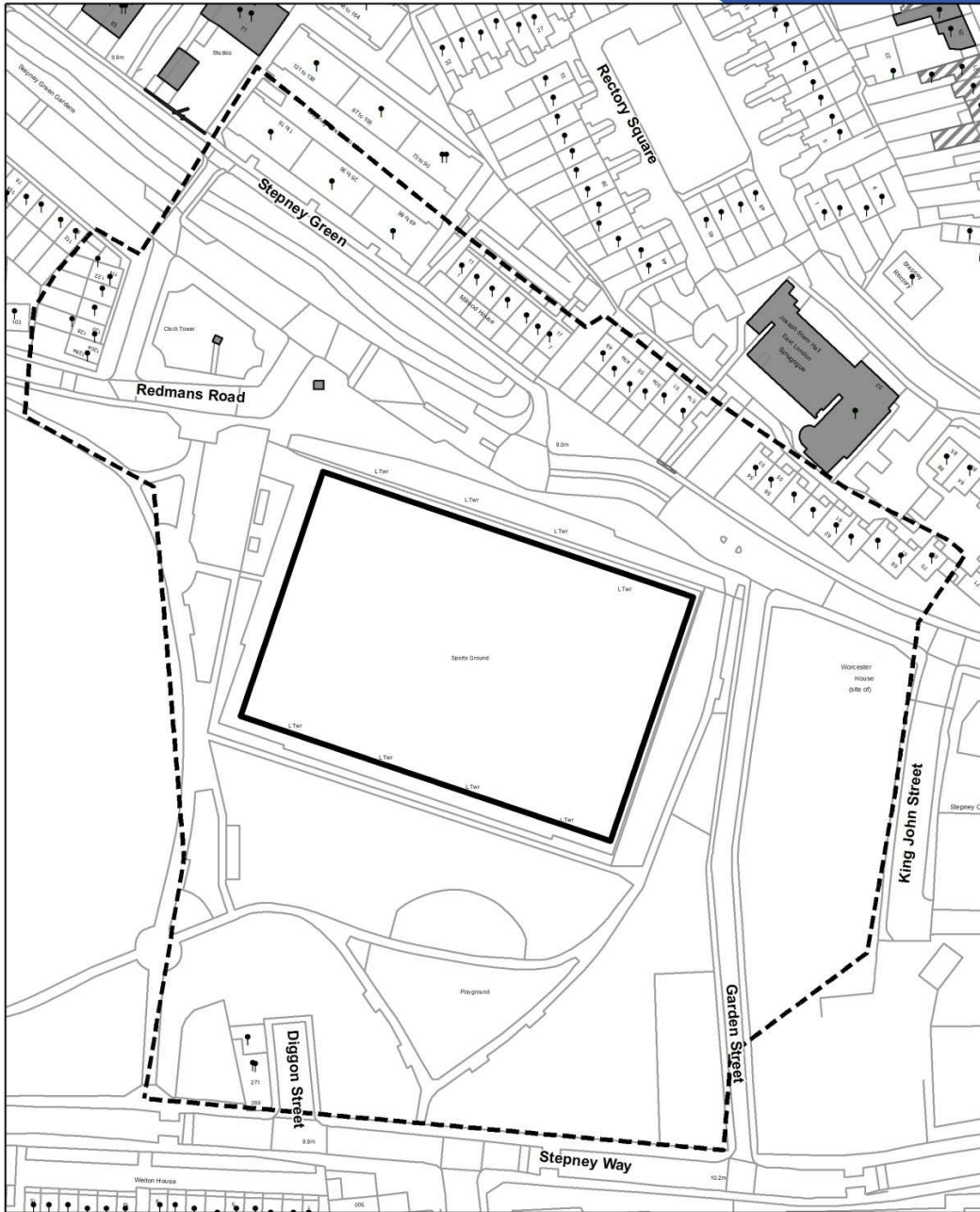
- 8.31 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard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

## **9. 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 MATERIAL PLANNING CONSIDERATIONS section of this report.

**Planning Application Site Map**  
**PA/13/02142**



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 6.5

<b>Committee:</b> Development	<b>Date:</b> 26 <sup>th</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Iyabo Johnson	<b>Ref No:</b> PA/13/02162
	<b>Ward:</b> Spitalfields and Banglatown

## 1. APPLICATION DETAILS

**Location:** Black Lion House, 45 Whitechapel Road E1 1DU  
**Existing Use:** Office (B1), retail (A1)

**Proposal:** Change of use, refurbishment and extension to existing office building (Use Class B1), to provide 11, 537 square metres / 217 bed hotel (Use Class C1) including an additional 7th, 8th and 9th storey extension. Erection of a single storey office building measuring 29 square metres (use class B1) and associated works, including associated highways and landscaping works

**Drawing Nos/Documents:** PL000 001 Rev P0  
PL000 002 Rev P0  
PL025 001 Rev P0  
PL025 002 Rev P0  
PL025 003 Rev P0  
PL025 006 Rev P0  
PL025 003 Rev P0  
PL025 005 Rev P0  
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PL100 010 Rev P0  
PL100 011 Rev P0  
PL100 012 Rev P0  
PL110 001 Rev P0  
PL110 002 Rev P0  
PL110 003 Rev P0  
PL110 004 Rev P0  
PL120 001 Rev P0  
PL120 002 Rev P0  
PL120 003 Rev P0  
Design Statement prepared by Grzywinski and

Pons/Dexter Moren Associates. Dated August 2013  
Energy Statement prepared by Chapman BDS. Dated August 2013  
Planning Statement prepared by GL Hearn. Dated August 2013  
Transport Statement Incorporating Travel Plans and Servicing and Waste Management Strategy prepared by WSP Group. Dated August 2013  
Employment Study prepared by GL Hearn. Dated August 2013  
Noise and Vibration Survey and Assessment Report prepared by Pace Consult. Dated August 2013.  
Category A Refurbishment Report prepared by GL Hearn. Dated August 2013  
Statement of Community Involvement prepared by PPS Group. Dated August 2013  
Heritage Appraisal prepared by KM Heritage. Dated August 2013.  
Daylight and Sunlight Assessment prepared by GL Hearn. Dated August 2013  
Employment Floorspace Review prepared by GL Hearn. Dated August 2013.

**Applicant:** Black Lion Ventures LLP  
**Ownership:** Black Lion Ventures LLP  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2. EXECUTIVE SUMMARY

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the National Planning Policy Framework (2012), Spatial Development Strategy for Greater London (2013), Core Strategy Development Plan Document 2025 (2010) and the Managing Development Plan Document (2013) and has found that:
- 2.2 The application demonstrates that the existing office accommodation has become outmoded, particularly in the context of the existing office market and without extensive redevelopment would continue to be unattractive to the market. The applicant proposes to change the use to a 217 room hotel with an ancillary restaurant and bar. The change of use is considered to be acceptable given that the site lies within the Central Activity Zone where there is a strategic need for additional hotel bed spaces.
- 2.3 In addition to the change of use, the application proposes an overhaul of the building's external appearance through a high quality façade replacement and an increase in the shoulder height of the building through a three storey extension. The use of brick, glazing, brass and vegetation make for a high quality design that will both enhance the appearance of the existing building and mitigate its increase in height.
- 2.4 The scheme fully mitigates impacts on local infrastructure with a S106 planning obligation which is fully compliant with the Council's Planning Obligations Supplementary Planning Document (2012).

### **3. RECOMMENDATION**

3.1 That the Committee resolve to **GRANT** planning permission subject to:

The prior completion of a legal agreement, to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the following obligation:

#### **Financial contributions**

- a) Employment training initiatives for the construction phase skills and training: £30,053.89
- b) Employment initiatives for end-user phase skills and training: £24,935.90
- c) Ideas stores, libraries and archives: £3,801.63
- d) Leisure facilities: £12,479.00
- e) Sustainable transport: £2,604.00
- f) Public realm: £372,469.92
- g) Streetscene and built environment: £138,638.22
- h) Monitoring fee (2%): £11,699.65
- i) Total financial contribution: £596,682.21

#### **Non-financial contributions**

- j) Developer to exercise best endeavours to ensure that 20% of the construction phase work force reside in Tower Hamlets
  - k) Developer to exercise best endeavours to ensure that 20% of goods and services procured during construction phase are sourced in Tower Hamlets
  - l) The Council's Skillsmatch service to have access to all non-technical hotel vacancies 72 hours prior to general release
- 3.2 That the Corporate Director of Development and Renewal is delegated powers to negotiate the legal agreement indicated above acting with normal delegated authority.
- 3.3 That the Assistant Chief Executive (Legal Services) is delegated power to complete the legal agreement.
- 3.4 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions**

