

DEVELOPMENT COMMITTEE

Wednesday, 11 March 2015 at 7.30 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open to the public to attend.

Members:

Chair: Councillor Sirajul Islam
Vice Chair : Councillor Marc Francis
Councillor Shiria Khatun, Councillor Suluk Ahmed, Councillor Gulam Kibria Choudhury,
Councillor Shah Alam and Councillor Chris Chapman

Deputies:

Councillor Rajib Ahmed, Councillor Asma Begum, Councillor Andrew Cregan, Councillor
Craig Aston, Councillor Andrew Wood and Councillor Julia Dockerill

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 9 March 2015**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Tuesday, 10 March
2015**

Contact for further enquiries:

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

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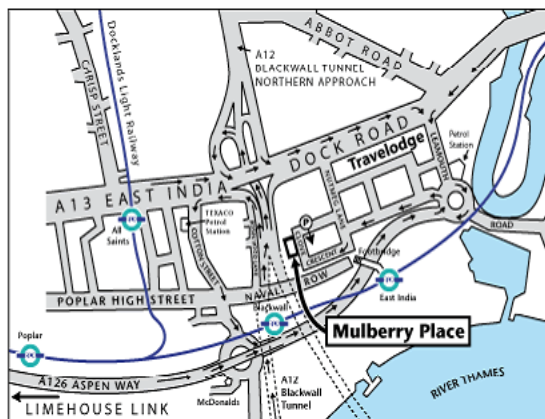
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APOLOGIES FOR ABSENCE

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

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

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

To confirm as a correct record the minutes of the meeting of the Development Committee held on 11th February 2015.

3. RECOMMENDATIONS

To RESOLVE that:

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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 13 - 14)

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

	PAGE NUMBER	WARD(S) AFFECTED
5. DEFERRED ITEMS	15 - 16	
5.1 Land at rear of 81-147 Candy Street And Wendon Street, London, E3 (PA/14/00623) Proposal: Demolition of existing garages and 2 bungalows and the construction of 45 residential dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) with associated infrastructure provision. Recommendation: That the Committee resolve to GRANT planning permission subject to any direction by The London Mayor, the prior completion of a legal agreement, conditions and informatives.	17 - 64	Bow East
6. PLANNING APPLICATIONS FOR DECISION	65 - 66	
6.1 Land Between St Pauls Way and Masjid Lane, including Linton House, Printon house and the Burdett Estate Community Centre, St Pauls Way, E3 (PA/14/02618) Proposal: Residential and community facilities including a mosque, nursery hall and community centre; associated parking, play/games areas and communal amenity space. Recommendation: That the Committee resolve to GRANT planning permission, subject to a legal agreement, conditions and informatives detailed in the Committee report.	67 - 124	Mile End
6.2 Burdett Community Square, Land off Masjid Lane, St Pauls Way, London E14 (PA/14/03243) Proposal: Demolition of a block of seven domestic garages and the introduction of a new publicly accessible open space incorporating a landscaped garden area, revised car parking layout, additional tree planting and improved boundary treatment. Recommendation: That the Committee resolve to GRANT planning permission subject to conditions and informatives set out in the report.	125 - 140	Mile End

6 .3 95 New Road, London, E1 1HH (PA/14/02772)

141 - 154

Whitechapel

Proposal:

Change of use of the basement to restaurant A3 use, retention of ground floor restaurant use and addition of a 3rd floor to create 3 x studio flats.

Recommendation:

That the Committee resolve to GRANT planning permission subject to conditions set out in the report.

6 .4 The Forge, 397 & 411 Westferry Road, London, E14 3AE (PA/14/02753 and PA/14/02754)

155 - 186

Island Gardens

Proposal:

Full Planning Permission and Listed Building Consent for:

- Change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394m² and net sales area (gross internal) of 277m²;
- Change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1a, D1 and D2 with gross internal floor area 275.71m²;
- The remainder of the ground floor would be for office use split into 3 units (Use Class B1a)
- 297.17m² GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a)
- Internal and external changes and maintenance to the Forge to facilitate the change of use to retail convenience store.

Recommendation:

That the Committee resolve to GRANT planning permission and listed building consent subject to the conditions and informatives in the Committee report

6 .5 598 Roman Road and land at rear of 596 Roman Road 187 - 204 Bow East
London, E3 2RW (PA/14/01567)

Proposal:

Change of use of part of rear ground floor retail area and conversion to refuse storage area and creation of new entrance doorway to upper floor flats plus erection ground and 2nd floor rear extension associated with the creation of 2 x 2 bed flat at first and second floors

Formation of new residential access point from Hewison Street and provision of associated cycle parking and refuse disposal arrangement at rear of No.'s 596-598 Roman Road.

Replacement roof slates on the front elevation of 598 Roman Road.

Recommendation:

That the Committee resolve to GRANT planning permission subject to the conditions and informatives in the Committee report

7. OTHER PLANNING MATTERS 205 - 206

7 .1 St Pauls Primary School, Wellclose Square, London E1 207 - 214 St Katharine's & Wapping
8HY (PA/14/01181)

Proposal:

Removal of dilapidated crittall windows to school hall and replacement to match existing.

Recommendation:

That the Committee resolve to GRANT listed building consent subject to conditions and informatives as set out in the Committee report.

Next Meeting of the Development Committee

Thursday, 9 April 2015 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 11 FEBRUARY 2015

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

Members Present:

Councillor Sirajul Islam (Chair)
Councillor Marc Francis
Councillor Shiria Khatun
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Shah Alam
Councillor Chris Chapman

Other Councillors Present:

None.

Apologies:

None.

Officers Present:

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Robert Lancaster	– (Principal Planning Officer, Development and Renewal)
Adam Williams	– (Planning Officer, Development and Renewal)
Andrew Hargreaves	– (Borough Conservation Officer, Development and Renewal)
Kate Harrison	– (Planning Officer, Development and Renewal)
Richard Murrell	– (Deputy Team Leader, Planning, Development and Renewal)
Christopher Hunt	– (Senior Planning Lawyer, Directorate Law, Probity and Governance)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 14th January 2015 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

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

5. DEFERRED ITEMS

None.

6. PLANNING APPLICATIONS FOR DECISION

6.1 1-9 Ratcliffe Cross Street and land to the south of 8-12 Ratcliffe Cross Street (PA/14/001671)

Update Report Tabled.

Jerry Bell (Applications Team Leader), introduced the report.

Robert Lancaster (Planning Officer, Development and Renewal) presented the application for the development of site to provide a residential development with associated works across two buildings.

Members were advised of the existing use of the site and the character of the area. Consultation had been carried out and six letters of objection had been received as addressed in the committee report and update.

Members were advised of the proposed layout of the two blocks, as well as the height, design, the materials, the amenity space and play space. In relation to transport matters, the scheme met the policy requirements in terms

of vehicle, cycle spaces and disabled parking spaces amongst other matters and had good public transport links. There would be a car free agreement. Overall, the impact on transport and highways was acceptable. Officers were satisfied with the housing mix including good quality private and affordable units, a high number of family units in this tenure and payments for affordable housing.

Contributions had been secured in line with policy. In view of the merits of the scheme, Officers were recommending that the application should be granted planning permission.

In response to Members, it was reported that the scheme had been amended to improve security in view of the Crime and Prevention Officer's comments. Specific measures included the introduction of an additional secure entrance system and a more secure cycle parking system. The comments of the Crime and Prevention Officer in the report predated such amendments.

It was also confirmed that following further negotiations about the viability of the scheme, the level of affordable housing had been increased. The final legal agreement and impact on the contributions were set out in the update report that Members were asked to consider. There were measures to prevent any undue impact on the approved scheme at Boulcott Street. These were explained.

Officers had recently assessed the impact on sunlight and daylight and assured Members that the assessment in the Committee report was up to date.

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

1. That planning permission at 1-9 Ratcliffe Cross Street and land to the south of 8-12 Ratcliffe Cross Street (PA/14/001671) be **GRANTED** for the demolition of the existing building at Site A and redevelopment to provide part 6 part 7 and part 8 storey residential building/block comprising of 56 flats (30 x 1 bed, 13 x 2 bed, 13 x 3 bed) with associated ground floor car park and cycle parking and the development of Site B to provide an 8 storey residential building/block comprising of 22 flats (8 x1 bed, 7 x 2 bed, 7 x 3 bed) with associated undercroft car and cycle parking and protected roof top child play space.

SUBJECT to

2. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the planning obligations set out in the update report.
3. That the Corporate Director, Development & Renewal 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 Committee report.
5. Any other conditions/informatives considered necessary by the Corporate Director Development & Renewal.

6.2 Silwex House, Quaker Street, London, E1 6NS (PA/14/01897)

Update Report Tabled

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the item.

Adam Williams (Planning Officer, Development and Renewal) gave a presentation of the scheme, explaining the history of the site and the character of the existing building. The site fell within the Brick Lane Fournier Street Conservation Area, the Central Activity Zone and the City Fringe Opportunity Area in the London Plan and had good public transport links. The surrounding area comprised a mixture of uses and there were listed buildings nearby.

Consultation had been carried out and the issues raised were addressed in the Committee report.

He explained the details of the application. The scheme was acceptable in land use terms in view of the extant hotel use consent and the site designation in policy. It was proposed to preserve the majority of the key features of the building recognising that the building made a positive contribution to the significance of the Conservation Area. This included the retention of the rear (north) elevation of the building following negotiations with Officers and other consultees. The main changes were explained. The Council's Design and Conservation Team were satisfied with the design of the scheme and the impact on the Conservation Area subject to the conditions.

The impact on sunlight and daylight was generally acceptable as shown by the independent assessment. Environmental Health had no concerns about increased noise subject to the conditions.

Officers also explained the car and cycle parking, the deliveries and servicing, the waste and recycling plans and the clause in the s106 to restrict coach party bookings following discussion with LBTH Highways and Transport for London.

Whilst there would be an increase in the number of non-vehicle born trips to the consented scheme, importantly there would be a decrease in vehicle born trips. Given this and the high public transport accessibility rating for the site and level of public access, this was considered acceptable.

The section 106 contributions complied with policy. In view of the merits of the scheme, Officers were recommending that the scheme was granted planning permission.

In response, Members noted the need to modernise the building and to bring it back into use. However, it was questioned whether the proposals could be reduced to fit into the existing building envelope in view of the objections from the historic societies.

Concern was also expressed about the modern design in relation to the traditional building. Particularly, it was felt that the new windows and the upper part of the buildings due to the design and the scale and massing would be out of keeping with the building and the surrounding area. Due to these issues, it was feared that the proposal could over dominate the building and have an adverse impact on the area.

Members also requested more details on the commitments regarding local employment in the legal agreement, the Crossrail contributions and also asked whether the number of apprenticeship places could be increased. It was also suggested that Officers should work more with the historic societies to address their concerns.

In response, Officers noted that the scheme was a bold addition to the building. But it was felt that, given the detailed design and subject to the conditions, that the scheme was acceptable and was an appropriate response to the design challenges. The building would be a substantial improvement on the consented apart-hotel scheme. Officers drew attention to specific features of the scheme to fit in with the building and the area. Officers also referred to similar conversions approved by Committee involving a 'saw tooth' building.

The height of the scheme was broadly in line with adjacent buildings. Furthermore, due to the design of the building and the nature of the area, it would not be possible to view the front elevation head on from street level and the massing of the building would be minimised when viewed from street level.

Officers also noted that the Committee were comfortable with the proposed use.

In view of the concerns, Councillor Sirajul Islam moved and Councillor Marc Francis seconded that the application be deferred to address Members concerns over the design of the scheme.

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

That planning permission Silwex House, Quaker Street, London, E1 6NS (PA/14/01897) be **DEFERRED** for the demolition of the roof and part side elevations, the retention and restoration of the southern and northern elevations and the construction of a 3 storey roof extension to provide a new hotel (Class C1) development comprising approx. 250 bedrooms over basement, ground and 5 upper floors with ancillary cafe space and servicing

on the ground floor, associated plant in the basement and roof, improvements to the front pavement and associated works.

The Committee were minded to defer the application to address Members concerns about the design of the scheme particularly the roof extension, in relation to the building and the surrounding area.

Members also requested further information on the operation of the contributions towards Cross Rail, the commitment to provide 20% local employment and the possibility of increasing the number of apprentice places during the first 5 years of occupation in the legal agreement. Further consultation should also be carried out with the historic groups.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee.

6.3 13-15 Folgate Street and 1-4 Blossom Street London, E1 6BX (PA/14/00760)

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the item and the Chair invited registered speakers to address the meeting.

Martin Hughes, local resident, spoke in objection to the application about the impact of the hotel on residential amenity. Specifically in terms of late night disturbance from the coming and goings, guests smoking and socialising outside and also litter on the pavement. The proposal would worsen these problems and would obstruct light to properties in Folgate Street. The concerns about this had not been properly addressed in the committee report. In response to Members questions, he reported that he had spoken to staff of the hotel and Environmental Health about the issues and the premises had now put up a sign about smoking that had had some success. The Committee report failed to properly take into account the impact on neighbouring amenity

Joe Stenson (Applicant's representative) spoke in support of the application as the Director of the hotel company. The applicant had continuously liaised with residents and LBTH Officers. As a result, the applicant had reduced the proposed number of new bedrooms and had moved the smoking area away from residents and ensured that there was regular cleaning of the external area. There had been very few complaints about the premises since it had opened and these had all been dealt with including the one issue from LBTH Environmental Health. The studies showed that the vast majority of trips to the hotel would be by public transport or walking during the day time and it would be reasonable to expect some level of noise from guests in this location. Furthermore, this minor addition would have little impact on servicing or deliveries. The external garden would be closed at 9:30pm.

The Chair considered it important that the management continually engaged with residents to address issues. Members also considered that the management should take a proactive approach to this. Mr Stenson drew

attention to the management's track record in engaging with the community and that his contact details were known to the community.

Kate Harrison (Planning Officer, Development and Renewal) presented the application explaining the site location, the character of the area, the existing premises and the outdoor terrace area. Several of the residents near this area had made objections. The outcome of the consultation and issues raised were addressed in the committee report.

Members were advised of the details of the proposal. The material planning considerations included design and heritage matters, the impact on amenity and the transport matters. It was considered that the height following amendment, design and material was acceptable and would preserve the setting of the Conservation Area. The reasons for this were explained. The impact on amenity would be acceptable due to the separation distances and the privacy measures amongst other matters. The sunlight and daylight assessment, that had been independently assessed, showed that all windows tested complied with policy save for the properties at 17 and 19 Folgate Street. However, due to the mitigating circumstances, on balance it was felt that this was acceptable for an urban setting.

LBTH Highways and Transport for London were satisfied with the scheme in view of the transport impact. Therefore, Officers were recommending that the scheme was granted planning permission.

In response, Members noted the concerns about the noise impact from the hotel. Accordingly, Councillor Chris Chapman requested that an additional condition be added to the permission to minimise the noise impact. This could include erecting signs outside the premises at appropriate points to ask customers to carry luggage over the cobbled pavement or putting messages in their literature on the subject. Whilst explaining the potential difficulties with putting signs on public roads, Officers stated that such measures could be explored. Accordingly, Councillor Chris Chapman moved an amendment that was agreed by the Committee that an additional condition be added regarding noise mitigation.

It was also reported that the transport assessment complied with policy predicting only a small number of vehicle born trips to and from the hotel per day. The mythology used for the survey (a questionnaire of hotel guests) and the findings had been considered and approved by LBTH Highways.

In response to further questions, Officers explained in further detail the impact on sunlight and daylight to the properties at Folgate Street. It was confirmed that the policy allowed for the impact from the existing balcony to be taken into account. Overall, it was considered that the impact was acceptable following the further review of the objections.

Officers also referred to the policy for s106 contributions with respect to this application.

On a vote of 6 in favour 0 against and 1 abstention, the Committee **RESOLVED:**

1. That planning permission at 13-15 Folgate Street and 1-4 Blossom Street London, E1 6BX (PA/14/00760) be **GRANTED** for the demolition of existing external staircase and erection of a 5 storey side extension and a rear extension ranging from 1-5 storeys in height. The extension would provide 31 additional hotel rooms (Use Class C1)

SUBJECT TO:

2. That the Corporate Director Development & Renewal is delegated authority to issue the planning permission, impose conditions and informatives to secure the matters set out in the Committee report and the following condition:
 - That further consideration be given to additional measures to minimise the noise impact from the hotel, particularly in relation to arrivals and exits.
3. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

8. OTHER PLANNING MATTERS

None

The meeting ended at 8.30 p.m.

Chair, Councillor Sirajul Islam
Development Committee

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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

Agenda Item 5

Committee: Development	Date: 11 th March 2015	Classification: Unrestricted	Agenda Item No: 5
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
19 th November 2014.	(PA/14/00623)	Land at rear of 81-147 Candy Street And Wendon Street, London, E3	Demolition of existing garages and 2 bungalows and the construction of 45 residential dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) with associated infrastructure provision.	Further discussion with the London Legacy Development Corporation about the impact on potential future enhancements to the Crown Close pedestrian and cycle bridge as set out in their holding objection.

3. CONSIDERATION OF DEFERRED ITEMS

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

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

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

Committee: Development Committee	Date: 11 th March 2015	Classification: Unrestricted
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Shahara Ali-Hempstead	Ref No: PA/14/00623
	Ward: Bow East

1.0 APPLICATION DETAILS

Location: Land at rear of 81-147 Candy Street And Wendon Street, London, E3

Existing Use: Brown field and residential land

Proposal: Demolition of existing garages and 2 bungalows and the construction of 45 residential dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) with associated infrastructure provision.

Drawings: AA3313 /IJK/2.3/001, AA3313 /IJK/2.3/002, AA3313 /IJK/2.3/003, AA3313 /IJK/2.3/004, AA3313 /IJK/2.3/005, AA3313 IJK/2.0/001, AA3313/IJK/2.1/001, AA3313/IJK/2.1/001, AA3313/IJK/2.1/002, AA3313/IJK/2.1/003, AA3313/IJK/2.1/004 Rev B, AA3313/IJK/2.1/005 Rev A, AA3313/IJK/2.1/006 Rev A, AA3313/IJK/2.1/007, AA3313/IJK/2.1/008 and AL3386_2.1_101

Document:

- Planning Statement by PRP Planning Dated March 2014
- Design and Access Statement by PRP Architects
- Air Quality Assessment by Resource & Environmental Consultants Ltd, Dated 24 July 2013
- Transport Statement by Transport Planning Consultants, Dated November 2013
- Energy Statement by PRP Environmental, Dated 6 March 2014
- Daylight levels document
- Daylight and Sunlight Assessment by Calfordseaden, Dated March 2014
- Code for Sustainable Homes Pre-Assessment by PRP Environmental, Dated 4 March 2014
- Code for Sustainable Homes Ecology Report by Landscape Planning Ltd, Dated September 2013

- Tree Survey and Arboricultural Impact Assessment by Hayden's Arboricultural Consultants Limited, Dated 19 August 2013
- Noise Vibration Statement by Airo, Dated 3 October 2013
- Ecological Appraisal by Landscape Planning Ltd, Dated September 2013

Applicant: Old Ford Housing Association
Ownership: Old Ford Housing Association
Historic Building: None
Conservation Area: No

2 BACKGROUND

- 2.1 This application was reported to the Development Committee on the 19th of November 2014 with an Officers recommendation to **GRANT** planning permission. The Committee resolved to defer the application for further discussions to take place with London Legacy Development Corporation (LLDC) to resolve the issues raised within their holding objection.
- 2.2 Discussions took place on 10 December 2014 with LLDC; the outcome of those discussions is fully outlined in paragraph 4 of this report.
- 2.3 Officers recommendation to **GRANT** planning permission remains unchanged, in accordance with the assessment of the application set out in the main report (see Appendix).

3 UPDATES AND CLARIFICATIONS

- 3.1 Under Paragraph 2.4 of the 19th November Committee Report it was stated within the executive summary, the residential quality of the scheme would be very high. Out of the 45 affordable rented units 33% would be of a size suitable for families. **This should read 31 affordable rented units 48% would be of a size suitable for families.**
- 3.2 Under Paragraph 4.8 of the proposal, it stated, Out of the 45 affordable rented units 33% would be of a size suitable for families. **This should read 31 affordable rented units 48% would be of a size suitable for families.**
- 3.3 Under Paragraph 8.31 of the Housing section, it stated, The benefits of the scheme are that 31 units of the total housing provided would be affordable rented, with 33% provide as family housing at lower density environment which is more suitable for family accommodation. **This should read '48%.'**
- 3.4 Paragraph 3.2 which stated 'Any direction by the London Mayor' should be omitted as this application does not need to be referred to the London Mayor.

Representations

- 3.5 For avoidance of doubt Dockland Light Railway (DLR) were consulted as they own a strip of land to the east of Site J, parallel to the A12. Further to the consultation no comments have been received.
- 3.6 Two additional letters of objection were submitted, the first from the London Legacy Development Corporation (LLDC) and the second from a resident.
- 3.7 The LLDC objection was reported orally and tabled at the November Development Committee and raised the following issues:
- Concern raised about the alignment of the proposed development in particular Site K and its relation to the existing pedestrian/cycle bridge.
 - Late consultation and no discussion was undertaken given the aspirations within the Fish Island AAP and Draft Local Plan to promote future connectivity improvements between Crown Close and Old Ford Road across the A12 and which the Legacy Corporation are in the process of taking forward.
 - The proposed Block K would likely prejudice delivery of future bridge improvements given proximity to boundary lines, with access to residential units and winter gardens coming close to the edge of the site boundary.
 - The proposal creates inappropriate future street frontage and access if this were to change to a vehicular or larger pedestrian and cycle bridge.
 - The ground floor units or single aspect units close proximity to the A12 are also of concern.
 - The Legacy Corporation request that the item be deferred for further discussion to take place.

4 RELATIONSHIP WITH OLD FORD ROAD BRIDGE IMPROVEMENTS

- 4.1 Officers met with LLDC and the applicant's team on 10 December 2015 to discuss the issues raised in the holding objection. The LLDC referred to the Hackney Wick and Fish Island Strategic Connections Study (Atkins – August 2014). The study sets out the aspirations of LLDC for interventions to the 'Old Ford Lane to Crown Close Bridge' and sets out the proposal to enhance connectivity between Fish Island and the rest of Tower Hamlets. Four main options have been put forward for this bridge; A provide new vehicular bridge standard deck construction, B provide a new vehicular bridge thinner construction; C construct a new pedestrian and cycle bridge and D refurbishment of the existing bridge.
- 4.2 LLDC confirmed that Option B "Vehicle Bridge – thinner construction" is their preferred option. However, LLDC could not provide any firm advice as to what amendments would be required to the current scheme.
- 4.3 A number of potential options to amend the application to introduce enough flexibility at this stage were discussed at the meeting including changing part of the application scheme (site K) nearest to the bridge landing point to outline only, with parameters

and future reserved matters would be designed to respond to any constraints arising from detailed technical designs for a new bridge.

- 4.4 LLDC confirmed they were in process of appointing consultants to work up a detailed design and initial reports should be available end January /early February 2015.
- 4.5 On 19 January 2015 the Applicant wrote to LLDC confirming they do not wish to carry out potentially abortive work to amend the scheme in the absence of any firm direction on what would be required. The applicant also raises questions over funding and wider deliverability of Option B, including land take and need to acquire private land outside LBTH or LLDC ownership.
- 4.6 Since the meeting no further specific advice has been forthcoming from LLDC.
- 4.7 Officers have considered the concerns raised by LLDC and have considered this in the context of the policies within the Council's adopted Core Strategy, the Fish Island Area Action Plan (FIAAP) and the London Legacy Development Corporation Local Plan (publication version) (LLDC LP).
- 4.8 The Tower Hamlets Core Strategy places significant emphasis on connectivity improvements to Fish Island, including improvements to strategic connections that overcome the barrier of the A12.
- 4.9 In context of the Council's FIAAP, AAP policy FI 3.2 is relevant and it refers to *Achieving Connectivity* and states that *'Upgrade of the existing pedestrian and cycle bridge over the A12 linking Old Ford Road to Crown Close with improved signage and public realm improvements on the landing site on Crown Close'* as a priority actions to improve the access across the A12.
- 4.10 Therefore Officers considered that the proposed development would not prejudice the delivery of any future improvements to the bridge. In addition, the proposal Site K is all within its site boundary and therefore Officers do not consider that the proposal would have any adverse implications to any future improvements.
- 4.11 In the context of the publication version of the LLDC LP, policy 1.3 is relevant and refers to Connecting Hackney Wick and Fish Island. Within the subtext to this policy, it refers to *'the overall aim is to achieve new and enhanced walking, cycling and vehicular routes that intersects with open spaces and node of public activity'*.
- 4.12 In terms of physical delivery of Option B, the Ordnance Survey plans show that there is approximately 12.4 metres between the edge of the current application site to the front boundaries of houses on the south side of Old Ford Road, 200mm more than the width required for the Option B vehicle and pedestrian bridge shown in the LLDC study. This space includes the access to no. 608 Old Ford Road and 610 Old Ford Road. Whilst the current information suggests that this option could be implemented without affecting the application site and current proposals, it would be necessary to resolve the conflict with the access to the dwellings opposite.
- 4.13 In deciding the weight to be attached to the LLDC's objection, the Committee should take account of the following issues:
 - There is strong policy support from both the Council and LLDC for improved connectivity between Bow and Fish Island, to reduce the physical and psychological segregation of the A12 road.

- The adopted FI AAP and proposed LLDC Local Plan documents do not specify the precise nature of the connectivity improvement at Old Ford Road/Crown Close.
- The 2014 Atkins study forms part of the evidence base to the LLDC draft Local Plan but has not been subject to public consultation in its own right and is not draft or adopted planning policy.
- Whilst option B proposal would be significantly wider than the existing bridge and would therefore require more land, the study does not specify that it would require land subject to the current application, or that this is the only option available to improve connections.
- The Atkins Study includes three other options, one of which would be 6.2 metres wide and another 5 metres wide bridge. Other alternatives not set out in the study could also be tested – for example a one-way vehicle bridge.

4.14 As no further advice on how the proposed Option B bridge would affect the application site has been put forward by LLDC, it is the view of the Officers that the development proposal would not prejudice future aspirations to improve connectivity across the A12 at this point.

4.15 In summary, the benefits from the scheme in terms of utilising brown field land, with a good quality design that responds to the site constraints, to deliver affordable homes, with an appropriate housing mix would significantly outweigh any perceived risks to the delivery of a particular bridge option within the connectivity study, given that the bridge proposals are at a very early stage in the feasibility and technical design process.

5.0 COMMENTS FROM LOCAL RESIDENT

5.1 The resident's objection letter raised the following issues:

- Loss of light to garden
- Sense of enclosure
- Consultation letter was not sent to the applicant
- Noise/dust from the building works
- Removal of party wall

5.2 The Council's records show that a letter was sent to the resident. Furthermore, a site notice was displayed and an advert was placed in the local press. The Issues in relation to loss of light and sense of enclosure has been fully addressed within the amenity section of the committee report.

5.3 A condition is recommended to restrict hours of construction. It should be noted that the any disruption/inconvenience arising from the proposal would be for a temporary period only and will be limited to the duration of the proposed works. A condition will also be imposed to submit a construction management plan to address health and safety issues. Removal of a party wall is not a planning material consideration.)

6 CONCLUSION

6.1 All relevant policies and considerations have been taken into account and Officers' original recommendation as set out in the officers' report for Development Committee

on 19th November 2014 to **GRANT** planning permission for the proposal remains unchanged.

APPENDIX 1

Committee: Development Committee	Date: 19 th November 2014	Classification: Unrestricted
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Shahara Ali-Hempstead	Ref No: PA/14/00623
	Ward: Bow East

1.0 APPLICATION DETAILS

Location: Land at rear of 81-147 Candy Street And Wendon Street, London, E3

Existing Use: Brown field and residential land

Proposal: Demolition of existing garages and 2 bungalows and the construction of 45 residential dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) with associated infrastructure provision.

Drawings: AA3313 /IJK/2.3/001, AA3313 /IJK/2.3/002, AA3313 /IJK/2.3/003, AA3313 /IJK/2.3/004, AA3313 /IJK/2.3/005, AA3313 IJK/2.0/001, AA3313/IJK/2.1/001, AA3313/IJK/2.1/001, AA3313/IJK/2.1/002, AA3313/IJK/2.1/003, AA3313/IJK/2.1/004 Rev B, AA3313/IJK/2.1/005 Rev A, AA3313/IJK/2.1/006 Rev A, AA3313/IJK/2.1/007, AA3313/IJK/2.1/008 and AL3386_2.1_101

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- Noise Vibration Statement by Airo, Dated 3 October 2013
- Ecological Appraisal by Landscape Planning Ltd, Dated September 2013

Applicant: Old Ford Housing Association
Ownership: Old Ford Housing Association
Historic Building: None
Conservation Area: No

2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for demolition of existing garages and 2 bungalows on site and to redevelop the site to provide a residential development of 45 new dwellings arranged over three blocks of between two and six storeys in height.
- 2.2 The officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The development would result not only in re-provision of the existing affordable units on site but also additional affordable housing, providing a 100% affordable scheme.
- 2.4 The residential quality of the scheme would be very high. Out of the 45 affordable rented units 33% would be of a size suitable for families. The family-sized units would be provided as a mix of three and four units. A large proportion of these units would be provided as townhouses with sizeable private amenity space and individual front doors. All of the proposed units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All affordable rented units would be provided with separate kitchens and living/dining rooms. All of the dwellings would meet Code of Sustainable Homes and Lifetime Homes standards and 10% would be provided as wheelchair accessible. All but 2 of the proposed 45 units would be dual aspect.
- 2.5 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.6 The amenity impact of the development would be acceptable. Officers consider that the design of the development, massing of the site minimise any adverse amenity impacts.

- 2.7 The design of the scheme as a whole, including the proposed massing, siting, architectural design and response to the site's setting, is of a high quality. The proposed heights do not cause concern. High quality materials and detailing would be used throughout.
- 2.8 The scheme would provide a financial contribution towards education facilities in the Borough. Nevertheless, the financial obligations proposed would not fully mitigate the impact of the development proposal, in particular with regard to provision of education, healthcare and open space. Having taken into account the provision of 100% affordable scheme and the results of the independently reviewed viability assessment, officers consider that, on balance, the substantial public benefits and the regenerative potential of the proposal outweigh the proposal's inadequacies with regard to the mitigation of all of the infrastructure impacts of the development.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- 3.2 Any direction by the London Mayor.
- 3.3 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:
- 3.4 Financial Obligations:
- A contribution of £95,523 towards education facilities
- 3.5 Non-financial Obligations:
- a) Affordable housing 100% by habitable room (45 units)
 - 69% Affordable Rent at Borough Framework affordable rental levels (31 units)
 - 31% Intermediate Shared Ownership (14 units)
 - b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
 - c) Car free agreement
 - d) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.
- 3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

3.6 Conditions:

1. Three year time limit
2. Compliance with approved plans and documents
3. Samples and details of all facing materials
4. Details of hard and soft landscaping, including boundary treatment and a Landscaping Management Plan
5. Archaeological
6. Detail of easement area within Block K
7. Pedestrian access points to be level or gently ramped
8. Details of play equipment
9. Details of rooftop PV array
10. Details of biodiversity enhancement measures
11. Details of drainage and mitigation of surface water run-off
12. Details of elevation treatment of the winter gardens of Site K, adjacent to the pedestrian bridge
13. Details of all Secure by Design measures
14. Details of safety mirrors
15. Hours of construction and demolition
16. Demolition and Construction Management Plan
17. Delivery and Servicing Management Plan
18. Contamination
19. Parking Management Plan
20. Code for Sustainable Homes Level 4 post completion testing
21. Lifetime Homes
22. Compliance with Energy Statement
23. Details of cycle parking
24. Details of ventilation and Vibration levels
25. Details of piling, all below ground works and mitigation of ground borne noise
26. Ground borne noise post-completion testing as requested
27. Scheme of highway improvement works as requested by LBTH Highways
28. Protection of retained trees

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

3.8 Informatives:

1. Subject to a S106 agreement
2. Thames Water standard informative
3. Building Control
4. CIL

3.9 Any other informatives considered necessary by the Corporate Director Development & Renewal.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

4.1 The application site is a strip of land that sits behind the properties at 81-147 Candy Street and Wendon Street within Bow East ward. The site forms part of the much larger Parkside residential estate managed by Old Ford Housing Association. The site is bounded to the East by the A12 Blackwall Tunnel Northern Approach arterial road and to the north by the Hertford Union Canal and Victoria Park.

- 4.3 The site is largely vacant brownfield land with five garages, and on the southern part of the site, two semi-detached bungalows. The site does not have any specific policy designations and is located within a predominantly residential area. The site is located to the west of the A12, which is a main arterial route through east London. There is a strip of vegetated land between the site and the A12 that provides a visual barrier and noise buffer.
- 4.4 The site is adjacent to the four storey 1960's block of flats on Candy Street fronting the open space of the square, an area that has recently seen significant regeneration and inclusion of child play space and enhanced communal amenity value.
- 4.5 The site is also adjacent to the footbridge that connects to Fish Island and the wider Olympic Park. No part of the application site falls within the curtilage of a listed building or within a conservation area.
- 4.6 Within a distance of 150m from either end of the overall site are number local bus stops which are served by the Nos. 276 and 488 bus routes with direct connections to Stratford, Hackney and Canning Town. No. 8 bus route towards Bethnal Green and Central London. Hackney Wick Station, part of the London Overground network is a 10-15 minute walk away, with eastbound connections to Stratford and westbound connections across the entire network. The site has a Public Transport Accessibility Level (PTAL) of 2.

Planning History and Project Background

None

Proposal

- 4.7 Full planning permission is sought for demolition of existing garages and 2 bungalows on site and erection of a residential development of 45 new dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) arranged over three sites consisting between two and six storeys in height with associated infrastructure provision.
- 4.8 All 45 proposed units would be provided as affordable units (31 for affordable rent and 14 intermediate). Out of the 31 affordable rented units, 33% would be suitable for families. A large proportion of these family sized affordable units would be provided as townhouses.

5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy

National Planning Policy Framework 2012

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

- 2.9 - Inner London
 2.14 - Areas for regeneration
 2.18 - Green infrastructure: the network of open and green spaces

- 3.1 - Ensuring equal life chances for all
- 3.2 - Improving health and addressing health inequalities
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people's play and informal recreation facilities
- 3.7 - Large residential developments
- 3.8 - Housing choice
- 3.9 - Mixed and balanced communities
- 3.10 - Definition of affordable housing
- 3.11 - Affordable housing targets
- 3.13 - Affordable housing thresholds
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.5 - Decentralised energy networks
- 5.6 - Decentralised energy in development proposals
- 5.7 - Renewable energy
- 5.8 - Innovative energy technologies
- 5.9 - Overheating and cooling
- 5.10 - Urban greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies
- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London's neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 7.13 - Safety, security and resilience to emergency
- 7.14 - Improving air quality
- 7.15 - Reducing noise and enhancing soundscapes
- 7.18 - Protecting local open space and addressing local deficiency
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodland
- 8.2 - Planning obligations

5.4 **Core Strategy 2010**

- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste

- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking (Bow)
- SP13 - Planning Obligations

5.5 **Managing Development Document 2013**

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

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

Mayor of London

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

Other

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

5.7 **Tower Hamlets Community Plan objectives**

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

- A Healthy Community

6.0 CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

External Consultees

London Fire and Emergency Planning Authority

6.3 No information directly related to water supply has been provided.

6.4 [OFFICER COMMENT: Full details have been reserved by condition and would be approved in consultation with the London Fire and Emergency Planning Authority.]

Thames Water

Waste Comments

6.5 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

6.6 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

6.7 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

6.8 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via

www.thameswater.co.uk/wastewaterquality<<http://www.thameswater.co.uk/wastewaterquality>>. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Water comments

- 6.9 Thames Water recommends informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Supplementary Comments

- 6.10 To the north of the site adjacent to the proposed development is Wick Lane Depot. This is a Thames Water Asset. The company will seek assurances that it will not be affected by the proposed development. On the Map a blue outlined box shows the assets, and the proposed development area is identified by a red outlined box.
- 6.11 [OFFICER COMMENT: The requested condition and informative will be secured

Internal Consultees

Biodiversity

- There is nothing of significant biodiversity value on the application site, and the existing buildings have been assessed as being unsuitable for bats. There will not, therefore, be any significant biodiversity impacts.
 - The proposed landscaping includes a number of silver birch trees, a native species of high wildlife value. The rest of the planting consists of evergreen hedge, and shrub planting in beds and planters.
 - The applicant should be asked to consider installing biodiverse green roofs, in line with the guidance on living roofs published by Buglife. This would be a significant benefit for biodiversity, and would contribute to objectives and targets in the Local Biodiversity Action Plan.
- 6.12 [OFFICER COMMENT: The proposal includes the installation of photovoltaic array to the roof as such the installation of a green roof would not be feasible.]

Trees Officer, Parks & Open Spaces

- 6.13 The location for the development does not fall within the boundary of a Conservation Area and no TPO*s are applied.
- 6.14 The trees at this location are of average form, can only be seen by a relatively small number of people, have no known historical association and are not screening any unpleasant views. Nevertheless, they are important in the larger composition, provide many environmental benefits and have an amenity value (in the region of £4000 in total).

- 6.15 Therefore, if removed, suitable replacements should be planted to compensate for these losses.
- 6.16 All removal/replacement works should follow the guidelines in the relevant British Standard documents.
- 6.17 [OFFICER COMMENT: The proposed works would cover removal and replacement of trees, details of all tree works will be covered under the landscaping condition.]

Environmental Health - Noise and Vibration

- 6.18 The following Environmental Noise and Vibration Survey Reports by AIRO i) dated 25/06/2012 ii) dated 03/10/2013 has been reviewed, The contents of both requires more information and clarification. Accordingly the Design/Layout/Noise Barrier & calculations /suitable glazing with adequate ventilation needs to be provided, since this is a NEC *D* site so as to meet BS 8233 internal levels of the 'good'standard.
- 6.19 The Vibration levels needs to demonstrate that levels meet BS6472 of the low probability of adverse comments both for day and night. EH is not able to recommend Planning Permission in this format, until all the additional information and clarification are provided.
- 6.20 [OFFICER COMMENT: It is considered that sufficient mitigation measures can be employed to minimise adverse noise impacts. A condition will be secured to ensure this is implemented.]

Environmental Health - Housing

- 6.21 Standard comments were provided with relation to thermal insulation, heating and ventilation of the dwellings as well as automatic fire detection and alarm systems.
- 6.22 [OFFICER COMMENT: These areas are appropriately controlled under the Building Regulations and Building Control approval would be required]

Transportation and Highways

- 6.23 Subject to the below matters being secured through S106 or conditions, Highways has no objection to the application:
 - Car Parking Management Plan
 - Construction Management Plan
 - Deliveries and Servicing Plan
 - Scheme of highway works (S278)
 - All areas to be drained within the site
 - 'Car free'

CAR PARKING:

- 6.24 The site is located in an area of good public transport accessibility (PTAL2 2) and should be subject to a s106 agreement prohibiting all occupants of the development from obtaining residential on-street car parking permits.
- 6.25 The applicant is providing eight (8) parking spaces with six (6) of them being disabled parking. There is a large open courtyard fronting the site, which can lead to abuse and used for car parking. A planning condition may be required to prevent such; parking of cars should be carried out only on marked bays.

CYCLE PARKING:

- 6.26 The site is located near a range of cycle routes. The applicant is providing cycle stands within the curtilage of the site but it's unclear the total no of cycle stands being provided. In line with current LBTH policy and standards a total of 60 cycle stands is to be provided to serve the development. The applicant will be required to submit details of the cycle stands.

SERVICING

- 6.27 Servicing and refuse collection will be carried out off street, within the courtyard fronting the site. This is satisfactory.

6.28

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

Housing

- 6.29 This scheme proposes 100% affordable phased housing scheme, delivering 31 affordable rented units along with 14 intermediate units, This area is currently used for fly-tipping and anti-social behaviour. There are two bungalows that are to be demolished as part of this redevelopment. These existing residents will be rehoused as part of the redevelopment phased process.

- 6.30 The affordable rented unit breakdown is as follows:- 29% one bed units against 30%, 23% two bed units against our policy target of 25%, 29% of three bed units against our policy target of 30%, 19% of four bed units against our policy target of 15%.

- 6.31 Within the intermediate units the scheme provides 43% of one bed units against our policy target of 25%, 57% of two bed units against our policy target of 50%. There are no three bed units within this tenure type. The applicant seeks to provide 33% family housing across both affordable tenures.

- 6.32 We need to ensure that rear windows that face onto the busy A road have the required ventilation methods for example:- voltaic ventilation. All units should meet lifetime homes and the London Mayors Guide space standards.

[OFFICER COMMENT: The applicant has confirmed that all units will be provided with individual Mechanical Ventilation with Heat Recovery (MVHR) units, and as such windows to the rear will be non-operable and voltaic ventilation/trickle vents are not required to habitable rooms. The applicant has confirmed that all units will meet the life times homes standard a compliance condition will be secured.]

Inclusive Access Officer

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

Employment and Enterprise

- 6.34 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce would be local residents of Tower Hamlets.

- 6.35 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 6.36 The Council seeks to secure a financial contribution of £9,400 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution would be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.
- 6.37 Due to the nature and scale of the proposed development, we would also be keen to secure apprenticeships.

[OFFICER COMMENT: The financial and non-financial obligations are discussed in paragraphs 8.132]

Energy Efficiency and Sustainability

- 6.38 The proposals have followed the London Plan energy hierarchy of Be Lean, Be Clear and Be Green, and sought to minimise CO2 emissions through energy efficiency and energy supply to achieve a 38% reduction in CO2 emissions against the benchmark of Building Regulations 2010. The proposal also includes the installation of (50kWp) photovoltaic array to further reduce emission.
- 6.39 The overall CO2 emissions reductions considered achievable for the development are 38% and the development has been designed to achieve a minimum Code of Sustainable Homes Level 4.
- 6.40 The proposed scheme it is recommended that a figure of £13,500 is sought for the LBTH carbon offset fund. The calculation for this figure is as follows:
- Building Regulation 2010 Baseline is 64.4 tonnes/CO2
 - Proposed development is at 39.7 tonnes/CO2
 - 50% DM29 reduction would therefore be 32.2 tonnes/CO2.
 - Shortfall to meet DM29 requirements = 7.5 tonnes/CO2 x £1,800 = £13,500 offset payment to meet current policy requirements.

[OFFICER COMMENT: These matters are discussed in paragraphs 8.107. Requested conditions have been included while the request for a financial planning obligation is discussed further in this report at paragraph 8.132]

Waste Collection

- 6.41 Waste management plan as explained in the design and access statement is acceptable.

[OFFICER COMMENT: This is noted]

7.0 LOCAL REPRESENTATION

Statutory Consultees

- 7.1 On 16th December 2013, a total of 407 letters were sent to occupiers of neighbouring properties, a site notice was displayed outside the application site, and a press advert was published in the East End Life Newspaper.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses: Objecting: 3 Supporting: 0

No of petitions received: 0

7.3 The objection letters were received from existing residents of the bungalows and the Disability Advocate. The letters state that the objectors do not wish to be moved from their properties and would like to remain in the bungalows.

[OFFICER COMMENT: The two existing bungalows are to be demolished to make way for a six storey development. The applicant has advised that the two residents are to be rehoused within the development in accessible units.)

Applicant's Consultation

7.4 The applicant has provided information in relation to public consultation, the information details the extent of consultation that was undertaken prior to the submission of the application.

7.5 The applicant has organised a number consultation events. The proposals were first presented to the local community at a consultation event on Thursday 19th July 2012. A second consultation event was held on a Saturday 3rd November 2012 to allow residents who were unable to attend the weekday event to view the proposal. These events were advertised to all households within Candy Street, Ruston Street, Wendon Street, Old Ford Road and also Elton House.

7.6 In addition to the consultation events, the Parkside Residents Group was also consulted, 8 individual meetings were held with the group.

7.7 A separate consultation was undertaken with existing residents of the two bungalows to be demolished, visits to these residents were undertaken on 28 February 2013 and 20 July 2013 and 24 September 2013.

7.8 According to the consultation document submitted by the applicant, the proposals were generally received favourably.

8.0 MATERIAL PLANNING CONSIDERATIONS

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

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

Land Use

8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic

approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.

