

DEVELOPMENT COMMITTEE

Thursday, 3 September 2015 at 7.00 p.m.
Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

The meeting is open to the public to attend.

Members:

Chair: Councillor Marc Francis
Vice Chair : Councillor Shiria Khatun
Councillor Sabina Akhtar, Councillor Rajib Ahmed, Councillor Suluk Ahmed, Councillor
Gulam Kibria Choudhury and Councillor Chris Chapman

Deputies:

Councillor Sirajul Islam, Councillor Andrew Cregan, Councillor Amina Ali and Councillor
Shah Alam

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 1 September 2015**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 2
September 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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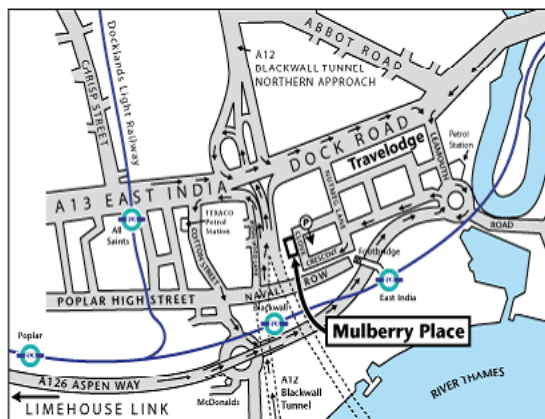
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APOLOGIES FOR ABSENCE

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 6th August 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 Silwex House, Quaker Street, London, E1 6NS (PA/14/01897)	17 - 80	Spitalfields & Banglatown
Proposal:		
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.		
Recommendation:		
That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement and conditions.		
6. PLANNING APPLICATIONS FOR DECISION	81 - 82	
6 .1 47 Brierly Gardens, London E2 0TF (PA/15/01337)	83 - 96	Bethnal Green
Proposal:		
The proposed works are for a new 4.6m x 4.1m single storey rear extension with seeks to provide two new bedrooms, alongside a reconfigured living/dining/ kitchen.		
Recommendation:		
That the Committee resolve to GRANT planning permission subject to conditions.		
6 .2 55 Brierly Gardens, Location E2 0TF (PA/15/01832)	97 - 108	Bethnal Green
Proposal:		
Erection of rear extension and demolition of existing ramp to be replaced with a new ramped access.		
Recommendation:		
That the Committee resolve to GRANT planning permission subject to conditions.		

6 .3 80 Back Church Lane, London, E1 1LX (PA/15/00701) 109 - 130 Whitechapel

Proposal:

Demolition of existing three-storey educational building and erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level.

Application for Variation of Condition 2 (approved plans) to planning permission reference PA/14/00215, dated 13/05/2014, for a minor material amendment to the approved scheme

Recommendation:

That the Committee resolve to GRANT planning permission subject to a deed of variation to the previous S.106 agreement dated 13th May 2014 and conditions.

6 .4 Site at north east of Blackwall Tunnel Northern Approach and Twelvetees Crescent, Twelvetees Crescent, London E3 (PA/15/01470) 131 - 166 Bromley South

Proposal

Provision of a new 300 place Arts and Music Academy for 16-19 year olds. The facility will include recording studios, performance spaces, classrooms, a café and other associated facilities. The proposal also includes a comprehensive landscaping scheme, bin storage, a substation, two disabled parking bays and cycle parking.

Recommendation:

That the Committee resolve to GRANT planning permission, subject to a legal agreement and conditions

7. OTHER PLANNING MATTERS

None.

Next Meeting of the Development Committee

Wednesday, 30 September 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

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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 THURSDAY, 6 AUGUST 2015

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Shiria Khatun (Deputy Mayor and Cabinet Member for
Community Safety)
Councillor Sabina Akhtar
Councillor Rajib Ahmed
Councillor Gulam Kibria Choudhury (Items 7.1-7.2)
Councillor Chris Chapman
Councillor Shah Alam

Other Councillors Present:

None.

Apologies:

Councillor Suluk Ahmed
Councillor Amina Ali

Officers Present:

Paul Buckenham – (Development Control Manager, Development and Renewal)
Jane Jin – (Deputy Team Leader, Development and Renewal)
Tim Ross – (Deputy Team Leader - Pre-application Team, Development and Renewal)
Lydia Meeson – (Planning Officer, Development and Renewal)
Marcus Woody – (Legal Advisor, Legal Services)
Zoe Folley – (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillor Marc Francis declared an interest in the agenda item 7.1, 219-221 Bow Road and 27-31 Payne Road, Bow, E3 2SJ as he had received

representations from interested parties and the site was within the Councilor's ward .

Councillor Shiria Khatun declared an interest in the agenda item 7.1, 219-221 Bow Road and 27-31 Payne Road, Bow, E3 2SJ as she had received representations from interested parties.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the Committee meeting held on 8th July 2015 be agreed as a correct record and signed by the Chair, subject to the following amendments to page 7 of the minutes:

- Paragraph two 'eradicate' to replace 'irradiate'
- Paragraph four, insertion of the word 'vote' to read 'on a unanimous vote'

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

To note the procedure and meeting guidance.

5. DEFERRED ITEMS

6. 12-14 TOYNBEE STREET, LONDON E1 7NE (PA/14/03376)

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application, recommended for approval for the demolition of existing structures on land adjacent to Duke of Wellington public house, the creation of five residential units, a replacement outdoor area, external alterations to the public house and the retention of the drinking establishment.

Tim Ross (Deputy Team Leader, Pre - Application Decisions, Development and Renewal) presented the application. It was reported that the application was previously considered at the last meeting of the Committee on 8th July. Following consideration of the item, the Committee disagreed with the Officer recommendation to grant permission and suggested that the application be refused for the following reasons:

- 1) Harm to the setting of the pub, from the loss of the pub garden and the proposed residential extension which would fail to preserve or enhance the character and appearance of the conservation area, by reason of it's overall design, appearance and relationship to the host building.
- 2) Effect on future viability of the public house, arising from the loss of the outdoor drinking space and erection of residential development
- 3) Effect on neighbouring amenity arising from increased noise and disturbance.

The Committee were reminded of the key aspects of the scheme including the plans for the outdoor area, the layout and the appearance of the scheme, the quality of the residential units, the cycle and the waste storage area.

On balance, Officers remained of the view that the application was acceptable in terms of the design, the heritage impact, the measures to safeguard the public house, the standard of residential accommodation and the impact on residential amenity. The full reasons were set out in the original Committee report and summarised for the Committee

However, if Members were minded to refuse the scheme, they were directed to the proposed reasons for refusal amalgamating the above indicated reasons. Officers considered that these reasons could be defended on appeal.

On a vote of 1 in favour of the Officer recommendation to grant planning permission, 2 against and 0 abstentions, the Committee did not agree the recommendation.

Accordingly, the Committee proposed a motion that the planning permission be **REFUSED** (for the reasons set out in 4.2 of the Committee report) and on a vote of 2 in favour of this recommendation, 1 against and 0 abstentions, it was **RESOLVED**:

That planning permission at 12-14 Toynbee Street, London E1 7NE be **REFUSED** for the demolition of existing structures on land adjacent to Duke of Wellington public house and creation of a total of 5 x residential units (C3 use); replacement outdoor area to be reconfigured to the rear of the site. external alterations to the public house to include dormer and mansard roof extensions and rear extension to first and second floors of building, retaining existing ridge line and mansard roof and the retention of A4 use (Drinking Establishments) on ground floor (reference PA/14/03376) for the following reasons set out in 4.2 of the Committee report

1. The proposed development would cause harm to the Wentworth Street Conservation Area. The design and appearance of the proposed modern extension would be out of character with the local area and would cause harm to the character and appearance of the Wentworth Street Conservation Area and combined with the loss of the pub garden would harm the setting of other local heritage assets, including the Duke of Wellington Public House itself. This harm is not outweighed by the public benefits of the scheme and therefore the proposed development fails to comply with policies DM24 and DM27 of the Managing Development Document (2013), SP10 of the Core Strategy (2010), policies 7.4 and 7.8 of the London Plan (Consolidated with Alterations since 2015), the National Planning Policy Framework (2012) and National Planning Policy Guidance.
2. The proposed development would result in the loss of existing outdoor space that would undermine the future viability and vitality of the existing Duke of Wellington pub (12-14 Toynbee Street) and thereby fail to protect its function as community infrastructure. As such, the proposal would be contrary to policy SP01 of the adopted Core Strategy (2010) and policies DM2 and DM8 of the Managing Development Document (2013), Policy 3.1(b) of the London Plan 2015, National Planning Policy Framework (2012) and the National Planning Policy Guidance.
3. The proposed development would be detrimental to the amenity of new residents of the proposed development due to the potential for fumes and excessive noise resulting from the close proximity of the proposed residential accommodation and the proposed smoking area and public house use and would result in increased noise and disturbance to the occupiers of existing residential properties. Therefore the proposal would be contrary to policy DM25 of the Managing Development Document (2013), the London Plan 2015 National Planning Policy Framework (2012) and the National Planning Policy Guidance.

7. PLANNING APPLICATIONS FOR DECISION

7.1 219-221 Bow Road and 27-31 Payne Road, Bow, E3 2SJ (PA/14/03660)

Update report tabled.

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the application recommended for permission for the demolition of existing buildings and erection of four blocks to provide 89 dwellings together with ancillary parking and landscaping.

Tania Hall (Fairfield Conservation Area Residents' Association) spoke in objection. Whilst not opposed to the provision of housing on the site, she considered that, due to its height and scale, that the proposal would harm the setting of the surrounding area that was predominately low rise in nature. She

explained that due to its position near the park boundary, the scheme would 'loom large' over the Grove Hall Park and Memorial Gardens, resulting in a loss of privacy and overlooking of the park. She also expressed concern about the width of the servicing bay on highway safety grounds.

In response to questions, she considered that, despite the amendments, the scheme was still too intrusive, providing an unsympathetic setting for the designated heritage assets. She also clarified her concerns about overlooking to the memorial park and the loss of trees in that park. In response to further questions, she expressed concern about the impact on the highway arising in particular from the servicing bay given the existing levels of congestion in that area, the impact from the cycle superhighway upgrade, the car free agreement and the increased demand for buses.

Ewout Vandeweghe (Applicant's Agent) spoke in support of the application, highlighting the Applicant's successful track record with delivering similar schemes including the adjacent development also owed by the applicant. He outlined the benefits of delivering these two schemes together. He also explained that the Council's Officers were supportive of the scheme, that the scheme would deliver high quality housing including a policy compliant amount of affordable housing and accessible units. The plans had been amended to address the concerns and these measures were explained. He also explained the highway safety measures.

In response to questions from Members, he clarified the measures to address the objectors concerns, (which included reducing the height of the scheme, setting the taller element back from the park, the restoration of building lines to preserve and enhance the setting of the listed buildings and surrounding area). He further clarified the housing mix and the energy efficiency measures as set out in the s106 agreement.

Jane Jin (Deputy Team Leader, Development and Renewal) presented the scheme and the update explaining the site location, the outcome of the consultation summarising the representations received as detailed in the Committee report.

The Committee were advised of the key features of the scheme including the proposed demolition of the existing buildings and reasons why this could be supported; the new residential development including 35% affordable housing (increased following consultation) and wheelchair accessible units in line with policy. The standard of accommodation fully complied with the requirements in policy both in terms of the internal and external amenity space.

In terms of amenity, whilst there would be some loss of light to neighbouring properties, there were mitigating circumstances to account for this and the failings were mainly minor in nature. In addition, whilst a number of the separation distances fell below policy, there were measures to prevent overlooking.

As explained by the speaker, the scheme had been amended since submission in light of concerns to reduce the build near the Grove Hall Park

and Memorial Gardens and to reduce the height to preserve the setting of the area. Images of the area, showing the impact of the scheme were shown. Overall, it was considered that the plans would preserve and enhance the setting of the Conservation Area and designated heritage assets.

She also explained the servicing plans and the proposed joint arrangements with the neighbouring scheme (at Nos 213 -217 Bow Road) in respect of this matter (as set out in the additional condition in the update report). Also explained were the car free agreement, the s106 agreement including an obligation requiring funding for replacement trees if necessary.

In summary, given the merits of the scheme, it was recommended that the planning application should be granted permission.

In response to questions, Officers explained in further detail the proposals to link the common services areas with the neighbouring development, subject to a separate application (ref PA/15/00594). Should this application be granted, then a condition would be imposed to ensure that this scheme could not go ahead without such arrangements in place. The merits of this joint approach in terms of highway safety were noted. Regardless of these plans, the application still needed to be considered on its planning merits.

Officers also answered questions about the sunlight/daylight impact in respect of the small number of properties expected to suffer a material loss of light, due to reliance on the application site for light. They also clarified the separation distances, the design measures to prevent overlooking, the changes to the height and design of the scheme following consultation with the LBTH Conservation Officer.

In terms of transport, the site had a good public transport accessibility level (PTAL). Whilst there were a discrepancy in the Council's PTAL rating (5) and the Applicant's rating (6a) (as this was based on TfL records), this made no real difference in terms of the assessment given that both ratings still fell within with the PTAL range advocated in the London Plan for sites of this size. (The Plan advocated a PTAL range of 4-6 for developments with up to 700 habitable rooms per hectare). Although it was noted that the scheme at 748 habitable rooms per hectare was a little over the recommended density for this PTAL band, it was felt this could be supported in view of the lack of adverse impacts.

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

1. That planning permission at 219-221 Bow Road and 27-31 Payne Road, Bow, E3 2SJ be **GRANTED** for the demolition of existing buildings and erection of four blocks of four, five and six storeys to provide 89 dwellings together with ancillary parking and landscaping (reference PA/14/03660) subject to:
2. The prior completion of a legal agreement to secure the obligations set out in the committee report.

3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the committee report and the additional condition set out in the update report regarding joint servicing arrangements with Nos 213-217 Bow Road.
5. That, if within 3 months of the date of this committee the legal agreement referred to above has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

Councillor Rajib Ahmed did not vote of this item having nor been present for the full consideration of the item.

7.2 461 Bethnal Green Road (PA/15/00756)

Paul Buckenham (Development Control Manager, Development and Renewal) introduced the item recommended for permission for the change of use of lower ground floor from gym to 4x serviced apartments.

Lydia Meeson (Planning Officer, Development and Renewal) presented the report explaining the site location, within the town centre, the existing use of the units with residential use on the upper floor. Consultation had been carried out on the proposals and the issues raised were highlighted and addressed. In summary, it was considered that the loss of the gym use was acceptable as there were a number of other such facilities in the area. Furthermore, the provision of short stay accommodation complied with policy, promoting such accommodation in the area where appropriate. In addition, given its modest size, the impact on amenity should be similar to that of a residential use. So it was very unlikely that there would be an increase in disturbance. A Business Management Plan had been submitted and there was a condition restricting the length of stay of occupants.

The plans also involved the removal of the fire door and a number of other minor external alterations. (Installation of new windows frames, bigger external yard). The plans had been assessed by the Council's Building Control Team and they had raised no objection to the scheme in terms of fire safety despite the lack of accessibility for wheelchair users due to the site constraints.

In conclusion, Officers were recommending that the application be granted planning permission.

In response to Members, Officers referred to the London Plan requirements on accessibility and the reasons why in this case, such adaptations (for example a wheelchair ramp) could not physically be provided. They also answered questions of clarity about the servicing, the waste storage and the

retention of the on street waste collection service. Due to the size of the scheme, it was unlikely that there would be a significant increase in refuse.

On a vote of 4 in favour, 0 against and 3 abstentions, the Committee **RESOLVED:**

1. That planning permission at 461 Bethnal Green Road be **GRANTED** for change of use of lower ground floor from gym (Use Class D2) to 4x serviced apartments (Use Class C1) (reference PA/15/00756).
2. That the Corporate Director Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the committee report.

8. OTHER PLANNING MATTERS

No Items.

The meeting ended at 8.25 p.m.

Chair, Councillor Marc Francis
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: 3 rd September 2015	Classification: Unrestricted	Agenda Item No: 6
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 item is in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
11 th February 2015	(PA/14/01897)	Silwex House, Quaker Street, London, E1 6NS (PA/14/01897)	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.

3. CONSIDERATION OF DEFERRED ITEMS

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

**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

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

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 5.1

Committee: Development Committee	Date: 3 rd September 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal Case Officer: Adam Williams	Title: Applications for Planning Permission Ref No: PA/14/01897 - Full Planning Permission Ward: Spitalfields and Banglatown
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1. APPLICATION DETAILS

Location: Silwex House, Quaker Street, London, E1 6NS

Existing Use: Vacant warehouse (Use Class B8)

Proposal: 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.

2. **BACKGROUND**

- 2.1 This application for planning permission was considered by the Development Committee on 11th February 2015. A copy of the original report is appended.
- 2.2 At that time the Committee resolved to defer the application to address Members' concerns on the design of the scheme, with specific regard to the scale, height and contemporary design of the additional roof storeys, together with the design of the dormer windows, which were felt to be out of keeping with the character of the host building.
- 2.3 Members had also requested further detail on the commitments in the S106 agreement, particularly in relation to local employment, the Crossrail contributions and the number of apprenticeship places. It was also requested that Officers work with the historic societies to address their concerns, which are detailed in Section 6 of the original report.
- 2.4 Members raised no concerns on the other aspects of the scheme in terms of land use, amenity, highways, waste storage, archaeological impacts, biodiversity, energy and sustainability, contaminated land and air quality.
- 2.5 Following the Committee meeting on 11th February 2015 officers held a series of meetings with the applicant to negotiate on design revisions to the scheme. Consensus could not be reached on an alternative design that would have addressed Members' stated concerns.

- 2.6 On 6th July 2015 the applicant submitted a planning appeal for non-determination, made under Section 78 of the Town and Country Planning Act 1990 against the Council's failure to determine this planning application within the prescribed period. The appeal reference is APP/E5900/W/15/3129245.
- 2.7 Once an appeal has been submitted the Council no longer has the ability to determine a planning application, with the decision making responsibilities transferring to the Planning Inspectorate under the authority of the Secretary of State for Communities and Local Government.
- 2.8 Whilst the Council is no longer able to determine this application, it is being presented to Members as a deferred item in order to confirm how the Committee would have determined the application, had it the ability to do so. This will establish the Council's position when undertaking the appeal proceedings.

3. UPDATE ON RELEVANT PLANNING POLICY

- 3.1 At the time the application was presented to Committee on 11th February 2015, the London Plan incorporated Revised Early Minor Alterations to the London Plan (REMA), published on 11th October 2013. Consultation was also underway on the Draft Further Alterations to the London Plan (FALP). Whilst the FALP was a consultation draft document at that time, it did carry some weight as a material planning consideration.
- 3.2 Since the application was presented to Committee the FALP was formally published and the London Plan was subsequently consolidated through the incorporation of both the REMA and FALP, with the plan now referred to as the London Plan Consolidated with Alterations Since 2011 (March 2015).
- 3.3 The development proposals have been assessed against the current policy requirements in the London Plan (2015) and it is considered that the scheme remains policy compliant. The officers' recommendation therefore remains as per the original report.

4. UPDATE ON PLANNING OBLIGATIONS

- 4.1. As set out in paragraphs 3.2 and 3.3 of the original report, the development would be subject to a range of financial and non-financial planning obligations, to be secured through a S106 agreement.
- 4.2. However, on 1st April 2015, the Council's Community Infrastructure Levy (CIL) charging schedule came into force, together with an associated Tower Hamlets CIL Regulation 123 List, which sets out the forms of infrastructure that will be wholly or partly funded by CIL. Some of the planning obligations that would previously have been secured through the S106 agreement will now be captured under the Tower Hamlets CIL charge for the development.
- 4.3. The revised heads of terms for the S106 agreement are as follows:

Revised Financial Contributions:

- a) A contribution of **£27,136** towards Construction Phase Skills and Training
- b) A contribution of **£34,000** towards End User Phase Skills and Training
- c) A contribution of **£46,800** towards Public Realm

- d) A contribution of **£413,824** towards Crossrail

Non-financial Contributions (no change from previous):

- e) A commitment to provide 20% local employment during the construction and operational phases
 - f) A commitment to source 20% of procurement from local business during the construction phase
 - g) A commitment to complete 14 apprenticeships during the first 5 years of occupation.
 - h) A commitment to comply with the Council's Code of Construction Practice
 - i) Restriction of coach party hotel bookings
 - j) Travel Plan
- 4.4. In addition to the above planning obligations, the Mayoral CIL liability for the development is £146,440 and the Tower Hamlets CIL liability for the development is £753,120.

FURTHER DESIGN CONSIDERATIONS

- 5.1. The applicant's appeal submission includes new drawings illustrating an alternative design for the dormer windows, which the Planning Inspectorate is at liberty to consider as part of the appeal process. The revised dormers are slightly smaller in size than those originally proposed, including a deeper window reveal and more intricate detailing. Comparisons between the original and alternative dormer designs are provided below.

Figure 1: Original Dormer Design (Front Elevation)

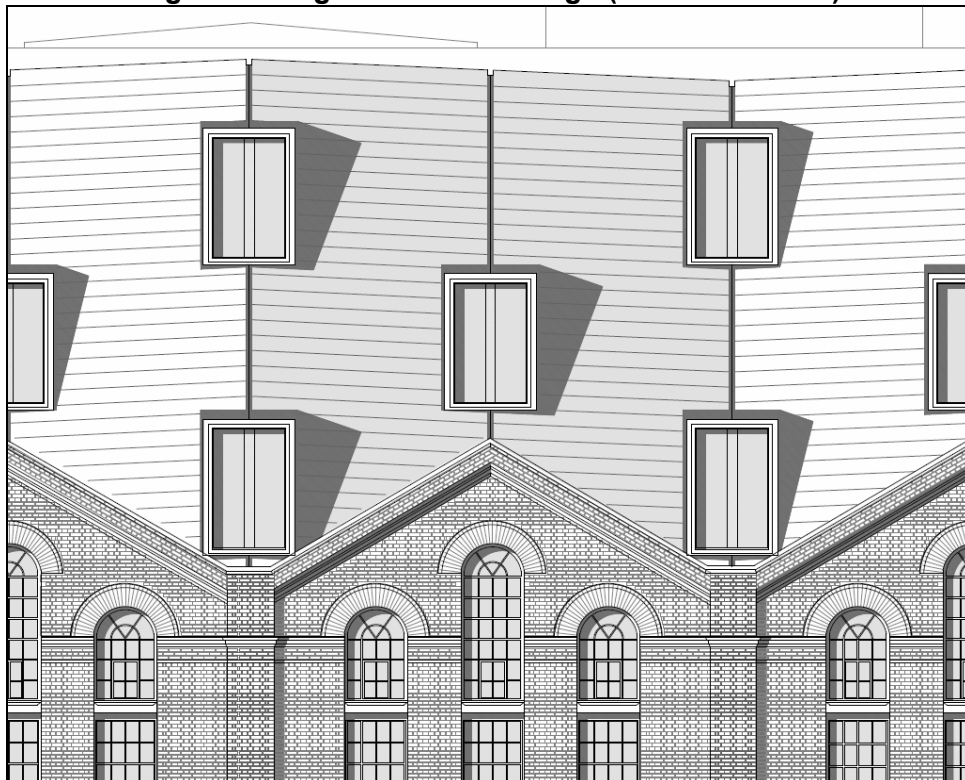


Figure 2: Alternative Dormer Design (Front Elevation)

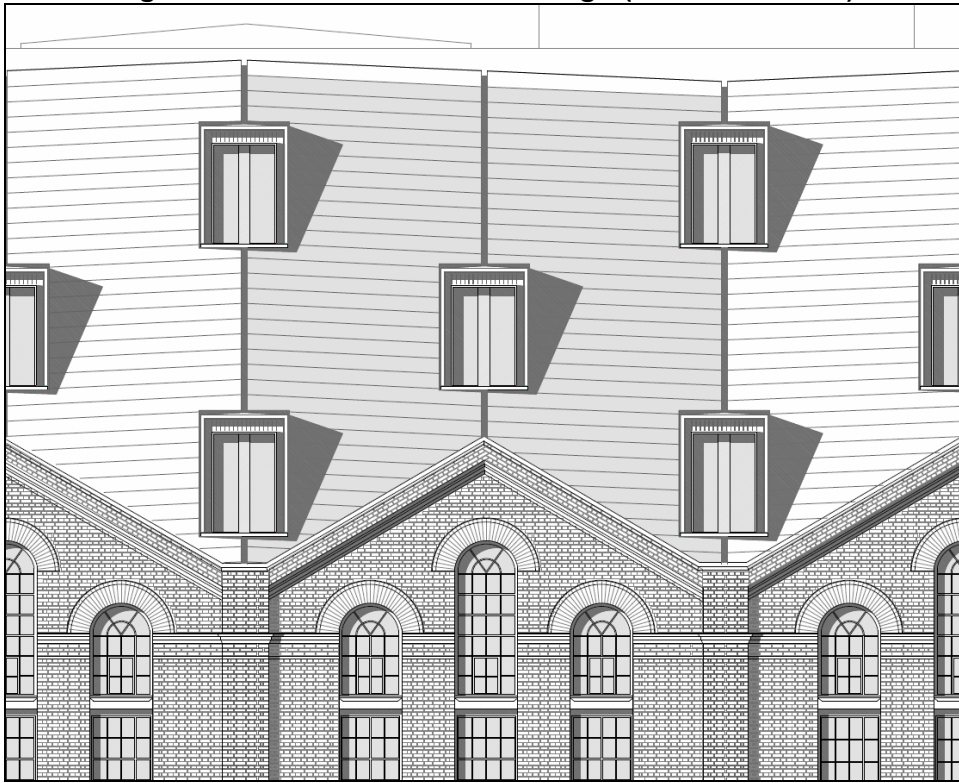


Figure 3: Original Dormer Design (Rear Elevation)

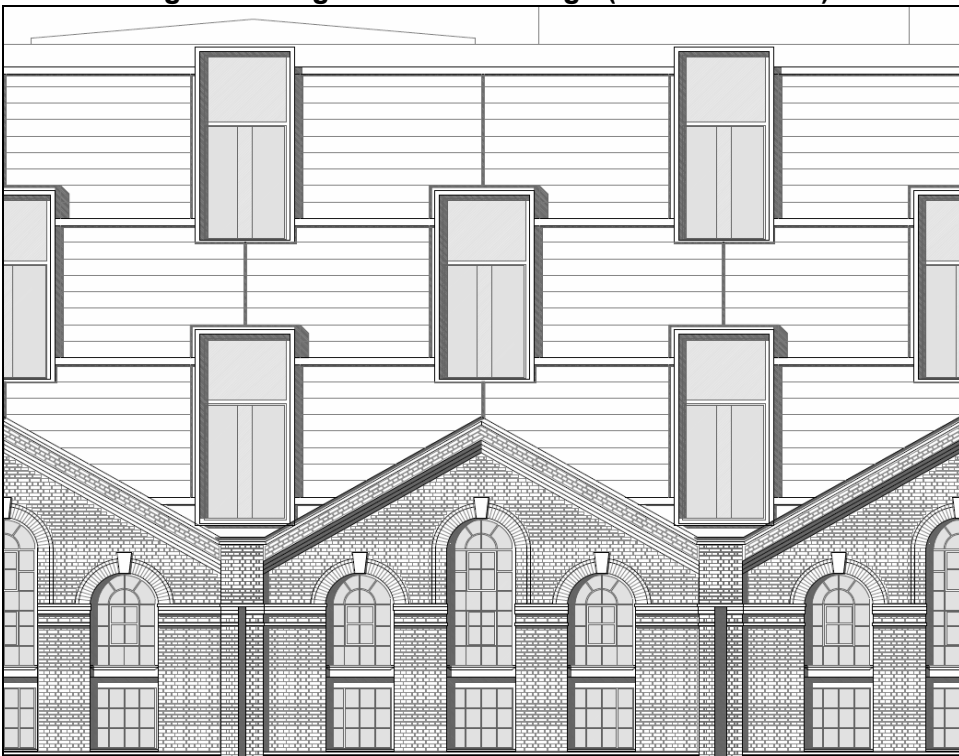
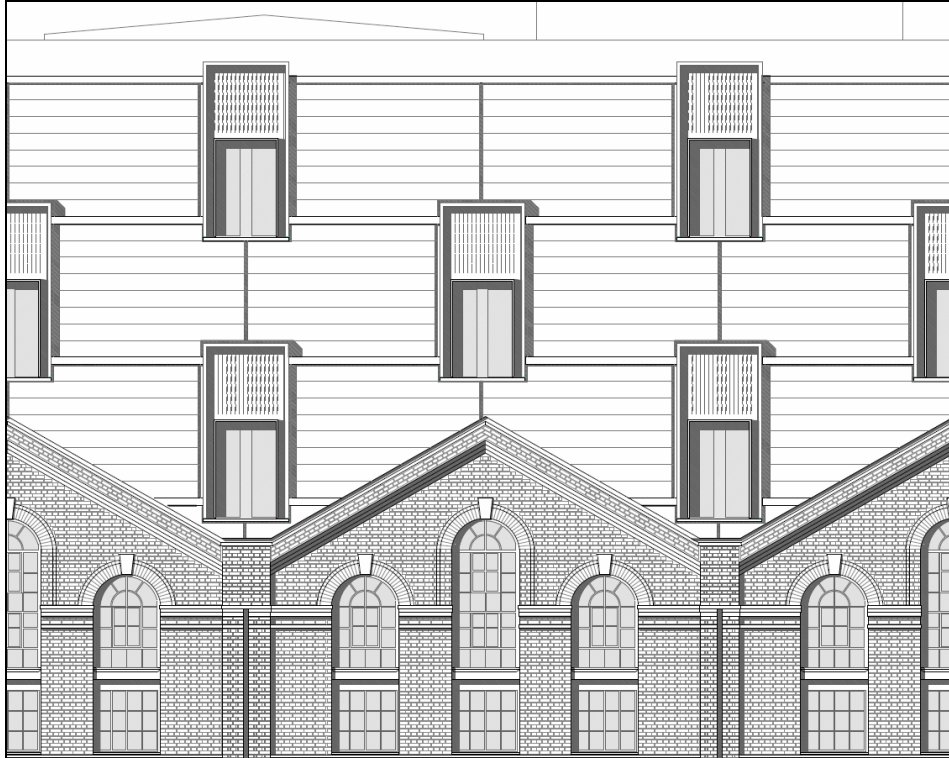


Figure 4: Alternative Dormer Design (Rear Elevation)



5.2. The applicant's appeal submission also includes verified views (also referred to as Accurate Visual Representations, or AVR) of the proposed development, which are provided below.

Figure 5: Verified View (looking West along Quaker Street)



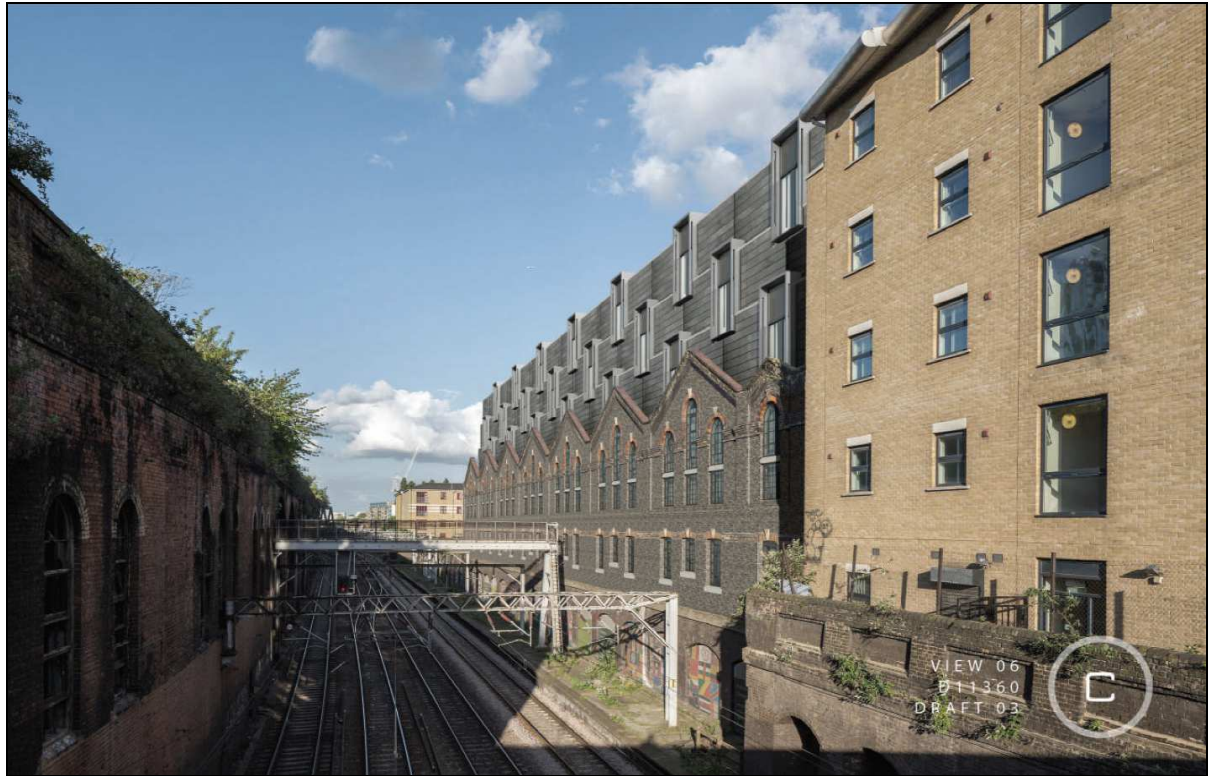
Figure 6: Verified View (looking North-West from Wheler House)



Figure 7: Verified View (looking West along Quaker Street)



Figure 8: Verified View (looking East from the Wheler Street Bridge)



6. RECOMMENDATION

- 6.1 Officers recommend that the Committee confirms that it would be minded to **GRANT PLANNING PERMISSION**, subject to conditions and the completion of a S106 legal agreement, had it the ability to determine the application.
- 6.2 However, were the Committee minded to refuse planning permission, officers request that Members confirm the reason(s) for which planning permission would be refused.
- 6.3 Having regard to Members' previously stated concerns with the scheme, as detailed within the minutes of the Development Committee Meeting of 11th February 2015, officers would advise that a possible reason for refusal may read as follows:

Reason for Refusal:

- 6.4 *The proposed development, by way of the design, scale, height, profile, materials and finished appearance of the additional roof storeys and dormer windows therein, would appear as a visually incongruous addition to the host building which fails to respect the scale, proportions and architecture of the former Victorian stables. As a result, the development would cause less than substantial harm to the character and appearance of the Brick Lane and Fournier Street Conservation Area and would fail to preserve the historic character of the host building as an undesignated heritage asset. The harm identified to the designated heritage asset is not outweighed by the public benefits of the scheme.*
- 6.5 *As a result the proposal is not considered to be sustainable development, contrary to paragraph 14 of the National Planning Policy Framework (2012), and fails to meet the requirements of Policy SP10 of the Council's adopted Core Strategy (2010), Policies DM24 and DM27 of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National*

Planning Policy Framework (2012) as well as the Brick Lane and Fournier Street Conservation Area Appraisal and Management Guidelines (2009).