##### **Compliance Conditions**

1. Time limit – three years
2. Compliance with plans - Development in accordance with the approved schedule of drawings and documents.
3. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
4. Retention of 10% wheelchair accessible rooms
5. Retention of wheelchair accessible parking spaces
6. Compliance with Delivery and Service Management Plan
7. Compliance with Construction Management Plan
8. Compliance with Energy Statement.
9. Hotel (C1) - use of guest bedrooms to be limited to maximum 90 day occupancy.
10. Ninth floor restaurant terrace to open no later than 11pm

##### **Pre-Commencement Conditions**

11. Submission of full details of facing materials
12. Submission of full details of hard and soft landscaping including management plan for window planters
13. Submission of full details of boundary treatments
14. Submission of Secure By Design (Level 2) Statement with details of lighting and security
15. Submission of details of Air Source Heat Pump
16. Submission of BREEAM (Excellent) Pre-Assessment
17. Submission of full details of specification, samples and detailed design (including drawings at scale 1:20 of windows.
18. Submission of full details of specification and detailed design (including drawings at scale 1:20 (plus sections) of detailed design of shop front to be installed prior to first occupation of the hotel
19. Submission of full details of detailed design for SME unit
20. Submission of full details of internal noise mitigation measures for lower floors
21. Submission of full details of external plant and noise assessment
22. Submission of full details of cycle store
23. Submission of full details of archaeological investigation
24. Submission of full details of travel plan
25. Submission of signage strategy

#### **Prior to Occupation Conditions**

26. Post-completion noise assessment and mitigation measures.
27. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives**

1. The decision notice to be read in conjunction with the associated S106
2. Compliance with Environmental Health Legislation
4. Compliance with Building Regulations
5. CIL Liability
6. Necessity for Section 27 agreement to cover any highways improvements

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

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

### **Proposal**

- 4.1 The proposal seeks the change of use of 8483sqm of office (use B1a) floorspace to a 217 room hotel (use C1).
- 4.2 The proposal also involves the removal and replacement of the existing façade and the addition of a three storey roof extension and the provision of an ancillary restaurant and bar.
- 4.3 A small office space suitable for a small or medium enterprise (SME) is to be provided at ground floor.

### **Site and Surroundings**

- 4.4 The application site measures 0.25 hectares and is occupied by a six storey office building containing a mix of uses including retail on the ground floor and office uses

on the floors above. An ancillary car park with capacity for 16 vehicles is located to the rear.

- 4.5 The site is located on the northern side of Whitechapel Road. Whitechapel Road is a heavily trafficked arterial route leading eastwards from the City. A range of commercial, residential and civic uses characterise the western end of Whitechapel Road. Altab Ali Park lies to the immediate south west of the site.
- 4.6 King's Arms Court is a narrow alleyway running adjacent to the site to the immediate east. The alleyway provides an unrestricted cut through from Whitechapel Road to Old Montague Street to the north west. A four storey residential block is situated to the immediate north of the site on King's Arms Court and a large four and five storey hostel is located to the north east of the site at 60 Old Montague Street.
- 4.7 The site is located within the City Fringe Activity Area (which is part of the Tower Hamlets Activity Area 'THAA'). The site also lies within the Central Activity Zone.
- 4.8 The site lies adjacent to the Fournier Street Conservation Area and to the north of the Whitechapel High Street Conservation Area. The site is not listed but is in close proximity to Whitechapel Gallery to the west and The Bell Foundry to the south east which both have a listing of Grade II\*.

### **Planning History**

#### 4.9 **Black Lion House**

##### **PA/05/01011**

1. Change of ground floor from vacant B1 use to create (5) five units of A1 (Shops) or A2 (Financial and Professional Services)
2. Enlargement of ground floor space by enclosure of part of the open land fronting 45 Whitechapel Road to create a continuous double height glazed elevation
3. Creation of escape stairs to the west side of the building from basement to ground level

**Approved – 8<sup>th</sup> August 2005**

### **5. POLICY FRAMEWORK**

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

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

National Planning Policy Framework 2012

#### **Spatial Development Strategy for Greater London (London Plan) (Revised Early Minor Alterations October 2013):**

- 2.10 – Central Activities Zone – strategic priorities
- 2.11 – Central Activities Zone – strategic functions
- 4.5 – London's visitor infrastructure
- 4.12 – Improving opportunities for all
- 6.3 – Assessing effects of development on transport capacity
- 6.4 – Enhancing London's transport connectivity
- 6.5 – Funding Crossrail and other strategically important transport infrastructure

- 6.9 – Cycling
- 6.13 – Parking
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.6 – Architecture
- 7.8 – Heritage assets and archaeology
- 7.14 – Air quality
- 7.15 - Reducing noise and enhancing soundscapes

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

- SP06 – Delivering successful employment hubs
- SP10 - Creating distinct and durable places
- SP12 – Delivering placemaking (LAP 3 and 4 Whitechapel)

**Managing Development Document (Adopted 2013) (MDD):**

- DM0 – Delivering sustainable development
- DM1 – Development within the town centre hierarchy
- DM7 – Short stay accommodation
- DM14 – Managing waste
- DM15 – Local job creation and investment
- DM20 – Supporting a sustainable transport network
- DM22 – Parking
- DM23 – Streets and public realm
- DM24 - Place sensitive design
- DM25 – Amenity
- DM27 – Heritage and the historic environment
- DM29 – Achieving a zero-carbon borough and addressing climate change

**Supplementary Planning Guidance:**

N/A

**6. CONSULTATION RESPONSE**

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

### 6.3 **LBTH Transportation & Highways**

The proposals are acceptable in highways terms, subject to the following conditions:

- Submission of Servicing Management Plan
- Submission of a Travel Plan
- Submission of a Construction Management Plan
- Contributions towards the street scene and built environment within Whitechapel in addition to the street scene adjacent to the proposed development

In addition, the Highways officer also requested that an informative be added to ensure that the developer enters into a Section 278 agreement with the Council to cover any improvements required to footway and highway in the Council's domain following construction of the scheme.

*(Officer's comment: It is recommended that the above conditions and informative be included if planning permission were to be granted)*

### 6.4 **LBTH Waste Policy and Development** - No objections

### 6.5 **LBTH Plan Making** – The proposal is acceptable in principle and accords with policies DM15 and DM7 in respect of the change of use from B1 to C1

### 6.6 **LBTH Parks and Open Space** – No comments have been received to date

### 6.7 **LBTH Communities, Localities and Culture** – Recommendation that financial obligations be sought for sustainable transport, public open space and street scene improvements to mitigate impacts of development on local infrastructure.

### 6.8 **LBTH Energy and Sustainability** – No objections raised. Recommendation that planning permission be subject to the following conditions:

- Delivery of energy efficiency, CHP heat network and CO2 savings as proposed in the Sustainability and Energy Statement (August 2013);
- Details of the proposed AIR Source Heat Pump including:
  - Details of the Coefficient of Performance (COP) and Energy Efficiency ratio (EER) of the proposed heat pump under test conditions
  - Evidence that the heat pump complies with the minimum performance standards as set out in the Enhanced Capital Allowances (ECA) product criteria for the relevant ASHP technology (<http://etl.decc.gov.uk>)
  - Evidence that the heat pump complies with other relevant issues as outlined in the Microgeneration Certification Scheme Heat Pump Product Certification Requirements document at: <http://www.microgenerationcertification.org>
  - An indication of the seasonal COP and EER of the heat pumps
- BREEAM pre-assessment submitted prior to commencement to demonstrate Excellent is achievable
- Submission of final BREEAM certificates within 3 months of occupation to demonstrate a BREEAM excellent has been delivered

- 6.9 **LBTH Environmental Health (Noise and Vibration)** – Concerns were expressed about the levels of internal noise levels and ground borne noise levels within the basement level arising from the underground railway.

(Officer comment: The submitted Noise and Vibration Assessment acknowledges the need for mitigation measures and makes suggestions as to the form these could take. Officers consider that full details of mitigation measures together with measurements of internal air borne and ground borne noise levels could be secured prior to commencement of the development via a suitably worded conditions which have been agreed in principle with the applicant. Given that the application proposes the conversion of an existing building and that the proposed use is C1 (hotel), officers consider the proposal to be acceptable in respect of noise and vibration, subject to the aforementioned condition. This matter is discussed in further detail in paragraphs 8.64 to 8.69 of this report.

- 6.10 **LBTH Communities Localities and Culture** – Recommended that planning obligations in respect of public realm improvements be secured.

- 6.11 **LBTH Employment and Enterprise** – No objections raised to the principle of the change of use and the provision of a hotel.

*Proposed employment/enterprise contributions at construction phase:*

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services. 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. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.

The Council will seek to secure a financial contribution of approximately £30,054 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.