- 8.3 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 8.4 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there. Bow East ward and Locton Estate forms part of an area identified for regeneration in policy 2.14 of the London Plan and within the Vision Statement of the Core Strategy.
- 8.5 The Core Strategy place-making policy SP12 identifies a vision for Bow to be ‘A suitable place for families, based around a rejuvenated market and lively town centre. It will benefit from being next door to a regenerated Fish Island, the Olympic Park and the resulting regeneration of the Lea River area. Bow east is to remain largely residential and offer high quality new housing alongside regenerated housing estates. The vision places priority on improving existing connections via Old Ford Road, Tredegar Road and St. Stephen’s Road across the A12 to Fish Island, the Olympic Park and Bromley-by-Bow.
- 8.6 The application site carries no site-specific policy designations. The site is largely vacant brownfield land with five garages, and on the southern part of the site, two semi-detached occupied bungalows. The two bungalows are to be demolished and the residents are to be re-housed within the development.

Principle of residential use

- 8.7 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets, for years 2011-2021 is set at 28,850 with an annual monitoring target of 2,885; however the Draft Further Alterations to the London Plan revise the Council’s ten year target to 39,314 with an annual monitoring target of 3,931, for years 2015-2025. The need to address the pressing demand for new residential accommodation is embraced by the Council’s strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 8.8 The Core Strategy place-making policy SP12 pictures Bow as a place for families which reflects the quieter, more community-based side of urban living, with improvements to connectivity sought, with new development and estate-regeneration to reinstate a traditional, joined-up street pattern.

- 8.9 Given the above, the predominantly residential character of the site's environs, the principle of intensification of housing use on this brownfield site is strongly supported in policy terms.

Housing

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

Residential density

- 8.12 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.13 The application site measures approximately 0.3345 hectares, the site has a PTAL rating of 2. In areas of PTAL 2 and urban setting, the density matrix associated with policy 3.4 of the London Plan suggests a density of between 200-450 habitable rooms per hectare. The proposed density would be 562 habitable rooms per hectare (net site area) and therefore would be above the recommended density range. It should be remembered that density only serves as an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure.

- 8.14 This report will go on to show that whilst some of the symptoms of overdevelopment are present in this application, officers have sought to weigh up its impacts against the benefits of the scheme and in particular the provision of 100% affordable housing scheme.

Affordable housing

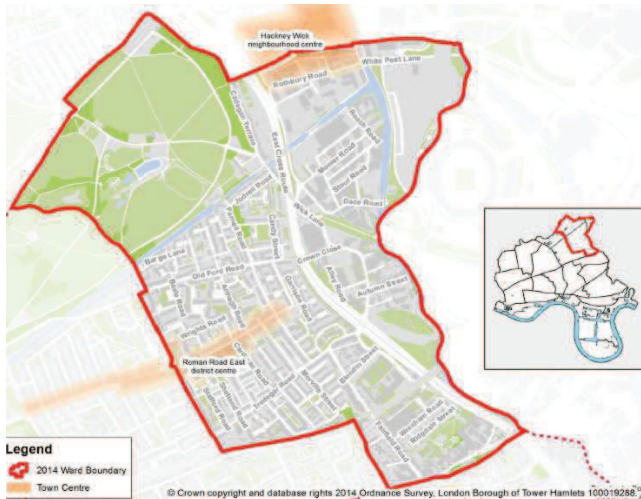
- 8.15 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including

affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.

- 8.16 The Strategic Housing Market Assessment (2009) identifies that there is an affordable homes shortfall of 2,700 homes per year. Additionally, current rates of over-occupation (over-crowding) are at 16.4%, significantly higher than the national average at 2.7%. The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 8.17 Policy DM3 subsection 3.3 of the Management Development Document states Council will give favourable consideration to proposals which exceed its strategic target of 50% affordable housing
- 8.18 This scheme provides 100% affordable housing for the London Borough of Tower Hamlets and therefore exceeds Council policy requirements.
- 8.19 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate. The proposed units will provide a mixed tenure of affordable rent (69%) and shared ownership (31%), which is broadly in line with Council's preferred split.
- 8.20 All 45 proposed units are to be provided as affordable (31 as affordable rent and 14 as intermediate). The applicant has advised the area is currently used for fly-tipping and anti-social behaviour. The proposed scheme will not only overcome the anti-social issues but provide much needed affordable housing within the borough.
- 8.21 The affordable rented accommodation would be let in accordance with Old Ford Housing' rents policy. The proposed rents would be broadly in line with the Borough Framework affordable rental levels for E3 areas.
- 8.22 Overall, the proposal exceeds policy targets and would result in a significant uplift in the quantum of much needed affordable accommodation.

Mixed and balanced communities

- 8.23 It is acknowledged that providing 100% affordable housing on the subject site does not represent a mix of tenures. An analysis of the socio-economic make-up of the area is carried out.
- 8.24 As a visual aid, the maps below outline the areas that have been assessed:



8.25 The following table is formulated from census data and shows the make-up of existing housing tenure:

Tenure	Borough Average	Bow ward East
Owner occupier	27%	26%
Social/affordable rented	39%	42%
Private rented	32%	30%

8.26 Changes to percentages if development is constructed at 100% affordable rented housing:

Tenure	Borough Average	Bow ward East
Owner occupier	27%	26%
Social/affordable rented	39%	43%
Private rented	32%	30%

8.27 The site is located within Bow East Ward, the census indicates approximately 6,595 household to be living in the Bow East ward. The table above shows an increase of 1 % within the social/affordable housing tenure. At ward level the addition of 45 affordable rented homes does not significantly alter the level of social/affordable housing in the area.

8.28 It should also be noted that this is an area of significant change and the proportion of social housing in the area has significantly reduced since the 2001 census. In 2001, Bow East ward was made up of 54% social/affordable housing and 12% private rent. From the above table it can be seen that this is changing and the area is becoming more mixed, with a greater proportion of private rented accommodation.

8.29 The introduction of 45 additional social/affordable rented units would not disproportionately affect the levels of social/affordable housing in the area, though consideration would need to be given to future 100% social/affordable housing schemes to ensure the income of private housing in the area is not being reversed and the balanced skewed towards social/affordable housing again in this area. It is

considered, on balance, that the relatively small scale of this development would not adversely affect the mix of the area.

- 8.30 A balanced view needs to be taken on this proposal, whilst the site is located within an area with higher than average social/affordable housing, these habitable rooms would provide much needed additional housing stock for those on the Council's waiting list and this is a significant benefit of the scheme which needs to be weighed against any concern arising from whether this is undermining the objectives of creating a mixed and balanced community.
- 8.31 It is the view of officer's that the scheme is an example of an exceptional circumstance whereby 100% affordable housing could be considered acceptable. The benefits of the scheme are that 31 units of the total housing provided would be affordable rented, with 33% provide as family housing at lower density environment which is more suitable for family accommodation.
- 8.32 It is acknowledged that the area around Candy Street is changing, as between 2001 and 2014 there has been a shift towards private rented accommodation and owner occupiers, away from the high levels of social housing. The scheme as an individual development does not significantly alter the proportion of social/affordable rented accommodation at ward level.

Dwelling mix

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

Unit size	Affordable Rented			Intermediate		
	Units	%	Target	Units	%	Target
1 bed	9	29%	30%	6	43%	25%
2 bed	7	23%	25%	8	57%	50%
3 bed	9	29%	30%	-	-	25%
4 bed	6	19%	15%	-	-	
Total	31			14		

- 8.34 Within the affordable rent units the housing mix (with policy target in brackets) would be as follows: one-bed 29% (30%), two-bed 23% (25%), three-bed 29% (30%) and four-bed 19% (15%). The proposed provision of a substantial number of larger family units - 48% of three-bed plus including four bed units against a policy target of 45%, is especially welcome and supported by Housing colleagues. The slight shortfall in two-bed units is not considered to be of concern.
- 8.35 Within the intermediate tenure the mix would be: one-bed 43% (25%) and two-bed 57% (50%). The applicant justifies the shortfall in family units in intermediate tenure by referring to the lack of demand shown for family sized units. Officers note that the shortfall in the proportion of larger intermediate units enables for a larger proportion

of family units to be provided within the affordable rented tenure. It is also noteworthy that a large proportion of the proposed family sized affordable units would be provided as townhouses with sizeable private amenity space.

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

Standard of residential accommodation

- 8.37 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime.”
- 8.38 All of the proposed units would meet or exceed the baseline floorspace standard, in particular the proposed family sized units would be more spacious, especially in the affordable rent tenure. It is also noteworthy that all units in the affordable rent tenure would be provided with separate kitchens. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements. A large proportion of family sized affordable rent units would be provided as townhouses, all with sizeable private amenity space.
- 8.39 The proportion of dual aspect units has been maximised, with only 2 units (4.4%) to be provided as single aspect, although both units are west facing.
- 8.40 The distances between opposite elevations with habitable rooms exceed the requirements of policy DM25. All of the proposed units would benefit from adequate privacy and defensible space, and would not be subject to undue overlooking.
- 8.41 The applicant has submitted a Daylight & Sunlight report addressing daylighting and sunlighting to the proposed units. The report has been independently reviewed by a qualified consultant appointed by the Council. Most of the proposed rooms would meet the average daylight factor (ADF) requirements of the British Standard with the exception of 8 windows located within Site K, of the 8 windows 4 are kitchen windows.
- 8.42 Further to the submission of the Daylight & Sunlight report, the applicant has increased the size of 6 of the affected windows which shows significant improvement to the level of daylight. As such it is considered that reasonable levels of daylight would still be obtained for the 8 windows. All of the proposed units would receive adequate sunlighting where the orientation of the units makes it a reasonable requirement.
- 8.43 The townhouses would be provided with individual access doors to the street to provide a sense of ownership and to generate activity and passive surveillance of all spaces around the development. Entrance areas have been designed with safety and security in mind. Access cores to the flats within the upper storeys are also spread throughout the development and have similarly been designed and sited to ensure safety, security and passive surveillance. The number of residential units per core and per corridor has been kept to a minimum.

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

Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.45 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.46 Six wheelchair accessible homes are proposed, the units will be equally spread across the unit sizes. Two wheelchair units will house the existing two tenants and an additional 4 units within the affordable housing tenure.
- 8.47 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes have been reviewed by the Council's Inclusive Access Officer and are considered to meet the appropriate requirements. 6 accessible parking spaces would be provided throughout the development and allocated in accordance with need.

Private and communal amenity space

- 8.48 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 8.49 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the upper storey flats would have adequately sized winter gardens, balconies or terraces all meeting or exceeding the minimum standard. All units would benefit from large private terrace or patios which substantially exceed the policy requirement.
- 8.50 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. The application does not propose communal amenity space.
- 8.51 The applicant has stated within the submitted planning statement states that Locton estate is currently being redeveloped to provide amenity space for all ages to include: toddler adventure play, a games area, an outdoor gym and informal open space. This space will be within a few minutes' walk of the site and by allowing the new residents use of this communal space will enable integration with the existing residents, creating a more balanced and mixed community. Additionally, the site benefits from being within 5 minutes' walk from Victoria Park and within 10 minutes from the Olympic Park. Moreover, all new units benefit from sizeable private amenity space in the form of: gardens, winter gardens, balconies and terraces.
- 8.52 Overall, the proposed provision of private amenity space would significantly exceed the policy requirements and make a significant contribution to creation of a sustainable, family friendly environment. The non-provision of communal space would not undermine the scheme.

Child play space

- 8.53 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.
- 8.54 Using the LBTH child yield calculations, the development is anticipated to yield 40 children (13 under 5s, 18 of 6-10 year olds and 9 of 11-15 year olds). Accordingly, 310sqm of on-site play space is required for under 5s and 6-10 year olds. Not including the doorstep play space of private gardens, the application proposes a total of 166sqm of on-site play space divided between Site I and Site K. Proposed play area is below policy requirement however the applicant has advised that the site is adjacent to an area of open space at Candy Street. Old Ford Housing Association has recently vastly improved this green space to provide a toddlers adventure play space, kick-about space, outdoor gym and informal play in the grass for young children. This space has been specifically designed to cater for all ages of children as well as adults. Locton Green has capacity for the child yield created by the proposals and this sharing of space and facilities will seek to integrate the proposed development within the existing neighbourhood. Officers consider that the benefit of the development outweighs the shortfall of child playspace and the provision of the existing playspace is considered sufficient. As such the shortfall of child playspace would not undermine the scheme as a whole. Full details of play space facilities and equipment would be reserved by condition.
- 8.55 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. The proposal does not include any dedicated on-site play space for older children, however Victoria Park is located approximately 370 metres from the site.
- 8.56 Overall, it is considered that the proposal would provide an excellent play environment for younger children while the lack of dedicated provision for older children and teenagers does not raise concerns bearing in mind the location of Victoria Park within a short walking distance of the application site.

Design

- 8.57 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.58 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.

- 8.59 Chapter 7 of the London Plan places an emphasis on robust design in new development. In particular:
- Policy 7.1 seeks creation of distinct, liveable neighbourhoods and requires new buildings to interface with surrounding land, improve access to social and community infrastructure, local shops and public transport. The character, legibility, permeability and accessibility of neighbourhoods should be reinforced.
 - Policy 7.2 seeks creation of an inclusive environment catering to the needs of all sections of the population, while policy 7.3 requires development to reduce the opportunities for criminal behaviour and to contribute to a sense of safety and security.
 - Policy 7.4 requires development to respect local character - this should be achieved by a high quality design response informed by the surrounding historic environment and which has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Development should be human in scale, ensuring that buildings have a positive relationship with street level activity.
 - Policy 7.5 the public realm should be secure, accessible, inclusive, and legible. Opportunities for greening should be maximised.
 - Policy 7.6 specifies that in terms of assessing the architecture of a development as a whole the development should make a positive contribution to a coherent public realm, streetscape and wider townscape. It should incorporate the highest quality materials and design appropriate to the site's context.
 - Policy 7.7 gives detailed guidance on design of tall and large buildings which should not have an adverse effect on the character of their surroundings, should relate well to the surrounding buildings, urban grain and public realm, and incorporate the highest standard of architecture and materials.
- 8.60 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces. The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

Design, massing and scale

- 8.61 The site is located in Bow East Ward, within the periphery of Locton Estate. The site forms part of the much larger Parkside residential estate managed by Old Ford Housing Association. The site is bounded to the East by the A12 Blackwall Tunnel Northern Approach arterial road and to the north by the Hertford Union Canal and Victoria Park.

- 8.62 The main design constraint to development of the site is, first and foremost its proximity to the A12 arterial road and large sewer beneath Site K which requires access.
- 8.63 Site I currently consist of open space between Nos. 1-79 and 81-147 Candy Street, currently containing 5 mostly derelict garages. The proposal will consist of an infill four storeys in height, which reflects the scale of the two existing adjoin buildings. The massing to Block I has been well thought through so as not to dominate. This is clear when viewed from the Candy Street elevation and from the proposed public square towards the end of the new mews street.
- 8.64 Site J has been designed as a mews development consisting of three storey town houses and three storey block of flats to the north. The three storey development has been designed to appear as one with the noteworthy difference being the individual doors provided for the town houses. The east elevation of Block J fronts the A12, in order to minimise outlook onto the A12 fenestration detailing has been concentrated to the west elevation together with balconies and terraces. The elevation treatment and massing to this frontage has been well thought through and the architects have employed a number of imaginative architectural devices to create articulation and introduce a more traditional rhythm of narrow frontages. The town houses and block of flats would be faced with a light brown buff coloured brick. Brick reveals with large setbacks to create balconies and terraces would introduce a varied townhouse rhythm. This articulation would be reinforced through a coherent strategy of creating vertical bands of fenestration as well as the introduction of terraces at third floor level which extend the full depth of the town houses. The treatment to window reveals would vary, adding visual interest. Officers consider that the three storey element would relate well to the 1960s public housing development at Candy Street.
- 8.65 Site K will consist of five stories with a sixth floor set back. The block will be the main gateway to the development and would provide a focal point due to its height and massing. The elevation treatment at lower ground and ground floor of the site differs from Site I and J. Due to the location of the sewer beneath Site K an easement of 4m wide and 5.5m in height has been factored into the design to allow access arrangement for Thames Water without disruption to building or residents. A double height lobby has been created to the south west of the building for easement rights; double height glazing will form two entrance points to the building with a further entrance to the north. As the site lies perpendicular to Site J is has the same constraint. As such, similar architectural elements and devices have been employed to articulate the building with recessed balconies, with the addition of winter gardens and windows to the north east elevation.
- 8.66 In terms of the materials, the scheme proposes a single brick type across the three sites; this creates a unity to the development. Whilst brick is proposed throughout the development, certain key areas will have contrasting material and colour to identify entrance points to flats and houses alike. All terraces and balconies provided are proposed as having opaque-glazed balustrades. This creates a degree of privacy, without increasing the mass of the buildings with solid balustrades.
- 8.67 Opaque-glazed balustrades are considered acceptable as they also prevent residents installing unsightly privacy measures applied to terraces and balconies after occupation. The proposed window details will be conditioned to ensure high thermal and acoustic levels are obtained. Officer considered that careful consideration has been given to the approach to fenestration and balcony locations as well as to the design of entrances.

- 8.68 The design of the proposal has been subject to extensive pre-application discussions between the applicant and the officers. Officers are satisfied that the proposed buildings would be of a very high architectural quality, relate well to their surroundings and enhance the local street scene. The layout and distributions of buildings within the site would create an active high quality environment.

Safety and security

- 8.69 The proposed houses would benefit from individual front doors while adjacent flats would be served by relatively spacious glazed cores. Entrances as well as fenestration to habitable rooms would be distributed throughout the development and result in a high proportion of active frontage. This would result in a high level of passive surveillance and have a positive effect on actual and perceived safety and security. No concealment points or poorly overlooked areas would be created.
- 8.70 The inclusion of development on Site I is particularly welcomed as it provides a single entry point into the scheme, which reduces the potential for anti-social behaviour.
- 8.71 The new public route to be created would be well overlooked. An external lighting strategy has also been submitted. Officers are satisfied that the lighting proposed would make an appropriate contribution to creation of safe public spaces. Appropriate consideration has also been given to the boundary treatment to different areas and general circulation through the site.
- 8.72 The above measures would ensure that the proposal enhances safety and provide a deterrent to loitering and anti-social behaviour.
- 8.73 The applicant has engaged with the Tower Hamlets Crime Prevention Design Advisor whose comments influenced the detailed development of the scheme. Details of all Secured by Design measures as well as external lighting would be conditioned.

Landscaping

- 8.74 Two key landscape areas are proposed, each with its own, distinct character.

Block I & J

- 8.75 Running along the western boundary of the site and forming a link between Block I and Block ; a pedestrian friendly mews style streetscape is proposed; it provides a number of parking spaces but has been designed to ensure a safe and secure streetscape. The feature paved bands along the streetscapes act as an extension from the build form, linking the building to the streetscape whilst providing a function as a traffic calming device and providing a rhythm to the linearity of the space aiding in breaking up the mews, whilst also integrating planting and incidental play elements. A semi-formal landscape would be created with hedge row along the rear gardens of the existing block of flats, low shrub planting beds, raised beds and trees will be sporadically placed. Doorstep play area would also be incorporated.

Block K

Block K would form the primary access route into the development. It has been designed to include planting of trees directly in front of the development to create a buffer between the public street and the building. A large portion of the area will be

created as play space for under-fives. A number of shrub planting beds and decking would also be provided.

- 8.76 The proposed landscaping has been well thought out and would be of a particularly high quality.

Amenity

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

The application site is surrounded by residential properties to the north, south and largely to the west. Block I will consist of a four storey block of flats located to the north. The block is nestled between the existing four storey 1960s four storey public housing blocks and can be considered an infill development.

Block J will consist of a three storey block of flats and three storey town houses located to the east, adjacent to the existing four storey 1960s block (no. 81-147 Candy Street).

Block K will consist of a six storey block of flats located to the south east adjacent to the pedestrian bridge and three storey town houses on Wendon Street.

Overlooking and privacy

- 8.78 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people.
- 8.79 In a dense urban context, any infill site such as this must address the sensitive issue of overlooking onto existing properties. The windows in Block I on the south elevation are at an angle to the existing block on Candy Street, the windows are also kitchen windows, it is considered the due to the angle of the windows and use of rooms it would not lead to significant impact in terms of overlooking and loss of privacy.
- 8.80 20m is considered to be an acceptable distance between new developments and existing properties and the distance between Block J and 81-147 Candy Street reflects this. Within an urban setting, overlooking distances are often less than this to reflect the existing urban grain.
- 8.81 The overlooking distances between Block K and the existing buildings on Wendon Street vary between 20m and 23m. These distances are in excess of the distances specified within policy guideline, and as such are acceptable distance in reducing intervisibility between windows.

Outlook and sense of enclosure

- 8.82 The distance between the development proposal and habitable rooms of adjoining properties would be mostly at around 20m and outlook to these properties would not be significantly impacted. The proposed massing would also not result in an overbearing appearance. The 6 storey building of Block K would be located 20m and 23m from existing buildings on Wendon Street. A pedestrian foot bridge is situated between Block K and the three story town houses. The outlook of these properties would not be restricted to an unacceptable due to this separation.

Daylight and sunlight, overshadowing

- 8.83 The applicant has submitted a Daylight & Sunlight report addressing daylighting and sunlighting. The report has been independently reviewed by a qualified consultant appointed by the Council. The report concludes that the proposed scheme will meet the BRE required standards for daylight and sunlight to neighbouring residential properties.

Noise and Vibration

- 8.84 NPPF and Planning Policy Guidance Note 24 is the principal guidance adopted England for assessing the impact of noise. The guidance uses noise categories ranging from Noise Exposure Category (NEC), NEC A (where noise doesn't normally need to be considered) through to NEC D (where planning permission should normally be refused on noise grounds).
- 8.85 Policy 7.15 of the London Plan (2011), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.86 Due to the site's proximity to significant A12 dual carriageway and the location of two the proposed residential blocks backing on to the carriageway, areas of the development fall within *Category D* of NPPF and PPG24 and the Borough's EHO has objected to the application, noting the site's unsuitability for residential occupation.
- 8.87 The transport route is a major constraint to the development in terms of noise and vibration. It is the view of officers that these constraints should be weighed against the regeneration objectives and provision of 100% affordable housing of the proposal which seeks to provide a better quality residential environment for existing and future occupiers of Parkside Estate. The applicant has confirmed that all units will be provided with individual Mechanical Ventilation with Heat Recovery (MVHR) units, and as such windows to the rear will be none operable and trickle vents are not required to habitable rooms. MVHR systems ensure high air quality in homes & buildings and help prevent condensation issues and mould growth.
- 8.88 It is envisaged that the installation of high quality glazing and MVHR units to individual residential unit, that all buildings would comply with required internal noise levels. Amenity areas within the development site have also been designed to face away from the A12 that they are sheltered from the noise to provide relatively quiet residential environments.
- 8.89 As such, a balanced view has had to be taken with regard to the EHO's objection on grounds of noise. It the view of the case officer that any impacts in terms of noise

are outweighed by the provision of 100% affordable housing and regeneration benefits that the development will bring to the area and in any event sufficient mitigation measures can be employed to minimise adverse noise impacts. A condition to ensure this is recommended.

- 8.90 As such, it is the officers view that considering the site constraints, the proposals are generally in keeping with NPPF, Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

Summary - Amenity

- 8.91 In conclusion, it is considered that the amenity impact of the development on the neighbouring residential occupiers would not be uncommon for a major development in an urban area. However due to the separation distance, the orientation of the development it is not envisaged that there would be a detrimental impact on the amenity of neighbouring properties.

Transport, Access and Servicing

- 8.92 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.93 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met.
- 8.94 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.95 Transport links are limited, but, within a distance of 150m from either end of the overall site are number local bus stops which are served by the Nos. 276 and 488 bus routes with direct connections to Stratford, Hackney and Canning Town. No. 8 bus route towards Bethnal Green and Central London. Hackney Wick Station, part of the London Overground network is a 10-15 minute walk away, with eastbound connections to Stratford and westbound connections across the entire network. The site has a Public Transport Accessibility Level (PTAL) of 2.
- 8.96 Overall, the proposal’s likely highways and transport impact are considered to be minor and acceptable to the Council’s Transportation & Highways section. The relevant issues are discussed below.

Cycle parking

- 8.97 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for residential development. In accordance with these standards, the application proposes 60 secure, covered spaces for residents. The cycle stands would be distributed across the development site with an adequate number of spaces provided within each access core and within individual houses. The storage areas are distributed across the site in a manner that would ensure each residential unit is located within a convenient distance to cycle parking.

Car parking

- 8.98 Policy DM22 sets out the Council's parking standards in new developments. The application site falls mainly within PTAL 2. There are 8 parking spaces provided within the courtyard fronting sites I and J.
- 8.99 Whilst this level of parking is possibly less than what would normally be expected to support a development of this size in an area with a PTAL of 2, in this instance further off street parking would be made available to residents within the existing parking spaces controlled by Old Ford HA elsewhere and in the adjacent parts of the Parkside Estates they manage. The allocation of space would be on an application basis and controlled by display permits, this is supported by Highways colleagues.
- 8.100 6 of the proposed spaces would be designed to be accessible to wheelchair users and management of the spaces to ensure Blue Badge holders are prioritised for spaces would be enshrined in the Parking Management Strategy secured by condition.
- 8.101 All of the proposed car parking would be located between Block I and Block J. There would be a single vehicular access point, off Wendon Street, in the southern part of the site. Highways Officers have raised concerns regarding the location of the parking spaces within the site and have requested that a condition be secured to ensure that residents park only within the designated parking bay. All of the residential units would be located within a convenient distance to the car park.
- 8.102 The development would also be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.

Vehicular and Pedestrian Access

The existing access point to site J is to be retained and will serve as the main access to the development.

The existing access at site I is to be blocked. This will facilitate additional parking and an easing of parking congestion on Candy Street.

The main access is to be improved by providing a 'tabled' entrance consisting of a ramp from the kerb line to the shared surface that establishes a clear indication to drivers that they are entering a different driving environment, whilst maintaining a level surface for the existing passing footway. The junction areas will be provided

with a series of bollards to show that there is a vehicular route over the footway and appropriate tactile paving for the visually impaired.

The proposed form of access will be subject to a S278 agreement.

All pedestrian access points are DDA compliant. Pedestrian routes within the site courtyard, which is a shared surface, are designated by a change in surface material in terms of colour and where appropriate tactile surfaces.

The application also proposes mirrors to be located at appropriate points in the courtyard to aid pedestrian and driver visibility and for personal security purposes.

Servicing and refuse storage

- 8.103 The existing waste collection services approach the site via Wendon Street from Old Ford Road and will collect from Site K as they currently do and Sites I and J by entering the courtyard via the main entrance. The applicant has demonstrated that service vehicle can travel the full length of the courtyard, turn in the area provided at its far end and then leave in forward gear. A swept path analysis using AUTOTRACK has been provided for the typical range of vehicles that would be expected to attend the site. The proposed servicing arrangements are acceptable to the Council's Highways Officers. This would help to minimise the impact of deliveries and servicing of the development on the immediate highway network.
- 8.104 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards.
- 8.105 The individual houses of Block J have access to integrated bin stores to the front. And the flats of Blocks I and K would use communal general waste and recycling stores located next to access core entrances. The proposed capacity of the waste storage has been calculated for once-weekly collections, in accordance with policy standards and the Council's Waste Officer raises no objection.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

- 8.106 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.107 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.108 In line with London Plan policy 5.6, the Core Strategy policy SP11 seeks to implement a network of decentralised heat and energy facilities that connect into a heat and power network. Policy DM29 requires development to either connect to, or demonstrate a potential connection to a decentralised energy system.

- 8.109 The Managing Development Document policy 29 includes the target for new developments to achieve a 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 8.110 The proposals have followed the London Plan energy hierarchy of Be Lean, Be Clean and Be Green, and sought to minimise CO2 emissions through a 38% reduction in CO2 emissions against the benchmark of Building Regulations 2010. The proposal also includes the installation of photovoltaic array (50kWp) to further reduce emission.
- 8.111 The applicant has advised that the scheme has insufficient heat load to permit the efficient operation of a dedicated gas-fired CHP unit per dwelling, therefore the site will be served by individual high efficiency combination gas boilers.
- 8.112 The overall CO2 emissions reductions considered achievable for the development are 38% and the development has been designed to achieve a minimum Code of Sustainable Homes Level 4.
- 8.113 The proposed energy efficiency and sustainability measures are supported by the Council's Energy Efficiency and Sustainability section. Nevertheless, as the proposal would fall short of the target 50% CO2 emission reduction, a contribution in-lieu is sought by the Energy Efficiency and Sustainability section for carbon offset projects in the vicinity of the site. As the shortfall is minor and the energy efficiency measures have been maximised taking into account the viability of the proposal, it is considered that the proposal broadly complies with the relevant policies and that no further mitigation is required.

Ecology, biodiversity and trees

- 8.114 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and policy DM11 of the Managing Development Document seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve an overall increase in biodiversity.
- 8.115 The applicant has submitted an Ecological Appraisal and a Tree Survey.
- 8.116 The Council's Biodiversity Officer has confirmed that there is nothing of significant biodiversity value on the application site and the Ecological Appraisal states that the existing building is modern, intact and well-sealed with extremely limited opportunity for roosting bats. There would therefore be no adverse impact on biodiversity.
- 8.117 The scheme includes numerous features which would ensure biodiversity benefits. In particular, the planting of silver birch trees, a native species of high wildlife value. The rest of the planting consists of evergreen hedge, and shrub planting in beds and planters. Full details would be reserved by condition.
- 8.118 A Tree Survey report has been submitted and reviewed by the Council's Tree Officer who raised no objection subject to suitable replacement planting. The proposed landscaping provides for planting of approximately 14 trees of varying, predominantly native species.
- 8.119 Taking into account the moderate to low value of the existing trees on site, the proposed quantity and quality of replacement trees, the likely significant biodiversity

gains resulting from the scheme, it is considered that the proposal would be acceptable in policy terms.

Air Quality

- 8.120 Policy SP03 of the Core Strategy and DM9 of the Managing Development Document seek to deliver air quality improvements by promoting the use of public transport, reducing reliance on private motor vehicles and introducing a 'clear zone' in the borough. The whole area of Tower Hamlets qualifies to be an air quality control zone and policy seeks to prevent new development from contributing to poor air quality.
- 8.121 The Air Quality assessment suggests there are two key distinct elements regarding changes to air quality – during construction and the development itself. During construction it is intended that the construction process will be managed in accordance with the Council's Code of Construction Practice, which clarifies a number of obligations to mitigate against potential air quality deterioration.
- 8.122 Regarding the air quality in the completed development, The Air Quality assessment identifies high levels of pollution at the site, and that mechanical ventilation should be included on all residential units to reduce potential exposure of future residents to elevated pollutant concentrations. This type of mitigation is suggested within best practice guidance and is therefore considered suitable for a development of this size and nature. The applicant has confirmed that all units will be provided with individual Mechanical Ventilation with Heat Recovery (MVHR) units, and as such windows to the rear will be none operable and voltaic ventilation/trickle vents are not required to habitable rooms. MVHR systems ensure high air quality in homes & buildings and help prevent condensation issues and mould growth.
- 8.123 On balance and subject to the imposition of appropriate conditions, it is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area. The Borough's EHO has not commented however, it is recommended that the submission of a Construction Environmental Management Plan be conditioned prior to commencement.

Land Contamination

- 8.124 The site has been identified as having potential historic contamination. In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which will ensure the developer carries out a site investigation to investigate and identify potential contamination.

Flood Risk

- 8.125 The application site is not located within a flood risk zone.

Utilities Infrastructure

- 8.126 A Thames Water sewer runs below Site K, an easement of 4 metres wide and 5.5 metres in height has been agreed with Thames Water.

Health Considerations

- 8.127 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a

mechanism for ensuring that new developments promote public health within the borough while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.

8.128 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

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

8.129 The application proposal would result in replacement of poor quality housing which does not meet the Lifetime Homes or Decent Homes criteria with high quality contemporary housing. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

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

Planning Obligations and CIL

8.131 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).

8.132 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.

8.133 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.

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

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

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

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

- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

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

8.138 The applicant recognises the need to mitigate the impacts arising from the development and has made available a financial contribution of £95,523 towards local infrastructure. Having had regard to the viability of the scheme and the Council's priorities, the entire sum has been allocated to provision of educational facilities. This allocation has been discussed and agreed by the Planning Contribution Overview Panel.

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

- a) Affordable housing 100% by habitable room (45 units)
 - 69% Affordable Rent at East Thames levels (31 units)
 - 31% Intermediate Shared Ownership (14 units)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
- c) Car free agreement

8.140 A contribution of £95,523 towards education facilities would however not fully mitigate all of the impacts of the development. In line with the Council's SPD the proposal would require a total of £729,163.53 of which £435,339.09 would be required for provision of education facilities, £67,818 for health facilities, £57,183 for leisure facilities, £9,400.14 for employment and skills training, £14,054.22 for Idea Stores, libraries and archives, £98,447.99 for open public space, £1,672.05 for smarter travel and £41,082 for streetscene improvements. This high amount is reflective of the proposed affordable housing which has higher child and population yields.

8.141 Officers consider that the proposal represents a unique opportunity to deliver a %100 high quality affordable homes including a larger proportion of family sized units and a larger proportion of affordable rented accommodation at Borough Framework affordable rental levels. The proposal would provide an extensive amount of high quality development within a brown field site. The scheme would also provide a financial contribution, secured as a planning obligation, towards education facilities in

the Borough. The public and regenerative benefits of the proposal would be substantial.

8.142 Nevertheless, the financial obligations proposed would fail to fully mitigate the impact of the development proposal, in particular with regard to provision of education, healthcare and open space.

8.143 In conclusion, having taken into account the special circumstances of the case and the results of the independently reviewed viability assessment, officers consider that, on balance, the substantial public benefits and the regenerative potential of the proposal outweigh the proposal's inadequacies with regard to mitigation of all of the infrastructure impacts of the development.

Local Finance Considerations

8.144 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides: "In dealing with such an application the authority shall have regard to:

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

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

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

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

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

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

8.148 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £80,047 in the first year and a total payment £480,282 over 6 years.

Human Rights Considerations

- 8.149 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:
- 8.150 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".
- 8.151 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.
- 8.152 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.153 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.
- 8.154 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

Equalities Act Considerations

- 8.155 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy

and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

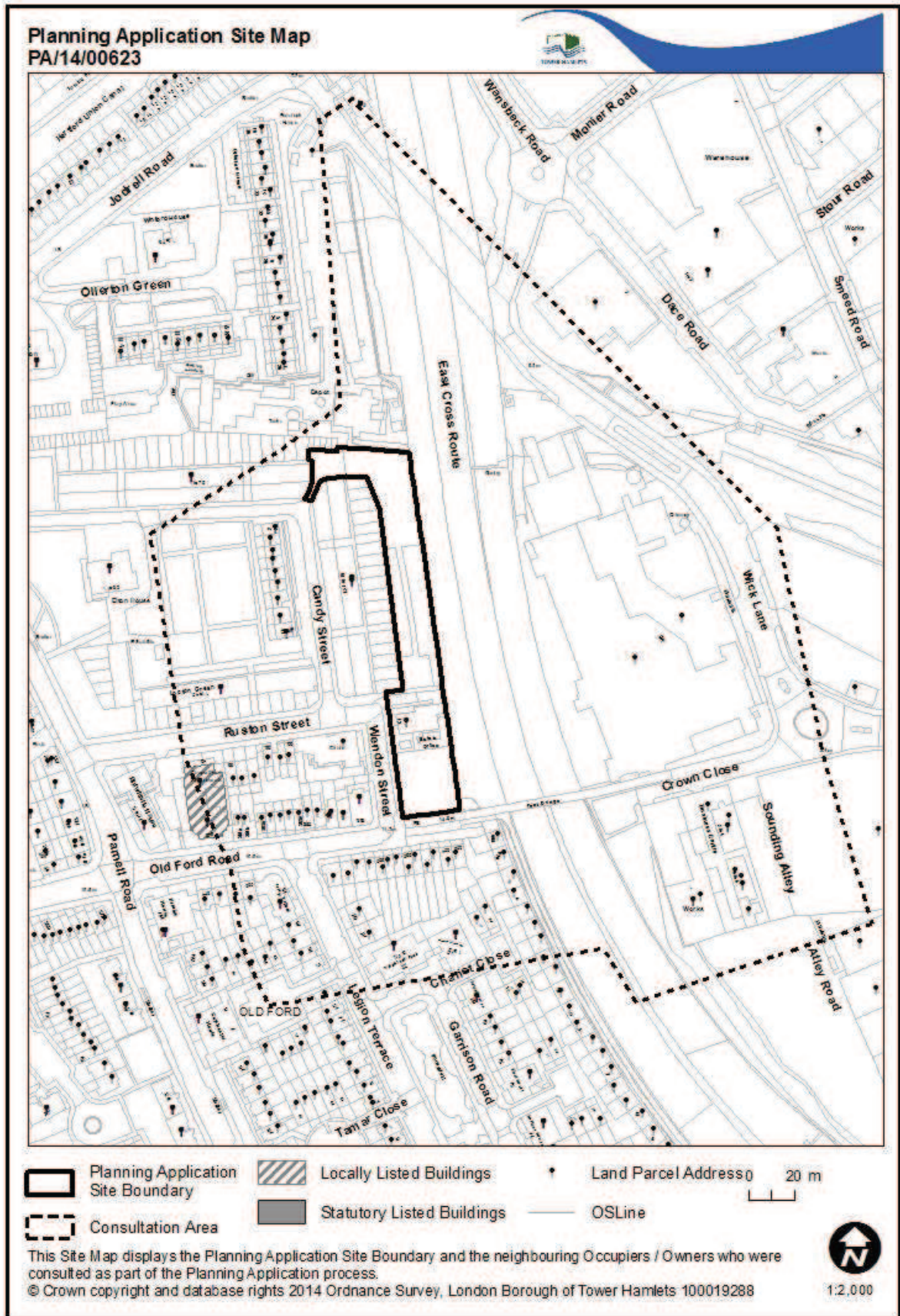
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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

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

9.0 CONCLUSION

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

11.0 SITE MAP



LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

19th November 2014

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda item no	Reference no	Location	Proposal / Title
5.1	PA/14/01807	11 Havannah Street	Conservatory extension at ground floor level and first floor extension
6.1	PA/14/00623	Land at rear of 81-147 Candy Street And Wendon Street, London, E3	Demolition of existing garages and 2 bungalows and the construction of 45 residential dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) with associated infrastructure provision

Agenda Item number:	5.1
Reference	PA/14/01807
Location	11 Havannah Street, London E14 8NA
Proposal	Conservatory extension at ground floor level and first floor extension

1.0 Correction

- 1.1 Paragraph 3.10 of the committee report relates to a proposed planning condition and proposed Condition 3) should read as follows.

Full details of the proposed facing materials to be used in the construction of the external surfaces of the extension shall be submitted to and approved by the LPA in writing ***prior to the commencement of works.***

Reason: To ensure that the external appearance of the building is satisfactory in accordance with the requirements of policy SP10 (4) of the Tower Hamlets Core Strategy.

2.0 RECOMMENDATION

- 2.1 Officers' original recommendation to refuse planning permission for the proposal as set out in the report to the Development Committee dated 15th October 2014 (see Appendix 1) remains unchanged.

Agenda Item number:	6.1
Reference	PA/14/00623
Location	Land at rear of 81-147 Candy Street And Wendon Street, London, E3
Proposal	Demolition of existing garages and 2 bungalows and the construction of 45 residential dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) with associated infrastructure provision

1.0 UPDATES

1.1 Please note the following amendments to this report

- 1.2 Under Paragraph 2.4 of the executive summary, it states, the residential quality of the scheme would be very high. Out of the 45 affordable rented units 33% would be of a size suitable for families. **This should read '48%.'**
- 1.3 Under Paragraph 4.8 of the proposal, it states, Out of the 45 affordable rented units 33% would be of a size suitable for families. **This should read '48%.'**
- 1.4 Under Paragraph 8.31 of the Housing section, it states, The benefits of the scheme are that 31 units of the total housing provided would be affordable rented, with 33% provide as family housing at lower density environment which is more suitable for family accommodation. **This should read '48%.'**
- 1.5 Paragraph 3.2 which states 'Any direction by the London Mayor', should be omitted as this application does not need to be referred to the London Mayor.

2.0 Representations

- 2.1 For avoidance of doubt Dockland Light Railway (DLR) were consulted as they own a strip of land to the east of Site J. Further to the consultation no comments have been received.
- 2.2 Two additional letters of objection has been submitted, the first from the London Legacy Development Corporation (LLDC) and the second from a resident.
- 2.3 The LLDC objection raises the following issues:
- Concerned raised about the alignment of the proposed development in particular Site K and its relation to the existing pedestrian/cycle bridge.
 - Late consultation and no discussion was undertaken given the aspirations within the Fish Island AAP and Draft Local Plan to promote future connectivity improvements between Crown Close and Old Ford Road across the A12 and which the Legacy Corporation are in the process of taking forward.
 - The proposed Block K would likely prejudice delivery of future bridge improvements given proximity to boundary lines, with access to residential units and winter gardens coming to the edge of boundary lines.
 - The proposal creates inappropriate future street frontage and access if this were to change to a vehicular or larger pedestrian and cycle bridge.

- The ground floor units or single aspect units close proximity to the A12 are also of concern.
- The Legacy Corporation request that the item be deferred for further discussion to take place.

(Officer response: Officers have considered the concerns raised and have considered this in the context of the policies within the Council's adopted Fish Island Area Action Plan (FIAAP) and the London Legacy Development Corporation Local Plan (publication version) (LLDC LP). In context of the Council's FIAAP, AAP policy FI 3.2 is relevant and it refers to Achieving Connectivity and states that *'Upgrade of the existing pedestrian and cycle bridge over the A12 linking Old Ford Road to Crown Close with improved signage and public realm improvements on the landing site on Crown Close'* as a priority actions to improve the access across the A12. Therefore Officers considered that the proposed development would not prejudice the delivery of any future improvements to the bridge. In addition, the proposal Site K is all within its site boundary and therefore officers do not considered that the proposal would have any adverse implications to any future improvements.

In the context of the publication version of the LLDC LP, policy 1.3 is relevant and refers to Connecting Hackney Wick and Fish Island. Within the subtext to this policy, it refers to *'the overall aim is to achieve new and enhanced walking, cycling and vehicular routes that intersects with open spaces and node of public activity'*. It is the view of the officers that the proposal would not disrupt this aim and improvements can be achieved which is also within the Borough's interest.

Nevertheless, to improve the relationship between the proposed building footprint of Site K and the bridge, officers consider that there can be design amendments which can be secured by planning condition.)

2.4 The resident's objection letter raises the following issues:

- Loss of light to garden
- Sense of enclosure

(Officer response: Issues in relation to loss of light and sense of enclosure has been fully addressed within the amenity section of the committee report)

- Consultation letter was not sent to the applicant

(Officer response: Council's records show that a letter was sent to the resident. Furthermore, a site notice was displayed and an advert was placed in the local news)

- Noise/dust from the building works
- Removal of party wall

(Officer response: A condition will be imposed to restrict hours of construction. It should be noted that the any disruption/inconvenience arising from the proposal would be for a temporary period only and will be limited to the duration of the proposed works. A condition will also be imposed to submit a construction management plan to address health and safety issues. Removal of a party wall is not a planning material consideration.)

3.0 RECOMMENDATION

3.1 Officer recommendation as set out in the committee report remains unchanged.

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Agenda Item 6

Committee: Development	Date: 11 th March 2015	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF HEAD OF LEGAL SERVICES

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

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:	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

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

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the relevant Agenda Item.

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: Development Committee	Date: 11 March 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Kamlesh Harris	Ref No: PA/14/02618
	Ward: Mile End

1. APPLICATION DETAILS

Location: Land Between St Pauls Way and Masjid Lane, including Linton House, Printon house and the Burdett Estate Community Centre, St Pauls Way, E3

Existing Use: Residential and community facilities including a mosque, nursery hall and community centre; associated parking, play/games areas and communal amenity space.

Proposal: Demolition of Linton House, Printon House, the Burdett Community Centre building and Mosque to facilitate the redevelopment of the site to create a two-form entry primary school and nursery (Use Class D1), a two-storey Mosque (Use Class D1) and 3 residential blocks ranging between 4 and 8 storeys to provide 109 new dwellings (10x studio, 40x 1 bed, 31x 2 bed, 22x 3 bed, and 6x 4 bed), a new ball court, children's play space, amenity space and cycle parking.

Drawing and documents: 575_PL_001, 002, 003, 004, 005, 006, 010A, 100A, 101A, 102A, 103A, 104A, 105A, 106A, 107A, 108A, 110A, 111A, 112A, 200, 201, 202, 301A, 302A, 303A, 304A, 305A, 306A, 307, 308, 309A, 310A, 311A, 312 and SLD E17-LM1.