Committee: Development Committee	Date: 11 th February 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Adam Williams	Ref No: PA/14/01897
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location: Silwex House, Quaker Street, London, E1 6NS

Existing Use: Vacant warehouse (Use Class B8)

Proposal: 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.

Drawing No: 932_07_001 (Rev P1);
932_07_002 (Rev P1);
932_07_09 (Rev P1);
932_07_10 (Rev P1);
932_07_11 (Rev P1);
932_07_12 (Rev P1);
932_07_20 (Rev P1);
932_07_21 (Rev P1);
932_07_22 (Rev P1);
932_07_30 (Rev P1);
932_07_49 (Rev P1);
932_07_50 (Rev P2);
932_07_51 (Rev P2);
932_07_52 (Rev P2);
932_07_53 (Rev P2);
932_07_54 (Rev P2);
932_07_55 (Rev P2);
932_07_56 (Rev P2);
932_07_098 (Rev P2);
932_07_099 (Rev P2);
932_07_100 (Rev P2);
932_07_101 (Rev P3);

932_07_102 (Rev P3);
932_07_103 (Rev P2);
932_07_104 (Rev P2);
932_07_105 (Rev P2);
932_07_106 (Rev P2);
932_07_200 (Rev P2);
932_07_201 (Rev P2);
932_07_202 (Rev P2);
932_07_203 (Rev P1);
932_07_300 (Rev P2);
932_07_301 (Rev P2);
932_07_400 (Rev P2);
932_07_401 (Rev P2);
932_07_410 (Rev P1);
932_07_411 (Rev P1);
932_07_412 (Rev P1);
932_07_413 (Rev P1).

Documents:

Planning Supporting Statement, prepared by Porta Planning, dated July 2014;
Addendum to Planning Supporting Statement, prepared by Porta Planning, dated December 2014;
Design and Access Statement, prepared by Allies and Morrison, dated July 2014;
Design and Access Statement Addendum, prepared by Allies and Morrison, dated December 2014;
Historic Building Report, prepared by Donald Insall Associates, dated December 2014;
Provisional Methodology for Repairs and Restoration of Northern Wall, prepared by EC Harris Build Asset Consultancy, dated December 2014;
Daylight and Sunlight Report, prepared by GL Hearn, dated 19 June 2014;
Daylight and Sunlight – VSC and Sunlight Results – Balconies Included – Eagle Building, prepared by GL Hearn, including Eagle Works Window Maps, reference JO31687/08;
Transport Statement (Issue 3, Revision A), prepared by Russell Giles Partnership, dated 10 December 2014;
Transport Statement Addendum Sheet, prepared by Russell Giles Partnership;
Travel Plan (Revision A), prepared by Russell Giles Partnership, dated December 2014;
Delivery and Servicing Plan (Issue 3, Revision A), prepared by Russell Giles Partnership, dated 10 December 2014;
Environmental Performance Statement (Issue 03), prepared by Grontmij, dated December 2014;
Response to Planning Consultation Comments (Revision 00), prepared by Grontmij;
BRUKL Output Document – Quaker Street, dated 16 December 2014;
Noise Impact Assessment (Revision 01), prepared by Scotch Partners, dated 30 May 2014;

Vibration Impact Assessment (Revision 00), prepared by Scotch Partners, dated 30 May 2014;
Statement of Community Involvement, prepared by Curtin & Co., dated June 2014;
Phase I Geo-Environmental Risk Assessment, reference 13-223.01, prepared by Aviron Associates Limited, dated September 2014;
Phase II Geo-Environmental Risk Assessment, reference 13-223.02, prepared by Aviron Associates Limited, dated October 2014;
Air Quality Assessment (Revision 3), prepared by URS, dated 11 December 2014;
Initial Assessment Bat Survey, prepared by Arbtech Consulting Ltd.,
Letter from Owen Ellender of Whitbread.

Applicant: Premier Inn Ochre Ltd

Ownership: Premier Inn Ochre Ltd
Network Rail
UK Power Networks

Historic Building: N/A

Conservation Area: Brick Lane and Fournier Street Conservation Area

2. EXECUTIVESUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the 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 proposals include the partial demolition of the late Victorian stables/warehouse building, with the retention and restoration of the front, rear, east and part-west facades. It is then proposed to convert and extend the building from Use Class B8 warehouse to a 250 bedroom Use Class C1 hotel, including ancillary café, loading bay and on-site disabled car parking space.
- 2.3 Whilst the proposals would result in the loss of the existing B8 warehouse floorspace, given the location, size, accessibility and poor condition of the building, it is considered that the proposals would not result in the loss of an active or viable employment use. As such, the loss of B8 floorspace accords with the objectives of Policy DM15 of the managing Development Document (2013).
- 2.4 In terms of the proposed use of the site, it is considered that the application site is suitably located for a hotel development of this scale. The proposals also accord with the requirements of Policy 4.5 of the London Plan (2013), Policy SP06(4) of the Core Strategy (2010) and Policy DM7(1) of the Managing Development Document (2013) and are therefore considered to be acceptable in principle in land use terms.
- 2.5 The application site is an undesignated heritage asset and lies within the Brick Lane and Fournier Street Conservation Area. In addition, the site lies within the setting of

the Grade II listed Braithwaite Viaduct and the Grade II listed Bedford House. The proposals include the partial demolition of the building, with retention of front, rear, east and part west façade, and erection of three additional storeys.

- 2.6 It is considered that the proposals have been well designed and take into account and respect the surrounding built form and public realm. Whilst the proposals would result in some harm to the significance of the Conservation Area and the building itself through the loss of original built fabric, it is considered that the level of harm would be less than substantial and would be outweighed by the public benefits of the scheme, including bringing the vacant building back into active use and restoring the retained facades. In addition, it is considered that the development would protect the special historic and architectural interest of nearby listed buildings. As such, the development accords with Policy SP10 of the Core Strategy (2010), Policies DM24 and DM27 of the Managing Development Document (2013) and government guidance in the NPPF (2012).
- 2.7 The hotel development would include adequate provision of wheelchair accessible rooms and incorporates inclusive and accessible design features, in accordance with Policies 4.5 and 7.2 of the London Plan (2013). In addition, subject to a condition securing details of Secured by Design measures to be incorporated into the scheme, the development would reduce the opportunities for criminal behaviour and improve safety and security at and around the site, in accordance with Policy 7.3 of the London Plan (2013) and Policy DM23(3) of the Managing Development Document (2013).
- 2.8 With regard to impacts on residential amenity, the development would result in material reduction to the daylighting conditions of some properties within Wheler House to the south of the site. However, as these impacts are exacerbated by the deep access balconies on Wheler House, and as the primary habitable (living) rooms would maintain good light levels, on balance it is considered that these impacts are acceptable.
- 2.9 It is considered that any noise impact can be suitably mitigate through the use of conditions, including limiting the hours that the hotel café can serve non-hotel guests, securing details of the glazing specification and plant specification, and securing a Construction Environmental Management Plan to details measures to mitigate the impacts of the works on nearby residents and the area generally. Subject to conditions, it is considered that the development will adequately protect surrounding residential amenity.
- 2.10 The proposals would result in an increase in the number of pedestrian/cycle/public transport two-way daily trips compared to both the existing warehouse use and the consented apart hotel scheme, although it would result in a reduction in the number of vehicle borne trips. Given the proposed drop in the number of vehicle trips, together with the very high PTAL of the site and the good levels of pedestrian access and permeability within surrounding streets, this uplift in trip generation is considered acceptable by LBTH Transportation & Highways and Transport for London (TfL).
- 2.11 The development will incorporate energy efficiency measures that will result in policy complaint levels of CO2 reduction and will incorporate a high standard of sustainable design and construction measures, to achieve a BREEAM Excellent rating.

3. RECOMMENDATION

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

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

3.2 Financial Contributions

- a) A contribution of **£17,672** towards Construction Phase Skills and Training
- b) A contribution of **£11,970** towards End User Phase Skills and Training
- c) A contribution of **£1,012** towards Idea Stores, Library and Archives
- d) A contribution of **£4,048** towards Leisure
- e) A contribution of **£407,662** towards Public Open Space
- f) A contribution of **£46,800** towards Public Realm
- g) A contribution of **£413,824** towards Crossrail
- h) A contribution of **£18,060** towards Monitoring (at 2% of total)

3.3 Non- Financial Contributions

- a) A commitment to provide 20% local employment during the construction and operational phases
- b) A commitment to source 20% of procurement from local business during the construction phase
- c) A commitment to complete 14 apprenticeships during the first 5 years of occupation.
- d) A commitment to comply with the Council's Code of Construction Practice
- e) Restriction of coach party hotel bookings
- f) Travel Plan

3.4 That the Corporate Director Development & Renewal is delegated power to negotiate and approve the legal agreement indicated above acting within normal delegated authority.

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

3.6 Conditions

- 1. Three year time limit
- 2. Development to be carried out in accordance with the approved plans and documents
- 3. Restriction of hotel use within Use Class C1
- 4. Samples and details of external materials, gable treatments, entrance canopy, windows, doors and openings
- 5. Details of treatment of upper arched windows and roof level behind
- 6. Structural survey and Method Statement for repair and rebuilding works
- 7. Wheelchair accessible rooms to be retained

8. Details of Secured by Design measures
9. Details of noise/vibration mitigation measures, including glazing and ventilation
10. Details of mechanical plant and Noise Impact Assessment
11. Restricted hours for hotel café serving non-hotel guests
12. Hotel Management Plan
13. East facing windows to be obscure glazed
14. Construction Logistics Plan
15. Delivery and Servicing Plan
16. Construction Environmental Management Plan
17. Details of cycle parking
18. Disabled Car Parking Management Plan
19. Disabled car parking space to be retained
20. Waste storage facilities to be retained
21. Construction working hours
22. Contaminated land
23. Programme of recording and archaeological investigation
24. Water capacity study
25. Details of bio-diverse green/brown roof and habitat
26. Bat emergence survey
27. Bird nest survey
28. CO2 reductions to accord with Environmental Performance Statement
29. Details of CHP and ASHP
30. BREEAM 'Excellent' certification

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

3.7 Informatives

1. This development is to be read in conjunction with the S106 agreement.
2. The developer is to enter into a S278 agreement for works to the public highway.
3. Developer to contact the Designing Out Crime Officer.
4. Developer to contact Network Rail.
5. Minimum recommended water pressure (Thames Water)
6. No building within 5m of large water mains (Thames Water)
7. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposals are for the partial demolition of the late Victorian stables/warehouse building, with the retention and restoration of the front, rear, east and part-west facades, and conversion and extension of the building from Use Class B8 warehouse to a 250 bedroom Use Class C1 hotel, including ancillary café, loading bay and on-site disabled car parking space, with 10% of the hotel rooms being wheelchair accessible.
- 4.2 The proposals include the erection of three additional roof storeys, which would be set back from the gables and would have a sloping and undulating/folding form at the front elevation and a recessively stepped form at the rear elevation, with both the front and rear additional storeys including off-set dormer windows.

Figure 1: Site Location and Layout



Site and Surroundings

- 4.3 The application site is a late Victorian building dating from 1873-94 that was built as a stable for the Great Eastern Railway. The building comprises two full floors and the north and south elevations have been constructed as 8 bay gable facades, with transverse spans running from the front to the back of the building. The elevations are robustly detailed, including a triptych of high-level arched windows with rubbed-red-brick voussoirs within each bay. The rear elevation is built off jack arches that are visible from the emergency train platform that lies at lower ground floor level (track level) along the northern boundary of the building.
- 4.4 The site is bounded by the National Rail railway cutting to the north, by the adjoining six storey mixed live/work and apartment block known as Eagle Works to the east, by

the public highway on Quaker Street to the south and by the contemporary five storey corner building at 10 Quaker Street to the west, which includes commercial units at ground level and residential units on the upper floors.

- 4.5 The application site lies within the Central Activities Zone (CAZ) and within the City Fringe Opportunity Area, as designated in the London Plan (2013). The site lies 60 meters beyond (outside) the western boundary of the Brick Lane District Centre, as designated in the Council's adopted Managing Development Document (2013).
- 4.6 The surrounding area includes a mix of uses, with Quaker Street itself being predominantly residential in character, including a number of apartment blocks, whilst Brick Lane to the east and Commercial Street to the west of the site are predominantly commercial in character, including a range of retail, restaurant, entertainment and office uses.
- 4.7 The application site lies within the Brick Lane and Fournier Street Conservation Area, which was designated in July 1969 as 'Fournier Street' and extended in 1978 and again in 1998, when its name was changed to reflect Brick Lane's contribution to the character of the area. It is one of the largest in Tower Hamlets, running along Brick Lane from Bethnal Green Road in the north down to Whitechapel in the south. It contains some of the most architecturally and historically significant buildings in the Borough, including the exceptional group of 18th Century houses around Fournier Street. They comprise the most important early Georgian quarter in England and include Christ Church Spitalfields, designed by Nicholas Hawksmoor.
- 4.8 The application site does not include any listed buildings or structures. However, the site lies immediately to the south of the Grade II listed Braithwaite Viaduct and lies to the north-east of the Grade II listed Bedford House, which is located on the corner of Quaker Street and Wheler Street.
- 4.9 The application site benefits from excellent access to public transport, with the site being located 110 metres to the south of Shoreditch High Street Station and 610 metres to the north-east of Liverpool Street Station. In addition, the site lies a short distance to the east of Commercial Street, which is served by a number of bus routes. As a result, the site has a Public Transport Accessibility Level (PTAL) of 6b, on a scale from 1a to 6b where 6b is excellent.

Planning History

The following planning decisions are relevant to the application:

- 4.10 PA/07/02310 & PA/07/02311
On 30 May 2008 planning permission and conservation area consent was **granted** for the construction of a two storey roof extension in connection with a change of use from workshop/warehouse (Class B8) to apartment hotel accommodation (Class C1) with ancillary commercial floor space (661sqm), service areas as well as provision of basement parking.
- 4.11 PA/11/00364
On 23 May 2011 planning permission was **granted** to replace extant permission ref PA/07/2310, dated 30/05/08, in order to extend the time limit for implementation for the construction of a two storey roof extension in connection with a change of use from workshop/warehouse (Class B8) to apartment hotel accommodation (Class C1) with ancillary commercial floor space (661sqm), service areas as well as provision of basement parking.

4.12 PA/11/00436

On 18 April 2011 conservation area consent was **granted** to replace extant consent ref PA/07/02311, dated 30/05/08, in order to extend the time limit for implementation demolition of internal structures, partition walls and roof of building (facade retention on all four elevations).

4.13 PA/14/00312

On 29 April 2014 the Council **granted** consent for a non-material amendment to Planning Permission PA/11/00364, dated 23/05/2011, including variations to the wording of conditions 3 (samples of materials) ,5 (construction traffic route) ,8 (privacy screens) and 16 (highway improvement works).

4.14 PA/14/00454

On 4 March 2014 the Council **granted** consent for the discharge of Condition 3 (Construction Contract) of Conservation Area Consent dated 18/04/2011, ref: PA/11/00436.

4.15 PA/14/00673

ON 22 April 2014 the Council **granted** consent for the discharge of Condition 3 (Construction Contract) of Conservation Area Consent dated 18/04/2011, ref: PA/11/00436.

Figure 2: Front Elevation of Extant Consent for Serviced Apartment Hotel

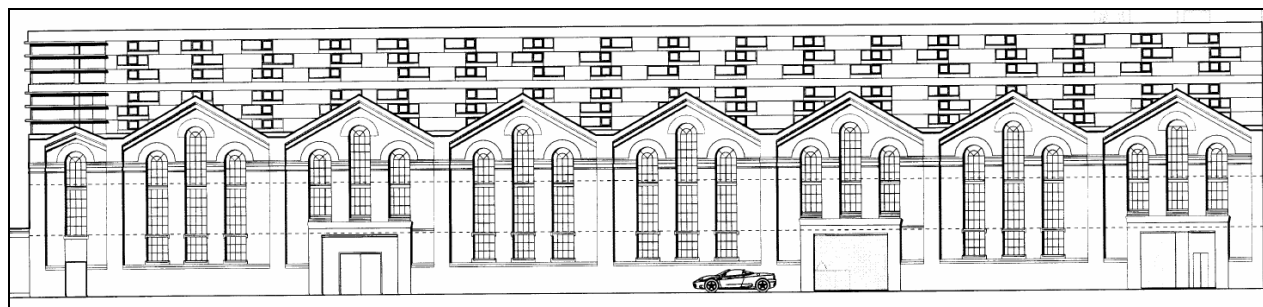
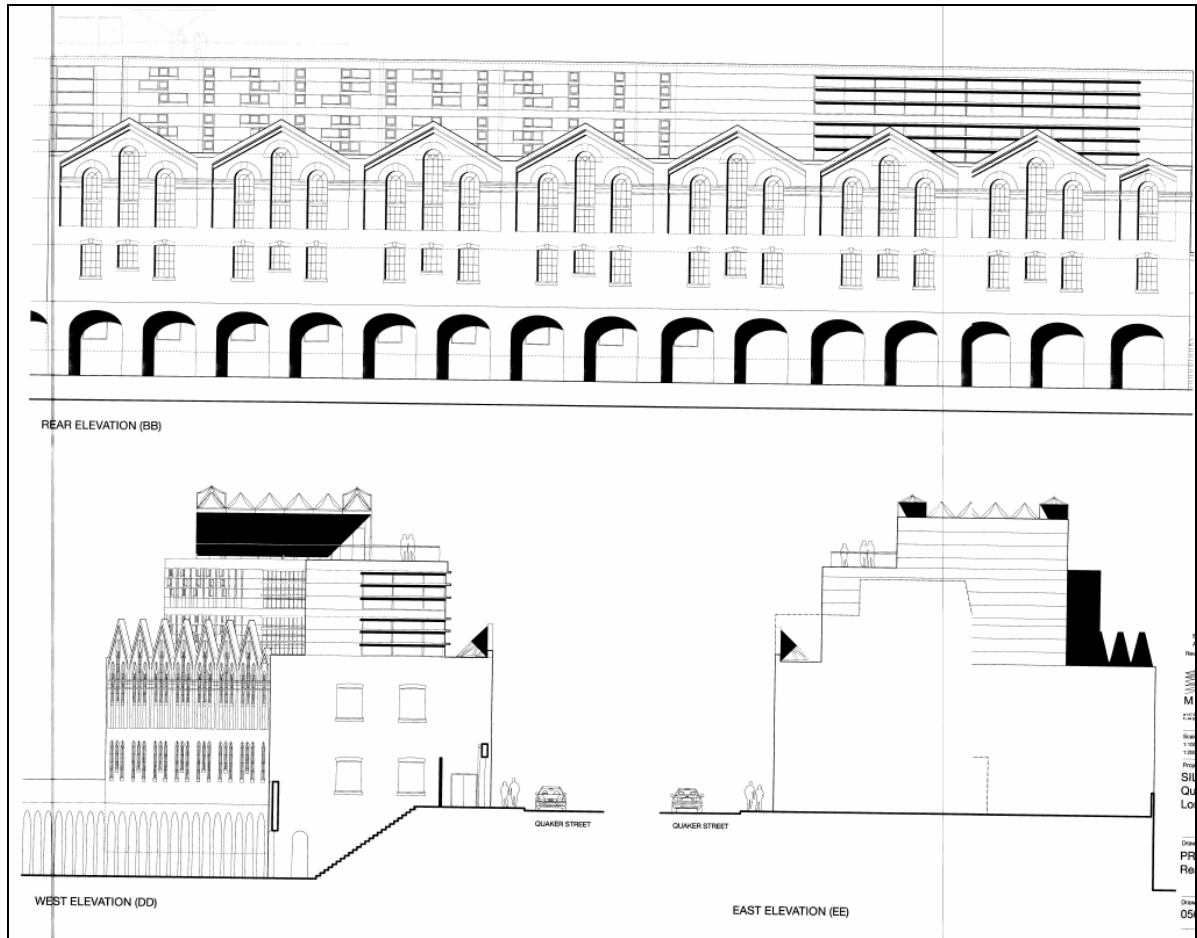


Figure 3: Rear and Side Elevations of Extant Consent Scheme (including rooftop bar)



5. POLICY FRAMEWORK

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

Government Planning Policy Guidance/Statements

- National Planning Policy Framework (2012)
- Technical Guidance to the National Planning Policy Framework (2012)
- National Planning Policy Guidance (Online)

Spatial Development Strategy for Greater London (London Plan) (2013)

- 2.10 Central Activities Zone – strategic priorities
- 2.11 Central Activities Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity areas and intensification areas
- 4.1 Developing London’s economy
- 4.5 London’s visitor infrastructure
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London’s neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.9 Heritage-led regeneration
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.19 Biodiversity and access to nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

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

SP01	Refocusing on our Town Centres
SP03	Creating healthy and liveable neighbourhoods
SP04	Creating a green and blue grid
SP05	Dealing with waste
SP06	Delivering successful employment hubs
SP08	Making connected places
SP09	Creating attractive and safe streets
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking and Implementation

Managing Development Document (April 2013) (MDD)

DM0	Delivering Sustainable Development
DM1	Development within the Town centre hierarchy
DM7	Short stay accommodation
DM9	Improving air quality
DM11	Living buildings and biodiversity
DM14	Managing waste
DM15	Local job creation and investment
DM20	Supporting a sustainable transport network
DM21	Sustainable transportation of freight
DM22	Parking
DM23	Streets and the public realm
DM24	Place-sensitive design
DM25	Amenity
DM26	Building heights
DM27	Heritage and the built environment
DM29	Achieving a zero carbon borough and addressing climate change

Supplementary Planning Guidance/Documents

Planning Obligations Supplementary Planning Document, LBTH (2012)
Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)
London Borough of Tower Hamlets Rail Noise Policy Statement Incorporating a Code of Practice, LBTH (1994)
Greater London Authority Sustainable Design and Construction SPG (2014)
Greater London Authority Planning Energy Assessment Guidance (2014)
Draft City Fringe/Tech City Opportunity Area Planning Framework, GLA (December 2014)
Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2008)
The Setting of Heritage Assets, English Heritage (2011)

6. CONSULTATION RESPONSE

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

6.2 LBTH Environmental Health (Noise & Vibration)

Having reviewed the planning application our department would not object to the proposal but would make the following comments. The applicant has considered the noise impact from local railway noise, traffic and plant, although the

requirements for ground-borne noise should be agreed and compliant with our own Rail Noise Policy target of 35 dB L_{Amax}(f). The acoustic consultant has also taken into account the requirements of BS8233 which states that hotel bedrooms should be treated in the same way as residential bedrooms. Therefore we would always require that the relevant standards in BS8233:2014 are met. Further information on the glazing and ventilation requirements should be provided, as acoustic trickle vents may not be sufficient at this development.

Other noise impacts may also occur from any other Commercial activities at the hotel including the bar, restaurant and any likely functions. Other impacts are also likely from the associated air conditioning / handling plant kitchen extract systems or mechanical and electrical plant used transport and delivery issues from taxis, HGV deliveries, waste disposal and collections. Consideration should also be given to the construction and any required demolition activities, including permitted working hours.

Officer Comments: Noted. If planning permission were to be granted it is recommended that a condition is included to secure details of the acoustic specification of the glazing and the ventilation system and to require the development to meet the residential standard of BS8233:2014. It is also recommended that further condition be included to require full details of all plant, together with an associated Noise Impact Assessment, and to ensure the development accords with the Delivery and Servicing Plan, which stipulates that refuse vehicles will not access the site during sensitive hours. In addition, the associated S106 agreement would include an obligation requiring the development to accord with the Council's Code of Construction Practice.

6.3 **LBTH Environmental Health (Contaminated Land)**

The conclusions and recommendations of the Phase I Geo-Environmental Risk Assessment Report with respect to soil contamination and the proposed ground gas monitoring to characterise the ground gas regime at the site as agreed. As indicated in the report, the results of the outstanding gas monitoring in accordance with Ciria 665 should be reported to this department in due course and depending on the results, suitable protective measures may be required to mitigate gas ingress into the building.

It is recommend that conditions be included 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, and to require any necessary remediation works to be carried out prior to the occupation of the building and for a verification report to be submitted on completion of the remediation works.

Officer Comments: Noted. If planning permission were to be granted it is recommended that the above conditions are included.

6.4 **LBTH Environmental Health (Air Quality)**

The predicted NO₂ levels exceed the annual standard; however as the proposed use is a hotel, this standard does not apply, as stated in the AQ Assessment. Therefore mitigation is not required.

The demolition/construction assessment is accepted provided the mitigation measures stated in the report are instigated at the development. The developer should submit a construction/demolition 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.

Officer Comments: Noted. If planning permission were to be granted it is recommended that a condition is included to secure a Construction Environmental Management Plan

6.5 **LBTH Designing Out Crime Officer**

The crime statistics show that the area has higher rates of most relevant types of crime than is average for Tower Hamlets or the Metropolitan Police Service area as a whole, particularly for theft, robbery and drug offences.

If planning permission is to be granted it is recommended that a condition is included to secure details showing how the principles of the Secured by Design scheme are to be incorporated into the development. It is also recommended that an informative be included advising the applicant to contact the Police Designing Out Crime Officers.

Officer Comments: Noted. If planning permission were to be granted, it is recommended that the above condition and informative be included.

6.6 **LBTH Transportation & Highways**

- The interaction between the servicing and the disabled parking will need to be further developed if permission is granted.
- Further details are required of the entrance canopy.
- A Delivery and Servicing Plan has been submitted and is considered to be acceptable.
- The supporting statement says that it is unlikely that coaches will use the hotel but a condition should be included restricting this type of booking.
- A robust Construction Management Plan will need to be secured by condition.
- The applicant will be expected to enter into a S278 agreement with the local highway authority to cover the costs of works deemed necessary or arising from the development.
- The revised scheme reduces the number of rooms from 290 to 250, which will result in less pedestrian movements and taxi movements to the previously submitted scheme. A revised Travel Plan (TP) has been submitted and a final TP will be required as a condition to any planning permission granted.
- The cycle parking provision is considered acceptable given the footprint of the site and the subsequent reduction in the number of rooms.

Subject to the above, the Highways and Transportation Group has no objection to the proposal and considers it an improvement, in transport terms, when compared to the previously consented scheme.

Officer Comments: Noted. This is discussed further in the 'Material Planning Considerations' section of this report.

6.7 **LBTH Waste Policy & Development**

Waste storage arrangement (capacity and location) is satisfactory. The Delivery & Servicing Plan has been reviewed and is considered to be acceptable.

Officer Comments: Noted. If planning permission were to be granted it is

recommended that a condition be included to require the waste and recyclables storage facilities as shown on the plan to be provided prior to first occupation of the development and to be retained as approved thereafter. In addition, it is recommended that a condition be included to require the development to be carried out in accordance with the Delivery and Servicing Plan.

6.8 LBTH Enterprise & Employment

The following obligations should be secured:

- Financial contribution to support/provide training for local residents for construction phase jobs
- 20% local workforce during construction phase
- Financial contribution towards training unemployed local residents for operational phase jobs.
- 14 apprenticeships to be completed during the first 5 years of occupation.

It has been recognised by LB Tower Hamlets that the site is constrained in terms of its location and accessibility and as such is no longer suitable for continued industrial use. This was recognised in the planning committee reports associated with the original apart-hotel scheme in 2008 and the subsequent renewal of this permission in 2011. It is not considered that this position has changed. Due to the level of new development and regeneration that has taken place in the area, it is probably even less suitable for industrial uses.

The building is in a poor condition. It has also recently been occupied by squatters and has fallen into disrepair. The building is therefore unsuitable for other employment uses and the costs of refurbishing the building for such uses would not be a viable option. Taking into account the above matters, the provision of a warehouse facility is considered to be inappropriate in this location and due to the condition of the building, the continued use of the building for employment purposes would not be viable.

Officer Comments: Noted. The above planning obligations would be secured through the S106 agreement. Officers' consideration of the loss of existing B8 warehouse floorspace is set out in the 'Material Planning Considerations' section of this report.

6.9 LBTH Communities, Localities and Culture

Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. The comments and requests for s106 financial contributions set out below are supported by the Planning Obligations Supplementary Planning Document (SPD):

- A total contribution of £1,012 is required towards Idea Stores, Libraries and Archives.
- A total contribution of £4,048 is required towards Leisure Facilities.
- A total contribution of £407,662 is required towards Public Open Space.
- A total contribution of £46,800 is required towards public realm improvements.

Officer Comments: Noted. The above planning obligations would be secured

through the S106 agreement if planning permission were to be granted.

6.10 LBTH Conservation and Design Advisory Panel (CADAP)

Members wholeheartedly welcomed the new proposals which enable retention of the striking rear elevation. They felt that the new scheme with its robust architectural treatment suited the urban context and recognised that whilst it may be desirable to reduce the scale of the roof to make it more subordinate in proportion to the elevations, the form of the roof, which steps back at each level would only work if it were to incorporate three floors as proposed.

There was still some concern over the treatment of the end gables. It was felt that these were not yet satisfactorily resolved and required some further consideration. It was noted that the details of the proposals and materials proposed would be important to the overall success of the scheme, both in terms of appearance and technical performance and it was suggested that samples and examples of where materials had previously been used would all be required as part of the development of proposals. It was suggested that further details of the brickwork repairs were required either now, or later by condition.

Officer Comments: Noted. Details of the gable treatments and facing materials would be secured by condition if planning permission were to be granted. This is discussed further in the 'Material Planning Considerations' section of this report.

6.11 English Heritage

English Heritage (EH) remain concerned about the impact that the revised proposals will have on the historic environment. Whilst EH welcome the retention of the north elevation of the Victorian warehouse/stable building, EH still believes that the very substantial roof extensions will visually dominate the historic building and seriously reduce its contribution to this part of Brick Lane and Fournier Street Conservation Area and to the settings of nearby listed buildings.

EH remain of the view that the current proposals fail to accord with the NPPF or Section 72 of the Planning (LBCA) Act 1990, which states that local authorities should have special regard to preserving or enhancing the character and appearance of the conservation area and the setting of listed buildings. We therefore maintain our objection to the current proposals.

Officer Comments: Noted. This assessment is at odds with the views of the Council's Conservation Officer, which is discussed further in the 'Material Planning Considerations' section of this report.

6.12 English Heritage (Greater London Archaeological Advisory Service)

An impact on buried remains and historic fabric can be expected from any consented scheme. Important issues relating to heritage impact created by the design of the proposed scheme have already been emphasised to the council by other consultees, as has the building's historic significance.

Archaeological remains connected with the early railway and with the post-mediaeval development of London may also be expected beneath the site, as were found at the neighbouring Eagle Works site and the northern half of Bishopsgate Goods Yard.

Should consent be granted for this application, then archaeological impacts could likely be covered by a condition, to include recording of the pre-conversion building itself as well as a staged programme of investigation into buried deposits.

Officer Comments: Noted. It is recommended that a condition be included to require a programme of recording and archaeological investigation in accordance with the above advice.

6.13 Council for British Archaeology

This Committee met and discussed the above case at its meeting on Tuesday, 26 August 2014 and made the following observations:

There were no objections in principle as overall the intended works preserve and enhance the area. It was noted that there was an existing permission for a hotel but with two and not three extra storeys.

In addition it was thought unfortunate that the north elevation was lost and, given the importance of this site directly opposite the Bishopsgate Goods Yard and Braithwaite Viaduct (which may have a NY High Line type open space scheme) further work was needed to show why the existing brickwork could not be retained with a more imaginative extension (echoing the south side).

The Committee discussed other ideas such as using dark brickwork for the lower three storeys and banded above to improve this elevation, but it was felt that a more fundamental change was needed to make this north side acceptable.

Officer Comments: Noted. These comments were made in relation to the scheme as originally submitted and no further comments have been received in response to the revisions to the scheme. The scheme was subsequently amended to include the retention and restoration of the existing north elevation and the current proposals appear to address the substantive concerns above. The detailed assessment of the design of the scheme and its impacts on surrounding heritage assets is provided within the 'Material Planning Considerations' section of this report.

6.14 The Society for the Protection of Ancient Buildings

No comments have been received.

6.15 The Victorian Society

The revisions to the scheme have been noted, and the society's original objection is reiterated - the retention of the north façade is not sufficient for the Victorian Society to withdraw its objection to the application. The proposed height of the building would have both a harmful effect on the Conservation Area and a severe detrimental effect on the building itself. In addition, the Victorian Society still objects to the substantial demolition of the building itself and consider that the harm caused by the proposals is not justified.

Silwex House has not been maintained and repaired as necessary and in accordance with paragraph 130 of the NPPF, the dilapidated condition of the building should not be taken into account in any decision and does not justify the proposed substantial demolitions. It is also considered that the north and south facades would be overwhelmed by the upward extension, which would dominate the Victorian building, and that the existing roof (to be demolished) adds to the building's value as part of the conservation area.

If planning permission is to be granted, a condition should be included to secure details of the roofline, to ensure that it does not cut across the tall central gable windows.

Whilst there are potential opportunities to retain and reuse the building close to its current form, the harm of the proposal would outweigh the public benefits gained by it. The Victorian Society recommends that the application is refused.

Officer Comments: Noted. The detailed assessment of the design of the scheme and its impacts on surrounding heritage assets is provided within the 'Material Planning Considerations' section of this report.

6.16 Spitalfields Community Association

No comments have been received.

6.17 Spitalfields Joint Planning Group

No comments have been received.

6.18 The Spitalfields Historic Buildings Trust

We are writing to object to the above application for Silwex House in its revised form. We still maintain that the demolition of the roof and proposed extension upwards is vandalism to this historic building. The space within the present envelope of the building with its present roof is very large and ample for many suitable uses. If this space is not large enough for the proposed hotel, the hotel should go elsewhere. In short the proposal for the site in its present 'revised' form still does not positively enhance the Conservation Area and should therefore be turned down. We urge yourselves, Tower Hamlets to turn this application down.

Officer Comments: Noted. The detailed assessment of the design of the scheme and its impacts on surrounding heritage assets is provided within the 'Material Planning Considerations' section of this report. It should be noted that precedent for the demolition of the roof and erection of additional storeys is set by the extant (implemented) consent for a serviced apartment hotel with ancillary offices (reference PA/07/02310 and PA/07/02311, extended by PA/11/00364 and PA/11/00436).

6.19 The Spitalfields Society

The Spitalfields Society object to this scheme on a number of particular issues, particularly in the light of the character and setting of the building framed by the Braithwaite railway arches listed grade 2, all of which are being carefully retained in the Goodsyrd project under consideration by the planning team presently.

The Spitalfields Society believe any removal of any of the façades front or rear represents a major heritage loss. Further that the design proposed is not of high quality and could not be described as an appropriate replacement. The front elevation has an innovative design which we can support as it retains the existing elevation, however the rear removal is not only impractical, but expensive working over rail track's working railway lines.