*Proposed employment/enterprise contributions at end-use phase:*

The council seeks a monetary contribution of approximately £24,936 towards the training and development of unemployed residents in Tower Hamlets to access either:

- i) jobs within the hotel development in the end-phase
- ii) jobs or training within employment sectors relating to the final development

It is important that local employment is maximised through the end-user phase of the development (hotel). The Section 106 agreement should include wording to commit the developer to facilitating an introduction with the hotel operator prior to occupation. Wording should also be included to ensure that Skillsmatch have access to all non-technical hotel vacancies 72 hours prior to general release. We expect that this would include roles such as: receptionists, housekeeping, room attendants, bar/waiting staff, customer service, and security.

- 6.12 **Transport for London** –



Having reviewed the application and supporting documentation TfL have no problems in principle with the application. However TfL have a number of comments namely:-

1. Whilst TfL has a concern regarding the TRAVL sites selected for the existing office use as being representative of the site, the trip rates calculated from these sites do produce a worst case scenario and are therefore accepted by TfL. All other trip rates are accepted by TfL.

2. TfL welcomes the provision of electric vehicle charging points and blue badge spaces within the car park

3. TfL welcomes the inclusion of the Delivery and Servicing Plan and Construction Management Plan and is content for these to be secured as planning conditions.

4. The inclusion of a framework travel plan is welcomed by TfL. This has been assessed through ATTrBuTE and passed the assessment. This will need to be secured, delivered and monitored through a s106 agreement with the borough.

5. The site lies within the Central Charging Zone set out in the Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy – SPG. Having assessed the likely contribution from this development and due to the loss of office space, there will be no Crossrail contribution from this development.

(Officer's Comment: If planning permission is granted, the submission of a travel plan in addition to provisions for its monitoring and delivery would be secured through a Section 106 agreement.)

6.13 **English Heritage** – No comments received to date

6.14 **English Heritage Archaeology** – The application site lies within an area of archaeological potential connected with the line of the Roman road to Colchester and the early settlement of Whitechapel. Conditions designed to satisfy the requirement for archaeological evaluation and any appropriate mitigation of development impact should be imposed.

(Officer Comment: *It is recommended that the above recommended archaeological condition be included if planning permission were to be granted*).

6.15 **Designing Out Crime Officer** – Concerns were raised about potential for unlawful entry to the site particularly from the rear and from scaling the walls. Recommendation that the development be required to achieve Secure by Design level 2 accreditation.

(Officer comment: Given that the application proposes the conversion of the existing building, officers do not consider that the proposal gives rise to any new issues in respect of safety and security, particularly in relation to climbing and trespassing. Officers consider that the general increase in activity will in turn increase opportunities for natural surveillance. Notwithstanding, if planning permission is granted, a condition requiring that the development demonstrate compliance with level 2 of the Secure by Design standards would be attached to the consent.

6.16 **Crossrail Charging Zone** – No comments received to date

## 7. LOCAL REPRESENTATION

- 7.1 A total of 31 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. A site notice was also displayed and the application was advertised in East End Life. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 6            Objecting: 5            Supporting: 1  
No of petitions received: 0

- 7.2 The five representations that have been registered as objections do not raise any material planning objections to the scheme. Rather, concerns are raised about incidences of crime and anti social behaviour along King's Arms Court which runs adjacent to the site, outside of the red line boundary and at the entrance to the car park off Old Montague Street. A number of residents suggest that the proposed development should seek to address these concerns through the gating of King's Arms Court and the removal of the recess at the car park entrance.

(Officer's comment: Whilst there is an existing issue with crime and anti social behaviour, there is no evidence to suggest that the proposed development would perpetuate this. In addition, as King's Arms Court falls outside of both the application site and the ownership of the developer, there would be no obligation on their part to carry out works there to enhance security. Nonetheless, a planning obligation of approximately £139,000 for street scene and public realm improvements has been agreed in principle. Some of these funds could be targeted at improving the environment in King's Arms Court through urban design techniques and more overt security measures.)

## 8. MATERIAL PLANNING CONSIDERATIONS

- 8.1. The main planning issues raised by the application that the Committee must consider are:
- (a). Land Use
  - (b). Design
  - (c). Amenity
  - (d). Highways

### **Land Use**

#### *Loss of Use Class B1 Employment Floorspace*

- 8.2. Government guidance set out at paragraph 22 of the National Planning Policy Framework (2012) states where there is no reasonable prospect of a site being used for an allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Policy 4.2(A) of the London Plan (2011) encourages the renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility.
- 8.3. The application site is not located within a Preferred Office Location (POL) or Local Office Location (LOL), as designated in the Council's adopted Core Strategy (2010) and defined in the Managing Development Document (adopted April 2013). Policy DM15 of the Managing Development Document (adopted April 2013) seeks to resist the loss of active and viable employment uses on sites located outside of the POL and LOL, unless it can be shown that the site has been actively marketed (for approximately 12 months) and that the site is

- unsuitable for continued employment use due to its location, accessibility, size and condition.
- 8.4. Black Lion House is a purpose built office building that was erected in the early 1980s. The building comprises 8,483 sqm of B1 office floorspace arranged over six floors with retail uses located on the ground floor. The building is partially occupied by Natwest and World Pay who have surrendered their leases and are scheduled to vacate the premises in December 2013.
  - 8.5. The proposal would result in the loss of all of the existing office floorspace (8483 sqm), which the Council will normally seek to resist unless it can be shown that the floorspace in question is unsuitable for continued employment use due to its location, accessibility, size and condition, or that it has been marketed for office use at prevailing values for a prolonged period, or that there is a surplus of office floor space or unimplemented planning permissions for offices in the surrounding area.
  - 8.6. The applicant has prepared an "Employment Study" in support of the application. The report seeks to explain the connection between the current condition of the building and its position within the local office rental market in response to the requirements of Policy DM15 of the Managing Development Document (April 2013).
  - 8.7. Whilst the building is currently partially occupied, it did lay vacant between January 2010 and October 2011. According to the Employment Study, two letting agents undertook an extensive, joint marketing exercise to secure tenants for the building at a rate of £17.50 per square feet per annum.
  - 8.8. The report goes on to state that despite the scope and intensity of the marketing exercise, levels of interest in the building were very low in comparison to other properties within the City Fringe. Reasons for the lack of demand centred on the size of the floor plates and the perceived poor image of the building.
  - 8.9. Following the failure to secure a long term tenancy, the owners of the building adopted a different leasing strategy whereby short term leases were offered at a rate of £5 per square foot. This change in approach resulted in the current occupants; World Pay, taking up a 12 month lease. The lease to World Pay will expire in December 2013, and World Pay has confirmed that they do not intend to renew it or remain in occupation. In a letter appended to the submitted Planning Statement, World Pay cites their reasons for wanting to vacate the premises. These reasons include the outdated nature of the office space, a general decline in the reliability and suitability of the buildings M&E services and its lack of a ground floor frontage on Whitechapel Road and limited presence as a result.
  - 8.10. In order to provide further evidence of the buildings outmoded offer, the applicant submitted a Category A Refurbishment Report prepared by GL Hearn which sets out the findings of a survey of the building's condition and the likely cost of refurbishment. The report outlines a range of refurbishment works that would be required in order to allow 10-15 year leases of the building to be granted. The external works include the overhauling of the existing cladding to counteract the effects of condensation in addition to the overlaying of the roof with a plastic thermal system to lengthen the lifespan of the roof and to allow for the installation of new air conditioning plant. Internal works include the removal of partitions, the renewal of raised floors, upgrading of the ceilings, refurbishment of WCs and common parts, overhauling of the existing air conditioning and lighting systems and the removal of asbestos. The report includes an elemental cost plan which suggests that the cost of refurbishment would exceed £4 million.
  - 8.11. With this type of refurbishment, the building would realistically attract a rental level of just £20 per square foot which would render an investment of £4m economically unviable. In addition,

the applicants have alluded to an over-supply of office space in London and a general down turn in the office rental market which would generally limit the viability of office rentals outside of primary office locations such as the West End, City and Canary Wharf.

- 8.12. Officers consider that weight can also be given to the benefits of the hotel use which would create its own employment and support employment uses in the vicinity.
- 8.13. Taking into account the above, it is considered that sufficient evidence has been provided to justify the loss of employment floorspace in this instance, in accordance with the requirements of Policy DM15 of the Managing Development Document (adopted April 2013) which seeks to resist the loss of employment floorspace in the Borough unless it can be demonstrated that the floorspace in question is unsuitable for continued employment use due to its location, viability, size and condition.