- Planning and Impact Statement
- Design and Access Statement
- Daylight and sunlight report
- Landscape Statement
- Transport Statement and draft Travel Plan
- Land Quality
- Energy and Sustainability Statement
- Sustainability Statement
- Statement of Community Involvement
- Financial Viability Assessment
- Air Quality Assessment
- Sustainable Drainage
- Noise Assessment
- Ecology Study

Applicant: Poplar Harca

Ownership:	Poplar Harca
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 London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013), the London Plan (2011) and Government Planning Policy Guidance and has found that:
- 2.2. Redevelopment of the site, within the "Transforming St Paul's Way" area, is considered acceptable in principle and supported by policies in the London Plan (2011), the Councils Core Strategy (2010) and the Managing Development Document (2013).
- 2.3. Given the predominantly residential character of the site's environs, the need for more housing in the area and the Borough in general, the principle of intensification of housing use on this brownfield site is supported in policy terms. The proposed development would deliver a total of 109 new residential dwellings (315 habitable rooms) on the site. It is considered that the site would provide a suitable environment for existing and future residents and that the proposed residential use is acceptable in principle in land use terms.
- 2.4. The proposed development would provide 31% affordable housing by habitable room. Whilst this sum represents a shortfall against the Local Plan target of 35-50% (subject to viability), it is considered to deliver the maximum reasonable amount of affordable housing whilst ensuring the viability of the proposal. The housing mix is broadly policy compliant. The mix of social rent and intermediate housing is within the viability constraints has appeared to optimise the maximum share of affordable housing provision to market housing without compromising the preferable social rent tenure in the key family sized rented units.
- 2.5. The proposed two storey mosque would provide an enlarged community facility which would meet a demonstrable need in the local area and meet the needs of the existing community mitigating potential adverse equalities impacts. The highly accessible location, with good access to public transport and provision of cycle storage facilities on site would assist with safe arrival of local worshipers to this facility pursuant of the Core Strategy objective of a Community Spine around St Paul's Way.
- 2.6. The proposed two forms entry primary school and nursery would provide much needed school spaces in the borough of which there is clear need. The Local Plan policies support the improvement and expansion of existing educational facilities in accessible locations and support the maximisation of sites in educational use through the co-location and clustering of community or recreational services.

- 2.7. The height, scale and appearance of the proposed buildings, which rise up to eight storey high along St Paul's Way and four storeys in Masjid Lane together with the two storey mosque, are considered acceptable in this location. The design of the scheme as a whole, including the proposed massing, siting, architectural appearance and response to the site's setting, is of a high quality and would enhance the street scene and the local context. The proposed heights do not cause concern. High quality materials and detailing would be used throughout. The proposal also includes a new landscaped access into the school and mosque from Masjid Lane which is welcome.
- 2.8. In terms of impacts on surrounding amenity, it is noted that the proposal would result in a noticeable reduction in daylight and sunlight to some neighbouring properties. The submitted Daylight and Sunlight Assessment has been independently reviewed and officers consider that on balance, whilst there are negative impacts affecting neighbouring residents, the scheme does not warrant a reason for refusal in this instance, given the many benefits the proposal would bring to the local area and given the residual light levels and the central urban context of the site and its surroundings. In addition, whilst the daylight levels in some of the proposed habitable rooms on the lower floors of the building would be below guideline levels, overall it is considered that the proposals are acceptable in light of the daylight and sunlight terms. The benefits being brought forward by this scheme would clearly outweigh those impacts given the character, nature and vision for this area.
- 2.9. The scheme provides an acceptable mix of residential units. With regard to, space standards and layout, the residential quality would be very high. There is a good proportion of family sized units provided across all tenures; these would be provided as a mix of three and four bedroom units. All the family units and some smaller units would be provided with separate kitchens and living/dining rooms. All of the dwellings would meet Code of Sustainable Homes and Lifetime Homes standards and 10% would be provided as wheelchair accessible units. All of the proposed units would meet or exceed the floor space and layout standards with family sized and wheelchair units being more spacious.
- 2.10. Transport matters, including parking, access, waste collection and servicing are acceptable which seek to ensure developments minimise parking and promote sustainable transport options. The scheme would make adequate provision for cycle parking and wheelchair accessible car parking.
- 2.11. The proposed amount of private amenity space and child play space which seek to ensure developments provide a high level of amenity and child play space for all future residents.
- 2.12. On balance, the proposal would make adequate provision for planning obligations to mitigate the necessary impacts of the development towards infrastructure and services required to facilitate proposed development.
- 2.13. The proposal is therefore recommended for approval in line with national, regional and local policies.

3. RECOMMENDATION

3.1 That the Development Committee resolve to GRANT planning permission, subject to a legal agreement and conditions as detailed below.

3.2 The prior completion (within three months) of a **legal agreement** to secure the following planning obligations:

Financial Obligations

- a) A contribution of £34,232 towards construction phase, skills and training/enterprise & employment.
- b) A contribution of £46,587 towards leisure and community facilities.
- c) A contribution of £13,497 towards Idea Store, library facilities and archives.
- d) A contribution of £85,957 towards public open space or the delivery of an off-site Community Square in-kind (in accordance with planning application reference PA/14/3243).
- e) A contribution of £20,630 towards health facilities.
- f) A contribution of £1,606 towards smarter travel.
- g) A contribution of £42,966 towards carbon reduction initiatives
- h) A contribution of £4,909 S106 monitoring fee (2%).

Total: £250,384

h) In addition to the above S106 contributions, a further sum of approximately £175,890 would be allocated to the Mayor of London's Community Infrastructure Levy (CIL).

3.3 Non-Financial Obligations

- a) A commitment to provide 31% affordable housing by habitable room within the development comprising of two 2-bed, four 3-bed and six 4-bed social rented units together with 14 intermediate (shared ownership) units consisting of eight 1-bed, three 2-bed and three 3-bed
- b) Employment and Training Strategy
- c) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs).
- d) Secure a permit free agreement to prevent future residential occupiers from applying for on-street parking permits and 6 disabled parking spaces within the Burdett Estate.
- e) Travel Plans for school and mosque.

- f) Delivery of a fully fitted out 2FE primary school, provided at a peppercorn rent to the local education authority
 - g) Development Viability Review Clause inserted to secure any uplift for additional affordable housing contribution should the viability position improves.
 - h) Rent levels for mosque at a comparable level (index linked) to the existing lease agreement.
 - i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal including a section 278 agreement for any works which affect / improve the public highway and for the alterations to the existing crossovers, including the removal / relocation of any redundant crossover(s) and reinstating back to footway.
- 3.4 That the Corporate Director Development & Renewal and the Service Head (Legal Services) are delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the following matters:
- 3.6 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director of Development & Renewal is delegated power to refuse planning permission.
- 3.7 **Conditions**
1. Three year time limit
 2. Compliance with approved plans and documents
 3. Samples and details of all facing materials, including balconies, windows and doors
 4. Details of hard and soft landscaping, including boundary treatment and tree replacement scheme and a Landscaping Management Plan for the school and playground
 5. Retention of "Wingnut" tree
 6. Protection of retained tree
 7. Archaeological Report
 8. Thames Water (water infrastructure capacity)
 9. Piling Method Statement
 10. Noise report and acoustic specification
 11. No amplified noise from mosque
 12. Sound insulation in between school and mosque
 13. SUDS (drainage)
 14. Details of play equipment
 15. Details of rooftop PV array
 16. Details of biodiversity enhancement measures
 17. Details of all boundary treatments including hedges, fences, railings and walls for the rest of the development
 18. Details of ball court

19. Details of all Secure by Design measures to achieve level 2 accreditation
 20. Details of external lighting and CCTV
 21. Hours of construction and demolition
 22. Demolition and Construction Management Plan including dust management
 23. Delivery and Servicing Management Plan
 24. Contamination
 25. Child play space accessible to all future residents of the development
 26. Disabled parking provision
 27. Code for Sustainable Homes Level 4 post completion testing
 28. Breeam accreditation
 29. Lifetime Homes
 30. Compliance with Energy Statement
 31. 10% wheelchair housing
 32. Details of cycle parking
 33. Waste management plan
 34. Waste and recycle storage
 35. Hours of use of mosque, ball court and community hall
 36. Management of ball court and community hall
 37. Management of ball court use on special occasion by users of mosque
 38. Scheme of highway improvement works as requested by LBTH Highways
- 3.8 Any other conditions considered necessary by the Corporate Director Development & Renewal.
- 3.9 Informative:
1. Thames Water standard informative
 2. Building Control
 3. CIL
- 3.10 Any other informative considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Site and surroundings

- 4.1. The application site has an area of approximately 0.96ha and forms part of the larger Burdett Estate. It comprises a series of buildings of various usages, including Printon and Linton Houses (residential), a mosque and former community hall together with an outside concrete ball court and informal play/amenity spaces. There is also approximately 16 car parking spaces within the site boundary. The site has its main frontage along St Paul's Way to the north and extends to the rear to Masjid Lane. Stebon Primary School lies further south along Masjid Lane. The application site is bounded by the rear gardens of Bredel House to the east and the rear gardens of Perkins House to the west. Burdett Road lies further west and to the east St Paul's Way leads onto Devons Road.
- 4.2. The red line boundary for the site includes a service road north/west of Printon House which has a pedestrian access (from St Paul's Way) to the

estate road west of Perkins House. To the east, the site boundary extends beyond Linton House to include the side access into the estate. The site contains buildings built around the 1950s with the mosque and former community hall being later additions. It is noted that all buildings, play areas and structures on site would be demolished to make way for this new mixed use scheme.

- 4.3. St Paul's Way is an area undergoing major changes and the application site also falls within an "Area of Significant Change", known as Transforming St Paul's Way. There are a number of new residential schemes in the vicinity of the application site and several schools; Stebon Primary being the closest to the south. Others include St Paul's with St Luke's Primary CE north west and St Paul's Way Community Trust School, a secondary school lying north east on St Paul's Way.
- 4.4. No parts of the application site fall within the curtilage of a listed building or within a conservation area. The nearest conservation areas are Brickfield Gardens and Limehouse Cut, due west and south respectively. Besides being in an area of significant change, and the local plan vision for a 'civic spine' around St Paul's Way, the site does not have any other specific policy designations and is located within a predominantly residential area interspersed with educational/commercial uses.
- 4.5. The site has a fairly good accessibility to public transport even though the PTAL is only 2 (in the range 1 to 6 where 1 is low and 6 is excellent). The site is approximately 200m away from Burdett Road, which is served by a number of bus routes, travelling to all directions of the borough; Mile End Road and Mile End Underground Station are just under 1km away by foot, but is easily accessible by public transport (from Burdett Road). The nearest DLR station is in Devon's Road about 800m to the east.

Relevant Planning History

- 4.6. Planning permission (reference: PA/14/00578) was granted on 16 May 2014 for the minor alterations to community building to form 3 temporary classrooms including internal partitions; insertion of two double doors; a new canopy; three new roof lights; introduction of a tarmac all weather surface; new gates and fencing and associated landscape works.
- 4.7. An EIA Scoping Opinion (reference: PA/14/01656) was issued by LBTH on 9th September 2014, which concluded that the proposed development did not require an EIA to be undertaken to accompany the planning application.)
- 4.8. Planning permission (reference: PA/14/03497) was granted on 05 February 2015 for the construction and retention for a limited period of 3 years of a single storey 179.2sqm temporary multipurpose school hall and the installation of a modular underground water attenuation tank.
- 4.9. Current application (PA/14/03243) for the demolition of a block of seven domestic garages and the introduction of a new publicly accessible open space incorporating a landscaped garden area, revised car parking layout, additional tree planting and improved boundary treatment is pending determination by committee of 11 March 2015. This application relates to the 'Community Square' referenced above in paragraph 3.2 of this report.

Details of proposal

- 4.10. The application proposal involves the demolition of all buildings and structures on site which consist of the residential blocks, Linton and Printon Houses, the mosque, former community centre, ball court and play area and its redevelopment as a, school and residential-led scheme as follows.
- 4.11. Erection of an eight storey residential block fronting St Paul's Way, to accommodate 97 flats (from first to upper floors) of various tenures and sizes. Retention of eastern section of Linton House and refurbishments to the stair cores and access road.
- 4.12. Erection of a nursery and a two form entry primary school located at ground floor level and fronting St Paul's Way and partly within the east and west boundaries of the site, forming a quadrangle with a central landscaped courtyard for play purposes. A school hall and ball court is provided at the southern boundary of the site. These facilities would be opened to the local community after school hours.
- 4.13. The ground floor of the new residential block would consist of classrooms, staff rooms, the nursery area, ancillary school offices, four separate residential cores with stairs and lifts, refuse storage areas and bike stores plus a plant room at rear of the block on the east side. The school main entrance and administrative core would also be within the ground floor block. The new school buildings and hall would range between part one storey and part two storey in height.
- 4.14. Erection of a four storey residential block to the south of the site, along Masjid Lane comprising 12 affordable flats/duplex units of various sizes. This block would consist of family dwellings on the main, with generous private amenity spaces, in the form of gardens and terraces.
- 4.15. Also on Masjid Lane, the proposal would comprise of the construction of a two storey building to accommodate a local mosque. The mosque would be located south of the proposed ball court and east of the four storey residential block. A shared access would be created from Masjid Lane in between the residential block and the mosque to serve as the main pupil entrance for the school, entrance to the mosque, after hour's entrance to the ball court and school/community hall. The mosque building would consist of a ground floor prayer room and an upper floor for religious education facilities. All ancillary offices, ablution areas and stores would also be provided. A minaret would be designed in the eastern corner of the mosque.
- 4.16. This proposal also makes provision for a landscaped children's play area on the north-west corner of the site fronting St Paul's way and adjacent to the nursery entrance. This space would provide much needed play space for existing and future children in the local area. A new hard and soft landscaped area would be created within the centre of the site which would be for the sole use for the school as its playground.
- 4.17. In terms of access and servicing, the existing alley to the east of the site would be retained and improved to use as a service access to the school. A

new substation is also proposed to the rear of this alley together with the school refuse store and staff cycle storage area. On the west corner, to the south of the nursery, a turning head would be created to allow entry to the existing URS within the estate. Cycle parking spaces are also proposed for the mosque within the courtyard off Masjid Lane. A total of six (6) disabled car parking spaces would also be provided for disabled occupiers with the Burdett Estate.

4.18. As stated above, a total of 109 residential units are proposed in this development, which would comprise of:

- 83 private sale units - 10 studios; 32 one-bed; 26 two-bed and 15 three-bed units;
- 14 Intermediate (shared ownership) units - 8 one-bed, 3 two-bed and 3 three-bed units;
- 12 Affordable rented units - 2 two-bed, 4 three-bed and 6 four-bed units.

The proposal makes provision for 31% affordable housing (calculated by habitable rooms) or 24% calculated by units with a tenure split of 67% social rented and 33% intermediate (shared ownership) calculated by habitable rooms.

5. RELEVANT PLANNING POLICIES

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 particularly relevant to the application:

6.2 National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

6.3 The London Plan 2011(as amended)

- 2.1 London in its global, European and United Kingdom context
- 2.13 Opportunity areas and intensification areas
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people’s play and informal recreation facilities
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.14 Existing housing
- 3.16 Protection and enhancement of social infrastructure
- 3.17 Health and social care facilities
- 3.18 Education facilities

- 5.1 Climate change mitigation
 - 5.2 Minimising carbon dioxide emissions
 - 5.3 Sustainable design and construction
 - 5.5 Decentralised energy networks
 - 5.6 Decentralised energy networks in development proposals
 - 5.7 Renewable energy
 - 5.8 Innovative energy technologies
 - 5.9 Overheating and cooling
 - 5.10 Urban greening
 - 5.11 Green roofs and development site environs
 - 5.12 Flood Risk Management
 - 5.13 Sustainable drainage
 - 5.14 Water quality and wastewater infrastructure
 - 5.16 Waste self sufficiency
 - 5.17 Waste capacity
 - 5.21 Contaminated land
 - 6.1 Strategic approach
 - 6.2 Providing public transport capacity and safeguarding land for transport
 - 6.3 Assessing effects of development on transport capacity
 - 6.4 Enhancing London's transport connectivity
 - 6.9 Cycling
 - 6.10 Walking
 - 6.13 Parking
 - 7.1 Building London's neighbourhoods and communities
 - 7.2 An Inclusive environment
 - 7.3 Designing out crime
 - 7.4 Local character
 - 7.5 Public realm
 - 7.6 Architecture
 - 7.7 Location and design of tall and large buildings
 - 7.14 Improving air quality
 - 7.15 Reducing noise and enhancing soundscapes
 - 7.18 Protecting local open space and addressing local deficiency
 - 7:21 Trees and Woodlands
 - 8.2 Planning Obligations
 - 8.3 Community Infrastructure Levy
- 6.4 Tower Hamlets Core Strategy 2010
- SP02 Urban living for everyone
 - SP03 Address the impact of noise pollution
 - SP05 Provide appropriate refuse and recycling facilities
 - SP07 Support the growth and expansion of further and higher education facilities
 - SP08 Making connected places
 - SP10 Protect and enhance heritage assets and their settings; protect amenity and ensure high quality design in general
 - SP11 Energy and Sustainability
 - SP12 Delivering Place making
 - SP13 Planning Obligations
- 6.4 Managing Development Document 2013
- DM3 Delivering Homes
 - DM4 Housing Standards and amenity space

- DM8 Community Infrastructure
- DM9 Improving Air Quality
- DM10 Delivering Open space
- DM11 Living Buildings and Biodiversity
- DM13 Sustainable Drainage
- DM14 Managing Waste
- DM15 Local Job Creation and Investment
- DM17 Local Industrial Locations
- DM18 Delivering schools and early learning
- DM20 Supporting a Sustainable Transport Network
- DM21 Sustainable Transport of Freight
- DM22 Parking
- DM23 Streets and Public Realm
- DM24 Place Sensitive Design
- DM25 Amenity
- DM29 Achieving a Zero-Carbon borough and addressing Climate Change
- DM30 Contaminated Land & Hazardous Installations

6.7 Supplementary planning documents and other guidance

- London Plan Housing SPG (2012)
- Shaping Neighbourhoods: Play and informal Recreation SPG
- Tower Hamlets Planning Obligations SPD
- Transforming St Paul's Way
- London Planning Statement SPG

6. CONSULTATION RESPONSES

External consultees

Environment Agency

- 6.1 The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. EA recommends the surface water management good practice advice in cell F5 is used to ensure sustainable surface water management is achieved as part of the development.
- 6.2 Surface water runoff rates and volumes from the site must be managed in accordance with the London Plan (July 2011) - which sets higher standards than the NPPF for the control of surface water run-off. Policy 5.13 - Sustainable drainage (page 155) of the London Plan states that "development should utilise sustainable urban drainage systems (SuDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible" in line with the drainage hierarchy.

Thames Water

- 6.3 Waste Comments - Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are

attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 6.4 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.
- 6.5 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 6.6 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.
- 6.7 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 6.8 Water Comments - On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.
- 6.9 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9

litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 6.10 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

[OFFICER'S COMMENT: The requested conditions and informative would be secured accordingly.]

- 6.11 **London City Airport** – No comments received

- 6.12 **London Fire and Emergency Planning Authority** - No comments received

Crime Prevention Officer (Metropolitan Police)

- 6.13 The Crime Prevention Officer has concerns regarding the recessed southern access, for the school, ball court and Mosque. This area is isolated and set back from the road and public footpath and has no natural surveillance, these types of isolated areas promote a fear of crime. This court yard area will attract criminal behaviour and will be vulnerable to criminal damage, some of which may be targeted towards the mosque and be of a racial nature. This in turn can promote similar criminal behaviour in the immediate area surrounding the original offending site, having a long term detrimental effect on neighbouring properties and businesses. In the long term this may also impact on the school's reputation and pupil's wellbeing and be seen to be very intimidating to those attending the Mosque.

- 6.14 In our opinion this space is not designed in a way that is fit for purpose. The crossover of shared space between many users with different agendas, often at the same time, is likely to cause unnecessary conflict between users. Therefore we would like it noted that our office cannot support this part of the proposed design. This development will not be able to achieve a full Secured by Design (SBD) accreditation.

- 6.15 Our office has corresponded and met with the current architects working on this project. We have in depth discussed our major concern of this shared space courtyard. We have been informed that although the client would like to achieve full SBD, they are unable to change the layout of this courtyard area.

[OFFICER'S COMMENT: The applicant is working with the CPO to achieve a Secured by Design Accreditation of level 2. Necessary conditions and informative would be secured accordingly.]

Internal consultees

LBTH Access officer

- 6.16 No objections.

LBTH Biodiversity

- 6.17 There will be no significant adverse impacts on biodiversity, though the existing shrubs and other soft landscaping will provide some habitat for common birds and other wildlife. To ensure there is no breach of the Wildlife & Countryside Act with regard to nesting birds, a condition should require that vegetation clearance takes place outside the bird nesting season (i.e. not during March to August inclusive) if possible. If that is not possible, a survey for nesting birds should be undertaken immediately before (within 5 days) clearance begins. If any nests are found, they must be left undisturbed until the young have fledged. If no nests are found, there is no need to report the survey results to the Council before commencing clearance. Biodiverse green roofs are proposed for almost all the roof area of the new development. This is very welcome.
- 6.18 The green roofs should be sufficient to ensure a net gain for biodiversity. However, the ground-level landscaping also provides opportunities to enhance biodiversity and contribute to targets in the LBAP. Sadly, there appears to be little or no vegetated surfaces within the school landscaping, as the “grass” areas are artificial turf. Apart from the lack of any biodiversity value, this seems very bad in terms of environmental education. Inner city children have little enough contact with nature, without replacing natural grass with artificial turf. The proposed school landscaping includes an orchard, but this appears to have hard surface beneath the trees. If this had natural grass with wild flowers beneath the trees, it would contribute to a target in the LBAP

[OFFICER'S COMMENT: Necessary conditions and informative would be secured accordingly.]

LBTH Communities, Localities and Culture (CLC)

- 6.19 The increase in population as a result of the proposed development will increase demand on the borough's open space, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population would also have an impact on sustainable travel within the borough. Contributions should be secured through a Section 106 Agreement towards Idea stores, libraries and archives, leisure facilities and public open space.
- 6.20 The increase in population as a result of the proposed development will increase demand on the borough's open space, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population would also have an impact on sustainable travel within the borough. Contributions should be secured through a Section 106 Agreement towards Idea stores, libraries and archives, leisure facilities and public open space.

LBTH Education, Social Care and Well Being

- 6.21 This proposal has been developed in partnership between LB Tower Hamlets, Poplar Harca and St Paul's Way Trust School. This is regarded as an innovative partnership to create capacity for additional school places needed in the area and which builds on the partnerships involved in the St Paul's Way regeneration of recent years. LBTH and the school have been closely involved in the emerging proposals for the site. This has considered the design of the school and its relationship to the existing and proposed residential development and the mosque. It has also taken into account the community use of school facilities outside of school hours. There is an increasing need for additional primary school places in Tower Hamlets. This area of the borough is one of the priority areas for more places arising partly from the new residential developments locally. This proposal will contribute to meeting the need by allowing the successful St Paul's Way Trust School expand to offer two forms of entry of primary places as well as the existing 11-18 age range. The partnership with Poplar Harca allowing the mixed use redevelopment creates capacity for the school's expansion which would not otherwise be available to the LA.

LBTH Environmental Health

- 6.22 Noise - Insufficient information and evidence have been submitted to demonstrate that the proposed noise and vibration levels and associated mitigation measures would be acceptable.
- 6.23 Air Quality - The demolition/construction assessment is accepted provided the mitigation measures stated in the report are instigated at the development. Please can the developer submit a construction/demolition dust management plan detailing how the potential air quality effects will be controlled and mitigated in line with the 'The Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014' and the 'Tower Hamlets Code of Construction practice.' This is required prior to the commencement of the development.
- 6.24 Contamination - No adverse comments subject to appropriate conditions which would be secured accordingly

[OFFICER'S COMMENT: A condition will be secured to ensure a noise assessment report is submitted and approved by the Council. Conditions would be secured for air quality and contamination as well]

Energy Efficiency and Sustainability

- 6.25 The overall Carbon Dioxide emission reductions considered achievable for the development are approximately 35.4%. The proposed development would fall short of DM29 policy requirements by approximately 14.6% which equates to 23.87 tonnes/CO₂ x £1,800 = £42,966 offset payment to meet current policy requirements.
- 6.26 The Councils Planning Obligations SPD includes the mechanism for any shortfall in CO₂ to be met through cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states that '*carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through cash in lieu*

contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.'

- 6.27 The Sustainability Statement states that the proposal meets the BREEAM Excellent and Code for Sustainable Homes level 4 would be achieved for the applicable areas.

Affordable housing programme team

- 6.28 The application is providing 29% affordable housing. This falls below our minimum requirement of 35% affordable housing by habitable rooms. However, this has been fully tested through a viability appraisal and the proposal level of affordable housing is a reasonable reflection of what is viable and deliverable onsite.
- 6.29 The tenure split within the affordable is 77:23 in favour of rented. This split fits broadly with the Council's target of 70:30, than the target set by the London Plan of 60:40.
- 6.30 Within the affordable rented units there is a 33% provision of one bed unit against our policy target of 30%, 33% of two bed units, against our policy target of 25%, 3% of three bed units against our policy target of 30% and a 31% of four beds against a policy target of 15%. Overall the Council policy requires 45% of family units; this scheme is providing 33%. In unit terms this represents 14 family sized housing of the 36 rented homes on balance this is deemed acceptable.
- 6.31 Within the intermediate tenure there is a 50% of one bed units against our policy target of 25%, 50% of two bed units against our policy target of 50%.
- 6.32 All units meet the minimum space standards set in the London Housing Design Guide. However 11 of the 36 rented flats would be single aspect which is 31% of the affordable rented provision as are 7 of 14 intermediate flats which is 50%. The Council's Affordable Housing Team initially had reservations concerning space standards however the applicant has revised the proposals to address this issue. A Registered Provider from the Council's Preferred Partner List has reviewed the current layouts and confirms that they would be keen to acquire these units.

Transportation and Highways

- 6.33 Car parking - The development should be subject to a s106 agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH. The night time parking occupancy on nearby streets is above the 80% level regarded as 'stressed' by Highways. Parking occupancy on Wallwood Street is 95% and 91% of Burgess Street. The proposed Blue Badge car parking is acceptable. Highways recommend a condition is attached requiring this is retained throughout the lifetime of the development.
- 6.34 Cycle Parking - The residential cycle parking located in single store accessed from street only at the eastern end of the main residential block. This makes accessing cycle parking extremely inconvenient for occupants of units accessed from cores at the western end of said block. The plans should be revised to show a second cycle store to serve these residents located in more

convenient location. The school cycle parking is not supported. The applicant has provided cycle parking for only 1 in 20 pupils (MDD standard is 1 in 10). Highways agreed at pre-application discussions this would be acceptable subject to an area being safeguarded for additional cycle parking for up to 1 in 10 pupils - should demand require. This area should be shown on the relevant plans. The cycle parking for the mosque is acceptable. Trip generation - A comparison of the existing peak time trip generation should be provided for comparison for all uses on site. This should be tabulated.

- 6.35 Transportation School - There is a lack of information on the management of pupils and their parents/guardians and the start and end of the school day. Highway would expect a condition - either school travel plan or a management plan – to provide this but at application stage we need to have agreed principles for a plan for managing pupil arrivals and departures by all modes. This is especially important given the proximity of the expanding Stebon schools to this proposal. There is a possibility that school day start and finish times will need to coordinate with this development and Stebon. Reference is made in the Design & Access Statement to a draft Site Management Plan. This does not appear to be present in the submission. In addition, the draft school travel plan provided does not detail the arrangements at the start of the school day either.
- 6.36 Mosque - As with the school, a management plan for the mosque is required. The TA states that at peak times, up to 600 people will attend the mosque. Highways would expect to see a breakdown of trips, by mode, based on existing travel patterns and how mosque will manage the impact.
- 6.37 Servicing - The proposals for servicing the development are acceptable. Highways recommend that a condition requiring a Delivery & Service Plan is attached to any permission. Please attach the following condition to any permission: The development authorised by this permission shall not be occupied until the scheme of highway improvements necessary to serve this development have been completed in accordance with the Council's approval and have been certified in writing as complete by or on behalf of the Council (as local planning authority and highway authority) unless alternative arrangements have been approved in writing by the Council (as local planning authority and highway authority).
- 6.38 In addition please attach conditions requiring: • A Construction Management Plan approved prior to commencement of development • A separate residential, school and mosque Travel Plan approved prior to occupation of development

[OFFICER'S COMMENT: Necessary conditions and informative would be secured accordingly.]

Waste Management

- 6.39 Transportation and Highways and the Council's Waste Management team confirm that the proposed waste collection strategy is acceptable in principle and have no objection.

7 LOCAL REPRESENTATION

7.17 A total of 578 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. Site notices were displayed and the application was advertised in the local press.

No of individual responses: 71 Objecting: 68 Supporting: 3
No of petitions received: 0

7.18 The applicant also held a public consultation exhibition prior to submission of the application.

Support for the application

7.19 Two individual letters from local residents supported the scheme in particular the demolition of the housing blocks in favour of good quality replacement housing, bigger mosque and new school for the overall communal benefit of St Pauls Way.

7.20 In addition to the above, a letter was also received by the Chair of Governors of the St Pauls Way Trust School, who welcome the proposal for a new nursery and school. The letter states the following: *“The Trustees and Governors of St Paul's Way Trust School fully endorse the proposal for our 'Through School' two form entry primary school and nursery building. The teaching of our younger students will take place in the proposed new building which is of a high specification and which will provide additional community facilities for out of hours use. Governors and Trustees, together with the Executive Headteacher and other members of senior staff feel that by becoming a Through School St Paul's Way Trust is gaining an even greater understanding of the learning journey of our students”.*

Objections to the application

7.21 68 letters of objection received from local residents raised the following issues

- Reduction in social housing;
- The proposal would greatly reduce daylight and sunlight to property at Thorn Apartments, Kirkby Apartments;
- Loss of light;
- Loss of views and sky;
- New intrusive eight storey block;
- Loss of Estate access road, view and privacy;
- Overshadowing;
- Insufficient number of disabled units;
- Overdevelopment of the Estate;
- Overcrowding;
- Change in gentrification would cause disharmony and increase anti-social behaviour;
- Mosque not big enough for the growing numbers of worshippers;
- Loss of open green space and children's play area;
- Increase in traffic;
- Insufficient and inadequate consultation from Poplar Harca with regards to the redevelopment of the Estate;

- 7.6 The issues raised in objection to the scheme would be fully addressed in the Design, Amenity, Housing sections of the Material Planning Considerations section of this report:

8 MATERIAL PLANNING CONSIDERATIONS

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

- Land use
- Design
- Housing
- Amenity
- Transport, access and servicing
- Environmental considerations
- Sustainability and Energy efficiency
- Health considerations
- Planning Obligations
- Equalities considerations

Land use

- 8.18 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.
- 8.19 Paragraphs 7 and 9 of the NPPF highlight that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Paragraph 7 also notes that there should be *“accessible local services that reflect the community's needs and support its health, social and cultural well-being.”* Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.

Paragraph 72 explains that the Government attaches great importance in the provision of schools and ensuring that a sufficient choice of school places is available to meet the needs of new and existing communities. The NPPF considered that 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

- 8.20 Paragraph 73 of the NPPF considered that in terms of loss of existing open space, sports and recreational buildings and land, should be resisted unless the land can be demonstrated to be surplus to requirement, or the proposed redevelopment is seeking to replace these uses by equivalent or better provision in terms of quantity and quality, within an appropriate location.
- 8.21 Policy 2.14 (and Map 2.5) of the London Plan (2011) identifies the application site as lying within an Area for Regeneration. The policy states that “within the areas for regeneration shown on Map 2.5, the Mayor will work with strategic and local partners to co-ordinate their sustained renewal by prioritising them for neighbourhood-based action and investment.” This proposal would seek to maximise both residential and non-residential development and densities whilst promoting a mix of uses.
- 8.22 On a local level, the site falls within an Area of Significant Change; a booklet titled “Transforming St. Paul’s Way” reflects the ambition of the Council to achieve this change in partnership with other stakeholders, to make St Paul’s Way a civic spine. The Adopted Core Strategy policy SP12 deals with delivering place making and in particular the area around Bow Common Lane has been identified to deliver successful place making. It seeks to “*establish Bow Common as a family focused residential neighbourhood set around the civic spine of St Paul’s Way*”. The priorities for this area include “*to bring communities together by focusing community, civic, commercial uses along St Paul’s Way.*”
- 8.23 As mentioned already, this proposal would consist of a number of land uses on site, most of which would be replacement of existing uses, such as the mosque (D1) together with a new educational use through the provision of a brand new two forms entry primary school. Educational uses are very much prevalent in the area given the many primary and secondary schools in the vicinity of the site. Furthermore, the new two forms entry would be an extension to the St. Paul’s Trust School. The rest of the land use section would look at each of these uses separately, beginning with the provision of residential units.

Principle of residential use

- 8.24 Delivering new housing is a key priority both locally and nationally. Policy 3.3 of the London Plan (2011) seeks to increase London’s supply of housing, requiring Boroughs to exceed housing targets. For new developments, this should offer a range of housing choices in terms of the mix of housing sizes and types plus provide better quality accommodation for Londoners.
- 8.25 Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes from 2010 to 2025 in-line with the housing targets set out the London Plan. The Further Alterations to the London Plan (FALP) proposes a more ambitious target for the Borough of approximately 4,000 new homes per year.
- 8.26 The Core Strategy place-making policy SP12 pictures the Vision for Bow Common as that of a “*recognised and rediscovered residential neighbourhood set around a transformed civic spine and hub running along St Paul’s Way*”. It is noted that Linton and Printon Houses consist of a total of 54 residential flats altogether. Out of these 19 are private tenure and 35 are social rented tenure. This proposal would seek to provide a total of 109 dwellings which would

result in an uplift of 55 homes, of various tenures, sizes and types. The 109 units would consist of 12 affordable rented units, 14 intermediate/shared ownership and 83 market housing.

- 8.27 The residential units (97) fronting St Paul's Way would be arranged in a new eight storey building fronting St Paul's Way, from first to seventh floor. A further 12 units would be located at the rear of the site, facing Masjid Lane; these would be all affordable. The provision of the replacement and new residential units would be discussed in more details further in the report, under the housing section.
- 8.28 To conclude, given the predominantly residential character of the site's environs, the need for more housing in the area and the Borough in general, the principle of intensification of housing use on this brownfield site is supported in policy terms. The proposed development would deliver a total of 109 new residential dwellings (315 habitable rooms) on the site. It is considered that the site would provide a suitable environment for existing and future residents and that the proposed residential use is acceptable in principle in land use terms.

Community Uses

- 8.29 Housing growth should be accompanied by and underpinned by provision of social, recreational and cultural facilities and services to reflect the community's needs, promote social cohesion, increase the quality of life and support health, social and cultural wellbeing. In particular, paragraph 73 of the NPPF acknowledges the contribution that opportunities for sport and recreation can make to the health and wellbeing of communities. London Plan Policy 3.18, part E, sets out that, development proposals which maximise the extended or multiple use of educational facilities for community or recreational use should be encouraged. Accordingly, policies 3.16 and 3.19 of the London Plan support development proposals that increase or enhance the provision of sports and recreation facilities. There is a particular preference for multi-use public facilities.
- 8.30 The Managing Development Document policy DM8 requires protection of health, leisure, social and community facilities where they meet an identified local need and the buildings are suitable for their use. Paragraph 74 of the NPPF specifies that existing open space, sports and recreational buildings and land should not be built on unless the development is for alternative sports and recreational provision or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity.

The new two form entry primary school and nursery

- 8.31 The new nursery and two form entry primary school would occupy the entire ground floor of the main 8 storey building along St Paul's Way, The school and nursery extend to the centre and south of the site to form a quadrangle with the provision of classrooms within single storey buildings to the east and west; a school hall and community building together with a ball court would be located further south; the central area would be landscaped as a playground/courtyard for the sole use of the school. The primary school would be a feeder school for the St Paul's Way Trust Secondary School which is

located to the east of the application site. The nursery school would accommodate 25 new entrants and the primary would consist of 420 pupils.

- 8.32 The NPPF, London Plan, and specifically Policy 3.18, strongly supports the provision of new schools, and the expansion of existing ones. This strategy accords with the national approach, as established by The National Planning Policy Framework, which sets out 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.
- 8.33 London Plan Policy 3.18, part A, sets out that the Mayor will support the provision of education facilities to meet the demands of a growing and changing population and to enable greater educational choice, particularly in parts of London with poor educational performance. Part D, sets out that proposals for 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 and obligations. Finally, London Plan Policy 3.18, part E, sets out that, development proposal which maximise the extended or multiple use of educational facilities for community or recreational use should be encouraged.
- 8.34 Policy DM18 in the Managing Development Document details the borough's approach to delivering school and early learning. It states that the Council will support the development or extension of schools or children's centres where: i) a site has been identified for this use or a need for this use has been demonstrated; ii) the design and layout take in to account the relevant guidance; iii) for existing schools, there is no net loss of school play space and; iv) the location of schools outside allocations ensure accessibility and an appropriate location within their catchments.
- 8.35 It is noted that this proposal has been developed in partnership between the borough, Poplar Harca and St Paul's Way Trust School. This is a windfall site outside of any site allocation provisions and the nursery together with the school are regarded as an innovative partnership to create capacity for additional school places much needed in the area and which builds on the partnerships involved in the St Paul's Way regeneration of recent years. The design of the school and its relationship to the existing and proposed residential development and the mosque has been carefully developed. It has also taken into account the community use of school facilities outside of school hours. There is an increasing need for additional primary school places in Tower Hamlets.
- 8.36 The redevelopment of the site to include a new educational use would not threaten the strategic objectives relating to the Bow Common vision. It would in fact strengthen this vision and the new school/nursery would contribute to deliver developments to support the civic spine of St Paul's Way. Furthermore, the proposed expansion of the school would contribute to the significant need for additional primary school places in Tower Hamlets. This need has been rising for some years and it is projected that there is a need for a further 20 forms of entry of primary places by 2023. This proposal would also contribute to meeting the borough's needs by allowing the successful St Paul's Way Trust School to expand and offer two forms entry of primary places as well as the existing 11-18 age range.

- 8.37 The proposal would include a high quality landscaped educational amenity space within a central courtyard, measuring 2732sqm. This would be for the sole use of the two forms primary school.
- 8.38** In conclusion, it is considered that the proposed development is in accordance with Policy SP07 of the Core Strategy (2010), DM18 in the Managing Development Document (2013) and policy 3.18 of the London Plan (2011). These policies support the improvement and expansion of existing educational facilities in accessible locations and support the maximisation of sites in educational use through the co-location and clustering of community or recreational services.

The new Mosque

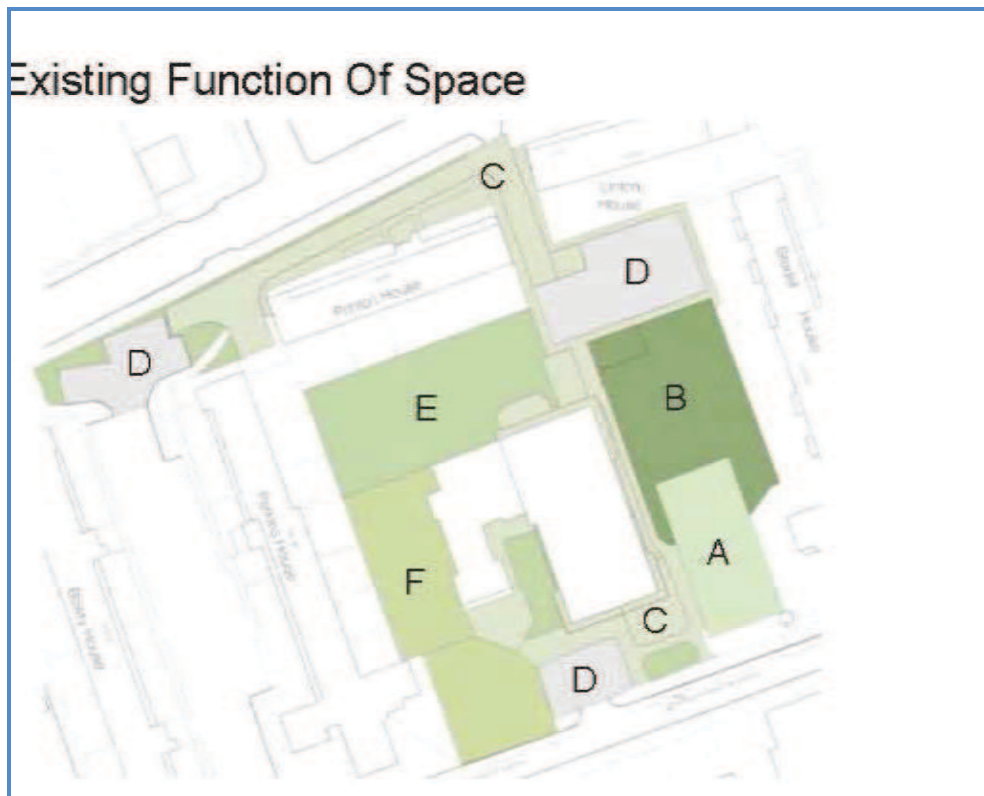
- 8.39 The application proposes the demolition of the existing single storey mosque on Masjid Lane located on the west side of the application site. A new replacement mosque is proposed to the east of the site, to a height of two storeys and over a floor space of 672sqm. This would almost double the capacity of the mosque. The London Plan classifies places of worship as social infrastructure. Policy 3.1 states that London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population. The policy also confirms that development proposals which provide high quality social infrastructure would be supported in light of local and strategic needs Assessments; that facilities should be accessible to all sections of the community (including disabled and older people) and be located within easy reach by walking, cycling and public transport. Finally, it goes on to say that wherever possible, the multiple users of premises should be encouraged.
- 8.40 Policy SP03 of the Core Strategy (2010) builds upon policy 3.1 of the London Plan (2011) and supports the provision of high quality social and community facilities. The MDD policy DM8 supports new community facilities in locations outside of town centres only where they are local in nature and where a local need can be demonstrated. The existing mosque is a well-established facility catering for a local need, and the loss of this important community facility is not considered to be justified in this case as it currently provides an important community facility and its loss would have an adverse impacts contrary to equalities objectives, and local plan policy DM8 requires protection of health, leisure, social and community facilities where they meet an identified local need. An enlarged facility as proposed is considered to be local in nature and will provide for the increase in the local population. Futhermore, an enlarged facility supports the creation of a civic spine in the St Paul's Way area
- 8.41 The new and bigger Mosque would provide an additional and enhanced social infrastructure provision to meet the needs of the existing community. The highly accessible location, with good access to public transport and provision of cycle storage facilities on site would assist with safe arrival of worshipers at this facility.

Loss of existing open space

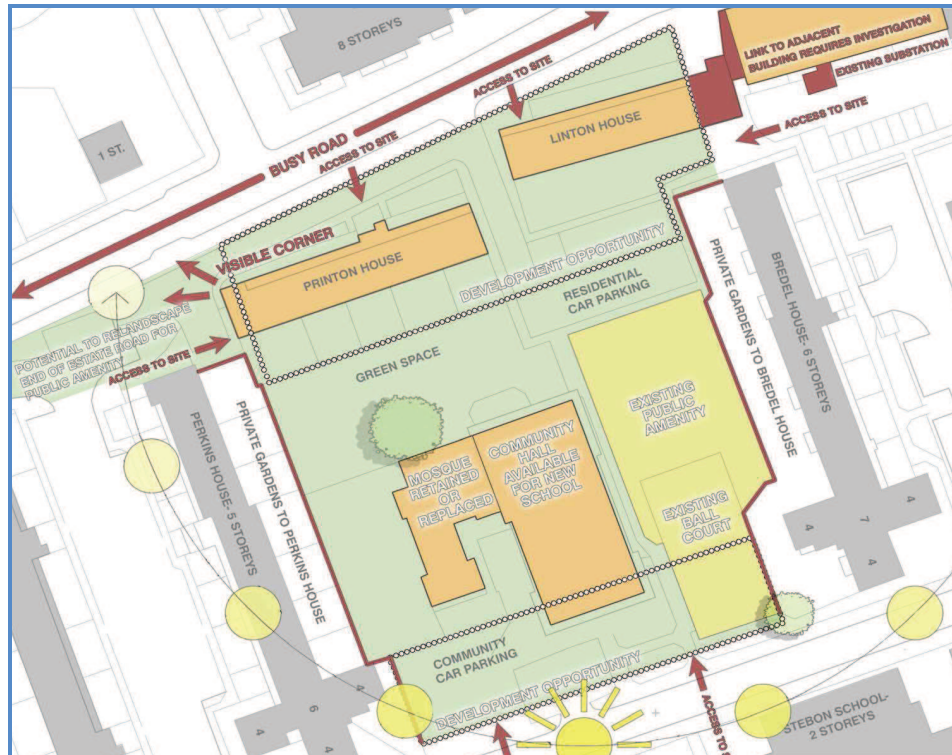
- 8.42 The Core Strategy policy SP04 states that there should be no net loss of open space through new developments. Outdoor playground facilities such as the ball court are defined as open space for the purpose of the Managing Development policy DM10 and Core Strategy policy SP04. Policy DM10 in

the Managing Development Document (2013) details the council's approach to delivering open spaces. It states that development on areas of open space will only be allowed in exceptional circumstances where it provides essential facilities to ensure the function, use and enjoyment of the open space; or as part of a wider development proposal, there is an increase of open space and a higher quality open space outcome is achieved.