Further the effect of the proposed flush vertical wall of accommodation and its overbearing graphic design, on a future park to the north must reinforce the belief that this be considered as a frontage and not a rear, as this public park facility comes forward, what was in the past considered a rear elevation to the south onto railway lines will now have a more public face.

Officer Comments: Noted. These comments were made in relation to the scheme as originally submitted and no further comments have been received in response to the revisions to the scheme. The detailed assessment of the design of the

scheme and its impacts on surrounding heritage assets is provided within the 'Material Planning Considerations' section of this report.

6.20 Crossrail

No comments have been received.

6.21 EDF Energy Networks

No comments have been received.

6.22 National Grid

No comments have been received.

6.23 London Borough of Hackney

No comments have been received.

6.24 London Fire and Emergency Planning Authority

No comments have been received.

6.25 Thames Water Authority

The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend that a condition be included to require the submission and approval of impact studies of the existing water supply infrastructure, which should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Thames Water recommend that an informative be attached to this planning permission to advise the applicant that 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, which should be taken into account in the design of the proposed development.

A further informative should be included to advise the applicant that there are large water mains adjacent to the proposed development and that Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes.

Officer Comments: Noted. If planning permission were to be granted, it is recommended that the above condition and informative be included.

6.26 Transport for London

The site is near to Commercial road which is part of Transport for London's Road Network (TLRN).

- TfL request a Construction Logistics Plan (CLP) to be conditioned in accordance with TfL guidance.
- The site resides within a Crossrail charging zone. On the basis that there is an uplift of 6,784sqm of GIA chargeable floorspace TfL requests a Crossrail contribution of £413,824 is secured within the S106 agreement.
- TfL recognise that the London Plan standards for coach parking are not suitable in this location. Therefore, TfL welcomes the proposal to insert a S106 clause restricting coach bookings to the hotel.

Subject to the above, TfL feels the proposal would not result in an unacceptable impact on the Transport for London Road Network (TLRN).

Officer Comments: Noted. It is recommended that a CLP is secured by condition. In addition, a financial contribution of £413,824 towards Crossrail and a restriction on coach party booking would be secured through the S106.

6.27 **Network Rail**

The proposed building is located in extremely close proximity to Network Rail's boundary and operational railway infrastructure. The developer will need to liaise and obtain the necessary consents and licences from Network Rail in relation to construction and maintenance of the development.

The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Officer Comments: Noted. If planning permission were to be granted it is recommended that an informative be included advising the applicant to contact Network Rail.

6.28 **London Underground**

I can confirm that London Underground Infrastructure Protection has no comment to make on this planning application.

Officer Comments: Noted.

7. LOCAL REPRESENTATION

7.1 The submission of the current application has followed formal pre-application discussions between the applicant and officers. Prior to the submission of the planning application, the applicant engaged in public consultation with local stakeholder, details of which are provided in the submitted Statement of Community Involvement (SCI), prepared by Curtin & Co. This has included holding public exhibitions at 24-26 Fournier Street on 27th and 31st May 2014 and a letter drop to surrounding homes. Copies of the completed consultation feedback forms are provided in the SCI.

7.2 A total of 334 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups (including the East End Preservation Society) in response to notification and publicity of the application were as follows:

No of individual responses: 42 Objecting: 42 Supporting:0
No of petitions received: 1 (including 24 signatories) in objection

7.3 Of the above local representations, 41 letters of objection and the petition were received in response to public consultation on the proposals as originally submitted (for a 290 room hotel, including the demolition of the existing rear elevation). Following the revisions to the scheme in December 2014 (reducing the number of rooms to 250 and retaining and restoring the rear elevation) a public re-consultation exercise was carried out, following which one additional letter of objection was received and four local stakeholders who had previously objected to the proposals submitted further representations.

7.4 The following issues were raised in representations in objection to the scheme and are addressed below and within the 'Material Planning Considerations' section of this report:

7.5 Land Use

- There are too many hotels in Spitalfields, which is ruining the character of the area.
- The scale of the hotel should be downsized.
- A more imaginative/creative use for the building should be found instead of a generic hotel.
- The light-industrial nature of the building should be retained to support local employment.
- The building would be better used to support social enterprise or provide community facilities.
- The building should be converted into affordable housing for the local community.

Officer Comments: The applicant has undertaken a review of the number of existing hotels in the vicinity of the site within the submitted Planning Statement. Officers consider that the proposals would not result in an over-concentration of hotel accommodation within the locality, having regard to the site's location within the CAZ, within which adopted policy seeks to focus new hotel development. It should be noted that the existing use of the building is B8 warehouse, and not B1(c) light industrial as stated above. Officers have assessed the current application on its own merits and the suitability or otherwise of alternative uses is not germane to the determination of the current application.

7.6 Design and Conservation

- The existing building is attractive and of historic significance and should be retained/renovated/re-used
- The retention of the facade does not maintain the integrity of the building.
- This is an example of ugly facadism.
- The additional storeys are disproportionately tall and will detract from the original facade.
- The design of the additional storeys does not relate to the design of the retained facade and will harm the significant of the building and Conservation Area.
- The creation of large windows in the (retained) front elevation will fundamentally alter the character of the former stables.
- Further investigation should have been carried out to see if the existing

windows are original and should be repaired/replaced like-for-like.

- The development will adversely impact on listed buildings within the area.
- Reducing the building to a facade with three extra storeys will ruin the immediate Conservation Area's aesthetic.
- The design of additional storeys is lazy, poorly proportioned and bland.
- The development would contribute to the erosion of Shoreditch's character.
- The proposals do not respect the significance or character of the building.
- The rear facade will be highly visible from the park at the Bishopsgate Goodsyards and there is no justification for the rear wall not to be preserved.
- In accordance with the NPPF, the Council should consider whether the poor condition of the north elevation is due to deliberate neglect (and thus should not be taken into account in any decision).
- The scheme does not comply with Policy DM27 of the Managing Development Document.

Officer Comments: Details of officers' assessment of the design and conservation implications of the development are set out in the 'Material Planning Considerations' section of this report. It should be noted that the proposals were amended during the course of the application to include the retention and restoration of the north (rear) facade, which was originally to be demolished and replaced with a new facade.

7.7 **Amenity**

- The development will adversely impact on daylight/sunlight/overshadowing levels at neighbouring residential properties.
- The development will result in a loss of privacy to neighbouring residents through overlooking.
- The development will result in a loss of visual amenity.
- The hotel use will result in noise disturbance to neighbouring residents.
- The roof level plant will result in noise disturbance to neighbouring residents.
- The construction works will cause disturbance/disruption to residents.

Officer Comments: Officers' assessment of the impacts of the proposed development on the amenity of neighbouring residents and the surrounding area generally is provided in the 'Material Planning Considerations' section of this report.

7.8 **Highways**

- The development will significantly increase traffic in the area.
- The current plans do not include a taxi drop-off area, which would exacerbate traffic congestion on the street.
- Servicing vehicles reversing into the loading bay poses a risk to pedestrians and local school children.
- The proposals will put additional pressure on local on-street car parking.

Officer Comments: These points are addressed in the 'Material Planning Considerations' section of this report.

7.9 **Other**

- The development will block the view from neighbouring terraces.
- The development will lower the value of some neighbouring flats.
- The development will contribute nothing to the community.
- The development would affect/should be downsized on the basis of Right to Light.

- The hotel will reduce social cohesion and increase the alienation of local residents.
- The additional storeys could enable access from the site to neighbouring buildings, posing a security risk.
- Contrary to the applicant's Statement of Community Involvement, community consultation was not well publicised by the applicant.
- It does not appear that the process set out in the letter from Whitbread would prevent the hotel from taking bookings from groups such as stag and hen parties.
- The development will increase anti-social behaviour in the area.

Officer Comments: It should be noted that the loss of a view and the effect of a development on surrounding property prices are not relevant material planning considerations and can therefore be given little weight during the determination of this application. With regard to community benefits, the S106 agreement that would accompany this planning permission, were it to be granted, would secure financial contributions towards training local residents and those unemployed in the borough for jobs during both the construction and operational phases of the development and would also provide 14 apprenticeships. In terms of the security implications of the development, the proposals have been reviewed by the Council's Designing Out Crime Officer, who raises no objections subject to the inclusion of a condition to secure details of the Secured by Design measures that will be incorporated into the scheme. In terms of restrictions on the size of party bookings, the accompanying S106 agreement would include an obligation to prevent the hotel operator from taking coach party bookings.

8. MATERIAL PLANNING CONSIDERATIONS

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

- (a). Land Use
- (b). Design and Conservation
- (c). Amenity
- (d). Highways
- (e). Waste and Recyclables Storage
- (f). Archaeological Impacts
- (g). Biodiversity
- (h). Energy & Sustainability
- (i). Contaminated Land
- (j). Air Quality
- (k). Planning Obligations
- (l). Human Rights Considerations
- (m). Equalities Act Considerations
- (n). Section 70(2) of the TCPA 1990

Land Use

Proposals

8.2 The application site currently comprises 2,600qsm of vacant warehouse (Use Class B8) floorspace arranged over the ground and first floors of the building. The proposals are for the partial demolition, conversion and extension of the building to

provide 6,784sqm of hotel (Use Class C1) floorspace. The proposed hotel comprises 250 guest rooms and would be operated as a 'Hub' by Premier Inn hotel. The hotel includes a small cafe at ground floor level and does not include a separate hotel restaurant/bar. The hotel would also include an integral loading bay for servicing and deliveries and one disabled car parking space.

- 8.3 The proposed development presents two land use issues, specifically the acceptability of both the loss of the existing B8 warehouse floorspace and the proposed C1 hotel use. These issues must both be assessed within the context of the fact that there is an extant permission for the conversion and extension of the building to a Use Class C1 serviced apartment hotel (see the 'Relevant Planning History' section of this report).

Loss of Use Class B8 Warehouse Floorspace

- 8.4 Policy DM15 of the Council's adopted Managing Development Document (2013) seeks to resist the loss of active and viable employment uses, unless it can be shown that the site has been actively marketed or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition. Strategy 3 within the Mayor of London's Draft City Fringe Opportunity Area Planning Framework (Consultation Draft, December 2014) seeks to ensure that developments resulting in the loss of employment floorspace within the Inner Core area of the City Fringe produce a higher employment yield than the existing employment uses.
- 8.5 The proposals would result in the loss of 2,600sqm of existing Use Class B8 warehouse floorspace. It is noted that the site has been vacant for several years and has fallen into disrepair, with the site recently being occupied by squatters. It is noted that the acceptability in principle of the loss of B8 warehouse floorspace is established by the extant serviced apartment hotel consent. It is also noted that the application site is not designated for any specific land use and is not included in the Site Allocations within the Council's Managing Development Document (2013).
- 8.6 In addition, given the location, size, accessibility and poor condition of the building, it is considered that the proposals would not result in the loss of an active or viable employment use, which is confirmed by LBTH Enterprise & Employment (see the 'Consultation Responses' section of this report). It is also noted that the projected employment yield of the proposed hotel (83 employees) is greater than that of the existing warehouse use (33 employees). As such, it is considered that the proposed loss of B8 floorspace accords with the objectives of Policy DM15 of the managing Development Document (2013) and Strategy 3 of the Draft City Fringe Opportunity Area Planning Framework (Consultation Draft, December 2014).

Proposed Use Class C1 Hotel Use

- 8.7 Policy 4.5 of the London Plan (2013) seeks the delivery of 40,000 new hotel bedrooms by 2031 and supports the delivery of new hotel accommodation in appropriate locations, including focusing strategically important hotel provision within the CAZ and Opportunity Areas, with smaller scale hotel provision within CAZ fringe locations in areas with good access to public transport.
- 8.8 Policy SP06(4) of the Council's adopted Core Strategy (2010) seeks to concentrate hotels within the CAZ, City Fringe Activity Area, Canary Wharf Activity Area and Major and District Centres.

- 8.9 Policy DM7(1) of the Managing Development Document (2013) supports the development of new visitor accommodation in the Borough, provided new hotels are appropriate in size relative to their location within the town centre hierarchy; serve a need for such accommodation; do not compromise the supply of land for new homes; do not create an over-concentration of hotels in a given area or harm residential amenity, and; benefit from adequate access for servicing, coach parking and vehicle setting down and picking up movements.
- 8.10 It is noted that the current proposals would result in the intensification of C1 hotel use over and above the extant consent, with the overall quantum of C1 floorspace increasing from 3,800sqm (as consented) to 6,784 sqm (as proposed). However, given that the site is located within the Central Activities Zone (CAZ) and lies 60 metres to the west of the boundary of the Brick Lane District Centre, and that the site benefits from excellent access to public transport, with a PTAL of 6b, it is considered that the application site is suitably located for a hotel development of this scale.
- 8.11 Given the physical constraints of the existing Victorian stable building and its immediate surroundings it is considered that the proposals would not compromise the supply of land for new homes. The applicant has provided details of the location of other hotels within the surrounding area within the submitted Planning Supporting Statement. These include the Tune Hotel at Liverpool Street Station and the Boundary and Shoreditch House to the north of Shoreditch Overground Station. Having regard to the site's location within the Central Activities Zone, within which adopted policy seeks to focus the delivery of new hotel accommodation, it is considered that the proposals would not result in an over-concentration of hotel accommodation in this area.
- 8.12 Taking into account the above, it is considered that the proposed hotel use accords the objectives of Policy 4.5 of the London Plan (2013), Policy SP06(4) of the Core Strategy (2010) and Policy DM7(1) of the Managing Development Document (2013). The proposals are therefore considered to be acceptable in principle in land use terms. The amenity issues associated with the proposed hotel use are discussed in the 'Amenity' section of this report.

Design & Conservation

Legislative and Policy Context

- 8.13 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 8.14 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires decision makers determining planning applications that would affect buildings or other land in a conservation area to pay "special attention [...] to the desirability of preserving or enhancing the character or appearance of that area".
- 8.15 Paragraph 134 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'
- 8.16 Paragraph 135 states that 'the effect of an application on the significance of a non-

designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

- 8.17 Policy 7.8 of the London Plan (2013) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 of the London Plan (2013) states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration. Wherever possible heritage assets should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality.
- 8.18 Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance the Borough's Conservation Areas and Listed Buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.19 Policy DM27(1) of the Council's adopted Managing Development Document (2013) requires development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the Borough's distinctive 'Places'.
- 8.20 Policy DM27(2) states that the alteration, extension, change of use, or development within a heritage asset will only be approved where: it does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting; it is appropriate in terms of design, scale, form, detailing and materials in its local context; it enhances or better reveals the significance of the asset or its setting; opportunities to mitigate or adapt to climate change through the re-use or adaptation are maximised; and in the case of a change of use, a thorough assessment should be carried out of the practicability of retaining its existing use and the wider benefits of the proposed use.

Demolition Works

- 8.21 The application site lies within the Brick Lane and Fournier Street Conservation Area, which is a designated heritage asset and is one of the largest Conservation Areas in Tower Hamlets, running along Brick Lane from Bethnal Green Road in the north down to Whitechapel in the south. The site lies on the north side of Quaker Street, located between Brick Lane to the east and Commercial Street to the west. The site sits immediately to the south of the National Rail tracks running to Liverpool Street Station and to the north of this lies the Grade II listed Braithwaite Viaduct and wider Bishopsgate Goodsyards site. The northern boundary of the application site also forms the northern boundary of the Brick Lane and Fournier Street Conservation Area.

Figure 5: South-eastwards View of the Existing North Facade



- 8.22 The subject building dates from 1873-94 and was built as a stable for the Great Eastern Railway. The building is trapezoidal in plan form and comprises two full floors (ground and first) and rises to a height equivalent to approximately 3 residential storeys. The building is faced in stock brick and the north and south elevations comprise robust and decorative gabled facades, each with eight bays, which correspond to the building's Victorian 'saw tooth' roof with transverse spans that run north/south. The north and south elevations include high-level arched windows, with three windows per bay and window arches detailed with rubbed red-brick voussiors. The rear (north) elevation is built of jack arches that extend down to the track level of the adjacent railway cutting.
- 8.23 The proposals include the partial demolition of the building, including the loss of the roof, part of the west elevation and the internal floors and partitions. It should be noted that the proposals as originally submitted included the demolition of the rear (north) elevation of the building, although the proposals were amended to include the retention of this elevation in response to concerns raised by officers, consultees and local stakeholders.
- 8.24 The building is a non-designated heritage asset and it is considered that the building makes a positive contribution to the significance of the Brick Lane and Fournier Street Conservation Area. This is provided through both building's distinctive character and appearance when seen local views from the surrounding public realm, with the building being a good example of robust Victorian railway architecture in an area where development was heavily influenced by the development of the railway in the late nineteenth and early twentieth centuries, together with the building's value in providing a link to the past through the understanding of the original use of the site and its relationship with the adjacent railway.
- 8.25 The site is located in an area with a relatively fine urban grain, characterised by

narrow streets and buildings ranging between three and five storeys in height. In addition, the railway line to the north of the site effectively severs the site from any public realm to the north. As a result, the building is only visible in a limited number of local views, with the front (south) elevation visible in views along Quaker Street and glimpsed from Brick Lane and Commercial Street to the east and west respectively. At present, views of the north elevation are limited, with the upper section of the elevation visible from Wheler Street to the north-west of the site, whilst the west elevation is only clearly visible from a narrow section of road on Quaker Street, when looking down the narrow alley between the application site and the adjacent building at 10 Quaker Street to the west.

- 8.26 However, it is noted that that the current proposals for the redevelopment of Bishopsgate Goodsyards include provision of a public park on top of the viaduct to the north of the site, from which the north elevation of the building would be highly visible in views into the Brick Lane and Fournier Street Conservation Area. The retention of the north elevation of the building is therefore key to ensuring the continuing relationship between this historic railway stable/warehouse building and adjacent railway line in southwards views from the redeveloped Goodsyards.
- 8.27 Having regard to the above, it is considered that the building's contribution to the significance of the Conservation Area is principally through the character and appearance of the distinctive south and north elevations and saw-tooth roof in local views and in providing an understanding of the original use of the building as a stables associated with the development of the adjacent railway. The proposals would retain both the front and rear elevations, together with the east and part of the west elevations, and on this basis it is considered that the demolition work, in and of itself, would retain the majority of the key elements of the building which positively contribute to the significance of the Conservation Area and the identity of the building itself.
- 8.28 It should also be noted that the demolition works to the envelope of the building are broadly consistent with those that have already been granted consent (twice) for the serviced apartment hotel scheme, although that scheme also includes the retention of the west elevation. The applicant has advised that the serviced apartment hotel scheme has been implemented through the carrying out of enabling works at the site and could therefore be built out at any time, subject to the discharge of the relevant pre-commencement conditions.

Redevelopment Proposals

- 8.29 The proposals include the formation of a new basement level and the installation of new internal floors, together with the erection of three additional roof storeys. The resulting building would comprise a basement, ground floor and five upper floors. The proposals also include external alterations to the north and south facade, including extending the high level windows vertically down the facade to provide additional natural light and outlook to the lower floors of the building. It is also proposed to form a new opening at the western end of the front (south) facade to provide access to the new on-site loading bay.
- 8.30 At the front elevation, the additional roof storeys would be set-back behind the gables and would slope backwards to minimise massing on Quaker Street. The roof form incorporates undulating folds that correspond to the gable bays of the original facade below and includes off-set dormers of contemporary design and construction that have deep reveals and appear to puncture through the plane of the roof using a shadow gap detail.

Figure 6: CGI View of Front Elevation (Westwards along Quaker Street):



- 8.31 At the rear of the building it is proposed to retain, repair and re-build (where necessary) the existing rear elevation. The current application is accompanied by a 'Provisional Methodology for Repairs and Restoration of Northern Wall' report, prepared by EC Harris. Whilst the general methodology for cleaning and repairing the elevation is considered to be appropriate, it is noted that a full structural survey of the wall has yet to be carried out and the extent of the required re-building works is not confirmed at this stage. If planning permission were to be granted it is recommended that an updated Methodology for Repairs and Restoration of Northern Wall be secured by condition, to include the results of a structural survey of the wall and to clearly illustrate the extent of the wall that will be required to be re-built on structural grounds, together with the detailed methodology for each stage of the rebuilding works.
- 8.32 Above the retained rear facade it is proposed for the three additional roof storeys to be set back from the gables, incorporating a stepped roof profile that is recliner in

form, which contrasts with the sloping and folding form of the front of the roof. As with the front elevation, the additional storeys at the rear would be punctuated by off-set dormer windows that reflect the design and pattern of fenestration to the front roof slope.

Figure 7: CGI View of Rear Elevation (South-Eastwards from Whelter Street):



- 8.33 It is noted that letters of representation have been received from English Heritage and other national and local amenity societies, including the Victorian Society and the Spitalfields Historic Buildings Trust, in which objection is raised to the extent of the demolition works and the scale, height and design of the additional storeys (see the 'Consultation Response' section of this report). These consultees consider that the proposed additional storeys, given their scale and height, would visually dominate the retained facades of the building, diminishing the legibility of the original building and harming the significance of the Conservation Area and the building itself.
- 8.34 The design of the scheme has evolved following several meetings between the applicant's architects and consultants and Council officers, including the Borough Conservation Officer. Officers expressed strong concerns over the loss of the original rear elevation of the building and the scheme was subsequently amended to include the retention of the rear facade, which is supported in principle. It is also noted that the concerns raised by the Council for British Archaeology and the Spitalfields Society principally relate to the loss of the north elevation, which has now been addressed.
- 8.35 In terms of the height and scale of the development, when viewed purely in elevation

the additional storeys would effectively double the height of the building. However, the site is located in an area of fine urban grain and Quaker Street is relatively narrow in width. In addition, there are no side streets leading off of Quaker Street directly to the south of the site and as such there are no areas of public realm where the front elevation of the building would be seen head-on in medium or long distance views. The front elevation of the building will therefore largely be visible on views along Quaker Street and as a result of the set-back and sloping profile of the roof, the massing of the additional storeys would be minimised when viewed from street level.

- 8.36 In addition, within the context of the surrounding built form on Quaker Street, the proposed building would rise one storey above the neighbouring building to the west at 10 Quaker Street, would rise one and a half storey above the Eagle Works building to the east and would effectively match the height of the Wheler House building, which is located on the opposite side of Quaker Street (see Figures 8 and 9 below – the latter illustrates the height of the proposed development with a dashed line in the context of surrounding buildings on Quaker Street). The existing building rises to 24.75m (AOD) at the top of the gables and the proposed building would rise to 31.65m (AOD) at the parapet. As such, in townscape terms, it is considered that the proposed building would sit comfortably within the street scene and would not appear unduly overbearing within its local context.

Figure 8: Building Heights within the Local Context:

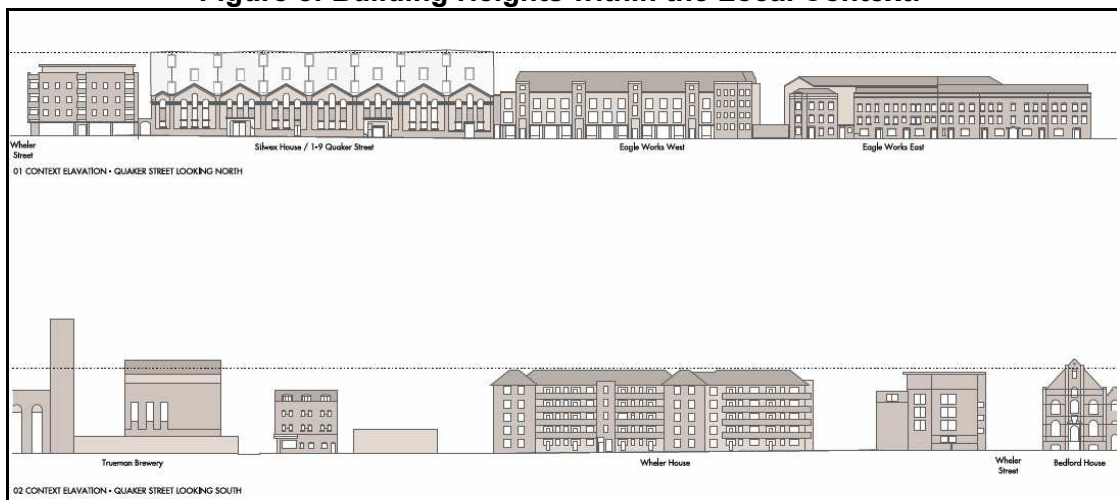
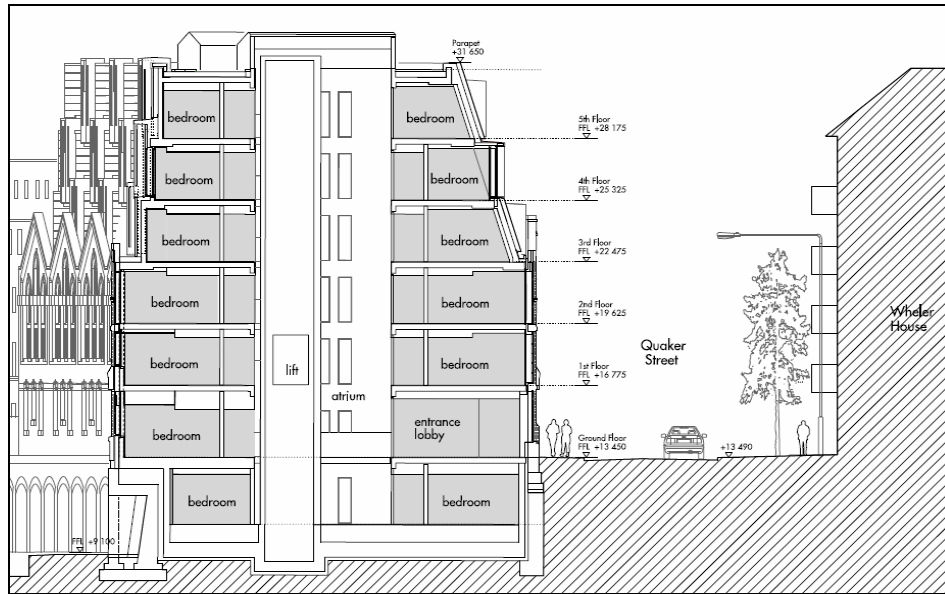


Figure 9: Cross Section of Proposed Hotel with Wheler House



- 8.37 In views of the rear elevation from the north of the site, including from the proposed park within the BishopsgateGoodsyrd, the existing rear elevation is read together with the jack arches on which it sits, increasing the proportions of the original façade to read as four storeys in height. The set-back and stepped roof storeys therefore would therefore appear as subservient and recessive elements in this context and it is considered that the vertical extension of the building would not inhibit passers-by from reading and understanding the form, scale and purpose of the original building in these southwards views.
- 8.38 In terms of the detailing of the additional storeys, officers are supportive of the clean, contemporary aesthetic of the extension, which would not detract from the rich detailing and composition of the original facades below. In order to ensure the architectural quality of the scheme is carried through to the completed development, if planning permission were to be granted it is recommended that conditions be included to secure samples and details of all facing materials, together with detailed drawings and sections of the roof, windows, doors and new openings.
- 8.39 It is also noted that there are other examples of successful contemporary roof extensions to period buildings within the area, including the Boundary Hotel, which was extended by two storeys and is located at the corner of Boundary Street and Redchurch Street, 250 metres to the north-west of the site within the Redchurch Street Conservation Area (reference PA/06/02279).
- 8.40 It is noted that the proposed building lies within the setting of the Grade II listed Braithwaite Viaduct to the north of the site and the Grade II listed Bedford House to the south-west of the site, which is located on the corner of Quaker Street and Wheler Street. Having regard to the afore mentioned statutory duties and adopted policies, officers have had special regard to the desirability of preserving the setting of these listed buildings during their assessment of the application proposals. Given the nature, form, design and scale of the proposed development, together with its location in relation to these listed buildings in local views, it is considered that the proposals would not adversely impact on the special historic and architectural interest of the listed buildings, in accordance with Policy SP10(2) of the Core Strategy (2010) and Policy DM27 of the Managing Development Document (2013).
- 8.41 With regard to the effect of the proposals on the significance, character and

appearance of the Brick Lane and Fournier Street Conservation Area, it is considered that the loss of the roof and part of the west elevation of the original building would cause a degree of harm to the significance of the building and wider Conservation Area. However, the value of the building as an example of local railway infrastructure would be largely preserved and given the scale of the loss of original built fabric in relation to the Conservation Area as a whole, it is considered that the harm to the Conservation Area and building would be less than substantial and would be outweighed by the public benefits of the scheme, including bringing the vacant site back into active use and the restoration and refurbishment of the retained facades, in accordance with paragraphs 134 and 135 of the NPPF.

- 8.42 The Victorian Society have stated that the building may have been deliberately neglected, with reference to paragraph 130 of the NPPF. It should be noted that the site was only recently acquired by the applicant (in February 2014) and from observations made during the case officers site visit and in the knowledge that the applicant acted quickly to remove squatters from the building during the pre-application stage of the scheme, it is considered that the building has not been deliberately neglected and the condition of the building is not unduly poor for an industrial Victorian building of this type that has been vacant for a number of years.
- 8.43 Taking into account the above, it is considered that the proposed development is sensitive to and enhances the local character and setting of the development, taking into account the surrounding scale, height, mass and form of development, together with building and roof lines, set-back streetscape rhythm, detailed design and finished appearance. The proposals therefore accord with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM24 of the Council's adopted Managing Development Document (2013).
- 8.44 In addition, having regard to the high quality of the design, detailing and form of the extension and alterations to the building, together with the public benefits that would be brought by the scheme and the incorporation of suitable climate change mitigation measures, it is considered that the proposals are sensitive to their local context and would preserve and enhance the character and appearance of the Brick Lane and Fournier Street Conservation Area. The proposals therefore accord with Policy SP10(2) of the Council's adopted Core Strategy (2010) and Policy DM27(1)&(2) of the Council's adopted Managing Development Document (2013).

Accessibility and Inclusive Design

- 8.45 Policy 4.5 of the London Plan (2013) requires at least 10% of all new hotel bedrooms to be designed to be wheelchair accessible. Policy 7.2 of the London Plan (2013) seeks to ensure that the principles of inclusive design, including the specific needs to older and disabled people, are incorporated into new developments.
- 8.46 The proposed hotel comprises a total of 250 bedrooms, of which 25(10%) have been designed to be wheelchair accessible. In addition, the development incorporates the principles of inclusive design in the layout of the hotel, including appropriate layouts of the wheelchair accessible rooms, corridor and door widths for wheelchair users, the inclusion of suitable wheelchair passing points and the provision of level access throughout the building. The proposals also include the provision of one on-site disabled car parking space, located adjacent to the loading bay, which is supported in principle. The proposals have been assessed by the LBTH Corporate Access Officer, who raises no objections.
- 8.47 As such, it is considered that the proposed hotel includes adequate provision of

wheelchair accessible rooms and that the development incorporates the principles of inclusive design, including the specific needs to older and disabled people. The proposals therefore accord with the requirements of Policies 4.5 and 7.2 of the London Plan (2013).

Safety and Security

- 8.48 Policy 7.3 of the London Plan (2013) seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating by ensuring that routes and spaces are legible and well maintained, by enabling natural surveillance of publicly accessible spaces and by encouraging a level of human activity that is appropriate to the location, incorporating a mix of uses where appropriate, to maximize activity throughout the day and night, creating a reduced risk of crime and a sense of safety at all times.
- 8.49 Policy DM23(3) of the Council's adopted Managing Development Document (2013) requires development to improve safety and security without compromising good design and inclusive environments by locating entrances in visible, safe and accessible locations, by creating opportunities for natural surveillance, by avoiding the creation of concealment points, by making clear distinctions between public, semi-public and private spaces and by creating clear sightlines and improving legibility.
- 8.50 The proposals have been assessed by the LBTH Designing Out Crime Officer, who notes that the crime statistics for the area show higher than average rates of most relevant types of crime, particularly for theft, robbery and drugs offences. In order to ensure that the development accords with 'Secure by Design' standards, the LBTH Designing Out Crime Officer recommends that suitable access control measures are incorporated into the development, together with the installation of a CCTV system, PAS24:2012 specification doors, secure ground floor windows.
- 8.51 If planning permission were to be granted, the LBTH Designing Out Crime Officer recommends that a condition is included to secure details showing how the principles and practices of the Secured by Design Scheme are to be incorporated into the development. It is also recommended that an informative is included advising the applicant to contact the LBTH Designing Out Crime Officer to discuss the security implications of the proposals further.
- 8.52 Subject to condition, it is considered that the proposals would reduce the opportunities for criminal behaviour and improve safety and security at and around the site without compromising good design. The proposals therefore accord with Policy 7.3 of the London Plan (2013) and Policy DM23(3) of the Council's adopted Managing Development Document (2013).

Amenity

Policy Context

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

Daylight / Sunlight

- 8.54 The daylighting 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.
- 8.55 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.
- 8.56 A number of objections have been received from neighbouring residents on the grounds that the proposal would result in a deterioration in the daylighting and sunlighting conditions of habitable rooms within their properties. The application is accompanied by a Daylight & Sunlight Report, prepared by GL Hearn, dated 19th June 2014, which has been independently assessed by the Council's appointed consultant, DelvaPatmanRedler (DPR), and details of the assessment and officers' recommendations are provided below.

25 & 26 Wheler Street:

- 8.57 The apartment block at 25 & 26 Wheler Street is located to the south-west of the application site and is five storeys in height with residential units on all floors.
- 8.58 The Daylight & Sunlight Report shows that the reductions to the VSC and APSH of all 41 affected windows would be BRE complaint, which is accepted by DPR. As such, it is considered that the proposed development would not result in any significant adverse impacts on the daylighting or sunlighting conditions of residential properties within 25 & 26 Wheler Street.

Eagle Works:

- 8.59 Eagle Works is a six storey mixed live/work and apartment block that adjoins the eastern side of the application site. Given the location of the building in relation to the application site, only a limited number of north facing windows would be affected by the proposals.
- 8.60 The report assesses the impacts of the development on the VSC of the 12 north facing windows located closest to the application site and shows that all 12 windows would be BRE complaint. As such, it is considered that the proposed development would not result in any significant adverse impacts on the daylighting or sunlighting conditions of residential properties within Eagle Works.