*Provision of C1 Hotel*

- 8.14. The proposal would provide 11,201sqm of C1 hotel floorspace. The proposed hotel would comprise of 217 guest rooms in addition to an ancillary bar and restaurant within new ninth floor roof extension. The proposed hotel would target a 4\* rating. Existing retail uses on the ground floor would remain unchanged.
- 8.15. Policy 4.5 of the London Plan (2011) and Policy SP06(4) of the Council's adopted Core Strategy (2010) seek to ensure that new hotel developments are sited in appropriate locations within the Borough, including the CAZ and City Fringe Activity Area, and benefit from good access to public transport. In addition, no less than 10 per cent of bedrooms are required to be wheelchair accessible. Policy 4.5 of the London Plan (2011) also includes Mayor's target for the delivery of new hotel accommodation within London, which is set at 40,000 net additional hotel bedrooms by 2031.
- 8.16. Policy DM7 of the Council's Managing Development Document (adopted April 2013) provides further detailed policy guidance for hotel developments, requiring hotels to be appropriate in size relative to their location, to serve a need for such accommodation, not to compromise the supply of land for new homes, not to create an over-concentration of hotels in a given area or harm residential amenity, and to benefit from adequate access for servicing, coach parking and vehicle setting down and picking up movements.
- 8.17. Whilst the site is situated outside of a designated town centre, it does lie within the Central Activity Area (CAZ) an area identified in the London Plan (2011) as being appropriate for strategic hotel provision. Given the location of the site within the CAZ it is considered that the size of the proposed hotel is proportionate to function of the CAZ. In addition site's position within the City Fringe and its high public transport accessibility (PTAL) rating of 6a further compounds its suitability for hotel provision. The proposal further helps to meet the London Plan (2011) targets by providing 23 wheelchair accessible rooms (10% of the overall total).
- 8.18. Given that the application proposes the conversion of an existing office building, it is not considered that the development would compromise the supply of land for new homes and the Council's ability to meet its housing targets.
- 8.19. In terms of concentration of hotels in the surrounding area, Table 1 below provides a summary of existing hotels and proposed hotels that are subject to a current planning application in the surrounding area (within approximately 500m). This shows that approximately 2498 hotel bedrooms either exist or are proposed, with the figure rising to 2715 rooms taking account of this proposal. Officers consider that the proposed hotel at 45 Whitechapel Road would not lead to an over-concentration of hotel uses in the CAZ/City fringe activity area.

8.20.	Address	No. of rooms	Existing/Approved
	Brick Lane Hotel, 12 Brick Lane	8	Existing
	City Hotel, 12-20 Osborn Street	110	Existing
	Ibis London City, 5 Commercial Street	348	Existing
	Tune Hotels Liverpool Street, Folgate Street	183	Existing
	45-47 Hanbury Street	59	Approved
	86 Brick Lane	189	Approved
	107 Whitechapel Road	39	Approved
	100 Whitechapel Road	169	Approved
	1-4 Blossom Street	183	Approved
	Silwex House, Quake Street	105	Approved
	40-42 Raven Road	21	Approved
	Former Goodmans Fields	250	Approved
	Royal Mint Street	236	Approved
	15 Leman Street	251	Approved
	42 Adler Street	187	Approved
	Aldgate Place	160	Approved
	Total	2498	

**Table 1: Existing and approved hotels in the surrounding area**

Provision of SME business space

- 8.21. The application proposes the provision of a small office space at ground floor level towards the rear of the site. The space would measure 29sqm and would be accessed from the car park to the rear of the site. The space has been designed to meet the needs of Small and Medium Enterprises (SMEs) and the applicant has indicated that discussions are already under way with the East London Business Alliance to explore opportunities for local businesses to occupy the space.
- 8.22. Policy DM15 of the Managing Development Document (adopted April 2013) seeks to secure the provision of employment floor space within units measuring less than 100sqm to meet the needs of SMEs, a growing sector in the Borough. Through the provision of this space, it is considered that the proposal will assist the Council in facilitating the growth of existing and future businesses in the Borough, a strategic aim expressed in both Policy DM15 of the Managing Development Document (adopted April 2013) and Policy SP06 of the adopted Core Strategy (2010).

**Design**

- 8.23. Policy 7.6 of the London Plan (2011) states that buildings should be of the highest architectural quality and be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm. In addition, buildings should comprise details and materials that complement, not necessarily replicate, the local architectural character, whilst incorporating best practice in resource management and climate change mitigation and adaptation, together with providing high quality indoor and outdoor spaces.
- 8.24. Policy SP10 of the Council's adopted Core Strategy (2010) seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, attractive, durable and well-integrated with their surrounds. Policy DM24 of the Managing Development Document (adopted April 2013) seeks to ensure that design is sensitive to and enhances the local character and setting of the development, taking into account: the surrounding scale, height, mass, bulk and form of the development; building plot sizes and street patterns; building lines and setbacks, rooflines and streetscape rhythm; design details and elements, and the natural environment.
- 8.25. The application proposes the transformation of the appearance of the existing building

through the replacement of the façade and the addition of a rooftop extension.

*Façade treatment*

- 8.26. The application proposes the complete removal of the existing cladding system. The proposal seeks to introduce variety and texture to the façade through a composite approach to the recladding. The lower floors of the building are largely cladded in masonry; a black/grey coloured stock brick which is waterstruck, coal fired and hand-laid. As the building progresses through to the upper floors the brickwork increasingly gives way to glazing. The use of glazing is maximised at the east and west corners of the site and particularly at the central junction between the projecting and set back elements of the building. The use of glazing serves to break down the mass of the existing building as perceived from the principle view corridor down Whitechapel Road to the east and west and from Altab Ali Park to the south.



Figure 1: Visual of proposal from Whitechapel Road (looking west)

- 8.27. The fenestration to the building forms an important design component. The larger glazed elements are framed by deep spandrels that provide sun shade and muntins finished in pale brass. The fenestration within the brick includes deep reveals and projecting sills and lintels which lend to the appearance of texture on the building's façade. At the corners, the projecting lintels serve as planters for indigenous vegetation which also serves to enrich the external appearance of the building.
- 8.28. On the northern elevation, the building is clad in a lighter colour brick. This serves to reduce the perception of mass as viewed from the rear of the site. Some elements of the corner glazing and brass details wrap around to the rear and are visible there. The use of black zinc provides relief from the expanse of light brick.



Figure 2: Detail of proposed north and west elevations

*Roof extension*

- 8.29. The proposal seeks the addition of three extra floors to the existing building. However the overall height of the building would only increase by approximately 2m by virtue of the 6m protrusion of the existing lift overrun from the main mass of the building. The extension would accommodate hotel rooms in addition to a restaurant on the upper most level.
- 8.30. The upper most level of the extension would be clad in structural glazing and set back from all four edges of the building to allow for terrace areas and perimeter planting zones. Timber cladding details are used to conceal the lift overrun and services as well as the canopy element and soffits.
- 8.31. Officers consider that the proposed height of the building is appropriate in townscape terms given the location of the site in the City Fringe and the existence of significantly taller buildings in the locale. Additionally, it is considered that the proposed high quality treatment, through the use of glazing in particular will serve to reduce the perception of an increase in height and mass.

*Heritage impacts*

- 8.32. The site whilst not in a conservation area itself, the site lies to the immediate north of the edge of the Whitechapel High Street Conservation Area and to the east of the Fournier Street/Brick Lane Conservation Area. In addition, The Bell Foundry and the Whitechapel Gallery are in close proximity.
- 8.33. Officers consider that by virtue of the high quality external treatment, the proposed development would serve to enhance the setting of nearby heritage assets. This accords with the aims and requirements of policy DM27 of the Managing Development Document (adopted April 2013).

*Shop front upgrade*

- 8.34. The retail units at ground floor are to be retained. However, the application proposes to integrate the shop fronts into the new façade through the overhauling of the existing frontages. The brick cladding is carried down to ground floor level. The redesign of the retail frontages will allow for uniformity in the positioning of signage within the apertures

immediately above the shop fronts.

#### *SME Office*

- 8.35. A 29sqm office space is to be located to the rear of the site. The office space is provided in a single storey building which is clad in timber panelling to integrate with the proposed timber fencing. The building would include a sedum roof with roof lights. The office would operate independently from the main hotel and would be accessed from the car park to the rear.

#### *Landscaping*

- 8.36. At the ground and lower ground floors a linear area of landscaping is provided to form a buffer between the rear of the hotel and the car park. Existing footbridge accesses are to be retained and enhanced in order to provide a link between the lower ground and ground floor terraces. As these areas would be north facing, the applicant is proposing to plant a variety of shade tolerant woodland shrub and tree species.
- 8.37. At first floor, podium level gardens are situated immediately above the retail units beneath the set back element of the main building. A 2.5m timber clad enclosure would shield the gardens from Whitechapel Road.
- 8.38. The terrace on the eighth floor is also split up into individual gardens for the use of hotel residents in each room. Each terrace has a hardwood timber deck area directly outside the window and a raised planting bed (450mm high) inside the parapet wall. The planting beds also include a variety of shade and drought tolerant species.
- 8.39. The ninth floor terraces have a more communal function and are linked to the cafe, restaurant and bar area inside the building. Again, the terraces include a hardwood timber deck area directly outside the window doors, raised individual planting beds containing small trees and raised linear planting beds running parallel with the parapet wall. The planting would be visible at street level on Whitechapel Road.
- 8.40. Officers consider that the proposed landscaping incorporates principles of high quality design and will serve to both enhance the appearance and setting of the building and the quality of hotel accommodation on offer. If planning permission were granted, a condition requiring the submission and approval of a detailed landscaping scheme and management plan would be attached to the consent.