- 8.43 The local plan defines open space Metropolitan Open Land; major and local parks as well as squares; playgrounds; ecological spaces; housing amenity land; outdoor sports facilities; allotments and burial grounds. It does not include private amenity space and areas of communal residential amenity space which is not publicly accessible.
- 8.44 The publically accessible areas within the site which fall within a category of open space as set out above are: the existing ball court (as shown in the diagram below as area A measuring 440sqm), the green lawn area (see area E below measuring 854sqm), and the child play area (shown as area B measuring 726sqm) providing a total of 2020sqm of existing open space.



- 8.45 The current arrangement of the site is made up of areas of soft and hard landscaping in a haphazard way, without clear demarcations of their usage. The site is quite green in places but as stated, it is not clearly laid out. There are some green spaces behind each block of flats together with a public amenity area near the existing ball court which is enclosed; furthermore, to the rear of the community building and mosque there are some more green spaces plus a section which is fenced off so as to serve these community uses only. In terms of usability the purposely built/laid out public amenity area near the ball court would be considered the most functional one. Please see plan below, for existing site layout.



- 8.46 The proposal would create a new MUGA and play area totalling 1004sqm which will be accessible to the public. However these child play facilities are provided to satisfy the policy requirement to provide child playspace on site and should not be double counted as open space despite the fact that it will be publicly accessible for the whole community.. The total loss of 2020sqm of open space arising from the proposed development is a direct consequence of the fact the central area of the proposed development will provide a high quality landscaped childrens playground for use by the proposed 2FE primary school in accordance with Building Bulletin (BB) 103 (which replaced BB 98 and 99) the school amenity space provided is 2732sqm.
- 8.47 Given the specific circumstances of this application, the loss of open space is considered acceptable, on balance due to the considerable community benefit arising from the new school (and associated playground), and the fact the existing open space is poor quality, and poorly defined reducing the amenity value of the existing provision. In terms of usable play facilities overall, when taken together with the MUGA and dedicated child play space, the total play space re-provision amounts to 1004sqm which is publicly accessible compared to the existing play facilities (ball court and play amenity area) which stands at 1,166sqm(Please see plan below, for proposed site layout compared to existing).



8.48 Whilst a reduction in the area of outdoor sport/play occurs, there would be an overall qualitative and quantitative improvement to this facility. In light of the provision of the new MUGA, the provision of school amenity space and the proximity of the site to Mile End Park, it is considered that, on balance, the proposal broadly accords with council's policies. In addition, the proposal would bring back the entire space (current hard and soft landscaping) into active use by providing a much enhanced, attractive and usable new open/play space and a dedicated play space for the school/nursery, which would be of benefit to both existing and new residents; it is therefore considered, that on balance, the delivery of a combination of new play space, new school amenity space and MUGA would constitute an enhanced play offer and would be acceptable in this instance

Conclusion

8.49 In conclusion, officers are confident that the mixed use redevelopment of the site to provide new and replacement housing including affordable residential accommodation, the mosque, community hall, ball court, the new school and nursery would be highly desirable in land use terms as it would continue the physical, social and economic regeneration of the St Paul's Way area and would contribute to the vision of a civic hub. The proposal would benefit the residents of the borough as a whole, constitute a sustainable and efficient use of a brownfield site, and contribute significantly to meeting local housing need and aid creation of a healthy community in line with the broad objectives of planning policies at the national, regional and local levels.

Design

8.50 The National Planning Policy Framework attaches great importance to the design of the built environment. In accordance with paragraph 58 of the NPPF, new developments should:

- function well and add to the overall quality of the area,
- establish a strong sense of place, creating attractive and comfortable places to live,
- respond to local character and history, and reflect the identity of local surroundings and materials,
- create safe and accessible environments, and
- be visually attractive as a result of good architecture and appropriate landscaping.

8.51 Chapter 7 of the London Plan places an emphasis on robust design in new development.

- Policy 7.1 seeks creation of distinct, liveable neighbourhoods and requires new buildings to interface with surrounding land, improve access to social and community infrastructure, local shops and public transport. The character, legibility, permeability and accessibility of neighbourhoods should be reinforced.
- Policy 7.2 seeks creation of an inclusive environment catering to the needs of all sections of the population, while policy 7.3 requires development to reduce the opportunities for criminal behaviour and to contribute to a sense of safety and security.
- Policy 7.4 requires development to respect local character - this should be achieved by a high quality design response informed by the surrounding historic environment and which has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Development should be human in scale, ensuring that buildings have a positive relationship with street level activity.
- Policy 7.5 the public realm should be secure, accessible, inclusive, and legible. Opportunities for greening should be maximised.
- Policy 7.6 specifies that in terms of assessing the architecture of a development as a whole the development should make a positive contribution to a coherent public realm, streetscape and wider townscape. It should incorporate the highest quality materials and design appropriate to the site's context.
- Policy 7.7 gives detailed guidance on design of tall and large buildings which should not have an adverse effect on the character of their surroundings, should relate well to the surrounding buildings, urban grain and public realm, and incorporate the highest standard of architecture and materials.

8.52 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally responds to

predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces. The place making policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

Site layout

- 8.53 The proposal represents an innovative scheme to enable the delivery of a much needed two form entry school and a 25 space nursery which would form part of the nearby St Paul's Way Trust Secondary School. The general arrangement of the new scheme would vary considerably from the existing site and buildings layout. The aim of this proposal is to reinstate the existing edges and street frontages along St Paul's Way and Masjid Lane with urban forms of dwellings and active frontages which allow for natural surveillance helping to design out crime. Whilst permeability and connectivity is reduced within the site, this would still exist and would be enhanced as part of the estate regeneration works, on either sides of the site, to the east and west.
- 8.54 The new eight storey building along St Paul's Way would comprise of two conjoined blocks of flats with rear buildings lines roughly aligning with the existing buildings. The school would be provided at the base of the eight storey building at ground floor only, together with external landscaping, a surround single storey building on the east and west together with a school hall and an open-air multi-use games area, located to the south of the site. The school would be provided with its own private playground. The residential flats would be stacked above the school facility, and would be provided with amenity space in the form of balconies. A further 12 flats (including duplexes) would be provided to the south of the site fronting Masjid Lane. A mosque is proposed to the east adjacent to the block of 12 flats.
- 8.55 The building frontage along St Paul's Way would be varied and have active uses; from the west end of the site, the ground floor would comprise the nursery wing. A dedicated and landscaped children's play facility would be provided to the west adjacent the nursery. Four residential accesses are proposed at regular intervals along the building together with accesses to refuse and cycle stores. The school main administrative entrance would be centrally located here, on St Paul's Way. The entrance to the mosque would be at rear as would be the rest of the residential units (social housing tenure).
- 8.56 The shared ball court would be located at rear in between the mosque and alongside the new single storey building; an access would be created in between the block of flats and the mosque to form the main school entrance for children's arrival and departure. The access would also serve the mosque and the after-hours community facilities.
- 8.57 In summary, it is considered that the layout of the scheme would create a perimeter block arrangement, to enable active frontages along St Paul's Way and Masjid Lane whilst offering an internal cloistered arrangement to create sheltered play space for the school in the centre of the site. The layout would have good design merits and would respond well to the challenges of facilitating the school expansion at this urban site together with providing much needed housing and community facilities on site.

Height, scale and massing

- 8.58 The building heights in the local area range from two to eight storeys, the tallest, Kirkby Apartments, being located along St Paul's Way. The height of the new buildings would be eight storeys facing St Paul's Way, and much lower towards Masjid Lane, at four storeys for the block of duplexes/flats, single storey (with roof lights) for the school wings and two storeys for the mosque building with a taller minaret. The main block on St Paul's Way would be six storeys to parapet level and then designed with a double storey setback; these upper two floors would be recessed from the facades on all four sides to create a visually lighter addition on top.
- 8.59 The scale and massing would reduce from north to south and would place a greater emphasis on the main St Paul's Way thoroughfare. The school would enjoy a relatively private environment with a good sense of enclosure. The ground floor of the main block would be primarily for the school and nursery uses interspersed with the residential core/entrances, bin stores and bins. The building would be positioned further forward but would enjoy a recessed entrance for the school. The rest of the building in the centre of the site would be the school wings, linked with the main school by covered walkways. The other school buildings would be stand alone and contain the main hall, studio and kitchen facilities, stores and office. Further south, the residential block and mosque are also stand alone, with a shared entrance space that would provide access to the school, school/community hall, mosque and ball court.
- 8.60 It is considered that the overall height and massing of the proposed development and stand-alone buildings have been sensitively designed and would relate well to the established prevailing building heights in the surrounding area. The reduction in height from north to south would afford a secluded school environment for future children. The mosque building and residential block would enjoy a separate entrance from Masjid Lane. The proposed ground floor school and residential upper would have street prominence along St Paul's Way which accords with the vision for this area, addresses the street and provide an active edge to stimulate street activity and overlooking, in line with policy SP12, Delivering Place making.
- 8.61 In summary, the design of the proposed development would be appropriate in terms of layout, height and scale and would relate well to the surrounding streets, the existing buildings, their layout and townscape. It is considered that the proposal would be sensitive to and would enhance the local character and setting of the development, in accordance with policy DM24 of the MDD 2013.

Safety and security

- 8.62 The applicant has engaged with the Metropolitan Police while developing this scheme. The proposal on the whole has been developed in accordance with the principles of Secured by Design (SBD). The scheme would deliver significant benefits in terms of safety and security by providing active frontages around and to the rear of the site.
- 8.63 However, the Metropolitan Police have outlined their main concerns with this scheme, which concerns the shared recessed, entrance court yard, for the school, community basketball court and mosque. Further discussions have ensued and it has been noted that the applicant, whilst seeking to achieve the

Secured by Design accreditation, would however, not be able to change the layout of this courtyard area.

- 8.64 A gate was proposed at this location which has not been agreed by the applicant. A review to the approach of the entrance to the school and mosque off of Masjid Lane has taken place and the applicant would still prefer an option without a gate but with ASB patrol and CCTV instead. Further information on this option would be secured by condition.
- 8.65 Overall and to conclude officers are confident that this scheme would properly take into account secured by design requirements, improve safety and security in the location of the site and elsewhere and would not introduce undue risk of crime to future occupiers and users of the community facilities as a result of detailed design. With the benefit of further details that will follow with the submission and compliance with a Secured by Design accreditation condition, it is considered the scheme can ensure the safety and security of in line with the requirements of Policy DM 23 of the MDD.

Architectural appearance and Landscaping

- 8.66 The new buildings would draw on the design of surrounding buildings both in terms of their traditional and residential forms. Bricks would be the predominant material. The scheme proposes a palette of high quality materials with different tones of bricks, from darker bricks for the school at the base to lighter multi stock for the body of the main building and even lighter bricks for the recessed double storeys. Balconies would be in fritted glass, laser cut metal, opaque/coloured glass and metal railing. Examples of these are found in the borough; however, it is necessary to secure these materials and bricks by conditions.

The school and nursery buildings

- 8.67 The main building along St Paul's Way have a distinct ground floor uses (school and nursery) and residential over. This would be expressed in three parts; the base/ground floor would be in darker bricks; the main school entrance would be centrally located and set back with a large canopy, a picture window for the reception area and graphic signage to mark the presence of this two form entry primary school. The nursery building is located to the west of the site and would be expressed similar to the school.
- 8.68 The darker bricks would be used as a concept of a "garden wall" around the entire school site. Internally, this theme is repeated and in addition to this garden wall concept, the various elements of the school, the classrooms, the single storey wings, the hall block and ball court are all joined by a timber framed canopy with a frosted polycarbonate roof. This would run around the courtyard garden and have the dual functions of being visual link for the whole school and being a covered cloister throughout. The ground floor of the school block would be defined by large glazed openings onto the classrooms and main entrance. The teaching wings and hall block would be clad in vertical timber panels with timber framed windows and doors.

The residential block (St Paul's Way)

- 8.69 As with the school, the residential cores would also have street presence along St Paul's Way. The cores would break the line of the school base by

being in the lighter toned brick and this theme would run all the way from the top to street level. Each core would be labelled and would have smaller canopies, independent signage, integrated post boxes and large picture windows at ground level. Above, the building is expressed in a consistent vertical grid form with regular windows. These would be recessed. Brickwork would be varied to run in soldier courses between windows and along the parapet edge. The western elevation, above the nursery would benefit from large windows and framed inset balconies.

The residential block (south elevation)

- 8.70 This side of the proposed block would face the school playground. The south school side would be designed in very similar pattern and principles. The openings, windows and doors would be more generous and almost all balconies would face this way. These are a mixture of brick framed and inset together with protruding varieties where the building sits back in the recessed parts. All balconies would have fritted glass balustrades which would offer a degree of privacy for both the school users and the residential occupiers. All inset balconies would have coloured soffits and side walls to provide variety when viewed from the school playground. The top floor would use the setbacks as roof terrace. The two upper floors would be in much lighter brickwork and would be expressed as a series of brick arches.

The Masjid Lane residential block

- 8.71 This block is four storeys high and would present itself in much the same way as the St Paul's Way residential block, built in similar materials and balcony details. The building is accessed via a small pavement. The ground floor duplexes would have a small front garden. A separate entrance gives access to the upper floors units. There are five private yards for the duplexes at rear.
- 8.72 The massing of this block would replicate the upper floors of the main block and the shape of openings follows the same principles. Balconies face Masjid Lane and the upper units would be designed with roof terraces. This block, which would contain the social rented units, would be designed to be tenure blind, an approach which is welcome by officers.

The mosque

- 8.73 This proposal would include a two storey mosque building consisting of prayer room on the ground floor together with a lobby area, office, shower and ablution areas all accessed from the main entrance and lobby. A side staircase to the east would lead to the upper floor where the space is designed for prayer but could also be subdivided for classrooms; a kitchen, toilet facilities and stores are also located on this floor. The minaret would be located on the site to the east of the building. There is a side entrance just beyond the minaret leading to the prayer room or upstairs. The side of the mosque, facing the residential block would be designed with three tall double doors which would open on the shared access/entrance.
- 8.74 The mosque would consist of the main parts consisting of the main building, the minaret and the screen. The main part of the building would be expressed in a textured white render and articulated to form a frame around the screen. Along the Masjid Lane elevation, two tall windows would echo the modern arch of the minaret. The minaret itself is about three storeys tall and would be

the main focus of the mosque. This would also mark the most important and prominent part of the building. The minaret would be a concrete frame which would culminate in a modern arched form at the top. It would be clad in structural glass, etched with a “Kufic” script pattern.

- 8.75 The screen would be in white perforated metal in the pattern of the Mashrabiya. The screen would offer variety and create a softer play of light in the prayer halls, providing articulation, interest and texture to the façade. The whole finish would be in white. The screen would have a double function on ground floor level as security screen to the glazed doors and windows.
- 8.76 The ball court would be located to the north of the mosque. An arrangement would be made for the use of the ball court in agreed peak times only. The shared access would accommodate all pedestrian activities for the mosque, school and ball court as well as the school hall especially out of hours. This area would be landscaped to create a separation from the small residential block. Some cycle parking spaces for the mosque are also located here. The roof of the mosque would be in sustainable green roof material as would be all the other roofs, school wings, residential blocks and school hall.

Landscaping

- 8.77 The landscaping proposals have been well thought out and fully integrated within the scheme, and would be of high quality. This includes the new play area along St Paul’s Way to the west of the nursery, the school private courtyard, the shared entrance from Masjid Lane and the front urban spaces along Masjid Lane residential block. The ball court and school hall would be accessed outside school hours and secured by high fencing. The rear gardens to the rear of the school hall would be private for the duplexes. The proposal would include tree and shrub planting at front and by the mosque.
- 8.78 The school courtyard would be designed in line with the needs of school children. The proposal would introduce a more varied range of high quality play environments, specifically tailored to the various key age groups at the nursery and primary school. These include formal games areas as well as hard and soft landscaped areas for informal play and socialising. The soft landscaped spaces would also include science and nature garden or ‘habitat areas’ – which are intended to promote interactions with nature and to enhance the appreciation of the natural environment. The main communal play area would be laid out in hard and soft material together with play equipment.

Loss of trees

- 8.79 In terms of trees, the Council would seek to resist any loss on a development site. London Plan policy 7.21 on trees and woodlands seek to ensure that trees should be protected, maintained and enhanced. Existing trees of value should be retained. Policy DM24 seeks to ensure that features of positive value are protected within a development site. Paragraph 24.4 of that policy, elaborates on this policy and states that features of positive value can include those relating to the natural environment, such as biodiversity assets and the built environment. The planting and provision of new trees within a proposed landscaped plan is also highly supported. There are 26 trees on site currently. None of them are subject to a Tree Preservation Order (TPO). The remainder of onsite trees have a variety of defects and 3 trees being previous pollards.

- 8.80 One tree is of considerable amenity value and officers would seek its retention within the new scheme. This is the mature “Wingnut” tree located in the grounds of the former Burdett Centre. It is proposed that this tree is retained and protected during construction works. This would be secured by conditions.
- 8.81 A local resident was concerned about the loss of the two trees along St Pauls Way. Officers sought advice from the borough’s Tree Officer who undertook a Tree Canopy Assessment. This assessment compares the impact of removing the existing on site trees with the proposed new trees. By selecting 50-60 girth replacement specimens, it was concluded that there would be a net gain in canopy cover of and retention span would also be increased. This gain would be received at first planting and throughout the years. The applicant would replace all trees lost on site. This would also be secured by conditions.
- 8.82 To conclude, officers are satisfied that the mature “Wingnut” tree within the site would be retained and incorporated within the new school ground. The existing trees near the mosque would not be retained, but would be replaced by three new trees within the new square adjacent to the mosque. Overall, the tree canopy cover would be greater with the replacement trees than is currently the case on site. In other words, there are more trees as a result of the development than are currently on the site.

Conclusion

- 8.83 Overall and in line with policies, officers consider the scheme to be of good quality in general architectural and urban design terms. The scheme would respond well to the challenges of facilitating the new school and nursery at this urban site and the proposed design of the development would be supported subject to necessary conditions to secure quality materials. The overall response to access and inclusion would also be broadly supported.
- 8.84 To conclude, the proposed development is acceptable in terms of design, scale and appearance. As such, the scheme is in line with policies 7.1 and 7.6 of the LP (2011), Policy SP10 of the adopted CS (2010), and policies DM24 and DM26 of the MDD (2013), which seek to ensure buildings are of a high quality design and suitably located. Furthermore, the scheme is considered to deliver high quality design, enhancing the street scene and local context and would accord with government guidance as set out in the NPPF, policies 7.8 and 7.9 of the Mayor’s LP (2011), Policy SP10 of the adopted CS (2010), and policies DM23 and DM24 of the MDD (2013), which seek to ensure an acceptable standard of design.

Housing

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

- 8.86 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.87 The London Housing SPG notes the density matrix within the London Plan and Council's Core Strategy is a guide to development and is part of the intent to maximise the potential of sites, taking into account the local context, design principles, as well as public transport provision. Moreover, it should be remembered that density only serves an indication of the likely impact of development.
- 8.88 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.
- 8.89 The application site measures approximately 0.96 hectares with a site PTAL rating of 2. In areas of PTAL 2 (very low/poor) within an urban setting, the density matrix associated with policy 3.4 of the London Plan suggests a density of between 300-650 habitable rooms per hectare. This density range is provided by the sustainable residential quality density matrix that underpins Policy 3.4, Optimising Housing Potential of The London Plan (July 2011). The proposal, at 109 units, represents a density of 328 habitable rooms per hectare, which sits comfortably within the density matrix, albeit on the lower end of the scale. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment.
- 8.90 In this instance, officers consider that the proposal would provide good quality affordable and private homes with an appropriate mix, including a good proportion of family sized units, in a high quality scheme that positively responds to local context and does not result in any symptoms of overdevelopment. Furthermore, the scheme would also offer a mixed used development which would provide local social infrastructure and fulfil the vision for St Paul's Way.
- 8.91 Considering all the non-residential benefits of the scheme, along with the presumption in favour of sustainable development in the NPPF, it is considered that the density can be supported. Furthermore, the development does not present any adverse symptoms of overdevelopment. As such, taking into account the context of the site, it is considered that the proposal would appropriately maximise the intensity of use on the site and is supported by national, regional and local planning policies, in particular London Plan policies 3.4 and 3.5 and the Adopted Core Strategy policy SPO2.

An overview of the housing provision

- 8.92 It is noted that this proposal forms part of the Burdett Estate regeneration project by Poplar Harca, who is the applicant. The proposal would consist of the total demolition of all buildings on site to make way for a mixed use development. In terms of housing, this would consist of the demolition of two

blocks containing 54 dwellings in total. The tables below would look at the existing and proposed units, assess the changes and give an understanding of the housing changes that are occurring within the estate. Further, the report would also look at the proposal in isolation (stand-alone residential development) and as a re-provision/uplift scheme.

8.93 The following table provides a breakdown on the housing to be demolished.

Existing units within Printon and Linton Houses (to be demolished)								
	Market Sale		Intermediate Housing		Affordable/Social Rent		Totals	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
Studio	1	1	0	0	7	7	8	8
one bed	4	8	0	0	12	24	16	32
two bed	4	12	0	0	14	42	18	54
three bed	3	12	0	0	0	0	3	12
four bed	7	35	0	0	2	10	9	45
Totals	19	68	0	0	35	83	54	151

From the above table, it is evident that the vast majority of housing to be demolished are one and two beds in the social rented tenure, although some units are now in private tenure following having been purchased for example under the 'Right to Buy' initiative.

8.94 This second table shows the proposed housing delivery for the scheme.

Proposed scheme								
	Market Sale		Intermediate Housing		Affordable/Social Rent		Totals	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
Studio	10	10	0	0	0	0	10	10
one bed	32	64	8	16	0	0	40	80
two bed	26	82	3	9	2	6	31	97
three bed	15	60	3	12	4	20	22	92
four bed	0	0	0	0	6	36	6	36
Totals	83	216	14	37	12	62	109	315

The figures show that the proposal consists of a high level of private units, with 14 shared ownership units and only 12 social housing. However, there is an increase in family housing and an overall increase in habitable rooms, from 151 to 315. More importantly, there is also an up-lift in the habitable rooms level for affordable housing, by 16 habitable rooms.

8.95 The final table shows the net change of housing for the Burdett Estate

Net Change plus/minus difference								
	Market Sale		Intermediate Housing		Affordable/Social Rent		Totals	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
bedsit	9	9	0	0	-7	-7	2	2
one bed	28	56	8	16	-12	-24	24	48
two bed	22	70	3	9	-12	-36	13	43
three bed	12	48	3	12	4	20	19	80
four bed	-7	-35	0	0	4	26	-3	-9
Totals	64	148	14	37	-23	-21	55	164

There is a very clear increase in market housing within this development with a considerable loss of family housing in the four bed tenure but an increase in three beds. There is also a reduction of units in the social rent sector but

these are within the smaller units' tenure. Importantly, the increase in family dwellings in the social/intermediate housing section is noted and welcome.

Affordable housing

- 8.96 In line with Section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.
- 8.97 The Council's Core Strategy (2010) requires, subject to viability, a minimum of 35% affordable housing provision on sites providing 10 or more dwellings. Policy DM3 of the MDD states that development should maximise the delivery of affordable housing on-site. Part 4 of the same policy states that habitable rooms would be used to calculate affordable housing provision, as a primary measure and this would be "*based on the total housing existing or permitted as part of a development, where a scheme proposes additional housing*". The proposed scheme, when looked at as a stand-alone proposal, would provide 31% affordable housing by habitable room, which is below the minimum 35% affordable housing required by policy (subject to viability). Over the proposed development achieves a tenure split within the affordable of 77:23 in favour of rented. This split fits broadly with the Council's target of 70:30, than the target set by the London Plan of 60:40.
- 8.98 A viability assessment was submitted with the application which has been independently tested by the Council's appointed consultants, BNP Parisbas. The independent testing has confirmed that 31% (by habitable room) based on the above tenure split is a reasonable reflection of maximum level of affordable housing that the scheme can deliver.
- 8.99 As a replacement proposal, the scheme yields a total of approximately 10% uplift in affordable housing by habitable room (additional of 16 habitable rooms). However, in terms of units, there is a net loss of affordable housing by 9 units. Out of the 54 units within the existing Printon and Linton Houses, there are 35 social rented units. The current proposal delivers 12 social rented and 14 intermediate units, a total of 26. However, it is noted that the affordable tenure would secure more family sized dwellings within the new scheme. The Council's Affordable Housing team has confirmed that the mix including the level of replacement of the existing affordable units is considered to be acceptable given the need for larger family housing within the social rented tenure.
- 8.100 This proposal as mentioned before is part of an estate regeneration project. Reference is therefore made to the MDD policy DM(6) which states the following:

"Estate regeneration development that proposes a net loss of affordable housing will only be allowed in exceptional circumstances where:

- a. development demonstrates that a limited loss of affordable housing is required to improve the tenure mix on site; or
- b. public open space or a non-residential use will benefit the overall estate regeneration scheme.”

Furthermore, its accompanying paragraph discusses the adopted approach further and states that:

“3.10 Part (6) seeks to ensure a better overall outcome for development within estate regeneration schemes, which leads to the net loss of affordable housing. Specifically, it looks to secure mixed and sustainable communities and high-quality housing, public open space, community infrastructure and services. Within estate regeneration schemes, the level of affordable housing provided within a new development may be varied to facilitate the delivery of market housing where this is demonstrated to be necessary to cross-subsidise improvements to the quality of existing affordable housing.”

- 8.101 In this instance, officers welcome this proposal which would deliver a significant level of non-residential community uses on this site. The scheme would consist of replacement uses and a completely new educational usage in the form of a two from entry primary school and a nursery. The mosque, ball court and community facility would be replaced. Furthermore, the applicant has also made provision to secure high quality public open space on a nearby site, which is being assessed under a separate planning application, namely PA/14/03243.
- 8.102 However, and taking all the above into account, and whilst it is noted that the development is likely to be implemented swiftly, and completed in a single construction phase, officers believe that it would be encouraging and beneficial to include a financial review mechanism as part of the section 106 legal agreement.. Such a mechanism should also be designed so as to ensure that an appropriate proportion of any financial surplus generated (for example through an uplift in private sale values) would be awarded to the Council, and ring-fenced for the delivery of affordable housing units.
- 8.103 Therefore, it is considered that this scheme would deliver a development that would vastly improve the estate and would provide a mixed and sustainable community. Taking all of the above into account, on balance, the provision of 31% affordable housing by habitable room is considered acceptable and accords with policy. This conclusion is informed by the final tenure and mix of affordable housing units provided which is addressed in detail below. It should be noted that the scheme would deliver much needed affordable family housing units at social rent levels with 6 x 4 bedroom units and 4 x 3 bedroom units.

Dwelling mix

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

Unit size	Total Units	Social Rented			Intermediate (shared ownership)			Private Sale		
		Units	% on offer	LBTH Target	Units	% on offer	LBTH Target	Units	% on offer	LBTH Target
Studio	10	0	0	0	0	0	0	10	12	0
1 bed	40	0	0	30%	8	57.2	25%	32	38.6	50%
2 bed	31	2	16.7	25%	3	21.4	50%	26	31.3	30%
3 bed	22	4	33.3	30%	3	21.4	25%	15	18.1	20%
4 bed	6	6	50.0	15%	0	0		0	0	
Total	109	12	100			14	100		83	

8.105 Within the shared ownership tenure, the housing mix would be 17% two-bed, 33% three-bed and 50% four-bed. This mix makes no provision for one bed units, an under provision of 2 beds and importantly, an above target provision of 3 and 4 bed units, in particular large 4 beds. Officers consider that this mix is acceptable in this instance, as it helps to maximise the delivery of larger family sized social rented units, for which there is an identified need in the Borough. Also, it is noted that the family sized units within the social rented tenure are provided with separate kitchens which officers are satisfied that this provision has been feasibly maximised.

8.106 Within the intermediate tenure, the mix would be 57% one-bed, which represents an above target provision of one bed (doubled the requirement); this is welcome given the lack of one bed in the social rented tenure. 21% each for two and three bed units are being offered, which is almost in line with policy requirement for three beds but very much below, for two beds. In view of the scheme's provision of a high number of family sized units within the social rented tenure and the high residential quality of the intermediate units, officers consider that the departure from the Council's preferred tenure is justified in this instance. On balance, it is not considered that departure from the Council's preferred tenure mix is serious enough to warrant a refusal of the application especially in view of the schemes overall material planning benefits.

8.107 Within the market sector, the scheme provides 12 studios against a zero policy target and 39% of one bedroom units against a 50% policy target. Combined this would yield the 50% provision as required by policy. There is a slight over provision of 2 bedroom units. For larger family sized units the market provision is broadly in line with Council's target, providing 18% as 3 bedroom units against the 20% target for larger family sized units as set out in LBTH policy.

8.108 In the context of the overall financial viability, the share of social rented and intermediate housing, the mix of rented tenures and the emphasis on a large proportion of the social rented units to be larger family sized units, all delivered at social rent, the mix of unit sizes is considered acceptable mix and consistent with Policy 3.8 of the London Plan (2011), Policy SP02 and Policy DM3 (part 7) of the Local Plan which seeks to ensure developments provide an appropriate housing mix to meet the needs of the Borough.

Wheelchair accessible housing and lifetime homes

8.109 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is

designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Information has been submitted to demonstrate that the proposed units would meet lifetime homes standards.

- 8.110 With reference to wheelchair accessible housing, the application proposes the delivery of 11 wheelchair units/13% by habitable room, as follows: six (6) two bed and five (5) three bed units; out of these 11 units, six would be in the intermediate tenure, four private and one in the affordable tenure.
- 8.111 Therefore, the overall provision for wheelchair accessible accommodation across all tenures would be 11 units which equates to slightly over 10% across all tenures or 13% by habitable room. This provision would meet London Plan and Tower Hamlets Local Plan policies.

Standard of residential accommodation

- 8.112 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, of high-quality and well-designed. Specific standards are provided by the Mayor of London's Housing SPG to ensure that the new units would be "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime." The SPG also requires consideration to be given to the number of single aspect units and the design, environmental and comfort benefits of housing with more than one aspect.
- 8.113 All units within the scheme would meet the minimum unit size and room size standards set out in the London Housing SPG, in particular the proposed family sized units in the affordable tenure would in some cases be more spacious.
- 8.114 The submitted drawings and details of the units show that the overall standard of accommodation is high with all units meeting or exceeding the Council's minimum space standards for dwellings. In addition, the proposed room sizes and layouts accord with the standards set out in the Mayor of London's Housing SPG (2012). As such, it is considered that the proposed residential dwellings include adequate internal space and generous external amenity space, so as to provide an appropriate living environment for future residents, in accordance with the requirements of Policy 3.5 of the London Plan (2013) and Policy DM4(1) of the Council's adopted Managing Development Document (2013).

Outdoor open space and child play space

- 8.115 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.

Private amenity space

- 8.116 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All 109 dwellings would have adequately sized balconies/terraces and urban gardens, all meeting or exceeding the minimum standard. The proposal's private amenity space required by policy is 317sqm. In total, the scheme

would provide approximately 1432sqm, representing an over-provision of 1115sqm.

- 8.117 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. This would equate to a requirement of 95sqm. It is noted that this proposal would not be providing any dedicated communal amenity space. Given the school amenity space and child play space being provided and the considerable overprovision of private amenity, it is considered that this would help towards mitigating the shortfall of communal space. It is also noted that the site is within walking distance of Mile End Park.,

Child play space

- 8.118 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document (2013) require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.
- 8.119 Policy 3.6 'Children and Young people's play and informal recreation facilities' of the London Plan specifically identifies the requirement for the provision of play and informal recreation within London as well as the need for London boroughs to undertake audits of existing play and informal recreation and assessment of needs in their areas. All children and young people should have access to places for play within reasonable and safe walking distance of new residential developments.
- 8.120 The London Plan also advises that in areas of deficiency, there will be a requirement for new provision to be made to meet the benchmark standards for accessibility to play provision. The local context needs to be considered in establishing how deficiencies are identified and states that existing places for play and areas of deficiency should be identified for the three age bands in the play strategy within the identified walking distances.
- 8.121 The GLA's 'Play and Informal Recreation SPG' confirms the benchmark standards are recommended in respect of different age bands in determining whether there is accessibility to existing play provision to serve the needs of the existing population and new residents in the area. Table 4.4 sets out 'Accessibility to Play Space' and confirms that the maximum walking distance from residential units for play space for under 5s is 100m, for 5-11 year olds 400m and for 12+ 800m.
- 8.122 Using the LBTH Child yield calculations, the development is anticipated to yield 39 children. (11 under 5's, 15 between 5-11 years and 12 12+ years). Accordingly a total of 390sqm of child play space should be provided to meet London Plan policies. With specific reference to 0-5 year olds, the overall provision onsite should be 110sqm. The proposal makes provision for approximately 1004sqm of play space across all ages, in the form of the play area on St Paul's Way and the ball court in Masjid Lane.

- 8.123 Overall, it is considered that the proposal would provide a good play environment. The proposal would consider the needs of children of all ages and play amenity space is also considered for the new school as well. As such, the proposal would meet the requirements of Policy 3.6 of the London Plan (2011), Policy SP02 of the adopted Core Strategy (2010) and Policy DM4 of the Managing Development Document (2013) which seek to ensure that new developments make sufficient provision for children's play space.

Amenity

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

Sense of Enclosure / Outlook and Loss of Privacy

- 8.125 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people.
- 8.126 There are residential properties to the north, east and west of the site. To the south of Masjid Lane is Stebon School. It is noted that the application site was already built up and contained buildings of various sizes and heights. St Paul's Way is approximately 20m wide and the separation distance between the existing and proposed buildings is considered acceptable in that location. On the east is Bredel House and Perkins is on the west. It is noted that the separation distance is considerably less for both houses; however, in this location, the proposal would consist of the single storey school wings. The rear gardens of Perkins House would abut the new school wings.
- 8.127 The southern part of Perkins House would abut the side elevation of the new residential block. There are no windows proposed on this elevation and balconies are placed slightly forward with a high parapet to avoid any direct overlooking. Bredel House on the other hand is closest to the application site and in particular the mosque building. At its closest the separation distance is 6m and 14m at its furthest from the mosque but the detailed design of the mosque can be conditioned to ensure overlooking is mitigated. Careful consideration was given to the height of the mosque in view of this proximity and it is considered that at two storeys the mosque building would not cause a sense of enclosure to the nearby residents.
- 8.128 Whilst in some instance these figures fall short of the ideal separation distance of 18m, it is considered to be acceptable on balance given the

central urban character of the site where high density development is deemed to be appropriate. Officers are of the opinion that this proposal would not lead to significant impact in terms of overlooking and loss of privacy to existing buildings around the site.

Daylight and sunlight

- 8.129 Policy SP10 of the Core Strategy and policy DM25 of the MDD seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential development.
- 8.130 The objective of the Council's Policy DM4 is to ensure that new development does not adversely affect the amenity of existing neighbouring occupiers as a result of the loss of Daylight and Sunlight caused by a proposed development. Whilst it is perfectly reasonable for a degree of flexibility to be applied to reflect specific site conditions and the urban nature of this part of the Borough, the key issue remains whether the proposed development will result in a material loss of the amenity enjoyed by neighbouring residents.
- 8.131 The day lighting conditions at neighbouring properties are 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 reduced to no less than 0.8 times their 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.
- 8.132 The day lighting conditions within new homes are normally assessed in terms of the Average Daylight Factor (ADF). British Standard 8206 recommends the following minimum ADF values for new residential dwellings, 2% for kitchens; 1.5% for living rooms and 1% for bedrooms.
- 8.133 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.
- 8.134 Objections have been received from neighbouring residents on the grounds that the proposal would result in a significant deterioration in the day lighting and sun lighting conditions of habitable rooms within their properties. The application is accompanied by a Sunlight & Daylight Assessment, prepared by Waldrams Ltd, dated September 2014. This report was independently assessed and evaluated by BRE on behalf of the Council and details of the assessment and officers' recommendations are provided below.

- 8.135 The buildings analysed for loss of daylight and sunlight are Bredel House, Perkins House, Kirkby Apartments, Thorn Apartments and the retained part of Linton House. Two schools could also be affected by the new scheme, namely Stebon and St Luke. As non-residential buildings but with a reasonable expectation of daylight, their inclusion was considered useful.
- 8.136 It is noted that the retained part of Linton House would achieve the BRE guidelines for daylight, annual probable sunlight hours and winter sunlight hours. Overall impact on Bredel House and Perkins House has been considered minor to moderate adverse. Overall impact for Kirkby and Thorn Apartments on the other hand has been considered major adverse however the existing conditions experienced are likely to be poor due to the existing louvres to the facing elevation of these blocks. Impact to the two schools has been assessed as being minor adverse. It is also noted that sunlight to outdoor amenity spaces would achieve the recommended level in the BRE guidance.

Bredel House

- 8.137 Bredel House lies to the east of the application site. As noted above, the overall impact on this building has been assessed as being moderate adverse. However, the impact on most of the windows would comply with the guidelines of the BRE report. Some of the windows on lower floors would experience greater losses of daylight. It is also noted that balconies in some cases, would prevent light from reaching windows, thus making the windows dependent upon light across the site. It is also noted that two windows on the ground floor would lose more than half of the daylight currently received.
- 8.138 The independent assessment also concludes that all the windows in this block would retain the amount of annual probable sunlight hours recommended in the BRE report. In terms of winter sunlight, out of 84 windows tested, two windows would not retain the recommended sunlight hours.

Perkins House

- 8.139 Perkins House lies west of the application site and results from the independent assessment show similar results to that of Bredel House. Removal of balconies in this instance would allow for an increased number of failed windows to achieve the BRE guidelines indicating that balconies would prevent light into the flats. In terms of annual probable sunlight and winter sunlight hours, as most of the windows in Perkins House face north, those which have a reasonable expectation of sunlight would still achieve the BRE guidelines for both.

Kirkby Apartments

- 8.140 Kirkby Apartments lie north of the application site along St Paul's Way. The daylight distribution to this building has been assessed as being major adverse..
- 8.141 Out of 54 windows tested, 21 windows would lose annual probable sunlight and 18 would lose winter sunlight in their living rooms. The applicant responded to BRE's findings and stated that "*The existing Kirkby and Thorn apartments have louvres over the windows and balconies, as shown on the photo below, which provide a very low level of existing daylight and sunlight.*"

Although the daylight and sunlight has been analysed with these louvres omitted, if these louvres were removed from the facades of Kirkby and Thorn Apartments then the increase in daylight would likely be greater than the loss caused by the proposal”.



Thorn Apartments

- 8.142 Thorn Apartments also lie to the north of the application site and would also experience a substantial adverse impact as a result of this proposal, in view of the independent assessor. Similar findings have been made in terms of the balconies and their impacts on light penetration in the flats. The mirror image methodology has again been proven incorrect by the Council’s assessor.
- 8.143 The windows at Thorn Apartments would achieve the BRE guideline for annual probable sunlight hours; however, they do not in all cases achieve the winter sunlight hours. Out of 58 windows tested, 18 would be suffering from a less than 0.6 ration of winter sunlight.
- 8.144 Furthermore, it should be accepted that the general pattern of development in the area is higher and denser than used for setting the targets in the BRE Guidelines and it is therefore appropriate to apply a greater degree of flexibility. The height and “massing” of the proposed development does not however, mirror the height and massing on the opposite and this method should not have been adopted by the applicant.
- 8.145 The results of the Daylight and Sunlight independent assessment and the applicant’s own report do clearly demonstrate that the impact on some of the habitable rooms would be materially affected. And it is acknowledged that the flats within Kirkby and Thorn Apartments would be left with poor levels of Daylight and Sunlight with the consequence that those occupants would need to rely on supplementary artificial lighting for large parts of the day..
- 8.146 Officers acknowledge that the impact on the most affected residential blocks/units would be clearly noticeable to their occupants. However, on

balance, given the range of community and educational benefits that would be brought forward by the scheme, including the delivery new homes, affordable housing, a much needed two form entry primary school and a 25 space nursery together with a S106 package, officers do not consider that these impacts are so significant so as to warrant a reason for refusal in this instance. The benefits being brought forward by this scheme would clearly outweigh those impacts given the character, nature and vision for this area.

Daylight and Sunlight levels provision to new dwellings

- 8.147 The applicant's report states that internally 91% of habitable rooms within the proposal would meet the BRE guidelines for ADF, with all other rooms achieving levels of daylight distribution of around 80% or more, indicating that all rooms within the proposal would be well lit during the day. In terms of sunlight, 67 out of 95 main living rooms contain at least one window which meets the BRE guidelines.
- 8.148 The independent assessor concludes that all of the bedrooms achieve the recommended minimum value for ADF in BS 8206 Part 2, 1.0%.
- 8.149 Whilst daylight and sunlight provision to the residential properties in the development is good in parts of the building, it is acknowledged that in other parts this is poor, especially in the case of some of the living rooms. These apply to the units which are set back and obstructed by balconies above them. It is noted that in these cases, the design of the proposed building result in poor day lighting conditions to some rooms in obstructed areas. The design seems to be responsible for the low ADF in parts of the new building.
- 8.150 It is also acknowledged that balconies would be responsible for the poor distribution of sunlight and daylight in some of the flats. Block D would seem to be most affected being in the corner of the block. Many kitchen and living rooms do not achieve the recommended value for annual probable sunlight hours. However, they are also not so far below the recommended values. Whilst all the units would be designed with private amenity space, which are in accordance to policies, it is noted that a balance has to be struck with the impact on daylight/sunlight on these units.
- 8.151 To conclude, it is accepted that some of the new flats would not enjoy a high degree of daylight and sunlight; however, taking in to account the urban setting, it is considered that on balance the proposal provides acceptable residential space standards and layout together with private amenity space which is a prerequisite for good housing standards.
- 8.152 The applicant's Daylight and Sunlight report has been independently assessed to determine the impacts the proposal had on surrounding developments and the development itself.

Impact on neighbouring properties

- 8.153 The independent assessment does not completely agree with applicant's interpretation of daylight and sunlight results and believes that the scheme will have a more material adverse impact on neighbouring properties than the report suggests.

- 8.154 The buildings analysed for loss of daylight and sunlight are Bredel House, Perkins House, Kirkby Apartments, Thorn Apartments and the retained part of Linton House. Two schools could also be affected by the new scheme, namely Stebon and St Luke. As non-residential buildings but with a reasonable expectation of daylight, their inclusion was considered useful.
- 8.155 It is noted that the retained part of Linton House would achieve the BRE guidelines for daylight, annual probable sunlight hours and winter sunlight hours. Overall impact on Bredel House and Perkins House has been considered minor to moderate adverse. Overall impact for Kirkby and Thorn Apartments on the other hand has been considered major adverse. Impact to the two schools has been assessed as being minor adverse. It is also noted that sunlight to outdoor amenity spaces would achieve the recommended level in the BRE guidance.