Wheler House:

- 8.61 Wheler House is an apartment block that is located immediately to the south of the application site and is five storeys in height with residential units on all floors. The north elevation of the building includes deck access to the flats on the upper floors of the building.
- 8.62 The Daylight & Sunlight Report identifies 228 windows that face towards the development, although notes that of these windows only 90 serve habitable rooms (bedrooms and kitchens), with the remaining 138 windows serving bathrooms (for which the BRE guidance gives no minimum requirement for daylight).
- 8.63 In terms of VSC reductions, of the 90 affected habitable room windows, 32 windows (35.6%) would be BRE compliant, whilst 58 windows (64.4%) would experience VSC reductions of over 20% and the impact on the daylighting conditions on those windows would therefore be noticeable to residents.
- 8.64 The report notes that a number of the worst affected windows are located below deck access/balconies and that BRE guidance acknowledges that windows below balconies may be subject to disproportionately large VSC reductions due to the 'canopy effect' of the balconies and that further assessment can illustrate this effect by testing such windows both with and without the balconies in place.
- 8.65 The submitted report includes a further VSC assessment for Wheler House, with the balconies removed, which shows that the impacts would be lessened, with 46 windows (51%) being BRE compliant, whilst the impacts on a further 33 windows would be relatively minor in nature (reductions of between 20% and 30%). The report also notes that the affected north facing windows serve kitchens and bedrooms, and that the primary living spaces (living rooms) within these properties would not be affected.
- 8.66 The report also includes an assessment of the impacts of the development on the daylight distribution (NSL) within 198 affected habitable rooms within Wheler House, which shows that 82.3% of rooms would be BRE compliant.
- 8.67 The Council's appointed consultant, DPR, notes that the proposals do not meet BRE guidelines in respect of Wheler House. However, they advise that it would be difficult for a development to meet these standards for windows and rooms on the north elevation of Wheler House given the presence of deep access balconies that restrict light. DPR further note that the affected rooms are secondary rooms that that the main rooms will retain good light, which could be considered to be an adequate mitigating factor.
- 8.68 Taking into account the above, it is considered that the impacts on the daylighting and sunlighting conditions of properties within Wheler House are not so significant so as to warrant a reason for refusal on amenity grounds.

Enclosure and Overlooking/Loss of Privacy

- 8.69 Eagle Works is a six storey residential block that adjoins the east side of the site and includes south facing terraces on the upper two floors of the building. The proposed set-back roof storeys would rise one storey higher than the Eagle Works building and consideration has therefore been given to the extent to which the development would enclose these nearby amenity spaces.
- 8.70 It is noted that the nearest terraces at Eagle Works are set 5 metres back from the

western site boundary. Given that the terraces enjoy an open aspect across Quaker Street to the south and that the Eagle Works building continues at the same height to the east, and given the height of the proposed additional storeys in relation to the Eagle Works building, together with their set-back and sloping profile, it is considered that the proposal would not result in an unacceptable degree of enclosure to these neighbouring terraces.

- 8.71 It is noted that the separation distance between the south elevation of Silwex House and the north elevation of Wheler House (located to the south of the site on the opposite side of Quaker Street) ranges between 13m and 18m. Given that Silwex House presently includes south-facing windows and given the across-street relationship between the two buildings, it is considered that the proposed development would not result in any significant overlooking or loss of privacy to neighbouring residents to the south of the site.
- 8.72 It is further noted that the three upper floors of the development each include a narrow east facing window, which has the potential to result in a degree of overlooking into north facing windows within Eagle Works, although the angle of view would be oblique. In order to ensure that the development does not result in a material loss of privacy to residents within Eagle Works, it is recommended that a condition be included to require the east facing windows to be obscure glazed.
- 8.73 Whilst the three upper floors also include west facing windows, given that there are no facing windows within 10 Quaker Street, they would not adversely affect the privacy of residents within that block.

Overshadowing

- 8.74 The BRE guidelines for transient overshadowing advise that at least half of a garden or amenity area should receive at least two hours of sunlight on 21st March. If as a result of new development an existing garden or amenity space does not meet this criteria and the area which can receive two hours of sun on 21st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. It should be noted that BRE guidelines for overshadowing only apply to the shadow cast over designated amenity areas such as gardens and areas for sitting out, but is not applied to areas of public realm such as the footpath or pavement areas.
- 8.75 The report confirms that overshadowing analysis was carried out on the proposed park within the Bishopsgate Goodsyards site to the north, which shows that the development would not have any overshadowing effect on the proposed park. It is noted that the Eagle Works includes high-level south facing terraces and that the block at 10 Quaker Street includes south facing terraces on the top floor and south facing recessed balconies on the lower floors.
- 8.76 Given that the proposed additional storeys are located immediately to the west and east of these adjacent buildings and are set back both from neighbouring terraces and the south façade of the building, and given that the additional storeys would only rise between one and one and half storey above these buildings, it is considered that any overshadowing impacts on these terraces would be negligible.

Noise & Vibration (Within the Development)

- 8.77 The current application is accompanied by Noise and Vibration Impact Assessments, prepared by Scotch Partners, which include the results of background noise and vibration surveys carried out at the site and include details of proposed noise and

vibration mitigation measures to be incorporated into the building, together with the projected noise and vibration levels within the hotel bedrooms.

- 8.78 LBTH Environmental Health have reviewed the reports and raise no objections, although advise that the hotel will be required to comply with the Council's Rail Noise Policy, which stipulates that noise levels within bedrooms should not exceed 35dB(A)LAmax. Within the submitted Noise Impact Assessment, it is confirmed that all new 'Hub' by Premier Inn developments are constructed to stringent noise thresholds, with the noise within bedrooms not to exceed 30dB LAeq (1 hour).
- 8.79 In accordance with the recommendations of LBTH Environmental Health, if planning permission were to be granted, it is recommended that a condition be included to secure full details of the noise and vibration mitigation measures, including the specification of the glazing and means of ventilation.
- 8.80 Subject to condition, it is considered that the proposed development would not result in undue noise or vibration disturbance to future hotel guests, 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).

Noise & Vibration (to Neighbouring Sensitive Receptors)

- 8.81 It is noted that letters of objection have been received from neighbouring residents on the grounds that the operation of the proposed hotel will result in noise disturbance to neighbouring residents. The application site has been vacant for several years and the reintroduction of active uses to a site of this size will invariably increase activity along Quaker Street, including an uplift in footfall and vehicle trips.
- 8.82 It is also noted that there is an extant consent for the conversion and extension of the building to provide a 105 bedroom serviced apartment hotel (reference PA/07/02310 and PA/07/02311, extended by PA/11/00364 and PA/11/00436). As set out in the 'Highways' section of this report, the submitted Transport Statement projects that the extant serviced apartment hotel would generate a higher number of vehicle borne trips than the proposed hotel. It is also noted that the extant serviced apartment hotel includes a restaurant at ground floor level, which has the potential to increase night-time activity at and around the site, whilst the proposed hotel only includes a small cafe, with no hotel restaurant.
- 8.83 The current application is accompanied by a letter from Whitbread, in which it stated that the applicant would seek to put in place a Hotel Management Plan, which would set out the site specific measures that would be put in place to ensure that the hotel does not result in undue disturbance or disruption to neighbouring residents and the surrounding area generally. It is recommended that a Hotel Management Plan is secured by condition if planning permission were to be granted.
- 8.84 In addition, in order to ensure that the comings and goings of visitors to the hotel cafe do not result in undue noise disturbance to neighbouring residents during sensitive (night-time) hours, it is recommended that a condition be included to prevent any cafe or bar established in the hotel from being open to non-hotel guests between 23:00 and 06:00 hours, Monday to Sunday and on Public Holidays.
- 8.85 It is noted that letters of objection have been received from neighbouring residents on the grounds that the servicing vehicle trips to the site will result in noise disturbance to neighbouring residents. However, at Appendix B of the submitted Delivery and Servicing Plan it is confirmed that refuse collections will not take place

between 21:00 and 08:00 hours in order to ensure that the collections do not result in noise disturbance to guests and surrounding residents. This would be secured by condition.

- 8.86 Such measures form part of the Whitbread 'Good Night Guarantee' that is in operation at all Premier Inn hotels, whereby hotel guests who were unable to have a 'great nights sleep' due to factors such as noise disturbance from the operation of the hotel are able to claim for a refund for the relevant night(s) of their stay. Whilst this policy has no direct bearing on neighbouring residents, it does highlight the applicant's commitment towards ensuring that the operation of their hotels does not generate excessive noise.
- 8.87 It is also noted that letters of objection have been received from neighbouring residents on the grounds that the roof level plant will result in noise disturbance to residents. The proposed development includes three plant enclosures at roof level, which will house the Air Source Heat Pumps that will provide space heating to the development, together with other associated plant.
- 8.88 The submitted Noise Impact Assessment includes a preliminary assessment of the noise impacts of the plant on nearby sensitive receptors (residential properties), which concludes that the noise emissions of the plant can be attenuated to approximately 10dB below the lowest background noise level (LA90) at the nearest sensitive receptor, and thus would be inaudible to neighbouring residents. The Noise Impact Assessment has been reviewed by LBTH Environmental Health, who raise no objections.
- 8.89 If planning permission were to be granted, it is recommended that a condition be included to require the submission of the full technical specification for all plant, together with details of all acoustic enclosures and noise and vibration attenuation measures and an updated Noise Impact Assessment. The condition will also require the noise generated by the plant to meet the Council's plant noise requirements of LA90 – 10dB(A) at the nearest sensitive receptor.
- 8.90 Some local residents have also objected to the proposals on the grounds that the demolition and construction works will result in disturbance and disruption to nearby residents. Whilst impacts arising from construction works are transitory in nature, it is acknowledged that such works have the potential to adversely impact on surrounding residential amenity for extended periods of time.
- 8.91 In order to ensure that these impacts are suitably and proportionately mitigated, it is recommended that a condition be included to restrict the hours for demolition and construction works to between 08:00 and 18:00, Monday to Friday, and between 08:00 and 13:00 on Saturday, with no works to take place outside these times. These are the Council's standard construction working hours, as set out in the Council's Code of Construction Practice.
- 8.92 In addition, it is recommended that a condition be included to secure a Construction Environmental Management Plan, to include full details of all measures that are to be put in place mitigate noise and vibration impacts arising from the works, together with details of dust suppression measures. The S106 agreement that would accompany the planning permission, were it to be granted, would also include an obligation requiring the developer to comply with the Council's Code of Construction Practice, which sets out a range of measures that must be incorporated into construction programmes in order to mitigate adverse noise, vibration, dust and pollution impacts within the locality.

- 8.93 Subject to these conditions, it is considered that the operation of the proposed hotel would not result in undue noise, vibration or dust disturbance to neighbouring residents, 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).

Highways

- 8.94 The NPPF (2012) and Policy 6.1 of the London Plan (2013) seek to promote sustainable modes of transport and accessibility and reduce the need to travel by car. Policy 6.3 of the London Plan (2013) also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.95 Policy SP08 and SP09 of the Council's adopted Core Strategy (2010) and Policy DM20 of the adopted Managing Development Document (2013) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development does not have an adverse impact on safety and road network capacity, requiring the assessment of traffic generation impacts and also seeking to prioritise and encourage improvements to the pedestrian environment.

Trip Generation

- 8.96 The current application is accompanied by a Transport Statement (TS), prepared by Russell Giles Partnership, which sets out the projected trip generation for the proposed hotel across all modes of transport. The trip generation figures have been derived using guest survey data from other Whitbread (Premier Inn) hotels with similar characteristics to the hotel proposed under the current application. The TS benchmarks the trip generation of the proposed hotel against that of the consented serviced apartment hotel scheme (reference PA/07/02310 and PA/07/02311, extended by PA/11/00364 and PA/11/00436).
- 8.97 The submitted TS and TS Addendum show that the existing B8 warehouse use would generate a total of 176 two-way trips per day across all modes of transport, of which 71 trips would be by walking/cycling/public transport and 105 trips would be vehicle borne (car, taxi, coach etc...). The consented serviced apartment hotel would generate of a total of 544 two-way trips per day, of which 434 trips would be by walking/cycling/public transport and 110 trips would be vehicle borne. The hotel proposed in the current application would generate a total of 822 two-way trips per day, of which 746 would be by walking/cycling/public transport and 76 trips would be vehicle borne.
- 8.98 The trip generation for the proposed hotel is based on the assumption that all 250 rooms are occupied. However, as set out in the accompanying letter from Whitbread, the average occupancy in their London hotel is approximately 85%, with an average of 1.2 guests per 'Hub by Premier Inn' hotel, and thus the actual trip generation of the proposed hotel would almost certainly be lower. The assessment has therefore been carried out on a 'worst case scenario' basis.
- 8.99 It can be seen that the total two-way daily trip generation of the proposed hotel would represent a large increase over that of the existing warehouse, and also an increase over the consented apart hotel, when taken across all modes of transport. However, the assessment shows that the proposed hotel would generate less vehicle borne trips than both the existing warehouse and the consented apart hotel.

8.100 The Transport Statement has been assessed by LBTH Transportation & Highways, who raise no objections on the grounds that the proposed hotel use would represent a reduction in the number of vehicle borne trips when compared with the extant serviced apartment hotel scheme. In addition, TfL have reviewed the trip generation data and raise no objections. Whilst the proposals would result in an increase in the number of pedestrian/cycle/public transport trips, given the very high PTAL of the site and the good levels of pedestrian access and permeability within surrounding streets, this uplift in trip generation is considered acceptable. As such, it is considered that the proposed development would not result in any significant adverse impacts on the capacity of the road network, including the Transport for London Road Network (TLRN), in accordance with Policy 6.3 of the London Plan (2013), Policy SP09(3) of the Core Strategy (2010) and Policy DM20(2) of the Managing Development Document (2013).

Car Parking

8.101 Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) seek to ensure that new development includes adequate provision of accessible parking for disabled people. The Council's parking standards, as set out in Appendix 2(1) of the Managing Development Document (2013), seek the provision of 1 on-site disabled parking space in developments without off-street car parking.

8.102 The proposals include the provision of one on-site disabled car parking space, located immediately adjacent to the loading bay at the western end of the site, accessed from the carriageway on Quaker Street, which is supported in principle. LBTH Transportation & Highways note that it is not ideal for disabled parking and servicing vehicles to manoeuvre in the same area, although given the physical constraints of the site they consider this to be the best available solution. It is noted that the submitted Transport Statement includes swept path analysis plans that demonstrate that a car would be able to enter and exit the site in forward gear and that there would not need to be any modifications to existing on-street parking bays to accommodate these vehicle movements.

8.103 If planning permission were to be granted, it is recommended that a condition be included to secure a Disabled Parking Management Plan, to include details of how the disabled parking will operate when servicing vehicles are using the loading bay, together with details of how the disabled parking bay will be advertised and booked. It is also recommended that a further condition be included to require the disabled parking space to be provided prior to occupation of the hotel and be retained solely for use as disabled parking for users of the development in perpetuity.

8.104 Subject to conditions, it is considered that the proposals include adequate provision of disabled car parking, in accordance with Policy SP09(4) of the Council's adopted Core Strategy (2010), Policy DM22(2) of the Managing Development Document (2013).

Cycle Parking

8.105 Policy DM22(4) of the Council's adopted Managing Development Document (2013) and Policy 6.9 of the London Plan (2013) encourage sustainable forms of transport and require development to include adequate provision of safe, secure and usable cycle parking facilities. The Council's cycle parking standards for hotel use, as set out in Appendix 2(1) of the adopted Managing Development Document (2013), requires

the provision of 1 cycle space per 10 staff and 1 cycle space per 15 guests. The London Plan (2013) has a lesser cycle parking requirement for hotels of 1 space per 10 staff and minimum of 2 spaces for guests.

- 8.106 The proposed hotel is projected to employ 83 staff and has 250 rooms, with a theoretical maximum of 500 guests. The proposed development includes a cycle store room, located at the western end of the site, adjacent to the loading bay, which would accommodate up to 12 bicycles. In addition, staff changing and shower facilities would be provided immediately next to the cycle store.
- 8.107 The proposed cycle parking arrangements have been assessed by LBTH Transportation & Highways, who note that the number of spaces provided falls short of the Council's target, although on balance considers the cycle parking facilities to be acceptable, given the physical constraints of the site. It is also noted that the number of cycle parking spaces exceeds the London Plan target.
- 8.108 On balance, officers consider that the proposed cycle parking facilities are acceptable in this instance. If planning permission is to be granted, it is recommended that a condition be included to require the submission for approval of full details of the cycle parking facilities, which must be installed prior to first occupation of the development and retained and maintained as approved thereafter.
- 8.109 Subject to condition, it is considered that the proposals accord with Policy DM22(4) of the Council's adopted Managing Development Document (2013), and Policy 6.9 of the London Plan (2013). These policies promote sustainable forms of transport and seek to ensure the developments include adequate provision of safe, secure and usable cycle parking facilities.

Coach Parking

- 8.110 Policy DM22(2) of the Council's adopted Managing Development Document (2013) and Policy 6.13 of the London Plan (2013) require the provision of 1 coach parking space per 50 hotel guest rooms.
- 8.111 The proposed hotel building covers the entire application site and as such there is no availability for off-street coach parking. In addition, given the limited width of the carriageway on Quaker Street, which is further restricted by on-street parking bays, there would be insufficient space for on-street coach parking in the immediate vicinity of the site.
- 8.112 Both LBTH Transportation & Highways and TfL acknowledge that the adopted standards for coach parking are not suitable in this location and recommend that restrictions be placed any permission to prevent the hotel from accepting coach party bookings. It is noted that this approach has previously been accepted on a recently consented hotel scheme at 86 Brick Lane (reference PA/13/00494, dated 6 December 2013), which restricts coach parking by way of a clause within the S106 agreement.
- 8.113 Taking into account the above, it is noted that it would be undesirable to provide coach parking in this instance and it is considered that the inclusion of a clause within the S106 agreement to restrict coach party bookings would make the proposals acceptable in policy terms.

Deliveries and Servicing

- 8.114 The application is accompanied by a Delivery and Servicing Plan (DSP), prepared by Russell Giles Partnership, in which it is stated that all deliveries and servicing will take place on-site within the loading bay at the western end of the site. Given the size of the loading bay, the size of delivery and servicing vehicles will be restricted to 'Super Seven' rigid vehicles, which are of a similar size to 7.5t panel vans. The DSP includes vehicle tracking plans showing that the proposed service vehicles would have adequate space to reverse into the loading bay from Quaker Street and exit back out into the street in forward gear.
- 8.115 It is anticipated that the proposed hotel will require approximately 3 service vehicles movements per day, including movements for linen, food, beverages and refuse/recycling. The hotel would be operated by Whitbread, who will also operate the consented 'Hub by Premier Inn' hotel at 86 Brick Lane. In order to minimise vehicle movements, the DSP states that deliveries would be coordinated to ensure that the same vehicle services both hotels, which is supported in principle.
- 8.116 The DSP has been reviewed by LBTH Transportation & Highways and is considered to be acceptable. If planning permission is granted it is recommended that a condition be included to require the development to be carried out in accordance with the DSP.
- 8.117 Subject to condition, it is considered that the servicing of the proposed hotel will not result in any significant adverse impacts on the safety or capacity of the road network, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's adopted Managing Development Document (2013).

Waste and Recyclables Storage

- 8.118 The proposed development includes an internal refuse store, located at the western end of the site, adjoining the loading bay. The submitted Delivery and Servicing Plan confirms that the refuse store will include containers to accommodate 5,500 litres of waste, 5,500 litres of mixed recyclables, 240 litres of food waste and 3,300 litres of glass, and will require three refuse collections per week.
- 8.119 In order to ensure that refuse collections do not result in undue noise disturbance to hotel guests or neighbouring residents during sensitive hours, the Delivery and Servicing Plan confirms that refuse collection will only take place between 08:00 and 21:00 hours.
- 8.120 The proposals have been reviewed by LBTH Waste Policy & Development, who consider the waste storage arrangements to be acceptable. If planning permission were to be granted, it is recommended that a condition be included to require the waste and recyclables storage facilities as shown on plan to be provided prior to first occupation of the development and to be retained as approved thereafter. In addition, it is recommended that a condition be included to require the development to be carried out in accordance with the Delivery and Servicing Plan.
- 8.121 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.

Construction Traffic

- 8.122 In order to ensure that construction traffic for both the demolition and construction phases of the development do not adversely impact on the safety or capacity of the road network, and in accordance with the advice of Transport for London, it is recommended that a condition be included to secure a Construction Logistics Plan (CLP).
- 8.123 The CLP will be required to be approved prior to the commencement of development (including works of demolition) and will provide full details of the number, frequency, timings, vehicle sizes, traffic routes and stopping locations for all construction vehicles accessing the site. Given the proximity of the site to Commercial Street, which forms part of the Transport for London Road Network (TLRN), the CLP would be assessed by officers in consultation with TfL.
- 8.124 Subject to condition, it is considered that the demolition and construction works associated with the development would not have any significant adverse impacts on the safety or capacity of the road network, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's adopted Managing Development Document (2013).

Alterations to the Public Highway

- 8.125 At present, the public highway adjacent to the southern boundary of the site includes three vehicle crossovers. The proposals would require the removal of re-paving of the three existing crossovers and the creation of one new vehicle crossover at the western end of the site for the loading bay. These proposals have been assessed by LBTH Transportation & Highways, who raise no objections and advise that such works will need to be secured under a separate S278 agreement between the applicant and the Council as Highway Authority. It is recommended that the applicant be advised of this requirement by way of an informative on the decision notice.

Archaeological Impacts

- 8.126 Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance archaeological remains and Archaeological Priority Areas. Policy DM27(4) of the Council's adopted Managing Development Document (2013) requires any nationally important archaeological remains to be preserved permanently in site, subject to consultation with English Heritage.
- 8.127 The proposals have been reviewed by the English Heritage Greater London Archaeological Advisory Service (GLAAS), who advise that the proposed development, which includes the creation of a new basement, has the potential to impact on buried remains. Given the location of the site, GLAAS, advise that archaeological remains connected with the early railway and with the post-mediaeval development of London may be expected beneath the site.
- 8.128 In order to adequately mitigate any impacts on buried archaeological resource, if planning permission were to be granted GLAAS recommend the inclusion of a condition to require the recording of the existing building itself, together with a staged programme of investigation into buried deposits. Officers consider that the proposed condition is a suitable and proportionate means of mitigation given the potential for buried archaeological remains at the site.

- 8.129 Taking into account the above and subject to condition, it is considered that the proposed development would not adversely affect any buried archaeological remains, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27(4) of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

Biodiversity

- 8.130 Policy 7.19 of the London Plan (2013), Policy SP04 of the Council's adopted Core Strategy (2010) and Policy DM11 of the Council's adopted Managing Development Document (2013) seek wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value, this should be protected and development which would cause damage to a Site of Importance to Nature Conservation (SINC) or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.131 The application site is not located within a SINC. The proposals have been assessed by the LBTH Biodiversity Officer, who notes that the application site is entirely covered by an existing building and there is no vegetation on site. The proposed development includes a biodiverse brown roof over much of the roof space of the building and the LBTH Biodiversity Officer considers that this will provide significant biodiversity benefits within the site. If planning permission were to be granted, it is recommended that a condition be included to secure full details of the biodiverse brown roof and any habitat features.
- 8.132 Given the age, condition and the location of the building, there is a potential for bats to roost in the building and for black redstarts to nest at the site. The LBTH Biodiversity Officer recommends that surveys be carried out to identify whether there are any bat roosts or bird nests within the site.
- 8.133 An initial bat survey was subsequently carried out by the applicant, which found that the existing building has low potential to support bat roosts and that no evidence of bats was found, although there were some potential roost sites which could not be examined. The LBTH Biodiversity Officer raises no objections to the proposals, subject to conditions being included to secure a further bat emergence survey and a bird nest survey prior to any works commencing on site.
- 8.134 Taking into account the above and subject to condition, it is considered that the proposed development would protect and enhance biodiversity value at the site through the design of buildings, including the use of biodiverse green roofs, in accordance with Policy SP04 of the Council's adopted Core Strategy (2010) and Policy DM11 of the Council's adopted Managing Development Document (2013).

Energy & Sustainability

Energy Efficiency

- 8.135 At a national level, the NPPF (2012) sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.

- 8.136 At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2013), Policies SO24 and SP11 of the Council's adopted Core Strategy (2010) and Policy DM29 of the Council's adopted Managing Development Document (2013) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.137 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.138 The current application is accompanied by an Environmental Performance Statement, which has been reviewed by the Council's Energy Efficiency Officer, who confirms that the proposed development accords with the energy hierarchy and seeks to minimise CO₂ emissions through the implementation of energy efficiency measures (10.66% CO₂ reduction), use of a centralised Combined Heat and Power (CHP) system for hotwater (34.3% CO₂ reduction) and renewable energy technologies (Air Source Heat Pumps (ASHP) for cooling and space heating). The CO₂ emission reductions proposed would result in a circa 45% reduction against the Building Regulations 2013, which accords with adopted policy requirements and is supported.
- 8.139 If planning permission were to be granted, it is recommended that conditions be included to require the development to meet the CO₂ emission reductions in the Environmental Performance Statement, and to secure details of the CHP and ASHP systems and specifications.

Sustainability

- 8.140 In terms of sustainability, the London Borough of Tower Hamlets requires new commercial development to achieve a BREEAM 'Excellent' rating. This is to ensure the highest levels of sustainable design and construction are achieved, in accordance with Policy 5.3 of the London Plan (2013) and Policy DM29 of the Council's adopted Managing Development Document (2013).
- 8.141 The application as originally submitted targeted a BREEAM rating of 'Very Good'. During the course of the application the applicant has identified potential achievable credits in order to deliver a BREEAM 'Excellent' development, which has been reviewed by the Council's Energy Efficiency Officer and is supported. If planning permission were to be granted it is recommended that an appropriately worded condition is included to secure the delivery of an 'Excellent' BREEAM rating.
- 8.142 Subject to condition, it is considered that the proposed development will incorporate an appropriately high standard of sustainable design and construction, in accordance with Policy 5.3 of the London Plan (2013) and Policy DM29 of the Council's adopted Managing Development Document (2013).

Contaminated Land

- 8.143 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.

- 8.144 The current application is accompanied by Geo-Environmental Risk Assessment reports, prepared by Aviron Associates Limited, which have been reviewed by the LBTH Environmental Health (Contaminated Land) Officer, who agrees with the conclusions and recommendations of the reports with respect to soil contamination and the proposed ground gas monitoring to characterise the ground gas regime at the site.
- 8.145 If planning permission were to be granted, the LBTH Environmental Health (Contaminated Land) Officer recommend that conditions be included 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, and to require any necessary remediation works to be carried out prior to the occupation of the building and for a verification report to be submitted on completion of the remediation works.
- 8.146 Subject to conditions, it is considered that the proposals include suitable land contamination site investigation and remediation schemes, in accordance with Policy DM30 of the Council's adopted Managing Development Document (2013).

Air Quality

- 8.147 Policy 7.14 of the London Plan (2013) seeks to ensure that design solutions are incorporated into new development to minimise exposure to poor air quality and promotes sustainable design and construction to reduce emissions from the demolition and construction of buildings.
- 8.148 Policy SP03(2) of the Council's adopted Core Strategy (2010) seeks to manage and improve air quality along transport corridors and traffic congestion points and seeks to implement a 'Clear Zone' in the borough to improve air quality. Policy DM9 of the Council's adopted Managing Development Document (2013) requires applications for major development to be accompanied by an Air Quality Assessment to demonstrate how it will prevent or reduce associated air pollution during construction or demolition.

Air Quality Assessment

- 8.149 The applicant has provided an Air Quality Assessment (AQA), prepared by URS, dated 11 December 2014, which provides an assessment of the potential effect on local air resulting from the demolition, construction and operational phases of the development.
- 8.150 The submitted AQA notes that the demolition and construction works have the potential to cause dust impacts on nearby sensitive receptors and the surrounding environs. In order to mitigate these impacts, the AQA proposes a number of measures, including the preparation of a Dust Management Plan, locating machinery and dust causing activities away from sensitive receptors, erecting screens around dusty activities and covering stockpiles to prevent wind whipping.
- 8.151 The AQA also provides an assessment of the impact of the development on local air quality and provides details of the projected air quality (in terms of NO₂ concentrations) at various receptor points in the vicinity of the site. The AQA projects that the annual mean concentrations of NO₂ to receptors on Quaker Street would increase by 0.2 micrograms during the operational phase of the development, which

is stated as being a negligible (imperceptible) effect.

- 8.152 The submitted AQA has been reviewed by the LBTH Environmental Health (Air Quality) Officer, who notes that the NO₂ level would exceed the annual standard, although as the proposed use a hotel, this standard does not apply and mitigation is therefore not required. In order to ensure suitable dust monitoring and mitigation measures are put in place during the demolition and construction phases, LBTH Environmental Health recommend that a Construction Environmental Management Plan be secured by condition prior to the commencement of the development.
- 8.153 Subject to condition, it is considered that the proposed development is acceptable in air quality terms, in accordance with the objectives of Policy 7.13 of the London Plan (2013) and Policy SP03(2) of the Council's adopted Core Strategy (2010).

Impact on the Railway

- 8.153 The application site backs onto a railway cutting, including an emergency platform at the rear of the site and access stairs leading from the public highway on Quaker Street down an alleyway along the western boundary of the site to the emergency platform. The railway tracks and surrounding environs, including the access passage from the street to the emergency platform, are under the ownership and operation of Network Rail. It is noted that the proposals would retain the existing Network Rail access along the western and northern sides of the site.
- 8.154 Network Rail were consulted on the application and have advised that the applicant will be required to obtain the necessary licences and consent from Network Rail in relation to the construction and maintenance of the development. Network Rail has further advised that the developer must ensure that the development, during both construction and operational phases, must not adversely impact on Network Rail infrastructure and the safe operation of the railway. It is recommended that the applicant be advised to contact Network Rail by way of an informative on the decision notice.

Planning Obligations

- 8.155 Regulation 122 of the CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Are fairly and reasonably related in scale and kind to the development.
- 8.156 This is further supported by Policy SP13 of the Council's adopted Core Strategy (2010) which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.157 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in Policy SP13 of the adopted Core Strategy (2010).

8.158 The document also sets out the Borough's key priorities as being:

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

8.159 The Borough's other priorities include:

- Health
- Sustainable transport
- Environmental sustainability
- Public realm

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

8.161 The obligations agreed can be summarised as follows:

Financial Contributions:

- a) A contribution of £17,672 towards Construction Phase Skills and Training
- b) A contribution of £11,970 towards End User Phase Skills and Training
- c) A contribution of £1,012 towards Idea Stores, Library and Archives
- d) A contribution of £4,048 towards Leisure
- e) A contribution of £407,662 towards Public Open Space
- f) A contribution of £46,800 towards Public Realm
- g) A contribution of £413,824 towards Crossrail
- h) A contribution of £18,060 towards Monitoring (at 2% of total)

Non- Financial Contributions:

- i) A commitment to provide 20% local employment during the construction and operational phases
- j) A commitment to source 20% of procurement from local business during the construction phase
- k) A commitment to complete 14 apprenticeships during the first 5 years of occupation.
- l) A commitment to comply with the Council's Code of Construction Practice
- m) Restriction of coach party hotel bookings
- n) Travel Plan

The above contributions represent 100% of the planning obligations as required by the Council's Planning Obligations Supplementary Planning Document (2012) and officers consider that these obligations met the tests set out in Regulation 122 of the CIL Regulations 2010. Details of the formulae used to calculate these contributions are provided in the Planning Obligations SPD.

8.162 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas.

9.0 Human Rights Considerations

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

- 9.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.
- 9.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 9.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

10.0 Equalities Act Considerations

- 10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the

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

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

- 10.2 The contributions towards infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 10.3 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 10.4 The community related contributions (which will be accessible by all), help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

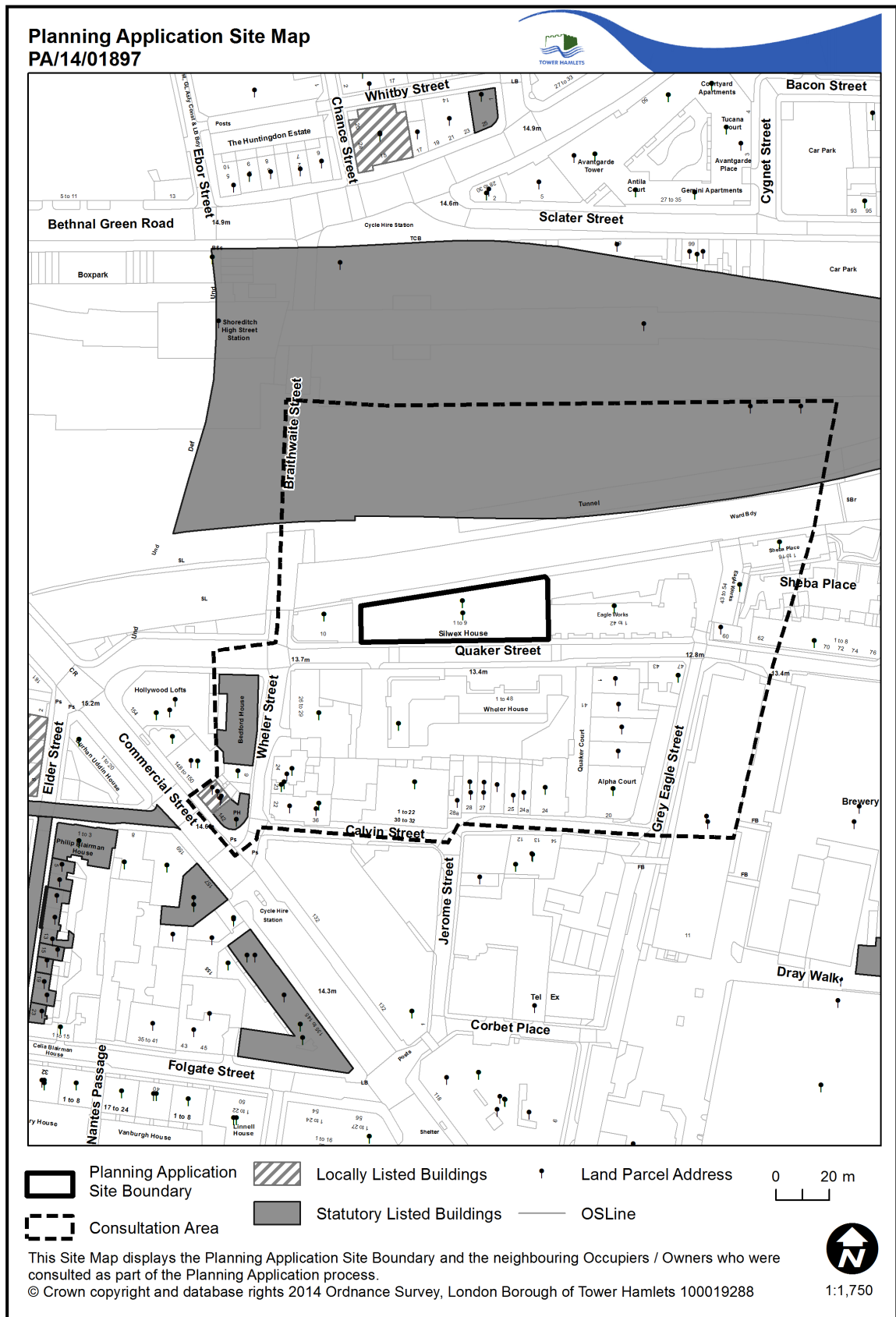
11.0 Section 70(2) of the Town and Country Planning Act 1990

- 11.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. Section 70(2) states that:
- 11.2 In dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
 - b) Any local finance considerations, so far as material to the application; and
 - c) Any other material consideration.
- 11.3 Section 70(4) defines "*local finance consideration*" as:
- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 11.4 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals so far as they are material to the application.
- 11.5 Regarding Community Infrastructure Levy considerations, it is estimated that the Mayoral CIL charge for the proposed development would total approximately £146,440.