#### *Accessibility*

- 8.41. Policy 4.5 of the London Plan (2011) requires that 10% of all new hotel bedrooms be accessible to meet the needs of wheelchair users and people with limited mobility. The proposal provides a total of 23 wheelchair accessible rooms across all floors which equates to more than 10%.

#### *Safety and security*

- 8.42. Policy DM23 of the Managing Development Document (adopted April 2013) states that development is required to improve safety and security without compromising good design and inclusive environments.
- 8.43. A number of local residents have expressed concerns about existing problems with crime and anti-social behaviour along King's Arms Court. It should be noted that the alleyway does not form part of the application site and that there is no evidence to suggest that a hotel use would increase incidences of crime and anti-social behaviour. However, officers consider that a hotel use with 24 hour activity will increase opportunities for natural surveillance, particularly to the rear of the site where the alleyway is located. Additionally, the application proposes the relocation of an entrance to an existing retail unit abutting the alley way away from the Whitechapel Road street frontage and to the corner with King's Arms Court. Again,



this will serve to increase activity and footfall at the entrance to the alley way and increase opportunities for natural surveillance.

- 8.44. Furthermore, a planning obligation of approximately £139,000 for public realm has been agreed in principle with the applicant. Subject to the Council's procedures for allocating Section 106 monies, the potential exists for the use of this money to improve the environment in King's Arms Court and as a result tackle any residual problems with crime and anti-social behaviour.
- 8.45. The Council's Crime Prevention Officer has commented on the application and recommended that the development be required to comply with Secure by Design level 2. If planning permission is granted, a condition requiring the submission and approval of a Secure by Design statement showing that the development achieves level 2 of that standard would be attached to the consent.

#### *Design conclusion*

- 8.46. The existing building, whilst occupying a prominent position with the Whitechapel Road frontage, is monolithic in appearance and lacking in architectural merit. Through the choice of materials, design detailing and the scale and mass of the building, officers consider that the proposal demonstrates principles of high quality design as required by Policy DM24 of the Managing Development Document (adopted April 2013). The proposed works will serve to significantly enhance the appearance of the building and its contribution to the local townscape and the setting of nearby heritage assets.

#### **Amenity**

##### 8.47. *Daylight and Sunlight*

Daylight is normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be no less than 20% of the former value, in order to ensure that sufficient light is still reaching windows. These figures should be read in conjunction with other factors, including NSL, which takes into account the distribution of daylight within the room, and figures should not exhibit a reduction beyond 20% of their former value.

- 8.48. Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.
- 8.49. The application is accompanied by a Daylight and Sunlight Assessment, prepared by GL Hearn, which provides an assessment of the impacts of the proposed development on the daylighting and sunlighting conditions of nearby residential properties to the north and north-east of the site.

##### *60 Old Montague Place*

- 8.50. 60 Montague Place is a 4 and 5 storey building located to the north east of the site.
- 8.51. In terms of daylight as expressed by VSC, all of the windows facing the proposal would meet the BRE recommended guidance.

- 8.52. In terms of sunlight, all of the windows would meet the criteria for annual sunlight. A total 6 windows out of the 35 tested would see minor failures in the amount of winter sunlight (less than 5% annual probable sunlight hours between September and March). Given that these failures occur on the ground and first floors and the constrained urban setting of the site, these results are considered acceptable on balance.

*King's Arms Court off Old Montague Street*

- 8.53. This building is located to the north of the development site and contains residential flats over 4 floors.
- 8.54. In terms of daylight (VSC), all of the windows facing the proposal would meet the BRE recommended guidance.
- 8.55. In terms of sunlight, all of the windows tested would meet the criteria for annual sunlight and only 1 of the 53 windows tested would see a failure in terms of winter sunlight.

*Green Dragon Yard, Old Montague Street*

- 8.56. This is a large residential development located to the north of the site. The building rises to 4 and 5 storeys.
- 8.57. In respect of both daylight and sunlight, all the windows tested would meet the BRE requirements.

*25, 27 and 29 Whitechapel Road*

- 8.58. Numbers 25, 27 and 29 Whitechapel Road are located adjacent to the development site to the immediate west.
- 8.59. In respect of daylight, all of the windows tested meet the BRE guidance. None of the windows tested face within 90-degrees of due south and, in line with BRE guidance do not require testing for sunlight access.

*85 Whitechapel Road*

- 8.60. These buildings comprise 3 blocks of student accommodation situated behind Magenta House to the east of the site.
- 8.61. In terms of daylight, all of the windows facing the proposal would meet the BRE recommended guidance.
- 8.62. In terms of sunlight, all the windows would meet the requirement for annual sunlight. Of the 37 windows tested, 13 would see minor failures in respect of winter sun. Again, given the urban context and the VSC and annual sunlight passes, the results are considered acceptable on balance in this instance.

*Noise and Vibration*

*Proposed Development*

- 8.63. The applicant has submitted a "Noise and Vibration Survey and Assessment Report" prepared by Pace Consult in support of the application. The report identifies hotel rooms as being noise sensitive areas but explains that façade acoustic design has sought to respond to varying noise levels across the site. Across the whole of the site, the report states that through the use of attenuating measures it will be possible to attain the "good" internal noise level within the hotel rooms recommended in British Standard BS 8233:1999 "Sound Insulation and Noise Reduction for Buildings – Code of Practice".
- 8.64. In terms of vibration, VDV measurements set out in the report suggest that the levels of vibration will be below the range where a low probability of adverse impacts is anticipated as

stipulated under British Standard BS:6472. The report concludes that no vibration mitigation will be required.

- 8.65. In terms of ground borne noise levels brought about by the London Underground (District Line) which runs close to the site; the report states that bedrooms as basement level would be subject to disturbance. Whilst there is no British Standard for ground borne noise levels, research suggests that these should not exceed 35dB. The likely ground borne noise level at the proposal is predicted to be in the order of 42dB. Therefore, the report recommends that mitigation measures be employed to reduce the levels to within an acceptable range.
- 8.66. The Council's Environmental Health Officer has commented on the application and has recommended that mitigation measures be incorporated into the detailed design in order address both the impacts of traffic noise from Whitechapel Road and ground borne noise. If planning permission is granted it is recommended that conditions requiring compliance with the findings of the report and further details setting out mitigation measures for environmental and ground borne noise be attached to the consent.

#### *Impacts on existing residents*

- 8.67. The submitted roof plans indicate that there will be a small area of plant adjacent to the lift overrun. Precise technical information about this is not yet known so an assessment of the impact of these on existing noise receptors has not been undertaken. The Noise Assessment states that in order to avoid a discernible impact, the maximum noise limit for any external plant should not exceed 47dB during the day and 48dB at night.
- 8.68. If planning permission is granted, a condition requiring the submission and approval of details of any external plant together with a noise assessment would be attached to the consent.

#### **Highways and Servicing**

##### *Coach and taxi drop offs and parking*

- 8.69. The application is accompanied by a document entitled "Transport Statement Incorporating Travel Plans and Servicing and Waste Management Strategy" prepared by WSP Group.
- 8.70. In respect of a location for coach and taxi drop offs, an existing semi recessed loading bay on Whitechapel Road immediately in front of the site has been identified as being appropriate for taxi drop offs. The bay is 35m in length meaning that it has capacity for two coaches if needed. The bay allows for a waiting period of 20 minutes. The applicant has provided a swept path analysis to show how a 15m luxury coach could access the bay.
- 8.71. It is also noted that in a leaflet produced by Transport for London entitled "Operating Coaches in London" it is stated that in Red Route bus stops, coaches can set down and pick up passengers. The applicants state in the Transport Statement that they contacted Transport for London who confirmed this and that there are two Red Route bus stops in front of the site.
- 8.72. In the event that a coach will be required to park for an extended length of time, there are a number of coach parking bays and coach parks within the vicinity of the site that are listed in the Transport Statement. Originally, it had been anticipated that coaches needing to park would utilise the car park to the rear. However a combination of narrow streets and a one way system have rendered this option unviable. Notwithstanding, it is anticipated that a minority of coaches would be required to park for a longer period time and this is possible at coach parks in the area.
- 8.73. Both Transport for London and the Council's Highways Officer have commented on the application and are supportive of the proposed arrangements for coach and taxi drop offs and

parking.