Internal daylight and sunlight within the proposed development

- 8.156 The independent assessor concludes that all of the bedrooms achieve the recommended minimum value for ADF in BS 8206 Part 2, 1.0%.
- 8.157 Whilst daylight and sunlight provision to the residential properties in the development is good in parts of the building, it is acknowledged that in other parts this is poor, especially in the case of some of the living rooms. These apply to the units which are set back and obstructed by balconies above them. It is noted that in these cases, the design of the proposed building result in poor day lighting conditions to some rooms in obstructed areas. The design seems to be responsible for the low ADF in parts of the new building.
- 8.158 It is also acknowledged that balconies would be responsible for the poor distribution of sunlight and daylight in some of the flats. Block D would seem to be most affected being in the corner of the block. Many kitchen and living rooms do not achieve the recommended value for annual probable sunlight hours. However, they are also not so far below the recommended values. Whilst all the units would be designed with private amenity space, which are in accordance to policies, it is noted that a balance has to be struck with the impact on daylight/sunlight on these units.

Transport, Access and Highways

- 8.159 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.160 London Plan policies 6.1 and 6.3 seek to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. The Core Strategy policies SP08 and SP09 together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no

adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

- 8.161 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.162 The site has a fairly good accessibility to public transport even though the PTAL is only 2/3 (in the range 1 to 6 where 1 is low and 6 is excellent). The site is approximately 200m away from Burdett Road, which is served by a number of bus routes; Mile End Road and the Underground Station are just less than 1km away by foot, but are easily accessible by public transport. The nearest DLR station is in Devons Road about 800m to the east.
- 8.163 In accordance with policy DM20 of the MDD, the application has been accompanied by a Transport Statement and draft Travel Plan Report, which has been reviewed by the Council's Highways Department. The report has looked at the uplift of 55 units only, for the residential element of this scheme and concludes that trip generation would be low and the impact on public transport would be generally positive and would not cause any capacity issues on buses or rail services. Furthermore, as the proposed development would be car free, there would be no impact on the highway network other than service related trips.

Additional trip generation as a result of the new school, nursery and larger mosque

- 8.164 It is considered that the two forms entry primary school and nursery would serve local needs and would therefore have very similar patterns of travel to the existing Stebon School to the south. It is noted that the new school would be accessed via Masjid Lane where the entrance to Stebon School is also located. Officers consider that additional pressure would be placed on this estate road as a result of this development.
- 8.165 The Highways officer has stated that there is a lack of information on the management of pupils and their parents/guardians and the start and end of the school day. Highway would expect a condition - either school travel plan or a management plan. This is especially important given the proximity of the expanding Stebon schools to this proposal. There is a possibility that school day start and finish times will need to coordinate with this development and Stebon Primary School. A travel plan would be required prior to the school being operational. This would be secured by way of condition. The nursery would be accessed via St Paul's Way where there are no conflicting uses and the public highway is wider than the estate road. Therefore, it is considered that this part of St Paul's Way would be not adversely affected.
- 8.166 The mosque is an existing use in the local area; however, the capacity would be increased due to the increased size of the mosque. As with the school, a management plan for the mosque is required. The submitted Transport Assessment states that at peak times, up to 600 people will attend the

mosque. Highways would expect to see a breakdown of trips, by mode, based on existing travel patterns and how mosque will manage the impact. It is useful to consider Friday prayers as being a time when there would be maximum capacity at the mosque. However, as this is an existing use and residents are local, there would not be too much demand on parking.

- 8.167 In general, it is considered that the redevelopment of the site including the new school is significant and subject to conditions would not cause an adverse impact on the borough's highways. As the development would be car free, any impact may well be on the footway, cycleway and public transport. In line with the recommendation of the Council's Highways Officer, the Draft Travel Plan submitted with the application would be secured through a condition. Subject to other highways conditions, the LBTH Transportation and Highways team raises no objections to the proposed development.

Car parking

- 8.168 Policy DM22 sets out the Council's parking standards in new developments. The application site falls mainly within PTAL 2. In respect of the uplift new homes (55), no car parking would be provided and the development would be car free, apart from those transferring within the borough from another affordable home or those who are Blue Badge holders. It is proposed to deliver 6 on street car parking spaces for disabled motorists on Masjid Lane (which is not adopted public highway) which will be secured by conditions.
- 8.169 The development should be subject to a s106 agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH. The night time parking occupancy on nearby streets is above the 80% level regarded as 'stressed' by Highways. Parking occupancy on Wallwood Street is 95% and 91% of Burgess Street. The proposed Blue Badge car parking is acceptable. Highways have recommended a condition is attached requiring this is retained throughout the lifetime of the development.

Cycle parking

- 8.170 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for residential development. In accordance with these standards, the application proposes 183 secure covered spaces for this development consisting of 137 spaces for residents, 26 for the nursery and primary school and 20 for the mosque. In terms of policy requirements, the proposal should provide 71 cycle spaces; therefore there is an over provision of 112 spaces which is welcome.
- 8.171 The Highways officer has commented that the residential cycle parking located in single store accessed from street only at the eastern end of the main residential block. The school cycle parking is not supported. The applicant has provided cycle parking for only 1 in 20 pupils (MDD standard is 1 in 10). The cycle parking for the mosque is acceptable. Trip generation - A comparison of the existing peak time trip generation should be provided for comparison for all uses on site. This should be tabulated. A condition would be attached to secure an appropriate cycle parking spaces for the school. However, officers are mindful of the constraints of this site and further discussion would be required to agree the provision of cycle spaces for the school in line with policies.

Servicing and refuse collection

- 8.172 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new developments, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposal would include the provision of refuse and recyclables storage areas within the main block and smaller residential block, the school and mosque. The proposals have been reviewed by the Council's Waste Policy and Development Officer who has raised no objections.
- 8.173 The Highways officer has advised that the proposals for servicing the development are acceptable. A condition requiring a Delivery & Service Plan should be secured in the permission. Further conditions would be as follows: The development authorised by this permission shall not be occupied until the scheme of highway improvements necessary to serve this development have been completed in accordance with the Council's approval and have been certified in writing as complete by or on behalf of the Council (as local planning authority and highway authority) unless alternative arrangements have been approved in writing by the Council (as local planning authority and highway authority).
- 8.174 Further conditions required would be for a Construction Management Plan approved prior to commencement of development. A separate residential, school and mosque Travel Plan must be approved prior to occupation of development.
- 8.175 Subject to conditions, it is considered that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with Policy SP05 of the Council's adopted Core Strategy (2010) and Policy DM14 of the Managing Development Document (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.

Environmental considerations

Noise

- 8.176 Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies and policies SP03 and SP10 of the Core Strategy (2010) & policy DM25 of the Managing Development Document (2013) seek to minimise the adverse effects of noise.
- 8.177 The application has been supplemented by a Noise Impact Assessment Report by Scotch Partners. It is acknowledged that the scheme involve many noise inducing uses, such as a school, mosque, ball court. The report concludes that sound insulation performances for various facades of the development have been determined and if these sound insulation performance specifications are achieved, noise intrusion would be controlled to acceptable levels. However, officers are of the opinion that a further report

would be required to make a more thorough assessment of the noise level as a result of all the uses proposed on site.

- 8.178 The Council's Environmental Health Officer has reviewed the report and has made some comments on sound insulation. It is recommended that the building should also incorporate a high degree of sound insulation between any residential and school (including any playgrounds or considered multi-use games areas) or mosque areas. A sound insulation performance of at least 55 dB DnTw + Ctr between activities and boiler rooms, such as school kitchen extract systems and boilers is recommended. Additionally, the use of other mechanical and electrical plant and, servicing and delivery issues may also cause conflicting noise issues. The EHO officer also advised that the acoustic assessment does not address the noise impact of any play areas and any required sport areas, the design and any required mitigation issues will need to be agreed.
- 8.179 Given the local context and other major developments that have been approved in the nearby area, with habitable rooms facing busy main roads and location of existing schools, it is considered that the officer's concerns and issues of noise and vibration could be addressed by mitigation measures secured through a condition.
- 8.180 As such and on balance, subject to conditions, it is considered that the proposed development would adequately protect future residential occupiers from undue noise disturbance, in accordance with Policy SP10 (4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013). It is also recommended that a condition be attached which requires the applicant to submit further details of the noise and vibration impact of the development to ensure that appropriate mitigation measures are taken to deliver a scheme which would seek to reduce or manage noise from all noise emanating uses on site.

Air Quality

- 8.181 Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Policies SP02 and SP10 of the Core Strategy and Policy DM9 of the Managing Development Document (2013) seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 8.182 The Council's Air Quality Officer has stated that the demolition/construction assessment is accepted provided the mitigation measures stated in the report are instigated at the development. A construction/demolition dust management plan detailing how the potential air quality effects will be controlled and mitigated in line with the 'The Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014' and the 'Tower Hamlets Code of Construction practice' has been requested and would be secured via condition.' This would be a requirement prior to the commencement of the development.
- 8.183 Furthermore, the assessment predicts that the NO₂ objective will be exceeded at the ground floor of blocks A & B in the opening year. Therefore, school classrooms' mitigation would be required such as mechanical

ventilation and non-opening windows; these should be used for all facades exceeding or approaching the air quality objective. If mechanical ventilation is used, the location of the air inlet vent must be carefully considered in relation to the location of the stack, and must be approved by LBTH. This would also be secured by condition.

Land Contamination

- 8.184 The policy context is set by the National Planning Policy Framework (2012) and Policy DM30 of the Council's adopted Managing Development Document (2013). Specifically, Policy DM30 requires suitable site investigation and remediation schemes to be secured and agreed for development proposals on contaminated land or potentially contaminated land.
- 8.185 The current application is accompanied by a Desktop Contaminated Land Assessment Report, which has been reviewed by the LBTH Environmental Health (Contaminated Land) Officer. The officer has not raised any objections to the proposals subject to the inclusion of a condition to secure a scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed. In addition, the LBTH Environmental Health Officer recommends the inclusion of a further condition to require the necessary remediation works to be carried out in full and to require the submission for approval of a verification report on completion of the remediation works.

Flood Risk

- 8.176 The application site falls in Flood Zone 1 and is under a hectare in area. Environment Agency (EA) has no adverse comments to make on this proposal. The main flood risk has been identified as the management of surface water run-off.
- 8.177 EA has recommended that the development should utilise sustainable urban drainage systems, which would be secured by condition. The application has been accompanied by a Drainage Strategy which confirms that surface water would be discharged from the site to the west as per the existing network.

Thames Water

- 8.178 Thames Water has recommended that conditions are imposed to secure a drainage strategy to ensure that sufficient capacity is made available to cope with the new development.

Utilities Infrastructure

- 8.178 Furthermore, another condition should be imposed to ensure that an impact study of the existing water supply infrastructure is provided to ensure that the water supply infrastructure has sufficient capacity to cope additional demand. Thames Water has also recommended a third condition for a piling method statement to ensure that piling works do not impact on local underground water utility infrastructure.

Energy and Sustainability

- 8.179 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the LBTH Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.180 The overall CO₂ emission reductions considered achievable for the development are approximately 35.4%. The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 50% reduction in CO₂ emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. The current proposals therefore fall short of this policy requirement by approximately 15% which equates to 23.87 tonnes/CO₂ x £1,800 = £42,966 offset payment to meet current policy requirements. The applicant has agreed to cover this cost via the s106 contributions.
- 8.181 Policy 29 of the Development Management Document also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code level 4 and non-residential developments to achieve a BREEAM excellent rating.
- 8.182 The Sustainability Statement identifies that BREEAM Excellent and Code for Sustainable Homes level 4 would be achieved for the applicable areas. However, no pre-assessments have been submitted to demonstrate how this would be achieved. The submission of pre-assessments to demonstrate that the requirements of Policy DM29 are deliverable should be conditioned from prior to commencement. The submissions of the final Code / BREEAM certificates should also be conditioned post completion.

Health considerations

- 8.183 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough. Policy SP03 of the Core Strategy (2010) seeks to deliver healthy and liveable neighbours that promote active and healthy lifestyles, and enhance people's wider health and well-being. Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.

- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

8.184 The applicant has agreed to a financial contribution of £20,630 to be pooled to allow for expenditure on health care provision within the Borough. It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Planning obligations

8.185 Planning obligations may be used to mitigate the impact of the development or to control certain aspects of the development, such as affordable housing. 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.

8.186 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.

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

8.188 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13. The SPG also sets out the Borough's key priorities:

- Affordable Housing;
- Employment,
- Skills, Training and Enterprise;
- Community Facilities;
- Education;
- Health;
- Sustainable Transport Environmental Sustainability

8.189 The overall financial contribution the Planning Obligations SPD would seek to secure would be £394,277. The overall contribution considered to be an appropriate and viable option is £250,384. Additionally, the applicant would also contribute to the Mayor of London CIL, which has been calculated as £293,195.

8.190 The Council's independent viability assessment considered the overall financial contribution offered by the applicant. Considering the overall deliverability of affordable housing, the independent viability review confirmed that it was a reasonable reflection of what can be considered viable and

deliverable onsite. As such, should Members seek to secure the full financial contribution, this could reduce the overall percentage of affordable housing due to scheme viability.

8.191 It is recommended that a viability review mechanism is included in the s106 agreement. This viability review mechanism would be designed to be similar to an overage clause whereby the Council captures any additional value up to the equivalent of 35% affordable housing provision and full planning contributions, in the scheme once the scheme costs and sales values are fully known. Such a clause would likely to be triggered after 50-75% of the new homes are occupied, and would be subject to an independent review by a Quantity Surveyor (Cost Consultant).

8.192 The proposal was discussed by the Councils Planning Contributions Overview Panel (PCOP). It was concluded that the applicants overall contribution would be acceptable and that should members be minded to grant permission, the contribution should be apportioned as set out below.

Financial Obligations

- a) A contribution of £34,232 towards construction phase, skills and training/enterprise & employment.
- b) A contribution of £46,587 towards leisure and community facilities.
- c) A contribution of £13,497 towards Idea Store, library facilities and archives.
- d) A contribution of £85,957 towards public open space or the delivery of an off-site Community Square in-kind (in accordance with planning application reference PA/14/3243).
- e) A contribution of £20,630 towards health facilities.
- f) A contribution of £1,606 towards smarter travel.
- g) A contribution of £42,966 towards carbon reduction initiatives
- h) A contribution of £4,909 S106 monitoring fee (2%).

Total: £250,384

- h) In addition to the above S106 contributions, a further sum of approximately £175,890 would be allocated to the Mayor of London's Community Infrastructure Levy (CIL).

Local Finance Considerations

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

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

- a) The provisions of the development plan, so far as material to the application;

- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.”

8.194 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.

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

8.196 Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would normally be payable. The estimated Community Infrastructure Levy for this development would be £452,614.

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

Human Rights Considerations

8.198 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:

8.199 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".
- 8.200 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.
- 8.201 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights is legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interests.
- 8.202 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.
- 8.203 The balance to be struck between individual rights and the wider public interest has been carefully considered and it is not considered that the adverse amenity impacts are acceptable or that the potential interference with the rights of surrounding property owners is necessary or proportionate in this instance.

Equalities Act Considerations

- 8.204 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.205 The proposed development includes a new two storey Mosque, a primary school, a nursery, an out of school hour's community hall and ball court.

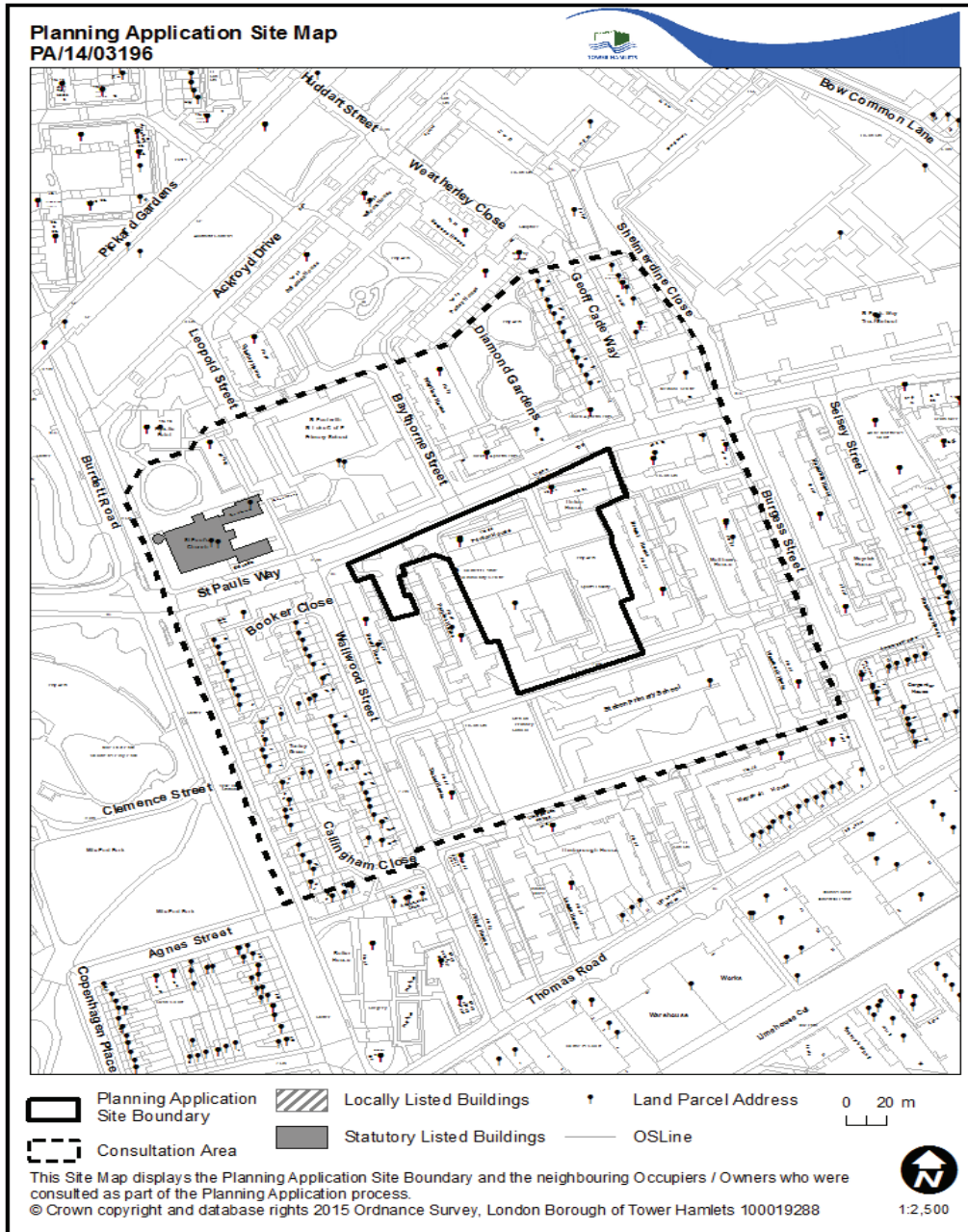
Hence, the equalities impacts associated with the development are material. This scheme would provide additional social infrastructure aimed at meeting the needs of a particular faith group. Loss of the existing religious facility would have a major impact on a specific minority ethnic group, and religious following. The re-provision of the mosque mitigates any such disproportionate impact on a specific group.

- 8.206 This proposal has sought to ensure that the needs of disabled residents are being met. The proposal would include 10 disabled units which would cater for medium/large sized families. All these units would be of satisfactory internal space with separate kitchen and large bathrooms. They would also be accordingly equipped to cater for the needs of the actual residents. Private amenity spaces are also provided for all the disabled units.
- 8.207 The proposal would also provide a high quality landscaped area for the school playground and a dedicated child play space. The proposal would aim to cater for future residents and the general public as well in terms of community infrastructure. In terms of the play space, officers would negotiate that the choice of play equipment takes into consideration those who suffer from physical disabilities/elderly and provide some seating within the scheme with features that provide the function of arms and backs. Different surface material would also be used to cater for those who are visually impaired.
- 8.208 The contributions towards education, qualitative and quantitative improvements to the provision of children play space, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a substantial quantum of high quality affordable housing and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

9 CONCLUSION

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

10 SITE PLAN



Agenda Item 6.2

Committee: Development	Date: 11 March 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Kamlesh Harris	Ref No: PA/14/03243
	Ward: Mile End

1.0 APPLICATION DETAILS

Location: Burdett Community Square, Land off Masjid Lane, St Pauls Way, London E14

Existing Use: Private estate road and servicing access with block of seven domestic garages, hard standing areas, car parking spaces and communal space.

Proposal: Demolition of a block of seven domestic garages and the introduction of a new publicly accessible open space incorporating a landscaped garden area, revised car parking layout, additional tree planting and improved boundary treatment.

Drawings and documents: Burdett Community Square – Landscape, Design and Access Statement, prepared by Standerwick Land Design, November 2014

Applicant: Poplar Harca

Ownership: Poplar Harca

Historic Building: None

Conservation Area: None

2.0 EXECUTIVE SUMMARY

2.1 The Local Planning Authority has considered this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) in addition to the London Plan (2011) and its subsequent Revised Early Minor Alterations (REMA) (2013) as well as the National Planning Policy Framework and all other material considerations.

2.2 The application proposal seeks permission to redevelop an area of land within the Burdett Estate for new publicly accessible open space ("Community Square") and rassoiciated landscaping and car parking reprovision. The site which measures 2260sqm is located between Bredell House to the west, Matthews House to the east,

St Paul's Way House to the north and bounded by Masjid Lane to the south. The landscape proposals would include the provision of a community square and gardens for residents and the estate in general, together with pedestrian links, improved access and car parking. Redevelopment of the site, within the "Transforming St Paul's Way" area, is considered acceptable in principle and supported by policies in the London Plan (2011), the Councils Core Strategy (2010) and the Managing Development Document (2013).

- 2.3 Given the predominantly residential character of the site's environs, the provision of a resident's community square and gardens (with associated works) within the estate would be acceptable in principle and would be supported in policy terms. The proposed development would deliver a total of 650sqm of community open space/garden on the site. It is considered that the site would provide a suitable recreational/leisure/play environment for existing and future residents of all ages and the proposed community space/open space use is acceptable in land use terms.
- 2.4 This new provision of play and open space compliments the Burdett Estate regeneration which includes a school and residential mixed development (PA/14/02618) on the nearby Linton and Printon Houses/St Paul's Way site. This offers a potential windfall area of publicly accessible open space, for a high quality and "fit for purpose" open space/play area for local residents compared to the existing offer on the . This provision would be in line with policy DM10 of the MDD which seek to ensure that developments provide or contribute to the delivery of an improved network of open spaces. It also recognises that in housing estate regeneration, the provision of a larger consolidated area of open space would be a better option for all local residents, existing and future.
- 2.5 This proposal seeks to provide a community benefit and the provision of play/open space would be in line with national and local policies. Officers note that a large number of residents have expressed concerns about the current management of the estate and communication between the Registered Social Landlord and the local community, however the extent to which they raise planning issues that can be considered in the determination of this application is limited .
- 2.6 In conclusion, officers consider that the creation of this new community square and gardens to include a new play/open space, grassed areas, pedestrian paths, community artworks, ornamental tree and shrub planting and new play features for children under 5s age would accord with the aims, objectives and vision for Bow Common as detailed in policy SP12 of the Core Strategy. The proposal would also accord with national, regional and local planning policies.

3.0 RECOMMENDATION

- 3.1 That the Development Committee resolve to GRANT planning permission, subject to conditions as detailed below.
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the following matters:

3.3 Conditions

1. Three year time limit
2. Compliance with approved plans and documents
3. Samples and details of all materials
4. Details of hard and soft landscaping, including boundary treatment and a Landscaping Management Plan for the new square and playground.

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposal involves the demolition of all buildings and structures on site including a block of seven domestic garages to create a community square. In more details, the proposal consists of the introduction of a new publicly accessible open space incorporating a landscaped garden area, revised car parking layout, additional tree planting and improved boundary treatment. The new community square would measure approximately 650sqm and would include amenity grass lawns, pedestrian paths, community artworks, ornamental tree and shrub planting plus play features for the under 5s.
- 4.2 The proposal would also include various street and environmental improvement works within the immediate surroundings which would seek to open up the area, improve pedestrian links and visibility and connect the area to the wider estate and locality. Boundary treatment works would be proposed to the northern end of the site whereby the existing damaged brick wall would be refurbished to include cladding and screen planting. In place of the bollards near the existing bin stores, a new boundary treatment would be introduced with gated access to the bin area; feature lighting would also be installed around the site to increase safety and visibility.
- 4.3 Background to this proposal – the proposal for this new community square stems from the proposed Burdett Estate regeneration scheme to provide a school and residential mixed development (PA/14/02618) on the nearby Linton and Printon Houses site on St Paul's Way. Following objections received on planning application reference PA/14/02618 which cited loss of public amenity space as a main concern, the applicant, through this application (PA/14/03243) has sought to provide for local demand for public amenity space. Officers consider this site to be a potential windfall area, for a much improved and "fit for purpose" open space/play area for local residents. However, the two applications whilst being linked, in terms of proximity and timing of the planning applications, are being assessed and recommended for approval on their own merits and independently of each other.

Site and Surroundings

- 4.4 The application site has an area of approximately 2260sqm and forms part of the larger Burdett and Leopold Estate. The site is an elongated strip of land which starts from Masjid Lane and stretches northward towards St Pauls Way. It is located between Bredel and Matthews Houses and to the north it stretches from east to west, taking in the land lying at the back of the row of shops and parallel to St Pauls Way. It comprises an unnamed estate road used for vehicular access from Masjid Lane for local residents. There are 18 car parking spaces and one disabled parking bay. The estate road also allows access for servicing of an existing underground refuse system (URS).

- 4.5 There are 7 garages on the site which belong to Poplar Harca, located to the north of the site. To the north of the garages, is an unnamed road which provides access from Burgess Street (from the east) to reach the rear of the retail units facing St Pauls Way and located on the ground floor of St Pauls Way House. A bin store is also located to the east of the site, at the end of the access road. The unnamed road from Burgess Street also serves as a delivery/servicing for the retail outlets and for the removal of commercial waste.
- 4.6 St Paul's Way is an area undergoing major changes and the application site also falls within an "Area of Significant Change", known as Transforming St Paul's Way. There are a number of new residential schemes in the vicinity of the application site and several schools as well, Stebon Primary being the closest to the south. Others include St Paul's with St Luke's Primary CE north west of St Paul's Way and St Paul's Way Trust School, a secondary school lying north east on St Paul's Way. The local plan promotes the creation of a civic spine within the St Paul's Way area.
- 4.7 No parts of the application site fall within the curtilage of a listed building or within a conservation area. The nearest conservation areas are Brickfield Gardens and Limehouse Cut, due west and south respectively. Besides being in an area of significant change, the site does not have any other specific policy designations and is located within a predominantly residential area interspersed with educational/commercial uses.
- 4.8 The site has a fairly good accessibility to public transport even though the PTAL is only 2 (in the range 1 to 6 where 1 is low and 6 is excellent). The site is approximately 260m away from Burdett Road, which is served by a number of bus routes, travelling to all directions of the borough; Mile End Road and Mile End Underground Station are just under 1km away by foot, but is easily accessible by public transport (from Burdett Road). The nearest DLR station is in Devons Road about 800m to the east.

Planning History

Related applications

- 4.9 PA/14/02618 - Demolition of Linton House, Printon House, the Burdett Community Centre building and Mosque to facilitate the redevelopment of the site to create a two-form entry primary school and nursery (Use Class D1), a two-storey Mosque (Use Class D1) and 3 residential blocks ranging between 4 and 8 storeys to provide 109 new dwellings (10x studio, 40x 1 bed, 31x 2 bed, 22x 3 bed, and 6x 4 bed), a new ball court, children's play space, amenity space and cycle parking. This application proposal is recommended for approval, to be heard at the Council's Development Committee, March 2015.

5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance 2014

5.3 **London Plan 2011 (including Revised Early Minor Alterations)**

- 2.18 - Green infrastructure: the network of open and green spaces
- 3.9 - Mixed and balanced communities
- 6.3 - Assessing effects of development on transport capacity
- 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
- 7.14 - Improving air quality
- 7.27 - Blue ribbon network: supporting infrastructure and recreational use

5.4 **Tower Hamlets Core Strategy 2010**

- SP04 - Creating a green and blue grid
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating Distinct and Durable Places
- SP12 - Delivering place making

5.5 **Managing Development Document 2013**

- DM20 – Supporting a sustainable transport network
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity

5.6 **Supplementary Planning Documents**

- Tower Hamlets, Open Space Strategy
- Tower Hamlets, Biodiversity Action Plan
- Tower Hamlets, Green Grid Strategy
- Recreation & the Mayor's Guidance on Open Space Strategies
- Mayor of London, Open space strategies, Best practice guidance
- Shaping Neighbourhoods: Character and Context
- Further Alterations to the London Plan
- Shaping Neighbourhoods: Play and Informal Recreation
- Shaping Neighbourhoods: Character and Context
- Accessible London: Achieving an Inclusive Environment
- All London Green Grid (2012)

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 Transportation & Highways

6.3 The transportation and highways department have no objection to the scheme.

Officer comment: noted

6.4 Crime Prevention Officer (Metropolitan Police)

No comments received

LBTH Biodiversity Officer

- 6.5 There is nothing of significant biodiversity value currently on the application site. The proposed landscaping of the new open space includes features which will benefit biodiversity. The ivy screens on the inside of the north wall will be particularly valuable. Ivy is an excellent wildlife plant, especially when climbing in a sunny location. It provides late autumn nectar and late winter berries (times when few other flowers/fruit are available), shelter for nesting birds such as house sparrows, and is the caterpillar food plant of the Holly Blue butterfly. The rest of the planting appears to be dominated by the ubiquitous evergreen shrubbery. Many of the proposed shrubs are sources of nectar, but this type of planting is not particularly good for biodiversity, and is generally uninspiring for people, too. A mixed planting with a higher proportion of herbaceous perennials, chosen to provide flowers (hence colour for people and nectar for bees and other pollinators) for as much of the year as possible, would be far better for biodiversity and more interesting for people using the open space.

[Officer would secure condition for landscaping design and choice of planting]

LBTH Land Contamination

- 6.6 No objections to the application, subject to conditions securing the following:

- A 'desk study report' documenting the history of the site.
- A proposal to undertake an intrusive investigation at the site based on the findings of the desk study.
- A 'site investigation report' to investigate and identify potential contamination.
- A risk assessment of the site.
- Proposals for any necessary remedial works to contain treat or remove any contamination.

Occupation/use of the site hereby approved shall not begin until:

- The remediation works approved by the local planning authority as part of the remediation strategy have been carried out in full. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then the additional contamination should be fully assessed in accordance with condition [1(iii-iv)] above and an adequate remediation scheme shall be submitted to and approved in writing by the local planning authority and fully implemented thereafter.
- A verification report, produced on completion of the remediation works to demonstrate effective implementation of the remediation strategy, has been submitted to and approved in writing by the local planning authority. The content of the report must comply with best practice guidance and should include details of the remediation works carried out, results of verification sampling, testing and monitoring and all waste management documentation showing the classification of waste, its treatment, movement and/or disposal in order to demonstrate compliance with the approved remediation strategy.

[Officer would secure the conditions accordingly]

LBTH Clean and Green

6.6 No comments

LBTH Affordable Housing

6.7 No comments

7.0 LOCAL REPRESENTATION

7.1 A total of 397 neighbours letters were sent to neighbours and interested parties. A site notice was displayed outside the application site and the application was advertised in East End Life.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses: Letters: 99 letters of representation (in objection)

7.3 All 99 objections were pro-forma letters (three different pro-forma letters were received) and the following comments were raised:

- Letters from the Burdett Independent Community Welfare Organisation (BICWO) – these were from shop owners along St Paul’s Way, whose shops back onto the application site. Their main issues are with Poplar Harca and the lack of consultation/information as to how the new proposal would impact on deliveries, parking, security and general movement of people.
- The second and third pro-forma set of letters are very similar in nature and objections but differ in style. The issues raised are also about the discontent of the local residents as a result of Poplar Harca’s perceived lack of consultation and failure to inform residents of their future plans.

[Officer’s comment: the concerns raised primarily relate to lack of communication between the applicant and local businesses and residents which does not raise specific planning issues. In terms of deliveries, parking, security and general movement the proposal does not affect the operations of the existing shops].

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The main application has been assessed against all relevant policies under the following report headings:

1. Land Use
2. Accessibility/Permeability
3. Landscape and Design
4. Amenity
5. Transportation
6. Conclusion

Principle of development/Land Use

- 8.2 The application site is a strip of land located between two blocks of houses, tucked away at the rear of St Paul's Way; it serves various purposes and has several uses, such as an estate road, some car parking, lock up garages and vehicular access for servicing. These sort of spaces are quite prevalent in the borough and bear very little recreational value or accessibility to the general public. The site does not afford a significant level of visual amenity value currently and is also underused as there is no permeability with the rest of the estate. The application has been submitted to seek to address an unmet demand for open space and play provision within the local area.
- 8.3 The Mayor of London promotes open spaces and welcomes their creations within housing developments. In accordance with paragraphs 69 and 70 of the NPPF, the planning system should encourage safe and accessible developments, containing clear and legible pedestrian routes and high quality public space, which encourage the active and continual use of public areas; it should also seek to create safe and accessible environments where crime and disorder does not undermine quality of life or community cohesion. Paragraph 73 seeks to promote access to high quality open spaces and opportunities for sport and recreation which can make an important contribution to the health and well-being of communities.
- 8.4 Policy 3.6 of the London Plan identifies the requirement for the provision of play and informal recreation in all developments. Policy 7.5 seeks to create public spaces which are secure, accessible, inclusive, connected and easy to understand and maintain. These spaces should also incorporate the highest quality design, landscaping, planting, street furniture and surfaces. This policy also highlights that developments should welcome opportunities for the integration of high quality public art and opportunities for greening, through planting of trees and other soft landscaping as an absolute maximum in areas of public open space.
- 8.5 The Council's Core Strategy policy SP04 seeks the delivery of a network of open spaces by creating new publicly accessible open spaces and/or enhancing the quality, usability and accessibility of existing open spaces. Furthermore, developments should promote these spaces and create new green corridors to connect these open spaces to main destination points, such as town centres, schools and other such spaces. Policy SP03 highlights the need for providing high quality leisure and recreational facilities in accessible locations. The supporting text goes on to state that a poor quality public realm can have severe negative effects on communities.
- 8.6 The Council's Managing Development Document DM10 states that development will be required to provide or contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy.
- 8.7 The site has no specific policy designation but does fall within an Area of Significant Change; a booklet titled "Transforming St. Paul's Way" reflects the ambition of the Council to achieve this change in partnership with other stakeholders, to create a civic spine in St Paul's Way which is promoted by the proposed "community square". Core Strategy policy SP12 deals with delivering place making and in particular the area around Bow Common Lane has been identified to deliver successful place making. It seeks to "establish Bow Common as a family focused residential neighbourhood set around the civic spine of St Paul's Way". The priorities for this area include "to bring communities together by focusing community, civic, commercial uses along St Paul's Way."

- 8.8 The principle of redeveloping the application site and creating a new publicly accessible open space incorporating a landscaped garden area, revised car parking layout, additional tree planting and improved boundary treatment is supported by the National Planning Policy Framework (2012), the London Plan (2011) and Tower Hamlets planning policies. In particular, this scheme would accord with the vision of delivering place making as outlined in the Core Strategy. The new community square which would measure approximately 650sqm would provide much needed open/play space in an area where there is an unmet demand already. The new square would include amenity grass lawns, pedestrian paths, community artworks, ornamental tree and shrub planting plus play features for the under 5s.

Accessibility/Permeability

- 8.9 According to paragraph 69 of the NPPF the planning system can play an important role in facilitating social interaction and inclusive communities. Paragraph 73 states that access to high quality open spaces and the opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. In paragraph 75 it is stated that all opportunities for the protection and enhancement of public rights of way and access should be taken in both the formation of planning policy and in planning decisions.
- 8.10 Policy 3.9 of the London Plan states that development should foster social diversity, repress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbours. Policies 7.1 – 7.5 set out that development should interface appropriately with its surroundings, improve access to open space, be inclusive and welcoming with no disabling barriers and be designed so that everyone can use them without undue separation.
- 8.11 The Council's Core Strategy policy SP04 (1E) seeks to promote publicly accessible open spaces as multi-functional spaces that cater for a range of activities, lifestyles, ages and needs. Policy SP10 (4) states that the Council will 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 surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.12 The Council's Managing Development Document policy DM23 (1A, 1E & 1F) seeks to ensure that development should be well connected with the surrounding area and should be easily accessible for all people by: improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities; incorporating the principles of inclusive design; and ensuring development and the public realm are comfortable and useable. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.
- 8.13 The permeability of the site is currently poor. Access is via Masjid Lane from the south and Burgess Street to the east. The site is hidden from view and not readily accessed by members of the public from St Pauls Way. The proposal would seek to define the area by providing legible vehicular and pedestrian routes; it would also connect the local area to surrounding areas, including new developments by the enhanced pedestrian links. The site would be opened up by the removal of the lock up garages, removal of unnecessary structures, walls and furniture. The new space would be clearly defined and would result in a more user friendly space for the local

community. Furthermore, the community square would link with the development being created on the Linton and Printon Houses site.

- 8.14 Both national and local planning policies place a strong emphasis on creating mixed and inclusive communities where social interaction between all members of society is encouraged. The Council is committed to deliver as much green and open spaces as possible together with tree planting. The new square would create a more legible space, opened and clearly defined together with high quality finishes and landscaping. This space would offer active and passive public amenity space that would create clear links from north to south and would create an opened and safer public space.
- 8.15 As such, officers conclude that the creation of a community square would be in accordance with national, regional and local policies. The proposal would seek to ensure good connection with the surrounding area and the square would be easily accessible for all people. Furthermore, by changing the way this site is used, it would improve permeability, legibility and ensure high quality public realm. It would also provide clear definitions and an appropriate degree of enclosure of the public realm by the clever use of green and brown boundaries and planting.

Landscape and Design

- 8.16 According to paragraph 56 of the NPPF the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.17 Policies 7.1 and 7.4 of the London Plan state that development should promote a good quality environment which results in an area that is easy to understand and relate to; it should have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Development should also improve an area's visual or physical connection with natural features.
- 8.18 The Council's Core Strategy policy SP10 (4) states that the Council will 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 surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.19 The Council's Managing Development Document policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development.
- 8.20 The proposal is for the creation of an open amenity space which includes a community square/garden, pedestrian links, replaced car parking, hard and soft landscaping together with boundary treatment. In terms of overall scale and finish, along with its vehicular arrangements, it is considered that such an addition into the streetscape and the estate in general, would be a vast improvement to the area and would be in keeping with the overall redevelopment programme by Poplar Harca.
- 8.21 The landscape proposal for the entire redevelopment of the site would consist of an area measuring approximately 2260sqm. This would consist of street and environmental improvement works together with the new community square and garden measuring some 650sqm. This would include amenity grass lawns,

pedestrian paths, community artworks, ornamental tree and shrub planting together with play equipment for the under 5s.

- 8.22 The landscape would provide legibility, openness, a sense of space and safety for residents. The public amenity space would now be more accessible from St Pauls Way and through to Masjid Lane. Natural light would be enhanced by the removal of structures on site in particular the block of lock up garages. The proposal would seek to simplify this piece of land and provide a less cluttered landscape which would focus on the community square. Boundary treatments would be enhanced around the whole site and existing walls repaired.
- 8.23 The area would be further enhanced in terms of visual amenity and biodiversity with green planting in the form of trees, shrubs and hedges. Visual interest would be added to the landscape by the use of furniture and artworks together with pergolas and other vertical ornamental features. The children's play area would be equipped with stone boulders, timber stepping logs and formal play equipment. To the north of the site, bollards would be installed to ensure that the square is not accessed by vehicles.
- 8.24 The Council's Biodiversity officer was also consulted. He was generally supportive of the proposal and stated that as there is nothing of significant biodiversity value currently on the application site, the proposed landscaping of the new open space includes features would benefit biodiversity. The proposed ivy screens on the inside of the north wall would be particularly valuable. The officer also advised that a mixed planting with a higher proportion of herbaceous perennials, chosen to provide flowers (hence colour for people and nectar for bees and other pollinators) for as much of the year as possible, would be far better for biodiversity and more interesting for people using the open space. Officers would secure this via the landscaping condition
- 8.25 The Council's planning policies seek to ensure that development is sensitive to and would enhance the local character of an area. The redevelopment proposal of this site would create a more user-friendly and much needed amenity space for local residents of all ages. Overall and in line with policies, officers consider the scheme to be of good quality in general landscape and urban design terms. As such, the scheme is in line with policies 7.1 and 7.6 of the LP (2011), Policy SP10 of the adopted CS (2010), and policy DM24 of the MDD (2013), which seek to ensure development is of high quality design and suitably located. Furthermore, the scheme is considered to deliver an enhanced the street scene and local context and would accord with government guidance as set out in the NPPF, policies 7.8 and 7.9 of the Mayor's LP (2011), Policy SP10 of the adopted CS (2010), and policies DM23 and DM24 of the MDD (2013), which seek to ensure an acceptable standard of design.

Amenity

- 8.26 According to paragraph 17 of the NPPF local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.27 Policy 7.14 of the London Plan states that local planning authorities should put in place strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.
- 8.28 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that development protects amenity, and promotes well-being (including preventing loss of

privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution.

- 8.29 The Council's Managing Development Document policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development.
- 8.30 The Council's policies (see Core Strategy SP10 and Managing Development Document DM25) seek to protect, and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.31 The creation of this new open and play space would significantly increase the visual amenity in the area. Furthermore, the communal gain and benefits of this scheme would be enjoyed by the whole community and people of all ages. Currently, the area is underused and badly laid out. The proposal would seek to ensure that good quality materials are used throughout. This would be secured by conditions.
- 8.32 It is not considered that the proposed scheme would create or result in any adverse or harmful amenity issues in relation to businesses and residential neighbours. Officers consider that the separation distance between the residential blocks and children's play area is acceptable and would not lead into any negative noise impacts. Through the use of appropriate conditions, officers would ensure that the appropriate buffer is designed in the development, through careful design and layout of the amenity space.
- 8.33 The shop owners along St Paul's Way have raised concerns about deliveries, parking, security and general use of the space behind the shops. The applicant has stated that no changes are anticipated with the current arrangement for delivery and servicing. The area would be enhanced and clearly defined to create a less clustered landscape. The proposal would also include artworks, street furniture and play equipment.
- 8.34 To conclude, officers are supportive of this scheme which would seek to enhance the local area and significantly improve the enjoyment of this space by providing a community square and associated pedestrian links and walkways. The proposal would not result in any loss of privacy for residents or result in any overlooking issues. On the contrary, the proposal would provide active and passive surveillance, a better outlook and an enhanced visual amenity. This is considered to be in accordance to national and local policies.

Highways and Transportation

- 8.35 According to paragraphs 32 and 35 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 8.36 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.

- 8.37 The Council's Core Strategy policy SP09 (3) states that the Council will not support development which has an adverse impact on the safety and capacity of the road network. The Managing Development Document policy DM20 (2) states that development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network.
- 8.38 The proposed scheme would affect an existing unnamed estate road which is being retained. Parking on site would be replaced. There is also access to an existing URS which would also be retained and maintained. The URS would not be moved to a different location. The existing garages belong to Poplar Harca and would not be replaced. The bin area to the north of the site would be tidied up and enhanced with boundary treatment and access gates.
- 8.39 LBTH Transportation and Highways, and Clean and Green officers were both consulted on this proposal and have no objections or concerns. It is therefore considered that the proposal accords with policies on safety, waste collection and delivery matters.

Contamination

- 8.40 The council's contamination officer was consulted on this scheme and has no objections to the proposal subject to appropriate and necessary conditions. These relate to the following:
- A 'desk study report' documenting the history of the site.
 - A proposal to undertake an intrusive investigation at the site based on the findings of the desk study.
 - A 'site investigation report' to investigate and identify potential contamination.
 - A risk assessment of the site.
 - Proposals for any necessary remedial works to contain treat or remove any contamination.

The site cannot be allowed for use until the above has been dealt with.

- 8.41 This would be secured by necessary and appropriately worded conditions.

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 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.