12.0 CONCLUSIONS

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

13.0 SITE MAP WITH CONSULTATION BOUNDARY



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Agenda Item number:	6.2
Reference number:	PA/14/01897
Location:	Silwex House, Quaker Street, London, E1 6NS
Proposal:	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.

1. FURTHER COMMENTS FROM THE SPITALFIELDS SOCIETY

- 1.1 The Spitalfields Society have confirmed that following the revisions to the plans they now support the scheme.
- 1.2 The Spitalfields Society further state that they consider the proposed additional storeys to the north and south elevations are of an interesting and sophisticated design and urge the Council and applicant to ensure that the design and construction of these elements is of the highest standards and remains in accordance with the current proposals. Previous comments around the need to further resolve the gable end treatments still stand.
- 1.3 Officers welcome the Spitalfields Society's support for the revised scheme and recommend that full details of the gable end treatments to the additional storeys is secured by condition.

2. FURTHER REPRESENTATIONS

- 2.1 Following publication of the committee report, one additional letter of representation has been received, in which objection is raised to the scheme on the grounds that the proposals would involve the demolition and restructuring of a beautiful building and that London's old buildings are historically important. In addition, the East End Preservation Society has submitted further representations reaffirming their previous objection to the demolition works, alteration and extension of the building. These issues are discussed in the main report.

3. RECOMMENDATION

- 3.1 The Officer' recommendation remains as set out in paragraph 12.1 of the Committee Report.

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Agenda Item 6

Committee: Development	Date: 3 rd September 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: 3rd September 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Esha Banwait	Ref No: PA/15/01337
	Ward: Bethnal Green

1. APPLICATION DETAILS

Location:	47 Brierly Gardens, London E2 0TF
Existing Use:	C3 (Dwelling)
Proposal:	The proposed works are for a new 4.6m x 4.1m single storey rear extension with seeks to provide two new bedrooms, alongside a reconfigured living/dining/kitchen.
Drawing and documents:	PL130; PL131; PL 132; PL133 rev. A; PL 134 rev. A; PL135 rev. A; Design and Access Statement
Applicant:	Tower Hamlets Homes
Ownership:	Tower Hamlets Homes
Historic Building:	N/A Adjacent to grade II listed terrace on Cyprus Street
Conservation Area:	Adjacent to Victoria Park Conservation Area and Globe Road Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 This report considers an application for a proposed rear extension to an existing dwelling at 47 Brierly Gardens. The proposed works form part of an extension programme by Tower Hamlets Homes to alleviate overcrowding of families who are on the Tower Hamlets housing list.
- 2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (Consolidated with Alterations since 2013) (London Plan 2015) and the National Planning Policy Framework and all other material considerations
- 2.3 This application has attracted a total of 5 written objections, 1 petition containing 36 signatories. The main concerns raised by the objectors relate to amenity impacts and impacts on the surrounding area. Careful consideration has been given to these concerns, as well as other material planning considerations.

- 2.4 As explained within the main report, the proposal extension by virtue of its size will be subservient to the host building and as such is considered acceptable in relation to the Development Plan.

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) Materials to match existing
- (d) Detailed roof light specification

- 3.3 Any other condition(s) considered necessary by the Corporate Director for Development & Renewal.

3.4 Informative:

Thames Water

- (a) *Please contact Thames Water if works fall within 3 metres of any Thames Water assets.*
- (b) *Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.*

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site is a 2 bedroom flat, located within the ground floor of a post war residential estate called Brierly Gardens.

Brierly Gardens consists of 96 residential properties set within a series of three storey, pitched roof residential blocks.

- 4.2 The estate is bounded by Royston Street to the east, Hartley Street to the south, Cyprus Street to the north and Gawber Street to the west. The application site falls within the electoral ward of Bethnal Green.

- 4.3 As with the majority of the existing ground floor flats that form part of Brierly Gardens, the subject site includes a 49.4m² enclosed rear garden that backs on to a communal garden. Access into the subject property is via a communal building entrance.

- 4.4 The subject site is not located within a Conservation Area and does not comprise of any Listed Buildings. However, Victoria Park Conservation Area is located to the

north and the Globe Road Conservation Area covers the areas to the south and west of the estate.

The following Listed Buildings are located in close proximity to the site within the Victoria Park Conservation area:

- Grade II Listed: 40-80 Cyprus Street located approximately 20m to the north of the application site
- Grade II Listed: 47-73 Cyprus Street located approximately 45m to the north of the application site

The Proposal

- 4.5 Permission is sought for the construction of a 4.6m (deep) x 4.1 (wide) x 2.4m (high) single storey rear extension with a flat roof to provide two new bedrooms. The proposed extension is not full width and over 60% (32.3m²) of the existing rear garden is retained.

The proposed extension structure will extend out from an existing rear wall and will comprise of a new replacement ramp enabling access into the rear garden. The existing rear elevation window will be replaced on the new rear elevation of the extension structure. Proposed works will also involve internal reconfiguration to create a new open plan kitchen / living / dining area, a new bathroom, a re-modelled store and an installation of a new roof light to be located on the new extension structure.

The proposed extension will comprise a flat roof (single ply membrane roof) facing brick to match existing and new double glazed uPVC window and door providing access to the existing rear garden. The proposed window and door unit will be designed to match the existing scale and fenestration detailing.

Background

- 4.6 The application proposal forms part of an extension programme by Tower Hamlets Homes to alleviate overcrowding of families on Tower Hamlets housing list.
- 4.7 Some households listed on the Tower Hamlets housing list have been earmarked for extensions on the understanding that on completion of the works, the occupant will be removed from the housing waiting list.

Relevant Planning History

- 4.8 PA/99/00341: Planning Permission granted on 25/03/1999 for the construction of disabled ramp in rear garden.

This has been implemented.

55 Brierly Gardens

- 4.9 PA/15/01832: Full Planning Application submitted on 01/07/2015 for the erection of rear extension and demolition of existing ramp to be replaced with new ramp access. **The above application (ref: PA/15/01832) has been submitted under the same housing programme and is pending determination in tandem with this application.**

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 –March 2015, Consolidated with alterations since 2011 (LP)

- 7.4: Local Character
- 7.5: Public Realm
- 7.6: Architecture
- 7.8: Heritage Assets and Archaeology

5.4 Tower Hamlets Core Strategy (adopted September 2010) (CS)

- SP02: Urban Living for Everyone
- SP10: Creating Distinct and Durable Places

5.5 Managing Development Document (adopted April 2013) (MDD)

- DM4: Housing Standards and Amenity Space
- DM24: Place Sensitive Design
- DM25: Amenity
- DM27: Heritage and the historic environment

5.6 Other Relevant Documents

- Victoria Park Conservation Area Appraisal (2012)
- Globe Road Conservation Area Character Appraisal and Management Guidelines (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

Design and Conservation

5.9 No objections.

External Consultees

Metropolitan Police (Crime Prevention Officer)

- 5.10 *The new extension appears to be very close to the low level hand rail. This can assist in climbing onto the flat roof. The windows adjacent to this roof will then become vulnerable to attack or illegitimate access. There is also a roof light on the extension which could also become a vulnerable point of illegitimate access. If the roof light to the new extension cannot be removed then this could become a vulnerable area. The rooflight needs to be of a standard that cannot be broken or smashed and therefore a laminated fitted glass of a minimum PAS24 standard is recommended. Access to the roof would definitely have to be robustly deterred.*

[Officer Comment: The low level hand rail in this instance is associated with a ramp access which currently provides wheelchair access into the subject property. The application site is enclosed by means of a 1.8m high perimeter fence, therefore access to the low level hand rail and consequently the roof of the proposed extension is already restricted. It is to be noted that the proposal seeks to re-provide an existing ramp and associated hand rail to continue facilitating wheelchair accessibility into the property. The overall benefits of retaining a wheelchair adapted entrance/ egress is considered to outweigh the potential risk of intruders accessing the proposed extension roof. Nonetheless, roof light specification as recommended will be secured via condition.]

Thames Water

- 5.11 *Thames Water did not object in principle to the application on the basis of sewerage or water capacity. However, they advise the applicant to contact them in the event that the works fall within 3 metres of any Thames Water assets or there is a proposal to discharge to a public sewer,*

[Officer Comment: An informative is recommended in the planning consent to advise the applicant of Thames Water comments].

Neighbours Representations

- 5.12 A total of 27 planning notification letters were sent to nearby properties. A total of 5 letters of representation and 1 petition containing 36 signatories were received objecting to the proposal.

Reasons for Objection:

- 5.13 *Given the close proximity to the Victoria Park Conservation Area, Globe Road Conservation Area and Grade II Listed buildings along Cyprus Street, a heritage statement should be submitted. Additionally, the submitted information does not meet the requirements of Tower Hamlets Full Planning Application Validation Checklist as a roof plan does not form part of this application.*

[Officer's response: The subject site is not located within a conservation area and does not comprise of any listed buildings. The majority of the proposed works are located in the existing rear garden which is out of view from the surrounding area of heritage interest. A heritage statement in this instance is not considered as a mandatory requirement.

The applicant has submitted a detailed design drawing of the proposed extension flat roof.]

- 5.14 *Buildings that form part of Brierly Gardens comprise of a uniform garden setting therefore an extension within the rear garden would provide decreased opportunity to enhance the existing green space currently enjoyed by the residents of Brierly Gardens.*

[Officer's response:This matter is further addressed in the material planning considerations section of the report under 'amenity'.]

- 5.15 *Loss of garden outlook from flats located on upper storeys of the host building due to an addition of a flat roof covering a substantial portion of no. 47 Brierly Gardens' rear garden.*

[Officer's response:This is addressed in the material planning considerations section of the report under 'design' and 'amenity']

- 5.16 *The addition of two bedrooms by way of an extension structure will provide inappropriate residential accommodation for the current and future residents of no. 47 Brierly Gardens and would not accord with Policy DM4 of the Managing Development Document 2013. Given the ground floor location, the subject property is well suitable for less-abled people. Therefore, the proposed internal reconfiguration of this property will create lost opportunities for future less-abled residents.*

[Officer's response:The application proposal seeks to create a new 4.6m x 4.1m single storey rear extension for the existing residential property, therefore no new housing development is proposed. Policy DM4 of the Managing Development Document sets out minimum required internal space standards for new housing development, given that the proposal does not seek to introduce new housing development. In this instance, Officers are satisfied that the inclusion of two additional rooms would retain an acceptable standard of accommodation for the current and future residents of the subject site.

- 5.17 *The proposed works would result in the loss of a wheelchair accessible home.*

[Officer Comment: The proposed works seeks to reconfigure an existing two bedroom flat to create a new four bedroom flat, which is capable of adaptation to a wheelchair accessible home. Additionally, the proposed works seeks to re-provide a ramp within the rear garden to continue providing disabled access. Therefore the proposed works are not considered to result in a loss of a wheelchair accessible home]

- 5.18 *Whilst the proposed extension structure will increase the property value of the subject site, it will result in property devaluation of upper storey flats.*

[Officer's response:Property devaluation is not normally a material planning consideration]

- 5.19 *Due to the close proximity to the Grade II Listed Building and the surrounding conservation areas, the proposed extension will adversely affect these heritage assets.*

[Officer's response: This is assessed in the material planning consideration section of this report under 'design']

- 5.20 *Brierly Gardens in its current form does not comprise of any existing extensions, therefore the proposed extension will set a precedent in the area welcoming all ground floor residents to construct extensions in the future.*

[Officer's response: All planning applications are assessed independently on their own planning merits]

- 5.21 *Safety and security of no. 50 Brierly Gardens (flat located directly above the subject site) as any access on to the proposed extension flat roof will circumvent the security systems providing easy access to the windows of upper storey flats which serve habitable rooms.*

[Officer's response: The proposed extension is 2.4 metres high that is situated within enclosed premises and in an area with good natural surveillance. As such, the proposal is not considered to result in an unacceptable increase in crime within the vicinity. The application site is enclosed by means of a 1.8m high perimeter fence, therefore access to the low level hand rail and consequently the extension roof is already restricted.

Access to the roof of the extension would only occur in the instances of maintenance and repair of the dwelling which is likely to be undertaken during standard daytime hours only subject to permission by the residents of the subject site.

The proposed rooflight are not openable and will comprise of dome design enabling most repair and maintenance works to be undertaken internally thus eliminating the need for frequent roof access. This is further assessed in the material planning consideration section of this report under 'other issues'.]

- 5.22 *Further information is required in relation to the 33 other proposed Tower Hamlets Homes Extensions sites. With regards to the public consultation undertaken for this site, confirmation is sought as to whether the entire Brierly Gardens residential estate was notified.*

[Officer's response: Reference to 34 planned extensions can be found in the submitted Design and Access Statement. It refers to 34 different sites located borough-wide across a number of Tower Hamlets Homes' estates. This Statement seeks to provide a background to the Tower Hamlets Homes Extensions project to alleviate overcrowding across the entire borough. Public consultation was undertaken in accordance with Part 3, Article 15 (5) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 where notice was served to adjoining neighbours/occupants as delineated on the site map attached to this report.

The consideration and assessment of the proposed works which form part of this application is carried out independently of planning applications for associated properties in the surrounding area. All planning applications are assessed on their planning merits and material planning considerations as set out in the section 6.0 of this report.]

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
- Other Issues

Land Use

6.2 The application site is an existing dwelling (use class C3) that forms part of a large residential estate. The proposal does not result in loss of residential use (use class C3); therefore there are no land use implications as a result of the proposed works.

Design

6.3 Policies SP02 of the Core Strategy and DM24 of the Managing Development Document 2013 require all developments to be designed to the highest quality standards, incorporating principles of good design. Additionally, Policy DM27 seeks for development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive places.

6.4 The existing property is a two bedroom ground floor flat situated in a medium rise building block that forms part of a large residential estate. The subject site is a corner property that is accessed via an existing communal secure building entrance.

6.5 The proposed extension measures 4.6m deep and 4.1m in width (total area: 18.1m²). The new extension structure will be setback from the existing southern property boundary by 1.1m. The existing ramp located in the rear garden will be replaced with a new ramp attached to the proposed extension structure in order to retain access into the rear garden.

6.6 The existing 49.4m² rear garden is enclosed on all sides by means of a 1.8m high timber fence which will accommodate a new single storey 18.1m² extension and a new access ramp. The resulting rear garden measures 32.3m².

6.7 The proposal also seeks to create a new window along the eastern elevation that will replicate the style, size and scale of the existing windows located along the northern building elevation. There are no objections to the removal of the existing rear wall to enable the proposed extension. The installation of new windows and door, and the proposed materials are to be colour matched to the existing building exterior and fenestration detail and is therefore considered to be integral to the existing building architecture and in keeping with the surrounding area.

6.8 The proposed extension is not full width and extends along the eastern rear garden boundary which separates the subject site from communal passageway. The proposed extension structure is separated by approximately 5.5m from the shared western property boundary with no. 46 Brierly Gardens.

- 6.9 Having considered the residual rear garden area, the proposed extension layout including the re-provision of ramp access in the rear garden is considered to be an appropriate form of development that is subservient to the host building.
- 6.10 Whilst, the development would be visible above the 1.8m high timber fence, The proposed extension is not considered to have any detrimental impact on the existing streetscene of Cyprus Street or Globe Road and consequently will not have any detrimental impacts on the appearance of Victoria Park Conservation Area, Globe Road Conservation Area or the heritage assets located along Cyprus Street.
- 6.11 The proposed flat roof design is not an uncommon design approach for extension's to existing flats and maisonettes, therefore the proposed extension design approach is not considered to warrant a reason for refusal.
- 6.12 Given the location of the extension, coupled with the separation distances to neighbouring conservation areas, the proposed development will not be visible from the surrounding Conservation Areas to the north and west or from the Grade II Listed Buildings along Cyprus Street to the north.
- 6.13 Overall, the proposed works are considered to accord with Policy SP02 of the Core Strategy 2010 and Policies DM4 and DM24 of the Managing Development Document 2013 which seek to promote good design.

Amenity

- 6.14 Policy SP10 of the adopted Core Strategy and policy DM25 of the Managing Development Document seek to protect residential amenity.
- 6.15 In terms of amenity, the proposed window and door on the new extension structure are merely replacing those that are currently located on the existing rear elevation wall that is proposed to be removed as part of the proposed extension. Although the new window will be setback by 1.1m from the southern property boundary, no adverse amenity impacts are anticipated as the subject property backs onto a communal garden. The proposed 1.1m setback from the existing southern property boundary will still provide with reasonable buffer to protect the amenity of the occupiers of the proposed development.
- 6.16 The proposal also seeks to create a new window (2.3m in width) along the eastern building elevation at ground level. The subject property is a corner property where the eastern building elevation abuts an existing pedestrian passageway and there is no adverse amenity impacts in terms of direct overlooking between any habitable rooms are anticipated as a result of the proposed window.
- 6.17 The existing rear garden where majority of the development works are proposed is enclosed by a 1.8m high fence that runs along the perimeter of the garden which will assist with some level of screening. Additionally, there are no directly overlooking windows into habitable rooms, therefore the proposal is not considered to have any unduly adverse impacts on the amenity of occupiers of the adjoining neighbours located to the west of the subject site.
- 6.18 The proposed extension would extend beyond the rear elevations of adjoining properties but is not considered to result in any significant loss of outlook, privacy, overshadowing, sunlight or daylight to any neighbouring habitable room windows to warrant a reason for refusal.

- 6.19 As a result of the proposed extension, the residual rear garden area will be 32.3m², retaining over 60% of the existing private amenity space. Officers are satisfied that a sufficient level of amenity space would be retained for future residents.
- 6.20 Consideration has been given to the potential impacts on upper storey flats located immediately above the subject site. It is noted that a single storey (2.4m high) rear extension to existing residential flats comprising of a flat roof and a rooflight is not uncommon and therefore would not warrant a reason for refusal on this basis.
- 6.21 In this instance, the proposed extension structure sits directly below an existing window which serves the living room of the upper storey dwelling. Given the design of the new extension structure comprises of a flat roof and an un-openable fitted dome rooflight, no direct overlooking or loss of visual outlook from the upper storey windows is anticipated.
- 6.22 Additionally, one of the objections raises concerns in relation to increased access to the upper storey flats by means of the proposed flat roof. In this instance, the development site is enclosed by means of a 1.8m high timber fence which will assist in restricting access to the subject site directly from the public realm to some extent. Such a scheme involving a flat roof rear extension associated with ground floor flats located in a residential building is not an uncommon design and therefore would not warrant a reason for refusal.
- 6.23 The proposed height of the new extension matches that of the existing height of the ground floor flats, thus maintaining a reasonable distance from between the ground floor and first floor flats.
- 6.24 It is therefore considered that the proposal would not impact upon the amenities of neighbouring properties in accordance with policies DM25 of the Managing Development Document (2013), SP10 (4) of the Core Strategy (2010) and 7.6 of the London Plan (2011) and the intentions of the NPPF.

7.0 Human Rights Considerations

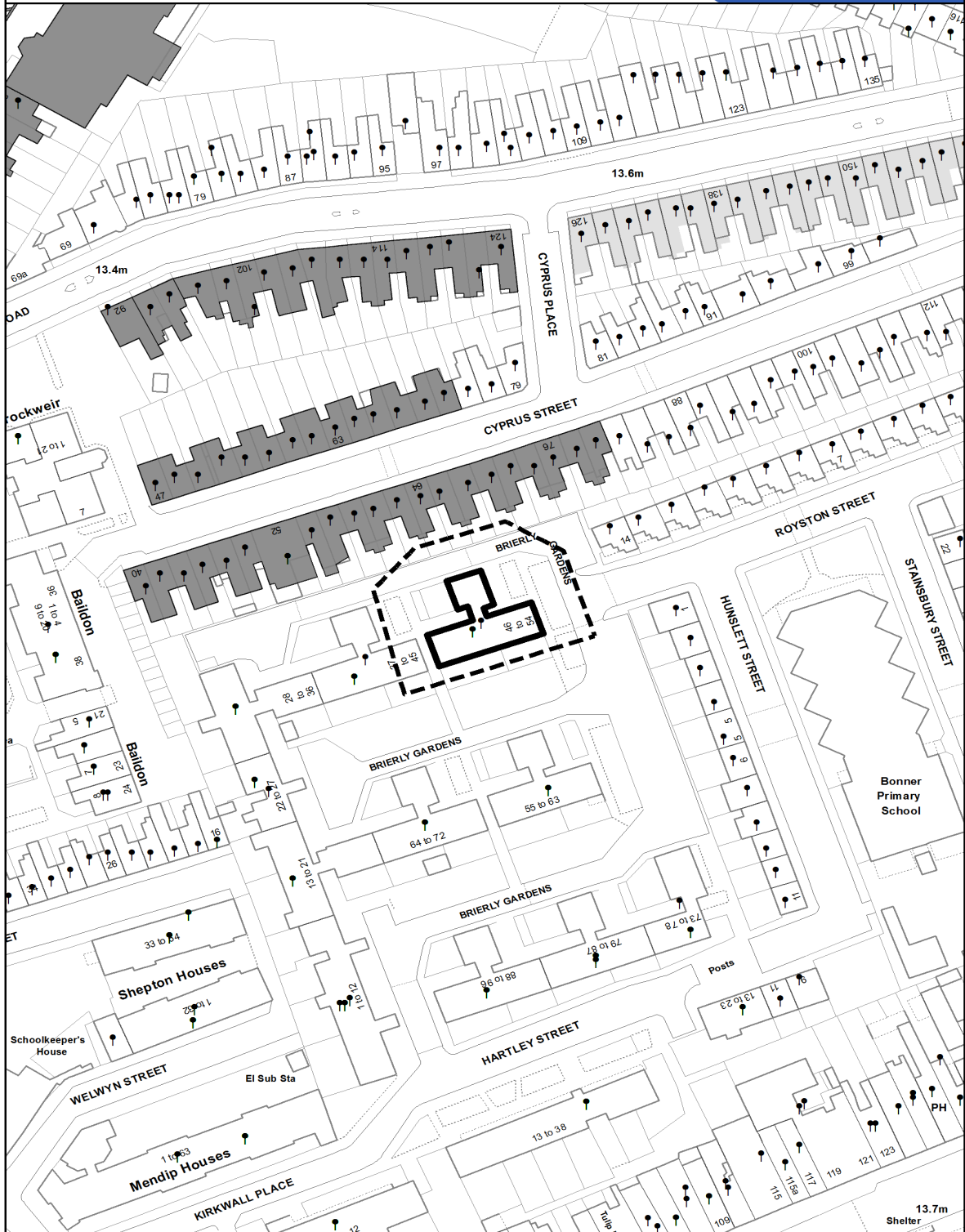
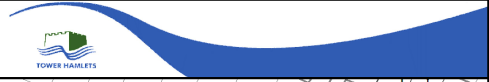
- 7.1 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application, the following are particularly highlighted to Members:-
- 7.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights ("ECHR"). Certain parts of the "Convention" here meaning the ECHR, are incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to be relevant to the development proposal 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”
- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.7 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.
- 7.8 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.
- 8.0 Equalities**
- 8.1 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.
- 8.2 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.
- 8.3 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

- 8.4 All other relevant policies and considerations have been taken into account. Planning permissions should be **approved** for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map
PA/15/01337



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

1:1,250

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

Committee: Development Committee	Date: 3 September 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Harveen Dhillon	Ref No: PA/15/01832
	Ward: Bethnal Green

1. APPLICATION DETAILS

Location: 55 Brierly Gardens, Location E2 0TF

Existing Use: C3 (Dwelling)

Proposal: Erection of rear extension and demolition of existing ramp to be replaced with a new ramped access.

Drawing and documents:

Applicant: Tower Hamlets Homes

Ownership: Tower Hamlets Homes

Historic Building: N/A Adjacent to grade II listed terrace on Cyprus Street

Conservation Area: Adjacent to Victoria Park Conservation Area and to the Globe Road Conservation Area

2. EXECUTIVE SUMMARY

2.1 This report considers an application for a proposed rear extension to an existing dwelling at 55 Brierly Gardens. The proposed works form part of an extension programme by Tower Hamlets Homes to alleviate overcrowding of families who are on the Tower Hamlets housing list.

2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (Consolidated with Alterations since 2013) (London Plan 2015) and the National Planning Policy Framework and all other material considerations.

2.3 This application has attracted a total of 3 written objections, 1 petition containing 36 signatories. The main concerns raised by objectors relate to amenity impacts and impacts on the surrounding area. Careful consideration

has been given to these concerns, as well as other material planning considerations.

- 2.4 As explained within the main report, the proposal extension by virtue of its size will be subservient to the host building and is considered acceptable in relation to the Development Plan.

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) Materials to match existing

- 3.3 Any other condition(s) considered necessary by the Corporate Director for Development & Renewal.

3.4 Informative:

Thames Water

- (a) *Please contact Thames Water if works fall within 3 metres of any Thames Water assets.*
- (b) *Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.*

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application site is a 1 bedroom flat, located within the ground floor of a post war residential estate called Brierly Gardens.

Brierly Gardens consists of 96 residential properties set within a series of three storey, pitched roof residential blocks.

- 4.2 The estate is bounded by Royston Street to the east, Hartley Street to the south, Cyprus Street to the north and Gawber Street to the west. The application site falls within the electoral ward of Bethnal Green.

- 4.3 The existing rear garden space is 77m² which is backed on to by communal pram stores. Access into the subject property is via a communal building entrance.

- 4.4 The subject site is not located within a Conservation Area and does not comprise of any Listed Buildings. However, Victoria Park Conservation Area

is located to the north and the Globe Road Conservation Area covers the areas to the south and west of the estate.

The following Listed Buildings are located in close proximity to the site within the Victoria Park Conservation area:

- Grade II Listed: 40-80 Cyprus Street located approximately 20m to the north of the application site
- Grade II Listed: 47-73 Cyprus Street located approximately 45m to the north of the application site

The Proposal

- 4.5 Permission is sought for the construction of a 3.53 (deep) x 4.73 (wide) x 2.4m (high) single storey rear extension with relocation of kitchen/dining and living area and reconfiguring the bedroom. The proposed extension is not full width with a small extension projecting 1.08m with a width of 2.27m retaining over 44% (16.4m²) existing rear garden.

The proposed extension structure will extend out from an existing rear wall and will comprise of a new replacement ramp enabling access into the rear garden. The existing rear elevation window will be replaced on the new rear elevation of the extension structure. Proposed works will also involve internal reconfiguration to create a new open plan kitchen / living / dining area, and a new bedroom.

The proposed extension will comprise a flat roof (single ply membrane roof) facing brick to match existing and new double glazed uPVC window and door providing access to the existing rear garden. The proposed window and door unit will be designed to match the existing scale and fenestration detailing.

Background

- 4.6 The application proposal forms part of an extension programme by Tower Hamlets Homes to alleviate overcrowding of families on Tower Hamlets housing list.
- 4.7 Some households listed on the Tower Hamlets housing list have been earmarked for extensions on the understanding that on completion of the works, the occupant will be removed from the housing waiting list.

Relevant Planning History

47 Brierly Gardens

- 4.8 PA/15/01337: Full Planning Application submitted on 18/05/2015 for proposed works is for a new 4.6m x 4.1m single storey rear extension with seeks to provide two new bedrooms, alongside reconfigured living/dining/kitchen. **The above application (ref: PA/15/01337) has been submitted under the same housing programme and is pending determination in tandem with this application.**

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 –March 2015, Consolidated with alterations since 2011 (LP)

- 7.4: Local Character
- 7.5: Public Realm
- 7.6: Architecture
- 7.8: Heritage Assets and Archaeology

5.4 Tower Hamlets Core Strategy (adopted September 2010) (CS)

- SP02: Urban Living for Everyone
- SP10: Creating Distinct and Durable Places

5.5 Managing Development Document (adopted April 2013) (MDD)

- DM4: Housing Standards and Amenity Space
- DM24: Place Sensitive Design
- DM25: Amenity
- DM27: Heritage and the historic environment

5.6 Other Relevant Documents

- Victoria Park Conservation Area Appraisal (2012)
- Globe Road Conservation Area Character Appraisal and Management Guidelines (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 Design and Conservation

5.9 No objections.

External Consultees

Metropolitan Police (Crime Prevention Officer)

No objections.

Thames Water

No objections (with regard to water infrastructure capacity)

Neighbours Representations

- 5.10 A total of 13 planning notification letters were sent to nearby properties. A total of 5 letters of representation and 1 petition containing 36 signatories were received objecting to the proposal.

Reasons for Objection:

- 5.11 *Given the close proximity to the Victoria Park Conservation Area, Globe Road Conservation Area and Grade II Listed buildings along Cyprus Street, a heritage statement should be submitted. Additionally, the submitted information does not meet the requirements of Tower Hamlets Full Planning Application Validation Checklist as a roof plan does not form part of this application.*

[Officer's response: The subject site is not located within a conservation area and does not comprise of any listed buildings. The majority of the proposed works are located in the existing rear garden which is out of view from the surrounding area of heritage interest. A heritage statement in this instance is not be considered as a mandatory requirement.

The applicant has submitted a detailed design drawing of the proposed extension flat roof.]

- 5.12 *Buildings that form part of Brierly Gardens comprise of a uniform garden setting therefore an extension within the rear garden would provide decreased opportunity to enhance the existing green space currently enjoyed by the residents of Brierly Gardens.*

[Officer's response: This matter is further address in the material planning considerations section of the report under 'amenity'.]

- 5.13 *Loss of garden outlook from flats located on upper storeys of the host building due to an addition of a flat roof covering a substantial portion of no. 55 Brierly Gardens' rear garden.*

[Officer's response: This is addressed in the material planning considerations section of the report under 'design' and 'amenity']

- 5.14 *The addition of one bedroom by way of an extension structure will provide inappropriate residential accommodation for the current and future residents of no. 47 Brierly Gardens and would not accord with Policy DM4 of the Managing Development Document 2013. Given the ground floor location, the subject property is well suitable for less-abled people. Therefore, the proposed internal reconfiguration of this property will create lost opportunities for future less-abled residents.*

[Officer's response: The application proposal seeks to create a new 4.73m x 3.53m single storey rear extension for the existing residential property, therefore no new housing development is proposed. Policy DM4 of the

Managing Development Document sets out minimum required internal space standards for new housing development, given that the proposal does not seek to introduce new housing development. In this instance, Officers are satisfied that the inclusion of two additional rooms would retain an acceptable standard of accommodation for the current and future residents of the subject site.

- 5.15 *The proposed works would result in the loss of a wheelchair accessible home.*

[Officer Comment: The proposed works seeks to reconfigure an existing one bedroom flat to create a new two bedroom flat. Additionally, the proposed works seeks to re-provide a ramp within the rear garden to continue providing disabled access. Therefore the proposed works are not considered to result in a loss of a wheelchair accessible home]

- 5.16 *Whilst the proposed extension structure will increase the property value of the subject site, it will result in property devaluation of upper storey flats.*

[Officer's response: Property devaluation is not normally a material planning consideration]

- 5.17 *Due to the close proximity to the Grade II Listed Building and the surrounding conservation areas, the proposed extension will adversely affect these heritage assets.*

[Officer's response: This is assessed in the material planning consideration section of this report under 'design']

- 5.18 *Brierly Gardens in its current form does not comprise of any existing extensions, therefore the proposed extension will set a precedent in the area welcoming all ground floor residents to construct extensions in the future.*

[Officer's response: All planning applications are assessed independently on their own planning merits]

- 5.19 *Safety and security of flats located directly above the subject site as any access on to the proposed extension flat roof will circumvent the security systems providing easy access to the windows of upper storey flats which serve habitable rooms.*

[Officer's response: The proposed extension is 2.4 metres high and in an area with good natural surveillance. As such, the proposal is not considered to result in an unacceptable increase in crime within the vicinity.

Access to the roof of the extension would only occur in the instances of maintenance and repair of the dwelling which is likely to be undertaken during standard daytime hours only subject to permission by the residents of the subject site.

- 5.20 *Further information is required in relation to the 33 other proposed Tower Hamlets Homes Extensions sites. With regards to the public consultation undertaken for this site, confirmation is sought as to whether the entire Brierly Gardens residential estate was notified.*

[Officer's response:Reference to 34 planned extensions can be found in the submitted Design and Access Statement. It refers to 34 different sites located borough-wide across a number of Tower Hamlets Homes' estates. This Statement seeks to provide a background to the Tower Hamlets Homes Extensions project to alleviate overcrowding across the entire borough. Public consultation was undertaken in accordance with Part 3, Article 15 (5) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 where notice was served to adjoining neighbours/occupants as delineated on the site map attached to this report.

The consideration and assessment of the proposed works which form part of this application is carried out independently of planning applications for associated properties in the surrounding area. All planning applications are assessed on their planning merits and material planning considerations as set out in the section 6.0 of this report.]

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
- Other Issues

Land Use

6.2 The application site is an existing dwelling (use class C3) that forms part of a large residential estate. The proposal does not result in loss of residential use (use class C3); therefore there are no land use implications as a result of the proposed works.

Design

6.3 Policies SP02 of the Core Strategy and DM24 of the Managing Development Document 2013 require all developments to be designed to the highest quality standards, incorporating principles of good design. Additionally, Policy DM27 seeks for development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive places.

6.4 The existing property is a one bedroom ground floor flat situated in a medium rise building block that forms part of a large residential estate. The subject site is a corner property that is accessed via an existing communal secure building entrance.

6.5 The proposed extension measures 3.53m deep and 4.73m in width (total area: 19.1m²). The existing ramp located in the rear garden will be replaced with a new ramp attached to the proposed extension structure in order to retain access into the rear garden.

6.6 The existing 37m² rear garden is enclosed on all sides by means of a 1.8m high timber fence which will accommodate a new single storey

19.1m² extension and a new access ramp accessed by the southern elevation. The resulting rear garden measures 16.4m².