#### *Car Parking*

- 8.74. Policy DM22 (appendix 2) of the Managing Development Document (adopted April 2013) states that for hotel sites with a PTAL rating of between 4 and 6, on site car parking provision should be limited to operational needs, parking for disabled people and that required for taxis, coaches and deliveries/servicing.
- 8.75. The existing car park currently provides capacity for 16 allocated vehicles. As part of the proposal which includes the provision of 23 wheelchair accessible rooms, all of these spaces are to be given over to provision for disabled hotel guests. This will result in the loss of 7 spaces and the provision of 9 fully accessible spaces. Whilst this falls short of a 100% provision of accessible spaces for accessible rooms, officers consider that the application has maximised opportunities for the provision of accessible spaces and considers this ration (approximately 1 space for every 2.5 rooms) is considered acceptable on balance.

#### *Cycle Parking*

- 8.76. Policy DM22 (appendix 2) of the Managing Development Document (adopted April 2013) sets out the Council's cycle parking standards. These call for a minimum of 1 space for every 10 members of hotel staff, together with 1 space for every 15 hotel guests.
- 8.77. As the hotel provides 217 bedrooms and capacity for 174 employees, the proposal would be required to provide a minimum of 17 cycle spaces for staff and 15 for guests. The proposal is to provide as a total of 40 spaces; 20 for staff and 20 for guests and as such exceeds the Council's minimum requirement.
- 8.78. The cycle spaces are to be located in the car park to the rear of the site. These spaces are to be covered and made secure. Shower and locker facilities are provided within the main building at basement level.
- 8.79. If planning permission is granted, a condition requiring the submission and approval of details of the cycle store would be attached to the consent. This would be to ensure that Sheffield style cycle stands are installed in line with the Council's cycle parking design standard as set out in the Managing Development Document (adopted April 2013).
- 8.80. In view of the above, officers consider that the proposal would be properly integrated into the transport network and would comply with the Council's parking standards in accordance with policies DM20 and DM22 of the Managing Development Document (adopted April 2013) which seek to ensure that development mitigates against its impact on the highway.

#### *Waste and Servicing*

- 8.81. The application proposes that servicing and refuse collection be undertaken from a collection point within the site which would be accessed from Old Montague Street to the west. The applicants envisage that the route will be used by delivery vehicles with access into/out of the site to be controlled by the site management company office (which will be manned at all times and monitored by CCTV).
- 8.82. The Servicing Management Plan includes a swept path analysis which shows that servicing vehicles will be able to access and egress the site in forward gear
- 8.83. In terms of trip rates for servicing, the applicants expect that the hotel would receive 14 servicing trips across the day (11 for the main hotel and 3 for the restaurant). Officers consider that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with Policy SP05(1) of the Council's adopted Core Strategy (2010 and Policy DM14 of the Managing Development Document (adopted April 2013).

These policies require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.

## **Energy and Sustainability**

### *Energy*

- 8.84. Policy DM29 in the Managing Development Document includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. It also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. Policy SP11 in the Core Strategy requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation where feasible. The London Plan also contains a number of relevant policies, including policies 5.2 and 5.6
- 8.85. The submitted 'Sustainability and Energy Statement' prepared by Chapman Bathurst sets the proposed design focuses on reducing energy demand through energy efficiency measures including; improvements to building fabric; ASHP's for heating and cooling; use of free cooling where feasible; and low energy lighting. These measures are in line with the "Be Lean" strata of the Mayor of London's Energy Hierarchy as set out in chapter 5 of the London Plan (2011). These measures are estimated to contribute 21% energy efficiency savings.
- 8.86. In terms of the "Be Clean" strata, the proposals include a combined heat and power (CHP) engine (~50kWE) for delivering the hot water requirements of the scheme. The engine is sized to meet the baseload hot water requirements and operate for more than 5500hrs per year. Gas fired air source heat pumps are proposed to meet the space heating and cooling requirements of the scheme.
- 8.87. In terms of the "Be Green" strata and carbon dioxide emissions, the report shows that the scheme emission rate (BER) is anticipated to be 29.2 compared to the target emission rate (TER) of 45.6. This is a reduction of 36% and demonstrates compliance with Policy DM29 of the Managing Development Document (adopted April 2013). The submitted proposals also show that the scheme will achieve an EPC rating of 21 (A) compared to the new built 33(D) which exceeds the 35% reduction requirement Policy DM29 of the Managing Development Document (adopted April 2013).

### Sustainability

- 8.88. Policy DM29 of the Managing Development Document (adopted April 2013) seeks to ensure that the non-residential developments achieve a BREEAM rating of "Excellent" for levels of sustainable design and construction.
- 8.89. Whilst the Energy and Sustainability report notes that the development has been designed to achieve the energy requirements for BREEAM "Excellent", evidence in the form of a BREEAM pre-assessment has not been provided. If planning permission is granted, conditions requiring the submission of a BREEAM pre-assessment to show the scheme can achieve an "Excellent" rating and subsequent proof of these would be attached to the consent.

## **Planning Obligations**

### *Employment and Skills Training*

- 8.90. Core Strategy Policy SP07 seeks to support developments that promote local enterprise and the employment and skills training of local residents. The Council's Planning Obligations Supplementary Planning Document (SPD) (2012) includes employment densities for 4\*

hotels of 1 job per 1.25 bedrooms. Using these employment densities, it is estimated that the proposals could generate up to 174 FTE full-time jobs. Based on the formula set out in the Planning Obligations SPD, it is recommended that a financial contribution of **£24,936** is secured to help train and develop unemployed residents in Tower Hamlets. In addition, non-financial obligations that seek to ensure that 20% of the construction phase workforce reside in Tower Hamlets and that 20% of all goods and services are procured in Tower Hamlets have also been agreed.

- 8.91. Based on the provisions of the Planning Obligations SPD, it is recommended that a financial contribution of **£30,054** be secured to help support and provide training for local residents in accessing job opportunities during the construction phase. In addition, non-financial obligations requiring that the Council's Skillsmatch service has sight of any non-technical hotel vacancies 72 hours before they are advertised would also be secured.

*Libraries and Ideas Stores*

- 8.92. In line with the Planning Obligations SPD, it is recommended that a contribution of **£3,802** is secured towards improvements to Idea Stores and Libraries. The proposed development would increase demand on these services and there is a need to develop these facilities further to align with population growth.

*Sustainable Transport*

- 8.93. In line with the Planning Obligations SPD, it is recommended that a financial contribution of **£2,604** is secured towards the provision of a sustainable transport network within the Borough.

*Public Open Space*

- 8.94. The Planning Obligations SPD seeks financial contributions towards the costs of improvements to public open space based on the number of employees plus the number of guests and the assumption that each hotel room is occupied by 2 guests and that all rooms are fully booked at all times (the worst case scenario in terms of impact). This assumption would generate 464 guests and employees and the need for £372,470.

*Streetscene and Built Environment*

- 8.95. The Planning Obligations SPD seeks financial contributions towards the costs of environmental improvements directly adjoining the development. Based on there being 564sqm of footway adjoining the site, it is recommended that a financial contribution of **£138,638** be secured.

*Leisure*

- 8.96. Based on the employment densities in the Planning Obligations SPD, it is estimated that the proposals could generate up to 174 FTE full-time. These additional employees would place additional burdens on leisure facilities and warrant a financial contribution of **£12,479**.

*Crossrail top up*

- 8.97. Whilst the site lies within the central charging zone, Transport for London have advised that in view of the loss of the existing office space there will be no requirement for a Crossrail top up.

- 8.98. A monitoring fee of **£11,700** which is 2% of the total figure has been agreed.

- 8.99. Officers consider that the package of financial contributions being secured is appropriate, relevant to the proposed development and accords with the relevant statutory and policy tests.

**Community Infrastructure Levy**

- 8.100. The London Mayor's Community Infrastructure Levy (CIL) became operational on 1 April

2012. As outlined above, the proposed development is liable for a charge under the CIL Regulations and the likely CIL payment is approximately £107,000. This is an initial estimation. The Council will issue a CIL Liability Notice as soon as possible after a decision notice is issued.

### **Financial considerations**

- 8.101. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires local planning authorities (and the Secretary of State) to have regard to the following:
- a) The provisions of the development plan, so far as material to the application;
  - b) Any local finance considerations, so far as material to the application; and
  - c) Any other material consideration.
- 8.102. 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.
- 8.103. These issues need to be treated as material planning considerations when determining planning applications or planning appeals.