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

9.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

10.0 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, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

10.2 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

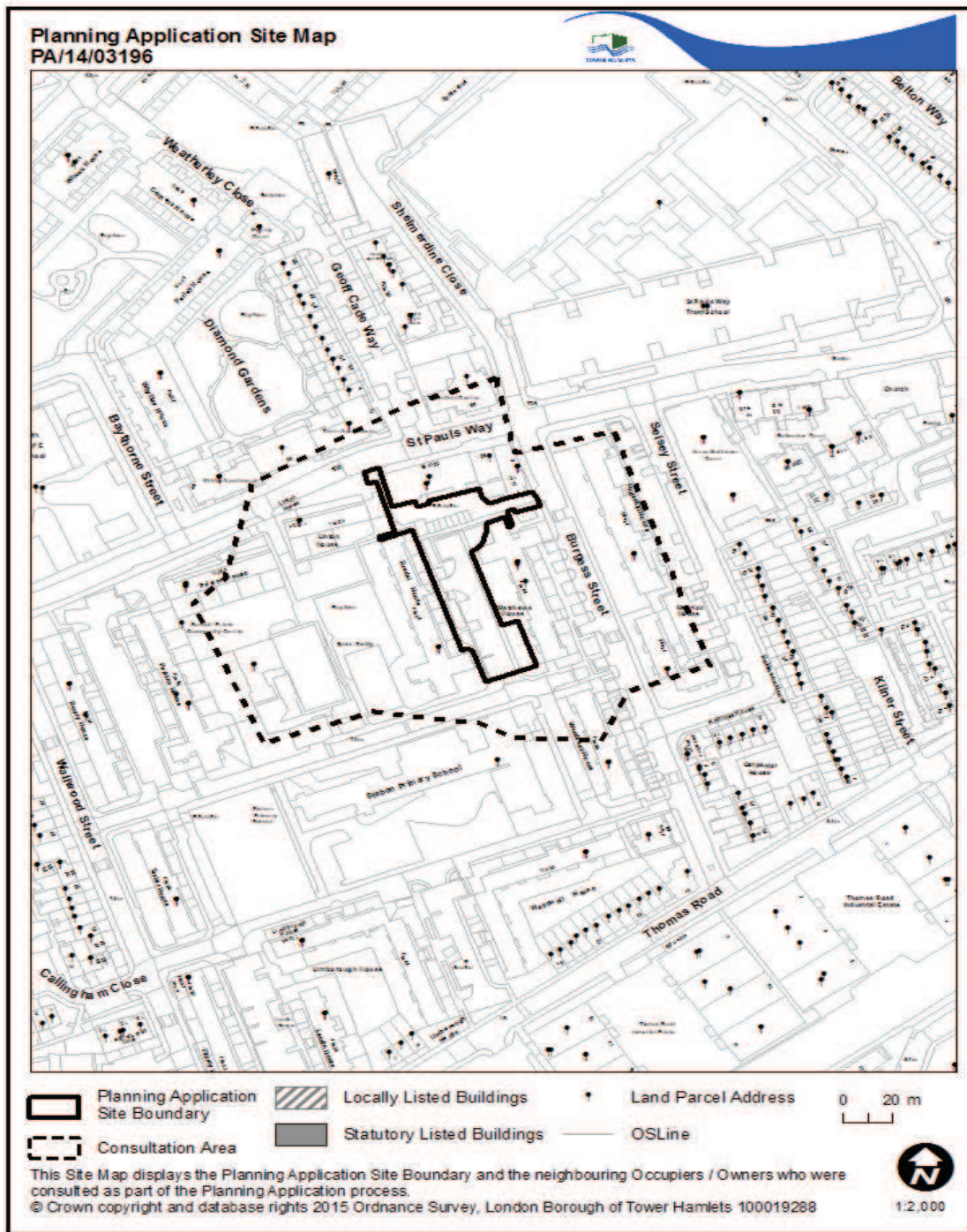
may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

- 10.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.
- 10.4 It is considered that this proposal encourages social interaction and would benefit the whole community by providing a common area for people of all characteristics to enjoy for leisure and recreation purposes.

11.0 CONCLUSION

- 11.1 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.

12.0 SITE MAP



Agenda Item 6.3

Committee: Development Committee	Date: 11 th March 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Shahara Ali-Hempstead	Ref No: PA/14/02772
	Ward: Whitechapel

1. APPLICATION DETAILS

Location:	95 New Road, London, E1 1HH
Existing Use:	Restaurant (Use Class A3) at ground floor, ancillary storage at basement and residential on upper floors
Proposal:	Change of use of the basement to restaurant A3 use, retention of ground floor restaurant use and addition of a 3rd floor to create 3 x studio flats.
Drawing Nos/Documents:	Site location plan (within Design and Access Statement) S101, S200, S301, S302, S303, P102 Rev A, P103 Rev A, P303, P304, P305, P306, P307 and Design and Access Statement prepared by GLS Architects
Applicant:	Mr K Ahmed
Ownership:	Mr K Ahmed
Historic Building:	NA
Conservation Area:	Myrdle Street

2. EXECUTIVE SUMMARY

- 2.1 The report considers an application for extension of the existing restaurant use and construction of third floor for residential use.
- 2.2 Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 Subject to conditions, the impact of the conversion of the basement into additional seating for the existing restaurant is unlikely to result in an increase in noise and disturbance from pedestrian activity to residential occupiers in the area. As such, the proposal conforms to policies SP10 of the adopted Core Strategy (2010) and policy DM25 of the adopted Managing Development (2013).
- 2.4 Construction of the third floor and external alterations are acceptable in terms of design, and the use of brick is acceptable in terms of materials. As such, the proposal conforms to policies SP10 of the adopted Core Strategy (2010) and policy DM25 of the adopted Managing Development (2013). These policies seek to ensure development proposals preserve the Myrdle Street Conservation Area.

- 2.5 The proposed extension of the existing restaurant use would therefore be in accordance with policies SP01(2ci); of the adopted Core Strategy (2010) and Policy DM1(4a) of the adopted Managing Development Document (2013), which seek to promote a vibrant mix of uses in the designated Activity Areas and prevent adverse impacts on residential occupiers of the area in terms of increased noise & disturbance.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to conditions and Informatives.
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

1. Time limit – Three Years.
2. Compliance with plans - Development in accordance with the approved schedule of drawings and documents.
3. Details and materials including details of shopfront
4. Details of filtration system
5. Details of noise and vibration
4. Refuse storage
5. Car free agreement
6. Cycle parking details
7. Hours of operation

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 This application involves the conversion of the basement floor to provide additional seating for the restaurant located on the ground floor. The existing internal floorspace of the restaurant is 50.2sq.m.
- 4.2 A redundant kiosk (A1 use) fronting Fieldgate Street measuring 21.6sq metres located to the rear of the building at ground floor level would be converted into a kitchen for the restaurant.
- 4.3 The basement is currently used as storage for the restaurant. The first and second floor is in residential use as house in multiple occupation (HMO). Residential accommodation will be retained on the first and second floor with the conversion of the HMO to two studio flats.
- 4.4 The proposal involves the creation of a third floor to accommodate a studio flat. The proposal would involve the loss of circa 43.25 square metres of storage floorspace, and the provision of a total of approximately 64.93 square metres of additional restaurant floorspace.
- 4.5 The application involves internal and external alterations, including the provision of a new emergency exits from the basement.

The main land use issues relate to

1. The loss of the retail unit
2. The provision of new restaurant floorspace.
3. Additional residential unit

Site and Surroundings

- 4.6 The application site comprises three storey plus basement end of terrace building, faced in London stock brick with decorative lintel and redbrick details including string courses and a parapet, with a single storey adjoining building at the rear containing a vacant retail unit (fronting Fieldgate Street). At ground floor level the site is an existing A3 restaurant with storage at basement and residential on the upper floors.
- 4.7 The site is bounded by the adjoining four storey building at 93 New Road, the public highway at Fieldgate Street to the north and New Road to the east, and four storey building at Fieldgate Mansions on Romford Street to the west. The immediate surrounding area is mixed use in character, with the ground floor of buildings along New Road predominantly in commercial use (retail/wholesale/restaurant use), whilst the buildings to the south-west of the site are predominantly in residential use, with Romford Street, Myrdle Street and Parfett Street characterised by three storey Victorian terraces. The area to the east of the site includes a range of medical uses within and around the Royal London Hospital. Whitechapel Road lies to the north of the site and includes a wide range of retail uses and a thriving street market.
- 4.8 The site is located within the City Fringe Activity Area (which is part of the Tower Hamlets Activity Area 'THAA'). The site is outside the Town Centre boundary of the Whitechapel District Centre. The boundary of this centre lies to the north west corner at crossroad of Stepney Way/Fieldgate Street. The site also lies within the Whitechapel Vision Masterplan Supplementary Planning Document (SPD) (adopted December 2013).
- 4.9 The site lies within the Myrdle Street Conservation Area, which was designated in November 1996 and covers an area of The Royal London Hospital and extends south to Whitechapel Road, with the heart of the Conservation Area situated the west of New Road. The Conservation Area is characterized by a Georgian street scene and early 19th century terraces. The application site is located within a terrace of nineteen properties; whilst the site is not listed four of the properties within the terrace are Grade II listed.
- 4.10 The site also forms part of the Greater London Authority (GLA) Draft City Fringe Opportunity Area Planning Framework (December 2014).

Planning History

- 4.11 No relevant planning history of the site. However there is an extensive planning history for properties on New Road and associated change of use to A3. The details of which are as follows:

83 New Road

PA/12/00605

Change of use from (A1) retail to mixed use coffee shop and restaurant

(A1/A3) with no primary hot food cooking facilities, no associated extract flue system and seating area limited to ground floor only; including retention of No.4 AC units and alterations to shop front including new access door. Refused 23/11/2012

PA/10/01878

Change of use ground floor and basement from Class A1 retail / wholesale to Class A3 restaurant with ancillary hot food takeaway. Refused 23/12/2010

85 New Road

PA/13/00823

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

PA/13/01607

Change of use at 85 New Road from shop (A1 use class) to restaurant (A3 use class) with rear extension to provide waiting area toilets (including one disabled) and seating for the existing restaurant at 87 New Road. – Granted 11/10/2013

89-91 New Road

PA/10/02327

Change of use of ground floor from retail shop (Use Class A1) to restaurant (Use Class A3) with extract system. Refused 04/01/2011

93 New Road London E1 1HH

PA/10/02692

Change of use of ground floor and basement from Use Class A1 retail to Use Class A3 restaurant, together with installation of kitchen extract duct and flue to the rear elevation of the building. Refused 08/08/2011

- 4.12 Of the 6 above applications, 5 have been refused and 1 has been approved (PA/13/01607 - 85 New Road) for change of use from A1 retail to A3 restaurant use. The above applications have all entailed the change of use of existing A1 retail units to A3 restaurant use. However application PA/13/01607 was approved at October Committee 2013, this application was to extend the existing restaurant use at no. 87 New Road by providing additional seating, waiting and toilet area at no. 85 New Road. Unlike the 4 refused applications, this application did not consist of new cooking and extraction facilities.

5. POLICY FRAMEWORK

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2 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:

- 5.3 **Government Planning Policy Guidance/Statements:**
The National Planning Policy Framework 2012 (NPPF)
The National Planning Practice Guidance 2014 (NPPG)
- 5.4 **Spatial Development Strategy for Greater London (London Plan):**
4.7 - Retail and Town Centre Development
7.15 - Reducing Noise and Enhancing Soundscapes
- 5.5 **Core Strategy Development Plan Document 2025 (adopted September 2010):**
SP01 - Refocusing on Town Centres
SP02 – Urban living for everyone
SP03 - Creating Healthy and Liveable Neighbourhoods
SP10 - Creating Distinct and Durable Places
- 5.6 **Managing Development Document (Adopted 2013):**
DM1 - Development within Town Centre Hierarchy
DM2 -Protecting local shops
DM3 - Delivering homes
DM4 - Housing standards and amenity space
DM15 - Local job creation and investment
DM24 - Place Sensitive Design
DM25 - Amenity
- 5.7 **Supplementary Planning Guidance:**
Myrdle Street Conservation Area Appraisal
Whitechapel Vision Masterplan Supplementary Planning Document (SPD) (adpted December 2013).
- 5.8 **London Plan Supplementary Planning Guidance/Documents**
Housing Nov 2012
Shaping neighbourhoods: Character and context 2014
Sustainable Design & Construction April 2014
Draft City Fringe Opportunity Area Planning Framework (December 2014)

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**

1. The proposal includes cycle provision but it is difficult to see from the plan how many spaces are proposed. The area indicated by the plans does not appear to be big enough to accommodate cycles and allow for necessary manoeuvring space and further details are required on this element. It is recommended that this is resolved prior to the application is determined rather than being left to condition to prevent problems at a later stage regarding adequate space.

[Officer Comment: All highways matters are discussed fully within section 8.40 – 8.48 of the report]

6.4 LBTH Waste Policy and Development

No objections to the waste management proposals for this development

7. LOCAL REPRESENTATION

7.1 A total of 17 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: 0 Objecting: 0 Supporting: 0
No of petitions received: 1 objecting containing 26 signatories

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

- The proposal will result in increased levels of air pollution
- The proposal will result in increased odour
- The proposal will result in increased noise disturbance to neighbours
- The proposal will adversely impact upon on-street parking provision and traffic congestion.

[Officer Comment: The above issues are discussed within the material planning consideration section 8 of the report.]

8. MATERIAL PLANNING CONSIDERATIONS

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

1. The loss of the retail unit
2. The provision of new restaurant floorspace
3. Amenity
4. The suitability of the third floor extension and the quality of accommodation provided

Land use

Loss of Retail Unit.

Policy Considerations

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

sustainable communities. Part (a) of Policy SP01(5) promotes mixed use development at the edge of town centres.

- 8.3 The site is within the THAA, but just outside the boundary of the Whitechapel District Centre. Policy DM2 of the Managing Development Document (Adopted 2013) seeks to ensure the existing level of local shop provision is maintained and complements the town centre network and in order to ensure residents have access to goods and services locally. In summary, this Policy also goes on to explain how the loss of A1 will only be supported where there is another shop within 300m walking distance, the shop has been vacant for more than 12 months, and there is no viable prospect of retail use.
- 8.4 The following issues are relevant:-
- a) The kiosk to the rear of 95 New Road is currently vacant and when occupied only provided a retail area of 21.6sq metres.
 - b) No evidence has been submitted to demonstrate that the premises have been marketed for retail use at values prevailing in the area.
 - c) Evidence has been provided to demonstrate that there are a number of shops in the locality, which the Applicant considers meet local needs.
- 8.5 It is noted that the site is in close proximity to other retail shops and shops of the Whitechapel District Centre are very close.
- 8.6 On balance despite the lack of marketing evidence, given the proximity of the site to a number of other retail units within the Whitechapel District centre and the relatively small loss of retail floorspace resulting from the proposal, officers consider that the loss of a retail use would not result in a detrimental impact on the ability of local people to access basic goods and services.

The provision of new restaurant floorspace

- 8.7 Policy SP01.2c of the Core Strategy (2010) seeks to ensure evening and night time economy uses, including restaurants, are not over-concentrated in areas where they will have a detrimental impact on local people.
- 8.8 Policy DM1 (2) of the Managing Development Document (Adopted 2013) explains that within the Tower Hamlets Activity Areas (THAA), a mix of uses will be supported. Policy DM1 (4) states that 'restaurants, public houses and hot food takeaways (class A3, A4 and A5) will be directed to the CAZ, THAA and town centres, provided that they do not result in an over concentration of such use.
- 8.9 Part b of this policy, which states that '*In all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit*' is not relevant here as the site is outside of the Town Centre Boundary.
- 8.10 The alterations to the basement area will provide 43sq metres of additional of restaurant floorspace. The basement is currently ancillary storage to the ground floor restaurant and so using the basement for seating for the restaurant as opposed to storage would not require planning permission. The consideration of the use therefore relates only to the change of the retail unit to a restaurant which would add 21.6sqm of restaurant floor space.
- 8.11 The key issue for members to consider is therefore whether the change of use of the A1 Retail unit measuring 21.6sq meters to provide a kitchen for the existing

restaurant would lead to an over-concentration of restaurant uses in the vicinity.

- 8.12 It is acknowledged that there has been an increase in A3 restaurant uses along New Road and the Council has sought to curb the impact of this by refusing the majority of recent applications for changes of use to A3 (as evidenced within the relevant planning history section of the report). However as this application is seeking permission to extend an existing use, it is considered to be sufficiently dissimilar to previous applications to allow officers to support the proposal as it would not add significantly to the concentration of restaurants along New Road.
- 8.13 The restaurant in question has no history of noise complaints and the hours of opening are from 9:30am to 7:00pm which further helps to mitigate against any potential concerns regarding its contribution to an overconcentration of night time uses within the area. The following section explores the direct impact on amenity in more detail.

Amenity

- 8.14 Policy DM25 seeks to ensure new development does not adversely affect residential amenity. This application has received a petition with 26 signatures in objection to the proposal. The residents have raised concerns about the expansion of the restaurant use into the basement, and the adverse impacts in terms of air pollution, noise and odour nuisance, and parking problems for residents.
- 8.15 The proposal does not include any new kitchen extraction systems or ducting as the existing flue will be retained. The applicant has confirmed that a new flue will not be installed and the existing flue is sufficient. Notwithstanding, conditions requesting details of the filtration system and noise and vibration to be submitted will be secured to ensure the proposal does not result in any detrimental impact to local residents.
- 8.16 The extension of the existing A3 use does not raise any amenity issues in terms of air pollution and odour as the restaurant will use the existing extract flue and the proposed conditions will ensure that this is maintained.
- 8.17 In terms of hours of operation and noise associated with customers coming and going, the application site is located along a busy B road where commercial uses are established at ground floor and upper floor levels with some residential uses established at upper level.
- 8.18 Given that there is a need to protect the amenity of the residents on the upper floors of the application site, it is material to consider the hours of operation. The proposed hours of operation, as stated in the application form are 9:30am to 7pm. It is noted that the application site is in an inner city mixed use location, designated as within the THAA. On balance it is considered that the hours of 9:30am to 7pm are acceptable Monday through to Sunday.
- 8.19 These hours are considered to be acceptable on amenity grounds as these hours are unlikely to result in an increase in late-night noise, disturbance and general activity in the locality, which would have a detrimental impact on the amenities of nearby residential occupiers.
- 8.20 Subject to condition the extension to the restaurant use would not have any adverse impacts on the amenity of neighbouring properties in terms of odour nuisance and noise and disturbance.

Design and Impacts of Proposed Extension

- 8.21 The site lies at the junction of New Road and Fieldgate Street within the Myrdle Street Conservation Area. It is a traditional three storey stock brick building with a commercial ground floor, decorative lintels and redbrick details including string courses and a parapet cornice. Adjacent to site lies a red brick building of a later date and a larger scale.
- 8.22 Policy DM24 and DM27 require development to be sensitive to and enhance local character and to take into account the surrounding scale, height, mass and form of development. Developments are also required to protect and enhance the boroughs heritage assets.
- 8.23 When determining planning applications within a conservation area the proposal will have to be considered in accordance with the tests under section 72 of the Planning (Listed Building and Conservation Area) Act. These tests require that, in exercising their powers with respect to any buildings in a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.24 The proposal sets out a number of alteration and extensions to the existing building. Further to pre-application discussions the proposal has been amended and now consists of the addition of an additional storey to this three storey corner terrace, the building will be slightly higher than its neighbour to the south. The height and scale of the proposed additional floor is acceptable as it is a corner building where taller buildings would traditionally be located. The height of the building respects the height of this terrace and of Fieldgate Mansions to the rear.
- 8.25 The additional storey will consist of a brick storey which will incorporate the existing decorative lintels and redbrick details including string courses and a parapet cornice at first and second floor levels.
- 8.26 Alterations are proposed to the shopfront to reinstate the some of the original features which is welcomed and considered acceptable.
- 8.27 The alteration to the ground floor side elevation will consist of replacement of existing window with a door and replacement of an existing door with a gate for escape from the basement. Alterations to the rear kiosk consist of a new window and door incorporating new lintels. The new doors and lintel follow the rhythm and pattern of the windows above. This is a vast improvement to the current situation where a full height glass window and door have been installed.
- 8.28 The site lies within a prominent corner location, the proposed design detail and use of materials respects the existing building which retains many of its original decorative features.
- 8.29 The extension is appropriate in terms of scale and mass given its corner location. The proposed design will preserve and enhance the Myrdle Street Conservation area. Details of materials would be required by condition.
- 8.30 Subject to condition it is considered that the proposed development is appropriate in terms of design, finished appearance and building height within the context of the surrounding built form. As such, it is considered that the proposal would preserve the character and appearance of the Myrdle Street Conservation Area as required by S72 of the Listed Building and Conservation Area Act 1990 and in accordance with

Policy SP10 (2) of the Council's adopted Core Strategy (2010), Policies DM24 and DM27 of the Managing Development Document (Adopted 2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development is well designed and that it preserves or enhances the character and appearance of the Borough's Conservation Areas and historic buildings.

Amenity of the future occupiers

- 8.31 The internal space standards are set out in detail in the Mayor of London Housing SPG and re-iterated in policy DM4 of the Council's Managing Development Document.
- 8.32 The site is currently in use a house in multiple occupation at first and second floor level. Through reducing the size of the proposed residential accommodation from a house in multiple occupation to 3 studio flats at first, second and third floor level, the internal layouts and standard of accommodation have generally improved. Whilst the mix would not comply with policy, it is considered that in this instance due the layout of the internal floor space, the position of the existing staircase and the constraints of the site, which prevent further extensions the proposed mix is acceptable.
- 8.33 The proposed studios measure between 37 – 48sq metres in compliance with policy DM4 of the Managing Development Document (2013) and London Plan.
- 8.34 All units would be dual aspect and benefit from adequate privacy; sunlight and daylight. Private amenity space will not be provided for the units given the constraints of the site, the lack of private amenity space is considered acceptable. It should be noted that the existing residential units have no amenity space.
- 8.35 On balance the proposal is therefore in accordance with policies DM3 and DM4 of the Managing Development Document (2013) which requires development to provide a balance of housing types and have adequate provision of internal space in order to provide an appropriate living environment.

Highways and Transport

- 8.36 The subject site is located in an area with excellent access to public transport (PTAL 6a). LBTH Highways had no objections to this application. The servicing arrangements for the existing restaurant would continue, and the increase in floor space would not lead to any significant increase in servicing trips.
- 8.37 New Road has very limited on street parking bays and together with the excellent PTAL rating, it is unlikely that there will be a significant increase in vehicular trips from customers to be of concern.
- 8.38 The site is accessible by a range of transport modes including bus, cycling, walking and by car. Policy DM20 of the Managing Development Document (2013) supports development where it is integrated with the transport network.
- 8.39 The proposed development provides no vehicular parking as it is within an area of good public transport accessibility (PTAL 6a). This is supported by Highways Officers.
- 8.40 Policies 6.13 of the London Plan, policy SP09 of the Core Strategy and policy DM22

of the Managing Development Document (2013) seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision and refers to the parking standards set out in appendix 2 for the provision of parking for different types of development.

- 8.41 The scheme does not make provision for car parking which is acceptable. The Councils Highways Department have been consulted and required a condition ensure the new flats are subject to a car free agreement.
- 8.42 Highways officers have also requested information on the provision of cycle parking. This will be requested via condition.

Waste Refuse and Recyclables Storage

- 8.43 The proposal includes separate refuse storage facility at ground floor level for the residential properties. It is noted that the existing refuse for the restaurant was placed on the public highway; the now scheme proposes internal refuse storage for the restaurant at ground floor level. A condition will included which secures therefuse details to be submitted.
- 8.44 Subject to condition the proposal includes adequate facilities for the storage of waste and recyclables, in accordance with Policy DM14 of the Managing Development Document (adopted 2013) and Policy 5.17 of the London Plan (2011). These policies seek to ensure that developments include adequate provisions for the storage of waste and recyclables within the development given the frequency of collections.

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.

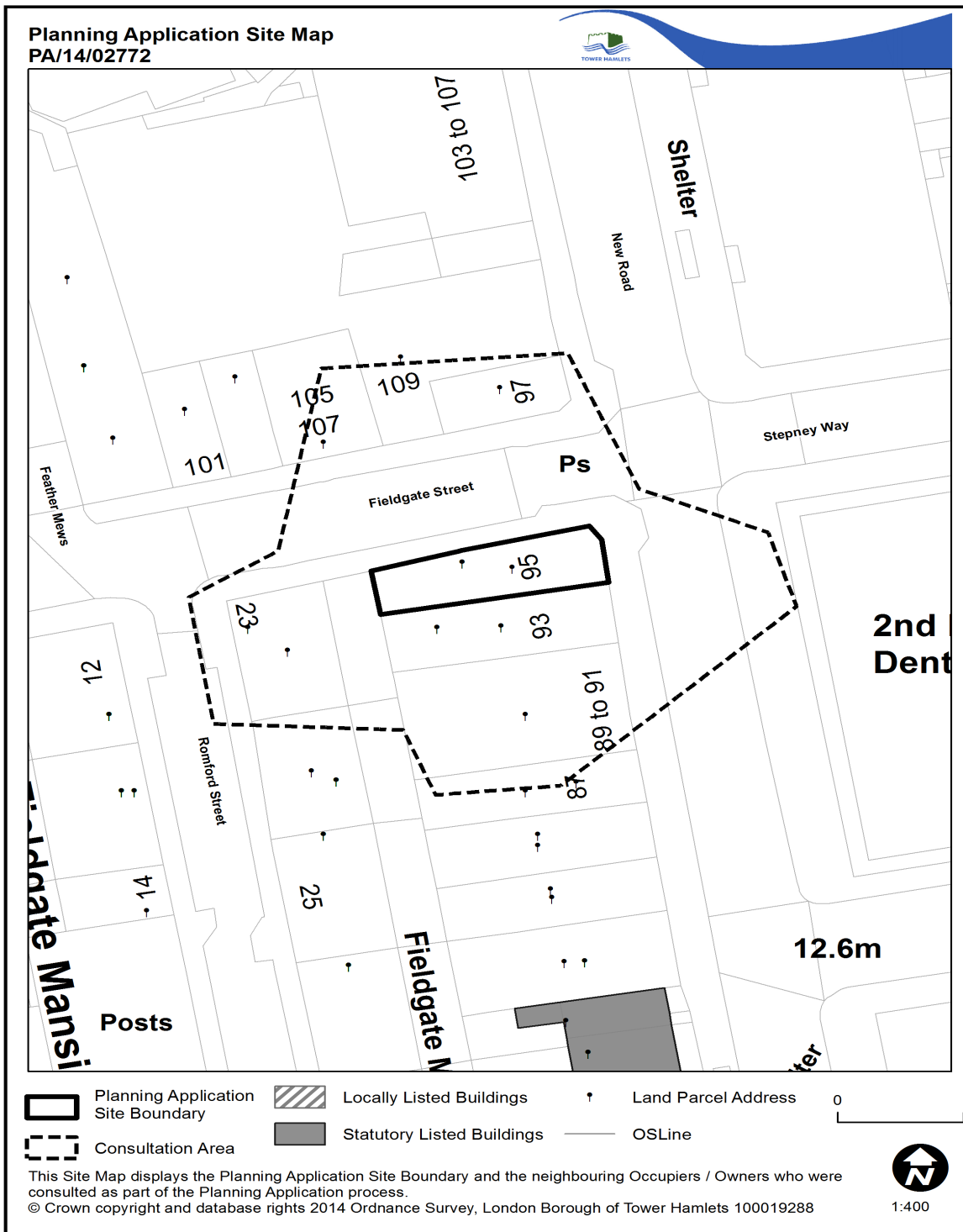
10.0 Equalities Act Considerations

- 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.

11.0 Conclusions

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

12.0 Site Map



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Agenda Item 6.4

Committee: Development	Date: 11 March 2015	Classification: Unrestricted	Agenda Item:
Report of: Corporate Director of Development and Renewal Case Officer: Brett McAllister		Title: Full Planning Permission Application Ref No: PA/14/02753 (Full Planning Permission & PA/14/02754 (Listed Building Consent) Ward: Island Gardens	

1.0 APPLICATION DETAILS

- 1.1 **Location:** The Forge, 397 & 411 Westferry Road, London, E14 3AE
- 1.2 **Existing Use:** Vacant Warehouse permitted for business use (Use Class B1).
- 1.3 **Proposal:** Full Planning Permission and Listed Building Consent for:
- Change of use of part of The Forge from business use (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394m² and net sales area (gross internal) of 277m²;
 - Change of use of a separate unit of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1a, D1 and D2 with gross internal floor area 275.71m²;
 - The remainder of the ground floor would be for office use split into 3 units (Use Class B1a)
 - 297.17m² GFA of new floor space created at 1st floor level (internally) for office use, split into 3 units (Use Class B1a)
 - Internal and external changes and maintenance to the Forge to facilitate the change of use to retail convenience store including new customer access to the north west elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance;

- 1.4 **Documents:** Planning Statement (including Statement of Community Involvement) by GL Hearn (September 2014)
Retail Statement by GL Hearn (October 2014)
Design and Access Statement by Archer Architects ref. A4731-PL-DAS-# (01.10.2014)
Marketing Report by Cherryman (undated)
Transport Statement by VCL2 (August 2014)
Heritage Statement by KMHeritage (June 2013)
Addendum to Heritage Statement by KMHeritage (June 2013)
Environmental Noise Assessment by Sharps Redmore (23.07.2014)
Flood Risk Assessment by Cannon Consulting Engineers ref. CCE/L791/FRA (May 2013)
- 1.5 **Drawing Nos:** GLH/J029438/100 (2013)
4731(P)310 (29.01.2013)
4731(P)311 Rev. C (01.12.2013)
4731(P)312 (29.01.2013)
4731(P)313 (29.01.2013)
4731(P)314 (29.01.2013)
4731(P)315 (29.01.2013)
4731(P)316 (29.01.2013)
4731(P)317 (29.01.2013)
- 1.6 **Applicant:** The Forge Investment Properties LLP
- 1.7 **Owner:** Same as applicant
- 1.8 **Historic Building:** Grade II Listed.
- 1.9 **Conservation Area:** Chapel House Conservation Areas

2. EXECUTIVE SUMMARY

- 2.1 The main issue addressed in this report is whether the proposed change of use is acceptable in terms of land use including whether its impact on the designated Westferry Road Neighbourhood Centre (WRN centre) is acceptable.
- 2.2 In addition to this, there are two other main issues: whether the works required to facilitate the development are acceptable in relation to the sites designation as a Grade II listed building and whether the proposed impacts of the development are acceptable in relation to the amenity of neighbouring residents.
- 2.3 Having considered all Development Plan policies, the proposed land uses are and its associated impacts are acceptable in this instance, and the proposal is recommended for approval.
- 2.4 The proposed works to the Listed Building are considered to preserve the special character and appearance of the Grade II listed building and the Chapel House Conservation Area, in accordance with policy SP10 of the adopted CS, policy DM27 of the MDD and the NPPF which seeks to bring heritage assets back into use and ensure any harm is weighed against the benefits of the work.

3. RECOMMENDATION

3.1 That the Committee resolve to grant planning permission subject to the following planning conditions:

- 3.2
1. Time Limit.
 2. Completion in accordance with approved drawings.
 3. All materials/ finishes to match existing unless specified on submitted drawings.
 4. Hours of Operation
 5. Delivery/Servicing Hours
 6. Use specific Servicing Management Plan for all units
 7. Relocation parking bay/loading bay in place prior to any development on site
 8. Cycle Parking
 9. Highway Improvements
 10. Controlling condition for future extraction
 11. Site management plan (including details of employee facilities in house, cases stored in back of house area)
 13. Details of glazed screen, new structural opening, fixings of heating and ventilating equipment
 14. Relocation of bus shelter, camera and on street parking spaces

That the Committee resolve to grant Listed Building Consent subject to conditions relating to:

1. Time limit
2. Completion in accordance with approved plans
3. Details of all new structural openings
4. Details of external fenestration details (doors and windows)
5. Details of connections to historic fabric
6. Details of internal glazed screens
7. Details of fixings of heating and ventilation equipment
8. Details of roof plant enclosure screen
9. Details of internal finishes to existing structure
10. Method statement relating to construction of mezzanine floor
11. Method statement relating to construction of rooftop plant platform
12. Samples of all materials
13. Brick sample panels
14. Analysis and publication of the existing historic buildings record

Along with relevant passive conditions ensuring compliance, informatives etc.

4. PROPOSAL AND LOCATION DETAILS

4.1 Proposal

4.2 The applicant seeks full planning permission to subdivide the Grade II listed warehouse known as The Forge at ground floor and create additional floorspace at a newly created internal first floor level (mezzanine level).

4.2 At ground floor, the vast majority of the north western half of the building, fronting Westferry Road, would comprise a 394m² retail unit (Use Class A1).

The south eastern half would comprise a separate unit of 275.71m², also fronting

Westferry Road, with flexible uses for either/or financial and professional services, restaurants and cafés, drinking establishments, office, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym) (Use Classes A2, A3, A4, B1a, D1 and D2);

- 4.3 At the north eastern end of the building, fronting the Forge Square, three separate office units would be created at ground floor level and additional floor space would be created on the first floor mezzanine level to accommodate a further three office units.
- 4.4 The proposal involves various internal and external changes and maintenance to The Forge to facilitate the change of use.
- 4.5 Externally these include the formation of a new customer access at the western corner on the side elevation; the formation of an access to the rear offices in the centre of the existing glass curtain walling towards the eastern corner on the side elevation; installation of platform on the roof to facilitate new plant equipment and satellite dish; the relocation of the wall, pier and gate on the north western side of the front elevation; the removal of a section of the wall, pier and gate on the south eastern side; making good to walls and the provision of cycle parking.
- 4.6 Internally the changes include internal partitions and the construction of mezzanine level to create an additional floor level internally, maintenance to internal cranes and general building maintenance. Listed building consent is also sought for the works to the Forge.
- 4.7 The proposal would be serviced from the northern side of Westferry Road directly in front of The Forge via a new loading bay.

5 Site and Surrounds

- 5.1 The application site, The Forge at 397 & 411 Westferry Road is located on the northern side of Westferry Road.
- 5.2 The Forge is a Grade II listed warehouse building, due to it being the last remaining mid-19th century iron shipbuilder's forge in London, outside the royal dockyards. The site is also located within the Chapel House Conservation Area.
- 5.3 The Forge forms a central building within a recent housing development called Forge Square which surrounds the application site on three sides with The Forge's front elevation bounding Westferry Road. The Forge Square development comprises residential blocks of 5, 6 and 7 storeys. There is access into the Forge Square from Harbinger Road with an access road and car parking running along the rear of the Forge.
- 5.4 The site is located 128 metres from the nearest designated town centre Westferry Road Neighbourhood Centre.
- 5.5 The Forge has been vacant since it was refurbished in 2007 as part of planning ref. PA/05/01626 and then the subsequent application ref. PA/07/01912 to make alterations during the course of construction.

6 Planning History

6.1 The Forge Square Development

PA/05/01626

Demolition of existing buildings and redevelopment for mixed use purposes comprising 190 residential units and 282 sq m of Class B1 (Business) use, with the change of use of the forge building from general industry to Class B1 (Business) use, car parking (96 spaces) and hard and soft landscaping.

Approved on 16/04/2007

6.2 PA/07/01912

Alterations during course of construction to the development permitted on 16th April 2007 (Ref. PA/05/1626) for demolition of existing buildings and redevelopment by 190 residential units and 282 sq m of Class B1 (Business) use with the change of use of the forge from general industry to Class B1 (Business) use together with car parking and hard and soft landscaping. (Alterations to windows, doors and gates, revised car and cycle parking arrangements, the provision of lift overruns and the erection of an electricity sub-station).

Approved on 04/01/2008

The following change of use applications relate to units developed as part of the above applications.

6.3 Unit 3, Building C, 399 Westferry Road E14

PA/11/00980

Change of use from office (Use Class B1) to office/retail/financial and professional services/community use (Use Classes B1/A1/A2/D1).

Approved on 06/07/2011

6.4 Unit 1, 2 Harbinger Road E14 3AA

PA/11/00981

Change of use from office (Use Class B1) to office/retail/financial and professional services/community use (Use Classes B1/A1/A2/D1).

Approved on 14/10/2011

6.5 The Forge, 397 & 411 Westferry Road

PA/13/01642

Change of use of part of The Forge from office (Use Class B1) to convenience retail food store (Use Class A1), - Change of use of the remainder of The Forge (use class B1) to interchangeable uses for either or shops (not convenience shops), financial and professional services, restaurants and cafes, drinking establishments, business, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A1, A2, A3, A4, B1 (a), D1 and D2; - 297.17 sqm GFA of new floor space created at 1st floor level for business (Use Class B1(a), - and internal and external changes and maintenance to facilitate the change of use to retail convenience store including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance; and reconfiguration of car parking to the rear and; - Demolition of external walls to facilitate access.

Refused: 02.10.2014

- 6.6 PA/13/01643
Listed Building Consent sought for internal and external changes including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls, maintenance to internal cranes and general building maintenance; and reconfiguration of car parking to the rear. Proposal also includes demolition of external walls to facilitate access and rebuilding of one wall, repositioning of lighting column, and cycle parking.
No further action following refusal of concurrent application above.

7. POLICY FRAMEWORK

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

- 7.2 **Government Planning Policy Guidance/Statements:**
- National Planning Policy Framework (2012) (NPPF)
 - Section 2 – Ensuring the Vitality of Town Centres
 - Section 7 – Requiring Good Design
 - Section 12 – Conserving and Enhancing the Historic Environment
 - National Planning Policy Guidance (2014) (NPPG)

- 7.3 **Spatial Development Strategy for Greater London (2011) (LP):**
- 4.7 - Retail and Town Centre Development
 - 7.15 - Reducing Noise and Enhancing Soundscapes
 - 7.4 – Local Character
 - 7.8 – Heritage Assets and Archaeology

- 7.4 **Core Strategy Development Plan Document 2025 (2010)(CS):**
- SP01 - Refocusing on Town Centres
 - SP03 - Creating Healthy and Liveable Neighbourhoods
 - SP10 - Creating Distinct and Durable Places

- 7.5 **Managing Development Document (2013)(MDD):**
- DM1 - Development within Town Centre Hierarchy
 - DM2 - Local shops
 - DM15 - Local job Creation and Investment
 - DM24 - Place Sensitive Design
 - DM25 – Amenity
 - DM27 – Heritage and the Historic Environment

- 7.6 **Supplementary Planning Guidance:**
Chapel House Conservation Area Appraisal

8. CONSULTATION

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

The following were consulted regarding the application:

8.2 LBTH Transport & Highways

- The relocation of the parking bays is acceptable subject to the applicant meeting the costs of all works and traffic orders required.
- Without relocation of the parking bays and creation of a loading bay on Westferry Road outside the proposed A1 unit, the servicing of the site would not be acceptable to Highways. As such, a condition to the effect that the development cannot commence without full agreement of all stakeholders needed to allow the relocation to take place should be attached to any permission.
- A service management plan must be submitted prior to occupation of the retail unit. This must include information of the maximum size of vehicles used for deliveries and a commitment from any occupier for loading to take place outside of school peak times.
- Highways have observed at similar food stores cages obstructing the footway. The applicant is asked to describe the measures that will put in place to minimise this occurring. We note the access to the west of store to the 'back of house' area would be appropriate for storing cages.
- Highways are satisfied that the applicant has demonstrated the proposed uses at the development will not cause an unacceptable impact on the highway resulting from the additional car trips it will generate.
- The cycle parking is acceptable.

(Officer comment: *the impact of the proposal on highways matters is discussed within the material planning considerations section of this report*)

8.3 LBTH Environmental Health – Noise and Vibration

- It is accepted that the applicants Noise assessment report offers mitigation to meet requirements of BS4142 min 10dB(A) below lowest records L90 background noise measurement.
- There is the presumption that good design is complied with under BS8233, as it is important to realise that where there is mixed commercial/residential, commercial plant is not intrusive to future occupants, with low frequency noise controls so noisy venues are not audible at the nearest residential as relevant.
- Please provide the raw data for the hours of operation which needs to include a Calibration Certificate for the noise monitoring equipment used, to show that extractor/mechanical plant complies with BS4142 10dB below lowest background noise levels at the nearest noise sensitive residential premises.
- Restaurants, cafes etc. where extractor/mechanical units are used need to provide measures for odour/smell nuisance need to show mitigation measures to minimise the likelihood of complaints.
- If there will be any licensable premises, under the terms of the Licensing Framework, Hours of operation are till 11.30pm Monday to Thursday, Midnight on Fridays and Saturdays and 10.30pm on Sundays
- Commercial deliveries to be undertaken between 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, no Sundays or Bank Holidays.

(Officer comment: *the impact of the proposal on amenity/environmental health is discussed within the material planning considerations section of this report*)

8.4 LBTH Waste Policy & Development

Initial comments were as follows:

- Please note that the ground floor plans do not show the location of the waste storage facility - this should be shown.
- Residential waste and commercial waste are not permitted to be stored in the same bin store. Could the applicant detail where the waste will be collected from and how many recycling and refuse bins are proposed for the commercial unit/s?

(Officer comment: in response the applicant provided an amended plan and further clarification:

- *An amended ground floor plan received (Reference: 4731(P)311 Rev. C dated 01.12.2014) which indicated the location of a bin store with ample room for the units it would serve.*
- *The bin store would be for the office space at ground and 1st floor and the interchangeable commercial unit rather than the convenience store. The offices and other larger commercial unit would have access to this bin store and the store would then be emptied by an agreed contractor via the access into the site off Harbinger Road.*
- *The A1 (convenience store) unit would have its own bin store in their own back of house area and their bins are emptied / rubbish taken away on their own delivery vehicles which is a general business practice.*

Following the submission of the amended plan and above information the Waste Policy team had no objections to the proposals.)

8.5 LBTH Access

Following receipt of the following information the Access Officer had no objection to the proposal:

- the ground floor (retail / commercial and office space) is fully accessible to all and has a level threshold (with appropriately designed ramps that accord with DDA compliance) and wide and bi-parting doors to the front either side of the building and internally into the retail unit to allow the delivery of goods and accessibility for customers.
- the offices at 1st floor do not have a lift access due to the design and layout of the building. Given the grade II listed status of the building the implications of the intervention to historic fabric of the building would be to its detriment. The design of a specialist lift would render 1st floor office space to be unviable and thus not to maximise the potential space in the building.

(Officer comment: It is considered that the constraints of the building, limits full accessibility requirements, and therefore in this instance and on balance the limitation of access to the first floor mezzanine level is acceptable.)

8.5

LBTH Design & Conservation

A Council Conservation Officer made the following comments:

"The Forge is an important Grade II listed industrial structure. The Heritage Statement, submitted with the report sets out the complex history of the

building. The relevant list description states that ‘This is the only surviving mid-19th century iron shipbuilders’ forge in London, and possibly England, outside the Royal dockyards’.

Extensive works to the building were undertaken several years ago but the building has remained vacant. The applicants state that the proposed subdivision of the large space is necessary in order to secure a use for the building.

Overall the changes to the fabric are considered acceptable in listed building terms however I would request that additional glazed areas are incorporated within the central division so that the full height of the double columns can be better appreciated in internal views within the building. Should the proposal be approved it is important that relevant conditions are attached with regard to details including the glazed screen, details of the new structural opening to accommodate the proposed new entrance and details of fixings with regard to heating and ventilating equipment.”

(Officer comment: the impact of the proposal on design and conservation is discussed within the material planning considerations section of this report)

8.6

Environment Agency

No objection to the proposed development.

(Officer comment: the impact of the proposal on flood risk is discussed within the material planning considerations section of this report)

8.7 **Greater London Industrial Archaeology Society (GLIAS)**

Objected for the following reasons:

- Visualisations misleading, give optimistic impression
- Subdivision will be awkward and concealing
- No extra room has been provided for the associated requirements of the possible uses of the interchangeable unit, i.e. kitchen, bar. These will further obscure the buildings valuable features
- Spatial qualities would be destroyed by the subdivision
- The subdivision would make it much harder to see how the building was laid out originally and how it operated
- Aesthetic qualities of the building will also be damaged
- Once subdivision has occurred it will be very difficult to reverse

Additional points in letter objecting to PA/13/01642 and PA/13/01643 which the above objection refers to.

- Nationally rare forge
- The building has numerous distinctive special features
- Practically the last undivided heavy engineering workshop in London
- Interior is of outstanding character; great to experience within an undivided space
- The rear offices will reduce the length of the interior and crowd the arcade
- Shelves will make it difficult to appreciate features within the supermarket

(Officer comment: this objection is discussed fully within the design and conservation section of this report)

8.8 Transport for London (TfL)

- Cycle parking should be provided in line with the Further Alterations to the London Plan (FALP).
- Due to scale and location, TfL deem the proposal to have no adverse effect on the road network.