- 6.7 The proposal also seeks to create a new window along the northern elevation that will replicate the style and scale of the existing windows of the flats this window will be at a proposed high level. There are no objections to the removal of part of the existing fence to enable the proposed extension. The installation of new windows and door, and the proposed materials are to be colour matched to the existing building exterior and fenestration detail and is therefore considered to be integral to the existing building architecture and in keeping with the surrounding area.
- 6.8 The proposed extension is not full width and extends along the eastern rear garden boundary which separates the subject site from communal passageway. The proposed extension will extend out 1.08m and extend 2.27m at the southern elevation before it extends out to 3.53m from the existing rear wall.
- 6.9 Having considered the residual rear garden area, the proposed extension layout including the re-provision of ramp access in the rear garden is considered to be an appropriate form of development that is subservient to the host building.
- 6.10 Whilst, the development would be visible above the 1.8m high timber fence, The proposed extension is not considered to have any detrimental impact on the existing streetscene of Cyprus Street or Globe Road and consequently will not have any detrimental impacts on the appearance of Victoria Park Conservation Area, Globe Road Conservation Area or the heritage assets located along Cyprus Street.
- 6.11 The proposed flat roof design is not an uncommon design approach for extension's to existing flats and maisonettes, therefore the proposed extension design approach would not warrant a reason for refusal.
- 6.12 Given the location of the extension, coupled with the separation distances to neighbouring conservation areas, the proposed development will not be visible from the surrounding Conservation Areas to the north and west or from the Grade II Listed Buildings along Cyprus Street to the north.
- 6.13 Overall, the proposed works are considered to accord with Policy SP02 of the Core Strategy 2010 and Policies DM4 and DM24 of the Managing Development Document 2013 which seek to promote good design.

Amenity

- 6.14 Policy SP10 of the adopted Core Strategy and policy DM25 of the Managing Development Document seek to protect residential amenity.
- 6.15 In terms of amenity, the proposed window and door on the new extension structure are merely replacing those that are currently located on the existing rear elevation wall that is proposed to be removed as part of the proposed extension.
- 6.16 The proposal also seeks to create a new window (2.3m in width) along the northern building elevation at ground level. The subject property is a corner

property where the eastern building elevation abuts an existing pedestrian passageway. Therefore no adverse amenity impacts in terms of direct overlooking between any habitable rooms are anticipated as a result of the proposed window.

- 6.17 The existing rear garden where majority of the development works are proposed is enclosed by a 1.8m high fence that runs along the perimeter of the garden which will assist with some level of screening. Additionally, there are no directly overlooking windows into habitable rooms, therefore the proposal is not considered to have any unduly adverse impacts on the amenity of occupiers of the adjoining neighbours located to the west of the subject site.
- 6.18 The proposed extension would extend beyond the rear elevations of adjoining properties but is not considered to result in any significant loss of outlook, privacy, overshadowing, sunlight or daylight to any neighbouring habitable room windows to warrant a reason for refusal.
- 6.19 As a result of the proposed extension, the residual rear garden area will be 16.4m², retaining 44% of the existing private amenity space. Officers are satisfied that a sufficient level of amenity space would be retained for future residents.
- 6.20 Consideration has been given to the potential impacts on upper storey flats located immediately above the subject site. It is noted that a single storey (2.4m high) rear extension to existing residential flats comprising of a flat roof is not uncommon and therefore would not warrant a reason for refusal on this basis. In this instance, the proposed extension structure sits directly below an existing window which serves the living room of the upper storey dwelling. Given the design of the new extension structure comprises of a flat roof, no direct overlooking or loss of visual outlook from the upper storey windows is anticipated. The proposed height of the new extension matches that of the existing height of the ground floor flats, thus maintaining a reasonable distance from between the ground floor and first floor flats.
- 6.21 It is therefore considered that the proposal would not impact upon the amenities of neighbouring properties in accordance with policies DM25 of the Managing Development Document (2013), SP10 (4) of the Core Strategy (2010) and 7.6 of the London Plan (2011) and the intentions of the NPPF.

7.0 Human Rights Considerations

- 7.1 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:-
- 7.2 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 (“ECHR”). Certain parts of the “Convention” here meaning the ECHR, are incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to be relevant to the development proposal 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"

7.3 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.

7.4 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.

7.5 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.

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

7.7 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.

7.8 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.

8.0 Equalities

8.1 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-

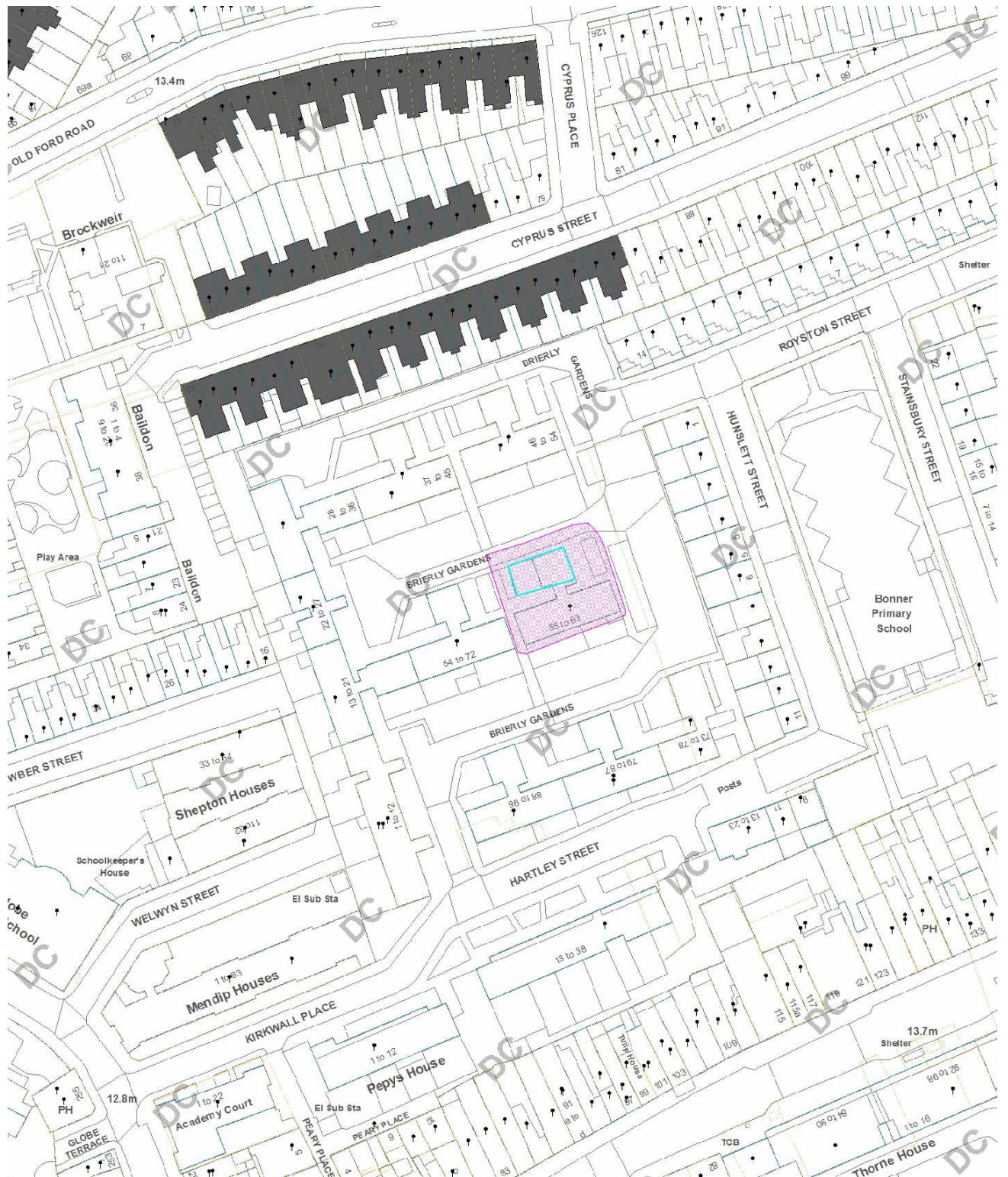
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 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.
- 8.3 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

- 8.4 All other relevant policies and considerations have been taken into account. Planning permissions should be **approved** for the reasons set out above.

Planning Application Site Map PA/15/01832



Agenda Item 6.3

Committee: Development	Date: 03September 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Christopher Stacey-Kinchin	Ref No: PA/15/00701
	Ward: Whitechapel

1.0 APPLICATION DETAILS

Location: 80 Back Church Lane, London, E1 1LX

Existing Use: Class D1 (Non-Residential Institution)

Proposal: Demolition of existing three-storey educational building and erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level.

Application for Variation of Condition 2 (approved plans) to planning permission reference PA/14/00215, dated 13/05/2014, for a minor material amendment to the approved scheme including;

- Incorporation of a sub-station internally within the building and associated alterations to layout and rear projections;
- Alterations to the design of the external elevations, including the balconies;
- Modified entrance to the affordable housing units from Boyd Street;
- Modified design and location of basement escape stair (at north-west corner);
- Enclosure of private amenity space at ground level;
- Alterations to the design of the communal roof garden;
- Minor alterations to the layout of a number of the residential units;
- Amendments to the cycle parking provision on site;
- Amendments to the refuse stores on site;
- The installation of a PV array to the parapet wall on the west, south and east elevations.

Drawings and documents: B1308/P/001, Rev B
B1308/P/002, Rev A
B1308/P/005, Rev D
B1308/P/009, Rev D
B1308/P/010, Rev E
B1308/P/011, Rev C
B1308/P/012, Rev C
B1308/P/013, Rev D
B1308/P/014, Rev D
B1308/P/015, Rev D
B1308/P/019, Rev C
B1308/P/150, Rev E
B1308/P/151, Rev E
B1308/P/152, Rev E
B1308/P/154
420.01
UKP3343 – DWG500, Rev 3
UKP3343 – DWG800, Rev 4

Applicant: City of London College
Ownership: City of London College
Historic Building: Development affects setting of a listed building
Conservation Area: None

2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Development Committee as the proposal has attracted a total of 2 written objections and a petition in objection to the scheme containing 57 signatures which raises material planning considerations discussed in paragraph 7.3 of this report.
- 2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (Consolidated with Alterations since 2013) (London Plan 2015) and the National Planning Policy Framework and all other material considerations.
- 2.3 The proposal is for the demolition of the existing three-storey education building, and the erection of a six-storey building comprising educational use (Use Class D1) at basement and part ground floor level, and 59 residential units (Use Class C3) at ground to fifth floor level.
- 2.4 This application is for the variation of condition 2 (approved plans) relating to planning permission PA/14/00215, dated 13/05/2014, for a minor material amendment to the approved scheme including; the incorporation of a sub-station internally within the building and associated alterations to layout and rear projections; alterations to the design of the external elevations, including the balconies; modified entrance to the affordable housing units from Boyd Street; modified design and

location of basement escape stair (at north-west corner); enclosure of private amenity space at ground level; alterations to the design of the communal roof garden; minor alterations to the layout of a number of the residential units; amendments to the cycle parking provision on site; amendments to the refuse stores on site; and the installation of a PV array to the parapet wall on the west, south and east elevations.

- 2.5 The proposed amendments to the previously approved scheme are considered to be acceptable. The incorporation of a sub-station internally at ground floor level resulting in the slight loss of educational use (Use Class D1) floorspace is acceptable in land use terms as it is unlikely to have any impact on the quality of the replacement college.
- 2.6 The alterations to the rear projections are minor in nature and alongside other alterations are not considered to have an adverse impact upon the amenity of either neighbouring residents or future occupants of the proposed residential units.
- 2.7 The alterations to the design of the external elevations, including the balconies, along with the amendments to the communal roof garden and the basement escape stair are generally considered to improve the overall aesthetic of the building and are thus considered acceptable in design terms.
- 2.8 The reconfiguration of a number of the residential units along with the modified entrance to the affordable housing units from Boyd Street are considered to have improved the overall housing offer on this site, including the design of the communal areas, sense of 'arrival' for the future residents of the affordable residential units and overall accessibility of the development.
- 2.9 The proposed amendments to the balconies and cycle parking provision are considered acceptable in terms of their impacts on the local transport and highway network.
- 2.10 The amendments to the refuse provision on site are generally considered to be an improvement on the existing situation and can thus be considered to be acceptable in relation to the relevant policies and standards.
- 2.11 The installation of a PV array on the roof of the proposal in order to provide an element of on-site renewable energy is supported by officers, as it helps the Borough towards its target of becoming a zero carbon Borough.

3.0 RECOMMENDATION

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

- a) A deed of variation to the previous S.106 agreement dated 13th May 2014.
- b) That the Corporate Director of Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

3.2 Conditions on planning permission

1. Development to be built in accordance with the approved plans (*compliance*)
2. General building works – hours of working (*compliance*)
3. Noise sensitive works – hours of working (*compliance*)
4. External building materials and landscaping details of roof terrace (*compliance*)

5. Hard and soft landscaping, external lighting, boundary wall treatments and window details (*trigger point tbc*)
6. Ground floor door openings onto the public highway(*compliance*)
7. Contaminated land(*compliance*)
8. Construction environmental management plan(*compliance*)
9. Scheme of sound/vibration installation(*trigger point tbc*)
10. Cycle parking(*compliance*)
11. Scheme of drainage(*trigger point tbc*)
12. Energy strategy(*compliance*)
13. Accessible housing scheme (*compliance*)
14. Plant and machinery(*trigger point tbc*)
15. Highway improvement works(*trigger point tbc*)
16. Substation electromagnetic field assessment (*pre-occupation*)

3.3 Informatives on planning permission

1. Projection licence for oversailing balconies
2. Decision to be read in conjunction with S.106 attached to the previously consented scheme PA/14/00215.

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 This application is made under Section 73 of the Town and Country Planning Act 1990. This section of the act enables the 'varying' or 'amending' of conditions.
- 4.2 Section 73 applications involve the consideration of the conditions subject to which a previous planning permission was granted. It is important to note that a Section 73 application is not considering the principle of the development, as planning permission has already been granted for this. If it is decided that the proposed amendments to the conditions are not desirable then the application should be refused. However, if it is not the case then the application should be approved subject to differently worded conditions.
- 4.3 The approved scheme under ref PA/14/00215 included the demolition of the existing three-storey educational building and the erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level.
- 4.4 Whilst the form and footprint of the approved building would be largely maintained, and the number and mix of residential units would also remain the same, the following changes to the approved consent (PA/14/00215) are proposed:
 - Incorporation of a sub-station internally within the building and associated alterations to layout and rear projections;
 - Alterations to the design of the external elevations, including the balconies;
 - Modified entrance to the affordable housing units from Boyd Street;
 - Modified design and location of basement escape stair (at north-west corner);
 - Enclosure of private amenity space at ground level;
 - Alterations to the design of the communal roof garden;
 - Minor alterations to the layout of a number of the residential units;
 - Amendments to the cycle parking provision on site;

- Amendments to the refuse stores on site;
- The installation of a PV array to the parapet wall on the west, south and east elevations.

Site and Surroundings

- 4.5 The application site relates to a rectangular plot of land approximately 0.052 hectares with approximate frontages on each street of 15 metres and 36 metres respectively. The site sits on the south west corner of an urban block bounded by Fairclough Street to the north, Henriques Street to the east, Boyd Street to the south and Back Church Lane to the west.
- 4.6 The site previously contained the City of London College, which provided approximately 1200sqm. of educational floorspace within a three-storey former industrial building, however the proposed replacement building (the subject of this application) is already now well under construction.
- 4.7 To the north of the site there are three storey residential properties constructed around an internal courtyard. The five-storey residential Everand House is located opposite the site to the south on Boyd Street, with the three storey Dog and Truck public house on the corner with Back Church Lane. To the east and west of Boyd Street and Back Church Lane, are warehouse buildings of between 5 and 6 storeys in height which are in residential, commercial and live/work use.
- 4.8 Warehouse buildings typify the character of Back Church Lane. The six storey Chandlery House and New Loom House directly opposite the application site, are Grade II Listed. Modern glazed residential additions set back from the traditional façade have been erected upon Chandlery House, occupying the top two storeys. Both buildings are in residential and live/work use. The site is not located within a Conservation Area.

Relevant Planning History

- 4.9 PA/04/01824 – Change of Use from car storage with ancillary servicing/valeting and office accommodation to an educational use (class D1); external works including the erection of a canopy and the insertion of doors and windows. (Permission granted 12/09/2005)
- 4.10 PA/05/02007 – Change of use from car storage with ancillary servicing/valeting and office accommodation, to education use (class D1) involving external alterations to the building, including re-cladding of exterior and erection of a kitchen extract flue. This proposal is a revision to the planning permission granted on 26/09/2005 (Ref: PA/04/01824). (Permission granted 05/04/2006)
- 4.11 PA/07/02265 – Demolition of existing three-storey educational building and erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level. (Permission granted 04/09/2008)
- 4.12 PA/11/00142 – Application to replace extant permission ref. PA/07/2265 dated 04/09/08 in order to extend the time limit for implementation for the Demolition of existing three-storey educational building and erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-

bedroom and 1no. four-bedroom) at ground to fifth floor level. (Permission granted 01/09/2011)

- 4.13 PA/12/02787 – Change of Use from car storage with ancillary servicing/valeting and office accommodation to an educational use (class D1); external works including the erection of a canopy and the insertion of doors and windows. (Permission granted 14/01/2013)
- 4.14 PA/14/00215 – Application to vary Condition 16 (development in accordance with approved plans) of planning permission dated 01/09/2011, reference PA/11/00142: (Demolition of existing three-storey educational building and erection of a six-storey building comprising educational use (Use Class D1) at basement level and part ground floor level, with 59 residential units (27no. one-bedroom, 23no. two-bedroom, 8no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level).
- Application seeks to vary affordable housing provision and amend approved drawings to provide a development of 59 residential units (31no. one-bedroom, 22no. two-bedroom, 5no. three-bedroom and 1no. four-bedroom) at ground to fifth floor level). (Permission granted 23/09/2014)
- 4.15 PA/14/01009 – Submission of details pursuant to condition no. 7 (Contamination), of planning permission dated 13/05/2014, ref: PA/14/00215. (Permission granted 11/06/2014)
- 4.16 PA/14/01174 – Submission of details pursuant to condition no. 8 (Construction Environmental Management Plan) of planning permission dated 13/05/2014, ref: PA/14/00215. (Permission granted 02/07/2014)
- 4.17 PA/14/01654 – Non-material amendment to wording of condition 10 (bicycle parking) of planning permission PA/14/00215 dated 13/05/2014. The proposed amendment seeks to remove the wording of 'Prior to commencement'. (Permission granted 02/07/2014)
- 4.18 PA/14/02070 – Soft strip works and demolition of the existing three storey educational building. (Permission granted 18/09/2014)

5.0 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

National Planning Policy Framework 2012
National Planning Practice Guidance

5.4 London Plan (Consolidated with Alterations since 2013) 2015

3.5 –Quality and design of housing developments

- 3.18 – Education facilities
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.7 – Renewable energy
- 5.11 – Green roofs and development site environs
- 5.17 – Waste capacity
- 6.3 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.13 – Parking
- 7.1 – Lifetime neighbourhoods
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.6 – Architecture
- 7.8 – Heritage assets and archaeology

5.5 **Core Strategy 2010**

- SP02 – Urban living for everyone
- SP04 – Creating a green and blue grid
- SP05 – Dealing with waste
- SP07 – Improving education and skills
- SP09 – Creating attractive and safe streets and spaces
- SP10 – Creating distinct and durable places
- SP11 – Working towards a zero-carbon borough
- SP12 – Delivering placemaking

5.6 **Managing Development Document 2013**

- DM3 – Delivering homes
- DM4 – Housing standards and amenity space
- DM11 – Living buildings & biodiversity
- DM14 – Managing waste
- DM19 – Further and higher education
- DM20 – Supporting a sustainable transport network
- DM22 – Parking
- DM23 – Streets and the public realm
- DM24 – Place-sensitive design
- DM25 – Amenity
- DM27 – Heritage and the historic environment
- DM29 – Achieving a zero carbon borough and addressing climate change

5.7 **Supplementary Planning Documents**

N/A

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 Affordable Housing Officer

- 6.3 The alterations proposed are generally considered to be acceptable. The affordable units now have two access routes which is considered to be an improvement on the previously consented scheme, however it should be noted that both routes are still notably less direct and convenient than the main entrance to the private core. The layout of the garden areas at ground floor level is an improvement on the previous consent, although care needs to be taken with the detailed design of the basement escape stairs to ensure that they are not an eyesore for the occupants of flat G01. The changes to the communal roof terrace are acceptable, however no detail is shown to indicate whether play equipment is to be provided in the area marked for play space. It is also noted that the applicant has now sufficiently detailed how the proposed residential units will meet Lifetime Home Standards, and how 10% of the proposed units will be Wheelchair Accessible, or easily adaptable for future users, meaning that the applicant has satisfied the scope of condition 13 of permission PA/14/00215.

Officer comment: The applicant has provided further details on the basement escape stair, and officers are content that this will not be an eyesore for the occupants of flat G01. Details of play equipment have also been submitted by the applicant for the area previously marked on plans as 'play area'.

LBTH Corporate Access Officer

- 6.4 No comments received.

LBTH Transportation & Highways

- 6.5 Transport and highways officers have not raised objections to the amended balconies, and have stated that they will consider oversailing licences for them. No objections have been received to the amended cycle parking provision on site within this application.

Officer comment: This is discussed further under the 'Transportation & Highways' section of this report.

LBTH Waste Policy & Development

- 6.6 No comments received.

LBTH Energy Efficiency Unit

- 6.7 The details submitted as part of this application are acceptable and are also sufficient in order to discharge condition 12 of permission PA/14/00215.

Officer comment: This is discussed further under the 'Sustainability' section of this report.

LBTH Environmental Health – Noise and Vibration

- 6.8 No comments received.

Historic England Archaeology

- 6.9 The proposal is unlikely to have a significant effect on heritage assets of

archaeological interest, and therefore no further assessment or conditions are necessary.

7.0 LOCAL REPRESENTATION

7.1 A total of 323 letters were sent to neighbours and interested parties. A site notice was also displayed on 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:	Objecting: 2 Supporting: 0
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No of petition responses:	Objecting: 1 containing 57 signatories Supporting: 0
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7.3 The following issues were raised in objection to the proposal:

- The proposed alterations to the rear/east elevation and the height of the proposal will have an adverse impact on the levels of sunlight/daylight received by neighbouring properties, and will also result in overlooking.

Officer comment: This is discussed further under the 'Amenity' section of this report.

- Local residents are extremely unhappy and dissatisfied with the slow pace of works that are going on and the high levels of noise, excess dust, dirt and constant traffic disruptions (including the closure of Boyd Street) that they have been subjected to due to the way in which these works are being carried out. Residents also note that the developers (Cruxdens) are not registered with the Considerate Constructors Scheme.

Officer comment: The covering letter which accompanies the petition objecting to this application states that construction works take place between 8am and 6pm on weekdays, and also on Saturdays. It should be noted that condition 3 of permission PA/14/00215 sets out the acceptable working hours for this site which are 8am to 6pm on weekdays, and 8am to 1pm on Saturdays. Condition 4 of permission PA/14/00215 goes on to state that excessively noisy works shall not take place other than between 10am to 4pm on weekdays. From the information contained within the petition letter officers conclude that the applicant is not breaking the terms of this condition.

The planning department cannot comment on the speed of construction as this is not a material consideration. The applicant has however, been made aware of resident's concerns regarding noise, dust, dirt and traffic disruption and apologises for any inconvenience caused. The applicant has stated that they are following the Considerate Constructors Scheme and continued monitoring of the site will take place to ensure that any further disruption to local residents is kept to a minimum.

- Local residents object to the affordable housing entrance being placed on Boyd Street as it will increase the levels of both pedestrian and vehicular traffic on the street.

Officer comment: It should be noted that the previously consented scheme contained an entrance for the affordable housing provision on Boyd Street, and the current proposal only seeks to alter this arrangement. As such officers do not consider that the revised proposal will generate a significant increase in the levels of pedestrian and vehicular traffic on Boyd Street.

- Local residents object to the proposed communal roof garden within this application. Other developments within the surrounding area which feature roof gardens have late night parties and large congregations of people which negatively impacts upon surrounding residents.

Officer comment: This application seeks to make a series of minor amendments to the previously consented scheme (PA/14/00215), where the principal of a roof garden has already been established. As such officers are not in a position to re-assess whether the inclusion of a roof garden on this site is acceptable or not as it already benefits from planning permission.

8.0 MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Design
3. Housing
4. Transportation & Highways
5. Amenity
6. Access
7. Refuse
8. Environmental Considerations
9. Conclusion

8.2 As this application is a minor material amendment to a previously consented scheme, the principal of the development has not been reconsidered by officers.

Land Use

8.3 The proposed amendments to the scheme result in a small reduction to the educational use (Use Class D1) floorspace as a result of the newly proposed UKPN substation.

8.4 Policy 3.18 of the London Plan (2015) states that development proposals which enhance education and skills provision will be supported. Furthermore development proposals which co-locate schools with housing should be encouraged in order to maximise land use and reduce costs.

8.5 The Council's Core Strategy policy SP07(4) seeks to support the growth and expansion of further and higher education facilities in the borough as it is appreciated that such facilities provide important opportunities for local people to gain and refine skills for employment.

8.6 The Council's Managing Development Document policy DM19 (1) supports the expansion of existing further and higher education facilities within the borough where they are located in accessible locations.

- 8.7 Whilst the amendments to the proposal will result in the slight reduction of educational use (Use Class D1) floorspace as a result of the newly proposed UKPN substation which is 13.9m² in size, officers do not consider that such a minor reduction in D1 floorspace will have a notable impact on the proposed college.

Design

- 8.8 The application proposes to slightly alter the rear projection (east and north elevations) of the building to accommodate the proposed internal substation, an additional refuse store and other alterations to unit G-04 and the communal areas of the affordable housing provision, amend the external elevations (due to design development), amend the design of the basement escape stair and amend the layout and design of the rooftop communal garden (due to design development). It should also be noted that further details of the external materials for the building and full landscaping details of the rooftop communal garden have also been provided as part of this submission.
- 8.9 Policies 7.4, 7.6 & 7.8 of the London Plan (2015) seek to ensure that proposed buildings are of a high architectural quality and relate well to their surroundings. Where proposals affect the setting of heritage assets, they should be sympathetic to their form, scale, materials and architectural detailing.
- 8.10 The Council's Core Strategy policy SP10 seeks to ensure that proposals promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Proposals should also project and enhance heritage assets such as statutory listed buildings and their settings.
- 8.11 The Council's Managing Development Document policies DM24 and DM27 seek to ensure that development will be designed to the highest quality standards, incorporating principles of good design. Development is also required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'.
- 8.12 The proposed alterations to the rear projections of the building primarily affect the east and north elevations of the building at ground and first floor level. These proposed alterations are minor in nature and involve the addition of a lift overrun rising 0.7m above the flat roof of the ground floor rear projection (which houses the Boyd Street entrance to the affordable housing units), an extension to unit G-04 at ground floor level to the north side of the building measuring 4.4m in width and 4.4m in depth and an additional single storey protrusion to the north of the market housing cycle parking to accommodate additional refuse storage measuring 2.9m in width and 4.4m in depth. Due to the scale of these alterations, the fact that they will blend in (in terms of materiality) with the remainder of the building, and the fact that this portion of the building is not visible from the public highway, officers do not consider that these alterations will have a significant impact upon the overall design of the building, and thus are acceptable.
- 8.13 The most significant design changes being proposed within this submission are the amendments to the elevations of the building, including the alterations to the balconies and rooftop PV array. Whilst the revised design still has a similar architectural language to the previously consented scheme (PA/14/00215), the amended proposal now introduces yellow brick to both ground and part first floor forming a 'plinth' to the building. Officers welcome the introduction of brick at the lower levels of the building as it helps the building relate better to its surroundings, in

particular the listed warehouses on the opposite side of Back Church Lane. Significant alterations have also been made to the fenestration patterns of the elevations, with the amended scheme now offering increased levels of glazing to the building which benefits both the external appearance of the building and the levels of light received by the occupants of the proposed internal spaces. The proposed cladding panels to the upper levels of the block have also been refined as part of the amended proposal and officers consider that the current proposal for three different panel colours (being light grey, dark grey and red) is generally successful. The proposed balconies have also been significantly amended and now incorporate linked vertical screens which both provide a degree of visual interest to the elevations and wider street scene and also provide a greater level of privacy for future occupants. Officers consider that the proposed rooftop PV array which sits on the outer edge of the parapet wall of the rooftop garden generally relates well to the remainder of the building below, as each set of panels has been positioned to relate to the balcony protrusions of the lower floors. In light of the above, it is the conclusion of officers that the amendments to the external elevations of the building represent a significant improvement on the previously consented scheme, and are supported.

- 8.14 It should be noted that the proposed materials for the external finishes of the building have been submitted as part of this submission, and have been reviewed by the Council's design officers and considered to represent a high quality finish to the building. As such the details relating to part a) of condition 5 of consent PA/14/00215 can now be considered to have been complied with, as such, were this scheme to be approved the submitted external material would not need to be requested by condition again.
- 8.15 The amended proposal also introduces an escape stair for the basement which surfaces adjacent to flat G-01, details of this are shown on drawing B1308/P/154. As the proposed fencing around the basement escape stair only extends 1.1m above ground and is made up of steel balustrading, officers do not consider that its inclusion will significantly impede the natural surveillance of the gated entrance or the movement of people and refuse bins in and out of the adjacent gated entrance. It is also considered that its inclusion does not significantly detract from the appearance of the building. Its introduction in this location can therefore be considered appropriate.
- 8.16 Another significant alteration to the design of the scheme are the amendments being made to the communal rooftop garden as a result of design development. The proposed communal rooftop garden now includes an acceptable balance between both hard and soft landscaping, including clearly designated areas for both formal and informal seating, play areas and general amenity space. Officers consider that the amended communal rooftop garden is a significant improvement on the previously consented scheme (PA/14/00215) as it offers a high quality amenity space for the use of all residents, and is supported.
- 8.17 It should be noted that the submission includes full details of the proposed layout and materials to be used for the communal rooftop garden which have been reviewed by the Council's design officers. As such part f) of condition 5 of consent PA/14/00215 can now effectively be considered as having been discharged, and a compliance condition stating that the proposed scheme must be built out in accordance with the approved layout and materials will be placed upon this application if members are minded to grant approval.
- 8.18 Considering the above, officers conclude that the amended scheme represents an improvement on the previously granted consent (PA/14/00215) in terms of the design

of the scheme, and can therefore be seen to be in accordance with the relevant policies as set out above.

Housing

- 8.19 The application proposes to modify the previously consented entrance and ground floor circulation space to the affordable housing provision within the building, and enclose the private external amenity spaces to the affordable units at ground floor level. A number of the residential units have also been reconfigured, including alterations to the projecting balconies. It should be noted however that the number of market sale, affordable rent and intermediate residential units would be retained as previously consented under permission PA/14/00215.
- 8.20 Policy 3.5 of the London Plan (2015) seeks to ensure that all proposed housing meets the minimum space standards for internal space and external private amenity space. It also states that the design of all new dwellings should consider factors such as the 'arrival' at the building and communal areas.
- 8.21 The Council's Core Strategy policy SP02 (6) seeks to ensure that all new housing is appropriate, high-quality, well-designed and sustainable. This is to be achieved by setting housing design standards, requiring new developments to be compliant with Lifetime Homes Standards, and ensuring that an adequate level of private amenity space is provided in every development, including communal amenity space in developments of 10 or more units.
- 8.22 The Council's Managing Development Document policy DM4 seeks to ensure that all housing developments include an adequate provision of internal space in order to provide an appropriate living environment, along with sufficient levels of both private and communal external amenity space in accordance with the London Plan Housing SPG.
- 8.23 Under the previously consented scheme (PA/14/00215) residents gained access to the main circulation core for the affordable units from Back Church Lane (via the rear courtyard), or via the entrance on Boyd Street (via the bin and bike store for the college).
- 8.24 The proposed amended scheme has altered the access arrangements for the affordable units and reorganised the internal communal areas. Whilst the two access points are broadly in a similar location to the previous access points, the entrance off Boyd Street is now exclusively for the use of the residents who occupy the affordable units, as it is no longer shared with the bin store and bike store for the college. The entrance from the rear courtyard has also been slightly enlarged along with the internal corridors which will improve the 'arrival' for residents. Officers consider that whilst the improvements still do not offer the residents of the affordable units the same level of direct and convenient access to their flats when compared with the market units, the amendments do represent a considerable improvement on the previously consented scheme (PA/14/00215), and is therefore supported.
- 8.25 The private amenity spaces to flats G-01, G-02, G-03 and G-04 have now been redesigned and enclosed resulting in more user friendly spaces that benefit from a greater level of privacy when compared with the previously consented scheme (PA/14/00215). Officers consider that these amendments represent an improvement on the previous design and should thus be supported.

- 8.26 A number of the residential units have been reconfigured internally, meaning that the majority of units (and all of the affordable units) now meet the minimum space standards and design criteria as set out in the Mayor of London's Housing Supplementary Planning Guidance (2012). This includes alterations to the design of the projecting balconies, which now have a minimum depth of 1.2m and provide between approximately 5m² and 7m² of private amenity space, which represents a significant improvement in the quality and quantum of the private amenity space over the previously consented scheme (PA/14/00215) and is therefore supported.
- 8.27 Considering the above, officers conclude that the amended scheme represents an improvement on the previously granted consent (PA/14/00215) in terms of the housing offer, and can therefore be seen to be in accordance with the relevant policies as set out above.

Transportation & Highways

- 8.28 The application proposes to modify the proposed balconies, some of which oversail the public highway on both Boyd Street and Back Church Lane. Amendments to the cycle parking provision on site have also been made as a result of overall design development.
- 8.29 Policy 6.3 of the London Plan (2015) 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 and that development should not adversely affect safety on the transport network. Policy 6.9 states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum cycle parking standards which are set out in a table which forms a part of policy 6.13.
- 8.30 The Council's Core Strategy policy SP09(3) seeks to ensure that all new development does not have an adverse impact upon the capacity of the road network.
- 8.31 The Council's Managing Development Document policy DM20 (2) states that development must be able to demonstrate that it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network. Policy DM22 (1 & 4) both state that development will be required to comply with the Council's minimum parking standards in order to ensure suitable provision for cyclists, however it should be noted that these standards have now been superseded by the parking standards set out within the recently adopted London Plan (2015), which this application is being assessed against.
- 8.32 The previously consented scheme proposed balconies which oversailed the public highway of both Boyd Street and Back Church Lane on the first, second, third, fourth and fifth floors for which LBTH's transport and highways officers raised no objections to at the time. The amended scheme seeks to alter the scale of these balconies, however now only proposes oversailing balconies on the second, third, fourth and fifth floors. The omission of the first floor balconies removes the potential for a high vehicle colliding with the balconies in the unlikely event that it encroaches onto the pavement of either Boyd Street or Back Church Lane adjacent to the proposed development. Whilst oversailing balconies are not normally supported by the Council's highways department, as no objections were raised to the previous oversailing balconies consented under application PA/14/00215, LBTH transport and highways officers have made an exception in this case and have thus not objected to the revised balconies and have stated that they will consider oversailing licenses for

them. In light of the above officers conclude that the proposed amended balconies on the second, third, fourth and fifth floors will not have an adverse impact on either the safety or capacity of the surrounding road network.