### **Human Rights Considerations**

- 8.104. 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:-
- 8.105. 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:-
- o 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;
  - o 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*".
- 8.106. 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.
- 8.107. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

- 8.108. 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.
- 8.109. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.110. 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.
- 8.111. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

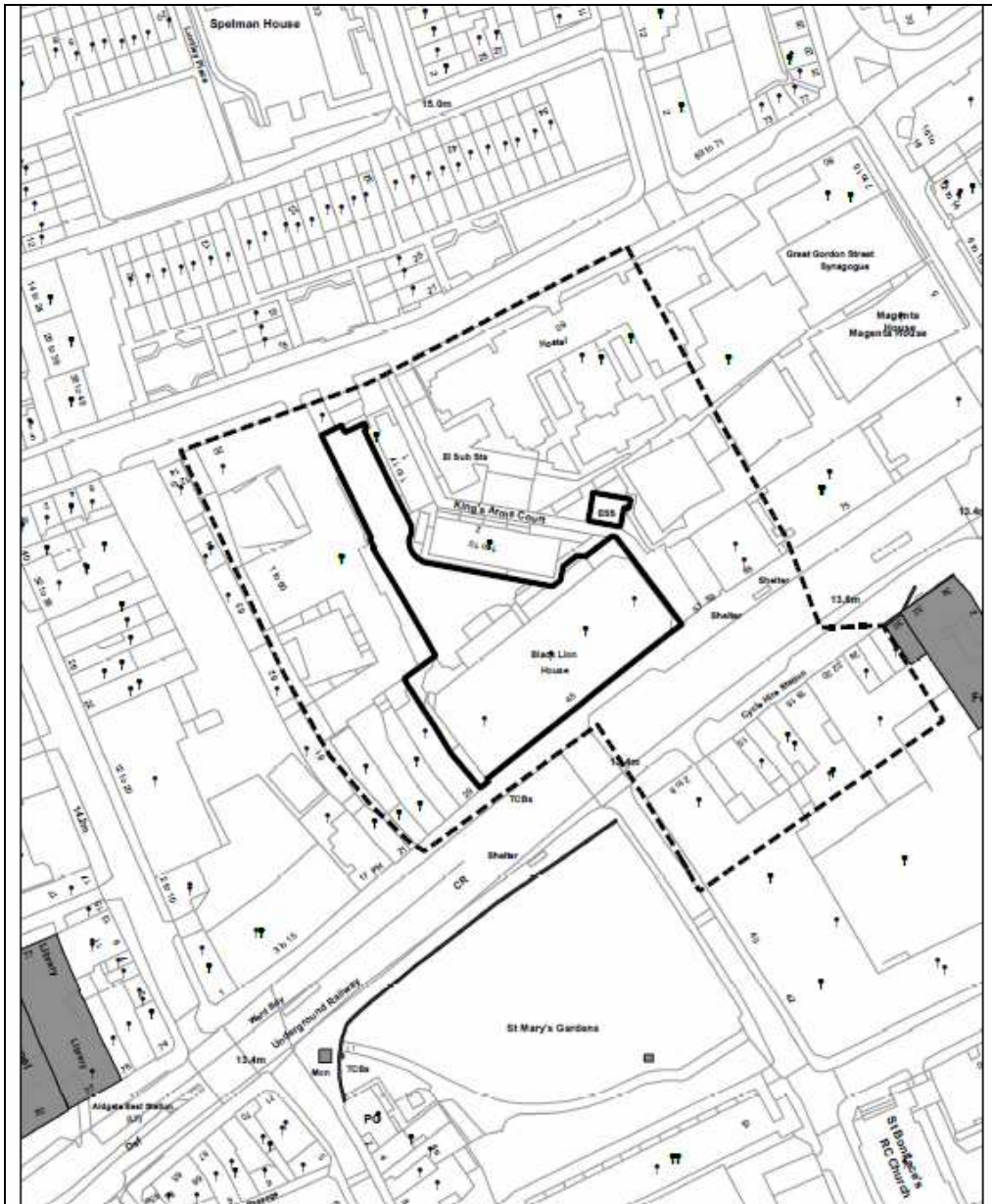
- 8.112. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.113. As discussed above, the proposed hotel would include 20 larger wheelchair accessible bedrooms and would be designed in accordance with inclusive design principles. The access to employment initiatives and financial contributions towards employment initiatives and community infrastructure (Idea Stores and Library facilities, Public Open Space and Leisure Facilities that are recommended to be secured by a s.106 agreement and recommended conditions address, in the short-medium term, the potential perceived and real impacts of construction on the local community, and in the longer term support community wellbeing and social cohesion.

### **CONCLUSIONS**

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

### **Planning Application Site Map**





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 7

<b>Committee:</b> Development	<b>Date:</b> 26 <sup>th</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Other Planning Matters	
<b>Originating Officer:</b>		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

## 3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

## 4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8**

Brief Description of background papers:  
See individual reports

Tick if copy supplied for register:

Name and telephone no. of holder:  
See individual reports

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# Agenda Item 7.1

<b>Committee:</b> Development	<b>Date:</b> 26 <sup>th</sup> November 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Pete Smith	<b>Title:</b> Planning Appeals
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## 1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. All Members of the Council receive a regular monthly email update of appeals received by the Council.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

## 2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

## 3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

<b>Application No:</b>	<b>PA/12/3286</b>
<b>Site:</b>	<b>183 Bethnal Green Road E2 6AB</b>
<b>Proposed Development:</b>	<b>Alterations and extensions to property (including a roof extension) in connection with the use of the property 2x1 bed flats.</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.2 The main issues in this case were

- The effect of the proposed development on the living conditions of the residents of the adjacent Alliston House

- The effect of the development on the character and appearance of the host building.
- 3.3 The Inspector was concerned about the effect on the extensions on the neighbouring property (the part of Alliston House to the west of the appeal site) in terms of loss of sunlight and there was also concern about the over-bearing nature of the proposed development close to existing easterly facing balconies leading to loss of outlook.
- 3.4 The Inspector was not convinced with the Council's position that the design and appearance of the alterations and extensions would have caused unacceptable harm to the character and appearance of the host building. However, the Inspector considered the harm caused to neighbouring occupiers would outweigh any benefits arising from the development in terms of improved standards of accommodation.
- 3.5 The appeal was DISMISSED

<b>Application No:</b>	<b>PA/12/02554</b>
<b>Site:</b>	<b>91 Fieldgate Street, London E1</b>
<b>Proposed Development:</b>	<b>Removal of existing roller shutter and retention of a replacement shop front</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.6 The main issues in this case were the impact of the proposed works on the character and appearance of the Myrdle Street Conservation Area and issues around disabled access into the shop unit.
- 3.7 The previous shop front, as confirmed by photographic evidence, was considered to be an important asset to the character and appearance of the conservation area and the building itself. The Inspector was concerned that the more modern, replacement shop front has unacceptably replaced the more traditional facade and has replaced traditional, more modest scale and vertical emphasis. He concluded that the alterations are inconsistent with and detract from the traditional scale of development and the immediate streetscene. He also noted that the scheme failed to provide a level threshold to allow for inclusive access into the unit.
- 3.8 The appeal was DISMISSED on this basis

<b>Application No:</b>	<b>PA/13/01119</b>
<b>Site:</b>	<b>29 Lyal Road, E3</b>
<b>Proposed Development:</b>	<b>Replacement of existing windows with double glazed units</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (Delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.9 The main issue in this case was the effect of the proposed alterations on the character and appearance of the host building and the Medway Conservation Area.

3.10 The Planning Inspector referred to the unaltered appearance of the late Victorian terrace with many of the properties having traditional timber windows. He was concerned that some of the properties which had been altered did not share the characteristics of the more traditional timber window detailing and as such, he concluded that the proposed replacement would have significantly altered the character and appearance of the prominently located appeal property and the Medway Conservation Area.

3.11 The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/11/03375</b>
<b>Site:</b>	<b>Poplar Business Park, Prestons Road E14</b>
<b>Proposed Development:</b>	<b>Demolition of existing buildings and redevelopment of the site to provide a mixed use scheme of between 3 and 22 storeys comprising 8,104 sq metres business accommodation (Use Class B1), 392 residential units (Use Class C3), associated parking and landscaping.</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (Strategic Development Committee)</b>
<b>Appeal Method:</b>	<b>PUBLIC INQUIRY (SoS decision)</b>
<b>Inspector's Decision</b>	<b>ALLOWED</b>

3.12 In view of the significance of the issues raised by this appeal, the Secretary of State for Communities and Local Government recovered the appeal for his own determination – with the Planning Inspector providing a recommended course of action.

3.13 The planning application was refused by the Strategic Development Committee (March 2012) for two related reasons; inadequate provision of affordable housing and lack of contributions towards education and healthcare.

3.14 The level of affordable housing reported to the Strategic Development Committee was 25% by habitable room which equated to 87 units (58 affordable rent and 24 intermediate). The total S106 contributions negotiated and secured at the time were £1,763,861. The negotiated educational and healthcare contributions were £652,520 and £136,000 respectively.

3.15 At an early stage of the appeal proceedings, the appellants offered to pay the full Planning Obligations SPD contributions for healthcare and education contributions which meant the second reason for refusal fell away.