(Officer comment: *the impact of the proposal on highways is discussed within the material planning considerations section of this report*)

9. LOCAL REPRESENTATION

9.1 A total of 326 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in the 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:	89	Objecting: 67
		Supporting: 22
No of petitions received:	1 objecting containing 815 signatories	

9.2 Representations Objecting

The following issues were raised in objection to the proposal and they are addressed in the next section of this report:

9.3 Principle of the store within the listed building

(Officer comment: *the impacts of the proposal on land use and conservation matters are discussed within the material planning considerations section of this report*)

9.4 Already too many Tescos/other supermarkets within the Isle of Dogs

9.5 National supermarket chain like Tesco unwelcome

9.6 Sufficient provision already along Westferry Road with local shops and Crossharbour ASDA

(Officer comment: *the planning system simply considers the proposed use(s). It does not differentiate between different retailers or consider a wider over-concentration of a particular retailer within a geographical area.*)

9.7 Better to encourage types of shops that the area lacks

(Officer comment: *The suggestion for the site to be better used for shops that the area lacks is noted. However, the application is assessed based on the uses proposed within this application and it is not for the local planning authority to impose an alternative use on a site owner*)

9.8 Adverse impact on the local shopping parade

9.9 The closure of the post office would impact elderly and disabled residents disproportionately

(Officer comment: *the impacts of the proposal on the nearby Westferry Road Neighbourhood Centre are discussed within the material planning considerations*)

section of this report)

- 9.10 Some of the broad range of uses for the flexible unit not suitable for the area i.e. restaurant, pub, betting office

(Officer comment: the impacts of each of the proposed uses for the flexible unit are discussed within the material planning considerations section of this report)

- 9.11 property values would go down

(Officer comment: the effect on property value is not a material planning consideration.)

- 9.12 Design and Conservation

- 9.13 Inappropriate development on the listed building

- 9.14 Would like to see building preserved as it is

(Officer comment: The impact of the proposal on the listed building is discussed within the material planning considerations section of this report)

- 9.15 Would discourage tourists

(Officer comment: The impact of the proposal on the listed building is discussed within the material planning considerations section of this report)

- 9.16 Addition bin storage unsightly

(Officer comment: The waste and refuse arrangements of the proposal are discussed within the material planning considerations section of this report)

- 9.17 Amenity/Environmental Health

- 9.18 Increased noise from

- Bins/Cages
- Extraction system
- Customers
- Deliveries

(Officer comment: The full noise impacts of the proposal are discussed within the material planning considerations section of this report)

- 9.19 Increased air pollution/smells

(Officer comment: The impact of the proposal on potential air pollution/smells is discussed within the material planning considerations section of this report)

- 9.20 Increased litter

(Officer comment: Whilst the planning system can control the use of the land, it cannot control the behaviour of the users of the building/land)

- 9.21 Opening hours too long

(Officer comment: the opening hours would be further restricted through planning condition and this is detailed in the material planning considerations section of this report)

- 9.22 Increase in vehicular traffic and its impact on:
safety for children attending Harbinger School
traffic congestion
cycle safety
public transport
parking stress
Construction work would also increase traffic

(Officer comment: *The impacts of the proposal on traffic levels are discussed within the material planning considerations section of this report*)

- 9.23 Increase in waste and refuse within the area
Use of residents bins

(Officer comment: *The waste and refuse arrangements of the proposal are discussed within the material planning considerations section of this report*)

- 9.24 Lack of parking and space for deliveries to serve the Tesco

(Officer comment: *parking and delivery arrangements of the proposal are discussed within the material planning considerations section of this report*)

- 9.25 Security/Crime
Increased anti-social behaviour/crime
Reduced security from:
Workers associated with the proposed uses being allowed access to the gated Forge Square development
Forge Square estate land being used by workers for cigarette/lunch breaks
worse customer service at Tesco

(Officer comment: *Security impacts of the proposal from workers using the Forge Square development are discussed within the material planning considerations section of this report. In addition, there is no evidence to suggest that putting uses back into a building would increase security and crime.*)

- 9.26 Representations in Support

- 9.27 The following issues were raised in support of the proposal and they are addressed in the next section of this report:

- 9.28 Create jobs
Meet a local need for a convenience store in the area
Provide greater choice
Additional retail provision required for a growing population
Provide use for a longstanding vacant building

(Officer comment: *the impact of the proposal on land use matters is discussed within the material planning considerations section of this report*)

- 9.29 Respects special architecture and heritage of listed building
Enliven street scene

(Officer comment: *The impact of the proposal on the listed building and character of the area is discussed within the material planning considerations section of this*

report)

- 9.30 Reduced travel times and journeys for local residents

(Officer comment: *highways matters is discussed within the material planning considerations section of this report*)

- 9.31 Late opening hours and security guard onsite would improve security in the area

(Officer comment: *the impact of the proposal on security matters is discussed within the material planning considerations section of this report*)

10. MATERIAL PLANNING CONSIDERATIONS

- 10.1 The main planning issues raised by the application that must be considered are:

- 10.2
1. Land Use
 2. Design and Heritage
 3. Amenity Impacts
 4. Highways Impacts

10.3 Land Use

10.4 Loss of Employment Floorspace

- 10.5 The permitted use of the existing building is as one single business unit (Use Class B1) but the building has been vacant since converting to this use class in 2007 from general industry (Use Class B2). As mentioned in the description of development the proposal seeks to change the use of a substantial amount of the ground floor to uses other than business with the creation of two units, one of which would be for retail (Use Class A1) and the other a range of flexible uses including office use (Use Classes A2, A3, A4, B1a, D1 and D2). The rear of the unit would remain as office use and the space created at first floor mezzanine level would provide additional office space. Despite this additional office space created at first floor there is a potential net loss of office space of 372.5m². The loss would be 96.79m² should the interchangeable unit be used as B1a.

- 10.6 The development plan policies relevant to the loss of employment floorspace are Policy SP06 of the CS and policy DM15 of the MDD.

- 10.7 Policy SP06 of the adopted CS, seeks to support the provision of a range and mix of employment uses and spaces in the borough, by retaining, promoting and encouraging flexible workspaces in town centre, edge-of-town centre and main street locations and also encouraging and retaining the provision of units (of approximately 250m² or less) suitable for small and medium enterprises.

- 10.8 Policy DM15 in the Managing Development Document, states that development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition.

- 10.9 In support of the application a Marketing Report by Cherryman was submitted. This was the same report that was submitted in 2013 for application with Council's ref. PA/13/1642 but confirmed that there is no change to their findings. The report

confirms that Cherryman have been marketing the Forge building since 2007.

- 10.10 According to the report, the marketing included signage, marketing banners, marketing details circulated to the local market via various estate agents and the Estate Agents Clearing House. The marketing led to a “very limited” amount of interest and no clients for the application site. The report states that in the 12 months prior to writing of the report there were just three viewings.
- 10.11 The report states that the lack of interest is due to the following factors:
- The unit being too large or too far off pitch from Canary Wharf
 - Limited passing trade
 - Too far for staff to travel
 - Too awkward for staff/customers to get to and ;
 - Insufficient other commercial ancillary activity due to residential location.
- 10.12 As stated within the planning history, units A and C were granted a change of use in 2011 from use class B1 to flexible uses within B1/A1/A2/D1. The lack of demand for office floorspace within this location was considered acceptable in 2011 within those applications. Officers are also satisfied in this case that the property has been actively marketed since 2007 and that the B1 use is not viable in its present state on site. The fact that the building has remained empty since 2007 provides satisfactory confirmation that the B1 use in its current format is not viable at this location. Given that the proposal re-provides some B1(a) floor spaces which would be more complementary in the current market together with its marketing evidence supporting the application, the loss of the current B1 use is considered to comply with policy DM15 in the MDD.
- 10.13 Provision of A1 Unit
- 10.14 The applicant seeks to create two units at ground floor, one retail unit (Use Class A1) and one unit with a range of flexible uses (A2/A3/A4/B1a/D1/D2); the details of which have been set out in the *Proposal* section of this report.
- 10.15 In the following sections the provision of the both of these units will be assessed against the relevant policy tests, starting with the provision of the retail unit.
- 10.16 The relevant areas of policy and guidance to the provision of the retail unit are SP01 of the CS, DM2 of the MDD, Section 2 and some relevant definitions in the glossary of the NPPF and the NPPG.
- 10.17 Policy SP01 of the CS sets out the town centre hierarchy and seeks to promote development that is consistent with the scale and role of town centres. It wishes to maintain, focus and increase the supply of town centre activity and retail floorspace across the borough to meet identified demand and support town centres as vibrant economic hubs. In addition to this, policy SP01 seeks to promote areas outside, and at the edge of town centres, as places that support and assist in the creation of sustainable communities. This is proposed to be achieved by:
- promoting mixed use development at the edge of town centres and along main streets to support town centres;
 - promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.

- 10.18 Policy DM2(2) seeks to support development of local shops outside town centres where there is a
- demonstrable local need that cannot be met within an existing town centre;
 - they are of an appropriate scale to their locality;
 - they do not affect the amenity or detract from the character of the area;
 - and they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.
- 10.19 The accompanying text for policy DM2 advises at paragraph 2.3 that:
- 10.20 *2.3 Part (2) seeks to manage the risk of larger retail shops coming forward outside of designated centres. This could not only threaten the vitality and viability of the borough's town centres but could also have a negative impact on existing local shops (often local independent businesses) which are serving the needs of the local community. The introduction of larger shops may also be unsuitable to the local area in terms of size and the activity they may generate, for example with regards to congestion, parking and noise. For the purposes of part (2) of this policy, a shop which is local in nature is considered to have a gross floorspace of no more than 100 sqm (which is the equivalent of two small shop units). In assessing the need for new local shops the Council will take into consideration vacancy rates in nearby town centres.*
- 10.21 The boundaries of designated town centres across the borough are identified within the MDD. The application site is outside a town centre with the nearest being WRN centre, 128 metres north west of the site along Westferry Road (Nos. 361-375).
- 10.22 Section 2 of the NPPF seeks to promote the positive management and growth of competitive town centres. The importance of their sustained viability and vitality, and their provision of customer choice and a diverse retail offer is put forward in paragraph 23 of the NPPF. It also states that the needs for town centre uses such as retail must be met in full and should not be compromised by limited site availability. Appropriate edge of centre sites for main town centre uses should be allocated where they are well connected to the town centre and suitable and viable town centre sites are not available.
- 10.23 Edge of centre is defined in the glossary of the NPPF as: "for retail purposes, a location that is well connected and up to 300 metres of the primary shopping area." At 128 metres away from WRN centre positioned along the same main road, the site is considered to be an edge of centre location.
- 10.24 Paragraphs 24-27 outline the requirement for Local Planning Authorities to apply a sequential test to proposals for town centre uses outside of town centres. This requires applications for main town centre uses, such as retail, to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals it is advised that preference should be given to accessible sites that are well connected to the town centre. It is also advised that flexibility on issues such as format and scale should be demonstrated.
- 10.25 An impact assessment is required by the NPPF for main town centre use development outside of town centres if the floorspace is over a proportionate locally set threshold. It is considered that this threshold for Tower Hamlets is set in

the supporting text of Policy DM2 at 100m² and the applicant has duly provided an impact assessment contained in the submitted Retail Statement. The NPPF states that this assessment should include:

- 10.26 - the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- 10.27 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.
- 10.28 The NPPF requires an application to be refused if an application fails to satisfy the sequential test or is likely to lead to significant adverse impacts.
- 10.29 The NPPG provides guidance on carrying out the sequential test and the impact test. It places the obligation on the applicant to demonstrate compliance with both of these tests.
- 10.30 From this policy context there emerges 3 key policy tests:
- 10.31 1) The requirement to demonstrate **need** and an appropriate **scale** (DM2(2)a and b respectively)
- 10.32 2) The requirement to apply the **sequential test** (Section 2 of the NPPF, DM2 of the MDD)
- 10.33 3) The requirement to assess the **impact** of the development and demonstrate that it will not result in significant adverse impacts (Section 2 of the NPPF, DM2 of the MDD).
- 10.34 As mentioned above, the applicant submitted a Retail Statement (RS) in support of the application which seeks to demonstrate compliance with the above tests. The Council has commissioned Peter Brett Associates (PBA review) to independently review the Retail Statement on behalf of Tower Hamlets. The PBA review has concluded the following.
- 10.35 *Demonstrating Need and Appropriate Scale*
- 10.36 The applicant has carried out an assessment of the need, drawing on the Council's Retail and Leisure Capacity Study 2010 (which formed the evidence base document for Core Strategy and Managing Development Document) and assessed the need within the 500m catchment area. The Council's 2010 Study identifies the application site as being located in Zone 1 (which includes the Isle of Dogs and parts of Poplar) and estimates that by 2017 there will be a requirement for 2,053m² of additional convenience floorspace for this area.
- 10.37 It is considered that the applicant's needs assessment based on the 500m catchment study area is appropriate for the scale of retail floorspace proposed. The applicant identifies that at present only 37.95% of top-up food expenditure is retained in the catchment area and that additional local convenience facilities are therefore required. PBA calculated that the proposed retail store would result in the catchment area retaining 81.5% of top-up food expenditure therefore concludes that there is sufficient capacity in the study catchment area to support a second convenience store of 280m² (net) at Westferry Road. Therefore, in respect of Policy DM2 it is considered that the proposal satisfactorily justifies a need for additional local convenience facilities in the locality, and therefore the proposal could encourage more sustainable shopping patterns.

- 10.38 With regards to scale of the proposal, the applicant states that the proposal is unlikely to draw residents from other areas that would travel past an alternative equivalent or larger convenience store in order to visit the application site due to proposed size and role of the convenience store as a top-up food shopping.
- 10.39 Given the net floor area proposed, it is considered that the scale of the proposed development is suitable for its location on the edge of Westferry Road Neighbourhood Centre and the PBA review agrees that the proposal would predominantly draw trade from the local catchment area and that residents from different areas would be unlikely to travel to this store.
- 10.40 The matter of whether this need and scale of the proposal could be met within an existing centre is assessed through the sequential assessment.
- 10.41 *The Sequential Test*
- 10.42 The applicant has explained that the 280m² is the maximum net sales area which would be attractive to any local convenience operator and therefore the assessment has been limited to sites that could accommodate a store of at least approximately 400m² gross to provide for sufficient back of house space. In addition the search for sequential sites is based on the 500m catchment area of the proposed store since it is intended to meet local needs for top-up food shopping around Westferry Road. Westferry Road Neighbourhood Centre is the only defined centre located within the 500m catchment.
- 10.43 The applicant's sequential assessment of Westferry Road Neighbourhood Centre, concludes that there are no sequential sites in the centre which are either suitable or available to accommodate the proposed retail unit.
- 10.44 This centre contains five units which were all occupied at the time at the time of writing, and therefore it was considered that the application site to be the most preferable sequential site that is within the edge of town centre location (i.e. within 300m from the nearest town centre). The sequential assessment concludes that the application site is the most preferable site and would contribute to the mix of units in the centre and therefore assist in creating a vibrant centre in line with Policy SP01.
- 10.45 The PBA review also concluded that the applicant's sequential test has been met for the site and the application site represents the most preferable location. With regards to MDD Policy DM2, officers agree with the PBA's conclusion that the sequential test has proved that the identified need cannot be met within an existing town centre.
- 10.46 Impact
- 10.47 As mentioned above, an impact assessment is required by the NPPF for main town centre use development outside of town centres if the floorspace is over a proportionate locally set threshold of 100m². The two criteria set out in the NPPF for an impact assessment are the impact on investment and the impact on vitality and viability in relation to designated centres in the surrounding area of the proposal. If it is found that there will be a significant adverse impact on one or both of these then the application should be refused.
- 10.48 In terms of investment, the applicant's RS concludes that the proposals will not

have an adverse impact on the WRN centre or any other surrounding centres as there have not been any identified potential investment at Westferry Road or any other surrounding centre.

- 10.49 In terms of the impact on the vitality and viability of centres in the surrounding area the applicant states that the proposed food store will be sufficient to meet daily top-up food shopping needs for residents and supplement the existing convenience units in the local area.
- 10.50 In addition it is has been considered that the trade draw from larger stores within nearby larger centres (such as ASDA and Waitrose) would be minor meaning that the proposal would not have a significantly adverse impact on the Crossharbour and Canary Wharf designated centres.
- 10.51 The West Quays News store which has 88m² of floor space, located on 317-373 Westferry Road is the only convenience store located in the Westferry Road Neighbourhood Centre and hence is the only store afforded protection under the NPPF. The level of trade diversion from this store is assumed to be low because it only stocks a limited range of essential convenience items and would therefore sell a limited number of overlapping product ranges compared with the proposed store.
- 10.52 The PBA review considers that rather than trade being diverted from the larger food stores in Crossharbour and Canary Wharf, this same amount of trade would be diverted from a much wider range of convenience stores across Zone1 as the application store is for convenience and top up shopping, so it would not only be taking trade from large stores associated with main weekly food shops. Locally, the PBA review agrees that no more than 20% of trade would be diverted from existing local convenience shops. Taking into account the limited convenience offer at present it is considered that there would only be a partial amount of overlapping product ranges with the existing stores.
- 10.53 Overall it is considered that the estimated turnover of the store and that the level of trade diverted from existing stores will not have a significant adverse impact on any designated centres in the surrounding area and this view was also concluded in the PBA review.
- 10.54 In conclusion, a robust justification for the proposed retail unit against the relevant policy tests have been provided and assessed. The sequential and impact tests of the NPPF have been satisfied. In line with policy DM2 of the MDD it has been established that there is a local need that cannot be met within a town centre and that the retail unit is of an appropriate scale within the edge of town centre location. Rather than encouraging a concentration of uses that would undermine the viability the WRN centre, the retail unit as well as the flexible unit proposed, which will be looked at in the following section, is considered to support the vitality and growth of the nearby WRN centre. The amenity and character requirements of policy DM2c if the MDD are assessed in the *Amenity/Environmental Health and Design & Conservation* sections respectively.
- 10.55 **Provision of Flexible A2, A3, A4, B1(a), D1 and D2 Unit.**
- 10.56 In addition to the to the retail unit proposed at ground floor, another unit is proposed which would provide a range of flexible uses (A2/A3/A4/B1a/D1/D2).
- 10.57 The report will now turn to the acceptability of this unit assessing it against the

relevant policies.

- 10.58 The relevant areas of policy and guidance to the provision of a unit with this range of possible uses are considered to be policy SP01 of the CS, policies DM1 and DM8 of the MDD and Section 2 and some relevant definitions in the glossary of the NPPF and the NPPG. These are presented below.
- 10.59 As set out earlier in the report Policy SP01 of the CS sets out the town centre hierarchy and seeks to promote development that is consistent with the scale and role of town centres.
- 10.60 Part 2c of SP01 seeks to encourage evening and night time economy uses that contribute to the vibrancy, inclusiveness and economic vitality of our town centre hierarchy. Provided that they are:
- Not over-concentrated in areas where they will have a detrimental impact on local people;
 - Of a balanced provision to cater for varied needs; and
 - Complementary to existing uses and activities.
- 10.61 Part 3 of policy DM1 of the MDD states that the vitality and viability of the borough's major, district and neighbourhood centres will be promoted by:
- a) protecting A1 uses as a priority
 - b) ensuring development does not result in the overconcentration of non-A1 uses; and
 - c) supporting development that strengthens the mix and diversity of town centre uses (including employment and social/community uses)
- 10.62 Part 4 of MDD policy DM1 seeks to further support the vitality and viability of town centres by directing restaurants, public houses and hot food takeaways (Use Classes A3, A4 and A5) to designated town centres provided that:
- a. they do not result in an overconcentration of such uses; and
 - b. in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.
- 10.63 Part 4 of the MDD policy DM8 seeks to locate new health, leisure and social and community facilities in or at the edge of town centres. The provision of new health, leisure and social and community facilities or extensions to existing facilities located out of centre will only be supported where they are local in nature and scale and where a local need can be demonstrated.
- 10.64 *Provision of B1*
- 10.65 As part of the flexible range of uses Office (Use Class B1a) is considered acceptable as it would be re-provision on the site. This smaller unit would provide a more manageable sized office unit that at 275m² which would be just above the 250m² advised in policy DM15 of the MDD for a Small Medium Enterprises (SMEs) units. The proposed smaller office use would be more complementary to the current market.
- 10.66 The 6 office units to the rear of the building would all be below 100m², the other size advised as appropriate to meet the needs for SMEs in policy DM15 of the MDD.
- 10.67 The Marketing report submitted suggests the mix of smaller office units will better meet the demand of the local area which would promote SME uses.

10.68 *Provision of A2/A3/A4*

10.69 In this edge of centre location it is considered that the use of the site for financial or professional services (Use Class A2) restaurant or café (Use Class A3) or drinking establishment (Use Class A4) would contribute to the vibrancy, inclusiveness and economic vitality of the nearby WRN centre. There are currently two hot food takeaways at the edge of this Centre, it is considered that the use of the unit for either A3 or A4 would provide a complimentary use that would not result in an overconcentration of these A3/A4/A5 detrimental to local people. In relation to these uses, the proposal therefore complies with policy SP01 of the CS and policy DM1 of the MDD.

10.70 *Provision of D1/D2*

10.71 Policy DM8 of the MDD states that new health, leisure and social and community facilities (D1/D2) should be located in or at the edge of town centres. The site is appropriately accessible for these uses at an edge of centre location and as such these uses would contribute to the vitality and viability of the WRN centre. It is considered that the size of the unit used for D1/D2 would mean the unit would predominantly serve the local area. These uses would assist in delivering a sustainable, healthy and liveable local neighbourhood complying with policy DM8 of the MDD.

10.72 For the above reasons it is considered that the principle of the proposed change of use is acceptable. The proposal complies with policies SP01 and SP03 of the CS, policies DM1, DM2 and DM15 of the MDD, policy 4.7 of the London Plan, the NPPF and NPPG.

11. Design and Heritage Impact

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

11.2 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.

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

11.4 As the Forge is Grade II listed and within the Chapel House Conservation Area, additional policies relating to heritage matters are also relevant.

11.5 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:

11.6 *"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.”

- 11.7 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.
- 11.8 Policy DM27 part 2 of the MDD provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.
- 11.9 *The Forge*
- 11.10 The Forge is a Grade II listed warehouse building due it being the last remaining mid-19th century iron shipbuilder’s forge in London, outside the royal dockyards. It provides evidence of the iron manufacturing process and heavy Thameside industry that historically sustained the local community.
- 11.11 It has a relatively simple, industrial architectural style. It is predominantly of stock brick construction with a double pitched roof running perpendicular to Westferry Road.
- 11.12 As part of its restoration within the past decade there have been numerous alterations. On the Westferry Road elevation, large windows have been sensitively been installed in what were originally blind recesses. There are also new entrances at the southern corner on the side elevation and northern corner on the rear elevation. There is glass curtain walling towards the western corner on the side elevation, a new concrete floor has been laid and the roof is also new.
- 11.13 The internal structure forms a single space of 1,178m². There is a sense of the space being divided into two halves by the central valley of the two roof pitches and a tall central cast iron colonnade that supports the roof. Both sides of the building have historic gantries with cranes that run the length of the building. The gantry and support structure is timber in the south eastern half of the building. On the northern western elevation there are the remains of 8 chimney breasts. The building has an open industrial character. The special historic and architectural interest is enhanced by the original features that allude to the building’s past heavy industrial use.
- 11.14 *Intention of Proposal*
- 11.15 The building has been vacant since 2007. As outlined in the *Land Use* section it has been actively marketed over this time but has attracted little interest due to its large size. The intention of this application is to use part of the ground floor space for a convenience retail store and it is considered that the smaller flexible unit and 6 offices for the remainder of the building will provide more attractive spaces for potential tenants. In this way it is held that the Forge would find an active modern and sustainable use that ensures the conservation of the building going forward.

11.16 *Proposed Alterations*

11.17 In order to provide smaller, more useable units, the applicant has worked alongside the Council Conservation team to find a sensitive way of subdividing the space while maintaining the sense of space and allowing an appreciation of the special historic and architectural features. To convert the building so that it can function for the uses applied for in this application a number of internal and external changes are proposed.

11.18 External Elevations:

- New entrance on the south western corner on the flank of the building
- Existing wall, pier and gate at south western corner to be relocated to allow access to new entrance to retail unit.
- Existing wall, pier and gate at southern corner to be demolished to allow open access to flexible unit.
- Entrance created in curtain wall towards north eastern corner on the flank of the building to allow access to office units
- Installation of platform for plant equipment on the roof

11.19 The proposed new entrance to the side elevation was a suggestion made by the Council's Conservation officer at pre-application stage. It is considered that the gantry's structural supports would be sensitively adapted so as to have as little impact as possible. This alteration to the fabric of the original building would be less noticeable on the side of the building and would be similarly located to the existing entrance on the opposing side.

11.20 The proposed relocation (SW corner) or demolition (S corner) of the brick piers and metal fencing on the respective sides of the front elevation would not have an adverse impact on the character of the building given that they are not original features. If anything these changes would better reveal the Forge building as this security fencing would be slightly less prominent.

11.21 The proposed entrance to be created in the centre of glass curtain walling towards the north eastern corner on the flank elevation would not materially affect the building. The double doors would also be constructed of glass are considered to be a very minor alteration to a recent addition to the building.

11.22 The addition of a platform for plant equipment on the roof is considered to be sensitively and discreetly located towards the rear of the building within the valley of the recently constructed roof structure and will utilise an existing roof light opening as a means of access. The platform would have screening to obscure views of plant equipment. In the proposed location it is considered that the platform would not be readily visible.

11.23 For the above reason it is considered that the external changes proposed would preserve the simple industrial aesthetic of the building. The site is located within the Chapel House Conservation Area, the minor external alterations proposed would also be considered to preserve the wider character and appearance of the conservation area.

11.24 Internal Alterations:

- The sub-division of the premises into five separate units at ground floor
- The installation of a first floor mezzanine to the rear of the warehouse to create three separate units.

- 11.25 Approximately, the front three-quarters of the north western half of the ground floor would be for the retail use and there would be a self-contained office and bin store to the rear of this unit. Just over half of the front of south eastern half of the ground floor would be for the flexible unit and there would be two self-contained offices to the rear of this unit.
- 11.26 The first floor mezzanine would be installed in line with the beginning of the back of house area on the north western half and the two office units on the south southern eastern half, extending to the rear of the building. There would be a double height void courtyard between the two offices on the south eastern half and a lightwell between the office and bin store on the north western half.
- 11.27 The new entrance on the side by the south western corner would serve a small lobby area. The entrance to the retail unit would be immediately to your left and the lobby would lead in open plan to the flexible unit. The front elevation of the retail unit would be of lightweight curtain glass construction. A wall, approximately 2.2 metres high would separate the retail unit from the flexible unit along their shared side boundary. The curtain glazing of the front elevation of the retail unit would continue above the dividing wall to be affixed to the underside of the steel work at the ceiling level of the building. The central colonnade would be retained as a void space. The roof would be openly visible bar acoustic reflectors suspended from the roof to deal with sound transfer issues.
- 11.28 The intention of the above described design is to subdivide the building while seeking to preserve a sense of the volume of the building and allow appreciation of the special historic and architectural features. The central iron colonnade, exposed beams, gantries and listed cranes, which would remain in situ, would all still be readily visible.
- 11.29 The Greater London Industrial Archaeology Society (GLIAS), along with a number of representations objected to the scheme in relation to the impact on the character of the Grade II listed building. It is argued that the subdivision would be awkward and concealing, and would divide one of the last undivided heavy engineering workshops in London. It is held that the transparent materials, by virtue of their reflections, shadings and solid support will fundamentally alter how the building is viewed and that the rear offices, built up to 1st floor level will reduce the length of the interior and crowd the arcade.
- 11.30 It is suggested the walls of the offices will restrict views of the crane infrastructure, that the shelves to be used by the retail occupier will further make it difficult to see building's special features from within the retail unit. It is also held that the proposal does not take into account the inevitable additional facilities that that will be needed in the flexible unit which is dependent on as yet unidentified future occupiers. These features would further obscure the buildings valuable features.
- 11.31 The subdivision and associated furniture and facilities of the occupiers would, it is argued, destroy the spatial quality of the presently voluminous space and would make it harder for one to see how the building was laid out originally and how it operated.
- 11.32 Undoubtedly the ability to appreciate the space as a whole, to see the historic features and how they functioned will be reduced by the proposed subdivision and mezzanine level. It should be noted that the existing emptiness of the building is not how it would have been in the past. It would have once been filled with

industrial machinery and workers actively using the building. Despite the building being much fuller in the past it would always have been open and experienced as a whole. The proposed subdivision would somewhat obscure historic features of the building as a whole. However, the measures taken in the subdivision including the open lobby area, maintaining two large units at the front that are open at ceiling level and the lightweight glazed curtain walling between these units will, it is considered that, allowing a satisfactory appreciation of the original volume and spatial qualities of the building is acceptable. In addition to this the historical features and fabric will be maintained in situ and be able to be clearly viewed from certain parts of the building. As such, the conservation and design Officer considered that the proposals represent less than substantial harm to the listed building. This is further supported by the virtue of bringing back uses within a historic building which otherwise be left vacant, as it has been since 2007. Subject to relevant conditions with regard to further details including the glazed screen, details of the new structural opening to accommodate the proposed new entrance and details of fixings with regard to heating and ventilating equipment, the proposed alterations to the Listed Building is acceptable in this instance.

- 11.33 In accordance with the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 11.34 As above mentioned the building has been vacant for over 7 years. The proposal would bring back section of the ground floor into active retail use immediately and provide smaller, more attractive units for future tenants of the rest of the building. It is considered that the proposed subdivision is the most likely way the building will secure long term viable use which will also ensure the future conservation of the building. The building is currently closed off from the community. In addition to the above benefit of the scheme, the interior of the building would be able to be seen by customers of the two front ground floor units and any interested member of the public. It is considered that the character of the listed building would be broadly maintained and the less than substantial harm that the subdivision would cause would be outweighed by these public benefits.
- 11.35 As such, subject to conditions the proposed works are considered to preserve the special character and appearance of the Grade II listed building and the Chapel House Conservation Area, in accordance with policy SP10 of the adopted CS, policy DM27 of the MDD and the NPPF which seeks to bring heritage assets back into use and ensure any harm is weighed against the benefits of the work.

12. Amenity/Environmental Health Impacts

- 12.1 Policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity.
- 12.2 The Forge is located centrally within a residential development know as Forge Square. The proposed development has a number of ways it could potentially impact on the amenity of these residents. This is discussed further within this section of the report.
- 12.3 Noise and Vibration
- 12.4 A number of representations raised concern regarding the potential noise impact of the development with increased noise possibly arising from the movement of

bins/cages, the plant extraction system and deliveries.

- 12.5 The applicant submitted an Environmental Noise Assessment by Sharps Redmore (ENA) in support of their application. This assessed the noise impact of deliveries to the proposed retail unit and proposed external fixed plant associated with the proposed retail unit.
- 12.6 The ENA concluded that the development could receive deliveries, without associated noise giving rise to significant adverse impacts during the following hours:
- 12.7 Main Deliveries: 08.00 to 18.00 hours Monday to Friday
09.00 to 13.00 hours Weekends and Bank Holidays
- 12.8 Newspaper Deliveries: From 05.00 daily.
- 12.9 The ENA also concluded that noise from the external fixed plant would be at most 10dB below the existing background noise climate.
- 12.10 The Council's Environmental Health (EH) team reviewed the ENA and requested additional information on the raw data and the Calibration Certificate for the noise monitoring in the ENA. After reviewing the ENA and additional information the Environmental Health team accepted that their ENA offers mitigation to meet the requirements of the latest LBTH noise standards in relation to background noise levels. The delivery hours stated in the *Servicing* section below would be more restrictive than these hours resulting in even less noise disturbance for residents. For the above reasons the proposal is considered to comply with policy DM25 of the MDD and policies SP03 and SP10 of the CS which seeks to limit unacceptable levels of noise.
- 12.11 Smell/Pollution
- 12.12 In order to safeguard amenity impacts from uses of the flexible unit that may produce odours/smells as a by-product, should permission be granted, a condition would be imposed to ensure that any future extractor/mechanical units, associated with the use of the flexible unit as a restaurant/café/drinking establishment, provide odour/smell nuisance mitigation measures to minimise any harm to neighbouring amenity.
- 12.13 Some representations raised concerns about the development causing increased air pollution. As explained in the Highways Impacts section, the size of the units in addition to the lack of car parking provision would mean the units would have a local catchment that would predominantly be accessed on foot and public transport. The deliveries to the units would also not be considered to increase air pollution by a significant amount.
- 12.14 For the above reasons the proposal is considered to comply with policy DM25 of the MDD and policies SP03 and SP10 of the CS which seeks to limit unacceptable levels of odours and air pollution.
- 12.15 Hours of Operation
- 12.16 The Planning Statement submitted in support of the application specifies the hours of operation for the proposed building as whole to be 06.00 to 23.00 hours daily. Due to the proximity of the Forge to the residential Forge Square

development that surrounds it is considered prudent to further restrict the hours of operation in order to satisfactorily preserve the amenity of neighbouring residents. The hours of operation would be restricted by condition to between 07.00 and 22.00 hours daily in order to safeguard residential amenity in line with policy DM25 of the MDD and policy SP10 of the CS.

12.17 Security

12.18 It is not considered that the proposed uses for the Forge would have any particular impact on crime or anti-social behaviour. Several representations mentioned an increase in nuisance or loss of security caused by workers of the Forge using the grounds of the gated Forge Square development. Whilst planning system can control the use of the land, cannot control the behaviour of the users of the building/land. Nevertheless, to minimise any impact to the existing residents, a condition requiring a Site Management Plan which outlines how the store would cater for their employees and how it intends to operate in a neighbourly manner; and would be required to be submitted and approved. In this respect the proposal would be considered to comply with policy DM25 of the MDD and policy SP10 of the CS.

13. Highways Impacts

13.1 The applicant provided a Transport Statement (TS) and Servicing Management Plan (SMP) in support of their application.

13.2 In terms of the transport impact of the development the TS concludes that the expected trip generation potential is not considered to be significant. The level of activity expected would not have any material impact on the footway, bus services or the DLR and the new servicing arrangements will not have an unacceptable impact on the operation of Westferry Road or existing on-street parking provision. The Council's Highways team support these conclusions.

13.3 Servicing

13.4 The servicing arrangements of the previous similar proposal (PA/13/01642) were part of the reason for its refusal stating that the development would:

13.5 *“adversely impact on the amenity of local residents by virtue of the excessive servicing needs within a narrow route within the Forge Development”*

13.6 The applicant has submitted a Servicing Management Plan (SMP) in support of their application. This details a new servicing strategy from Westferry Road rather than at the rear from within the Forge Square development.

13.7 Working with the Council's parking team it has been agreed to provide a loading bay of just over 14 metres on the northern side of Westferry Road broadly in line with the proposed retail unit.

13.8 The SMP has calculated that the retail unit would require approximately 3 deliveries by rigid goods vehicles per day between Monday and Friday. The loading bay is proposed to operate for reduced hours on Saturdays and for there to be no deliveries on Sundays. Deliveries would be co-ordinated so that none arrived at the same time and HGV engines and refrigerators would be switched off during delivery times. The rigid goods vehicles used would be approximately 8

metres in length, designed for servicing smaller shops in residential areas.

- 13.9 The movement of goods to the retail unit would be by cage. As it is considered that the retail unit would receive the most deliveries over the flexible unit and offices the loading bay location has been chosen to reduce the distance the cages would have to travel to offload at the retail unit mitigating the noise and footway disruption associated with deliveries.
- 13.10 The Council Highways team sought clarification as to where cages would be stored for the retail unit so that they do not obstruct the footway. The applicant stated that cages would be kept in the back of house area and then pulled through the store to the lorry when it has been emptied of goods being delivered. A condition to secure a Site Management Plan shall require details of the cages to be stored in the back of house area of the retail unit and not along the front of the Store, or where it is highly visible from and/or on the public highway.
- 13.11 The SMP states that the flexible unit and office units would be serviced in line with the retail unit although it is expected that the uses applied for at this unit would require less servicing and the requirement for only transit type delivery vehicles. In any case before the occupation of the flexible unit, a use-specific SMP will be required to be submitted and approved by the LPA. Deliveries for these units would need to co-ordinate with the retail unit so that deliveries were not undertaken at the same time.
- 13.12 A number of representations raised concerns with regards potential risks to safety posed by deliveries being undertaken near to the Harbinger Primary School, to the north of sites. To reduce this risk it is proposed to further restrict the delivery hours so that they do not conflict with school pick-up and drop-off times. This would also mitigate against noise and traffic disruption from servicing. It is therefore considered that, should permission be granted, main deliveries times, other than newspaper deliveries, should be restricted by condition to between
- 13.13 Main Deliveries: 09.30 and 15.00 Monday to Friday,
09.00 and 13.00 on Saturdays
No deliveries on Sundays.
- 13.14 Newspaper deliveries: from 05.00 daily as the noise impact was found to be acceptable and these early deliveries would not conflict with school pick-up drop-off times.
- 13.15 The proposed on-street servicing arrangement and restrictions which would be imposed by condition are considered satisfactory in that they would ensure that there was no undue adverse impact on the amenity or safety of neighbouring residents. This is considered a significant improvement to the previously proposed servicing arrangement (PA/13/01642) from the rear of the Forge which formed part of the reason for refusal of that application. As such, the proposed development complies with policy SP10 of the CS and policies DM2 and DM25 of the MDD, which seek to suitably locate retail uses and preserve residential amenity.
- 13.16 Car Parking/Loading Bay
- 13.17 No additional car parking is proposed within the development and this is supported. It is expected that the proposed retail unit and flexible use unit would draw the majority of their customers from a catchment of roughly 500m around the

site. As such the dominant means of getting to and from the site would be via non-car means.

- 13.18 In order to accommodate the loading bay on the northern side of Westferry Road without obstructing traffic it is proposed to relocate the parking bay on the opposite side of the Forge and to incorporate the loading bay within it. In this way two parking spaces would be lost to accommodate the bay but these would be reprovided on the southern end of Harbinger Road so there would be no net loss of on street car parking, which is acceptable to the Council Highways team.
- 13.19 Best practice guidance seeks to provide drivers with an unobstructed view to the rear of any speed camera. Because of this, it will be necessary to relocate the existing camera at the southern end of the Forge site further along Westferry Road in order to relocate the parking bay. TfL has responsibility for all speed cameras in London and has worked with applicant. TfL had no objections to the scheme and the applicant states that they are happy with the relocation in part on the basis that the camera's proposed location is preferred to its' existing.
- 13.20 In order to relocate the speed camera, the existing southbound bus shelter located to the south of The Forge site would need to be shifted a little further to the north. Again the applicant has worked with TfL and London Buses and state that they are satisfied with the shifting of the bus shelter. Subject to appropriate costs borne by the applicant to relocate the on-street parking spaces, bus shelter, and speed camera the relocation can be agreed in principle. Appropriately worded condition will ensure that the occupation of the uses cannot take place until the on-street parking spaces, the bus shelter and the camera are successfully relocated.
- 13.21 For the above reasons the proposal is considered to comply with DM22 of the MDD.
- 13.22 Cycle Parking
- 13.23 The applicant has provided cycle provision in excess of the minimum policy requirements for the development which is welcomed. Details of this would be secured by condition. For this reason the proposal is considered to comply with DM22 of the MDD.
- 13.24 Refuse
- 13.25 The applicant states in their Planning Statement that refuse and recycling will be removed, where possible, by the respective use's servicing vehicles. Initially the applicant stated that any refuse and recycling that is not removed in this way would be stored in the The Forge Square development's shared bin store accessed from Harbinger Road. Following consultation with a Council Waste Officer the applicant was informed that commercial and residential waste cannot be stored in the same bin store and subsequently provided an amended site plan that indicated an appropriate commercial only bin store at the northern corner of the building which could accommodate an ample 15 x 240 litre bins. This would be removed by an agreed contractor via the Harbinger Road entrance.
- 13.26 This bin store would serve the rear office units and the flexible unit but not the retail unit. The retail unit would have its own bin store in its back of house area which would be emptied by their own delivery vehicles.

13.27 Following receiving clarification on the proposed waste arrangements the Council Waste Officer had no objections to the proposal. It is therefore considered that the proposal complies with policy DM14 of the MDD.

14. Access

14.1 In terms of accessibility the applicant stated that the ground floor (retail/commercial and office space) would be fully accessible to all and has a level threshold (with appropriately designed ramps that accord with DDA compliance) and wide and bi-parting doors to the front either side of the building and internally into the retail unit to allow the delivery of goods and accessibility for customers. The office space at ground floor is also accessible to all.

14.2 The offices at 1st floor would not have a lift access due to the design and layout of the building as well as the constraints of the building due to it being a Grade II listed building.

14.3 This was assessed by a Council Access officer and was deemed to be acceptable. It is therefore considered that the proposal complies with policy SP02 of the CS.

15.1 Flood Risk

15.2 The site is located within Flood Zone 3, at risk of flooding from the tidal River Thames. The Environment Agency (EA) have been consulted with regards to the application. The SFRA confirms that the site is defended to a 1 in 1000 year standard by the River Thames tidal defences and as such the EA have no objection to the application in this instance.

15.3 As this is a change of use and no alterations are proposed, it is considered that any incidence of flooding will be no greater than the existing situation for all the units within this locality. The proposal would not result in any significant increase in the incidence of flooding for future occupiers, which accords with policy SP04 of the Core Strategy (2010).

16. Human Rights Considerations

16.1 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:

16.2 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:-

16.3 ○ 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;

16.4 ○ 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".

- 16.5 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.
- 16.6 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 16.7 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.
- 16.8 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.

17. Equalities Act Considerations

- 17.1 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 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

18. CONCLUSION.

- 18.1 The proposed change of use would be appropriate in land use terms and the associated alterations would amount to less than substantial harm to the listed building that would be outweighed by the public benefit. It would not have an adverse impact on the highways network and the new servicing arrangements would be acceptable in terms of their amenity impacts.
- 18.2 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 EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report



	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 6.5

Committee: Development Committee	Date: 11 th March 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Angelina Eke	Ref No: PA/14/01567
	Ward: Bow East

1. APPLICATION DETAILS

Location:	598 Roman Road and land at rear of 596 Roman Road London, E3 2RW
Existing Use:	Retail use (Use Class A1) at ground floor level and residential above at first floor and within a mansard roof.
Proposal:	a) Change of use of part of rear ground floor retail area and conversion to refuse storage area and creation of new entrance doorway to upper floor flats plus erection ground and 2 nd floor rear extension associated with the creation of 2 x 2 bed flat at first and second floors b) Formation of new residential access point from Hewison Street and provision of associated cycle parking and refuse disposal arrangement at rear of No.'s 596-598 Roman Road. c) Replacement roof slates on the front elevation of 598 Roman Road.
Drawing and documents:	OS Sitemap; W01 Rev A; W02 Rev A; W03; W04 Rev A; W05 Rev D ; W06 Rev F; W07Rev G; W08Rev A; W09A; W10Rev F and D01A; Design and Access statement, prepared by Buildtech Building Surveyors
Applicant:	Mr Ockbert Van Den Berg (Abercorn Estates Ltd)
Ownership:	Mr Ockbert Van Den Berg (Abercorn Estates Ltd)
Historic Building:	N/A
Conservation Area:	The Roman Road Market Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 The report considers an application for a change of use of part of the ground floor ancillary retail floor space to create a bin store, alteration at the rear of 598 Roman Road to form new entrance way to the residential accommodation plus erection of a second floor rear extension and alteration of first and second floors to create two x two bed flats. The proposal includes the formation of a new access point off Hewison Street for the development including the provision of cycle storage and refuse provision and replacement of roof slates.
- 2.2 Officers have considered the particular circumstances of this application against the provision of the Development Plans, national, regional and local guidance and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The proposal makes efficient use of the application premises and provides an increase in the supply of housing. In addition, the layout and size of the proposed residential units are acceptable and contributes towards the supply of housing within this locality.
- 2.4 The proposal will result in a reduction of the ground floor ancillary storage space for the existing shop; however, this will not result in the loss of the active frontage as it currently exists or the current retail offering. As such, the proposal would not be detrimental to the viability or vitality of this part of Roman Road East District Centre, which contains a variety of retail units of different sizes, restaurant/cafe, take-way outlets.
- 2.5 The amenity impacts of the proposal would be acceptable and would not have unduly detrimental impacts on the living conditions of neighbouring residents.
- 2.6 The proposal would be acceptable with regard to highway and transport matters subject to a car free legal obligation agreement and therefore any future resident of the flats would not be entitled to a permit to park on street.