- 8.33 The table below (Figure.1) illustrates the London Plan (2015) cycle parking standards (the most up to date standards), the previously consented cycle parking provision and the proposed cycle parking provision.

	London Plan (2015) Cycle Parking Standards	Previously Consented Scheme (PA/14/00215)	Proposed Cycle Parking (PA/15/00701)
Affordable and Intermediate Residential (17 units)	24	16	16
Private Residential (42 units)	64	44	44
City of London College	64	14	40

Figure.1

Considering that this scheme was originally granted permission in 2008, extended in 2011 and amended in 2014, members should take into consideration the fact that the cycle parking standards at these times required a lower level of cycle parking provision than the policies of today, and that it is therefore unreasonable to expect the applicant to significantly revise the layout of the proposed building to accommodate the new cycle parking standards. It should be noted that the amended scheme offers a total of 26 additional cycle parking spaces which is welcomed by officers.

- 8.34 It should also be noted that the submission includes full details of the proposed layout and type of cycle parking provision, along with details of the shower and changing facilities for the users of the college. Considering that officers are content with this provision, it can be concluded that condition 10 of consent PA/14/00215 can now be considered to have been discharged, and a compliance condition stating that the proposed scheme must be built out in accordance with the approved details will be placed upon this application if members are minded to grant approval.
- 8.35 Considering the above, officers conclude that the amended scheme represents and improvement on the previously granted consent (PA/14/00215) in terms of the transport and highways issues relating to the proposal, and can therefore be seen to be in accordance with the relevant policies as set out above.

Amenity

- 8.36 Officers have assessed the amenity implications of the various alterations being made to the previously consented scheme, including the alterations to the rear projections of the building, the incorporation of a substation and amendments to the roof garden.
- 8.37 According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.38 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that all development protects the amenity of surrounding building occupiers.

- 8.39 The Council's Managing Development Document policy DM25 states that development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants by not creating unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution during the construction and life of the development.
- 8.40 The proposed alterations to the rear projections of the building primarily affect the east and north elevations of the building at ground and first floor level. These proposed alterations are minor in nature and involve the addition of a lift overrun rising 0.7m above the flat roof of the ground floor rear projection (which houses the Boyd Street entrance to the affordable housing units), an extension to unit G-04 at ground floor level to the north side of the building measuring 4.4m in width and 4.4m in depth and an additional single storey protrusion to the north of the market housing cycle parking to house additional refuse storage measuring 2.9m in width and 4.4m in depth. Due to the scale and location of these alterations and their setting in relation to neighbouring properties, officers do not consider that the proposed amendments to the scheme will result in the material deterioration of neighbouring resident's amenity. Furthermore officers also consider that the proposed alterations to the rear projections of the building will not have a significantly adverse impact upon the amenity of the future occupiers of the ground floor residential units (G-01, G-02, G-03 & G-04).
- 8.41 The amended scheme involves the installation of a substation at ground floor level adjacent to the entrance to the college. Whilst substations such as these are commonly found within large new residential units, due to the fact that the proposed substation sits directly below residential accommodation, officers feel it appropriate to add a condition to the decision notice requesting an electromagnetic field assessment for the proposed substation to ensure that there are no adverse impacts upon neighbouring residents both within the proposed development and nearby.
- 8.42 Amendments have been made to the communal rooftop garden within this proposal as part of the overall design development of the scheme. Considering that the principle of a communal rooftop garden has already been granted on this site which would have been subject to a full assessment, officers can only consider whether the amendments being made to the previously consented scheme would result in neighbouring resident's amenity being adversely affected. Considering that the alterations being made to the communal rooftop garden are largely cosmetic and relate to the detailed design of the garden, officers do not consider that the alterations being proposed will have an adverse impact upon neighbouring residents and building occupiers.
- 8.43 Considering the above, officers conclude that the amended scheme does not raise any additional adverse amenity implications for neighbouring residents or building occupiers when considered against the previously granted consent (PA/14/00215), and can therefore be seen to be in accordance with the relevant policies as set out above.

Access

- 8.44 The applicant has provided further details on how the proposed residential units will meet Lifetime Home Standards, and how 10% of the proposed units will be Wheelchair Accessible, or easily adaptable for future users.

- 8.45 Policy 7.2 of the London Plan (2015) seeks to ensure that development demonstrates how it has incorporated the principles of inclusive design, including the specific needs of older and disabled people.
- 8.46 The Council's Core Strategy policy SP10 (4) seeks to ensure that development promotes good design principles to create buildings that are accessible, flexible and adaptable to change.
- 8.47 The Council's Managing Development Document policy DM23 (1) states that development should be easily accessible for all people by incorporating the principles of inclusive design.
- 8.48 As part of the design development of this scheme, the applicant has submitted further details on how the proposed residential units will meet Lifetime Home Standards, and how 10% of the proposed units will be Wheelchair Accessible, or easily adaptable for future users. The requirement for compliance with Lifetime Homes standards has been removed by the NPPG and is now covered within Building Regulations. Having said this, the details supplied have been reviewed and are acceptable, as such, permission to be granted for the alterations applied for under this permission, there would be no need to request these details again via condition. Condition 13 of PA/14/00215 would therefore become a compliance condition.
- 8.49 Considering the above, officers conclude that the amended scheme is acceptable in access terms, and can therefore be seen to be in accordance with the relevant policies as set out above.

Refuse

- 8.50 The application proposes to modify and slightly reconfigure the proposed bin stores for the affordable residential units, market residential units and the college.
- 8.51 Policy 5.17 of the London Plan (2015) states that all developments should plan for waste management, and should minimise waste and achieve a high level of performance with respect to reuse and recycling.
- 8.52 The Council's Core Strategy policy SP05 (1) states that the Council will ensure that development implements the waste management hierarchy of reduce, reuse and recycle by ensuring that building users reduce and manage their waste effectively.
- 8.53 The Council's Managing Development Document policy DM14 (2) states that development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle.
- 8.54 The number and size of refuse bins being provided across the site remains the same except for the affordable residential unit's refuse bin provision which increases from 3 large bins and 1 small bin to 4 large bins, which is welcomed. The configuration of the private residential unit's bin store has been amended from a narrow 'L-shaped' space to a wider rectangular shaped space which officers consider to be an improvement, as all of the proposed bins are now located closer to the collection point on Back Church Lane as a result. The refuse bins for the affordable residential units have now been located within a dedicated refuse store (directly to the north of the private residential cycle parking), as opposed to positioned along the northern boundary wall within the rear courtyard. Whilst they are now located slightly further

away from the collection point on Back Church Lane, officers consider that the new arrangement is an improvement on the previous situation, as residents no longer have to pass refuse bins to access their flats. The refuse store for the college has remained in the same location as previously, however now opens into the secondary entrance lobby for the college as opposed to the entrance lobby for the affordable residential units.

- 8.55 Considering the above, officers conclude that the amended scheme represents and improvement on the previously granted consent (PA/14/00215) in terms of refuse provision, and can therefore be seen to be in accordance with the relevant policies as set out above.

Environmental Considerations

- 8.56 The application proposes to install a PV array to the outside edge of the parapet wall on the west, south and east elevations of the building. The applicant has also provided further details on the energy strategy for the proposed building. The amended scheme does not raise any further contaminated land issues, and whilst additional information surrounding noise and vibration issues on site has been submitted within this application, these details have not been reviewed by the Council's Environmental Health department and the submission of such details will still be subject to a condition. The proposed amendments to the rooftop communal garden have been considered against the relevant policies governing biodiversity.
- 8.57 Policies 5.2, 5.3 and 5.7 of the London Plan (2015) seek to ensure that development proposals make the fullest contribution to minimising carbon dioxide emissions, demonstrate that sustainable design standards are integral to the proposal and integrate on-site renewable energy generation, where feasible. Policy 5.11 of the London Plan (2015) seeks to ensure that all major development proposals include green roofs and green walls where possible in order to enhance biodiversity.
- 8.58 The Council's Core Strategy SP11 seeks to ensure that all new homes are built in-line with government guidelines to reach zero carbon by 2016 and provide 20% reduction of carbon dioxide emissions through on-site renewable energy generation where possible. Policy SP04 within the same document seeks to ensure that development protects and enhances biodiversity value through the design of open spaces and buildings.
- 8.59 The Council's Managing Development Document policy DM29 (1) states that all development will be required to demonstrate its compliance with the most up to date carbon emissions targets. Currently the requirement is for a 50% reduction in CO2 emissions above that required under Building Regulations 2010, or a 45% reduction over Building Regulations 2013. Policy DM11 within the same document seeks to ensure that proposed developments include elements of a 'living building'.

Energy and sustainability

- 8.60 The amended proposal includes the incorporation of a PV cell array on the roof, as the applicant has stated that it is the most efficient way to meet the target for on-site energy generation as set by the previous planning consent (PA/14/00215). The proposed PV panels will be oriented at 30 degrees to the horizontal, on the south, east and west roof perimeter, and this solution has been adopted as it is the most efficient in terms of energy generation and can provide the necessary area of array within a shallow profile, without major loss of amenity area. An LBTH energy

efficiency officer has reviewed the design of the PV cell array and is content that is a suitable solution for this site.

- 8.61 Further details of the energy strategy for this building have also been submitted within this application, including details of both renewable energy and energy efficient design. Overall the development will reduced CO2 emissions by 25%, which is blow the current target, however, the scheme has been amended a number of times with the original application dating from 2007 when energy efficiency measures were less onerous. In this context it is considered that the development makes an acceptable contribution towards CO2 reduction and the energy strategy supplied for condition 12 of PA/14/00215 is satisfactory for this application.

Biodiversity

- 8.62 The amended proposal also seeks to alter the rooftop communal garden, and introduces additional greenery to the general landscaping along with green living walls on vertical surfaces (such as the lift and stair cores) and northern perimeter barrier. Considering that the scheme seeks to further enhance the biodiversity aspects of the previously consented scheme (PA/14/00215) officers consider that the amendments proposed are acceptable and is in accordance with policy DM11 which requires developments to enhance biodiversity.

Noise

- 8.63 There is an element of plant associated with this development, from the noise report provided it is not considered that there would be significant noise and disturbance to the residential occupiers as a result of this, however a condition requesting further details would be included within the permission.

Contaminated land

- 8.64 The site lies within an area that is potentially contaminated, however as part of the previous application details of any potential contaminants and the measures to remediate this have been provided and reviewed by the environmental health officer and found to be acceptable.
- 8.65 Considering the above, officers conclude that the amended scheme is acceptable in environmental terms, and can therefore be seen to be in accordance with the relevant policies as set out above.

Conclusion

- 8.66 The alterations being made as part of this proposal are as a result of design development, and provide officers with a greater level of detail for the scheme than the previous consent (PA/14/00215). Considering that the alterations being made to the scheme are generally minor in nature and offer improvements to the consented scheme, officers consider that this proposal for a minor material amendment to application PA/14/00215 should be supported and granted permission subject to the relevant conditions, informatives and S.106 deed of variation as outlined in section 3 of this report.

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.

11.0 FINANCIAL CONSIDERATIONS

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

11.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

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

11.2 Section 70(4) defines “local finance consideration” as:

- 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
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

11.3 In this context “grants” might include New Homes Bonus. This is not applicable to this application.

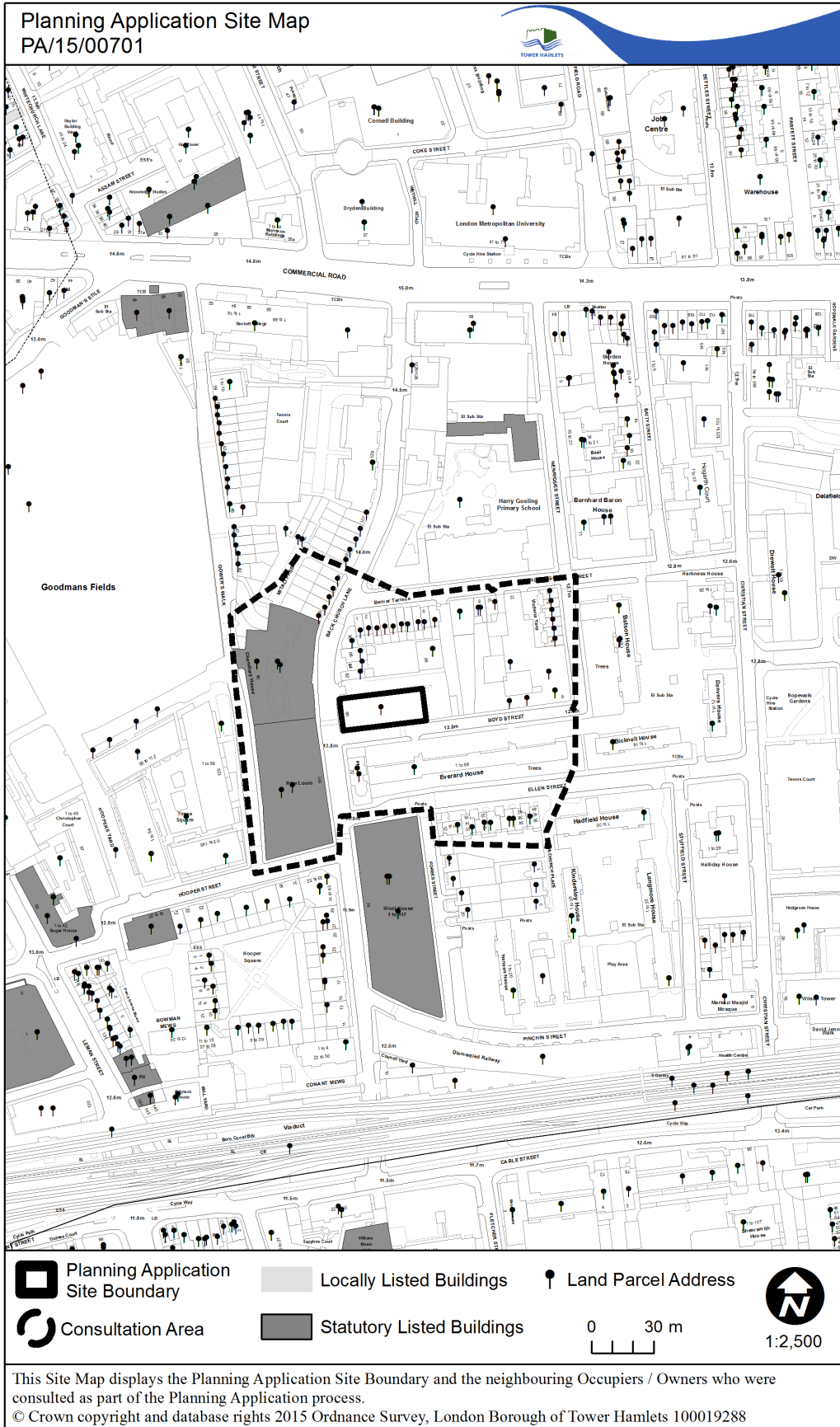
11.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 however as the proposal does not result in the creation of a new dwelling or net increase of new floorspace the proposal is not liable for Mayoral CIL.

11.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. Again, the proposal would not be liable for Borough CIL as there is no net increase in new floorspace being created.

12.0 CONCLUSION

12.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

13.0 SITE MAP



Agenda Item 6.4

Committee: Development Committee	Date: 3 September 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Esha Banwait	Ref No: PA/15/01470
	Ward: Bromley South

1. APPLICATION DETAILS

Location: Site at north east of Blackwall Tunnel Northern Approach and Twelvetrees Crescent, Twelvetrees Crescent, London E3

Existing Use: Vacant Land

Proposal: Provision of a new 300 place Arts and Music Academy for 16-19 year olds. The facility will include recording studios, performance spaces, classrooms, a café and other associated facilities. The proposal also includes a comprehensive landscaping scheme, bin storage, a substation, two disabled parking bays and cycle parking.

Drawing and documents: PL010; PL002; PL003; PL004; PL005; PL006; PL007; PL008; PL009; PL011; PL012; PL013; PL014; Landscape Design Plan.

- Planning and Impact Statement
- Design and Access Statement
- Transport Statement
- Air Quality Assessment
- Community Use Management Plan
- Construction Method Statement
- Noise Exposure Assessment and Vibration
- Noise Impact Assessment
- Outline Energy and Sustainability
- Phase 2 Ground Investigation
- Preliminary Ecological Appraisal
- Remediation Strategy
- School Management Plan
- Site Waste Management Plan
- Statement of Community Involvement
- Surface Water Management Plan
- Archaeological Desk Based Assessment
- Landscape specification

Applicant: East London Arts and Music

Ownership: GLA Land and Property Limited

Historic Building: N/A

Conservation Area: N/A

2. EXECUTIVE SUMMARY

- 2.1. The proposal involves the construction of East London Arts and Music (ELAM) school at the vacant land located to the east of A12, west of Maltings Close and north of Twelvetrees Crescent. ELAM is a further education facility specialising in technical industry level courses in the creative industries catering for 16-19 year old pupils.
- 2.2. The proposed education facility currently operates in Pitchford Street on a temporary basis and is seeking permission to relocate at the subject site permanently. The proposed development will include a maximum 4 storey building comprising of various music studios, teaching spaces and a multi-function hall.
- 2.3. The proposed further education facility will also cater for ancillary community uses by way of offering the proposed music studios and multi-function hall for hire to semi-professionals within the industry and to interested parties in the local area.
- 2.4. In terms of the locality, the subject site has remained vacant for over sixteen years and the surrounding area is very much in transition with recently granted planning permissions for an eight storey hotel development to be located in the land to the south and a four to nineteen storey residential-led development on land to the north of the railway tracks. This site does however back onto a four to seven storey residential estate along Maltings Close. Bow Secondary School recently opened in close proximity.
- 2.5. The planning application has attracted a total of 24 representations raising concerns relating to authorised parking within the Maltings Close Estate, deteriorating quality of the A12 staircase which currently provides access to the proposed site and Maltings Close.
- 2.6. The proposal seeks to provide a car free development and anticipates 100% sustainable travel modes to be adopted by its students and staff given a reasonably good public transport accessibility achieved by the subject site (PTAL 5). There is provision for disabled parking.
- 2.7. The proposal is considered to be acceptable in land use terms as it seeks to provide an education facility which will comprise of educational, and ancillary community uses.
- 2.8. In terms of design, the proposed building is good quality and would provide a good quality education facility for young people. The building does not perform well in terms of integrating sustainable design and minimising CO2 emissions but this is considered acceptable on balance given the wider public benefits of the proposed development. In terms of access and egress to the site, there are challenges due to the harsh local environment, however the surrounding infrastructure is considered to be adequate to cater for the proposed development; recent developments such as Bow School,

Twelvetreets Crescent has now been completed and considered these issues previously.

- 2.9. In terms of impacts on neighbours amenity, a number of objections have been received by residents in the Maltings development regarding increasing carparking demands as a result of the proposed community uses,
- 2.10. 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 (2015) and Government Planning Policy Guidance.
- 2.11. 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 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.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informative on the planning permission.

3.5 Conditions

Compliance Conditions

1. Three year time limit
2. Compliance with approved plans and documents
3. Hours of use of community events(no later than 7pm except for no more than five events per year which will finish before 10pm)
4. School management plan
5. School Travel plan
6. Disabled parking provision
7. Cycle parking provision
8. Delivery and servicing management plan
9. Noise report and acoustic specification
10. Compliance with Energy Statement
11. Breeam 'very good' accreditation
12. Waste and recycle storage
13. Hours of construction and demolition (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
14. Thames Water – properly maintained fat trap on all catering establishments

Prior to commencement

15. Demolition/Construction Environmental Management & Construction Logistics Plan.
16. Ground contamination – investigation and remediation.
17. Piling Method Statement.
18. Thames Water (water infrastructure capacity)
19. Thames Water (Any work involving new foundations, underpinning, piling or basements requires approval)
20. Air Quality Assessment

Prior to above ground works construction

21. Noise and acoustic specification
22. SUDs details (drainage strategy)
23. Details of external plant and ventilation, including noise attenuation measures.
24. Samples and details of all facing materials, including balconies, windows and doors.
25. Details of on-site and off-site signage.
26. Details of hard and soft landscaping, including boundary treatment and tree replacement scheme and a Landscaping Management Plan for the school and playground.
27. Details of rooftop PV array
28. Details of biodiversity enhancement measures
29. Details of all boundary treatments including hedges, fences, railings and walls for the rest of the development
30. Security Management Plan including details of all Secure by Design (SBD) measures to achieve level 2SBD accreditation
31. Details of external lighting and CCTV
32. Details of cycle parking provision
33. S278 agreement with Transport for London
34. Details of whole building mechanical ventilation and the location of the ventilation inlet

Prior to Occupation

35. Delivery, Servicing Plan and Waste Management Plan including refuse storage and collection.
- 3.6 Any other conditions considered necessary by the Corporate Director Development & Renewal.
- 3.7 Informative:
1. Thames Water standard informative
 2. Building Control
 3. Associated S278 agreement with the Highways Authority
- 3.8 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 0.2ha which is brownfield land that has been vacant for over 16 years. It is located to the north of Twelvetrees Crescent, west of Maltings Close, south of Bromley-by-Bow Underground Station and east of the A12. The site fronts onto the A12 and is bounded by a carpark along Twelvetrees Crescent to the south, railway to the north and Maltings Close to the east, beyond which is the River Lea. Further south of Twelvetrees Crescent is Bow School which is a 9FE secondary school catering for approximately 1350 pupils aged between 11 and 16 years, 240 sixth form pupils and approximately 200 members of staff.
- 4.2. This site is generally rectangular in shape that is currently bounded by hoardings and is accessed via an existing staircase located directly off the A12. To the immediate south of the existing site is a communal passageway which currently links the A12 to Maltings Close. Vehicular access onto the site is directly off Maltings Close.
- 4.3. No parts of the application site fall within the curtilage of a listed building or within a conservation area. The nearest conservation area is Limehouse Cut located over 180m to the south. Although, there are no particular designations associated within the subject site, this site is located within an archaeological priority area and has potential land contamination.
- 4.4. The subject site has remained vacant for over sixteen years but is located in an area of significant change where the surrounding area is in transition. The site lies to the south of the Bromley by Bow district centre as defined in both the LLDC local plan (2015) and LBTH MDD (2013). The site does not have any specific designation within the adopted local plan but is within the Bromley-by-Bow Masterplan 2011, and although this can be afforded little weight in planning decisions, it is considered the subject site suitable for commercial uses..
- 4.5. The site has a fairly good accessibility to public transport with a PTAL of 5 (in the range 1 to 6 where 1 is low and 6 is excellent). The site is approximately 67m to the south east of Bromley by Bow London Underground Station serviced by the District line and Hammersmith and City line. This site is also serviced by a number of bus routes along the A12.

Relevant Planning History

- 4.6. Planning permission (reference: PA/01/00938) was granted on 11 December 2002 for the erection of 4 x four storey blocks and their use as 144 studio, one and two bedroom flats, a two-storey block of 6 commercial units (Block B1) together with 133 parking spaces, new riverside and pedestrian walkways and associated landscaping.
- 4.7. Advertising consent (reference: PA/02/00061) granted on 3 May 2002 for the erection of an architect designed white painted steel arch structure to support two internally illuminated advertising panels with an overall height of 6m above ground level.

- 4.8. Planning permission (reference: PA/03/01581) granted on 25 June 2006 for the erection of 4 interlinked residential buildings of between 4 and 8 storeys in height to provide 215 flats, comprising 66 x one bed and 149 x two bed with 175 parking spaces, new vehicular access, pedestrian footpath and link staircase to A12, riverside walkway associated hard and soft landscaping and public area feature.

Relevant planning history in the surrounding area:

- 4.9. Planning Permission (reference: PA/11/00485) granted by LTGDC on 11 August 2011 for the construction of an 8 storey (7 storeys at A12 level), comprising a 161 bedroom hotel (use class C1 – 6328 sqm GEA), together with site access and landscaping.
- 4.10. Planning permission (reference: PA/11/02764) granted on 12 April 2012 for the erection of new 9FE secondary school including buildings up to four storeys plus multi-use games areas, landscaping, car parking and associated works.
- 4.11. Planning permission (reference: PA/09/02574) granted on 21 July 2010 for a hybrid planning application for comprehensive mixed-use redevelopment of the site comprising the construction of 454 residential units, 1086m² flexible retail and commercial uses, 1547m² commercial uses, two form entry primary school and children's centre, 19 storey hotel, petrol filling station, public open space and associated infrastructure including creation of new roads.

Details of the proposed development

- 4.12. The application proposal involves the construction of the East London Arts & Music (ELAM) Free School at the subject site. ELAM opened in September 2014 in Pitchford Street, London E15 4RZ however the school at this site is a temporary arrangement. The proposal at the subject site will provide a permanent location for ELAM.
- 4.13. ELAM offers an industry level full time music programme to 16-19 year olds operating as a further education school. The temporary school at Pitchford Street presently facilitates for 75 pupils, however this will increase to 150 pupils with a second year group by September 2017 providing a maximum capacity of 300 pupils.
- 4.14. The core teaching day will be between 08:50-15:40 with additional lessons and clubs facilitation prior to main teaching day between 08:00 – 08:45 and after school activities between 15:40 and 18:00.
- 4.15. ELAM will comprise of a four storey building incorporating 3110sqm of educational (D1) floorspace. It is of a contemporary design, comprising of a multi-purpose hall, classrooms, café, common rooms, lecture halls, several music studios, green room, control rooms and ancillary uses. The proposed multi-purpose hall and music studios will be made available to the community outside of school hours for community use.
- 4.16. The proposed four storey building will comprise of a flat roof that will be positioned on an elevated angle and will host PV panels. Key materials include metal cladding, stone cladding, concrete and painted steel columns and majority of the façade which fronts onto the A12 will be glazed.

- 4.17. Soft and hard landscaping around the site curtilage including external lighting. The site will be enclosed by a 2.4m high 'barbican' fence (i.e. wire mesh) along the eastern, southern and western boundaries facilitating passive surveillance and safety along the communal passageway located to the immediate south.
- 4.18. In terms of access and servicing, vehicular access onto the subject site will be via Twelvetrees Crescent, off Maltings Close which is at the south western corner of the site. The south western corner of the site will comprise of 42 secure cycle parking spaces for pupils and staff, 28 short term bicycle parking spaces for visitors and 2 disabled car parking spaces, one of which will have an electric vehicle charging point. The proposal seeks a car free development.

5. RELEVANT PLANNING POLICIES

- 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 particularly relevant to the application:
- 5.2 National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 5.3 The London Plan (as consolidated 2015)
 - 2.1 London in its global, European and United Kingdom context
 - 2.13 Opportunity areas and intensification areas
 - 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
 - 8.2 Planning Obligations
 - 8.3 Community Infrastructure Levy
- 5.4 Tower Hamlets Core Strategy 2010
- 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
- 5.5 Managing Development Document 2013
- 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
- 5.6 Supplementary planning documents and other guidance
- Bromley-by-Bow Masterplan 2011
 - SBD New Schools

6. CONSULTATION RESPONSES

External consultees

Environment Agency

- 6.1 No objection.

Thames Water

- 6.2 Surface Water Drainage—any water discharge to a public sewer requires Thames Water prior approval

(Officer Comment: this required will be secured via condition)

- 6.3 Waste Water - 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.

- 6.4 A Groundwater Risk Management Permit from Thames Water is required for discharging groundwater into a public sewer.

(Officer Comment: a pre-commencement condition is proposed to ensure the necessary approvals are gained from Thames Water prior to any piling or construction works. Additionally the requirement of groundwater risk management permit will also be secured via condition.)

- 6.5 Sewerage Infrastructure Capacity -no objection.

- 6.6 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments.

(Officer Comment: this required will be secured via condition.)

- 6.7 Water Comments—No objection.

- 6.8 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.

(Officer Comment: An informative will be included in line with the above comments.)

Crime Prevention Officer (Metropolitan Police)

- 6.9 All perimeter fencing and walls are not easily climbable; the site requires appropriate lighting, appropriate lighting along the public footpaths and integration of CCTV systems. The proposed security aspects must be in consideration with the SBD New School Document.

- 6.10 The proposed revolving doors could be substituted with an alternative design if there is a possibility for the building to be left unattended for hours. The proposed cycle stores and bin stores must be robust and lockable.
- 6.11 The private seating area on the upper floors should be well secured. Any fire exits on the lower and upper floors also need to be very robust. Consideration should be given to the stairs leading towards the upper ground floor level as this is likely to be used as 'seating area' by the pupils.
- 6.12 Any levels within the landscape that change due to the topography need to be very well thought out in order to not create an hiding places and recesses.
- 6.13 As an overview for the site, the Crime Prevention Officer has been to an adjacent site recently have had to recommend a number of upgrades on security. This development is quite new and has a number of weak points which are being targeted by local groups. This area has been hit by an increase in crimes since the new development has been completed and there are concerns that any new development, if not completed with the appropriate standard of security, will itself be targeted and suffer long term problems that will have an impact on local residents, police and social landlords due to increased cost of 'post fix'.

[Officer Comment: A detailed security management plan alongside necessary conditions and informative would be secured accordingly.]

Historic England (Archaeology)

- 6.14 There are no archaeological requirements.

Transport for London (TfL)

- 6.15 The site is located next to the Blackwall Tunnel Northern Approach which forms part of Transport for London's Road Network (TLRN) and next to Bromley-by-Bow LU station.
- 6.16 TfL have the following comments:
- TfL request the trip generation methodology. The assessment does not take into account free travel for pupils on buses.
 - TfL request a school Travel Plan
 - Information such as number of deliveries, local and strategic routing and restricted site operation hours in terms of on-site deliveries to minimised congestion along the surrounding public highways should be included in the Construction Management Plan.

(Officer Comment: Trip generation methodology has been included in the submitted transport assessment. The applicant has submitted that the proposed ELAM school will assist its students in getting free or reduced fare travel though zip-oyster.

A travel plan and construction management plan in accordance to the above comments will be secured via condition.)

Officers requested further comments from TfL regarding the access to the site and their existing infrastructure. TfL responded as follows:

- The subway is inspected monthly and TfL has advised our Contractor that concerns are being raised about the extent of graffiti and TfL will be monitoring reports to see how often graffiti is highlighted. From a structural point of view the subway is generally in good condition and TfL have no immediate plans for any major revamp. TfL intends to visit this subway in the very near future to see if anything can be done by way of (low cost) cosmetic and lighting improvement. A contribution could be sought towards cosmetic improvements to improve the environment but nothing is currently identified.
- In terms of day to day litter and urine smells etc this falls under Tower Hamlets remit under the Environmental Protection Act.
- TfL do not currently have any committed or funded schemes along the A12 at this location however at grade crossings is something that would be desirable and have been investigated however are difficult to implemented due to traffic speed, volume and also gradients meaning sight lines would be poor.

(Officer Comment: Access to the site is considered in detail in the main body of the report. Officers have not sought planning contributions (s106) towards upgrade works to the subway, or other works as there are not schemes currently identified by TfL and any such works are not considered to be necessary in order for the development to be acceptable)

Internal consultees

LBTH Transportation and Highways

- 6.17 No objection, in principal, to the proposed day time use at this site. However further information is required regarding the proposed community use of the proposed development. Clarification is sought for the proposed hours of operation for this ancillary use.
- 6.18 A detailed community use management plan is required to understand the impact on the local highway network, particularly on-street parking in the locality during the evening.
- 6.19 With regards to pedestrian movement, the report highlights inadequacies with the current underpass adjacent to the site, particularly with regards to lighting. The general pedestrian environment round the site leading to the main access is also poor. No mitigation is proposed for this directly as the applicant argues that is outside their boundary. However, given that this will be major pedestrian link to the site (including evenings associated with the proposed community use), LBTH Highways would expect a financial contribution towards upgrading the current facilities on the underpass and stairs, which should form part of a A106 contribution. The footways adjacent to the site should be dealt with under a S278 agreement, unless the case officer feels this should be covered by S106. It is considered that these improvements are essential in order for the school to function in this location.

6.20 LBTH Highways recommend a condition to secure accessible carparking to be retained and maintained for the lifetime of the proposed development, full details of cycle stores and stands, full travel plan, construction management plan and service management plan.

6.21 The application will be required to enter into a S278 agreement with the local authority to fund works on the public highway adjacent to the site as required.

(Officer Comment: Although Transport for London have advised that this locality is earmarked for relevant upgrade works, these are unlikely to be undertaken in the near future due to lack of funding. Based on the uncertainties associated with the likely upgrade works for this locality, Transport for London are unable to enter in to a S278 agreement as part of this planning application.

The applicant has submitted an amended Travel Plan and community use plan to address the abovementioned inadequacies.

Necessary conditions in accordance to the above comments will be secured.)

LBTH Biodiversity

6.22 The proposed landscaping and long narrow planting beds will contribute to a target in the Local Biodiversity Action Plan (LBAP).

6.23 No green roof is neither proposed, nor any other living building element. The inclusion of a biodiverse green roof would contribute to an LBAP target. However, the design of the roof to improve acoustics seems a valid reason not install a green roof in this case.

(Officer Comment: Necessary conditions and informative would be secured accordingly.)

LBTH Environmental Health – Contaminated Land

6.24 A detailed scheme to include a desk study report, intrusive investigation to identify potential contamination, site investigation report, risk assessment and proposal for necessary remedial works must be secured via condition.

6.25 Remediation works and a verification report must also be secured via condition.

(Officer Comment: the above conditions will be imposed as pre-commencement conditions.)

LBTH Environmental Health – Air Quality

6.26 Further modelling for receptors on the eastern side of the roof to determine where it would be appropriate to draw in air to the ventilation system has been undertaken. The assessment showed that the receptors at the eastern edge of the roof would be just below the NO₂ annual objective and hence suitable to locate the inlet. They have also clarified that ventilation is to be provided for the whole building, not just the rooms facing the A12 as previously stated. This mitigation is now acceptable. Please include the

provision of whole building mechanical ventilation and the location of the ventilation inlet as a condition, should the application be approved.

(Officer Comment: Necessary conditions and information would be secured accordingly.)

LBTH Environmental Health – Noise and Vibration

- 6.27 A desktop acoustic design review/analysis of the construction that confirms the objective data supplied by the noise consultant is required.

(Officer Comment: A condition will be secured accordingly.)

LBTH Senior Arboricultural Trees Officer

- 6.28 Scheme for trees seems adequate however the use of Sorbus Spp should be substituted with Field Maple as Sorbus Spp fail to establish in prevailing climate.

[Officer Comment: The applicant has submitted amended plans to reflect the recommendation.]

LBTH Energy Efficiency and Sustainability

- 6.29 The energy/sustainability proposals do not meet policy requirements (DM29 on carbon reduction on BREEAM Excellent), and the documents simply states that the policy requirements are not achievable 'given the available funding from EFA'.

- 6.30 The submitted scheme in its current form would not be supported as it is not policy compliant and only targeting a 3.5% CO₂ emission reduction and BREEAM Very Good, whereas policy requirements are 45% reduction in CO₂ emissions and BREEAM Excellent rating.