3.16 The Council's main case was that the scheme was more viable than the appellants claimed it to be and was therefore able to afford additional affordable housing. The main items of contention were the sales values of the residential units and the method of construction procurement. The appellant argued that the method of procurement would be via a main contractor which would include allowances for the main contractor's Preliminaries and Overheads & Profit (OHP). The Council argued that it was more likely that a volume house builder or joint venture would procure the construction which would operate on a lower percentage for preliminaries and would not require an allowance for profit (other than the standard profit level agreed in the toolkit.)

- 3.17 There were two other points in contention which were the costs estimated in achieving Code for Sustainable Homes Level 4 and the cost of connecting services and drainage. However, these were smaller items compared to the two main points above.
- 3.18 The Secretary of State found favour with the Council's argument in regard to sales values but did not agree with the Council's judgement on the procurement route. He also concluded that there was insufficient evidence presented to prove the case as regards the costs to achieve Sustainable Code Level 4 and the drainage/services connection.
- 3.19 Two unilateral agreements were submitted by the appellant, which provided two different levels of affordable housing. One was at 12.5% on the assumption that the Inspector would agree with all of the appellant's viability evidence with the other at 20% assuming that the Inspector would feel that 12.5% was unreasonable and failed to maximise the affordable housing on-site.
- 3.20 The Secretary of State felt that the scheme could deliver in excess of 12.5% affordable housing and he did not feel that increasing the affordable housing level to 20% would inhibit delivery.
- 3.21 In his decision letter, the Secretary of State noted that the Council did not have evidence of a 5 year housing supply which therefore pointed towards a strong presumption in favour of the development. At the time of the public inquiry, the Council had not provided sufficient evidence, in the form required by the National planning Policy Framework, to confirm a 5 year deliverable housing supply. This evidence has now been published in accordance with National Planning Policy Framework which can now be used to counter claims that the Borough is not able to meet its 5 year housing supply targets
- 3.21 To conclude, the appeal was ALLOWED on the basis of a 20% affordable housing level by floor area (21% by habitable room) – a total of 71 units (47 affordable rent and 24 intermediate) and a S.106 package of £2,646,222; an additional £882,361 compared to the scheme reported to Strategic Development Committee.

<b>Application No:</b>	<b>PA/12/02637</b>
<b>Site:</b>	<b>37 Millharour, London E14</b>
<b>Proposed Development:</b>	<b>Extension of current building at upper floor levels to provide 7 duplex apartments with external private amenity space.</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (Delegated)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.22 As Members may recall, this site was the subject of an earlier appeal (around March 2013) following the Development Committee's refusal of planning permission for a similar form of development. With this previous case, the appeal was dismissed by the Planning Inspectorate in view of the failure of the scheme to mitigate the loss of communal amenity, the impact of the construction of the proposed extension on the existing residents of the block and the impact of the development on daylight and sunlight reaching existing



flats within the block.

- 3.22 In order to deal with these issues, the developer elected to provide more detail in terms of the Construction Management Plan associated with the scheme, to provide a revised landscaping scheme to provide a more formal arrangement of walkway, planting enclosures, seating and other structures and to introduce living roofs on the remaining roof structures of the building to deal with biodiversity issues and to reduce rain water run-off.
- 3.23 The Inspector considered the main issue to be the effect of the proposal on the living conditions of neighbouring occupiers, having regard to the provision of outdoor amenity space.
- 3.24 Whilst the Planning Inspector acknowledged that the introduction of living roofs would have enhanced the biodiversity credentials of the development, he was concerned that the loss of communal amenity space would have been to the detrimental to the existing residential occupiers of the building. He concluded that the replacement amenity space would have been both narrower and reduced in overall area which would have been exacerbated by the high number of nits which the existing open space serves. Furthermore, he concluded that the proposed extension would not have delivered and contributed to securing exemplary design, especially in relation to the effect of the development on the capacity to deliver appropriate levels of communal amenity space.
- 3.25 In terms of the reduction in daylight and sunlight, he was less concerned about detrimental effects, especially as the effect of the extension on the two flats sited would be within the No Sky Line (NSL) methodology. He was also satisfied that the submission of the detailed Construction Management Plan would deal with the previous Planning Inspectors concerns.
- 3.26 Whilst the Planning Inspector was of the view that the amended proposal dealt with a number of previous concerns, he remained concerned that the development would have unacceptably reduced amenity space for the occupiers of the building, failing to secure an exemplary design approaches. The appeal was therefore DISMISSED.

<b>Application No:</b>	<b>PA/12/01940/01941</b>
<b>Site:</b>	<b>1A Mornington Grove, London, E3</b>
<b>Proposed Development:</b>	<b>Demolition of the existing building and the erection of part two, art three, part 4 storey building to be used as a 13 bed house, a 1x2 bed house and 2x1 bed flats.</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (Delegated)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>Application for Conservation Area Consent (ALLOWED) Application for Planning Permission (DISMISSED)</b>

- 3.27 The appeal site is located within the Tower Hamlets Cemetery Conservation Area and the Planning Inspector noted is characterised by large 19<sup>th</sup> Century residential buildings with a general spacious ambiance to the area with the

residential blocks having space between and around them. Whilst he noted some modern buildings in the area, he did not see these as determining the underlying character of the conservation area.

3.28 The main issues the Planning Inspector sited as being relevant to the appeal were as follows:

- The effect of the proposed development on the character and appearance of the conservation area
- Whether the proposed development would harm the living conditions of those living at 45-56 Bow Road and 1A Mornington Grove
- Whether the incoming residents would enjoy satisfactory living conditions
- § Whether the proposal would provide satisfactory cycle storage

3.29 On the first issue, whilst the Planning Inspector concluded that the proposed scheme would have been an example of modern urban architecture, he was concerned that it would have been seen as a distraction from the style, form and quality of the original built development and would not have served to preserve or enhance the character and appearance of the conservation area.

3.30 He also agreed with the Council's position that the proposed development would have unacceptably interfered with the living conditions of those residents neighbouring the site, with the development appearing over-bearing, effecting outlook and degrading the amenity value of external areas.

3.31 Planning Inspector sited some concerns around daylight levels into some of the proposed rooms along with the size of some areas of amenity space and felt that a future resident of one of the units would have experienced very poor standards of amenity. He was less concerned about the impact of railway noise. As part of the appeal, the appellant proposed areas for cycle storage which the Council found to be acceptable.

3.32 In conclusion, the Planning Inspector felt that the proposed development would have been harmful to the character and appearance of the conservation area, would have adversely affected the amenities of neighbouring residential occupiers and would have led to poor standards of amenities for future residents. He was less concerned about the loss of the existing building which he did not feel contributed positively to the character and appearance of the conservation area. He did not consider that retaining the building until such time as a planning permission had been secured was necessary in this case.

3.33 Whilst the planning appeal was DISMISSED, the appeal against the refusal of conservation area consent was ALLOWED.

<b>Application No:</b>	<b>PA/12/01130</b>
<b>Site:</b>	<b>Hellion Court, 253-257 Westferry Road, London, E14</b>
<b>Proposed Development:</b>	<b>Erection of a third and fourth floor extension to provide 9x1 bed and 1x2 bed dwellings</b>
<b>Council Decision:</b>	<b>REFUSE PLANNING PERMISSION (Delegated)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

3.34 The main issues in this case included the following:

- The effect of the development on the character and appearance of the area;
- Whether the scheme would have represented an appropriate mix of housing alongside the availability of affordable housing
- Whether the proposed flats would have provided acceptable living standards for future occupiers
- The effect of the development on the living conditions of neighbouring occupiers;
- Whether the scheme would have provided and supported sustainable transport options

3.35 The Inspector noted that the existing block of flats are carefully designed and pay due respect to the height and scale of the terraced houses with the existing top storey set back from the main front elevation. He noted taller buildings in the vicinity but did not regard these as setting a precedent for increasing the height of the respective flats.

3.36 On the first issue therefore, he concluded that the addition of a further two storeys would have been visually dominant when viewed against the adjacent residential terrace and would have unacceptably enclosed the street and would have reduced the generally open character of the area.

3.37 In terms of housing mix he noted that the over-reliance on 1 bed units would have been in direct conflict with the housing mix required by the development plan. He noted however that there was very little amenity space to accommodate family sized units. He noted however that the proposal failed to provide affordable housing as required by policy. Whilst the appellant argued that it would not be viable to provide for affordable housing, no clear evidence was submitted in support of this contention. Overall, the Planning Inspector concluded that the scheme fundamentally conflicted with various policies around affordable housing, housing mix and the failure to provide wheelchair units as part of the mix.

3.38 He was less concerned about the quality of living standards for future occupiers of the flats but concluded that the additional bulk and height would have directly impacted on the outlook of neighbouring properties, with the development being uncomfortably close. The appellant provided details of cycle storage as part of their appeal submissions which satisfied the Council in terms of accommodating forms of sustainable transport.

3.39 The appeal was DISMISSED on a number of grounds – which represents a very satisfying outcome for the Council.

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