3.0 RECOMMENDATION

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

3.2 Conditions on planning permission

- (a) Three year time limit
- (b) Development to be built in accordance with the approved plans
- (c) Compliance with Lifetime Homes Standards
- (d) Full details of facing materials to be used for the development
- (e) Details and retention of the privacy screen for the second floor balcony
- (f) Full details of the proposed lighting details to illuminate entrance to the rear of 596/598 Roman Road
- (g) Provision and retention of a minimum of 8 cycle parking spaces as shown
- (h) Retention of the refuse provision in accordance with the approved drawing
- (i) Car and permit free development for the additional new unit

3.3 Informative

- CIL Liability
- S278 agreement in respect of works to reinstate the highway adjoining the site

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

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

4.1 The application site is a three storey building located on the southern side of Roman Road close to the junction with Hewison Street, within a designated district centre. The site comprises a ground floor retail premises with a flat above. The application building retains much of its original character including a brick façade and timber sash windows and attractive stone architraves.

4.2 The application site shares a common entrance way off Hewison Street with No 596 Roman Road which occupies a corner position. No. 596 Roman Road also lies within the ownership of the applicant.

4.3 The application site is within Roman Road East District Town Centre, which is characterised by a mixture of shops, offices (Class B1 and A2) with residential use above.

4.4 The application premises, although not listed, lies within Roman Road Market Conservation Area, which was designated in September 1989, and the boundary extended in October 2008. Its designation highlights its historic significance and seeks to maintain its special character. The site lies within an Area of Archaeological Importance.

The Proposal

4.5 The application proposal as originally submitted was for the following:

- (a) Change of use of part of rear ground floor retail unit, plus removal of the ground floor bay window on the flank wall to create a one bedroom duplex flat at ground and first floor level including formation of an extension to create a new entrance doorway to upper floor flats;
- (b) Conversion of the first and second floors including the erection of rear extensions to create two flats (1 x 1 bed flat at first floor level and 1 x 2 bed flat at second floor level)
- (c) Formation of new residential access point from Hewison Street and provision of associated cycle parking and refuse disposal arrangement within rear yard to No.'s 596-598 Roman Road. The proposal involves the replacement of roof slates on the front elevation of 598 Roman Road.

4.6 The application was amended during the course of its submission to address the discrepancies with regard to the ownership boundaries between 598 Roman Road and 1B Hewison Street (as the redline was drawn to inadvertently capture the shared entrance point to 1B Hewison Street) and to address objectors' concerns. Additionally, further consultations have been carried out for this reason.

4.7 The current revised scheme is for the following:

- a) Change of use of part of rear ground floor retail area to form an extension plus creation of new entrance doorway to upper floor flats plus erection of a single storey extension at ground and 2nd floor levels to create 2 x 2 bed flat at first and second floors
- b) Formation of new residential access point from Hewison Street and provision of associated cycle parking and refuse disposal arrangement within rear yard to No.'s 596-598 Roman Road.

The proposal involves the replacement of roof slates on the front elevation of 598 Roman Road.

Background

4.8 This application has been submitted following a previous refusal of planning permission under Council's reference PA/13/01393 for redevelopment of the site to add an additional storey to create four (4) self-contained flats. This application scheme was refused on five grounds as set out below:

1. *The proposed development by virtue of its height, depth and overall design detailing is considered to be an inappropriate form of development out of scale with the surrounding buildings. Accordingly, the proposal would have an adverse impact on the host building and would neither preserve nor enhance the appearance of the Roman Road Market Conservation Area. The proposal is therefore contrary to policies 7.4 and 7.8 of the London Plan, policy SP10 of the adopted Core Strategy (2010) and policies DM24 and DM27 of the Managing Development Document (2013), which seeks to promote principles of good design and ensure development, is sensitive and respectful to the character and setting of the surrounding area and the site.*
2. *The proposed development would result in poor amenity for future occupants by virtue of the failure to provide private external amenity space. As such, the proposal would be contrary to policy SP02(6) of the Adopted Core Strategy (2010), and policy DM4(2) of the Managing Development Document (2013), which seek new housing developments to provide external amenity space in order to provide an appropriate living environment.*
3. *By virtue of inadequate separation distance between the proposed development and neighbouring buildings, the proposal would result in an increased sense of enclosure and unacceptable levels of privacy and overlooking for future residents, to the detriment on the amenity of existing residents and future residents, contrary to policy SP10 of the adopted Core Strategy and policy DM25 of the Managing Development Document, which seek to protect residential amenity.*
4. *In the absence of a suitable location for the storage of cycle parking and sufficient doubt over the ability to achieve adequate storage facilities in the rear courtyard, it is considered that the proposal fails to conform with policy SP09 of the adopted Core Strategy and policy DM22 of the Managing*

Development Document (2013) which seeks to ensure adequate provision of cycle space for future residents.

5. *In the absence of a suitable storage of refuse space and sufficient doubt over the ability to achieve appropriate storage facilities in the rear courtyard, it is considered that the proposal fails to provide adequate provision of the management of refuse and as such fails to conform with policy SP05 of the adopted Core Strategy and policy DM14 of the Managing Development Document (2013) which seeks to ensure adequate provision of refuse is made available for future residents.*
- 4.9 An appeal was lodged (PINS ref: APP/E5900/A/13/2205017) and dismissed on 17th March 2014. In assessing the appeal, the Inspector commented on the following:
- (a) Whether the proposal would preserve and enhance the character and appearance of the Roman Road Conservation Area;
 - (b) Whether living conditions would be adequate for future occupiers having regard to external amenity space, privacy and outlook; and
 - (c) Whether the scheme made proper provision for cycle parking and storage.
- 4.10 In respect of the first issue, the Inspector agreed with the council that a significantly taller building (that is four storeys in height) would fail to preserve the character and appearance of the conservation area. The alterations proposed to the front elevation of the building result in loss of heritage features such as the original roof with dormer windows (the dormers were considered to have noteworthy ornate surrounds which were considered to be an integral part of the victoria design of the building).
- 4.11 In respect of the second issue, the Inspector was concerned that the proposal would give rise to a poor living environment, by virtue of the absence of adequate external amenity space. An additional concern raised was that the proposed rear extension resulting in a four storey building at the rear would create a 'tunnelling effect' with the adjacent building at 596 Roman Road and 1B Hewison Street resulting in poor levels of outlook and privacy.
- 4.12 With regard to the third issue on cycle parking and refuse, the Inspector advised that the applicant should enter into further negotiations with the council to ensure adequate bin storage and cycle storage facilities were provided to address their concerns.
- 4.13 This application has been submitted to address the reasons for refusal raised by the Planning Inspector and the key changes proposed by the subject application are as follows:
- Retention of the mansard roof on the front elevation of the building and minor changes to the roof material;
 - Reduction of the rear extension from two storeys to one additional storey
 - Reduction to the ground floor retail shop to accommodate a secure bin store
 - Reduction to unit numbers and alteration to dwelling mix to provide 2 x 2 bed flats

- Provision of external amenity space for the second floor flat
- Cycle Storage facilities at the rear of 596/598 Roman Road

Relevant Planning History

- 4.14 **PA/13/01393:** Full planning permission for the redevelopment of the site to add rooftop extension to the building to provide for four (4) units. Refusal dated 02/09/2013.

Other

Site to the rear of 596-598 Roman Road

- 4.15 **PA/00/01500:** Demolition of existing storage buildings and construction of a 2/3 storey house and alterations to communal yard between new house and back of shops on the site at the rear of 596-598 Roman Road. Approval dated 30/03/2001. This has been constructed and is now known as 1B Hewison Street.

596 Roman Road

- 4.16 The neighbouring site has had recent planning applications submitted which are relevant to the application site and are referred to in the material planning section of the report. These are listed below.
- 4.17 **PA/11/02094:** Erection of a rear extension at first floor level over existing flat roofs, a new second floor and the erection of a new mansard roof addition to result in a four storey building. The proposal retains the ground floor retail shop and proposes 6 residential units (1 x one bedroom ground floor flat to the rear of the existing retail shop, and 2 x one bedroom, 2 x two bedroom and 1 x 3 bedroom flats spread over the 1st, 2nd and 3rd floor Mansard). Refused 05/10/2011.
- 4.18 **PA/13/00085:** Redevelopment of the site to form six (6) residential units. Approval dated 02/04/2014. This application has not been implemented.
- 4.19 **PA/14/01330:** Application for a Variation of Condition 2 (approved drawings) following grant of permission PA/13/00085, dated 02 April 2013 under Section 73 of the Town and Country Planning Act 1990 for the redevelopment of the site to form six residential units approved under planning permission number

The amendments sought included:

- *Alterations to the proposed boundary fencing from fence to brick*
- *Amended layout for cycle storage and refuse*
- *Alterations to the fenestration openings on the side elevation of the building*

The application was approved on 15/07/2014 and this permission is currently under construction.

5.0 POLICY FRAMEWORK

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

5.2 **Government Planning Policy Guidance/Statements**

- National Planning Policy Framework (March 2012) (NPPF)
- National Planning Practice Guidance (March 2014)

5.3 **Spatial Development Strategy for Greater London - Revised Early Minor Alterations to the London Plan October 2013 (LP)**

2.15: Town Centres

3.3: Increasing housing supply

3.4: Optimising housing potential

3.5: Quality and Design of Housing Developments.

6.1: Strategic Approach to Transport

6.3: Assessing effects of development on transport capacity

6.13: Parking

7.1: Building London's neighbourhoods and communities

7.4: Local Character

7.8: Heritage Assets and Archaeology

5.4 **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

Site Designations

Roman Road East District Town Centre
Archaeological Priority Area

SP01: Refocusing on our Town Centres

SP02: Urban living for everyone

SP03: Creating healthy and liveable neighbourhoods

SP05: Dealing with waste

SP09: Creating attractive and safe streets and spaces

SP10: Creating distinct and durable places

5.5 **Managing Development Document (adopted April 2013) (MDD)**

DM1: Development within the Town Centre Hierarchy

DM3: Delivering homes

DM4: Housing standards and amenity space

DM22: Parking

DM23: Streets and the public realm.

DM25: Amenity

DM26: Building Heights

DM27: Heritage and the historic environment

5.6 **Other Relevant Documents**

The Roman Road Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

CONSULTATION RESPONSE

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

5.8 The following were consulted regarding the application:

Internal Consultees

Waste Management

5.9 No objections to the proposed refuse storage location and bins provided.

Crime Prevention Officer

5.10 No comments received

Highways and Transportation

5.11 Highways have no objections in principle to the proposals subject to the applicant entering into a s106 agreement to secure a car free development. In respect of cycle parking a Sheffield stand is advised.

[Officer Comment: Conditions will be imposed to ensure that adequate cycle parking is provided for the new units being created including for a car free agreement]

Neighbours Representations

5.12 A total of 33 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice. A total of 39 letters of representation were received objecting to the proposal, including letters of representation from two local ward councillors (taking account of duplicate representations received).

A summary of the objections received

5.13 The principle of the loss of retail floor space - objectors expressed concerns about the unacceptable loss of 20% of the ground floor retail floor space including ancillary storage and servicing areas at the rear.

[Officer's response: This is assessed in the material planning considerations section of the report]

5.14 The reduction in retail floor space would undermine the vitality and viability of the Roman Road East District Town Centre and reduce the availability of units.

[Officer's response: This is assessed in the material planning considerations 'land use' section of the report]

5.15 The proposal undermines the Council's Town Centre strategy

[Officer's response: It is not considered that there is no policy conflict since a retail presence will be maintained and the viability of the town centre would not be undermined by the proposal.]

5.16 The proposal will result in loss of privacy to the premises at 1B Hewison Street residents.

[**Officer's response:** The proposal has been amended to provide a privacy screen at second floor level and the objector has written in to confirm that he has no further concerns with the proposal subject to the privacy screen being maintained]

6.0 MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design
- Amenity
- Highway considerations.

Land Use

6.2 The application proposal seeks to enlarge the existing property and make more effective use of the building, whilst adding to the borough's housing stock. The application proposes a small reduction in the retail floor space as it currently exists to facilitate the refuse provision for the residential units.

Loss of retail floor space

6.3 In respect of the principle of loss of the retail floor space within Town Centres, Paragraph 23 of the National Planning Policy Framework is concerned with maintaining the attractiveness of town centres". It states in part that local planning authorities should allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural community and residential developments required in the Town centre.

6.4 The above policy seeks to ensure that the overall needs of retail as well as other town centre uses are met in full and not compromised by limited site availability. It should be noted that the loss of retail in town centres is not prohibited as a principle moreover, the policy seeks to promote uses other than retail in this location and it encourages residential development on appropriate sites.

6.5 Policies 4.7 B (a) 'Retail and Town centre developments' and 4.8 in the London Plan advises that the scale of proposals (retail, commercial, cultural and leisure) should relate to the size, role, function of a town centre and its catchment area.

6.6 Policy SP01 (d) in the Council's Core Strategy seeks to promote mixed use and multi-purpose town centres with a mix of unit sizes and types (including smaller unit sizes) to assist in the creation of vibrant town centres that offer a diversity of choices, and meet the needs of communities.

6.7 Policy DM1 in the Managing Development Document (2013) seeks the protection of retail uses emphasizes that the vitality and viability of the borough's major, district and neighbourhood centres will be promoted by:

- A Protecting A1 uses as a priority, unless the following can be demonstrated:
- i. The loss of A1 would not undermine the town centre's position within the town centre hierarchy;

- ii. The loss of A1 would not result in the overall level of A1 falling below 50% within the town centre;
 - iii. The shop has been vacant for a period of more than 12 months and robust evidence is provided of efforts made to market the shop over that period at an appropriate rent (providing three comparable shop unit rents within the town centre) and
 - iv. The new use supports the function of the town centre.
- 6.8 The existing retail unit measures 71.78m² (including the WC and kitchen area) and it is currently used for retailing of mobile phones and computer accessories. The proposal as originally submitted sought a significant reduction of the existing retail floor space (44% loss) which was a source of objectors' concern.
- 6.9 The originally submitted scheme generated considerable opposition from local residents and two local ward councillors on grounds that the loss of the retail shop floor space would undermine the vitality and viability of the Roman Road East Town centre. The applicant has amended the proposal such that only 6sqm of the existing retail floor space will be lost.
- 6.10 In terms of the loss of retail floor space, officers have taken account of the fact that the loss is only marginal at 6 sq. m and the ancillary areas of the shop which is affected is under-utilised and therefore a small reduction in floor space would not be detrimental to the current retail offering nor would it be detrimental to the town centre function or the vitality and viability of existing business in this locality.
- 6.11 The loss of retail floor space to accommodate residential accommodation was a consideration at a recent appeal on the adjoining site at no.596 Roman Road for the redevelopment of the site for six flats including the partial loss of the ground floor retail unit to accommodate mobility flat (PA/11/02094 was refused by the council on 5th October 2011).
- 6.12 In assessing the appeal (reference APP/E5900/A/11/2164794) the Inspector conceded the loss of the retail floor space on the following grounds:
- "There is no direct policy conflict since a retail presence would be kept and a change in size is not precluded. Moreover, there is no commercial evidence to support the notion that a smaller unit would be less attractive to potential users. On the contrary the shop has apparently been let and the rear portion has already been sub-divided. Policy SP01 of the Core Strategy seeks to support town centres as vibrant economic hubs by, amongst other things, encouraging additional floor space. However, the implications of the proposal are so small that these general aims would not be jeopardised."*
- 6.13 Overall, the proposed reduction in retail floor space is very marginal and given that no net retail trading floor space is lost and an active frontage will be retained, the proposal meets both local and national policies as well as national guidance.

Principle of residential use

- 6.15 There is a presumption in favour of housing developments as outlined within the NPPF, and in accordance with policies 3.3 and 3.4 of the London Plan), the Mayor is seeking the maximum provision of additional housing in London. Housing targets

identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 and 2025.

- 6.16 The site is considered to be an appropriate location to contribute to meeting this demand, given that residential use above retail is consistent with other properties along Roman Road. As such, there is no objection in principle to additional residential uses; however the acceptability of the use is dependent on other planning considerations as outlined in the body of this report.
- 6.17 The first and second floors of the property are currently arranged as a four bedroom flat split over two levels. The access to the flat is via Hewison Street. The layout of the existing accommodation lacks suitable external amenity space; it has an awkward layout internally and relatively poor access from the rear. Officers consider that given the constraints, and lack of external amenity space, the existing flat does not readily lend itself for family occupation. Therefore, there is no objection in principle to its loss to provide more alternative more suitable accommodation.
- 6.18 The loss of the existing accommodation to provide two smaller units would not undermine Policies 3.3 and 3.4 in the London Plan (2011), Policy DM3 in the Managing Development Document (2013) and Policy SP02 (1c) plus SP02 (5a) in the Core Strategy (Adopted 2010) and guidance set out in National Planning Policy Framework (2012). The above policies and guidance support initiatives to optimise housing supply where appropriate, which in this case is to be welcomed.

Housing

Housing Mix

- 6.19 The application proposes 2 x 2 bed flats which is considered appropriate in this location and accords with Policy 3.8 in the London Plan (2011), policy SP02 in the Core Strategy (2010), policy DM3 in the Managing Development Document (2013).

Quality of accommodation

- 6.20 Table 3.3 and Policy 3.5 of the London Plan (2011) provide minimum guidance for the size of the units. The following table outlines the number of units proposed and the size expected (based on the minimum London Plan figures). These are also reproduced within Policy DM4 of the Managing Development Document.

Table 1: The total floor space proposed for each of the units proposed is set out below in Table 1 (Internal Floor AreaM2)

<u>Unit number</u>	<u>Type/number of people</u>	<u>Size proposed sq.</u>	<u>Size expected sqm</u>	<u>Conform</u>
Flat 1	2 bed/3 persons	70.35	61	Yes
Flat 2	2 bed/3 persons	73.30	61	Yes

The proposed units exceeds the recommended minimum space standards and it meets the requirements of policy 3.5 of the London Plan and DM4 (1) in the Managing Development Document (2013).

Design

- 6.21 The London Plan seeks enhancements of the historic environment and looks favourably upon developments which seek to maintain the setting of heritage assets.
- 6.22 Policy 7.4, 'Local Character' requires new developments to have regard to the local architectural character in terms of form, massing, function and orientation. Further emphasis on preserving the local character and distinctiveness of an area is set out in Policy 7.8 in its requiring local authorities in their LDF policies, to maintain and enhance the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy, as part of managing London's ability to accommodate change and regeneration.
- 6.23 Policies SP09, SP10 of the Core Strategy 2010 and policies DM24 and DM27 in the Managing Development Document, seek to ensure development is designed to the highest quality standards, using appropriate materials and incorporating principles of good design, to ensure development is sensitive to and enhances the site and local character of the surrounding area, preserving the Borough's conservation areas.
- 6.24 The Council's Conservation Area Character Appraisal & Management Guidelines highlights that the scale of buildings varies between 2 and 4 storeys. However, whilst there is variety in the height of the buildings, most properties within this section of the terrace do not exceed three storeys. This proposal seeks an additional floor to the application building and at three storeys it will be lower than the previous appeal scheme (appeal reference APP/E5900/A/13/2205017) which sought a four storey building. The reduction in the building height would go some way to reducing the 'tunnelling effect' that the application building would have with the adjacent building at 596 Roman Road. Additionally, only minimal alterations are proposed to the front elevation of the building, which addresses the concerns raised by the planning inspector during the deliberations on the appeal no loss of the noteworthy features which contribute to the character and appearance of the building and wider conservation area.
- 6.25 The application proposal seeks to extend above the existing outrigger building by one storey. It is noted that all the properties along this section of Roman Road have been extended at the rear into the external courtyard areas. The extensions predominately range from single storey to three storeys in height and there is no uniform design or character to them. It is noted that consent has been granted for a four storey building at 596 Roman Road. Therefore, in terms of the additional storey proposed, this is considered to be appropriate in terms of its mass, bulk, scale and it has been designed as a subservient rear addition that would relate well to the original building and site context and it incorporates a sympathetic roof profile with velux windows.
- 6.26 It should be noted that 596 Roman Road has extant planning permissions (under PA/13/00085 dated 02/04/2013 as amended by S73 application under PA/14/01330 dated 15/07/2014) for the redevelopment of the site to form six residential units. The permitted scheme involves a substantial extension to the rear and a flat topped mansard extension above the existing resulting in a four storey building with the top storey set within a mansard roof and at ground floor, the scheme permitted resulted in a reduction of the retail floor space. As a result, No.596 is taller than the application premises as it has two additional storeys with a full mansard. The works to implement the above development is currently underway and near finish. The

proposal would not extend beyond the building line of 596 Roman Road or 600 Roman Road and it would be set back from the building line of the first floor outrigger extension.

- 6.27 In terms of materials, the proposed extension will be of a brick built construction with timber sash windows. It is considered that as proposed, the resulting scheme will be of high quality and finished to match the existing building. The roof (front and rear) is to be finished in tiles to again match that of the existing building and a condition will be attached to secure these details. The Council's Urban Design and Conservation Officer has assessed the scheme and considered that the resulting built form would be sympathetic to the host building and it will preserve and enhance the setting of the conservation area.

Impact of the proposal on the host building and street scene

- 6.28 There are no significant alterations on the front elevation of the application premises, save changes to the roofing material to Welsh slate, it is considered that the refurbishment works would complement the host building and it would preserve and enhance the conservation area. Therefore on balance and notwithstanding the relatively constrained nature of the site, the proposal would not detract from the host building and it would preserve the character and appearance of the Roman Road Conservation area, which addresses the original concern raised by the planning inspector during the appeal. A condition is to be imposed to ensure that high quality materials and finishes are secured within the development which meets policy 7.8 in the London Plan, Policy SP10 in the Adopted Core Strategy (2010) and Policies DM24 & DM27 in the Managing Development Document (2013).
- 6.29 The access to the units via Hewison Street will be retained and the applicant proposes to rebuild the ground floor boundary wall between 1B Hewison Street and 596/598 Roman Road in materials to match the existing and install wall mounted lights so as to illuminate the courtyard area and increase security. This aspect of the proposal is supported and should go some way to improving the security and surveillance to and from the site. Details of lighting will be secured by way of a condition.

Amenity

- 6.30 Policy SP10 of the adopted Core Strategy (2010) and policy DM25 of the Managing Development Document seek to protect residential amenity. The proposal will not have any adverse impact on surrounding properties to the north of the site. It is considered that the main amenity impacts are likely to be perceived by the residential units to the south (1B Hewison Street) and west of the application site (596 Roman Road).

Daylight/Sunlight

- 6.31 The proposal would not result in any unreasonable reduction of daylight and sunlight to the surrounding properties or the prospective occupiers of the units over and above which currently exists. Having regard to the appeal decision and the absence of daylight/sunlight impact reason in the dismissal, together with the proposed extension being set further away from the existing windows at 1B Hewison Street than the appeal scheme, it is considered that the proposal will not cause material harm to the living conditions to the occupants of these premises.

Privacy/Outlook

- 6.32 In accordance with Policy DM25 of the Managing Development Document, a reasonable separating distance between directly facing habitable rooms of 18 metres should be maintained between directly facing habitable rooms.
- 6.33 Due to the orientation of windows and the separating distance between habitable windows to flats to the north of the site, the proposal will have no adverse impact with regard to privacy or outlook.
- 6.34 The proposed rear extension will maintain the separating distance with 596 Roman Road (approximately 2 metres). The permission for this property, which is under the same ownership of the subject application, has been amended under Council's reference PA/14/01330 to omit and alter windows on its eastern elevation so as to reduce the incidence of overlooking and compromises to outlook. This has gone some way to improving the amenity impacts between the properties. Furthermore, the additional storey has been reduced in terms of its rear projection which goes some way to minimising its visual impact and bulk from 1B Hewison Street. Given the urban context, officers consider the proposal is acceptable within this urban context
- 6.35 With regards to the proposed first floor level, the proposal seeks to retain the existing habitable room window which directly orientated towards the habitable rooms to the south of the site at 1B Hewison Street. Whilst this relationship is less than ideal, as it will result in both privacy and outlook impacts, it is considered that the living conditions of the occupants at this property would not be materially worsened by the application scheme. The proposal would not cause significant harm to the amenity of neighbouring occupants.
- 6.36 In relation to the proposed second floor extension it has been amended to be set further away from no. 1B Hewison Streets and also proposed to have privacy screening on the balcony to further restrict direct overlooking into habitable room windows on the first floor level of Hewison Street. Given the urban context, officers consider the visual impact and any potential outlook or privacy impacts arising from the proposal would be acceptable on balance, as there are no direct facing windows on 1B Hewison Street at this level.
- 6.37 Given the constraints of the site and the urban context, officers do not consider that the proposal would result in any unduly detrimental impacts to adjoining or future occupiers and it is considered that the revised scheme accords with objectives set out in Policies SP02 and SP10 in the Core Strategy (2010), Policies DM4 and DM25 in the Managing Development Document (2013) which seeks to provide high quality design and sustainable forms of development.

Amenity Space

- 6.38 With regard to the previous appeal scheme, the Inspector expressed concerns that none of the proposed flats would have access to external amenity space. Within the current proposal, there is no external amenity space provided for the first floor flat and it considered that there is very limited opportunity given the layout of the flat and the site constraints. Any external space provision at this level would significantly impact upon privacy of the flats to the south of the site at 1B Hewison Street. It is also worthwhile to note that the existing 4 bedroom flat located on 1st and part of the 2nd floor does not benefit from any private amenity space.

6.39 At proposed second floor flat incorporates a balcony measuring 4.5m². Whilst this presents a shortfall when compared to policy requirements, it is considered in this instance that the provision is acceptable given the constraints of the site.

6.40 On balance, whilst the external amenity provision is not ideal and would not comply with the policy requirements, account has been taken of the site constraints and the need to protect existing residential amenity. Therefore, when considering the constrained nature of the site; it is considered that an absence of private amenity provision for one flat and a provision marginally under the requirement can be acceptable in this instance.

6.41 Whilst there is no directly facing window on 1B Hewison Street, it is considered that a privacy screen will be required to reduce any incidence of overlooking to the windows located on the first floor. This can be secured by a condition.

7.0 Highways

Car Parking & Cycle Parking

7.1 The NPPF and Policies 6.1 and 6.9 of the London Plan (2011), Policy SP09 (4) of the Core Strategy (2011) and Policies DM20 and DM22 of the Managing Development document (2013) seeks to ensure development proposals promote sustainable modes of transport and accessibility, and reduce the need to travel by car.

7.2 The proposal does not include any on site car parking and the site has a relatively low PTAL (Public Transport Accessibility Rating). The proposal has been assessed by the Council's Highway and Transportation Team, who have raised no objection to nil parking provision and in view of this a car free development would be encouraged. It is considered that this objective can be secured by a condition to secure a permit free development by means of a s106 obligation. .

7.3 In terms of cycle storage provision, the scheme proposes a small storage area close to the entrance for the storage of bicycles. The applicant has provided details to show the proposed bicycle stands within this area for nine cycles with a vertical hanging design. The council's Highway Team has considered the proposal and assessed it as acceptable in this instance given the site constraints.

7.4 Subject to such a condition to ensure that this facility is provided prior to occupation and retained, it is considered that the proposals would accord with the above policy requirements.

Refuse and Recyclables Storage

7.5 Policy SP05 in the adopted Core Strategy (2010) states developments which are likely to produce significant quantities of waste must include adequate arrangements for its collection and storage. This is further emphasised by policy DM14 of the Managing Development Document.

7.6 The refuse facility for the proposal lies within the rear courtyard, which has a shared communal entrance point with No.596 Roman Road and the applicant intends to provide a communal refuse proposal for both premises along the eastern boundary wall.

7.7 The Council's Cleansing Team were consulted about the proposal and no objections were raised. It should be noted that in assessing the refuse provision for the s73 application on the adjoining site at No.596 (PA/14/01330), the Council's Cleansing Team accepted the principle of refuse storage and collection from the courtyard area. The applicant intends for the servicing arrangements for both sites to be from the courtyard and it will be for a total of 9 flats. A condition will be applied to ensure that the refuse provisions for the units are in place prior to occupation of the development. Subject to the above, the proposal would accord with Policy SP05 in the Adopted Core Strategy 2010 and Policies DM14 and DM25 in the Managing Development Document (2013). It is considered that the concerns raised by the planning Inspectorate would be satisfactorily addressed.

8.0 Human Rights Considerations

8.1 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:-

8.2 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 Conventions 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 the 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's interest (Convention Article 8); and
- Peaceful enjoyment of possession (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 competing interests of the individual and of the community as a whole"

8.3 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.

8.4 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.

8.5 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.

- 8.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.7 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.
- 8.8 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.

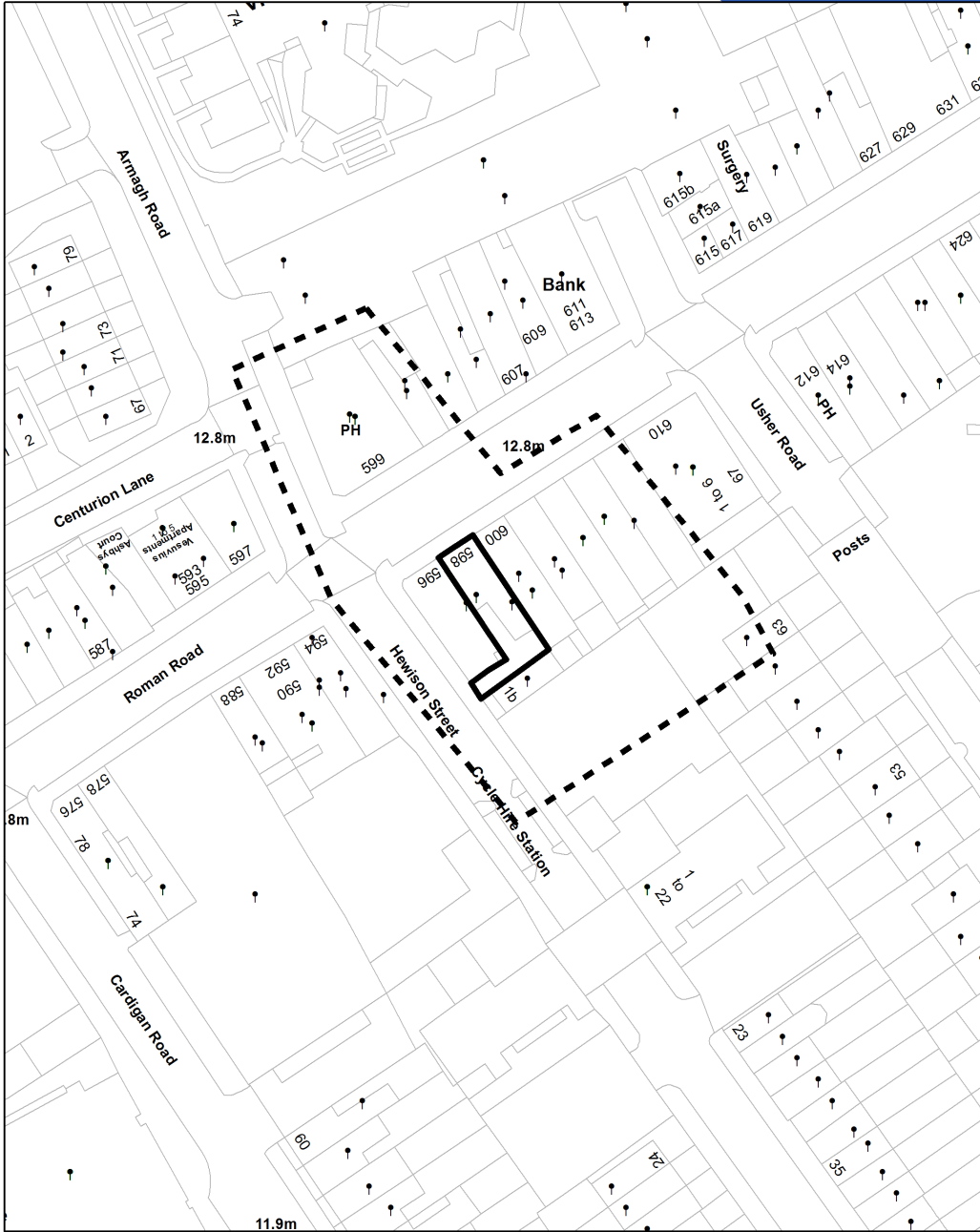
9.0 Equalities







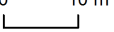
- 9.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- a) eliminate discrimination, harassment, victimisation 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.
- 9.2 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.
- 9.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

Conclusion

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

Planning Application Site Map
PA/14/01567



- | | | | | | | | |
|---|------------------------------------|---|----------------------------|---|---------------------|---|------|
|  | Planning Application Site Boundary |  | Locally Listed Buildings |  | Land Parcel Address | 0 | 10 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 7

Committee: Development	Date: 11th March 2015	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See individual reports

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Agenda Item 7.1

Committee: Development	Date: 11 March 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Kate Harrison	Ref No: PA/14/01181 (Listed Building Consent)
	Ward: St Katharines and Wapping

1. APPLICATION DETAILS

Location: St Pauls Primary School, Wellclose Square, London E1 8HY

Existing Use: School (Use Class D1)

Proposal: Removal of dilapidated crittall windows to school hall and replacement to match existing.

Drawings and documents: List of Plans:

Existing:

2804/SD1

2804/SD2

2804/SD3

2804/SD5

2804/SD6

Proposed

2804/SD4

Dwg/1

Dwg/2

Dwg/3

Documents:

- Design and Access Statement

Applicant: Tower Hamlets Council

Ownership: Tower Hamlets Council

Historic Building: Grade II Listed Building

Conservation Area: Wiltons Music Hall

2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013), the London Plan (2013) and national planning policy and guidance, along with all other material considerations and has found that:
- 2.2 The report considers an application for Listed Building Consent to remove critical windows to a school hall and install replacement windows to match the existing. The report concludes that the proposed design preserves the setting of the surrounding Grade II Listed Buildings, conserves the appearance of the Conservation Area and is an acceptable design within the context.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** listed building consent subject to:
- 3.2 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions plus informatives to secure the following matters:

Conditions – listed building consent PA/14/01181

3.3 Compliance

1. Time Limit 3 years
2. Compliance with plans and documents

3.4 Prior to commencement

3. Submission of details and samples of proposed windows

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

3.6 Informative

1. Listed Buildings

4. SITE AND SURROUNDINGS

- 4.1 The application site is in the west of the borough; the site falls within the electoral ward of St Katherine's and Wapping and within the Wilton Music Hall Conservation Area. The site is St. Paul's Primary School, which is a local authority school situated to the north of Wellclose Square and south of Cable Street. The main pedestrian access is on the southern side of the school and the vehicular access along the northern boundary. The buildings on the site are Grade II Listed.
- 4.2 The proposal relates to the school hall which is a relatively modern addition (circa 1960s) attached to the original school building. The hall is positioned centrally within the site and the elevation on which the windows are proposed looks westwards in to the site as opposed to on to a public highway.

5 RELEVANT PLANNING HISTORY

Application site

- 5.1 PA/09/01583 and PA/09/01584 - Full planning permission and listed building consent for the demolition of existing nursery and plant room and construction of two extensions forming foundation unit with associated store and early years unit and improvements to school grounds. *Approved 28th October 2009.*
- 5.2 PA/10/00623 - Listed building consent for the internal alterations and minor modifications to improve flow through the school at ground floor and improve toilet provision on the first floor. *Approved 18th January 2012.*
- 5.3 PA/10/00622 - Submission of details pursuant to conditions 2c, 2d and 2e (materials) and 3 (glazed connection) of listed building consent PA/09/01584, dated 28 October 2010. *Approved 27th October 2010.*
- 5.4 PA/11/00510 - Application under Section 96A of Town and Country Planning Act 1990 for a non-material amendment to Planning Permission PA/09/1583 dated 28 October 2009 consisting of the cladding of the external wall with weather boarding and alteration to the main entrance of the Foundation Unit. *Approved 4th April 2011.*
- 5.5 PA/11/00340 – Approval of Details, submission of details pursuant to conditions 2d (window samples) and 3 (glazed connection) of listed building consent dated 28/10/09 ref. PA/09/01584. *Approved 15th April 2011.*
- 5.6 PA/11/00401 – Internal refurbishment works at ground and first floors and minor modifications to improve access within the school, toilet provision for the junior years and general flow through the school. *Approved 18th April 2011.*
- 5.7 PA/11/00512 - Application under Section 96A of Town and Country Planning Act 1990 for a non-material amendment to Listed Building Consent application for non-material amendment of minor alterations to approved scheme, including cladding to external wall with weatherboarding, arrangement of FSU main entrance, of planning permission dated 28/10/09, ref: PA/09/1584. *Approved 20th July 2011.*

6 DETAILS OF THE PROPOSED DEVELOPMENT

- 6.1 Listed Building Consent is sought to remove the existing crittal windows to the school hall and install replacement windows. The proposed windows would be double glazed and would have crittal frames and a matching design to the original windows.
- 6.2 The council is prohibited from granting itself listed building consent. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.

7 POLICY FRAMEWORK

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise. S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to have special regard to the desirability of preserving listed building or their setting or any features of special architectural or historic interest which they possess

- 7.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:
- 7.3 Government Planning Policy
NPPF - National Planning Policy Framework (2012)
NPPG- National Planning Policy Guidance (2014)
- 7.4 Spatial Development Strategy for Greater London - London Plan 2011
London Plan Revised Early Minor Alterations 2013 (LP REMA)
7.4 Local Character
7.5 Public Realm
7.6 Architecture
7.8 Heritage Assets and Archaeology
- 7.5 Tower Hamlets Adopted Core Strategy 2010
SP10 Creating Distinct and Durable Places
- 7.6 Managing Development Documents 2013
DM24 Place-sensitive Design
DM25 Amenity
DM27 Heritage and the Historic Environment
- 7.7 Supplementary Planning Documents
LBTH Wiltons Music Hall Conservation Area Character Appraisal and Management Guidelines (2007)

8.0 CONSULTATION RESPONSE

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

LBTH Conservation and Design

- 8.2 These are relatively modern windows on a building which has been added to the historic school. The new windows are w20 double glazed units and match the original windows in design. I have no objections.

External consultation responses

English Heritage

- 8.3 No objections to development.

Officer Note: As the application relates to a Tower Hamlets owned property, the application was sent via English Heritage to the Secretary of State for review. A stamp from the National Planning Casework Unit on the English Heritage letter confirms that the application does not need to be referred to the Secretary of State.

9. LOCAL REPRESENTATION

Statutory Consultation

- 9.1 A site notice was displayed and the proposal was also advertised in the press. A total of 60 neighbouring addresses were notified in writing. No letters have been received in support/ objection.

10 MATERIAL PLANNING CONSIDERATIONS

- 10.1 The only planning issue raised is design and heritage.

Design and Heritage

- 10.2 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 10.3 Chapter 7 of the London Plan (2011) places an emphasis on robust design in new development. 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.
- 10.4 Policy SP10 of the Core Strategy (2010) sets out the basis for ensuring that new development promotes good design principles and seeks to protect and enhance the borough's heritage assets, their setting and their significance.
- 10.5 The Managing Development Document (2013) deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context. Policy DM27 of the Managing Development Document (2013) seeks to protect and enhance the borough's heritage assets, their setting and their significance. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure that they do not result in any adverse impact on the character, fabric or identity of the heritage asset or its setting. More importantly, it states that development should enhance or better reveal the significance of the asset or its setting.
- 10.6 The site falls within the Wiltons Music Hall Conservation Area. Members must satisfy themselves that the proposal pays special regard to the desirability of preserving or enhancing the character and appearance of this area and the character of the Listed Building.
- 10.7 The details of the listed building as listed by English Heritage are as follows: 'Brown brick with white stone dressings. Red and black brick window dressings. Tiled roof. Gothic style. Western facade has 4 gables, outer 2 above staff houses. Central clock tower with spire above entrance which has 6 cloister arches, centre 2 with stone string course gabled above, and with trefoil finials and tablets marking "Boys" and "Girls" entrances. 2 storeys, 4 windows, Gothic glazing bars and stone tracery.'
- 10.8 As noted within the Conservation and design officers comments, the building that the application site relates to is a relatively modern addition that has been added to the historic school. The proposed windows, although double glazed, will be similar to the profile of the original windows and the overall design would match the existing fenestration. Furthermore, the proposed windows would improve the insulation of the

existing school building and thus would improve the functional quality of the school hall.

- 10.9 For the reasons outlined above, the proposed development would preserve the character, appearance and setting of the Grade II Listed buildings, preserve the setting of the Wiltons Music Hall Conservation Area and would be an appropriate design within the context. As such, the proposal would comply with Policy SP10 in the Core Strategy (2010) and Policies DM24 and DM27 of the Managing Development Document (2013) as well as sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Human Rights Considerations

- 10.10 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 10.11 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 10.12 This report has outlined the consultation that has been undertaken on the application and the opportunities for people to make representations to the Council as local planning authority.
- 10.13 Members need to satisfy themselves that there will be no potential interference with Article 8 rights will be legitimate and justified.
- 10.14 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 10.15 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.16 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the

European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

10.17 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.

Equalities Act Considerations

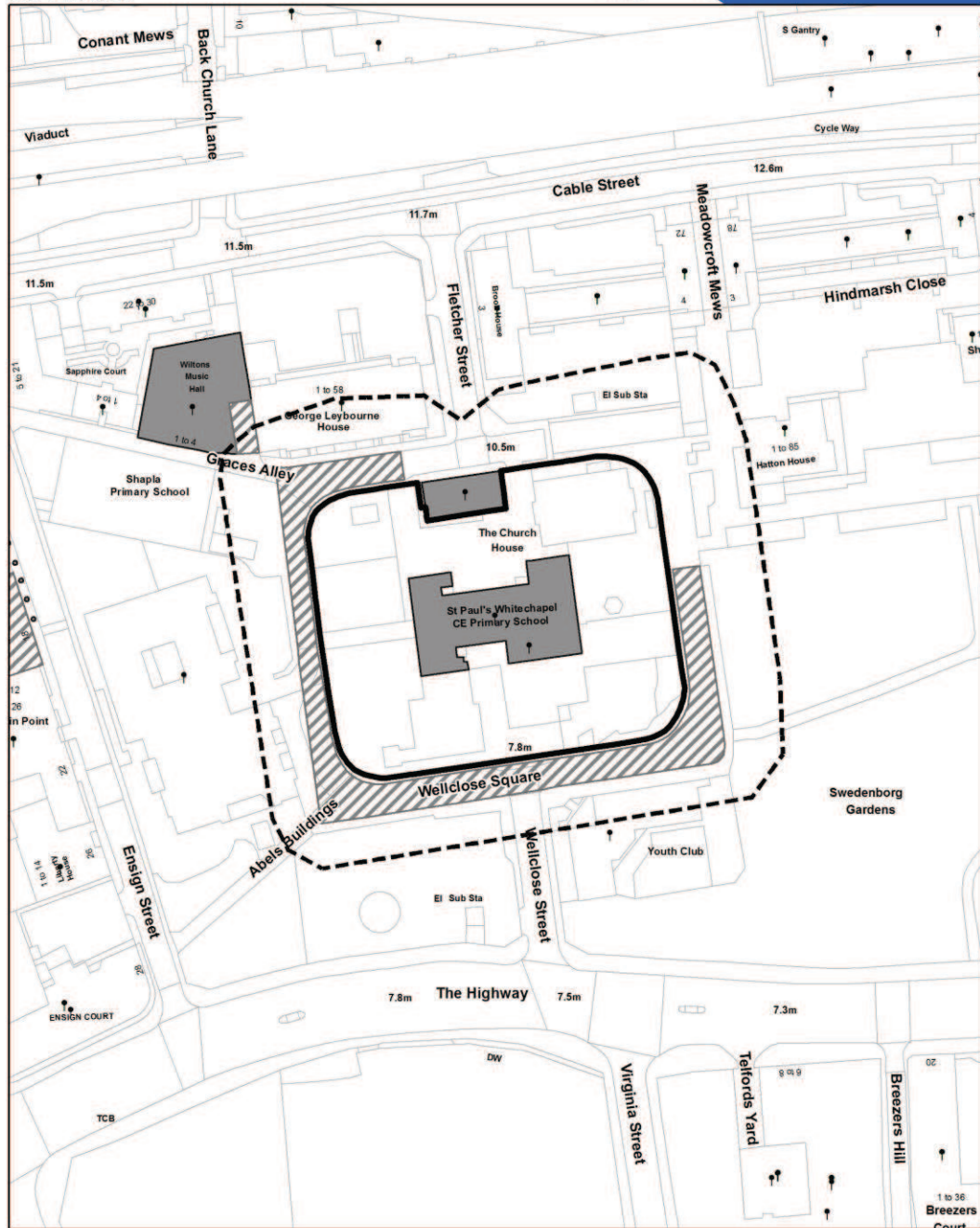
10.18 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard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

11 CONCLUSION

11.1 All other relevant policies and considerations have been taken into account and the Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent subject to the conditions set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map
Pa/14/01181



	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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