(Officer Comment: A revised Outline Energy and Sustainability Strategy has been submitted which targets a 10% CO₂ emission reduction compared to Part L Building Regulations 2013)

LBTH Surface Water Run Off - SUDS

- 6.31 A condition to secure a strategy which demonstrates how any SUDs and/or attenuation features will be suitable maintained for the lifetime of the development is recommended.

(Officer Comment: Necessary conditions will be secured accordingly.)

LBTH Waste Management

- 6.32 No waste management documentation enclosed other than a site waste management plan. Applicant needs to demonstrate understanding of waste management, where waste will be stored and how this will be managed on site, post construction.

(Officer Comment: Necessary conditions will be secured accordingly.)

7 LOCAL REPRESENTATION

7.1 A total of 93 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: 24 Objecting: 22 Supporting: 2
No of petitions received: 0

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

Objections to the application

7.3 24 objections towards the application proposal have been received out of which 18 raise material planning issues which are outlined below -

- Increase in unauthorised parking and access in Maltings Close.
- Given the close proximity the site to the residents of Maltings Close, assurance is sought that any disturbance and inconvenience during construction phase is to be kept at minimum and no access to Maltings Close if blocked.
- Access into the site is not fit for purpose and the increase usage as a result of the proposal is likely to have adverse impacts on its condition and future usability.
- Lack of consultation undertaken by the applicant
- Increase in anti-social behaviour in the immediately surrounding area.
- Negative Impact on amenity of the residents of Maltings Close during the construction phase
- Inappropriate height of the proposed building.

7.4 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

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

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

Land use

- 8.2 The application site in its current form is 0.2 hectares of vacant site that is located to the east of A12, west of Maltings Close, to the south of railway track and to the north of Twelvetrees Crescent. The site has pedestrian access directly off the A12 and via Twelvetrees Crescent and Maltings Close and Vehicular access directly of Maltings Close.
- 8.3 Prior to the grant of planning permission PA/03/01581 in 2004, the subject site was occupied by Optima Print (formerly known as Norkon Press) which eventually became an unviable business due to the technological advances in the printing industry. The grant of planning permission in 2004 for primarily for commercial (use class B1) purposes. However, pursuant to the grant of planning permission, no building works were implemented causing the planning permission to lapse.
- 8.4 The site has remained vacant for over 16 years and prior to this it contained commercial/ light industrial land uses.
- 8.5 The area immediately surrounding the site comprises a mix of land uses including residential, car parking, and a new secondary school. There are also lapsed planning permission for a new town centre to the north and hotel to the south. The general area is considered to be in transition.
- 8.6 The proposal is for a four storey further education school (Use Class D1) specialising in industry level music and arts courses for 16-19 year olds. The subject further education school is the East London Arts and Music School (ELAM) operates a temporary facility in Pitchford Street and is seeking to re-locate on permanent basis to the application site.
- 8.7 The multi-purpose hall is also available for hire as a large space for semi-professional clubs or similar and wider community 3rd party lettings. This will include hiring to other close-by school and community groups serving an ancillary purpose of community use. After school activities will occur between 15:40 and 18:00. Typically, the college would have five performances a year which will go on until 10pm at the latest.
- 8.8 Similar to the multi-purpose hall, the music studio will also be available for hire for smaller groups from both the local area and interested members of the community.
- 8.9 The proposed school will not comprise any playground areas. This is due to the further education facility being akin to a sixth form college, and includes a café and common room facilities located on first floor. The proposed café would be classified as a functioning business however this element of the proposal is considered to be an ancillary use to the school.

Principal of School

- 8.10 Given the site history, the proposed D1 use of the subject site is not considered to result in loss of employment space or jobs. This section will focus on the land use implications of the proposed educational use.
- 8.11 The NPPF states that:

“The Government attaches a great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and the new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

They should:

- *give great weight to the need to create, expand or alter schools;*
- *and give work with school promoters to identify and resolve key planning issues before applications are submitted.”*

8.12 Furthermore, Policy Statement – planning for schools development clearly states that:

“there should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.”

8.13 State-funded schools are defined by the policy statement and include ‘Free Schools’.

8.14 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.

8.15 Part 4, of the strategic policy SP07 of the Core Strategy 2010, seeks to support the growth and expansion of further and higher education facilities in the borough.

8.16 Policy DM19 in the Managing Development Document details the borough’s approach supporting the provision of new further and higher education facilities within the borough by the means of following criteria:

- *they are in or at the edge of town centres*
- *they will not result in an over-concentration of education facilities within the town centre*
- *there is a local need for the facility*
- *additional information to ensure the quality of the facility, such as certification and registration details, are provided by the applicant.*

8.17 The subject site does not fall in Bromley-by-Bow North East Quadrant site allocation 7 as identified in the Managing Development Document or the Bromley-by-Bow Town Centre site allocation as identified in the London Legacy Development Corporation Local Plan, within the Bromley-by-Bow Masterplan 2011. It is noted that the subject site is allocated for commercial uses which has been afforded little weight. The adopted LBTH Local Plan is more recent and does not contain any specific land-use designations in relation to this site.

- 8.18 The proposal is for the creation of a new East London Arts and Music school (use class D1) which is a further education facility that operates as a 'Free School'. Policy advises that the location of new further education schools will be guided by the criteria listed above. This provides a positive approach to the development of 'free schools' ensuring that they are located where they can be easily accessed and that they provide a high quality teaching environment.
- 8.19 This site is located within a PTAL level 5 and is therefore well serviced by public transport. The proposed development is therefore considered to be in an accessible location and is thus considered to accord with Policy SP07 of the Core Strategy 2010. It is however acknowledged that access to the site is constrained due to poor quality crossings over the A12. Although the local infrastructure such as staircases and subways are structurally sound and sufficient to cope with the additional users generated by the proposed development.
- 8.20 The site is also located within an area that is very much in transition. It is noted that there is not a specific site allocations within the adopted local plan and therefore in principal, the proposed development is considered to be appropriate despite the land to the east being predominantly residential. The site is also not located in a town centre, however it is at the edge of a town centre, pursuant to Local Plan Policy DM19..
- 8.21 The need for a new further education facility offering technical and specialised industry level courses for 16-19 year olds is apparent as the college is already operational in temporary accommodation. The proposed ELAM facility is funded by the Education Funding Agency as part of the Government's free school programme.
- 8.22 It is noted that the Bromley-by-Bow area comprises of a secondary school that is in close proximity to the subject site.. . The nature of the proposed school is considered to be unique and specialised in the creative industries and no such schools are located in the Bromley-by-Bow area. As such, no over-concentration of further education facilities will occur in this area.
- 8.23 ELAM as a further education facility has been established by a small group of leading figures from the industry and education sections and it already operates in Pitchford Street on temporary basis. The proposal seeks permission for purpose-built facility which will create a permanent home at the subject site where officers are satisfied with the quality of the facility meaning young people in the borough will continue to benefit from its education.
- 8.24 The principal of an education use accords with the policy given there is an expansion of an existing education facility and it meets the relevant policy tests, and meets local need. Furthermore, it accords with national policy which also encourages educational uses.
- 8.25 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.

Community Uses

- 8.26 The proposal seeks to provide a multi-function hall and music studios with an intention to allow local community groups and semi-professional groups to use these spaces outside of core school hours. The principal of shared facilities and co-location is promoted by policy SP07 of the Core Strategy 2010.
- 8.27 Pursuant to the Managing Development Document policy DM8 which supports new health, leisure and community facilities located in or at the edge of town centres where local need can be demonstrated. The proposed after school uses of the multi-functional and hall and music studios would provide community facility catering youth facilities, creative spaces, community halls and/ or a meeting place for the local area and foster any up-coming semi-professional local talent.
- 8.28 In land use terms, the principle of the above use would be ancillary to the primary use as an education facility. The nature of the proposed community uses that form part of the proposed ELAM facility is considered to be acceptable and would accord with Policies SP07 and DM8.

Conclusion

- 8.49 In conclusion, officers are confident that the proposed ELAM further education facility at the subject site would be highly desirable in land use terms as it would make efficient use of a brownfield site that is located in an area that is very much in transition. Furthermore, a further education facility that caters for ancillary community uses would contribute towards a community centred neighbourhood that is in line with the broad objectives of planning policies at 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. The most relevant sections are set out below:
- 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.

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. 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.

Sitelayout

8.53 The proposal represents an innovative scheme to enable the delivery of a specialised further education facility offering industry level courses in the creative industry. The proposal involves in a four-storey building comprising of a general rectangular layout to complement the general shape of the subject site.

8.54 The application site will be enclosed by a 2.4m high barbican fence and the proposed four storey building will front onto the A12 with the rear elevation to face the residential estate located along Maltings Close. The main building entrance is centrally located along the front elevation in order for ready accessibility directly off the A12 staircase via a gate.

8.55 Servicing and vehicular access onto the site will be located at the south eastern corner of the site and will be directly off Maltings Close via Twelvvetrees Crescent. The proposed secure cycle parking, disabled parking spaces and site servicing area will be located to the south east of the building and will be accessed directly off Maltings Close via a gate. The site will

comprise of 28 x visitor cycle parking spaces to be located at the north western corner of the site. The site will comprise of vehicular accessibility to the front entrance area along the southern property boundary.

- 8.56 No impacts on the usability of the existing public passageway which runs parallel to the site on its southern side is anticipated as it will continue providing access from the A12 to Maltings Close. The site will comprise of a gated outdoor corridor that will run along the northern property boundary. Access into this corridor is limited to plant access and repair/maintenance works.
- 8.57 With respect to the internal layout, the proposed ground floor will comprise of a reception entrance lobby located past the main entrance and all of the proposed music studios and control room separated by a lobby area. This level will also comprise of a break out area situated quite centrally within the floor.
- 8.58 The first floor area will comprise a café/ common room which will occupy 177m², general classroom space, editing studio, small practice rooms and a green room to the multi-function hall which extends to the upper storeys.
- 8.59 The second floor area will comprise staff offices, staff room, 2 x boardrooms, general classroom and media studios and a small communications rooms. A large section of this floor will be allocated to the upper level of multi-function hall.
- 8.60 The third floor will solely comprise of the upper storey of the multi-function hall. The proposed multi-function hall will comprise of a theatre style layout vertically extending in a gradient form across three storeys. Access to the hall will be located on all three upper floors.
- 8.61 The proposed roof will host an external plant and PV panels on the eastern half of the roof.
- 8.62 An internal staircase and the primary lift core will be located at the north western corner of the building. Servicing area of the building will be located at the rear (eastern) end and will be facilitated with a separate staircase and a goods lift. Utility provisions (male and female toilets) will be located on all floors.
- 8.63 The proposed site layout is considered to encourage an active relationship with the A12, promotes robust on-site external and internal accessibility. The proposed internal layout comfortably separates the staff areas and pupil areas and is considered encompass adequate provision of common room / break out area.
- 8.64 The primary educational use of the building is considered to be well separated from the day-to-day servicing areas and no conflicting interference is anticipated.
- 8.65 In summary, the proposed layout is considered to have good design merits and responds well to the challenges of facilitating a further education facility on a vacant site that is bounded by key network links, land in transitioning uses and residential uses.

Height, scale and massing

- 8.66 The prevailing building height in the local area is four to six storeys however it is also to be noted that this area is very much in transition. With recently approved planning permission for a nine storey development on land located to the south of the subject site and upto a 19 storey development at land to the north, the proposed 4 storey building height is considered to be a modest approach.
- 8.67 The proposal seeks to adopt a very simple massing arrangement comprising of geometric forms that complements the general site shape and maximises the site area. The proposed building will cover approximately 75% of the total site area.
- 8.68 Having considered the proposed internal layout, the upper storeys (first, second and third floor) which comprises of a large multi-function hall which extend vertically on a steady gradient across three floors. It is noted that the third floor is primarily occupied by top segment of the multi-function hall resulting in an angular plane roof.
- 8.69 The proposed roof height recedes towards Maltings Close resulting in a prominent, tall front elevation. The subject site also comprises a series of ground level changes from east to west by approximately 1.2m. This factor also assists in giving the proposed building a prominent frontage.
- 8.70 The proposed building roof will be angular and recedes towards its rear elevation. This feature fosters a prominent architectural element and an iconic presence when approaching the subject site whilst traveling on then A12.
- 8.71 The proposed 4 storey scale with a receding height along the rear elevation is considered to be modest and sympathetic given the close proximity to the residences along Maltings Close. The proposed building height is considered to complement the existing environment and is unlikely to impede the proposed future development in the local area.
- 8.72 Given the subject site and the application proposal fronts on to the A12, the proposed height, massing and scale of the development is not considered to have any undue impacts on the functionality of the A12. Although the proposed building is considered to be iconic in terms of its architectural style, it is not considered to be visually dominant.
- 8.73 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, proposed future development and 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

- 8.74 The proposal has given high level consideration to security measures given the development is for an education facility.
- 8.75 The subject site already consists of a 3.5m high concrete post and panel style fence along the northern boundary and the proposal seeks to provide a 2.4m

high barbican fence along the eastern, western and southern boundary which will essentially foster an enclosed site. The proposed 2.4m height is considered to appropriate to remediate any unwanted fence climbing.

- 8.76 The proposal will include the provision of security gates that will be designed as part of the barbican fence along the site frontage providing on-site access off the A12 and along the rear to providing vehicular access on site off Maltings Close. The proposed vehicular access gates which will primarily be used for disabled parking will be locked during operational hours limiting frontal site access only.
- 8.77 Given that majority of the building frontage is glazed with a reception located at the front of the building, this will provide excellent views of key access point onto the site and into the building.
- 8.78 The proposal also seeks to externally illuminate the proposed development. Details of illumination levels and an overall lighting assessment will be secured via condition.
- 8.79 However, the Metropolitan Police have highlighted preference for a some security upgrades in this locality. These upgrades include external lighting measures, minimal pinch points, secure and robust servicing areas and 24hours CCTV monitoring. This is considered to address concerns raised in objections to the proposals. As such, a security management plan outlining detailed security provisions and measures to be implemented will be secured via condition.
- 8.80 With the benefit of further details that will follow with the submission, it is considered the scheme can ensure the safety and security of in line with the requirements of Policy DM 23 of the MDD.

Materials and Appearance

- 8.81 The proposed building comprises a maximum of three materials in each elevation. Majority of the ground floor forms a solid stone base to the building with a light weight metal cladding and curtain walling above. The overall colour schedule of the proposed building is neutral grey.
- 8.82 Majority of the front elevation will be glazed to provide a light, permeable frontage to the building. The top element of the front elevation will comprise of white polycarbonate cladding which is considered to complement light airy front façade.
- 8.83 The proposed building will be encased in standing seam metal cladding along the northern, southern and eastern sides. This will also comprises of various aluminium thermally broken windows on the north, south and east facades.
- 8.84 The proposed design and materials are considered to be good quality and although no concerns have been raised by the LBTH Design and Conservation Officer regarding the proposed building appearance, material details including material samples will be secured via condition.

Landscaping

- 8.85 The proposed landscaping along the site frontage (western boundary) and along the rear end of the site (eastern boundary) provides a softer approach to the prevailing hard concrete appearance of the site and the surrounding locality.
- 8.86 The level of landscaping proposed as part of the development is considered to be appropriate and acceptable however, finer details of landscape specification including tree species will be secured via condition.

Signage

- 8.87 The proposed building will comprise of “ELAM” signage on its northern and southern elevation. From a design point of view, there are no objections to this provision as it outlines the use and purpose of the proposed development.
- 8.88 The application in its current form does not include full signage design details and therefore this requirement would be secured via condition.

Conclusion

- 8.89 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 college 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.
- 8.90 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.

Amenity

- 8.91 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

- 8.92 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.

- 8.93 The subject site fronts on the A12 along its western elevation, to the north lies the railway tracks and to the south is a temporary car parking site along Twelvetees Crescent where a permission for a 8 storey hotel development. However, there is a 4 to 7 storey residential building blocks located to the east of the subject site along Maltings Close. No. 1 Maltings Close is a 4 storey residential building block which fronts on to the proposed rear elevation of ELAM.
- 8.94 The proposed education facility does not comprise of any residential accommodation. Given the technical nature of the proposed education facility, the building has been designed to cater for high quality internal acoustic environment therefore resulting in minimal number of windows along the northern, eastern and southern facades.
- 8.95 It is noted that majority of the front elevation will be glazed, however given that the proposed building fronts on to the A12, no direct overlooking into habitable rooms or loss of privacy is anticipated. The same is true for the northern and southern elevations do comprise several double glazed aluminium windows, in that there is no direct overlooking or loss of privacy is . It is however noted that the land to the south of Twelvetees Crescent has been granted planning permission (ref: PA/11/00485) for an 8 storey hotel development, however the separation distance is over 20m which is considered to be an acceptable degree of separation in this instance.
- 8.96 With respect to the proposed western building elevation which fronts along the Maltings Close residential estate, it is noted that the total separation distance is less than 18m. The rear elevation is staggered comprising a total of 6 aluminium windows along the upper floors of the building and 2 aluminium windows located on the rear core which extends out from the proposed building line. Although, this layout places the 2 windows located on the core closest to the residences along Maltings Close, these windows serve the rear servicing stairwell, therefore no loss of privacy or undue overlooking is anticipated.
- 8.97 The rear section upper levels of the building primarily comprise of music studios and general classrooms. The proposed 6 windows along the rear building elevation serve these technical rooms and teaching spaces. Given that these spaces are non-residential spaces that are separated from Maltings Close by approximately 17m, no undue levels of direct overlooking is anticipated resulting in loss of privacy of the Maltings Close Residents.
- 8.98 Whilst in this instance, the rear core which extends out from the proposed building line and the overall rear elevation falls 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

- 8.99 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.
- 8.100 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.
- 8.101 The subject site is surrounded by the A12 to the west, an existing carpark to the south, railway tracks to the north and four to seven storey residential building blocks along Maltings Close to the east. Therefore consideration is only given to the impacts on daylight and sunlight distribution to the residential properties located to the east of the subject site.
- 8.102 The proposed development is for a maximum 4 storey education facility that comprises of an flat roof on an angular plane which recedes towards its rear (east) elevation. As such, majority of the building bulk is located along its western elevation which fronts on to the A12.
- 8.103 Having considered the site orientation, land to the immediate north of the subject site is likely to incur majority of the impact in terms of daylight/sunlight. Given that the land to the north comprises of railway tracks, this is considered to be acceptable. However, it is also anticipated that there will be some impact on the daylight and sunlight distribution for the 4 storey residential building block located at no.1 Maltings Close. On balance of the separation distance between the subject site and the building at no. 1 Maltings Close, and the overall building height of the proposed development, any impacts on daylight and sunlight distribution is not considered to be unduly detrimental.
- 8.104 Furthermore, given that the proposed building will be a maximum of 4 storeys with a receding height along the rear elevation, no undue overshadowing on no.1 Maltings Close is anticipated. Additionally, the residential dwellings fronting on Maltings Close are anticipated to continue benefiting from afternoon sunlight given that these dwellings are west facing. The proposed development is therefore not considered to have any unduly detrimental impacts on the residential properties located along Maltings Close to the east.

Internal daylight and sunlight within the proposed development

- 8.105 The proposed building has been designed to foster a specialist further education facility facilitating an arena for music and arts. Having considered the nature of the school, provision of minimal openings along the building façades is considered to be acceptable.

- 8.106 The proposed layout enables the building to benefit from both morning and afternoon sunlight. The proposed windows along the rear elevation will enable reasonable daylight and sunlight distribution, particular during the morning period. The proposed front (western) elevation is considerably glazed on all floor levels which will provide ample daylight and sunlight distribution, in particularly, during the afternoon periods. The level of access to daylight and sunlight incorporated into the building design is considered to be acceptable and promotes good quality teaching accommodation.

Transport, Access and Highways

- 8.107 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.
- 8.108 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.
- 8.109 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.

Access

- 8.110 The site has a reasonably good accessibility to public transport with a PTAL rating of 5 (in the range 1 to 6 where 1 is low and 6 is excellent). The subject site fronts on the A12 and is bounded by Twelvetrees Crescent to the south and a private residential estate road Maltings Close to the north, which is served by a number of bus routes and the Bromley by Bow Underground Station located just over 60m to the north-west. The subject site is therefore considered to be easily accessible by public transport.
- 8.111 The proposal seeks to provide a permanent home for ELAM which is currently operating on temporary basis at Pitchford Street. The proposed development comprises of a new further education facility with a maximum capacity of 300 places for students per year and 40 members of the staff.
- 8.112 It is considered that the proposed location for ELAM is likely to generate similar travel patterns as the existing facility. Existing travel patterns suggest

that 100% of students and staff will travel sustainably i.e. not by car. It is anticipated that the majority of staff, pupils and visitors will be arriving and departing via the Bromley-by-Bow London Underground Station.

- 8.113 Pursuant to the Transport Assessment submitted by the applicant, the subject site can be accessed via an existing underpass and the A12 crossover staircase which is located to the immediate west of the site that is along the front building elevation. It is however acknowledged that currently the pedestrian experience is poor, but improved lighting and upgrades are anticipated to deliver improvements in the area.
- 8.114 Students/staff would generally arrive between 08:00 until 08:45 and depart at 18:00 when school concludes for the day. The main building entrance is located centrally along the front building façade providing ready access into the school building from the A12 staircase and underpass. It is submitted by the applicant that at the end of the teaching day, staff would be in attendance outside when the students leave the campus to ensure their safe and timely dispersal.
- 8.115 In terms of wheelchair access the site is constrained. Step-free diagrams show the site relies on ramped access via the underpass to the south of the site to cross the A12. There are a projects in the wider area in the pipeline (albeit not committed), such as Bromley By Bow station improvements, and possible improved crossings over the A12 which in time would improve the wheelchair access, however in the interim a School Travel Plan provides pragmatic approach to ensure reasonable adaptations are in place to cater for all disabled staff and pupils. This will be secured by condition to ensure it is implemented effectively and updated annually.
- 8.116 Whilst sustainable travel modes are supported by council, there is concern relating to the existing quality of on-site access given that this is limited to the underpass and the A12 staircase. The pedestrian environment appraisal which forms part of the submitted Transport Statement outlines poor quality environments experienced in the existing underpass in particular. Additionally, pursuant to objections received towards the application proposal, it is noted that the existing A12 staircase, although TfL has confirmed it is structurally sound. Cosmetically these environs are in a poor condition which is likely to worsen as a consequence of increasing pedestrian usage as a result of the proposed further education facility. A s278 agreement between the Highways Authority provides an appropriate mechanism to deliver such improvement works where required by the Highways Authority. An informative has been suggested pursuant of a s278 agreement.
- 8.117 Additionally, given that the school also comprises of extra-curricular activities outside of the core school operation hours between 3.15pm and 5.30pm. The school hall will also be available for 3rd party hire during these after school hours. A detailed school management plan and community use management plan will be secured via condition to ensure safe and efficient arrival and departure from the premises.
- 8.118 The proposed development seeks to provide external lighting which will also assist in improving the pedestrian environment on site, in the immediately surrounding access including the underpass to the station.

Transport and Impact on Highways

- 8.119 In accordance with policy DM20 of the MDD, the application has been accompanied by a Transport Statement comprising of a general trip generation assessment based on the existing ELAM school in Pitchford Street prepared by Robert West Consulting, which has been reviewed by the Council's Highways Department and TfL.
- 8.120 The subject site in its current form is vacant and the proposed development is anticipated to generate a low level of traffic as a result of two on-site disabled bays and vehicular trips associated with deliveries, servicing and refuse. The application proposal submits that one servicing related trip will occur per day.
- 8.121 The application is considered to have negligible impacts on the prevailing highway network capacity in the general locality.
- 8.122 The LBTH Highways Officer raises no concerns relating to the proposed school use of the education facility. With respect to the comments received from TfL requesting a school travel plan and a construction management plan comprising number of deliveries to site for each phase, local and strategic routing, hours of operations and details of tall plant, this requirement will be secured via condition.
- 8.123 Relevant servicing, disabled parking, cycle parking and refuse storage would be provided on-site at the eastern end of the site. The proposal in this instance is for a car-free development.
- 8.124 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

- 8.125 Policy DM22 sets out the Council's parking standards in new developments. The application site falls mainly within PTAL 5 and is thus reasonably well serviced and accessed by public transport. The proposal seeks to provide a car-free education facility which is acceptable by the LBTH Highways Officer and will be secured via condition.
- 8.126 The proposal provides two disabled parking spaces that will be accessed via the rear access located off Maltings Close.
- 8.127 Pursuant to the representations received towards the application proposal, one of the key areas of concern is the increase in authorised parking within Maltings Close which is a private residential estate, and subject to its own private management regime. Given that visitor, staff and pupils are committed to arriving by sustainable transport modes, the incidents of illegal parking is anticipated to be minimal and should be capable to being dealt with as illegal parking currently is in Malting Close. If necessary the applicant is prepared to erect additional signage to make it clear Maltings Close is private property. It is

also noted that public highways in the immediate vicinity such as Gillender Street and Davies Street both consist of parking restrictions by way of double-yellow line on street.

- 8.128 The trip generation assessment undertaken by the applicant for the existing ELAM school submits that 100% of its staff and student utilise sustainable travel modes and this is anticipated to continue at the proposed location given the reasonably good public transport accessibility rating. Whilst this is accepted for the primary education use of the proposed facility, there is limited information submitted regarding the proposed ancillary community uses which are to be undertaken outside of core school hours.
- 8.129 Given the lack of detail regarding the proposed community uses, a detailed community management use plan outlining hours of operation, anticipated attendees and staff on site and overall functionality of the site will be secured via condition. Additionally, installation of appropriate signage to ensure that there are no incremental impacts on the prevailing authorised parking issue along Maltings Close will also be secured via condition.

Cycle parking

- 8.130 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for residential development. In accordance with these standards, the application proposes 42 secure spaces for this development to be located to the east of the site abutting the proposed building. Additionally, the proposal also seems to provide 28 cycle parking stands to be along the front area of the site for visitors. In terms of policy requirements, the proposed scheme for cycle parking associated with the education facility is considered to be acceptable.
- 8.131 The application in its current form is supported with full details of cycle stores and types of cycle stands, however this requirement will be secured via condition.

Servicing and refuse collection

- 8.132 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.
- 8.133 The proposal would include the provision of refuse and recyclables storage areas at the south eastern corner of the site adjacent to the proposed vehicular access. This area of the site would be accessed via the rear gate off Maltings Close which is lockable enabling a secure location. The proposal is supported with a site waste management plan however no waste management strategy is outlined. The proposals have been reviewed by the Council's Waste Policy and Development Officer and whilst no immediate concerns have been raised, a detailed waste management strategy is required.
- 8.134 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).

- 8.135 Further conditions required would be for a Construction Management Plan approved prior to commencement of development.
- 8.136 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

- 8.137 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.
- 8.138 The application has been supplemented by a Noise Impact Assessment Report and Noise Exposure Assessment and Vibration Survey Report by Clement Acoustics. It is acknowledged that the scheme involve many noise inducing uses, such as a music school comprising of various music studios and multi-function hall to be used post school hours. The report concludes that sound insulation performances for the eastern facade of the development that is located closest to the nearest residential receptor have been determined and if these sound insulation performance specifications are achieved, noise intrusion would be controlled to acceptable levels as they are classified to be low.
- 8.139 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.
- 8.140 The Council's Environmental Health Officer has reviewed the report and has also advised that a desktop review/analysis of the construction that confirms the objective data that is supplied by the noise consultant.
- 8.141 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.
- 8.142 As such and on balance, subject to conditions, it is considered that the proposed development would adequately protect the existing residential occupiers along Maltings Close and 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

- 8.143 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.
- 8.144 The Council's Air Quality Officer initially stated that the submitted air quality assessment shows that the NO₂ level at the site in the opening year is predicted to considerably exceed the annual NO₂ objective at all receptors modelled. Further modelling for receptors on the eastern side of the roof to determine where it would be appropriate to draw in air to the ventilation system has been undertaken. The assessment showed that the receptors at the eastern edge of the roof would be below the NO₂ annual objective and hence suitable to locate the inlet. They have also clarified that ventilation is to be provided for the whole building, not just the rooms facing the A12 as previously stated. This mitigation is now considered to be acceptable subject to including the provision of whole building mechanical ventilation and the location of the ventilation inlet as a condition, should the application be approved
- 8.145 The demolition/construction assessment is accepted by Officers as addressing concerns of local residents 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.
- 8.146 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

- 8.147 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.

- 8.148 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 not provided any comments towards this application. The main flood risk has been identified as the management of surface water run-off.
- 8.177 LBTH Sustainable Urban Drainage Systems Officer generally welcomes the proposal however has recommended a condition in order to secure a strategy demonstrating utilisation of relevant sustainable urban drainage systems and/or attenuation features to be maintained for the lifetime of the development. This will be secured via a condition.

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 10% improvement over the requirements of the Building Regulations Approved Document Part L2A 2013.
- 8.181 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 proposal is therefore short of this policy requirement as it equates to a 28% reduction in CO2 emissions above Building Regulations Approved Document Part L2A 2010 which is equivalent to 10% compared to 2013 building regulations
- 8.182 Furthermore, 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 non-residential developments to achieve a BREEAM excellent rating. The Outline Energy and Sustainability Statement identifies that the proposal will achieve a BREEAM Very Good and is supported with a pre-assessment which generally outlines how this will be supported.
- 8.183 There are a number of site and budget constraints which impact of the proposed development ability to properly satisfy policy DM29. These include ground remediation cost and measures, the location of the A12 and Network Rail tracks create high level of air borne pollutants hence the building is to be fully mechanically vented. Also noise mitigation - the A12 creates 78db of noise on the western boundary, with a train line on the northern boundary. The buildings external walls need achieve a noise reduction of between 52db (lower walls) -45db (upper walls). A concrete transfer slab is also needed to allow for the recording studio to be located on the ground floor, helping to reduce noise impact on noise sensitive areas.
- 8.184 It is however noted that the proposed development includes an array of photovoltaic cells to be located on the building roof. Despite this the proposal in its current form has a shortfall in the reduction of CO2 emissions and but, on balance, given the wider public benefits, the proposed development is considered to accord with the Managing Development Document Policy DM29.
- 8.185 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 BREEAM certificates should also be conditioned post completion.

Planning obligations

- 8.186 Officers do not consider that there are any appropriate planning obligations to secure in this case, and the borough and the Mayor of London's Community Infrastructure Levy is not payable for education uses. 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.

8.187 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.

Human Rights Considerations

8.188 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:

8.189 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".

8.190 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.

8.191 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.

8.192 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.

8.193 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

8.194 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.

8.195 The proposed development includes a new four storey further education facility which specialises in the creative industry. Hence, the equalities impacts associated with the development are material. This scheme would provide additional social infrastructure aimed at meeting the needs of a young people.

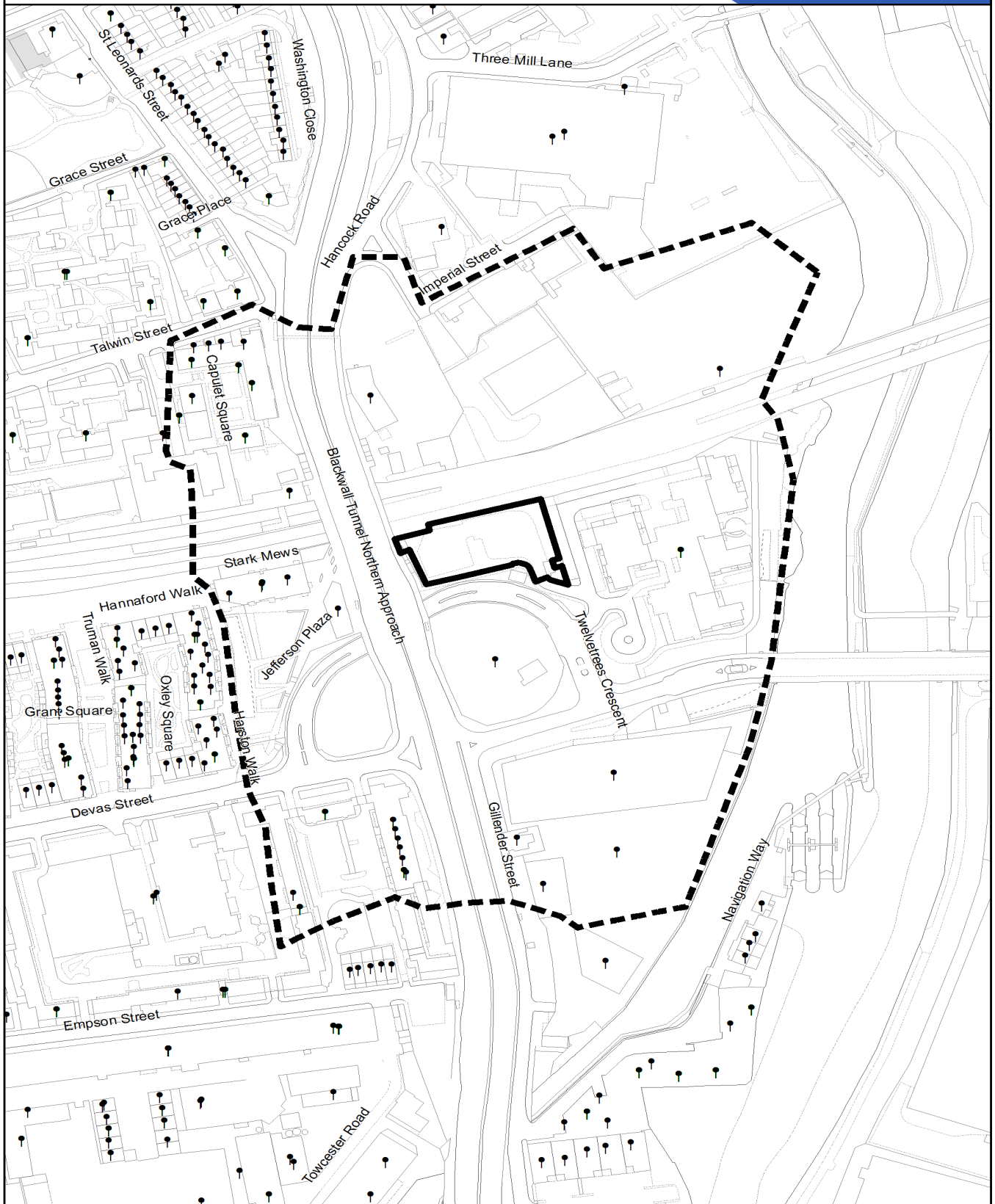
8.196 This proposal has sought to ensure that the needs of disabled students and teachers are taken into account.

8.197 This additional education facility 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.

Planning Application Site Map
PA/15/01470



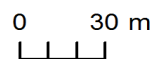
Planning Application Site Boundary

Locally Listed Buildings

Land Parcel Address

Consultation Area

Statutory Listed Buildings



1:2,928

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